



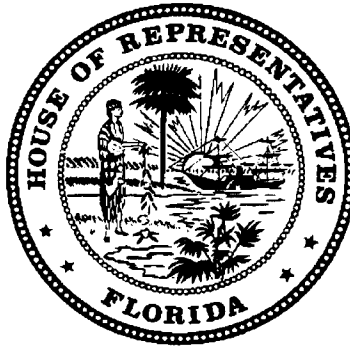
Higher Education & Workforce Subcommittee

Wednesday, November 18, 2015
1:00 p.m. – 3:00 p.m.
102 HOB

Meeting Packet

Steve Crisafulli
Speaker

Elizabeth Porter
Chair



AGENDA

Higher Education & Workforce Subcommittee
Wednesday, November 18, 2015
1:00 p.m. – 3:00 p.m.
102 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill(s):
 - PCB HEWS 16-01 -- Postsecondary Access and Affordability
 - PCB HEWS 16-02 -- Career and Adult Education
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HEWS 16-01 Postsecondary Access and Affordability
SPONSOR(S): Higher Education & Workforce Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee		Banner	Bishop

SUMMARY ANALYSIS

Promotes college affordability by:

- Requiring public postsecondary institutions to publicly notice any proposal to increase tuition or fees at least 28 days prior to consideration by the board of trustees.
- Eliminating the ability for state universities to seek approval from the Board of Governors (BOG) for an increase in the tuition differential fee.
- Clarifying that preeminent universities may increase the tuition differential by no more than 6 percent only if they meet specific performance benchmarks established by the BOG.
- Removing the requirement that seventy percent of revenues generated by the tuition differential fee be spent on undergraduate education.
- Removing the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees.
- Requiring the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition and fees, financial aid policies, and textbook costs) and submit an annual report to the Governor, Senate President, and Speaker of the House of Representatives.
- Enhancing the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by:
 - Requiring public postsecondary institutions to conduct cost benefit analyses and report annually to chancellors on implementation of textbook affordability policies;
 - Requiring chancellors to summarize institutional reports and submit a summary to SBE and BOG respectively; and
 - Requiring public postsecondary institution boards of trustees to report, by semester, the cost variance among sections and length of time textbooks and other materials are in use for all general education courses. This provision expires July 1, 2018.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Tuition Differential

Present Situation

The tuition differential fee was established in 2007 as a mechanism to generate revenue for state universities to improve the quality of direct undergraduate instruction and support services.¹ Revenues from this fee are also used to provide financial aid to undergraduate students exhibiting financial need.²

During the 2009 Legislative Session, Senate Bill 762³ prescribed more specific expenditure requirements related to the revenues generated by this fee. The law requires that seventy percent of the revenues be expended for purposes of undergraduate education, such as increasing course offerings, improving graduation rates, decreasing student-faculty ratios and use of adjunct professors, improving efficiency, and reducing the number of students enrolling in excess credit hours. The remaining thirty percent, or an equivalent amount from private sources, is to provide financial aid to undergraduate students exhibiting financial need. Current law prohibits these funds from supplanting the amount of need-based aid provided from financial aid fee revenues, direct appropriations for student financial assistance, or other private sources. If the entire amount of tuition and fees for resident students receiving Pell grants has been met, the remaining revenues dedicated to student financial aid may be used in the same manner as the seventy percent set aside for undergraduate education.⁴

State universities are prohibited from increasing the tuition differential fee unless the institution is designated as a preeminent state research university. The annual percentage increase is limited to six percent contingent upon meeting or exceeding performance standard targets established by the Board of Governors (BOG). A preeminent university may increase its tuition differential by up to two percent for meeting each of these specified performance targets:

- Increase in 6-year graduation rate for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System;
- Increase in the total annual research expenditures; and
- Increase in the total patents awarded by the United State Patent and Trademark Office for the most recent years.⁵

Current law outlines twelve specific academic and research excellence standards for preeminent research programs. Institutions must meet at least eleven of them to be designated by the BOG as a preeminent state research university.⁶ The University of Florida and Florida State University are the only two state universities that have been designated as preeminent state research universities.

Effect of Proposed Changes

The bill authorizes state universities to continue to assess a tuition differential fee if the fee was approved prior to July 1, 2015. However, the bill removes the ability for universities to seek approval from the BOG for an increase in the tuition differential fee, effectively capping tuition differential fees at universities not designated as preeminent to the level in place as of July 1, 2015. The bill further

¹ Chapter 2007-225, L.O.F.

² Section 1009.24(16), F.S.

³ Chapter 2009-98, L.O.F.

⁴ Section 1009.24(16)(a), F.S.

⁵ Section 1009.24(16)3., F.S.

⁶ Section 1001.7065, F.S.

clarifies that institutions with preeminent research university status may increase the tuition differential fee by no more than 6 percent provided they meet the specified performance benchmarks established by the BOG.

The bill also removes the provision requiring state universities to expend seventy percent of tuition differential fee revenues on specific purposes related to undergraduate instruction; however the requirement to expend thirty percent on student financial aid remains in effect.

State University and Florida College System Institution Tuition and Fees

Present Situation

Current law authorizes the Board of Governors (BOG), or the board's designee, to establish tuition for graduate and professional programs and out-of-state fees for all programs.⁷ The BOG has adopted regulations related to the adoption of tuition and fees at state universities. The regulations authorize undergraduate tuition per credit hour to be charged as established in law and that each university board of trustees (UBOT) set out-of-state fees, graduate fees and myriad other associated student fees.⁸ All university actions pertaining to undergraduate student tuition and fees require BOG approval and do not become effective until such approval is received.⁹

Boards of Trustees Meetings

BOG regulation requires the board to authorize all fees assessed to students and that only tuition and fees outlined in the board regulations may be charged.¹⁰ The BOG's regulation development procedures for the university boards of trustees (UBOT) require that UBOTs give at least 30 days notice prior to any proposed adoption or repeal of a regulation. Notice of the proposed regulation, amendment or repeal must be published on a clearly marked area of the institution's website and include a summary of the proposed action, the full text of the proposed action, a reference to the authority for the regulation, the university official initiating the proposed action and a procedure for commenting on the proposed action. Following the adoption by the UBOT, the regulation must be provided to the BOG for adoption. All regulations pertaining to student tuition and fees require BOG approval and do not become effective until such approval is received.¹¹

BOG staff surveyed each university to obtain information regarding the meeting notice policies for their boards of trustees. The majority of the university boards of trustees post meeting notices and/or materials on the institution website at least 7 days prior to the meeting. One institution posts meeting notices and/or materials at least 10 days in advance and several others at least 14 days in advance of the meeting. One institution also posts meeting notices in the local newspaper. In addition, three institutions indicated that meeting dates are provided as far in advance as an entire academic year.¹²

The State Board of Education has adopted a rule related to student fees. The rule authorizes each FCS institution board of trustees to establish, publish, collect, and budget student fees, and establish dates for the payment of such fees.¹³ Department of Education (DOE) staff surveyed the Florida College System (FCS) institutions to obtain information regarding the meeting notice policies for their boards of trustees. The majority of FCS institutions post meeting notices and/or materials their websites 7 to 14 days in advance of the meeting. Many institutions also indicated that the president

⁷ Section 1009.24(4)(b), F.S.

⁸ Board of Governors Regulation 7.001

⁹ Board of Governors, Regulation Development Procedure for University Boards of Trustees, *available at* <http://www.flbog.edu/aboutsus/ubt.php> (last viewed September 18, 2015).

¹⁰ Board of Governors Regulation 7.003

¹¹ Board of Governors, Regulation Development Procedure for University Boards of Trustees, *available at* <http://www.flbog.edu/aboutsus/ubt.php> (last viewed September 18, 2015).

¹² Email, Board of Governors, General Counsel (September 18, 2015)

¹³ Rule 6A-14.054, F.A.C.

speaks with student groups (e.g., student government association) to discuss consideration of tuition changes. In addition, several institutions indicated that meeting dates are provided as far in advance as an entire academic year.¹⁴

Effect of Proposed Changes

The bill removes the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees for all programs to the university boards of trustees.

The bill requires that each state university and FCS institution board of trustees publicly notice and notify all enrolled students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must be posted on the institution's website and issued in a press release. Additionally, the notice must include the day and time of the meeting, specific details of the original tuition and fee, the rationale for the increase and intended use of the funds generated by the increase in tuition rate or fee.

College Affordability

Present Situation

The average published annual cost of attendance for a full-time, undergraduate Florida resident at a state university for the 2013-14 academic year is \$20,529 for students living on campus and \$11,407 for students living off-campus with family. Comparably, at Florida College System (FCS) institutions, the average published annual cost of attendance for a full-time, Florida resident is \$16,511 for students living on campus and \$8,514 for students living off-campus with family.¹⁵ The cost of attendance data published by these institutions represents a general estimate and does not account for any financial assistance a student may receive.¹⁶

The average 2015-16 in-state tuition and fees at public four-year institutions in Florida is \$5,943, an increase of 7.4 percent over the last five years.¹⁷ The average 2014-15 in-state tuition and fees at public two-year institutions in Florida is \$3,156, an increase of 14.2 percent over the last five years.¹⁸ Nationally, the average cost of attendance has increased 6.4 percent at public four-year institutions and 14.8 percent at public two-year institutions from 2011-12 to 2013-14.¹⁹

Of the full-time resident undergraduates attending state universities, approximately 40 percent have a family income below \$40,000. At FCS institutions, approximately 50 percent of students have a family income below \$40,000.²⁰ According to the United States Department of Education Office of Federal

¹⁴ Email, Department of Education, Florida College System (September 28, 2015).

¹⁵ Email, Florida Department of Education, Division of Florida Colleges and Florida Board of Governors, State University System (March 10, 2015)

¹⁶ Florida Board of Governors, *Affordability Study: presentation to the Education Appropriations Subcommittee* (March 4, 2015) available at

[http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

¹⁷ Board of Governors, Tuition and Fees, available at <http://www.flbog.edu/about/budget/current.php> (last visited September 24, 2015).

¹⁸ Florida Department of Education, Division of Florida Colleges, Tuition and Fees

¹⁹ U.S. Department of Education, College Affordability and Transparency Center, <http://collegecost.ed.gov/catc/> (last visited September 18, 2015)

²⁰ Florida Board of Governors, *Affordability Study: presentation to the Education Appropriations Subcommittee* (March 4, 2015) available at

[http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

Student Aid, 253,170 students enrolled in FCS institutions and 114,056 students enrolled in state universities have received federal Pell Grants for the 2014-15 year.²¹

Current law regarding textbook affordability requires FCS institutions and state universities to post textbooks required for each course offered during the upcoming term at least 30 days prior to the beginning of the term. The posted list must include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which must include, at a minimum: the title, all authors listed, publishers, edition number, copyright date, published date and any other relevant information necessary to identify the required textbook. Additionally, the State Board of Education (SBE) and the BOG are required to adopt policies, procedures, and guidelines for the implementation of efforts to further minimize the cost of textbooks for students while ensuring that the quality of education and academic freedom is maintained.²²

Effect of Proposed Changes

The bill requires the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition & fees, financial aid policies, and textbook and instructional materials costs) and submit an annual report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31st of each year.

The bill also enhances the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by requiring each FCS institution and state university board of trustees to examine, by semester, the cost of textbooks and instructional materials by course and section for all general education courses offered at the institution. This examination is intended to identify the variance in the cost of textbooks and instructional materials among different sections of the same course and the percentage of materials that remained in use for more than one term. All courses identified to have a wide variance in cost or frequent changes in textbook or instructional material selection shall be identified and sent to the appropriate academic department chair for review. This provision shall expire on July 1, 2018, unless reviewed and reenacted.

The bill also requires each postsecondary institution to conduct cost benefit analyses that consider the following guiding principles:

- Purchasing digital textbooks in bulk;
- Expanding the use of open-access textbooks and instructional materials;
- Providing rental options for textbooks and instructional materials;
- Increasing the availability and use of affordable digital textbooks and learning objects;
- Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials; and
- Examining the length of time textbooks and instructional materials remain in use.

Each FCS institution and state university board of trustees shall report to their respective chancellor by September 30 of each year, the institution's textbook and instructional material selection process for general education courses with identified cost variances and high-enrollment courses, specific initiatives designed to reduce costs, policies implemented to address the guiding principles of the cost-benefit analysis, and the number of courses and sections that were unable to meet the textbook and instructional material posting deadline. By November 1 of each year, each chancellor is required to provide a summary of the institution reports to the SBE and BOG, as appropriate.

The bill extends the textbook affordability requirements to instructional materials which is defined as educational materials used within a course that are available in either print or digital format. Each FCS institution and state university must post in the course registration system and on its website a hyperlink

²¹ U.S. Department of Education, Federal Student Aid, <https://studentaid.ed.gov/sa/about/data-center/student/title-iv> (last visited September 28, 2015) (Data reported does not include Florida Polytechnic University).

²² Section 1004.085(3), F.S.

to both required and recommended textbooks and course materials for each course being offered during the upcoming term.

The bill also requires FCS institutions and state universities to consult with school districts in identifying practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including the length of time textbook and related instructional materials should remain in use.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.7065, F.S., adding instructional materials to those costs not included in tuition at the Preeminent State Research University Institute for Online Learning at the University of Florida.

Section 2. Creates s. 1004.084, F.S., requiring the Board of Governors and the State Board of Education to annually identify strategies and initiatives aimed at promoting college affordability, including, but not limited to, tuition and fees, financial aid policies, cost of attendance, and the cost of textbooks and instructional materials. The bill also requires the submission of an annual report, by December 31, on identified college affordability initiatives.

