

By Senator Legg

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1 A bill to be entitled
2 An act relating to career and adult education;
3 amending s. 446.021, F.S.; redefining and reordering
4 terms; conforming provisions to changes made by the
5 act; amending s. 446.032, F.S.; conforming provisions
6 to changes made by the act; amending s. 446.045, F.S.;
7 revising the membership requirements for the State
8 Apprenticeship Advisory Council; amending s. 446.081,
9 F.S.; providing for construction; amending s. 446.091,
10 F.S.; conforming provisions to changes made by the
11 act; amending s. 446.092, F.S.; revising the
12 attributes that characterize apprenticeable
13 occupations; amending s. 1008.44, F.S.; increasing the
14 maximum number of certain CAPE Digital Tool
15 certificates that the Commissioner of Education may
16 recommend be added to the CAPE Industry Certification
17 Funding List; deleting the requirement that certain
18 digital tool certificates be updated solely by the
19 Chancellor of Career and Adult Education; amending s.
20 1009.42, F.S.; expanding the financial aid appeals
21 process to other school entities; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Present subsections (2), (4), (5), (6), and (9)
27 of section 446.021, Florida Statutes, are amended, and present
28 subsections (1), (3), (8), (10), (11), and (12) of that section
29 are redesignated as subsections (8), (11), (12), (3), (6), and
30 (4), respectively, to read:

31 446.021 Definitions of terms used in ss. 446.011-446.092.-
32 As used in ss. 446.011-446.092, the term:

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33 (1)~~(2)~~ "Apprentice" means a person at least 16 years of age
34 who is engaged in learning a recognized skilled trade through
35 actual work experience under the supervision of a journeyworker
36 ~~journeymen-craftsmen~~, which training should be combined with
37 properly coordinated studies of related technical and
38 supplementary subjects, and who has entered into a written
39 agreement, which may be cited as an apprentice agreement, with a
40 registered apprenticeship sponsor who may be ~~either~~ an employer,
41 an association of employers, or a local joint apprenticeship
42 committee.

43 (5)~~(4)~~ "Journeyworker Journeyman" means a worker recognized
44 within an industry as having mastered the skills and
45 competencies required for a specific trade or occupation. The
46 term includes a mentor, technician, or specialist or other
47 skilled worker who has documented sufficient skills and
48 knowledge of an occupation through formal apprenticeship,
49 attainment of a nationally recognized industry certification, or
50 practical on-the-job experience and formal training ~~person~~
51 ~~working in an apprenticeable occupation who has successfully~~
52 ~~completed a registered apprenticeship program or who has worked~~
53 ~~the number of years required by established industry practices~~
54 ~~for the particular trade or occupation.~~

55 (9)~~(5)~~ "Preapprenticeship program" means an organized
56 course of instruction, including, but not limited to, industry
57 certifications identified under s. 1008.44, in the public school
58 system or elsewhere, which course is designed to prepare a
59 person 16 years of age or older to become an apprentice and
60 which course is approved by and registered with the department
61 and sponsored by a registered apprenticeship program.

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62 ~~(2)(6)~~ "Apprenticeship program" means an organized course
63 of instruction, including, but not limited to, CAPE industry
64 certifications identified under s. 1008.44, registered and
65 approved by the department, which course shall contain all terms
66 and conditions for the qualifications, recruitment, selection,
67 employment, and training of apprentices including such matters
68 as the requirements for a written apprenticeship agreement.

69 ~~(10)(9)~~ "Related instruction" means an organized and
70 systematic form of instruction designed to provide the
71 apprentice with knowledge of the theoretical and technical
72 subjects related to a specific trade or occupation. Such
73 instruction may be given in a classroom through occupational or
74 industrial courses or outside of a classroom through
75 correspondence courses of equivalent value, electronic media, or
76 other forms of self-study approved by the department.

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

79 446.032 General duties of the department for apprenticeship
80 training.—The department shall:

81 (1) Establish uniform minimum standards and policies
82 governing apprentice programs and agreements. The standards and
83 policies shall govern the terms and conditions of the
84 apprentice's employment and training, including the quality
85 training of the apprentice for, but not limited to, such matters
86 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
87 related instruction, and on-the-job training; but these
88 standards and policies may not include rules, standards, or
89 guidelines that require the use of apprentices and job trainees
90 on state, county, or municipal contracts. The department may

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91 adopt rules necessary to administer the standards and policies.

92 Section 3. Paragraph (b) of subsection (2) of section
93 446.045, Florida Statutes, is amended to read:

94 446.045 State Apprenticeship Advisory Council.—

95 (2)

96 (b) The Commissioner of Education or the commissioner's
97 designee shall serve ex officio as chair of the State
98 Apprenticeship Advisory Council, but may not vote. The state
99 director of the Office of Apprenticeship of the United States
100 Department of Labor shall serve ex officio as a nonvoting member
101 of the council. The Governor shall appoint to the council four
102 members representing employee organizations and four members
103 representing employer organizations. Each of these eight members
104 shall represent industries that have registered apprenticeship
105 programs. The Governor shall also appoint two public members who
106 are knowledgeable about registered apprenticeship and
107 apprenticeable occupations and who are independent of any joint
108 or nonjoint organization, ~~one of whom shall be recommended by~~
109 ~~joint organizations, and one of whom shall be recommended by~~
110 ~~nonjoint organizations.~~ Members shall be appointed for 4-year
111 staggered terms. A vacancy shall be filled for the remainder of
112 the unexpired term.

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

115 446.081 Limitation.—

116 (4) Nothing in ss. 446.011-446.092, in any rules adopted
117 under those sections, or in any apprentice agreement approved
118 under those sections shall operate to invalidate any special
119 provision for veterans, minority persons, or women relating to

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120 the standards, apprentice qualifications, or operation of the
121 program which is not otherwise prohibited by law, executive
122 order, or authorized regulation.

123 Section 5. Section 446.091, Florida Statutes, is amended to
124 read:

125 446.091 On-the-job training program.—All provisions of ss.
126 446.011-446.092 relating to apprenticeship and
127 preapprenticeship, including, but not limited to, programs,
128 agreements, standards, administration, procedures, definitions,
129 expenditures, local committees, powers and duties, limitations,
130 grievances, and ratios of apprentices and job trainees to
131 journeyworkers ~~journeymen~~ on state, county, and municipal
132 contracts, shall be appropriately adapted and made applicable to
133 a program of on-the-job training authorized under those
134 provisions for persons other than apprentices.

135 Section 6. Section 446.092, Florida Statutes, is amended to
136 read:

137 446.092 Criteria for apprenticeship occupations.—An
138 apprenticeable occupation is a skilled trade that ~~which~~
139 possesses all of the following characteristics:

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

143 (2) It is clearly identified and commonly recognized
144 throughout an the industry and may be associated with a
145 nationally recognized industry certification ~~or recognized with a~~
146 ~~positive view towards changing technology.~~

147 (3) It involves manual, mechanical, or technical skills and
148 knowledge that, in accordance with the industry standards for

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149 that occupation, requires ~~which require~~ a minimum of 2,000 hours
150 of on-the-job work and training, which hours are excluded from
151 the time spent at related instruction.

152 (4) It requires related instruction to supplement on-the-
153 job training. Such instruction may be given in a classroom
154 through occupational or industrial courses or outside of a
155 classroom through correspondence courses of equivalent value,
156 electronic media, or other forms of self-study approved by the
157 department.

158 ~~(5) It involves the development of skill sufficiently broad~~
159 ~~to be applicable in like occupations throughout an industry,~~
160 ~~rather than of restricted application to the products or~~
161 ~~services of any one company.~~

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

163 ~~(a) Selling, retailing, or similar occupations in the~~
164 ~~distributive field.~~

165 ~~(b) Managerial occupations.~~

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

168 Section 7. Paragraph (b) of subsection (1) of section
169 1008.44, Florida Statutes, is amended to read:

170 1008.44 CAPE Industry Certification Funding List and CAPE
171 Postsecondary Industry Certification Funding List.—

172 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
173 of Education shall, at least annually, identify, under rules
174 adopted by the State Board of Education, and the Commissioner of
175 Education may at any time recommend adding the following
176 certificates, certifications, and courses:

177 (b) No more than 30 ~~15~~ CAPE Digital Tool certificates

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178 limited to the areas of word processing; spreadsheets; sound,
179 motion, and color presentations; digital arts; cybersecurity;
180 and coding pursuant to s. 1003.4203(3) that do not articulate
181 for college credit. Such certificates shall be annually
182 identified on the CAPE Industry Certification Funding List ~~and~~
183 ~~updated solely by the Chancellor of Career and Adult Education.~~
184 The certificates shall be made available to students in
185 elementary school and middle school grades and, if earned by a
186 student, shall be eligible for additional full-time equivalent
187 membership pursuant to s. 1011.62(1)(o)1.

188 Section 8. Subsection (2) of section 1009.42, Florida
189 Statutes, is amended to read:

190 1009.42 Financial aid appeal process.—

191 (2) The president of each state university and each Florida
192 College System institution, each district school board that
193 operates a career center pursuant to s. 1001.44, and each
194 charter technical career center that operates pursuant to s.
195 1002.34 shall establish a procedure for appeal, by students, of
196 grievances related to the award or administration of financial
197 aid at the institution.

198 Section 9. This act shall take effect July 1, 2016.