

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/HB 1515 Education for Student Inmates  
**SPONSOR(S):** Criminal Justice & Public Safety Subcommittee, Clemons and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 722

---

**FINAL HOUSE FLOOR ACTION:** 113 Y's 0 N's **GOVERNOR'S ACTION:** Approved

---

### SUMMARY ANALYSIS

CS/HB 1515 passed the House on March 4, 2022, as CS/SB 722.

In Florida, the Department of Corrections (DOC) oversees and manages state prisons, while counties or municipalities or designated county or municipal officers oversee and manage local jails. Chapter 944, F.S., requires DOC to provide a variety of services and programming to state inmates, including:

- Substance abuse treatment programs;
- Transitional services;
- Educational and vocational programs;
- Entrepreneurship education services; and
- Faith and character-based programs.

Section 944.801(1), F.S., establishes the Correctional Education Program (CEP) within DOC, which provides educational programming to state inmates. Among other duties, the CEP is responsible for developing and disseminating guidelines for collecting education-related inmate information, approving educational programs of appropriate levels and types in correctional institutions, and developing admission procedures for inmate students into such programs.

Section 944.801(7), F.S., authorizes DOC to contract with a district school board, the Florida Virtual School, or specified charter schools to provide education services to inmates in the CEP. Similarly, under s. 951.176, F.S., counties are authorized to contract with a district school board, the Florida Virtual School, or specified charter schools to provide education services to inmates in county detention facilities.

Section 1011.81(4), F.S., prohibits the use of state funds provided for the Florida College System Program Fund from being used for the education of state or federal inmates. Additionally, s. 1011.80(8), F.S., prohibits the use of state funds provided for the operation of postsecondary workforce programs from being expended for the education of state inmates with more than 24 months remaining on their sentence or any federal inmate.

The bill expands the list of institutions DOC or a county detention facility is authorized to contract with to provide educational services to inmates to include a Florida College System institution. Notwithstanding the prohibition in s. 1011.81(4), F.S., against using specified state funds for such a purpose, the bill authorizes state funds provided for the operation of postsecondary workforce programs to be expended for the education of state inmates with 24 months or less time remaining on their sentences.

The bill may have an indeterminate fiscal impact on state expenditures based on the unknown costs for Florida College System institutions to provide such programming.

The bill was approved by the Governor on May 26, 2022, ch. 2022-143, L.O.F., and will become effective on July 1, 2022.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Background

##### Programming Offered to Inmates

The Department of Corrections' (DOC) Bureau of Education provides meaningful opportunities to incarcerated individuals to help inmates better themselves and equip inmates with competencies conducive to successful social reintegration.<sup>1</sup> Programming offered to inmates includes academic education, career and technical education, library services, transition programs, and more.<sup>2</sup>

These programs provide inmates with skills and tools to assist with an inmate's successful transition into the community upon release. Career and technical education programs vary by facility and may include education relating to cosmetology, culinary arts, electricity, landscaping, plumbing technology, cabinetmaking, and air conditioning, refrigeration, and heating technology.<sup>3</sup>

##### Inmate Education

###### *Department of Corrections*

Section 944.801(1), F.S., establishes the Correctional Education Program (CEP) within DOC, which provides educational programming to state inmates. The duties of the CEP, in part, include:

- Developing guidelines for collecting education-related information during the inmate reception process and for disseminating such information to DOC classification staff.<sup>4</sup>
- Approving educational programs of appropriate levels and types in the correctional institutions and developing procedures for program admission of inmate students.<sup>5</sup>
- Entering into agreements with public or private school districts, entities, community colleges, junior colleges, colleges, or universities as may be deemed appropriate for the purpose of carrying out the CEP duties.<sup>6</sup>
- Ensuring that such local agreements require minimum performance standards and standards for measurable objectives, in accordance with established Department of Education (DOE) standards.<sup>7</sup>
- Developing and maintaining complete and reliable statistics on the number of high school equivalency diplomas and vocational certificates issued by each institution in each skill area, the change in inmate literacy levels, and the number of inmate admissions to and withdrawals from education courses.<sup>8</sup>

DOC provides 92 career and technical education courses in 37 distinct vocational trades, which are aligned to Florida's in-demand occupations. Technical training, employability skill development, and industry-recognized credentialing are integrated into the career and technical education programs to ensure returning citizens are ready for employment upon release.<sup>9</sup>

---

<sup>1</sup> Fla. Dep't. of Corrections, *Bureau of Education*, <http://www.dc.state.fl.us/development/programs.html> (last visited Mar. 17, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> See Fla. DOC, *Annual Report: FY 2020-2021*, at pp. 43-51, [http://www.dc.state.fl.us/pub/annual/2021/FDC\\_AR2020-21.pdf](http://www.dc.state.fl.us/pub/annual/2021/FDC_AR2020-21.pdf) (last visited Mar. 17, 2022) for a comprehensive list of programs by institution.

<sup>4</sup> S. 944.801(3)(a), F.S., also provides that the information collected must include the inmate's areas of educational or vocational interest, vocational skills, and level of education.

<sup>5</sup> S. 944.801(3)(d), F.S.

<sup>6</sup> S. 944.801(3)(e), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> S. 944.801(3)(g), F.S.

<sup>9</sup> Bureau of Education, *supra* note 1.

Section 944.801(7), F.S., authorizes DOC to contract with a district school board, the Florida Virtual School,<sup>10</sup> or a charter school authorized to operate under s. 1002.33, F.S., to provide education services to inmates.<sup>11</sup> DOC is not currently authorized to contract with a Florida College System institution to provide education services to inmates.

### *County Detention Facilities*

Section 951.176, F.S., requires the local school district in which a specific county detention facility is located to provide educational services to a minor who has not graduated from high school and an eligible student with a disability under the age of 22 while he or she is detained in that facility.<sup>12</sup>

Each county is also authorized to contract with a district school board, the Florida Virtual School, or a charter school authorized to operate under s. 1002.33, F.S., to provide education services to inmates in county detention facilities.<sup>13</sup> The education services may include any educational, career, or vocational training that is authorized by the sheriff or chief correctional officer, or his or her designee.<sup>14</sup> Counties are not currently authorized to contract with a Florida College System institution to provide education services to inmates.

### Postsecondary Workforce Programs

Section 1011.80(1), F.S., authorizes the use of state funds for workforce education or workforce education programs. Workforce education or workforce education programs include:

- Adult general education programs designed to improve the employability of the state's workforce;
- Career certificate programs;<sup>15</sup>
- Applied technology diploma programs;
- Continuing workforce education courses;
- Degree career education programs; and
- Apprenticeship and pre-apprenticeship programs.<sup>16</sup>

The State Board of Education is responsible for establishing criteria for the review and approval of new workforce education programs offered by a Florida College System institution or a school district that is not included in the statewide curriculum framework.<sup>17</sup> To be eligible to receive state funding, a college or school district's workforce education program must be reviewed and approved by the State Board of Education.<sup>18</sup>

---

<sup>10</sup> Florida Virtual School (FLVS) is a fully accredited, statewide public school district which offers over 190 online courses to K-12 students. Through FLVS, certified teachers use a variety of personalized instructional programs to create individualized educational plans for every student. FLVS offers a full-time and a "flex" option, which allows students to take a hybrid of online and in-person courses. Florida Dep't. of Education, *Florida Virtual School*, <https://www.fldoe.org/schools/school-choice/virtual-edu/florida-virtual-school/> (last visited Mar. 17, 2022).

<sup>11</sup> S. 944.801(7), F.S.

<sup>12</sup> S. 951.176(2), F.S.

<sup>13</sup> S. 951.176(1), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> "Career certificate program" means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a diploma or career degree education program, if authorized by rules of the State Board of Education. Any credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Department of Education pursuant to ch. 1007, F.S. The term is interchangeable with the term "certificate career education program." S. 1004.02(20), F.S.

<sup>16</sup> "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyworker craftspersons, which training should be combined with properly coordinated studies of related technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee. S. 446.021(2), F.S. "Preapprentice" means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the department. S. 446.021(1), F.S.

<sup>17</sup> S. 1011.80(2)(a), F.S.

<sup>18</sup> S. 1011.80(2)(b), F.S.

Additionally, s. 1011.80(8), F.S., prohibits the use of state funds provided for the operation of postsecondary workforce programs to be expended to provide education services to inmates with more than 24 months remaining on their sentence or any federal inmate and s. 1011.81(4), F.S., prohibits the use of state funds provided for the Florida College System Program Fund from being used for the education of state or federal inmates.<sup>19</sup>

### **Effect of the Bill**

The bill amends ss. 944.801 and 951.176, F.S., to expand the list of institutions DOC or a county detention facility is authorized to contract with to provide educational services to inmates to include a Florida College System institution. The following Florida Colleges are members of the Florida College System:<sup>20</sup>

- Broward College;
- Chipola College;
- College of Central Florida;
- Daytona State College;
- Eastern Florida State College;
- Florida Gateway College;
- The College of the Florida Keys;
- Florida Southwestern State College;
- Florida State College at Jacksonville;
- Gulf Coast State College;
- Hillsborough Community College;
- Indian River State College;
- Lake-Sumter State College;
- Miami-Dade College;
- North Florida College;
- Northwest Florida State College;
- Palm Beach State College;
- Pasco-Hernando State College;
- Pensacola State College;
- Polk State College;
- St. Johns River State College;
- St. Petersburg College;
- Santa Fe College;
- Seminole State College of Florida;
- South Florida State College;
- State College of Florida, Manatee-Sarasota;
- Tallahassee Community College; and
- Valencia College.

Notwithstanding the prohibition against using specified state funds for such a purpose under s. 1011.81(4), F.S., the bill authorizes state funds provided for the operation of postsecondary workforce programs to be expended for the education of state inmates with 24 months or less time remaining on their sentences.

The effective date of this bill is July 1, 2022.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

---

<sup>19</sup> S. 1011.81(4), F.S.

<sup>20</sup> Florida Department of Education, *Florida Colleges*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/colleges/> (last visited Mar. 17, 2022).

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate fiscal impact on state expenditures. Due to the unknown costs for Florida College System institutions to provide programming, the fiscal impact is unknown.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

The bill may have an indeterminate fiscal impact on local expenditures. Due to the unknown costs for Florida College System institutions to provide programming, the fiscal impact to local governments is unknown.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.