

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 460

INTRODUCER: Senators Simon and Perry

SUBJECT: Career and Technical Education

DATE: January 23, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 460 aims to enhance vocational and technical education. The bill authorizes minors aged 16 or 17 to work in construction if the minor:

- Has earned his or her Occupational Safety and Health Administration (OSHA) 10 certification;
- Is under the direct supervision of a person 21 years of age or older with at least two years of related experience and his or her OSHA 10 certification.
- Is not working on any scaffolding, roof, superstructure, or ladder above 6 feet.
- Is not in violation of any OSHA rule or federal law related to minors in the workplace.

The bill repeals the authority for counties and municipalities to issue journeyman licenses in the electrical and alarm system trades.

The bill authorizes district school boards to satisfy the career fair requirement through consulting with specified groups to determine free or cost-effective methods to provide other career and industry networking opportunities.

The bill authorizes a student who earns credit for one year of related technical instruction for a registered apprenticeship or preapprenticeship program to use such credit to satisfy high school graduation credit requirements.

The bill provides an exemption from the career education basic skills assessment to certain students with a private school diploma or home education affidavit.

Lastly, the bill creates the Career and Technical Education (CTE) Task Force to study the status of CTE in each school district within the state.

This bill could have an impact to the Department of Education. See fiscal, section V.

The bill takes effect July 1, 2024.

II. Present Situation:

Hazardous Occupations Prohibited

Prohibitions regarding the employment of minors age 16 or 17 in hazardous occupations in Florida are consistent with regulations adopted by the United States (US) Secretary of Labor.¹ No minor under 18 years of age, whether such person's disabilities of nonage have been removed, may be employed or permitted or suffered to work on any scaffolding, roof, superstructure, residential or nonresidential building construction, or ladder above 6 feet. This prohibition does not apply to a student learner who:

- Is enrolled in a youth vocational training program under a recognized state or local educational authority.
- Is employed under a written agreement that provides:
 - That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.
 - That such work will be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.
 - That safety instructions shall be given by the school and correlated by the employer with on-the-job training.
 - That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.²

Every employer in the construction industry is required to secure the payment of workers' compensation to his or her employees.³ Employers who fail to secure the payment of workers' compensation for their employees are required to stop working and are liable for administrative and criminal penalties.⁴ Employers must provide this benefit to all employees, including minors, whether lawfully or unlawfully employed.⁵

¹ Compare s. 450.061, F.S., with 29 CFR Part 570, Subpart E (Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being). However, the Secretary of Labor has not selected residential construction as a particularly hazardous activity. See 3 EMP. COORD. *Compensation IV* s. 24.20 (Jan. 2024).

² Sections 450.061(2) and 450.161, F.S.

³ Sections 440.10(1) and 440.38(1), F.S.

⁴ See ss. 440.105 and 440.107, F.S.

⁵ Section 440.02(18), F.S.

Employers are also required to provide certain training for their employees. Employers are required to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to their work environment to control or eliminate any hazards or other exposure to illness or injury. Employers are encouraged to use the safety and health training programs provided by the Secretary of Labor.⁶

The Occupational Health and Safety Administration (OSHA) within the US Department of Labor, provides an Outreach Training Program to promote workplace safety and health and to make workers more knowledgeable about workplace hazards and their rights. The OSHA Outreach Training Program provides training on the recognition, avoidance, abatement, and prevention of workplace hazards. Outreach classes also provide overview information regarding OSHA, including workers' rights, employer responsibilities, and how to file a complaint.⁷

The 10-hour training program is primarily intended for entry level workers. The 30-hour training program is intended to provide workers with some safety responsibility a greater depth and variety of training. All outreach training is intended to cover an overview of the hazards a worker may encounter on a job site. Training emphasizes hazard identification, avoidance, control and prevention, not OSHA standards.⁸

In the Fiscal Year 2023, 1,341,168 individuals were trained through the Outreach Training Program.⁹ The construction 10-hour certification comprised 42 percent of the trainings.¹⁰

