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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/26/2020	.	
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Appropriations Subcommittee on Education (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 446.541, Florida Statutes, is created to read:

446.541 Work-based learning.—

(1) It is the intent of the Legislature that, to the extent possible, school districts place students in paid work experiences for purposes of educational training and work-based



11 learning.

12 (2) For purposes of this section, the term "work-based
13 learning" is synonymous with the term "on-the-job training" and
14 means interactions with industry or community professionals in
15 off-campus workplaces which foster in-depth, firsthand
16 engagement with the tasks required in a given career field and
17 which are aligned to curriculum and instruction, through an
18 apprenticeship program or a pre-apprenticeship program or as a
19 student in a course identified in the Course Code Directory.

20 (3) (a) The following participants in work-based learning
21 are deemed to be employees of the state for purposes of workers'
22 compensation and shall be insured in the manner provided
23 pursuant to chapter 284, except as otherwise provided in this
24 section:

25 1. Individuals 18 years of age or younger who are enrolled
26 in a Florida-registered preapprenticeship program that requires
27 work-based learning or a registered apprenticeship program
28 administered under ss. 446.011-446.092.

29 2. Any students in grades 6 through 12 who are enrolled in
30 a course identified in the Course Code Directory which
31 incorporates a work-based learning component or an activity that
32 is unpaid.

33 (b) Workers' compensation costs associated with such
34 participants shall not be included or combined with the premiums
35 otherwise due from the department pursuant to chapter 284, but
36 shall be billed separately to the department's workforce
37 education programs and are payable solely from appropriations
38 provided to the department's workforce education programs or
39 specifically for the payment of such costs.



40 (c) In order for the provisions of paragraph (a) to apply
41 to a participant, each preapprenticeship program and
42 apprenticeship program registered with the department and each
43 school board, community college, or career center offering
44 courses identified in the Course Code Directory which
45 incorporates a work-based learning component or an activity that
46 is unpaid, shall provide the following information to the
47 department not later than 30 days after a participant begins his
48 or her participation in work-based learning:

- 49 1. The name of each such participant;
50 2. The amount hourly compensation to be paid to such
51 participant, if any;
52 3. The number of hours per week that such participant will
53 be receiving on-the job training as a participant in and
54 required for the preapprenticeship program, apprenticeship
55 program, or course which incorporates a work-based learning
56 component or an activity that is unpaid.

57
58 The department shall provide such information to the Division of
59 Risk Management of the Department of Financial Services,
60 together with any additional information required by the
61 division for the purposes of administering chapter 284.

62 (d) Notwithstanding ss. 284.36 and 284.44, the department
63 shall be responsible for paying workers' compensation costs for
64 such participants who are entitled to workers' compensation
65 benefits pursuant to chapter 440, solely from funds appropriated
66 to the department for such purpose. Coverage for such workers
67 compensation benefits shall be provided by the Division of Risk
68 Management of the Department of Financial Services. The costs



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69 for such coverage shall be paid by the department to the
70 division. For Fiscal Year 2020-2021, the department shall pay
71 the division \$470,000 on August 15, 2020, on November 15, 2020,
72 on February 1, 2021, and on May 15, 2021, for such costs. For
73 subsequent fiscal years, the division shall bill the department
74 for such workers compensation costs quarterly, based on such
75 costs from the preceding state fiscal year. The department shall
76 pay such quarterly bills on August 15, on October 15, on
77 February 15, and on May 15, of each fiscal year.

