Legislative Action

Appropriations Subcommittee on Education (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

446.541 Work-based learning.—

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

(2) For purposes of this section, the term “work-based learning” is synonymous with the term “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, through an apprenticeship program or a pre-apprenticeship program or as a student in a course identified in the Course Code Directory.

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

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

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

(b) Workers’ compensation costs associated with such participants shall not be included or combined with the premiums otherwise due from the department pursuant to chapter 284, but shall be billed separately to the department’s workforce education programs and are payable solely from appropriations provided to the department’s workforce education programs or specifically for the payment of such costs.
(c) In order for the provisions of paragraph (a) to apply to a participant, each preapprenticeship program and apprenticeship program registered with the department and each school board, community college, or career center offering courses identified in the Course Code Directory which incorporates a work-based learning component or an activity that is unpaid, shall provide the following information to the department not later than 30 days after a participant begins his or her participation in work-based learning:

1. The name of each such participant;
2. The amount hourly compensation to be paid to such participant, if any;
3. The number of hours per week that such participant will be receiving on-the-job training as a participant in and required for the preapprenticeship program, apprenticeship program, or course which incorporates a work-based learning component or an activity that is unpaid.

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

(d) Notwithstanding ss. 284.36 and 284.44, the department shall be responsible for paying workers' compensation costs for such participants who are entitled to workers' compensation benefits pursuant to chapter 440, solely from funds appropriated to the department for such purpose. Coverage for such workers compensation benefits shall be provided by the Division of Risk Management of the Department of Financial Services. The costs
for such coverage shall be paid by the department to the division. For Fiscal Year 2020-2021, the department shall pay the division $470,000 on August 15, 2020, on November 15, 2020, on February 1, 2021, and on May 15, 2021, for such costs. For subsequent fiscal years, the division shall bill the department for such workers compensation costs quarterly, based on such costs from the preceding state fiscal year. The department shall pay such quarterly bills on August 15, on October 15, on February 15, and on May 15, of each fiscal year.

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

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

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

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

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

(4)

(b) For the purpose of calculating additional full-time equivalent membership pursuant to s. 1011.62(1)(o)1.e., the Commissioner of Education 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.

Section 3. Effective July 1, 2021, paragraph (o) 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 OPERATION.—The following procedure shall be followed in
determining the annual allocation to each district for
operation:

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

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

b. A value of 0.1 or 0.2 full-time equivalent student
membership shall be calculated for each student who completes a
course as defined in s. 1003.493(1)(b) or courses with embedded
CAPE industry certifications and who is issued an industry
certification identified annually on the CAPE Industry
Certification Funding List approved under rules adopted by the
State Board of Education. For a CAPE industry certification that
has a statewide articulation agreement of 4 to 14 college
credits, a value of 0.2 full-time equivalent membership shall be
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 0.2 full-time
equivalent membership shall be calculated. For all other CAPE
industry certifications with a statewide articulation agreement of 1 to 3 college credits, a value of 0.1 full-time equivalent membership shall be calculated. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall calculate a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual...
enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

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

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

e. In addition to the full-time equivalent student membership calculated under paragraphs (a)-(d), a supplemental value of 0.2 full-time equivalent student membership shall be 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 criteria prescribed by the department.

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

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

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

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

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

   d. A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.
Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses awarded to teachers pursuant to this paragraph must be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher pursuant to this paragraph is in addition to any regular wage or other bonus the teacher received or is scheduled to receive. A bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher under this paragraph.

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

1011.80 Funds for operation of workforce education programs.—

(7)

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

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

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

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

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

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

1011.81 Florida College System Program Fund.—

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

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

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

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

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

(a) Incorporate secondary and postsecondary education with workforce education and work experience through a flexible 6-

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

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

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

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

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

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

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

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

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

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

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

----------------- T I T L E A M E N D M E N T -----------------
And the title is amended as follows:

Delete everything before the enacting clause and insert:
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 certification 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 related to full-time equivalent membership calculation for elementary and middle students; providing for a calculation of full-time equivalent membership for aviation-related and
aerospace-related occupations; authorizing the use of a specified percentage of certain funds for CAPE program expenses; limiting the amount of funds that may be used for administrative costs; prohibiting the use of CAPE funding to supplant funds provided for basic operation of the CAPE program; providing an effective date for changes to the calculation; amending s. 1011.80, F.S.; revising performance funding for industry certifications for school district workforce education programs to provide for Federal Aviation Administration (FAA) industry certifications; amending s. 1011.81, F.S.; revising performance funding for industry certifications for Florida College System Institutions to provide for FAA industry certifications; requiring the Commissioner of Education to submit to certain entities by a specified date a report with recommendations relating to the implementation of the Pathways in Technology Early College High School program, or a similar program; providing requirements for such program and report; providing for expiration; providing an effective date.