

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1201 Education for Prisoners
SPONSOR(S): Ahern; Prichett
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1318

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	8 Y, 0 N	Jones	Sumner
2) Education Committee	18 Y, 0 N	Bishop	Hassell
3) Judiciary Committee	17 Y, 0 N	Jones	Poche

SUMMARY ANALYSIS

Florida law provides for the funding of postsecondary workforce education programs, which are programs that provide the competencies beyond a high school diploma that are needed for specific occupations. The programs are administered by school districts and Florida College System institutions. They include adult general education programs designed to improve the employability skills of the state's workforce, career certificate programs, applied technology diploma programs, continuing workforce education courses, degree career education programs, and apprenticeship and preapprenticeship programs. State funds allocated for postsecondary workforce programs are explicitly prohibited from being used to educate state or federal inmates.

HB 1201 allows postsecondary workforce program funds to be used for the education of state inmates who have two years or less remaining on their sentences. It also authorizes the Department of Corrections (DOC) to contract with a district school board, the Florida Virtual School, or a charter school to provide educational, career, or vocational training to inmates through DOC's Correctional Education Program.

The bill further provides that each county may contract with a district school board, the Florida Virtual School, or a charter school to provide certain education services for inmates in county detention facilities.

The bill may have an indeterminate positive fiscal impact on counties.

The effective date of the bill is July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Postsecondary Workforce Education Programs

Postsecondary workforce education programs are courses and programs administered by school districts and Florida College System institutions which are designed to provide education for occupations that require skills beyond a high school diploma but do not require a four-year degree.¹ They include adult general education programs designed to improve the employability skills of the state's workforce, career certificate programs, applied technology diploma programs, continuing workforce education courses, degree career education programs, and apprenticeship and preapprenticeship programs.² Any school district or Florida College System institution may conduct a workforce education program, in which case it may receive funds through the General Appropriations Act.³ If a school district or college receives workforce education funds, it must use those funds to benefit the workforce education programs it provides.⁴

Education for Inmates

The Correctional Education Program is a statutorily created program for educating prisoners and is administered by the Department of Corrections (DOC).⁵ The program is charged with developing guidelines for collecting education-related information on each inmate, monitoring and assessing all inmate education program services, approving educational programs, contracting with school districts and colleges, and developing goals for the program, among other responsibilities.⁶ DOC is vested with the authority and responsibility to manage and operate the Correctional Education Program as provided by law.⁷

Since 2011, state funds allocated for postsecondary workforce programs are explicitly prohibited from being used to educate state or federal inmates.⁸

Effect of Proposed Changes

HB 1201 removes the outright prohibition on using postsecondary workforce program funds to educate prisoners. The bill permits postsecondary workforce program funds to be used for the education of state inmates who have two years or less remaining on their sentences. The prohibition against using postsecondary workforce program funds to educate state inmates with more than two years remaining on their sentences and federal inmates remains in law.

The bill authorizes DOC to contract with a district school board, the Florida Virtual School, or a charter school authorized under s. 1002.33, F.S., to provide education services in the Correctional Education Program. Such services may include educational, career, or vocational training authorized by DOC.

Lastly, the bill also authorizes a county to contract with a district school board, the Florida Virtual School, or a charter school authorized under s. 1002.33, F.S., to provide education services for inmates

¹ S. 1003.01(4)(c), F.S.; OPPAGA Report No. 01-56 (Nov. 2001) at ii.

² S. 1011.80(1), F.S.

³ S. 1011.80(2), (6)(a), F.S.

⁴ S. 1011.80(7)(a), F.S.

⁵ S. 944.801(1), F.S.

⁶ S. 944.801, F.S.

⁷ S. 944.801(2), F.S.

⁸ S. 1011.80(7)(b), F.S.; Ch. 2011-63, s. 35, Laws of Fla.; see also 2011 SB 2150 Final Bill Analysis at 12-13.

at county detention facilities. Such services may include educational, career, or vocational training authorized by the county sheriff or chief correctional officer.

The bill provides an effective date of July 1, 2018.

B. SECTION DIRECTORY:

Section 1: Amends s. 944.801, F.S., relating to education for state prisoners.

Section 2: Amends s. 951.176, F.S., relating to provision of education programs for youth.

Section 3: Amends s. 1011.80, F.S., relating to funds for operation of workforce education programs.

Section 4: Provides an effective date of July 1, 2018.

II. 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:

The bill may result in greater numbers of state prisoners being better educated upon release, which could have an indeterminate positive impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES