



Consortium AGENDA

Revised 3/9/2021

Wednesday, March 10, 2021 – 9:30 a.m.

Enterprise Center Bldg 42, 3003 SW College Rd, Suite 206, Ocala, FL

Zoom Meeting Info: <https://us02web.zoom.us/j/86974207066>
Phone 1-646-558-8656 Meeting ID: 869 7420 7066

Call to Order		J. Gold
Roll Call		C. Schnettler
Approval of Minutes, June 12, 2020	Pages 2 - 3	J. Gold

ACTION ITEMS

Election of the Chair		R. Skinner
Board Member Appointments	Pages 4 - 7	R. Skinner
Designation as a Workforce Region	Pages 8 - 10	R. Skinner
• Interlocal, Consortium and MOU Status		
Agreement to Establish	Pages 11 - 16	R. Skinner
Memorandum of Agreement	Pages 17 - 24	R. Skinner

DISCUSSION ITEMS

State Update		R. Skinner
Membership discussions/actions	Page 25	R. Skinner
Governance Policy	Pages 26 - 41	R. Skinner
Board Member Orientation	Page 42	R. Skinner
Elected Official Briefing/Orientation		R. Skinner
Summary of Legislation- HB1505, HB1507, SB98	Pages 43 - 195	R. Skinner
Request for Attorney General's Opinion: Conflict	Pages 196 - 202	R. Stermer

PUBLIC COMMENT

PROJECT UPDATES

None

MATTERS FROM THE FLOOR

ADJOURNMENT

2020 – 2021 MEETING SCHEDULE						
Performance/ Monitoring	Business and Economic Development	Career Center	Marketing/ Outreach	Executive	Full Board	
All in-person committee meetings are held at the CF Ocala Campus, Enterprise Center, Room 206. All teleconference meetings will be held through Zoom.						
Tuesday, 9:00 am	Thursday, 9:00 am	Thursday, 9:30 am	Wednesday, 9:00 am	Wednesday, 9:30 am	Wednesday, 11:30 am	
8/11/2020	8/13/2020	8/20/2020	8/26/2020	9/2/2020	9/9/2020	Zoom
11/3/2020	11/5/2020	11/19/2020	11/18/2020	12/2/2020	12/9/2020	Zoom
2/9/2021	2/11/2021	2/18/2021	2/24/2021	3/3/2021	3/24/2021	CF Ocala
5/11/2021	5/13/2021	5/20/2021	5/26/2021	6/2/2021	6/9/2021	CF Ocala

OUR VISION STATEMENT

To be recognized as the number one workforce resource in the state of Florida by providing meaningful and professional customer service that is reflected in the quality of our job candidates and employer services.



**CAREERSOURCE CITRUS LEVY MARION
Consortium**

MINUTES

DATE: June 12, 2020
PLACE: This meeting held by teleconference only.
TIME: 9:00 a.m.

MEMBERS PRESENT

Commissioner Smith
Commissioner Meeks

MEMBERS ABSENT

Commissioner Gold

OTHER ATTENDEES

Rusty Skinner, CSCLM
Kathleen Woodring, CSCLM
Dale French, CSCLM

Robert Stermer, Attorney
Cira Schnettler, CSCLM

CALL TO ORDER

The meeting was called to order by Commissioner Smith, at 9:09 a.m.

ROLL CALL

Cira Schnettler called roll and a quorum was declared present.

APPROVAL OF MINUTES

Commissioner Smith made a motion to approve the minutes from the February 28, 2020 meeting. Commissioner Meeks seconded the motion. Motion carried.

DISCUSSION ITEMS

DEO Reemployment Assistance

Rusty Skinner updated the committee on the following items:

- A letter was sent to Secretary Satter responding to the DEO's concerns surrounding lack of effort from local workforce boards to DEO. CLM is assisting DEO to the fullest capacity that DEO allows.
- The CONNECT system continues to have multiple obstacles. Many unemployed individuals have completed applications through a variety of formats causing additional challenges for the system.
- The Governor has extended waiver for the work search requirements until July 4th. There is potential for the Employ Florida system to become overwhelmed when the waiver for work search requirements is lifted.
- The career centers are open and employees are working with customers by appointment only. All offices are adhering to social distancing and group size

guidelines.

Commissioner Smith asked if a summary of updates could be provided to the Consortium members so that they are informed and are able to respond accordingly to their constituents regarding DEO activities. Rusty Skinner stated he will create the email as requested.

ACTION ITEMS

Board Member Appointments

Commissioner Meeks made a motion to approve the two Levy County appointments. Commissioner Smith seconded the motion. Motion carried.

Sub-grantee Agreement

Commissioner Smith made a motion to approve the Sub-Grantee Agreement. Commissioner Meeks seconded the motion. Motion Carried.

Direct Service Provider

Commissioner Meeks made a motion to approve the submission of the Direct Services Waiver Request. Commissioner Smith seconded the motion. Motion carried.

Budget 2020-2021

Rusty Skinner presented the budget noting the increase in insurance and the approved cost of living increase for staff. There is potential for additional pandemic funds as well. Commissioner Smith made a motion to approve the 2020-2021 budget. Commissioner Meeks seconded the motion. Motion carried.

