

6A-23.006 Deregistration of Department Registered Program.

Deregistration of an apprenticeship or preapprenticeship a program may be effected either upon the voluntary action of the sponsor by a request for cancellation or upon notice by the Department to the sponsor stating cause and instituting formal deregistration proceedings.

(1) Cancellation by request of the sponsor. The Department may cancel the registration of an apprenticeship or preapprenticeship program by a written acknowledgement of a request stating, but not limited to, the following:

(a) The registration is canceled at the sponsor's request and giving the effective date of such cancellation; and,

(b) ~~That, within~~ Within fifteen (15) days of the effective date of the acknowledgement, the sponsor must notify all registered apprentices or preapprentices of cancellation and the effective date that will automatically deprive the apprentice or preapprentice of his or her individual registration; that the cancellation removes the apprentice from coverage for federal and state purposes; and that all ~~participants~~ apprentices will must be referred to the Department for information regarding other registered apprenticeship programs.

(2) Deregistration by the Department. ~~Deregistration proceedings shall be conducted as follows:~~

(a) ~~The Department is authorized to deregister any apprenticeship or preapprenticeship program, occupation or occupational grouping when the program: Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, or administered in accordance with Chapter 6A-23, F.A.C.~~

1. Is not conducted, operated, or administered in accordance with Chapter 6A-23, F.A.C.

a. This includes, but is not limited to: failure to provide on-the-job learning; failure to provide related instruction; failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentices skills acquired; or persistent and significant failure to perform successfully.

b. Persistent and significant failure to perform successfully occurs when a program sponsor consistently fails to register at least one apprentice, shows a pattern of poor quality assessment results over a period of several years, demonstrates an ongoing pattern of very low completion rates over a period of several years, or shows no indication of improvement in the areas identified by the Department during review of the program as requiring corrective action.

2. Fails to train for 12 consecutive months; or

3. Fails to report data in accordance with 6A-23.011, F.A.C. during the program year.

(b) ~~When the apprenticeship program is not being operated in accordance with the registered standards or with the requirements of Chapter 6A-23, F.A.C., the~~ The Department must notify the apprenticeship or preapprenticeship program sponsor in writing to initiate deregistration of a program for cause.

(c) The notice shall be sent by registered or certified mail, return receipt requested, shall state the deficiency(ies) and remedy(ies) required and shall state that the program will be deregistered for cause unless corrective action is taken within thirty (30) calendar days of receipt.

(d) Upon request by the sponsor in order to complete corrective action, the 30-day term may be extended for another thirty (30) days. During the period for corrective action, the sponsor may request assistance from the Department to correct the deficiency ~~the Department must assist the sponsor in every reasonable way to achieve conformity.~~

(e) If the required action is not taken within the allotted time, the Department shall send a notice to the sponsor by registered or certified mail, return receipt requested, stating the following:

1. This notice is sent pursuant to this subsection;

2. The sponsor was advised of certain deficiencies (enumerating them and the remedial measures requested, with the dates of such occasions and letters), and has failed or refused to effect correction;

3. Based upon the stated deficiency(ies) and failure to remedy, a determination has been made that there is cause to deregister the program, and the program will may be deregistered unless within ~~twenty-one (21) fifteen (15)~~ days of the receipt of this notice, the Department receives a request ~~for hearing~~ for an administrative hearing in accordance with the provisions of Chapter 120, Florida Statutes;

4. If a hearing is not requested by the sponsor, the Department will deregister the program. ~~entire matter will be submitted to the Administrator of the U.S. Office of Apprenticeship, for a decision on the record with respect to deregistration.~~

~~1. If requested, the sponsor may seek an administrative hearing in accordance with the provisions of Chapter 120, F.S.~~

(f) The Department shall ~~notify~~ ~~transmit to~~ the Administrator of the U.S. Office of Apprenticeship of all documents and information relating to the deregistration proceedings for apprenticeship programs.

(g) Every order of deregistration must contain a provision that the sponsor must, within fifteen (15) days of the effective date of the deregistration order, notify all registered apprentices of the deregistration and the effective date thereof that will automatically deprive the apprentice or preapprentice of individual registration; that the deregistration removes the apprentice from coverage for federal and state purposes; and that all participants must ~~apprentices will~~ be referred to the Department for information regarding other registered apprenticeship programs.

Rulemaking Authority 446.032, 446.041(13) FS. Law Implemented 446.032, 446.041, 446.051, 446.075 FS. History—New 6-9-81, Formerly 38C-16.06, 38C-16.006, 38H-16.006, Amended 3-29-11, 6-25-19.