

Bill No. CS for SB 1258

Amendment No. 1 Barcode 451998

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 1258 recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce development ~~adult technical~~ education programs.--

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

(a) Adult general education programs designed to improve the employability skills of the state's workforce as defined in s. 1004.02(3) ~~s. 1004.02(5)~~.

(b) Career and technical certificate programs, as defined in s. 1004.02(21) ~~s. 1004.02(23)~~.

(c) Applied technology diploma programs.

(d) Continuing workforce education courses.

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1 (e) Degree technical education programs.

2 (f) Apprenticeship and preapprenticeship programs as
3 defined in s. 446.021.

4 (2) Any workforce development education program may be
5 conducted by a community college or a school district, except
6 that college credit in an associate in applied science or an
7 associate in science degree may be awarded only by a community
8 college. However, if an associate in applied science or an
9 associate in science degree program contains within it an
10 occupational completion point that confers a certificate or an
11 applied technology diploma, that portion of the program may be
12 conducted by a school district technical center. Any
13 instruction designed to articulate to a degree program is
14 subject to guidelines and standards adopted by the State Board
15 of Education pursuant to s. 1007.25.

16 (3) If a program for disabled adults pursuant to s.
17 1004.93 is a workforce development program as defined in law,
18 it must be funded as provided in this section.

19 ~~(4) The Florida Workforce Development Education Fund~~
20 ~~is created to provide performance-based funding for all~~
21 ~~workforce development programs, whether the programs are~~
22 ~~offered by a school district or a community college. Funding~~
23 ~~for all workforce development education programs must be from~~
24 ~~the Workforce Development Education Fund and must be based on~~
25 ~~cost categories, performance output measures, and performance~~
26 ~~outcome measures.~~

27 (a) The cost categories must be calculated to identify
28 high-cost programs, medium-cost programs, and low-cost
29 programs. The cost analysis used to calculate and assign a
30 program of study to a cost category must include at least both
31 direct and indirect instructional costs, consumable supplies,

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1 equipment, and standard program length.

2 (b)1. The performance output measure for career and
3 technical education programs of study is student completion of
4 a career and technical program of study that leads to an
5 occupational completion point associated with a certificate;
6 an apprenticeship program; or a program that leads to an
7 applied technology diploma or an associate in applied science
8 or associate in science degree. Performance output measures
9 for registered apprenticeship programs shall be based on
10 program lengths that coincide with lengths established
11 pursuant to the requirements of chapter 446.

12 2. The performance output measure for an adult general
13 education course of study is measurable improvement in student
14 skills. This measure shall include improvement in literacy
15 skills, grade level improvement as measured by an approved
16 test, or attainment of a State of Florida diploma or an adult
17 high school diploma.

18 (c) The performance outcome measures for workforce
19 development education programs ~~funded through the Workforce~~
20 ~~Development Education Fund~~ are associated with placement and
21 retention of students after reaching a completion point or
22 completing a program of study. These measures include
23 placement or retention in employment that is related to the
24 program of study; placement into or retention in employment in
25 an occupation on the Workforce Estimating Conference list of
26 high-wage, high-skill occupations with sufficient openings, or
27 other High Wage/High Skill Program occupations as determined
28 by Workforce Florida, Inc.; and placement and retention of
29 participants or former participants in the welfare transition
30 program in employment. Continuing postsecondary education at a
31 level that will further enhance employment is a performance

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1 outcome for adult general education programs. Placement and
2 retention must be reported pursuant to ss. 1008.39 and
3 1008.43.

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

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

11 (b) For all other workforce development education
12 programs ~~funded through the Workforce Development Education~~
13 ~~Fund~~, state funding shall equal 75 percent of the average cost
14 of instruction with the remaining 25 percent made up from
15 student fees. Fees for courses within a program shall not vary
16 according to the cost of the individual program, but instead
17 shall be based on a uniform fee calculated and set at the
18 state level, as adopted by the State Board of Education,
19 unless otherwise specified in the General Appropriations Act.

