

By the Committee on Appropriations; and Senator Carlton

309-2156-04

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A bill to be entitled
An act relating to workforce development
education programs; amending s. 1011.80, F.S.;
redesignating adult technical education
programs as workforce development education
programs; providing requirements for funding;
amending s. 1011.83, F.S.; conforming a
cross-reference; providing an effective date.

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

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.

(e) Degree technical education programs.

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

(2) Any workforce development education program may be
conducted by a community college or a school district, except
that college credit in an associate in applied science or an

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

10 (3) If a program for disabled adults pursuant to s.
11 1004.93 is a workforce development program as defined in law,
12 it must be funded as provided in this section.

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

21 (a) The cost categories must be calculated to identify
22 high-cost programs, medium-cost programs, and low-cost
23 programs. The cost analysis used to calculate and assign a
24 program of study to a cost category must include at least both
25 direct and indirect instructional costs, consumable supplies,
26 equipment, and standard program length.

27 (b)1. The performance output measure for career and
28 technical education programs of study is student completion of
29 a career and technical program of study that leads to an
30 occupational completion point associated with a certificate;
31 an apprenticeship program; or a program that leads to an

1 applied technology diploma or an associate in applied science
2 or associate in science degree. Performance output measures
3 for registered apprenticeship programs shall be based on
4 program lengths that coincide with lengths established
5 pursuant to the requirements of chapter 446.

6 2. The performance output measure for an adult general
7 education course of study is measurable improvement in student
8 skills. This measure shall include improvement in literacy
9 skills, grade level improvement as measured by an approved
10 test, or attainment of a State of Florida diploma or an adult
11 high school diploma.

12 (c) The performance outcome measures for workforce
13 development education programs ~~funded through the Workforce~~
14 ~~Development Education Fund~~ are associated with placement and
15 retention of students after reaching a completion point or
16 completing a program of study. These measures include
17 placement or retention in employment that is related to the
18 program of study; placement into or retention in employment in
19 an occupation on the Workforce Estimating Conference list of
20 high-wage, high-skill occupations with sufficient openings, or
21 other High Wage/High Skill Program occupations as determined
22 by Workforce Florida, Inc.; and placement and retention of
23 participants or former participants in the welfare transition
24 program in employment. Continuing postsecondary education at a
25 level that will further enhance employment is a performance
26 outcome for adult general education programs. Placement and
27 retention must be reported pursuant to ss. 1008.39 and
28 1008.43.

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

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

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

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

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

25 1. Base funding shall be allocated based on weighted
26 enrollment and shall not exceed 90 ~~85~~ percent of the ~~current~~
27 ~~fiscal year total Workforce Development Education Fund~~
28 ~~allocation, which shall be distributed by the Legislature in~~
29 ~~the General Appropriations Act based on a maximum of 85~~
30 ~~percent of the institution's prior year total allocation from~~
31 ~~base and performance funds. The Department of Education shall~~

1 develop a funding process for school district workforce
2 development education programs which is comparable with
3 community college workforce programs.

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

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

27 (b) A program is established to assist school
28 districts and community colleges in responding to the needs of
29 new and expanding businesses and thereby strengthening the
30 state's workforce and economy. The program may be funded in
31 the General Appropriations Act. A school district or community

1 college may expend funds under the program without regard to
2 performance criteria set forth in subparagraph (a)2. The
3 district or community college shall use the program to provide
4 customized training for businesses which satisfies the
5 requirements of s. 288.047. Business firms whose employees
6 receive the customized training must provide 50 percent of the
7 cost of the training. Balances remaining in the program at the
8 end of the fiscal year shall not revert to the general fund,
9 but shall be carried over for 1 additional year and used for
10 the purpose of serving incumbent worker training needs of area
11 businesses with fewer than 100 employees. Priority shall be
12 given to businesses that must increase or upgrade their use of
13 technology to remain competitive.

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

27 (8) The State Board of Education and Workforce
28 Florida, Inc., shall provide the Legislature with recommended
29 formulas, criteria, timeframes, and mechanisms for
30 distributing performance funds. The commissioner shall
31 consolidate the recommendations and develop a consensus

1 | proposal for funding. The Legislature shall adopt a formula
2 | and distribute the performance funds to the State Board of
3 | Education for community colleges and school districts through
4 | the General Appropriations Act. These recommendations shall be
5 | based on formulas that would discourage low-performing or
6 | low-demand programs and encourage through performance-funding
7 | awards:

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

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

23 | (c) Programs that are specifically designed to be
24 | consistent with the workforce needs of private enterprise and
25 | regional economic development strategies, as defined in
26 | guidelines set by Workforce Florida, Inc. Workforce Florida,
27 | Inc., shall develop guidelines to identify such needs and
28 | strategies based on localized research of private employers
29 | and economic development practitioners.

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

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

14 ~~(10)(9)~~ A high school student dually enrolled under s.
15 1007.271 in a workforce development program ~~funded through the~~
16 ~~Workforce Development Education Fund~~ and operated by a
17 community college or school district technical center
18 generates the amount calculated for workforce development
19 funding by the Workforce Development Education Fund, including
20 any payment of performance funding, and the proportional share
21 of full-time equivalent enrollment generated through the
22 Florida Education Finance Program for the student's enrollment
23 in a high school. If a high school student is dually enrolled
24 in a community college program, including a program conducted
25 at a high school, the community college earns the funds
26 generated for workforce development education funding, ~~through~~
27 ~~the Workforce Development Education Fund~~ and the school
28 district earns the proportional share of full-time equivalent
29 funding from the Florida Education Finance Program. If a
30 student is dually enrolled in a technical center operated by
31 the same district as the district in which the student attends

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

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

15 Section 2. Section 1011.83, Florida Statutes, is
16 amended to read:

17 1011.83 Financial support of community colleges.--Each
18 community college that has been approved by the Department of
19 Education and meets the requirements of law and rules of the
20 State Board of Education shall participate in the Community
21 College Program Fund. However, funds to support workforce
22 development programs conducted by community colleges shall be
23 provided ~~by the Workforce Development Education Fund~~ pursuant
24 to s. 1011.80.

25 Section 3. This act shall take effect July 1, 2004.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill SB 1258

The Committee Substitute revises the method of funding for workforce education programs. Reference to the Florida Workforce Development Fund is deleted. If the distribution of workforce education funds is not provided in the General Appropriations Act the amount of the appropriation shall be allocated as follows: a maximum of 90 percent based on enrollment and at least 10 percent based on performance. The Department of Education is required to develop a funding process for school district workforce development education programs that is comparable to the funding of community college workforce programs. The Committee Substitute also requires the Department of Education to develop a plan for reporting workforce development data that is compatible between community colleges and school districts and includes: program, student, facility, personnel, cost and financial data.