

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/HB 7051 PCB PEW 23-01 Education

**SPONSOR(S):** Education & Employment Committee and Appropriations Committee and Postsecondary Education & Workforce Subcommittee, Melo and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** CS/CS/SB 240

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**FINAL HOUSE FLOOR ACTION:** 114 Y's 0 N's **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/CS/HB 7051 passed the House on May 3, 2023, as CS/CS/SB 240, as amended. The bill includes portions of CS/SB 196, CS/CS/CS/HB 1537, SB 2502, and HB 5101.

The bill enhances and streamlines provisions to improve the implementation and expansion of workforce education programs. The bill also increases access to career and technical education (CTE) in middle and high school, including opportunities for work-based learning (WBL), such as apprenticeships. Among other things, the bill:

- Expands the Reimagining Education and Career Help Office's duty to facilitate the development and expansion of apprenticeship, preapprenticeship, and other WBL models.
- Establishes regional consortiums to meet and report to local workforce development boards the most effective ways to grow, retain, and attract talent.
- Requires a middle school student who completes a CTE course or an industry certification included in the CAPE Industry Certification Funding List (Funding List) be given the opportunity to continue a sequential program in the same concentration via controlled open enrollment if a high school in the district offers the program.
- Requires each district school board to provide each student enrolled in grades 9 through 12 with access to at least one WBL opportunity and to adopt policies and procedures that require each high school to host an annual career fair.
- Requires the State Board of Education (SBE) to adopt three funding tiers for postsecondary certifications on the Funding List according to anticipated wages.
- Authorizes district career centers to offer Associate in Science and Associate in Applied Science degree programs, upon approval by the SBE.
- Expands the Pathways to Career Opportunities Grant Program (PCOG) to facilitate more employers creating, expanding, and operating apprenticeship programs.
- Revises the Workforce Development Capitalization Incentive Grant and the PCOG by removing the requirement that the grants be administered on a competitive basis.
- Converts the Open Door Grant Program to a student financial assistance program and provides requirements.
- Requires the ABLE Trust to research, identify, and report on the systems in the state that provide services to persons with disabilities. The bill also delays the scheduled repeal of the ABLE Trust from October 1, 2023, to October 1, 2027.
- Revises the Money-Back Guarantee Program to provide flexibility for institutions to determine the three programs for which the institution offers a money-back guarantee.
- Authorizes state universities to create workforce education partnership programs that facilitate work and learn opportunities for students and allow them to graduate without student loan debt.
- Revises requirements for training providers to be included on a state or local eligible training provider list.
- Shifts the administration of reimbursements for workers' compensation insurance costs of work-based learners from the Department of Education to the Department of Financial Services.
- Provides discretion to district school boards to certify instructors in CTE programs and give teachers inservice points for supporting students in extracurricular CTE activities.
- Expands and renames the internship tax credit program to include businesses that employ student apprentices and preapprentices.

The bill has a fiscal impact on state government. See Fiscal Comments, *infra*.

The bill was approved by the Governor on May 15, 2023, ch. 2023-81, L.O.F., and will become effective on July 1, 2023.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h7051z.DOCX

**DATE:** 5/24/2023

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Florida's Workforce Development System

##### Present Situation

The federal Workforce Investment Act of 1998 (WIA) was passed by Congress in an effort to improve the quality of the nation's workforce through implementation of a comprehensive workforce investment system.<sup>1</sup> WIA required each state to establish an investment board at the state level and to also establish workforce investment boards to represent local service areas.<sup>2</sup> WIA also called for the delivery of workforce development services through a system of "one-stop" centers in local communities.<sup>3</sup> Some key principles of WIA were to better integrate workforce services, empower individuals, provide universal access to participants, increase accountability, and improve youth programs.<sup>4</sup>

In response to WIA, Florida established a workforce development system (WDS) under the Workforce Investment Act of 2000.<sup>5</sup> The act aimed to better connect the state's economic development strategies with its WDS and to implement the principles of the federal WIA.<sup>6</sup>

##### *Federal Workforce Innovation and Opportunity Act of 2014*

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.<sup>7</sup> WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.<sup>8</sup> In general, WIOA maintains the one-stop framework of WIA, and encompasses provisions aimed at streamlining services, easing reporting requirements, and reducing administrative barriers.<sup>9</sup> WIOA officially became effective on July 1, 2015, the first full program year after enactment.

##### *Workforce Training*

The one-stop delivery system is the state's primary customer-service strategy for offering every Floridian access, through service sites or telephone or computer networks, to the following services:<sup>10</sup>

- Job search, referral, and placement assistance.
- Career counseling and educational planning.
- Consumer reports on service providers.
- Recruitment and eligibility determination.
- Support services, including child care and transportation assistance to gain employment.
- Employability skills training.
- Adult education and basic skills training.
- Technical training leading to a certification and degree.
- Claim filing for reemployment assistance services.
- Temporary income, health, nutritional, and housing assistance.

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<sup>1</sup> Workforce Investment Act of 1998, 29 U.S.C. § 2801 (1998), *repealed by* Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, H.R. 803, 113th Cong. (July 22, 2014)(codified at 29 U.S.C. § 3101, et seq.).

<sup>2</sup> See 29 U.S.C. s. 2821 and 29 U.S.C. s. 2832 (1998).

<sup>3</sup> See 29 U.S.C. s. 2841 (1998).

<sup>4</sup> See 29 U.S.C. s. 2811 (1998).

<sup>5</sup> Ch. 2000-165, Laws of Fla.

<sup>6</sup> See s. 445.003, F.S.

<sup>7</sup> Workforce Innovation and Opportunity Act, 29 U.S.C. § 3101 et seq. (2014).

<sup>8</sup> See 29 U.S.C. s. 3112(a).

<sup>9</sup> See 29 U.S.C. s. 3111.

<sup>10</sup> Section 445.009(1), F.S.

- Other appropriate and available workforce development services.

Intensive services and training provided pursuant to WIOA must be provided to individuals through Intensive Service Accounts and Individual Training Accounts. The state workforce development board is required to develop criteria for use of these accounts.<sup>11</sup>

Individual Training Accounts must be expended on programs that prepare people to enter occupations identified by the Labor Market Estimating Conference and on other programs recommended and approved by the state board<sup>12</sup> following a review by the Department of Economic Opportunity (DEO) to determine the program's compliance with federal law.<sup>13</sup> For each approved training program, local workforce development boards, in consultation with training providers, must establish a fair-market purchase price to be paid through an Individual Training Account. Training services provided through Individual Training Accounts must be performance-based, with successful job placement triggering final payment of at least 10 percent.<sup>14</sup>

Typical training services for adults and dislocated workers include, but are not limited to occupational skills training, on-the-job training and related instruction, incumbent worker training, job readiness training, entrepreneurship, adult literacy, and employer-specific training.<sup>15</sup>

An eligible training provider is the only type of entity that may receive funding for providing these services.<sup>16</sup> An eligible training provider must be included on the state list of eligible training providers and must:<sup>17</sup>

- Provide a program of higher education which leads to a recognized postsecondary credential;
- Be a registered apprenticeship or pre-apprenticeship program; or
- Provide other training services, including adult education and literacy activities provided in combination with other eligible training services.

Training provided by an eligible training provider must lead to:<sup>18</sup>

- A certificate, an associate degree, baccalaureate degree, or
- The skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.

The DEO is responsible for establishing standards for eligible training providers of workforce development programs funded through WIOA. The DEO is required to establish initial and subsequent eligibility criteria, based on input from the state board, local workforce development boards, the DEO, and other stakeholders, for the WIOA eligible training provider list. The list directs training resources to programs leading to employment in high-demand and high-priority occupations that provide economic security, particularly those occupations facing a shortage of skilled workers. A training provider who offers training to obtain a credential on the Master Credentials List may not be included on a state or local eligible training provider list if the provider fails to submit the required information or fails to meet initial or subsequent eligibility criteria. Subsequent eligibility criteria must use the performance and outcome measures defined and reported under the Workforce Development Information System maintained by the DOE, to determine whether each program offered by a training provider is qualified to remain on the list. Nationally, 54 percent of WIOA participants who complete a training program of an

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<sup>11</sup> Section 445.009(7), F.S.

<sup>12</sup> Section 445.002(4), F.S. State board means the state workforce development board established pursuant to the Workforce Innovation and Opportunity Act.

<sup>13</sup> Section 445.009(8)(a), F.S.

<sup>14</sup> Section 445.009(8)(e), F.S.

<sup>15</sup> 20 C.F.R. s. 680.200.

<sup>16</sup> 20 C.F.R. s. 680.410.

<sup>17</sup> 20 C.F.R. s. 680.410.

<sup>18</sup> 20 C.F.R. s. 663.508.

eligible training provider find employment.<sup>19</sup> Every program offered by a training provider in Florida is required to demonstrate:<sup>20</sup>

- That income earnings for all individuals who complete the program are equivalent to or above the state's minimum wage in a calendar quarter.
- An employment rate of at least 75 percent for all individuals. For programs linked to an occupation, the employment rate is calculated based on obtaining employment in the field in which the participant was trained.
- A completion rate of at least 75 percent for all individuals, beginning with the 2023-2024 program year.

### *Regional Planning and Local Workforce Development Boards*

WIOA requires states to identify regional planning areas for workforce development strategies.<sup>21</sup> Within each area, a local workforce development board (LWDB) must be established.<sup>22</sup> Each LWDB is required to coordinate planning and service delivery strategies within their area.<sup>23</sup> Formulated strategies are then used by the LWDB to develop and submit a local plan for the delivery of workforce services.<sup>24</sup>

### *Strengthening Alignment between Industry and Learning to 60 Initiative*

In 2019, the Legislature created the Strengthening Alignment between Industry and Learning (SAIL) to 60 Initiative to increase the percentage of working-age adults in Florida with a high-value postsecondary certificate, degree, or training experience to 60 percent by 2030.<sup>25</sup>

### *Florida Talent Development Council*

The Legislature, in 2019, reconstituted the Higher Education Coordinating Council to create the Florida Talent Development Council for the purpose of developing a data-driven, statewide approach to meeting Florida's need for a 21st century workforce, which utilizes the in-state talent supply system.<sup>26</sup> The council, with support from the DEO, is tasked with developing a strategic plan to accomplish the SAIL to 60 goal.<sup>27</sup> The strategic plan must:<sup>28</sup>

- Identify Florida's fastest-growing industry sectors and the postsecondary credentials required for employment in those industries.
- Assess whether postsecondary degrees, certificates, and other credentials awarded by Florida's postsecondary institutions align with high-demand employment needs and job placement rates.
- Identify strategies to deepen and expand cross-sector collaborations to align higher education programs with targeted industry needs.
- Establish targeted strategies to increase certification and degrees for all populations with attention to closing equity gaps for underserved populations and incumbent workers requiring an upgrade of skills.
- Assess the role of apprenticeship programs in meeting targeted workforce needs and identify any barriers to program expansion.

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<sup>19</sup> USDOL, Employment and Training Administration, *Finding the Right Training*, <https://www.trainingproviderresults.gov/#!/about>, (last visited May 9, 2023).

<sup>20</sup> Section 445.003(7)(b), F.S.

<sup>21</sup> See 29 U.S.C. s. 3121.

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

<sup>23</sup> See 29 U.S.C. s. 3122.

<sup>24</sup> See 29 U.S.C. s. 3123.

<sup>25</sup> Section 1004.013, F.S.

<sup>26</sup> Section 1004.015(1), F.S.

<sup>27</sup> Section 1004.015(4), F.S. See also, Florida Department of Economic Opportunity, *Florida Talent Development Council*, <https://floridajobs.org/TalentDevelopmentCouncil> (last visited May 9, 2023).

<sup>28</sup> Section 1004.015(4)(a)-(h), F.S.

- Identify common metrics and benchmarks to demonstrate progress toward the 60 percent goal and how the SAIL to 60 Initiative can provide coordinated cross-sector support for the strategic plan.
- Recommend improvements to the consistency of data collected and reported by FCS institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.
- Establish a timeline for regularly updating the strategic plan and the established goals.