2020 – 2021 Annual Plan

Commissioner Meeks made a motion to approve the 2020 Local Workforce Services Plan. Commissioner Smith seconded the motion. Motion carried.

PROJECT UPDATES

End of Assistance to Region 9- Alachua and Bradford Counties

Region 9 has made significant progress. A CEO and CFO have been hired, placing the region in a positive place to transition when CLM services end on June 30. CLM leadership will be available to the region on an as needed basis for questions, but will no longer be taking an active role in services after June 30.

MATTERS FROM THE FLOOR

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:36 a.m.

APPROVED:



RECORD OF ACTION/APPROVAL

Consortium Meeting Wednesday, March 10, 2021

TOPIC/ISSUE:

Board Appointments

BACKGROUND:

POINTS OF CONSIDERATION:

STAFF RECOMMENDATIONS:

Accept appointments of the following individuals:
David Pieklik, Economic Development, Citrus County
John Murphy, Private Sector, Citrus County
Equilla Richardson, Private Sector, Marion County

COMMITTEE ACTION:

BOARD ACTION:



NOMINATION FORM

FAX: 352 873-7956

EMAIL: rskinner@careersourceclm.com

Phone: 352 873-7939, Ext 1204

David Pieklik
Name: _____
Economic Development Director
Title: _____
3600 West Sovereign Path, Suite 267
Address: _____
Lecanto Citrus Zip 34461
City: _____ County: _____ Code: _____

☐ Private Business Owner/Chief Executive
☒ Agency/Company Representing – Must be representative with optimum
Policy-making authority

Citrus County Board of County Commissioners

Name of Business: _____
3600 West Sovereign Path, Suite 267

Address: _____
Lecanto Citrus Zip 34461
City: _____ County: _____ Code: _____

(352) 527-5537
Business Telephone: _____ Fax #: _____
(352) 436-3479

Cell #: _____
David.Pieklik@citrusbocc.com

E-Mail Address: _____

INFORMATION REQUIRED BY THE STATE - Check all that Apply

Sex: Male <input checked="" type="checkbox"/>	Female <input type="checkbox"/>		
Race: White <input checked="" type="checkbox"/>	Hispanic <input type="checkbox"/>	Black <input type="checkbox"/>	Other <input type="checkbox"/>
Veteran: Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Disabled <input type="checkbox"/>	

Revised 4-26-16

CareerSource Citrus Levy Marion is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers listed above may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711. If you need accommodations, please call 352-840-5700, ext. 7878 or e-mail accommodations@careersourceclm.com at least three business days in advance. CareerSource Florida Member.

Charles R. Oliver

2/3/2021



NOMINATION FORM

FAX: 352 873-7956

EMAIL: rskinner@careersourceclm.com

Phone: 352 873-7939, Ext 1204

John Murphy
Name: _____
Manager, Citrus County Chronicle
Title: _____
1624 N. Meadowcrest Blvd
Address: _____
Crystal River Citrus Zip 34429
City: _____ County: _____ Code: _____

☒ Private Business Owner/Chief Executive
☐ Agency/Company Representing – Must be representative with optimum
Policy-making authority
Citrus County Chronicle
Name of Business: _____
1624 N. Meadowcrest Blvd.
Address: _____
Crystal River Citrus Zip 34429
City: _____ County: _____ Code: _____
352-563-3255
Business Telephone: _____ Fax #: _____
352-634-0860
Cell #: _____
JMurphy@chronicleonline.com
E-Mail Address: _____

INFORMATION REQUIRED BY THE STATE - Check all that Apply

Sex: Male	<input checked="" type="checkbox"/>	Female	<input type="checkbox"/>				
Race: White	<input checked="" type="checkbox"/>	Hispanic	<input type="checkbox"/>	Black	<input type="checkbox"/>	Other	<input type="checkbox"/>
Veteran: Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Disabled	<input type="checkbox"/>		

Revised 4-26-16

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NOMINATION FORM

FAX: 352 873-7956

EMAIL: rskinner@careersourceclm.com

Phone: 352 873-7939, Ext 1204

Name: Equilla Richardson

Title: Assistant General Manager

Address: 655 SW 52nd Ave

City: Ocala County: Marion Zip Code: 34474

☐ Private Business Owner/Chief Executive

☒ Agency/Company Representing – Must be representative with optimum Policy-making authority

Name of Business: TransformCo

Address: 655 SW 52nd Ave

City: Ocala County: Marion Zip Code: 34474

Business Telephone: 352-873-7377 Fax #:

Cell #: 352-342-4269

E-Mail Address: Equilla.Richardson@transformco.com

INFORMATION REQUIRED BY THE STATE - Check all that Apply

Sex: Male ☐

Female ☒

Race: White ☐

Hispanic ☐

Black ☒

Other ☐

Veteran: Yes ☐

No ☒

Disabled ☐

Revised 4-26-16

CareerSource Citrus Levy Marion is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers listed above may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711. If you need accommodations, please call 352-840-5700, ext. 7878 or e-mail accommodations@careersourceclm.com at least three business days in advance. CareerSource Florida Member.



