

Tab 1	CS/SB 170 by HP, Hooper (CO-INTRODUCERS) Gruters ; (Similar to H 00017) Podiatric Medicine					
Tab 2	SB 188 by Berman ; (Identical to H 00551) Solar Energy Systems Located On the Property of an Educational Facility					
Tab 3	SB 366 by Hutson (CO-INTRODUCERS) Brodeur ; (Compare to H 00559) Apprenticeship and Preapprenticeship Training					
285652	D	S	ED, Hutson	Delete everything after	03/01	03:17 PM
Tab 4	SB 486 by Bradley ; (Identical to H 00723) Juvenile Justice Education Programs					
120818	A	S	ED, Bradley	Delete L.42 - 100:	03/01	03:13 PM
Tab 5	SB 532 by Burgess ; (Identical to H 00135) Workforce Education					
903918	A	S	ED, Burgess	Delete L.25:	03/01	01:59 PM
Tab 6	SB 886 by Thurston ; (Identical to H 00359) COVID-19 Impact on School Accountability					
Tab 7	SB 918 by Bradley ; (Identical to H 00827) Education					
Tab 8	SB 934 by Wright ; (Similar to H 01159) Education					
741120	A	S	ED, Wright	Delete L.101 - 123:	03/01	03:35 PM
961124	A	S	ED, Wright	btw L.263 - 264:	03/01	03:35 PM
Tab 9	SB 1436 by Gruters ; (Similar to H 00847) Florida Postsecondary Academic Library Network					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Gruters, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, March 2, 2021
TIME: 4:00—6:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Gruters, Chair; Senator Jones, Vice Chair; Senators Berman, Bradley, Broxson, Diaz, Hutson, Passidomo, Polsky, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301

1	CS/SB 170 Health Policy / Hooper (Similar H 17)	Podiatric Medicine; Authorizing the Board of Podiatric Medicine to require a specified number of continuing education hours related to the safe and effective prescribing of controlled substances; providing for governance of podiatric physicians who are supervising medical assistants, etc. HP 01/27/2021 Fav/CS ED 03/02/2021 AP RC	
2	SB 188 Berman (Identical H 551, Compare S 198, S 1718)	Solar Energy Systems Located On the Property of an Educational Facility; Prohibiting costs associated with such systems from being included in the calculation of total cost per student station for the purpose of a limit imposed on such costs for certain new construction, etc. ED 03/02/2021 AED AP	
3	SB 366 Hutson (Compare H 559, H 791, S 1042)	Apprenticeship and Preapprenticeship Training; Revising the general duties of the Department of Education with regard to apprenticeship and preapprenticeship programs; revising the membership of the State Apprenticeship Advisory Council; providing that apprenticeship or preapprenticeship program sponsors are responsible for the selection and training of certain personnel, as approved by the department; encouraging state university boards of trustees and apprenticeship program sponsors to cooperate in developing and establishing apprenticeship and preapprenticeship programs that include career instruction, etc. ED 03/02/2021 AED AP	

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 2, 2021, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 486 Bradley (Identical H 723)	Juvenile Justice Education Programs; Increasing the percentage of certain funds that must be spent on specified costs; requiring that contracts between district school boards and juvenile justice education programs be in writing; requiring the Department of Education to provide mediation services for certain disputes; prohibiting school boards from delaying certain payments pending receipt of local funds, etc.	ED 03/02/2021 AED AP
5	SB 532 Burgess (Identical H 135)	Workforce Education; Revising the workforce education programs that school district career centers are authorized to conduct, etc.	ED 03/02/2021 HP RC
6	SB 886 Thurston (Identical H 359)	COVID-19 Impact on School Accountability; Prohibiting a school from being required to select and implement a turnaround option in the 2021-2022 school year based on the school's 2020-2021 school grade or improvement rating; prohibiting a school or an approved provider from being subject to sanctions or penalties as a result of its 2020-2021 school grade or improvement rating; prohibiting student performance results from the 2020-2021 statewide, standardized assessments from being used for determining grade 3 retention or high school graduation or for calculating student performance measurement and evaluating personnel, etc.	ED 03/02/2021 AED AP
7	SB 918 Bradley (Identical H 827)	Education; Requiring school districts to allocate a certain amount of specified funds to certain programs that prepare prospective students to enroll in Advanced International Certificate of Education courses; requiring such funds to be spent on specified costs; requiring school districts to distribute specified bonuses to certain classroom teachers providing International General Certificate of Secondary Education instruction, etc.	ED 03/02/2021 AED AP

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 2, 2021, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 934 Wright (Similar H 1159)	Education; Requiring additional specified strategies to be included in rules establishing uniform core curricula for each state-approved teacher preparation program; expanding the instruction that an educator preparation institute may provide to include instruction and professional development for part-time and full-time nondegreed teachers of career programs; revising the minimum qualifications for part-time and full-time nondegreed teachers of career programs; providing that the William Cecil Golden Professional Development Program for School Leaders must consist of a network of specified entities, etc.	ED 03/02/2021 AED AP
9	SB 1436 Gruters (Similar H 847)	Florida Postsecondary Academic Library Network; Revising provisions relating to the awareness of certain postsecondary education programs and initiatives; deleting provisions relating to the Florida Academic Library Services Cooperative; providing that the Board of Governors and the Department of Education will oversee a host entity chosen to deliver certain services; transferring responsibility for certain statewide online student advising services to the host entity; requiring the chancellors of the State University System and the Florida College System to provide a certain report, etc.	ED 03/02/2021 AED AP
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 170

INTRODUCER: Health Policy Committee and Senator Hooper and others

SUBJECT: Podiatric Medicine

DATE: March 1, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto Van-Winkle	Brown	HP	Fav/CS
2.	Brick	Bouck	ED	Pre-meeting
3.			AP	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 170 makes changes to three issues related to the practice of podiatric medicine. The bill:

- Creates s. 461.0155, F.S., to specify that podiatrists, when supervising medical assistants, are governed by s. 458.3485, F.S.;
- Requires that a minimum of two continuing education (CE) hours related to the safe and effective prescribing of controlled substances must be added to the CE hours that the Board of Podiatric Medicine (BPM) may require as a condition of podiatrist licensure renewal; and
- Adds podiatrists to the list of health care providers who are authorized to enter into direct health care agreements with patients for the provision of health care services, without such agreements being considered insurance.

The bill has an effective date of July 1, 2021.

II. Present Situation:

The Department of Health

The Legislature created the Department of Health (DOH) to protect and promote the health of all residents and visitors in the state.¹ The DOH is charged with the regulation of health practitioners for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA) is responsible for the boards² and professions within the DOH.³

Podiatric Medicine

Podiatric medicine is the diagnosis or medical, surgical, palliative, and mechanical treatment of ailments of the human foot or leg.⁴ It also includes the amputation of toes or other parts of the foot but does not include the amputation of the entire foot or leg. A podiatric physician is authorized to prescribe drugs specifically related to his or her scope of practice.⁵

The Bureau of Podiatric Medicine (BPM) was established to ensure that every podiatric physician practicing in this state meets minimum requirements for safe practice. The BPM licenses, monitors, disciplines, educates, and, when appropriate, rehabilitates practitioners to assure their competence in the service of the people of Florida.

Licensure Requirements

Florida law requires a podiatric physician to meet the following requirements for licensure:⁶

- Be at least 18 years of age;
- Hold a degree from a school or college of podiatric medicine or chiropody recognized and approved by the Council on Podiatry Education of the American Podiatric Medical Association;
- Have successfully completed one of the following clinical experience requirements:
 - One year of residency in a program approved by the BPM;⁷ or
 - Ten years of continuous, active licensed practice of podiatric medicine in another state immediately preceding application and completion of at least the same continuing education requirements during those 10 years as are required of podiatric physicians licensed in this state;
- Successfully complete a background screening; and

¹ Section 20.43, F.S.

² Under s. 456.001(1), F.S., the term “board” is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the MQA.

³ Section 20.43, F.S.

⁴ Section 461.003(5), F.S.

⁵ *Id.*

⁶ Section 461.006, F.S.

⁷ *Id.* If it has been more than four years since the completion of the residency, an applicant must have two years of active, licensed practice of podiatric medicine in another jurisdiction in the four years immediately preceding application or successfully complete a board-approved postgraduate program or board-approved course within the year preceding application.

- Obtain passing scores on the national examinations administered by the National Board of Podiatric Medical Examiners.⁸

A license to practice podiatric medicine must be renewed biennially.

Continuing Education (CE)

A podiatric physician must complete 40 hours of CE as a part of the biennial licensure renewal, which must include:⁹

- One hour on risk management;
- One hour on the laws and rules related to podiatric medicine;
- Two hours on the prevention of medical errors;
- Two hours on HIV/AIDS (due for the first renewal only); and
- One hour on human trafficking (beginning January 1, 2021).¹⁰

Controlled Substance Prescribers

Effective July 1, 2018, every person registered with the U.S. Drug Enforcement Administration and authorized to prescribe controlled substances must complete a two-hour CE course on prescribing controlled substances.¹¹ The course must include:

- Information on the current standards for prescribing controlled substances, particularly opiates;
- Alternatives to these standards;
- Non-pharmacological therapies;
- Prescribing emergency opioid antagonists; and
- The risks of opioid addiction following all stages of treatment in the management of acute pain.

The course can only be offered by a statewide professional association of physicians in this state that is accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award Category 1 Credit or the American Osteopathic Category 1-A medical continuing education on the safe and effective prescribing of controlled substances each biennial license renewal.¹² Approved providers for the course are available through the BPM's website¹³ and CE Broker.¹⁴

This requirement does not apply to a licensee who is required by his or her applicable practice act to complete a minimum of two hours of continuing education on the safe and effective

⁸ Rule 64B18-11.002, F.A.C., (2019).

⁹ Section 461.007(3), F.S., and Rule 64B18-17, F.A.C., (2019).

¹⁰ Section 456.0341, F.S.

¹¹ Section 456.0301, F.S.

¹² *Id.*

¹³ Department of Health, *Take Control of Controlled Substances*, available at <http://www.flhealthsource.gov/FloridaTakeControl/> (last visited Jan. 18, 2021). To access the podiatric list of providers, select Podiatric Medicine.

¹⁴ See CE Broker, *Podiatric Physician*, available at <https://courses.cebroker.com/search/fl/podiatric-physician?subjectArea=3313> (last visited Jan. 19, 2021).

prescribing of controlled substances. The requirement applies to podiatric physicians because their practice act (ch. 461, F.S.) does not specifically do so.

Medical Assistants

Section 458.3485, F.S., defines a “medical assistant” as a professional, multi-skilled person dedicated to assisting in all aspects of medical practice under the direct supervision and responsibility of a physician. A medical assistant:

- Assists with patient care management;
- Executes administrative and clinical procedures; and
- Often performs managerial and supervisory functions.

Competence in the field also requires that a medical assistant adhere to ethical and legal standards of professional practice, recognize and respond to emergencies, and demonstrate professional characteristics.

A medical assistant performs his or her duties under the direct supervision and responsibility of a licensed physician. A medical assistant may undertake the following duties:

- Performing clinical procedures, including:
 - Performing aseptic procedures;
 - Taking vital signs;
 - Preparing patients for the physician’s care and treatment;
 - Performing venipunctures and non-intravenous injections; and
 - Observing and reporting patients’ signs or symptoms;
- Administering basic first aid;
- Assisting with patient examinations or treatments;
- Operating office medical equipment;
- Collecting routine laboratory specimens as directed by the physician;
- Administer medication as directed by the physician;
- Performing basic laboratory procedures;
- Performing office procedures, including all general administrative duties required by the physician;
- Performing dialysis procedures, including home dialysis.

A medical assistant is not required to be licensed, certified, or registered to practice in Florida but may obtain the designation of a certified medical assistant if he or she receives a certification from a program accredited by the National Commission for Certifying Agencies, a national or state medical association, or an entity approved by the Board of Medicine.

Current law does not regulate podiatric physicians regarding the supervision of, or the delegation of tasks or procedures to, medical assistants.

Direct Health Care Agreements

Section 624.27, F.S., authorizes the use of a direct health care agreement, which is a contract between a health care provider and a patient, a patient’s legal representative, or a patient’s employer. A direct health care agreement must:

- Be in writing;
- Be signed by the health care provider, or his or her agent, and the patient, the patient's legal representative, or the patient's employer;
- Allow either party to terminate the agreement by giving the other party 30 days' advance written notice;
- Allow immediate termination of the agreement for a violation of physician-patient relationship or a breach of the terms of the agreement;
- Describe the scope of health care services that are covered by the monthly fee;
- Specify the monthly fee and any fees for health care services not covered under the agreement;
- Specify the duration of the agreement and any automatic renewal provisions;
- Offer a refund to the patient of monthly fees paid in advance if the health care provider stops offering health care services for any reason;
- State that the agreement is not health insurance and that the health care provider will not bill the patient's health insurance policy or plan for services covered under the agreement;
- State that the agreement does not qualify as minimum essential coverage to satisfy the individual responsibility provision of the federal Patient Protection and Affordable Care Act; and
- State that the agreement is not workers' compensation insurance and may not replace the employer's workers' compensation obligations.

A direct health care agreement is not considered health insurance and is exempt from the Florida Insurance Code, which precludes any authority of the Office of Insurance Regulation to regulate such agreements.¹⁵

Currently, s. 624.27, F.S., pertains to a direct health care agreement contract with an allopathic physician, an osteopathic physician, a chiropractic physician, a nurse, a dentist, or a health care group practice, for health care services that are within the competency and training of the health care provider. Direct health care agreement contracts with a podiatric physician for the provision of health care services are not contemplated under the statute.

III. Effect of Proposed Changes:

CS/SB 170 modifies the practice of podiatric medicine regarding the supervision of medical assistants, direct health care agreements, and continuing education.

Medical Assistants

The bill creates s. 461.0155, F.S., within the podiatrist practice act to provide that a podiatric physician's supervision of a medical assistant is governed by s. 458.3485, F.S.

Direct Health Care Agreements

The bill amends s. 624.27, F.S., to authorize individuals to directly contract with podiatric physicians through direct health care agreements for the provision of health care services without

¹⁵ Section 624.27(2), F.S.

such contracts being considered insurance. The bill retains the contract requirements under current law for other health care providers offering direct health care agreements and applies them to such contracts with podiatric physicians.

Continuing Education

The bill amends s. 461.007, F.S., to provide that the CE hours that the BPM may require of podiatrists for licensure renewal must include a minimum of two hours of CE related to the safe and effective prescribing of controlled substances. With this change, podiatrists will no longer be required to complete CE under s. 456.0301, F.S.

The bill has an effective date of July 1, 2021.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 461.007 and 624.27.

This bill creates section 461.0155 of the Florida Statutes.

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

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

CS by Health Policy on January 27, 2021:

The committee substitute deletes the underlying bill's amendment to s. 458.4585, F.S. That portion of the underlying bill would create a definition for the term "physician" to include podiatric physicians.

B. Amendments:

None.

By the Committee on Health Policy; and Senators Hooper and Gruters

588-01374-21

2021170c1

1 A bill to be entitled
 2 An act relating to podiatric medicine; amending s.
 3 461.007, F.S.; authorizing the Board of Podiatric
 4 Medicine to require a specified number of continuing
 5 education hours related to the safe and effective
 6 prescribing of controlled substances; creating s.
 7 461.0155, F.S.; providing for governance of podiatric
 8 physicians who are supervising medical assistants;
 9 amending s. 624.27, F.S.; revising the definition of
 10 the term "health care provider" to include podiatric
 11 physicians; providing an effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Subsection (3) of section 461.007, Florida
 16 Statutes, is amended to read:
 17 461.007 Renewal of license.—
 18 (3) The board may by rule prescribe continuing education,
 19 not to exceed 40 hours biennially, as a condition for renewal of
 20 a license, with a minimum of 2 hours of continuing education
 21 related to the safe and effective prescribing of controlled
 22 substances. The criteria for such programs or courses shall be
 23 approved by the board.
 24 Section 2. Section 461.0155, Florida Statutes, is created
 25 to read:
 26 461.0155 Medical assistants.—A podiatric physician who is
 27 supervising a medical assistant shall be governed by s.
 28 458.3485.
 29 Section 3. Paragraph (b) of subsection (1) of section

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

588-01374-21

2021170c1

30 624.27, Florida Statutes, is amended to read:
 31 624.27 Direct health care agreements; exemption from code.—
 32 (1) As used in this section, the term:
 33 (b) "Health care provider" means a health care provider
 34 licensed under chapter 458, chapter 459, chapter 460, chapter
 35 461, chapter 464, or chapter 466, or a health care group
 36 practice, who provides health care services to patients.
 37 Section 4. This act shall take effect July 1, 2021.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 188

INTRODUCER: Senator Berman

SUBJECT: Solar Energy Systems Located On the Property of an Educational Facility

DATE: March 1, 2021

REVISED: _____

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

I. Summary:

SB 188 amends s. 1013.44, F.S., to exclude any costs associated with a solar energy system that is located on the property of an educational facility from the total cost per student station for new construction.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2021.

II. Present Situation:

Solar Energy Systems in Schools

Under current law, school districts are encouraged to invest in energy conservation measures including the use of “renewable energy systems, such as solar, biomass, and wind.”¹ Florida law defines “solar energy system” as “the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity.”² For hot water systems in newly-constructed educational facilities, Florida law requires that each school facility with a demand for hot water exceeding 1,000 gallons a day be constructed with a solar energy system as the primary energy source so long as it is physically and economically feasible. The solar energy system must also provide at least 65 percent of the facility’s estimated needs.³

¹ Section 1013.23, F.S.

² Section 212.02(26), F.S.

³ Section 1013.44(2), F.S.

School Construction

Florida school construction is guided by three major authorities. The Florida Building Code governs all construction in the state and is administered by the Florida Building Commission at the Florida Department of Business and Professional Regulation. The Florida Fire Prevention Code is administered by the Division of State Fire Marshal, Florida Department of Financial Services. Finally, the State Requirements for Educational Facilities (SREF) is maintained by the Department of Education. The requirements of the three authorities tend to increase the cost of construction in the state relative to national averages.⁴

Cost Per Student Station

In Florida, construction costs for traditional K-12 public school facilities are reported based on the cost per student station.⁵ In 2005, the Department of Education (DOE) conducted a study on overall inflation of school construction costs, including the Consumer Price Index (CPI) and other factors. The cost per student station levels adopted in 2006 were based on the DOE's study recommendations and is adjusted to reflect increases and decreases in the CPI.⁶ The DOE and the Office of Economic and Demographic Research (EDR)⁷ are required to work together to calculate and disseminate the new statutory caps.⁸

The November 2020 forecast by EDR for the March 2021 cost per student station caps are:⁹

- \$23,645 for an elementary school.
- \$25,533 for a middle school.
- \$33,166 for a high school.

A district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station that exceeds these amounts.¹⁰ The cost per student station includes contract costs, fees of architects and engineers, and the cost of furniture and equipment.¹¹ Contract costs include costs for construction within five feet of the building, including materials and supplies, as well as any furniture or equipment permanently attached to the building.¹² Cost per student station does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, or the cost of related site or offsite improvements.¹³ Further excluded from the cost per student station are costs for school safety

⁴ Florida Department of Education, *Review and Adjustment for Florida's Cost per Student Station* (January 1, 2020), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2020AnnCSSR.pdf>.

⁵ Section 1013.64(6), F.S.

⁶ Section 1013.64(6)(b)1., F.S.

⁷ The Office of Economic and Demographic Research (EDR) is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations. Office of Economic and Demographic Research, *Welcome*, <http://edr.state.fl.us/Content/> (last visited February 22, 2021).

⁸ Section 1013.64(6)(b)1., F.S.

⁹ Office of Economic and Demographic Research, *Student Station Cost Factors* (November 2020), available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf>.

¹⁰ Section 1013.64(6)(b)3., F.S.

¹¹ Section 1013.64(6)(d), F.S.

¹² Florida Department of Education, *Review and Adjustment for Florida's Cost per Student Station* (January 1, 2020), available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2020AnnCSSR.pdf>.

¹³ Section 1013.64(6)(d), F.S.

and hardening items and other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.¹⁴

III. Effect of Proposed Changes:

SB 188 amends s. 1013.44, F.S., to exclude any costs associated with a solar energy system that is located on the property of an educational facility from the total cost per student station for new construction.

The bill may allow educational facilities to provide a more sustainable source of energy for their facility and increase the resiliency of such facilities during times of when grid energy may not be available.

The bill takes effect July 1, 2021.

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.

¹⁴ Section 1013.64(6)(d), F.S. Such safety improvements include the cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, or bullet-proof glass. *Id.*

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1013.44 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Berman

31-00373-21

2021188__

A bill to be entitled

An act relating to solar energy systems located on the property of an educational facility; amending s. 1013.44, F.S.; prohibiting costs associated with such systems from being included in the calculation of total cost per student station for the purpose of a limit imposed on such costs for certain new construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) is added to section 1013.44, Florida Statutes, to read:

1013.44 Low-energy use design; solar energy systems; swimming pool heaters.—

(4) Any costs associated with a solar energy system that is located on the property of an educational facility may not be included in calculating the total cost per student station for purposes of the limitation imposed on cost per student station for new construction under s. 1013.64(6)(b).

Section 2. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 366

INTRODUCER: Senators Hutson and Brodeur

SUBJECT: Apprenticeship and Preapprenticeship Training

DATE: March 1, 2021

REVISED: _____

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

I. Summary:

SB 366 modifies Florida’s career and technical education program to improve and expand apprenticeship and preapprenticeship programs, provide supports for students in work-based learning programs, specify career education requirements for middle school promotion and high school graduation, modify funding incentives for industry certifications, and provide relevant mathematics pathways. Specifically, the bill:

- Broadens the scope of apprenticeship and preapprenticeship programs (programs) to additional apprenticeship program sponsors (sponsors) and occupations, and:
 - Specifies that programs lead toward occupations, rather than trades.
 - Clarifies that sponsors are responsible for program supervision, subject to uniform minimum standards developed by the Department of Education (DOE).
 - Includes state universities as partners in the provision of apprenticeship instruction.
 - Clarifies the duties of the DOE regarding apprenticeship and preapprenticeship programs.
 - Revises the membership and scope of the State Apprenticeship Advisory Council.
 - Changes the selection criteria and use of funds for the Florida Pathways to Career Opportunities Grant Program.
- Specifies that students in a preapprenticeship program or courses with a work-based component are deemed to be employees of the state for workers’ compensation purposes for medically necessary care only.
- Guarantees an applicable professional license to individuals who have completed an apprenticeship program, pass a required examination, and pay a required application fee.
- Modifies provisions related to elementary and secondary career education to:
 - Make optional the middle school course in career and education planning, and authorizes the Florida Virtual School to offer the course.
 - Authorize school districts and regional consortia to work with national providers to submit career-themed courses for approval.
 - Modify the requirement for computer science instruction in elementary school, and expand the use of computer science teacher incentive funds.

- Changes provisions related to Career and Professional Education (CAPE) industry certifications by:
 - Clarifying Commissioner of Education authority regarding CAPE industry certifications and CAPE Digital Tool Certificates.
 - Modifying the award and use of CAPE industry certification bonus funds relating to credit awarded under statewide articulation agreements.
 - Providing bonus funds for aviation and aerospace industry certifications.
- Requires the Articulation Coordinating Committee to identify mathematics pathways aligned to programs, meta-majors, and careers.

The fiscal impact is discussed in section V.

The bill takes effect on July 1, 2021.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Apprenticeship and Preapprenticeship Programs

The Florida Legislature has established educational opportunities for young people in the state to be trained for trades, occupations, and professions suited to their abilities.¹

Present Situation

The federal government works in cooperation with states to oversee the nation's apprenticeship programs. States have the authority to register apprenticeship programs through federally-recognized State Apprenticeship Agencies.² In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.³

Apprenticeships and Preapprenticeships in Florida

Florida continues to promote apprenticeships in occupations throughout industry that require physical manipulative skills. By broadening job training opportunities and providing for increased coordination between public school academic programs, career programs, and registered apprenticeship programs, the residents of this state will benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences.⁴

¹ Chapter 446, F.S.

² 29 C.F.R. ss. 29.1 and 29.13.

³ 29 C.F.R. s. 29.2.

⁴ Section 446.011(1), F.S.

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:⁵

- It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.
- It is commonly recognized throughout the industry or recognized with a positive view towards changing technology.
- It involves manual, mechanical, or technical skills and knowledge requiring a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction.
- It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom or through correspondence courses.
- It involves the development of skills sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.
- It does not fall into any of the following categories: selling, retailing, or similar occupations in the distributive field; managerial occupations; professional and scientific vocations for which entrance requirements customarily require an academic degree.

Registered Apprenticeship

Registered apprenticeship is an employer-driven, on-the-job workforce educational training program that connects job seekers looking to learn new skills and career opportunities with employers looking to create a pipeline of highly skilled individuals for their workforce.⁶

The key components of a Florida registered apprenticeship program are as follows:⁷

- Registration of program standards of apprenticeship with the DOE for federal purposes.
- Employers are the foundation of every Florida-registered apprenticeship program.
- Apprentices receive on-the-job training (OJT) from an experienced journeyworker or mentor.
- Apprentices combine OJT learning with technical instruction at Florida College System (FCS) institutions, school district technical colleges, apprenticeship training schools, union training facilities, or at the employer's facility and can be delivered in a classroom, on-line, correspondence, or any combination thereof.
- Apprentices receive increases in wages as their skill levels and knowledge increase.
- The successful completion of a registered apprenticeship program results in a nationally recognized credential issued by the DOE, which confirms for potential future employers that the apprentice is fully qualified for the job; and
- Apprentices who complete a Florida-registered apprenticeship program may be accepted by their respective industry as a journey worker.

⁵ Section 446.092, F.S.

⁶ Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report (2019-2020)*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2020appr-rpt.pdf>, at 2.

⁷ *Id.*

Apprenticeship Program Sponsors

Registered apprenticeship program sponsors (sponsors) are responsible for the administration of all aspects of a registered apprenticeship program.⁸ Sponsors must be approved by the DOE, based upon a determination of need, if the sponsor meets all of the standards established by the DOE.⁹ The term “need” refers to the need of state residents for apprenticeship training. In the absence of proof to the contrary, it is presumed that there is need for apprenticeship and preapprenticeship training in each county in this state. A local sponsor may be a committee, a group of employers, an employer, or a group of employees, or any combination thereof.¹⁰

Apprenticeship Programs

An “apprentice” is a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which should be combined with properly coordinated studies of technical and supplementary subjects. An apprentice must enter into an apprentice agreement with a sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.¹¹

Potential candidates for apprenticeships may apply with a registered sponsor, who determines whether the candidate meets the required qualifications.¹² Sponsors may provide private classroom instruction or coordinate with a local educational agency¹³ to provide related supplemental classroom instruction.¹⁴ The apprentices are exempt from paying tuition and fees at a school district technical center, FCS institution, or state university.¹⁵

The sponsor operates and registers an agreed-upon apprenticeship program.¹⁶ An apprenticeship program is an organized course of instruction, registered and approved by the DOE that contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices.¹⁷

⁸ Florida Department of Education, *Florida’s Annual Apprenticeship and Preapprenticeship Report (2019-2020)*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2020appr-rpt.pdf>, at 3.

⁹ Section 446.071(1), F.S.

¹⁰ Section 446.071(2), F.S.

¹¹ Section 446.021(2), F.S.

¹² Florida Department of Education, *What is Registered Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml>, (last visited Feb. 24, 2021).

¹³ Though not defined in the federal regulations governing the U.S. Department of Labor, the U.S. Department of Education regulations define a local educational agency as public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools, or any other public institution or agency having administrative control and direction of a public elementary school or secondary school. 34 C.F.R. s. 463.3; 29 U.S.C. s. 3102(34); 20 U.S.C. s. 7801(30).

¹⁴ Section 446.051(2), F.S.

¹⁵ Section 1009.25(1)(b), F.S.

¹⁶ Rule 65A-23.002(21), F.A.C.

¹⁷ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction is the responsibility of the appropriate career education institution.¹⁸ The career education institution is encouraged to provide facilities, equipment and supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the registered program.¹⁹

During the 2019-2020 fiscal year, there were 251 registered apprenticeship programs and 20,018 registered apprentices.²⁰

Preapprenticeship Programs

A preapprentice is any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the DOE.²¹ The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program.²² The program must be registered with the DOE and sponsored by a registered apprenticeship program.²³ During the 2019-2020 fiscal year, there were 37 registered preapprenticeship programs, and 1,090 registered preapprentices.²⁴

The DOE is authorized to administer the law²⁵ relating to preapprenticeship programs in cooperation with district school boards and FCS institution boards of trustees (BOT). District school boards, FCS institution BOT, and sponsors must cooperate in developing and establishing preapprenticeship programs that include career instruction and general education courses required to obtain a high school diploma.²⁶

Department of Education Responsibilities

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:²⁷

- Developing and encouraging apprenticeship programs.
- Registering any apprenticeship or preapprenticeship program, regardless of affiliation, which meets standards established by the DOE.
- Cooperating with and assisting sponsors to develop apprenticeship standards and training requirements.
- Monitoring registered apprenticeship programs.

¹⁸ Section 446.051(1), F.S.

¹⁹ Section 446.051(2), F.S.

²⁰ Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report (2019-2020)*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2020appr-rpt.pdf>, at 14.

²¹ Section 446.021(1), F.S.

²² Rule 6A-23.010(1), F.A.C.

²³ Section 446.021(5), F.S.

²⁴ Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report (2019-2020)*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2020appr-rpt.pdf>, at 14, 17.

²⁵ Sections 446.011 to 446.092, F.S.

²⁶ Section 446.052(2), F.S.

²⁷ Section 446.041, F.S.

- Leading and coordinating outreach efforts to educate veterans about apprenticeship and career opportunities.
- Investigating complaints regarding failure to meet the standards established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

The DOE establishes uniform minimum standards and policies governing registered apprenticeship programs and agreements.²⁸ The standards and policies must govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and OJT. The DOE is also required to publish an annual report on apprenticeship and preapprenticeship programs, which must include:²⁹

- A list of registered apprenticeship and preapprenticeship programs.
- A summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, per trade or occupation.
- The number of apprentices and preapprentices per trade and occupation.
- The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.
- Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.
- Documentation of activities conducted by the DOE to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.

State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council (council) advises the DOE on matters related to apprenticeship.³⁰ The council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by DOE. The Commissioner of Education (commissioner) or the commissioner's designee must serve *ex officio* as chair of the council, but may not vote.³¹ The state director of the United States Department of Labor (USDOL) also serves *ex officio* as a nonvoting member of the council. The council is comprised of 10 voting members appointed by the Governor.³² The council must meet at the call of the chair or at the request of a majority of its membership, but at least twice a year.³³

Florida Pathways to Career Opportunities Grant Program

In 2019, the Governor issued an executive order directing the DOE to seek funding to seed high quality workforce apprenticeships and other industry specific learning opportunities for students.³⁴

²⁸ Section 446.032(1), F.S.

²⁹ Section 446.032(2), F.S.

³⁰ Section 446.045(2)(a), F.S.

³¹ Section 446.045(2)(b), F.S.

³² *Id.*

³³ Section 446.045(2)(c), F.S.

³⁴ Florida Office of the Governor, Executive Order 19-31, at 3.

The Florida Pathways to Career Opportunities Grant Program (grant program) was established in 2019³⁵ in 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 for establishing new apprenticeship or preapprenticeship programs and expanding existing apprenticeship or preapprenticeship programs. 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.³⁶

As of February 17, 2021, \$10,045,493 has been awarded for 48 projects,³⁷ including 10 new apprenticeship programs, 16 expansions of apprenticeship programs, 12 new preapprenticeship programs, and 10 expansions of preapprenticeship programs.³⁸

Licensure Requirements

The Department of Business and Professional Regulation (DBPR) is tasked with the licensure and general regulation of several professions and businesses in Florida.³⁹

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.⁴⁰ Fifteen boards and programs exist within the DBPR, Division of Professions, two boards are within the Division of Real Estate, and one board exists in the Division of Certified Public Accounting.⁴¹

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “license,” which may be referred to as either a permit, registration, certificate, or license.⁴²

In Fiscal Year 2019-2020, there were 468,949 active licensees in professions regulated by the Division of Professions, including:⁴³

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;

³⁵ Section 33, ch. 2019-119, L.O.F.

³⁶ Section 1011.802, F.S.

³⁷ Florida Department of Education, Pathways to Career Opportunities Grant Program, *available at* <http://www.fldoe.org/core/fileparse.php/18794/urlt/PCOG-PrioritizedFundingList.pdf>.

³⁸ Email, Florida Department of Education (March 1, 2021).

³⁹ *See* s. 20.165, F.S., creating the divisions of Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Drugs, Devices, and Cosmetics; Florida Condominiums, Timeshares, and Mobile Homes; Hotels and Restaurants; Pari-mutuel Wagering; Professions; Real Estate; Regulation; Service Operations; and Technology.

⁴⁰ Section 455.219(1), F.S.

⁴¹ Section 20.165(4)(a), F.S.

⁴² Section 455.01(4), F.S.

⁴³ Florida Department of Business and Professional Regulation, *Fiscal Year 2019-2020 Annual Report*, page 19, *available at*: http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY1920.pdf (last visited Feb. 26, 2021).

- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.

Chapter 455, F.S., sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR.⁴⁴ The DBPR may regulate professions “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”⁴⁵ Regulation is required when:⁴⁶

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.

The DBPR or a pertinent regulatory board may deny an application for licensure based on specific grounds set forth in s. 455.227(1), F.S., which generally relate to minimum requirements for ethics and competence, or in the profession’s practice act.⁴⁷

Effect of Proposed Changes

The bill makes a number of changes that clarify apprenticeship and preapprenticeship program requirements and broaden the scope of such programs to occupations, not just trades. The bill also clarifies that standards are uniform minimum standards, which aligns with current practice.⁴⁸ Finally, the bill removes outdated language related to job trainees, on-the-job training, and limitations to local sponsors, rather than statewide, regional, or national sponsors.

Apprenticeships and Preapprenticeships in Florida

The bill modifies s. 446.011, F.S., to broaden the scope of apprenticeship programs to remove the requirement that such programs be in occupations throughout industry that require physical

⁴⁴ See ss. 455.01(6) and 455.203, F.S.

⁴⁵ Section 455.201(2), F.S.

⁴⁶ Section 455.201(2), F.S.

⁴⁷ Section 455.227(2), F.S.

⁴⁸ Apprenticeship Standards” means the minimum requirements established uniformly for each craft under which an apprenticeship program is administered and includes standards of admission, training goals, training objectives, curriculum outlines, and objective standards to measure successful completion of the apprenticeship program. Rule 6A-23.002(5), F.A.C.

manipulation skills. The change broadens the scope of programs to those occupations, such as information technology or healthcare, that do not rely on physical manipulation skills and encourages cooperation between secondary and postsecondary institutions and business and industry registered apprenticeship program instruction. The bill also encourages coordination between school districts, FCS institutions, and state universities in the development of apprenticeship programs that lead to college credit or a college degree. Related to this change, the bill modifies s. 446.092, F.S., to remove from the description of an apprenticeship occupation that it is in a skilled trade.

The bill connects OJT to academic related experiences, but removes the qualifier that these are classroom experiences. Related technical instruction is often conducted through online or correspondence courses. The bill also clarifies that the instruction includes both the related technical instruction and theoretical instruction, consistent with current practice.

Apprenticeship Program Sponsors

Consistent with the emphasis in the bill to broaden the scope of apprenticeship programs to more types of occupations, rather than be limited to the trades, the bill modifies s. 446.071, F.S., to expand the number of entities that may serve as a sponsor. The bill specifies that a sponsor may also be an educational institution, a local workforce board, a community or faith-based organization, an association, or any entity preapproved by the DOE. In addition, the bill provides flexibility to the DOE in the determination of need in apprenticeship program approvals.

Apprenticeship Programs

The bill modifies s. 446.021, F.S., to change a number of definitions to clarify intent and align with USDOL definitions for registered apprenticeship and preapprenticeship programs. The bill also modifies s. 446.051, F.S., to clarify that:

- The administration and supervision of DOE-approved programs is the responsibility of the apprenticeship or preapprenticeship sponsor, rather than the career education center.
- District school boards, and FCS institution and State University System (SUS) boards of trustees (BOTs) are encouraged to cooperate with registered apprenticeship or preapprenticeship sponsors for the provision of programs.

The bill removes the definition in s. 446.021, F.S., and repeals s. 446.091, F.S., relating to OJT. The term is outdated in relation to responsibilities of the DOE regarding apprenticeship and preapprenticeship programs. The bill also modifies s. 1009.25, F.S., to clarify that apprenticeship programs under the postsecondary fee waiver are registered with the DOE, not approved.

Preapprenticeship Programs

The bill modifies s. 446.052, F.S., to encourage, but not require, district school boards, FCS institution and SUS institution BOTs to cooperate and develop preapprenticeship programs. The bill requires SUS institution BOTs to work with the DOE, district school boards, and FCS institution BOTs to ensure that individuals completing preapprenticeship programs may be able

to receive credit toward an apprenticeship program.⁴⁹ In addition, the bill encourages SUS and FCS boards of trustees to cooperate with established associate of science or associate of applied science degree programs and career certificate programs to ensure that individuals completing an apprenticeship program receive college credit toward a technical degree education program. The bill also provides flexibility and preapprenticeship program sponsor discretion in the development of programs by clarifying that such programs include career education, but need not include general education courses required for a high school diploma.

Department of Education Responsibilities

The bill modifies s. 446.032, F.S., to make a number of technical changes relating to the general duties of the DOE for registered apprenticeships. The bill removes reference to an appropriate timeframe for completers in the local education agency registered apprenticeship expenditure report submitted to the DOE. The intent of the metric is to track completers, but because program length varies widely among sponsors, it is not appropriate to track the time to completion. In addition, the report must include information about potential registered apprenticeship programs, rather than applications.

The bill also modifies s. 446.041, F.S., to recognize the requirement of the sponsor, not the DOE to develop and supervise programs. The bill clarifies that the DOE does not administer the uniform standards, but has responsibility to review and evaluate the program standards.⁵⁰ The bill requires the DOE to register apprenticeship and preapprenticeship programs, regardless of affiliation, which includes a wide range of sponsors, both union and non-union. Finally, the bill removes the requirement to reach out to veterans about career education. Such outreach is beyond the scope of duties related to registered apprenticeship programs.

