

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Simmons offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 1011.80, Florida Statutes, is reenacted
6 to read:

7 1011.80 Funds for operation of adult technical education
8 programs.--

9 (1) As used in this section, the terms "workforce
10 development education" and "workforce development program"
11 include:

12 (a) Adult general education programs designed to improve
13 the employability skills of the state's workforce as defined in
14 s. 1004.02(5).

15 (b) Career and technical certificate programs, as defined
16 in s. 1004.02(23).

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17 (c) Applied technology diploma programs.

18 (d) Continuing workforce education courses.

19 (e) Degree technical education programs.

20 (f) Apprenticeship and preapprenticeship programs as
21 defined in s. 446.021.

22 (2) Any workforce development education program may be
23 conducted by a community college or a school district, except
24 that college credit in an associate in applied science or an
25 associate in science degree may be awarded only by a community
26 college. However, if an associate in applied science or an
27 associate in science degree program contains within it an
28 occupational completion point that confers a certificate or an
29 applied technology diploma, that portion of the program may be
30 conducted by a school district technical center. Any instruction
31 designed to articulate to a degree program is subject to
32 guidelines and standards adopted by the State Board of Education
33 pursuant to s. 1007.25.

34 (3) If a program for disabled adults pursuant to s.
35 1004.93 is a workforce development program as defined in law, it
36 must be funded as provided in this section.

37 (4) The Florida Workforce Development Education Fund is
38 created to provide performance-based funding for all workforce
39 development programs, whether the programs are offered by a
40 school district or a community college. Funding for all
41 workforce development education programs must be from the
42 Workforce Development Education Fund and must be based on cost
43 categories, performance output measures, and performance outcome
44 measures.

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45 (a) The cost categories must be calculated to identify
46 high-cost programs, medium-cost programs, and low-cost programs.
47 The cost analysis used to calculate and assign a program of
48 study to a cost category must include at least both direct and
49 indirect instructional costs, consumable supplies, equipment,
50 and standard program length.

51 (b)1. The performance output measure for career and
52 technical education programs of study is student completion of a
53 career and technical program of study that leads to an
54 occupational completion point associated with a certificate; an
55 apprenticeship program; or a program that leads to an applied
56 technology diploma or an associate in applied science or
57 associate in science degree. Performance output measures for
58 registered apprenticeship programs shall be based on program
59 lengths that coincide with lengths established pursuant to the
60 requirements of chapter 446.

61 2. The performance output measure for an adult general
62 education course of study is measurable improvement in student
63 skills. This measure shall include improvement in literacy
64 skills, grade level improvement as measured by an approved test,
65 or attainment of a State of Florida diploma or an adult high
66 school diploma.

67 (c) The performance outcome measures for programs funded
68 through the Workforce Development Education Fund are associated
69 with placement and retention of students after reaching a
70 completion point or completing a program of study. These
71 measures include placement or retention in employment that is
72 related to the program of study; placement into or retention in

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73 employment in an occupation on the Workforce Estimating
74 Conference list of high-wage, high-skill occupations with
75 sufficient openings, or other High Wage/High Skill Program
76 occupations as determined by Workforce Florida, Inc.; and
77 placement and retention of participants or former participants
78 in the welfare transition program in employment. Continuing
79 postsecondary education at a level that will further enhance
80 employment is a performance outcome for adult general education
81 programs. Placement and retention must be reported pursuant to
82 ss. 1008.39 and 1008.43.

83 (5) State funding and student fees for workforce
84 development instruction funded through the Workforce Development
85 Education Fund shall be established as follows:

86 (a) For a continuing workforce education course, state
87 funding shall equal 50 percent of the cost of instruction, with
88 student fees, business support, quick-response training funds,
89 or other means making up the remaining 50 percent.

90 (b) For all other workforce development education funded
91 through the Workforce Development Education Fund, state funding
92 shall equal 75 percent of the average cost of instruction with
93 the remaining 25 percent made up from student fees. Fees for
94 courses within a program shall not vary according to the cost of
95 the individual program, but instead shall be based on a uniform
96 fee calculated and set at the state level, as adopted by the
97 State Board of Education, unless otherwise specified in the
98 General Appropriations Act.

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99 (c) For fee-exempt students pursuant to s. 1009.25, unless
100 otherwise provided for in law, state funding shall equal 100
101 percent of the average cost of instruction.

102 (6)(a) A school district or a community college that
103 provides workforce development education funded through the
104 Workforce Development Education Fund shall receive funds in
105 accordance with distributions for base and performance funding
106 established by the Legislature in the General Appropriations
107 Act, pursuant to the following conditions:

108 1. Base funding shall not exceed 85 percent of the current
109 fiscal year total Workforce Development Education Fund
110 allocation, which shall be distributed by the Legislature in the
111 General Appropriations Act based on a maximum of 85 percent of
112 the institution's prior year total allocation from base and
113 performance funds.

114 2. Performance funding shall be at least 15 percent of the
115 current fiscal year total Workforce Development Education Fund
116 allocation, which shall be distributed by the Legislature in the
117 General Appropriations Act based on the previous fiscal year's
118 achievement of output and outcomes in accordance with formulas
119 adopted pursuant to subsection (9). Performance funding must
120 incorporate payments for at least three levels of placements
121 that reflect wages and workforce demand. Payments for
122 completions must not exceed 60 percent of the payments for
123 placement. School districts and community colleges shall be
124 awarded funds pursuant to this paragraph based on performance
125 output data and performance outcome data available in that year.

