

CHAMBER ACTION

1 The Committee on Commerce 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 training; amending ss.
7 446.011, 446.021, 446.032, and 446.041, F.S.; conforming
8 provisions to the deletion of the Division of Workforce
9 Development of the Department of Education; reassigning
10 the division's duties governing apprenticeship training
11 and programs to the department; amending s. 446.045, F.S.;
12 revising provisions governing the State Apprenticeship
13 Advisory Council; deleting a requirement that the Governor
14 appoint two nominating committees for the purpose of
15 filling vacancies on the council; requiring the Governor
16 to appoint certain members to the council representing
17 sponsors of joint employee organizations and nonjoint
18 employer organizations; conforming provisions to the
19 deletion of the Division of Workforce Development of the
20 Department of Education; reassigning the division's duties
21 governing apprenticeship training and programs to the
22 department; amending ss. 446.052, 446.061, 446.071,
23 446.075, and 446.081, F.S.; conforming provisions to the

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24 deletion of the Division of Workforce Development of the
 25 Department of Education; reassigning the division's duties
 26 governing apprenticeship training and programs to the
 27 department; amending s. 446.091, F.S.; conforming
 28 provisions to the deletion of the Division of Jobs and
 29 Benefits of the former Department of Labor and Employment
 30 Security; limiting the application of the act; providing
 31 an effective date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Subsections (2) and (3) of section 446.011,
 36 Florida Statutes, are amended to read:

37 446.011 Legislative intent regarding apprenticeship
 38 training.--

39 (2) It is the intent of the Legislature that the ~~Division~~
 40 ~~of Workforce Development of the~~ Department of Education have
 41 responsibility for the development of the apprenticeship and
 42 preapprenticeship uniform minimum standards for the
 43 apprenticeable trades and that the ~~Division of Workforce~~
 44 ~~Development of the~~ department of ~~Education~~ have responsibility
 45 for assisting district school boards and community college
 46 district boards of trustees in developing preapprenticeship
 47 programs.

48 (3) It is the further intent of ss. 446.011-446.092 that
 49 the department ~~Division of Workforce Development~~ ensure quality
 50 training through the adoption and enforcement of uniform minimum
 51 standards and that the department ~~Bureau of Apprenticeship~~

52 | promote, register, monitor, and service apprenticeship and
 53 | training programs and ensure that the ~~such~~ programs adhere to
 54 | the standards.

55 | Section 2. Section 446.021, Florida Statutes, is amended
 56 | to read:

57 | 446.021 Definitions of terms used in ss. 446.011-
 58 | 446.092.--As used in ss. 446.011-446.092, the term ~~following~~
 59 | ~~words and terms shall have the following meanings unless the~~
 60 | ~~context clearly indicates otherwise:~~

61 | (1) "Preapprentice" means any person 16 years of age or
 62 | over engaged in any course of instruction in the public school
 63 | system or elsewhere, which course is registered as a
 64 | preapprenticeship program with the ~~Division of Workforce~~
 65 | ~~Development of the department of Education.~~

66 | (2) "Apprentice" means a person at least 16 years of age
 67 | who is engaged in learning a recognized skilled trade through
 68 | actual work experience under the supervision of journeymen
 69 | craftsmen, which training should be combined with properly
 70 | coordinated studies of related technical and supplementary
 71 | subjects, and who has entered into a written agreement, which
 72 | may be cited as hereinafter ~~called~~ an apprentice agreement, with
 73 | a registered apprenticeship sponsor who may be either an
 74 | employer, an association of employers, or a local joint
 75 | apprenticeship committee.

76 | (3) "Trainee" means a person at least 16 years of age who
 77 | is engaged in learning a specific skill, trade, or occupation
 78 | within a formalized, on-the-job training program.

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79 (4) "Journeyman" means a person working in an
80 apprenticeable occupation who has successfully completed a
81 registered apprenticeship program or who has worked the number
82 of years required by established industry practices for the
83 particular trade or occupation.

84 (5) "Preapprenticeship program" means an organized course
85 of instruction in the public school system or elsewhere, which
86 course is designed to prepare a person 16 years of age or older
87 to become an apprentice and which course is approved by and
88 registered with the department ~~Bureau of Apprenticeship of the~~
89 ~~Division of Workforce Development~~ and sponsored by a registered
90 apprenticeship program.

