

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Higher Education

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BILL: SB 1670

INTRODUCER: Senator Bean

SUBJECT: Apprenticeships

DATE: January 22, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>HE</u>	<u>Pre-meeting</u>
2.	<u>                    </u>	<u>                    </u>	<u>AED</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**I. Summary:**

SB 1670 updates terminology, modifies requirements, and creates training grant opportunities relating to apprenticeship and postsecondary career programs. Specifically, the bill:

- Updates terminology and expands instructional methods associated with apprenticeship programs.
- Requires Florida College System (FCS) institutions to jointly develop and implement apprenticeship program articulation agreements with registered apprenticeship programs which must:
  - Provide for at least two general education courses offered by the FCS institution to be included in the apprenticeship program;
  - Award college credit to apprenticeship program students upon completion of the general education courses, as defined by the FCS institution;
  - Provide for enrollment of apprenticeship program students into a degree program at the FCS institution upon completion of the apprenticeship program; and
  - Ensure the current tuition and fee exemptions for students enrolled in registered apprenticeship programs are applied to courses those students may take pursuant to the articulation agreement associated with his or her apprenticeship program.
- Creates the Florida Apprenticeship Grant (FLAG) Program to award competitive grants to FCS institutions for the purpose of establishing new or expanding existing apprenticeship programs.
- Creates the Rapid Response Grant Program to award competitive grants to FCS institutions for the purpose of expanding or implementing high-demand postsecondary programs.

The bill provides an effective date of July 1, 2016.

## II. Present Situation:

### Apprenticeship Programs

#### *Federal Program Requirements*

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)<sup>1</sup> in 1937.<sup>2</sup> Following the passage of the Fitzgerald Act, Registered Apprenticeship (RA) programs consisted mainly of manufacturing, construction, and utilities industries.<sup>3</sup> In 2008, revised regulations were issued by the U.S. Department of Labor which increase program flexibility to better serve the needs of today's apprentices and program sponsors.<sup>4</sup>

For apprentices and program sponsors, the regulations:<sup>5</sup>

- Incorporate technology-based learning;
- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

For State Apprenticeship Agencies (SAAs), the regulations:<sup>6</sup>

- Increase linkages with the workforce investment system;
- Redefine the roles and responsibilities of SAAs and State Apprenticeship Councils;
- Establish a process for continued recognition; and
- Increase flexibility for location of an SAA.

For the U.S. Department of Labor, the regulations:<sup>7</sup>

- Enhance program accountability; and
- Ensure national conformity with federal apprenticeship legislation and regulations.

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<sup>1</sup> U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), at 2, available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>.

<sup>2</sup> U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited January 14, 2016). See 29 U.S.C. s. 50 (1937), as amended.

<sup>3</sup> *Id.* Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction. *Id.*

<sup>4</sup> *Id.* “These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system.” U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited January 14, 2016).

<sup>5</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 1-2, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf).

<sup>6</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 2-3, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf).

<sup>7</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 3, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf).

Registered apprenticeship program sponsors (*i.e.*, employers, employer associations, and labor management organizations)<sup>8</sup> identify the minimum qualifications to apply to their apprenticeship programs.<sup>9</sup>

### ***State Law Regarding Apprenticeship Programs***

While the Federal government works in cooperation with states to oversee the nation's apprenticeship programs, the states have the authority to register apprenticeship programs through federally recognized SAAs.<sup>10</sup> In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.<sup>11</sup>

Florida law provides education and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals in the state for trades, occupations, and professions suited to their abilities.<sup>12</sup>

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices<sup>13</sup> including such matters as the requirements for a written apprenticeship agreement.”<sup>14</sup> A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course

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<sup>8</sup> Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 14, 2016).

<sup>9</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 14, 2016). An individual must be at least 16 years of age to be an apprentice. *Id.* In hazardous occupations, individuals must usually be 18 years of age. *Id.* Program sponsors may also identify additional minimum qualifications and credentials to apply (*e.g.*, education, ability to physically perform the essential functions of the occupation, and proof of age). *Id.* All applicants are required to meet the minimum qualifications. *Id.* Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified. *Id.*

<sup>10</sup> 29 C.F.R. ss. 29.1 and 29.13 (2008).

<sup>11</sup> 29 C.F.R. s. 29.2 (2008).

<sup>12</sup> Section 446.011(1), F.S.

