

By Senator Gaetz

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1                   A bill to be entitled  
2           An act relating to career education and job training;  
3           amending s. 446.021, F.S.; revising terms; amending s.  
4           446.032, F.S.; conforming a provision to a change made  
5           by the act; amending s. 446.045, F.S.; clarifying  
6           State Apprenticeship Advisory Council membership;  
7           amending s. 446.081, F.S.; clarifying the limitations  
8           of certain provisions; amending s. 446.091, F.S.;  
9           conforming a provision to a change made by the act;  
10          amending s. 446.092, F.S.; revising characteristics of  
11          an apprenticeable occupation; amending s. 1011.62,  
12          F.S.; revising funding to include career and  
13          professional academies; amending s. 1004.92, F.S.;  
14          requiring the State Board of Education to adopt rules  
15          for administration; amending s. 1006.735, F.S.;  
16          establishing the Rapid Response Education and Training  
17          Program within the Complete Florida Plus Program;  
18          requiring the Complete Florida Plus Program to work  
19          with Enterprise Florida, Inc., to offer education and  
20          training programs to businesses' employees; specifying  
21          the duties of the Rapid Response Education and  
22          Training Program; requiring reports to the  
23          Legislature; requiring the Division of Career and  
24          Adult Education within the Department of Education to  
25          conduct an analysis and assessment of the  
26          effectiveness of the education and training programs;  
27          providing an effective date.

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

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Section 1. Subsections (2), (4), and (9) of section 446.021, Florida Statutes, are amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—  
As used in ss. 446.011-446.092, the term:

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

(4) "Journeyworker" ~~"Journeyman"~~ means a worker who has attained certain skills, abilities, and competencies and who is recognized within an industry as having mastered the skills and competencies required for the occupation. The term includes a mentor, technician, specialist, or other skilled worker who has documented sufficient skills and knowledge of an occupation, through formal apprenticeship or through practical, on-the-job experience or formal training ~~a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.~~

(9) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with

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59 knowledge of the theoretical and technical subjects related to a  
60 specific trade or occupation. Such instruction may be given in a  
61 classroom, through occupational or industrial courses, or by  
62 correspondence courses of equivalent value, including electronic  
63 media or other forms of self-study instruction approved by the  
64 department.

65 Section 2. Subsection (1) of section 446.032, Florida  
66 Statutes, is amended to read:

67 446.032 General duties of the department for apprenticeship  
68 training.—The department shall:

69 (1) Establish uniform minimum standards and policies  
70 governing apprentice programs and agreements. The standards and  
71 policies shall govern the terms and conditions of the  
72 apprentice's employment and training, including the quality  
73 training of the apprentice for, but not limited to, such matters  
74 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,  
75 related instruction, and on-the-job training; but these  
76 standards and policies may not include rules, standards, or  
77 guidelines that require the use of apprentices and job trainees  
78 on state, county, or municipal contracts. The department may  
79 adopt rules necessary to administer the standards and policies.

80 Section 3. Paragraph (b) of subsection (2) of section  
81 446.045, Florida Statutes, is amended to read:

82 446.045 State Apprenticeship Advisory Council.—

83 (2)

84 (b) The Commissioner of Education or the commissioner's  
85 designee shall serve ex officio as chair of the State  
86 Apprenticeship Advisory Council, but may not vote. The state  
87 director of the Office of Apprenticeship of the United States

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88 Department of Labor shall serve ex officio as a nonvoting member  
89 of the council. The Governor shall appoint to the council four  
90 members representing employee organizations and four members  
91 representing employer organizations. Each of these eight members  
92 shall represent industries that have registered apprenticeship  
93 programs. The Governor shall also appoint two public members who  
94 are knowledgeable about registered apprenticeship and  
95 apprenticeable occupations, who are independent of any joint or  
96 nonjoint organization ~~one of whom shall be recommended by joint~~  
97 ~~organizations, and one of whom shall be recommended by nonjoint~~  
98 ~~organizations~~. Members shall be appointed for 4-year staggered  
99 terms. A vacancy shall be filled for the remainder of the  
100 unexpired term.