Section 3. Amends s. 1004.085, F.S., providing a definition of “instructional materials”; requiring Florida College System institutions and state universities post prominently in course registrations systems and websites hyperlinks to lists of required and recommended textbooks and instructional materials for courses offered during the upcoming term; requiring postsecondary institutions to consult with school districts on the cost of dual enrollment textbooks; requiring postsecondary institutions to conduct cost-benefit analyses; requiring Florida College System institutions and state universities to annually report textbook affordability information to their respective chancellors; and requiring the Florida College System institution and state university boards of trustees to compile information regarding the instructional materials selection process for high enrollment courses and general education courses with a cost variance and overall instructional material affordability and report annually to the State Board of Education and Board of Governors, respectively. The bill also requires Florida College System institutions and state universities to examine, by semester, the cost of textbooks and materials for all general education courses to identify any variance in cost across different sections of the same courses. This provision expires July 1, 2018.

Section 4. Amends s. 1009.23, F.S., requiring each Florida College System institution to publicly notice any proposal to increase tuition or fees at least 28 days prior to it being considered at a board of trustees meeting.

Section 5. Amends s. 1009.24, F.S., removing the Board of Governor’s authority to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees; authorizing state universities to continue assessing tuition differential fees approved prior to July 1, 2015; eliminating the ability for a state university to seek approval for an increase in the tuition differential fee; clarifying that preeminent universities may increase the tuition differential by no more than 6 percent provided they meet specific performance benchmarks established by the Board of Governors; removing the requirement that seventy percent of tuition differential fee revenues be expended for the purpose of undergraduate education; and requiring each state university to publicly notice any proposal to increase tuition or fees at least 28 days prior to it being considered at a Board of Trustees meeting.

Section 6. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill removes the ability for universities to seek approval from the BOG for an increase in the tuition differential fee, effectively capping tuition differential fees at universities not designated as preeminent at the level in place as of July 1, 2015. This provision reduces the ability for universities to increase revenues in the Education and General Student and Other Fees Trust Fund.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Students at state universities and colleges will benefit from having a sufficient amount of time and information to seek out the lowest available prices for textbooks and instructional materials.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

B. RULE-MAKING AUTHORITY:

The bill may require the State Board of Education to modify rules relating to textbook affordability and Florida College System institution boards of trustees meeting notice policies.

The bill may also require the Board of Governors to modify regulations relating to textbook affordability, the delegation of the establishment of graduate and professional tuition and all out-of-state fees to the university boards of trustees, tuition differential fees, and Board of Governors and university boards of trustees meeting notice policies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to postsecondary access and
3 affordability; amending s. 1001.7065, F.S.; specifying
4 that the costs of instructional materials are not
5 included in tuition for certain online degree
6 programs; creating s. 1004.084, F.S.; requiring the
7 Board of Governors of the State University System and
8 the State Board of Education to submit annual reports
9 to the Governor and Legislature relating to college
10 affordability; amending s. 1004.085, F.S.; revising
11 provisions relating to textbook affordability to
12 include instructional materials; defining the term
13 "instructional materials"; requiring Florida College
14 System institution and state university boards of
15 trustees to identify wide variances in the costs of,
16 and frequency of changes in the selection of,
17 textbooks and instructional materials for certain
18 courses; requiring the boards of trustees to send a
19 list of identified courses to the academic department
20 chairs for review; requiring Florida College System
21 institutions and state universities to post certain
22 information on their websites; requiring the State
23 Board of Education and Board of Governors to receive
24 input from specified individuals and entities before
25 adopting textbook and instructional materials
26 affordability policies; providing for legislative

27 review and repeal of specified provisions; requiring
 28 postsecondary institutions to consult with certain
 29 school districts to identify certain practices;
 30 requiring cost-benefit analyses relating to textbooks
 31 and instructional materials; providing reporting
 32 requirements; amending s. 1009.23, F.S.; requiring
 33 Florida College System institutions to provide a
 34 public notice relating to increases in tuition and
 35 fees; amending s. 1009.24, F.S.; revising provisions
 36 relating to the assessment of a tuition differential
 37 by a state university board of trustees; revising
 38 requirements for the use of tuition differential
 39 revenues; deleting a requirement that a certain
 40 percentage of tuition differential revenues be used
 41 for the purpose of improvements in the quality of
 42 undergraduate education; requiring state universities
 43 to provide a public notice relating to increases in
 44 tuition and fees; providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Paragraph (k) of subsection (4) of section
 49 1001.7065, Florida Statutes, is amended to read:

50 1001.7065 Preeminent state research universities program.—

51 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 52 ONLINE LEARNING.—A state research university that, as of July 1,

53 | 2013, meets all 12 of the academic and research excellence
 54 | standards identified in subsection (2), as verified by the Board
 55 | of Governors, shall establish an institute for online learning.
 56 | The institute shall establish a robust offering of high-quality,
 57 | fully online baccalaureate degree programs at an affordable cost
 58 | in accordance with this subsection.

59 | (k) The university shall establish a tuition structure for
 60 | its online institute in accordance with this paragraph,
 61 | notwithstanding any other provision of law.

62 | 1. For students classified as residents for tuition
 63 | purposes, tuition for an online baccalaureate degree program
 64 | shall be set at no more than 75 percent of the tuition rate as
 65 | specified in the General Appropriations Act pursuant to s.
 66 | 1009.24(4) and 75 percent of the tuition differential pursuant
 67 | to s. 1009.24(16). No distance learning fee, fee for campus
 68 | facilities, or fee for on-campus services may be assessed,
 69 | except that online students shall pay the university's
 70 | technology fee, financial aid fee, and Capital Improvement Trust
 71 | Fund fee. The revenues generated from the Capital Improvement
 72 | Trust Fund fee shall be dedicated to the university's institute
 73 | for online learning.

74 | 2. For students classified as nonresidents for tuition
 75 | purposes, tuition may be set at market rates in accordance with
 76 | the business plan.

77 | 3. Tuition for an online degree program shall include all
 78 | costs associated with instruction, materials, and enrollment,

79 | excluding costs associated with the provision of textbooks and
 80 | instructional materials pursuant to s. 1004.085 and physical
 81 | laboratory supplies.

82 | 4. Subject to the limitations in subparagraph 1., tuition
 83 | may be differentiated by degree program as appropriate to the
 84 | instructional and other costs of the program in accordance with
 85 | the business plan. Pricing must incorporate innovative
 86 | approaches that incentivize persistence and completion,
 87 | including, but not limited to, a fee for assessment, a bundled
 88 | or all-inclusive rate, and sliding scale features.

89 | 5. The university must accept advance payment contracts
 90 | and student financial aid.

91 | 6. Fifty percent of the net revenues generated from the
 92 | online institute of the university shall be used to enhance and
 93 | enrich the online institute offerings, and 50 percent of the net
 94 | revenues generated from the online institute shall be used to
 95 | enhance and enrich the university's campus state-of-the-art
 96 | research programs and facilities.

97 | 7. The institute may charge additional local user fees
 98 | pursuant to s. 1009.24(14) upon the approval of the Board of
 99 | Governors.

100 | 8. The institute shall submit a proposal to the president
 101 | of the university authorizing additional user fees for the
 102 | provision of voluntary student participation in activities and
 103 | additional student services.

104 | Section 2. Section 1004.084, Florida Statutes, is created

105 to read:

106 1004.084 College affordability.-

107 (1) The Board of Governors and the State Board of
 108 Education shall annually identify strategies to promote college
 109 affordability for all Floridians by evaluating, at a minimum,
 110 the impact of:

111 (a) Tuition and fees on undergraduate, graduate, and
 112 professional students at public colleges and universities and
 113 graduate assistants employed by public universities.

114 (b) Federal, state, and institutional financial aid
 115 policies on the actual cost of attendance for students and their
 116 families.

117 (c) The costs of textbooks and instructional materials.

118 (2) By December 31 of each year, beginning in 2016, the
 119 Board of Governors and the State Board of Education shall submit
 120 a report on their respective college affordability initiatives
 121 to the Governor, the President of the Senate, and the Speaker of
 122 the House of Representatives.

123 Section 3. Section 1004.085, Florida Statutes, is amended
 124 to read:

125 1004.085 Textbook and instructional materials
 126 affordability.-

127 (1) As used in this section, the term "instructional
 128 materials" means educational materials for use within a course
 129 which may be available in printed or digital format.

130 (2) ~~(1)~~ An ~~no~~ employee of a Florida College System

131 institution or state university may not demand or receive any
 132 payment, loan, subscription, advance, deposit of money, service,
 133 or anything of value, present or promised, in exchange for
 134 requiring students to purchase a specific textbook or
 135 instructional material for coursework or instruction.

136 ~~(3)~~(2) An employee may receive:

137 (a) Sample copies, instructor copies, or instructional
 138 materials. These materials may not be sold for any type of
 139 compensation if they are specifically marked as free samples not
 140 for resale.

141 (b) Royalties or other compensation from sales of
 142 textbooks or instructional materials that include the
 143 instructor's own writing or work.

144 (c) Honoraria for academic peer review of course
 145 materials.

146 (d) Fees associated with activities such as reviewing,
 147 critiquing, or preparing support materials for textbooks or
 148 instructional materials pursuant to guidelines adopted by the
 149 State Board of Education or the Board of Governors.

150 (e) Training in the use of course materials and learning
 151 technologies.

152 (4) Each Florida College System institution and state
 153 university board of trustees shall, each semester, examine the
 154 cost of textbooks and instructional materials by course and
 155 course section for all general education courses offered at the
 156 institution to identify any variance in the cost of textbooks

157 and instructional materials among different sections of the same
 158 course and the percentage of textbooks and instructional
 159 materials that remain in use for more than one term. Courses
 160 that have a wide variance in costs among sections or that have
 161 frequent changes in textbook and instructional materials
 162 selections shall be identified and a list of such courses sent
 163 to the appropriate academic department chair for review. This
 164 subsection is repealed July 1, 2018, unless reviewed and saved
 165 from repeal through reenactment by the Legislature.

166 (5)(3) Each Florida College System institution
 167 institutions and state university universities shall post
 168 prominently in the course registration system and on its website
 169 on their websites, as early as is feasible, but at least 45 not
 170 less than 30 days before prior to the first day of class for
 171 each term, a hyperlink to lists list of each-textbook required
 172 and recommended textbooks and instructional materials for at
 173 least 95 percent of all courses and each course sections offered
 174 at the institution during the upcoming term. The lists posted
 175 list must include the International Standard Book Number (ISBN)
 176 for each required and recommended textbook and instructional
 177 material or other identifying information, which must include,
 178 at a minimum, all of the following: the title, all authors
 179 listed, publishers, edition number, copyright date, published
 180 date, and other relevant information necessary to identify the
 181 specific ~~textbook~~ or textbooks or instructional materials
 182 required and recommended for each course. The State Board of

183 Education and the Board of Governors shall include in the
 184 policies, procedures, and guidelines adopted under subsection
 185 (6) ~~(4)~~ certain limited exceptions to this notification
 186 requirement for classes added after the notification deadline.

187 (6)(4) After receiving input from students, faculty,
 188 bookstores, and publishers, the State Board of Education and the
 189 Board of Governors each shall adopt textbook and instructional
 190 materials affordability policies, procedures, and guidelines for
 191 implementation by Florida College System institutions and state
 192 universities, respectively, that further efforts to minimize the
 193 cost of textbooks and instructional materials for students
 194 attending such institutions while maintaining the quality of
 195 education and academic freedom. The policies, procedures, and
 196 guidelines shall address ~~provide for the following:~~

197 (a) The establishment of deadlines for an instructor or
 198 department to notify the bookstore of required and recommended
 199 textbooks and instructional materials so that the bookstore may
 200 verify availability, source lower cost options when practicable,
 201 explore alternatives with faculty when academically appropriate,
 202 and maximize the availability of used textbooks and
 203 instructional materials ~~That textbook adoptions are made with~~
 204 ~~sufficient lead time to bookstores so as to confirm availability~~
 205 ~~of the requested materials and, where possible, ensure maximum~~
 206 ~~availability of used books.~~

207 (b) Confirmation by the course instructor or academic
 208 department offering the course, before the textbook or

209 instructional materials adoption is finalized ~~That, in the~~
 210 ~~textbook adoption process,~~ of the intent to use all items
 211 ordered, particularly each individual item sold as part of a
 212 bundled package, ~~is confirmed by the course instructor or the~~
 213 ~~academic department offering the course before the adoption is~~
 214 ~~finalized.~~

215 (c) Determination by ~~That~~ a course instructor or the
 216 academic department offering the course ~~determines,~~ before a
 217 textbook or instructional material is adopted, of the extent to
 218 which a new edition differs significantly and substantively from
 219 earlier versions and the value to the student of changing to a
 220 new edition or the extent to which an open-access textbook or
 221 instructional material is available ~~may exist and be used.~~

222 (d) ~~That the establishment of policies shall address~~ The
 223 availability of required and recommended textbooks and
 224 instructional materials to students otherwise unable to afford
 225 the cost, including consideration of the extent to which an
 226 open-access textbook or instructional material may be used.

227 (e) Participation by ~~That~~ course instructors and academic
 228 departments ~~are encouraged to participate~~ in the development,
 229 adaptation, and review of open-access textbooks and
 230 instructional materials and, in particular, open-access
 231 textbooks and instructional materials for high-demand general
 232 education courses.

233 (f) Consultation with school districts to identify
 234 practices that impact the cost of dual enrollment textbooks and

235 instructional materials to school districts, including, but not
 236 limited to, the length of time that textbooks and instructional
 237 materials remain in use.

238 (g) Selection of textbooks and instructional materials
 239 through cost-benefit analyses that enable students to obtain the
 240 highest-quality product at the lowest available price, by
 241 considering:

242 1. Purchasing digital textbooks in bulk.

