

**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.)

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

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BILL: CS/SB 366

INTRODUCER: Education Committee and Senator Hutson and others

SUBJECT: Educational Opportunities Leading to Employment

DATE: April 7, 2021

REVISED: \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 366 modifies Florida's career and technical education program to improve and expand apprenticeship and preapprenticeship programs, provide support for students in work-based learning programs, modify assessment requirements for initial student eligibility in dual enrollment programs, 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, and approval granted, 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.
- Clarifies that eligibility for initial enrollment in dual enrollment courses requires a student to demonstrate a level of achievement of college-level communication and computation skills

through an approved common placement test or alternative method, to be approved by the State Board of Education.

- Eases plan development and reporting requirements for the implementation of developmental education strategies by FCS institutions for potential students entering dual enrollment courses.
- Changes provisions related to Career and Professional Education (CAPE) industry certifications by:
  - Authorizing the Department of Education to adopt rules to administer the CAPE Act.
  - 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 industry certifications that lead to occupations in critical industry sectors.
- Requires a representative committee of State University System, district career centers, and FCS faculty 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.<sup>1</sup>

#### *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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup> Chapter 446, F.S.

<sup>2</sup> 29 C.F.R. ss. 29.1 and 29.13.

<sup>3</sup> 29 C.F.R. s. 29.2.

### Apprenticeships and Preapprenticeships in Florida

Florida continues to promote apprenticeships in occupations throughout industry which 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.<sup>4</sup>

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

- 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.<sup>5</sup>

### 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.<sup>6</sup>

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

- 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.

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<sup>4</sup> Section 446.011(1), F.S.

<sup>5</sup> Section 446.092, F.S.

<sup>6</sup> 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.

- 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.<sup>7</sup>

### Apprenticeship Program Sponsors

Registered apprenticeship program sponsors (sponsors) are responsible for the administration of all aspects of a registered apprenticeship program.<sup>8</sup> 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. 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.<sup>9</sup>

### 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.<sup>10</sup>

Potential candidates for apprenticeships may apply with a registered sponsor, who determines whether the candidate meets the required qualifications.<sup>11</sup> Sponsors may provide private classroom instruction or coordinate with a local educational agency<sup>12</sup> to provide related supplemental classroom instruction.<sup>13</sup> The apprentices are exempt from paying tuition and fees at a school district technical center, FCS institution, or state university.<sup>14</sup>

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<sup>7</sup> *Id.*

<sup>8</sup> 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.

<sup>9</sup> Section 446.071(1) and (2), F.S.

<sup>10</sup> Section 446.021(2), F.S.

<sup>11</sup> 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).

<sup>12</sup> 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).

<sup>13</sup> Section 446.051(2), F.S.

<sup>14</sup> Section 1009.25(1)(b), F.S. Also exempt under this section from tuition and fees is a student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The sponsor operates and registers an agreed-upon apprenticeship program.<sup>15</sup> 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.<sup>16</sup>

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. 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.<sup>17</sup>

During the 2019-2020 fiscal year, there were 251 registered apprenticeship programs and 20,018 registered apprentices.<sup>18</sup>

### 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.<sup>19</sup> The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program.<sup>20</sup> The program must be registered with the DOE and sponsored by a registered apprenticeship program.<sup>21</sup> During the 2019-2020 fiscal year, there were 37 registered preapprenticeship programs, and 1,090 registered preapprentices.<sup>22</sup>

The DOE is authorized to administer the law<sup>23</sup> 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.<sup>24</sup>

### Department of Education Responsibilities

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

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<sup>15</sup> Rule 65A-23.002(21), F.A.C.

<sup>16</sup> 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.

<sup>17</sup> Section 446.051(1) and (2), F.S.

<sup>18</sup> 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.

<sup>19</sup> Section 446.021(1), F.S.

<sup>20</sup> Rule 6A-23.010(1), F.A.C.

<sup>21</sup> Section 446.021(5), F.S.

<sup>22</sup> 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.

<sup>23</sup> Sections 446.011 to 446.092, F.S.

<sup>24</sup> Section 446.052(2), F.S.