91 (6) "Apprenticeship program" means an organized course of
92 instruction, registered and approved by the department ~~division~~,
93 which course shall contain all terms and conditions for the
94 qualifications, recruitment, selection, employment, and training
95 of apprentices including such matters as the requirements for a
96 written apprenticeship agreement.

97 (7) "On-the-job training program" means a formalized
98 system of job processes which may be augmented by related
99 instruction that provides the experience and knowledge necessary
100 to meet the training objective of learning a specific skill,
101 trade, or occupation. ~~The~~ ~~Such~~ training program must ~~shall~~ be at
102 least 6 months and not more than 2 years in duration and must
103 ~~shall~~ be registered with the department ~~division~~.

104 (8) "Uniform minimum preapprenticeship standards" means
105 the minimum requirements established uniformly for each craft
106 under which a preapprenticeship program is administered and

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107 includes standards of admission, training goals, training
 108 objectives, curriculum outlines, objective standards to measure
 109 successful completion of the preapprenticeship program, and the
 110 percentage of credit which ~~that~~ may be given to
 111 preapprenticeship graduates upon acceptance into the
 112 apprenticeship program.

113 (9) "Related instruction" means an organized and
 114 systematic form of instruction designed to provide the
 115 apprentice with knowledge of the theoretical subjects related to
 116 a specific trade or occupation.

117 (10) "Cancellation" means the deregistration of an
 118 apprenticeship program or the termination of an apprenticeship
 119 agreement.

120 (11) "Jurisdiction" means the specific geographical area
 121 for which a particular program is registered.

122 (12) "Department Division" means the ~~Division of Workforce~~
 123 ~~Development of the~~ Department of Education.

124 ~~(13) "Director" means the director of the Division of~~
 125 ~~Workforce Development.~~

126 Section 3. Section 446.032, Florida Statutes, is amended
 127 to read:

128 446.032 General duties of the department for ~~division with~~
 129 ~~respect to~~ apprenticeship training.--The department ~~Division of~~
 130 ~~Workforce Development~~ shall:

131 (1) Establish uniform minimum standards and policies
 132 governing apprentice programs and agreements. The ~~Such~~ standards
 133 and policies shall govern the terms and conditions of the
 134 apprentice's employment and training, including the quality

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135 training of the apprentice for ~~with respect to~~, but not limited
 136 to, such matters as ratios of apprentices to journeymen, safety,
 137 related instruction, and on-the-job training; but these ~~such~~
 138 standards and policies may ~~shall~~ not include rules, standards,
 139 or guidelines that require the use of apprentices and job
 140 trainees on state, county, or municipal contracts. The
 141 department ~~division~~ may adopt rules ~~as~~ necessary to administer
 142 the ~~carry out~~ such standards and policies.

143 (2) Establish procedures to be used by the State
 144 Apprenticeship Advisory Council.

145 ~~(3) Establish a Bureau of Apprenticeship pursuant to the~~
 146 ~~instructions of the Commissioner of Education.~~

147 Section 4. Section 446.041, Florida Statutes, is amended
 148 to read:

149 446.041 Apprenticeship program, duties of the department
 150 ~~division.~~ --The department ~~Division of Workforce Development~~
 151 shall:

152 (1) Administer ~~the provisions of~~ ss. 446.011-446.092.

153 (2) Administer the standards established by the department
 154 ~~division.~~

155 (3) Register in accordance with this chapter any
 156 apprenticeship or preapprenticeship program, regardless of
 157 affiliation, which meets standards established by the department
 158 ~~division.~~

159 (4) Investigate complaints concerning the failure of any
 160 registered program to meet the standards established by the
 161 department ~~division.~~

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162 (5) Cancel the registration of any program that fails to
 163 comply with the standards and policies of the department
 164 ~~division~~ or that unreasonably fails or refuses to cooperate with
 165 the department ~~division~~ in monitoring and enforcing compliance
 166 with the ~~such~~ standards.

167 (6) Develop and encourage apprenticeship programs.

168 (7) Cooperate with and assist local apprenticeship
 169 sponsors in the development of their apprenticeship standards
 170 and training requirements.

171 (8) Encourage registered apprenticeship programs to grant
 172 consideration and credit to individuals completing registered
 173 preapprenticeship programs.

174 (9) Monitor registered apprenticeship programs to ensure
 175 that they are being operated in compliance with all applicable
 176 standards.

177 (10) Supervise all apprenticeship programs that ~~which~~ are
 178 registered with the department ~~division~~.

179 (11) Ensure that minority and gender diversity are
 180 considered in administering this program.

181 (12) Adopt rules ~~as~~ required to administer ~~implement~~ ss.
 182 446.011-446.092.

183 Section 5. Section 446.045, Florida Statutes, is amended
 184 to read:

185 446.045 State Apprenticeship Advisory Council.--

186 (1) As used in ~~For the purposes of~~ this section, the term:

187 (a) "Joint employee organization" means an apprenticeship
 188 sponsor who participates in a collective bargaining agreement
 189 and represents employees.

190 (b) "Nonjoint employer organization" means an
191 apprenticeship sponsor who does not participate in a collective
192 bargaining agreement and who represents management.

193 (2)(a) There is created a State Apprenticeship Advisory
194 Council to be composed of 10 voting 13 members appointed by the
195 Governor and 2 ex officio nonvoting members, ~~which shall be~~
196 ~~advisory to the Division of Workforce Development.~~ The purpose
197 of the advisory council is to advise the department ~~division and~~
198 ~~the council~~ on matters relating to apprenticeship. The advisory
199 council may not establish policy, adopt rules, or consider
200 whether particular apprenticeship programs should be approved by
201 the department ~~division~~.

202 (b) The Commissioner of Education ~~division director~~ or the
203 commissioner's ~~division director's~~ designee shall serve be ex
204 officio as chair of the State Apprenticeship Advisory Council,
205 but may not vote. The state director of the Bureau of
206 Apprenticeship and Training of the United States Department of
207 Labor shall serve ex officio as ~~be appointed~~ a nonvoting member
208 of the council. ~~The Governor shall appoint two three-member~~
209 ~~committees for the purpose of nominating candidates for~~
210 ~~appointment to the council. One nominating committee shall be~~
211 ~~composed of joint employee organization representatives, and the~~
212 ~~other nominating committee shall be composed of nonjoint~~
213 ~~employer organization representatives. The joint employee~~
214 ~~organization nominating committee shall submit to the Governor~~
215 ~~the names of three persons for each vacancy occurring among the~~
216 ~~joint employee organization members on the council, and the~~
217 ~~nonjoint employer organization nominating committee likewise~~

218 ~~shall submit to the Governor the names of three persons for each~~
 219 ~~vacancy occurring among the nonjoint employer organization~~
 220 ~~members on the council.~~ The Governor shall appoint to the
 221 council five members representing sponsors of joint employee
 222 organizations and five members representing sponsors of nonjoint
 223 employer organizations ~~from the candidates nominated for each~~
 224 ~~position by the respective nominating committees.~~ Each member
 225 shall represent industries that ~~which~~ have registered
 226 apprenticeship programs ~~or in which a need for apprenticeship~~
 227 ~~programs has been demonstrated.~~ ~~Initially, the Governor shall~~
 228 ~~appoint four members for terms of 4 years, two members for terms~~
 229 ~~of 3 years, two members for terms of 2 years, and two members~~
 230 ~~for terms of 1 year.~~ Thereafter, Members shall be appointed for
 231 4-year staggered terms. A vacancy shall be filled for the
 232 remainder of the unexpired term.

233 (c) The council shall meet at the call of the chair or at
 234 the request of a majority of its membership, but at least twice
 235 a year. A majority of the voting members shall constitute a
 236 quorum, and the affirmative vote of a majority of a quorum is
 237 necessary to take action.

238 (d) The Governor may remove any member for cause.

239 (e) The council shall maintain minutes of each meeting.
 240 The department ~~division~~ shall keep on file the minutes of each
 241 meeting and shall make the ~~such~~ minutes available to any
 242 interested person.

243 (f) Members of the council shall serve without
 244 compensation, but are ~~shall be~~ entitled to receive reimbursement
 245 for per diem and travel expenses as provided in s. 112.061.

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246 Section 6. Subsections (2) and (3) of section 446.052,
247 Florida Statutes, are amended to read:

248 446.052 Preapprenticeship program.--

249 (2) The ~~Division of Workforce Development of the~~
250 ~~department of Education,~~ under regulations established by the
251 State Board of Education, may ~~is authorized to~~ administer the
252 provisions of ss. 446.011-446.092 which ~~that~~ relate to
253 preapprenticeship programs in cooperation with district school
254 boards and community college district boards of trustees.
255 District school boards, community college district boards of
256 trustees, and registered program sponsors shall cooperate in
257 developing and establishing programs that include vocational
258 instruction and general education courses required to obtain a
259 high school diploma.

260 (3) The department ~~Division of Workforce Development,~~ the
261 district school boards, and the community college district
262 boards of trustees shall work together with existing registered
263 apprenticeship programs in order ~~so~~ that individuals completing
264 the ~~such~~ preapprenticeship programs may be able to receive
265 credit towards completing a registered apprenticeship program.

266 Section 7. Section 446.061, Florida Statutes, is amended
267 to read:

268 446.061 Expenditures.--The ~~Division of Workforce~~
269 ~~Development of the~~ department of ~~Education~~ shall make necessary
270 expenditures from the appropriation provided by law for personal
271 services, travel, printing, equipment, office space, and
272 supplies as provided by law.

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273 Section 8. Section 446.071, Florida Statutes, is amended
274 to read:

275 446.071 Apprenticeship sponsors.--

276 (1) One or more local apprenticeship sponsors shall be
277 approved in any trade or group of trades by the ~~Division of~~
278 ~~Workforce Development of the~~ department of ~~Education~~, upon a
279 determination of need, if provided the apprenticeship sponsor
280 meets all of the standards established by the department
281 ~~division~~. The term "need" refers to the need of state residents
282 for apprenticeship training. In the absence of proof to the
283 contrary, it shall be presumed that there is need for
284 apprenticeship and preapprenticeship training in each county in
285 this state.

286 (2) A local apprenticeship sponsor may be a committee, a
287 group of employers, an employer, or a group of employees, or any
288 combination thereof.

289 (3) The department may ~~division has authority to~~ grant a
290 variance from the standards upon a showing of good cause for the
291 ~~such~~ variance by program sponsors in nonconstruction trades. The
292 purpose of this subsection ~~provision~~ is to recognize the unique
293 and varying training requirements in nontraditional
294 apprenticeable occupations and to authorize the department
295 ~~division and bureau~~ to adapt the standards to the needs of the
296 ~~such~~ programs.

297 Section 9. Section 446.075, Florida Statutes, is amended
298 to read:

299 446.075 Federal and state cooperation.--~~The Division of~~
300 ~~Workforce Development of the~~ department of ~~Education~~ may

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301 contract ~~make and enter into contracts~~ with the United States
 302 Department of Labor, and may assume other functions and duties
 303 ~~as are~~ necessary for the department ~~division~~ to serve as
 304 registration agent for federal apprenticeship registration
 305 purposes, except that the department ~~division~~ may not enforce
 306 any federal apprenticeship requirement unless the department
 307 ~~division~~ first adopts the ~~such~~ requirement as a rule. All rules
 308 adopted and administrative hearings afforded by the department
 309 ~~division~~ under this section must be in accordance with the
 310 requirements of chapter 120.

311 Section 10. Subsection (3) of section 446.081, Florida
 312 Statutes, is amended to read:

313 446.081 Limitation.--

314 (3) Any person aggrieved by any determination or act of
 315 the department ~~has~~ ~~division~~ ~~shall have~~ the right to an
 316 administrative hearing.

317 Section 11. Section 446.091, Florida Statutes, is amended
 318 to read:

319 446.091 On-the-job training program.--All provisions of
 320 ss. 446.011-446.092 relating to apprenticeship and
 321 preapprenticeship, including, but not limited to, programs,
 322 agreements, standards, administration, procedures, definitions,
 323 expenditures, local committees, powers and duties, limitations,
 324 grievances, and ratios of apprentices and job trainees to
 325 journeymen on state, county, and municipal contracts, ~~and~~
 326 ~~functions of the Division of Jobs and Benefits~~ shall be
 327 appropriately adapted and made applicable to a program of on-

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328 | the-job training ~~hereby~~ authorized under those provisions for
329 | persons other than apprentices.

330 | Section 12. The amendments made by this act to section
331 | 446.045, Florida Statutes, shall apply prospectively to
332 | appointments that fill current and future vacancies on the State
333 | Apprenticeship Advisory Council. These amendments do not affect
334 | the terms of members or remove a member serving on the advisory
335 | council before the effective date of this act.

336 | Section 13. This act shall take effect upon becoming a
337 | law.