

STORAGE NAME: h1975.go

DATE: March 28, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
ANALYSIS**

BILL #: HB 1975 (PCB COR 00-05B)

RELATING TO: Inmate's Family Communications and Visitation

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) GOVERNMENTAL OPERATIONS
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

This bill amends s. 944.8031, F.S., to delineate a standardized process for contracting for the inmate telephone services to be provided within the Department of Corrections.

This bill requires the Department of Corrections, in conjunction with the Florida Corrections Commission and the Public Service Commission, to survey the communications plans used in other state and federal correctional systems, and to research alternatives to the department's current communications plan. At the conclusion of their research, each of the three entities (the department, the Public Service Commission and the Corrections Commission) are required to submit their findings along with a communications plan recommendation to the Legislature and the Secretary of the Department of Management Services (DMS). From the reports presented, the Secretary of DMS is authorized to select the communications plan to be implemented by the Department of Corrections and to issue a Request For Proposal (RFP) for contractors who will provide the communication service. In developing the pricing structure for the RFP, DMS shall place primary importance upon reducing costs to end users and secondary importance upon the commissions to be paid to the Inmate Welfare Trust Fund.

This bill increases the visitation facilities and equipment offered by the Department of Corrections to directly benefit the communications and visitation process. These increased provisions include a sheltered area for chapel services for families and inmates to attend together, as well as, books, games, video players and movies which are conducive to family interaction.

As a result of the new RFP pricing structure to be drawn up by DMS, the Inmate Welfare Trust Fund (within the Department of Corrections) may experience a decrease in revenues which was previously funded through the collection of telephone commissions.

This bill will take effect upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

This bill does not support the principle of "less government" because it increases the number of entities involved in researching and selecting the communications plan to be used by the Department of Corrections.

B. PRESENT SITUATION:

Current phone contracts and commissions:

The current communications plan used by the Department of Corrections concerning inmate telephone calls was bid for with substantial consideration being given to the amount of commission received by the department from the telephone contracts. This plan may result in the recipients of inmate telephone calls, usually the family and friends of the inmates, paying higher prices than if the cost to the end user was a consideration in awarding the contract(s).

The Department of Corrections currently has communications contracts with two telephone companies: MCI and Sprint.

The department earns a monthly commission from each contract. Currently, the department is paid a commission by MCI of 50% of MCI's monthly revenue generated from their contract and a commission of 57.7% of Sprint's monthly revenue generated from Sprint's contract.

The Florida Public Service Commission monitors the rates that may be charged by telephone companies for intrastate calls. As of February, 1999, the maximum rate which may be charged for collect intrastate telephone calls is 30 cents per minute with a \$1.75 surcharge per call. The rate cap is voted on by members of the Public Service Commission.

Long distance rates charged by the companies are not regulated. The department does not monitor telephone contracts or usage among private prisons.

Recipients of collect calls from inmates are being assessed the following charges:¹

¹Information supplied by Genanne Wilson of the Department of Corrections.

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- intrastate calls (within the local calling area) = 21 cents per minute + \$1.75 surcharge
- intrastate calls (long distance w/in Florida) = 26 cents per minute + \$1.75 surcharge
- interstate calls (long distance out of Florida) = 55 cents per minute + \$3.50 surcharge

Phone use by inmates:

In the Florida correctional system, each state-owned institution provides inmates access to a telephone on which calls may be made to pre-approved phone numbers outside the institution. As of January, 2000, there were a total of 2,083 prison telephones statewide, which means on average there is one telephone for every 33 inmates.

Telephones are usually located in common areas such as dormitories, day areas, and recreation yards. Inmates either sign up to place a call, or stand in line and wait for access to a telephone. Family members surveyed by the House Corrections Committee reported that telephone locations often impede conversation because of the high noise level and lack of privacy.

An inmate may only call telephone numbers that are on the inmate's approved calling list. When inmates arrive at a permanent institution, they may submit a list of up to ten names and numbers they would like to be able to call. The list is compiled by institutional staff and may be updated at six month intervals throughout the inmate's incarceration.

