

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.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1388

INTRODUCER: Senator Garcia

SUBJECT: Apprenticeship and Preapprenticeship Programs

DATE: January 26, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1388 provides supports to expand apprenticeship and preapprenticeship programs. Specifically, the bill:

- Creates the “Earn and Learn Grant Program” (grant program) within the Department of Education (DOE) to assist school districts, public postsecondary education institutions, and charter technical career centers in the development and expansion of apprenticeship and preapprenticeship programs to recruit, retain, and graduate participants who are prepared to enter the workforce and contribute to their own success and to the growth of the state’s economy.
- Requires the DOE to administer the grant program and establish the standards for participation.
- Establishes requirements for apprenticeship and preapprenticeship programs that receive funds under the grant program.
- Creates the Task Force on Apprenticeship Expansion (task force) within the Department of Economic Opportunity (DEO); and specifies goals, membership, and expiration of the task force.

The bill appropriates \$6,750,000 in recurring funds from the General Revenue Fund to the DOE to administer the grant program and distribute funds to the specified education entities under grant program. Additionally, the bill appropriates \$100,000 in nonrecurring funds from the State Economic Enhancement and Development Trust Fund to the DEO to fund the task force.

The bill takes effect July 1, 2018.

II. Present Situation:

The Legislature has established educational opportunities for young people in the state to be trained for trades, occupations, and professions suited to their abilities.¹ As of January 2018, there are 196 registered apprenticeship programs and 12,468 registered apprentices.² Nationally, there are more than 545,000 apprentices in more than 1,000 occupations.³

Federal Apprenticeship Programs

The National Apprenticeship Act (Act) of 1937 authorized the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging their inclusion in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, and to cooperate with state agencies engaged in the formulation and promotion of standards of apprenticeship.⁴ In 2008, revised regulations were issued by the U.S. Department of Labor which increased program flexibility to better serve the needs of apprentices and program sponsors.⁵

Among other modifications, for State Apprenticeship Agencies (SAAs), the regulations:⁶

- 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.

State Apprenticeship Programs

State Apprenticeship Agency

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.⁷ 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.⁸

¹ Chapter 446, F.S.

² [Email](#), Florida Department of Education (Jan. 5, 2018).

³ United States Department of Labor, *Get the Facts On Apprenticeship*, <https://www.dol.gov/apprenticeship/shareables-fact-2.htm> (last visited Jan. 26, 2018).

⁴ United States Department of Labor, *Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations*, Federal Register, Vol. 73, No. 210, amending 29 CFR Part 29, available at <https://doleta.gov/OA/pdf/FinalRule29CFRPart29.pdf>. See also 29 U.S.C. s. 50 (1937), as amended.

⁵ *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 Jan. 26, 2018).

⁶ 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.

⁷ 29 C.F.R. ss. 29.1 and 29.13 (2008).

⁸ 29 C.F.R. s. 29.2 (2008). See also s. 446.041, F.S.

The DOE has responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards⁹ for the apprenticeable trades¹⁰ and that the department is also responsible for assisting district school boards and Florida College System (FCS) institution boards of trustees in developing preapprenticeship programs.¹¹

Apprenticeship and Preapprenticeship Programs

An apprenticeship program is an organized course of instruction, registered and approved by the DOE,¹² which contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices¹³ including such matters as the requirements for a written apprenticeship agreement.¹⁴

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:¹⁵

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

⁹ “Uniform minimum preapprenticeship standards” means the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards of 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.

¹⁰ 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.

¹¹ Section 446.011(2), F.S.

¹² Registration of an apprenticeship program means acceptance and recording of such program by the Department as meeting the basic standards and requirements of the Department for approval of such program. Approval is evidenced by a certificate or other written indicia. Rule 6A-23.002(18), F.A.C. Eligibility and requirements for registration are established in State Board of Education rule. Rule 6A-23.003, F.A.C.

¹³ 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.

¹⁴ 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.

¹⁵ Section 446.041, F.S.

A preapprenticeship program is an organized course of instruction in the public school system or elsewhere, which is designed to prepare a person 16 years of age or older to become an apprentice¹⁶ and is approved by and registered with the DOE and sponsored by a registered apprenticeship program.¹⁷

The DOE, under regulations established by the State Board of Education, may administer the provisions in law¹⁸ which relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees.¹⁹ District school boards, community college district boards of trustees, and registered program sponsors must cooperate in developing and establishing programs that include career instruction and general education courses required to obtain a high school diploma.²⁰

Additionally, the DOE, district school boards, and FCS institution 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.²¹

According to the DOE, there are six one-credit preapprenticeship courses, which are counted as electives for graduation purposes.²² As of September 2017, there are 19 preapprenticeship programs located throughout the state.²³

State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council (Council) advises the DOE on matters related to apprenticeship.²⁴ The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.²⁵ The Commissioner of Education (commissioner) or the commissioner's designee must serve ex officio as chair of the Council, but may not vote.²⁶ Two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations are appointed by the Governor to the Council.²⁷ One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.²⁸

¹⁶ A “preapprentice” means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the department.