78 Section 2. Paragraph (a) of subsection (1) and paragraph
79 (b) of subsection (4) of section 1008.44, Florida Statutes, are
80 amended, and paragraph (f) is added to subsection (1), to read:

81 1008.44 CAPE Industry Certification Funding List and CAPE
82 Postsecondary Industry Certification Funding List.—

83 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
84 of Education shall, at least annually, identify, under rules
85 adopted by the State Board of Education, and the Commissioner of
86 Education may at any time recommend adding the following
87 certificates, certifications, and courses:

88 (a) CAPE industry certifications identified on the CAPE
89 Industry Certification Funding List that must be applied in the
90 distribution of funding to school districts pursuant to s.
91 1011.62(1)(o). The CAPE Industry Certification Funding List
92 shall incorporate by reference the industry certifications on
93 the career pathways list approved for the Florida Gold Seal CAPE
94 ~~Vocational~~ Scholars award. In addition, by August 1 of each
95 year, the not-for-profit corporation established pursuant to s.
96 445.004 may annually select one industry certification, that
97 does not articulate for college credit, for inclusion on the



98 CAPE Industry Certification Funding List for a period of 3 years
99 unless otherwise approved by the curriculum review committee
100 pursuant to s. 1003.491. Such industry certifications, if earned
101 by a student, shall be eligible for additional full-time
102 equivalent membership, pursuant to s. 1011.62(1)(o)1.

103 (f) Industry certifications associated with aviation-
104 related and aerospace-related occupations must be identified by
105 the Commissioner of Education and, if earned by a student, are
106 eligible for additional full-time equivalent membership pursuant
107 to s. 1011.62(1)(o)1.e. These industry certifications must be
108 identified on the CAPE Industry Certification Funding List.

109 (4)

110 (b) For the purpose of calculating additional full-time
111 equivalent membership pursuant to s. 1011.62(1)(o)1.e., the
112 Commissioner of Education may limit CAPE industry certifications
113 and CAPE Digital Tool certificates to students in certain grades
114 based on formal recommendations by providers of CAPE industry
115 certifications and CAPE Digital Tool certificates.

116 Section 3. Effective July 1, 2021, paragraph (o) of
117 subsection (1) of Section 1011.62, Florida Statutes, is amended
118 to read:

119 1011.62 Funds for operation of schools.—If the annual
120 allocation from the Florida Education Finance Program to each
121 district for operation of schools is not determined in the
122 annual appropriations act or the substantive bill implementing
123 the annual appropriations act, it shall be determined as
124 follows:

125 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
126 OPERATION.—The following procedure shall be followed in



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127 determining the annual allocation to each district for
128 operation:

129 (o) *Calculation of additional full-time equivalent*
130 *membership based on successful completion of a career-themed*
131 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
132 *courses with embedded CAPE industry certifications or CAPE*
133 *Digital Tool certificates, and issuance of industry*
134 *certification identified on the CAPE Industry Certification*
135 *Funding List pursuant to rules adopted by the State Board of*
136 *Education or CAPE Digital Tool certificates pursuant to s.*
137 *1003.4203.—*

138 1.a. A value of 0.025 full-time equivalent student
139 membership shall be calculated for CAPE Digital Tool
140 certificates earned by students in elementary and middle school
141 grades.

142 b. A value of 0.1 or 0.2 full-time equivalent student
143 membership shall be calculated for each student who completes a
144 course as defined in s. 1003.493(1)(b) or courses with embedded
145 CAPE industry certifications and who is issued an industry
146 certification identified annually on the CAPE Industry
147 Certification Funding List approved under rules adopted by the
148 State Board of Education. For a CAPE industry certification that
149 has a statewide articulation agreement of 4 to 14 college
150 credits, a value of 0.2 full-time equivalent membership shall be
151 calculated. For a CAPE industry certification that has a
152 statewide articulation agreement of 1 to 3 college credits and
153 is deemed by the department to be of sufficient rigor and to be
154 linked to a high-skill occupation, a value of 0.2 full-time
155 equivalent membership shall be calculated. For all other CAPE



156 industry certifications with a statewide articulation agreement
157 of 1 to 3 college credits, a value of 0.1 full-time equivalent
158 membership shall be calculated ~~A value of 0.2 full-time~~
159 ~~equivalent membership shall be calculated for each student who~~
160 ~~is issued a CAPE industry certification that has a statewide~~
161 ~~articulation agreement for college credit approved by the State~~
162 ~~Board of Education.~~ For CAPE industry certifications that do not
163 articulate for college credit, the Department of Education shall
164 calculate ~~assign~~ a full-time equivalent value of 0.1 for each
165 certification. Middle grades students who earn additional FTE
166 membership for a CAPE Digital Tool certificate pursuant to sub-
167 subparagraph a. may not use the previously funded examination to
168 satisfy the requirements for earning an industry certification
169 under this sub-subparagraph. ~~Additional FTE membership for an~~
170 ~~elementary or middle grades student may not exceed 0.1 for~~
171 ~~certificates or certifications earned within the same fiscal~~
172 ~~year.~~ The State Board of Education shall include the assigned
173 values on the CAPE Industry Certification Funding List under
174 rules adopted by the state board. Such value shall be added to
175 the total full-time equivalent student membership for grades 6
176 through 12 in the subsequent year. CAPE industry certifications
177 earned through dual enrollment must be reported and funded
178 pursuant to s. 1011.80. However, if a student earns a
179 certification through a dual enrollment course and the
180 certification is not a fundable certification on the
181 postsecondary certification funding list, or the dual enrollment
182 certification is earned as a result of an agreement between a
183 school district and a nonpublic postsecondary institution, the
184 bonus value shall be funded in the same manner as other nondual



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185 enrollment course industry certifications. In such cases, the
186 school district may provide for an agreement between the high
187 school and the technical center, or the school district and the
188 postsecondary institution may enter into an agreement for
189 equitable distribution of the bonus funds.

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

195 d. A value of 0.5 full-time equivalent student membership
196 shall be calculated for CAPE Acceleration Industry
197 Certifications that articulate for 15 to 29 college credit
198 hours, and 1.0 full-time equivalent student membership shall be
199 calculated for CAPE Acceleration Industry Certifications that
200 articulate for 30 or more college credit hours pursuant to CAPE
201 Acceleration Industry Certifications approved by the
202 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

203 e. In addition to the full-time equivalent student
204 membership calculated under paragraphs (a)-(d), a supplemental
205 value of 0.2 full-time equivalent student membership shall be
206 calculated for industry certifications identified on the CAPE
207 Industry Certification Funding List as leading to employment in
208 aviation-related or aerospace-related occupations and meeting
209 specified criteria prescribed by the department.

210 2. Each district must allocate at least 80 percent of the
211 funds provided for CAPE industry certification, in accordance
212 with this paragraph, to the program that generated the funds.
213 The remaining 20 percent may be used for other CAPE program



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214 expenses, such as administrative costs, which may not exceed 5
215 percent of the funds provided, and new industry certification
216 programs. All such funds must be used for CAPE programs. CAPE
217 funding ~~This allocation~~ may not be used to supplant funds
218 provided for basic operation of the program, such as teacher
219 salaries and other costs that are funded with non-CAPE funds for
220 other courses.

221 3. For CAPE industry certifications earned in the 2013-2014
222 school year and in subsequent years, the school district shall
223 distribute to each classroom teacher who provided direct
224 instruction toward the attainment of a CAPE industry
225 certification that qualified for additional full-time equivalent
226 membership under subparagraph 1.:

227 a. A bonus of \$25 for each student taught by a teacher who
228 provided instruction in a course that led to the attainment of a
229 CAPE industry certification on the CAPE Industry Certification
230 Funding List with a weight of 0.1.

231 b. A bonus of \$50 for each student taught by a teacher who
232 provided instruction in a course that led to the attainment of a
233 CAPE industry certification on the CAPE Industry Certification
234 Funding List with a weight of 0.2.

235 c. A bonus of \$75 for each student taught by a teacher who
236 provided instruction in a course that led to the attainment of a
237 CAPE industry certification on the CAPE Industry Certification
238 Funding List with a weight of 0.3.