243 2. Expanding the use of open-access textbooks and
 244 instructional materials.

245 3. Providing rental options for textbooks and
 246 instructional materials.

247 4. Increasing the availability and use of affordable
 248 digital textbooks and learning objects.

249 5. Developing mechanisms to assist in buying, renting,
 250 selling, and sharing textbooks and instructional materials.

251 6. The length of time that textbooks and instructional
 252 materials remain in use.

253 (7) The board of trustees of each Florida College System
 254 institution and state university shall report, by September 30
 255 of each year, beginning in 2016, to the Chancellor of the
 256 Florida College System or the Chancellor of the State University
 257 System, as applicable, the textbook and instructional materials
 258 selection process for general education courses with a wide cost
 259 variance identified pursuant to subsection (4) and high-
 260 enrollment courses; specific initiatives of the institution

261 designed to reduce the costs of textbooks and instructional
 262 materials; policies implemented in accordance with subsection
 263 (6); the number of courses and course sections that were not
 264 able to meet the textbook and instructional materials posting
 265 deadline for the previous academic year; and any additional
 266 information determined by the chancellors. By November 1 of each
 267 year, beginning in 2016, each chancellor shall provide a summary
 268 of the information provided by institutions to the State Board
 269 of Education and the Board of Governors, as applicable.

270 Section 4. Subsection (20) is added to section 1009.23,
 271 Florida Statutes, to read:

272 1009.23 Florida College System institution student fees.—

273 (20) Each Florida College System institution shall
 274 publicly notice and notify all enrolled students of any proposal
 275 to increase tuition or fees at least 28 days before its
 276 consideration at a board of trustees meeting. The notice must:

277 (a) Include the date and time of the meeting at which the
 278 proposal will be considered.

279 (b) Specifically outline the details of existing tuition
 280 and fees, the rationale for the proposed increase, and how the
 281 funds from the proposed increase will be used.

282 (c) Be posted on the institution's website and issued in a
 283 press release.

284 Section 5. Paragraph (b) of subsection (4) and subsection
 285 (16) of section 1009.24, Florida Statutes, are amended, and
 286 subsection (20) is added to that section, to read:

287 1009.24 State university student fees.--

288 (4)

289 (b) The Board of Governors, ~~or the board's designee,~~ may
 290 establish tuition for graduate and professional programs, and
 291 out-of-state fees for all programs. Except as otherwise provided
 292 in this section, the sum of tuition and out-of-state fees
 293 assessed to nonresident students must be sufficient to offset
 294 the full instructional cost of serving such students. However,
 295 adjustments to out-of-state fees or tuition for graduate
 296 programs and professional programs may not exceed 15 percent in
 297 any year.

298 (16) Each university board of trustees may assess
 299 ~~establish~~ a tuition differential for undergraduate courses if
 300 such fee was approved by the Board of Governors before July 1,
 301 2015 upon receipt of approval from the Board of Governors.
 302 ~~However, beginning July 1, 2014, the Board of Governors may only~~
 303 ~~approve the establishment of or an increase in tuition~~
 304 ~~differential for a state research university designated as a~~
 305 ~~preeminent state research university pursuant to s.~~
 306 ~~1001.7065(3).~~ The tuition differential shall promote
 307 improvements in the quality of undergraduate education and shall
 308 provide financial aid to undergraduate students who exhibit
 309 financial need.

310 (a) ~~Thirty Seventy percent of the revenues from the~~
 311 ~~tuition differential shall be expended for purposes of~~
 312 ~~undergraduate education. Such expenditures may include, but are~~

313 ~~not limited to, increasing course offerings, improving~~
 314 ~~graduation rates, increasing the percentage of undergraduate~~
 315 ~~students who are taught by faculty, decreasing student faculty~~
 316 ~~ratios, providing salary increases for faculty who have a~~
 317 ~~history of excellent teaching in undergraduate courses,~~
 318 ~~improving the efficiency of the delivery of undergraduate~~
 319 ~~education through academic advisement and counseling, and~~
 320 ~~reducing the percentage of students who graduate with excess~~
 321 ~~hours. This expenditure for undergraduate education may not be~~
 322 ~~used to pay the salaries of graduate teaching assistants. Except~~
 323 ~~as otherwise provided in this subsection, the remaining 30~~
 324 percent of the revenues from the tuition differential, or the
 325 equivalent amount of revenue from private sources, shall be
 326 expended to provide financial aid to undergraduate students who
 327 exhibit financial need, including students who are scholarship
 328 recipients under s. 1009.984, to meet the cost of university
 329 attendance. This expenditure for need-based financial aid shall
 330 not supplant the amount of need-based aid provided to
 331 undergraduate students in the preceding fiscal year from
 332 financial aid fee revenues, the direct appropriation for
 333 financial assistance provided to state universities in the
 334 General Appropriations Act, or from private sources. The total
 335 amount of tuition differential waived under subparagraph (b) 7.
 336 ~~(b) 8.~~ may be included in calculating the expenditures for need-
 337 based financial aid to undergraduate students required by this
 338 subsection. This expenditure for need-based financial aid is not

339 required if the entire tuition and fee costs of resident
 340 students who have applied for and received Pell Grant funds have
 341 been met and the university has excess funds remaining from the
 342 30 percent of the revenues from the tuition differential
 343 required to be used to assist students who exhibit financial
 344 need, ~~the university may expend the excess portion in the same~~
 345 ~~manner as required for the other 70 percent of the tuition~~
 346 ~~differential revenues.~~

347 (b) Each tuition differential is subject to the following
 348 conditions:

349 1. The tuition differential may be assessed on one or more
 350 undergraduate courses or on all undergraduate courses at a state
 351 university.

352 2. The tuition differential may vary by course or courses,
 353 by campus or center location, and by institution. Each
 354 university board of trustees shall strive to maintain and
 355 increase enrollment in degree programs related to math, science,
 356 high technology, and other state or regional high-need fields
 357 when establishing tuition differentials by course.

358 ~~3. For each state university that is designated as a~~
 359 ~~preeminent state research university by the Board of Governors,~~
 360 ~~pursuant to s. 1001.7065, the aggregate sum of tuition and the~~
 361 ~~tuition differential may be increased by no more than 6 percent~~
 362 ~~of the total charged for the aggregate sum of these fees in the~~
 363 ~~preceding fiscal year. The tuition differential may be increased~~
 364 ~~if the university meets or exceeds performance standard targets~~

365 ~~for that university established annually by the Board of~~
 366 ~~Governors for the following performance standards, amounting to~~
 367 ~~no more than a 2 percent increase in the tuition differential~~
 368 ~~for each performance standard:~~

369 ~~a. An increase in the 6 year graduation rate for full-~~
 370 ~~time, first time in college students, as reported annually to~~
 371 ~~the Integrated Postsecondary Education Data System.~~

372 ~~b. An increase in the total annual research expenditures.~~

373 ~~c. An increase in the total patents awarded by the United~~
 374 ~~States Patent and Trademark Office for the most recent years.~~

375 3.4. The aggregate sum of undergraduate tuition and fees
 376 per credit hour, including the tuition differential, may not
 377 exceed the national average of undergraduate tuition and fees at
 378 4-year degree-granting public postsecondary educational
 379 institutions.

380 4.5. The tuition differential shall not be included in any
 381 award under the Florida Bright Futures Scholarship Program
 382 established pursuant to ss. 1009.53-1009.538.

383 5.6. Beneficiaries having prepaid tuition contracts
 384 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
 385 2007, and which remain in effect, are exempt from the payment of
 386 the tuition differential.

387 6.7. The tuition differential may not be charged to any
 388 student who was in attendance at the university before July 1,
 389 2007, and who maintains continuous enrollment.

390 7.8. The tuition differential may be waived by the

391 university for students who meet the eligibility requirements
 392 for the Florida public student assistance grant established in
 393 s. 1009.50.

394 ~~9. Subject to approval by the Board of Governors, the~~
 395 ~~tuition differential authorized pursuant to this subsection may~~
 396 ~~take effect with the 2009 fall term.~~

397 (c) Each state university that is designated as a
 398 preeminent state research university by the Board of Governors
 399 pursuant to s. 1001.7065 may increase the tuition differential
 400 annually in accordance with this subsection. However, the
 401 aggregate sum of tuition and the tuition differential may be
 402 increased by no more than 6 percent of the total charged for the
 403 aggregate sum of these fees in the preceding fiscal year. The
 404 tuition differential may be increased only if the university
 405 meets or exceeds performance standard targets for that
 406 university established annually by the Board of Governors for
 407 the following performance standards, amounting to no more than a
 408 2-percent increase in the tuition differential for each
 409 performance standard:

410 1. An increase in the 6-year graduation rate for full-
 411 time, first-time-in-college students, as reported annually to
 412 the Integrated Postsecondary Education Data System.

413 2. An increase in total annual research expenditures.

414 3. An increase in total patents awarded by the United
 415 States Patent and Trademark Office for the most recent years.

416 ~~(e) A university board of trustees may submit a proposal~~

417 ~~to the Board of Governors to implement a tuition differential~~
 418 ~~for one or more undergraduate courses. At a minimum, the~~
 419 ~~proposal shall:~~

420 ~~1. Identify the course or courses for which the tuition~~
 421 ~~differential will be assessed.~~

422 ~~2. Indicate the amount that will be assessed for each~~
 423 ~~tuition differential proposed.~~

424 ~~3. Indicate the purpose of the tuition differential.~~

425 ~~4. Indicate how the revenues from the tuition differential~~
 426 ~~will be used.~~

427 ~~5. Indicate how the university will monitor the success of~~
 428 ~~the tuition differential in achieving the purpose for which the~~
 429 ~~tuition differential is being assessed.~~

430 ~~(d) The Board of Governors shall review each proposal and~~
 431 ~~advise the university board of trustees of approval of the~~
 432 ~~proposal, the need for additional information or revision to the~~
 433 ~~proposal, or denial of the proposal. The Board of Governors~~
 434 ~~shall establish a process for any university to revise a~~
 435 ~~proposal or appeal a decision of the board.~~

436 ~~(d) (e)~~ The Board of Governors shall submit a report to the
 437 President of the Senate, the Speaker of the House of
 438 Representatives, and the Governor describing the implementation
 439 of the provisions of this subsection no later than February 1 of
 440 each year. The report shall summarize proposals received by the
 441 board during the preceding fiscal year and actions taken by the
 442 board in response to such proposals. In addition, the report

443 shall provide the following information for each university that
 444 ~~assesses has been approved by the board to assess~~ a tuition
 445 differential:

446 1. The course or courses for which the tuition
 447 differential was assessed and the amount assessed.

448 2. The total revenues generated by the tuition
 449 differential.

450 3. With respect to waivers authorized under subparagraph
 451 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the
 452 number of students receiving a waiver, and the value of waivers
 453 provided.

454 4. Detailed expenditures of the revenues generated by the
 455 tuition differential.

456 5. Changes in retention rates, graduation rates, the
 457 percentage of students graduating with more than 110 percent of
 458 the hours required for graduation, pass rates on licensure
 459 examinations, the number of undergraduate course offerings, the
 460 percentage of undergraduate students who are taught by faculty,
 461 student-faculty ratios, and the average salaries of faculty who
 462 teach undergraduate courses.

463 ~~(e)-(f)~~ A ~~No~~ state university is not ~~shall be~~ required to
 464 lower a any tuition differential that was approved by the Board
 465 of Governors and in effect before July 1, 2015 ~~prior to January~~
 466 ~~1, 2009~~, in order to comply with ~~the provisions of this~~
 467 subsection.

468 (20) Each state university shall publicly notice and

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2016

469 notify all enrolled students of any proposal to increase tuition
 470 or fees at least 28 days before its consideration at a board of
 471 trustees meeting. The notice must:

472 (a) Include the date and time of the meeting at which the
 473 proposal will be considered.

474 (b) Specifically outline the details of existing tuition
 475 and fees, the rationale for the proposed increase, and how the
 476 funds from the proposed increase will be used.

477 (c) Be posted on the university's website and issued in a
 478 press release.

479 Section 6. This act shall take effect July 1, 2016.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Higher Education &
 2 Workforce Subcommittee

3 Representative Porter offered the following:

4
 5 **Amendment (with directory and title amendments)**

6 Remove lines 272-273 and insert:

7 (12)(a) In addition to tuition, out-of-state, financial
 8 aid, capital improvement, student activity and service, and
 9 technology fees authorized in this section, each Florida College
 10 System institution board of trustees is authorized to establish
 11 fee schedules for the following user fees and fines: laboratory
 12 fees, which do not apply to a distance learning course; parking
 13 fees and fines; library fees and fines; instructional materials
 14 fees, including, but not limited to, fees for integrated course
 15 materials and texts delivered digitally or through other
 16 technologies, that are, or whose licenses are, required for and
 17 used in a specific course; fees and fines relating to facilities

Amendment No. 1

18 and equipment use or damage; access or identification card fees;
19 duplicating, photocopying, binding, or microfilming fees;
20 standardized testing fees; diploma replacement fees; transcript
21 fees; application fees; graduation fees; and late fees related
22 to registration and payment. Such user fees and fines shall not
23 exceed the cost of the services provided and shall only be
24 charged to persons receiving the service. A Florida College
25 System institution may not charge any fee except as authorized
26 by law. Parking fee revenues may be pledged by a Florida College
27 System institution board of trustees as a dedicated revenue
28 source for the repayment of debt, including lease-purchase
29 agreements, with an overall term of not more than 7 years,
30 including renewals, extensions, and refundings, and revenue
31 bonds with a term not exceeding 20 years and not exceeding the
32 useful life of the asset being financed. Florida College System
33 institutions shall use the services of the Division of Bond
34 Finance of the State Board of Administration to issue any
35 revenue bonds authorized by this subsection. Any such bonds
36 issued by the Division of Bond Finance shall be in compliance
37 with the provisions of the State Bond Act. Bonds issued pursuant
38 to the State Bond Act may be validated in the manner established
39 in chapter 75. The complaint for such validation shall be filed
40 in the circuit court of the county where the seat of state
41 government is situated, the notice required to be published by
42 s. 75.06 shall be published only in the county where the
43 complaint is filed, and the complaint and order of the circuit

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Amendment No. 1

44 court shall be served only on the state attorney of the circuit
45 in which the action is pending.