Inmates may not receive any incoming calls, and all outgoing calls must be made collect. In order to place a call, an inmate must first dial his or her personal identification number (PIN), then dial the telephone number the inmate wants to call. If the telephone number dialed matches an approved number for the inmate's PIN number, the telephone system will connect the call. Telephone calls may not last longer than ten minutes, and many institutions prohibit inmates from making more than one call per day. Under the collect call system, the burden of budgeting for telephone calls falls on family members rather than requiring the inmate to accept responsibility for determining when calls are affordable.

C. EFFECT OF PROPOSED CHANGES:

This bill amends s. 944.8031, F.S., to delineate standards concerning the communications plan to be implemented on a statewide basis by the Department of Corrections.

This bill changes the emphasis and priority of the telephone contract between the department and contractors **from** high commissions **to** providing telephone service at lower costs to the end user.

While the Department of Corrections has in the past been responsible for drafting, bidding, and awarding the Request For Proposal (RFP) for inmate telephone calls, this bill increases the expertise available for the project by having the department work together with the Public Service Commission and the Corrections Commission to jointly research alternatives to the department's current communication system, including researching the types of communications plans and lengths of telephone contracts used by other state correctional systems and by the federal government. Each of the three entities are to submit a separate report detailing the merits and disadvantages of the various types of communications plans researched, along with a recommendation for a final communications plan which thoroughly explains the type of telephone service and security options to be implemented. The reports are to be presented to the Legislature and to the Secretary of the Department of Management Services.

The Department of Management Services is currently responsible for management and oversight of many other state communications systems, including the state's Suncom system, the state's contract for 1-800 number usage, state employee calling cards, the TTD system (telecommunications devices for the deaf), and the county 911 emergency telephone system.² Consequently, the Department of Management Services has developed a specialized expertise in the area of communications procurement. This legislation utilizes such expertise for the benefit of the Department of Corrections by authorizing the Department of Management Services to select a communications plan, draw up a compatible RFP, and award the contract(s).

This bill will increase the visitation facilities and equipment currently offered by the Department of Corrections to include a sheltered area for chapel services for inmates and their families to attend together, as well as books, games, video players and movies which are conducive to family interaction.

This bill takes effect upon becoming a law.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Depending upon the design and award of the RFP, the Department of Corrections Inmate Welfare Trust Fund may continue to experience its current level of revenues from inmate telephone calls, or it may experience a decrease in revenues previously earned.

2. Expenditures:

This bill will not require or increase expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

²Information supplied by Bob Davis of the Division of Information Technology with the Department of Management Services.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If only one contract is awarded for inmate telephone communications, there will be a reduction in the number of companies receiving revenue. It is anticipated that by placing the emphasis on providing low cost telephone service to collect call recipients, the bill will help persons who accept collect calls from inmates to save money.

D. FISCAL COMMENTS:

This bill may have positive long-term effects on the state of Florida by helping to reduce recidivism rates. It has been shown that inmates who maintain contact with their family and who have family to return to once released from prison, are less likely to subsequently return to crime. If these people can become productive citizens and stay out of the prison system, the state of Florida will not be required to support them in the correctional system.

Depending upon the design and award of the RFP, the Department of Corrections Inmate Welfare Trust Fund may continue to experience its current level of revenues from inmate telephone calls, or it may experience a decrease in revenues previously earned. Appropriations may need to examine current expenditures and make necessary reallocations.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

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C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Two amendments were unanimously adopted by the Corrections Committee at the committee meeting on March 8, 2000.

Amendment 1 amended the PCB to include contract length as something which must be examined during the required survey and research to be done the Department of Corrections, the Corrections Commission, and the Public Service Commission of other state and federal correctional telephone systems. The reason for the amendment was to help provide the three entities doing the research with a gauge as to the typical length and design of telephone contracts used in other states.

With reference to telephone usage costs, Amendment 2 added the words "end user" to the PCB. The reason for the amendment was to clarify what type of costs were to be lowered as a requirement of the new communications RFP and contract.

VII. SIGNATURES:

COMMITTEE ON CORRECTIONS:

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