

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 932

INTRODUCER: Senator Evers

SUBJECT: Inmate Welfare and Employee Benefit Trust Funds

DATE: January 8, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Cannon	CJ	Pre-meeting
2.			ACJ	
3.			AP	

I. Summary:

SB 932 establishes the purpose, revenue sources, and uses for the State Operated Institutions Inmate Welfare Trust Fund (trust fund), contingent upon creation of the trust fund by passage of SB 930. The bill provides that the Department of Corrections (DOC) hold this trust fund for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department. Deposits into the trust fund are limited to five million dollars in any fiscal year. Revenues in excess of five million dollars during a fiscal year will be deposited into the General Revenue Fund.

II. Present Situation:

Inmate Welfare Trust Fund and Revenue Received from Canteen Sales

For many years prior to 2003, a trust fund created in s. 945.215, F.S., allowed the department to use revenue from the purchase of inmate canteen items and inmate telephone calls to fund chapels, education, and wellness programs at publicly operated correctional facilities. The source of most of the revenue was family and friends of the inmates. Chapter 2003-179, Laws of Florida, eliminated the trust fund and required the revenue from inmate canteens, telephone usage, and other revenue generators to go directly into the General Revenue Fund. Although s. 945.215, F.S., was amended to eliminate the Inmate Welfare Trust Fund for state operated correctional facilities, the Inmate Welfare Trust Fund for privately operated facilities was maintained in the law. Consequently, under current law, revenue from the purchase of canteen items and from telephone usage in the department operated institutions is deposited into General Revenue and not earmarked for inmate welfare or betterment programs.

According to a January 15, 2015, Auditor General audit of the department's canteen operations, from July 2012 through February 2014 sales in department institution canteens totaled approximately \$133.31 million and catalog sales totaled \$868,474. The department received

MP3 program commissions from Keefe Commissary Network totaling \$940,412 from MP3 program sales totaling \$5.99 million.

The chart below shows the department’s revenue collections from funding sources for the Inmate Welfare Trust Fund before s. 945.215, F.S., was amended to direct those revenues to the General Revenue Fund:

REVENUE COLLECTION SUMMARY PREVIOUS INMATE WELFARE TRUST FUND SOURCES FY 2010-2011 – FY 2014-2015						
Description	Authorizing Statute	Fiscal Year 2010-2011	Fiscal Year 2011-2012	Fiscal Year 2012-2013	Fiscal Year 2013-2014	Fiscal Year 2014-2015
General Revenue Unallocated (GRU) Collections:						
Subsistence	s. 944.485 FS	6,748,740	7,712,150	8,035,040	8,092,206	5,768,529
Interest Income – ITF	s. 944.516(1)(f) FS	230,677	204,227	204,368	103,669	124,382
ITF Balances < \$1.00	s. 944.516(5) FS	1,194	1,219	1,197	1,211	1,217
Canteen Commissions ¹	s. 945.215(1)(a) FS	31,162,387	30,970,697	30,907,621	31,027,325	34,237,290
Vending Commissions	s. 945.215(1)(e) FS	343,096	357,371	369,591	212,345	475,637
Telephone Commissions	s. 945.215(1)(b) FS	5,205,804	5,156,269	5,334,549	6,142,399	4,975,584
Medical Copay	s. 945.6037 FS	737,410	713,823	661,604	673,325	645,159
Inmate Bank - GR		\$44,429,308	\$45,115,756	\$45,513,970	\$46,252,480	\$46,227,797

III. Effect of Proposed Changes:

The bill establishes the purpose, revenue sources, and uses for the State Operated Institutions Inmate Welfare Trust Fund (trust fund), contingent upon creation of the trust fund by passage of SB 930. The bill provides that the department hold this trust fund for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department. Deposits into the trust fund are limited to five million dollars in any fiscal year. Revenues in excess of five million dollars during a fiscal year will be deposited into the General Revenue Fund.

The funds in the trust fund must be used exclusively for correctional facilities operated by the department to:

- Provide literacy programs, vocational training programs, and educational programs;
- Operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;
- Provide inmate substance abuse treatment programs and transition and life skills training programs;
- Provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates;
- Provide for the purchase, rental, maintenance or repair of recreation and wellness equipment; or
- Provide for the purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work release program.

There is a specific prohibition against using the trust fund to purchase weight-training equipment. Funds in the trust fund may be expended only pursuant to legislative appropriation.

¹ Canteen commissions include MP3 music program sales.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Department of Corrections states that the bill will assist in the reduction of recidivism and inmate violence by allowing the department to:

- Fund educational and vocational programs;
- Operate chapels and faith based programs;
- Provide visitation, substance abuse and transitional programs;
- Provide libraries; and
- Purchase, rent and repair wellness equipment, audio visual equipment, and bicycles used by the work release program.

VI. Technical Deficiencies:

The Florida Department of Corrections states that while the bill provides for maintenance or repair of equipment, it does not appear to authorize purchase of the service itself in areas where free broadcasts might not be available, or if the broadcasting industry does not support free service in the future. The DOC recommends changing lines 108-109 to read “To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment and service used by inmates.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 945.215 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