- 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.
- 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.<sup>25</sup>

The DOE establishes uniform minimum standards and policies governing registered apprenticeship programs and agreements. 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:

- 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.<sup>26</sup>

#### State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council (council) advises the DOE on matters related to apprenticeship. 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. 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. 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.<sup>27</sup>

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<sup>25</sup> Section 446.041, F.S.

<sup>26</sup> Section 446.032(1) and (2), F.S.

<sup>27</sup> Section 446.045(2)(a)-(b), F.S.

### Florida Pathways to Career Opportunities Grant Program

The Florida Pathways to Career Opportunities Grant Program (grant program) was established in 2019<sup>28</sup> 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.<sup>29</sup>

As of February 17, 2021, \$10,045,493 has been awarded for 48 projects,<sup>30</sup> including 10 new apprenticeship programs, 16 expansions of apprenticeship programs, 12 new preapprenticeship programs, and 10 expansions of preapprenticeship programs.<sup>31</sup>

### *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.<sup>32</sup> 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 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 a postsecondary credential. 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.

<sup>28</sup> Section 33, ch. 2019-119, L.O.F.

<sup>29</sup> Section 1011.802, F.S.

<sup>30</sup> Florida Department of Education, Pathways to Career Opportunities Grant Program, *available at* <http://www.fldoe.org/core/fileparse.php/18794/urlt/PCOG-PrioritizedFundingList.pdf>.

<sup>31</sup> Email, Florida Department of Education (March 1, 2021) (on file with Senate Committee on Education).

<sup>32</sup> 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.

### 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, 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 postsecondary educational institutions 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. In addition, the bill authorizes a technical center operated by a school district, an FCS institution, or a state university to enter into an agreement with another entity to cover the approved apprenticeship program student tuition and fees, including lab fees.

The bill also authorizes the State Board of Education (SBE) and the Board of Governors of the State University System of Florida (BOG) to adopt rules and regulations, regarding documentation and procedures to implement a fee waiver for a student who is homeless.<sup>33</sup>

### Preapprenticeship Programs

The bill modifies s. 446.052, F.S., to encourage, but not require, district school boards and postsecondary educational institutions to cooperate and develop preapprenticeship programs. The bill requires postsecondary educational institutions to work with the DOE and district school boards to ensure that individuals completing preapprenticeship programs may be able to receive credit toward an apprenticeship program.<sup>34</sup> In addition, the bill encourages postsecondary educational institutions to cooperate with established associate of science or associate of applied

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<sup>33</sup> A homeless student is defined as a student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. Section 1009.25(1)(f), F.S.

<sup>34</sup> 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).



science degree programs and career certificate programs to ensure that individuals completing an apprenticeship program receive college credit toward a technical degree. The bill also provides flexibility and preapprenticeship program sponsors 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 specifies that uniform minimum standards established by the DOE must be uniform across all occupations. The bill adds that the DOE must provide assistance to postsecondary educational institutions in notifying the community of apprenticeship and preapprenticeship opportunities. 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, and adds that preapprenticeship program information must also be included.

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.<sup>35</sup> 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 expands on the requirement that minority and gender diversity are considered in programs to require the DOE to ensure equal opportunity for individuals applying to or participating in apprenticeship and preapprenticeship 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 apprenticeships and 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.
- Specifies that the Governor must fill any council vacancies.

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<sup>35</sup> 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.

### 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:

- 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.

## **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.”<sup>36</sup> 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.<sup>37</sup>

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:<sup>38</sup>

- Goes to a workplace or works with an employer; and
- 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 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.<sup>39</sup>

Recent research, policy literature, and federal legislation suggest that comprehensive WBL programs contain three key components: the alignment of classroom and workplace learning;

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<sup>36</sup> 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).

<sup>37</sup> 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.

<sup>38</sup> Southern Regional Education Board, *Work-Based Learning*, <https://www.sreb.org/node/1923> (last visited Feb. 25, 2021).

<sup>39</sup> 20 U.S.C. s. 2302(10).

application of academic, technical, and employability skills in a work setting; and support from classroom or workplace mentors.<sup>40</sup>

In 2019-2020, there were 23,258 students enrolled in secondary on-the-job training, preapprenticeship, work experience, and other WBL courses.<sup>41</sup>

### 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.<sup>42</sup> In Florida, workers' compensation is governed by ch. 440, F.S., the "Workers' Compensation Law." The law prescribes coverage requirements, medical and indemnity benefits, the rights and responsibilities of employers, injured employees, medical providers, and carriers, as well as procedures for dispute resolution.

Generally, employers are required to provide medical and indemnity benefits to a worker who is injured due to an accident arising out of and during the course of employment.<sup>43</sup> For such injuries, an employer is responsible for providing medical treatment<sup>44</sup> and compensation in the event of employee disability<sup>45</sup> or death.<sup>46</sup> Specific employer coverage requirements are based on the type of industry, number of employees, and entity organization.<sup>47</sup>

### State Risk Management Program

The Division of Risk Management (DRM)<sup>48</sup> 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 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.<sup>49</sup>

### ***Effect of Proposed Changes***

The bill creates s. 446.54, F.S., to provide a definition of "work-based learning" to include "on-the-job training" and mean interactions with industry or community professionals in off-campus workplaces which foster in-depth, firsthand engagement with the tasks required in a given career

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<sup>40</sup> 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).

<sup>41</sup> Email, Florida Department of Education (Mar. 1, 2021).

<sup>42</sup> See *Jones v. Martin Elecs., Inc.*, 932 So. 2d 1100, 1108 (Fla. 2006).

<sup>43</sup> Section 440.09(1), F.S.

<sup>44</sup> Section 440.13, F.S.

<sup>45</sup> Section 440.15, F.S.

<sup>46</sup> Section 440.16, F.S.

<sup>47</sup> Division of Workers' Compensation, *Coverage Requirements*, <https://www.myfloridacfo.com/division/wc/Employer/coverage.htm> (last visited on Feb. 25, 2021).

<sup>48</sup> Section 20.121(2)(h), F.S.

<sup>49</sup> 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>.

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 and defines WBL as it relates to public K-12 education to mean sustained interactions with industry or community professionals in workplace settings, to the extent practicable, or simulated environments that foster in-depth, firsthand engagement with the tasks required in a given career field, that align with curriculum and instruction, and that are provided in partnership with an educational institution.

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, F.S., which requires work-based learning 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 bill provides that work-based learning may be paid or unpaid and may be delivered in a stand-alone, work-based learning course that results in high school credit or may be a component of an existing course which may use the cooperative method of instruction. As it relates to postsecondary education, the bill defines cooperative method of instruction as an instructional methodology that provides students enrolled in career education programs an opportunity to extend their employment preparation beyond the classroom through participation in concurrent career education instruction through regularly scheduled on-the-job training experiences.

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.

## **Florida College System Institution Admissions**

### ***Present Situation***

#### **Admissions Requirements for FCS Institutions**

Each FCS institution board of trustees is authorized to adopt rules governing admissions of students subject to requirements provided in law and rules of the SBE.<sup>50</sup>

Admissions counseling must be provided to all students entering college or career credit programs. Counseling must use tests to measure achievement of college-level communication and computation competencies by students entering college credit programs or tests to measure

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<sup>50</sup> Section 1007.263, F.S.

achievement of basic skills for students entering career education programs. Counseling includes providing developmental education options for students whose assessment results indicate that they need to improve communication or computation skills that are essential to perform college-level work.<sup>51</sup>

Each FCS institution board of trustees is required to develop a plan to implement developmental education strategies through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction. Each plan must include certain minimum requirements that are specified in law.<sup>52</sup>

FCS institutions are also required to annually prepare an accountability report that includes student success data relating to each developmental education strategy implemented by the institution and submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.<sup>53</sup>

Admission to associate degree programs is subject to minimum standards adopted by the SBE and requires:

- A standard high school diploma, a high school equivalency diploma as prescribed in law,<sup>54</sup> previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of law. Students who are enrolled in a dual enrollment or early admission program are exempt from this requirement.
- A demonstrated level of achievement of college-level communication and computation skills.
- Any other requirements established by the FCS board of trustees.<sup>55</sup>

#### Student Eligibility for Dual Enrollment Programs

The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree. A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student. An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that provides a secondary curriculum.<sup>56</sup>

Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average and the minimum score on a common placement test adopted by the SBE which indicates that the student is ready for college-level coursework. Student eligibility requirements for initial and continued enrollment in career

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<sup>51</sup> Section 1007.263(1), F.S.

<sup>52</sup> Sections 1008.30(5) and 1008.02(1), F.S.

<sup>53</sup> Section 1008.30(5), F.S.

<sup>54</sup> Section 1003.435, F.S., specifies the requirements for earning a high school equivalency diploma.

<sup>55</sup> Section 1007.263(2), F.S.

<sup>56</sup> Section 1007.271(1) and (2), F.S.

certificate dual enrollment courses must include a 2.0 unweighted high school grade point average.<sup>57</sup> FCS institution boards of trustees may establish additional initial student eligibility requirements, which must be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction.<sup>58</sup>

#### Common Placement Testing for Public Postsecondary Education

The SBE, in conjunction with the BOG, has implemented common placement testing requirements<sup>59</sup> 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. The common placement testing program must include the capacity to diagnose the basic competencies in the areas of English, reading, and mathematics that are essential for success in meta-majors and the capacity to provide test information to students on the specific skills the student needs to attain.<sup>60</sup>

#### Assessment of Career Education Program Basic Skills

The SBE is required to adopt standards of basic skill mastery for completion of certificate career education programs and to designate examinations to assess mastery. Students who enroll in a program offered for career credit of 450 hours or more must complete an entry-level examination within the first six weeks after admission into the program. A student may not receive a career or technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program. Certain students are exempted from this requirement.<sup>61</sup>

### ***Effect of Proposed Changes***

#### Admissions Requirements for FCS Institutions

The bill modifies s. 1007.263, F.S., to provide flexibility to FCS institutions in their admissions requirements for entering students. Specifically, the bill authorizes FCS institutions to accept:

- Alternate methods, to be approved by the state board, to measure achievement of college level communication and computation competencies by students entering college credit programs.
- For admission to associate degree programs, a high school equivalency diploma issued by another state which is recognized as equivalent by SBE rule and is based on an assessment recognized by the United States Department of Education.

The bill requires that admissions counseling at FCS institutions measure achievement of basic skills for career education programs, which may direct a student to developmental education to improve communication and computation skills.

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<sup>57</sup> Section 1007.271(3), F.S. Exceptions to the required grade point averages may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement developed by the district school superintendent and the public postsecondary institution president through an articulation committee, as specified in s. 1007.271(21).

<sup>58</sup> Section 1007.271(3), F.S.

<sup>59</sup> The state board has adopted rules 6A-14.064 and 6A-10.0315, F.A.C., to govern assessment requirements for determining initial student eligibility for dual enrollment programs.

<sup>60</sup> Section 1008.30(1) and (2), F.S.

<sup>61</sup> Section 1004.91(1)-(3), F.S.

The bill also modifies s. 1008.30, F.S., to remove outdated language related to a requirement that FCS institutions develop and submit a developmental education plan to the Chancellor of the FCS. In addition, the bill removes the requirement that the FCS annually prepare an accountability report that includes student success data relating to each developmental education strategy and submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.

#### Student Eligibility for Dual Enrollment Programs

The bill modifies the mechanism in s. 1007.271, F.S., for assessing the readiness of a student for initial enrollment in college credit dual enrollment courses. In addition to achievement by a student of the minimum score on a common placement test, the bill authorizes a student to demonstrate a level of achievement of college-level communication and computation skills via an alternative method of assessment.

#### Common Placement Testing for Public Postsecondary Education

The bill modifies s. 1008.30, F.S., to require, by January 31, 2022, the SBE to adopt rules to develop and implement alternative methods for assessing the basic computation and communication skills of students who intend to enter a degree program at a FCS institution. The bill authorizes FCS institutions to use these alternative methods in lieu of common placement tests to assess student readiness for college-level work in computation and communication. The bill removes the requirement that the common placement testing program include the capacity to diagnose certain basic competencies in the areas of English, reading, and mathematics. The bill also specifies that students who are currently exempt from common placement testing requirements are also exempt from the college readiness assessment established in the bill.

### **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.<sup>62</sup>

#### ***Present Situation***

In 2007, the Legislature passed the Career and Professional Education (CAPE) Act,<sup>63</sup> to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.<sup>64</sup>

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.<sup>65</sup> Industry certifications that generate bonus funds for school districts are included on the CAPE Industry

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<sup>62</sup> Section 1004.92(1), F.S.

<sup>63</sup> Chapter 2007-216, L.O.F.

<sup>64</sup> Section 1003.491, F.S.

<sup>65</sup> Rule 6A-6.0573(2)(e), F.A.C.

Certification Funding List,<sup>66</sup> which also contains the industry certifications on the career pathways list approved for the Florida Gold Seal Vocational Scholars award.<sup>67</sup>

The DOE identifies career certificates, industry certifications, and career courses. At least annually, the DOE must identify additional career certificates, industry certifications, and career courses, which include CAPE industry certifications identified on the CAPE Industry Certification Funding List that must be applied in the distribution of funding to school districts.<sup>68</sup>

The CAPE Act provides multiple options for students to attain digital skills through digital tools and industry certifications.<sup>69</sup> 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.<sup>70</sup>

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.<sup>71</sup>

#### Funding for Workforce Education Programs

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

- 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.<sup>72</sup>

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).<sup>73</sup>

Performance funding for industry certifications for school district workforce education programs<sup>74</sup> and FCS institutions<sup>75</sup> is contingent upon specific appropriation in the GAA and is

<sup>66</sup> 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.

<sup>67</sup> 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.

<sup>68</sup> Section 1008.44(1), F.S.

<sup>69</sup> Section 1003.4203, F.S.

<sup>70</sup> 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>.

<sup>71</sup> Section 1008.44(4)(b), F.S.

<sup>72</sup> Section 1011.80(1) and (2), F.S.

<sup>73</sup> Section 1011.80(7)(a), F.S.

<sup>74</sup> Section 1011.80(7), F.S.

<sup>75</sup> Section 1011.81(2), F.S.



determined by criteria specified in law,<sup>76</sup> 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,<sup>77</sup> and CAPE Acceleration certifications,<sup>78</sup> the district may receive:

- A value of 0.1 or 0.2 FTE student membership<sup>79</sup> for each student who completes a career-themed course<sup>80</sup> 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.<sup>81</sup>

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.<sup>82</sup>

#### ***Effect of Proposed Changes***

The bill grants the DOE rulemaking authority over the administration of the CAPE Act. The bill modifies s. 1008.44, F.S., to require that the DOE identify and commissioner recommend industry certifications to the CAPE industry certification list which lead to occupations in critical industry sectors. 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

<sup>76</sup> See ss. 1011.80(7) and 1011.81(2), F.S.

<sup>77</sup> 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.

<sup>78</sup> 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.

<sup>79</sup> 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.

<sup>80</sup> 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.

<sup>81</sup> Section 1011.62(1)(o)2., F.S.

<sup>82</sup> Email, Florida Department of Education (Mar. 1, 2021) (on file with Senate Committee on Education).

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.<sup>83</sup>

#### 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 industry certification earned by a workforce education or FCS institution student that is identified as leading to employment in a critical industry sector, each school district or FCS institution must be provided a total of \$3,000. If funds are insufficient to fully fund the calculated total award, the funds must be prorated.

The bill also specifies that district school boards and FCS institutions must use at least 70 percent of workforce performance funding to directly support the program that generated the funds.

#### 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.
- A supplemental value of 0.2 FTE is calculated for industry certifications identified on the CAPE Industry Certification Funding List as leading to employment occupations in critical industry sectors.

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.

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<sup>83</sup> Section 1009.536(2), F.S.

According to information published on the DOE website, there are 129 industry certification articulation agreements that generate from one to three credits, and 23 articulation agreements that generate from 4 to 14 college credits.<sup>84</sup>

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 five 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 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.<sup>85</sup> 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.<sup>86</sup>

#### 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. FCS institutions use placement test results to determine the extent to which each student demonstrates sufficient communication and computation skills to indicate readiness for his or her chosen meta-major. FCS institutions counsel students into college credit courses as quickly as possible, with developmental education limited to the content needed for success in the meta-major.<sup>87</sup>

The 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:

- Arts, humanities, communication and design.
- Business.

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<sup>84</sup> 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>.

<sup>85</sup> Section 1007.23(1), F.S.

<sup>86</sup> Rule 6A-10.024(1), F.A.C.

<sup>87</sup> Section 1008.30(4) and (5), F.S.

- Education.
- Health sciences.
- Industry/manufacturing and construction.
- Public Safety.
- Science, technology, engineering, and mathematics.
- Social and behavioral sciences and human services.<sup>88</sup>

In 2018, the Florida Student Success Center<sup>89</sup> 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.<sup>90</sup>

### *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 a representative committee of State University System, district career centers, and FCS faculty to collaborate to identify the three pathways.

The bill removes the requirement that the SBE, in consultation with the BOG, approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major.

## **IV. Constitutional Issues:**

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

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<sup>88</sup> Rule 6A-14.065, F.A.C.

<sup>89</sup> 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).

<sup>90</sup> The Florida College System, *Mathematics Re-Design*, <https://www.floridacollegesystemfoundation.org/fssc-math-redesign> (last visited Feb. 25, 2021).

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:

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), which included provisions relating to workers' compensation coverage for participants as in SB 366, would cause additional claims costs for covering participants in preapprenticeship and work-based learning programs.<sup>91</sup>

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.<sup>92</sup>

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.

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 \$3,000 bonus for industry certifications that lead to employment in occupations in critical industry sectors for the Performance Based Incentive funding in the General Appropriations Act (GAA) for school district workforce programs and colleges will also

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<sup>91</sup>Florida Department of Financial Services, *2020 Legislative Bill Analysis for CS/SB 1568* (Feb. 17, 2020).

<sup>92</sup> *Id.*

potentially increase the earned bonus funds for school districts and colleges. The effect of adjusting the bonuses may shift funds within the amount of funds appropriated and does not require an additional appropriation.

## VI. Technical Deficiencies:

The bill authorizes the Department of Education to adopt rules to administer the Career and Professional Education Act. The State Board of Education is the entity responsible for promulgating rules to supervise the system of free public education in the state.

## 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, 1003.01, 1003.491, 1004.02, 1007.23, 1007.263, 1007.271, 1008.30, 1008.44, 1009.25, 1011.62, 1011.80, 1011.802, and 1011.81.

This bill creates section 446.54 of the Florida Statutes.

This bill repeals section 446.091 of the Florida Statutes.

## IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

### CS by Education Committee on March 2, 2021:

The committee substitute:

- Changes the title of the bill to an act related to educational opportunities leading to employment.
- Modifies legislative intent regarding apprenticeships to:
  - Expand legislative intent to encourage apprenticeship programs that lead to any postsecondary credential. The bill encourages only the programs that lead to college credit or a degree.
  - Clarify that the responsibility of the Department of Education (DOE) over minimum standards applies only to apprenticeship and preapprenticeship programs *that are registered*.
- Modifies the duties of the DOE to:
  - Provide that the DOE must include information and resources related to preapprenticeship programs in its annual apprenticeship report.
  - Add that the DOE must provide assistance to postsecondary educational institutions in notifying the community of apprenticeship and preapprenticeship opportunities.

- Clarify that the DOE must ensure that equal opportunity for apprentices, preapprentices, and applicants for apprenticeships and preapprenticeships is provided for the apprenticeship and preapprenticeship programs.
- Modifies additional work-based learning program provisions. Specifically, the committee substitute:
  - Modifies provisions of the bill directed toward state universities and Florida College System (FCS) institutions and includes all postsecondary educational institutions.
  - Removes the requirement of the bill that defines apprentices as employees of the state for purposes of workers' compensation coverage for medical benefits. The amendment retains other provisions of the bill deeming preapprentices and students in work-based learning as employees of the state for workers' compensation coverage for medical benefits.
  - Defines "work-based learning," as it relates to public k-12 education, to mean sustained interactions with industry or community professionals in workplace settings, to the extent practicable, or simulated environments that foster in-depth, firsthand engagement with the tasks required in a given career field, that align with curriculum and instruction, and that are provided in partnership with an educational institution.
  - Defines "cooperative method of instruction," as it relates to postsecondary education, to mean an instructional methodology that provides students enrolled in career education programs an opportunity to extend their employment preparation beyond the classroom through participation in concurrent career education instruction through regularly scheduled on-the-job training experiences.
  - Removes a provision of the bill providing for guaranteed licenses for apprenticeship program completers.
- Modifies provisions related to the middle school course in career and education planning, by:
  - Removing a provision of the bill authorizing the Florida Virtual School to offer a course in career and education planning.
  - Removing a provision of the bill that would have made the required course in career and education planning optional for students in middle grades.
- Modifies provisions relating to K-12 career and technical education, by:
  - Removing the requirement of the bill that opportunities for learning computer science in elementary school include computational thinking and foundational computer science skills, and retains current law that makes the skills optional.
  - Removing a provision of the bill that modifies the authorized uses of funds for computer science instruction.
  - Removing a provision of the bill authorizing school districts or regional consortia to work with national providers to submit recommended career-themed courses to the DOE for state board approval.
  - Granting the DOE rulemaking authority over the administration of the CAPE Act.
- Modifies provisions relating to FCS institution admissions and student progression. The committee substitute:
  - Authorizes alternate methods, to be approved by the state board, to measure achievement of college level communication and computation competencies by students entering college credit programs.

- Authorizes associate degree programs to accept a high school equivalency diploma issued by another state, as approved by the State Board of Education (SBE).
- Clarifies that student eligibility for initial enrollment in dual enrollment courses includes a demonstrated level of achievement of college-level communication and computation skills through an approved common placement test or alternative method as adopted by the SBE.
- Removes a requirement of existing law that the common placement testing program include the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential for success in meta-majors and to provide test information to students on the specific skills the student needs to attain.
- Requires the SBE, by January 31, 2022, to adopt rules to develop and implement alternative methods for assessing the basic computation and communication skills of students who intend to enter a degree program at an FCS institution. The amendment authorizes FCS institutions to use these alternative methods in lieu of common placement tests to assess student readiness for college-level work in computation and communication.
- Removes the requirement of existing law for FCS institutions to submit to the Chancellor of the FCS for approval implemented developmental education strategies through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction.
- Adds alternative methods to the requirement for in current law for FCS institutions to use placement test results as established by the SBE to determine the extent to which each student demonstrates sufficient computation and communication skills to indicate readiness for his or her chosen meta-major and to counsel students into college credit courses as quickly as possible, with developmental education limited to that content needed for success in the meta-major.
- Removes a requirement of existing law that each FCS institution annually prepare and submit to state officials an accountability report that includes student success data relating to each developmental education strategy implemented by the institution.
- Provides for a representative committee of State University System, certain career centers established by district school boards, and FCS faculty, instead of the representative workgroup of the Articulation Coordinating Committee required by the bill, to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs and careers.
- Modifies workforce and postsecondary financial provisions. The committee substitute:
  - Removes the additional full-time-equivalent (FTE) weights for industry certifications associated with aviation-related and aerospace-related occupations and instead provides additional FTE weight for industry certifications that lead to occupations in critical industry sectors as identified by the Department of



Education and included on the Career and Professional Education (CAPE) industry funding list.

- Authorizes a technical center operated by a school district, an FCS institution, or a state university to enter into an agreement with another entity to cover the approved apprenticeship program student tuition and fees, including lab fees.
- Authorizes the SBE and the Board of Governors of the State University System of Florida to adopt rules and regulations regarding requirements for fee waivers for homeless students.
- Modifies the provisions of the bill authorizing school districts and FCS institutions to earn an additional \$2000 for workforce education programs that lead to industry certification in critical industry sectors to instead provide an additional \$2000 for school districts and FCS institutions for industry certifications earned by students in workforce education programs that are identified as leading to employment in critical industry sectors.
- Requires a district school board or FCS institution board of trustees that receives workforce performance funding to use at least 70 percent of the funds received to directly support the program that generated the funds.

**B. Amendments:**

None.