State Apprenticeship Advisory Council

The bill modifies s. 446.045, F.S., to change the scope, membership, and meetings of the State Apprenticeship Advisory Council (council). Specifically, the bill:

- Specifies that the council's purpose is to advise the DOE on matters related to both registered apprenticeships and registered preapprenticeships.
- Changes membership from the state director of the Office of Apprenticeship (office) in the USDOL to a representative of the office. This is consistent with the current organizational structure of USDOL representation; there are currently regional, not state directors.
- Authorizes the council chair's designee to call a meeting, and authorizes a voting majority of the council membership to request a meeting.

Florida Pathways to Career Opportunities Grant Program

The bill modifies s. 1011.802, F.S., to change the selection criteria and use of funds for the Florida Pathways to Career Opportunities Grant Program (grant program). The bill:

⁴⁹ Article IX, s. 7, Fla. Const., establishes the system of governance for the state university system of Florida. The bill provides the DOE with regulatory authority over apprenticeship programs at state universities. Board of Governors of the State University System of Florida, *Legislative Bill Analysis for SB 366* (Jan. 5, 2021).

⁵⁰ Section 446.071, F.S., authorizes the DOE to grant a variance from the standards upon a showing of good cause for the variance by program sponsors in nonconstruction trades. This authorization recognizes the unique and varying training requirements in nontraditional apprenticeable occupations and to authorize the DOE to adapt the standards to the needs of the programs.

- Clarifies that the authorization to use grant funds for personnel is for instructional personnel.
- Authorizes the DOE to use up to \$200,000 of the total allocation to administer the grant program.

Such changes provide the DOE with more support to administer the program, and clarify the intent of the use of grant program funds.

Licensure

The bill modifies s. 455.213, F.S., to provide a streamlined process for licensure for apprentices. The bill prohibits the applicable licensing board within the DBPR from imposing stricter examination and fee requirements on apprentices and requires the board to issue a license to any applicant who has:

- Completed an apprenticeship program;
- Passed any required examination; and
- Paid any applicable application fee, as determined by the board.

More people may enroll in apprenticeship programs if they are guaranteed an applicable professional license upon completion of a program.

Work-based Learning

Present Situation

Federal legislation defines work-based learning (WBL) as “sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.”⁵¹ Learning set in the real-world context of work not only makes academic learning more accessible to many students but also increases their engagement in schooling. WBL can play a crucial role in improving outcomes for at-risk students by increasing their engagement in learning, whether in or out of school.⁵²

WBL takes many forms, such as internships, job shadowing, service learning or preapprenticeships, and is defined by activities and experiences that occur when a student or worker:⁵³

- Goes to a workplace or works with an employer.
- Does meaningful job tasks that develop his or her skills, knowledge, and readiness for work and support entry or advancement in a particular career field.

WBL is comprised of identified courses that involve OJT, which is an instructional method whereby students acquire knowledge and skills exclusively on-site with a business or industry

⁵¹ 20 U.S.C. s. 2302; Perkins V (The Strengthening Career and Technical Education for the 21st Century Act) and other federal legislation reference and support work-based learning, including in the Every Student Succeeds Act of 2015 (ESSA), and the Workforce Innovation and Opportunity Act of 2014 (WIOA).

⁵² Michael E. Wonacott, *The Impact of Work-Based Learning on Students*, ERIC Digest (2002), available at <https://files.eric.ed.gov/fulltext/ED472603.pdf>, at 2.

⁵³ Southern Regional Education Board, *Work-Based Learning*, <https://www.sreb.org/node/1923> (last visited Feb. 25, 2021).

partner instead of a traditional classroom setting. WBL may also be delivered through utilization of the cooperative method of instruction which is delivered through formal classroom instruction and on-the-job learning, on-site, with a business or industry partner.⁵⁴

Recent research, policy literature, and federal legislation suggest that comprehensive WBL programs contain three key components: the alignment of classroom and workplace learning; application of academic, technical, and employability skills in a work setting; and support from classroom or workplace mentors.⁵⁵

In 2019-2020, there were 23,258 students enrolled in secondary on-the-job training, preapprenticeship, work experience, and other WBL courses.⁵⁶

Workers' Compensation

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 exchange for giving up the right to sue the employer for negligence.⁵⁷ 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.⁵⁸ For such injuries, an employer is responsible for providing medical treatment⁵⁹ and compensation in the event of employee disability⁶⁰ or death.⁶¹ Specific employer coverage requirements are based on the type of industry, number of employees, and entity organization.⁶²

State Risk Management Program

The Division of Risk Management (DRM)⁶³ located within the Department of Financial Services (DFS) is responsible for ensuring that state agencies and universities participating in the state's self-insurance program receive quality coverage for workers' compensation, general liability, federal civil rights, auto liability, and property insurance at reasonable rates. The DRM's operations and the state's insurance coverage are funded by annual agency assessments, which are deposited into the State Risk Management Trust Fund (SRMTF). The SRMTF provides

⁵⁴ United States Department of Education, *Work-Based Learning Toolkit*, <https://cte.ed.gov/wbltoolkit/> (Interact with the "WBL Framework" section.), (last visited Feb. 25, 2021).

⁵⁵ *Id.*

⁵⁶ Email, Florida Department of Education (Mar. 1, 2021).

⁵⁷ *See Jones v. Martin Elecs., Inc.*, 932 So. 2d 1100, 1108 (Fla. 2006).

⁵⁸ Section 440.09(1), F.S.

⁵⁹ Section 440.13, F.S.

⁶⁰ Section 440.15, F.S.

⁶¹ Section 440.16, F.S.

⁶² Division of Workers' Compensation, *Coverage Requirements*, <https://www.myfloridacfo.com/division/wc/Employer/coverage.htm> (last visited on Feb. 25, 2021).

⁶³ Section 20.121(2)(h), F.S.

coverage that protects state property and workforce members that are exposed to the risk of financial losses through damage, injuries, and alleged negligent or improper acts.⁶⁴

Effect of Proposed Changes

The bill creates s. 446.541, F.S., to provide a definition of “work-based learning” as synonymous with “on-the-job training” and means interactions with industry or community professionals in off-campus workplaces which foster in-depth, firsthand engagement with the tasks required in a given career field and which are aligned to curriculum and instruction. The bill encourages school districts to place students in paid work experiences for purposes of educational training and WBL.

The bill provides that:

- An individual 18 years of age or younger who is enrolled in a preapprenticeship program, as defined in s. 446.021, which requires work-based learning or in an apprenticeship program as defined in that section and who suffers a work-related injury in the course of his or her enrollment is deemed to be an employee of the state for purposes of workers’ compensation coverage. Such coverage applies only to medically necessary care rendered as a direct result of that injury.
- A student in grades 6 through 12 who is enrolled in a course identified in the Course Code Directory which incorporates a work-based learning component or an activity that is unpaid and who suffers a work-related injury in the course of his or her enrollment is deemed to be an employee of the state for purposes of workers’ compensation coverage. Such coverage applies only to medically necessary care rendered as a direct result of that injury.

The designation of preapprenticeship and WBL program students as employees of the state for the purposes of workers’ compensation medical claims may increase the financial liability of the state, but may encourage more employers, who otherwise would not participate due to concerns about assuming liability for a minor, to partner with school districts to sponsor such programs. The provisions in the bill may allow more students under 18 to participate in WBL opportunities.

Elementary and Secondary Career Education

Present Situation

Middle Grades Promotion

Florida law specifies the general requirements for middle grades promotion.⁶⁵ In 2006, the Legislature revised middle grades promotion requirements to include a course in career exploration and planning.⁶⁶ The course must be completed in grades 6, 7, or 8 and can be delivered as a stand-alone course or integrated into another course and be taught by any member of the instructional staff. The course must:⁶⁷

⁶⁴ Florida Department of Economic Opportunity, Economic and Demographic Research, *Risk Management Trust Fund* (Dec. 18, 2019), available at <http://edr.state.fl.us/Content/conferences/riskmanagement/riskmanagementexecsumm.pdf>.

⁶⁵ Section 1003.4156(1), F.S.

⁶⁶ Section 21, ch. 2006-74, L.O.F.

⁶⁷ Section 1003.4156(1)(e), F.S.

- Be internet-based and include research-based assessments to assist students in determining educational and career options and goals.
- Result in a completed personalized academic and career plan, to inform students of requirements related to standardized assessments, high school graduation and diploma designations, college entrance tests and admissions, and the Florida Bright Futures Scholarship Program, as well as opportunities to earn college credit in high school through academic and career-based options.
- Emphasize the importance of entrepreneurship and employability skills.
- Include information from the Department of Economic Opportunity's economic security report identified in law.⁶⁸

High School Graduation Requirements – Career-themed Courses

One of the options for a student to earn a standard high school diploma is to successfully complete 24 credits specified in law.⁶⁹ The required credits may be earned through equivalent, applied, or integrated courses or career education courses,⁷⁰ including approved work-related internship.⁷¹

The DOE is required to develop, for approval by the State Board of Education (SBE), additional career education courses or a series of courses that meet requirements for a career and professional academy and career-themed course,⁷² and allow students to earn credit in both the career education course and a course required for high school graduation.⁷³ In addition:⁷⁴

- Each school district should take the initiative to work with local workforce boards, local business and industry leaders, and postsecondary institutions to establish partnerships for the purpose of creating career education courses or a series of courses to meet specified career education course requirements that students can take to earn high school course credits.

⁶⁸ Section 445.07, F.S.

⁶⁹ Section 1003.4282(1)(a), F.S.

⁷⁰ Career education courses at the elementary, middle, and high school levels are exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. At the secondary level, such courses are for job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training. Section 1003.01(4), F.S.

⁷¹ Section 1003.4282(1)(b), F.S.

⁷² A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies must be offered by public schools and school districts. A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. School districts must offer at least two career-themed courses, and each secondary school is encouraged to offer at least one career-themed course. Section 1003.493(1), F.S. The requirements for a career and professional academy and career-themed course are listed in section 1003.493(4), F.S. All career courses offered in a career and professional academy and each career-themed course offered by a secondary school must lead to industry certification or college credit. Section 1003.493(5), F.S.

⁷³ Section 1003.4282(8), F.S.

⁷⁴ Section 1003.4282(8)(b)-(c), F.S.

- Regional consortium service organizations⁷⁵ must work with school districts, local workforce boards, postsecondary institutions, and local business and industry leaders to create career education courses that meet specified career education course requirements and that students can take to earn high school course credits.

Career-themed courses are identified and reported to the DOE by school districts. For the 2019-2020 academic year, school districts identified and reported a total of 1,162 career-themed courses.⁷⁶

Computer Science Instruction

Florida law defines computer science as the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society, and includes computer coding and computer programming.⁷⁷

Public schools are required to provide students in grades K-12 opportunities for learning computer science including, but not limited to, computer coding and computer programming.⁷⁸ Such opportunities may include coding instruction in elementary school and middle school and instruction to develop students' computer usage and digital literacy skills in middle school, and must include courses in computer science in middle school and high school, including earning related industry certifications.⁷⁹

Computer science courses must be identified in the Course Code Directory and published on the DOE website.⁸⁰ There are currently 66 secondary computer science courses identified on the DOE website.⁸¹

A school district or a consortium of school districts may apply to the DOE for funding for:⁸²

- Training for classroom teachers to earn an educator certificate in computer science.
- Training that leads to an industry certification associated with a course identified in the Course Code Directory.
- Professional development for classroom teachers to provide instruction in computer science courses and content.

⁷⁵ School districts with 20,000 or fewer unweighted full-time equivalent students, developmental research (laboratory) schools, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization to provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability. Section 1001.451, F.S.

⁷⁶ Email, Florida Department of Education (Jan. 23, 2020).

⁷⁷ Section 1007.2616(1), F.S.

⁷⁸ Section 1007.2616(2)(a), F.S.

⁷⁹ *Id.*

⁸⁰ Section 1007.2616(2)(b), F.S.

⁸¹ Florida Department of Education, *Florida Course Code Directory, Computer Science Course Information, 2020-2021* (Feb. 28, 2020), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/2021CompSci.pdf>.

⁸² Section 1007.2616(4), F.S. During the 2019-2020 academic year, the DOE distributed \$10 million for computer science certification and teacher bonuses. Florida Department of Education, Standards and Instructional Support, *Grants and State Funded Projects: "Allocations by District for Computer Science Certification RFA 2019-20"*, <http://www.fldoe.org/core/fileparse.php/5660/urlt/Allocations-DCSC1920.docx> (last visited on Mar. 1, 2021); see also Email, Department of Education (Mar. 1, 2021).

The DOE must establish a deadline for submitting applications. The DOE must also award funding to school districts in a manner that allows for an equitable distribution of funding statewide based on student population.⁸³

Such funding shall only be used to provide training for classroom teachers, or to pay fees for examinations that lead to a credential, or to provide professional development.⁸⁴

Effect of Proposed Changes

Middle Grades Promotion

The bill modifies s. 1003.4156, F.S., to encourage students to complete one course in career and education planning in middle school, but makes the course optional. In addition, the bill makes the course content optional. Therefore, school districts may choose whether to offer the course and will have discretion over course topics. The bill also authorizes that the Florida Virtual School may offer the course in career and education planning.

High School Graduation Requirements – Career-themed Courses

The bill modifies s. 1003.4282, F.S., to authorize school districts or regional consortia to work with national providers to submit recommended career-themed courses to the DOE for SBE approval. The bill requires each district school board to ensure that recommended courses meet the requirements for career and professional academies and career-themed courses that students can take and earn required high school course credits.

Computer Science Courses

The bill modifies s. 1007.2616, F.S., to specify that opportunities for learning computer science in elementary school must include computational thinking and foundational computer science skills.

The bill also authorizes that funds may be used for the purchase of technology, including hardware and software, directly related to computer science instruction and specifies that the DOE must award funding based on criteria developed by the DOE, rather than through a required competitive process.

Career and Professional Education Industry Certifications

The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency.⁸⁵

Present Situation

In 2007, the Legislature passed the Career and Professional Education (CAPE) Act,⁸⁶ to provide a statewide planning partnership between the business and education communities in order to

⁸³ Section 1007.2616(4)(b), F.S.

⁸⁴ Section 1007.2616(4), F.S.

⁸⁵ Section 1004.92(1), F.S.

⁸⁶ Chapter 2007-216, L.O.F.

attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.⁸⁷

An industry certification is a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized.⁸⁸ Industry certifications that generate bonus funds for school districts are included on the CAPE Industry Certification Funding List,⁸⁹ which also contains the industry certifications on the career pathways list approved for the Florida Gold Seal Vocational Scholars award.⁹⁰

The DOE identifies career certificates, industry certifications, and career courses. At least annually, the DOE and the commissioner must identify additional career certificates, industry certifications, and career courses, which includes CAPE industry certifications identified on the CAPE Industry Certification Funding List that must be applied in the distribution of funding to school districts.⁹¹

The CAPE Act provides multiple options for students to attain digital skills through digital tools and industry certifications.⁹² Digital tools are certificates reflecting core computer skills. The DOE is required to annually identify, and the commissioner may recommend, up to 15 CAPE Digital Tool certificates for inclusion on a CAPE Industry Certification Funding List.⁹³

The commissioner may limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades based on formal recommendations by providers of CAPE industry certifications and CAPE Digital Tool certificates.⁹⁴

Funding for Workforce Education Programs

Workforce education may be conducted by an FCS institution or a school district, and includes:⁹⁵

- Adult general education programs designed to improve the employability skills of the state's workforce.
- Career certificate programs.
- Applied technology diploma programs.
- Continuing workforce education courses.
- Degree career education programs.
- Apprenticeship and preapprenticeship programs.

⁸⁷ Section 1003.491, F.S.

⁸⁸ Rule 6A-6.0573(2)(e), F.A.C.

⁸⁹ The "CAPE Industry Certification Funding List" means a list of industry certifications, certificates, and courses adopted by the State Board of Education for implementation of the Florida CAPE Act. Rule 6A-6.0573(2)(b), F.A.C.

⁹⁰ Section 1008.44(1)(a), F.S. *See also* s. 1009.536, F.S., for the requirements of a Florida Gold Seal Vocational Scholars award.

⁹¹ Section 1008.44(1), F.S.

⁹² Section 1003.4203, F.S.

⁹³ Section 1008.44(1)(b), F.S. In 2019-2020, secondary students earned 49,925 digital tools. Florida Department of Education, *2019-2020 Career and Adult Education Quick Facts*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1920quickfacts.pdf>.

⁹⁴ Section 1008.44(4)(b), F.S.

⁹⁵ Section 1011.80(1) and (2), F.S.

A school district or an FCS institution that provides workforce education programs receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act (GAA).⁹⁶

Performance funding for industry certifications for school district workforce education programs⁹⁷ and FCS institutions⁹⁸ is contingent upon specific appropriation in the GAA and is determined by criteria specified in law,⁹⁹ which specifies that each school district or FCS institution must be provided \$1,000 for each industry certification earned by a workforce education or FCS institution student. If funds are insufficient to fully fund the calculated total award, such funds are prorated.

Bonus Funds for CAPE Industry Certifications

School districts are eligible for bonus funds for student completion of specified career courses and certifications. In addition to full-time equivalent (FTE) bonus funding for CAPE Digital Tool Certificates, CAPE Innovation courses,¹⁰⁰ and CAPE Acceleration certifications,¹⁰¹ the district may receive:

- A value of 0.1 or 0.2 FTE student membership¹⁰² for each student who completes a career-themed course¹⁰³ or courses with embedded CAPE industry certifications and who earns a CAPE industry certification.
- 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 SBE.
- A value of 0.1 FTE for each student who is issued a CAPE industry certifications that does not articulate for college credit.

Each district must allocate at least 80 percent of the bonus funds provided for CAPE industry certification to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.¹⁰⁴

⁹⁶ Section 1011.80(7)(a), F.S.

⁹⁷ Section 1011.80(7), F.S.

⁹⁸ Section 1011.81(2), F.S.

⁹⁹ See ss. 1011.80(7) and 1011.81(2), F.S.

¹⁰⁰ CAPE Innovation courses are up to five courses annually approved by the commissioner that combine academic and career content, and performance outcome expectations that, if achieved by a student, shall articulate for college credit and be eligible for additional full-time equivalent membership. Section 1003.4203(5)(a), F.S.

¹⁰¹ CAPE Acceleration are industry certifications, annually approved by the commissioner, that articulate for 15 or more college credit hours and, if successfully completed, are eligible for additional FTE bonus funds. Section 1003.4203(5)(b), F.S.

¹⁰² A 0.1 FTE bonus would equal \$431.95, and a 0.2 FTE bonus would equal \$863.90; based on the base student allocation of \$4,319.49 in the Florida Education Finance Program, identified in Specific Appropriation 92 of the 2020 General Appropriations Act.

¹⁰³ A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

¹⁰⁴ Section 1011.62(1)(o)2., F.S.

In 2019-2020, the estimated value of the FTE bonus for career-themed courses and industry certifications in all school districts was approximately \$81.7 million.¹⁰⁵

Effect of Proposed Changes

The bill modifies s. 1008.44, F.S., to require that the DOE and commissioner recommend industry certifications to the CAPE industry certification list that are associated with aviation-related and aerospace-related occupations. The bill specifies that such industry certifications are eligible for additional full-time equivalent membership bonus funds. The bill also provide greater authority to the commissioner to limit CAPE industry certifications and digital tools to certain grades. The bill specifies that such limits are for the purposes of calculating additional FTE membership for the industry certification bonus funding, not based on recommendations by CAPE providers.

The bill also changes a reference from the Florida Gold Seal Vocational Scholars award to the Florida Gold Seal CAPE Scholars award for the identification of CAPE industry certifications on the career pathways list. This corrects the reference to the appropriate Bright Futures Scholarship Program award. The Florida Gold Seal Vocational Scholars award does not require completion of CAPE industry certifications. The Florida Gold Seal CAPE Scholars award requires a student to earn a minimum of five postsecondary credit hours through approved CAPE industry certifications approved which articulate for college credit.¹⁰⁶

Funding for Workforce Education Programs

The bill maintains the \$1,000 provision to school districts and FCS institutions for industry certifications earned by students but specifies that, for each professional-level, Federal Aviation Administration (FAA) industry certification earned by a workforce education or FCS institution student, each school district or FCS institution must be provided a total of \$6,000. If funds are insufficient to fully fund the calculated total award, the funds must be prorated.

The bill provides additional incentives for school districts to encourage students to pursue an FAA industry certification. Such certifications are rigorous and, according to statewide articulation agreements, result in 24 to 36 college credits toward a degree.

Bonus Funds for CAPE Industry Certifications

The bill modifies the FTE bonus funding in s. 1011.62, F.S., for CAPE industry certifications with a statewide articulation agreement for college credit. The bill awards a higher bonus to rigorous CAPE industry certifications that articulate for more college credit, and specifies that:

- A value of 0.2 FTE is calculated for a CAPE industry certification that has a statewide articulation agreement of 4 to 14 college credits.
- A value of 0.2 FTE is calculated for a CAPE industry certification that has a statewide articulation agreement of 1 to 3 college credits and is deemed by the department to be of sufficient rigor and to be linked to a high-skill occupation.
- A value of 0.1 FTE is calculated for all other CAPE industry certifications with a statewide articulation agreement of 1 to 3 college credits.

¹⁰⁵ Email, Florida Department of Education (Mar. 1, 2021).

¹⁰⁶ Section 1009.536(2), F.S.

- A supplemental value of 0.2 FTE is calculated for industry certifications identified on the CAPE Industry Certification Funding List as leading to employment in aviation-related or aerospace-related occupations and meeting specified.

The bill removes the prohibition that additional FTE calculations for an elementary or middle school student may not exceed 0.1 for certificates or industry certifications earned in the same fiscal year. The bill also provides flexibility to the school district by removing the requirement that the bonus funds must be provided to the teachers employed by the district in the year that the FTE bonus funds is included in the calculation.

According to information published on the DOE website, there are 129 industry certification articulation agreements that generate from 1 to 3 credits, and 23 articulation agreements that generate from 4 to 14 college credits.¹⁰⁷

This modification will provide a lower bonus (0.1 from 0.2 FTE) for those CAPE industry certifications that generate from 1 to 3 colleges credits in an articulation agreement, but have not been identified by the DOE as rigorous or linked to a high-skill occupation.

The bill also specifies that the 20 percent of bonus funds that are not required to be allocated to the program that generated the bonus may be used for general CAPE program expenses, such as administrative costs and new industry certification programs; however, administrative costs may not exceed 5 percent of the total funds provided for CAPE industry certification. Funds provided for CAPE industry certification must be used for CAPE programs, and may not be used to supplant funds provided for basic operation of the program, such as teacher salaries and other costs that are funded for other courses with non-CAPE funds.

Mathematics Pathways

Present Situation

Statewide Articulation Agreement

The SBE and the Board of Governors of the SUS (BOG) are required to enter into a statewide articulation agreement. The agreement must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across and among Florida's educational entities.¹⁰⁸ The agreement requires state university BOT, FCS BOT, and district school boards to adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.¹⁰⁹

Academic Pathways

The SBE, in consultation with the BOG, is required to approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major.¹¹⁰ The

¹⁰⁷ Florida Department of Education, *Active Summary of Gold Standard Career Pathways Industry Articulation Agreements* (May 2020), available at <http://www.fldoe.org/core/fileparse.php/7525/urlt/active-articulation-summary.xlsx>.

¹⁰⁸ Section 1007.23(1), F.S.

¹⁰⁹ Rule 6A-10.024(1), F.A.C.

¹¹⁰ Section 1008.30(4), F.S.

purpose of meta-major academic pathways is to advise FCS system associate degree seeking students of the gateway courses that are aligned with their intended academic and career goals. The meta-major academic pathways in SBE rule are established in the following areas:¹¹¹

- Arts, humanities, communication and design.
- Business.
- Education.
- Health sciences.
- Industry/manufacturing and construction.
- Public Safety.
- Science, technology, engineering, and mathematics.
- Social and behavioral sciences and human services.

In 2018, the Florida Student Success Center¹¹² established three workgroups to identify current challenges in mathematics pathways and develop policy and practice recommendations to improve student achievement across Florida's education systems. The charge to the workgroups was to explore complex issues surrounding mathematics pathways to prepare high school students for transition into FCS institutions, and FCS institution students for transition into four-year universities. More than 90 mathematics faculty, administrators and key stakeholders from Florida's K-12 system, the FCS, and the SUS served as members of the workgroups in 2018-19. Among the 12 recommendations, the workgroups recommended creation of common mathematics pathways by aligning mathematics courses to programs, meta-majors, and careers in Florida.¹¹³

Effect of Proposed Changes

The bill modifies s. 1007.23, F.S., to require the statewide articulation agreement to specify three mathematics pathways, which are aligned to programs, meta-majors, and careers, on which degree-seeking students must be placed. The bill specifies the purpose of the pathways is to facilitate seamless transfer, reduce excess credit hours, and ensure that students are taking the relevant courses needed for their future careers. To accomplish the identification of the mathematics pathways, the bill requires, by September 31, 2021, the Articulation Coordinating Committee (ACC)¹¹⁴ to convene a representative workgroup composed of academic affairs administrators and faculty from state universities and FCS institutions to identify the three pathways. The workgroup must report its recommendations to the ACC, BOG, and the SBE by March 31, 2022. The ACC must approve the mathematics pathways by May 31, 2022.

¹¹¹ Rule 6A-14.065, F.A.C.

¹¹² The Florida Student Success Center is part of the national Student Success Center Network and supports Florida's 28 state and community colleges' efforts to develop student-centered pathways and increase student completion rates. The Florida College System, *Florida Student Success Center*, <https://www.floridacollegesystemfoundation.org/florida-student-success-center-home> (last visited Feb. 25, 2021).

¹¹³ The Florida College System, *Mathematics Re-Design*, <https://www.floridacollegesystemfoundation.org/fssc-math-redesign> (last visited Feb. 25, 2021).

¹¹⁴ The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education, in consultation with the Chancellor of the State University System, to make recommendations related to statewide articulation policies and issues. The ACC consists of two members each representing the State University System, the Florida College System, public career and technical education, K-12 education, and nonpublic postsecondary education and one member representing students. The Office of K-20 Articulation in the DOE provides administrative support for the ACC. Section 1007.01(3), F.S.

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:

School districts that pay workers' compensation expenses for participants in work-based learning programs would likely see a reduction in workers' compensation costs. The reduction in workers' compensation costs is indeterminate.

C. Government Sector Impact:

Workers' Compensation Insurance Coverage

In 2020, the Department of Financial Services, Division of Risk Management (DRM) estimated that the workers' compensation coverage provisions of SB 1568 (2020) would cause additional claims costs for covering participants in preapprenticeship and work-based learning programs.¹¹⁵

Depending on the number and severity of future claims, the increase in workers' compensation loss payments and operational costs to the Risk Management Trust Fund could result in a long-term need for additional premium to be charged to the state agencies to cover these losses.¹¹⁶

¹¹⁵Florida Department of Financial Services, *2020 Legislative Bill Analysis for CS/SB 1568* (Feb. 17, 2020).

¹¹⁶ *Id.*

Career and Professional Education (CAPE) Funding

The restructuring of the CAPE industry certification bonus awards in the FEFP will potentially affect the amount of bonus funding that each school district earns. In addition, the new \$6,000 bonus for Federal Aviation Administration industry certifications for the Performance Based Incentive funding in the GAA for school district workforce programs and colleges will also potentially increase the earned bonus funds for school districts and colleges. No additional appropriation is required.

VI. Technical Deficiencies:

Section 1007.2616(4), F.S., authorizes a school district or consortium of districts to apply for funds to assist teachers in earning an educator certificate in computer science, a computer science industry certification, or for professional development. The bill expands the use of funds to authorize the purchase of technology, including hardware and software, directly related to computer science instruction. However, the bill does not modify the requirement in that subsection that requires such funding to be used only to provide training for classroom teachers, or to pay fees for examinations that lead to a credential, or to provide professional development.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.011, 446.021, 446.032, 446.041, 446.045, 446.051, 446.052, 446.071, 446.081, 446.092, 455.213, 1003.4156, 1003.4282, 1007.23, 1007.2616, 1008.44, 1009.25, 1011.62, 1011.80, 1011.802, and 1011.81.

This bill creates s. 446.541 of the Florida Statutes.

This bill repeals section 446.091 of the Florida Statutes.

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

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 446.011, Florida Statutes, is amended to
read:

446.011 Legislative intent regarding apprenticeship
training.—

(1) It is the intent of the State of Florida to provide
educational opportunities for its residents so that they can be
trained for trades, occupations, and professions suited to their



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12 abilities. It is the intent of this act to promote the mode of
13 training known as apprenticeship in occupations throughout
14 industry ~~in the state that require physical manipulative skills.~~
15 The Legislature further intends to broaden ~~By broadening~~ job
16 training opportunities by ~~and~~ providing for increased
17 coordination between secondary and postsecondary educational
18 institutions and businesses and industries participating in
19 ~~public school academic programs, career programs, and registered~~
20 apprenticeship programs so that, the residents of this state
21 ~~will~~ benefit from an additional avenue to a postsecondary
22 credential or degree when on-the-job training is combined with
23 related technical and theoretical instruction provided by a
24 school district or any accredited postsecondary educational
25 institution. Therefore, this act encourages apprenticeship
26 programs to lead to a postsecondary credential ~~the valuable~~
27 ~~training opportunities developed when on-the-job training is~~
28 ~~combined with academic-related classroom experiences.~~ Moreover,
29 this act is intended to develop the apparent potentials in
30 apprenticeship training by assisting in the establishment of
31 preapprenticeship programs in the public school system and
32 elsewhere and by expanding presently registered programs as well
33 as promoting new registered programs in jobs that lend
34 themselves to apprenticeship training.

35 (2) It is the intent of the Legislature that the Department
36 of Education have responsibility for the development of the
37 registered apprenticeship and registered preapprenticeship
38 uniform minimum standards for ~~the~~ apprenticeable occupations
39 ~~trades~~ and that the department have responsibility for assisting
40 approved program sponsors pursuant to s. 446.071 ~~district school~~



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41 ~~boards and Florida College System institution boards of trustees~~
42 in developing preapprenticeship programs.

43 (3) It is the further intent of ss. 446.011-446.092 that
44 the department ensure quality training through the adoption and
45 enforcement of uniform minimum standards and that the department
46 promote, register, monitor, and service apprenticeship and
47 preapprenticeship training programs and ensure that the programs
48 adhere to the standards.

49 (4) It is the intent of the Legislature that this act not
50 require the use of apprentices or preapprentices on construction
51 projects financed by the state or any county, municipality, town
52 or township, public authority, special district, municipal
53 service taxing unit, or other agency of state or local
54 government. Notwithstanding this intent, whenever any government
55 or agency of government employs, of its own choice, apprentices
56 or preapprentices or employs contractors who employ apprentices
57 or preapprentices, the behavior of the government and the
58 contractors employed by the government shall be governed by the
59 provisions of this act.

60 Section 2. Section 446.021, Florida Statutes, is amended to
61 read:

62 (Substantial rewording of section. See
63 s. 446.021, F.S., for present text.)

64 446.021 Definitions of terms used in ss. 446.011-446.092.-

65 As used in ss. 446.011-446.092, the term:

66 (1) "Apprentice" means a person at least 16 years of age
67 who has entered into an apprenticeship agreement with a
68 registered apprenticeship program sponsor, is engaged in
69 learning an apprenticeable occupation through actual work



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70 experience under the supervision of journeymen, and is
71 enrolled in the apprenticeship program, thereby receiving an
72 organized and systematic form of instruction designed to provide
73 theoretical and technical knowledge related to the occupation.

74 (2) "Apprenticeship program" means a program that is
75 registered with the department on the basis of a plan submitted
76 to the department which contains the terms and conditions for
77 the qualification, recruitment, selection, employment, and
78 training of apprentices, including requirements for a written
79 apprenticeship agreement.

80 (3) "Cancellation" means the termination or deregistration
81 of an apprenticeship program at the request of the program
82 sponsor or the termination of an apprenticeship agreement at the
83 request of the apprentice.

84 (4) "Department" means the Department of Education.

85 (5) "Journeyworker" means a person working in an
86 apprenticeable occupation who has successfully completed a
87 registered apprenticeship program or who has worked the number
88 of years required by established industry practices for the
89 particular trade or occupation.

90 (6) "On-the-job training" means a structured system of work
91 processes under the supervision of a journeyworker which
92 provides the experience and knowledge necessary to meet the
93 training objective of learning a specific skill, trade, or
94 occupation.

95 (7) "Preapprentice" means a person at least 16 years of age
96 who enters into a preapprenticeship agreement with a
97 preapprenticeship program sponsor approved by the department and
98 who engages in learning an apprenticeable occupation in any



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99 course of instruction in the public school system or elsewhere.

100 (8) "Preapprenticeship program" means a program sponsored
101 by an apprenticeship program in the same occupation which is
102 registered with the department on the basis of a plan submitted
103 to the department which contains the terms and conditions of
104 instruction in the public school system or elsewhere and is
105 designed to prepare a registered preapprentice to become an
106 apprentice in an apprenticeship program.

107 (9) "Related instruction" means an organized and systematic
108 form of instruction designed to provide an apprentice or a
109 preapprentice with the knowledge of theoretical subjects related
110 to a specific trade or occupation.

111 (10) "Uniform minimum standards" means the minimum
112 requirements established for each occupation under which an
113 apprenticeship or preapprenticeship program is administered. The
114 term includes standards of admission, training objectives,
115 curriculum outlines, objective standards to measure successful
116 completion of the apprenticeship or preapprenticeship program,
117 and the percentage of credit which may be given to an apprentice
118 or preapprentice.

119 Section 3. Subsection (1), paragraphs (b), (d), and (e) of
120 subsection (2), and subsection (3) of section 446.032, Florida
121 Statutes, are amended to read:

122 446.032 General duties of the department for apprenticeship
123 training.—The department shall:

124 (1) Establish uniform minimum standards ~~and policies~~
125 governing apprenticeship apprentice programs and agreements. The
126 standards and policies shall govern the terms and conditions of
127 the apprentice's employment and training, including the quality



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128 training of the apprentice for, but not limited to, such matters
129 as ratios of apprentices to journeyworkers, safety, related
130 technical instruction, and on-the-job training; but these
131 ~~standards and policies~~ may not include rules, standards, or
132 guidelines that require the use of apprentices ~~and job trainees~~
133 on state, county, or municipal contracts. Uniform minimum
134 standards must be uniform across all occupations ~~The department~~
135 ~~may adopt rules necessary to administer the standards and~~
136 ~~policies.~~

137 (2) By September 1 of each year, publish an annual report
138 on apprenticeship and preapprenticeship programs. The report
139 must be published on the department's website and, at a minimum,
140 include all of the following:

141 (b) A detailed summary of each local educational agency's
142 expenditure of funds for apprenticeship and preapprenticeship
143 programs, including:

144 1. The total amount of funds received for apprenticeship
145 and preapprenticeship programs;

146 2. The total amount of funds allocated to each
147 apprenticeable ~~trade or~~ occupation;

148 3. The total amount of funds expended for administrative
149 costs per apprenticeable ~~trade or~~ occupation; and

150 4. The total amount of funds expended for instructional
151 costs per apprenticeable ~~trade and~~ occupation.

152 (d) The percentage of apprentices and preapprentices who
153 complete their respective programs ~~in the appropriate timeframe.~~

154 (e) Information and resources related to ~~applications for~~
155 new apprenticeship programs and preapprenticeship programs and
156 technical assistance and requirements for potential



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157 apprenticeship programs and preapprenticeship programs
158 applicants.

159 (3) Provide assistance to district school boards,
160 postsecondary educational institutions, Florida College System
161 institution boards of trustees, approved program sponsors under
162 s. 446.071, and local workforce development boards in notifying
163 students, parents, and members of the community of the
164 availability of apprenticeship and preapprenticeship
165 opportunities, including data provided in the economic security
166 report pursuant to s. 445.07.

167 Section 4. Subsections (2) through (8), (10), (11), and
168 (12) of section 446.041, Florida Statutes, are amended to read:
169 446.041 Apprenticeship program, duties of the department.-
170 The department shall:

171 (2) Regularly review and evaluate the uniform minimum
172 ~~Administer the~~ standards established by the department for
173 registered apprenticeship and preapprenticeship programs.

174 (3) Register, in accordance with this chapter, any
175 apprenticeship or preapprenticeship program that, ~~regardless of~~
176 ~~affiliation, which~~ meets the uniform minimum standards
177 established by the department.

178 (4) Investigate complaints concerning the failure of any
179 registered program to meet the uniform minimum standards
180 established by the department.

181 (5) Cancel the registration of any program that fails to
182 comply with the uniform minimum standards and policies of the
183 department or that unreasonably fails or refuses to cooperate
184 with the department in monitoring and enforcing compliance with
185 the uniform minimum standards.



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186 (6) Encourage potential sponsors to develop and encourage
187 apprenticeship and preapprenticeship programs.

188 (7) Lead and coordinate outreach efforts to educate
189 veterans about apprenticeship programs and ~~career opportunities.~~

190 (8) Cooperate with ~~and assist local~~ apprenticeship sponsors
191 in the development of the uniform minimum ~~their~~ apprenticeship
192 standards and training requirements.

193 (10) Monitor registered apprenticeship programs to ensure
194 that they are being operated in compliance with all applicable
195 uniform minimum standards.

196 (11) ~~Supervise all apprenticeship programs that are~~
197 ~~registered with the department.~~

198 ~~(12)~~ Ensure that equal opportunity for apprentices,
199 preapprentices, and applicants for apprenticeships and
200 preapprenticeships is provided for the apprenticeship and
201 preapprenticeship programs and that minority and gender
202 diversity are considered in administering this program.

203 Section 5. Paragraphs (a), (b), and (c) of subsection (2)
204 of section 446.045, Florida Statutes, are amended to read:

205 446.045 State Apprenticeship Advisory Council.—

206 (2) (a) There is created a State Apprenticeship Advisory
207 Council to be composed of 10 voting members appointed by the
208 Governor and two ex officio nonvoting members. The purpose of
209 the advisory council is to advise the department on matters
210 relating to apprenticeship and preapprenticeship. The advisory
211 council may not establish policy, adopt rules, or consider
212 whether particular apprenticeship or preapprenticeship programs
213 should be approved by the department.

214 (b) The Commissioner of Education or the commissioner's



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215 designee shall serve ex officio as chair of the State
216 Apprenticeship Advisory Council, but may not vote. A
217 representative ~~The state director~~ of the Office of
218 Apprenticeship of the United States Department of Labor shall
219 serve ex officio as a nonvoting member of the council. The
220 Governor shall appoint to the council four members representing
221 employee organizations and four members representing employer
222 organizations. Each of these eight members shall represent
223 industries that have registered apprenticeship programs. The
224 Governor shall also appoint two public members who are
225 knowledgeable about registered apprenticeship and apprenticeable
226 occupations and who are independent of any joint or nonjoint
227 organization. Members shall be appointed for 4-year staggered
228 terms. The Governor ~~A vacancy~~ shall fill any vacancy ~~be filled~~
229 for the remainder of the unexpired term.

230 (c) The council shall meet at the call of the chair or the
231 chair's designee or at the request of a majority of its voting
232 membership, but at least twice a year. A majority of the voting
233 members shall constitute a quorum, and the affirmative vote of a
234 majority of a quorum is necessary to take action.

235 Section 6. Section 446.051, Florida Statutes, is amended to
236 read:

237 446.051 Related instruction for apprentices.—

238 (1) The administration and supervision of related and
239 supplemental instruction for apprentices, the coordination of
240 such instruction with job experiences, and the selection and
241 training of teachers, instructors, and coordinators for such
242 instruction, all as approved by the department ~~registered~~
243 ~~program sponsor~~, are ~~shall be~~ the responsibility of the



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244 apprenticeship and preapprenticeship program sponsors
245 ~~appropriate career education institution.~~

246 (2) District school boards and postsecondary educational
247 institutions are ~~The appropriate career education institution~~
248 ~~shall be~~ encouraged to cooperate with and assist in providing to
249 any registered program sponsor facilities, equipment and
250 supplies, and instructors' salaries for the performance of
251 related and supplemental instruction associated with the
252 apprenticeship or preapprenticeship ~~registered~~ program.

253 Section 7. Subsections (1), (2), and (3) of section
254 446.052, Florida Statutes, are amended to read:

255 446.052 Preapprenticeship program.—

256 (1) There is created and established a preapprenticeship
257 ~~education~~ program, as defined in s. 446.021.

258 (2) The department, under regulations established by the
259 State Board of Education, may administer the provisions of ss.
260 446.011-446.092 which relate to preapprenticeship programs ~~in~~
261 ~~cooperation with district school boards and Florida College~~
262 ~~System institution boards of trustees.~~ District school boards,
263 postsecondary educational institutions ~~Florida College System~~
264 ~~institution boards of trustees,~~ and registered program sponsors
265 are encouraged to ~~shall~~ cooperate in developing and establishing
266 programs that include career instruction ~~and general education~~
267 ~~courses required to obtain a high school diploma.~~

268 (3) The department, ~~the~~ district school boards, and
269 postsecondary educational institutions ~~the Florida College~~
270 ~~System institution boards of trustees~~ shall work together with
271 existing registered apprenticeship programs in order that
272 individuals completing the preapprenticeship programs may be



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273 able to receive credit toward ~~towards~~ completing a registered
274 apprenticeship program. In addition, postsecondary educational
275 institutions are encouraged to work together with existing
276 associate of science programs, associate of applied science
277 programs, career certification programs, or degree programs to
278 ensure that individuals completing a registered apprenticeship
279 program may be able to receive college credit toward a technical
280 degree.

281 Section 8. Section 446.071, Florida Statutes, is amended to
282 read:

283 446.071 Apprenticeship sponsors.-

284 (1) One or more ~~local~~ apprenticeship sponsors must ~~shall~~ be
285 approved in any apprenticeable occupation ~~trade~~ or multiple
286 apprenticeable occupations ~~group of trades~~ by the department,
287 upon a determination of need, if the apprenticeship sponsor
288 meets all of the uniform minimum standards established by the
289 department. ~~The term "need" refers to the need of state~~
290 ~~residents for apprenticeship training. In the absence of proof~~
291 ~~to the contrary, it shall be presumed that there is need for~~
292 ~~apprenticeship and preapprenticeship training in each county in~~
293 ~~this state.~~

294 (2) An ~~A local~~ apprenticeship sponsor may be a committee, a
295 group of employers, an employer, or a group of employees, an
296 educational institution, a local workforce board, a community or
297 faith-based organization, or any entity preapproved by the
298 department as being in accordance with the requirements of this
299 chapter ~~combination thereof.~~

300 (3) The department may grant a variance from the uniform
301 minimum standards upon a showing of good cause for the variance



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302 by program sponsors in nonconstruction trades. The purpose of
303 this subsection is to recognize the unique and varying training
304 requirements in nontraditional apprenticeable occupations and to
305 authorize the department to adapt the standards to the needs of
306 the programs.

307 Section 9. Subsection (4) of section 446.081, Florida
308 Statutes, is amended to read:

309 446.081 Limitation.—

310 (4) Nothing in ss. 446.011-446.092 or in any rules adopted
311 or contained in any approved apprentice agreement under such
312 sections invalidates any special provision for veterans,
313 minority persons, or women in the standards, qualifications, or
314 operation of the apprenticeship program which is not otherwise
315 prohibited by any applicable general law, executive order, rule,
316 or regulation.

317 Section 10. Section 446.091, Florida Statutes, is repealed.

318 Section 11. Section 446.092, Florida Statutes, is amended
319 to read:

320 446.092 Criteria for apprenticeship occupations.—At a
321 minimum, an apprenticeable occupation must possess ~~is a skilled~~
322 ~~trade which possesses~~ all of the following characteristics:

323 (1) It is customarily learned in a practical way through a
324 structured, systematic program of on-the-job, supervised
325 training.

326 (2) It is clearly identified and commonly recognized
327 throughout an industry.

328 (3) It involves manual, mechanical, or technical skills and
329 knowledge which, in accordance with the industry standards for
330 the occupation, require ~~would require~~ a minimum of 2,000 hours



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331 of on-the-job training, which hours are excluded from the time
332 spent at related technical or supplementary instruction.

333 (4) It requires related technical instruction to supplement
334 on-the-job training. Such instruction may be given in a
335 classroom, through occupational or industrial courses or
336 correspondence courses of equivalent value, through electronic
337 media, or through other forms of self-study approved by the
338 department.

339 Section 12. Section 446.54, Florida Statutes, is created to
340 read:

341 446.54 Work-based learning.-

342 (1) It is the intent of the Legislature that, to the extent
343 possible, school districts place students in paid work
344 experiences, including apprenticeships and preapprenticeships,
345 for purposes of educational training and work-based learning.

346 (2) For purposes of this section, "work-based learning"
347 includes "on-the-job training" as defined in s. 446.021 and
348 means sustained interactions with industry or community
349 professionals in off-campus workplace settings that foster in-
350 depth firsthand engagement with the tasks required in a given
351 career or field and are aligned to curriculum and instruction.

352 (3) (a) A student in grades 6 through 12 who is enrolled in
353 a course identified in the Course Code Directory which
354 incorporates a work-based learning component or an activity that
355 is unpaid and who suffers a work-related injury in the course of
356 his or her enrollment is deemed to be an employee of the state
357 for purposes of workers' compensation coverage. Such coverage
358 applies only to medically necessary care rendered as a direct
359 result of that injury.



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360 (b) An individual 18 years of age or younger who is
361 enrolled in a preapprenticeship program as defined in s. 446.021
362 which requires work-based learning and who suffers a work-
363 related injury in the course of his or her enrollment is deemed
364 to be an employee of the state for purposes of workers'
365 compensation coverage. Such coverage applies only to medically
366 necessary care rendered as a direct result of that injury.

367 Section 13. Subsection (17) is added to section 1003.01,
368 Florida Statutes, to read:

369 1003.01 Definitions.—As used in this chapter, the term:

370 (17) "Work-based learning" means sustained interactions
371 with industry or community professionals in workplace settings,
372 to the extent practicable, or simulated environments that foster
373 in-depth, firsthand engagement with the tasks required in a
374 given career field, that align with curriculum and instruction,
375 and that are provided in partnership with an educational
376 institution. Work-based learning may be paid or unpaid and may
377 be delivered in a stand-alone, work-based learning course that
378 results in high school credit or may be a component of an
379 existing course which may use the cooperative method of
380 instruction as defined in s. 1004.02(27).

381 Section 14. Subsection (6) is added to section 1003.491,
382 Florida Statutes, to read:

383 1003.491 Florida Career and Professional Education Act.—The
384 Florida Career and Professional Education Act is created to
385 provide a statewide planning partnership between the business
386 and education communities in order to attract, expand, and
387 retain targeted, high-value industry and to sustain a strong,
388 knowledge-based economy.



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389 (6) The Department of Education may adopt rules to
390 administer this section.

391 Section 15. Subsection (27) is added to section 1004.02,
392 Florida Statutes, to read:

393 1004.02 Definitions.—As used in this chapter:

394 (27) "Cooperative method of instruction" means an
395 instructional methodology that provides students enrolled in
396 career education programs an opportunity to extend their
397 employment preparation beyond the classroom through
398 participation in concurrent career education instruction through
399 regularly scheduled on-the-job training experiences.

400 Section 16. Present subsections (3) through (8) of section
401 1007.23, Florida Statutes, are redesignated as subsections (4)
402 through (9), respectively, and a new subsection (3) is added to
403 that section, to read:

404 1007.23 Statewide articulation agreement.—

405 (3) To facilitate seamless transfer of credits, reduce
406 excess credit hours, and ensure that students are taking the
407 courses needed for their future careers, the articulation
408 agreement must establish three mathematics pathways for students
409 by aligning mathematics courses to programs, meta-majors, and
410 careers. A representative committee of State University System,
411 career centers established under s. 1001.44, and Florida College
412 System faculty shall collaborate to identify the three
413 mathematics pathways and the mathematics course sequence within
414 each pathway which align to the mathematics skills needed for
415 success in the corresponding academic programs and careers.

416 Section 17. Subsection (1) and paragraph (a) of subsection
417 (2) of section 1007.263, Florida Statutes, are amended to read:



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418 1007.263 Florida College System institutions; admissions of
419 students.—Each Florida College System institution board of
420 trustees is authorized to adopt rules governing admissions of
421 students subject to this section and rules of the State Board of
422 Education. These rules shall include the following:

423 (1) Admissions counseling shall be provided to all students
424 entering college or career credit programs. For students who are
425 not otherwise exempt from testing under s. 1008.30, counseling
426 must use the tests or alternative methods established by the
427 State Board of Education pursuant to s. 1008.30 to measure
428 achievement of college-level communication and computation
429 competencies by students entering college credit programs ~~or~~
430 ~~tests to measure achievement of basic skills for career~~
431 ~~education programs as prescribed in s. 1004.91.~~ Counseling must
432 measure achievement of basic skills for career education
433 programs under s. 1004.91 and include ~~includes~~ providing
434 developmental education options for students whose ~~assessment~~
435 results, determined under s. 1008.30, indicate that they need to
436 improve communication or computation skills that are essential
437 to perform college-level work.

438 (2) Admission to associate degree programs is subject to
439 minimum standards adopted by the State Board of Education and
440 shall require:

441 (a) A standard high school diploma; ~~r~~ a State of Florida
442 high school equivalency diploma awarded under s. 1003.435(2); a
443 high school equivalency diploma issued by another state which is
444 recognized as equivalent by State Board of Education rule and is
445 based on an assessment recognized by the United States
446 Department of Education; as prescribed in s. 1003.435,



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447 previously demonstrated competency in college credit
448 postsecondary coursework; ~~or~~, in the case of a student who is
449 home educated, a signed affidavit submitted by the student's
450 parent or legal guardian attesting that the student has
451 completed a home education program pursuant to the requirements
452 of s. 1002.41. Students who are enrolled in a dual enrollment or
453 early admission program pursuant to s. 1007.271 are exempt from
454 this requirement.

455
456 Each board of trustees shall establish policies that notify
457 students about developmental education options for improving
458 their communication or computation skills that are essential to
459 performing college-level work, including tutoring, extended time
460 in gateway courses, free online courses, adult basic education,
461 adult secondary education, or private provider instruction.

462 Section 18. Subsection (3) and paragraph (b) of subsection
463 (13) of section 1007.271, Florida Statutes, are amended to read:
464 1007.271 Dual enrollment programs.—

465 (3) Student eligibility requirements for initial enrollment
466 in college credit dual enrollment courses must include a 3.0
467 unweighted high school grade point average and a demonstrated
468 level of achievement of college-level communication and
469 computation skills as provided under s. 1008.30(1) or (2) ~~the~~
470 ~~minimum score on a common placement test adopted by the State~~
471 ~~Board of Education which indicates that the student is ready for~~
472 ~~college-level coursework~~. Student eligibility requirements for
473 continued enrollment in college credit dual enrollment courses
474 must include the maintenance of a 3.0 unweighted high school
475 grade point average and the minimum postsecondary grade point



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476 average established by the postsecondary institution. Regardless
477 of meeting student eligibility requirements for continued
478 enrollment, a student may lose the opportunity to participate in
479 a dual enrollment course if the student is disruptive to the
480 learning process such that the progress of other students or the
481 efficient administration of the course is hindered. Student
482 eligibility requirements for initial and continued enrollment in
483 career certificate dual enrollment courses must include a 2.0
484 unweighted high school grade point average. Exceptions to the
485 required grade point averages may be granted on an individual
486 student basis if the educational entities agree and the terms of
487 the agreement are contained within the dual enrollment
488 articulation agreement established pursuant to subsection (21).
489 Florida College System institution boards of trustees may
490 establish additional initial student eligibility requirements,
491 which shall be included in the dual enrollment articulation
492 agreement, to ensure student readiness for postsecondary
493 instruction. Additional requirements included in the agreement
494 may not arbitrarily prohibit students who have demonstrated the
495 ability to master advanced courses from participating in dual
496 enrollment courses or limit the number of dual enrollment
497 courses in which a student may enroll based solely upon
498 enrollment by the student at an independent postsecondary
499 institution.

500 (13)

501 (b) Each public postsecondary institution eligible to
502 participate in the dual enrollment program pursuant to s.
503 1011.62(1)(i) must enter into a home education articulation
504 agreement with each home education student seeking enrollment in



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505 a dual enrollment course and the student's parent. By August 1
506 of each year, the eligible postsecondary institution shall
507 complete and submit the home education articulation agreement to
508 the Department of Education. The home education articulation
509 agreement must include, at a minimum:

510 1. A delineation of courses and programs available to
511 dually enrolled home education students. Courses and programs
512 may be added, revised, or deleted at any time by the
513 postsecondary institution. Any course or program limitations may
514 not exceed the limitations for other dually enrolled students.

515 2. The initial and continued eligibility requirements for
516 home education student participation, not to exceed those
517 required of other dually enrolled students. A high school grade
518 point average may not be required for home education students
519 who demonstrate achievement of college-level communication and
520 computation skills as provided under s. 1008.30(1) or (2) meet
521 ~~the minimum score on a common placement test adopted by the~~
522 ~~State Board of Education which indicates that the student is~~
523 ~~ready for college-level coursework~~; however, home education
524 student eligibility requirements for continued enrollment in
525 dual enrollment courses must include the maintenance of the
526 minimum postsecondary grade point average established by the
527 postsecondary institution.

528 3. The student's responsibilities for providing his or her
529 own transportation.

530 4. A copy of the statement on transfer guarantees developed
531 by the Department of Education under subsection (15).

532 Section 19. Section 1008.30, Florida Statutes, is amended
533 to read:



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534 1008.30 Common placement testing for public postsecondary
535 education.—

536 (1) The State Board of Education, in conjunction with the
537 Board of Governors, shall develop and implement a common
538 placement test for the purpose of assessing the basic
539 computation and communication skills of students who intend to
540 enter a degree program at any public postsecondary educational
541 institution. Alternative assessments that may be accepted in
542 lieu of the common placement test shall also be identified in
543 rule. Public postsecondary educational institutions shall
544 provide appropriate modifications of the test instruments or
545 test procedures for students with disabilities.

546 (2) By January 31, 2022, the State Board of Education shall
547 adopt rules to develop and implement alternative methods for
548 assessing the basic computation and communication skills of
549 students who intend to enter a degree program at a Florida
550 College System institution. Florida College System institutions
551 may use these alternative methods in lieu of common placement
552 tests as described in subsection (1) to assess student readiness
553 for college-level work in computation and communication ~~The~~
554 ~~common placement testing program shall include the capacity to~~
555 ~~diagnose basic competencies in the areas of English, reading,~~
556 ~~and mathematics which are essential for success in meta-majors~~
557 ~~and to provide test information to students on the specific~~
558 ~~skills the student needs to attain.~~

559 (3) ~~By October 31, 2013, the State Board of Education shall~~
560 ~~establish by rule the test scores a student must achieve to~~
561 ~~demonstrate readiness to perform college-level work, and The~~
562 rules required by subsection (2) must specify the following:



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563 (a) A student who entered 9th grade in a Florida public
564 school in the 2003-2004 school year, or any year thereafter, and
565 earned a Florida standard high school diploma or a student who
566 is serving as an active duty member of any branch of the United
567 States Armed Services shall not be required to be assessed for
568 readiness for college-level work in computation and
569 communication ~~take the common placement test~~ and shall not be
570 required to enroll in developmental education instruction in a
571 Florida College System institution. However, a student who is
572 not required to be assessed for readiness for college-level work
573 in computation and communication ~~take the common placement test~~
574 and is not required to enroll in developmental education under
575 this paragraph may opt to be assessed and to enroll in
576 developmental education instruction, and the college shall
577 provide such assessment and instruction upon the student's
578 request.

579 (b) A student who is assessed for readiness for college-
580 level computation and communication and whose assessment results
581 indicate ~~takes the common placement test and whose score on the~~
582 ~~test indicates~~ a need for developmental education must be
583 advised of all the developmental education options offered at
584 the institution and, after advisement, shall be allowed to
585 enroll in the developmental education option of his or her
586 choice.

587 (c) A student who demonstrates readiness by achieving or
588 exceeding the test scores established by the state board and
589 enrolls in a Florida College System institution within 2 years
590 after achieving such scores shall not be required to retest or
591 complete developmental education when admitted to any Florida



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592 College System institution.

593 ~~(4) (a) By December 31, 2013, the State Board of Education,~~
594 ~~in consultation with the Board of Governors, shall approve a~~
595 ~~series of meta-majors and the academic pathways that identify~~
596 ~~the gateway courses associated with each meta-major. Florida~~
597 ~~College System institutions shall use placement test results to~~
598 ~~determine the extent to which each student demonstrates~~
599 ~~sufficient communication and computation skills to indicate~~
600 ~~readiness for his or her chosen meta-major. Florida College~~
601 ~~System institutions shall counsel students into college credit~~
602 ~~courses as quickly as possible, with developmental education~~
603 ~~limited to that content needed for success in the meta-major.~~

604 ~~(5) (a) Each Florida College System institution board of~~
605 ~~trustees shall develop a plan to implement the developmental~~
606 ~~education strategies defined in s. 1008.02 and rules established~~
607 ~~by the State Board of Education. The plan must be submitted to~~
608 ~~the Chancellor of the Florida College System for approval no~~
609 ~~later than March 1, 2014, for implementation no later than the~~
610 ~~fall semester 2014. Each plan must include, at a minimum, local~~
611 ~~policies that outline:~~

612 ~~1. Documented student achievements such as grade point~~
613 ~~averages, work history, military experience, participation in~~
614 ~~juried competitions, career interests, degree major declaration,~~
615 ~~or any combination of such achievements that the institution may~~
616 ~~consider, in addition to common placement test scores, for~~
617 ~~advising students regarding enrollment options.~~

618 ~~2. Developmental education strategies available to~~
619 ~~students.~~

620 ~~3. A description of student costs and financial aid~~



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621 ~~opportunities associated with each option.~~

622 ~~4. Provisions for the collection of student success data.~~

623 ~~5. A comprehensive plan for advising students into~~
624 ~~appropriate developmental education strategies based on student~~
625 ~~success data.~~

626 ~~(b) Beginning October 31, 2015, Each Florida College System~~
627 ~~institution shall use placement test results or alternative~~
628 ~~methods as established by the State Board of Education to~~
629 ~~determine the extent to which each student demonstrates~~
630 ~~sufficient computation and communication skills to indicate~~
631 ~~readiness for his or her chosen meta-major. Florida College~~
632 ~~System institutions shall counsel students into college credit~~
633 ~~courses as quickly as possible, with developmental education~~
634 ~~limited to that content needed for success in the meta-major~~
635 ~~annually prepare an accountability report that includes student~~
636 ~~success data relating to each developmental education strategy~~
637 ~~implemented by the institution. The report shall be submitted to~~
638 ~~the Division of Florida Colleges by October 31 in a format~~
639 ~~determined by the Chancellor of the Florida College System. By~~
640 ~~December 31, the chancellor shall compile and submit the~~
641 ~~institutional reports to the Governor, the President of the~~
642 ~~Senate, the Speaker of the House of Representatives, and the~~
643 ~~State Board of Education.~~

644 (c) A university board of trustees may contract with a
645 Florida College System institution board of trustees for the
646 Florida College System institution to provide developmental
647 education on the state university campus. Any state university
648 in which the percentage of incoming students requiring
649 developmental education equals or exceeds the average percentage



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650 of such students for the Florida College System may offer
651 developmental education without contracting with a Florida
652 College System institution; however, any state university
653 offering college-preparatory instruction as of January 1, 1996,
654 may continue to provide developmental education instruction as
655 defined in s. 1008.02(1).

656 ~~(5)-(6)~~ A student may not be enrolled in a college credit
657 mathematics or English course on a dual enrollment basis unless
658 the student has demonstrated adequate precollegiate preparation
659 ~~in on the section of~~ the basic computation and communication
660 ~~skills assessment required pursuant to subsection (1) that is~~
661 appropriate for successful student participation in the course.

662 Section 20. Paragraph (a) of subsection (1) and paragraph
663 (b) of subsection (4) of section 1008.44, Florida Statutes, are
664 amended, and paragraph (f) is added to subsection (1) of that
665 section, to read:

666 1008.44 CAPE Industry Certification Funding List and CAPE
667 Postsecondary Industry Certification Funding List.—

668 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
669 of Education shall, at least annually, identify, under rules
670 adopted by the State Board of Education, and the Commissioner of
671 Education may at any time recommend adding the following
672 certificates, certifications, and courses:

673 (a) CAPE industry certifications identified on the CAPE
674 Industry Certification Funding List that must be applied in the
675 distribution of funding to school districts pursuant to s.
676 1011.62(1)(o). The CAPE Industry Certification Funding List
677 shall incorporate by reference the industry certifications on
678 the career pathways list approved for the Florida Gold Seal CAPE



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679 Vocational Scholars award. In addition, by August 1 of each
680 year, the not-for-profit corporation established pursuant to s.
681 445.004 may annually select one industry certification, that
682 does not articulate for college credit, for inclusion on the
683 CAPE Industry Certification Funding List for a period of 3 years
684 unless otherwise approved by the curriculum review committee
685 pursuant to s. 1003.491. Such industry certifications, if earned
686 by a student, shall be eligible for additional full-time
687 equivalent membership, pursuant to s. 1011.62(1)(o)1.

688 (f) The Commissioner of Education shall identify industry
689 certifications as those leading to occupations in critical
690 industry sectors which, if earned by a student, are eligible for
691 additional full-time equivalent student membership pursuant to
692 s. 1011.62(1)(o)1.e. The commissioner shall identify such
693 industry certifications on the CAPE Industry Certification
694 Funding List.

695 (4)

696 (b) For the purpose of calculating additional full-time
697 equivalent membership pursuant to s. 1011.62(1)(o)1.e., the
698 Commissioner of Education may limit CAPE industry certifications
699 and CAPE Digital Tool certificates to students in certain grades
700 based on formal recommendations by providers of CAPE industry
701 certifications and CAPE Digital Tool certificates.

702 Section 21. Paragraphs (b) and (f) of subsection (1) of
703 section 1009.25, Florida Statutes, are amended to read:

704 1009.25 Fee exemptions.—

705 (1) The following students are exempt from the payment of
706 tuition and fees, including lab fees, at a school district that
707 provides workforce education programs, Florida College System



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708 institution, or state university:

709 (b) A student enrolled in an ~~approved~~ apprenticeship
710 program, as defined in s. 446.021. A technical center operated
711 by a school district, a Florida College System institution, or a
712 state university may enter into an agreement with another entity
713 to cover the approved apprenticeship program student tuition and
714 fees, including lab fees.

715 (f) A student who lacks a fixed, regular, and adequate
716 nighttime residence or whose primary nighttime residence is a
717 public or private shelter designed to provide temporary
718 residence, a public or private transitional living program, or a
719 public or private place not designed for, or ordinarily used as,
720 a regular sleeping accommodation for human beings. This includes
721 a student who would otherwise meet the requirements of this
722 paragraph, as determined by a college or university, but for his
723 or her residence in college or university dormitory housing. The
724 State Board of Education may adopt rules and the Board of
725 Governors may adopt regulations regarding documentation and
726 procedures to implement this paragraph.

727 Section 22. Paragraph (o) of subsection (1) of section
728 1011.62, Florida Statutes, is amended to read:

729 1011.62 Funds for operation of schools.—If the annual
730 allocation from the Florida Education Finance Program to each
731 district for operation of schools is not determined in the
732 annual appropriations act or the substantive bill implementing
733 the annual appropriations act, it shall be determined as
734 follows:

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



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737 determining the annual allocation to each district for
738 operation:

739 (o) *Calculation of additional full-time equivalent*
740 *membership based on successful completion of a career-themed*
741 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
742 *courses with embedded CAPE industry certifications or CAPE*
743 *Digital Tool certificates, and issuance of industry*
744 *certification identified on the CAPE Industry Certification*
745 *Funding List pursuant to rules adopted by the State Board of*
746 *Education or CAPE Digital Tool certificates pursuant to s.*
747 *1003.4203.—*

748 1.a. A value of 0.025 full-time equivalent student
749 membership shall be calculated for CAPE Digital Tool
750 certificates earned by students in elementary and middle school
751 grades.

752 b. A value of 0.1 or 0.2 full-time equivalent student
753 membership shall be calculated for each student who completes a
754 course as defined in s. 1003.493(1)(b) or courses with embedded
755 CAPE industry certifications and who is issued an industry
756 certification identified annually on the CAPE Industry
757 Certification Funding List approved under rules adopted by the
758 State Board of Education. For a CAPE industry certification that
759 has a statewide articulation agreement for 4 to 14 college
760 credits and for a CAPE industry certification that has a
761 statewide articulation agreement for 1 to 3 college credits and
762 that is deemed by the department to be of sufficient rigor and
763 to be linked to a high-skill occupation, a value of 0.2 full-
764 time equivalent membership shall be calculated. For all other
765 CAPE industry certifications with a statewide articulation



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766 agreement for 1 to 3 college credits, a value of 0.1 full-time
767 equivalent membership shall be calculated ~~A value of 0.2 full-~~
768 ~~time equivalent membership shall be calculated for each student~~
769 ~~who is issued a CAPE industry certification that has a statewide~~
770 ~~articulation agreement for college credit approved by the State~~
771 ~~Board of Education.~~ For CAPE industry certifications that do not
772 articulate for college credit, the Department of Education shall
773 calculate ~~assign~~ a full-time equivalent value of 0.1 for each
774 certification. Middle grades students who earn additional FTE
775 membership for a CAPE Digital Tool certificate pursuant to sub-
776 subparagraph a. may not use the previously funded examination to
777 satisfy the requirements for earning an industry certification
778 under this sub-subparagraph. ~~Additional FTE membership for an~~
779 ~~elementary or middle grades student may not exceed 0.1 for~~
780 ~~certificates or certifications earned within the same fiscal~~
781 ~~year.~~ The State Board of Education shall include the assigned
782 values on the CAPE Industry Certification Funding List under
783 rules adopted by the state board. Such value shall be added to
784 the total full-time equivalent student membership for grades 6
785 through 12 in the subsequent year. CAPE industry certifications
786 earned through dual enrollment must be reported and funded
787 pursuant to s. 1011.80. However, if a student earns a
788 certification through a dual enrollment course and the
789 certification is not a fundable certification on the
790 postsecondary certification funding list, or the dual enrollment
791 certification is earned as a result of an agreement between a
792 school district and a nonpublic postsecondary institution, the
793 bonus value shall be funded in the same manner as other nondual
794 enrollment course industry certifications. In such cases, the



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795 school district may provide for an agreement between the high
796 school and the technical center, or the school district and the
797 postsecondary institution may enter into an agreement for
798 equitable distribution of the bonus funds.

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

804 d. A value of 0.5 full-time equivalent student membership
805 shall be calculated for CAPE Acceleration Industry
806 Certifications that articulate for 15 to 29 college credit
807 hours, and 1.0 full-time equivalent student membership shall be
808 calculated for CAPE Acceleration Industry Certifications that
809 articulate for 30 or more college credit hours pursuant to CAPE
810 Acceleration Industry Certifications approved by the
811 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

812 e. In addition to the full-time equivalent student
813 membership calculated under paragraphs (a)-(d), a supplemental
814 value of 0.2 full-time equivalent student membership shall be
815 calculated for industry certifications identified on the CAPE
816 Industry Certification Funding List as leading to employment in
817 occupations in critical industry sectors.

818 2. Each district must allocate at least 80 percent of the
819 funds provided for CAPE industry certification, in accordance
820 with this paragraph, to the program that generated the funds.
821 The remaining 20 percent may be used for other CAPE program
822 expenses, such as administrative costs and new industry
823 certification programs; however, administrative costs may not



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824 exceed 5 percent of the total funds provided for CAPE industry
825 certification. Funds provided for CAPE industry certification
826 may not be used for any other purpose and, specifically, This
827 allocation may not be used to supplant funds provided for basic
828 operation of the program, such as teacher salaries and other
829 costs that are funded for other courses with non-CAPE funds.

830 3. For CAPE industry certifications earned in the 2013-2014
831 school year and in subsequent years, the school district shall
832 distribute to each classroom teacher who provided direct
833 instruction toward the attainment of a CAPE industry
834 certification that qualified for additional full-time equivalent
835 membership under subparagraph 1.:

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

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

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

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

852



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853 Bonuses awarded pursuant to this paragraph must ~~shall be~~
854 ~~provided to teachers who are employed by the district in the~~
855 ~~year in which the additional FTE membership calculation is~~
856 ~~included in the calculation. Bonuses shall~~ be calculated based
857 upon the associated weight of a CAPE industry certification on
858 the CAPE Industry Certification Funding List for the year in
859 which the certification is earned by the student. Any bonus
860 awarded to a teacher pursuant to this paragraph is in addition
861 to any regular wage or other bonus the teacher received or is
862 scheduled to receive. A bonus may not be awarded to a teacher
863 who fails to maintain the security of any CAPE industry
864 certification examination or who otherwise violates the security
865 or administration protocol of any assessment instrument that may
866 result in a bonus being awarded to the teacher under this
867 paragraph.

868 Section 23. Paragraph (b) of subsection (7) and paragraph
869 (a) of subsection (8) of section 1011.80, Florida Statutes, are
870 amended to read:

871 1011.80 Funds for operation of workforce education
872 programs.—

873 (7)

874 (b) Performance funding for industry certifications for
875 school district workforce education programs is contingent upon
876 specific appropriation in the General Appropriations Act and
877 shall be determined as follows:

878 1. Occupational areas for which industry certifications may
879 be earned, as established in the General Appropriations Act, are
880 eligible for performance funding. Priority shall be given to the
881 occupational areas emphasized in state, national, or corporate



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882 grants provided to Florida educational institutions.

883 2. The Chancellor of Career and Adult Education shall
884 identify the industry certifications eligible for funding on the
885 CAPE Postsecondary Industry Certification Funding List approved
886 by the State Board of Education pursuant to s. 1008.44, based on
887 the occupational areas specified in the General Appropriations
888 Act.

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

894 b. For each industry certification earned by a workforce
895 education student which is identified as leading to employment
896 in occupations in critical industry sectors, each school
897 district shall be provided a total of \$3,000. If funds are
898 insufficient to fully fund the calculated total award, such
899 funds shall be prorated.

900 (8) (a) A school district or Florida College System
901 institution that receives workforce education funds must use the
902 money to benefit the workforce education programs it provides.
903 The money may be used for equipment upgrades, program
904 expansions, or any other use that would result in workforce
905 education program improvement. The district school board or
906 Florida College System institution board of trustees may not
907 withhold any portion of the performance funding for indirect
908 costs. A district school board or Florida College System
909 institution board of trustees that receives workforce
910 performance funding must use at least 70 percent of the funds



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911 received to directly support the program that generated the
912 funds.

913 Section 24. Present subsection (4) of section 1011.802,
914 Florida Statutes, is redesignated as subsection (5), a new
915 subsection (4) is added to that section, and subsection (3) of
916 that section is amended, to read:

917 1011.802 Florida Pathways to Career Opportunities Grant
918 Program.—

919 (3) The department shall give priority to apprenticeship
920 programs with demonstrated regional demand. Grant funds may be
921 used for instructional equipment, supplies, instructional
922 personnel, student services, and other expenses associated with
923 the creation or expansion of an apprenticeship program. Grant
924 funds may not be used for recurring instructional costs or for
925 indirect costs. Grant recipients must submit quarterly reports
926 in a format prescribed by the department.

927 (4) Up to \$200,000 of the total amount allocated may be
928 used by the department to administer the grant program.

929 Section 25. Paragraph (c) of subsection (2) of section
930 1011.81, Florida Statutes, is amended to read:

931 1011.81 Florida College System Program Fund.—

932 (2) Performance funding for industry certifications for
933 Florida College System institutions is contingent upon specific
934 appropriation in the General Appropriations Act and shall be
935 determined as follows:

936 (c)1. Except as provided in subparagraph 2., each Florida
937 College System institution shall be provided \$1,000 for each
938 industry certification earned by a student. If funds are
939 insufficient to fully fund the calculated total award, such



940 funds shall be prorated.

941 2. For each industry certification earned by a workforce
942 education student which is identified as leading to employment
943 in occupations in critical industry sectors, each Florida
944 College System institution shall be provided a total of \$3,000.
945 If funds are insufficient to fully fund the calculated total
946 award, such funds shall be prorated.

947 Section 26. This act shall take effect July 1, 2021.

948
949 ===== T I T L E A M E N D M E N T =====

950 And the title is amended as follows:

951 Delete everything before the enacting clause
952 and insert:

953 A bill to be entitled
954 An act relating to educational opportunities leading
955 to employment; amending s. 446.011, F.S.; revising
956 legislative intent related to apprenticeship training;
957 amending s. 446.021, F.S.; defining and redefining
958 terms; amending s. 446.032, F.S.; revising the general
959 duties of the Department of Education with regard to
960 apprenticeship and preapprenticeship programs;
961 amending s. 446.041, F.S.; requiring the department to
962 regularly review and evaluate its uniform minimum
963 standards for apprenticeship and preapprenticeship
964 programs; conforming provisions to changes made by the
965 act; requiring the department to ensure that equal
966 opportunity for apprentices, preapprentices, and
967 applicants for apprenticeship and preapprenticeship is
968 provided for the apprenticeship and preapprenticeship



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969 programs; amending s. 446.045, F.S.; conforming
970 provisions to changes made by the act; revising the
971 membership of the State Apprenticeship Advisory
972 Council; revising meeting requirements; amending s.
973 446.051, F.S.; providing that apprenticeship or
974 preapprenticeship program sponsors are responsible for
975 the selection and training of certain personnel, as
976 approved by the department; encouraging district
977 school boards and postsecondary educational
978 institutions to cooperate in providing certain
979 equipment, supplies, and instructor salaries; amending
980 s. 446.052, F.S.; encouraging specified entities to
981 cooperate in developing and establishing
982 apprenticeship and preapprenticeship programs that
983 include career instruction; encouraging specified
984 entities to work together toward specified goals
985 relating to apprenticeship programs; amending s.
986 446.071, F.S.; providing that certain entities may be
987 approved as apprenticeship sponsors if they meet
988 certain uniform minimum standards; removing the
989 definition of the term "need"; conforming provisions
990 to changes made by the act; amending s. 446.081, F.S.;
991 revising construction; repealing s. 446.091, F.S.,
992 relating to the adaptation and applicability of
993 certain provisions to on-the-job training programs;
994 amending s. 446.092, F.S.; revising criteria for
995 apprenticeship occupations; creating s. 446.54, F.S.;
996 providing legislative intent; defining the term "work-
997 based learning"; providing that certain individuals



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998 enrolled in work-based learning are deemed to be
999 employees of the state for purposes of receiving
1000 certain medically necessary care under workers'
1001 compensation coverage; amending s. 1003.01, F.S.;
1002 defining the term "work-based learning"; amending s.
1003 1003.491, F.S.; authorizing the department to adopt
1004 rules; amending s. 1004.02, F.S.; defining the term
1005 "cooperative method of instruction"; amending s.
1006 1007.23, F.S.; requiring that the statewide
1007 articulation agreement specify three mathematics
1008 pathways that meet a certain requirement upon which
1009 degree-seeking students must be placed; amending s.
1010 1007.263, F.S.; requiring admissions counseling to use
1011 certain tests or alternative methods to measure
1012 achievement of college-level communication and
1013 computation by students entering college programs;
1014 requiring that such counseling measure achievement of
1015 certain basic skills; revising requirements for
1016 admission to associate degree programs; amending s.
1017 1007.271, F.S.; revising eligibility requirements for
1018 initial enrollment in college-level dual enrollment
1019 courses; revising requirements for home education
1020 students seeking dual enrollment in certain
1021 postsecondary institutions; amending s. 1008.30, F.S.;
1022 requiring the State Board of Education to adopt, by a
1023 specified date, rules establishing alternative methods
1024 for assessing computation and communication skills of
1025 certain students; authorizing Florida College System
1026 institutions to use such alternative methods in lieu



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1027 of the common placement test to assess a student's
1028 readiness to perform college-level work in computation
1029 and communication; deleting obsolete provisions;
1030 requiring Florida College System institutions to use
1031 placement test results or alternative methods to
1032 determine the extent to which certain students
1033 demonstrate sufficient computation and communication
1034 skills to indicate readiness for their meta-major;
1035 requiring Florida College System institutions to
1036 counsel and place certain students in specified
1037 college courses; limiting students' developmental
1038 education to content needed for success in their meta-
1039 major; conforming provisions to changes made by the
1040 act; making technical changes; amending s. 1008.44,
1041 F.S.; requiring the Commissioner of Education to
1042 identify certain certifications as those leading to
1043 occupations in specified industry sectors; requiring
1044 the commissioner to identify such certifications on
1045 the CAPE Industry Certification Funding List;
1046 authorizing the commissioner to limit certain
1047 certifications for the purpose of specified
1048 calculations; amending s. 1009.25, F.S.; authorizing
1049 technical centers operated by school districts,
1050 Florida College System institutions, or state
1051 universities to enter into specified agreements with
1052 other entities; authorizing the State Board of
1053 Education to adopt specified rules and the Board of
1054 Governors to adopt specified regulations; amending s.
1055 1011.62, F.S.; revising the calculation of certain



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1056 additional full-time equivalent membership relating to
1057 funding for the operation of schools; deleting a
1058 provision relating to full-time equivalent membership
1059 calculation for elementary and middle grades students;
1060 requiring that a specified supplemental value for
1061 full-time equivalent student membership be calculated
1062 for certain industry certifications leading to
1063 employment in critical industry sectors; authorizing
1064 the use of a specified percentage of certain funds for
1065 CAPE program expenses; limiting the amount of funds
1066 that may be used for administrative costs; prohibiting
1067 the use of CAPE funding to supplant funds provided for
1068 basic operation of the CAPE program; amending s.
1069 1011.80, F.S.; providing for an appropriation to a
1070 school district or Florida College System institution
1071 from the General Appropriations Act for certain
1072 industry certifications; requiring a district school
1073 board or Florida College System institution board of
1074 trustees that receives certain funding to use the
1075 funding in a specified manner; amending s. 1011.802,
1076 F.S.; specifying that Florida Pathways to Career
1077 Opportunities Grant Program funds may be used for
1078 instructional personnel; specifying the maximum amount
1079 of funds that may be used by the department to
1080 administer the Florida Pathways to Career
1081 Opportunities Grant Program; amending s. 1011.81,
1082 F.S.; providing for an appropriation to each Florida
1083 College System institution from the General
1084 Appropriations Act for certain industry



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1085

certifications; providing an effective date.

