

By the Committee on Commerce, Economic Opportunities, and  
Consumer Services; and Senator Cowin

310-2041-04

1                                   A bill to be entitled  
2           An act relating to apprenticeship training;  
3           amending ss. 446.011, 446.021, 446.032, and  
4           446.041, F.S.; conforming provisions to the  
5           deletion of the Division of Workforce  
6           Development of the Department of Education;  
7           reassigning the division's duties governing  
8           apprenticeship training and programs to the  
9           department; amending s. 446.045, F.S.; revising  
10          provisions governing the State Apprenticeship  
11          Advisory Council; deleting a requirement that  
12          the Governor appoint two nominating committees  
13          for the purpose of filling vacancies on the  
14          council; requiring the Governor to appoint  
15          certain members to the council representing  
16          sponsors of joint employee organizations and  
17          nonjoint employer organizations; conforming  
18          provisions to the deletion of the Division of  
19          Workforce Development of the Department of  
20          Education; reassigning the division's duties  
21          governing apprenticeship training and programs  
22          to the department; amending ss. 446.052,  
23          446.061, 446.071, 446.075, and 446.081, F.S.;  
24          conforming provisions to the deletion of the  
25          Division of Workforce Development of the  
26          Department of Education; reassigning the  
27          division's duties governing apprenticeship  
28          training and programs to the department;  
29          amending s. 446.091, F.S.; conforming  
30          provisions to the deletion of the Division of  
31          Jobs and Benefits of the former Department of

1 Labor and Employment Security; limiting the  
2 application of the act; providing an effective  
3 date.

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5 Be It Enacted by the Legislature of the State of Florida:

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7 Section 1. Subsections (2) and (3) of section 446.011,  
8 Florida Statutes, are amended to read:

9 446.011 Legislative intent regarding apprenticeship  
10 training.--

11 (2) It is the intent of the Legislature that the  
12 ~~Division of Workforce Development of the~~ Department of  
13 Education have responsibility for the development of the  
14 apprenticeship and preapprenticeship uniform minimum standards  
15 for the apprenticeable trades and that the ~~Division of~~  
16 ~~Workforce Development of the~~ department of Education have  
17 responsibility for assisting district school boards and  
18 community college district boards of trustees in developing  
19 preapprenticeship programs.

20 (3) It is the further intent of ss. 446.011-446.092  
21 that the department ~~Division of Workforce Development~~ ensure  
22 quality training through the adoption and enforcement of  
23 uniform minimum standards and that the department ~~Bureau of~~  
24 ~~Apprenticeship~~ promote, register, monitor, and service  
25 apprenticeship and training programs and ensure that the ~~such~~  
26 programs adhere to the standards.

27 Section 2. Section 446.021, Florida Statutes, is  
28 amended to read:

29 446.021 Definitions of terms used in ss.  
30 446.011-446.092.--As used in ss. 446.011-446.092, the term  
31

1 ~~following words and terms shall have the following meanings~~  
2 ~~unless the context clearly indicates otherwise:~~

3 (1) "Preapprentice" means any person 16 years of age  
4 or over engaged in any course of instruction in the public  
5 school system or elsewhere, which course is registered as a  
6 preapprenticeship program with the ~~Division of Workforce~~  
7 ~~Development of the~~ department of Education.

8 (2) "Apprentice" means a person at least 16 years of  
9 age who is engaged in learning a recognized skilled trade  
10 through actual work experience under the supervision of  
11 journeymen craftsmen, which training should be combined with  
12 properly coordinated studies of related technical and  
13 supplementary subjects, and who has entered into a written  
14 agreement, which may be cited as ~~hereinafter called~~ an  
15 apprentice agreement, with a registered apprenticeship sponsor  
16 who may be either an employer, an association of employers, or  
17 a local joint apprenticeship committee.

18 (3) "Trainee" means a person at least 16 years of age  
19 who is engaged in learning a specific skill, trade, or  
20 occupation within a formalized, on-the-job training program.

21 (4) "Journeyman" means a person working in an  
22 apprenticeable occupation who has successfully completed a  
23 registered apprenticeship program or who has worked the number  
24 of years required by established industry practices for the  
25 particular trade or occupation.

26 (5) "Preapprenticeship program" means an organized  
27 course of instruction in the public school system or  
28 elsewhere, which course is designed to prepare a person 16  
29 years of age or older to become an apprentice and which course  
30 is approved by and registered with the department ~~Bureau of~~

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1 ~~Apprenticeship of the Division of Workforce Development~~ and  
2 sponsored by a registered apprenticeship program.

