

**STORAGE NAME:** h0395z.jj  
**DATE:** May 6, 1999

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

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
JUVENILE JUSTICE  
FINAL ANALYSIS**

**BILL #:** CS/HB 395 (**Passed as Section 32 of HB 349**)  
**RELATING TO:** Juvenile Justice Education and Training  
**SPONSOR(S):** Committee on Juvenile Justice and Representative Bullard  
**COMPANION BILL(S):**

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

- (1) JUVENILE JUSTICE YEAS 8 NAYS 3
- (2) CORRECTIONS
- (3) CRIMINAL JUSTICE APPROPRIATIONS
- (4)
- (5)

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I. FINAL ACTION STATUS:

**HB 395 did not pass the 1999 Legislative session, but passed as HB 349. On June 8, 1999, HB 349 was approved by the Governor and became Chapter 99-284, Laws of Florida. See the Comments section for bill history.**

II. SUMMARY:

Committee Substitute for House Bill 395 amends s. 985.315, Florida Statutes, by changing references from vocational work training programs to "educational/technical and vocational work-related programs." Legislative intent for juvenile educational/technical and vocational work-related programs is expanded to provide that committed youth be taught relevant job skills and a trade in order to be prepared for the workforce. Educational/technical and vocational work-related programs must be taught year round, five hours a day and five days a week.

The Department of Juvenile Justice (DJJ) must assist youth with post-release job placement; work in partnership with local businesses and trade groups in the development and operation of educational/technical and vocational work-related programs; and inventory juvenile vocational and work training programs and list the commitment programs, types of vocational or work programs offered, relevant job skills provided and which programs work with the trades industry to place youth in jobs upon release.

The Juvenile Justice Accountability Board (JJAB) will study types of effective vocational and work programs and to report to the legislature and DJJ by January 1, 2000.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Local school districts provide educational and vocational instruction to youth committed to the DJJ programs. This instruction is currently funded through local school districts and can be administered by the districts or contracted to be delivered by private providers. Each school district also has a cooperative agreement with the DJJ to deliver educational and vocational instruction to juveniles in residential commitment programs. The instruction must be a minimum of five days per week and 25 hours weekly (300 minutes of instruction daily). (Chapter 230, Florida Statutes)

The vocational/work training available to youth in commitment programs is designed to assist youth in locating and maintaining employment after release in order to reduce the possibility of reentry into the justice system. (Section 985.315, F.S.) The programs provide relevant education, training and post-release job training.

Youth placed in high-risk, maximum-risk or serious/habitual offender programs may be required to participate in vocational work programs. In addition, the DJJ may also develop agricultural and industrial production and marketing programs to provide training facilities for such offenders. (Section 985.315, F.S.)

The Office of Program Policy Analysis and Government Accountability (OPPAGA) studied the education services offered to youth in the 150 juvenile justice residential facilities. The study found that in reading skills, 80% of youth were one or more years below the grade level appropriate for their age and in math skills, 90% of the youth scored one or more years below the grade level appropriate for their age. Even though the majority of youth improved by at least one grade level during their residential stay, most youth remained below their age-appropriate grade level when released.

In most cases the report found youth benefiting from the educational services offered at residential programs; however, the programs fail to assist youth in completing their high school education through alternative ways such as the General Equivalency Diploma (GED) or the General Equivalency Diploma/High School Competency Test (GED/HSCT). According to the OPPAGA report, 93% of youth leaving residential programs enter the workforce, and only 13 percent of youth earned a high school diploma during their commitment.

While reviewing the types of education programs offered, the report identified a lack of training in the area of vocational education. Most residential programs offered a range of subjects including math (87%), language (85%), life skills (69%), social studies (67%), science (64%), and vocational education (44%), with vocational education being the least offered training area. There are 24 programs that do not offer any vocational training.

Moreover, school districts are not held accountable for the educational services provided in residential commitment facilities. Many residential programs are not included in the Blueprint 2000 school improvement process nor are they subject to the Department of Education's critically low performing school list. The only standard reviews come from DJJ 's yearly Quality Assurance review of every juvenile justice program.

A last point of concern identified in the OPPAGA report is the lack of consistent, ongoing education classes. Thirty-one percent of the facilities surveyed reported that they were unable to provide instruction for extended periods of time due to school district calendars.

The 1998 Juvenile Justice Accountability Board (JJAB) Report of Findings on the Education of Juvenile Offenders documents many of the same findings listed in the OPPAGA report.

Florida statutes do not mandate a specific bedtime for youth in DJJ residential commitment facilities. Bedtime is determined by each program.

B. EFFECT OF PROPOSED CHANGES:

The bill would expand vocational programs by renaming them educational/technical and vocational work-related programs thereby enlarging the scope of these programs and the types of activities which could be taught.

The DJJ or DOE would need to create educational/technical or vocational work-related programs catering to the needs of youth in juvenile justice facilities. The bill does not designate which agency would provide the additional instruction although the school districts now provide classroom instruction. According to the provisions of the bill, committed youth would be required to attend classes five hours a day/five days a week on a year-round basis. Currently youth spend five days a week and five hours a day in some type of educational training with breaks for summer school and the usual school-year interruptions.