By Senator Hutson

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1 A bill to be entitled
 2 An act relating to apprenticeship and
 3 preapprenticeship training; amending s. 446.011, F.S.;
 4 revising legislative intent related to apprenticeship
 5 training; amending s. 446.021, F.S.; defining and
 6 redefining terms; amending s. 446.032, F.S.; revising
 7 the general duties of the Department of Education with
 8 regard to apprenticeship and preapprenticeship
 9 programs; amending s. 446.041, F.S.; requiring the
 10 department to periodically review and evaluate its
 11 uniform minimum standards for apprenticeship and
 12 preapprenticeship programs; amending s. 446.045, F.S.;
 13 conforming provisions to changes made by the act;
 14 revising the membership of the State Apprenticeship
 15 Advisory Council; revising meeting requirements;
 16 amending s. 446.051, F.S.; providing that
 17 apprenticeship or preapprenticeship program sponsors
 18 are responsible for the selection and training of
 19 certain personnel, as approved by the department;
 20 encouraging district school boards and Florida College
 21 System institution and state university boards of
 22 trustees to cooperate in providing certain equipment,
 23 supplies, and instructor salaries; amending s.
 24 446.052, F.S.; encouraging state university boards of
 25 trustees and apprenticeship program sponsors to
 26 cooperate in developing and establishing
 27 apprenticeship and preapprenticeship programs that
 28 include career instruction; encouraging school boards
 29 and boards of trustees to cooperate with certain

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30 degree programs and career certificate programs to
 31 ensure that certain individuals receive certain
 32 college credit; requiring that certain qualified
 33 veterans be given the same priority as preapprentices;
 34 amending s. 446.071, F.S.; providing that certain
 35 organizations may be approved as apprenticeship
 36 sponsors if they meet certain uniform minimum
 37 standards; updating terminology; removing the
 38 definition of the term "need"; amending s. 446.081,
 39 F.S.; revising the applicability of specified
 40 provisions to apprenticeship provisions in collective
 41 agreements between employers and employees; making
 42 technical changes; repealing s. 446.091, F.S.,
 43 relating to the adaptation and applicability of
 44 certain provisions to on-the-job training programs;
 45 amending s. 446.092, F.S.; revising criteria for
 46 apprenticeship occupations; creating s. 446.541, F.S.;
 47 providing legislative intent; defining the term "work-
 48 based learning"; providing that certain individuals
 49 enrolled in work-based learning are deemed to be
 50 employees of the state for purposes of receiving
 51 medically necessary care under workers' compensation
 52 coverage; amending s. 455.213, F.S.; creating an
 53 alternative licensing method for apprentice applicants
 54 who meet certain requirements; amending s. 1003.4156,
 55 F.S.; encouraging, rather than requiring, that middle
 56 grades students complete one course in career and
 57 education planning; authorizing the Florida Virtual
 58 School to offer such course; amending s. 1003.4282,

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59 F.S.; authorizing school districts and regional
 60 consortium organizations to work with national
 61 providers to submit to the department for approval
 62 recommended career-themed courses that satisfy high
 63 school credit requirements; amending s. 1007.23, F.S.;
 64 requiring that the statewide articulation agreement
 65 specify three mathematics pathways that meet a certain
 66 requirement upon which degree seeking students must be
 67 placed; amending s. 1007.2616, F.S.; requiring public
 68 schools to include computational thinking and
 69 foundational computer science skills in instruction to
 70 students; deleting obsolete language; authorizing
 71 school districts to apply to the department for
 72 funding for specified purposes; requiring the
 73 department to award funding to school districts or
 74 consortia using specified criteria; amending s.
 75 1008.44, F.S.; requiring that the CAPE Industry
 76 Certification Funding List incorporate by reference
 77 the industry certifications on the career pathways
 78 list approved for the Florida Gold Seal CAPE Scholars
 79 award; providing requirements for industry
 80 certifications associated with aviation-related and
 81 aerospace-related occupations; providing that such
 82 certifications are eligible for additional full-time
 83 equivalent membership; authorizing the Commissioner of
 84 Education to limit CAPE industry certifications and
 85 CAPE Digital Tool certificates to students in certain
 86 grades for a specified purpose; amending s. 1009.25,
 87 F.S.; conforming provisions to changes made by the

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88 act; amending s. 1011.62, F.S.; revising the
 89 calculation of certain additional full-time equivalent
 90 membership relating to funding for the operation of
 91 schools; deleting a provision relating to full-time
 92 equivalent membership calculation for elementary and
 93 middle students; requiring that a specified
 94 supplemental value for full-time equivalent student
 95 membership be calculated for certain industry
 96 certifications leading to employment in aviation-
 97 related or aerospace-related occupations; authorizing
 98 the use of a specified percentage of certain funds for
 99 CAPE program expenses; limiting the amount of funds
 100 that may be used for administrative costs; prohibiting
 101 the use of CAPE funding to supplant funds provided for
 102 basic operation of the CAPE program; amending s.
 103 1011.80, F.S.; revising performance funding for
 104 industry certifications for school district workforce
 105 education programs to provide for Federal Aviation
 106 Administration (FAA) industry certifications; amending
 107 s. 1011.802, F.S.; specifying that Florida Pathways to
 108 Career Opportunities Grant Program funds may be used
 109 for instructional personnel; specifying the maximum
 110 amount of funds that may be used by the department to
 111 administer the Florida Pathways to Career
 112 Opportunities Grant Program; amending s. 1011.81,
 113 F.S.; revising performance funding for industry
 114 certifications for Florida College System institutions
 115 to provide for professional-level FAA industry
 116 certifications; requiring the Articulation

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117 Coordinating Committee to convene a representative
 118 workgroup composed of academic affairs administrators
 119 and faculty from state universities and Florida
 120 College System institutions by a specified date for a
 121 specified purpose; requiring the workgroup to report
 122 its recommendations to the committee, the Board of
 123 Governors, and the State Board of Education by a
 124 specified date; requiring the Articulation
 125 Coordinating Committee to approve the mathematics
 126 pathways by a specified date; providing an effective
 127 date.

128
 129 Be It Enacted by the Legislature of the State of Florida:

130
 131 Section 1. Section 446.011, Florida Statutes, is amended to
 132 read:

133 446.011 Legislative intent regarding apprenticeship and
 134 preapprenticeship training.—

135 (1) It is the intent of the State of Florida to provide
 136 educational opportunities for its residents so that they can be
 137 trained for trades, occupations, and professions suited to their
 138 abilities.

139 (2) Through ss. 446.011-446.092, the Legislature intends to
 140 do all of the following:

141 (a) It is the intent of this act to Promote the mode of
 142 training known as apprenticeship in occupations throughout
 143 industry in this the state that ~~require physical manipulative~~
 144 ~~skills.~~ by doing all of the following:

145 1. Broadening job training opportunities by increasing and

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146 ~~providing for increased~~ coordination between secondary and
 147 postsecondary educational institutions and businesses and
 148 industries participating in apprenticeship programs. ~~public~~
 149 ~~school academic programs, career programs, and registered~~
 150 ~~apprenticeship programs.~~ The residents of this state will
 151 benefit from an additional point of entry to obtaining a
 152 postsecondary credential or degree when on-the-job training is
 153 combined with related technical and theoretical instruction
 154 provided by a school district, a Florida College System
 155 institution, or a state university.

156 2. Encouraging the establishment of apprenticeship programs
 157 that lead to college credit or a college degree the valuable
 158 training opportunities developed when on the job training is
 159 combined with academic-related classroom experiences.

160 3. Encouraging the development of this act is intended to
 161 ~~develop~~ the apparent potentials in apprenticeship training by
 162 assisting in the establishment of preapprenticeship programs in
 163 the public school system and elsewhere and by expanding
 164 presently registered programs as well as promoting new
 165 registered programs in jobs that lend themselves to
 166 apprenticeship training.

167 (b)(2) Require ~~It is the intent of the Legislature that the~~
 168 ~~Department of Education to develop have responsibility for the~~
 169 ~~development of the apprenticeship and preapprenticeship uniform~~
 170 ~~minimum standards for the apprenticeable occupations trades~~ and
 171 to assist eligible program sponsors approved pursuant to s.
 172 446.071 that the department have responsibility for assisting
 173 ~~district school boards and Florida College System institution~~
 174 ~~boards of trustees in developing preapprenticeship programs.~~

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175 ~~(c)(3) Require It is the further intent of ss. 446.011-~~
 176 ~~446.092 that the department to ensure quality training through~~
 177 ~~the adoption and enforcement of uniform minimum standards and to~~
 178 ~~that the department promote, register, monitor, and service~~
 179 ~~apprenticeship and preapprenticeship training programs and~~
 180 ~~ensure that the programs adhere to the standards.~~

181 ~~(d)(4) It is the intent of the Legislature that this act~~
 182 ~~Not require the use of apprentices on construction projects~~
 183 ~~financed by the state or any county, municipality, town or~~
 184 ~~township, public authority, special district, municipal service~~
 185 ~~taxing unit, or other agency of state or local government.~~
 186 ~~Notwithstanding this intent, whenever any government or agency~~
 187 ~~of government employs, of its own choice, apprentices or employs~~
 188 ~~contractors who employ apprentices, the behavior of the~~
 189 ~~government and the contractors employed by the government shall~~
 190 ~~be governed by ss. 446.011-446.092 the provisions of this act.~~

191 Section 2. Section 446.021, Florida Statutes, is amended to
 192 read:

193 (Substantial rewording of section. See
 194 s. 446.021, F.S., for present text.)

195 446.021 Definitions of terms used in ss. 446.011-446.092.-
 196 As used in ss. 446.011-446.092, the term:

197 (1) "Apprentice" means a person at least 16 years of age
 198 who enters into an apprenticeship agreement with an approved
 199 apprenticeship sponsor, who is engaged in learning an
 200 apprenticeable occupation through actual work experience under
 201 the supervision of journeymen, and who is enrolled in an
 202 apprenticeship program in which he or she receives an organized
 203 and systematic form of instruction designed to provide

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204 theoretical and technical knowledge related to the occupation.

205 (2) "Apprenticeship program" means a program that is
 206 registered with the department on the basis of submission to the
 207 department of a plan that contains the terms and conditions for
 208 the qualification, recruitment, selection, employment, and
 209 training of apprentices and requirements for a written
 210 apprenticeship agreement.

211 (3) "Cancellation" means the termination or deregistration
 212 of an apprenticeship program at the request of the program
 213 sponsor or the termination of an apprenticeship agreement at the
 214 request of the apprentice.

215 (4) "Department" means the Department of Education.

216 (5) "Journeyworker" means a person working in an
 217 apprenticeable occupation who has successfully completed an
 218 apprenticeship program or who has worked the number of years
 219 required by established industry practices for the particular
 220 trade or occupation.

221 (6) "On-the-job training" means a structured system of work
 222 processes, under the supervision of a journeyworker, which
 223 provides the experience and knowledge necessary to meet the
 224 training objective of learning a specific skill, trade, or
 225 occupation.

226 (7) "Preapprentice" means a person at least 16 years of age
 227 who enters into a preapprenticeship agreement with a
 228 preapprenticeship program sponsor approved by the department and
 229 who is engaged in learning an apprenticeable occupation in any
 230 course of instruction in the public school system or elsewhere.

231 (8) "Preapprenticeship program" means a program that is
 232 sponsored by an apprenticeship program in the same occupation

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233 which is registered with the department, and such registration
 234 included the submission of a plan to the department which
 235 contains the terms and conditions of instruction in the public
 236 school system or elsewhere and is designed to prepare qualified
 237 individuals to become apprentices in an apprenticeship program.

238 (9) "Related technical instruction" means an organized and
 239 systematic form of instruction designed to provide an apprentice
 240 or preapprentice with knowledge of the theoretical subjects
 241 related to a specific trade or occupation.

242 (10) "Uniform minimum standards" means the minimum
 243 requirements established by the department for all occupations
 244 under which an apprenticeship or a preapprenticeship program is
 245 administered. The term applies to admission standards, training
 246 goals and objectives, curriculum outlines, the standards used to
 247 measure successful completion of the apprenticeship or
 248 preapprenticeship program, and the credits that may be given to
 249 apprentices and preapprentices.

250 Section 3. Section 446.032, Florida Statutes, is amended to
 251 read:

252 446.032 General duties of the department for apprenticeship
 253 training.—The department shall:

254 (1) Establish uniform minimum standards and policies
 255 governing apprenticeship apprentice programs and agreements
 256 which apply to. ~~The standards and policies shall govern the~~
 257 ~~terms and conditions of the apprentice's employment and~~
 258 ~~training, including the quality training of the apprentice for,~~
 259 ~~but not limited to, such matters related to the quality of~~
 260 training, such as ratios of apprentices to journeymen,
 261 safety, related technical instruction, and on-the-job training.

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262 ~~but~~ These standards and policies may not include rules,
 263 standards, or guidelines that require ~~the use of apprentices and~~
 264 ~~job trainees on state, county, or municipal contracts to require~~
 265 the use of apprentices. ~~The department may adopt rules necessary~~
 266 ~~to administer the standards and policies.~~

267 (2) By September 1 of each year, publish an annual report
 268 on registered apprenticeship and registered preapprenticeship
 269 programs. The report must be published on the department's
 270 website and, ~~at a minimum,~~ include at least all of the
 271 following:

272 (a) A list of registered apprenticeship and registered
 273 preapprenticeship programs, sorted by local educational agency,
 274 as defined in s. 1004.02(18), and apprenticeship sponsor, as
 275 described in ~~under~~ s. 446.071.

276 (b) A detailed summary of each local educational agency's
 277 expenditure of funds for registered apprenticeship and
 278 registered preapprenticeship programs, including:

279 1. The total amount of funds received for registered
 280 apprenticeship and registered preapprenticeship programs;

281 2. The total amount of funds allocated to each trade or
 282 apprenticeable occupation;

283 3. The total amount of funds expended for administrative
 284 costs per apprenticeable trade ~~or~~ occupation; and

285 4. The total amount of funds expended for instructional
 286 costs per apprenticeable trade ~~and~~ occupation.

287 (c) The number of apprentices and preapprentices per
 288 apprenticeable trade ~~and~~ occupation.

289 (d) The percentage of registered apprentices and
 290 preapprentices who complete their respective programs ~~in the~~

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291 ~~appropriate timeframe.~~

292 (e) Information and resources related to ~~applications for~~
 293 new registered apprenticeship programs and technical assistance
 294 and requirements for potential registered apprenticeship
 295 programs applicants.

296 (f) Documentation of activities conducted by the department
 297 to promote registered apprenticeship and registered
 298 preapprenticeship programs through public engagement, community-
 299 based partnerships, and other initiatives.

300 (3) Provide assistance to district school boards, Florida
 301 College System institution boards of trustees, eligible program
 302 sponsors approved under s. 446.071, and local workforce
 303 development boards in notifying students, parents, and members
 304 of the community of the availability of apprenticeship and
 305 preapprenticeship opportunities, including data provided in the
 306 economic security report prepared pursuant to s. 445.07.

307 (4) Establish procedures to be used by the State
 308 Apprenticeship Advisory Council.

309 Section 4. Section 446.041, Florida Statutes, is amended to
 310 read:

311 446.041 Apprenticeship and preapprenticeship programs;
 312 ~~program~~, duties of the department.—The department shall:

313 (1) Administer ss. 446.011-446.092.

314 (2) Periodically review and evaluate ~~Administer~~ the uniform
 315 minimum standards established by the department for
 316 apprenticeship and preapprenticeship programs.

317 (3) Register, in accordance with ss. 446.011-446.092, ~~this~~
 318 ~~chapter~~ any apprenticeship or preapprenticeship program ~~that,~~
 319 ~~regardless of affiliation, which~~ meets the uniform minimum

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320 standards established by the department.

321 (4) Investigate complaints concerning the failure of any
 322 registered program to meet the uniform minimum standards
 323 established by the department.

324 (5) Cancel the registration of any program that fails to
 325 comply with the uniform minimum standards and policies of the
 326 department or that unreasonably fails or refuses to cooperate
 327 with the department in monitoring and enforcing compliance with
 328 the uniform minimum standards.

329 (6) Encourage potential sponsors to develop and encourage
 330 apprenticeship or preapprenticeship programs.

331 (7) Lead and coordinate outreach efforts to educate
 332 veterans about apprenticeship programs and career opportunities.

333 (8) Cooperate with and assist registered local
 334 apprenticeship sponsors in the development of their
 335 apprenticeship uniform minimum standards and their training
 336 requirements.

337 (9) Encourage ~~registered~~ apprenticeship programs to grant
 338 consideration and credit to individuals completing ~~registered~~
 339 preapprenticeship programs.

340 (10) Monitor ~~registered~~ apprenticeship programs to ensure
 341 that they are being operated in compliance with all applicable
 342 uniform minimum standards.

343 (11) ~~Supervise all apprenticeship programs that are~~
 344 ~~registered with the department.~~

345 ~~(12)~~ Ensure that minority and gender diversity are
 346 considered in apprenticeship and preapprenticeship programs
 347 ~~administering this program.~~

348 (12) ~~(13)~~ Adopt rules required to administer ss. 446.011-

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349 446.092.

350 Section 5. Paragraphs (a), (b), and (c) of subsection (2)
351 of section 446.045, Florida Statutes, are amended to read:

352 446.045 State Apprenticeship Advisory Council.—

353 (2) (a) There is created a State Apprenticeship Advisory
354 Council to be composed of 10 voting members appointed by the
355 Governor and two ex officio nonvoting members. The purpose of
356 the advisory council is to advise the department on matters
357 relating to apprenticeship and preapprenticeship programs. The
358 advisory council may not establish policy, adopt rules, or
359 consider whether particular registered apprenticeship or
360 registered preapprenticeship programs should be approved by the
361 department.

362 (b) The Commissioner of Education or the commissioner's
363 designee shall serve ex officio as chair of the State
364 Apprenticeship Advisory Council, but may not vote. A
365 representative ~~The state director~~ of the Office of
366 Apprenticeship of the United States Department of Labor shall
367 serve ex officio as a nonvoting member of the council. The
368 Governor shall appoint to the council four members representing
369 employee organizations and four members representing employer
370 organizations. Each of these eight members shall represent
371 industries that have ~~registered~~ apprenticeship programs. The
372 Governor shall also appoint two public members who are
373 knowledgeable about registered apprenticeship and apprenticeable
374 occupations and who are independent of any joint or nonjoint
375 organization. Members shall be appointed for 4-year staggered
376 terms. A vacancy shall be filled for the remainder of the
377 unexpired term.

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378 (c) The council shall meet at the call of the chair or the
379 chair's designee, or at the request of a majority of its voting
380 membership, but at least twice a year. A majority of the voting
381 members ~~constitutes~~ ~~shall constitute~~ a quorum, and the
382 affirmative vote of a majority of a quorum is necessary to take
383 action.

384 Section 6. Section 446.051, Florida Statutes, is amended to
385 read:

386 446.051 Related instruction for apprentices.—

387 (1) The administration and supervision of related and
388 supplemental instruction for apprentices, the coordination of
389 such instruction with job experiences, and the selection and
390 training of teachers, instructors, and coordinators for such
391 instruction, all as approved by the department, ~~are~~ ~~registered~~
392 ~~program sponsor~~, shall be the responsibility of the
393 apprenticeship or preapprenticeship program sponsor ~~appropriate~~
394 ~~career education institution~~.

395 (2) District school boards and Florida College System
396 institution and state university boards of trustees ~~are~~ ~~The~~
397 ~~appropriate career education institution~~ shall be encouraged to
398 cooperate with and assist in providing to any registered program
399 sponsor facilities, equipment and supplies, and instructors'
400 salaries for the performance of related and supplemental
401 instruction associated with the apprenticeship or
402 preapprenticeship ~~registered~~ program.

403 Section 7. Section 446.052, Florida Statutes, is amended to
404 read:

405 446.052 Preapprenticeship program.—

406 (1) There is created and established a preapprenticeship

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407 education program, as defined in s. 446.021.

408 (2) The department, under regulations established by the
409 State Board of Education, may administer the provisions of ss.
410 446.011-446.092 which relate to preapprenticeship programs ~~in~~
411 ~~cooperation with district school boards and Florida College~~
412 ~~System institution boards of trustees.~~ District school boards,
413 Florida College System institution and state university boards
414 of trustees, and approved apprenticeship ~~registered~~ program
415 sponsors are encouraged to ~~shall~~ cooperate in developing and
416 establishing preapprenticeship programs that include career
417 instruction and general education courses ~~required to obtain a~~
418 ~~high school diploma.~~

419 (3) The department, ~~the~~ district school boards, and ~~the~~
420 Florida College System institution and state university boards
421 of trustees shall work together with existing ~~registered~~
422 apprenticeship programs in order that individuals completing the
423 preapprenticeship programs may be able to receive credit toward
424 ~~towards~~ completing an a ~~registered~~ apprenticeship program. In
425 addition, such boards and boards of trustees are encouraged to
426 cooperate with established associate of science or associate of
427 applied science degree programs and career certificate programs
428 to ensure that individuals completing an apprenticeship program
429 receive college credit toward a technical degree education
430 program.

431 (4) If qualified, veterans who have received discharges
432 other than dishonorable discharges must be given ~~shall, if~~
433 ~~qualified,~~ receive the same priority as ~~priorities given to~~
434 ~~registered~~ preapprentices.

435 Section 8. Section 446.071, Florida Statutes, is amended to

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436 read:

437 446.071 Apprenticeship sponsors.—

438 (1) Upon a determination of need, the department shall
439 approve one or more local apprenticeship sponsors in one or more
440 apprenticeable occupations shall be approved in any trade or
441 group of trades by the department, upon a determination of need,
442 if the apprenticeship sponsor meets all of the uniform minimum
443 standards established by the department or obtains a variance as
444 provided in subsection (3). ~~The term "need" refers to the need~~
445 ~~of state residents for apprenticeship training. In the absence~~
446 ~~of proof to the contrary, it shall be presumed that there is~~
447 ~~need for apprenticeship and preapprenticeship training in each~~
448 ~~county in this state.~~

449 (2) An A local apprenticeship sponsor may be a committee, a
450 group of employers, an employer, ~~or~~ a group of employees, an
451 educational institution, a local workforce board, a community-
452 based or faith-based organization, an association, or any entity
453 preapproved by the department as meeting the requirements of
454 this section ~~combination thereof.~~

455 (3) The department may grant a variance from the uniform
456 minimum standards upon a showing of good cause for the variance
457 by program sponsors in nonconstruction trades. The purpose of
458 this subsection is to recognize the unique and varying training
459 requirements in nontraditional apprenticeable occupations and to
460 authorize the department to adapt the standards to the needs of
461 the programs.

462 Section 9. Section 446.081, Florida Statutes, is amended to
463 read:

464 446.081 Limitation.—

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465 (1) Nothing in ss. 446.011-446.092 or in any apprenticeship
 466 ~~apprentice~~ agreement approved under those sections invalidates
 467 ~~may invalidate:~~

468 ~~(a)~~ any apprenticeship provision in any collective
 469 agreement between employers and employees establishing ~~setting~~
 470 ~~up~~ higher apprenticeship standards.

471 ~~(b) Any special provision for veterans, minority persons,~~
 472 ~~or women in the standards, apprenticeship qualifications, or~~
 473 ~~operation of the program that is not otherwise prohibited by~~
 474 ~~law, executive order, or authorized regulation.~~

475 (2) ~~A~~ ~~No~~ person may not ~~shall~~ institute any action for the
 476 enforcement of any apprenticeship ~~apprentice~~ agreement, or for
 477 damages for the breach of any apprenticeship ~~apprentice~~
 478 agreement, made under ss. 446.011-446.092, unless he or she has
 479 first exhausted all administrative remedies provided by this
 480 section.

481 (3) Any person aggrieved by any determination or act of the
 482 department has the right to an administrative hearing.

483 (4) Nothing in ss. 446.011-446.092 or in any rules adopted
 484 or contained in any approved apprenticeship ~~apprentice~~ agreement
 485 under such sections invalidates any special provision for
 486 veterans, minority persons, or women in the standards,
 487 qualifications, or operation of the apprenticeship program which
 488 is not otherwise prohibited by any applicable general law,
 489 executive order, rule, or regulation.

490 Section 10. Section 446.091, Florida Statutes, is repealed.

491 Section 11. Section 446.092, Florida Statutes, is amended
 492 to read:

493 446.092 Criteria for apprenticeship occupations.—At a

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494 minimum, an apprenticeable occupation must meet ~~is a skilled~~
 495 ~~trade which possesses~~ all of the following criteria
 496 characteristics:

497 (1) ~~Be It is~~ customarily learned in a practical way through
 498 a structured, systematic program of on-the-job, supervised
 499 training.

500 (2) ~~Be It is~~ clearly identified and commonly recognized
 501 throughout an industry.

502 (3) Involve It involves manual, mechanical, or technical
 503 skills and knowledge that which, in accordance with the industry
 504 standards for the occupation, require ~~would require~~ a minimum of
 505 2,000 hours of on-the-job training. Such training does not
 506 include, which hours are excluded from the time spent on at
 507 related technical or supplementary ~~related~~ instruction.

508 (4) Require It requires related technical instruction to
 509 supplement on-the-job training. Such instruction may be given in
 510 a classroom or, through occupational or industrial courses or
 511 correspondence courses of equivalent value, ~~through~~ electronic
 512 media, or ~~through~~ other forms of self-study approved by the
 513 department.

514 Section 12. Section 446.541, Florida Statutes, is created
 515 to read:

516 446.541 Work-based learning.—

517 (1) It is the intent of the Legislature that, to the extent
 518 possible, school districts place students in paid work
 519 experiences, including apprenticeships and preapprenticeships,
 520 for purposes of educational training and work-based learning.

521 (2) For purposes of this section, the term "work-based
 522 learning" is synonymous with the term "on-the-job training" and

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523 means interactions with industry or community professionals in
 524 off-campus workplaces which foster in-depth, firsthand
 525 engagement with the tasks required in a given career field and
 526 are aligned to curriculum and instruction.

527 (3) (a) A student in grades 6 through 12 who is enrolled in
 528 a course identified in the Course Code Directory which
 529 incorporates a work-based learning component or an activity that
 530 is unpaid and who suffers a work-related injury in the course of
 531 his or her enrollment is deemed to be an employee of the state
 532 for purposes of workers' compensation coverage. Such coverage
 533 applies only to medically necessary care rendered as a direct
 534 result of that injury.

535 (b) An individual 18 years of age or younger who is
 536 enrolled in a preapprenticeship program, as defined in s.
 537 446.021, which requires work-based learning or in an
 538 apprenticeship program as defined in that section and who
 539 suffers a work-related injury in the course of his or her
 540 enrollment is deemed to be an employee of the state for purposes
 541 of workers' compensation coverage. Such coverage applies only to
 542 medically necessary care rendered as a direct result of that
 543 injury.

544 Section 13. Subsection (15) is added to section 455.213,
 545 Florida Statutes, to read:

546 455.213 General licensing provisions.—

547 (15) Notwithstanding any other provision of law, the
 548 applicable board shall issue a license to any applicant who
 549 meets all of the following criteria:

550 (a) Has completed an apprenticeship program as defined in
 551 s. 446.021.

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552 (b) Has passed any required examination. The applicable
 553 board may not establish a higher passing score for applicants
 554 who apply for licensure under this subsection.

555 (c) Has paid any applicable application fee, as determined
 556 by the applicable board. Such fee may not exceed the amount
 557 charged to other applicants.

558 Section 14. Present paragraph (e) of subsection (1) of
 559 section 1003.4156, Florida Statutes, is redesignated as
 560 subsection (2) and amended, present subsection (2) is
 561 redesignated as subsection (4), and subsection (3) is added to
 562 that section, to read:

563 1003.4156 General requirements for middle grades
 564 promotion.—

565 (1) In order for a student to be promoted to high school
 566 from a school that includes middle grades 6, 7, and 8, the
 567 student must successfully complete the following courses:

568 (2) (e) Students are encouraged to complete one course in
 569 career and education planning which may be offered in grade ~~to~~
 570 ~~be completed in grades 6, 7, or 8, and which may be taught by~~
 571 any member of the instructional staff. The course should ~~must~~ be
 572 Internet-based, customizable to each student, and include
 573 research-based assessments to assist students in determining
 574 educational and career options and goals. In addition, the
 575 course ~~should~~ ~~must~~ result in a completed personalized academic
 576 and career plan for the student which ~~that~~ may be revised as the
 577 student progresses through middle school and high school; ~~must~~
 578 emphasize the importance of entrepreneurship and employability
 579 skills; and ~~must~~ include information from the Department of
 580 Economic Opportunity's economic security report prepared under

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581 s. 445.07. The ~~required~~ personalized academic and career plan
 582 ~~should must~~ inform students of high school graduation
 583 requirements, including a detailed explanation of the
 584 requirements for earning a high school diploma designation under
 585 s. 1003.4285; the requirements for each scholarship in the
 586 Florida Bright Futures Scholarship Program; state university and
 587 Florida College System institution admission requirements;
 588 available opportunities to earn college credit in high school,
 589 including Advanced Placement courses; the International
 590 Baccalaureate Program; the Advanced International Certificate of
 591 Education Program; dual enrollment, including career dual
 592 enrollment; and career education courses, including career-
 593 themed courses, preapprenticeship and apprenticeship programs,
 594 and course sequences that lead to industry certification
 595 pursuant to s. 1003.492 or s. 1008.44. The course may be
 596 implemented as a stand-alone course or integrated into another
 597 course or courses.

598 (3) The Florida Virtual School may offer a course that
 599 conforms to the guidelines established in subsection (2).

600 Section 15. Paragraph (d) is added to subsection (8) of
 601 section 1003.4282, Florida Statutes, to read:

602 1003.4282 Requirements for a standard high school diploma.-

603 (8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
 604 CREDIT REQUIREMENTS.-

605 (d) School districts or regional consortium organizations
 606 may work with national providers to submit recommended career-
 607 themed courses to the department for state board approval. Each
 608 district school board shall ensure that recommended courses meet
 609 the requirements set forth in s. 1003.493(2), (4), and (5) and

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610 that students can take such courses to earn the required high
 611 school course credits.

612 Section 16. Present subsections (3) through (8) of section
 613 1007.23, Florida Statutes, are redesignated as subsections (4)
 614 through (9), respectively, and a new subsection (3) is added to
 615 that section, to read:

616 1007.23 Statewide articulation agreement.-

617 (3) To facilitate seamless transfer, reduce excess credit
 618 hours, and ensure that students are taking the relevant courses
 619 needed for their future careers, the articulation agreement must
 620 specify three mathematics pathways aligned to programs, meta-
 621 majors, and careers on which degree seeking students must be
 622 placed.

623 Section 17. Subsections (2) and (4) of section 1007.2616,
 624 Florida Statutes, are amended to read:

625 1007.2616 Computer science and technology instruction.-

626 (2) (a) Public schools shall provide students in grades K-12
 627 opportunities for learning computer science, including, but not
 628 limited to, computer coding and computer programming. Such
 629 opportunities ~~must may~~ include computational thinking and
 630 foundational computer science skills ~~coding~~ instruction in
 631 elementary school ~~and middle school~~ and instruction to develop
 632 students' computer usage and digital literacy skills in middle
 633 school, ~~and~~ must include courses in computer science in middle
 634 school and high school, and must include the ability to earn
 635 related ~~including earning-related~~ industry certifications. Such
 636 courses must be integrated into each school district's middle
 637 and high schools, including combination schools in which any of
 638 grades 6 through 12 are taught.

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639 (b) Computer science courses must be identified in the
 640 Course Code Directory and published on the Department of
 641 Education's website ~~no later than July 1, 2018. Additional~~
 642 ~~computer science courses may be subsequently identified and~~
 643 ~~posted on the department's website.~~

644 (4) (a) Subject to legislative appropriation, a school
 645 district or a consortium of school districts may apply to the
 646 department, in a format prescribed by the department, for
 647 funding ~~to deliver or facilitate training~~ for classroom teacher
 648 training that leads teachers to earn an educator certificate in
 649 computer science pursuant to s. 1012.56, ~~or training that leads~~
 650 ~~to an industry certification associated with a course identified~~
 651 in the Course Code Directory pursuant to paragraph (2) (b); to
 652 provide, or for professional development for classroom teachers
 653 who ~~to~~ provide instruction in computer science courses and
 654 content to students in grades K-12; or to purchase technology,
 655 including hardware and software, directly related to computer
 656 science instruction. Such funding ~~may~~ shall only be used only to

657 provide training for classroom teachers, ~~or~~ to pay fees for
 658 examinations that lead to a credential, or to provide
 659 professional development as provided in, ~~pursuant to~~ this
 660 paragraph.

661 (b) The department shall award funding to school districts
 662 or consortia using criteria developed by the department ~~Once the~~
 663 ~~department has identified courses in the Course Code Directory~~
 664 ~~pursuant to paragraph (2) (b), the department shall establish a~~
 665 ~~deadline for submitting applications. The department shall award~~
 666 ~~funding to school districts in a manner that allows for an~~
 667 ~~equitable distribution of funding statewide based on student~~

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668 ~~population.~~

669 Section 18. Paragraph (a) of subsection (1) and paragraph
 670 (b) of subsection (4) of section 1008.44, Florida Statutes, are
 671 amended, and paragraph (f) is added to subsection (1) of that
 672 section, to read:

673 1008.44 CAPE Industry Certification Funding List and CAPE
 674 Postsecondary Industry Certification Funding List.—

675 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
 676 of Education shall, at least annually, identify, under rules
 677 adopted by the State Board of Education, and the Commissioner of
 678 Education may at any time recommend adding the following
 679 certificates, certifications, and courses:

680 (a) CAPE industry certifications identified on the CAPE
 681 Industry Certification Funding List that must be applied in the
 682 distribution of funding to school districts pursuant to s.
 683 1011.62(1)(o). The CAPE Industry Certification Funding List
 684 shall incorporate by reference the industry certifications on
 685 the career pathways list approved for the Florida Gold Seal CAPE
 686 ~~Vocational~~ Scholars award. In addition, by August 1 of each
 687 year, the not-for-profit corporation established pursuant to s.
 688 445.004 may annually select one industry certification, that
 689 does not articulate for college credit, for inclusion on the
 690 CAPE Industry Certification Funding List for a period of 3 years
 691 unless otherwise approved by the curriculum review committee
 692 pursuant to s. 1003.491. Such industry certifications, if earned
 693 by a student, shall be eligible for additional full-time
 694 equivalent membership, pursuant to s. 1011.62(1)(o)1.

695 (f) Industry certifications associated with aviation-
 696 related and aerospace-related occupations. Such industry

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697 certifications must be identified by the Commissioner of
 698 Education and, if earned by a student, are eligible for
 699 additional full-time equivalent membership as provided in s.
 700 1011.62(1)(o)1.e. The industry certifications must be identified
 701 on the CAPE Industry Certification Funding List.

702 (4)

703 (b) For the purpose of calculating additional full-time
 704 equivalent membership pursuant to s. 1011.62(1)(o)1.e., the
 705 Commissioner of Education may limit the awarding of CAPE
 706 industry certifications and CAPE Digital Tool certificates to
 707 students in certain grades based on formal recommendations by
 708 providers of CAPE industry certifications and CAPE Digital Tool
 709 certificates.

710 Section 19. Section 1009.25, Florida Statutes, is amended
 711 to read:

712 1009.25 Fee exemptions.—

713 (1) The following students are exempt from the payment of
 714 tuition and fees, including lab fees, at a school district that
 715 provides workforce education programs, a Florida College System
 716 institution, or a state university:

717 (a) A student enrolled in a dual enrollment or early
 718 admission program pursuant to s. 1007.271.

719 (b) A student enrolled in an ~~approved~~ apprenticeship
 720 program, as defined in s. 446.021.

721 (c) A student who is or was at the time he or she reached
 722 18 years of age in the custody of the Department of Children and
 723 Families or who, after spending at least 6 months in the custody
 724 of the department after reaching 16 years of age, was placed in
 725 a guardianship by the court. Such exemption includes fees

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726 associated with enrollment in applied academics for adult
 727 education instruction. The exemption remains valid until the
 728 student reaches 28 years of age.

729 (d) A student who is or was at the time he or she reached
 730 18 years of age in the custody of a relative or nonrelative
 731 under s. 39.5085 or s. 39.6225 or who was adopted from the
 732 Department of Children and Families after May 5, 1997. Such
 733 exemption includes fees associated with enrollment in applied
 734 academics for adult education instruction. The exemption remains
 735 valid until the student reaches 28 years of age.

