

STORAGE NAME: h1451.cj

DATE: April 7, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
ANALYSIS**

BILL #: HB 1451

RELATING TO: Inmate Welfare Trust Fund

SPONSOR(S): Committee on Corrections and Representative Trovillion

TIED BILL(S):

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

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

I. SUMMARY:

The proposed committee bill provides for the authorized use of the Inmate Welfare Trust Fund moneys to include the purchase and repair of televisions for common areas and visitation areas, as well as equipment for team sports and wellness for use by the inmates to promote healthy behavior and to reduce the inmate idleness to provide for better institutional management. The proposed committee bill excludes the purchase of free weights.

The proposed committee bill also includes the use of video cassettes or videocassette recorders for the amusement of children in visitation areas. Previously authorized uses of the video equipment have been exclusively for the training and the education of inmates in the correctional institutions.

The proposed committee bill does not appear to have a significant fiscal impact.

The proposed committee bill provides for an effective date of July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Inmate Welfare Trust Fund

Section 945.21502(1), F.S., creates the Inmate Welfare Trust Fund(IWTF) within the Department of Corrections. Moneys of the trust fund held by the department are for the benefit and welfare of the inmates of the department's institutions. Inmate Welfare Trust Funds are available for visitation and family programs and services in the facilities.

The IWTF consists primarily of revenues generated from correctional institution canteen sales and commissions paid to the department by contracted telephone companies providing collect calling services to inmates.

The department reports that in fiscal year 1998-99, total receipts for the IWTF were about \$50 million, of which canteen sales accounted for about \$36 million. Total expenditures from the Trust Fund for fiscal year 1998-99 were about \$29 million.¹ These moneys are used for personnel, fixed capital outlay, and other operating expenses for educational programs, libraries, visiting pavilions, and chapels.

Section 945.215 (1) (d), F.S., prohibits the purchase of cable television service, the rental or purchase of videocassettes or videocassette recorders, or other audiovisual or electronic equipment for the primary purpose of recreation. The statute does not preclude the purchase or rental of electronic or audiovisual equipment for inmate training or educational programs.

Television Use in State Correctional Facilities²

For many years correctional institutions in Florida had shown films to inmates as part of their recreation program. In the mid-1980's, correctional facilities began renting video cassettes for a nominal fee of between \$2 and \$4 per tape. Clarifications in copyright law subsequently resulted in the Department paying rental fees between \$38 and \$81 per tape. This practice lasted several years until the department, using IWTF funds, entered into a

¹ The Florida Department of Corrections, 1998-99 Annual Report, The Guidebook to Corrections in Florida.

² "An Examination of Inmate Benefits and the Inmate Welfare Trust Fund." Florida Senate Committee on Corrections, Parole and Parole (January 27, 1994).

three year contract with Films, Inc. The contract in the amount of over \$35,000 per year was to provide an annual statewide public performance license. This license enabled the department to rent videocassette tapes at local rental outlets for the usual retail price of \$2 to \$4. However, many of the correctional facilities did not rent the videocassette tapes, but purchased cable television and premium channels through the use of Inmate Welfare Trust Funds. These processes were ended with the adoption of Chapter 94-273, Laws of Florida.

Recreation and Educational Programs Funding

In 1996, 65 institutions within the Department of Corrections were using weights and weight-training equipment purchased with IWTF moneys. Chapter 94-273, Laws of Florida, amending s. 945.215, F.S., prohibited the use of the trust fund moneys for recreational facilities or programs. Subsequently, the Department discontinued the purchase of recreational equipment, which included weights and weight-training equipment.³

Although the Department is currently no longer authorized to purchase weights or weight-training equipment, recreational programs that use weights and weight-training equipment have not been prohibited.

Weight-Training in Prison

Weight-training can be perceived as a dangerous means of entertainment and self-improvement but the removal of weight training equipment may increase security problems as a result of inmate idleness.

Currently, section 33-506.301, F.A. C., provides inmate access to weight training equipment. Any inmate who wishes to utilize weight training equipment is required to complete the weight training orientation program which outlines safety techniques for weight training. The inmates are encouraged to direct their questions regarding weight training to the professional wellness education staff at the institution. After the completion of the training program, the inmate is required to pass a written weight-training competency exam. The rule states that the purpose of the written test is to demonstrate that the inmate understands the safety techniques and the responsible behaviors related to weight training.

Inmates' Families Fund the Inmate Welfare Trust Fund

In FY 1998-99, the department received a total of \$50,244,010 into the Inmate Welfare Trust Fund. The families of inmates were the primary source of these funds, as they accepted collect calls from inmates, bought food in the visiting areas, and provided funds for the inmate's personal account to be spent in the institutional canteen.

The Department of Corrections Offender Programs

The department, by statute, is charged with rehabilitating offenders through work, programs, and services. The agency's strategic plan for 1998-2003 recognizes that more than 95 percent of the offenders will eventually be released to the community, and that programs must be provided to insure public safety. Currently, these rehabilitation-oriented programs target substance abuse, education deficiencies, job skills and life skills.

Families Impact Recidivism

³ "An Examination of Inmate Benefits and the Inmate Welfare Trust Fund." Florida Senate Committee on Corrections, Parole and Parole (January 27, 1994).

Research demonstrates that family contacts can play an important role in the inmate's rehabilitation. The December 1998 interim report of the Committee on Corrections, concluded that the department should make every attempt to utilize family contact as a resource to prevent recidivism and foster rehabilitation. The study also determined that children of inmates, although a consistent presence, are generally allowed nothing to keep them occupied for the six-hour visiting period. The report recommended that the department should provide activities for the children of inmates, especially activities that could offer inmates the opportunity to interact with their own children.

C. EFFECT OF PROPOSED CHANGES:

The proposed committee bill provides for the authorized use of the Inmate Welfare Trust Fund moneys to include the purchase of wellness equipment including team sports equipment for use by the inmates in order to promote healthy behavior and to reduce inmate idleness in order to provide for better institutional management. Additionally, the proposed committee bill excludes the use or purchase of free weights.

This proposed committee bill includes televisions and television repairs as authorized expenditures the IWTF. Televisions are limited to common areas and visitor areas. This proposed committee bill is a near unanimous request of correctional officers and their supervisors; television occupies inmate time which might otherwise be spent in a less positive manner. The bill further provides inmates and their visitors with limited antenna access to non-cable network programming. The bill further provides that the funds may not generally be used to rent or purchase video cassettes or videocassette recorders.

This proposed committee bill includes the use, purchase or rental of video cassettes or videocassette recorders for the amusement of children in visitation areas. Previously authorized uses of the video equipment has been for the training and education of inmates in the correctional institutions.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 945.215, F.S. to remove obsolete language; revises and clarifies the authorized use of moneys in the Inmate Welfare Trust Fund to include the purchase and repair of televisions and antennae to be used in inmate common areas and visitation areas; provides inmates and the visitors with limited access to non-cable network programming; and provides for the authority to purchase wellness equipment, excluding free-weights, for use by the inmates in order to promote healthy behavior and to reduce the inmate idleness in order to provide for better institutional management.

Section 2. Provides for an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill would expand allowable expenditures from the Inmate Welfare Trust Fund. It does not, however, mandate additional expenditures from the trust fund for any purpose. All expenditures from the trust fund are authorized by the Legislature through the appropriations process.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This proposed committee bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This proposed committee bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

This proposed committee bill does not reduce the percentage of state tax shared with counties or municipalities.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON CORRECTIONS:

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