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LEGISLATIVE ACTION

Senate

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House

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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



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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.



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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



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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



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



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



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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.