Apprentices and Journeyworkers

Florida law defines an apprentice as a person at least 16 years of age who has entered into a written apprentice agreement with an employer, an association of employers, or a local joint apprenticeship committee, to learn a recognized skilled trade through actual work experience under the supervision of another worker who has completed an apprenticeship program or has worked in the field for a minimum number of years established by industry standard. Training for an apprentice should be combined with properly coordinated studies of related technical and supplementary subjects.¹¹

An apprenticeship program must be registered and approved by the Department of Education (DOE).¹² A student who earns credit upon completion of a registered apprenticeship or preapprenticeship program may use such credit to satisfy high school graduation credit requirements for fine or performing arts, speech and debate, or career and technical education, or electives. The State Board of Education (SBE) is required to approve and identify in the Course

⁶ 29 CFR s. 1926.21.

⁷ USDOL, OSHA, *Outreach Training Program: Program Overview*, <https://www.osha.gov/training/outreach/overview> (last visited Jan. 18, 2024).

⁸ *Id.*

⁹ USDOL, OSHA, *Outreach Training Program Annual Number of Trainees*, <https://www.osha.gov/training/outreach/growth> (last visited Jan. 18, 2024).

¹⁰ USDOL, OSHA, *Number of Trainees by Class Type*, <https://www.osha.gov/training/outreach/growth#tab2> (last visited Jan. 18, 2024).

¹¹ Section 446.021(2), F.S.

¹² Section 446.021(6), F.S.

Code Directory the apprenticeship and preapprenticeship programs from which earned credit may be used to satisfy high school graduation requirements.¹³

The term of an apprenticeship may be completed through either a time-based approach, a competency-based approach, or a hybrid approach, as follows:

- The time-based approach measures skill acquisition through the apprentice's completion of at least 2,000 hours of on-the-job training, exclusive of related technical instruction.
- The competency-based approach measures the apprentice's successful demonstration of acquired skills and knowledge, demonstrated through on-the-job training and related technical instruction.
- The hybrid approach measures the individual apprentice's skill acquisition through a combination of a range of specified number of hours of on-the-job training and the successful demonstration of competency.¹⁴

Florida apprenticeship standards define a journeyworker as a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.¹⁵

Counties and municipalities are authorized to issue journeyman licenses in the electrical and alarm system trades. An individual who holds a valid, active journeyman license in the electrical or alarm system trade issued by any county or municipality may work as a journeyman in the trade in which he or she is licensed in any other county or municipality without taking an additional examination or paying an additional license fee, if he or she:

- Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;
- Has completed a registered apprenticeship program and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed;
- Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code compliance and mitigation training program,¹⁶ specific to the discipline or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification; and
- Has not had a license suspended or revoked within the last 5 years.¹⁷

A local government may charge a registration fee for reciprocity, not to exceed \$25.¹⁸ Subject to limited exceptions,¹⁹ state law related to electrical and alarm system contracting does not limit the power of a municipality or county to require that one electrical journeyman, who is a

¹³ Section 1003.4282(7), F.S.

¹⁴ Rule 6A-23.004(2), F.A.C.

¹⁵ Section 446.021(4), F.S.

¹⁶ Section 553.841, F.S.

¹⁷ Section 489.5335, F.S.

¹⁸ *Id.*

¹⁹ *See s. 489.503, F.S.*

graduate of the Institute of Applied Technology in Construction Excellence or licensed locally, be present on an industrial or commercial new construction site with a facility of 50,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work.²⁰

Career Fairs

Each district school board must require each high school within its jurisdiction 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 on the campus of the high school, except that a group of high schools in the district or a group of districts may hold a joint career fair at an alternative location. A joint career fair must be held at a location located within reasonable driving distance for students at all participating schools. The career fair must be held during the school day and may use Florida's online career planning and work-based learning system as part of the career fair activities.²¹

State Academic Standards

The state academic standards establish the core content of the curricula to be taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire. Standards must be rigorous and relevant and provide for the logical, sequential progression of core curricular content that incrementally increases a student's core content knowledge and skills over time. Curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.²²

The standards must include distinct grade-level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The standards for grades 9 through 12 may be organized by grade clusters of more than one grade level except as otherwise provided for visual and performing arts, physical education, health, and foreign language standards.²³

The Commissioner of Education (commissioner), as needed, is required to develop and submit proposed revisions to the standards for review and comment by Florida educators, school administrators, representatives of the Florida College System institutions and state universities who have expertise in the content knowledge and skills necessary to prepare a student for postsecondary education and careers, business and industry leaders, and the public. The commissioner, after considering reviews and comments, must submit the proposed revisions to the SBE for adoption.²⁴

²⁰ Section 489.537(3), F.S.

²¹ Section 1001.43(14), F.S.

²² Section 1003.41(1), F.S.

²³ *Id.*

²⁴ Section 1003.41(3), F.S.

CAPE Industry Certification Funding List

The SBE is required to adopt, at least annually, based on recommendations by the commissioner, 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.²⁵

Certifications included on the CAPE Industry Certification Funding List:²⁶

- 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.

Requirements for Career Education Basic Skills

Each career and technical education (CTE) career certificate program, 450 clock hours or longer, includes associated basic academic skills (reading, mathematics, and language) that are required for completion from each CTE program. For the purpose of CTE and basic skills requirements, completion is accomplished when a student has demonstrated mastery of the entire program's standards and benchmarks and receives a Career Certificate of Completion.²⁷

Students who enroll in a program offered for career credit of 450 hours or more must complete an entry-level examination within the first six weeks after admission into the program.²⁸ The State Board of Education (SBE) designates examinations to assess student mastery of basic skills, which include the following:

- Tests of Adult Basic Education (TABE), Forms 11 and 12, 2017;
- Demonstration of basic communication and computation skills;
- Comprehensive Adult Student Assessment System (CASAS), GOALS 900 Series, 2019;
- 2014 GED® Tests: Reasoning through Language Arts and Mathematical Reasoning where a minimum score as determined by the SBE has been attained on each test; and
- A test adopted by the Criminal Justice Standards and Training Commission, used for admission into law enforcement or corrections training programs.²⁹

Any student who lacks the required level of basic skills for the career program must be provided with a structured program of basic skills instruction to correct deficiencies. A student may not receive a career or technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program.³⁰

²⁵ Section 1008.44(1), F.S.

²⁶ Rule 6A-6.0576(5)-(6), F.S.

²⁷ Florida Department of Education, *Career and Technical Education, 2019-2020 Technical Assistance Paper, CTE Basic Skills Assessment Requirements* (Mar. 2020), available at <https://www.fldoe.org/core/fileparse.php/5398/urlt/basic-skill-tap-att1.pdf>, at 2. (last visited Jan. 18, 2026).

²⁸ Section 1004.91(2), F.S.

²⁹ Rule 6A-10.040(1), F.A.C.

³⁰ Section 1004.91(2), F.S. *See also* Rule 6A-10.040, F.A.C.

An adult with a disability³¹ may be exempted from the basic skills assessment requirement. In addition, the following students are exempt from taking the initial basic skills assessment:

- A student who possesses a college degree at the associate in applied science level or higher.
- A student who demonstrates readiness for public postsecondary education in communication and computation specified in SBE rule.³²
- A student who passes a specified state, national or industry certification or licensure examination that is aligned to the career education program.
- An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education.³³

Executive Task Forces

A “task force” is an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.³⁴

The task force must keep the Legislature and the public informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies, commissions, boards of trustees, and other collegial bodies established as adjuncts to executive agencies. A task force has the following characteristics:

- It meets a statutorily defined purpose.
- Its members, unless expressly provided otherwise in the State Constitution, are appointed for 4-year staggered terms.
- Its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses.
- The private citizen members must be appointed by the Governor, the head of the department, the executive director of the department, or a Cabinet officer.
- Its meetings are public meetings, which must be open to the public at all times, and no resolution, rule, or formal action may be considered binding except as taken or made in public.³⁵

III. Effect of Proposed Changes:

This bill aims to enhance vocational and technical education.

