

STORAGE NAME: h4657z.cj
DATE: August 6, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4657
RELATING TO: Inmate Welfare Trust Fund
SPONSOR(S): Criminal Justice Appropriations
COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIMINAL JUSTICE APPROPRIATIONS YEAS 7 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 4657 passed the House on April 23, 1998; in the Senate was substituted for SB 2516 and passed on May 1, 1998. Became law without Governor's signature on May 30, 1998. Chapter Law 98-385.

II. SUMMARY:

The bill creates the Inmate Welfare Trust Fund in the Department of Corrections. The need for this trust fund is the statutory requirement that the department deposit certain proceeds from inmate related revenues (e.g. telephone commissions, canteen sales) into the Inmate Welfare Trust Fund to be used for a variety of purposes to benefit inmates. Although the trust fund is referenced in statute, the trust fund has not been recreated by the Legislature since passage of the 1992 Constitutional amendment that limited trust funds to a four-year life span. The trust fund, therefore, arguably does not exist.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 945.215, F.S. provides for an Inmate Welfare Trust Fund and specifies that net proceeds from inmate-related revenues such as telephone commissions and profit from canteen and vending machines are to be deposited into the trust fund. The section also provides that the trust fund be used for a variety of education, training, faith-based and other programs that benefit inmates. Although the trust fund is referenced in statute, the trust fund has not been recreated by the Legislature since passage of the 1992 Constitutional amendment that limited trust funds to a four-year life span. The trust fund, therefore, arguably does not exist.

B. EFFECT OF PROPOSED CHANGES:

The bill creates the Inmate Welfare Trust Fund in the Department of Corrections. The bill provides that the receipts into the fund and expenditures from the fund shall be as provided in section 942.215, F.S. The bill provides that any balance in the fund at the end of a fiscal year shall remain in the fund and that the bill shall be terminated pursuant to Section 19(f), Article III of the Constitution unless terminated sooner. The bill provides that the trust fund shall be reviewed prior to its scheduled termination as provided in Chapter 215, F.S.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

STORAGE NAME: h4657z.cj

DATE: August 6, 1998

PAGE 3

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

STORAGE NAME: h4657z.cj

DATE: August 6, 1998

PAGE 5

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION RESEARCH:

(See "Effect of Proposed Changes")

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The bill creates a trust fund that is currently authorized in Statute. It will not have a direct impact on state revenues or expenditures.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

VI. COMMENTS:

N/A

STORAGE NAME: h4657z.cj

DATE: August 6, 1998

PAGE 7

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:

Legislative Research Director:

James P. DeBeaugrine

James P. DeBeaugrine

**FINAL RESEARCH PREPARED BY COMMITTEE ON CRIMINAL JUSTICE
APPROPRIATIONS:**

Prepared by:

Legislative Research Director:

James P. DeBeaugrine

James P. DeBeaugrine