The Legislative mission for juvenile educational/technical and vocational work-related programs would be to include that youth in juvenile justice programs be taught relevant job skills and the fundamentals of a trade in order to prepare them for the workforce. The DJJ would be strongly encouraged to place youth in high-risk residential, maximum-risk residential or a serious/habitual offender program in educational/technical or vocational work-related programs five hours per day, five days per week and on a year round basis. Furthermore, all youth in juvenile justice facilities and requiring educational/technical and vocational work-related programs shall participate on a five-day-per week, five-hour-per-day year-round basis.

The DJJ shall seek the advice of private labor and management to assist youth with meaningful placement upon release. As part of this directive, the DJJ and providers are strongly encouraged to work in partnership with local businesses and trade groups in the development and operation of educational/technical and vocational programs.

Two reports will be completed in relation to juvenile justice educational programs. The first study shall be conducted by the JJAB regarding the types of effective juvenile vocational and work programs in operation across the country. The key ingredients of these programs, relevant research on educational and vocational programs and the status of these programs must be reported to the Legislature and the DJJ no later than January 31, 2000. The second study shall be conducted by the DJJ in cooperation with providers. The department shall inventory juvenile vocational and work training programs and list the commitment programs, the types of vocational or work programs offered, the relevant job skills provided and which programs work with the trades industries to place youth in jobs upon release.

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?

The DOE or the DJJ would be required to provide additional classroom instruction to youth in DJJ facilities.

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

N/A

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

(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:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 985.315, Florida Statutes

E. SECTION-BY-SECTION ANALYSIS:

Refer to the final analysis of HB 349. (Section 32 of the bill).

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

See fiscal comments section.

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 DJJ would offer through local school boards year-round schooling for youth in juvenile justice facilities. CS/HB 1033 by Representative Bainter also would require year-round school for committed youth. Fiscal impact estimates for CS/HB 1033 are between \$3.5 million and \$8 million. These estimates are an approximate figure of the fiscal impact of CS/HB 395 based on similar research conducted for CS/HB 1033.

V. 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 expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

VI. COMMENTS:

**01/26/99 H Prefiled**

**02/03/99 H Referred to Juvenile Justice (CRC); Corrections (CRC); Criminal Justice Appropriations (FRC)**

**03/02/99 H Introduced, referred to Juvenile Justice (CRC); Corrections (CRC); Criminal Justice Appropriations (FRC) -HJ 00045**

**03/22/99 H On Committee agenda-- Juvenile Justice (CRC), 03/24/99, 4:00 pm, Reed Hall --Meeting cancelled**

**03/26/99 H On Committee agenda-- Juvenile Justice (CRC), 03/30/99, 4:00 pm, Reed Hall**

**03/30/99 H Comm. Action: CS by Juvenile Justice (CRC) -HJ 00551**

**04/08/99 H CS read first time on 04/08/99 -HJ 00549**

**04/07/99 H Pending review of CS under Rule 113**

**04/08/99 H Now in Corrections (CRC) -HJ 00551**

**04/15/99 H Withdrawn from Corrections (CRC) -HJ 00586; Now in Criminal Justice Appropriations (FRC)**

**04/30/99 H Died in Committee on Criminal Justice Appropriations (FRC), Iden./Sim./Compare Bill(s) passed, refer to HB 349 (Ch. 99-284).**

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

In the March 30, 1999, full committee meeting of the Committee on Juvenile Justice, the bill passed as a committee substitute with one strike all amendment. The amendment substantially changed the language of the bill by the following:

1) Legislative intent for educational/technical and vocational training programs is expanded to require juvenile justice programs to teach relevant job skills and the fundamentals of a trade in order to prepare them for placement in the workforce.

2) The Department of Juvenile Justice (DJJ) is strongly encouraged to require youth placed in high-risk, maximum-risk or serious/habitual offender programs to participate in work-related programs five hours per day for five days per week.

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- 3) The amendment stipulates that participation in educational/technical and vocational work-related programs shall be for five hours per day for five days per week.
- 4) The DJJ will seek the advice of private labor and management to assist in the placement of youth into meaningful jobs upon release from the residential program.
- 5) The DJJ and providers are strongly encouraged to work in partnership with local businesses and trade groups in the development and operation of educational/technical and vocational programs.
- 6) The Juvenile Justice Accountability Board (JJAB) is directed to conduct a study regarding the types of effective juvenile vocational and work programs in operation across the country, perform relevant research on what makes programs effective and indicate the key ingredients of effective juvenile vocational and work programs and report the status of such programs in juvenile facilities across the state. The JJAB report shall be presented to the Legislature and the DJJ by 1/31/00.
- 7) The DJJ, working with providers, shall inventory juvenile vocational and work training programs across the state.

VIII. SIGNATURES:

**COMMITTEE ON JUVENILE JUSTICE:**

Prepared by:

Bridget Edmond

Staff Director:

David De La Paz

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON JUVENILE JUSTICE:**

Prepared by:

Bridget Edmond

Staff Director:

David De La Paz