<sup>13</sup> An “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 journeyman craftsmen, which training should be combined with properly coordinated studies of 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.” Section 446.021(2), F.S. A “journeyman means” “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.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (*e.g.*, customarily learned in a practical way through a structured, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

<sup>14</sup> Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

is approved by and registered with the department [DOE] and sponsored by a registered apprenticeship program.”<sup>15</sup>

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:<sup>16</sup>

- Developing and encouraging apprenticeship programs.
- Cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements.
- Monitoring RA programs.
- Investigating complaints regarding failure to meet the standards<sup>17</sup> established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

Additionally, the DOE, district school boards, and Florida College System (FCS) institution district boards of trustees must work together with existing apprenticeship programs so that individuals completing preapprenticeship programs may be able to receive credit towards completing registered apprenticeship programs.<sup>18</sup>

The State Apprenticeship Advisory Council (Council) advises the DOE on matters related to apprenticeship.<sup>19</sup> The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.<sup>20</sup> The Commissioner of Education (Commissioner) or the Commissioner’s designee must serve ex officio as chair of the Council, but may not vote.<sup>21</sup> Two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations are appointed by the Governor to the Council.<sup>22</sup> One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.<sup>23</sup>

### ***Apprenticeship Program Tuition and Fees***

Fee exemptions and waivers are types of financial assistance authorized in statutory law that provide opportunities for many students to attend college at reduced tuition and fee cost or even

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<sup>15</sup> Section 446.021(5), F.S.

<sup>16</sup> Section 446.041, F.S.

<sup>17</sup> The DOE is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and FCS institution boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S.; Rule 6A-23.004, F.A.C. “Uniform minimum preapprenticeship standards” means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

<sup>18</sup> Section 446.052(3), F.S.

<sup>19</sup> Section 446.045(2)(a), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 446.045(2)(b), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* A “joint organization” means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A “nonjoint organization” means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

free.<sup>24</sup> Florida law provides exemptions from the payment of tuition and fees, including lab fees, for several categories of students enrolled at a school district that provides workforce education programs, an FCS institution, or a state university, including students enrolled in approved apprenticeship programs.<sup>25</sup> According to the DOE, there are approximately 225 active registered apprenticeship programs throughout the state.<sup>26</sup>

## **Articulation Agreements**

### ***Statewide Articulation Agreement***

The intent of the Legislature has been “to facilitate articulation and seamless integration of the K-20 education system by building, sustaining, and strengthening relationships among K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida’s communities.”<sup>27</sup> The State Board of Education (State Board) and the Board of Governors (BOG) collaborate to establish and adopt articulation<sup>28</sup> policies and make recommendations to the Legislature.<sup>29</sup>

Each FCS institution must comply with the statewide articulation agreement relating to 2-year and 4-year public degree-granting institutions as adopted by the State Board.<sup>30</sup> The statewide articulation agreement governs general education requirements and statewide course numbers.<sup>31</sup> The agreement must guarantee the statewide articulation of appropriate workforce development programs and courses between school districts and FCS institutions.<sup>32</sup>

Courses that have the same academic content and are taught by faculty with comparable credentials are given the same prefix and number, and are considered equivalent courses.<sup>33</sup> Equivalent courses are guaranteed to transfer to any other institution participating in the statewide course numbering system.<sup>34</sup> However, courses relating to internships, apprenticeships,

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<sup>24</sup> The Florida College System, *Exemptions and Waivers in the Florida College System* (March 2012), available at <http://www.fldoe.org/core/fileparse.php/7724/urlt/0072361-fyi2012-02exemptions.pdf>.

<sup>25</sup> Section 1009.25(1)(b), F.S.

<sup>26</sup> Florida Department of Education, Division of Career and Adult Education, *What Is Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml> (last visited January 21, 2016).

<sup>27</sup> Section 1007.01(1), F.S.

<sup>28</sup> “Articulation” is defined as “the systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one educational institution or program to another.” Section 1000.21(1), F.S.

<sup>29</sup> *Id.* at (2).

<sup>30</sup> Sections 1001.60(2)(b) and 1007.23, F.S.

<sup>31</sup> Section 1007.23(1)(f), F.S. The DOE, in conjunction with the BOG, is responsible for developing, coordinating, and maintaining a statewide course numbering system for postsecondary and dual enrollment education in school districts, public postsecondary educational institutions, and participating nonpublic postsecondary educational institutions. Section 1007.24(1), F.S.