46
47 -----

48 **D I R E C T O R Y A M E N D M E N T**

49 Remove lines 270-271 and insert:

50 Section 4. Paragraph (a) of subsection (12) of section
51 1009.23, Florida Statutes, is amended, and subsection (20) is
52 added to that section, to read:

53
54 -----

55 **T I T L E A M E N D M E N T**

56 Remove line 32 and insert:

57 requirements; amending s. 1009.23, F.S.; authorizing an
58 instructional materials user fee; requiring



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Higher Education &
 2 Workforce Subcommittee

3 Representative Porter offered the following:

4
 5 **Amendment (with directory and title amendments)**

6 Between lines 297 and 298, insert:

7 (14) Except as otherwise provided in subsection (15), each
 8 university board of trustees is authorized to establish the
 9 following fees:

10 (i) Materials and supplies fees to offset the cost of
 11 materials or supplies, including, but not limited to, integrated
 12 course materials and texts delivered digitally or through other
 13 technologies, that are, or whose licenses are, ~~consumed~~ required
 14 for and used in the course of the student's instructional
 15 activities, excluding the cost of equipment replacement,
 16 repairs, and maintenance.

17



Amendment No. 2

18
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D I R E C T O R Y A M E N D M E N T

Remove line 284 and insert:

Section 5. Paragraph (b) of subsection (4), paragraph (i)
of subsection (14), and subsection

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

Remove line 35 and insert:

fees; amending s. 1009.24, F.S.; revising materials and supplies
fees; revising provisions

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HEWS 16-02 Career and Adult Education

SPONSOR(S): Higher Education & Workforce Subcommittee

TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee		Banner	Bishop

SUMMARY ANALYSIS

The bill:

- Revises the definition of applied technology diploma to convert clock hour credit to college credit.
- Establishes fees for applied technology diploma programs offered by public school districts commensurate with fees for college credit programs at Florida College System institutions.
- Revises the standards for career, adult, and community education programs and provides rule-making authority for the State Board of Education to make rules regarding accountability for career education.
- Adds the Chancellor for Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Increases the number of CAPE Digital Tool Certificates that can be included on the CAPE Industry Certification Funding List from 15 to 30.
- Requires career centers and charter technical career centers to develop a procedure for appeals of grievances related to student financial aid.
- Requires more accurate financial reporting for workforce education programs.
- Promotes apprenticeship programs by creating the Florida Apprenticeship Grant (FLAG) Program to expand existing and establish new apprenticeship programs, updating terminology, revising membership on the State Apprenticeship Advisory Council, and clarifying language relating to industry standards.
- Establishes the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers.
- Requires each school district and Florida College System institution that offers an adult education program to provide at least one online option that enables students to earn a standard high school diploma or its equivalent.
- Allows a candidate to take the high school equivalency examination after reaching the age of 16 if a formal declaration of intent to terminate school enrollment is filed with the school district; and
- Corrects an incorrect reference to developmental education which is not offered by adult education programs.

The bill provides \$3 million in recurring general revenue to implement the FLAG Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Program. See fiscal impact section.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Apprenticeships

Present Situation

The Department of Education (DOE) serves as the state apprenticeship agency and registers apprentices and apprenticeship programs on behalf of the United States Department of Labor's (USDOL) Office of Apprenticeship. The purpose of apprenticeships is to enable employers to develop and apply industry standards to training programs for registered apprentices that can increase productivity and improve the quality of the workforce. An apprenticeship is a highly structured training system in which the apprentice works full-time during the day for a sponsoring employer, learning the skills of the trade through on-the-job training along with related classroom instruction. While enrolled in the program, apprentices earn a progressive wage and upon completion of the program are considered a journeyworker and receive a nationally recognized state certificate of completion.¹

Apprenticeship enrollment is obtained through school district programs, state college programs and independent agencies. Approximately 80 percent of the programs are offered through school districts and colleges and 20 percent through independent agencies. For the 2014-15 academic year, there were 7,424 students enrolled in school district programs and 2,471 students enrolled in state college programs. Based on 2013-14 cost data, school districts spent approximately \$17.1 million on apprenticeship programs and state colleges spent approximately \$5.3 million.²

During the 2002 Legislative Special Session E³, the department's rulemaking authority regarding Instructional Components of Vocational Education was repealed. As a result, DOE is unable to update its rule regarding instructional components of Career and Technical Education programs.

Effect of Proposed Changes

The bill redefines "journeyworker" to further identify individuals who may serve as journeyworkers to include mentors, technicians, specialists or other skilled workers who can document extensive occupational experience through an alternative means to traditional registered apprenticeship completion. It also revises the definition of "related instruction" to include instruction provided in the classroom, correspondence courses or self-study courses approved by DOE. The bill clarifies that no statute, rule, or agreement relating to apprenticeships shall invalidate any special provision for veterans, minorities or women in apprenticeship programs and modifies the requirements for the two public members appointed to the State Apprenticeship Advisory Council to be independent of any joint or non-joint organization.

The bill creates the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs. Program applications must contain projected enrollment and cost data and funds may be used for instructional equipment, supplies, personnel, student services or other administrative costs. The Division of Career

¹ Department of Education, *Apprenticeship in Florida: presentation to Higher Education and Workforce Subcommittee* (Jan. 21, 2015), available at [http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

² Email, Florida Department of Education, Apprenticeship Program Enrollment Information (September 17, 2015).

³ Chapter 2002-387, L.O.F.

and Adult Education within the DOE shall administer the program and give priority to applications for programs in the critical need areas of information technology, health, and machining and manufacturing. Grant recipients must submit quarterly reports to the DOE.

The bill provides \$3 million in recurring general revenue to the Department of Education to implement the FLAG Program.

Applied Technology Diploma

Present Situation

An applied technology diploma (ATD) is currently defined as a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. It may consist of either technical (clock hour) or college credit; however a public school district (through a career center or charter technical career center), may offer the ATD only as technical credit, and college credit can be awarded to the student only upon articulation to an Florida College System institution.⁴ Enrollment data for the 2014-15 academic year indicates that ATD programs were offered in nine districts and enrolled 1,168 students statewide. Pasco-Hernando State College offered two clock hour ATD programs, with enrollment of 35 students.⁵ Clock hour tuition rates are established at \$2.33 per clock hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour, which is in addition to the resident and nonresident tuition amount.⁶ Workforce education postsecondary student fees are subject to tuition and fee variances of no more than five percent below of 5 percent above the combined total of established standard tuition and out-of-state fees.⁷

Effect of Proposed Changes

The bill revises the definition of “applied technology diploma” to consist of college credit rather than technical clock hour credit. ATDs, currently offered as clock hour programs, will be converted to college credit. College credit courses may be offered by a public school district or a Florida College System institution.

The bill establishes a new tuition rate for applied technology diploma programs to align with current tuition rates established for credit courses in Florida College System institutions, which is \$71.98 per credit hour. This fee will be subject to the tuition and fee variances established in s. 1009.22(3)(d), F.S.

Career and Technical Education Programs

Present Situation

Current law outlines the issues related to career education for which school boards, Florida College System institution boards of trustees and the Department of Education are responsible.⁸ However, the State Board of Education (SBE) does not currently have rulemaking authority to define the quality components of a career and technical education program.

Additionally, current law requires each state university and Florida College System institution to establish a procedure for students to appeal grievances related to the award or administration of financial aid. Career centers and charter technical career centers are not subject to this requirement.

⁴ Section 1004.02(8), F.S.

⁵ Email, Florida Department of Education Division of Career and Adult Education (September 17, 2015).

⁶ Section 1009.22(3)(c), F.S.

⁷ Section 1009.22(3)(d), F.S.

⁸ Section 1004.92, F.S.

Effect of Proposed Changes

The bill improves the quality of career and technical education programs by revising standards and authorizing the SBE to adopt rules related to program accountability.

The bill also requires career centers and charter technical career centers to establish procedures for students to appeal grievances related to the award or administration of financial aid. This change meets federal requirements related to federal financial aid by applying the same statutory requirements for state universities and Florida College System institutions apply to career centers and charter technical career centers.

Higher Education Coordinating Council

Present Situation

The Higher Education Coordinating Council (HECC) was created in 2010 for the purpose of identifying unmet needs and facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.⁹ The HECC is comprised of eleven members:

- One member of the Board of Governors
- One member of the State Board of Education
- Chancellor of the State University System
- Chancellor of the Florida College System
- Executive Director of the Florida Association of Postsecondary Schools and Colleges
- President of the Independent Colleges and Universities of Florida;
- President of Workforce Florida, Inc.
- President of Enterprise Florida, Inc.
- Three business community representatives, one appointed by the Speaker of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Governor.¹⁰

Effect of Proposed Changes

The bill adds the Chancellor of Career and Adult Education to the membership of the HECC to provide adequate representation of career centers in discussions and recommendations relating to higher education policies.

CAPE Digital Tool Certificates

Present Situation

- Cape Digital Tools certificates are available to students in kindergarten through grade 8, to enable students to attain digital skills.¹¹ Certificates are identified and reviewed by the Florida Department of Education and added to the CAPE Industry Certification Funding List annually. The current list includes 15 different certificates.¹² Implementation of CAPE Digital Tools Certificate programs began during the

⁹ Section 1004.015, F.S.

¹⁰ *Id.*

¹¹ 1003.4203(1) F.S.

¹² Florida Department of Education, CAPE Industry Certification Funding List, *available at* http://www.fldoe.org/core/fileparse.php/8904/urlt/1516icfl_detailed.pdf (last viewed October 23, 2015).

2014-2015 school year and funding for these programs became available during the 2015-2016 year. As of October 2015, 3,953 students have earned CAPE Digital Tool Certificates.¹³

For the 2015-16 Industry Certification Funding List, the maximum number of CAPE Digital Tool Certificates authorized under law have been included on the list. The addition of any newly available certificate would require the removal of an existing certificate from the list.

Effect of Proposed Changes

The bill allows the Department of Education to consider up to 15 additional certificates for designation as CAPE Digital Tool Certificates on the CAPE Industry Certification Funding List if the certificates meet the statutory requirements.

Adult Education

Present Situation

Adult general education is the provision of educational services that will enable adults to acquire:

1. The basic skills necessary to attain basic and functional literacy.
2. A high school diploma or successfully complete the high school equivalency examination.
3. An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.¹⁴

Adult general education programs are available to individuals who:

- Are at least 16 years of age and have legally left the secondary school system
- Do not have a high school diploma or its equivalent
- Want to learn to speak, read, and write in English.¹⁵

Adult Standard High School Diploma

An Adult Standard High School Diploma may be issued by a school district or Florida College System institution. Students may choose a 24-credit or 18-credit ACCEL (Academically Challenging Curriculum to Enhance Learning) option and must complete the same courses and state assessments required to earn a standard high school diploma in the K-12 system. However, the following exceptions are allowed:

1. One elective credit may be substituted for the one credit requirement in fine or performing arts, speech and debate, or practical arts.
2. The requirement that two of the science credits include a laboratory component may be waived by the district school board.
3. The requirement for one credit in physical education may be substituted with an elective.¹⁶

High School Equivalency Diploma

Florida law¹⁷ requires a candidate for the high school equivalency diploma to be at least 18 years of age on the date of the examination, except that in extraordinary circumstances a school district may determine that a candidate is eligible to take the examination after reaching the age of 16.

¹³ Quick Guide to the Florida Career and Professional Education Act (CAPE), available at <http://www.serve.org/uploads/docs/Events%20&%20Webinars/Quick%20Guide%20to%20the%20Florida%20Career%20and%20Professional%20Education.pdf>

¹⁴ Section 1004.93, F.S.

¹⁵ Department of Education, *Overview of Adult General Education: presentation to Higher Education and Workforce Subcommittee* (September 16, 2015), available at <http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=80>

¹⁶ *Id.*

Forty-three states and the District of Columbia require candidates to be 18 years old to receive a GED credential. Most states, however, allow individuals younger than the required minimum age to take the tests with additional documentation.¹⁸

Delivery of Diploma Programs: Adult High School and GED

Counties that offer ONLY a GED preparation (32)

- Okaloosa, Jackson, Washington, Bay, Calhoun, Liberty, Franklin, Wakulla, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Baker, Union, Bradford, Levy, Putnam, Marion, Citrus, Sumter, Lake, Osceola, Manatee, Hardee, Highlands, DeSoto, Charlotte, Lee, Collier

Counties that offer ONLY an Adult High School option (1)

- Gulf

Counties that offer BOTH a GED preparation and an Adult High School option (30)

- Escambia, Santa Rosa, Walton, Gadsden, Leon, Columbia, Alachua, Clay, Nassau, Duval, St. Johns, Flagler, Volusia, Seminole, Orange, Brevard, Hernando, Pasco, Polk, Hillsborough, Pinellas, Indian River, Okeechobee, St. Lucie, Martin, Palm Beach, Sarasota, Broward, Miami-Dade, Monroe

Counties that do not offer either a GED preparation or Adult High School option (4)

- Holmes, Gilchrist, Glades, Hendry¹⁹

Online delivery of Adult Education Programs

The Florida Adult and Technical Distance Education Consortium (FATDEC) is a consortium of 30 member institutions. The purpose of the group is to enable public schools, school districts and Florida College System institutions to work together to deliver curriculum in a web-based environment for adult education and career and technical programs in Florida.²⁰

Membership in the consortium includes:

Baker County Public Schools
Brevard County Public Schools
Broward County Public Schools
Calhoun County Adult School
College of Central Florida (serving Levy County)
Citrus County Public Schools
Desoto County Public Schools
First Coast Technical College (serving St. Johns County)
Flagler County Public Schools

¹⁷ Section 1003.435(4), F.S.