### *Reimagining Education and Career Help Act (REACH Act)*

In 2021, the Legislature passed several initiatives to enhance the SAIL to 60 Initiative and to ensure that workforce education programs were tailored to Florida's workforce needs. One initiative was the Reimagining Education and Career Help Act (REACH Act). The REACH Act serves to address the evolving needs of Florida's economy by increasing the level of collaboration and cooperation among state businesses and education communities while improving training and providing for equity and access to a more integrated workforce and education system for Florida.<sup>29</sup>

To facilitate alignment and coordination of entities responsible for Florida's WDS, the Office of Reimagining Education and Career Help (REACH Office) was created in the Executive Office of the Governor. The Director of the REACH Office is appointed by, and serves at the pleasure of, the Governor.<sup>30</sup>

### *REACH Office Duties*

The duties of the REACH Office are to:<sup>31</sup>

- Serve as an advisor to the Governor on matters related to the state's WDS.
- Establish criteria and goals for workforce development and diversification in Florida's WDS.
- Provide strategies to align and improve efficiency in Florida's WDS and the delivery of workforce related programs.
- Coordinate state and federal workforce related programs, plans, resources, and activities provided by CareerSource, the DEO, and the Department of Education (DOE).
- Oversee the workforce development information system designed by the DOE to verify the validity of data collected and monitor compliance of workforce related programs and education and training programs with applicable federal and state requirements as authorized by federal and state law.
- Serve on the Credentials Review Committee to identify non-degree and degree credentials of value and facilitate the collection of data necessary to conduct committee work.
- Coordinate and facilitate a memorandum of understanding (MOU) for data sharing agreements of the state's workforce performance data among state agencies and align, to the greatest extent possible, adopted performance measures.
- Streamline the clinical placement process and increase clinical placement opportunities for students, hospitals, and other clinical sites by administering, directly or through a contract, a web-based centralized clinical placement system for use by all nursing education programs subject to the requirements of nursing education program approval.
- Direct the objectives of the Talent Development Council.

The office is required to provide the public with access to available federal, state, and local services and provide stakeholders with a systemwide, global view of workforce related program data across various programs through actionable qualitative and quantitative information.<sup>32</sup>

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<sup>29</sup> Section 1, ch. 2021-164, L.O.F. *codified at* s. 14.36, F.S.

<sup>30</sup> Section 14.36(1), F.S.

<sup>31</sup> Section 14.36(3)(a)-(j), F.S.

<sup>32</sup> Section 14.36(5), F.S.

Florida's workforce system is led by the CareerSource state board.<sup>33</sup> The members on the state board represent public and private sectors and consist of business, education, and government leaders.<sup>34</sup> The state board<sup>35</sup> conducts its work through a board of directors, two councils, and an Executive Committee. The two councils are the Strategic Policy and Performance Council and the Finance Council.<sup>36</sup>

The purpose of the state board is to design and implement strategies that help Floridians enter, remain in, and advance in the workplace, so that they may become more highly skilled and successful. This will benefit these Floridians, Florida businesses, and the entire state, and fosters the development of the state's business climate.<sup>37</sup>

The state board appoints a Credentials Review Committee to identify nondegree credentials and degree credentials of value for approval by the state board and inclusion on the Master Credentials List. The credentials must include registered apprenticeship programs, industry certifications, licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees. The Credentials Review Committee must include:<sup>38</sup>

- The Chancellor of the Division of Public Schools.
- The Chancellor of the Division of Career and Adult Education.
- The Chancellor the Florida College System.
- The Chancellor of the State University System.
- The Director of the Office of Reimagining Education and Career Help.
- Four members from local workforce development boards, with equal representation from urban and rural regions.
- Two members from nonpublic postsecondary institutions.
- Two members from industry associations.
- Two members from Florida-based businesses.
- Two members from the DEO.
- One member from the Department of Agriculture and Consumer Services.

One of the responsibilities of the Credentials Review Committee is to establish a process for the following:<sup>39</sup>

- At a minimum, quarterly review and approval of credential applications. Approved credentials of value shall be used by the committee to develop the Master Credentials List.
- Annually review the Master Credentials List.
- Phasing out credentials on the Master Credentials List that do not meet the framework of quality.
- Designating performance funding eligibility for school district workforce education programs and Florida College System attainment of industry certifications, based upon the highest available certification for postsecondary students.

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<sup>33</sup> See s. 445.004(5), F.S. Workforce Innovation and Opportunity Act (WIOA), *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 58, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf> [hereinafter WIOA].

<sup>34</sup> See s. 445.004(3)(a)-(d), F.S. See also, CareerSource Florida, Boardroom, <https://careersourceflorida.com/boardroom/> (last visited May 9, 2023).

<sup>35</sup> Section 445.002, "State board" means the state workforce development board established pursuant to the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, Title I, s. 101. The state board is the board of directors of CareerSource Florida, Inc., which works at the direction of the state board in consultation with the department as required chapter 445 of Florida Statutes.

<sup>36</sup> WIOA, supra note 33 at 59.

<sup>37</sup> Section 445.004(2), F.S.

<sup>38</sup> Section 445.004(h)1.a.-k., F.S.

<sup>39</sup> Section 445.004(4)(h)7., F.S.

- Submit the Master Credentials<sup>40</sup> List to the State Board of Education (SBE).

The Credentials Review Committee is also required to develop a returned-value funding formula that rewards student job placements and wages for students earning industry certifications, with a focus on increasing the economic mobility of underserved populations. The returned-value funding formula determines how school districts and the Florida College System are funded for industry certifications earned by students.<sup>41</sup>

The REACH Act requires the state board to assign and make public a letter grade<sup>42</sup> for each LWDB using the criteria established by the REACH Office, based on local workforce development board performance accountability measures and return on investment.<sup>43</sup>

In addition, CareerSource, through the DEO, may use funds dedicated for incumbent worker training for the digital media industry. The training may be provided by public or private training providers for broadband digital media jobs listed on the occupations list developed by the Labor Market Estimating Conference. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.<sup>44</sup>

### *Florida's Local Workforce Development Boards (LWDB) and Delivery System*

Florida's local workforce development boards (LWDB)<sup>45</sup> offer resources and programs to assist individuals with job searches, career development and training. The DEO and CareerSource, in consultation with the Board of Directors of CareerSource, implemented a training program for the local workforce development boards to familiarize local board members with the state's workforce development goals and strategies.<sup>46</sup>

The LWDBs deliver workforce development services through over 100 one-stop delivery systems. The one-stop service providers give Floridians access to available workforce services, including job placement, career counseling, and skills training.<sup>47</sup> Some LWDBs operate their own one-stop centers, while others contract for these services.

The one-stop delivery system includes, among other features, an approved training program that establishes a fair market purchase price to be paid through an individual training account. The DEO periodically reviews the individual training account pricing schedules developed by local workforce development boards and presents findings and recommendations for process improvement to the President of the Senate and the Speaker of the House of Representatives. The training services provided through the individual training accounts must be performance-based, with successful job placement triggering final payment of at least 10 percent.<sup>48</sup>

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<sup>40</sup> CareerSource, Florida, *Master Credentials List*, <https://careersourceflorida.com/boardroom/florida-credentials-review-committee/master-credentials-list/> (last visited May 9, 2023).

<sup>41</sup> Sections 445.004(4)(h)10., 1011.80(7)(b), and 1011.81(2)(b), F.S.

<sup>42</sup> Section 14.36, F.S. REACH will develop the criteria for assigning a letter grade for each local workforce development board. The criteria shall, in part, be based on local workforce development board performance accountability measures and return on investment. The majority of the grade shall be based on the improvement by each local workforce development board in the long-term self-sufficiency of participants through outcome measures such as reduction in long-term public assistance and the percentage of participants whose wages were higher after program completion compared to wages before participation in a program.

<sup>43</sup> Section 445.004(8), F.S.

<sup>44</sup> Section 445.038, F.S.

<sup>45</sup> There are 24 local workforce career centers in Florida. See <https://careersourceflorida.com/career-services/your-local-team/> (last visited May 9, 2023).

<sup>46</sup> Section 445.007(4)(d) and (5), F.S.

<sup>47</sup> Section 445.009, F.S., see also <https://careersourceflorida.com/career-services/> (last visited May 9, 2023).

<sup>48</sup> Sections 445.009(8)(b), (c) and (e), F.S.

The Florida Talent Development Council noted the importance of identifying high-demand employment needs in its strategic plan.<sup>49</sup> In this regard, the Labor Market Estimating Conference is required to develop official information with respect to real-time supply and demand in Florida's statewide, regional, and local labor markets as the conference determines is needed by the state planning and budgeting system. Such information must include labor supply by education level, analyses of labor demand by occupational groups and occupations compared to labor supply, a ranking of critical areas of concern, and identification of in-demand, high-skill, middle-level to high-level wage occupations prioritized by level of statewide or regional shortages.<sup>50</sup>

All state agencies must provide the Office of Economic and Demographic Research with the necessary data to accomplish the goals of the conference. State agencies are required to ensure that any related work product regarding labor demand and supply is consistent with the official information developed by the Labor Market Estimating Conference.<sup>51</sup> The labor market demand data informs the development of a state Master Credentials List. State agencies and the judicial branch are required to use the official information developed by each of the consensus estimating conferences in carrying out their duties under the state planning and budgeting system.<sup>52</sup>

### *State University System Programs of Strategic Emphasis*

The Board of Governors (BOG) is required to develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan is required to:<sup>53</sup>

- Include performance metrics and standards common for all institutions and metrics and standards unique to institutions.
- Consider reports and recommendations of the Florida Talent Development Council and the Articulation Coordinating Committee.
- Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.
- Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis, using the criteria to determine value for and prioritization of degree credentials and degree programs established by the Credentials Review Committee. The BOG must review designated programs of emphasis, at a minimum, every 3 years to ensure alignment with the prioritization of degree credentials and degree programs identified by the Credentials Review Committee.

### Effect of the Bill

#### *Workforce Training*

The bill modifies the minimum completion, employment, and earnings requirements for eligible training providers by authorizing DEO and DOE to set the minimum percentage thresholds for eligibility. The bill requires a provider to achieve the minimum criteria on at least two of the minimum criteria for subsequent eligibility and specifies that no more than 20 percent of all eligible training providers in the state would fall below the minimum criteria set by the departments.

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<sup>49</sup> Florida Talent Development Council, *Strategic Plan: 2020-2030*, at 6, available at [https://www.floridajobs.org/docs/default-source/communicationsfiles/florida-talent-development-council/ftdc-plan.pdf?sfvrsn=4eae40b0\\_2#:~:text=GOAL%3A,training%20experience%20to%2060%20percent.&text=Identify%20the%20postsecondary%20degrees%2C%20certificates,awarded%20by%20Florida%27s%20postsecondary%20institutions](https://www.floridajobs.org/docs/default-source/communicationsfiles/florida-talent-development-council/ftdc-plan.pdf?sfvrsn=4eae40b0_2#:~:text=GOAL%3A,training%20experience%20to%2060%20percent.&text=Identify%20the%20postsecondary%20degrees%2C%20certificates,awarded%20by%20Florida%27s%20postsecondary%20institutions).

<sup>50</sup> Section 216.136(7), F.S.

<sup>51</sup> Section 216.136(7)(a), F.S.

<sup>52</sup> Section 216.135, F.S.

<sup>53</sup> Section 1001.706(5), F.S.



## *Florida Talent Development Council*

The bill requires the Florida Talent Development Council to identify barriers and best practices in the facilitation of work-based learning opportunities for students in middle and high school. By December 1, 2023, the Florida Talent Development Council is required to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives recommendations on best practices for collaboration between district school boards, local workforce development boards, local businesses and business groups. The recommendations must include any necessary legislative actions to facilitate work-based learning opportunities for students in middle and high school, including the identification of potential targeted financial incentives that may help to facilitate work-based learning opportunities for students.

## *Reimagining Education and Career Help Act (REACH Act)*

The bill expands the REACH Office authority to include facilitating coordination among the DEO, DOE, and CareerSource Florida, Inc., to develop and expand apprenticeship, preapprenticeship, and other work-based learning models and streamline efforts to recruit and onboard new apprentices, preapprentices, students, and employers interested in work-based learning opportunities. The coordination must include, but not be limited to, conducting outreach with business leaders, local governments, and education providers.

The bill requires the REACH Office to develop criteria and display public information that will assist the public in making informed decisions when deciding to access the local workforce board or one-stop career center.