3 (6) "Apprenticeship program" means an organized course  
4 of instruction, registered and approved by the department  
5 ~~division~~, which course shall contain all terms and conditions  
6 for the qualifications, recruitment, selection, employment,  
7 and training of apprentices including such matters as the  
8 requirements for a written apprenticeship agreement.

9 (7) "On-the-job training program" means a formalized  
10 system of job processes which may be augmented by related  
11 instruction that provides the experience and knowledge  
12 necessary to meet the training objective of learning a  
13 specific skill, trade, or occupation. The ~~Such~~ training  
14 program must ~~shall~~ be at least 6 months and not more than 2  
15 years in duration and must ~~shall~~ be registered with the  
16 department division.

17 (8) "Uniform minimum preapprenticeship standards"  
18 means the minimum requirements established uniformly for each  
19 craft under which a preapprenticeship program is administered  
20 and includes standards of admission, training goals, training  
21 objectives, curriculum outlines, objective standards to  
22 measure successful completion of the preapprenticeship  
23 program, and the percentage of credit which ~~that~~ may be given  
24 to preapprenticeship graduates upon acceptance into the  
25 apprenticeship program.

26 (9) "Related instruction" means an organized and  
27 systematic form of instruction designed to provide the  
28 apprentice with knowledge of the theoretical subjects related  
29 to a specific trade or occupation.  
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1           (10) "Cancellation" means the deregistration of an  
2 apprenticeship program or the termination of an apprenticeship  
3 agreement.

4           (11) "Jurisdiction" means the specific geographical  
5 area for which a particular program is registered.

6           (12) "Department Division" means the ~~Division of~~  
7 ~~Workforce Development of the~~ Department of Education.

8           ~~(13) "Director" means the director of the Division of~~  
9 ~~Workforce Development.~~

10           Section 3. Section 446.032, Florida Statutes, is  
11 amended to read:

12           446.032 General duties of the department for division  
13 ~~with respect to~~ apprenticeship training.--The department  
14 ~~Division of Workforce Development~~ shall:

15           (1) Establish uniform minimum standards and policies  
16 governing apprentice programs and agreements. The ~~Such~~  
17 standards and policies shall govern the terms and conditions  
18 of the apprentice's employment and training, including the  
19 quality training of the apprentice for ~~with respect to~~, but  
20 not limited to, such matters as ratios of apprentices to  
21 journeymen, safety, related instruction, and on-the-job  
22 training; but these ~~such~~ standards and policies may ~~shall~~ not  
23 include rules, standards, or guidelines that require the use  
24 of apprentices and job trainees on state, county, or municipal  
25 contracts. The department division may adopt rules ~~as~~  
26 necessary to administer the ~~carry out such~~ standards and  
27 policies.

28           (2) Establish procedures to be used by the State  
29 Apprenticeship Advisory Council.

30           ~~(3) Establish a Bureau of Apprenticeship pursuant to~~  
31 ~~the instructions of the Commissioner of Education.~~

1           Section 4. Section 446.041, Florida Statutes, is  
2 amended to read:  
3           446.041 Apprenticeship program, duties of the  
4 department division.--The department ~~Division of Workforce~~  
5 ~~Development~~ shall:  
6           (1) Administer ~~the provisions of~~ ss. 446.011-446.092.  
7           (2) Administer the standards established by the  
8 department division.  
9           (3) Register in accordance with this chapter any  
10 apprenticeship or preapprenticeship program, regardless of  
11 affiliation, which meets standards established by the  
12 department division.  
13           (4) Investigate complaints concerning the failure of  
14 any registered program to meet the standards established by  
15 the department division.  
16           (5) Cancel the registration of any program that fails  
17 to comply with the standards and policies of the department  
18 ~~division~~ or that unreasonably fails or refuses to cooperate  
19 with the department division in monitoring and enforcing  
20 compliance with the ~~such~~ standards.  
21           (6) Develop and encourage apprenticeship programs.  
22           (7) Cooperate with and assist local apprenticeship  
23 sponsors in the development of their apprenticeship standards  
24 and training requirements.  
25           (8) Encourage registered apprenticeship programs to  
26 grant consideration and credit to individuals completing  
27 registered preapprenticeship programs.  
28           (9) Monitor registered apprenticeship programs to  
29 ensure that they are being operated in compliance with all  
30 applicable standards.  
31

1           (10) Supervise all apprenticeship programs that ~~which~~  
2 are registered with the department ~~division~~.

3           (11) Ensure that minority and gender diversity are  
4 considered in administering this program.

5           (12) Adopt rules ~~as~~ required to administer ~~implement~~  
6 ss. 446.011-446.092.

