

II. Present Situation:

Apprenticeship Programs

Registered Apprenticeship (RA) “connects job seekers looking to learn new skills with employers looking for qualified workers, resulting in a workforce with industry-driven training and employers with a competitive edge.”¹

Federal Program Requirements

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)² in 1937.³ Following the passage of the act, RA programs consisted mainly of manufacturing, construction, and utilities industries.⁴ Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction.⁵ “As the need for skilled workers increases and our economy faces greater global competition, RA continues to be a competitive advantage for all parties—individuals, businesses, labor management organizations, education, the workforce investment system and government. For these reasons, [the Employment and Training Administration, U.S. Department of Labor] issued revised regulations that increase program flexibility to better serve the needs of today’s apprentices and program sponsors.”⁶

For apprentices and program sponsors, the regulations:⁷

- Incorporate technology-based learning;
- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

For State Apprenticeship Agencies (SSAs), the regulations:⁸

- Increase linkages with the workforce investment system;
- Redefine the roles and responsibilities of SSAs and State Apprenticeship Councils (SACs);
- Establish a process for continued recognition; and

¹ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

² U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>, at 4 of 38.

³ U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015); see 29 U.S.C., s. 50.

⁴ U.S. Department of Labor, *Registered Apprenticeship*, <http://www.doleta.gov/oa/history.cfm> (last visited March 2, 2015).

⁵ *Id.*

⁶ *Id.* “These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system.” U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited March 2, 2015).

⁷ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 1-2 of 4.

⁸ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 2-3 of 4.

- Increase flexibility for location of an SSA.

For the U.S. Department of Labor, the regulations:⁹

- Enhance program accountability; and
- Ensure national conformity with federal apprenticeship legislation and regulations.

Registered apprenticeship program sponsors (i.e., employers, employer associations, and labor management organizations)¹⁰ identify the minimum qualifications to apply into their apprenticeship program.¹¹ An individual must be at least 16 years of age to be an apprentice.¹² In hazardous occupations, individuals must usually be 18 years of age.¹³ Program sponsors may also identify additional minimum qualifications and credentials to apply (e.g., education, ability to physically perform the essential functions of the occupation, and proof of age). All applicants are required to meet the minimum qualifications. Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified.¹⁴

Apprenticeship programs range from 1 year to 6 years, but the majority are 4 years in length.¹⁵ During the program, the apprentice receives both structured, on-the-job learning (OJL) and related classroom instruction (RTI).¹⁶ For each year of the apprenticeship, the apprentice typically receives 2,000 hours of on-the-job training and a recommended minimum of 144 hours of related classroom instruction.¹⁷

State Law

Florida law provides educational and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals in the state for trades, occupations, and professions suited to their abilities.¹⁸

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices¹⁹ including such matters as the

⁹ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf, at 3 of 4.

¹⁰ Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹¹ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹² *Id.*

¹³ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹⁴ *Id.*

¹⁵ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited March 2, 2015).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 446.011(1), F.S.

¹⁹ An apprentice means “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 training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of

requirements for a written apprenticeship agreement.”²⁰ A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.”²¹

The Department of Education (DOE or department) is responsible for administering, facilitating, and supervising registered apprenticeship programs (e.g., developing and encouraging apprenticeship programs, cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements, monitoring RA programs, investigating complaints regarding failure to meet the standards²² established by the department, and canceling registration of programs that fail to comply with the standards and policies of the department).²³

Additionally, the department, the district school boards, and the community college district boards of trustees must work together with existing apprenticeship programs so that individuals completing the preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.²⁴

The State Apprenticeship Advisory Council (Council) advises the department on matters related to apprenticeship.²⁵ The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.²⁶ The Commissioner of Education (commissioner) or the commissioner’s designee must serve ex officio as chair of the Council, but may not vote.²⁷ Two public members who are knowledgeable about registered apprenticeship and apprenticeable

employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A journeyman means “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (e.g., customarily learned in a practical way through a structures, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

²⁰ 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.

²¹ Section 446.021(5), F.S.

²² The Department of Education (DOE or department) is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S. Uniform minimum preapprenticeship standards means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

²³ Section 446.041, F.S.

²⁴ Section 446.052(3), F.S.

²⁵ Section 446.045(2)(a), F.S.

²⁶ *Id.*

²⁷ Section 446.045(2)(b), F.S.

occupations are appointed by the Governor to the Council.²⁸ One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.²⁹

Florida Career and Professional Education

In 2007, the Legislature created the Florida Career and Professional Education (CAPE) Act to:³⁰

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses³¹ that articulate to postsecondary-level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida’s critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

Through third-party assessments called industry certifications, students demonstrate competency to perform specific industry-endorsed and -recognized skills and abilities required to perform particular jobs.

The State Board of Education (SBE) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP).³² The list of industry certifications approved by Workforce Florida, Inc., and the Florida Department of Education (DOE), called the Industry Certification Funding List, is updated annually.³³ Industry certifications on the “Gold Standard Career Pathways” list, which is incorporated by reference in SBE rule,³⁴ articulate to Associate in Applied Science and Associate in Science degree programs and are a subset of the Industry Certification Funding List.³⁵

CAPE Digital Tool certificates and CAPE industry certifications offered in the middle grades that are included on the CAPE Industry Certification Funding List,³⁶ if earned by students, are eligible for additional full-time equivalent membership.³⁷

²⁸ *Id.*

²⁹ *Id.* A “joint organization” means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A “nonjoint organization” means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

³⁰ Section 1003.491(1), F.S.

³¹ A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the 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 regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

³² Sections 1008.44 and 1003.492, F.S.

³³ Section 1003.492(2), F.S.

³⁴ Rule 6A-10.0401, F.A.C.

³⁵ Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

³⁶ The Industry Certification Funding List is adopted by State Board of Education Rule. Section 1008.44, F.S.

³⁷ Section 1011.62(1)(o)1.a. and b., F.S.

Workforce Education

Complete Florida Plus Program

The Legislature has established mechanisms to facilitate coordination between public and private postsecondary education institutions and employment agencies to assist students in completing degree programs to meet the state's workforce needs.

In 2012, the Legislature created the Complete Florida Plus Program³⁸ at the University of West Florida (UWF) for the purpose of:³⁹

- Facilitating degree completion for the state's adult learners through the Complete Florida Degree Initiative.
- Providing information relating to and access to distance learning courses and degree programs offered by public postsecondary education institutions.
- Coordinating with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective.
- Administering the Florida Academic Library Services Cooperative⁴⁰ (Cooperative) and consulting with the chancellors of the FCS and the SUS regarding the Cooperative.

The UWF must submit annual reports to the President of the Senate and the Speaker of the House of Representatives relating to the implementation and operation of the components of the Complete Florida Plus Program and the Cooperative.⁴¹

Complete Florida Degree Initiative

In 2014, the Legislature established the Complete Florida Degree Initiative (Initiative) within the Complete Florida Plus Program for the purpose of recruiting, recovering, and retaining the state's adult learners⁴² and assisting them in completing an associate degree or a baccalaureate degree aligned to the state's high-wage, high-skill workforce needs.⁴³ The Initiative coordinates with FCS institutions, state universities, and private postsecondary institutions and partners with public and private job recruitment and placement agencies to identify associate, applied baccalaureate, and baccalaureate degree programs that meet the state's workforce needs.⁴⁴

³⁸ The program was formerly established as the Degree Completion Pilot Project pursuant to s. 15, ch. 2012-34, L.O.F.

³⁹ Section 1006.735(1), F.S.

⁴⁰ Section 1006.73, F.S. The cooperative provides a single library automation system and associated resources and services for public postsecondary institutions to use to support learning, teaching, and research needs. *Id.* at (1).

⁴¹ Sections 1006.73(4) and 1006.735(5), F.S.

⁴² Section 1006.735(2), F.S. Adult learners who are veterans or active duty members of the United States Armed Forces are given priority. *Id.* An "adult learner" is defined as "a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree." *Id.*

⁴³ Section 1006.735(2), F.S.; *see also*, s. 16, ch. 2014-56, L.O.F.

⁴⁴ Section 1006.735(2)(a), F.S.

Specifically, the Initiative must:⁴⁵

- Give priority to degree programs using labor market data and projections, including data and projections included in the Board of Governor’s gap analysis,⁴⁶ to identify the specific workforce needs and targeted occupations of the state.
- Provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses,⁴⁷ student and library support services, and electronic resources⁴⁸ that will aid them in completing a postsecondary degree.
- Use existing or develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education to award college credit and reduce the time required for adults to complete degrees.
- Develop and implement an evaluation process to collect and analyze appropriate data to report the effectiveness of the Initiative to the chancellors of the FCS and the SUS, the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor.
- Develop and implement a statewide student recruitment campaign targeted toward adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in degree programs offered through the Initiative.

III. Effect of Proposed Changes:

SB 948 updates terminology and revises criteria relating to apprenticeships, modifies career and professional education (CAPE) funding, and creates the Rapid Response Education and Training Program.

Apprenticeships

The bill changes the term “journeyman” to “journeyworker.” Also, the bill clarifies the definition of the term “journeyman” as a worker who has mastered the skills, abilities, and competencies required for an occupation through a formal apprenticeship or on-the-job experience or formal training. The revised definition may benefit apprentices and apprenticeship programs by clarifying the criteria and qualifications that a “journeyworker” must possess.

The bill redefines “related instruction” by specifying that such instruction includes knowledge of technical subjects related to a specific trade or occupation through instruction in occupational or industrial courses taught in the classroom, taken by correspondence, including electronic media or other forms of self-study instruction approved by the Department of Education (DOE). The bill expands the definition to broaden the types of courses and options for receiving instruction

⁴⁵ Section 1006.735(2), F.S.

⁴⁶ Section 1001.706(5), F.S.

⁴⁷ Section 1006.735(3), F.S. The Complete Florida Plus Program manages a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions to facilitate the institutions’ efforts in developing a statewide articulation system that allows students to rapidly proceed toward their educational objectives and transfer between institutions. *Id.*; *see also*, s. 1007.01, F.S.

⁴⁸ Section 1006.735(4), F.S. Statewide online services and support include a streamlined online admissions application process for undergraduate transient students and a K-20 statewide computer-assisted student advising system that supports K-12 career and education planning and the advisement, registration, and certification of postsecondary students for graduation. *Id.*

on those courses, which may benefit people who would not otherwise have the opportunity to receive such instruction in a traditional setting.

Furthermore, the bill revises the criteria for an apprenticeable occupation as a skilled trade that is clearly defined and:

- Involves skills and knowledge in accordance with the applicable industry standards.
- Includes a minimum number of hours of on-the-job training.
- Includes related instruction through occupational or industrial courses.

The bill authorizes the Governor to appoint two public members to the State Apprenticeship Advisory Council who are independent, rather than recommended by joint or nonjoint organizations affiliated with apprenticeship sponsors.

The bill prohibits an apprenticeship program or agreement from invalidating special provisions for veterans, minority persons, or women.

CAPE Funding

The bill revises the tiers for calculating additional full-time equivalent student membership based on completion of a career-themed course, enrollment in a career and professional education academy, and attainment of an industry certification that is assigned a value and identified on the CAPE Industry Certification Funding List.⁴⁹

Rapid Response Education and Training Program

The bill creates the Rapid Response Education and Training Program (Program) within the Complete Florida Plus Program to work with Enterprise Florida, Inc., to recruit and retain employees through industry-specific education and training.

Specifically, the bill requires that the Program:

- Award matching grants to public and private education and training providers.
- Submit to the Legislature periodic reports generated by an independent forensic accounting or auditing entity.
- Keep administrative costs to a minimum through the use of existing organizational structures.
- Work with businesses to recruit individuals for education and training.
- Give 30-days' notice before terminating a participating education and training program.
- Survey businesses regarding the effectiveness of the education and training programs.

Additionally, the bill requires that the Division of Career and Adult Education within DOE analyze and assess the effectiveness of the education and training programs offered through the Program in meeting labor market and occupational trends and gaps.

Finally, the bill requires DOE to develop career education program standards that reflect the quality components of a career and technical education program, and requires the State Board of Education to adopt rules.

⁴⁹ Section 1008.44, F.S.

The bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.021, 446.032, 446.045, 446.081, 446.091, 446.092, 1011.62, 1004.92, and 1006.735.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