RECORD OF ACTION/APPROVAL

Consortium Meeting Wednesday, March 10, 2021

TOPIC/ISSUE:

Area Re-designation; Board Certification

BACKGROUND:

WOA requires each workforce development area and Board to be recertified every two years

POINTS OF CONSIDERATION:

The re-designation must be approved by the Consortium and the local Director.

STAFF RECOMMENDATIONS:

Request approval to sign the certification and submit it and the Board information to the Consortium for their approval.

COMMITTEE ACTION:

BOARD ACTION:

APPLICATION FOR SUBSEQUENT LOCAL WORKFORCE DEVELOPMENT AREA DESIGNATION

LOCAL WORKFORCE AREA INFORMATION	
NAME OF LOCAL AREA: CareerSource Citrus Levy Marion	
LWDB NUMBER: 10	
DATE OF SUBMISSION:	
CONTACT PERSON NAME: Thomas E. Skinner, Jr.	PHONE: 352-873-7939 ext. 1204 EMAIL ADDRESS: rskinner@careersourceclm.com
PERFORMED SUCCESSFULLY	
THE TERM “PERFORMED SUCCESSFULLY” MEANS THE LOCAL WORKFORCE DEVELOPMENT AREA MET OR EXCEEDED THE ADJUSTED LEVELS OF PERFORMANCE FOR PRIMARY INDICATORS OF PERFORMANCE FOR THE LAST TWO CONSECUTIVE YEARS FOR WHICH DATA ARE AVAILABLE, AND THE LOCAL AREA HAS NOT FAILED THE SAME INDIVIDUAL MEASURE FOR THE LAST TWO CONSECUTIVE PROGRAM YEARS.	
SUSTAINED FISCAL INTEGRITY	
THE TERM “SUSTAINED FISCAL INTEGRITY” MEANS THAT THE SECRETARY OF LABOR HAS NOT MADE A FORMAL DETERMINATION, DURING EITHER OF THE LAST TWO CONSECUTIVE YEARS PRECEDING THE DETERMINATION REGARDING SUCH INTEGRITY, THAT EITHER THE GRANT RECIPIENT OR THE ADMINISTRATIVE ENTITY OF THE AREA HAS MISEXPENDED FUNDS PROVIDED.	

BY SIGNING BELOW, THE LOCAL CHIEF ELECTED OFFICIAL AND THE LOCAL WORKFORCE BOARD EXECUTIVE DIRECTOR CERTIFY THAT THE LOCAL AREA HAS PERFORMED SUCCESSFULLY AND SUSTAINED FISCAL INTEGRITY FOR SUBSEQUENT DESIGNATION OF THE EXISTING LOCAL AREA.

LOCAL WORKFORCE BOARD EXECUTIVE DIRECTOR
NAME: Thomas E. Skinner, Jr.
SIGNATURE:
DATE:

LOCAL CHIEF ELECTED OFFICIAL	
NAME AND TITLE: Jeff Gold, Commissioner	COUNTY: Marion County, Consortium Chair
SIGNATURE:	DATE:

LOCAL CHIEF ELECTED OFFICIAL	
NAME AND TITLE:	COUNTY:
SIGNATURE:	DATE:

LOCAL CHIEF ELECTED OFFICIAL	
NAME AND TITLE:	COUNTY:
SIGNATURE:	DATE:

LOCAL CHIEF ELECTED OFFICIAL	
NAME AND TITLE:	COUNTY:
SIGNATURE:	DATE:

LOCAL CHIEF ELECTED OFFICIAL	
NAME AND TITLE:	COUNTY:
SIGNATURE:	DATE:

LOCAL CHIEF ELECTED OFFICIAL	
NAME AND TITLE:	COUNTY:
SIGNATURE:	DATE:



RECORD OF ACTION/APPROVAL

Consortium Meeting Wednesday, March 10, 2021

TOPIC/ISSUE:

Agreement to Establish CLMRWDB
Update Membership of CLMRWDB

BACKGROUND:

Upon reviewing the membership requirements, it was noted that private sector membership requirements were not over 50% of the Board. Private Sector membership increased from 16 to 17. Federal law allows members to represent more than one category, so this was changed to allow for dual membership status.

POINTS OF CONSIDERATION:

These changes allow for compliance with requirements and flexibility of membership.

STAFF RECOMMENDATIONS:

Approve amended Agreement

CONSORTIUM ACTION:

**AGREEMENT TO ESTABLISH THE CITRUS LEVY MARION REGIONAL
WORKFORCE DEVELOPMENT BOARD
UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT**

WITNESSETH:

WHEREAS, the Workforce Innovation and Opportunity Act (WIOA), P.L. number 113-128 calls for the creation of a workforce investment board (WIB) to serve local workforce development areas; and

WHEREAS, the counties of Citrus, Levy and Marion have entered into an Interlocal Agreement and requested to be designated as a local workforce development area; and,

WHEREAS, the Boards of County Commissioners of Citrus, Levy and Marion Counties have entered an Interlocal Agreement and empowered the Citrus Levy Marion Workforce Development Consortium (CLMWDC) (Consortium), to serve in their capacity;

NOW THEREFORE, the parties hereto agree to constitute the CLMRWDB as follows:

1. Establishment, Composition, and Appointment of the Citrus, Levy, Marion Regional Workforce Development Board

There is hereby established the CLMRWDB, which shall be constituted in accordance with the requirements of Section 107 of WIOA and F.S. 445.

