

CHAMBER ACTION

1 The Committee on Business Regulation recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to apprenticeship; amending ss. 446.032
7 and 446.041, F.S.; providing additional duties of the
8 Division of Workforce Development of the Department of
9 Education with respect to apprenticeship training and the
10 apprenticeship program; amending s. 446.051, F.S.;
11 providing for coordination of training with the Department
12 of Business and Professional Regulation for practitioners
13 regulated under such department; amending ss. 446.071 and
14 446.092, F.S.; providing additional consideration with
15 respect to sponsorship and criteria for professions
16 licensed by the Department of Business and Professional
17 Regulation; creating s. 455.2126, F.S.; providing
18 authority of regulatory boards or the Department of
19 Business and Professional Regulation with respect to
20 apprenticeship programs; amending s. 476.194, F.S.;
21 prohibiting certain acts relating to the practice of
22 barbering by or involving an apprentice; providing
23 penalties; providing an effective date.

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

Section 1. Subsection (4) is added to section 446.032, Florida Statutes, to read:

446.032 General duties of division with respect to apprenticeship training.--The Division of Workforce Development shall:

(4) Accept services and activities offered by other agencies in support of the intent specified in s. 446.011.

Section 2. Subsections (8) through (12) of section 446.041, Florida Statutes, are renumbered as subsections (9) through (13), respectively, and a new subsection (8) is added to said section to read:

446.041 Apprenticeship program, duties of division.--The Division of Workforce Development shall:

(8) Consult and cooperate with agencies that license apprenticeable professions.

Section 3. Subsection (3) is added to section 446.051, Florida Statutes, to read:

446.051 Related instruction for apprentices.--

(3) Training should be combined with properly coordinated studies of related technical subjects, supplementary subjects, and other criteria or qualifications for licensure as a practitioner of a regulated profession adopted by the appropriate regulatory board for a profession under the jurisdiction of the Department of Business and Professional Regulation.

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52 Section 4. Subsections (1) and (3) of section 446.071,
53 Florida Statutes, are amended to read:

54 446.071 Apprenticeship sponsors.--

55 (1) One or more local apprenticeship sponsors shall be
56 approved in any trade or group of trades, or in any profession
57 licensed by the Department of Business and Professional
58 Regulation, by the Division of Workforce Development of the
59 Department of Education, upon a determination of need, provided
60 the apprenticeship sponsor meets all of the standards
61 established by the division. "Need" refers to the need of state
62 residents for apprenticeship training. In the absence of proof
63 to the contrary, it shall be presumed that there is need for
64 apprenticeship and preapprenticeship training in each county in
65 this state.

66 (3) The division has authority to grant a variance from
67 the standards upon a showing of good cause for such variance by
68 program sponsors in nonconstruction trades or professions
69 licensed by the Department of Business and Professional
70 Regulation. The purpose of this provision is to recognize the
71 unique and varying training requirements in nontraditional
72 apprenticeable occupations and to authorize the division and
73 bureau to adapt the standards to the needs of such programs.

74 Section 5. Section 446.092, Florida Statutes, is amended
75 to read:

76 446.092 Criteria for apprenticeship occupations.--An
77 apprenticeable occupation is a skilled trade or profession
78 licensed by the Department of Business and Professional
79 Regulation which possesses all of the following characteristics:

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80 (1) It is customarily learned in a practical way through a
81 structured, systematic program of on-the-job, supervised
82 training.

83 (2) It is commonly recognized throughout the industry or
84 recognized with a positive view towards changing technology.

85 (3) It involves manual, mechanical, or technical skills
86 and knowledge which require a minimum of 2,000 hours of work and
87 training, which hours are excluded from the time spent at
88 related instruction.

89 (4) It requires related instruction to supplement on-the-
90 job training. Such instruction may be given in a classroom or
91 through correspondence courses.

92 (5) It involves the development of skill sufficiently
93 broad to be applicable in like occupations throughout an
94 industry, rather than of restricted application to the products
95 or services of any one company.

96 (6) It does not fall into any of the following categories:

97 (a) Selling, retailing, or similar occupations in the
98 distributive field.

99 (b) Managerial occupations.

100 (c) Professional and scientific vocations for which
101 entrance requirements customarily require an academic degree.

102 Section 6. Section 455.2126, Florida Statutes, is created
103 to read:

104 455.2126 Apprenticeship program; duties of a board or the
105 department.--In order to support and assist the development and
106 operations of a registered apprenticeship program and the
107 training of registered apprentices, the board, or the department

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108 where there is no board, shall support the intent of the
 109 Legislature, as specified in s. 446.011, and is authorized to:

110 (1) Encourage registered apprenticeship programs.

111 (2) Support registered apprentices as necessary to
 112 encourage achievement of goals and objectives.

113 (3) Cooperate with and assist the Division of Workforce
 114 Development in the creation of apprenticeship standards and
 115 training requirements.

116 (4) Monitor registered apprenticeship programs to the
 117 degree the board, or the department where there is no board, may
 118 help to ensure they are being operated in compliance with
 119 applicable requirements under the appropriate practice act of
 120 the profession licensed by the department.

121 Section 7. Section 476.194, Florida Statutes, is amended
 122 to read:

123 476.194 Prohibited acts.--

124 (1) It is unlawful for any person to:

125 (a) Engage in the practice of barbering without an active
 126 license as a barber issued pursuant to the provisions of this
 127 act by the department or registration as an apprentice pursuant
 128 to chapter 446.

129 (b) Engage in willful or repeated violations of this act
 130 or of any of the rules adopted by the board.

131 (c) Hire or employ any person to engage in the practice of
 132 barbering unless such person holds a valid license as a barber
 133 or a registration as an apprentice.

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134 (d) Obtain or attempt to obtain a license for money other
135 than the required fee or any other thing of value or by
136 fraudulent misrepresentations.

137 (e) Own, operate, maintain, open, establish, conduct, or
138 have charge of, either alone or with another person or persons,
139 a barbershop:

140 1. Which is not licensed under the provisions of this
141 chapter; or

142 2. In which a person not licensed as a barber or
143 registered as an apprentice is permitted to perform services.

144 (f) Use or attempt to use a license to practice barbering
145 when said license is suspended or revoked.

146 (2) Any person who violates any provision of this section
147 commits ~~is guilty of~~ a misdemeanor of the second degree,
148 punishable as provided in s. 775.082 or s. 775.083.

149 Section 8. This act shall take effect October 1, 2004.