7           Section 5. Section 446.045, Florida Statutes, is  
8 amended to read:

9           446.045 State Apprenticeship Advisory Council.--

10           (1) As used in ~~For the purposes of~~ this section, the  
11 term:

12           (a) "Joint employee organization" means an  
13 apprenticeship sponsor who participates in a collective  
14 bargaining agreement and represents employees.

15           (b) "Nonjoint employer organization" means an  
16 apprenticeship sponsor who does not participate in a  
17 collective bargaining agreement and who represents management.

18           (2)(a) There is created a State Apprenticeship  
19 Advisory Council to be composed of 10 voting ~~13~~ members  
20 appointed by the Governor and two ex officio nonvoting  
21 members, which shall be advisory to the Division of Workforce  
22 Development. The purpose of the advisory council is to advise  
23 the department ~~division and the council~~ on matters relating to  
24 apprenticeship. The advisory council may not establish  
25 policy, adopt rules, or consider whether particular  
26 apprenticeship programs should be approved by the department  
27 division.

28           (b) The Commissioner of Education ~~division director~~ or  
29 the commissioner's division director's ~~division director's~~ designee shall serve ~~be~~  
30 ex officio as chair of the State Apprenticeship Advisory  
31 Council, but may not vote. The state director of the Bureau of

1 Apprenticeship and Training of the United States Department of  
2 Labor shall serve ex officio as be appointed a nonvoting  
3 member of the council. ~~The Governor shall appoint two~~  
4 ~~three-member committees for the purpose of nominating~~  
5 ~~candidates for appointment to the council. One nominating~~  
6 ~~committee shall be composed of joint employee organization~~  
7 ~~representatives, and the other nominating committee shall be~~  
8 ~~composed of nonjoint employer organization representatives.~~  
9 ~~The joint employee organization nominating committee shall~~  
10 ~~submit to the Governor the names of three persons for each~~  
11 ~~vacancy occurring among the joint employee organization~~  
12 ~~members on the council, and the nonjoint employer organization~~  
13 ~~nominating committee likewise shall submit to the Governor the~~  
14 ~~names of three persons for each vacancy occurring among the~~  
15 ~~nonjoint employer organization members on the council.~~The  
16 Governor shall appoint to the council five members  
17 representing sponsors of joint employee organizations and five  
18 members representing sponsors of nonjoint employer  
19 organizations ~~from the candidates nominated for each position~~  
20 ~~by the respective nominating committees. Each member shall~~  
21 ~~represent industries that which have registered apprenticeship~~  
22 ~~programs or in which a need for apprenticeship programs has~~  
23 ~~been demonstrated. Initially, the Governor shall appoint four~~  
24 ~~members for terms of 4 years, two members for terms of 3~~  
25 ~~years, two members for terms of 2 years, and two members for~~  
26 ~~terms of 1 year. Thereafter, Members shall be appointed for~~  
27 4-year staggered terms. A vacancy shall be filled for the  
28 remainder of the unexpired term.

29 (c) The council shall meet at the call of the chair or  
30 at the request of a majority of its membership, but at least  
31 twice a year. A majority of the voting members shall



1 constitute a quorum, and the affirmative vote of a majority of  
2 a quorum is necessary to take action.

3 (d) The Governor may remove any member for cause.

4 (e) The council shall maintain minutes of each  
5 meeting. The department ~~division~~ shall keep on file the  
6 minutes of each meeting and shall make the ~~such~~ minutes  
7 available to any interested person.

8 (f) Members of the council shall serve without  
9 compensation, but are ~~shall be~~ entitled to receive  
10 reimbursement for per diem and travel expenses as provided in  
11 s. 112.061.

12 Section 6. Subsections (2) and (3) of section 446.052,  
13 Florida Statutes, are amended to read:

14 446.052 Preapprenticeship program.--

15 (2) The ~~Division of Workforce Development of the~~  
16 department ~~of Education~~, under regulations established by the  
17 State Board of Education, may ~~is authorized to~~ administer the  
18 provisions of ss. 446.011-446.092 which ~~that~~ relate to  
19 preapprenticeship programs in cooperation with district school  
20 boards and community college district boards of trustees.  
21 District school boards, community college district boards of  
22 trustees, and registered program sponsors shall cooperate in  
23 developing and establishing programs that include vocational  
24 instruction and general education courses required to obtain a  
25 high school diploma.

26 (3) The department ~~Division of Workforce Development~~,  
27 the district school boards, and the community college district  
28 boards of trustees shall work together with existing  
29 registered apprenticeship programs in order ~~so~~ that  
30 individuals completing the ~~such~~ preapprenticeship programs may  
31

1 be able to receive credit towards completing a registered  
2 apprenticeship program.