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126 3. If a local educational agency achieves a level of
127 performance sufficient to generate a full allocation as
128 authorized by the workforce development funding formula, the
129 agency may earn performance incentive funds as appropriated for
130 that purpose in a General Appropriations Act. If performance
131 incentive funds are funded and awarded, these funds must be
132 added to the local educational agency's prior year total
133 allocation from the Workforce Development Education Fund and
134 shall be used to calculate the following year's base funding.

135 (b) A program is established to assist school districts
136 and community colleges in responding to the needs of new and
137 expanding businesses and thereby strengthening the state's
138 workforce and economy. The program may be funded in the General
139 Appropriations Act. A school district or community college may
140 expend funds under the program without regard to performance
141 criteria set forth in subparagraph (a)2. The district or
142 community college shall use the program to provide customized
143 training for businesses which satisfies the requirements of s.
144 288.047. Business firms whose employees receive the customized
145 training must provide 50 percent of the cost of the training.
146 Balances remaining in the program at the end of the fiscal year
147 shall not revert to the general fund, but shall be carried over
148 for 1 additional year and used for the purpose of serving
149 incumbent worker training needs of area businesses with fewer
150 than 100 employees. Priority shall be given to businesses that
151 must increase or upgrade their use of technology to remain
152 competitive.

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153 (7) A school district or community college that earns
154 performance funding must use the money to benefit the
155 postsecondary adult and technical education programs it
156 provides. The money may be used for equipment upgrades, program
157 expansions, or any other use that would result in workforce
158 development program improvement. The district school board or
159 community college board of trustees may not withhold any portion
160 of the performance funding for indirect costs. Notwithstanding
161 s. 216.351, funds awarded pursuant to this section may be
162 carried across fiscal years and shall not revert to any other
163 fund maintained by the district school board or community
164 college board of trustees.

165 (8) The State Board of Education and Workforce Florida,
166 Inc., shall provide the Legislature with recommended formulas,
167 criteria, timeframes, and mechanisms for distributing
168 performance funds. The commissioner shall consolidate the
169 recommendations and develop a consensus proposal for funding.
170 The Legislature shall adopt a formula and distribute the
171 performance funds to the State Board of Education for community
172 colleges and school districts through the General Appropriations
173 Act. These recommendations shall be based on formulas that would
174 discourage low-performing or low-demand programs and encourage
175 through performance-funding awards:

176 (a) Programs that prepare people to enter high-wage
177 occupations identified by the Workforce Estimating Conference
178 created by s. 216.136 and other programs as approved by
179 Workforce Florida, Inc. At a minimum, performance incentives
180 shall be calculated for adults who reach completion points or

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181 complete programs that lead to specified high-wage employment
182 and to their placement in that employment.

183 (b) Programs that successfully prepare adults who are
184 eligible for public assistance, economically disadvantaged,
185 disabled, not proficient in English, or dislocated workers for
186 high-wage occupations. At a minimum, performance incentives
187 shall be calculated at an enhanced value for the completion of
188 adults identified in this paragraph and job placement of such
189 adults upon completion. In addition, adjustments may be made in
190 payments for job placements for areas of high unemployment.

191 (c) Programs that are specifically designed to be
192 consistent with the workforce needs of private enterprise and
193 regional economic development strategies, as defined in
194 guidelines set by Workforce Florida, Inc. Workforce Florida,
195 Inc., shall develop guidelines to identify such needs and
196 strategies based on localized research of private employers and
197 economic development practitioners.

198 (d) Programs identified by Workforce Florida, Inc., as
199 increasing the effectiveness and cost efficiency of education.

200
201 (9) A high school student dually enrolled under s.
202 1007.271 in a workforce development program funded through the
203 Workforce Development Education Fund and operated by a community
204 college or school district technical center generates the amount
205 calculated by the Workforce Development Education Fund,
206 including any payment of performance funding, and the
207 proportional share of full-time equivalent enrollment generated
208 through the Florida Education Finance Program for the student's

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209 enrollment in a high school. If a high school student is dually
210 enrolled in a community college program, including a program
211 conducted at a high school, the community college earns the
212 funds generated through the Workforce Development Education Fund
213 and the school district earns the proportional share of full-
214 time equivalent funding from the Florida Education Finance
215 Program. If a student is dually enrolled in a technical center
216 operated by the same district as the district in which the
217 student attends high school, that district earns the funds
218 generated through the Workforce Development Education Fund and
219 also earns the proportional share of full-time equivalent
220 funding from the Florida Education Finance Program. If a student
221 is dually enrolled in a workforce development program provided
222 by a technical center operated by a different school district,
223 the funds must be divided between the two school districts
224 proportionally from the two funding sources. A student may not
225 be reported for funding in a dual enrollment workforce
226 development program unless the student has completed the basic
227 skills assessment pursuant to s. 1004.91.

228 (10) The State Board of Education may adopt rules to
229 administer this section.

230 Section 2. Section 1011.83, Florida Statutes, is reenacted
231 to read:

232 1011.83 Financial support of community colleges.--Each
233 community college that has been approved by the Department of
234 Education and meets the requirements of law and rules of the
235 State Board of Education shall participate in the Community
236 College Program Fund. However, funds to support workforce

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237 development programs conducted by community colleges shall be
238 provided by the Workforce Development Education Fund pursuant to
239 s. 1011.80.

240 Section 3. This act shall take effect July 1, 2004.

241
242 ===== T I T L E A M E N D M E N T =====

243 Remove the entire title and insert:

244 A bill to be entitled

245 An act relating to workforce development education
246 programs; reenacting s. 1011.80, F.S., relating to funds
247 for operation of adult technical education programs;
248 reenacting s. 1011.83, F.S., relating to financial support
249 of community colleges; providing an effective date.