¹⁸ Jizhi Zhang, *Young GED Examinees and Their Performance on the GED Tests*, General Educational Development Testing Service of the American Council on Education (2009), available at <http://www.gedtestingservice.com/uploads/files/eecfc5b0b5d764269e8780fc9f15d24.pdf>

¹⁹ Department of Education, *Overview of Adult General Education: presentation to Higher Education and Workforce Subcommittee* (September 16, 2015), available at [http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=80](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=80)

²⁰ Florida Adult and Technical Education Consortium: Your future, Online, available at http://fatdec.com/about_us.php (last viewed November 5, 2015)

George Stone Technical Center (serving Escambia County)
Hernando County Public Schools
Hillsborough County Public Schools
Indian River State College (serving Martin, St. Lucie, Indian River, and Okeechobee Counties)
Lee County Public Schools
Manatee Technical Center
Monroe County Public Schools
Nassau County Public Schools
Orange County Public Schools
Palm Beach Public Schools
Pasco County Public Schools
Pinellas County Public Schools
Polk County Technical Center
Santa Fe State College (serving Alachua County)
Santa Rosa County Public Schools
Sarasota County Technical Institute
Seminole State College (serving Seminole County)
South Florida State College (serving Highlands County)
St. Johns River State College (serving Putnam County)
Tallahassee Community College (serving Leon County)
Washington-Holmes Technical Center (serving Washington and Holmes Counties)
**34 counties served by the consortium*

Effect of Proposed Changes

The bill reduces the age at which a candidate may take the high school equivalency examination from 18 to 16, if a formal declaration of intent to terminate school enrollment²¹ is filed with the school district.

The bill also requires any school district or Florida College System institution that offers an adult education program to provide at least one online option for students to earn a high school diploma or its equivalent no later than July 1, 2017.

In addition, the bill removes an incorrect reference to developmental education from the adult education section of statute because developmental education is not included in adult education programs.

Workforce Education Funding

Present Situation

Funds provided for career and charter technical centers are appropriated separately in the General Appropriations Act (GAA) from other K-12 programs. Proviso language included in the GAA specifies that the funds appropriated shall not be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General verifies compliance with this requirement during scheduled audits of these institutions.²² As part of the school district, career and charter technical centers benefit from the use of school district personnel and services for many activities which may include: payroll/human resources; building maintenance and repair; pest control; lawn care; risk management and liability insurance; marketing; financial and legal services; professional development; school police; technology and MIS; transportation for limited high school students; and utilities. By sharing services, the centers do not have to hire additional full-time staff, or contract for these activities. School districts, in turn,

²¹ Section 1003.21(1)(b), F.S., stipulates that any student who attains the age of 16 years is not subject to compulsory school attendance beyond the date upon which he or she reaches that age if the student files a formal declaration of intent to terminate school enrollment with the district school board.

²² Chapter 2015-232, L.O.F., see Specific Appropriation 118 proviso referencing Specific Appropriations 10, 116, and 118

charge their center(s) associated indirect and administrative fees for usage. Currently the Department of Education's (DOE) financial data system does not separate secondary expenditures from postsecondary expenditures; thus, it has been difficult to obtain data or ascertain how the career education centers' indirect service charges are calculated. The indirect costs charged by school districts to the 48 centers vary in percentage of total allocations.

Postsecondary education, including workforce education programs, once conformed to a calculated percentage of the average cost of instruction funded with 75 percent from state general revenue and 25 percent from student fees. This ratio is no longer applicable, as tuition and fee revenues currently make up a larger percentage of total funding. Funding for workforce education is currently calculated based on weighted enrollment minus fee revenues generated to offset program operational costs.

Effect of Proposed Changes

The bill requires each school district and Florida College System (FCS) institution receiving state appropriations for workforce education programs to maintain adequate and accurate records including a system to record school district workforce education funding and expenditures in order to maintain separation of postsecondary workforce education expenditures from secondary education expenditures.

The bill revises the calculation methodology for determining state funding for workforce education programs consistent with the current method used to allocate funds, and removes obsolete references for programs that are no longer funded.

The bill clarifies the requirements for workforce performance funding to reward all types of workforce education programs, including those that:

- prepare people to enter high-skill/high wage occupations;
- increase student achievement in Adult General Education courses; and
- award industry certifications

Rapid Response Grant Program

Present Situation

Florida does not currently have a formal mechanism for recruiting and retaining industry in the state by providing education and training programs specifically geared toward business employees. The lack of such a process may result in businesses choosing not to locate in Florida because they are not given adequate assurance that they will have the skilled workers needed for their enterprise to be successful in this state. Other states often have a competitive advantage over Florida in industry attraction, expansion, and retention projects and lose out on the associated jobs that they create.

Effect of Proposed Changes

The bill creates the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers. Career centers applying for the program must submit an application that includes, at a minimum, the details regarding the program expansion and development, projected enrollment and projected costs. Career centers that are granted awards must submit quarterly reports. Grant funds may not be used to supplant current funds and must be used to expand enrollment in existing programs or create new programs.

The Department of Education shall administer the program and conduct an annual analysis and assessment of the effectiveness of the postsecondary programs in meeting labor market demands.

The bill provides \$10 million in recurring general revenue to the Department of Education to implement this program.

B. SECTION DIRECTORY:

Section 1. Amends s. 446.021, F.S., amending the definitions of “journeyworker” and “related instruction”.

Section 2. Amends s. 446.032, F.S., making a technical change of “journeymen” to “journeyworker”.

Section 3. Amends s. 446.045, F.S., clarifying that public members of the State Apprenticeship Advisory Council are to be independent of any joint or nonjoint organization.

Section 4. Amends s. 446.081, F.S., clarifying that nothing in ss. 446.011-446.092, F.S. or implementing rules shall operate to invalidate any special provisions for veterans, minorities, or women in apprenticeship programs.

Section 5. Amends s. 446.091, F.S., making a technical change of “journeymen” to “journeyworker”.

Section 6. Amends s. 446.092, F.S., clarifying language related to industry standards.

Section 7. Amends s. 1003.435, F.S., reducing the age at which a candidate may take the high school equivalency examination.

Section 8. Amends s. 1004.015, F.S., adding the Chancellor of Career and Adult Education at the Department of Education to the Higher Education Coordinating Council.

Section 9. Amends s. 1004.02, F.S., clarifying that the applied technology diploma consists of college credit and may be offered by a public school district or Florida College System institution.

Section 10. Amends s. 1004.92, F.S., revising language regarding career and technical education program standards and requiring the State Board of Education to adopt rules.

Section 11. Amends s. 1004.93, F.S., requiring each school district and Florida College System institution that offers an adult education program to, by July 1, 2017, provide at least one online option for students to earn a standard high school diploma or its equivalent; removing an incorrect reference to developmental education.

Section 12. Amends s. 1008.44, F.S. increasing the number of CAPE Digital Tool Certificates that can be included on the CAPE Industry Certification Funding List from 15 to 30; changing language on identification of the CAPE Digital Tool Certificates to conform with other statutory language.

Section 13. Amends s. 1009.22, F.S., removes the reference to the applied technology diploma under the per contact hour fee structure; and provides a new tuition fee structure for the applied technology diploma at the same rates as those charged by the Florida College System for college credit programs.

Section 14. Amends s. 1009.42, F.S., requiring career centers to develop procedures for appeals of grievances related to financial aid as required by the U.S. Department of Education.

Section 15. Amends s. 1011.80, F.S., requiring school districts and colleges to maintain adequate and accurate records, separating postsecondary workforce education expenditures from secondary education expenditures; clarifying the requirements for funding calculations to align with the current methodology for determining workforce education funding; clarifying the requirements for workforce performance funding.

Section 16. Creates s. 1011.802, F.S., establishing the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants for career centers, charter technical career centers and Florida College System institutions to expand existing or create new apprenticeship programs.

Section 17. Creates s. 1011.803, F.S., establishing the Rapid Response Grant Program for the purpose of providing a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers and charter technical career centers.

Section 18. Provides \$3 million in recurring general revenue to implement the Florida Apprenticeship Grant (FLAG) Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Education and Training Program to the Department of Education.

Section 19. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The 2014-15 school year was the first year of implementation for CAPE Digital Tool Certificates. There is currently no data available on the number of students earning a certification. For 2015-16, the maximum number of CAPE Digital Tool Certificates (15) are included on the CAPE Industry Certification Funding List. It is possible that the addition of new CAPE Digital Tool Certificates to the funding list could attract more students to the program and result in an increase in the total number of certificates earned. Each additional certificate earned by an elementary or middle school student would generate 0.025 additional FTE, with a maximum of 1.0 FTE for any one student. The value of 0.025 FTE would generate approximately \$104 in additional funding for each certificate. The number of additional CAPE Digital Tool Certificates that may generate funding under the bill is unknown.

This bill provides the Department of Education with \$3 million in recurring general revenue to implement the Florida Apprenticeship Grant (FLAG) Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Redefining "applied technology diploma" and converting the tuition rates from contact hour to credit hour will result in a minimal increase in cost for some students. The student does, however, receive an upgraded product with college credit that is more easily transferable. The conversion of credit hours

could potentially lower costs to some students depending upon length of program, and its conversion to credit hours.

The bill creates the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers. This new program may result in businesses choosing to locate in Florida because they will be given adequate assurance that they will have the skilled workers needed for their enterprise to be successful in this state.

The Florida Apprenticeship Grant Program will provide start-up funding for new apprenticeship programs and allow for expansion of existing apprenticeship programs at Florida College System institutions, career centers, and charter technical career centers. The program will benefit both businesses and students enrolled in the programs. Businesses have expressed the need for increased apprenticeship programs. Students enrolled in apprenticeship programs are exempt from the payment of tuition and fees.

D. FISCAL COMMENTS:

Based on 2014-15 enrollment data, the conversion of the ATD from clock hour to college credit would likely result in tuition revenue increases of \$87,274 for school districts, and a decrease of \$15,897 for Pasco-Hernando State College, the only college institution offering clock hour programs.²³ The bill has an indeterminate future fiscal impact on tuition and fee revenues for career centers and charter technical centers. Changing applied technology diploma credit from clock hour credit to college credit could encourage increased student enrollment in these programs. Enrollment increases, if significant, could require additional state funding in future years since tuition covers only a portion of a student's educational costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides rulemaking authority to the State Board of Education regarding instructional components of Career and Technical Education programs. The bill may also require the State Board of Education to modify rules related to workforce education program funding reporting.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

²³ Email, Department of Education Division of Career and Adult Education (September 17, 2015)
STORAGE NAME: pcb02.HEWS.DOCX
DATE: 11/10/2015

1 A bill to be entitled
2 An act relating to career and adult education;
3 amending s. 446.021, F.S.; revising definitions
4 relating to state apprenticeship and job-training
5 programs; amending s. 446.032, F.S.; conforming a
6 provision; amending s. 446.045, F.S.; revising
7 criteria for certain appointments to the State
8 Apprenticeship Advisory Council; amending s. 446.081,
9 F.S.; limiting applicability of state apprenticeship
10 and job-training program requirements with respect to
11 certain provisions for veterans, minority persons, and
12 women; amending s. 446.091, F.S.; conforming a
13 provision; amending s. 446.092, F.S.; revising
14 criteria for apprenticeship occupations; amending s.
15 1003.435, F.S.; revising requirements that a 16 year
16 old must meet to be a candidate for the high school
17 equivalency diploma; amending s. 1004.015, F.S.;
18 revising the membership of the Higher Education
19 Coordinating Council; amending s. 1004.02, F.S.;
20 revising the definition of the term "applied
21 technology diploma program"; amending s. 1004.92,
22 F.S.; revising the Department of Education's
23 responsibility for the development of program
24 standards for career, adult, and community education
25 programs; providing for rulemaking; amending s.
26 1004.93, F.S.; revising provisions relating to adult

27 general education; providing that adult education
 28 programs may only provide academic services to
 29 specified students under certain circumstances;
 30 deleting duties of the State Board of Education
 31 relating to adult general education programs; deleting
 32 a requirement that specific expenditures be reported
 33 separately; revising allocation requirements for
 34 developmental education; amending s. 1008.44, F.S.;
 35 revising the number of allowable CAPE Digital Tool
 36 certificates in certain areas that do not lead to
 37 college credit; deleting a provision authorizing the
 38 Chancellor of Career and Adult Education to update the
 39 list of certificates; amending s. 1009.22, F.S.;
 40 revising tuition and fees for specific workforce
 41 education programs; amending s. 1009.42, F.S.;
 42 requiring district school boards operating a career
 43 center and governing bodies of charter technical
 44 career centers to establish a specific appeal
 45 procedure for students; amending s. 1011.80, F.S.;
 46 conforming provisions; requiring school districts and
 47 Florida College System institutions to maintain
 48 certain records; revising operational and performance
 49 funding calculation and allocation for workforce
 50 education programs; deleting provisions relating to a
 51 program to assist in responding to the needs of new
 52 and expanding businesses and a requirement that the

53 State Board of Education and CareerSource Florida,
 54 Inc., provide the Legislature with certain formulas
 55 and mechanisms for distributing performance funds;
 56 creating s. 1011.802, F.S.; creating the Florida
 57 Apprenticeship Grant (FLAG) program; providing for the
 58 purpose, requirements, and administration of the
 59 program; requiring certain career centers and
 60 institutions to provide quarterly reports; creating s.
 61 1011.803, F.S.; creating the Rapid Response Grant
 62 program; providing for the purpose, requirements, and
 63 administration of the program; requiring certain
 64 career centers to provide quarterly reports; requiring
 65 the department to administer the program and conduct
 66 an annual program analysis; providing appropriations;
 67 providing an effective date.