3 Section 7. Section 446.061, Florida Statutes, is  
4 amended to read:

5 446.061 Expenditures.--~~The Division of Workforce~~  
6 ~~Development of the~~ department of Education shall make  
7 necessary expenditures from the appropriation provided by law  
8 for personal services, travel, printing, equipment, office  
9 space, and supplies as provided by law.

10 Section 8. Section 446.071, Florida Statutes, is  
11 amended to read:

12 446.071 Apprenticeship sponsors.--

13 (1) One or more local apprenticeship sponsors shall be  
14 approved in any trade or group of trades by the ~~Division of~~  
15 ~~Workforce Development of the~~ department of Education, upon a  
16 determination of need, if provided the apprenticeship sponsor  
17 meets all of the standards established by the department  
18 division. The term "need" refers to the need of state  
19 residents for apprenticeship training. In the absence of proof  
20 to the contrary, it shall be presumed that there is need for  
21 apprenticeship and preapprenticeship training in each county  
22 in this state.

23 (2) A local apprenticeship sponsor may be a committee,  
24 a group of employers, an employer, or a group of employees, or  
25 any combination thereof.

26 (3) The department may ~~division has authority to~~ grant  
27 a variance from the standards upon a showing of good cause for  
28 the such variance by program sponsors in nonconstruction  
29 trades. The purpose of this subsection ~~provision~~ is to  
30 recognize the unique and varying training requirements in  
31 nontraditional apprenticeable occupations and to authorize the

1 ~~department division and bureau~~ to adapt the standards to the  
2 needs of the such programs.

3 Section 9. Section 446.075, Florida Statutes, is  
4 amended to read:

5 446.075 Federal and state cooperation.--The ~~Division~~  
6 ~~of Workforce Development of the department of Education~~ may  
7 ~~contract make and enter into contracts~~ with the United States  
8 Department of Labor, and may assume other functions and duties  
9 ~~as are~~ necessary for the department division to serve as  
10 registration agent for federal apprenticeship registration  
11 purposes, except that the department division may not enforce  
12 any federal apprenticeship requirement unless the department  
13 ~~division~~ first adopts the such requirement as a rule. All  
14 rules adopted and administrative hearings afforded by the  
15 department division under this section must be in accordance  
16 with the requirements of chapter 120.

17 Section 10. Subsection (3) of section 446.081, Florida  
18 Statutes, is amended to read:

19 446.081 Limitation.--

20 (3) Any person aggrieved by any determination or act  
21 of the department has division ~~shall have~~ the right to an  
22 administrative hearing.

23 Section 11. Section 446.091, Florida Statutes, is  
24 amended to read:

25 446.091 On-the-job training program.--All provisions  
26 of ss. 446.011-446.092 relating to apprenticeship and  
27 preapprenticeship, including, but not limited to, programs,  
28 agreements, standards, administration, procedures,  
29 definitions, expenditures, local committees, powers and  
30 duties, limitations, grievances, and ratios of apprentices  
31 and job trainees to journeymen on state, county, and municipal

1 ~~contracts, and functions of the Division of Jobs and Benefits~~  
2 shall be appropriately adapted and made applicable to a  
3 program of on-the-job training ~~hereby~~ authorized under those  
4 provisions for persons other than apprentices.

5 Section 12. The amendments made by this act to section  
6 446.045, Florida Statutes, shall apply prospectively to  
7 appointments that fill current and future vacancies on the  
8 State Apprenticeship Advisory Council. These amendments do not  
9 affect the terms of members or remove a member serving on the  
10 advisory council before the effective date of this act.

11 Section 13. This act shall take effect upon becoming a  
12 law.

13  
14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15 COMMITTEE SUBSTITUTE FOR  
16 Senate Bill 1090

17 The committee substitute:

- 18 -- Reassigns to the Department of Education the duties  
19 specifically assigned under current law to the  
20 department's former Division of Workforce Development,  
21 and to the division's former Bureau of Apprenticeship,  
22 which relate to apprenticeship training and programs;
- 21 -- Specifies that the Commissioner of Education or the  
22 commissioner's designee is the ex officio nonvoting chair  
23 of the State Apprenticeship Advisory Council;
- 23 -- Clarifies the number of members appointed to the advisory  
24 council;
- 24 -- Clarifies that the act applies prospectively and does not  
25 affect the staggered terms of the council members or  
26 remove a council member; and
- 26 -- Deletes an obsolete reference to the former Division of  
27 Jobs and Benefits of the former Department of Labor and  
28 Employment Security.