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

23 (6)(a) A school district or a community college that
24 provides workforce development education programs ~~funded~~
25 ~~through the Workforce Development Education Fund~~ shall receive
26 funds in accordance with distributions for base and
27 performance funding established by the Legislature in the
28 General Appropriations Act. If the General Appropriations Act
29 does not provide for the distribution of funds, the following
30 methodology shall apply, pursuant to the following conditions:

31 1. Base funding shall be allocated based on weighted

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1 ~~enrollment and shall not exceed 90 85 percent of the current~~
2 ~~fiscal year total Workforce Development Education Fund~~
3 ~~allocation, which shall be distributed by the Legislature in~~
4 ~~the General Appropriations Act based on a maximum of 85~~
5 ~~percent of the institution's prior year total allocation from~~
6 ~~base and performance funds. The Department of Education shall~~
7 ~~develop a funding process for school district workforce~~
8 ~~development education programs which is comparable with~~
9 ~~community college workforce programs.~~

10 2. Performance funding shall be at least 10 15 percent
11 of the ~~current fiscal year total Workforce Development~~
12 ~~Education Fund allocation, which shall be distributed by the~~
13 ~~Legislature in the General Appropriations Act based on the~~
14 previous fiscal year's achievement of output and outcomes in
15 accordance with formulas adopted pursuant to subsection (9).
16 Performance funding must incorporate payments for at least
17 three levels of placements that reflect wages and workforce
18 demand. Payments for completions must not exceed 60 percent of
19 the payments for placement. School districts and community
20 colleges shall be awarded funds pursuant to this paragraph
21 based on performance output data and performance outcome data
22 available in that year.

23 3. ~~If a local educational agency achieves a level of~~
24 ~~performance sufficient to generate a full allocation as~~
25 ~~authorized by the workforce development funding formula, the~~
26 ~~agency may earn performance incentive funds as appropriated~~
27 ~~for that purpose in a General Appropriations Act. If~~
28 ~~performance incentive funds are funded and awarded, these~~
29 ~~funds must be added to the local educational agency's prior~~
30 ~~year total allocation from the Workforce Development Education~~
31 ~~Fund and shall be used to calculate the following year's base~~

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1 ~~funding.~~

2 (b) A program is established to assist school
3 districts and community colleges in responding to the needs of
4 new and expanding businesses and thereby strengthening the
5 state's workforce and economy. The program may be funded in
6 the General Appropriations Act. A school district or community
7 college may expend funds under the program without regard to
8 performance criteria set forth in subparagraph (a)2. The
9 district or community college shall use the program to provide
10 customized training for businesses which satisfies the
11 requirements of s. 288.047. Business firms whose employees
12 receive the customized training must provide 50 percent of the
13 cost of the training. Balances remaining in the program at the
14 end of the fiscal year shall not revert to the general fund,
15 but shall be carried over for 1 additional year and used for
16 the purpose of serving incumbent worker training needs of area
17 businesses with fewer than 100 employees. Priority shall be
18 given to businesses that must increase or upgrade their use of
19 technology to remain competitive.

20 (7) A school district or community college that
21 receives workforce development education funds ~~earns~~
22 ~~performance funding~~ must use the money to benefit the
23 ~~postsecondary~~ adult and technical education programs it
24 provides. The money may be used for equipment upgrades,
25 program expansions, or any other use that would result in
26 workforce development program improvement. The district school
27 board or community college board of trustees may not withhold
28 any portion of the performance funding for indirect costs.
29 ~~Notwithstanding s. 216.351, funds awarded pursuant to this~~
30 ~~section may be carried across fiscal years and shall not~~
31 ~~revert to any other fund maintained by the district school~~

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1 ~~board or community college board of trustees.~~

2 (8) The State Board of Education and Workforce
3 Florida, Inc., shall provide the Legislature with recommended
4 formulas, criteria, timeframes, and mechanisms for
5 distributing performance funds. The commissioner shall
6 consolidate the recommendations and develop a consensus
7 proposal for funding. The Legislature shall adopt a formula
8 and distribute the performance funds to the State Board of
9 Education for community colleges and school districts through
10 the General Appropriations Act. These recommendations shall be
11 based on formulas that would discourage low-performing or
12 low-demand programs and encourage through performance-funding
13 awards:

14 (a) Programs that prepare people to enter high-wage
15 occupations identified by the Workforce Estimating Conference
16 created by s. 216.136 and other programs as approved by
17 Workforce Florida, Inc. At a minimum, performance incentives
18 shall be calculated for adults who reach completion points or
19 complete programs that lead to specified high-wage employment
20 and to their placement in that employment.