68

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

70

71 Section 1. Section 446.021, Florida Statutes, is reordered
 72 and amended to read:

73 446.021 Definitions of terms used in ss. 446.011-446.092.—

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

75 (1)~~(2)~~ "Apprentice" means a person at least 16 years of
 76 age who is engaged in learning a recognized skilled trade
 77 through actual work experience under the supervision of a
 78 journeyworker ~~journeymen~~ ~~craftsmen~~, which training should be

79 combined with properly coordinated studies of related technical
 80 and supplementary subjects, and who has entered into a written
 81 agreement, which may be cited as an apprentice agreement, with a
 82 registered apprenticeship sponsor who may be ~~either~~ an employer,
 83 an association of employers, or a local joint apprenticeship
 84 committee.

85 ~~(2)(6)~~ "Apprenticeship program" means an organized course
 86 of instruction, registered and approved by the department, which
 87 course shall contain all terms and conditions for the
 88 qualifications, recruitment, selection, employment, and training
 89 of apprentices including such matters as the requirements for a
 90 written apprenticeship agreement.

91 ~~(3)(10)~~ "Cancellation" means the deregistration of an
 92 apprenticeship program or the termination of an apprenticeship
 93 agreement.

94 ~~(4)(12)~~ "Department" means the Department of Education.

95 ~~(5)(4)~~ "Journeyworker Journeyman" means a person working
 96 in an ~~apprenticeable~~ occupation who has attained a level of
 97 skill and the abilities and competencies recognized within the
 98 industry as having mastered the skills and competencies required
 99 for the occupation. The term includes a mentor, technician,
 100 specialist, or other skilled worker who has documented
 101 sufficient skills and knowledge of the occupation through formal
 102 apprenticeship or practical on-the-job experience and formal
 103 training successfully completed a registered apprenticeship
 104 ~~program or who has worked the number of years required by~~

105 ~~established industry practices for the particular trade or~~
 106 ~~occupation.~~

107 (6)~~(11)~~ "Jurisdiction" means the specific geographical
 108 area for which a particular program is registered.

109 (7) "On-the-job training program" means a formalized
 110 system of job processes which may be augmented by related
 111 instruction that provides the experience and knowledge necessary
 112 to meet the training objective of learning a specific skill,
 113 trade, or occupation. The training program must be at least 6
 114 months and not more than 2 years in duration and must be
 115 registered with the department.

116 (8)~~(1)~~ "Preapprentice" means any person 16 years of age or
 117 over engaged in any course of instruction in the public school
 118 system or elsewhere, which course is registered as a
 119 preapprenticeship program with the department.

120 (9)~~(5)~~ "Preapprenticeship program" means an organized
 121 course of instruction in the public school system or elsewhere,
 122 which course is designed to prepare a person 16 years of age or
 123 older to become an apprentice and which course is approved by
 124 and registered with the department and sponsored by a registered
 125 apprenticeship program.

126 (10)~~(9)~~ "Related instruction" means an organized and
 127 systematic form of instruction designed to provide the
 128 apprentice with knowledge of the theoretical and technical
 129 subjects related to a specific trade or occupation. Such
 130 instruction may be given in a classroom, through occupational or

131 industrial courses or correspondence courses of equivalent
 132 value, through electronic media, or through other forms of self-
 133 study approved by the department.

134 (11)~~(3)~~ "Trainee" means a person at least 16 years of age
 135 who is engaged in learning a specific skill, trade, or
 136 occupation within a formalized, on-the-job training program.

137 (12)~~(8)~~ "Uniform minimum preapprenticeship standards"
 138 means the minimum requirements established uniformly for each
 139 craft under which a preapprenticeship program is administered
 140 and includes standards of admission, training goals, training
 141 objectives, curriculum outlines, objective standards to measure
 142 successful completion of the preapprenticeship program, and the
 143 percentage of credit which may be given to preapprenticeship
 144 graduates upon acceptance into the apprenticeship program.

145 Section 2. Subsection (1) of section 446.032, Florida
 146 Statutes, is amended to read:

147 446.032 General duties of the department for
 148 apprenticeship training.—The department shall:

149 (1) Establish uniform minimum standards and policies
 150 governing apprentice programs and agreements. The standards and
 151 policies shall govern the terms and conditions of the
 152 apprentice's employment and training, including the quality
 153 training of the apprentice for, but not limited to, such matters
 154 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
 155 related instruction, and on-the-job training; but these
 156 standards and policies may not include rules, standards, or

157 guidelines that require the use of apprentices and job trainees
 158 on state, county, or municipal contracts. The department may
 159 adopt rules necessary to administer the standards and policies.

160 Section 3. Paragraph (b) of subsection (2) of section
 161 446.045, Florida Statutes, is amended to read:

162 446.045 State Apprenticeship Advisory Council.—

163 (2)(b) The Commissioner of Education or the commissioner's
 164 designee shall serve ex officio as chair of the State
 165 Apprenticeship Advisory Council, but may not vote. The state
 166 director of the Office of Apprenticeship of the United States
 167 Department of Labor shall serve ex officio as a nonvoting member
 168 of the council. The Governor shall appoint to the council four
 169 members representing employee organizations and four members
 170 representing employer organizations. Each of these eight members
 171 shall represent industries that have registered apprenticeship
 172 programs. The Governor shall also appoint two public members who
 173 are knowledgeable about registered apprenticeship and
 174 apprenticeable occupations and who are independent of any joint
 175 or nonjoint organization, ~~one of whom shall be recommended by~~
 176 ~~joint organizations, and one of whom shall be recommended by~~
 177 ~~nonjoint organizations~~. Members shall be appointed for 4-year
 178 staggered terms. A vacancy shall be filled for the remainder of
 179 the unexpired term.

180 Section 4. Subsection (1) of section 446.081, Florida
 181 Statutes, is amended to read:

182 446.081 Limitation.—

183 (1) Nothing in ss. 446.011-446.092, or in any apprentice
 184 agreement approved under those sections, may ~~shall operate to~~
 185 invalidate:

186 (a) Any apprenticeship provision in any collective
 187 agreement between employers and employees setting up higher
 188 apprenticeship standards.

189 (b) Any special provision for veterans, minority persons,
 190 or women in the standards, apprentice qualifications, or
 191 operation of the program that is not otherwise prohibited by
 192 law, executive order, or authorized regulation.

193 Section 5. Section 446.091, Florida Statutes, is amended
 194 to read:

195 446.091 On-the-job training program.—All provisions of ss.
 196 446.011-446.092 relating to apprenticeship and
 197 preapprenticeship, including, but not limited to, programs,
 198 agreements, standards, administration, procedures, definitions,
 199 expenditures, local committees, powers and duties, limitations,
 200 grievances, and ratios of apprentices and job trainees to
 201 journeyworkers ~~journeymen~~ on state, county, and municipal
 202 contracts, shall be appropriately adapted and made applicable to
 203 a program of on-the-job training authorized under those
 204 provisions for persons other than apprentices.

205 Section 6. Section 446.092, Florida Statutes, is amended
 206 to read:

207 446.092 Criteria for apprenticeship occupations.—An
 208 apprenticeable occupation is a skilled trade which possesses all

209 of the following characteristics:

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

213 (2) It is clearly identified and commonly recognized
 214 throughout an the industry ~~or recognized with a positive view~~
 215 ~~towards changing technology.~~

216 (3) It involves manual, mechanical, or technical skills
 217 and knowledge which, in accordance with the industry standards
 218 for the occupation, would require a minimum of 2,000 hours of
 219 on-the-job work and training, which hours are excluded from the
 220 time spent at related instruction.

221 (4) It requires related instruction to supplement on-the-
 222 job training. Such instruction may be given in a classroom,
 223 through occupational or industrial courses or through
 224 correspondence courses of equivalent value, through electronic
 225 media, or through other forms of self-study approved by the
 226 department.

227 ~~(5) It involves the development of skill sufficiently~~
 228 ~~broad to be applicable in like occupations throughout an~~
 229 ~~industry, rather than of restricted application to the products~~
 230 ~~or services of any one company.~~

231 ~~(6) It does not fall into any of the following categories:~~

232 ~~(a) Selling, retailing, or similar occupations in the~~
 233 ~~distributive field.~~

234 ~~(b) Managerial occupations.~~

235 ~~(c) Professional and scientific vocations for which~~
 236 ~~entrance requirements customarily require an academic degree.~~

237 Section 7. Subsection (4) of section 1003.435, Florida
 238 Statutes, is amended to read:

239 1003.435 High school equivalency diploma program.—

240 (4) A candidate for a high school equivalency diploma
 241 shall be at least 18 years of age on the date of the
 242 examination, except that ~~in extraordinary circumstances, as~~
 243 ~~provided for in rules of the district school board of the~~
 244 ~~district in which the candidate resides or attends school, a~~
 245 candidate may take the examination after reaching the age of 16
 246 if the student files a formal declaration of intent to terminate
 247 school enrollment pursuant to s. 1003.21.

248 Section 8. Subsection (2) of section 1004.015, Florida
 249 Statutes, is amended to read:

250 1004.015 Higher Education Coordinating Council.—

251 (2) Members of the council shall include:

252 (a) One member of the Board of Governors, appointed by the
 253 chair of the Board of Governors.

254 (b) The Chancellor of the State University System.

255 (c) The Chancellor of the Florida College System.

256 (d) The Chancellor of Career and Adult Education.

257 ~~(e) (d)~~ One member of the State Board of Education,
 258 appointed by the chair of the State Board of Education.

259 (f) (e) The Executive Director of the Florida Association
 260 of Postsecondary Schools and Colleges.

261 ~~(g)(f)~~ The president of the Independent Colleges and
 262 Universities of Florida.

263 ~~(h)(g)~~ The president of CareerSource Florida, Inc., or his
 264 or her designee.

265 ~~(i)(h)~~ The president of Enterprise Florida, Inc., or a
 266 designated member of the Stakeholders Council appointed by the
 267 president.

268 ~~(j)(i)~~ Three representatives of the business community,
 269 one appointed by the President of the Senate, one appointed by
 270 the Speaker of the House of Representatives, and one appointed
 271 by the Governor, who are committed to developing and enhancing
 272 world class workforce infrastructure necessary for Florida's
 273 citizens to compete and prosper in the ever-changing economy of
 274 the 21st century.

275 Section 9. Subsection (7) of section 1004.02, Florida
 276 Statutes, is amended to read:

277 1004.02 Definitions.—As used in this chapter:

278 (7) "Applied technology diploma program" means a course of
 279 study that is part of a technical degree program, is less than
 280 60 credit hours, and leads to employment in a specific
 281 occupation. An applied technology diploma program consists ~~may~~
 282 ~~consist of either technical credit or college credit~~ and may be
 283 offered by a public school district or a Florida College System
 284 institution. ~~A public school district may offer an applied~~
 285 ~~technology diploma program only as technical credit, with~~
 286 ~~college credit awarded to a student upon articulation to a~~

287 ~~Florida College System institution.~~ Statewide articulation among
 288 public schools and Florida College System institutions is
 289 guaranteed by s. 1007.23~~7~~, and is subject to guidelines and
 290 standards adopted by the State Board of Education pursuant to
 291 ss. 1007.24 and 1007.25.

292 Section 10. Paragraph (b) of subsection (2) of section
 293 1004.92, Florida Statutes, is amended, and subsection (4) is
 294 added to that section, to read:

295 1004.92 Purpose and responsibilities for career
 296 education.—

297 (2)

298 (b) Department of Education accountability for career
 299 education includes, but is not limited to:

300 1. The provision of timely, accurate technical assistance
 301 to school districts and Florida College System institutions.

302 2. The provision of timely, accurate information to the
 303 State Board of Education, the Legislature, and the public.

304 3. The development of policies, rules, and procedures that
 305 facilitate institutional attainment of the accountability
 306 standards and coordinate the efforts of all divisions within the
 307 department.

308 4. The development of program standards and industry-
 309 driven benchmarks for career, adult, and community education
 310 programs, which must be updated every 3 years. The standards
 311 must reflect the quality components of a career and technical
 312 education program and include career, academic, and workplace

313 skills; viability of distance learning for instruction; and
 314 work/learn cycles that are responsive to business and industry.

315 5. Overseeing school district and Florida College System
 316 institution compliance with the provisions of this chapter.

317 6. Ensuring that the educational outcomes for the
 318 technical component of career programs are uniform and designed
 319 to provide a graduate who is capable of entering the workforce
 320 on an equally competitive basis regardless of the institution of
 321 choice.

322 (4) The State Board of Education shall adopt rules to
 323 administer this section.

324 Section 11. Section 1004.93, Florida Statutes, is
 325 reordered and amended to read:

326 1004.93 Adult general education.—

327 (1) (a) The intent of this section is to encourage the
 328 provision of educational services that will enable adults to
 329 acquire:

330 1. The basic skills necessary to attain basic and
 331 functional literacy.

332 2. A high school diploma or successfully complete the high
 333 school equivalency examination.

334 3. An educational foundation that will enable them to
 335 become more employable, productive, and self-sufficient
 336 citizens.

337 (b) It is further intended that educational opportunities
 338 be available for adults who have earned a diploma or high school

339 | equivalency diploma but who lack the basic skills necessary to
 340 | function effectively in everyday situations, to enter the job
 341 | market, or to enter career certificate instruction.

342 | (2) The adult education program must provide academic
 343 | services to ~~students in the following priority:~~

344 | (a) Students who ~~demonstrate skills at less than a fifth~~
 345 | ~~grade level, as measured by tests approved for this purpose by~~
 346 | ~~the State Board of Education, and who~~ are studying to achieve
 347 | basic literacy.

348 | (b) Students who ~~demonstrate skills at the fifth grade~~
 349 | ~~level or higher, but below the ninth grade level, as measured by~~
 350 | ~~tests approved for this purpose by the State Board of Education,~~
 351 | ~~and who~~ are studying to achieve functional literacy.

352 | (c) Students who are earning credit required for a high
 353 | school diploma or ~~who~~ are preparing for the high school
 354 | equivalency examination. By July 1, 2017, each school district
 355 | or Florida College System institution with an adult high school
 356 | or offering a high school equivalency examination preparation
 357 | program must offer at least one online program option that
 358 | enables students to earn a high school diploma or its
 359 | equivalent.

360 | (d) Students who have earned high school diplomas and
 361 | require specific improvement in order to:

- 362 | 1. Obtain or maintain employment or benefit from
 363 | certificate career education programs;
 364 | 2. Pursue a postsecondary degree; or

365 3. Develop competence in the English language to qualify
 366 for employment.

367 (3) If all students meeting the criteria of subsection (2)
 368 are provided academic services, the adult education program may
 369 provide academic services to:

370 (a)~~(e)~~ Students who enroll in lifelong learning courses or
 371 activities that seek to address community social and economic
 372 issues that consist of health and human relations, government,
 373 parenting, consumer economics, and senior citizens.

374 (b)~~(f)~~ Students who enroll in courses that relate to the
 375 recreational or leisure pursuits of the students. The cost of
 376 courses conducted pursuant to this paragraph shall be borne by
 377 the enrollees.

378 (4)~~(3)~~(a) Each district school board or Florida College
 379 System institution board of trustees shall negotiate with the
 380 regional workforce board for basic and functional literacy
 381 skills assessments for participants in the welfare transition
 382 employment and training programs. Such assessments shall be
 383 conducted at a site mutually acceptable to the district school
 384 board or Florida College System institution board of trustees
 385 and the regional workforce board.

386 (b) State employees who are employed in local or regional
 387 offices of state agencies shall inform clients of the
 388 availability of adult basic and secondary programs in the
 389 region. The identities of clients who do not possess high school
 390 diplomas or who demonstrate skills below the level of functional

391 literacy shall be conveyed, with their consent, to the local
 392 school district or Florida College System institution, or both.

393 (c) To the extent funds are available, the Department of
 394 Children and Families shall provide for day care and
 395 transportation services to clients who enroll in adult basic
 396 education programs.

397 (5)~~(4)~~(a) Adult general education shall be evaluated and
 398 funded as provided in s. 1011.80.

399 (b) Fees for adult basic instruction are to be charged in
 400 accordance with chapter 1009.

401 ~~(c) The State Board of Education shall define, by rule,~~
 402 ~~the levels and courses of instruction to be funded through the~~
 403 ~~developmental education program. The state board shall~~
 404 ~~coordinate the establishment of costs for developmental~~
 405 ~~education courses, the establishment of statewide standards that~~
 406 ~~define required levels of competence, acceptable rates of~~
 407 ~~student progress, and the maximum amount of time to be allowed~~
 408 ~~for completion of developmental education. Developmental~~
 409 ~~education is part of an associate in arts degree program and may~~
 410 ~~not be funded as an adult career education program.~~

411 ~~(d) Expenditures for developmental education and lifelong~~
 412 ~~learning students shall be reported separately. Allocations for~~
 413 ~~developmental education shall be based on proportional full-time~~
 414 ~~equivalent enrollment. Program review results shall be included~~
 415 ~~in the determination of subsequent allocations. A student shall~~
 416 ~~be funded to enroll in the same developmental education class~~

417 ~~within a skill area only twice, after which time the student~~
 418 ~~shall pay 100 percent of the full cost of instruction to support~~
 419 ~~the continuous enrollment of that student in the same class,~~
 420 ~~however, students who withdraw or fail a class due to~~
 421 ~~extenuating circumstances may be granted an exception only once~~
 422 ~~for each class, provided approval is granted according to policy~~
 423 ~~established by the board of trustees. Each Florida College~~
 424 ~~System institution shall have the authority to review and reduce~~
 425 ~~payment for increased fees due to continued enrollment in a~~
 426 ~~developmental education class on an individual basis contingent~~
 427 ~~upon the student's financial hardship, pursuant to definitions~~
 428 ~~and fee levels established by the State Board of Education.~~
 429 ~~Developmental education and lifelong learning courses do not~~
 430 ~~generate credit toward an associate or baccalaureate degree.~~

431 (c)~~(e)~~ A district school board or a Florida College System
 432 institution board of trustees may negotiate a contract with the
 433 regional workforce board for specialized services for
 434 participants in the welfare transition program, beyond what is
 435 routinely provided for the general public, to be funded by the
 436 regional workforce board.

437 (6)~~(5)~~ If students who have been determined to be adults
 438 with disabilities are enrolled in workforce development
 439 programs, the funding formula must provide additional incentives
 440 for their achievement of performance outputs and outcomes.

441 (7)~~(6)~~ The commissioner shall recommend the level of
 442 funding for public school and Florida College System institution

443 adult education within the legislative budget request and make
 444 other recommendations and reports considered necessary or
 445 required by rules of the State Board of Education.

446 (8)~~(7)~~ Buildings, land, equipment, and other property
 447 owned by a district school board or Florida College System
 448 institution board of trustees may be used for the conduct of the
 449 adult education program. Buildings, land, equipment, and other
 450 property owned or leased by cooperating public or private
 451 agencies, organizations, or institutions may also be used for
 452 the purposes of this section.

453 (9)~~(8)~~ In order to accelerate the employment of adult
 454 education students, students entering adult general education
 455 programs after July 1, 2013, must complete the following action-
 456 steps-to-employment activities before the completion of the
 457 first term:

458 (a) Identify employment opportunities using market-driven
 459 tools.

460 (b) Create a personalized employment goal.

461 (c) Conduct a personalized skill and knowledge inventory.

462 (d) Compare the results of the personalized skill and
 463 knowledge inventory with the knowledge and skills needed to
 464 attain the personalized employment goal.

465 (e) Upgrade skills and knowledge needed through adult
 466 general education programs and additional educational pursuits
 467 based on the personalized employment goal.

468

469 The action-steps-to-employment activities may be developed
 470 through a blended approach with assistance provided to adult
 471 general education students by teachers, employment specialists,
 472 guidance counselors, business and industry representatives, and
 473 online resources. Students may be directed to online resources
 474 and provided information on financial literacy, student
 475 financial aid, industry certifications, and occupational
 476 services and a listing of job openings.

477 (10)~~(9)~~ The State Board of Education may adopt rules
 478 necessary for the implementation of this section.

479 Section 12. Paragraph (b) of subsection (1) of section
 480 1008.44, Florida Statutes, is amended to read:

481 1008.44 CAPE Industry Certification Funding List and CAPE
 482 Postsecondary Industry Certification Funding List.—

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

488 (b) No more than 30 ~~15~~ CAPE Digital Tool certificates
 489 limited to the areas of word processing; spreadsheets; sound,
 490 motion, and color presentations; digital arts; cybersecurity;
 491 and coding pursuant to s. 1003.4203(3) that do not articulate
 492 for college credit. Such certificates shall be annually
 493 identified on the CAPE Industry Certification Funding List ~~and~~
 494 ~~updated solely by the Chancellor of Career and Adult Education.~~

495 The certificates shall be made available to students in
 496 elementary school and middle school grades and, if earned by a
 497 student, shall be eligible for additional full-time equivalent
 498 membership pursuant to s. 1011.62(1)(o)1.

499 Section 13. Paragraphs (d) and (e) of subsection (3) of
 500 section 1009.22, Florida Statutes, are redesignated as
 501 paragraphs (e) and (f), respectively, paragraph (c) of that
 502 subsection is amended, and a new paragraph (d) is added to that
 503 subsection, to read:

504 1009.22 Workforce education postsecondary student fees.-
 505 (3)

506 (c) Effective July 1, 2014, for programs leading to a
 507 career certificate ~~or an applied technology diploma~~, the
 508 standard tuition shall be \$2.33 per contact hour for residents
 509 and nonresidents, and the out-of-state fee shall be \$6.99 per
 510 contact hour. For adult general education programs, a block
 511 tuition of \$45 per half year or \$30 per term shall be assessed.
 512 Each district school board and Florida College System
 513 institution board of trustees shall adopt policies and
 514 procedures for the collection of and accounting for the
 515 expenditure of the block tuition. All funds received from the
 516 block tuition shall be used only for adult general education
 517 programs. Students enrolled in adult general education programs
 518 may not be assessed the fees authorized in subsection (5),
 519 subsection (6), or subsection (7).

520 (d) Effective July 1, 2016, for programs leading to an

521 applied technology diploma, the standard tuition shall be \$71.98
 522 per credit hour for residents and nonresidents, and the out-of-
 523 state fee shall be \$215.94 per credit hour.

524 Section 14. Subsection (2) of section 1009.42, Florida
 525 Statutes, is amended to read:

526 1009.42 Financial aid appeal process.—

527 (2) The president of each state university and each
 528 Florida College System institution, each district school board
 529 operating a career center pursuant to s. 1001.44, and each
 530 governing body of a charter technical career center operating
 531 pursuant to s. 1002.34 shall establish a procedure for appeal,
 532 by students, of grievances related to the award or
 533 administration of financial aid at the institution.

534 Section 15. Section 1011.80, Florida Statutes, is
 535 reordered and amended to read:

536 1011.80 Funds for operation of workforce education
 537 programs.—

538 (1) As used in this section, the terms "workforce
 539 education" and "workforce education program" include:

540 (a) Adult general education programs designed to improve
 541 the employability skills of the state's workforce as defined in
 542 s. 1004.02(3).

543 (b) Career certificate programs, as defined in s.
 544 1004.02(20).

545 (c) Applied technology diploma programs.

546 (d) Continuing workforce education courses.

547 (e) Degree career education programs.

548 (f) Apprenticeship and preapprenticeship programs as
 549 defined in s. 446.021.

550 (2) A ~~Any~~ workforce education program may be conducted by
 551 a Florida College System institution or a school district,
 552 except that ~~college credit in~~ an associate in applied science or
 553 an associate in science degree may be awarded only by a Florida
 554 College System institution. However, if an associate in applied
 555 science or an associate in science degree program contains
 556 within it an occupational completion point that confers a
 557 certificate or an applied technology diploma, that portion of
 558 the program may be offered ~~conducted~~ by a school district career
 559 center. ~~Any~~ Instruction designed to articulate to a degree
 560 program is subject to guidelines and standards adopted by the
 561 State Board of Education pursuant to s. 1007.25.

562 (3) Each school district and Florida College System
 563 institution receiving state appropriations for workforce
 564 education programs must maintain adequate and accurate records,
 565 including a system to record school district workforce education
 566 funding and expenditures, in order to maintain separation of
 567 postsecondary workforce education expenditures from secondary
 568 workforce education expenditures. These records must be filed
 569 with the Department of Education in correct and proper form on
 570 or before the date due as provided by law or rule for each
 571 annual or periodic report that is required by rules of the State
 572 Board of Education.

573 (4)~~(9)~~ School districts shall report full-time equivalent
 574 students by discipline category for the programs specified in
 575 subsection (1). There shall be an annual cost analysis for the
 576 school district workforce education programs that reports cost
 577 by discipline category consistent with the reporting for full-
 578 time equivalent students. The annual financial reports submitted
 579 by the school districts must accurately report on the student
 580 fee revenues by fee type according to the programs specified in
 581 subsection (1). The Department of Education shall develop a plan
 582 for comparable reporting of program, student, facility,
 583 personnel, and financial data between the Florida College System
 584 institutions and the school district workforce education
 585 programs.

586 ~~(3) If a program for disabled adults pursuant to s.~~
 587 ~~1004.93 is a workforce program as defined in law, it must be~~
 588 ~~funded as provided in this section.~~

589 ~~(4) Funding for all workforce education programs must be~~
 590 ~~based on cost categories, performance output measures, and~~
 591 ~~performance outcome measures.~~

592 ~~(a) The cost categories must be calculated to identify~~
 593 ~~high cost programs, medium cost programs, and low cost programs.~~
 594 ~~The cost analysis used to calculate and assign a program of~~
 595 ~~study to a cost category must include at least both direct and~~
 596 ~~indirect instructional costs, consumable supplies, equipment,~~
 597 ~~and standard program length.~~

598 ~~(b) The performance output measure for an adult general~~
 599 ~~education course of study is measurable improvement in student~~
 600 ~~skills. This measure shall include improvement in literacy~~
 601 ~~skills, grade level improvement as measured by an approved test,~~
 602 ~~or attainment of a State of Florida diploma or an adult high~~
 603 ~~school diploma.~~

604 ~~(c) The performance outcome measures for adult general~~
 605 ~~education programs are associated with placement and retention~~
 606 ~~of students after reaching a completion point or completing a~~
 607 ~~program of study. These measures include placement or retention~~
 608 ~~in employment. Continuing postsecondary education at a level~~
 609 ~~that will further enhance employment is a performance outcome~~
 610 ~~for adult general education programs.~~

611 (5) State funding and student fees for workforce education
 612 instruction shall be established as follows:

613 (a) Expenditures for the continuing workforce education
 614 programs provided by the Florida College System institutions or
 615 school districts must be fully supported by fees. Enrollments in
 616 continuing workforce education courses shall not be counted for
 617 purposes of funding full-time equivalent enrollment.

618 (b) For all other workforce education programs, state
 619 funding shall be calculated based on weighted enrollment and
 620 program costs minus fee revenues generated to offset program
 621 operational costs equal 75 percent of the average cost of
 622 instruction with the remaining 25 percent made up from student
 623 fees. Fees for courses within a program shall not vary according

624 to the cost of the individual program, but instead shall be as
 625 provided in s. 1009.22 ~~based on a uniform fee calculated and set~~
 626 ~~at the state level, as adopted by the State Board of Education,~~
 627 unless otherwise specified in the General Appropriations Act.

628 ~~(e) For fee exempt students pursuant to s. 1009.25, unless~~
 629 ~~otherwise provided for in law, state funding shall equal 100~~
 630 ~~percent of the average cost of instruction.~~

631 (c) ~~(d)~~ For a public educational institution that has been
 632 fully funded by an external agency for direct instructional
 633 costs of any course or program, the FTE generated shall not be
 634 reported for state funding.

635 ~~(6) (a) A school district or a Florida College System~~
 636 ~~institution that provides workforce education programs shall~~
 637 ~~receive funds in accordance with distributions for base and~~
 638 ~~performance funding established by the Legislature in the~~
 639 ~~General Appropriations Act. To ensure equitable funding for all~~
 640 school district workforce education programs and to recognize
 641 enrollment growth, the Department of Education shall use the
 642 funding model developed by the District Workforce Education
 643 Funding Steering Committee to determine each district's
 644 workforce education funding needs. To assist the Legislature in
 645 allocating workforce education funds in the General
 646 Appropriations Act, the funding model shall annually be provided
 647 to the legislative appropriations committees no later than March
 648 1.

649 (b) Operational funding shall be provided to school
 650 districts for workforce education programs based on weighted
 651 student enrollment and program costs determined by cost
 652 categories. The cost categories must be calculated to identify
 653 high-cost programs, medium-cost programs, and low-cost programs.
 654 The cost analysis used to calculate and assign a program of
 655 study to a cost category must include, at a minimum, direct and
 656 indirect instructional costs, consumable supplies, equipment,
 657 and standard program length.

658 (7) Performance funding for workforce education programs
 659 shall be contingent upon specific appropriation in the General
 660 Appropriations Act. To assist the Legislature in determining
 661 performance funding allocations, the State Board of Education
 662 shall annually, by March 1, provide the Legislature with
 663 recommended formulas, criteria, timeframes, and mechanisms for
 664 distributing performance funds. These recommendations shall
 665 reward programs that:

666 (a) Prepare people to enter high-skill and high-wage
 667 occupations identified by the Workforce Estimating Conference
 668 pursuant to s. 216.136 and programs approved by CareerSource
 669 Florida, Inc. At a minimum, performance incentives shall be
 670 calculated for adults who reach completion points or complete
 671 programs that lead to their placement in high-skill and high-
 672 wage employment.

673 (b) Prepare adults who are eligible for public assistance,
 674 economically disadvantaged, disabled, not proficient in English,

675 or dislocated workers for high-wage occupations. At a minimum,
676 performance incentives shall be calculated at an enhanced value
677 for such adults who complete programs that lead to their
678 placement in high-wage employment. In addition, adjustments may
679 be made in performance incentives for such adults who become
680 employed in high-wage occupations in areas with high
681 unemployment rates.

682 (c) Increase student achievement in adult general
683 education courses by measuring performance output and outcome
684 measures.

685 1. The performance output measure for an adult general
686 education course is measurable improvement in student skills.
687 This measure includes improvement in literacy skills, grade-
688 level improvement as measured by an approved test, or attainment
689 of a high school diploma.

690 2. The performance outcome measures for adult general
691 education programs are placement in and retention of employment
692 after reaching a completion point or completing a program. These
693 measures include continuation of postsecondary education at a
694 level that will further enhance employment.

695 (d) ~~(b)~~ Award industry certifications. Performance funding
696 for industry certifications ~~for school district workforce~~
697 education programs is contingent upon specific appropriation in
698 the General Appropriations Act and shall be determined as
699 follows:

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

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

711 3. Each school district shall be provided \$1,000 for each
 712 industry certification earned by a workforce education student.
 713 The maximum amount of funding appropriated for performance
 714 funding pursuant to this paragraph shall be limited to \$15
 715 million annually. If funds are insufficient to fully fund the
 716 calculated total award, such funds shall be prorated.

717 ~~(c) A program is established to assist school districts~~
 718 ~~and Florida College System institutions in responding to the~~
 719 ~~needs of new and expanding businesses and thereby strengthening~~
 720 ~~the state's workforce and economy. The program may be funded in~~
 721 ~~the General Appropriations Act. The district or Florida College~~
 722 ~~System institution shall use the program to provide customized~~
 723 ~~training for businesses which satisfies the requirements of s.~~
 724 ~~288.047. Business firms whose employees receive the customized~~
 725 ~~training must provide 50 percent of the cost of the training.~~

726 ~~Balances remaining in the program at the end of the fiscal year~~
 727 ~~shall not revert to the general fund, but shall be carried over~~
 728 ~~for 1 additional year and used for the purpose of serving~~
 729 ~~incumbent worker training needs of area businesses with fewer~~
 730 ~~than 100 employees. Priority shall be given to businesses that~~
 731 ~~must increase or upgrade their use of technology to remain~~
 732 ~~competitive.~~

733 (8) ~~(7)~~ (a) A school district or Florida College System
 734 institution that receives workforce education funds must use the
 735 money to benefit the workforce education programs it provides.
 736 The money may be used for equipment upgrades, program
 737 expansions, or any other use that would result in workforce
 738 education program improvement. The district school board or
 739 Florida College System institution board of trustees may not
 740 withhold any portion of the performance funding for indirect
 741 costs.

742 (b) State funds provided for the operation of
 743 postsecondary workforce programs may not be expended for the
 744 education of state or federal inmates.

745 ~~(8) The State Board of Education and CareerSource Florida,~~
 746 ~~Inc., shall provide the Legislature with recommended formulas,~~
 747 ~~criteria, timeframes, and mechanisms for distributing~~
 748 ~~performance funds. The commissioner shall consolidate the~~
 749 ~~recommendations and develop a consensus proposal for funding.~~
 750 ~~The Legislature shall adopt a formula and distribute the~~
 751 ~~performance funds to the State Board of Education for Florida~~

752 ~~College System institutions and school districts through the~~
 753 ~~General Appropriations Act. These recommendations shall be based~~
 754 ~~on formulas that would discourage low performing or low demand~~
 755 ~~programs and encourage through performance funding awards.~~

756 ~~(a) Programs that prepare people to enter high wage~~
 757 ~~occupations identified by the Workforce Estimating Conference~~
 758 ~~created by s. 216.136 and other programs as approved by~~
 759 ~~CareerSource Florida, Inc. At a minimum, performance incentives~~
 760 ~~shall be calculated for adults who reach completion points or~~
 761 ~~complete programs that lead to specified high wage employment~~
 762 ~~and to their placement in that employment.~~

763 ~~(b) Programs that successfully prepare adults who are~~
 764 ~~eligible for public assistance, economically disadvantaged,~~
 765 ~~disabled, not proficient in English, or dislocated workers for~~
 766 ~~high wage occupations. At a minimum, performance incentives~~
 767 ~~shall be calculated at an enhanced value for the completion of~~
 768 ~~adults identified in this paragraph and job placement of such~~
 769 ~~adults upon completion. In addition, adjustments may be made in~~
 770 ~~payments for job placements for areas of high unemployment.~~

771 ~~(c) Programs that are specifically designed to be~~
 772 ~~consistent with the workforce needs of private enterprise and~~
 773 ~~regional economic development strategies, as defined in~~
 774 ~~guidelines set by CareerSource Florida, Inc. CareerSource~~
 775 ~~Florida, Inc., shall develop guidelines to identify such needs~~
 776 ~~and strategies based on localized research of private employers~~
 777 ~~and economic development practitioners.~~

778 ~~(d) Programs identified by CareerSource Florida, Inc., as~~
 779 ~~increasing the effectiveness and cost efficiency of education.~~
 780 (9)~~(10)~~ A high school student dually enrolled under s.
 781 1007.271 in a workforce education program operated by a Florida
 782 College System institution or school district career center
 783 generates the amount calculated for workforce education funding,
 784 including any payment of performance funding, and the
 785 proportional share of full-time equivalent enrollment generated
 786 through the Florida Education Finance Program for the student's
 787 enrollment in a high school. If a high school student is dually
 788 enrolled in a Florida College System institution program,
 789 including a program conducted at a high school, the Florida
 790 College System institution earns the funds generated for
 791 workforce education funding, and the school district earns the
 792 proportional share of full-time equivalent funding from the
 793 Florida Education Finance Program. If a student is dually
 794 enrolled in a career center operated by the same district as the
 795 district in which the student attends high school, that district
 796 earns the funds generated for workforce education funding and
 797 also earns the proportional share of full-time equivalent
 798 funding from the Florida Education Finance Program. If a student
 799 is dually enrolled in a workforce education program provided by
 800 a career center operated by a different school district, the
 801 funds must be divided between the two school districts
 802 proportionally from the two funding sources. A student may not
 803 be reported for funding in a dual enrollment workforce education

804 program unless the student has completed the basic skills
 805 assessment pursuant to s. 1004.91. A student who is coenrolled
 806 in a K-12 education program and an adult education program may
 807 be reported for purposes of funding in an adult education
 808 program. If a student is coenrolled in core curricula courses
 809 for credit recovery or dropout prevention purposes and does not
 810 have a pattern of excessive absenteeism or habitual truancy or a
 811 history of disruptive behavior in school, the student may be
 812 reported for funding for up to two courses per year. Such a
 813 student is exempt from the payment of the block tuition for
 814 adult general education programs provided in s. 1009.22(3)(c).
 815 The Department of Education shall develop a list of courses to
 816 be designated as core curricula courses for the purposes of
 817 coenrollment.

818 (10)~~(11)~~ The State Board of Education may adopt rules to
 819 administer this section.

820 Section 16. Section 1011.802, Florida Statutes, is created
 821 to read:

822 1011.802 Florida Apprenticeship Grant (FLAG) program.-

823 (1) The Florida Apprenticeship Grant (FLAG) program is
 824 created to provide grants to career centers, charter technical
 825 career centers, and Florida College System institutions on a
 826 competitive basis to establish new apprenticeship programs and
 827 expand existing apprenticeship programs. The Division of Career
 828 and Adult Education within the department shall administer the
 829 grant program.

830 (2) Applications from career centers, charter technical
 831 career centers, and Florida College System institutions must
 832 contain projected enrollment and projected costs for the new or
 833 expanded apprenticeship program.

834 (3) The department shall give priority to apprenticeship
 835 programs in the areas of information technology, health, and
 836 machining and manufacturing. Grant funds may be used for
 837 instructional equipment, supplies, personnel, student services,
 838 and other expenses associated with the creation or expansion of
 839 an apprenticeship program. Grant funds may not be used for
 840 recurring instructional costs or for a center's or an
 841 institution's indirect costs. Grant recipients must submit
 842 quarterly reports in a format prescribed by the department.

843 Section 17. Section 1011.803, Florida Statutes, is created
 844 to read:

845 1011.803 Rapid Response Grant program.—

846 (1) The Rapid Response Grant program is established to
 847 competitively award grants for the expansion or implementation
 848 of high-demand postsecondary programs at career centers, as
 849 defined in ss. 1001.44 and 1002.34.

850 (2) Each career center applying for a grant shall submit
 851 an application to the Department of Education in the format
 852 prescribed by the department. The application must include, but
 853 need not be limited to, program expansion or development
 854 details, projected enrollment, and projected costs.

855 (3) Each career center that is awarded a grant under this

856 section shall submit quarterly reports to the department in the
 857 format prescribed by the department. Grant funds may not be used
 858 to supplant current funds and must be used to expand enrollment
 859 in existing postsecondary programs or develop new postsecondary
 860 programs.

861 (4) The department shall administer the program and
 862 conduct an annual analysis and assessment of the effectiveness
 863 of the postsecondary programs funded under this section in
 864 meeting labor market demand.

865 Section 18. For the 2015-2016 fiscal year:

866 (1) The sum of \$3 million in recurring funds is
 867 appropriated from the General Revenue Fund to the Department of
 868 Education to implement the Florida Apprenticeship Grant (FLAG)
 869 program.

870 (2) The sum of \$10 million in recurring funds is
 871 appropriated from the General Revenue Fund to the Department of
 872 Education to implement the Rapid Response Grant program.

873 Section 19. This act shall take effect July 1, 2016.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Higher Education &
 2 Workforce Subcommittee
 3 Representative Raburn offered the following:

Amendment

Remove lines 240-247 and insert:

7 (4) A candidate for a high school equivalency diploma
 8 shall be at least 16 ~~18~~ years of age on the date of the
 9 examination, ~~except that in extraordinary circumstances, as~~
 10 ~~provided for in rules of the district school board of the~~
 11 ~~district in which the candidate resides or attends school, a~~
 12 ~~candidate may take the examination after reaching the age of 16.~~
 13 Before taking the examination, a public school student must file
 14 a formal declaration of intent to terminate school enrollment
 15 pursuant to s. 1003.21.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Higher Education &
 2 Workforce Subcommittee
 3 Representative Raburn offered the following:

Amendment

Remove line 865 and insert:

Section 18. For the 2016-17 fiscal year: