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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

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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.

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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~~ 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
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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.

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