736 (e) A student enrolled in an employment and training
 737 program under the welfare transition program. The local
 738 workforce development board shall pay the state university,
 739 Florida College System institution, or school district for costs
 740 incurred for welfare transition program participants.

741 (f) A student who lacks a fixed, regular, and adequate
 742 nighttime residence or whose primary nighttime residence is a
 743 public or private shelter designed to provide temporary
 744 residence, a public or private transitional living program, or a
 745 public or private place not designed for, or ordinarily used as,
 746 a regular sleeping accommodation for human beings. This includes
 747 a student who would otherwise meet the requirements of this
 748 paragraph, as determined by a college or university, but for his
 749 or her residence in college or university dormitory housing.

750 (g) A student who is a proprietor, owner, or worker of a
 751 company whose business has been at least 50 percent negatively
 752 financially impacted by the buyout of property around Lake
 753 Apopka by the State of Florida. Such student may receive a fee
 754 exemption only if the student has not received compensation

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755 because of the buyout, the student is designated a Florida
 756 resident for tuition purposes, pursuant to s. 1009.21, and the
 757 student has applied for and been denied financial aid, pursuant
 758 to s. 1009.40, which would have provided, at a minimum, payment
 759 of all student fees. The student is responsible for providing
 760 evidence to the postsecondary education institution verifying
 761 that the conditions of this paragraph have been met, including
 762 supporting documentation provided by the Department of Revenue.
 763 The student must be currently enrolled in, or begin coursework
 764 within, a program area by fall semester 2000. The exemption is
 765 valid for a period of 4 years after the date that the
 766 postsecondary education institution confirms that the conditions
 767 of this paragraph have been met.

768 (h) Pursuant to s. 402.403, child protection and child
 769 welfare personnel as defined in s. 402.402 who are enrolled in
 770 an accredited bachelor's degree or master's degree in social
 771 work program, provided that the student attains at least a grade
 772 of "B" in all courses for which tuition and fees are exempted.

773 (2) Each Florida College System institution may ~~is~~
 774 ~~authorized to~~ grant student fee exemptions from all fees adopted
 775 by the State Board of Education and its ~~the Florida College~~
 776 ~~System institution~~ board of trustees for up to 54 full-time
 777 equivalent students or 1 percent of the institution's total
 778 full-time equivalent enrollment, whichever is greater, at that
 779 ~~each~~ institution.

780 Section 20. Paragraph (o) of subsection (1) of section
 781 1011.62, Florida Statutes, is amended to read:

782 1011.62 Funds for operation of schools.—If the annual
 783 allocation from the Florida Education Finance Program to each

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784 district for operation of schools is not determined in the
 785 annual appropriations act or the substantive bill implementing
 786 the annual appropriations act, it shall be determined as
 787 follows:

788 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 789 OPERATION.—The following procedure shall be followed in
 790 determining the annual allocation to each district for
 791 operation:

792 (o) *Calculation of additional full-time equivalent*
 793 *membership based on successful completion of a career-themed*
 794 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
 795 *courses with embedded CAPE industry certifications or CAPE*
 796 *Digital Tool certificates, and issuance of industry*
 797 *certification identified on the CAPE Industry Certification*
 798 *Funding List pursuant to rules adopted by the State Board of*
 799 *Education or CAPE Digital Tool certificates pursuant to s.*
 800 *1003.4203.—*

801 1.a. A value of 0.025 full-time equivalent student
 802 membership shall be calculated for CAPE Digital Tool
 803 certificates earned by students in elementary and middle school
 804 grades.

805 b. A value of 0.1 or 0.2 full-time equivalent student
 806 membership shall be calculated for each student who completes a
 807 course as defined in s. 1003.493(1)(b) or courses with embedded
 808 CAPE industry certifications and who is issued an industry
 809 certification identified annually on the CAPE Industry
 810 Certification Funding List approved under rules adopted by the
 811 State Board of Education. For a CAPE industry certification that
 812 has a statewide articulation agreement for 4 to 14 college

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813 credits and for a CAPE industry certification that has a
 814 statewide articulation agreement for 1 to 3 college credits and
 815 that is deemed by the department to be of sufficient rigor and
 816 to be linked to a high-skill occupation, a value of 0.2 full-
 817 time equivalent membership shall be calculated. For all other
 818 CAPE industry certifications with a statewide articulation
 819 agreement for 1 to 3 college credits, a value of 0.1 full-time
 820 equivalent membership shall be calculated ~~A value of 0.2 full-~~
 821 ~~time equivalent membership shall be calculated for each student~~
 822 ~~who is issued a CAPE industry certification that has a statewide~~
 823 ~~articulation agreement for college credit approved by the State~~
 824 ~~Board of Education. For CAPE industry certifications that do not~~
 825 ~~articulate for college credit, the Department of Education shall~~
 826 ~~calculate assign~~ a full-time equivalent value of 0.1 for each
 827 certification. Middle grades students who earn additional FTE
 828 membership for a CAPE Digital Tool certificate pursuant to sub-
 829 subparagraph a. may not use the previously funded examination to
 830 satisfy the requirements for earning an industry certification
 831 under this sub-subparagraph. ~~Additional FTE membership for an~~
 832 ~~elementary or middle grades student may not exceed 0.1 for~~
 833 ~~certificates or certifications earned within the same fiscal~~
 834 ~~year.~~ The State Board of Education shall include the assigned
 835 values on the CAPE Industry Certification Funding List under
 836 rules adopted by the state board. Such value shall be added to
 837 the total full-time equivalent student membership for grades 6
 838 through 12 in the subsequent year. CAPE industry certifications
 839 earned through dual enrollment must be reported and funded
 840 pursuant to s. 1011.80. However, if a student earns a
 841 certification through a dual enrollment course and the

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842 certification is not a fundable certification on the
 843 postsecondary certification funding list, or the dual enrollment
 844 certification is earned as a result of an agreement between a
 845 school district and a nonpublic postsecondary institution, the
 846 bonus value shall be funded in the same manner as other nondual
 847 enrollment course industry certifications. In such cases, the
 848 school district may provide for an agreement between the high
 849 school and the technical center, or the school district and the
 850 postsecondary institution may enter into an agreement for
 851 equitable distribution of the bonus funds.

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

857 d. A value of 0.5 full-time equivalent student membership
 858 shall be calculated for CAPE Acceleration Industry
 859 Certifications that articulate for 15 to 29 college credit
 860 hours, and 1.0 full-time equivalent student membership shall be
 861 calculated for CAPE Acceleration Industry Certifications that
 862 articulate for 30 or more college credit hours pursuant to CAPE
 863 Acceleration Industry Certifications approved by the
 864 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

865 e. In addition to the full-time equivalent student
 866 membership calculated under paragraphs (a)-(d), a supplemental
 867 value of 0.2 full-time equivalent student membership shall be
 868 calculated for industry certifications identified on the CAPE
 869 Industry Certification Funding List as leading to employment in
 870 aviation-related or aerospace-related occupations and meeting

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871 specified criteria prescribed by the department.

872 2. Each district must allocate, in accordance with this
 873 paragraph, at least 80 percent of the funds provided for CAPE
 874 industry certification, ~~in accordance with this paragraph,~~ to
 875 the program that generated the funds. The remaining 20 percent
 876 may be used for general CAPE program expenses, such as
 877 administrative costs and new industry certification programs;
 878 however, administrative costs may not exceed 5 percent of the
 879 total funds provided for CAPE industry certification. Funds
 880 provided for CAPE industry certification may not be used for any
 881 other purpose and, specifically, This allocation may not be used
 882 to supplant funds provided for basic operation of the program,
 883 such as teacher salaries and other costs that are funded for
 884 other courses with non-CAPE funds.

885 3. For CAPE industry certifications earned in the 2013-2014
 886 school year and in subsequent years, the school district shall
 887 distribute to each classroom teacher who provided direct
 888 instruction toward the attainment of a CAPE industry
 889 certification that qualified for additional full-time equivalent
 890 membership under subparagraph 1.:

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

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

899 c. A bonus of \$75 for each student taught by a teacher who

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900 provided instruction in a course that led to the attainment of a
 901 CAPE industry certification on the CAPE Industry Certification
 902 Funding List with a weight of 0.3.

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

907 ~~Bonuses awarded pursuant to this paragraph shall be provided to~~
 908 ~~teachers who are employed by the district in the year in which~~
 909 ~~the additional FTE membership calculation is included in the~~
 910 ~~calculation.~~ Bonuses awarded to teachers pursuant to this
 911 paragraph shall be calculated based upon the associated weight
 912 of a CAPE industry certification on the CAPE Industry
 913 Certification Funding List for the year in which the
 914 certification is earned by the student. Any bonus awarded to a
 915 teacher pursuant to this paragraph is in addition to any regular
 916 wage or other bonus the teacher received or is scheduled to
 917 receive. A bonus may not be awarded to a teacher who fails to
 918 maintain the security of any CAPE industry certification
 919 examination or who otherwise violates the security or
 920 administration protocol of any assessment instrument that may
 921 result in a bonus being awarded to the teacher under this
 922 paragraph.

924 Section 21. Paragraph (b) of subsection (7) of section
 925 1011.80, Florida Statutes, is amended to read:

926 1011.80 Funds for operation of workforce education
 927 programs.—

928 (7)

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929 (b) Performance funding for industry certifications for
930 school district workforce education programs is contingent upon
931 specific appropriation in the General Appropriations Act and
932 shall be determined as follows:

933 1. Occupational areas for which industry certifications may
934 be earned, as established in the General Appropriations Act, are
935 eligible for performance funding. Priority shall be given to the
936 occupational areas emphasized in state, national, or corporate
937 grants provided to Florida educational institutions.

938 2. The Chancellor of Career and Adult Education shall
939 identify the industry certifications eligible for funding on the
940 CAPE Postsecondary Industry Certification Funding List approved
941 by the State Board of Education pursuant to s. 1008.44, based on
942 the occupational areas specified in the General Appropriations
943 Act.

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

949 b. For professional-level Federal Aviation Administration
950 industry certification earned by a workforce education student
951 in a school district, that school district shall be provided
952 \$6,000. If funds are insufficient to fully fund the calculated
953 total award, such funds must be prorated.

954 Section 22. Present subsection (4) of section 1011.802,
955 Florida Statutes, is redesignated as subsection (5), a new
956 subsection (4) is added to that section, and subsection (3) of
957 that section is amended, to read:

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958 1011.802 Florida Pathways to Career Opportunities Grant
959 Program.—

960 (3) The department shall give priority to apprenticeship
961 programs with demonstrated regional demand. Grant funds may be
962 used for instructional equipment, supplies, instructional
963 personnel, student services, and other expenses associated with
964 the creation or expansion of an apprenticeship program. Grant
965 funds may not be used for recurring instructional costs or for
966 indirect costs. Grant recipients must submit quarterly reports
967 in a format prescribed by the department.

968 (4) Up to \$200,000 of the total amount allocated may be
969 used by the department to administer the grant program.

970 Section 23. Paragraph (c) of subsection (2) of section
971 1011.81, Florida Statutes, is amended to read:

972 1011.81 Florida College System Program Fund.—

973 (2) Performance funding for industry certifications for
974 Florida College System institutions is contingent upon specific
975 appropriation in the General Appropriations Act and shall be
976 determined as follows:

977 (c) 1. Except as provided in subparagraph 2., each Florida
978 College System institution shall be provided \$1,000 for each
979 industry certification earned by a student. If funds are
980 insufficient to fully fund the calculated total award, such
981 funds shall be prorated.

982 2. For professional-level Federal Aviation Administration
983 industry certification earned by a student at a Florida College
984 System institution, such institution shall be provided \$6,000.
985 If funds are insufficient to fully fund the calculated total
986 award, such funds must be prorated.

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987 Section 24. By September 31, 2021, the Articulation
988 Coordinating Committee shall convene a representative workgroup
989 composed of academic affairs administrators and faculty from
990 Florida College System institutions and state universities to
991 identify the three mathematics pathways specified in s.
992 1007.23(3). The workgroup shall report its recommendations to
993 the Articulation Coordinating Committee, the Board of Governors,
994 and the State Board of Education by March 31, 2022. The
995 Articulation Coordinating Committee shall approve the pathways
996 by May 31, 2022.

997 Section 25. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 486

INTRODUCER: Senator Bradley

SUBJECT: Juvenile Justice Education Programs

DATE: March 1, 2021

REVISED: _____

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

I. Summary:

SB 486 modifies the way juvenile justice education programs may be operated and funded. These modifications include how instructional time is defined and how funds are allocated between school districts and educational providers. Specifically, the bill:

- Provides for equivalent hours of instruction in the definition of “juvenile justice education programs or schools.”
- Requires that at least 95 percent of Florida Education Finance Program (FEFP) funds generated by student in Department of Juvenile Justice programs or specified education program for juveniles must be spent on instructional costs.
- Requires all contracts between district school boards and juvenile justice education programs to be in writing.
- Requires timely satisfaction of invoices by district school boards, with a penalty for late payments.
- Specifies that district school boards may not delay payment of funds owed to juvenile justice education programs pending receipt of local funds.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2021.

II. Present Situation:

Juvenile Justice Education Programs and Schools

Juvenile justice education programs or schools operate for the purpose of providing educational services to youth in Department of Juvenile Justice (DJJ) programs, for a school year comprised

of 250 days of instruction distributed over 12 months.¹ At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days for teacher planning for nonresidential programs, subject to the approval of the DJJ and the Department of Education (DOE).²

A juvenile justice provider is the DJJ, the sheriff, or a private, public, or other governmental organization under contract with the DJJ or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.³

Educational Services in DJJ Programs

The DOE acts as the lead agency for juvenile justice education programs and sets the standards for curriculum and other support services.⁴

Students who do not attend a local public school due to their placement in a DJJ detention, prevention, residential, or day treatment program are provided high-quality and effective educational programs by the local school district in which the DJJ facility is located or by an education provider through a contract with the local school district.⁵ Each program must be conducted according to applicable law providing for the operation of public schools and rules of the State Board of Education.⁶

The district school board must make provisions for each student to participate in basic, Career and Professional Education (CAPE), and exceptional student programs as appropriate. Students served in DJJ education programs have access to the appropriate courses and instruction to prepare them for the high school equivalency examination. School districts must provide the high school equivalency examination exit option for all juvenile justice education programs.⁷

With the assistance of the school districts and juvenile justice education providers, the DOE must select a common student assessment instrument and protocol for measuring student learning gains and student progression while a student is in a juvenile justice education program.⁸

Funding of Students Enrolled in Juvenile Justice Education Programs

Funding for eligible students enrolled in juvenile justice education programs is provided through the Florida Education Finance Program (FEFP).⁹ Students participating in high school

¹ Section 1003.01(11)(a), F.S.

² *Id.*

³ Section 1003.01(11)(b), F.S.

⁴ Section 1003.52(1), F.S.

⁵ Rule 6A-6.05281(2), F.A.C.

⁶ Section 1003.52(3)(a), F.S.

⁷ *Id.*

⁸ Section 1003.52(3)(b), F.S.

⁹ Section 1011.62, F.S.

equivalency examination preparation programs are funded at the basic program cost factor for DJJ programs in the FEFP.¹⁰

At least 90 percent of the FEFP funds generated by students in DJJ programs or in an education program for juveniles must be spent on instructional costs for those students.¹¹

One hundred percent of the formula-based categorical funds¹² generated by students in DJJ programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students.¹³

Contracts with Providers

Each school district that provides educational services to students in a DJJ facility must negotiate a cooperative agreement with DJJ and may negotiate educational service contracts with private education service providers if they do not directly provide the education services.¹⁴ The district school board of the county in which the juvenile justice education prevention, day treatment, residential, or detention program is located must provide or contract for appropriate educational assessments and an appropriate program of instruction and special education services.¹⁵ Such contracts must include the following:¹⁶

- Payment structure and amounts;
- Access to district services;
- Contract management provisions;
- Data maintenance and reporting requirements;
- Administrative guidelines and oversight of federal programs; and
- Require that all educational services comply with this rule.

III. Effect of Proposed Changes:

SB 486 modifies the way juvenile justice education programs may be operated and funded. These modifications include how instructional time is defined and how funds are allocated between school districts and educational providers.

The bill modifies the definition of “juvenile justice education programs or schools” by allowing for the number of instructional days, currently 250 days over 12 months, to be expressed in equivalent hours. These hours must be specified by the State Board of Education and reviewed annually.

The bill adjusts the requirements for Florida Education Finance Program (FEFP) funds generated by students in Department of Juvenile Justice (DJJ) or juvenile delinquency education programs.

¹⁰ Section 1003.52(3)(a), F.S.

¹¹ Section 1003.51(2)(i), F.S.

¹² Section 1011.62(10), F.S.

¹³ Section 1003.51(2)(i), F.S.

¹⁴ Florida Department of Education, *Developing Effective Education in the Department of Juvenile Justice Annual Report 2019-2019* available at <http://www.fldoe.org/core/fileparse.php/7567/urlt/DevEffEduDJJ1819.pdf>.

¹⁵ Section 1003.52(3), F.S. and Rule 6A-6.05281(9), F.A.C.

¹⁶ Rule 6A-6.05281(9), F.A.C.

The bill increases the funding requirement that must be spent on instructional cost for students from 90 percent to 95 percent of the funds generated. Increasing the percentage of FEFP dollars that must be provided to a DJJ educational program for instructional cost from 90 percent to 95 percent would have a 5 percent reduction for school districts in administrative dollars which are often used to provide accountability oversight.¹⁷

The bill clarifies that DJJ education programs are entitled to 100 percent of the categorical funds generated by DJJ students, and such funds must be spent on the appropriate categorical, such as instructional materials and public school technology for those students.

The bill provides additional requirements for contracts between district school boards and juvenile justice education programs. Specifically, the bill requires:

- All contracts to be in writing between district school boards desiring to contract directly with juvenile justice education programs to provide academic instruction.
- District school boards to provide juvenile justice education programs with proposed new or renewal contracts by each April 1. As well as, requiring the new or renewal contracts to be executed and negotiated within 40 days after the district school board provides the proposal.
- District school boards to satisfy invoices issued by the juvenile justice education program within 10 working days after receipt; and
 - If a district school board does not timely issue a warrant for payment, it must pay to the juvenile justice education program interest at a rate of one percent per month, calculated on a daily basis, on the unpaid balance until such time as a warrant is issued for the invoice and accrued interest amount.
 - District school boards may not delay payment to a juvenile justice education program of any portion of funds owed pending the district's receipt of local funds.

The bill takes effect July 1, 2021.

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.

¹⁷ Department of Juvenile Justice, *Legislative Bill Analysis for SB 486* (Jan. 25, 2021).

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes:
1003.01, 1003.51, and 1003.52.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



120818

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 42 - 100

and insert:

of Education must review the calculation annually. The use of
the equivalent expressed in hours is only applicable to
nonresidential programs. At the request of the provider, a
district school board may decrease the minimum number of days of
instruction by up to 10 days for teacher planning for
residential programs and up to 20 days or equivalent hours as
specified in the State Board of Education rule for teacher



12 planning for nonresidential programs, subject to the approval of
13 the Department of Juvenile Justice and the Department of
14 Education.

15 Section 2. Paragraph (i) of subsection (2) of section
16 1003.51, Florida Statutes, is amended to read:

17 1003.51 Other public educational services.—

18 (2) The State Board of Education shall adopt rules
19 articulating expectations for effective education programs for
20 students in Department of Juvenile Justice programs, including,
21 but not limited to, education programs in juvenile justice
22 prevention, day treatment, residential, and detention programs.
23 The rule shall establish policies and standards for education
24 programs for students in Department of Juvenile Justice programs
25 and shall include the following:

26 (i) Funding requirements, which must provide ~~shall include~~
27 ~~the requirement~~ that at least 95 ~~90~~ percent of the FEFP funds
28 generated by students in Department of Juvenile Justice programs
29 or in an education program for juveniles under s. 985.19 must be
30 spent on instructional costs for those students. Department of
31 Juvenile Justice education programs are entitled to 100 ~~one~~
32 ~~hundred~~ percent of the formula-based categorical funds generated
33 by students in Department of Juvenile Justice programs. Such
34 funds must be spent on appropriate categoricals, such as
35 instructional materials and public school technology for those
36 students.

37 Section 3. Present paragraphs (a) and (b) of subsection (3)
38 of section 1003.52, Florida Statutes, are redesignated as
39 paragraphs (c) and (d), respectively, and new paragraphs (a) and
40 (b) are added to that subsection, and paragraph (a) of



41 subsection (17) is amended, to read:

42 1003.52 Educational services in Department of Juvenile
43 Justice programs.—

44 (3) The district school board of the county in which the
45 juvenile justice education prevention, day treatment,
46 residential, or detention program is located shall provide or
47 contract for appropriate educational assessments and an
48 appropriate program of instruction and special education
49 services.

50 (a) All contracts between a district school board desiring
51 to contract directly with juvenile justice education programs to
52 provide academic instruction for students in such programs must
53 be in writing. Unless both parties agree to an extension of
54 time, the district school board and the juvenile justice
55 education program shall negotiate and execute a new or renewal
56 contract within 40 days after the district school board provides
57 the proposal to the juvenile justice education program. The
58 Department of Education shall provide mediation services for any
59 disputes relating to this paragraph.

60 (b) District school boards shall satisfy invoices issued by
61 juvenile justice education programs within 15 working days after
62

63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete lines 12 - 15

66 and insert:

67 education programs be in writing; providing a
68 timeframe within which district

By Senator Bradley

5-00790-21

2021486__

1 A bill to be entitled
 2 An act relating to juvenile justice education
 3 programs; amending s. 1003.01, F.S.; redefining the
 4 term "juvenile justice education programs or schools";
 5 amending s. 1003.51, F.S.; increasing the percentage
 6 of certain funds that must be spent on specified
 7 costs; clarifying that Department of Juvenile Justice
 8 education programs are entitled to certain funds;
 9 requiring such funds to be spent in a certain manner;
 10 amending 1003.52, F.S.; requiring that contracts
 11 between district school boards and juvenile justice
 12 education programs be in writing; requiring that
 13 district school boards provide proposed contracts to
 14 juvenile justice education programs by a specified
 15 date; providing a timeframe within which district
 16 school boards and juvenile justice education programs
 17 must negotiate and execute their contracts;
 18 authorizing an extension of time; requiring the
 19 Department of Education to provide mediation services
 20 for certain disputes; requiring district school boards
 21 satisfy certain invoices within a specified timeframe;
 22 requiring district school boards that fail to timely
 23 issue a warrant for payment to also pay interest at a
 24 specified rate to the juvenile justice education
 25 program; prohibiting school boards from delaying
 26 certain payments pending receipt of local funds;
 27 conforming a cross-reference; providing an effective
 28 date.
 29

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Paragraph (a) of subsection (11) of section
 33 1003.01, Florida Statutes, is amended to read:
 34 1003.01 Definitions.—As used in this chapter, the term:
 35 (11) (a) "Juvenile justice education programs or schools"
 36 means programs or schools operating for the purpose of providing
 37 educational services to youth in Department of Juvenile Justice
 38 programs, for a school year composed ~~comprised~~ of 250 days of
 39 instruction, or the equivalent expressed in hours as specified
 40 in State Board of Education rule, distributed over 12 months. If
 41 the period of operation is expressed in hours, the State Board
 42 of Education must review the calculation annually. At the
 43 request of the provider, a district school board may decrease
 44 the minimum number of days or hours, as applicable, of
 45 instruction by up to 10 days or equivalent hours as specified in
 46 the State Board of Education rule for teacher planning for
 47 residential programs and up to 20 days or equivalent hours as
 48 specified in the State Board of Education rule for teacher
 49 planning for nonresidential programs, subject to the approval of
 50 the Department of Juvenile Justice and the Department of
 51 Education.
 52 Section 2. Paragraph (i) of subsection (2) of section
 53 1003.51, Florida Statutes, is amended to read:
 54 1003.51 Other public educational services.—
 55 (2) The State Board of Education shall adopt rules
 56 articulating expectations for effective education programs for
 57 students in Department of Juvenile Justice programs, including,
 58 but not limited to, education programs in juvenile justice

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59 prevention, day treatment, residential, and detention programs.
60 The rule shall establish policies and standards for education
61 programs for students in Department of Juvenile Justice programs
62 and shall include the following:

63 (i) Funding requirements, which ~~must provide shall include~~
64 ~~the requirement~~ that at least ~~95 90~~ percent of the FEFP funds
65 generated by students in Department of Juvenile Justice programs
66 or in an education program for juveniles under s. 985.19 ~~must~~ be
67 spent on instructional costs for those students. Department of
68 Juvenile Justice education programs are entitled to 100 ~~one~~
69 ~~hundred~~ percent of the formula-based categorical funds generated
70 by students in Department of Juvenile Justice programs. Such
71 funds must be spent on appropriate categoricals, such as
72 instructional materials and public school technology for those
73 students.

74 Section 3. Present paragraphs (a) and (b) of subsection (3)
75 of section 1003.52, Florida Statutes, are redesignated as
76 paragraphs (c) and (d), respectively, and new paragraphs (a) and
77 (b) are added to that subsection, and paragraph (a) of
78 subsection (17) is amended, to read:

79 1003.52 Educational services in Department of Juvenile
80 Justice programs.—

81 (3) The district school board of the county in which the
82 juvenile justice education prevention, day treatment,
83 residential, or detention program is located shall provide or
84 contract for appropriate educational assessments and an
85 appropriate program of instruction and special education
86 services.

87 (a) All contracts between a district school board desiring

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88 to contract directly with juvenile justice education programs to
89 provide academic instruction for students in such programs must
90 be in writing. A district school board shall provide a juvenile
91 justice education program with proposed new or renewal contracts
92 by each April 1. Unless both parties agree to an extension of
93 time, the district school board and the juvenile justice
94 education program shall negotiate and execute the new or renewal
95 contract within 40 days after the district school board provides
96 the proposal to the juvenile justice education program. The
97 Department of Education shall provide mediation services for any
98 disputes relating to this paragraph.

99 (b) District school boards shall satisfy invoices issued by
100 juvenile justice education programs within 10 working days after
101 receipt. If a district school board does not timely issue a
102 warrant for payment, it must pay to the juvenile justice
103 education program interest at a rate of 1 percent per month,
104 calculated on a daily basis, on the unpaid balance until such
105 time as a warrant is issued for the invoice and accrued interest
106 amount. The district school board may not delay payment to a
107 juvenile justice education program of any portion of funds owed
108 pending the district's receipt of local funds.

109 (17) The department, in collaboration with the Department
110 of Juvenile Justice, shall collect data and report on
111 commitment, day treatment, prevention, and detention programs.
112 The report shall be submitted to the President of the Senate,
113 the Speaker of the House of Representatives, and the Governor by
114 February 1 of each year. The report must include, at a minimum:

115 (a) The number and percentage of students who:

116 1. Return to an alternative school, middle school, or high

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117 school upon release and the attendance rate of such students
118 before and after participation in juvenile justice education
119 programs.

120 2. Receive a standard high school diploma or a high school
121 equivalency diploma.

122 3. Receive industry certification.

123 4. Enroll in a postsecondary educational institution.

124 5. Complete a juvenile justice education program without
125 reoffending.

126 6. Reoffend within 1 year after completion of a day
127 treatment or residential commitment program.

128 7. Remain employed 1 year after completion of a day
129 treatment or residential commitment program.

130 8. Demonstrate learning gains pursuant to paragraph (3) (d)
131 ~~(3) (b)~~.

132 Section 4. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 532

INTRODUCER: Senator Burgess

SUBJECT: Workforce Education

DATE: March 1, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Pre-meeting
2.			HP	
3.			RC	

I. Summary:

SB 532 authorizes school district career centers to offer an associate in applied science or associate in science degree program in nursing, but restricts offering the degree program to graduates of a licensed practical nursing program offered at that same career center.

The bill has no impact on state revenues or expenditures.

The bill takes effect on July 1, 2021.

II. Present Situation:

Workforce Education

Workforce education includes adult general education and career education, and may consist of a course or a program of study leading to an occupational completion point (OCP),¹ a career certificate, an applied technology diploma, or a career degree.² Specifically, workforce education includes:³

- Adult general education programs;⁴
- Career certificate programs;⁵

¹ An “occupational completion point”(OCP) means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program. Section 1004.02(21), F.S.

² Section 1004.02(25), F.S.

³ Section 1011.80(1), F.S.

⁴ “Adult general education” means comprehensive instructional programs designed to improve the employability of the state’s workforce through adult basic education, adult secondary education, English for Speakers of Other Languages, applied academics for adult education instruction, and instruction for adults with disabilities. Section 1004.02(3), F.S.

⁵ A “career certificate program” means a course of study that leads to at least one OCP. The program may also confer credit that may articulate with a diploma or career degree education program. Section 1004.02(20), F.S.

- Applied technology diploma (ATD) programs;⁶
- Continuing workforce education courses;⁷
- Degree career education programs;⁸ and
- Apprenticeship⁹ and preapprenticeship¹⁰ programs.

Any workforce education program may be conducted by a Florida College System (FCS) institution or a school district, except that college credit in an associate in applied science (AAS) or an associate in science (AS) degree may be awarded only by an FCS institution. However, if an AAS or an AS degree program contains within it an OCP that confers a certificate or an ATD, that portion of the program may be conducted by a school district career center.¹¹

Career Centers

A district school board may, as a part of the district school system, operate a career center.¹² A career center is an educational institution offering terminal courses of a technical nature and courses for out-of-school youth and adults. A career center is administered by a director responsible through the district school superintendent to the local district school board.¹³

Currently, there are 48 career centers accredited by the Council on Occupational Education (COE) operating in 32 school districts in Florida.¹⁴ The COE accredits postsecondary occupational institutions that offer career certificate, diploma, or applied associate degree programs. The associate degree includes both an AAS and AS degree.¹⁵ The COE does not

⁶ An “applied technology diploma (ATD) program” means a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. An ATD program may consist of either technical credit or college credit. A public school district may offer an ATD program only as technical credit, with college credit awarded to a student upon articulation to a Florida College System (FCS) institution. Section 1004.02(7), F.S.

⁷ “Continuing workforce education” means instruction that does not result in a technical certificate, diploma, associate in applied science (AAS) degree, or associate in science (AS) degree. Continuing workforce education is for: (1) individuals who are required to have training for licensure renewal or certification renewal by a regulatory agency or credentialing body; (2) new or expanding businesses; (3) business, industry, and government agencies whose products or services are changing so that retraining of employees is necessary or whose employees need training in specific skills to increase efficiency and productivity; or (4) individuals who are enhancing occupational skills necessary to maintain current employment, to cross train, or to upgrade employment. Section 1004.02(12), F.S.

⁸ A “degree career education program” or “technical degree education program” means a course of study that leads to an AAS degree or an AS degree. A technical degree program may contain within it one or more program progression points and may lead to certificates or diplomas within the course of study. Section 1004.02(13), F.S.

⁹ Registered apprenticeship programs enable employers to develop and apply industry standards to training programs for registered apprentices that can increase productivity and improve the quality of the workforce. Apprentices who complete registered apprenticeship programs are accepted by the industry as journey workers. Florida Department of Education, *Apprenticeship Programs*, <http://fldoe.org/academics/career-adult-edu/apprenticeship-programs/> (last visited Feb. 04, 2021).

¹⁰ Registered pre-apprenticeship programs provide an avenue for both adults and youth who are at least 16 years old to become qualified to enter registered apprenticeship programs. Pre-apprenticeship programs are sponsored and operated by registered apprenticeship programs in the same trade or trades. Florida Department of Education, *Preapprenticeship*, <http://fldoe.org/academics/career-adult-edu/apprenticeship-programs/preapprenticeship.shtml> (last visited Feb. 04, 2021).

¹¹ Section 1011.80(2), F.S.

¹² Section 1001.44(1), F.S.

¹³ Section 1001.44(3)(a), F.S.

¹⁴ Florida Department of Education, *District Postsecondary Institutions*, <http://www.fldoe.org/core/fileparse.php/5398/urlt/DistPSInstMap.pdf> (last visited Feb. 23, 2021),

¹⁵ Council on Occupational Education, *Handbook of Accreditation* (2020), available at https://council.org/wp-content/uploads/2020/07/2020-Handbook-of-Accreditation_Generic_FINAL-w-Covers_7-26-20.pdf, at 58.

accredit institutions that offer credentials above an applied associate degree.¹⁶ The COE is one of the national accrediting agencies recognized by the U.S. Department of Education for eligibility to offer federal student financial aid.¹⁷

Florida College System Institutions

The FCS is composed of 28 colleges and 72 campuses that serve each of Florida's counties.¹⁸ The purpose of the FCS is to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state's employment needs.¹⁹ The State Board of Education supervises the FCS, and each FCS institution is governed by a local board of trustees.²⁰ Each FCS institution is accredited by the Southern Association of Colleges and Schools Commission on Colleges.²¹

Articulation of Career Education to Degree Programs

Florida law guarantees that students who complete specified career certificate programs or ATDs at a career center or FCS institution are able to articulate the non-college-credit program into a college-credit AAS or AS degree program at an FCS institution.²² There are currently 33 career certificate program to AAS/AS degree articulation agreements, and 8 ATD program to AAS/AS degree articulation agreements.²³ The amount of credit applied to the degree program varies by program and is determined by school district career center and FCS institution college faculty. According to the Practical Nursing certificate program articulation agreement, students who complete the 1,350-clock hour Practical Nursing program are guaranteed 10 college credits upon

¹⁶ Council on Occupational Education, *FAQs*, <https://council.org/accreditation-frequently-asked-questions/> (last visited Feb. 04, 2021).

¹⁷ *Id.*

¹⁸ Florida Department of Education, *Division of Florida Colleges*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/> (last visited Feb. 4, 2021). Each Florida College System institution is assigned one or more counties as a part of its service delivery area. Section 1000.21(3), F.S.

¹⁹ Section 1001.60(1), F.S.

²⁰ Art. IX, s. 8, Fla. Const.

²¹ The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the southern states. It serves as the common denominator of shared values and practices among the diverse institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Latin America and other international sites approved by the SACSCOC Board of Trustees that award associate, baccalaureate, master's, or doctoral degrees. Southern Association of Colleges and Schools Commission on Colleges, <http://sacscoc.org/> (last visited Feb. 4, 2021). All FCS institutions except Hillsborough Community College are accredited to the baccalaureate degree level. SACSCOC, *Florida*, https://sacscoc.org/institutions/?state=FL&results_per_page=25&curpage=1 (last visited Feb. 4, 2021).

²² Section 1007.23(4), F.S. The statewide articulation agreement guarantees the statewide articulation of appropriate workforce development programs and courses between school districts and FCS institutions and specifically provide that every ATD graduate must be granted the same amount of credit upon admission to an AAS or AS degree program.

²³ Florida Department of Education, *Career Certificate Program to AAS/AS Degree*, <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.stml> (last visited Feb. 4, 2021), and *Applied Technology Diploma to Associate in Science or Associate in Applied Science Program Articulation* (Feb. 2020), available at <http://www.fldoe.org/core/fileparse.php/7525/urlt/atd-to-asandaas-articulationagreemts.pdf>.

entrance into the 72-credit AS degree program in Nursing.²⁴ Twenty-eight districts offered Licensed Practical Nursing (LPN) career certificate programs with close to 4,000 students enrolled in 2018-2019.²⁵

Florida Public Postsecondary Nursing Programs

Any educational institution that wishes to conduct a program in Florida for the pre-licensure education of professional or practical nurses must apply to the Department of Health, and be approved by the Florida Board of Nursing.²⁶

Each FCS institution offers a 72-credit hour AS degree in nursing to prepare students for employment as Registered Nurses (RN).²⁷ FCS institutions enrolled 13,619 student in the AS nursing degree program in 2018-2019.²⁸

Each AS degree must also include a minimum of 15 college credits of general education coursework.²⁹ The standards for all Florida AS degree programs, including nursing, are determined in the curriculum frameworks maintained by the Department of Education (DOE).³⁰ All Florida AS nursing degree programs are accredited by the Accreditation Commission for Education in Nursing (ACEN).³¹ There is currently no curriculum framework for an AAS degree in nursing, and no AAS degree programs in nursing are offered by FCS institutions.³²

²⁴ Florida Department of Education, *Postsecondary Adult Vocational (PSAV) to AAS/AS Degree Articulation, Statewide Agreement Worksheet Summary* (Feb. 28, 2018), available at <http://www.fldoe.org/core/fileparse.php/7525/urlt/p1-practicalnursing.rtf>.

²⁵ Department of Education, *2020 Legislative Bill Analysis of SB 418* (Oct. 8, 2019) at 3.

²⁶ Section 464.019, F.S. The Florida Board of Nursing is a 13-member board within the Department of Health that licenses, monitors, disciplines, educates and, when appropriate, rehabilitates its licensees to assure their fitness and competence in providing health care services for the people of Florida. Section 464.004, F.S., and Florida Board of Nursing, <https://floridasnursing.gov/> (last visited Feb. 4, 2021).

²⁷ Twenty-seven FCS institutions are approved to offer the bachelor of science degree for nursing (BSN). In 2018-2019, 6,429 students were enrolled in FCS BSN programs. Department of Education, *2020 Legislative Bill Analysis of SB 418* (Feb 22, 2021) at 3.

²⁸ *Id.*

²⁹ Rule 6A-14.030(4), F.A.C.

³⁰ The Career & Technical Education (CTE) Programs section in the DOE is responsible for developing and maintaining educational programs that prepare individuals for occupations important to Florida's economic development. These programs are organized into 17 different career clusters and are geared toward middle school, high school, district technical school, and FCS students throughout the state. With the help of partners in education, business and industry, and trade associations, each program includes the academic and technical skills required to be successful in today's economy. Florida Department of Education, *Career & Technical Education*, <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/> (last visited Feb. 4, 2021).

³¹ The purpose of the ACEN is to provide specialized accreditation for all levels of nursing education and transition-to-practice programs. The ACEN accredits nursing education programs in secondary, postsecondary, and hospital-based governing organizations that offer certificates, diplomas, or degrees. The ACEN serves as a Title IV gatekeeper for all types of nursing education programs offered by certain institutions that are eligible to participate in financial aid programs administered by the United States Department of Education or other federal agencies. Accreditation Commission for Education in Nursing, *Mission, Purpose, Goals*, <https://www.acenursing.org/about/mission-purpose-goals/> (last visited Feb. 4, 2021).

³² In 2012, Florida nursing programs were leveled at the AS degree level in order the facilitate student transfer to aligned baccalaureate degrees. Florida Department of Education, *2020 Agency Analysis of SB 418* (Oct. 8, 2019).

Occupational Outlook

There were 49,549 LPNs employed in Florida in 2020. By 2028, it is expected that there will be a need for 56,043 LPNs, growing the profession by 13.1 percent.³³ Total job openings over this period is expected to be 38,674.³⁴ In addition, it is estimated that 1,984 practical nursing students will annually complete their program to fill 4,165 LPN job openings through 2027, placing the profession in the “moderate” supply gap category.³⁵

There were 194,146 RNs employed in Florida, in 2020. By 2028, it is expected that there will be a need for 215,063 RNs, growing the profession by 10.8 percent.³⁶ Total job openings over this period is expected to be 108,324.³⁷ In addition, it is estimated that 15,011 professional nursing students will annually complete their educational program to fill 14,094 RN job openings through 2027, placing the profession in the “very low or none” supply gap category.³⁸

III. Effect of Proposed Changes:

SB 532 amends s. 1011.80, F.S., to authorize school district career centers to offer an associate in applied science (AAS) or associate in science (AS) degree program, but restricts offering the degree program to graduates of a licensed practical nursing (LPN) program offered at that same career center.

The bill expands the number of institutions that may offer an associate degree in nursing, and so may increase access to such programs for students. Students who complete such programs and are licensed may increase the supply of nurses in Florida. Career centers that implement associate degree programs will be required to comply with additional requirements related to college credit programs and to institution and program accreditation.

Associate Degree Program Requirements

Students entering a college-credit nursing program who are not otherwise exempt would be required to complete a common placement test to assess basic mathematics and communication

³³ Florida Department of Economic Opportunity, *Employment Projections*, <https://floridajobs.org/workforce-statistics/data-center/statistical-programs/employment-projections> (last visited Feb. 22, 2021).

³⁴ *Id.*

³⁵ The Workforce Potential Supply Gap Analysis groups occupations into categories (high, moderate, low, very low/no potential gaps) based on the relative difference between employment demand and potential supply as provided from Florida educational and training institutions. The annual occupational job opening is the main source of demand and based on the annualized 10-year projections. This number takes into account occupational growth, transfers between occupations, and exits from an occupation. Supply data are based on completion tabulations from programs within the District Postsecondary, Florida College System, Commission for Independent Education, Independent Colleges & Universities of Florida, and the State University System institutions. Supply counts do not represent the total availability of labor for a given occupation. Other sources of labor supply may include individuals currently employed in similar occupations, migration, military separations or others currently outside the labor force. Florida Department of Economic Opportunity, Supply and Demand, <https://floridajobs.org/workforce-statistics/products-and-services/supply-and-demand> (last visited Feb. 19, 2021).

³⁶ Florida Department of Economic Opportunity, *Employment Projections*, <https://floridajobs.org/workforce-statistics/data-center/statistical-programs/employment-projections> (last visited Feb. 22, 2021).

³⁷ *Id.*

³⁸ *Supra* note 36.

skills.³⁹ In addition, a career center offering an AS nursing degree would be required to include in the program 15 credit hours of general education coursework. This general education coursework requirement would also apply to an AAS nursing program. However, since there is currently no curriculum framework for an AAS degree program in nursing, there is no mechanism to offer an AAS program.

In addition, the career center that offers the college-credit (professional) nursing program would be required to meet faculty qualifications that are more rigorous than those required for a practical nursing program.⁴⁰

Institution Accreditation

A career center seeking to offer an associate degree in nursing would need approval from the Board of Nursing. In addition, the career center would be required to obtain accreditation for its associate degree (professional) nursing program. Florida law requires that a nursing education program that prepares students for the practice of professional nursing and that is approved by the Board of Nursing must become an accredited program within 5 years after the date of enrolling the program's first students.⁴¹

A career center would not, however, be required to seek institutional accreditation other than its existing accreditation by the Council on Occupational Education (COE). COE accreditation authorizes member institutions to offer both the AAS and AS degree.

College Credit Program Tuition and Fees

Florida law⁴² specifies tuition that applies to students enrolled in workforce education programs who are reported for funding. College credit fees for associate degree programs are determined in law and are specific only to Florida College System (FCS) institutions.⁴³ It is unclear if such fees currently applied to FCS institution college-credit programs would be applied to school district career center college-credit degree programs.

³⁹ Section 1008.30, F.S. The State Board of Education, in conjunction with the Board of Governors, is required to develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. A student who entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma or a student who is serving as an active duty member of any branch of the United States Armed Services is not be required to take the common placement test. *Id.*

⁴⁰ An associate degree program requires the program director and at least 50 percent of the faculty to be registered nurses who have a master's or higher degree in nursing or a bachelor's degree in nursing and a master's or higher degree in a field related to nursing; a practical nursing program requires similar faculty to have bachelor's degrees. Section 464.019(1)(a), F.S.

⁴¹ Section 464.019(11), F.S.

⁴² Section 1009.22, F.S. The tuition for programs leading to a career certificate or an ATD is \$2.33 per contact hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour. Adult general education programs have a block tuition of \$45 per half year or \$30 per term. Fees are determined by the district school board or FCS institution.

⁴³ Section 1009.23, F.S. For FCS institution college credit, developmental education, and educator preparation institute programs, the standard tuition is \$71.98 per credit hour for residents and nonresidents, and the out-of-state fee is \$215.94 per credit hour. Fees are specified in law.

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:

School district career centers that choose to implement an associate degree nursing program would likely incur expenses related Board of Nursing approval and nursing program accreditation. For example:

- There is a \$1,000 application fee to the Board of Nursing.
- Accreditation Commission for Education in Nursing fees include \$3,500 for candidacy and initial accreditation, plus additional fees for site visits and full accreditation.⁴⁴

VI. Technical Deficiencies:

The bill authorizes a career center to offer an associate in applied science (AAS) or associate in science (AS) degree program in nursing. However, the bill specifies that a career center offering only the AS degree may offer such degree to graduates of a licensed practical nursing program at

⁴⁴ Accreditation Commission for Education in Nursing, *2020 Schedule of Fees*, <https://www.acenursing.org/for-programs/general-resources/2020-schedule-of-fees/> (last visited Feb. 4, 2021).

that career center, and appears to omit that restriction for a career center offering the AAS degree. Although there are currently no AAS degrees in nursing offered at Florida College System institutions and career centers, the sponsor may want to add the degree for consistency and account for possible future offerings.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1011.80 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



903918

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Burgess) recommended the following:

Senate Amendment

Delete line 25

and insert:

associate in applied science or associate in science nursing
degree program offers it only to

By Senator Burgess

20-00590-21

2021532__

1 A bill to be entitled
2 An act relating to workforce education; amending s.
3 1011.80, F.S.; revising the workforce education
4 programs that school district career centers are
5 authorized to conduct; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Subsection (2) of section 1011.80, Florida
10 Statutes, is amended to read:

11 1011.80 Funds for operation of workforce education
12 programs.—

13 (2) Any workforce education program may be conducted by a
14 Florida College System institution or a school district, except
15 that college credit in an associate in applied science or an
16 associate in science degree may be awarded only by a Florida
17 College System institution. However, a school district career
18 center may conduct the following:

19 (a) Portions of ~~if~~ an associate in applied science or an
20 associate in science degree program which contain ~~contains~~
21 ~~within it~~ an occupational completion point that confers a
22 certificate or an applied technology diploma.

23 (b) An associate in applied science or an associate in
24 science degree nursing program if the career center offering the
25 associate in science nursing degree program offers it only to
26 graduates of a licensed practical nursing program offered by the
27 same, that portion of the program may be conducted by a school
28 district career center. Any instruction designed to articulate
29 to a degree program is subject to guidelines and standards

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 adopted by the State Board of Education pursuant to s. 1007.25.
31 Section 2. This act shall take effect July 1, 2021.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 886

INTRODUCER: Senator Thurston

SUBJECT: COVID-19 Impact on School Accountability

DATE: March 1, 2021

REVISED: _____

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

I. Summary:

SB 866 amends accountability provisions in recognition of the public health emergency caused by COVID-19. The bill provides that school grades, school improvement ratings, and student performance results from the statewide, standardized assessments for the 2020-2021 school year may not be used for specified purposes, including:

- School turnaround options;
- Charter school system and school district high-performing designations;
- Grade 3 retention;
- High school graduation; and
- Personnel evaluations.

The provisions of this bill will be repealed July 1, 2023.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Every Student Succeeds Act

The Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act, was signed into law on December 10, 2015. ESSA includes provisions to:¹

- Help ensure success for students and schools through advancing equity by upholding protections for disadvantaged and high-need students.

¹ U.S. Department of Education, *Every Student Succeeds Act (ESSA)*, <https://www.ed.gov/essa?src=rm> (last visited Feb. 22, 2021).

- Require that all students be taught to high academic standards that will prepare them to succeed in college and careers.
- Ensure that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students' progress.
- Support and grow local innovations.
- Increase access to high-quality preschool.
- Maintain an expectation that there will be accountability and action to effect positive change in the lowest-performing schools.

ESSA requires that statewide mathematics and English language arts (ELA) assessments be administered in each of grades 3 through 8 and at least once in grades 9 through 12. Statewide science assessments must be administered at least once in grades 3 through 5, grades 6 through 9, and grades 10 through 12.²

ESSA allows flexibility for locally selected, nationally recognized high school academic assessments. Under ESSA, a state may permit districts to use a nationally recognized high school academic assessments in place of the statewide high school assessments. A school district using this flexibility, however, must use the same locally selected, nationally recognized assessment in all of its high schools.³ To ensure these tests are truly “nationally recognized,” they must be given in multiple states, be recognized by institutions of higher education for the purposes of entrance or placement into courses in postsecondary education or training programs, and provide the same benefits to all students – including English learners and children with disabilities.⁴

Florida’s ESSA plan received approval from the United States Department of Education (USDOE) on September 26, 2018.⁵

Authority to Enforce Public School Improvement

The State Board of Education (SBE) complies with the federal Elementary and Secondary Education Act (ESEA),⁶ its implementing regulations, and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.⁷ The SBE may adopt rules to maintain compliance with the ESEA and the ESEA flexibility waiver.

The SBE holds all school districts and public schools accountable for student performance and is responsible for a state system of school improvement and education accountability that assesses student performance by school, identifies schools that are not meeting accountability standards, and institutes appropriate measures for enforcing improvement.⁸ School districts must be held

² U.S. Department of Education, *Elementary and Secondary Education Act of 1965, As Amended Through P.S. 114-95, Enacted December 10, 2015* (2015), available at <https://www2.ed.gov/documents/essa-act-of-1965.pdf>.

³ U.S. Department of Education, *Every Student Succeeds Act, Assessments under Title I, Part A and B: Summary of Final Regulations* (December, 2017), available at <https://www2.ed.gov/policy/elsec/leg/essa/essaassessmentfactsheet1207.pdf>.

⁴ *Id.*

⁵ Florida Department of Education, *Every Student Succeeds Act (ESSA)*, <http://www.fldoe.org/academics/essa.stml> (last visited Feb. 22, 2021).

⁶ U.S. Department of Education, *Elementary and Secondary Education Act of 1965, As Amended Through P.S. 114-95, Enacted December 10, 2015* (2015), available at <https://www2.ed.gov/documents/essa-act-of-1965.pdf>.

⁷ Section 1008.33(1), F.S.

⁸ Section 1008.33(2)(a), F.S.

accountable for improving the academic performance of all students and for identifying and improving schools that fail to meet accountability standards.⁹

The SBE has a duty to supervise Florida's public school system, equitably enforce the accountability requirements of the state school system, and impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students.¹⁰ DOE annually identifies each public school in need of intervention and support to improve student academic performance.¹¹

Statewide Assessment Program

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. The data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars.¹²

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment (grades 5 and 8).¹³ Results from the assessments are used to calculate school grades and school improvement ratings,¹⁴ and determine student readiness for promotion to 4th grade and high school graduation.¹⁵

Student Progression Measured by Statewide Assessments

To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized ELA assessment required for grade 3.¹⁶ The student must be retained if the student's reading deficiency is not remedied by the end of grade 3, by scoring a Level 2 or higher on the statewide, standardized assessment required for grade 3.¹⁷

The district school board may only exempt students from mandatory retention in grade 3 for good cause. A student who is promoted to grade 4 with a good cause exemption must be provided intensive reading instruction and intervention. Good cause exemptions are limited to

⁹ Section 1008.33(2)(c), F.S.

¹⁰ Section 1008.33(3)(a), F.S. Based upon the provisions of the Florida K-20 Education Code, chapters 1000-1013; the federal ESEA and its implementing regulations; and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.

¹¹ Section 1008.33(4), F.S.

¹² Section 1008.22(1), F.S.

¹³ Section 1008.22(3), F.S. and Florida Department of Education, *Statewide Assessment Program 2019-2020*, available at <http://www.fldoe.org/core/fileparse.php/5663/urlt/swapi.g.pdf>.

¹⁴ See ss. 1008.34 and 1008.341, F.S.

¹⁵ See ss. 1008.25(5) and 1003.4282(3), F.S.

¹⁶ Section 1008.25(5)(b), F.S.

¹⁷ *Id.*

students in grade 3 and relate to limited English proficiency students, students with disabilities, the use of alternative assessments or portfolios, and students previously retained in grades K-3.¹⁸

Receipt of a standard high school diploma requires successful completion of 24 credits,¹⁹ including passing statewide, standardized assessments. Specifically, a student must pass the grade 10 ELA statewide, standardized assessment and the Algebra I end-of-course (EOC) assessment.²⁰

School Grading System

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how well each school is serving its students.²¹ School grades are used in the state system of school improvement and accountability to determine the need for school intervention and support,²² or to determine whether a school is eligible for school recognition funds.²³

Schools are graded using one of the following grades:²⁴

- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).
- “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in ELA, mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains.²⁵ Middle and high school models include additional components beyond the basic model.²⁶

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on following components:²⁷

¹⁸ Section 1008.25(6)(b), F.S.

¹⁹ Section 1003.4282(1)(a), F.S.

²⁰ Section 1003.4282(3)(a) and (b), F.S.

²¹ Florida Department of Education, *2019 School Grades Overview (2019)*, available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview19.pdf>.

²² See s. 1008.33(4), F.S.

²³ See s. 1008.36, F.S.

²⁴ Section 1008.34(2), F.S.; Rule 6A-1.09981(4)(d), F.A.C.

²⁵ Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.

²⁶ See s. 1008.34(3)(b), F.S.; Rule 6A-1.09981(4)(a)-(c), F.A.C.

²⁷ Section 1008.34(3)(b)2., F.S., and Rule 6A-1.09981(4)(c)2. and 3., F.A.C.

- The 4-year high school graduation rate of the school as defined by SBE rule.²⁸
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, including career dual enrollment courses resulting in the completion of 300 or more clock hours, or Advanced International Certificate of Education examinations; who, at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List; or, beginning with the 2022-2023 school year, who earned an Armed Services Qualification Test score that falls within Category II or higher on the Armed Services Vocational Aptitude Battery and earned a minimum of two credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces.

School improvement rating

School improvement ratings are calculated for alternative schools and exceptional student education (ESE) center schools that choose to receive a school improvement rating in lieu of a school grade.²⁹ The commissioner prepares an annual report on the performance of each school receiving a school improvement rating.³⁰

Schools that elect a school improvement rating in lieu of a school grade will have the rating based on student learning gains for statewide, standardized assessments for ELA and mathematics; schools will be rated on only those components for which they have sufficient data.³¹ School improvement ratings must identify an alternative school or ESE center school as having one of the following ratings:³²

- “Commendable” – a significant percentage of students attending the school are making learning gains
- “Maintaining” – a sufficient percentage of students attending the school are making learning gains
- “Unsatisfactory” – an insufficient percentage of students attending the school are making learning gains

A school having an insufficient percentage of students making learning gains³³ must have a school improvement plan, which is developed and implemented by the school's advisory

²⁸ The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.

²⁹ Section 1008.341; 1008.3415, F.S.; Rule 6A-1.099822 and 6A-1.099828, F.A.C.

³⁰ Section 1008.341(1), F.S.

³¹ Florida Department of Education, *2018-19 Guide to Calculating School Improvement Ratings, July 2019*, available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/SIRCalcGuide19.pdf>.

³² Section 1008.341(2), F.S.

³³ “Learning Gains,” “annual learning gains,” or “student learning gains” means the degree of student learning growth occurring from one school year to the next as required by state board rule for purposes of calculating school grades under section 1008.349(1)(b), F.S.

council.³⁴ It is the responsibility of each district school board to approve school improvement plans.³⁵

School Personnel Evaluations

School districts establish procedures for evaluating the performance of instructional, administrative, and supervisory personnel in order to increase student academic performance by improving the quality of services in public schools.³⁶

Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their classrooms or schools.³⁷ A school district's performance evaluation system is not limited to student performance, but may include other criteria to evaluate instructional personnel and school administrators' performance.³⁸ The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:³⁹

- At least one-third based on performance of students;
- At least one-third based on instructional practice;
- At least one-third based on instructional leadership (administrators only); and
- Other indicators of performance.⁴⁰

The Commissioner of Education (commissioner) has approved a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics.⁴¹ Each school district may, but is not required to, measure student growth using the formula approved by the commissioner.⁴² The commissioner approved using a value-added model (VAM) to measure learning growth for purposes of teacher evaluation, in part because of the model's capacity to reflect an individual educator's contribution to that learning growth.⁴³ Use of the VAM data as part of the performance of student's component in a teacher's evaluation is a local district decision.

³⁴ Sections 1001.42(18)(a) and 1001.452(2), F.S. School advisory councils (SACs) are composed of principals, teachers, educational support personnel, parents, students, local business representatives, and community members. Section 1001.452(1)(a), F.S. SACs are responsible for developing and implementing the school's improvement plan, assisting in the development of the school's budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards. Sections 1001.452(2) and 1008.36(4), F.S. *See also* Section 1002.33(9)(n), F.S. Requires a charter school earning a "D" or "F" to submit a school improvement plan to the sponsor.

³⁵ Section 1001.42(18)(a), F.S.

³⁶ Section 1012.34, F.S.

³⁷ Section 1012.34(3), F.S.

³⁸ *Id.*

³⁹ Section 1012.34(3)(a), F.S.

⁴⁰ For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice. *Id.*

⁴¹ Section 1012.34(7)(a), F.S.

⁴² Section 1012.34(7)(b), F.S.

⁴³ Florida Department of Education, *Performance Evaluation, Why do we have VAM?* <http://www.fldoe.org/teaching/performance-evaluation/> (last visited Feb. 23, 2021).

High-Performing School Districts and Charter School Systems

A high-performing school district meets the following criteria⁴⁴:

- Earns a grade of “A” for 2 consecutive years; and
- Has no district-operated school that earns a grade of “F”;
- Complies with all class size requirements; and
- Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted.

The SBE annually designates academically high-performing school districts. Seventeen school districts were designated as high-performing school districts for the 2018-2019 school year.⁴⁵

A high-performing charter school system means an entity⁴⁶ that:⁴⁷

- Operated at least three high-performing charter schools in the state during each of the previous 3 school years;
- Operated a system of charter schools in which at least 50 percent of the charter schools were designated as high-performing charter schools, and no charter school earned a school grade of “D” or “F” in any of the previous 3 school year, with exceptions identified in law;⁴⁸ and
- Did not receive a financial audit that revealed one or more of the financial emergency conditions specified in law⁴⁹ in the most recent 3 fiscal years for which such audits are available.

The commissioner must verify all charter schools served by an entity, verify that the entity meets the specified criteria, and provide a letter to the entity stating that it is a high-performing charter school system. The commissioner must annually determine whether a high-performing charter school system continues to meet specified criteria.⁵⁰ Five entities were designated as high-performing charter school systems for the 2018-2019 school year.⁵¹

Improvement of Low Performing Schools

Florida’s system of improving low-performing schools is referred to as “school improvement” (SI),⁵² Under SI, intervention and support is provided to traditional public schools earning a letter grade of “D,” or “F.”⁵³ Intensive intervention and support strategies are applied to schools that earn two consecutive grades of “D” or a grade of “F” through turnaround option plans.⁵⁴

⁴⁴ Section 1003.621(1)(a), F.S.

⁴⁵ State Board of Education, *Consent Item, Designation of 2018-2019 Academically High-Performing School Districts* available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/19-1.PDF>.

⁴⁶ “Entity” means a municipality or other public entity that is authorized by law to operate a charter school; a private, nonprofit corporation with tax-exempt status under s. 501(c)(3) of the Internal Revenue Code; or a private, for-profit education management corporation. Section 1002.332(1)(a), F.S.

⁴⁷ Section 1002.332(1)(b), F.S.

⁴⁸ Section 1002.332(1)(b)2.a. and b., F.S.

⁴⁹ Section 218.503(1), F.S.

⁵⁰ Section 1002.332(2)(a), F.S.

⁵¹ Email, Florida Department of Education (Feb. 25, 2021).

⁵² Rule 6A-1.099811(1), F.A.C.

⁵³ Section 1008.33(3)(b), F.S.

⁵⁴ Section 1008.33(3)(c), F.S.

All Florida public schools that earn a grade of “D” or “F” must have a school improvement plan, which is developed and implemented by the school’s advisory council.⁵⁵ It is the responsibility of each district school board to approve school improvement plans.⁵⁶

DOE may not release funds from the Educational Enhancement Trust Fund to any district in which a school, does not have an approved school improvement plan, after one full school year of planning and development, or does not comply with school advisory council membership composition requirements.⁵⁷ The department must send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action.⁵⁸

The commissioner is required to assign a community assessment team to each school district or governing board with a school that earned a grade of “D” or “F” to review the school performance data and determine causes for the low performance, including the role of school, area, and district administrative personnel.⁵⁹

A school district may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools graded “D” or “F.”⁶⁰

Intervention and Support Strategies

If a school earns two consecutive grades of “D” or a grade of “F,” it must immediately implement a differentiated matrix of intervention and support strategies.⁶¹ Districts with a school improvement school must coordinate with the Department of Education (DOE), the Regional Executive Director or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.⁶²

Florida law specifies seven general types of intervention and support strategies for traditional public schools to address student performance. The intervention and support strategies may include school improvement planning; leadership and educator quality improvement; professional development; curriculum review, pacing and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes.⁶³

⁵⁵ Sections 1001.42(18)(a) and 1001.452(2), F.S. School advisory councils (SACs) are composed of principals, teachers, educational support personnel, parents, students, local business representatives, and community members. Section 1001.452(1)(a), F.S. SACs are responsible for developing and implementing the school’s improvement plan, assisting in the development of the school’s budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards. Sections 1001.452(2) and 1008.36(4), F.S. *See also* Section 1002.33(9)(n), F.S. Requires a charter school earning a “D” or “F” to submit a school improvement plan to the sponsor.

⁵⁶ Section 1001.42(18)(a), F.S.

⁵⁷ Section 1008.345(6)(c), F.S.

⁵⁸ *Id.*

⁵⁹ Section 1008.345(6)(d), F.S.

⁶⁰ Section 1012.2315(2), F.S.

⁶¹ Section 1008.33(4)(a), F.S.

⁶² Rule 6A-1.099811(5)(a), F.A.C.

⁶³ Section 1008.33(3)(c), F.S.; *see* Rule 6A-1.099811(5)(b)1.-9., F.A.C.

School Turnaround Options

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district managed turnaround plan through which the school district manages the two-year turnaround plan at the school.⁶⁴ The school district must submit a district-managed turnaround plan to the SBE for approval by October 1.⁶⁵

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year.⁶⁶ If the school’s grade does not improve to a “C”, the school must select from the following turnaround options:⁶⁷

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.
- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.
 - The external operator may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

Based on traditional public schools that received grades in 2018 and 2019:⁶⁸

- 70 percent of schools graded “D” or “F” improved their grade in 2019;
- 77 percent of schools graded “F” in 2018 improved their grade in 2019; and
- 85 percent of first-year turnaround schools in 2018 improved their grade to a “C” or higher and exited turnaround in 2019.

For the 2019-2020 school year, 142 schools are in SI requiring intervention and support, including:⁶⁹

- 91 schools earning a grade of “D” for the first time.
- 3 schools earning a grade of “F” for the first time.
- 20 schools earning two grades of “D” or a “D” and an “F” for their last two school grades.

⁶⁴ Rule 6A-1.099811(5)(a)-(b), F.A.C.

⁶⁵ Section 1008.33(4)(a), F.S.

⁶⁶ The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation. *Id.*

⁶⁷ Section 1008.33(4)(b)1.-3., F.S.

⁶⁸ Florida Department of Education, *School Improvement Presentation to the House PreK-12 Innovation Subcommittee* (October 16, 2019), available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2020&DocumentType=Meeting Packets&FileName=pki 10-16-19.pdf>

⁶⁹ *Id.*

COVID-19 Public Health Emergency

Emergency Order - March 2020

In response to the COVID-19 emergency, the DOE issued an Emergency Order (EO),⁷⁰ which cancelled remaining K-12 state assessments for the 2019-2020 school year.⁷¹ The EO also authorized school districts and other educational entities to evaluate students for promotion, graduation, and final course grades for the 2019-2020 school year as though those assessments which were cancelled did not exist.⁷²

DOE also requested that the USDOE approve Florida’s requested waiver⁷³ of statewide assessment, accountability, and reporting requirements in ESEA for the 2019-2020 school year due to widespread school closures related to COVID-19.

Resulting guidance⁷⁴ relating to the cancellation of state assessments specified that, because the Grade 3 ELA FSA was a key component districts used to make promotion decisions, and such data would not be available due to the cancellation of statewide assessments for the 2019-2020 school year, promotion decisions should be made in consultation with parents, teachers, and school leaders based on the students’ classroom performance and progress monitoring data.

Emergency Order - February 2021

An EO⁷⁵ was issued by the DOE to provide school districts with expanded statewide testing windows to ensure every student can be safely tested. The following modified testing windows for the spring of 2021 for paper-based testing (PBT) and computer based testing (CBT)⁷⁶ will allow for more district flexibility in scheduling tests.

Assessment	Extended Schedule (+2 weeks for each Subject)
Grade 3 English Language Arts (ELA) Reading (PBT)	April 5-30
Grades 4-10 Writing (PBT and CBT)	April 5-30
Grades 4-6 ELA, 3-6 Math, grades 5 and 8 Science (PBT)	May 3-28
Grades 7-10 ELA/Math, EOCs (CBT)	May 3-June 11

⁷⁰ Florida Department of Education, *Emergency Order No. 2020-EO-01, March 23, 2020* available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf>.

⁷¹ *Id.*, Section 4. Assessment, Accountability and Promotion, March 23, 2020 available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf>.

⁷² Florida Department of Education, Coronavirus (COVID-19), K-12 Public, Private & Charter Schools, Assessments, Accountability and Promotion <http://www.fldoe.org/em-response/schools.stml> (last visited Feb. 22, 2021).

⁷³ Florida Department of Education, *COVID-19 Waiver Response from Assistant Secretary Frank T. Brogan Assistant Secretary for Elementary and Secondary Education, March 27, 2020* available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FLCovid19WaiverResponse.pdf>.

⁷⁴ Florida Department of Education, *Florida Department of Education (FDOE) Q&A Guidance, March 19, 2020* available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FDOE-COVID-QA1.pdf> at p. 2.

⁷⁵ Florida Department of Education, *Emergency Order No. 2021-EO-01, February 15, 2021* available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/2021-EO-01.pdf>.

⁷⁶ *Id.*, *Modified Spring 2021 Testing Windows, February 15, 2021* available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/2021-EO-01.pdf>.

The release of the testing results will occur later than the statutory deadlines. Grade 3 ELA assessment will be available no later than June 30 and the results of the remaining assessments will be made available no later than July 31.⁷⁷ The EO does not address any other aspect of statewide, standardized testing.

III. Effect of Proposed Changes:

SB 886 amends s. 1008.34, F.S., in recognition of the impact of the COVID-19 public health emergency on school accountability.

The bill removes the requirement for a school to select and implement a turnaround option in the 2021-2022 school year based on the school's 2020-2021 school grade or improvement rating.

The bill specifies that a school or approved virtual instruction provider that receives the same or lower grade or school improvement rating for the 2020-2021 school year compared to the 2018-2019 school year is not subject to sanctions or penalties that would occur as a result of the 2020-2021 school grade or school improvement rating.

The bill does not allow for a charter school system or school district designated as high performing to lose its designation as based on 2020-2021 school grades.

The bill specifies student performance results from the 2020-2021 statewide, standardized assessments may not be used for determining grade 3 retention or high school graduation. In the 2019-2020 school year, student performance results on the statewide, standardized assessments were not used for student progression. As a result, there was a 77 percent reduction in grade 3 student retentions compared to the previous 5-year average. Similarly, there was also a 27 percent reduction in grade 12 student retentions, contributing to an increase in the state's high school graduation rate for the 2019-2020 school year.⁷⁸

Additionally, the bill specifies student performance results from the 2020-2021 statewide, standardized assessments may not be used for calculating student performance measurement and evaluating personnel. Thus, limiting personnel evaluations to only be based on instructional practice, instructional leadership, and professional and job responsibilities.

The bill is also consistent with United States Department of Education (USDOE) guidance⁷⁹ to states emphasizing the importance of flexibility in administering assessments in 2020-2021 as a result of the pandemic, and supporting the use of assessment data as a source of information for

⁷⁷ Florida Department of Education, *Emergency Order No. 2021-EO-01, February 15, 2021* available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/2021-EO-01.pdf>. Modified Spring 2021 Testing Windows, February 15, 2021 available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/2021-EO-01.pdf>.

⁷⁸ Florida's high school graduation rate for 2019-2020 was 90 percent, which is a 3.1 percentage points increase over the previous year. Students in the 2019-20 grad class were exempt from statewide, standardized assessment requirements; approximately 7.1 percent of the 2019-20 grad class graduated with this exemption. Florida Department of Education, *2019-20 Graduate Rate* (January 2021), available at <https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates1920.pdf>.

⁷⁹ U.S. Department of Education, *U.S. Department of Education Releases Guidance to States on Assessing Student Learning During the Pandemic*, February 22, 2021, <https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-states-assessing-student-learning-during-pandemic> (last visited Feb. 23, 2021).

parents and educators to target resources and support, rather than for accountability purposes this year.

USDOE guidance makes clear that states should consider the ways they can do things differently this year. Flexibility available to states includes:

- Extending the testing window and moving assessments to the summer or fall,
- Giving the assessment remotely, where feasible,
- Shortening the state assessment, to make testing more feasible to implement and prioritize in-person learning time.

The USDOE guidance invited states to request a waiver for the 2020-2021 school year of the accountability and school identification requirements in the Elementary and Secondary Education Act of 1965 (ESEA). A state receiving this waiver would not be required to implement and report the results of its accountability system, including calculating progress toward long-term goals and measurements of interim progress or indicators, or to annually meaningfully differentiate among its public schools using data from the 2020-2021 school year. The state would also not be required to identify schools for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI) based on data from the 2020-2021 school year. Each state that receives the accountability and school identification waivers would be required to continue to support previously identified schools in the 2021-2022 school year, resume school identification in the fall of 2022, and ensure transparency to parents and the public.⁸⁰

The provisions of this bill will be repealed July 1, 2023.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸⁰ U.S. Department of Education, *U.S. Department of Education Releases Guidance to States on Assessing Student Learning During the Pandemic*, February 22, 2021 available at <https://www2.ed.gov/policy/elsec/guid/stateletters/dcl-assessments-and-acct-022221.pdf>.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1008.34 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Thurston

33-00877A-21

2021886__

A bill to be entitled

An act relating to COVID-19 impact on school accountability; amending s. 1008.34, F.S.; prohibiting a school from being required to select and implement a turnaround option in the 2021-2022 school year based on the school's 2020-2021 school grade or improvement rating; prohibiting a school or an approved provider from being subject to sanctions or penalties as a result of its 2020-2021 school grade or improvement rating; prohibiting a high-performing charter school system or school district from losing such designation based on 2020-2021 school grades; prohibiting student performance results from the 2020-2021 statewide, standardized assessments from being used for determining grade 3 retention or high school graduation or for calculating student performance measurement and evaluating personnel; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsection (6) of section 1008.34, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

1008.34 School grading system; school report cards; district grade.—

(6) HEALTH EMERGENCY PROVISION.—In recognition of the public health emergency caused by COVID-19, and notwithstanding any other provision of law:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00877A-21

2021886__

(a) A school may not be required to select and implement a turnaround option pursuant to s. 1008.33 in the 2021-2022 school year based on the school's 2020-2021 school grade or school improvement rating pursuant to s. 1008.341, as applicable.

(b) A school or approved provider under s. 1002.45 that receives the same or a lower school grade or school improvement rating for the 2020-2021 school year compared to the 2018-2019 school year is not subject to sanctions or penalties that would otherwise occur as a result of the 2020-2021 school grade or school improvement rating. A charter school system or a school district designated as high performing may not lose the designation based on the 2020-2021 school grade of any of the schools within the charter school system or school district, as applicable.

(c) Student performance results from the 2020-2021 statewide, standardized assessments may not be used for purposes of determining grade 3 retention pursuant to s. 1008.25(5) and high school graduation pursuant to s. 1003.4282 or for calculating student performance measurement and evaluating personnel pursuant to s. 1012.34.

(d) This subsection is repealed July 1, 2023.

Section 2. This act shall take effect upon becoming a law.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 918

INTRODUCER: Senator Bradley

SUBJECT: Education

DATE: March 1, 2021

REVISED: _____

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

I. Summary:

SB 918 provides additional requirements for school district allocation of Advanced International Certificate of Education (AICE) bonus funds to school programs, and expands these school programs to include those administered by the University of Cambridge Local Examinations Syndicate which prepare prospective students to enroll in AICE courses. The bill also provides a specified bonus for classroom teachers who teach International General Certificate of Secondary Education (pre-AICE) courses.

The bill takes effect July 1, 2021.

II. Present Situation:

Advanced International Certificate of Education (AICE)

Successful completion of an Advanced International Certificate of Education (AICE) curriculum¹ is one option for a student to graduate from high school in Florida with a standard high school diploma.² The Cambridge AICE Diploma is a certificate that requires learners to study a compulsory core subject with specified Cambridge subjects drawn from the curriculum areas of mathematics and science, languages, and arts and humanities, with the option to study interdisciplinary subjects.³ In order to achieve the Cambridge AICE Diploma, learners must

¹ Cambridge International AS and A Level qualifications offer a choice of 55 subjects, which schools can offer in almost any combination. An AS Level course typically lasts one academic year; an A Level course typically takes two years. Cambridge Assessment International Assessment, *Curriculum*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-international-as-and-a-levels/curriculum/> (last visited Feb. 23, 2021).

² Section 1003.4282(1)(a), F.S.

³ Cambridge Assessment International Education, *Cambridge AICE Diploma qualification*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/qualification/> (last visited Feb. 23, 2021).

achieve a minimum of seven credits, with at least one credit from each group.⁴ Prior to enrolling in Cambridge AICE courses, a student can enroll in Cambridge IGCSE, the International General Certificate of Secondary Education (pre-AICE).⁵ Cambridge IGCSE examination sessions occur twice a year in June and in November.⁶

Over 700 universities in the United States formally accept Cambridge AS and A Levels and the Cambridge AICE Diploma.⁷

AICE in Florida

The AICE program is one of a number of articulated acceleration programs, which are intended to shorten the time necessary for a student to earn a high school diploma and a postsecondary degree, broaden the scope of curricular options available, or increase the depth of study available for a particular subject.⁸ The law provides the following benefits to schools and students engaged in the AICE program:

- Successful completion of a course examination in any of these programs qualifies for college credit.⁹
- The percentage of a school's students eligible to earn college credit through any of these programs favorably affects the school's grade.¹⁰
- A grade earned in AICE or pre-AICE is assigned additional weight for determining student eligibility for a Bright Futures Scholarship.¹¹
- Classroom teachers and school districts receive funding incentives based on the performance of each student in AICE examinations.¹²

At least 177 high schools in 31 Florida school districts currently offer the AICE program.¹³ Almost 40 percent of AICE program participants in Florida are considered eligible for free or reduced-price meals.¹⁴ During the 2019-2020 fiscal year, 63,212 students in Florida participated in the AICE program.¹⁵

⁴ *Id.*

⁵ Cambridge Assessment International Education, *Cambridge IGCSE*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-upper-secondary/cambridge-igcse/> (last visited Feb. 23, 2021).

⁶ Cambridge Assessment International Education, *Cambridge IGCSE qualification*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-upper-secondary/cambridge-igcse/qualification/> (last visited Feb. 23, 2021).

⁷ Cambridge Assessment International Education, *Guidance for schools and students*, <https://www.cambridgeinternational.org/programmes-and-qualifications/recognition-and-acceptance/schools-and-students/> (last visited Feb. 23, 2021).

⁸ Section 1007.27(1), F.S. Accelerated mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement (AP), credit by examination, the International Baccalaureate (IB) Program, and the Advanced International Certificate of Education (AICE) Program. *Id.*

⁹ Section 1003.4295, F.S.

¹⁰ Section 1008.34(3)(b)2.b., F.S.

¹¹ Section 1009.531(3)(a), F.S.

¹² Section 1011.62(1)(m), F.S.

¹³ Email, Angela Dempsey, PooleMcKinley (Feb. 12, 2021).

¹⁴ Office of Program Policy Analysis and Government Accountability, *School Choice Landscape* (Feb. 15, 2021), at 39.

¹⁵ *Id.*, at 38. Palm Beach County School District accounts for one-third of all AICE students in the state with 20,993 program participants. *Id.*, at 39.

