

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 278

SPONSOR: Senator Villalobos

SUBJECT: Transportation of Inmates

DATE: April 9, 2003

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-------------------|-----------------|------------|-----------------------------|
| 1. | <u>Clodfelter</u> | <u>Cannon</u> | <u>CJ</u> | <u>Favorable</u> |
| 2. | <u>Greenbaum</u> | <u>Roberts</u> | <u>JU</u> | <u>Favorable</u> |
| 3. | <u>Noble</u> | <u>Sadberry</u> | <u>ACJ</u> | <u>Favorable</u> |
| 4. | _____ | _____ | <u>AP</u> | <u>Withdrawn: Favorable</u> |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill prohibits inmates from driving a state-owned vehicle to transport work release inmates to their places of employment. It specifies that inmates must get to their job, classes, or training by walking, bicycling, riding public transportation, or by a ride provided by a family member or employer. The Department of Corrections would not be permitted to transport inmates in a state-owned vehicle for these purposes unless it is given a specific appropriation and the inmate is unable to obtain other transportation.

This bill substantially amends s. 945.091 and creates s. 945.0913, Florida Statutes.

II. Present Situation:

The Department of Corrections (Department) maintains 24 Work Release Centers (WRC) throughout the state. These facilities house minimum custody inmates who are not sex offenders and are within three years or less of their release date. One category of residents participates in community work release and work at paid employment in the community. Another category of residents works in a support capacity for the center. Work release participants must be within 12 months of release from confinement. They are required to pay a portion of their earnings toward victim restitution and room and board, and must also save part for use upon release.

Department statistics indicate that 2,312 inmates were housed in WRCs at the end of January, 2003. Center populations ranged from 9 inmates at the Bradenton WRC to 211 at the Pompano Beach WRC.

By administrative rule, the Department requires that transportation for work release inmates be provided by either employer furnished transportation, public conveyance, employee car pools,

facility provided transportation or sponsor furnished transportation. Rule 33-601.602(9)(a), FAC. After dark, transportation by Department vehicle is required unless an exception is granted. Rule 33-601.602(9)(b), FAC. In addition to the listed methods of transportation, work release inmates may walk or bicycle to work, and some are allowed to ride with family.

A majority of inmates in the work release program utilize Department-provided transportation to travel to their places of employment. 64 WRC support inmates were assigned statewide to transporting these inmates prior to suspension of the inmate driver program in October 2002. Correctional officers now drive these inmates to work. Department rule requires each inmate to pay \$1 for each one-way trip that is provided by the Department. Rule 33-601.602(19i), FAC.

III. Effect of Proposed Changes:

This bill amends s. 945.091, F.S., to require inmates to get to their job, classes or training by walking, bicycling, riding public transportation, or by transportation provided by a family member or employer. Currently, most inmates rely upon Department-provided transportation to get to their job sites. Those work release participants who rely on such transportation will be required to find another way to get to work.

The Department is not currently using inmate drivers and the bill prohibits the resumption of the practice under any circumstances. However, the bill would allow transport of an inmate in a state-owned vehicle with a non-inmate driver if the Department is given a specific appropriation and if the inmate is unable to obtain other transportation.

Department rule currently permits inmates to ride in sponsor provided transportation or with an employee car pool. The bill would not permit such transportation unless it also was included in another category, such as if an employee car pool is considered to be provided by the employer or an inmate's Alcoholics Anonymous sponsor is also a family member.

The bill takes effect October 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The private sector would be impacted to the extent that inmates purchase transportation that is currently provided by the Department.

C. Government Sector Impact:

Elimination of the transportation of inmates by state-owned vehicle should result in a cost savings to the Department, assuming that the cost of transportation has exceeded the amount of revenues received from payments by inmates and that all inmates find alternative transportation. There is no specific appropriation for transporting inmates who are not able to obtain other transportation, so there are no costs associated with such transportation at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.