239 d. A bonus of \$100 for each student taught by a teacher who
240 provided instruction in a course that led to the attainment of a
241 CAPE industry certification on the CAPE Industry Certification
242 Funding List with a weight of 0.5 or 1.0.



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243
244 ~~Bonuses awarded pursuant to this paragraph shall be provided to~~
245 ~~teachers who are employed by the district in the year in which~~
246 ~~the additional FTE membership calculation is included in the~~
247 ~~calculation.~~ Bonuses awarded to teachers pursuant to this
248 paragraph must ~~shall~~ be calculated based upon the associated
249 weight of a CAPE industry certification on the CAPE Industry
250 Certification Funding List for the year in which the
251 certification is earned by the student. Any bonus awarded to a
252 teacher pursuant to this paragraph is in addition to any regular
253 wage or other bonus the teacher received or is scheduled to
254 receive. A bonus may not be awarded to a teacher who fails to
255 maintain the security of any CAPE industry certification
256 examination or who otherwise violates the security or
257 administration protocol of any assessment instrument that may
258 result in a bonus being awarded to the teacher under this
259 paragraph.

260 Section 4. Effective July 1, 2021, paragraph (b) of
261 subsection (7) of section 1011.80, Florida Statutes, is amended
262 to read:

263 1011.80 Funds for operation of workforce education
264 programs.—

265 (7)

266 (b) Performance funding for industry certifications for
267 school district workforce education programs is contingent upon
268 specific appropriation in the General Appropriations Act and
269 shall be determined as follows:

270 1. Occupational areas for which industry certifications may
271 be earned, as established in the General Appropriations Act, are



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272 eligible for performance funding. Priority shall be given to the
273 occupational areas emphasized in state, national, or corporate
274 grants provided to Florida educational institutions.

275 2. The Chancellor of Career and Adult Education shall
276 identify the industry certifications eligible for funding on the
277 CAPE Postsecondary Industry Certification Funding List approved
278 by the State Board of Education pursuant to s. 1008.44, based on
279 the occupational areas specified in the General Appropriations
280 Act.

281 3.a. Except as provided in sub-subparagraph b., each school
282 district shall be provided \$1,000 for each industry
283 certification earned by a workforce education student. If funds
284 are insufficient to fully fund the calculated total award, such
285 funds shall be prorated.

286 b. For each professional-level, Federal Aviation
287 Administration industry certification earned by a workforce
288 education student, each school district shall be provided a
289 total of \$6,000. If funds are insufficient to fully fund the
290 calculated total award, such funds shall be prorated.

291 Section 5. Effective July 1, 2021, paragraph (c) of
292 subsection (2) of section 1011.81, Florida Statutes, is amended
293 to read:

294 1011.81 Florida College System Program Fund.—

295 (2) Performance funding for industry certifications for
296 Florida College System institutions is contingent upon specific
297 appropriation in the General Appropriations Act and shall be
298 determined as follows:

299 (c)1. Except as provided in subparagraph 2., each Florida
300 College System institution shall be provided \$1,000 for each



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301 industry certification earned by a student. If funds are
302 insufficient to fully fund the calculated total award, such
303 funds shall be prorated.

304 2. For each professional-level, Federal Aviation
305 Administration industry certification earned by a student, each
306 Florida College System institution shall be provided a total of
307 \$6,000. If funds are insufficient to fully fund the calculated
308 total award, such funds shall be prorated.

309 Section 6. Pathways in Technology Early College High School
310 (P-TECH) program.-

311 (1) By December 1, 2020, the Commissioner of Education
312 shall submit to the Governor, the President of the Senate, the
313 Speaker of the House of Representatives, the Board of Governors,
314 and the State Board of Education a report with recommendations
315 that address the feasibility of implementing the Pathways in
316 Technology Early College High School (P-TECH) program, or a
317 similar program, in Florida. The P-TECH program must:

318 (a) Incorporate secondary and postsecondary education with
319 workforce education and work experience through a flexible 6-
320 year integrated model.