During the 2019-2020 school year, 95,776 students enrolled in IGCSE (pre-AICE) courses in Florida.¹⁶ In fall 2020, 54,046 students enrolled in pre-AICE courses in Florida.¹⁷ In the 2019-2020 school year, 668 end-of-course pre-AICE exams were taken in Florida, of which 440 scored grade E or above.¹⁸

Funds for the Operation of Schools - AICE Incentive Funding

The Florida Education Finance Program (FEFP) provides a funding incentive for school districts with students in AICE courses who successfully complete AICE examinations or earn an AICE diploma.¹⁹ A value of 0.16 FTE student membership is calculated for each student enrolled in a full-credit AICE course who receives a score of E, and 0.08 FTE student membership for each student enrolled in a half-credit AICE course who receives a score of E or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an AICE diploma.²⁰

Current law requires each school district to allocate at least 80 percent of the funds received from the AICE bonus FTE funding to the school program that generated the funds.²¹

Additionally, classroom teachers receive bonus funds for the performance of their students on AICE examinations, in the amount of \$50 for each student taught by the AICE teacher in each full-credit AICE course, and \$25 for each student taught by the AICE teacher in each half-credit AICE course, who receives a score of E or higher on the AICE examination. An additional bonus of \$500 is allotted to each AICE teacher in a school designated with a grade of “D” or “F” who has at least one student scoring E or higher on the full-credit AICE examination, regardless of the number of classes taught or number of such students, or an additional \$250 to each AICE teacher in such a school who has at least one student scoring E or higher on the half-credit AICE examination in that class.²²

III. Effect of Proposed Changes:

SB 918 expands the requirement in law that each school district allocate at least 80 percent of the funds received from the Advanced International Certificate of Education (AICE) bonus FTE funding to the school program that generated the funds to include school programs administered

¹⁶ Email, Angela Dempsey, PooleMcKinley (Feb 19, 2021).

¹⁷ *Id.* Some IGCSE syllabuses, such as Cambridge pre-AICE Spanish Level 1, 2, or 3 and Cambridge pre-AICE Mathematics Levels 1, 2, or 3, expand beyond one year, meaning the exam may not be administered until the end of the course sequence. However, the enrollment data would reflect each of these courses. Additionally, many schools offer the IGCSE curriculum to develop the skills and content mastery required for future AICE courses without administering the IGCSE exams. In 2019, 668 end-of-course IGCSE exams were taken in Florida, of which 440 obtained a score grade E or higher. *Id.*

¹⁸ *Id.* Cambridge International A Level and AS Level subjects are graded from A* to E or A to E, respectively, and the Cambridge AICE Diploma is awarded on a points system, such that each grade is converted to points to award a Cambridge AICE Diploma at one of three levels based on the overall score. Cambridge Assessment International Education, *Cambridge AICE Diploma qualification*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/qualification/> (last visited Feb. 23, 2021).

¹⁹ See 1011.62, F.S. Florida also provides incentive funds for dual enrollment, exploratory career education, the International Baccalaureate Program, advanced placement courses, and career-themed courses, among others. Section 1011.62(1), F.S.

²⁰ Section 1011.62(1)(m), F.S.

²¹ *Id.*

²² *Id.*

by the University of Cambridge Local Examinations Syndicate that prepare prospective students to enroll in AICE courses.

The bill requires such funds to be expended solely for the payment of costs associated with the:

- Application and registration process;
- Program fees and site licenses;
- Training, professional development, salaries, benefits, and bonuses for instructional personnel and program coordinators;
- Examination and diploma fees;
- Membership fees;
- Supplemental books;
- Instructional supplies, materials, and equipment; and
- Other activities that identify prospective AICE students or prepare prospective students to enroll in AICE courses.

The bill specifies that the school district is required to distribute bonus funds to each classroom teacher who provided AICE or International General Certificate of Secondary Education (pre-AICE) instruction.

The bill updates language concerning the distribution to teachers of bonus funds generated by successful completion of AICE examinations and AICE Diplomas by removing references to full-credit and half-credit courses and exams, to reflect that Cambridge no longer offers half-credit courses. Accordingly, the bill changes the designation from half-credit AICE courses to pre-AICE courses the \$25 and \$250 bonus awards for specified students who successfully complete examinations.²³

Expanding the use of existing bonus funding to school programs administered by the University of Cambridge Local Examinations Syndicate may require school districts to increase the support of pre-AICE instruction, which prepares prospective students to enroll in AICE courses.

The financial supports for pre-AICE instruction and related activities may increase opportunities for Florida secondary students to take Cambridge courses and prepare for AICE courses.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²³ Florida law does not provide similar funding incentives for pre-IB courses. Section 1011.62(1)(l), F.S. However, a value of 0.16 FTE is calculated for each student enrolled in an IB course who receives a score of 4 or higher on a subject examination, and a value of 0.3 FTE is calculated for each student who receives an IB diploma, which value is added to the FTE in basic programs from grades 9 through 12. *Id.*

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 bill has no immediate impact on state funds. Expanding the distribution of financial incentives to apply to International General Certificate of Secondary Education (pre-AICE) programs may affect how school districts allocate bonus funds towards Advanced International Certificate of Education (AICE) and pre-AICE activities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1011.62 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bradley

5-00782A-21

2021918__

A bill to be entitled

An act relating to education; amending s. 1011.62, F.S.; requiring school districts to allocate a certain amount of specified funds to certain programs that prepare prospective students to enroll in Advanced International Certificate of Education courses; requiring such funds to be spent on specified costs; requiring school districts to distribute specified bonuses to certain classroom teachers providing International General Certificate of Secondary Education instruction; requiring bonuses based on a student's specified score on the Advanced International Certificate of Education examination to be paid to all Advanced International Certificate of Education teachers instead of only full-credit Advanced International Certificate of Education teachers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (m) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

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

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR

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OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(m) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate at least 80 percent of the funds received from the Advanced International Certificate of Education bonus FTE funding, in accordance with this paragraph, to the school program that generated the funds and to school programs administered by the University of Cambridge Local Examinations Syndicate that prepare prospective students to enroll in Advanced International Certificate of Education courses. These funds shall be expended solely for the payment of costs associated with the application and registration process; program fees and site licenses; training, professional

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59 development, salaries, benefits, and bonuses for instructional
 60 personnel and program coordinators; examination and diploma
 61 fees; membership fees; supplemental books; instructional
 62 supplies, materials, and equipment; and other activities that
 63 identify prospective Advanced International Certificate of
 64 Education students or prepare prospective students to enroll in
 65 Advanced International Certificate of Education courses. The
 66 school district shall distribute to each classroom teacher who
 67 provided Advanced International Certificate of Education or
 68 International General Certificate of Secondary Education (pre-
 69 AICE) instruction:

70 1. A bonus in the amount of \$50 for each student taught by
 71 the Advanced International Certificate of Education teacher in
 72 each ~~full-credit~~ Advanced International Certificate of Education
 73 course who receives a score of E or higher on the Advanced
 74 International Certificate of Education examination. A bonus in
 75 the amount of \$25 for each student taught by the pre-AICE
 76 ~~Advanced International Certificate of Education~~ teacher in each
 77 pre-AICE half-credit Advanced International Certificate of
 78 ~~Education~~ course who receives a score of E or higher on the pre-
 79 ~~AICE Advanced International Certificate of Education~~
 80 examination.

81 2. An additional bonus of \$500 to each Advanced
 82 International Certificate of Education teacher in a school
 83 designated with a grade of "D" or "F" who has at least one
 84 student scoring E or higher on the ~~full-credit~~ Advanced
 85 International Certificate of Education examination, regardless
 86 of the number of classes taught or of the number of students
 87 scoring an E or higher on the ~~full-credit~~ Advanced International

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2021918__

88 Certificate of Education examination.

89 3. Additional bonuses of \$250 each to teachers of pre-AICE
 90 ~~half-credit Advanced International Certificate of Education~~
 91 classes in a school designated with a grade of "D" or "F" which
 92 has at least one student scoring an E or higher on the pre-AICE
 93 ~~half-credit Advanced International Certificate of Education~~
 94 examination in that class. Teachers receiving an award under
 95 subparagraph 2. are not eligible for a bonus under this
 96 subparagraph.

97
 98 Bonuses awarded to a teacher according to this paragraph shall
 99 be in addition to any regular wage or other bonus the teacher
 100 received or is scheduled to receive.

101 Section 2. This act shall take effect July 1, 2021.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 934

INTRODUCER: Senator Wright

SUBJECT: Education

DATE: March 1, 2021

REVISED: _____

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

I. Summary:

SB 934 modifies provisions related to educator certification and nondegreed career teacher qualifications, teacher preparation programs and educator preparation institutes (EPIs), and school leadership. Specifically, the bill:

- Modifies the uniform core curricula for state-approved teacher preparation programs.
- Removes the General Knowledge Test as an admission requirement to a teacher preparation program.
- Provides that completion of an EPI may demonstrate education and successful occupational experience for nondegreed teachers of career education, and also professional preparation and education competence toward an educator certificate.
- Specifies that a master’s degree or higher degree may demonstrate mastery of general knowledge toward an educator certificate.
- Modifies the William Cecil Golden Professional Development Program for School Leaders to expand the definition of an educational leader and expand the collaborative network.

The bill takes effect July 1, 2021.

II. Present Situation:

Educator Certification Requirements

Initial Eligibility

To be eligible to seek certification of an educator in Florida, a person must:¹

- Meet general eligibility criteria to ensure competence and capability to perform the duties, functions, and responsibilities as an educator, including a minimum age, an oath of loyalty, demonstration of a bachelor’s or higher degree, and background screening.

¹ Section 1012.56(2), F.S.

- Demonstrate mastery of general knowledge if the person serves as a classroom teacher.
- Demonstrate mastery of subject area knowledge.
- Demonstrate mastery of professional preparation and education competence.

Mastery of General Knowledge

To demonstrate mastery of general knowledge to meet educator certification requirements, the following means are acceptable:²

- Achievement of passing scores on the general knowledge examination required by State Board of Education (SBE) rule;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE;
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System (FCS) institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education (DOE) as having a quality program; or
- Achievement of passing scores, identified in SBE rule, on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills, including, but not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination.

Mastery of Subject Area Knowledge

Acceptable means of demonstrating mastery of subject area knowledge to meet educator certification requirements include:³

- For a subject requiring only a baccalaureate degree, a passing score on an examination specified in SBE rule,⁴ and may include passing scores on foreign language proficiency examinations, if applicable, or verification of the attainment of subject matter competencies.
- For a subject requiring a master's or higher degree, completion of the subject area specialization requirements specified in SBE rule and achievement of a passing score on the Florida-developed subject area examination or a standardized examination specified in SBE rule;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE;
- Documentation of successful completion of a United States Defense Language Institute Foreign Language Center program; or

² Section 1012.56(3), F.S. A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. Such information must include, but need not be limited to, state-level test information guides, school district test preparation resources, and preparation courses offered by state universities and Florida College System institutions. Section 1012.56(3)(e), F.S.

³ Section 1012.56(5), F.S.

⁴ Subject area examinations are required to be aligned to the Next Generation Sunshine State Standards. Section 1012.56(4), F.S.

- Documentation of a passing score on the Defense Language Proficiency Test.

Mastery of Professional Preparation

Acceptable means of demonstrating mastery of professional preparation and education competence to meet educator certification requirements are:⁵

- Successful completion of an approved teacher preparation program at a postsecondary educational institution within Florida and achievement of a passing score on the professional education competency examination required by SBE rule;
- Successful completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by SBE rule;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE;
- Documentation of two semesters of successful, full-time or part-time teaching in a FCS institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the DOE as having a quality program and achievement of a passing score on the professional education competency examination required by SBE rule;
- Successful completion of professional preparation courses as specified in state board rule, successful completion of a specified professional preparation and education competence program, and achievement of a passing score on the professional education competency examination required by SBE rule;
- Successful completion of a specified professional development certification and education competency program; or
- Successful completion of a specified competency-based certification program and achievement of a passing score on the professional education competency examination required by rule of the SBE.

Nondegreed Teachers of Career Education

Qualifications for part-time and full-time nondegreed teachers of career programs are based primarily on successful occupational experience rather than academic training.⁶ The qualifications for such teachers require:⁷

- The filing of a complete set of fingerprints as specified in law.
- Documentation of education and successful occupational experience, including:
 - A high school diploma or the equivalent.
 - Completion of six years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area.⁸
 - Completion of career education training conducted through the local school district inservice master plan.

⁵ Section 1012.56(6), F.S.

⁶ Section 1012.39(1)(c), F.S.

⁷ *Id.*

⁸ The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach. *Id.*

- For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students.⁹
- Demonstration of successful teaching performance.
- Documentation of industry certification when state or national industry certifications are available and applicable.

Teacher Preparation Programs

The SBE maintains a system for development and approval of teacher preparation programs,¹⁰ and each teacher preparation program must be approved by the DOE as specified in law.¹¹ Continued approval of a teacher preparation program is based on evidence that the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.¹²

The SBE establishes in rule uniform core curricula for each state-approved teacher preparation program.¹³ Such rules must include, but are not limited to, the following:¹⁴

- Candidate instruction and assessment in the Florida Educator Accomplished Practices across content areas.
- The use of state-adopted content standards to guide curricula and instruction.
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.
- Content literacy and mathematics practices.
- Strategies appropriate for the instruction of English language learners.
- Strategies appropriate for the instruction of students with disabilities.
- Strategies to differentiate instruction based on student needs.
- The use of character-based classroom management.

Each teacher preparation program approved by the DOE must require students to meet, at a minimum, the following as prerequisites for admission into the program:¹⁵

- Have a grade point average of at least 2.5 on a 4.0 scale in coursework and at an institution specified in law.
- Demonstrate mastery of general knowledge sufficient for entry into the program, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the SBE.

⁹ This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program. *Id.*

¹⁰ Section 1004.04(1)(b), F.S.

¹¹ Section 1004.04(3)(c), F.S.

¹² Section 1004.04(4), F.S.

¹³ Section 1004.04(2)(a), F.S.

¹⁴ Section 1004.04(2)(b), F.S.

¹⁵ Section 1004.04(3)(b), F.S.

Postsecondary Educator Preparation Institutes

Educator Preparation Institutes (EPIs) provide an alternate route to teacher certification.¹⁶ EPIs are created by a postsecondary institution or a qualified private provider and approved by the DOE.¹⁷ Postsecondary institutions that are accredited or approved as described in SBE rule may seek approval from the DOE to create EPIs for the purpose of providing:¹⁸

- Professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.
- Instruction to assist potential and existing substitute teachers in performing their duties.
- Instruction to assist paraprofessionals in meeting education and training requirements.
- Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for mid-career professionals who hold a baccalaureate degree and college graduates who were not education majors.

A private provider that has a proven history of delivering high-quality teacher preparation may also seek approval to offer a competency-based certification program specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet educator certification requirements.¹⁹

School Leadership Programs

Public accountability and state approval of school leader preparation programs are outlined in law,²⁰ and their purpose is to:²¹

- Increase the supply of effective school leaders in the public schools of this state.
- Produce school leaders who are prepared to lead the state's diverse student population in meeting high standards for academic achievement.
- Enable school leaders to facilitate the development and retention of effective and highly effective classroom teachers.
- Produce leaders with the competencies and skills necessary to achieve the state's education goals.
- Sustain the state system of school improvement and education accountability.

William Cecil Golden Professional Development Program for School Leaders

The William Cecil Golden Professional Development Program for School Leaders was established to provide high standards and sustained support for principals as instructional leaders.²² The program consists of a collaborative network of state and national professional leadership organizations and supports the human-resource development needs of principals, principal leadership teams, and candidates for principal leadership positions using the framework

¹⁶ Florida Department of Education, *Educator Preparation Institutes (EPIs)*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/academic-student-affairs/educator-preparation-institutes-epis/> (last visited Feb. 26, 2021).

¹⁷ Section 1004.85(1), F.S.

¹⁸ Section 1004.85(2)(a), F.S.

¹⁹ Section 1004.85(2)(b), F.S.

²⁰ Section 1012.562, F.S.

²¹ Section 1012.562(1), F.S.

²² Section 1012.986(1), F.S.

of leadership standards adopted by the SBE, the Southern Regional Education Board, and the National Staff Development Council.²³

The DOE coordinates the network as specified in law,²⁴ and the goal of the network leadership program is to:²⁵

- Provide resources to support and enhance the principal's role as the instructional leader.
- Maintain a clearinghouse and disseminate data-supported information related to enhanced student achievement, based on educational research and best practices.
- Build the capacity to increase the quality of programs for preservice education for aspiring principals and inservice professional development for principals and principal leadership teams.
- Support best teaching and research-based instructional practices through dissemination and modeling at the preservice and inservice levels for both teachers and principals.

III. Effect of Proposed Changes:

SB 934 modifies s. 1004.04, F.S., to add to the uniform core curricula for each state-approved teacher preparation program, strategies:

- Appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.
- To support the use of technology in education and distance learning.

The bill makes it easier for a student to be admitted to an approved teacher preparation program. Specifically, the bill alters the admissions requirement to a program, which requires students to demonstrate mastery of general knowledge by passing the General Knowledge Test, instead requiring the test to be passed by the time of graduation. However, the bill removes the option to waive admissions requirements for up to 10 percent of admitted students and provide assistance to those who receive waivers to demonstrate competencies, as well as report the status of these annually to the Department of Education (DOE).

The bill modifies provisions relating to educator preparation institutes (EPIs). Specifically, the bill modifies:

- Section 1004.85, F.S., to expand the purpose for which a postsecondary institution may seek DOE approval for an EPI, to include instruction and professional development for part-and full-time nondegree teachers of career programs.
- Section 1012.39, F.S., to add completion of an EPI program approved by the State Board of Education (SBE) as a means of documenting education and successful occupational experience, in addition to completion of career education training conducted through the local school district inservice master plan.

The bill modifies s. 1012.56, F.S., relating to educator certification requirements to:

- Add, as an acceptable means of demonstrating mastery of general knowledge, documentation of receipt of a master's or higher degree from an accredited postsecondary educational

²³ Section 1012.986(1), F.S.

²⁴ Section 1012.986(2), F.S.

²⁵ Section 1012.986(1), F.S.

institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.

- Add completion of an EPI approved by the DOE as an optional means to demonstrate professional preparation and education competence. Additionally, a student who meets the requirement through an EPI is not required to take or achieve a passing score on the professional education competency examination to be awarded a professional certificate.

The bill modifies s. 1012.986, F.S., relating to the William Cecil Golden Professional Development Program for School Leaders. The bill:

- Alters the purpose of the program to specify high-quality standards for educational leaders, and expands the definition of an “educational leader” from a principal to include also teacher leaders, assistant principals, or school district leaders.
- Expands the program collaborative network to include school districts, state-approved educational leadership programs, regional consortia, and charter management organizations.
- The bill removes the Southern Regional Education Board and the National Staff Development Council as adopters of the framework of leadership standards, but retains adoption by the SBE.
- Modifies the goal of the network leadership program to:
 - Provide resources to support educational leaders and increase the capacity of educational leadership programs.
 - Expand the information maintained by the program to specify continued enhancement of learning, civic education, coaching and mentoring, mental health awareness, technology in education, distance learning, and school safety.
 - Support evidence-based leadership practices for educational leaders.
- Modifies the delivery systems by which the DOE must coordinate program components to add universities and educational leadership coaching and mentoring, and specifies that local leadership academies are educational.

The bill takes effect July 1, 2021.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1004.04, 1004.85, 1012.39, 1012.56, and 1012.986.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



741120

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Wright) recommended the following:

Senate Amendment (with title amendment)

Delete lines 101 - 123

and insert:

Section 2. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 1004.85, Florida Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(2) (a) Postsecondary institutions that are accredited or approved as described in State Board of Education rule may seek approval from the Department of Education to create educator



741120

12 preparation institutes for the purpose of providing any or all
13 of the following:

14 1. Professional development instruction to assist teachers
15 in improving classroom instruction and in meeting certification
16 or recertification requirements.

17 2. Instruction to assist potential and existing substitute
18 teachers in performing their duties.

19 3. Instruction to assist paraprofessionals in meeting
20 education and training requirements.

21 4. Instruction for baccalaureate degree holders to become
22 certified teachers as provided in this section in order to
23 increase routes to the classroom for mid-career professionals
24 who hold a baccalaureate degree and college graduates who were
25 not education majors.

26 5. Instruction and professional development for part-time
27 and full-time nondegreed teachers of career programs under s.
28 1012.39(1)(c).

29 (3) Educator preparation institutes approved pursuant to
30 this section may offer competency-based certification programs
31 specifically designed for noneducation major baccalaureate
32 degree holders to enable program participants to meet the
33 educator certification requirements of s. 1012.56. An educator
34 preparation institute choosing to offer a competency-based
35 certification program pursuant to the provisions of this section
36 must implement a program previously approved by the Department
37 of Education for this purpose or a program developed by the
38 institute and approved by the department for this purpose.
39 Approved programs shall be available for use by other approved
40 educator preparation institutes.



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41 (a) Within 90 days after receipt of a request for approval,
42 the Department of Education shall approve a preparation program
43 pursuant to the requirements of this subsection or issue a
44 statement of the deficiencies in the request for approval. The
45 department shall approve a certification program if the
46 institute provides evidence of the institute's capacity to
47 implement a competency-based program that includes each of the
48 following:

49 1.a. Participant instruction and assessment in the Florida
50 Educator Accomplished Practices across content areas.

51 b. The use of state-adopted student content standards to
52 guide curriculum and instruction.

53 c. Scientifically researched and evidence-based reading
54 instructional strategies that improve reading performance for
55 all students, including explicit, systematic, and sequential
56 approaches to teaching phonemic awareness, phonics, vocabulary,
57 fluency, and text comprehension and multisensory intervention
58 strategies.

59 d. Content literacy and mathematical practices.

60 e. Strategies appropriate for instruction of English
61 language learners.

62 f. Strategies appropriate for instruction of students with
63 disabilities.

64 g. Strategies to differentiate instruction based on student
65 needs.

66 h. The use of character-based classroom management.

67 i. Strategies appropriate for the early identification of
68 students in crisis or experiencing a mental health challenge and
69 the referral of such students to a mental health professional



741120

70 for support.

71 j. Strategies to support the use of technology in education
72 and distance learning.

73 2. An educational plan for each participant to meet
74 certification requirements and demonstrate his or her ability to
75 teach the subject area for which the participant is seeking
76 certification, which is based on an assessment of his or her
77 competency in the areas listed in subparagraph 1.

78 3. Field experiences appropriate to the certification
79 subject area specified in the educational plan with a diverse
80 population of students in a variety of challenging environments,
81 including, but not limited to, high-poverty schools, urban
82 schools, and rural schools, under the supervision of qualified
83 educators.

84 4. A certification ombudsman to facilitate the process and
85 procedures required for participants who complete the program to
86 meet any requirements related to the background screening
87 pursuant to s. 1012.32 and educator professional or temporary
88 certification pursuant to s. 1012.56.

89
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete line 17

93 and insert:

94 nondegreed teachers of career programs; requiring the
95 Department of Education to approve a certification
96 program if an institute provides evidence of its
97 capacity to implement a competency-based program that
98 includes specified strategies; amending s.



961124

LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Wright) recommended the following:

Senate Amendment (with title amendment)

Between lines 263 and 264

insert:

Section 5. Section 1012.575, Florida Statutes, is amended to read:

1012.575 Alternative preparation programs for certified teachers to add additional coverage.—A district school board, or an organization of private schools or a consortium of charter schools with an approved professional development system as described in s. 1012.98(6), may design alternative teacher



961124

12 preparation programs to enable persons already certificated to
13 add an additional coverage to their certificates. Each
14 alternative teacher preparation program shall be reviewed and
15 approved by the Department of Education to assure that persons
16 who complete the program are competent in the necessary areas of
17 subject matter specialization. Two or more school districts may
18 jointly participate in an alternative preparation program for
19 teachers.

20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Between lines 25 and 26

24 insert:

25 amending s. 1012.575, F.S.; authorizing an
26 organization of private schools or a consortium of
27 charter schools with an approved professional
28 development system to design alternative teacher
29 preparation programs;

By Senator Wright

14-00473B-21

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1 A bill to be entitled
 2 An act relating to education; amending s. 1004.04,
 3 F.S.; requiring additional specified strategies to be
 4 included in rules establishing uniform core curricula
 5 for each state-approved teacher preparation program;
 6 requiring that certain teacher preparation programs
 7 require students to demonstrate mastery of general
 8 knowledge by passing the General Knowledge Test of the
 9 Florida Teacher Certification Examination by the time
 10 of graduation; deleting a provision authorizing a
 11 teacher preparation program to waive certain
 12 admissions requirements for up to 10 percent of
 13 admitted students; amending s. 1004.85, F.S.;
 14 expanding the instruction that an educator preparation
 15 institute may provide to include instruction and
 16 professional development for part-time and full-time
 17 nondegreed teachers of career programs; amending s.
 18 1012.39, F.S.; revising the minimum qualifications for
 19 part-time and full-time nondegreed teachers of career
 20 programs; amending s. 1012.56, F.S.; revising the
 21 acceptable means of demonstrating mastery of general
 22 knowledge to include documentation of receipt of a
 23 master's or higher degree from certain postsecondary
 24 institutions; revising the criteria for the Department
 25 of Education to issue a professional certificate;
 26 amending s. 1012.986, F.S.; defining the term
 27 "educational leader"; providing that the William Cecil
 28 Golden Professional Development Program for School
 29 Leaders must consist of a network of specified

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30 entities; revising the goals of the program; requiring
 31 the department to also offer program components
 32 through university or educational leadership academies
 33 and through educational leadership coaching and
 34 mentoring; making technical changes; providing an
 35 effective date.
 36

37 Be It Enacted by the Legislature of the State of Florida:
 38

39 Section 1. Paragraph (b) of subsection (2) and paragraph
 40 (b) of subsection (3) of section 1004.04, Florida Statutes, are
 41 amended to read:
 42 1004.04 Public accountability and state approval for
 43 teacher preparation programs.—
 44 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—
 45 (b) The rules to establish uniform core curricula for each
 46 state-approved teacher preparation program must include, but are
 47 not limited to, the following:
 48 1. Candidate instruction and assessment in the Florida
 49 Educator Accomplished Practices across content areas.
 50 2. The use of state-adopted content standards to guide
 51 curricula and instruction.
 52 3. Scientifically researched and evidence-based reading
 53 instructional strategies that improve reading performance for
 54 all students, including explicit, systematic, and sequential
 55 approaches to teaching phonemic awareness, phonics, vocabulary,
 56 fluency, and text comprehension and multisensory intervention
 57 strategies.
 58 4. Content literacy and mathematics practices.

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- 59 5. Strategies appropriate for the instruction of English
60 language learners.
- 61 6. Strategies appropriate for the instruction of students
62 with disabilities.
- 63 7. Strategies to differentiate instruction based on student
64 needs.
- 65 8. The use of character-based classroom management.
- 66 9. Strategies appropriate for the early identification of
67 students in crisis or experiencing a mental health challenge and
68 the referral of such student to a mental health professional for
69 support.
- 70 10. Strategies to support the use of technology in
71 education and distance learning.
- 72 (3) INITIAL STATE PROGRAM APPROVAL.—
- 73 (b) Each teacher preparation program approved by the
74 Department of Education, as provided for by this section, shall
75 require students to meet, at a minimum, the following
76 requirements as prerequisites for admission into the program:
- 77 1. For admission into the program, have a grade point
78 average of at least 2.5 on a 4.0 scale for the general education
79 component of undergraduate studies or have completed the
80 requirements for a baccalaureate degree with a minimum grade
81 point average of 2.5 on a 4.0 scale from any college or
82 university accredited by a regional accrediting association as
83 defined by State Board of Education rule or any college or
84 university otherwise approved pursuant to State Board of
85 Education rule.
- 86 2. Demonstrate mastery of general knowledge ~~sufficient for~~
87 ~~entry into the program,~~ including the ability to read, write,

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- 88 and perform in mathematics, by passing the General Knowledge
89 Test of the Florida Teacher Certification Examination by the
90 time of graduation or, for a graduate level program, obtain a
91 baccalaureate degree from an institution that is accredited or
92 approved pursuant to the rules of the State Board of Education.
93
- 94 ~~Each teacher preparation program may waive these admissions~~
95 ~~requirements for up to 10 percent of the students admitted.~~
96 ~~Programs shall implement strategies to ensure that students~~
97 ~~admitted under a waiver receive assistance to demonstrate~~
98 ~~competencies to successfully meet requirements for certification~~
99 ~~and shall annually report to the Department of Education the~~
100 ~~status of each candidate admitted under such a waiver.~~
- 101 Section 2. Paragraph (a) of subsection (2) of section
102 1004.85, Florida Statutes, is amended to read:
- 103 1004.85 Postsecondary educator preparation institutes.—
- 104 (2) (a) Postsecondary institutions that are accredited or
105 approved as described in State Board of Education rule may seek
106 approval from the Department of Education to create educator
107 preparation institutes for the purpose of providing any or all
108 of the following:
- 109 1. Professional development instruction to assist teachers
110 in improving classroom instruction and in meeting certification
111 or recertification requirements.
- 112 2. Instruction to assist potential and existing substitute
113 teachers in performing their duties.
- 114 3. Instruction to assist paraprofessionals in meeting
115 education and training requirements.
- 116 4. Instruction for baccalaureate degree holders to become

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117 certified teachers as provided in this section in order to
 118 increase routes to the classroom for mid-career professionals
 119 who hold a baccalaureate degree and college graduates who were
 120 not education majors.

121 5. Instruction and professional development for part-time
 122 and full-time nondegreed teachers of career programs under s.
 123 1012.39(1)(c).

124 Section 3. Paragraph (c) of subsection (1) of section
 125 1012.39, Florida Statutes, is amended to read:

126 1012.39 Employment of substitute teachers, teachers of
 127 adult education, nondegreed teachers of career education, and
 128 career specialists; students performing clinical field
 129 experience.—

130 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
 131 1012.57, or any other provision of law or rule to the contrary,
 132 each district school board shall establish the minimal
 133 qualifications for:

134 (c) Part-time and full-time nondegreed teachers of career
 135 programs. Qualifications shall be established for nondegreed
 136 teachers of career and technical education courses for program
 137 clusters that are recognized in the state and are based
 138 primarily on successful occupational experience rather than
 139 academic training. The qualifications for such teachers shall
 140 require:

141 1. The filing of a complete set of fingerprints in the same
 142 manner as required by s. 1012.32. Faculty employed solely to
 143 conduct postsecondary instruction may be exempted from this
 144 requirement.

145 2. Documentation of education and successful occupational

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146 experience including documentation of:

147 a. A high school diploma or the equivalent.

148 b. Completion of 6 years of full-time successful
 149 occupational experience or the equivalent of part-time
 150 experience in the teaching specialization area. The district
 151 school board may establish alternative qualifications for
 152 teachers with an industry certification in the career area in
 153 which they teach.

154 c. Completion of career education training conducted
 155 through the local school district inservice master plan or
 156 through an educator preparation institute approved by the State
 157 Board of Education pursuant to s. 1004.85.

158 d. For full-time teachers, completion of professional
 159 education training in teaching methods, course construction,
 160 lesson planning and evaluation, and teaching special needs
 161 students. This training may be completed through coursework from
 162 an accredited or approved institution or an approved district
 163 teacher education program.

164 e. Demonstration of successful teaching performance.

165 f. Documentation of industry certification when state or
 166 national industry certifications are available and applicable.

167 Section 4. Subsection (3) and paragraph (a) of subsection
 168 (7) of section 1012.56, Florida Statutes, are amended to read:
 169 1012.56 Educator certification requirements.—

170 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
 171 demonstrating mastery of general knowledge are:

172 (a) Achievement of passing scores on the general knowledge
 173 examination required by state board rule;

174 (b) Documentation of a valid professional standard teaching

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175 certificate issued by another state;

176 (c) Documentation of a valid certificate issued by the
177 National Board for Professional Teaching Standards or a national
178 educator credentialing board approved by the State Board of
179 Education;

180 (d) Documentation of two semesters of successful, full-time
181 or part-time teaching in a Florida College System institution,
182 state university, or private college or university that awards
183 an associate or higher degree and is an accredited institution
184 or an institution of higher education identified by the
185 Department of Education as having a quality program; ~~or~~

186 (e) Achievement of passing scores, identified in state
187 board rule, on national or international examinations that test
188 comparable content and relevant standards in verbal, analytical
189 writing, and quantitative reasoning skills, including, but not
190 limited to, the verbal, analytical writing, and quantitative
191 reasoning portions of the Graduate Record Examination. Passing
192 scores identified in state board rule must be at approximately
193 the same level of rigor as is required to pass the general
194 knowledge examinations; or

195 (f) Documentation of receipt of a master's or higher degree
196 from an accredited postsecondary educational institution that
197 the Department of Education has identified as having a quality
198 program resulting in a baccalaureate degree or higher.

199
200 A school district that employs an individual who does not
201 achieve passing scores on any subtest of the general knowledge
202 examination must provide information regarding the availability
203 of state-level and district-level supports and instruction to

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204 assist him or her in achieving a passing score. Such information
205 must include, but need not be limited to, state-level test
206 information guides, school district test preparation resources,
207 and preparation courses offered by state universities and
208 Florida College System institutions.

209 (7) TYPES AND TERMS OF CERTIFICATION.—

210 (a) The Department of Education shall issue a professional
211 certificate for a period not to exceed 5 years to any applicant
212 who fulfills one of the following:

- 213 1. Meets all the applicable requirements outlined in
214 subsection (2).
- 215 2. For a professional certificate covering grades 6 through
216 12:
 - 217 a. Meets the applicable requirements of paragraphs (2)(a)-
218 (h).
 - 219 b. Holds a master's or higher degree in the area of
220 science, technology, engineering, or mathematics.
 - 221 c. Teaches a high school course in the subject of the
222 advanced degree.
 - 223 d. Is rated highly effective as determined by the teacher's
224 performance evaluation under s. 1012.34, based in part on
225 student performance as measured by a statewide, standardized
226 assessment or an Advanced Placement, Advanced International
227 Certificate of Education, or International Baccalaureate
228 examination.
 - 229 e. Achieves a passing score on the Florida professional
230 education competency examination required by state board rule.
 - 231 3. Meets the applicable requirements of paragraphs (2)(a)-
232 (h) and completes a professional preparation and education

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233 competence program approved by the department pursuant to
 234 paragraph (8) (c) or an educator preparation institute approved
 235 by the department pursuant to s. 1004.85. An applicant who
 236 completes one of these programs ~~the program~~ and is rated highly
 237 effective as determined by his or her performance evaluation
 238 under s. 1012.34 is not required to take or achieve a passing
 239 score on the professional education competency examination in
 240 order to be awarded a professional certificate.

241

242 Each temporary certificate is valid for 3 school fiscal years
 243 and is nonrenewable. At least 1 year before an individual's
 244 temporary certificate is set to expire, the department shall
 245 electronically notify the individual of the date on which his or
 246 her certificate will expire and provide a list of each method by
 247 which the qualifications for a professional certificate can be
 248 completed. The State Board of Education shall adopt rules to
 249 allow the department to extend the validity period of a
 250 temporary certificate for 2 years when the requirements for the
 251 professional certificate were not completed due to the serious
 252 illness or injury of the applicant, the military service of an
 253 applicant's spouse, other extraordinary extenuating
 254 circumstances, or if the certificateholder is rated highly
 255 effective in the immediate prior year's performance evaluation
 256 pursuant to s. 1012.34 or has completed a 2-year mentorship
 257 program pursuant to s. 1012.56(8). The department shall extend
 258 the temporary certificate upon approval by the Commissioner of
 259 Education. A written request for extension of the certificate
 260 shall be submitted by the district school superintendent, the
 261 governing authority of a university lab school, the governing

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262 authority of a state-supported school, or the governing
 263 authority of a private school.

264 Section 5. Subsections (1) and (2) of section 1012.986,
 265 Florida Statutes, are amended to read:

266 1012.986 William Cecil Golden Professional Development
 267 Program for School Leaders.—

268 (1) There is established the William Cecil Golden
 269 Professional Development Program for School Leaders to provide
 270 high-quality high standards and sustained support for
 271 educational principals as instructional leaders. For purposes of
 272 this section, "educational leader" means teacher leaders,
 273 assistant principals, principals, or school district leaders.
 274 The program shall consist of a collaborative network of school
 275 districts, state-approved educational leadership programs,
 276 regional consortia, charter management organizations, and state
 277 and national professional leadership organizations to respond to
 278 educational instructional leadership needs throughout the state.
 279 The network shall support the human-resource development needs
 280 of educational leaders principals, principal leadership teams,
 281 and candidates for principal leadership positions using the
 282 framework of leadership standards adopted by the State Board of
 283 Education, ~~the Southern Regional Education Board, and the~~
 284 ~~National Staff Development Council~~. The goal of the network
 285 leadership program is to:

286 (a) Provide resources to support and enhance the roles of
 287 educational leaders ~~principal's role as the instructional~~
 288 ~~leader~~.

289 (b) Maintain a clearinghouse and disseminate data-supported
 290 information related to the continued enhancement of enhanced

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291 student achievement and learning, civic education, coaching and
292 mentoring, mental health awareness, technology in education,
293 distance learning, and school safety, based on educational
294 research and best practices.

295 (c) ~~Build the capacity to~~ Increase the quality and capacity
296 of educational leadership development programs ~~for preservice~~
297 ~~education for aspiring principals and inservice professional~~
298 ~~development for principals and principal leadership teams.~~

299 (d) Support evidence-based leadership ~~best teaching and~~
300 ~~research-based instructional~~ practices through dissemination and
301 modeling at the preservice and inservice levels for educational
302 leaders ~~both teachers and principals.~~

303 (2) The Department of Education shall coordinate through
304 the network identified in subsection (1) to offer the program
305 components through multiple delivery systems, including:

306 (a) Approved school district training programs.

307 (b) Interactive technology-based instruction.

308 (c) Regional consortium service organizations pursuant to
309 s. 1001.451.

310 (d) State, regional, university, or local educational
311 leadership academies.

312 (e) Educational leadership coaching and mentoring.

313 Section 6. This act shall take effect July 1, 2021.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1436

INTRODUCER: Senator Gruters

SUBJECT: Florida Postsecondary Academic Library Network

DATE: March 1, 2021

REVISED: _____

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

I. Summary:

SB 1436 establishes the Florida Postsecondary Academic Library Network (Network) under the joint oversight of the Office of the Board of Governors (BOG) and the Department of Education, and repeals the Complete Florida Plus Program (Complete Florida Plus). The bill retains certain functions from Complete Florida Plus Program, with modifications, and adds new functions. The bill:

- Maintains Complete Florida Plus purposes related to distance learning courses and degree programs, and online academic support services, but specifies Network purposes must include providing recommendations on the use and distribution of open-access textbooks and education resources to reduce costs.
- Specifies the Network single library automation system and associated resources and services must include a shared Internet-based catalog and discovery tool, an Internet-based searchable collection of electronic resources, an integrated library management system, and a statewide searchable database that includes an inventory of digital archives and collections that public postsecondary education institutions hold.
- Increases reporting requirements on host entity performance in delivering specified services.
- Maintains an online admissions and computer-assisted student advising system, but removes the Complete Florida Plus requirement that the advising system support K-12 education.
- Requires, by June 1, 2022, the Commissioner of Education and the Chancellor of the BOG to provide a joint recommendation for a process by which school district career centers and charter technical career centers would access appropriate Network services.