Section 446.021(1), F.S.

¹⁷ Section 446.021(5), F.S.

¹⁸ Sections 446.011-446.092, F.S.

¹⁹ Section 446.052(2), F.S.

²⁰ *Id.*

²¹ Section 446.052(3), F.S.

²² Telephone interview with staff, Florida Department of Education (Jan. 25, 2018).

²³ *Id.*

²⁴ Section 446.045(2)(a), F.S.

²⁵ *Id.* at (2)(b).

²⁶ Section 446.045(2)(b), F.S.

²⁷ *Id.*

²⁸ *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).

III. Effect of Proposed Changes:

SB 1388 provides supports to expand apprenticeship and preapprenticeship programs. Specifically, the bill:

- Creates the “Earn and Learn Grant Program” (grant program) within the Department of Education (DOE) to assist school districts, public postsecondary education institutions, and charter technical career centers in the development and expansion of apprenticeship and preapprenticeship programs to recruit, retain, and graduate participants who are prepared to enter the workforce and contribute to their own success and to the growth of the state’s economy.
- Requires the DOE to administer the grant program and establish the standards for participation.
- Establishes requirements for apprenticeship and preapprenticeship programs that receive funds under the grant program.
- Creates the Task Force on Apprenticeship Expansion (task force) within the Department of Economic Opportunity (DEO); and specifies goals, membership, and expiration of the task force.

Earn and Learn Grant Program

The bill establishes the “Earn and Learn Grant Program” (grant program) within the Department of Education (DOE) to assist school districts, public postsecondary educational institutions, and charter technical career centers in the development and expansion of apprenticeship and preapprenticeship programs relevant to targeted industries.²⁹ The grant program is also intended to help recruit, retain, and graduate a diverse group of successful program participants who are prepared to enter the workforce and contribute to their own success and to the growth of the state’s economy.

The grant program will provide a state funding source specific to apprenticeship and preapprenticeship programs offered by school districts and public postsecondary education institutions. Currently, the state of Florida contributes funds to apprenticeship programs in the General Appropriations Act that allocates base and performance funding to workforce programs through aid to school districts and Florida College System (FCS) institutions.³⁰ The additional state funding to expand apprenticeship and preapprenticeship programs may likely increase opportunities for students acquire the skills and training needed to enter the workforce.

The bill requires the DOE to:

- Create a grant application process for school districts, public postsecondary education institutions, and charter technical career centers to establish or expand a preapprenticeship or apprenticeship program.
- Provide minimum uniform apprenticeship and preapprenticeship program standards for each skilled trade with respect to participant admission, training goals and objectives, curricula,

²⁹ “Targeted industry” means a corporate headquarters business as defined in s. 288.106(2)(e) or a target industry business as defined in s. 288.106(2)(q).

³⁰ CareerSource Florida, *ApprenticeshipFLA 101 Webinar* (July 27, 2017) available at <https://careersourceflorida.com/wp-content/uploads/2017/07/ApprenticeshipFLA-101.pdf>, at 46.

success measures, and course articulation with skilled job openings in targeted industries. Accordingly, the DOE may be required to review established program standards for preapprenticeships³¹ and apprenticeships³² with respect to programs offered by grant participants.

- Provide minimum program criteria and standards for grant applicants to receive funds under this section, including determining a preapprenticeship or apprenticeship program's relevancy to targeted industries, the likelihood of attracting a diverse pool of program participants, and their ability to provide instruction in transferable workforce readiness skills.
- Provide accountability requirements for apprenticeship and preapprenticeship programs that receive funds under this section.
- Create a formula for distribution of funds awarded under the grant program.

Apprenticeship and Preapprenticeship Programs

The bill requires apprenticeship and preapprenticeship programs that receive grant program funds to:

- Provide courses of a technical nature which lead to an industry certification or credential in a skilled trade relevant to targeted industries.
- Provide instruction in transferable workforce readiness skills.
- Specify how it intends to recruit, retain, and graduate a diverse group of program participants, including women and minorities who are underrepresented in target industries.
- Maintain an academic transcript for each student enrolled in the program.
- Maintain the minimum standards and requirements established by the department.
- Maintain a record of the education and employment history of program graduates and submit a report of such findings to the department on an annual basis.

