

## Committee Substitute for Senate Bill No. 1090

An act relating to apprenticeship training; amending ss. 446.011, 446.021, 446.032, and 446.041, F.S.; conforming provisions to the deletion of the Division of Workforce Development of the Department of Education; reassigning the division's duties governing apprenticeship training and programs to the department; amending s. 446.045, F.S.; revising provisions governing the State Apprenticeship Advisory Council; deleting a requirement that the Governor appoint two nominating committees for the purpose of filling vacancies on the council; requiring the Governor to appoint certain members to the council representing sponsors of joint employer organizations and nonjoint employer organizations; conforming provisions to the deletion of the Division of Workforce Development of the Department of Education; reassigning the division's duties governing apprenticeship training and programs to the department; amending ss. 446.052, 446.061, 446.071, 446.075, and 446.081, F.S.; conforming provisions to the deletion of the Division of Workforce Development of the Department of Education; reassigning the division's duties governing apprenticeship training and programs to the department; amending s. 446.091, F.S.; conforming provisions to the deletion of the Division of Jobs and Benefits of the former Department of Labor and Employment Security; limiting the application of the act; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 446.011, Florida Statutes, are amended to read:

446.011 Legislative intent regarding apprenticeship training.—

(2) It is the intent of the Legislature that the ~~Division of Workforce Development of the~~ Department of Education have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the ~~Division of Workforce Development of the~~ department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs.

(3) It is the further intent of ss. 446.011-446.092 that the ~~department Division of Workforce Development~~ ensure quality training through the adoption and enforcement of uniform minimum standards and that the ~~department Bureau of Apprenticeship~~ promote, register, monitor, and service apprenticeship and training programs and ensure that the ~~such~~ programs adhere to the standards.

Section 2. Section 446.021, Florida Statutes, is amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—As used in ss. 446.011-446.092, the term ~~following words and terms shall have the following meanings unless the context clearly indicates otherwise:~~

(1) "Preapprentice" means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the ~~Division of Workforce Development of the~~ department of Education.

(2) "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeymen craftsmen, which training should be combined with properly coordinated studies of related technical and supplementary subjects, and who has entered into a written agreement, ~~which may be cited as hereinafter called~~ an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.

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

(4) "Journeyman" means a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.

(5) "Preapprenticeship program" means an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the ~~department Bureau of Apprenticeship of the Division of Workforce Development~~ and sponsored by a registered apprenticeship program.

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

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

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

(9) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical subjects related to a specific trade or occupation.

(10) “Cancellation” means the deregistration of an apprenticeship program or the termination of an apprenticeship agreement.

(11) “Jurisdiction” means the specific geographical area for which a particular program is registered.

(12) ~~“Department Division” means the Division of Workforce Development of the Department of Education.~~

(13) ~~“Director” means the director of the Division of Workforce Development.~~

Section 3. Section 446.032, Florida Statutes, is amended to read:

446.032 General duties of the department for division with respect to apprenticeship training.—The department ~~Division of Workforce Development~~ shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. ~~The Such~~ standards and policies shall govern the terms and conditions of the apprentice’s employment and training, including the quality training of the apprentice ~~for with respect to~~, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and on-the-job training; but these such standards and policies ~~may shall~~ not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The department ~~division~~ may adopt rules as necessary to administer ~~carry out such~~ standards and policies.

(2) Establish procedures to be used by the State Apprenticeship Advisory Council.

(3) ~~Establish a Bureau of Apprenticeship pursuant to the instructions of the Commissioner of Education.~~

Section 4. Section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of the department ~~division~~.—The department ~~Division of Workforce Development~~ shall:

(1) Administer ~~the provisions of~~ ss. 446.011-446.092.

(2) Administer the standards established by the department ~~division~~.

(3) Register in accordance with this chapter any apprenticeship or preapprenticeship program, regardless of affiliation, which meets standards established by the department ~~division~~.

(4) Investigate complaints concerning the failure of any registered program to meet the standards established by the department ~~division~~.

(5) Cancel the registration of any program that fails to comply with the standards and policies of the department ~~division~~ or that unreasonably fails or refuses to cooperate with the department ~~division~~ in monitoring and enforcing compliance with the ~~such~~ standards.

- (6) Develop and encourage apprenticeship programs.
- (7) Cooperate with and assist local apprenticeship sponsors in the development of their apprenticeship standards and training requirements.
- (8) Encourage registered apprenticeship programs to grant consideration and credit to individuals completing registered preapprenticeship programs.
- (9) Monitor registered apprenticeship programs to ensure that they are being operated in compliance with all applicable standards.
- (10) Supervise all apprenticeship programs ~~that which~~ are registered with the department division.
- (11) Ensure that minority and gender diversity are considered in administering this program.
- (12) Adopt rules as required to administer ~~implement~~ ss. 446.011-446.092.

Section 5. Section 446.045, Florida Statutes, is amended to read:

446.045 State Apprenticeship Advisory Council.—

(1) As used in ~~For the purposes of~~ this section, the term:

- (a) “Joint employee organization” means an apprenticeship sponsor who participates in a collective bargaining agreement and represents employees.
- (b) “Nonjoint employer organization” means an apprenticeship sponsor who does not participate in a collective bargaining agreement and who represents management.

(2)(a) There is created a State Apprenticeship Advisory Council to be composed of 10 voting ~~13~~ members appointed by the Governor and two ex officio nonvoting members, ~~which shall be advisory to the Division of Workforce Development~~. The purpose of the advisory council is to advise the ~~department division and the council~~ on matters relating to apprenticeship. The advisory council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by the department division.

(b) The Commissioner of Education division director ~~or the commissioner's division director's~~ designee shall ~~serve~~ be ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. The state director of the Bureau of Apprenticeship and Training of the United States Department of Labor shall serve ex officio as ~~be appointed~~ a nonvoting member of the council. ~~The Governor shall appoint two three-member committees for the purpose of nominating candidates for appointment to the council. One nominating committee shall be composed of joint employee organization representatives, and the other nominating committee shall be composed of non-joint employer organization representatives. The joint employee organization nominating committee shall submit to the Governor the names of three persons for each vacancy occurring among the joint employee organization~~

members on the council, and the nonjoint employer organization nominating committee likewise shall submit to the Governor the names of three persons for each vacancy occurring among the nonjoint employer organization members on the council. The Governor shall appoint to the council five members representing sponsors of joint employee organizations and five members representing sponsors of nonjoint employer organizations ~~from the candidates nominated for each position by the respective nominating committees.~~ Each member shall represent industries that which have registered apprenticeship programs ~~or in which a need for apprenticeship programs has been demonstrated.~~ Initially, ~~the Governor shall appoint four members for terms of 4 years, two members for terms of 3 years, two members for terms of 2 years, and two members for terms of 1 year.~~ Thereafter, Members shall be appointed for 4-year staggered terms. A vacancy shall be filled for the remainder of the unexpired term.

(c) The council shall meet at the call of the chair or at the request of a majority of its membership, but at least twice a year. A majority of the voting members shall constitute a quorum, and the affirmative vote of a majority of a quorum is necessary to take action.

(d) The Governor may remove any member for cause.

(e) The council shall maintain minutes of each meeting. The department ~~division~~ shall keep on file the minutes of each meeting and shall make the ~~such~~ minutes available to any interested person.

(f) Members of the council shall serve without compensation, but are ~~shall be~~ entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 6. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) ~~The Division of Workforce Development of the department of Education,~~ under regulations established by the State Board of Education, may ~~is authorized to~~ administer the provisions of ss. 446.011-446.092 ~~which that~~ relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) ~~The department~~ Division of Workforce Development, the district school boards, and the community college district boards of trustees shall work together with existing registered apprenticeship programs in order so that individuals completing the such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 7. Section 446.061, Florida Statutes, is amended to read:

446.061 Expenditures.—The ~~Division of Workforce Development of the department of Education~~ shall make necessary expenditures from the appropriation provided by law for personal services, travel, printing, equipment, office space, and supplies as provided by law.

Section 8. Section 446.071, Florida Statutes, is amended to read:

446.071 Apprenticeship sponsors.—

(1) One or more local apprenticeship sponsors shall be approved in any trade or group of trades by the ~~Division of Workforce Development of the department of Education~~, upon a determination of need, ~~if provided the apprenticeship sponsor meets all of the standards established by the department division.~~ The term “need” refers to the need of state residents for apprenticeship training. In the absence of proof to the contrary, it shall be presumed that there is need for apprenticeship and preapprenticeship training in each county in this state.

(2) A local apprenticeship sponsor may be a committee, a group of employers, an employer, or a group of employees, or any combination thereof.

(3) ~~The department may division has authority to grant a variance from the standards upon a showing of good cause for the such variance by program sponsors in nonconstruction trades. The purpose of this subsection provision is to recognize the unique and varying training requirements in nontraditional apprenticeable occupations and to authorize the department division and bureau to adapt the standards to the needs of the such programs.~~

Section 9. Section 446.075, Florida Statutes, is amended to read:

446.075 Federal and state cooperation.—~~The Division of Workforce Development of the department of Education may contract make and enter into contracts with the United States Department of Labor, and may assume other functions and duties as are necessary for the department division to serve as registration agent for federal apprenticeship registration purposes, except that the department division may not enforce any federal apprenticeship requirement unless the department division first adopts the such requirement as a rule. All rules adopted and administrative hearings afforded by the department division under this section must be in accordance with the requirements of chapter 120.~~

Section 10. Subsection (3) of section 446.081, Florida Statutes, is amended to read:

446.081 Limitation.—

(3) Any person aggrieved by any determination or act of the department ~~has division~~ shall have the right to an administrative hearing.

Section 11. Section 446.091, Florida Statutes, is amended to read:

446.091 On-the-job training program.—All provisions of ss. 446.011-446.092 relating to apprenticeship and preapprenticeship, including, but not

limited to, programs, agreements, standards, administration, procedures, definitions, expenditures, local committees, powers and duties, limitations, grievances, and; ratios of apprentices and job trainees to journeymen on state, county, and municipal contracts, ~~and functions of the Division of Jobs and Benefits~~ shall be appropriately adapted and made applicable to a program of on-the-job training ~~hereby~~ authorized under those provisions for persons other than apprentices.

Section 12. The amendments made by this act to section 446.045, Florida Statutes, shall apply prospectively to appointments that fill current and future vacancies on the State Apprenticeship Advisory Council. These amendments do not affect the terms of members or remove a member serving on the advisory council before the effective date of this act.

Section 13. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.