See Section V for fiscal comments.

The bill takes effect July 1, 2021.

II. Present Situation:

Florida Virtual Campus

The Florida Virtual Campus (FLVC) was created in 2012 by the Florida Legislature through the consolidation of four statewide organizations: the College Center for Library Automation, the Florida Center for Library Automation, the Florida Center for Advising and Academic Support, and the Florida Distance Learning Consortium.¹

In 2014, the Legislature amended the FLVC to be a Complete Florida Plus Program (Complete Florida Plus) and in 2015 moved management of the FLVC to the University of West Florida's (UWF's) Division of Research and Strategic Innovation, where its mission and purpose remained the same. The units under FLVC included the Florida Academic Library Services Cooperative, Distance Learning and Student Services.²

Complete Florida Plus Program

Complete Florida Plus was created at the UWF to:³

- Facilitate degree completion for Florida's adult learners through the Complete Florida Degree Initiative;⁴
- Maintain and manage Florida's online catalog of distance learning courses, degree programs, and resources;
- Provide statewide online student advising services and support;
- Provide information regarding and access to distance learning courses and degree programs offered by public postsecondary education institutions within the state;
- Coordinate with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective; and
- Administer the Florida Academic Library Services Cooperative and consult with the chancellors of the FCS and the SUS regarding the implementation and operations of the cooperative.

Complete Florida Plus is required to make available online student advising services and support, including:⁵

- A streamlined online admissions application process, to be used by all postsecondary institutions, for undergraduate transient students currently enrolled and pursuing a degree at a public postsecondary education institution who enroll in a course offered by a public postsecondary education institution that is not the student's degree-granting institution. UWF is required to work with FCS institutions and state universities as specified in law.

¹ Florida Virtual Campus, *Organization Profile*, <https://www.flvc.org/organization-profile> (last visited Feb. 26, 2021).

² *Id.*

³ Distance Learning and Student Services, *Complete Florida Plus Program*, <https://dlss.flvc.org/about/legislation-regulation/complete-florida-plus-program> (last visited Feb. 25, 2021). *See also* s. 1006.735(1), F.S.

⁴ *See* s. 1006.735(2), F.S.

⁵ Section 1006.735(4), F.S.

- A K-20 statewide computer-assisted student advising system to support career and education planning for the K-12 system and the process of advising, registering, and certifying postsecondary students for graduation and to include a degree audit and an articulation component. FCS institutions and state universities are to interface institutional advising systems with the statewide computer-assisted student advising system that meets minimum specified requirements.
- A method for identifying and evaluating new technologies and instructional methods for improving distance learning instruction and development for faculty, student learning outcomes, student access, the efficient delivery of student support services, the alignment of degrees to career needs, and the overall quality of postsecondary distance learning courses and degree programs.
- Help desk support and training and consultation services to institutions and students using Complete Florida Plus services and resources.
- Negotiation of statewide licensing resources and preferred pricing agreements, issuing purchase orders, and entering into contracts for the acquisition of distance learning resources, student and support services, electronic resources, and other goods and services necessary.
- Development and implementation of a plan, in consultation with public postsecondary education institutions, that describes the services and resources available through Complete Florida Plus to encourage current and prospective students' use.

Complete Florida Plus develops and manages a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions which is intended to assist in the coordination and collaboration of articulation and access.⁶ Operational procedures for the catalog must:⁷

- Require participating institutions to provide specified information concerning the distance learning course or degree program.
- Require that distance learning courses and degree programs meet applicable accreditation standards and criteria.
- Require that the catalog is reviewed and updated frequently to ensure compliance with operational procedures.
- Define and describe the catalog's search and retrieval options that will allow users to search by specified criteria, at a minimum.
- Use an Internet-based analytic tool that allows the collection and analysis of specified data.

The UWF is required to submit a report on an annual basis to the President of the Senate and the Speaker of the House of Representatives regarding the implementation and operation of all components of Complete Florida Plus, including, but not limited to, information and associated costs relating to the services and functions of the program.⁸

⁶ Section 1006.735(3), F.S.

⁷ *Id.*

⁸ Section 1006.735(5), F.S. See Florida Virtual Campus, *Complete Florida Plus Program 2019 Annual Report* (2019), available at <https://www.flvc.org/documents/96858/1300774/CFPP+2019+Annual+Report.pdf/fcdee5fd-f6e4-014d-89c1-0efbc42f9b58>.

The Northwest Regional Data Center⁹ is required by law to provide all data center services necessary to support the statewide Internet-based catalog established and the statewide online student advising services and support.¹⁰

In 2020, the Governor vetoed the \$29.4 million in the 2020-2021 budget for Complete Florida Plus.¹¹ In July 2020, Complete Florida Plus was decommissioned, and the FLVC was moved to a new host organization, the Northwest Regional Data Center at Florida State University.¹² Since that time, Complete Florida Plus has operated on \$9.8 million in carry-forward accounts.¹³

Florida Academic Library Services Cooperative

The Florida Academic Library Services Cooperative (FALSC) provides a single library automation system and associated resources and services for all public postsecondary institutions to use to support learning, teaching, and research needs.¹⁴ The FALSC develops and manages a library information portal and automated library management tools for use by FCS institutions and state universities.¹⁵

The FALSC is a unit of the FLVC which operates the integrated library system used by public colleges and university libraries statewide. The FALSC also provides more than 150,000 unique, digital archive and collection items and a statewide collection of over 400,000 online journals, e-books, and e-resources, available to assist nearly 1.3 million students, faculty, and staff throughout Florida.¹⁶

Products and services offered by the FALSC include:¹⁷

- Management and maintenance of the statewide collection of e-resources available to students at all 40 public colleges and universities.¹⁸
- A shared catalog of library holdings for students to search for materials owned by any college or university in Florida.
- An integrated library system used by libraries to manage their local collections.
- Collaboration with public post-secondary education institutions to create and support Florida libraries' digital archives and collections.

⁹ See s. 1004.649, F.S.

¹⁰ Section 1006.735(6), F.S.

¹¹ Governor Ron DeSantis, *2020 Veto List* (2020), available at <https://www.flgov.com/wp-content/uploads/2020/06/2020-Veto-List.pdf>, at 5.

¹² Florida Virtual Campus, *Organization Profile*, <https://www.flvc.org/organization-profile> (last visited Feb. 26, 2021).

¹³ Andrew Atterbury, *Florida to rescue 'essential' online education programs after veto*, Politico, July 1, 2020, available at <https://www.politico.com/states/florida/story/2020/07/01/florida-to-rescue-essential-online-education-programs-after-veto-1296642>.

¹⁴ Section 1006.73(1), F.S.

¹⁵ Section 1006.73(2), F.S.

¹⁶ Florida Academic Library Services Cooperative, *About FALSC*, <https://libraries.flvc.org/about-falsc> (last visited Feb. 25, 2021).

¹⁷ *Id.*

¹⁸ Students enrolled in Florida public secondary schools are required to have access to state funded electronic library resources licensed by the Florida Academic Library Services Cooperative. Rule 6A-7.077, F.A.C. Public secondary school students enrolled in the articulated acceleration programs are also eligible to use electronic library resources funded by the Florida Center for Library Automation. Board of Governors Regulation 6.012.

- Negotiation and procurement of e-resources for individual institutions through a group licensing process.
- In-person training and consultation on the FALSC products and services, in addition to online webinars, instruction, and self-paced training for all college and university libraries.
- A centralized Help Desk providing user and technical support for the FALSC library services.
- A statewide open education community to promote and support textbook affordability and Open Educational Resources.

The UWF is tasked with hiring a director for the FALSC to report to and be under the supervision and direction of the director of Complete Florida Plus,¹⁹ and the UWF is required to submit on an annual basis a report to the President of the Senate and the Speaker of the House of Representatives describing the implementation and operation of the FALSC.²⁰

Distance Learning and Student Services

Distance Learning and Student Services (DLSS) provides an array of innovative educational services for students, educators, and administrators in the sunshine state. The DLSS operates several statewide services that impact the success of the state's students, of which one of the more popular is FloridaShines.²¹

FloridaShines

FloridaShines works with the state's public colleges and universities and other partners as a website where students can check their transcripts, register for online courses, search academic libraries across the state, and compare colleges and universities, among other activities, at no cost to the student.²²

MyCareerShines

MyCareerShines provides career education and associated academic advising as a portal for Complete Florida Plus.²³ The FLVC's MyCareerShines career exploration system allows individuals to take skill and interest assessments and match their results to profiles of potential careers, while emphasizing those with high-growth potential in Florida. Cost-free resources available assist in creating an education plan, searching for scholarships, writing a resume, interviewing, and locating available jobs in Florida. MyCareerShines offers specialized modules for PreK-5 students, middle and high school students, college and university students, and adults.²⁴

¹⁹ Section 1006.73(3), F.S.

²⁰ Section 1006.73(4), F.S.

²¹ Florida Virtual Campus, *Organization Profile*, <https://www.flvc.org/organization-profile> (last visited Feb. 26, 2021).

²² *Id.*

²³ Florida Virtual Campus, *Complete Florida Plus Program 2019 Annual Report* (2019), available at <https://www.flvc.org/documents/96858/1300774/CFPP+2019+Annual+Report.pdf/fcdee5fd-f6e4-014d-89c1-0efbc42f9b58>, at 1.

²⁴ *Id.*, at 3.

MyCareerShines has registered more than 859,000 users, with more than 1.2 million career assessments completed by middle school, high school, college, and adult users of the system. MyCareerShines is being used in approximately 3,400 middle school, high school and postsecondary institutions throughout Florida.²⁵

III. Effect of Proposed Changes:

SB 1436 establishes the Florida Postsecondary Academic Library Network (Network) under the joint oversight of the Office of the Board of Governors (BOG) and the Department of Education (DOE) in place of the Florida Academic Library Services Cooperative, and repeals the Complete Florida Plus Program (Complete Florida Plus).

The bill declares the purpose of the Network to deliver specified services to public postsecondary education institutions in Florida, namely all Florida College System (FCS) and State University System (SUS) institutions. The bill retains the general purpose of Complete Florida Plus, which includes the following services:

- Provision of information regarding and access to distance learning courses and degree programs offered by public postsecondary education institutions within the state.
- Coordination with the FCS and SUS to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective.
- Administration of a single library automation system and associated resources and services that all public postsecondary institutions use to support learning, teaching, and research needs, and development of automated library management tools.

The bill also adds to the Network the following services and functions:

- To the single library automation system:
 - A shared Internet-based catalog and discovery tool that allows a user to search and, if authorized, access the aggregate library holdings of the state's public postsecondary education institutions. The catalog and discovery tool must allow a user to search the library holdings of one institution, selected institutions, or all institutions and, to the extent feasible, must include an interlibrary loan function that ensures an authorized user can access the required library holding.
 - An Internet-based searchable collection of electronic resources which must include, but not be limited to, full-text journals, articles, databases, and electronic books licensed as specified.
 - An integrated library management system and its associated services that all public postsecondary education institution academic libraries must use for purposes of acquiring, cataloging, circulating, and tracking library material.
 - A statewide searchable database that includes an inventory of digital archives and collections held by public postsecondary education institutions.
- Coordination, with FCS institutions' and state universities' library staff, of the negotiation of statewide licensing of electronic library resources and preferred pricing agreements, issue

²⁵ Florida Virtual Campus, *Complete Florida Plus Program 2019 Annual Report* (2019), available at <https://www.flvc.org/documents/96858/1300774/CFPP+2019+Annual+Report.pdf/fcdee5fd-f6e4-014d-89c1-0efbc42f9b58>, at 13.

purchase orders, and entering into contracts for the acquisition of library support services, electronic resources, and other goods and services necessary to carry out its authorized duties.

- Promotion and provision of recommendations concerning the use and distribution of open-access textbooks and education resources as a method for reducing costs.
- Provision of appropriate help desk support and training and consultation services to institutions and students.

The bill maintains from Complete Florida Plus a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions, intended to assist in the coordination and collaboration of articulation and access specified in law.²⁶

In addition, the bill expands on functions in the Complete Florida Plus catalog of distance learning courses, to specify that the host entity is responsible for developing and disseminating operational procedures and technical guidelines for the catalog, to be followed by all participating institutions, which guidelines must address the following:

- Specific information concerning the distance learning course or degree program, including but not limited to course number, classification of instructional programs number, and information on the availability of the course or degree program; any prerequisite course or technology competency or skill; the availability of academic support services and financial aid resources; and course costs, fees, and payment policies.
- Definitions and descriptions of the catalog's search and retrieval options that will at a minimum allow users to search by academic term or course start date; institution, multiple institutions, or all institutions; and course or program delivery methods, course type, course availability, subject or discipline, and course number or classification of instructional programs number.
- An Internet-based analytic tool that allows for the collection and analysis of data as to usage of resources accessed or interaction with constituent institutions whose courses and programs are listed in the catalog.
- Frequent review and updates to institution catalogs to ensure that distance learning courses and degree programs comply with operational procedures.

The bill retains Complete Florida Plus student advising and support, with some modifications. Specifically, the bill requires the student advising services to provide:

- A streamlined online admissions application process, to be used by all public postsecondary institutions, for undergraduate transient students currently enrolled and pursuing a degree at a public postsecondary education institution who enroll in a course offered by a public postsecondary education institution that is not the student's degree-granting institution, which must:
 - Use the transient student admissions application available through the statewide computer-assisted student advising system as specified. This admissions application is the only application required for enrollment of a transient student as described.
 - Implement the financial aid procedures required by the transient student admissions application process.

²⁶ Sections 1007.01 - 1007.273, F.S.

- Transfer credit awarded by the institution offering the course to the transient student's degree-granting institution.
- Provide an interface between the institutional advising system and the statewide computer-assisted student advising system established, in order to electronically send, receive, and process the transient student admissions application.
- A statewide computer-assisted student advising system to support the process of advising, registering, and capturing student progression toward a degree and career and which must include a degree audit and an articulation component. The bill removes from the Complete Florida Plus student advising system a requirement for K-12 support. FCS institutions and state universities are required to interface institutional advising systems with the statewide computer-assisted student advising system, which must, at a minimum:
 - Allow a student to access the system at any time.
 - Allow a student to search public postsecondary education institutions and identify course options that will meet the requirements of a selected path toward a degree.
 - Audit transcripts of students enrolled in a public postsecondary education institution to assess current academic standing, the requirements for a student to transfer to another institution, and all requirements necessary for graduation.
 - Serve as the official statewide repository for the common prerequisite manual, admissions information for transferring programs, foreign language requirements, residency requirements, and statewide articulation agreements.
 - Provide information relating to career descriptions and corresponding educational requirements, admissions requirements, and available student financial assistance sources.
 - Provide the admissions application for transient students as specified, which must include the electronic transfer and receipt of information and records for admissions and readmissions, financial aid, and transfer of credit awarded by the institution offering the course to the transient student's degree-granting institution using the Florida Automated System for Transferring Educational Records (the "FASTER System").
- A method for identifying and evaluating new technologies and instructional methods for improving distance learning instruction and development for faculty, student learning outcomes, student access, the efficient delivery of student support services, and the overall quality of postsecondary distance learning courses and degree programs.
- Negotiation of statewide licensing resources and preferred pricing agreements, issuing purchase orders, and entering into contracts for the acquisition of distance learning resources, student and support services, electronic resources, and other goods and services necessary.

The bill changes the host from the UWF but retains a reporting requirement similar to Complete Florida Plus. The bill requires the host entity, beginning December 31, 2021 and each year thereafter, to submit a report to the Chancellors of the SUS and FCS regarding the implementation and operation of all components described, including but not limited to usage information collected, information and associated costs relating to the services and functions of the program, and the implementation and operation of the automated library services. The chancellors are required to provide an annual report on the performance of the host entity in delivering the services and any recommendations for changes needed to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the State Board of Education.

The bill assigns the Office of the BOG and the DOE joint responsibility for determining the host entity for the services described and sharing in the receipt and administration of an associated appropriation as described in the General Appropriations Act. The Chancellors of the FCS and BOG are required to provide oversight for successful delivery by the host entity of the services described. The bill also removes the requirement under Complete Florida Plus that the Northwest Regional Data Center support the Network.

The bill adds a new requirement that the Commissioner of Education and the Chancellor of the SUS must, by June 1, 2022, provide a joint recommendation for a process by which school district career centers operated pursuant to state law and charter technical career centers operated pursuant to state law would access appropriate postsecondary distance learning, student support services, and library assets described. The recommendation must include an analysis of the resources necessary to expand access and assets to centers and their students.

Where applicable, the bill updates statutory references to specified services provided by the Network to read Florida Postsecondary Academic Library Network.

In accordance with the repeal of Complete Florida Plus, the bill removes statutory references to Complete Florida Plus and to the Complete Florida Degree Initiative, removes statutory requirements to use a graphic and description provided by Complete Florida Plus to inform students of the catalog, and removes a directive in law that encouraged veterans, if appropriate, to participate in the Complete Florida Degree Program.

The bill takes effect July 1, 2021.

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 Governor has recommended funding to cover costs associated with the Florida Postsecondary Academic Library Network in the amount of \$9,076,322 for Florida College System institutions and \$11,836,500 for state universities.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 257.02, 295.22, 1004.013, 1006.73, 1007.01, 1007.27, 1009.23, and 1009.24.

This bill repeals section 1006.735 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁷ Governor Ron DeSantis, *Fiscal Year 2021-2022 Governor's Recommended General Appropriations Act (2021)*, available at <http://www.bolderbrighterbetterfuture.com/content/Current/reports/Governors-Bill.pdf>, Section 1, at 4 and 5.

By Senator Gruters

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1 A bill to be entitled
 2 An act relating to the Florida Postsecondary Academic
 3 Library Network; amending ss. 257.02 and 295.22, F.S.;
 4 conforming provisions to changes made by the act;
 5 amending s. 1004.013, F.S.; revising provisions
 6 relating to the awareness of certain postsecondary
 7 education programs and initiatives; amending s.
 8 1006.73, F.S.; deleting provisions relating to the
 9 Florida Academic Library Services Cooperative;
 10 providing responsibilities for the Florida
 11 Postsecondary Academic Library Network; providing that
 12 the Board of Governors and the Department of Education
 13 will oversee a host entity chosen to deliver certain
 14 services; providing the services to be provided by the
 15 host entity; transferring responsibility for the
 16 statewide Internet-based catalog of distance learning
 17 courses to the host entity; providing requirements for
 18 such catalog; transferring responsibility for certain
 19 statewide online student advising services to the host
 20 entity; providing requirements for such services;
 21 requiring the host entity to annually submit a certain
 22 report by a specified date; providing requirements for
 23 such report; requiring the chancellors of the State
 24 University System and the Florida College System to
 25 provide a certain report; providing that specified
 26 entities have responsibility for the governance and
 27 administration of the provided services; requiring
 28 specified entities to issue a recommendation and
 29 report on expanding organizations who may access the

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30 provided services; repealing s. 1006.735, F.S.,
 31 relating to the Complete Florida Plus Program;
 32 amending s. 1007.01, F.S.; conforming a cross-
 33 reference; amending s. 1007.27, F.S.; conforming a
 34 provision to changes made by the act; amending ss.
 35 1009.23 and 1009.24, F.S.; conforming cross-
 36 references; revising a requirement to include a
 37 certain graphic on specified websites; providing an
 38 effective date.

39
 40 Be It Enacted by the Legislature of the State of Florida:

41
 42 Section 1. Subsection (1) of section 257.02, Florida
 43 Statutes, is amended to read:

44 257.02 State Library Council.—

45 (1) There shall be a State Library Council to advise and
 46 assist the division with planning, policy, and priorities
 47 related to the development of statewide information services.
 48 The council shall consist of nine members who shall be appointed
 49 by the Secretary of State. Of the nine members, three members
 50 must represent Florida public libraries, two members must
 51 represent the Florida Postsecondary Academic Library Network
 52 ~~Services Cooperative~~, one member must represent a multitype
 53 library cooperative, one member must represent a school library
 54 media center, one member must represent the Independent Colleges
 55 and Universities of Florida, and one member must represent a
 56 Florida library professional association. Members shall be
 57 appointed for 4-year terms. A vacancy on the council shall be
 58 filled for the period of the unexpired term. A person may not be

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59 appointed to serve more than two consecutive terms as a member
60 of the council. The secretary may remove from office any council
61 member for malfeasance, misfeasance, neglect of duty,
62 incompetence, permanent inability to perform official duties, or
63 pleading guilty or nolo contendere to, or being found guilty of,
64 a felony.

65 Section 2. Paragraph (b) of subsection (3) of section
66 295.22, Florida Statutes, is amended to read:

67 295.22 Veterans Employment and Training Services Program.—

68 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall
69 administer the Veterans Employment and Training Services Program
70 and perform all of the following functions:

71 (b) Assist veterans who reside in or relocate to this state
72 and who are seeking employment. The corporation shall offer
73 skills assessments to veterans and assist them in establishing
74 employment goals and applying for and achieving gainful
75 employment.

76 1. Assessment may include skill match information, skill
77 gap analysis, resume creation, translation of military skills
78 into civilian workforce skills, and translation of military
79 achievements and experience into generally understood civilian
80 workforce skills.

81 2. Assistance may include providing the veteran with
82 information on current workforce demand by industry or
83 geographic region, creating employment goals, and aiding or
84 teaching general knowledge related to completing applications.
85 The corporation may provide information related to industry
86 certifications approved by the Department of Education under s.
87 1008.44 as well as information related to earning academic

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88 college credit at public postsecondary educational institutions
89 for college-level training and education acquired in the
90 military under s. 1004.096.

91 3. The corporation shall encourage veterans to register
92 with the state's job bank system and may refer veterans to local
93 one-stop career centers for further services. The corporation
94 shall provide each veteran with information about state
95 workforce programs and shall consolidate information about all
96 available resources on one website that, if possible, includes a
97 hyperlink to each resource's website and contact information, if
98 available. ~~If appropriate, a veteran shall be encouraged to~~
99 ~~participate in the Complete Florida Degree Program established~~
100 ~~under s. 1006.735.~~

101 4. Assessment and assistance may be in person or by
102 electronic means, as determined by the corporation to be most
103 efficient and best meet the needs of veterans.

104 Section 3. Paragraph (a) of subsection (2) of section
105 1004.013, Florida Statutes, is amended to read:

106 1004.013 SAIL to 60 Initiative.—

107 (2) The State Board of Education and the Board of Governors
108 shall work collaboratively to, at a minimum:

109 (a) Increase the awareness and use of:

110 1. The student advising system established under s. 1006.73
111 ~~s. 1006.735(4)(b).~~

112 ~~2. The Complete Florida Degree Initiative established under~~
113 ~~s. 1006.735(2) that facilitates degree completion for the~~
114 ~~state's adult learners. The Chancellor of the State University~~
115 ~~System and the Chancellor of the Florida College System shall~~
116 ~~consult with the Complete Florida Degree Initiative to identify~~

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117 ~~barriers to program expansion and develop recommendations to~~
 118 ~~increase the number of participating institutions and students~~
 119 ~~served by the program. The recommendations must consider, at a~~
 120 ~~minimum, methods for increasing outreach efforts to help~~
 121 ~~students complete the "last mile" by providing financial~~
 122 ~~assistance to students who are within 12 credit hours of~~
 123 ~~completing their first associate or baccalaureate degree, but~~
 124 ~~have separated from their institution of enrollment for more~~
 125 ~~than one semester. Recommendations must be submitted to the~~
 126 ~~Board of Governors, the State Board of Education, and the~~
 127 ~~Governor no later than October 1, 2019.~~

128 ~~2.3.~~ Summer bridge programs at state universities and
 129 Florida College System institutions that help students
 130 transition to postsecondary education.

131 Section 4. Section 1006.73, Florida Statutes, is amended to
 132 read:

133 (Substantial rewording of section. See
 134 s. 1006.73, F.S., for present text.)

135 1006.73 Florida Postsecondary Academic Library Network.-

136 (1) PURPOSE.-The Board of Governors and the Department of
 137 Education shall jointly oversee the host entity in accordance
 138 with subsection (5) which will deliver the following services to
 139 public postsecondary education institutions in this state,
 140 which, for the purposes of this section, means all Florida
 141 College System and State University System institutions:

142 (a) Provide information regarding and access to distance
 143 learning courses and degree programs offered by public
 144 postsecondary education institutions within this state.

145 (b) Coordinate with the Florida College System and the

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146 State University System to identify and provide online academic
 147 support services and resources when the multi-institutional
 148 provision of such services and resources is more cost effective
 149 or operationally effective.

150 (c) Administer a single library automation system and
 151 associated resources and services that all public postsecondary
 152 institutions shall use to support learning, teaching, and
 153 research needs and develop automated library management tools
 154 that shall include, but are not limited to, the following
 155 services and functions:

156 1. A shared Internet-based catalog and discovery tool that
 157 allows a user to search and, if authorized, access the aggregate
 158 library holdings of this state's public postsecondary education
 159 institutions. The catalog and discovery tool shall allow a user
 160 to search the library holdings of one institution, selected
 161 institutions, or all institutions and, to the extent feasible,
 162 shall include an interlibrary loan function that ensures an
 163 authorized user can access the required library holding.

164 2. An Internet-based searchable collection of electronic
 165 resources which shall include, but not be limited to, full-text
 166 journals, articles, databases, and electronic books licensed
 167 pursuant to paragraph (d).

168 3. An integrated library management system and its
 169 associated services that all public postsecondary education
 170 institution academic libraries shall use for purposes of
 171 acquiring, cataloging, circulating, and tracking library
 172 material.

173 4. A statewide searchable database that includes an
 174 inventory of digital archives and collections held by public

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175 postsecondary education institutions.

176 (d) In collaboration with library staff from Florida
 177 College System institutions and state universities, coordinate
 178 the negotiation of statewide licensing of electronic library
 179 resources and preferred pricing agreements, issue purchase
 180 orders, and enter into contracts for the acquisition of library
 181 support services, electronic resources, and other goods and
 182 services necessary to carry out its duties under this section.

183 (e) Promote and provide recommendations concerning the use
 184 and distribution of open-access textbooks and education
 185 resources as a method for reducing costs.

186 (f) Provide appropriate help desk support, training, and
 187 consultation services to institutions and students.

188 (2) STATEWIDE INTERNET-BASED CATALOG OF DISTANCE LEARNING
 189 COURSES.—There is established a statewide Internet-based catalog
 190 of distance learning courses, degree programs, and resources
 191 offered by public postsecondary education institutions which is
 192 intended to assist in the coordination and collaboration of
 193 articulation and access pursuant to parts II and III of chapter
 194 1007. The host entity is responsible for developing and
 195 disseminating operational procedures and technical guidelines
 196 for the catalog, to be followed by all participating
 197 institutions. Operating procedures and technical guidelines will
 198 address the following:

199 (a) Specific information concerning the distance learning
 200 course or degree program, including, but not limited to, course
 201 number, classification of instructional programs number, and
 202 information on the availability of the course or degree program;
 203 any prerequisite course or technology competency or skill; the

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204 availability of academic support services and financial aid
 205 resources; and course costs, fees, and payment policies.

206 (b) Definitions and descriptions of the catalog's search
 207 and retrieval options that, at a minimum, will allow users to
 208 search by academic term or course start date; institution,
 209 multiple institutions, or all institutions; and course or
 210 program delivery methods, course type, course availability,
 211 subject or discipline, and course number or classification of
 212 instructional programs number.

213 (c) An Internet-based analytic tool that allows for the
 214 collection and analysis of data as to usage of resources
 215 accessed or interaction with constituent institutions whose
 216 courses and programs are listed in the catalog.

217 (d) Frequent review and updates to institution catalogs to
 218 ensure that distance learning courses and degree programs comply
 219 with operational procedures.

220 (3) STATEWIDE ONLINE STUDENT ADVISING SERVICES AND
 221 SUPPORT.—The following online services and support shall be made
 222 available on a statewide basis:

223 (a) A streamlined online admissions application process,
 224 which shall be used by all public postsecondary institutions,
 225 for undergraduate transient students currently enrolled and
 226 pursuing a degree at a public postsecondary education
 227 institution who enroll in a course offered by a public
 228 postsecondary education institution that is not the student's
 229 degree-granting institution, which shall:

230 1. Use the transient student admissions application
 231 available through the statewide computer-assisted student
 232 advising system established pursuant to paragraph (b). This

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233 admissions application is the only application required for
 234 enrollment of a transient student as described in this
 235 paragraph.

236 2. Implement the financial aid procedures required by the
 237 transient student admissions application process.

238 3. Transfer credit awarded by the institution offering the
 239 course to the transient student's degree-granting institution.

240 4. Provide an interface between the institutional advising
 241 system and the statewide computer-assisted student advising
 242 system established pursuant to paragraph (b) in order to
 243 electronically send, receive, and process transient student
 244 admissions application.

245 (b) A statewide computer-assisted student advising system
 246 that shall support the process of advising, registering, and
 247 capturing student progression toward a degree and career and
 248 shall include a degree audit and an articulation component.
 249 Florida College System institutions and state universities shall
 250 interface institutional advising systems with the statewide
 251 computer-assisted student advising system. At a minimum, the
 252 statewide computer-assisted student advising system shall:

253 1. Allow a student to access the system at any time.

254 2. Allow a student to search public postsecondary education
 255 institutions and identify course options that will meet the
 256 requirements of a selected path toward a degree.

257 3. Audit transcripts of students enrolled in a public
 258 postsecondary education institution to assess current academic
 259 standing, the requirements for a student to transfer to another
 260 institution, and all requirements necessary for graduation.

261 4. Serve as the official statewide repository for the

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262 common prerequisite manual, admissions information for
 263 transferring programs, foreign language requirements, residency
 264 requirements, and statewide articulation agreements.

265 5. Provide information relating to career descriptions and
 266 corresponding educational requirements, admissions requirements,
 267 and available sources of student financial assistance.

268 6. Provide the admissions application for transient
 269 students pursuant to paragraph (a) which must include the
 270 electronic transfer and receipt of information and records for:

271 a. Admissions and readmissions.

272 b. Financial aid.

273 c. Transfer of credit awarded by the institution offering
 274 the course to the transient student's degree-granting
 275 institution using the Florida Automated System for Transferring
 276 Educational Records (the "FASTER System").

277 (c) A method for identifying and evaluating new
 278 technologies and instructional methods for improving distance
 279 learning instruction and development for faculty, student
 280 learning outcomes, student access, the efficient delivery of
 281 student support services, and the overall quality of
 282 postsecondary distance learning courses and degree programs.

283 (d) Negotiation of statewide licensing resources and
 284 preferred pricing agreements, issuing purchase orders, and
 285 entering into contracts for the acquisition of distance learning
 286 resources, student and support services, electronic resources,
 287 and other goods and services necessary to carry out duties under
 288 this section.

289 (4) REPORTING.—Beginning December 31, 2021, and each year
 290 thereafter, the host entity shall submit a report to the

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291 chancellors of the State University System and the Florida
 292 College System regarding the implementation and operation of all
 293 components described in this section, including, but not limited
 294 to, usage information collected under paragraph (2) (c),
 295 information and associated costs relating to the services and
 296 functions of the program, and the implementation and operation
 297 of the automated library services. The chancellors will provide
 298 an annual report on the performance of the host entity in
 299 delivering the services and any recommendations for changes
 300 needed to this section to the Governor, the President of the
 301 Senate, the Speaker of the House of Representatives, the Board
 302 of Governors, and the State Board of Education.

303 (5) GOVERNANCE AND ADMINISTRATION.—The Office of the Board
 304 of Governors and the Department of Education shall have joint
 305 responsibility for determining the host entity for the services
 306 described in this section and shall share in the receipt and
 307 administration of an associated appropriation as described in
 308 the General Appropriations Act. The chancellors of the Florida
 309 College System and the Board of Governors shall provide
 310 oversight for successful delivery by the host entity of the
 311 services described in this section.

312 (6) RECOMMENDATION ON OTHER EDUCATIONAL INSTITUTIONS TO BE
 313 INCLUDED WITHIN THE FLORIDA POSTSECONDARY ACADEMIC LIBRARY
 314 NETWORK.—By June 1, 2022, the Commissioner of Education and the
 315 Chancellor of the State University System shall provide a joint
 316 recommendation for a process by which school district career
 317 centers operated under s. 1001.44 and charter technical career
 318 centers under s. 1002.34 would access appropriate postsecondary
 319 distance learning, student support services, and library assets

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320 described in this section. The recommendation must include an
 321 analysis of the resources necessary to expand access and assets
 322 to centers and their students.

323 Section 5. Section 1006.735, Florida Statutes, is repealed.

324 Section 6. Paragraph (h) of subsection (3) of section
 325 1007.01, Florida Statutes, is amended to read:

326 1007.01 Articulation; legislative intent; purpose; role of
 327 the State Board of Education and the Board of Governors;
 328 Articulation Coordinating Committee.—

329 (3) The Commissioner of Education, in consultation with the
 330 Chancellor of the State University System, shall establish the
 331 Articulation Coordinating Committee, which shall make
 332 recommendations related to statewide articulation policies and
 333 issues regarding access, quality, and reporting of data
 334 maintained by the K-20 data warehouse, established pursuant to
 335 ss. 1001.10 and 1008.31, to the Higher Education Coordination
 336 Council, the State Board of Education, and the Board of
 337 Governors. The committee shall consist of two members each
 338 representing the State University System, the Florida College
 339 System, public career and technical education, K-12 education,
 340 and nonpublic postsecondary education and one member
 341 representing students. The chair shall be elected from the
 342 membership. The Office of K-20 Articulation shall provide
 343 administrative support for the committee. The committee shall:

344 (h) Recommend roles and responsibilities of public
 345 education entities in interfacing with the single, statewide
 346 computer-assisted student advising system established pursuant
 347 to s. 1006.73 ~~s. 1006.735~~.

348 Section 7. Subsection (1) of section 1007.27, Florida

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349 Statutes, is amended to read:

350 1007.27 Articulated acceleration mechanisms.—

351 (1) It is the intent of the Legislature that a variety of
 352 articulated acceleration mechanisms be available for secondary
 353 and postsecondary students attending public educational
 354 institutions. It is intended that articulated acceleration serve
 355 to shorten the time necessary for a student to complete the
 356 requirements associated with the conference of a high school
 357 diploma and a postsecondary degree, broaden the scope of
 358 curricular options available to students, or increase the depth
 359 of study available for a particular subject. Articulated
 360 acceleration mechanisms shall include, but are not limited to,
 361 dual enrollment and early admission as provided for in s.
 362 1007.271, advanced placement, credit by examination, the
 363 International Baccalaureate Program, and the Advanced
 364 International Certificate of Education Program. Credit earned
 365 through the Florida Virtual School shall provide additional
 366 opportunities for early graduation and acceleration. Students of
 367 Florida public secondary schools enrolled pursuant to this
 368 subsection shall be deemed authorized users of the state-funded
 369 electronic library resources that are licensed for Florida
 370 College System institutions and state universities by the
 371 Florida Postsecondary Academic Library Network Services
 372 Cooperative. Verification of eligibility shall be in accordance
 373 with rules established by the State Board of Education and
 374 regulations established by the Board of Governors and processes
 375 implemented by Florida College System institutions and state
 376 universities.

377 Section 8. Paragraphs (a) and (c) of subsection (16) and

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378 subsection (17) of section 1009.23, Florida Statutes, are
 379 amended to read:

380 1009.23 Florida College System institution student fees.—

381 (16) (a) Each Florida College System institution may assess
 382 a student who enrolls in a course listed in the distance
 383 learning catalog, established pursuant to s. 1006.73 ~~or~~
 384 ~~1006.735~~, a per-credit-hour distance learning course user fee.
 385 For purposes of assessing this fee, a distance learning course
 386 is a course in which at least 80 percent of the direct
 387 instruction of the course is delivered using some form of
 388 technology when the student and instructor are separated by time
 389 or space, or both.

390 (c) If an institution assesses the distance learning fee,
 391 the institution must provide a link to the catalog within the
 392 advising and distance learning sections of the institution's
 393 website, ~~using a graphic and description provided by the~~
 394 ~~Complete Florida Plus Program, to inform students of the~~
 395 ~~catalog.~~

396 (17) Each Florida College System institution that accepts
 397 transient students, pursuant to s. 1006.73 ~~or 1006.735~~, may
 398 establish a transient student fee not to exceed \$5 per course
 399 for processing the transient student admissions application.

400 Section 9. Paragraph (t) of subsection (14) and paragraphs
 401 (a) and (c) of subsection (17) of section 1009.24, Florida
 402 Statutes, are amended to read:

403 1009.24 State university student fees.—

404 (14) Except as otherwise provided in subsection (15), each
 405 university board of trustees is authorized to establish the
 406 following fees:

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407 (t) A transient student fee that may not exceed \$5 per
408 course for accepting a transient student and processing the
409 transient student admissions application pursuant to s. 1006.73
410 ~~s. 1006.735~~.

411
412 With the exception of housing rental rates and except as
413 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)
414 shall be based on reasonable costs of services. The Board of
415 Governors shall adopt regulations and timetables necessary to
416 implement the fees and fines authorized under this subsection.
417 The fees assessed under this subsection may be used for debt
418 only as authorized under s. 1010.62.

419 (17) (a) A state university may assess a student who enrolls
420 in a course listed in the distance learning catalog, established
421 pursuant to s. 1006.73 ~~s. 1006.735~~, a per-credit-hour distance
422 learning course fee. For purposes of assessing this fee, a
423 distance learning course is a course in which at least 80
424 percent of the direct instruction of the course is delivered
425 using some form of technology when the student and instructor
426 are separated by time or space, or both.

427 (c) If an institution assesses the distance learning fee,
428 the institution must provide a link to the catalog within the
429 advising and distance learning sections of the institution's
430 website, ~~using a graphic and description provided by the~~
431 ~~Complete Florida Plus Program, informing students of the~~
432 ~~catalog.~~

433 Section 10. This act shall take effect July 1, 2021.