³¹ An adult with disability means an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment, and who requires modifications to the educational program, adaptive equipment, or specialized instructional methods and services in order to participate in workforce development programs that lead to competitive employment. Section 1004.02(6), F.S.

³² Rule 6A-10.0315, F.A.C.

³³ Section 1004.91(3), F.S.

³⁴ Section 20.03(5), F.S.

³⁵ Section 20.052, F.S.

Hazardous Occupations Prohibited

The bill amends s. 450.061, F.S., to authorize a minor aged 16 or 17 to be employed on any residential building construction if he or she:

- Has earned his or her OSHA 10 certification
- Is under the direct supervision of a person at least 21 years of age who has earned his or her OSHA 10 certification and has at least two years of work experience related to the work he or she is supervising.
- Is not working on any scaffolding, roof, superstructure, or ladder above 6 feet.
- Is not working in violation of any OSHA rule or federal law related to minors in the workplace.

Apprentices and Journeyworkers

The bill repeals s. 489.5335, F.S., to remove the authority for counties and municipalities to issue journeyman licenses in the electrical and alarm system trades. Accordingly, the bill modifies s. 489.537, F.S., to remove a cross-reference to s. 489.5335, F.S.

Career Fairs

The bill amends s. 1001.43, F.S., to add an alternative to the required annual career fair hosted at each school district high school. The bill authorizes district school boards, as an alternative to the required career fair, to consult with local workforce development boards, advisory committees, and business groups to determine free or cost-effective methods to provide other career and industry networking opportunities, during the school day, for secondary students and exposure for elementary and secondary students to a representative variety of industries, businesses, and careers.

State Academic Standards

The bill modifies s. 1003.41, F.S., to add to the persons who the Commissioner of Education (commissioner) must include for review and comment on proposed revisions to the state standards to include a representative from the Department of Commerce and specifies that business and industry leaders are limited to those for in-demand careers.

Career and Technical Education Courses

The bill modifies s. 1003.4282, F.S., to change how apprentice and preapprenticeship programs may satisfy the high school graduation credit requirements for fine or performing arts, speech and debate, or career and technical education, or electives. The bill authorizes earned credit for completion of one year of related technical instruction in a registered apprenticeship or preapprenticeship program, rather than completion of the entire program, to satisfy the high school graduation credit requirements for fine or performing arts, speech and debate, or career and technical education, or electives.

Requirements for Career Education Basic Skills

The bill modifies s. 1004.91, F.S., to provide an exemption from postsecondary career education program basic skills requirements for a student who possesses a high school diploma from a private school, or, for a student in a home education program, a signed affidavit submitted by the student's parent attesting that the student has completed a home education program.

The Career and Technical Education Task Force

The bill creates the Career and Technical Education Task Force, adjunct to the DOE, to study the status of CTE in each school district within the state. The bill requires the DOE to provide administrative and staff support relating to the functions of the task force.

The Governor, the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Secretary of the Department of Commerce are each required to appoint two members to the task force by September 1, 2024. The bill requires the commissioner to appoint a chair of the task force. The bill requires the task force to:

- Compile a list of CTE courses offered within each school district. Such data must be broken down by industry, grade level, location, the number of students enrolled in such courses, the number of students who complete such courses, and the total number of students per district enrolled in such courses.
- Compile a list of career and technical education courses offered through the Department of Corrections and Juvenile Justice. Such data must be broken down by location, population, industry course offering, the number of students enrolled in each course, and the number of students who complete such courses.
- Review existing postsecondary credits available for K-12 career and technical education course offerings and how this information is advertised to students and parents.
- Compare existing career and technical education course offerings with data from the Department of Commerce and industry leaders on in-demand careers and the state's economic needs.
- Identify the total funding provided for the CTE courses offered by school districts and analyze whether such funding is uniform across the state or if such funding varies by course or industry.
- Compare funding and reimbursement rates and timelines for CTE courses to funding and reimbursement rates and timelines for traditional K-12 education courses.
- Identify any additional funding available for additional CTE courses, including federal funding, industry funding, or additional state funding.
- Identify how CTE courses are advertised to parents and students.
- Identify the needs of school districts to expand CTE, including what needs could be met by the Legislature.
- Identify the number of students who earn an industry certification through CTE courses who also find employment in relevant industries.
- Provide recommendations for increasing funding, eliminating barriers to expanding career and technical education offerings, and streamlining regulations.
- Provide recommendations for improving the marketing of career and technical education offerings to students and parents.

- Provide recommendations for changes and expansions to CTE course offerings beginning in the 2026-2027 school year.

The bill requires the task force to submit a report of its findings to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the commissioner by September 1, 2025, and submit its recommendations by January 1, 2026. The task force expires upon submission of the recommendations.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education may incur costs associated with creating the Career and Technical Education Task Force. However, the department should be able to absorb such costs within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 450.061, 489.537, 1001.43, 1003.41, 1003.4282, and 1004.91.

This bill repeals section 489.5335 of the Florida Statutes.

The bill creates an undesignated section of Florida Law.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS in Education Pre-K – 12 on January 17, 2024:

The committee substitute narrows the exception provided in the bill to the prohibition on minors aged 16 to 17 working on scaffolding, roof, superstructure, or residential or nonresidential building construction, to apply the exception only to residential building construction. The committee substitute maintains the requirement that the exception only apply to minors with an Occupational Safety and Health Administration (OSHA) 10 certification, who are supervised as provided in the bill.

The committee substitute removes the requirement of the bill that:

- High school career fairs include specific additional criteria, and instead authorizes district school boards, as an alternative to the required career fair, to consult with local workforce development boards, advisory committees, and business groups to determine free or cost-effective methods to provide other career and industry networking opportunities, during the school day, for secondary students and exposure for elementary and secondary students to a representative variety of industries, businesses, and careers.
- The specific curricular content established in the state academic standards for mathematics ensure the integration of real-life opportunities to use such curricular content.
- All courses directly related to CAPE Digital Tool or Industry Certifications be weighted the same as a grade in an honors course for purposes of calculating grade-point-average (GPA).
- Conditions high school credit for apprenticeship or preapprenticeship programs on the completion of OSHA 10 certification and maintains the provision of the bill authorizing students to use one year of related technical instruction (CTE) to satisfy high school credit requirements.

- Require the Department of Education (DOE) and the Board of Governors (BOG) to establish and publish lists related to articulation certain CTE credits.
- Increases the career-themed courses that district high school and middle schools must offer.
- Modifies the CAPE Act 3-year strategic plan, curriculum review committee, and the Commissioner of Education's annual review of CTE offerings.

The committee substitute adds to the bill:

- December 1, 2024, as a deadline for the Department of Education (DOE) to convene the workgroup to identify the three math pathways for students enrolled in secondary grades.
- An exemption from postsecondary career education program basic skills requirements for a student who possesses a high school diploma from a private school, or, for a student in a home education program, a signed affidavit submitted by the student's parent attesting that the student has completed a home education program.

The committee substitute removes from the bill the provision providing flexibility from certification requirements for district school boards in hiring non-degree CTE teachers.

The committee substitute adds to the CTE Task Force created in the bill the responsibility to:

- Compile a list of career and technical education courses offered through the Department of Corrections and Juvenile Justice. Such data must be broken down by location, population, industry course offering, the number of students enrolled in each course, and the number of students who complete such courses
- Review existing postsecondary credits available for K-12 career and technical education course offerings and how this information is advertised to students and parents.
- Compare existing career and technical education course offerings with data from the Department of Commerce and industry leaders on in-demand careers and the state's economic needs.
- Provide recommendations for increasing funding, eliminating barriers to expanding career and technical education offerings, and streamlining regulations.
- Provide recommendations for improving the marketing of career and technical education offerings to students and parents.

The committee substitute modifies the date for the task force to report on its findings to require the task force to submit its report by September 1, 2025, and its recommendations by January 1, 2026.

B. Amendments:

None.