<sup>32</sup> *Id.* at (4).

<sup>33</sup> Florida Department of Education, Office of Articulation, *Statewide Articulation Manual* (Revised Sept. 2014), at 3-4, available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/statewide-postsecondary-articulation-manual.pdf>.

<sup>34</sup> *Id.*

clinical experiences, and study abroad are not automatically transferable.<sup>35</sup> The transferability of such courses is at the discretion of the receiving institution.<sup>36</sup>

### ***General Education***

Each state university and FCS institution must establish a general education curriculum requiring 36 semester hours of communication, mathematics, social sciences, humanities, and natural sciences for students working toward an associate in arts or baccalaureate degree.<sup>37</sup>

Faculty committees appointed by the chairs of the State Board and the BOG identify statewide general education core course options.<sup>38</sup> General education core course options consist of a maximum of five courses within the subject areas of communications, mathematics, social sciences, humanities, and natural sciences.<sup>39</sup> The core courses may be revised, or the five-course maximum within each subject area may be exceeded, if approved by the State Board or the BOG.<sup>40</sup>

Each general education core course must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course.<sup>41</sup> Each student must complete at least one identified core course in each subject area as part of the general education course requirements.<sup>42</sup> The general education core course options are adopted in rule by the State Board and in regulation by the BOG.<sup>43</sup>

### **Powers and Duties of FCS Boards of Trustees**

Each FCS institution board of trustees is responsible for:<sup>44</sup>

- Ensuring students have access to general education courses;
- Requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education course work, for an associate in arts degree;
- Notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities;
- Notifying students of unique program prerequisites; and
- Ensuring that degree program coursework beyond general education coursework is consistent with degree program prerequisite requirements.

An FCS institution board of trustees governs admission of students and may establish additional admissions criteria to ensure student readiness for postsecondary instruction.<sup>45</sup> Each FCS

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> Rule 6A-10.024, F.A.C.

<sup>38</sup> Section 1007.25(3), F.S. See Florida Department of Education, *General Education Core Course Options*, <http://www.fldoe.org/policy/articulation/general-edu-core-course-options.stml> (last visited January 21, 2016).

<sup>39</sup> Section 1007.25(3), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> Rule 6A-14.0303, F.A.C.; Regulation 6.017.

<sup>44</sup> Section 1001.64(7), F.S.

<sup>45</sup> *Id.* at (8)(a).

institution board of trustees must adopt rules establishing student performance standards for the award of degrees and certificates and may establish intrainstitutional and interinstitutional programs to maximize articulation.<sup>46</sup>

### III. Effect of Proposed Changes:

SB 1670 updates terminology, modifies requirements, and creates training grant opportunities relating to apprenticeship and postsecondary career programs. Specifically, the bill:

- Updates terminology and expands instructional methods associated with apprenticeship programs.
- Requires Florida College System (FCS) institutions to jointly develop and implement apprenticeship program articulation agreements with registered apprenticeship programs which must:
  - Provide for at least two general education courses offered by the FCS institution to be included in the apprenticeship program;
  - Award college credit to apprenticeship program students upon completion of the general education courses, as defined by the FCS institution;
  - Provide for enrollment of apprenticeship program students into a degree program at the FCS institution upon completion of the apprenticeship program; and
  - Ensure the current tuition and fee exemptions for students enrolled in registered apprenticeship programs are applied to courses those students may take pursuant to the articulation agreement associated with his or her apprenticeship program.
- Creates the Florida Apprenticeship Grant (FLAG) Program to award competitive grants to FCS institutions for the purpose of establishing new or expanding existing apprenticeship programs.
- Creates the Rapid Response Grant Program to award competitive grants to FCS institutions for the purpose of expanding or implementing high-demand postsecondary programs.

#### Apprenticeship Terminology and Criteria

The bill changes the term “journeyman” to “journeyworker.” Also, the bill clarifies and expands the definition of the term journeyworker to include a mentor, technician, specialist, or other skilled worker. The revised definition aligns the statutory definition with federal law and recognizes the importance of formal apprenticeships or practical on-the-job experience and formal training as a means of demonstrating occupational skills and knowledge.