The number of members of the CLMRWDB shall be no more than Thirty-two (32). A member may not represent more than one category. The following paragraphs specify the composition of thirty-two members of the CLMRWDB:

- a) There shall be sixteen (16) representatives of the private sector, nominated from business groups, industry groups or chambers of commerce and economic development agencies. The appointments should, to the best extent possible provide balanced representation:
 - a. From each of the three counties; and,
 - b. Of the key industry sectors in the local area
- b) At least twenty percent (20%) of CLMRWDB will be representatives of the workforce:
 - a. Two (2) representatives shall represent organized labor, nominated by their local unions;
 - b. One (1) representative shall represent apprenticeship programs in the area and be a member of organized labor, a training director for

a joint labor-management program or represent an apprenticeship program in the area

- c. Five (5) representatives will be appointed that serve as representative for persons with barriers to employment; veterans; or the needs of youth, including out of school youth.

c) There shall be four (4) educational representatives who:

- a. Represent adult education and literacy;
- b. Institutions of higher education;
- c. Local education agencies or community-based organizations that possess skills in serving persons with barriers to employment
- d. One (1) representative from a private institution of higher education.

d) Four (4) members shall represent governmental and economic development organizations:

- a. Two(2) shall represent economic development;
- b. One (1) shall represent vocational rehabilitation
- c. One shall represent transportation, public housing, or public assistance.

It is the desire of the Consortium to have engaged the maximum representation from key organizations within the three county area. Rather than create a large Board, the Consortium is asking that the Board of Directors, through its By-Laws, secure the involvement and input of groups as committee members.

2. **Terms of Office**

Terms of office for the individuals identified in Section 1 above shall be five (5) years except for the CLMWDC member who shall always be the current chair of the CLMWDC. CLMRWDB shall be entitled to remove a member for cause as set forth in the CLMRWDB Bylaws.

3. **Effect of Agreement**

This Agreement to Establish the CLMRWDB shall be effective July 1, 2016, supersedes all previous Agreements to Establish the CLMRWDB and continue during the life of the Interlocal Agreement creating the authority of the CLMRWDC.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to become effective on July 1, 2016.

SIGNATURE PAGE

**CITRUS, LEVY, MARION WORKFORCE
DEVELOPMENT CONSORTIUM**

MARION COUNTY MEMBER

BY:_____

DATE:_____

ATTEST:_____

SIGNATURE PAGE

**CITRUS, LEVY, MARION WORKFORCE
DEVELOPMENT CONSORTIUM**

CITRUS COUNTY MEMBER

BY:_____

DATE:_____

ATTEST:_____

SIGNATURE PAGE

**CITRUS, LEVY, MARION WORKFORCE
DEVELOPMENT CONSORTIUM**

LEVY COUNTY MEMBER

BY:_____

DATE:_____

ATTEST:_____



RECORD OF ACTION/APPROVAL

Consortium Meeting Wednesday, March 10, 2021

TOPIC/ISSUE:

Memorandum of Agreement between CLMWDC and CLMRWDB

BACKGROUND:

The new state policy on "Governance" requires a specific designation about negotiating performance standards with the state. Language was added that provides that both the CLMWDC and CLMRWDB shall approve the goals negotiated by senior management at their next meetings.

Two instances where WIA was not updated to WIOA have been corrected.

POINTS OF CONSIDERATION:

The agreement will be presented to the CLMRWDB at its March 24, 2021 Board meeting.

STAFF RECOMMENDATIONS:

Approve amended Agreement.

CONSORTIUM ACTION:

MEMORANDUM OF AGREEMENT

BETWEEN

**THE CITRUS, LEVY, MARION REGIONAL WORKFORCE DEVELOPMENT
BOARD, INC.**

AND

**THE CITRUS, LEVY, MARION WORKFORCE
DEVELOPMENT CONSORTIUM**

THIS AGREEMENT is made and entered into between the Citrus, Levy, Marion Regional Workforce Development Board, Inc., hereinafter referred to as the **CLMRWDB**, and the Citrus, Levy, Marion Workforce Development Consortium, hereinafter referred to as the **CLMWDC**, for the purpose of establishing a Workforce Development Partnership, as authorized and provided for under Public Law 113-128, enacted by the Congress of the United States, which act is known as the "Workforce Innovation and Opportunity Act (herein after referred to WIOA), and Florida Statutes (F.S.) Chapter 445, and for the purpose of establishing an integrated management and control structure for the provision of job training, job placement and related benefits service.

WITNESSETH:

WHEREAS, the receipt and expenditure of WIOA funds authorized for certain Workforce Development Programs within local Workforce Development Areas (WDA) are dependent upon the establishment of a partnership between business and government; and

WHEREAS, the Governor on the part of the State of Florida has designated the counties of Citrus, Levy and Marion as a WDA; and

WHEREAS, the Counties of the WDA each represented by an Elected Official appointed by the governing board, have formed the **CLMWDC** through adoption of an Amended Interlocal Agreement pursuant to Florida Statutes, Chapter 163.01 to carry out these local governments' responsibilities within their collective and respective boundaries for the purpose of Workforce Development; and

WHEREAS, the **CLMRWDB**, representing business by its private sector majority, has been duly appointed by the **CLMWDC**; and

WHEREAS, the **CLMRWDB** is empowered and has the responsibility under the WIOA to provide policy guidance for, and exercise oversight with respect to, activities under a Plan for the WDA in partnership with the **CLMWDC**; and

WHEREAS, the WIOA requires the **CLMRWDB** and the **CLMWDC** to define the scope of their partnership by means of an Agreement; and

WHEREAS, the U.S. Department of Labor, has encouraged the development of a workforce development system governed by local workforce investment boards; and

WHEREAS, the purpose of these local boards is to develop local workforce development policies and strategies; to oversee the management and administration of those policies and strategies; and to develop an approach which consolidates the delivery of those workforce development strategies into a comprehensive, customer-centered system at the local level in concert with the chief elected officials of the local governments; develop broad regional plans that promote economic development through a trained workforce; and

WHEREAS, within the WDA comprised of Citrus, Levy and Marion Counties, there currently exists an effective, efficient and highly successful delivery system of federally and state-funded employment and training programs which are not customer-centered; and

WHEREAS, the programs envisioned under the control of the local workforce development boards include, but are not limited to, those funded through the WIOA, the Wagner-Peyser Act, Perkins vocational training, school-to-work transition programs, vocational rehabilitation, Job Opportunity Basic Skills Program (JOBS), Welfare to Work (WTW), Supplemental Nutritional Assistance Program (SNAP), Re-Employment Services and other workforce development programs and services;

NOW THEREFORE, be it resolved that this Agreement be made and entered into by the **CLMRWDB** and **CLMWDC** pursuant to WIOA, and that the parties mutually agree as follows:

I. Authorities and Responsibilities Held Jointly by CLMRWDB and CLMWDC

A. It is the joint responsibility and responsibility of both parties to ensure effective service delivery to provide the most beneficial program services possible to the eligible residents of the WDA. It is further the shared responsibility of all sectors of the community to participate in the provision of program services.

B. **CLMWDC** hereby designates CLMRWDB as the grant recipient and administrative entity for the WDA for the period July 1, 2020 through June 30, 2025.

C. **CLMRWDB** and **CLMWDC** shall jointly submit an approved local Workforce Development Plan to the Governor in accordance with the provisions of the WIOA and other applicable laws. CLMRWDB shall develop, in concert with other workforce investment boards within the workforce development region prescribed by the Governor, and present to the CLMWDC, a regional workforce development plan in accordance with Section 106 (c) of WIOA, to be approved and forwarded to the Governor.

D. **CLMRWDB** and **CLMWDC** shall decide the allocation of funds for the Workforce Development Plan's Budget.

E. **CLMRWDB** and **CLMWDC** shall jointly select and approve of the One Stop Operator.

F. CLMRWDB and CLMWDC shall jointly approve locally negotiated performance measures. These measures will be negotiated by the senior management of CLWRWDB and presented to CLMRWDB for review and approval; and then to CLMWDC for final approval at the next regularly scheduled meetings of each body. CLMRWDB staff shall report performance metrics to each body at least quarterly. Any performance incentives shall be incorporated into the operational budget for the general good of the workforce area.

G Because the WIOA indicates that a partnership exists that requires mutual agreement on certain matters, any disputes between the partners to this Agreement shall be resolved by a mutually satisfactory negotiation. It is understood that in accordance with the WIOA, the failure to resolve any dispute to the mutual satisfaction of both parties regarding the WFR's make-up, submission of the Workforce Development Plan, designation of an administrative entity and grant recipient, or **CLMRWDB's** make-up shall result in the forwarding of the unresolved matter to the Governor of the State of Florida for resolution.

II. Authorities and Responsibilities of the CLMRWDB

CLMRWDB shall:

A. Develop, review and approve the Workforce Development Plan for the WDA and the Regional Plan (WIOA, 106 (c);

- B. Provide policy guidance in the development of Workforce Development activities and for the provision of services;
- C. Provide oversight of Workforce Development programs, activities and services conducted under the Workforce Development Plan;
- D. Solicit the input and participation of the local business community in the development and provision of program services to eligible residents of the WDA;
- E. Develop By-Laws to determine its operation;
- F. Have the authority to:
 - 1. Develop and approve a budget for itself within the parameters established in the Workforce Development Plan's provisions and WIOA Budget contained therein;
 - 2. Select and hire a staff; and establish criteria for its chief executive to be approved by CLMWDC;
 - 3. Develop and prepare five year local and regional Workforce Development Plans for approval by the **CLMRWDB** and by the **CLMWDC**;
 - 4. Provide staff support to the **CLMWDC**;
 - 5. Collect data necessary for management and evaluation and the preparation of required and desired reports;
 - 6. Exercise oversight with respect to activities under the Workforce Development Plan;
 - 8. Arrange for service delivery through non-financial agreements; and contracts.
 - 9. Procure all goods, services and property, including the maintenance and inventorying thereof, necessary for its proper operation;
 - 10. Procure annual audits of funds and resolve any questions arising therefrom and provide copies of same, as well as an audited financial statement, to the **CLMWDC** annually;

11. Develop and maintain procedures to hear and resolve grievances;
12. Perform such other duties as are necessary to fulfill its obligations and responsibilities under this Agreement and applicable Federal and State laws, rules, policies and plans;
13. Procure director's and officer's and other liability insurance on behalf of itself and the **CLMWDC** to the extent that such insurance is available, budgetarily feasible, and allowable as an expense;
14. Provide quarterly reports to the **CLMWDC**; and
15. Remove **CLMRWDB** members for cause per procedures established by the **CLMWDC**; and

III. Authorities and Responsibilities of the CLMWDC

The **CLMWDC** shall:

- A. Review and approve the Workforce Development Plans for the WDA and Regional Programs;
- B. Provide public policy guidance in the development of job training activities and provision of services under the Workforce Development Plan;
- C. Establish the **CLMRWDB**, appoint members to the **CLMRWDB** if such authority is delegated to individual **CLMWDC** members by their respective county commissions (absent such delegation the power to appoint CLMRWDB members from any of the three counties shall reside in the respective County commissions and the power to appoint area representatives shall reside in the three county commissions or in their respective **CLMWDC** representatives authorized to appoint members, if any) and maintain the make-up of the **CLMRWDB** in compliance with the requirements of the WIOA, F. S, Chapter 445 and other applicable laws on a continuous basis, all in accordance with the agreement which created the **CLMRWDB**; and
- D. Suggest such changes in the organization, composition and management of the **CLMRWDB** or shall be desirable to best meet the needs of the citizens of the counties within the WDA.

IV. Term of Agreement

This Agreement shall become effective July 1, 2020 and shall continue in effect until June 30, 2025. Thereafter, this Agreement may be renewed by a further writing between the parties.

V. Merger

It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. All items and other agreements referred to in this Agreement are incorporated herein by reference, and are deemed to be part of this Agreement. This Agreement replaces all prior Agreements between the parties as to the subject matter hereof as of the effective date of this Agreement.

VI. Amendment

Either party to this Agreement may propose to amend or modify the terms of this Agreement consistent with applicable Federal and State laws, Federal Regulations and State requirements, by providing to the other party sixty (60) days written notice of any proposed amendments. Any and all modifications or amendments to this Agreement are subject to the approval of both the **CLMRWDB** and **CLMWDC**.

VII. Independence of Terms Under This Agreement

If any terms or provisions of this Agreement or the application thereof to any person or circumstance shall, to any extent be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to such person or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and every other term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____ day of _____, 2021, and hereby agree to be bound by the terms and provision set forth herein effective July 1, 2020.

**Citrus, Levy, Marion Regional Workforce
Development Board, Inc.**

BY: _____
Kim Baxley, Chair

Witnesses as to CLMRWDB

**Citrus, Levy Marion Workforce
Development Consortium**

BY: _____
Commissioner Jeff Gold,
Consortium Chair

Witnesses to CLMWDC

BOARD MEMBERSHIP TERMS - 2/26/2021

	CITRUS COUNTY	NAME	APPOINTED	LENGTH	TERM EXPIRES
1	CBO/ Barriers	Theresa Flick	6/30/2020	4	2024
2	CBO/Barriers-Vet	Ted Knight	6/30/2020	3	2023
3	Economic Development	Dave Pieklik*		1	2021
4	Education-School District	Debra Stanley	6/30/2019	4	2023
5	Private Sector	Rachel Riley	6/30/2020	4	2024
6	Private Sector	John Murphy*		3	2023
7	Private Sector	William Burda	5/1/2017	4	2021
8	Private Sector	Mike Melfi	6/28/2019	4	2023
9	Private Sector	Kevin Cunningham	6/28/2016	5	2021
10	Private Sector	Al Jones	6/30/2019	4	2023
	LEVY COUNTY	NAME	APPOINTED		TERM EXPIRES
1	Economic Development	VACANT		1	2021
2	Labor	Nelson Mathis, Jr	6/30/2020	4	2024
3	Private Sector	Arno Proctor	2/28/2020	4	2024
4	Private Sector	John Hemken	6/12/2020	3	2023
5	Private Sector	VACANT		2	2024
6	Private Sector	VACANT		2	2022
7	Private Sector	Kim Baxley	1/25/2018	4	2022
8	Youth Serving Organization	Carol Jones	6/30/2019	4	2023
	MARION COUNTY	NAME	APPOINTED		TERM EXPIRES
1	Adult Education	Mark Vianello	6/30/2019	3	2022
2	Apprenticeship	Fred Morgan	2/28/2020	5	2025
3	CBO/ Barriers	Charles Harris	1/25/2018	3	2021
4	Higher Education-Private	Pete Beasley	6/30/2020	4	2024
5	Labor	Fred Morgan	2/28/2020	5	2025
6	Private Sector	Brandon Whiteman	2/25/2019	3	2022
7	Private Sector	Equilla Richardson*		4	2023
8	Private Sector	Pat Reddish	6/30/2019	3	2022
9	Private Sector	Jeff Chang	2/25/2019	4	2023
10	Private Sector	Darlene Goddard	6/28/2016	5	2021
11	Private Sector	Kathy Judkins	6/28/2016	5	2021
12	Trans/ Public Housing	Judy Houlios	6/30/2019	3	2022
	AREA	NAME	APPOINTED		TERM EXPIRES
1	Higher Education- Public	Mark Paugh	6/28/2016	5	2021
2	Voc Rehab	Angie White	2/28/2020	4	2024
3	Youth Serving Organization	Jorge Martinez	6/30/2019	3	2022



Administrative Policy

**POLICY
NUMBER
TBD**

Title:	Local Workforce Development Area and Board Governance
Program:	Workforce Innovation and Opportunity Act
Effective:	TBD

I. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Chief Local Elected Officials (CLEOs), Fiscal Agents, Local Workforce Development Boards (LWDBs), LWDB Chairpersons, LWDB Executive Directors, LWDB staff and workforce system partners on the requirements for local workforce development area (“local area”) and LWDB governance. This policy outlines key roles, responsibilities and requirements of the entities/individuals that make up the workforce development system within a local area.

This policy also identifies and describes required agreements to ensure the local area serves as a jurisdiction for the administration of workforce development activities and expenditure of Workforce Innovation and Opportunity Act (WIOA) adult, dislocated worker and youth funds allocated to LWDBs by the state.

II. BACKGROUND

WIOA envisions a workforce development system that focuses on the needs of job seekers and businesses and anticipates and responds to the needs of local and regional economies.

WIOA requires LWDBs and CLEOs to design and govern the system regionally, align workforce policies and services with regional economies and support service delivery strategies tailored to those needs. The local area serves as a jurisdiction for the administration of workforce development activities which requires the CLEO to play an active role in both the strategic planning and ongoing operation of the local system. Agreements between the CLEO and the entities responsible for the local workforce

development system will address how the local area functions and how administrative tasks will be carried out within the local area.

III. AUTHORITY

[Public Law 113-128, Workforce Innovation and Opportunity Act](#), Sections 106 and 107

[20 Code of Federal Regulations 679.310](#)

[20 Code of Federal Regulations 679.320](#)

[20 Code of Federal Regulations 679.370](#)

[Sections 445.004 and 445.007, F.S.](#)

[Chapter 119, F. S.](#)

[Chapter 286, F.S.](#)

[CSF Strategic Policy 2020.02.20.A.1 – Board Governance and Leadership](#)

[CSF Strategic Policy 2018.09.26.A.1 – Ethics and Transparency Policy](#)

IV. POLICIES AND PROCEDURES

A. Roles and Responsibilities

1. Chief Local Elected Official (CLEO)

Pursuant to WIOA sec. 3(9), the CLEO is the chief elected executive officer of a unit of general local government in a local area and, in a case in which a local area includes more than one unit of general local government, the representative(s) under the agreement (interlocal, consortium and other agreements as described in Section IV.E.1. of this policy) that specifies the respective roles.

The CLEO's responsibilities include:

- a) Requesting local area designation (as prescribed in [Administrative Policy 94 – Local Workforce Development Area Designation](#));
- b) Appointing members to the LWDB;
- c) Requesting LWDB certification (as prescribed in Administrative Policy 091 – Local Workforce Development Board Composition and Certification);
- d) In coordination with the local board, establishing bylaws;
- e) Designating a fiscal agent (if not serving as grant recipient);
- f) Remaining liable for any misuse of WIOA grant funds by the local area;
- g) In coordination with the local board and/or staff to the board, negotiating and reaching agreement on LWDB local performance measures with the state;
- h) Negotiating with the LWDB and required partners to maintain the workforce delivery system through the Memorandum of Understanding (as prescribed in [Administrative Policy 106 - Memorandums of Understanding and Infrastructure Funding Agreements](#)); and

- i) Partnering with the LWDB and planning region, if appropriate, to develop and submit the WIOA local plan and regional plan.

The CLEO may delegate the listed administrative functions except:

- a) Appointment of members to the LWDB.
- b) Designation of a fiscal agent (designation of a fiscal agent does not relieve the CLEO or Governor of liability for misuse of grant funds – [20 CFR 679.420](#)).