The bill also revises the statutory name of the opportunity portal by renaming it the consumer-first workforce system.

Additionally, the bill requires the REACH Office to maximize the use of funds appropriated for the development and initial operation of the consumer-first workforce system rather than maximize the use of available federal and private funds as under current law.

## *Labor Market Estimating Conference & DEO's Labor Market Statistics Center*

The bill requires state agencies, including divisions, bureaus, and statutorily created entities, to ensure that any work product related to their duties for state planning and budgeting is consistent with the official information developed by the Economic Estimating Conference, the Demographic Estimating Conference, and the Labor Market Estimating Conference. However, state agencies, such as the Department of Economic Opportunity, must still comply with federal regulations regarding data compilation and reporting.

The bill shifts the focus of the Labor Market Estimating Conference to supply and demand in Florida's statewide and regional labor markets, rather than on real-time supply and demand in Florida's statewide, regional, and local labor markets. This shift is consistent with the bill's changes allowing workforce entities to consider data from the Department of Economic Opportunity's Labor Market Statistics Center with respect to local supply and demand. All state agencies are required to provide the Office of Economic and Demographic Research with the necessary data to accomplish the goals of the conference.

## *CareerSource Florida, Inc. (CareerSource)*

The bill requires CareerSource, in consultation with the DEO, to assist the state board in developing and administering streamlined and collaborative approaches to workforce development that results in cost saving and efficiencies throughout the state.

The bill clarifies existing law that industry certifications for agricultural occupations are eligible for inclusion on the Master Credentials List.

The bill requires the director of the REACH Office to serve as the chair of the Credentials Review Committee.

The bill also requires the criteria to determine value for nondegree credentials require, among other things, evidence that the credential meets labor market demand as identified by the Labor Market Statistics Center within the DEO or the Labor Market Estimating Conference or meets local demand as identified in the criteria adopted by the Credentials Review Committee. Evidence to be considered by the Credentials Review Committee must include employer information on present credential use to emerging opportunities. The bill authorizes the Credentials Review Committee to consider additional evidence to determine labor market demand for credentials for agricultural occupations.

As the Credentials Review Committee must establish the criteria to determine value for degree programs, the bill requires the criteria to include evidence that the program meets statewide or regional labor market demand as identified by the Labor Market Statistics Center within the DEO or Labor Market Estimating Conference or meets local demand as determined by the Credentials Review Committee.

In addition, the bill requires a minimum phase-out period of at least one year once credentials have been identified for removal from the Master Credentials List. The bill also removes obsolete language regarding the Master Credentials List for the 2021-2022 school year.

The bill also repeals the requirement the Credentials Review Committee develop a returned-value funding formula for colleges and career center performance funding.

The bill requires the state board, in consultation with the DEO, to research and study the feasibility of:

- requiring administrative cost arrangements among planning regions;
- implementing consistent contract and procurement policies and procedures;
- requiring the use of a state-established template for contracts or other method for ensuring all contract mechanisms follow certain standards established by the board, and leveraged buying power for fringe benefits, such as health insurance, life insurance, and retirement.

Additionally, the bill revises the annual date by which the state board is required to assign and make public a letter grade for each local workforce development board to October 15, instead of July 1 as under current law. By October 15 of each year, the public information must be made available and easily accessible on the state board's website.

For job training for the digital media industry, the bill authorizes the training be provided by public or private training providers for broadband digital media jobs listed on the occupations list developed by the Labor Market Estimating Conference, the Labor Market Statistics Center within the DEO, and on other programs recommended and approved by the state board. In addition, the bill requires that priority status for funding must be given to programs that operate outside the normal semester time periods.

#### *Florida's Local Workforce Development Boards (LWDB) and Delivery System*

The bill requires each LWDB to create a regional education and industry consortium and requires the consortium to meet periodically and report to the LWDB. Each consortium must:

- Include representatives of educational entities and businesses in the designated service delivery area appointed to serve two-year terms, beginning on January 1 of the year appointed. Any vacancy must be filled for the remainder of the unexpired term. A member of a LWDB may not serve as a member of the consortium.

- Provide quarterly reports to the applicable LWDB which provide community-based information related to educational programs and industry needs to assist the LWDB in making decisions on programs, services, and partnerships in the service delivery area.

The LWDB, as required by the bill, must consider the information obtained from the consortium to determine the most effective ways to grow, retain, and attract talent to the service delivery area. The chair of each LWDB is required to appoint the consortium members.

The bill authorizes funds in an Individual Training Account to be expended on programs that prepare people to enter occupations identified by the Labor Market Statistics Center within the DEO.

The bill maintains the requirement that training services provided through WIOA individual training accounts be performance-based, but removes the specified final payment of at least 10 percent for job placement.

### *State University System Programs of Strategic Emphasis*

The bill facilitates the ongoing efforts by the Credentials Review Committee to establish criteria to determine value for baccalaureate degree and graduate degree programs by requiring such criteria to be used by the Board of Governors to designate programs of strategic emphasis and benchmarks applicable to school boards, superintendents, career center, and Florida College System institution boards of trustees and presidents for career education once such criteria is available and applicable to baccalaureate degrees and graduate degrees. This requirement is in lieu of the current law requirement that such criteria be used at the present time.

## **Florida’s Workforce Education Programs**

### Present Situation

Workforce education<sup>54</sup> programs in Florida assist individuals in attaining the skills necessary for economic self-sufficiency and provide training to meet local and state workforce needs. These programs include both adult general education and career education programs, and may be offered by both school districts and Florida College System (FCS) institutions.<sup>55</sup> State agency oversight for workforce education is provided by the Division of Career and Adult Education within Florida’s DOE.<sup>56</sup>

### *Work-based Learning*

A work-based learning opportunity is an interaction with industry or community professionals that occurs in a workplace setting, to the extent possible, or a simulated environment at an educational institution that allows firsthand experience with tasks required in a given career field, is aligned with curriculum and instruction, and is provided in partnership with an educational institution.<sup>57</sup> Work-based learning opportunities must meet all of the following criteria:<sup>58</sup>

- Be developmentally appropriate.
- Identify learning objectives for the term of experience.
- Explore multiple aspects of an industry.
- Develop workplace skills and competencies.
- Assess performance.

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<sup>54</sup> Section 1004.02(25), F.S. “Workforce education” means adult general education or career education and may consist of a continuing workforce education course or a program of study leading to an occupational completion point, a career certificate, an applied technology diploma, a career degree, or a registered apprenticeship certificate of completion.

<sup>55</sup> Sections 1004.02(3) and (25), 1004.92(1), 1004.93, and 1011.80(1) and (2), F.S.

<sup>56</sup> Section 20.15(3)(c), F.S.

<sup>57</sup> Section 446.0915(1), F.S.

<sup>58</sup> Section 446.0915(2), F.S.

- Provide opportunities for work-based reflections.
- Link to next steps in career planning and preparation in a student's chosen career pathway.
- Be provided in an equal and fair manner.
- Be documented and reported in compliance with state and federal labor laws.

### *Diversified Education*

Diversified education programs offer career guidance, occupational work experience and coursework in employability skills utilizing cooperative partnerships between schools, businesses, and parents to prepare students for future employment and careers.<sup>59</sup>

### *Apprenticeship and Preapprenticeship Programs*

Florida law provides that work-based learning opportunities should prioritize paid experiences, such as apprenticeship and preapprenticeship<sup>60</sup> programs.<sup>61</sup>

In Florida, the DOE is authorized to implement and oversee apprenticeship and preapprenticeship programs.<sup>62</sup> Currently, Florida has 328 registered apprenticeship and preapprenticeship programs with 17,179 trained apprentices and preapprentices.<sup>63</sup>

The DOE is charged with establishing uniform minimum standards and policies governing apprenticeship programs and agreements.<sup>64</sup> The registered apprenticeship programs require five core components: business involvement; structured on-the-job training; related technical instruction; rewards for skill gains; and a nationally recognized credential upon completion.<sup>65</sup>

Based on local demands and current resources, school districts and FCS institutions enter into local agreements with apprenticeship program sponsors.<sup>66</sup> A local apprenticeship sponsor may be a committee, a group of employers, an employer, or a group of employees, or any combination.<sup>67</sup>

### *Workers' Compensation for Students in Work-Based Learning Programs*

In 2021, the Legislature created a reimbursement program for workers' compensation insurance premiums, subject to appropriation, to reimburse employers, including school districts and FCS institutions, for the proportionate cost of workers' compensation premiums for students in work-based learning opportunities.<sup>68</sup> Workers' compensation is a form of insurance designed to provide wage replacement and medical benefits for employees who are injured in the course of employment, in

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<sup>59</sup> See Florida Department of Education webpage on Diversified Education at <https://www.fldoe.org/academics/career-adult-edu/career-tech-edu/additional-cte-programs-courses/diversified-edu.stml>.

<sup>60</sup> To be eligible for an apprenticeship, an individual must be at least 16 years of age, *see* s. 446.021(2), F.S.

<sup>61</sup> *Id.* (flush left provision at end of subsection).

<sup>62</sup> Section 446.041, F.S.; *See also* Florida Department of Education, *What is Registered Apprenticeship*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml> (last visited May 9, 2023).

<sup>63</sup> Department of Education, *GETTHERE*, Presentation to the Committee on Education & Employment (Jan. 24, 2023), at 8, *available at*

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3247&Session=2023&DocumentType=Meeting+Packets&FileName=pe+w+1-24-23.pdf>

<sup>64</sup> Section 446.032(1), F.S.

<sup>65</sup> Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report (2021-2022)*, at 9-10, *available at* <https://www.fldoe.org/core/fileparse.php/9904/urlt/2122ApprenticeshipReport.pdf>.

<sup>66</sup> *Id.*, at 40

<sup>67</sup> Section 446.071(2), F.S.

<sup>68</sup> Section 446.54, F.S. *See also* rule 6A-6.05732, F.A.C.; A student 18 years of age or younger who is in a paid work-based learning opportunity shall be covered by the workers' compensation insurance of his or her employer in accordance with chapter 440. For purposes of chapter 440, a school district or Florida College System institution is considered the employer of a student 18 years of age or younger who is providing unpaid services under a work-based learning opportunity provided by the school district or FCS institution.

exchange for giving up the right to sue the employer for negligence.<sup>69</sup> In Florida, workers' compensation is governed by ch. 440, F.S., the "Workers' Compensation Law." The law prescribes coverage requirements, medical and indemnity benefits, the rights and responsibilities of employers, injured employees, medical providers, and carriers, as well as procedures for dispute resolution.

Generally, employers are required to provide medical and indemnity benefits to a worker who is injured due to an accident arising out of and during the course of employment.<sup>70</sup> For such injuries, an employer is responsible for providing medical treatment<sup>71</sup> and compensation in the event of employee disability<sup>72</sup> or death.<sup>73</sup> Specific employer coverage requirements are based on the type of industry, number of employees, and entity organization.<sup>74</sup>

### *Tax Credit for Internships*

Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths. More students are pursuing experiential learning, particularly internships, and more colleges and universities are promoting student engagement in experiential learning such as internships, and a greater number and variety of employers are offering these experiences in the form of internships.<sup>75</sup>

The Florida Internship Tax Credit Program provides a tax credit for up to five student interns per taxable year, per corporation. The credit amount is \$2,000 per student intern (maximum of \$10,000 for each taxable year).<sup>76</sup>

Apprenticeships and preapprenticeships are other examples of experiential learning or work-based learning experiences; however, a business that employs an apprentice or preapprentice is not currently able to use the internship tax credit program to claim a tax credit for employing such apprentice or preapprentice.

### Effect of the Bill

#### *Work-based Learning & Diversified Education*

The bill specifies that work-based learning opportunities should also prioritize diversified education programs along with the currently prioritized apprenticeship and preapprenticeship programs. The bill also requires each district school board to ensure that each student enrolled in grades 9 through 12 has access to at least one work-based learning opportunity.

#### *Apprenticeship and Preapprenticeship Programs*

The bill allows education institutions, local workforce boards, community or faith-based organizations, and associations to also be authorized as apprenticeship sponsors.

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<sup>69</sup> See *Jones v. Martin Elecs., Inc.*, 932 So. 2d 1100, 1108 (Fla. 2006).

<sup>70</sup> Section 440.09(1), F.S.

<sup>71</sup> Section 440.13, F.S.

<sup>72</sup> Section 440.15, F.S.

<sup>73</sup> Section 440.16, F.S.

<sup>74</sup> Florida Department of Financial Services, Division of Workers' Compensation, *Employer Coverage Requirements*, <https://myfloridacfo.com/Division/WC/Employer/coverage.htm> (last visited May 9, 2023).

<sup>75</sup> National Association of Colleges and Employers, *Policy Statement: U.S. Internships* (2018), <https://www.naceweb.org/about-us/advocacy/position-statements/position-statement-us-internships/> (last visited May 9, 2023).

<sup>76</sup> Section 220.198, F.S. See also [https://floridarevenue.com/taxes/tips/documents/tip\\_22c01-01.pdf](https://floridarevenue.com/taxes/tips/documents/tip_22c01-01.pdf)

## *Workers' Compensation for Students in Work-Based Learning Programs*

The bill shifts reimbursement for worker's compensation from the DOE to the Department of Financial Services. The bill specifies that a student 18 years of age or younger, who is in a paid work-based learning opportunity, must be covered by the workers' compensation insurance for his or her employer in accordance with chapter 440. The bill further states that subject to appropriation, employers, including school districts and FCS institutions, may apply to the Department of Financial Services for reimbursement of the proportionate cost of workers' compensation premiums paid during the fiscal year for students participating in work-based learning opportunities in the previous state fiscal year. The application for reimbursement must include:

- The number of students participating in work-based learning opportunities with the employer, including the number of students who are participating in paid and unpaid work-based learning opportunities with the employer.
- An attestation that:
  - The students were 18 years of age or younger during the time when participating in the work-based learning opportunity.
  - For an employer who paid the students, the employer is seeking reimbursement for the proportionate cost of workers' compensation premiums related to those students only or, for a school district or FCS institution that is considered the employer, the employer is seeking reimbursement for the proportionate cost of workers' compensation premiums related to those students only.
- A description of the method used by the employer to determine the proportionate share of the cost of workers' compensation premiums attributable to students.
- The total amount of reimbursement requested.
- The employer's name, point of contact, and contact information.
- A statement by the employer agreeing to maintain documentation supporting the information in the application for 5 years.
- Any other information requested by the department.
  - Within 45 days after receipt of a complete application, the Department of Financial Services must process the application and provide the applicant with notification of approval or denial of the application. The Department of Financial Services shall coordinate with the educational institution to verify the information on the application related to the employer and the students participating in the work-based learning opportunity. Reimbursements must be made on a first-come, first-served basis.
  - The term "educational institution" means a school as defined in s. 1003.01(2) operated by a district school board, a charter school formed under s. 1002.33, a career center operated by a district school board under s. 1001.44, a charter technical career center under s. 1002.34, or a Florida College System institution identified in s. 1000.21.

The bill provides \$2 million in nonrecurring funds from the General Revenue Fund to the Department of Financial Services to make reimbursements for workers-compensation premiums for students in work-based learning programs.

### *Tax Credit for Internships*

The bill expands and renames the 'Internship Tax Credit Program' the 'Experiential Learning Credit Program'. The bill also authorizes businesses to claim a tax credit for employing apprentices and preapprentices. Consistent with the current program, the tax credit amount remains \$2,000 per student intern, apprentice, or preapprentice (maximum of \$10,000/business, inclusive of subsidiaries, for each taxable year).<sup>77</sup>

To qualify, a business must employ an apprentice or preapprentice in Florida for at least 500 hours during the year. Additionally, it must show that at least 20 percent of its full-time employees were

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<sup>77</sup> Section 220.198, F.S. See also [https://floridarevenue.com/taxes/tips/documents/tip\\_22c01-01.pdf](https://floridarevenue.com/taxes/tips/documents/tip_22c01-01.pdf)

former apprentices or preapprentices. Small businesses (average of 10 or fewer full-time employees for last three years) must currently employ a former apprentice, preapprentice, or student intern.

The bill specifies that the combined total amount of tax credits is \$2.5 million in each of the state fiscal years 2021-2022, 2022-2023, 2023-2024, and 2024-2025.

## **Florida's Funding for Workforce Education**

### Present Situation

#### *Operation of Workforce Education Programs*

Under current law, upon approval by the SBE, both school districts and FCS institutions are authorized to offer any type of workforce education program; however, only FCS institutions may award college credit for an associate in applied science (AAS) or an associate in science (AS) degree.<sup>78</sup> As a result, workforce education programming varies throughout the state given that school districts and FCS institutions determine how to organize program delivery at the local level.

The SBE establishes criteria, based on the framework of quality established by the Credentials Review Committee,<sup>79</sup> for review and approval of new workforce education programs offered by school districts and FCS institutions that are not included in the statewide curriculum framework.<sup>80</sup> An FCS institution or school district offering a new workforce education program that is in the statewide curriculum framework may not receive performance funding and additional full-time equivalent membership funding until the workforce education program is reviewed, through an expedited review process, and approved by the SBE.<sup>81</sup>

Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriates Act and determined as follows:

- Industry certification identified on the (Career and Professional Education) CAPE industry Certification funding List approved by the SBE are eligible for performance funding.<sup>82</sup>
- Each school district is provided \$1,000 for each industry certification earned by a workforce education<sup>83</sup> student. If funds are insufficient to fully fund the calculated total award, funds are prorated.<sup>84</sup>
- Beginning with the 2022-2023 fiscal year, the Credentials Review Committee, established by the state board, is required to develop a returned-value funding formula to allocate school district performance funds that rewards student job placements and wages for students earning industry certifications, with a focus on increasing the economic mobility of underserved populations. One-third of the performance funds must be allocated based on student job placements. The remaining two-thirds must be allocated using a tiered weighted system based on aggregate student wages that exceed minimum wage, with the highest weight applied to the highest wage tier, with additional weight for underserved populations. Student wages above minimum wage are considered to be the value added by the institution's training. At a minimum, the formula must consider variables such as differences in population and wages across school districts.

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<sup>78</sup> Section 1011.80(2), F.S.

<sup>79</sup> Section 445.004(4)(h), F.S.

<sup>80</sup> Section 1011.80(2)(a), F.S.

<sup>81</sup> Section 1011.80(2)(b), F.S.

<sup>82</sup> Section 1008.44(1), F.S.

<sup>83</sup> Section 1011.80(1)(a)-(e), F.S. Workforce education includes adult general education programs designed to improve employability skills, career certificate programs, applied technology diploma programs, continuing workforce education courses, degree career education programs, and apprenticeship and preapprenticeship programs.

<sup>84</sup> Section 1011.80(7)(a)-(c), F.S.

## *Workforce Development Capitalization Incentive Grant Program*

The Legislature created the Workforce Development Capitalization Incentive Grant Program to provide grants to school districts and FCS institutions on a competitive basis to fund<sup>85</sup> some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs.<sup>86</sup>

The SBE accepts applications from school districts or FCS institutions for workforce development capitalization incentive grants. The application from the school district or FCS institutions must contain the projected enrollments and costs associated for the new or expanded workforce development program. The SBE, in consultation with CareerSource, must review, rank, and submit to the Legislature a list in priority order of applications recommended for a grant reward.<sup>87</sup>

The SBE must give the highest priority to programs that train people to enter high-skill, high-wage occupations identified by the Labor Market Estimating Conference and other programs approved by the state board, programs that train people to enter occupations under the welfare transition program, or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The SBE must consider the statewide geographic dispersion of grant funds in ranking the applications and will give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.<sup>88</sup>

## *Pathways to Career Opportunities Grant Program*

The Florida Pathways to Career Opportunities Grant Program was established in 2019<sup>89</sup> for the DOE to provide grants on a competitive basis to high schools, career centers, charter technical career centers, FCS institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program to establish new, and expand existing, apprenticeship or preapprenticeship programs.<sup>90</sup> Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs.<sup>91</sup> Grant applications must include the projected enrollment and projected costs for the new or expanded apprenticeship program.<sup>92</sup>

The department must award grants for apprenticeship or preapprenticeship programs that address:<sup>93</sup>

- A critical statewide or regional shortage as identified by the Labor Market Estimating Conference and are industry sectors not adequately represented through the state, such as health care.
- A critical statewide or regional shortage as identified by the Labor Market Estimating Conference.
- Expand existing programs that exceed the median completion rate and employment rate one year after completion of similar programs in the region, or the state if there are no similar programs in the region.

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<sup>85</sup> Section 1011.801(1), F.S. Funds may be used for instruction equipment, laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a workforce development program.

<sup>86</sup> Section 1011.801, F.S.

<sup>87</sup> Section 1011.801(2), F.S.

<sup>88</sup> Section 1011.801(3), F.S.

<sup>89</sup> Section 33, ch. 2019-119, L.O.F.

<sup>90</sup> Section 1011.802

<sup>91</sup> Section 1011.802(3)(b), F.S.

<sup>92</sup> Section 1011.802(2), F.S.

<sup>93</sup> Section 1011.802(3)1.-3., F.S.



The department may use up to \$200,000 of the total amount allocated to administer the grant program.<sup>94</sup>

The amount appropriated by the Legislature since Fiscal Year 2019-2020 is shown in the table.

Opportunity Grant Allocations	Fiscal Year
\$10 million <sup>95</sup>	2019-2020
\$10 million <sup>96</sup>	2020-2021
\$10 million <sup>97</sup>	2021-2022
\$15 million <sup>98</sup>	2022-2023

### *Money-Back Guarantee Program*

The Money-Back Guarantee Program<sup>99</sup> was established to help individuals achieve self-sufficiency by requiring each school district and FCS institution to refund the cost of tuition to students who are not able to find a job within 6 months of successful completion of select workforce-related programs.<sup>100</sup>

Beginning in 2022-2023 academic year, each school district and FCS institution must establish a money-back guarantee program to:<sup>101</sup>

- Offer a money-back guarantee on at least three programs that prepare individuals to enter in-demand, middle-level to high-level wage occupations identified by the Labor Market Estimating Conference. The program requires school districts or FCS institutions to offer a money-back guarantee on at least 50 percent of workforce education programs if the school district or FCS institution offers six or fewer programs.
- Offer a money-back guarantee for all workforce education programs that are established to meet a critical local economic industry need, but are not linked to the statewide needs list as identified by the Labor Market Estimating Conference.

The following school districts and FCS institutions have already implemented or plan to implement Money Back Guarantee for the 2022 school year: Broward College, Charlotte County Public Schools, Collier County School Board, Eastern Florida State College, Miami Dade College, Palm Beach State College, Sarasota County School Board, and Taylor County School Board.<sup>102</sup>

### *Open Door Grant Program*

Under the Open Door Grant Program, grants are provided to district school boards and state colleges to cover up to two-thirds of the cost of short-term high-demand programs for eligible students upon successful completion and award of a credential of value. The grant program provides short-term training for high-demand programs in Florida. The Open Door Grant Program allows grant funds to be used to cover the cost of a program, which includes tuition and fees, examination, books, and materials.<sup>103</sup>

A student who does not receive state or federal aid at the time of enrollment is responsible for paying one-third of the cost of the program and signing an agreement to either complete the program or pay an

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<sup>94</sup> Section 1011.802(5), F.S.

<sup>95</sup> Specific Appropriation 125A, s. 2, ch. 2019-115, L.O.F.

<sup>96</sup> Specific Appropriation 127, s. 2, ch. 2020-111, L.O.F.

<sup>97</sup> Specific Appropriation 123, s. 2, ch. 2021-36, L.O.F.

<sup>98</sup> Specific Appropriation 119, s. 2, ch. 2022-156, L.O.F.

<sup>99</sup> Section 1004.013(3)(c), F.S. *See also* s. 1011.803, F.S.

<sup>100</sup> *Id.*

<sup>101</sup> 1011.803(2)(a) and (b), F.S.

<sup>102</sup> Email from REACH Office, Executive Office of the Governor, Money Back Guarantee Survey Responses, (Jul. 8, 2022), (on file with the Education & Employment Committee).

<sup>103</sup> Section 1009.895, F.S.

additional one-third of the program cost in the event of non-completion. Grant funds may be used to cover the student's one-third of the cost of the program for students in integrated education and training programs and students who do not have a high school diploma and meet requirements established by the DOE. A student who does receive state or federal aid may be awarded a grant to cover the unmet need after all eligible aid is counted.<sup>104</sup>

The DOE is required to prioritize funding for integrated education and training programs in which institutions establish partnerships with local workforce development boards to provide basic skills instruction contextually and concurrently with workforce training that results in the award of credentials on the Master Credentials List. One-quarter of the appropriated grant funds must prioritize students attending rural institutions. No more than one-quarter of funds may be disbursed annually to any one eligible institution.<sup>105</sup>

The DOE may not reimburse any institution more than \$3,000 per completed workforce training program by an eligible student.<sup>106</sup>

The SBE is required to adopt rules for the DOE to administer the grant by:<sup>107</sup>

- Requiring eligible institutions to provide student-specific data and make final decisions on any dispute between eligible institutions and grant recipients;
- Undertaking periodic assessments of the overall success of the grant program and recommend modifications, interventions, and other actions based on such assessments;
- Establishing the procedure by which eligible institutions shall notify the department when eligible students enroll in eligible programs; and
- Requiring each eligible institution to submit a report with data from the previous fiscal year on program completion and credential attainment by students participating in the grant program.

The DOE must provide an annual report to the SBE on program completion, attainment, and participant wage and demographics categorized by credential name and relevant occupation.<sup>108</sup>

As of February 20, 2023, the DOE disbursed to institutions \$5,599,553 for the Open Door Grant Program in the FY 2022-2023.<sup>109</sup>

### *Florida College System Incentive Funding*

Performance funding for industry certifications for FCS institutions is contingent upon specific appropriations and is determined as follows:<sup>110</sup>

- Postsecondary industry certification identified on the CAPE Postsecondary Industry Certification Funding List are eligible for performance funding.
- Each FCS institution is provided \$1,000 for each industry certification earned by a student. If funds are insufficient to fully fund the calculated total award, funds are prorated.
- Beginning with the 2022-2023 fiscal year, the Credentials Review Committee is required to develop a returned-value funding formula to allocate institution performance funds that rewards student job placements and wages for students earning industry certifications, with a focus on increasing the economic mobility of underserved populations. One-third of the performance funds shall be allocated based on student job placements. The remaining two-thirds shall be allocated using a tiered, weighted system based on aggregate student wages that exceed minimum wage, with the

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<sup>104</sup> Section 1009.895(4), F.S.

<sup>105</sup> Section 1009.895(3), F.S.

<sup>106</sup> Section 1009.895(5), F.S.

<sup>107</sup> Section 1009.895(6) and (8), F.S.

<sup>108</sup> Section 1009.895(7), F.S.

<sup>109</sup> Email from Suzanne Pridgeon, Deputy Commissioner, Division of Finance and Operations, Department of Education, FW: Open Door (Feb. 20, 2023) (on file with the Higher Education Appropriations Subcommittee).

<sup>110</sup> 1011.81(2)(a) and (b), F.S.

highest weight applied to the highest wage tier, with additional weight for underserved populations. Student wages above minimum wage are considered to be the value added by the institution's training. At a minimum, the formula must consider variables such as differences in population and wages across the state.

### *Workforce Education Postsecondary Student Fees*

Under Florida law, 'tuition' is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.<sup>111</sup> A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate.<sup>112</sup>

State universities, FCS institutions, career centers operated by a school district,<sup>113</sup> and charter technical career centers<sup>114</sup> must waive out-of-state-fees for students meeting specified criteria.<sup>115</sup>

For programs leading to a career certificate or an applied technology diploma, the standard tuition is \$2.33 per contact hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour. For adult general education programs, a block tuition of \$45 per half year or \$30 per term is assessed. Each district school board and FCS institution board of trustees must adopt policies and procedures for the collection of and accounting for the expenditure of the block tuition.<sup>116</sup>

### Effect of the Bill

#### *Operation of Workforce Education Programs*

To be responsive to industry needs for skilled workforce, the bill allows for FCS institutions and school districts to offer continuing workforce education courses or programs without prior SBE approval. Each FCS institution and school district offering continuing workforce education courses or programs must maintain adequate and accurate records of instructional activity. For the purpose of measuring program performance and responsiveness to industry needs, institutions must report continuing workforce education instructional activity in a format prescribed by the DOE and are ineligible for performance funding.

The bill shifts the responsibility for approval of new workforce education programs that are in the statewide curriculum framework from the SBE to the local college board of trustees or district school board. Performance funding is not associated with approval. The approval will be based on, among other requirements, an analysis of workforce demand and unmet need consistent with the information provided by the Labor Market Statistics Center within the DEO.

The bill repeals the requirement to develop a returned-value funding formula. As such, each school district must be provided \$1,000 for each industry certificate earned by a workforce education student and if funds are insufficient to fully fund the calculated total reward, then the funds must be prorated.

In an effort to move towards a performance funding formula that provides higher funding for certifications with higher anticipated wages rather than the current returned-value funding formula or \$1,000 for all certifications, the bill requires the State Board of Education to adopt tiers for each earned industry certification based upon the anticipated average wages of all occupations to which the

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<sup>111</sup> Section 1009.01(1), F.S. Additionally, the definition states that "[a] charge for any other purpose shall not be included within this fee."

<sup>112</sup> Section 1009.21(1)(g), F.S.

<sup>113</sup> Section 1001.44, F.S.

<sup>114</sup> Section 1002.34, F.S.

<sup>115</sup> Section 1009.26(12), F.S.

<sup>116</sup> Section 1009.22(3)(c), F.S.

certification is linked on the Master Credentials List. The report is due annually by October 1. The amount awarded for each tier must be specified in the General Appropriations Act.

The bill authorizes the SBE to review and approve proposals by district career centers to offer AAS and AS degree programs.

A career center that offers one or more AAS or AS degrees, as specified in the bill, must maintain an open-door admission policy for associate-level degree programs and workforce education programs and may not terminate its existing programs. In addition, the bill authorizes the center to offer the degree programs through an agreement between the local Florida College System Institution or other accredited postsecondary education institutions and degree programs. The programs may be established for the purposes of meeting district, regional, or statewide workforce needs if approved by the SBE. The bill further defines the format and content requirements and submission procedures for notices of intent, proposals, alternative proposals, and compliance reviews for receiving approval for offering AAS and AS degree programs.

The bill aligns the tuition for associate in science and associate in applied science degree programs with the tuition for the programs offered by state colleges, which is \$71.98 per credit hour for residents and nonresidents, and an out-of-state fee of \$215.94 per credit hour.

#### *Workforce Development Capitalization Incentive Grant Program*

The bill revises the grant program by removing the requirement that the grant be administered on a competitive basis. In addition, the bill shifts the focus of the grant program by providing funding to workforce development programs that lead to industry certifications included on the CAPE Industry Certification Funding List. The programs may serve secondary students or postsecondary students if the postsecondary career and technical education program also serves secondary students.

The bill removes priority populations for consideration of grant funds. However, the SBE is still required to consider the statewide geographic dispersion of grant funds in ranking the application and is required to give priority to application from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

The bill authorizes the SBE to adopt rules for the administration of the program.

The bill provides \$100 million in nonrecurring funds from the General Revenue Fund for the Workforce Development Capitalization Incentive Grant Program.

#### *Pathways to Career Opportunities Grant Program*

The bill removes the requirement that the grant be awarded on a competitive basis. Instead, the bill requires the DOE to administer the grant, identify projects, solicit proposals, and make funding recommendations to the Commissioner of Education, who is authorized under the bill to approve grant awards. This change may result in grant awards going to a wider variety of apprenticeship sponsors. The bill specifies that each type of entity (career centers, the FCS, and others) eligible for grants may not receive more than 25 percent of the total amount appropriated, and prohibits an individual applicant from receiving more than 10 percent of the total amount appropriated. In addition, the bill authorizes the DOE to grant bonuses in the award amount to applicants that submit a joint application for shared resources.

Grants are awarded to address a critical or regional shortage with consideration given to information provided by the Labor Market Statistic Center within the DEO and the Credentials Review Committee, in addition to information provided under current law by the Labor Market Estimating Conference; and address a critical statewide or regional shortage with consideration given to the information provided by

the Labor Market Statistics Center with the DEO and the Credentials Review Committee, in addition to the information provided by the Labor Market Estimating Conference provided under current law.

The bill also authorizes grants to fund the cost of providing related technical instruction in addition to costs authorized under current law, such as instructional equipment, supplies, instructional personnel, student services, and other expenses. However, the bill explicitly prohibits funds from being used for administrative costs.

The bill doubles the amount the DOE may use to administer the program to \$400,000.

#### *Money-Back Guarantee Program*

The bill revises the Money-Back Guarantee Program to provide flexibility for institutions to determine the three programs for which the institution offers a money-back guarantee, by removing the requirement that the programs be linked to preparing students for in-demand, middle-level to high-level wage occupations identified by the Labor Market Estimating Conference. The bill also removes the requirement that all programs offered to meet local workforce demand include a money-back guarantee for employment.

#### *Open Door Grant Program*

The bill converts the Open Door Grant Program to a financial aid program for students of a state college or technical center to incentivize current and future workers to enroll in CTE that leads to a credential, certificate, or degree. The bill requires participating postsecondary institutions to administer the grant program in accordance with rules of the SBE.

Under the bill, in order to be eligible for the program, a student must:

- Be a resident of Florida for tuition purposes and attest to the accuracy, completeness, and correctness of information provided to demonstrate the student's eligibility to receive state financial aid awards or tuition assistance grants;
- Be enrolled in an integrated education and training program, career certificate, applied technology diploma, continuing workforce education, associate's degree, or apprenticeship and preapprenticeship programs included on the Master Credentials List or lead to a certification on the Master Credentials list;
- Be enrolled at a school district postsecondary technical career center, a state college, or a charter technical career center.

An institution is prohibited from imposing additional criteria to determine a student's eligibility to receive a grant.

Under the bill, a student is eligible to receive an award equal to the amount needed to cover 100 percent of the cost for the eligible workforce education program after all other federal and state financial aid and any other private or public financial assistance is applied. These costs may include tuition and fees, exam or assessment costs, books, or related materials. Additionally, a student is eligible to receive a stipend up to \$1,500 per academic year to cover other educational expenses related to cost of attendance. The awards are subject to availability of funding and stipend amounts may be specified in the GAA. The bill requires institutions to give returning students priority over new students.

The bill provides a timetable for funding the grant program. Pursuant to the bill:

- For Fiscal Year 2023-2024, funding for eligible institutions must consist of a base amount provided for in the GAA plus each institution's proportionate share of full-time equivalent students enrolled in CTE programs.
- Beginning in Fiscal Year 2024-2025, the funds appropriated for the Open Door Grant Program must be distributed to eligible institutions in accordance with a formula approved by the SBE. The formula

must consider at least the prior year's distribution of funds and the number of eligible applicants who did not receive awards.

The bill requires, subject to the appropriation of funds by the Legislature, the DOE to transmit payment of grants to the institution in advance of the registration period and institutions to notify students of the amount of their awards.

The bill requires institutions to determine the eligibility status of each student to receive a disbursement as of the end of its regular registration period, inclusive of a drop-add period and proscribes any requirement for institutions to subsequently reevaluate a student's eligibility status.

The bill requires institutions to certify to the DOE within 30 days after the end of the regular registration period of each term the amount of funds disbursed to each student. Institutions are required under the bill to remit to the DOE any undisbursed advances for the fall, spring, and summer terms within 30 days after the end of the summer term.

The bill requires each institution to report to the DOE by the established date:

- The number of students eligible for the program for each academic term.
- Any necessary demographic and eligibility data for students;
- The information from the currently required report that includes data from the previous fiscal year on program completion and credential attainment by students participating in the grant program. The bill removes the requirement that the report include the average cost per workforce credential attained, categorized by credential name and relevant occupation.

The bill maintains the requirement for the DOE to compile the data and provide a report to the SBE but removes the requirements for the report to include information on the average wage, age, gender, race, ethnicity, veteran status, and other relevant information, of students who have completed workforce training programs categorized by credential name and relevant occupation.

The bill maintains the requirement for the SBE to adopt rules to implement the program.

### *Florida College System Incentive Funding*

The bill removes the requirement for the Credentials Review Committee to develop a returned-value performance funding formula for college and career performance funding. As such, each FCS institution will be provided \$1,000 for each industry certificate earned by an FCS institution student and, if funds are insufficient to fully fund the calculated total reward, then the funds must be prorated.

In an effort to move towards a performance funding formula that provides higher funding for certifications with higher anticipated wages rather than the current returned-value funding formula or \$1,000 for all certifications, the bill requires the State Board of Education to adopt tiers for each earned industry certification based upon the anticipated average wages of all occupations to which the certification is linked on the Master Credentials List. The report is due annually by October 1. The amount awarded for each tier must be specified in the General Appropriations Act.

## **Florida's Healthcare Workforce**

### Present Situation

#### *Nursing*

According to the Bureau of Labor Statistics, Florida ranks third among states to employ nurses. While Florida ranks as one of the top states for employment of nurses, a report in June 2020, showed 35,000 or 16.3 percent of registered nurses (RN) and 3,700 or 13.4 percent of advanced practice registered

nurses (APRN) are over the age of 60 in Florida and may begin phasing into retirement during the next 5 to 10 years.<sup>117</sup>

The U.S. is projected to experience a shortage of Registered Nurses (RNs) that is expected to intensify as Baby Boomers age and the need for health care grows, according to the American Association of Colleges of Nursing. Compounding the problem is the fact that nursing schools across the country are struggling to expand capacity to meet the rising demand for care.<sup>118</sup>

Florida established the Florida Center for Nursing (FCN) to address the issues of supply and demand for nursing, including issues of recruitment, retention, and utilization of nurse workforce resources. The FCN will address these issues through various goals. Among the goals are to collect and analyze data on supply, demand, and retention for nursing in Florida; increase nurse faculty and clinical preceptors; support nurse faculty development; and promote advanced nurse education. Demand must align with the Labor Market Estimating Conference.<sup>119</sup>

### Effect of the Bill

The bill requires the FCN to convene various groups representative of nurses, other health care providers, businesses and industries, consumers, lawmakers, and educators to:

- Review and comment on data analysis prepared for the center.
- Recommend systemic changes, including strategies for implementation of recommended changes.
- Evaluate and report the results of these efforts to the Legislature and others.

Additionally, the bill requires, no later than each January 10, the FCN to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, details of its activities during the preceding calendar year in pursuit of its goals, including a nursing education program report. No later than February 10, the center must annually update the report to include data related to the NCLEX examination.

When conducting a statistically valid biennial data-driven gap analysis of the supply and demand of the health work, the bill repeals that the demand must be aligned with the Labor Market Estimating Conference.

## **Career and Professional Education**

### Present Situation

#### *Florida Career and Professional Education Act*

The Florida Career and Professional Education (CAPE) Act was created to provide a statewide partnership between business and education communities to expand and retain high-value industry, and sustain a vibrant state economy.<sup>120</sup>

The CAPE Act strategic 3-year plan developed jointly by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions must be constructed and based on:<sup>121</sup>

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<sup>117</sup> Florida Center for Nursing, *Florida's 2018-2019 Registered Nurse (RN) Workforce Supply: Characteristics and Trends*, (June 2020), at 1, available at <https://floridasnursing.gov/forms/supply/2018-2019%20RN%20Supply%20-%20FINAL%2006.2020.pdf>.

<sup>118</sup> American Association of College of Nursing, *Nursing Shortage Fact Sheet*, (Oct. 2022), available at <https://www.aacnnursing.org/Portals/42/News/Factsheets/Nursing-Shortage-Factsheet.pdf>

<sup>119</sup> Section 464.0195(1) – 2(a)3., F.S.

<sup>120</sup> Section 1003.491, F.S.

<sup>121</sup> Section 1003.491 (3)(a)-(b), F.S.

- Research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Estimating Conference.
- Strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Estimating Conference.

### *CAPE Industry Certification Funding List*

The Master Credentials List is submitted to the SBE for the adoption of the CAPE Industry Certification Funding List. The SBE is required to adopt, at least annually, based on recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List that assigns additional full-time equivalent membership to certifications identified in the Master Credentials List that meet a statewide, regional, or local demand, and courses that lead to such certifications. Additional full-time equivalent membership funding for regional and local demand certifications and courses that lead to such certifications may only be earned in those areas with regional or local demand as identified by the Credentials Review Committee.<sup>122</sup>

Industry certification is a process where students demonstrate knowledge, skills, and competencies and earn a credential that is nationally recognized and is:<sup>123</sup>

- Within an industry that addresses a critical local or statewide economic need;
- Linked to an occupation that is included in the workforce system's targeted occupation list; or
- Linked to an occupation that is identified as emerging.

The CAPE Industry Certification Funding List may include the following certificates, certifications, and courses:<sup>124</sup>

- CAPE industry certifications identified as credentials of value that meet the framework of quality. The CAPE Industry Certification Funding List must incorporate by reference the industry certifications on the career pathways list approved for the Florida Gold Seal CAPE Scholars award.
- CAPE Digital Tool certificates.
- CAPE ESE Digital Tool certificates, workplace industry certifications, and OSHA industry certifications for students with disabilities.
- CAPE Innovation Courses that combine academic and career performance outcomes with embedded industry certifications.
- CAPE Acceleration Industry Certifications that articulate for 15 or more college credit hours.

Certifications included on the CAPE Industry Certification Funding List:<sup>125</sup>

- Require at least 150 hours of instruction and can be earned in middle and high school.
- Usually require passage of a subject area examination and some combination of work experience, educational attainment, or on-the-job training.

### *CAPE Digital Tools*

Each district school board, in consultation with the district school superintendent, is required to have available digital materials, CAPE Digital Tool certificates, and CAPE industry certifications for students in prekindergarten through grade 12. This will enable students to attain digital skills and these digital materials, CAPE Digital Tool certificates, and CAPE industry certifications may be integrated into subject area curricula, offered as a separate course, made available through open-access options, or deployed through online or digital computer applications.<sup>126</sup>

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<sup>122</sup> Section 1088.44, F.S.

<sup>123</sup> Section 1003.492(2), F.S.

<sup>124</sup> Section 1008.44(1), F.S.

<sup>125</sup> Rule 6A-6.0576(5)-(6), F.S.

<sup>126</sup> Section 1003.4203(1), F.S.



Digital and instructional materials are available to prekindergarten through grade 12 students with disabilities and these digital materials may include CAPE Digital Tool certificates.<sup>127</sup>

To assist the school district in providing digital materials, CAPE Digital Tool certificates, and CAPE industry certifications, partnerships can be made between other school districts, private businesses, postsecondary institutions, or consultants to offer classes and instruction to teachers and students.

Additionally, third-party assessment providers and career and professional academy curricula providers are encouraged to provide annual training to staff of the DOE, staff of school district offices, instructional staff of public schools, including charter schools, and other appropriate administrative staff through face-to-face training models; through online, videoconferencing training models; and through state, regional, or conference presentations.<sup>128</sup>

The following CAPE Innovation Courses have been identified for deletion for the 2022-2023 school year:<sup>129</sup>

CAPE Innovation Course	Required Industry Certification
Advanced Placement Microeconomics Innovation (2102365)	Microsoft Office Specialist Excel
Advance Placement English Language and Composition Innovation (1001425)	Microsoft Office Specialist for Word
Advance Placement Studio Art 2-D Design Portfolio Innovation (0109355)	Adobe Certified Associate Visual Communication using Adobe Photoshop
Advance Placement Computer Science Innovation (0200325)	CIW JavaScript Specialist

Effect of the Bill

*CAPE Act*

The bill specifies that the strategic 3-year plan must be constructed and based on:

- Research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Statistics Center within the DEO and the Labor Market Estimating Conference as factors in the criteria for the plan.
- Strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Statistics Center within the DEO and the Labor Market Estimating Conference.

*CAPE Industry Certification Funding List*

The bill removes the requirement that courses that lead to certifications identified in the Master Credentials List be included in the CAPE Industry Certification Funding List.

In addition, the bill requires the CAPE digital tools certificates be selected by the district school board.

The bill requires DOE to annually review available assessments that meet the requirement for inclusion on the list.

<sup>127</sup> Section 1003.4203(2), F.S.

<sup>128</sup> Section 1003.4203(8), F.S.

<sup>129</sup> Florida Department of Education, *Memo, re: CAPE Innovation Courses*, (Dec. 10, 2021) available at <https://www.fldoe.org/core/fileparse.php/8904/urlt/CAPEInnoCourses.pdf>

The bill authorizes the commissioner to limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades without receiving formal recommendation by providers of CAPE industry certifications and CAPE digital Tool certificates.

### *CAPE Digital Tools*

The bill repeals the CAPE ESE Digital Tool certificates, workplace industry certifications, and OSHA industry certifications for students with disabilities. Also removed are the CAPE Innovation Courses that combine academic and career performance outcomes with embedded industry certifications.

The bill provides that if an applicant fails to submit the required information to the Credential Review Committee, the committee will provide a notice of deficiency to the applicant and the provider who was identified as the point of contact provided on the application by the end of the next quarter after receipt of the application.

## **Florida Education Finance Program**

### Present Situation

In 1973, the Florida Legislature enacted the Florida Education Finance Program (FEFP) “to guarantee to each student in the Florida public educational system the availability of programs and services appropriate to his or her educational needs which are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors.”<sup>130</sup>

The FEFP allocates funds to each school district based on student enrollment.<sup>131</sup> The FEFP uses a unit of measure for each student called a full-time equivalent (FTE). One FTE equals one school year of instruction provided to a student.<sup>132</sup>

Districts may earn additional value FTE for students who participate and are successful in other programs, such as Advance Placement Courses or CAPE programs. The additional FTE for CAPE programs is provided through the Florida Education Finance Program (FEFP). To equalize educational opportunities, the FEFP formula recognizes varying local property tax bases, education program costs, costs of living, and costs for equivalent educational programs due to sparsity and dispersion of the student population.<sup>133</sup>

Cost factors based on desired relative cost differences between programs are established in the annual General Appropriations Act. Nationwide, it is estimated that CTE costs may be between 20 and 40 percent higher than those for general academic instruction.<sup>134</sup> The cost factor for secondary CTE programs in Florida, however, is required to be the same as for basic programs grade 9 through 12.<sup>135</sup>

The FEFP incents various instructional programs by providing weighted full-time equivalent student membership for students who attain a specified level of performance in the programs. CAPE industry certifications issued to middle school and high school students are eligible for additional full-time equivalent membership.<sup>136</sup> School districts earn bonus funding of 0.025 FTE for students who complete a CAPE Digital Tool Certificate and 0.1 FTE for each student who completes a career-themed course

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<sup>130</sup> Chapter 73-345, L.O.F.; Florida Department of Education, *2022-23, Funding for Florida School Districts*, at 1, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

<sup>131</sup> See s. 1011.62(1)(d)1., F.S.

<sup>132</sup> Section 1011.61(1)(a), F.S.

<sup>133</sup> OPPAGA, *Florida Education Finance Program*,

<https://oppaga.fl.gov/ProgramSummary/BackPageDetail?programNumber=2002&backPageNumber=01> (last visited May 9, 2023).

<sup>134</sup> Education Commission of the State, *State Approaches to Secondary CTE Funding* (Apr. 8, 2020), <https://ednote.ecs.org/state-approaches-to-secondary-cte-funding/> (last visited May 11, 2023).

<sup>135</sup> Section 1011.62(1)(c), F.S.

<sup>136</sup> Section 1003.4203(4), F.S.

or a course embedded with a CAPE industry certification. This bonus funding is limited to 0.1 FTE for a middle school student each year. High school students are not subject to the same limit and are able to generate for the school district:<sup>137</sup>

- A value of 0.2 FTE for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education.
- A value of 0.3 FTE for student completion of the courses and the embedded certifications for CAPE Innovation courses.
- A value of 0.5 FTE for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 FTE for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours.

Each district must allocate at least 80 percent of the funds provided for CAPE industry certification to the program that generated the funds.<sup>138</sup>

### *Dual Enrollment*

Incentives are also provided to encourage students to participate in dual enrollment. The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.

Students enrolled in dual enrollment instruction may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Dual enrollment full-time equivalent student membership is calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students enrolled in dual enrollment instruction are exempt from the payment of tuition and fees, including laboratory fees.<sup>139</sup>

District school boards receive additional full-time equivalent student membership for students who meet specified standards in dual enrollment courses. A value of 0.16 full-time equivalent student membership for secondary students enrolled full time in a technical or state college, and a value of 0.08 full-time equivalent student membership for other students, who complete a general education core course through the dual enrollment program with a grade of "A." In addition, a value of 0.3 full-time equivalent student membership is calculated for any student who receives an associate degree through the dual enrollment program with a 3.0 grade point average or better.<sup>140</sup> Each school district is required to allocate at least 50 percent of the funds received from the dual enrollment bonus FTE funding to the schools that generated the funds to support student academic guidance and postsecondary readiness.<sup>141</sup>

School districts received approximately 10,564 weighted full-time equivalent student membership related to dual enrollment performance in the 2021-2022 fiscal year.<sup>142</sup>

### Effect of the Bill

The bill requires that the cost factor for secondary career education programs be greater than the cost factor for basic programs grades 9 through 12.

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<sup>137</sup> Section 1011.61(1)(o)1., F.S.

<sup>138</sup> Section 1011.62(1)(o)2., F.S.

<sup>139</sup> Section 1011.62(1)(i)1., F.S.

<sup>140</sup> Section 1011.62(1)(i)2., F.S.

<sup>141</sup> Section 1011.62(1)(i)2., F.S.

<sup>142</sup> Florida Department of Education, *2021-22 FEFP Final Calculation*, at 16, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/2122FEFPFinalcalc.pdf>.

The bill removes the limitation of 0.1 additional FTE membership for an elementary or middle grades student for certificates earned within the same year and authorizes middle school digital tool certificates to partially satisfy sequential industry certification requirements for FTE bonus funding.

The bill provides an incentive for CTE concentrators by providing additional FTE for students who complete at least three courses and an industry certification in a single CTE program or program of study.

The bill maintains the current requirement that 80 percent of bonus funds remain with the CTE program, but also specifies that the remaining 20 percent must be reserved for district CTE programs.

### *Dual Enrollment*

The bill adds to the options for district school boards to generate additional full-time equivalent student membership through the dual enrollment program. The bill provides that a value of 0.08 full-time equivalent student membership must be calculated for each student who completes a career course through the dual enrollment program with a grade of “A” in a pathway that leads to an industry certification that is included on the CAPE Industry Certification Funding List.

## **Secondary Instructional Requirements**

### Present Situation

#### *Requirements for High School Graduation*

Receipt of a standard high school diploma requires successful completion of 24 high school credits requirements, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>143</sup>

Of the 24 required credits, eight credits must be in electives. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or a series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit.<sup>144</sup> One of the eight credits for an elective must be in fine or performing arts, speech and debate, or practical arts. The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination.<sup>145</sup> Eligible practical arts courses are identified in the Course Code Directory.<sup>146</sup>

Students are allowed to earn credit in both the career education course and courses required for high school graduation. The SBE determines, biennially, if sufficient academic standards are covered to warrant the award of academic credit, including satisfaction of assessment requirements for courses that satisfy the credit requirement.<sup>147</sup>

A student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with DOE may use such credit to satisfy the high school graduation credit requirements for fine or performing arts, speech and debate or practical arts, or the high school graduation credit requirements for electives.<sup>148</sup>

#### *Middle School Promotion Requirements*

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<sup>143</sup> Section 1003.4282(1)(a), F.S.

<sup>144</sup> Section 1003.4282(3)(a)-(g), F.S.

<sup>145</sup> Section 1003.4282(3)(e), F.S.

<sup>146</sup> *Id.*, see Course Code Directory (2022), available at <https://www.fldoe.org/core/fileparse.php/7746/urlt/2122PACourses.pdf>.

<sup>147</sup> Section 1003.4282(8)(a)1., F.S.

<sup>148</sup> Section 1003.4282(8)(a)3., F.S.

Before a middle grades student can successfully be promoted to high school, one of the required courses a student must complete is a career and education planning course during grades 6, 7, or 8.<sup>149</sup> The course in career and education planning must be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school.<sup>150</sup>

### *Controlled Open Enrollment*

The process to participate in open enrollment must be adopted by rule by each district school board and be posted on its website. Among some of the requirements are adherence to federal desegregation requirements, allowing parents to declare school preferences, provide a lottery procedure to determine student assignment and establish an appeal process for hardship cases, and afford parents of students in multiple session schools preferred access to controlled open enrollment.<sup>151</sup>

Controlled open enrollment is only available if the desired school of attendance has capacity to receive the student. A middle grades student who desires to continue a CTE pathway only offered in a high school outside of the student's zone is not included in the list of students that receive preferential treatment for enrollment.<sup>152</sup>

### Effect of the Bill

#### *Requirements for High School Graduation*

For receiving a standard high school diploma, the bill authorizes a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and imagination to satisfy the one credit requirement in fine or performing arts, speech and debate, or CTE.

As students are allowed to earn credit in both the career education course and courses required for high school graduation, the bill requires the SBE to determine biennially if sufficient academic standards are covered to warrant the award of academic credit, including satisfaction of graduation and state university admissions requirements, in addition to the current satisfaction of assessment requirement.

The bill requires the SBE to establish a process, by rule, that enables a student to receive work-based learning or credit in electives for completing a threshold level of demonstrable participation in extracurricular activities associated with career and technical student organizations. The bill prohibits work-based learning or credit in electives for extracurricular activities or supervised agricultural experiences to be limited by grade level.

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<sup>149</sup> Section 1003.4156(1)(e), F.S.

<sup>150</sup> *Id.* The course in career and education planning and must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under s. 445.07, F.S. and other state career planning resources. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285, F.S.; the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to s. 1003.492, F.S. and s. 1008.44, F.S. The course may be implemented as a stand-alone course or integrated into another course or courses.

<sup>151</sup> Section 1002.31(3), F.S.

<sup>152</sup> Section 1002.31(2)(c), F.S.

The bill also requires the DOE to convene a workgroup to:

- Identify best practices in CTE pathways from middle school to high school to aid middle school students in career planning and facilitate their transition to high school programs. The career pathway must be linked to postsecondary programs.
- Establish three mathematics pathways for students enrolled in secondary grades by aligning mathematics courses to programs, postsecondary education, and careers. The workgroup is required to collaborate to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs, postsecondary education, and careers.

The bill rebrands the merit designation on a standard high school diploma as the "Industry Scholar" designation.

### *Middle School Promotion Requirements*

For the course in career and education planning to be completed in grades 6, 7, or 8, the bill requires that the course must result in a personalized academic and career plan for the student, which must utilize, when available, the state's online career planning and work-based learning system. The bill requires that the course must teach each student how to access and update the plan and encourage the student to access and update the plan at least once before the student's progression to high school and at least annually as the student progresses through high school.

The bill further specifies that the required personalized academic and career plan must inform students of high school graduation requirements, must also include a detailed explanation of the requirements for a career and technical education pathway to earn a standard high school diploma as well as work-based learning opportunities, including internships and preapprenticeships and apprenticeships programs.

### *Controlled Open Enrollment*

The bill requires the controlled open enrollment process used by district school boards to enable a student who, in middle school, completed a CTE course or an industry certification included in the CAPE Industry Certification Funding List to continue a sequential program of CTE in the same concentration, if a high school in the district offers the program.

## **Recognition of Academic & Career Achievement**

### Present Situation

The Legislature recognizes the importance of promoting student academic achievement, motivating students to attain academic achievement, and providing positive acknowledgment for that achievement and has encouraged district school boards to adopt policies and procedures to celebrate the academic and workforce achievement of students by declaring an "Academic Scholarship Signing Day" and a "College and Career Decision Day".<sup>153</sup>

An Academic Scholarship Signing Day is to recognize the outstanding academic achievement of high school seniors who sign a letter of intent to accept an academic scholarship offered to the student by a postsecondary education institution.<sup>154</sup>

A College and Career Decision Day is to recognize high school seniors for their postsecondary education plans to encourage early preparation for college, and to encourage students to pursue

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<sup>153</sup> Section 1001.43(14), F.S.

<sup>154</sup> Section 1001.43(14)(b)1., F.S.

advanced career pathways through the attainment of industry certifications for which there are statewide college credit articulation agreements.<sup>155</sup>

Additionally, district school board policies and procedures may include conducting assemblies or other appropriate public events in which students sign actual or ceremonial documents accepting scholarships or enrollment. The district school board may encourage holding such events in an assembly or gathering of the entire student body as a means of making academic success and recognition visible to all students.<sup>156</sup>

### Effect of the Bill

Beginning in the 2023-2024 school year, the bill requires each district school board to adopt policies and procedures to require each high school to host an annual career fair during the school year and establish a process to provide students in grades 11 and 12 the opportunity to meet or interview with potential employers during the career fair. The career fair must be held during the school day. The career fair must also be held on the campus of the high school, unless the district or a group of districts hold a joint career fair involving multiple high schools. The bill requires a joint career fair to be held at a location within reasonable driving distance for students at all participating high schools.

The bill also authorizes the high school to use the state's online career planning and work-based learning system as part of the career fair activities.

### **Parental Notification**

#### Present Situation

Florida law requires each district school board, in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system. The program will inform and allow for parents to participate in schools, such as parent-teacher association, and to learn about activities, such as homework or clubs, involving their child.<sup>157</sup>

In addition, district school boards are required, at the beginning of each school year, to notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses and options for early graduation.<sup>158</sup>

### Effect of the Bill

The bill requires each district school board to inform parents of apprenticeships, diversified education, and CTE activities. Under the bill, district school boards, at the beginning of each year, are to notify students in or entering high school, as well as the parents of the students, in a language that is understandable to students and parents, of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses; career and professional academies; career-themed courses; the career and technical education pathway to earn a standard high school diploma; work-based learning opportunities, including internships and apprenticeship and preapprenticeship programs; foundational and soft-skill credentialing programs; Florida Virtual School courses; and options for early graduation. The parents and students are to be provided with guidance on accessing and utilizing Florida's online career planning and work-based learning coordination system and the contact information of a certified school counselor who can advise students on these options.

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<sup>155</sup> Section 1001.43(14)(b)2., F.S.

<sup>156</sup> Section 1001.43(14)(b)2., F.S. (flush-left provision at the end of the subparagraph).

<sup>157</sup> Section 1014.05, F.S.

<sup>158</sup> Section 1003.02(1)(i), F.S.

## **Vocational Rehabilitation**

### Present Situation

#### *The Florida Endowment Foundation for Vocational Rehabilitation (The ABLE Trust)*

In 1990, the Legislature recognized the need to encourage public and private support to enhance vocational rehabilitation and employment of Florida's citizens who are disabled by establishing the Florida Endowment Foundation for Vocational Rehabilitation, also known as The ABLE Trust, as a direct support organization for the Division of Vocational Rehabilitation within the DOE. The ABLE Trust is approved by the division to be operating for the benefits and best interest of the state through a contract.<sup>159</sup> A board of directors, appointed by the Governor, oversees the operations of The ABLE Trust and ensures that funds are provided for programs or initiatives which engage in the research, promotion, or aid of job training and counseling for Florida's disabled citizens, and to support the work of the division.<sup>160</sup>

### Effect of the Bill

The bill delays the October 1, 2023, scheduled repeal of the Florida Endowment Foundation for Vocational Rehabilitation (The ABLE Trust) as a statutorily-created direct support organization until October 1, 2027.

The bill requires the Florida Endowment Foundation for Vocational Rehabilitation to conduct research and issue reports on the systems in Florida that provide services to individual with disabilities, including autism and intellectual and developmental disabilities. The board is required to submit to the Legislature a report by December 1, 2023. The report must:

- Identify the current systems for service delivery to persons with disabilities, including operations, services, coordination activities, and structures.
- Identify barriers and obstacles in transportation for persons with disabilities living in the home or receiving community-based services for jobs, medical appointments, and peer-to-peer groups.
- Identify workforce issues related to direct support professionals, behavioral or mental health specialists, health care practitioners, and other individuals who assist with the provision of services to persons with disabilities.
- Examine the best practices for uniform and efficient service delivery and the coordination of and transition among systems, including transitioning out of high school.
- Examine federal and state law and rules that impact or limit supports or services for persons with disabilities.
- Identify systemwide incongruity and inefficiencies in service delivery.
- Identify opportunities for job coaching and community participation supports, including those opportunities for individuals who cannot or choose not to go into the community because of underlying issues.

## **Florida Workforce Education Financial Assistance Programs**

### Present Situation

#### *Florida Work Experience Program*

Created in 1993, the Florida Work Experience program (FWEP) provides need-based financial assistance to students as they are employed in occupations complementary to their educational endeavors and career goals. The 2007 Florida Legislature expanded the FWEP to serve students at postsecondary institutions by providing additional on-campus employment opportunities, helping to

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<sup>159</sup> Section 413.615(5)-(6), F.S.

<sup>160</sup> Sections 413.615(4), (8), and (10), F.S.



keep students in school and reducing students' school loans. Additionally, the program's opportunities for employment at a student's school serve as a retention tool because students employed on campus are more likely to complete their postsecondary education.<sup>161</sup>

Eligibility for students to participate must include one of the following criteria:<sup>162</sup>

- Enrolled at an eligible college or university as no less than a half-time undergraduate student in good standing;
- Enrolled in an eligible postsecondary career certificate program<sup>163</sup> as no less than a half-time student in good standing; or
- Being enrolled as no less than a half-time student in good standing at an eligible educator preparation institution.

Currently, students pursuing an applied technology diploma are not eligible to participate in the program. An applied technology diploma is a credential that signifies a student has successfully completed a (clock hour or college credit) postsecondary education program and is ready for employment in a field. Examples include medical coding/billing (1110 clock hours), paramedic (1100 clock hours), pharmacy technician (1050 clock hours), and dental assisting technology and management (1230 clock hours).

### Effect of the Bill

#### *Florida Work Experience Program*

The bill expands the Florida Work Experience Program to include students who attend charter technical career centers and students pursuing an applied technology diploma on at least a half-time basis. Additionally, the bill encourages a participating postsecondary education institution to provide academic credit to students who participate in the program.

#### *Florida Workforce Education Partnership Program*

The bill also authorizes a state university to establish a workforce education partnership program. Pursuant to the bill, the purpose of a workforce education partnership program is to allow a student who is enrolled at the state university, and employed by a private employer participating in the program, to graduate from the state university without student loans. The bill requires the Board of Governors to create a template, in consultation with state and local workforce and economic development agencies, for a state university to establish the program. The template must include the following:

- The process for a private employer to participate in the program.
- Student eligibility criteria.
- The process for the eligible student to enroll in the program.
- Guidance and requirements for the state university and private employer to:
  - Each designate a mentor to assist participating students.
  - Create a process to make a housing stipend available to participating students.
  - Create a process to provide life management and professional skills training to participating students.
- The requirement that a private employer establish an education assistance program pursuant to s. 127 of the Internal Revenue Code of 1986 and provide tuition assistance for a student enrolled at the state university while such student works for the private employer up to the maximum amount that the employer may exclude from the employer's gross income under that section.

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<sup>161</sup> Section 1009.77(1), F.S.

<sup>162</sup> Section 1009.77(8)(a), F.S.

<sup>163</sup> Section 1009.77(8)(a)2., F.S. Eligible programs must be approved by the Department of Education and must consist of no less than 450 clock hours of instruction. Such programs must be offered by a career center operated by a district school board under s. 1001.44, F.S. or by a Florida College System institution.

- The requirement that the state university work with participating students to ensure that they have applied for and are receiving the maximum amount of financial aid in the form of scholarships and grants.
- The requirement that the state university and private employer seek out additional sources of funding to pay for remaining costs for participating students.

The bill requires the Board of Governors to evaluate the effectiveness of the workforce education partnership programs and determine if additional training and employment programs can use the template developed.

The bill authorizes the Board of Governors to adopt regulations for the administration of the program.

## **Career and Technical Education (CTE) Teachers**

### *Part-time and Full-time Nondegreed Teachers*

#### Present Situation

Each district school board is required to establish the minimal qualifications for part-time and full-time non-degreed teachers of career programs. Non-degreed teachers of career programs must provide a complete set of fingerprints for background screening and are required to provide documentation of:<sup>164</sup>

- A high school diploma or the equivalent.
- Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.
- Completion of career education training conducted through the local school district inservice master plan or through an educator preparation institute approved by the DOE pursuant to s. 1004.85.
- For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.
- Demonstration of successful teaching performance.
- Documentation of industry certification when state or national industry certifications are available and applicable.

District school boards are required to issue an adjunct teaching certificate to any applicant who meets background screening requirements and who has expertise in the subject area to be taught as evidenced by passage of a subject area test.<sup>165</sup>

#### Effect of the Bill

The bill modifies the requirement for school boards in hiring nondegree CTE teachers by requiring a minimum of 3-years' experience instead of 6-years' experience. As an alternative to the requirement of passing a subject area exam, the bill authorizes a person who holds an industry certification in a subject matter area to serve as an adjunct teacher.

The bill removes the requirements for the completion of a career education training conducted through the local school district inservice master plan or through an educator preparation institute approved by the DOE. The bill also removes the criteria of the demonstration of successful teaching performance.

The bill requires full-time teachers to complete professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training

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<sup>164</sup> Section 1012.39(1)(c), F.S.

<sup>165</sup> Section 1012.57(1), F.S.

may be completed through coursework from an accredited or approved institution, an approved district teacher education program, or the local school district inservice master plan.

### *Renewal of Professional Certificates*

#### Present Situation

Educators have continuing education requirements to renew their professional certificates.<sup>166</sup> Professional certificates, except a nonrenewable professional certificate, are renewable for successive periods not to exceed five years after the date of submission of documentation of completion of the specified requirements.<sup>167</sup> One requirement for renewal includes either the completion of a minimum of 6 college credits, 120 inservice points,<sup>168</sup> or a combination of college credits and inservice points.<sup>169</sup> In lieu of college course credit or inservice points, the state offers many alternative options. One such option is that the applicant may renew a subject area specialization by passage of a state board approved Florida-developed subject area examination, or, if a Florida subject area examination has not been developed, a standardized examination specified in state board rule.<sup>170</sup>

#### Effect of the Bill

The bill requires school districts to include in their inservice master plan the ability for teachers to receive inservice points for supporting students in extracurricular CTE activities, such as career and technical student organization activities outside of regular school hours and training related to supervising students participating in career and technical student organization.

### **The Office of Program Policy Analysis and Government Accountability**

#### Present Situation

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is a research arm of the Florida Legislature. OPPAGA supports the Florida Legislature by providing data, evaluative research and objective analysis that assist legislative budget and policy deliberations.<sup>171</sup>

#### Effect of the Bill

The bill requires OPPAGA to conduct a review of approved career statewide articulation agreements. Such career articulation agreements include industry certification, career certification, and applied technology diploma programs that articulate to associate in science or associate in applied science degrees; early childhood education programs; and associate in science to baccalaureate degree programs.

The review must include, at a minimum, the following:

- The number of CAPE industry certifications on the Master Credentials List, which are included in a statewide articulation agreement.
- The number of career programs or degrees offered by career centers and Florida College System institutions compared to the number of such certifications or programs included in a statewide articulation agreement.

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<sup>166</sup> Section 1012.585, F.S.

<sup>167</sup> Section 1012.585(2)(a), F.S.

<sup>168</sup> Florida Department of Education, *Florida Educator Certification Renewal Requirements*, <https://www.fldoe.org/teaching/certification/renewal-requirements/> (last visited May 9, 2023). Inservice points must be from an approved Florida master inservice program.

<sup>169</sup> Section 1012.585(3)(a), F.S.

<sup>170</sup> Section 1012.585(3)(b), F.S.

<sup>171</sup> Office of Program Policy Analysis and Government Accountability, *About OPPAGA*, <https://oppaga.fl.gov> (last visited May 9, 2023).

- The extent to which articulated programs included in a statewide articulation agreement are offered in a region or service area.
- The number and percentage of students in an articulated career program who transfer to and then complete the linked program specified in the statewide articulation agreement.
- Recommendations to strengthen the process of developing statewide articulation agreements, and on the role of such agreements in a Florida stackable credential framework.

The bill requires OPPAGA to report its findings to the President of the Senate and the Speaker of the House of Representatives by November 1, 2023.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

See Fiscal Comments.

#### 2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

See Fiscal Comments.

#### 2. Expenditures:

See Fiscal Comments.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

### D. FISCAL COMMENTS:

#### *Experiential Learning Tax Credit*

The bill expands and renames the 'Internship Tax Credit Program' the 'Experiential Learning Credit Program'. The bill also authorizes businesses to claim a tax credit for employing apprentices and preapprentices. Consistent with the current program, the tax credit amount remains \$2,000 per student intern, apprentice, or preapprentice (maximum of \$10,000/business for each taxable year).

The bill specifies that the combined total amount of tax credits is \$2.5 million in each of the state fiscal years 2021-2022, 2022-2023, 2023-2024, and 2024-2025.

#### *Reimbursement for workers' compensation insurance premiums*

The House Proposed General Appropriations Act for Fiscal Year (FY) 2023-2024 includes \$2 million in recurring general revenue funds provided to the Department of Education for reimbursement of workers' compensation insurance premiums. These funds would be available to be transferred to the Department of Financial Services.

#### *CAPE Industry Certification Funding List*

The House Proposed General Appropriations Act for FY 2023-2024 includes \$6.5 million for District Workforce Education and \$20 million for the Florida College System to provide \$1,000 for each industry certification earned by students on the CAPE Industry Certification Funding List.

#### *Florida Work Experience Program*

The bill adds applied technology diplomas as eligible programs for the Florida Work Experience Program, which provides funding, subject to appropriation, to postsecondary institutions to provide eligible students with paid internships offered by employers in partnership with school districts, career technical centers, public colleges and universities, and non-profit postsecondary institutions eligible to participate in the Florida Student Assistance Grant program (FSAG). The House Proposed General Appropriations Act for FY 2023-2024 includes \$1.6 million for the Florida Work Experience Program.

#### *Workforce education partnership programs*

The bill provides a framework for a state university to establish a workforce education partnership program that would help students to graduate without student loans. Institutions are not required to establish these partnerships, but if they chose to do so, costs may be absorbed within existing resources. The bill provides an appropriation of \$100 million in nonrecurring funds from the General Revenue Fund to support career and technical education for students in secondary grades.

#### *Workforce Development Capitalization Incentive Grant Program*

The bill adds additional criteria for which workforce development programs may be funded by the Workforce Development Capitalization Incentive Grant Program. The bill provides an appropriation of \$2 million in nonrecurring funds from the General Revenue Fund to reimburse employers providing work-based learning opportunities for students.

#### *Florida Pathways to Career Opportunities Grant Program*

Currently, allowable expenditures under the Pathways to Career Opportunities Grant Program are limited to the creation or expansion of apprenticeship or preapprenticeship programs. The bill specifies that grant funds may also be used to operate such programs and to fund the cost of providing related technical instruction. The bill specifies that each type of entity (career centers, the FCS, and others) eligible for grants may not receive more than 25 percent of the total amount appropriated, and prohibits an individual applicant from receiving more than 10 percent of the total amount appropriated. In addition, the bill authorizes the DOE to grant bonuses in the award amount to applicants that submit a joint application for shared resources. This will potentially change the distribution between entities, but has no fiscal impact to the state. The bill doubles the amount the Department of Education may retain for administering the Pathways to Career Opportunities Grant Program to \$400,000.

The House Proposed General Appropriations Act for FY 2023-2024 includes \$15 million and reverts and reappropriates the unexpended balance from FY 2022-2023 for the Pathways to Career Opportunities Grant Program.

#### *Money-back Guarantee Program*

Current law provides guidelines on which programs an institution may choose to offer a money-back guarantee. The bill provides additional flexibility by removing certain criteria and allows institutions to select any three programs of their choosing. This may save students completing such programs an indeterminate, but significant amount of money.

#### *Open Door Grant Program*

The House Proposed General Appropriations Act for FY 2023-2024 includes \$35 million and reverts and reappropriates the unexpended balance from FY 2022-2023 for the Open Door Grant Program. Modifying the grant program so that it may provide direct financial assistance to students enrolled in workforce education programs will provide better access to postsecondary education and save students an indeterminate, but significant amount of money.