101 Section 4. Subsection (4) is added to section 446.081,  
102 Florida Statutes, to read:

103 446.081 Limitation.—

104 (4) Nothing in ss. 446.011-446.092 or the implementing  
105 rules in these sections shall operate to invalidate any special  
106 provision for veterans, minority persons, or women in the  
107 standards, qualifications, or operation of the apprenticeship  
108 program or in the apprenticeship agreement which is not  
109 otherwise prohibited by law, executive order, or authorized  
110 regulation.

111 Section 5. Section 446.091, Florida Statutes, is amended to  
112 read:

113 446.091 On-the-job training program.—All provisions of ss.  
114 446.011-446.092 relating to apprenticeship and  
115 preapprenticeship, including, but not limited to, programs,  
116 agreements, standards, administration, procedures, definitions,

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117 expenditures, local committees, powers and duties, limitations,  
118 grievances, and ratios of apprentices and job trainees to  
119 journeyworkers ~~journeymen~~ on state, county, and municipal  
120 contracts, shall be appropriately adapted and made applicable to  
121 a program of on-the-job training authorized under those  
122 provisions for persons other than apprentices.

123 Section 6. Section 446.092, Florida Statutes, is amended to  
124 read:

125 446.092 Criteria for apprenticeship occupations.—An  
126 apprenticeable occupation is a skilled trade which possesses all  
127 of the following characteristics:

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

131 (2) It is clearly identified and commonly recognized  
132 throughout an the industry ~~or recognized with a positive view~~  
133 ~~towards changing technology.~~

134 (3) It involves manual, mechanical, or technical skills and  
135 knowledge which in accordance with the industry standard for the  
136 occupation, requires ~~require~~ a minimum of 2,000 hours of on-the-  
137 job ~~work and~~ training, which hours are excluded from the time  
138 spent at related instruction.

139 (4) It requires related instruction to supplement on-the-  
140 job training. Such instruction may be given in a classroom,  
141 through occupational or industrial courses, or through  
142 correspondence courses of equivalent value, including electronic  
143 media or other forms of self-study instruction approved by the  
144 department.

145 ~~(5) It involves the development of skill sufficiently broad~~

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146 ~~to be applicable in like occupations throughout an industry,~~  
147 ~~rather than of restricted application to the products or~~  
148 ~~services of any one company.~~

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

150 ~~(a) Selling, retailing, or similar occupations in the~~  
151 ~~distributive field.~~

152 ~~(b) Managerial occupations.~~

153 ~~(c) Professional and scientific vocations for which~~  
154 ~~entrance requirements customarily require an academic degree.~~

155 Section 7. Paragraph (o) of subsection (1) of section  
156 1011.62, Florida Statutes, is amended to read:

157 1011.62 Funds for operation of schools.—If the annual  
158 allocation from the Florida Education Finance Program to each  
159 district for operation of schools is not determined in the  
160 annual appropriations act or the substantive bill implementing  
161 the annual appropriations act, it shall be determined as  
162 follows:

163 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
164 OPERATION.—The following procedure shall be followed in  
165 determining the annual allocation to each district for  
166 operation:

167 (o) *Calculation of additional full-time equivalent*  
168 *membership based on successful completion of a career-themed*  
169 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*  
170 *courses with embedded CAPE industry certifications or CAPE*  
171 *Digital Tool certificates, and issuance of industry*  
172 *certification identified on the CAPE Industry Certification*  
173 *Funding List pursuant to rules adopted by the State Board of*  
174 *Education or CAPE Digital Tool certificates pursuant to s.*

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175 1003.4203.—

176 1.a. A value of 0.025 full-time equivalent student  
177 membership shall be calculated for CAPE Digital Tool  
178 certificates earned by students in elementary and middle school  
179 grades.

180 b. A value of 0.1 or 0.2 full-time equivalent student  
181 membership shall be calculated for each student who completes a  
182 course as defined in s. 1003.493(1)(b) or is enrolled in a  
183 career and professional academy as defined in s. 1003.493(1)(a)  
184 or completes all performance expectations of a CAPE Innovation  
185 Course as defined in s. 1003.4203(5)(a) ~~courses with embedded~~  
186 CAPE industry certifications and who is issued a CAPE Industry  
187 an industry Certification identified annually on the CAPE  
188 Industry Certification Funding List approved under rules adopted  
189 by the State Board of Education. A value of 0.2 full-time  
190 equivalent membership shall be calculated for each student who  
191 is issued a CAPE industry certification that has a statewide  
192 articulation agreement for college credit approved by the State  
193 Board of Education. For CAPE industry certifications that do not  
194 articulate for college credit, the Department of Education shall  
195 assign a full-time equivalent value of 0.1 for each  
196 certification. Middle grades students who earn additional FTE  
197 membership for a CAPE Digital Tool certificate pursuant to sub-  
198 subparagraph a. may not use the previously funded examination to  
199 satisfy the requirements for earning an industry certification  
200 under this sub-subparagraph. Additional FTE membership for an  
201 elementary or middle grades student shall not exceed 0.1 for  
202 certificates or certifications earned within the same fiscal  
203 year. The State Board of Education shall include the assigned

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204 values on the CAPE Industry Certification Funding List under  
205 rules adopted by the state board. Such value shall be added to  
206 the total full-time equivalent student membership for grades 6  
207 through 12 in the subsequent year for courses that were not  
208 provided through dual enrollment. CAPE industry certifications  
209 earned through dual enrollment must be reported and funded  
210 pursuant to s. 1011.80.

211 c. A value of 0.3 full-time equivalent student membership  
212 shall be calculated for student completion of the courses and  
213 the embedded certifications identified on the CAPE Industry  
214 Certification Funding List and approved by the commissioner  
215 pursuant to ss. 1003.4203(5) (a) and 1008.44.

216 d. A value of 0.5 full-time equivalent student membership  
217 shall be calculated for each student who completes a career-  
218 themed course as defined in s. 1003.493(1) (b) or is enrolled in  
219 a career and professional academy and who is issued a CAPE  
220 Acceleration Industry Certification ~~Certifications~~ that  
221 articulates ~~articulate~~ for 15 to 29 college credit hours, and  
222 1.0 full-time equivalent student membership shall be calculated  
223 for each student who completes a career-themed course as defined  
224 in s. 1003.493(1) (b) or is enrolled in a career and professional  
225 academy and who is issued a CAPE Acceleration Industry  
226 Certification ~~Certifications~~ that articulates ~~articulate~~ for 30  
227 or more college credit hours pursuant to CAPE Acceleration  
228 Industry Certifications approved by the commissioner pursuant to  
229 ss. 1003.4203(5) (b) and 1008.44.

230 2. Each district must allocate at least 80 percent of the  
231 funds provided for CAPE industry certification, in accordance  
232 with this paragraph, to the program that generated the funds.



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233 This allocation may not be used to supplant funds provided for  
234 basic operation of the program.

235 3. For CAPE industry certifications earned in the 2013-2014  
236 school year and in subsequent years, the school district shall  
237 distribute to each classroom teacher who provided direct  
238 instruction toward the attainment of a CAPE industry  
239 certification that qualified for additional full-time equivalent  
240 membership under subparagraph 1.:

241 a. A bonus in the amount of \$25 for each student taught by  
242 a teacher who provided instruction in a course that led to the  
243 attainment of a CAPE industry certification on the CAPE Industry  
244 Certification Funding List with a weight of 0.1.

245 b. A bonus in the amount of \$50 for each student taught by  
246 a teacher who provided instruction in a course that led to the  
247 attainment of a CAPE industry certification on the CAPE Industry  
248 Certification Funding List with a weight of 0.2, 0.3, 0.5, and  
249 1.0.

250  
251 Bonuses awarded pursuant to this paragraph shall be provided to  
252 teachers who are employed by the district in the year in which  
253 the additional FTE membership calculation is included in the  
254 calculation. Bonuses shall be calculated based upon the  
255 associated weight of a CAPE industry certification on the CAPE  
256 Industry Certification Funding List for the year in which the  
257 certification is earned by the student. Any bonus awarded to a  
258 teacher under this paragraph may not exceed \$2,000 in any given  
259 school year and is in addition to any regular wage or other  
260 bonus the teacher received or is scheduled to receive.

261 Section 8. Paragraph (b) of subsection (2) of section

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262 1004.92, Florida Statutes, is amended to read:

263 1004.92 Purpose and responsibilities for career education.-

264 (2)

265 (b) Department of Education accountability for career  
266 education includes, but is not limited to:

267 1. The provision of timely, accurate technical assistance  
268 to school districts and Florida College System institutions.

269 2. The provision of timely, accurate information to the  
270 State Board of Education, the Legislature, and the public.

271 3. The development of policies, rules, and procedures that  
272 facilitate institutional attainment of the accountability  
273 standards and coordinate the efforts of all divisions within the  
274 department.

275 4. The development of program standards and industry-driven  
276 benchmarks for career, adult, and community education programs,  
277 which must be updated every 3 years. The standards must include  
278 career, academic, and workplace skills; viability of distance  
279 learning for instruction; ~~and~~ work/learn cycles that are  
280 responsive to business and industry; and reflect the quality  
281 components of a career and technical education program. The  
282 State Board of Education shall adopt rules to administer this  
283 section.

284 5. Overseeing school district and Florida College System  
285 institution compliance with the provisions of this chapter.

286 6. Ensuring that the educational outcomes for the technical  
287 component of career programs are uniform and designed to provide  
288 a graduate who is capable of entering the workforce on an  
289 equally competitive basis regardless of the institution of  
290 choice.

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291 Section 9. Present subsections (5) and (6) of section  
292 1006.735, Florida Statutes, are redesignated as subsections (6)  
293 and (7), respectively, and a new subsection (5) is added to that  
294 section, to read:

295 1006.735 Complete Florida Plus Program.—The Complete  
296 Florida Plus Program is created at the University of West  
297 Florida.

298 (5) RAPID RESPONSE EDUCATION AND TRAINING PROGRAM.—The  
299 Rapid Response Education and Training Program is established  
300 within the Complete Florida Plus Program. Under the Rapid  
301 Response Education and Training Program, the Complete Florida  
302 Plus Program shall work directly with Enterprise Florida, Inc.,  
303 in project-specific industry recruitment and retention efforts  
304 to offer education and training programs to businesses'  
305 employees.

306 (a) The Rapid Response Education and Training Program must:

307 1. Issue challenge grants through requests for proposals  
308 that are open to all education and training providers, public or  
309 private. These grants match state funding with education and  
310 training provider funds to implement particular education and  
311 training programs.

312 2. Generate periodic reports from an independent forensic  
313 accounting or auditing entity to ensure transparency of the  
314 program. These periodic reports must be submitted to the  
315 President of the Senate and the Speaker of the House of  
316 Representatives.

317 3. Keep administrative costs to a minimum through the use  
318 of existing organizational structures.

319 4. Work directly with businesses to recruit individuals for

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320 education and training.

321 5. Be able to terminate an education and training program  
322 by giving 30 days' notice.

323 6. Survey employers after completion of an education and  
324 training program to ascertain the effectiveness of the program.

325 (b) The Division of Career and Adult Education within the  
326 Department of Education shall conduct an analysis and assessment  
327 of the effectiveness of the education and training programs  
328 under this section in meeting labor market and occupational  
329 trends and gaps.

330 Section 10. This act shall take effect July 1, 2015.