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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to education; creating s. 446.541, F.S.; providing legislative intent; defining terms; providing that individuals enrolled in certain apprenticeship or preapprenticeship programs or work-based learning courses are deemed to be employees of the state for purposes of workers' compensation; specifying responsibilities and payment for the costs of workers' compensation benefits; requiring reporting within a specified timeframe on participants in work-based learning; amending s. 1008.44, F.S.; requiring the CAPE Industry Certification Funding List to incorporate by reference the industry certifications on the career pathways list approved for the Florida Gold Seal CAPE Scholars award; providing requirements for industry certifications associated with aviation-related and aerospace-related occupations; providing that such certifications are eligible for additional full-time equivalent membership; providing that the Commissioner of Education may limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades for a specified purpose; amending s. 1011.62, F.S.; revising the calculation of certain additional full-time equivalent membership relating to funding for the operation of schools; deleting a provision relating to full-time equivalent membership calculation for elementary and middle



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28 students; providing for a calculation of full-time
29 equivalent membership for aviation-related and
30 aerospace-related occupations meeting specified
31 criteria; authorizing the use of a specified
32 percentage of certain funds for CAPE program expenses;
33 limiting the amount of funds that may be used for
34 administrative costs; prohibiting the use of CAPE
35 funding to supplant funds provided for basic operation
36 of the CAPE program; providing an effective date for
37 changes to the calculation; amending s. 1011.80, F.S.;
38 revising performance funding for industry
39 certifications for school district workforce education
40 programs to provide for Federal Aviation
41 Administration (FAA) industry certifications; amending
42 s. 1011.81, F.S.; revising performance funding for
43 industry certifications for Florida College System
44 institutions to provide for FAA industry
45 certifications; requiring the Commissioner of
46 Education to submit to certain entities by a specified
47 date a report with recommendations relating to the
48 implementation of the Pathways in Technology Early
49 College High School program, or a similar program;
50 providing requirements for such program and report;
51 providing for expiration; providing effective dates.

52

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

54

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



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57 446.541 Work-based learning.-

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

62 (2) For purposes of this section, the term "work-based
63 learning" is synonymous with the term "on-the-job training" and
64 means interactions with industry or community professionals in
65 off-campus workplaces which foster in-depth, firsthand
66 engagement with the tasks required in a given career field and
67 which are aligned to curriculum and instruction, through an
68 apprenticeship program or a preapprenticeship program or as a
69 student in a course identified in the Course Code Directory.

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

75 1. Individuals 18 years of age or younger who are enrolled
76 in a Florida-registered preapprenticeship program that requires
77 work-based learning or a registered apprenticeship program
78 administered under ss. 446.011-446.092.

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

83 (b) Workers' compensation costs associated with such
84 participants shall not be included or combined with the premiums
85 otherwise due from the department pursuant to chapter 284, but



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86 shall be billed separately to the department's workforce
87 education programs and are payable solely from appropriations
88 provided to the department's workforce education programs or
89 specifically for the payment of such costs.

90 (c) In order for the provisions of paragraph (a) to apply
91 to a participant, each preapprenticeship program and
92 apprenticeship program registered with the department and each
93 school board, community college, or career center offering
94 courses identified in the Course Code Directory which
95 incorporate a work-based learning component or an activity that
96 is unpaid shall provide the following information to the
97 department not later than 30 days after a participant begins his
98 or her participation in work-based learning:

99 1. The name of each such participant;

100 2. The amount hourly compensation to be paid to such
101 participant, if any;

102 3. The number of hours per week that such participant will
103 be receiving on-the-job training as a participant in and
104 required for the preapprenticeship program, apprenticeship
105 program, or course which incorporates a work-based learning
106 component or an activity that is unpaid.

107
108 The department shall provide such information to the Division of
109 Risk Management of the Department of Financial Services,
110 together with any additional information required by the
111 division for the purposes of administering chapter 284.

112 (d) Notwithstanding ss. 284.36 and 284.44, the department
113 shall be responsible for paying workers' compensation costs for
114 participants who are entitled to workers' compensation benefits



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115 pursuant to chapter 440 solely from funds appropriated to the
116 department for such purpose. Coverage for such workers'
117 compensation benefits shall be provided by the Division of Risk
118 Management of the Department of Financial Services. The costs
119 for such coverage shall be paid by the department to the
120 division. For fiscal year 2020-2021, the department shall pay
121 the division \$470,000 on August 15, 2020, on November 15, 2020,
122 on February 1, 2021, and on May 15, 2021, for such costs. For
123 subsequent fiscal years, the division shall bill the department
124 for such workers' compensation costs quarterly, based on such
125 costs from the preceding state fiscal year. The department shall
126 pay such quarterly bills on August 15, on October 15, on
127 February 15, and on May 15 of each fiscal year.

128 Section 2. Paragraph (a) of subsection (1) and paragraph
129 (b) of subsection (4) of section 1008.44, Florida Statutes, are
130 amended, and paragraph (f) is added to subsection (1) of that
131 section, to read:

132 1008.44 CAPE Industry Certification Funding List and CAPE
133 Postsecondary Industry Certification Funding List.—

134 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department
135 of Education shall, at least annually, identify, under rules
136 adopted by the State Board of Education, and the Commissioner of
137 Education may at any time recommend adding the following
138 certificates, certifications, and courses:

139 (a) CAPE industry certifications identified on the CAPE
140 Industry Certification Funding List that must be applied in the
141 distribution of funding to school districts pursuant to s.
142 1011.62(1)(o). The CAPE Industry Certification Funding List
143 shall incorporate by reference the industry certifications on



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144 the career pathways list approved for the Florida Gold Seal CAPE
145 ~~Vocational~~ Scholars award. In addition, by August 1 of each
146 year, the not-for-profit corporation established pursuant to s.
147 445.004 may annually select one industry certification, that
148 does not articulate for college credit, for inclusion on the
149 CAPE Industry Certification Funding List for a period of 3 years
150 unless otherwise approved by the curriculum review committee
151 pursuant to s. 1003.491. Such industry certifications, if earned
152 by a student, shall be eligible for additional full-time
153 equivalent membership, pursuant to s. 1011.62(1)(o)1.

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

160 (4)

161 (b) For the purpose of calculating additional full-time
162 equivalent membership pursuant to s. 1011.62(1)(o)1.e., the
163 Commissioner of Education may limit CAPE industry certifications
164 and CAPE Digital Tool certificates to students in certain grades
165 ~~based on formal recommendations by providers of CAPE industry~~
166 ~~certifications and CAPE Digital Tool certificates.~~

167 Section 3. Effective July 1, 2021, paragraph (o) of
168 subsection (1) of section 1011.62, Florida Statutes, is amended
169 to read:

170 1011.62 Funds for operation of schools.—If the annual
171 allocation from the Florida Education Finance Program to each
172 district for operation of schools is not determined in the



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173 annual appropriations act or the substantive bill implementing
174 the annual appropriations act, it shall be determined as
175 follows:

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

180 (o) *Calculation of additional full-time equivalent*
181 *membership based on successful completion of a career-themed*
182 *course pursuant to ss. 1003.491, 1003.492, and 1003.493, or*
183 *courses with embedded CAPE industry certifications or CAPE*
184 *Digital Tool certificates, and issuance of industry*
185 *certification identified on the CAPE Industry Certification*
186 *Funding List pursuant to rules adopted by the State Board of*
187 *Education or CAPE Digital Tool certificates pursuant to s.*
188 *1003.4203.—*

189 1.a. A value of 0.025 full-time equivalent student
190 membership shall be calculated for CAPE Digital Tool
191 certificates earned by students in elementary and middle school
192 grades.

193 b. A value of 0.1 or 0.2 full-time equivalent student
194 membership shall be calculated for each student who completes a
195 course as defined in s. 1003.493(1)(b) or courses with embedded
196 CAPE industry certifications and who is issued an industry
197 certification identified annually on the CAPE Industry
198 Certification Funding List approved under rules adopted by the
199 State Board of Education. For a CAPE industry certification that
200 has a statewide articulation agreement of 4 to 14 college
201 credits, a value of 0.2 full-time equivalent membership shall be



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202 calculated. For a CAPE industry certification that has a
203 statewide articulation agreement of 1 to 3 college credits and
204 is deemed by the department to be of sufficient rigor and to be
205 linked to a high-skill occupation, a value of 0.2 full-time
206 equivalent membership shall be calculated. For all other CAPE
207 industry certifications with a statewide articulation agreement
208 of 1 to 3 college credits, a value of 0.1 full-time equivalent
209 membership shall be calculated ~~A value of 0.2 full-time~~
210 ~~equivalent membership shall be calculated for each student who~~
211 ~~is issued a CAPE industry certification that has a statewide~~
212 ~~articulation agreement for college credit approved by the State~~
213 ~~Board of Education.~~ For CAPE industry certifications that do not
214 articulate for college credit, the Department of Education shall
215 calculate ~~assign~~ a full-time equivalent value of 0.1 for each
216 certification. Middle grades students who earn additional FTE
217 membership for a CAPE Digital Tool certificate pursuant to sub-
218 subparagraph a. may not use the previously funded examination to
219 satisfy the requirements for earning an industry certification
220 under this sub-subparagraph. ~~Additional FTE membership for an~~
221 ~~elementary or middle grades student may not exceed 0.1 for~~
222 ~~certificates or certifications earned within the same fiscal~~
223 ~~year.~~ The State Board of Education shall include the assigned
224 values on the CAPE Industry Certification Funding List under
225 rules adopted by the state board. Such value shall be added to
226 the total full-time equivalent student membership for grades 6
227 through 12 in the subsequent year. CAPE industry certifications
228 earned through dual enrollment must be reported and funded
229 pursuant to s. 1011.80. However, if a student earns a
230 certification through a dual enrollment course and the



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231 certification is not a fundable certification on the
232 postsecondary certification funding list, or the dual enrollment
233 certification is earned as a result of an agreement between a
234 school district and a nonpublic postsecondary institution, the
235 bonus value shall be funded in the same manner as other nondual
236 enrollment course industry certifications. In such cases, the
237 school district may provide for an agreement between the high
238 school and the technical center, or the school district and the
239 postsecondary institution may enter into an agreement for
240 equitable distribution of the bonus funds.

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

246 d. A value of 0.5 full-time equivalent student membership
247 shall be calculated for CAPE Acceleration Industry
248 Certifications that articulate for 15 to 29 college credit
249 hours, and 1.0 full-time equivalent student membership shall be
250 calculated for CAPE Acceleration Industry Certifications that
251 articulate for 30 or more college credit hours pursuant to CAPE
252 Acceleration Industry Certifications approved by the
253 commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

254 e. In addition to the full-time equivalent student
255 membership calculated under paragraphs (a)-(d), a supplemental
256 value of 0.2 full-time equivalent student membership shall be
257 calculated for industry certifications identified on the CAPE
258 Industry Certification Funding List as leading to employment in
259 aviation-related or aerospace-related occupations and meeting



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260 specified criteria prescribed by the department.

261 2. Each district must allocate at least 80 percent of the
262 funds provided for CAPE industry certification, in accordance
263 with this paragraph, to the program that generated the funds.
264 The remaining 20 percent may be used for other CAPE program
265 expenses, such as administrative costs, which may not exceed 5
266 percent of the funds provided, and new industry certification
267 programs. All such funds must be used for CAPE programs. CAPE
268 funding ~~This allocation~~ may not be used to supplant funds
269 provided for basic operation of the program, such as teacher
270 salaries and other costs that are funded with non-CAPE funds for
271 other courses.

272 3. For CAPE industry certifications earned in the 2013-2014
273 school year and in subsequent years, the school district shall
274 distribute to each classroom teacher who provided direct
275 instruction toward the attainment of a CAPE industry
276 certification that qualified for additional full-time equivalent
277 membership under subparagraph 1.:

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

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

286 c. A bonus of \$75 for each student taught by a teacher who
287 provided instruction in a course that led to the attainment of a
288 CAPE industry certification on the CAPE Industry Certification



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289 Funding List with a weight of 0.3.

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

294
295 ~~Bonuses awarded pursuant to this paragraph shall be provided to~~
296 ~~teachers who are employed by the district in the year in which~~
297 ~~the additional FTE membership calculation is included in the~~
298 ~~calculation.~~ Bonuses awarded to teachers pursuant to this
299 paragraph must shall be calculated based upon the associated
300 weight of a CAPE industry certification on the CAPE Industry
301 Certification Funding List for the year in which the
302 certification is earned by the student. Any bonus awarded to a
303 teacher pursuant to this paragraph is in addition to any regular
304 wage or other bonus the teacher received or is scheduled to
305 receive. A bonus may not be awarded to a teacher who fails to
306 maintain the security of any CAPE industry certification
307 examination or who otherwise violates the security or
308 administration protocol of any assessment instrument that may
309 result in a bonus being awarded to the teacher under this
310 paragraph.

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

314 1011.80 Funds for operation of workforce education
315 programs.—

316 (7)

317 (b) Performance funding for industry certifications for



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318 school district workforce education programs is contingent upon
319 specific appropriation in the General Appropriations Act and
320 shall be determined as follows:

321 1. Occupational areas for which industry certifications may
322 be earned, as established in the General Appropriations Act, are
323 eligible for performance funding. Priority shall be given to the
324 occupational areas emphasized in state, national, or corporate
325 grants provided to Florida educational institutions.

326 2. The Chancellor of Career and Adult Education shall
327 identify the industry certifications eligible for funding on the
328 CAPE Postsecondary Industry Certification Funding List approved
329 by the State Board of Education pursuant to s. 1008.44, based on
330 the occupational areas specified in the General Appropriations
331 Act.

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

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

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

345 1011.81 Florida College System Program Fund.—

346 (2) Performance funding for industry certifications for



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347 Florida College System institutions is contingent upon specific
348 appropriation in the General Appropriations Act and shall be
349 determined as follows:

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

355 2. For each professional-level, Federal Aviation
356 Administration industry certification earned by a student, each
357 Florida College System institution shall be provided a total of
358 \$6,000. If funds are insufficient to fully fund the calculated
359 total award, such funds shall be prorated.

360 Section 6. Pathways in Technology Early College High School
361 (P-TECH) program.—

362 (1) By December 1, 2020, the Commissioner of Education
363 shall submit to the Governor, the President of the Senate, the
364 Speaker of the House of Representatives, the Board of Governors,
365 and the State Board of Education a report with recommendations
366 that address the feasibility of implementing the Pathways in
367 Technology Early College High School (P-TECH) program, or a
368 similar program, in Florida. The P-TECH program must:

369 (a) Incorporate secondary and postsecondary education with
370 workforce education and work experience through a flexible 6-
371 year integrated model.

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



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

379 (d) Support student success through flexible class
380 scheduling, advising and mentoring components, and other wrap-
381 around services.

382 (e) Provide seamless articulation with Florida's
383 postsecondary institutions.

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

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

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

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

396 (d) Recommendations for modifications, if any, to the
397 school and school district accountability requirements of s.
398 1008.34, Florida Statutes.

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

401 Section 7. Except as otherwise expressly provided in this
402 act and except for this section, which shall take effect upon
403 this act becoming a law, this act shall take effect July 1,
404 2020.