321 (b) Allow students to earn a high school diploma, an
322 associate degree, and applicable industry certifications and
323 gain work experience within 6 years after enrolling in the 9th
324 grade.

325 (c) Have an open enrollment policy that encourages a
326 diverse student body, including students from low-income
327 families and first-generation college students.

328 (d) Support student success through flexible class
329 scheduling, advising and mentoring components, and other wrap-



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330 around services.

331 (e) Provide seamless articulation with Florida's
332 postsecondary institutions.

333 (2) The report must, at a minimum, include the following:

334 (a) Timelines for implementing a P-TECH program, or a
335 similar program, as described in subsection (1), including
336 courses of study which support program completion in 4 to 6
337 years and which meet regional workforce demand.

338 (b) A funding model that provides the P-TECH program, or a
339 similar program, at no cost to students. The funding model may
340 incorporate K-12, postsecondary, and workforce funding, grants,
341 scholarships, and other funding options.

342 (c) Partnerships with industries and businesses, which
343 include private investment, work-based training, internships,
344 and priority placement for job opportunities upon graduation.

345 (d) Recommendations for modifications, if any, to the
346 school and school district accountability requirements of s.
347 1008.34, Florida Statutes.

348 (3) This section shall take effect upon this act becoming a
349 law and shall expire on December 1, 2020.

350 Section 7. Except as otherwise expressly provided in this
351 act and except for this section, which shall take effect upon
352 this act becoming a law, this act shall take effect July 1,
353 2020.

354
355 ===== T I T L E A M E N D M E N T =====

356 And the title is amended as follows:

357 Delete everything before the enacting clause
358 and insert:



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359 A bill to be entitled
360 An act relating to education; creating s. 446.541,
361 F.S.; providing legislative intent; defining terms;
362 providing that individuals enrolled in certain
363 apprenticeship or preapprenticeship programs or work-
364 based learning courses are deemed to be employees of
365 the state for purposes of workers' compensation;
366 specifying responsibilities and payment for the costs
367 of workers' compensation benefits; requiring reporting
368 within a specified timeframe on participants in work-
369 based learning; amending s. 1008.44, F.S.; requiring
370 the CAPE Industry Certification Funding List to
371 incorporate by reference the industry certifications
372 on the career pathways list approved for the Florida
373 Gold Seal CAPE Scholars award; providing requirements
374 for industry certifications associated with aviation-
375 related and aerospace-related occupations; providing
376 that such certifications are eligible for additional
377 full-time equivalent membership; providing that the
378 Commissioner of Education may limit CAPE industry
379 certification and CAPE Digital Tool certificates to
380 students in certain grades for a specified purpose;
381 amending s. 1011.62, F.S.; revising the calculation of
382 certain additional full-time equivalent membership
383 relating to funding for the operation of schools;
384 deleting a provision related to full-time equivalent
385 membership calculation for elementary and middle
386 students; providing for a calculation of full-time
387 equivalent membership for aviation-related and



388 aerospace-related occupations; authorizing the use of
389 a specified percentage of certain funds for CAPE
390 program expenses; limiting the amount of funds that
391 may be used for administrative costs; prohibiting the
392 use of CAPE funding to supplant funds provided for
393 basic operation of the CAPE program; providing an
394 effective date for changes to the calculation;
395 amending s. 1011.80, F.S.; revising performance
396 funding for industry certifications for school
397 district workforce education programs to provide for
398 Federal Aviation Administration (FAA) industry
399 certifications; amending s. 1011.81, F.S.; revising
400 performance funding for industry certifications for
401 Florida College System Institutions to provide for FAA
402 industry certifications; requiring the Commissioner of
403 Education to submit to certain entities by a specified
404 date a report with recommendations relating to the
405 implementation of the Pathways in Technology Early
406 College High School program, or a similar program;
407 providing requirements for such program and report;
408 providing for expiration; providing an effective date.