The bill redefines “apprenticeship program” to include an organized course of instruction that enables learning through online courses and remote platforms for distributing training content, and awards credit for existing skills and knowledge demonstrated by prior assessments. The bill expands the definition to broaden the types of courses and options available for receiving instruction for such courses, which may benefit apprentices who would not otherwise have the opportunity to receive the instruction in a traditional classroom setting.

Furthermore, the bill removes provisions excluding specified types of occupations from being characterized as an apprenticeable occupation. Specifically, the bill removes the following:

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<sup>46</sup> *Id.* at (8)(b) and (c).

- Selling, retailing, or similar occupations in the distributive field.
- Managerial occupations.
- Professional and scientific vocations for which entrance requirements customarily require an academic degree.

Removing the specified categories of occupations aligns statutory law to federal regulations and guidelines and may expand the criteria of an apprenticeable occupation to allow for occupations previously excluded.

### **Apprenticeship Articulation Agreement**

The bill requires each FCS institution president to develop and implement jointly with apprenticeship programs, registered and approved by the Department of Education (DOE), an articulation agreement for the governance of students enrolled in the respective apprenticeship programs. Furthermore, the bill requires the agreement to include two general education courses offered by the FCS institution as part of the apprenticeship program for college credit upon satisfactory course completion, and the student's enrollment into a degree program at the FCS institution upon completion of the apprenticeship program.

Current law does not require postsecondary education institutions to develop and implement articulation agreements to govern the articulation of students enrolled in apprenticeship programs. In effect, requiring articulation agreements between FCS institutions and registered apprenticeship programs may ensure that students enrolled in such programs are guaranteed transferable college credit that will result in enrollment into a degree program and assist the students in securing future employment.

The bill is unclear as to whether each FCS institution must enter into articulation agreements with the registered apprenticeship programs in the FCS institution's respective service area or may enter into an agreement with any registered apprenticeship program in the state.

### **Tuition and Fees for Apprenticeship Students**

The bill exempts an apprenticeship program student from paying tuition and fees, including lab fees, associated with a course taken at an FCS institution pursuant to an articulation agreement with the apprenticeship program in which the student is enrolled. Although current law exempts students enrolled in apprenticeship programs from paying tuition and fees, including lab fees, the bill ensures that students enrolled in apprenticeship programs governed by articulation agreements with FCS institutions are also exempt from paying such tuition and fees, including lab fees.

### **Florida Apprenticeship Grant (FLAG) Program**

The bill creates the FLAG Program to provide competitive grants, in an amount provided in the General Appropriations Act (GAA), to FCS institutions for the purpose of establishing new apprenticeship programs and expanding existing apprenticeship programs. The award of grant funds may assist the FCS institutions in enhancing their existing apprenticeship programs and establishing new programs to meet student and workforce needs.



Additionally, the Division of Career and Adult Education within the DOE is responsible for administering the FLAG Program. An FCS institution must submit its application for the grant which must include projected enrollment and projected costs for the new or expanded apprenticeship programs. The DOE must give priority to apprenticeship programs in the areas of information technology, health, and machining and manufacturing.

Also, the bill prohibits the use of grant funds for recurring instructional costs or for an FCS institution's indirect costs. Grant recipients must submit quarterly reports to the DOE, which may ensure program accountability.

### **Rapid Response Grant Program**

The bill creates the Rapid Response Grant Program to award competitive grants, in an amount provided in the GAA, through the DOE to FCS institutions for the purpose of expanding or implementing their high-demand postsecondary programs.

To participate, the bill requires an FCS institution to submit its application to the DOE, which must include details regarding program expansion or development, projected enrollment, and projected costs. An FCS institution that is awarded a grant through the Rapid Response Grant Program must submit quarterly reports to the DOE. The use of grant funds is limited to expanding enrollment in existing postsecondary programs or developing new postsecondary programs. The bill prohibits grant recipients from using funds to supplant current funds.

The DOE must conduct an annual analysis and assessment of the effectiveness of the postsecondary programs' effectiveness in meeting labor market demand. The DOE analysis and assessment of the postsecondary programs may ensure program accountability and may further assist FCS institutions in meeting the state's workforce needs.

The bill provides an effective date of July 1, 2016.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 446.021, 446.032, 446.091, 446.092, 1001.65, and 1009.25.

Also, the bill creates the following sections of the Florida Statutes: 1011.802 and 1011.803.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.