21 (b) Programs that successfully prepare adults who are
22 eligible for public assistance, economically disadvantaged,
23 disabled, not proficient in English, or dislocated workers for
24 high-wage occupations. At a minimum, performance incentives
25 shall be calculated at an enhanced value for the completion of
26 adults identified in this paragraph and job placement of such
27 adults upon completion. In addition, adjustments may be made
28 in payments for job placements for areas of high unemployment.

29 (c) Programs that are specifically designed to be
30 consistent with the workforce needs of private enterprise and
31 regional economic development strategies, as defined in

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1 guidelines set by Workforce Florida, Inc. Workforce Florida,
2 Inc., shall develop guidelines to identify such needs and
3 strategies based on localized research of private employers
4 and economic development practitioners.

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

7 (9) School districts shall report full-time equivalent
8 students by discipline category for the programs specified in
9 subsection (1). There shall be an annual cost analysis for the
10 school district workforce development education programs which
11 reports cost by discipline category consistent with the
12 reporting for full-time equivalent students. The annual
13 financial reports submitted by the school districts must
14 accurately report on the student fee revenues by fee type
15 according to the programs specified in subsection (1). The
16 Department of Education shall develop a plan for comparable
17 reporting of program, student, facilities, personnel, and
18 financial data between the community colleges and the school
19 district workforce development education programs.

20 (10)(9) A high school student dually enrolled under s.
21 1007.271 in a workforce development program ~~funded through the~~
22 ~~Workforce Development Education Fund~~ and operated by a
23 community college or school district technical center
24 generates the amount calculated for workforce development
25 funding by the Workforce Development Education Fund, including
26 any payment of performance funding, and the proportional share
27 of full-time equivalent enrollment generated through the
28 Florida Education Finance Program for the student's enrollment
29 in a high school. If a high school student is dually enrolled
30 in a community college program, including a program conducted
31 at a high school, the community college earns the funds

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1 generated ~~for workforce development education funding, through~~
2 ~~the Workforce Development Education Fund~~ and the school
3 district earns the proportional share of full-time equivalent
4 funding from the Florida Education Finance Program. If a
5 student is dually enrolled in a technical center operated by
6 the same district as the district in which the student attends
7 high school, that district earns the funds generated for
8 ~~workforce development education funding through the Workforce~~
9 ~~Development Education Fund~~ and also earns the proportional
10 share of full-time equivalent funding from the Florida
11 Education Finance Program. If a student is dually enrolled in
12 a workforce development program provided by a technical center
13 operated by a different school district, the funds must be
14 divided between the two school districts proportionally from
15 the two funding sources. A student may not be reported for
16 funding in a dual enrollment workforce development program
17 unless the student has completed the basic skills assessment
18 pursuant to s. 1004.91.

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

21 Section 2. Section 1011.83, Florida Statutes, is
22 amended to read:

23 1011.83 Financial support of community colleges.--Each
24 community college that has been approved by the Department of
25 Education and meets the requirements of law and rules of the
26 State Board of Education shall participate in the Community
27 College Program Fund. However, funds to support workforce
28 development programs conducted by community colleges shall be
29 provided ~~by the Workforce Development Education Fund~~ pursuant
30 to s. 1011.80.

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

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

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A bill to be entitled

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An act relating to workforce development

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education programs; amending s. 1011.80, F.S.;

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redesignating adult technical education

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programs as workforce development education

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programs; providing requirements for funding;

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amending s. 1011.83, F.S.; conforming a

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cross-reference; providing an effective date.

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