Task Force on Apprenticeship Expansion

The bill creates an additional statewide task force³³ regarding apprenticeships. The Task Force on Apprenticeship Expansion (task force) is established within the DEO to address the shortage of individuals trained in skilled trades relevant to targeted industries, and:

- Address imbalances in enrollment related to gender and ethnicity.
- Address the course articulation between workforce needs and middle school curricula; high school career and technical education programs, including preapprenticeship programs; apprenticeship programs; and postsecondary institution curricula.
- Address the availability, quality, and mode of delivery of information regarding career and technical education opportunities, including apprenticeship and preapprenticeship programs, to the general public, school districts, school administrators, school guidance counselors, and students enrolled in grades K-12 and their parents or guardians.
- Consider the appropriateness of moving the oversight of apprenticeship and preapprenticeship programs from the Department of Education to the Department of Economic Opportunity.

³¹ Rule 6A-23.011, F.A.C.

³² Rule 6A-23.004, F.A.C.

³³ The State Apprenticeship Advisory Council advises the DOE on matters relating to apprenticeship. Section 446.045(2)(a), F.S.

- Consider the mode, manner, and amount of funding for workforce training programs relevant to targeted industries, including apprenticeship and preapprenticeship programs.
- Consider the feasibility of creating a limited income tax credit available to taxpayers employing apprentices through an apprenticeship program.
- Consider the impact of changes to federal legislation and executive orders regarding career and technical education and how the state may best utilize such changes to enhance the quality, breadth, and support of workforce training programs.

The bill establishes the membership of the task force, to include:

- A member of the House of Representatives, appointed by the Speaker of the House of Representatives.
- A member of the Senate, appointed by the President of the Senate.
- A member appointed by the Florida Chamber of Commerce.
- A member appointed by the National Federation of Independent Business/Florida.
- A member appointed by the Florida AFL-CIO.
- A member appointed by the Florida Education Association.
- A member appointed by United Faculty of Florida.
- A member appointed by the Florida High Tech Corridor Council.
- A member appointed by the Associated General Contractors of Greater Florida.
- A member appointed by the Commissioner of Education.
- A member appointed by the Association of Florida Colleges.
- A member appointed by the Florida Association of Postsecondary Schools and Colleges.
- A member appointed by the executive director of the Department of Economic Opportunity.
- A member appointed by the Florida League of Cities.
- A member appointed by the Florida Association of Counties.

The bill establishes requirements relating to meeting dates and formats, and assistance from the DEO. The bill also specifies that members may not receive any compensation or reimbursement. Additionally, the bill requires the task force to submit a report detailing its activities and findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2019. Additionally, the bill provides for an expiration of the task force effective June 30, 2019.

The establishment of the state Task Force on Apprenticeship Expansion seems to be consistent with a national movement toward the expansion of apprenticeship programs. A June 15, 2017, Presidential Executive Order established a federal Task Force on Apprenticeship Expansion (TFAE).³⁴ The mission of the TFAE is to identify strategies and proposals to promote apprenticeships, especially in sectors where apprenticeship programs are insufficient.³⁵ The TFAE must submit to the President a report on these strategies and proposals, including:³⁶

- Federal initiatives to promote apprenticeships.

³⁴ The White House, *Presidential Executive Order Expanding Apprenticeships in America*, <https://www.whitehouse.gov/presidential-actions/3245/> (last visited Jan. 26, 2018).

³⁵ *Id.*

³⁶ *Id.*

- Administrative and legislative reforms that would facilitate the formation and success of apprenticeship programs;
- The most effective strategies for creating industry-recognized apprenticeships; and
- The most effective strategies for amplifying and encouraging private-sector initiatives to promote apprenticeships.

Additionally, the bill makes technical modifications to the definitions of terms used for apprenticeship and preapprenticeship programs.

The bill takes effect July 1, 2018.

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:

SB 1388 appropriates the following for the 2018-2019 fiscal year:

- The sum of \$50,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to administer the Earn and Learn Grant Program.
- The sum of \$6.7 million in recurring funds is appropriated from the General Revenue Fund to the Department of Education for the purpose of distributing funds to school districts, public postsecondary educational institutions, and charter technical career centers under the Earn and Learn Grant Program.
- The sum of \$100,000 in nonrecurring funds is appropriated from the State Economic Enhancement and Development Trust Fund to the Department of Economic Opportunity for the purpose of funding the Task Force on Apprenticeship Expansion.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 446.093 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 446.011, 446.021, 446.041, 446.052, 446.081, and 446.091.

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.