The CLEO may remove a member of the LWDB, the executive director of the LWDB, or the designated person responsible for the operational and administrative function of the LWDB for cause.¹

2. Fiscal Agent

The fiscal agent is the entity designated by the CLEO to perform accounting and funds management on behalf of the CLEO. The duties of the fiscal agent may include but are not limited to:

- a) Receiving funds;
- b) Ensuring sustained fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget (OMB) circulars, WIOA, corresponding federal regulations, state law and state policies;
- c) Responding to financial audit findings;
- d) Maintaining proper accounting records and documentation;
- e) Preparing financial reports; and,
- f) Providing technical assistance to sub-recipients regarding fiscal issues.

Although the appropriate role of the fiscal agent should be limited to accounting and funds management functions rather than policy or service delivery, there may be circumstances in which the fiscal agent may be the LWDB, the procured one-stop operator or the workforce services provider and/or youth service provider.

At the direction of the LWDB, the fiscal agent may have the following additional functions:

- a) Procure contracts or obtain written agreements;
- b) Conduct financial monitoring of service providers; and
- c) Ensure an independent audit is conducted of all employment and training programs.

¹ Section 445.007(2)(c)

3. Local Workforce Development Board

The LWDB is appointed by the CLEO in each local area in accordance with state criteria established under WIOA sec. 107(b) and certified by the Governor every two years in accordance with WIOA sec. 107(c)(2). The state's criteria for LWDB certification is found in Administrative Policy 091 – Local Workforce Development Board Composition and Certification.

The LWDB provides strategic and operational oversight, assists in achievement of the state's strategic and operational vision and goals, and maximizes and continues to improve quality of services, customer satisfaction and effectiveness of services provided. LWDB responsibilities include, but are not limited to:

- a) Developing and submitting local and, if applicable, regional plans;
- b) Conducting workforce research and regional labor market analysis;
- c) Convening local workforce development system stakeholders to assist in the development of the local plan and identify expertise and resources to leverage support for workforce development activities;
- d) Leading efforts to engage a diverse range of employers and other entities in the region;
- e) Leading efforts to develop and implement career pathways;
- f) Leading efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and job seekers;
- g) Conducting oversight of the WIOA adult, dislocated worker and youth programs and the entire workforce delivery system, ensure the appropriate use and management of WIOA funds and ensure the appropriate use, management, and investment of funds to maximize performance outcomes;
- h) Negotiating and reaching agreement on local performance measures with the CLEO and the state;
- i) In partnership with the CLEO, establishing bylaws and codes of conduct for LWDB members, LWDB executive director and staff to the LWDB; and;
- j) Establishing additional monitoring and reporting requirements if one entity fulfills multiple functions to ensure the entity is compliant with WIOA, final rules and regulations, OMB circulars and the state's conflict of interest policy.

A full list of LWDB functions can be found in WIOA sec. 107(d) and [20 CFR 679.370](#).

4. Local Workforce Development Board Chairperson

The LWDB chairperson is elected by the members of the LWDB and must be one of the business representatives on the board. The LWDB chairperson shall serve a term of no more than two years and shall serve no more than two terms. At a minimum, the state will review the LWDB chairperson's term requirements during the LWDB's certification process as described in Administrative Policy 091 –

Local Workforce Development Board Composition and Certification. The Florida Department of Economic Opportunity (DEO) will review each LWDB's composition during its annual programmatic monitoring, which may include a review of the LWDB chairperson's term(s).

The LWDB chairperson's duties may include but are not limited to:

- a) Leading the board to develop a guiding vision that aligns with the state's priorities;
- b) Acting as the lead strategic convener to promote and broker effective relationships between CLEOs and economic development, education, and workforce partners in the local area;
- c) Leading an executive committee to guide the work of the board, and ensure committees or task forces have necessary leadership and membership to perform the work of the board; and
- d) Leading the agenda-setting process for the year and guiding meetings to ensure both tactical and strategic work is completed in all meetings.

5. Local Workforce Development Board Executive Director

The LWDB may hire a qualified executive director and staff to assist in ensuring the functions of the local board are achieved. The LWDB must ensure the individual or entity designated as the executive director has the requisite knowledge, skills and abilities to meet identified benchmarks and to assist in effectively and ethically carrying out the functions of the LWDB which may include, but is not limited to:

- a) Coordinating with the CLEOs regarding the identification and nomination of members to the LWDB and ensuring membership is compliant with WIOA and Florida Statutes;
- b) Organizing board meetings and ensuring meetings are held according to the LWDB's bylaws and Florida's sunshine laws;
- c) Developing and submitting the local and regional workforce development plan;
- d) Conducting oversight of the WIOA adult, dislocated worker and youth programs and the entire one-stop delivery system, including development of policies and monitoring the administration of the programs;
- e) Negotiating and reaching agreement on local performance measures;
- f) Negotiating with CLEO and required partners for the Memorandum of Understanding (as prescribed in [Administrative Policy 106 - Memorandums of Understanding and Infrastructure Funding Agreements](#));
- g) In compliance with local board procurement policy, provide oversight of the competitive procurement process for procuring or awarding contracts for providers of youth program services, providers of workforce services (if applicable), and the one-stop operator as required in paragraph (I) of 20 CFR 679.370;

- h) Developing a budget for activities of the LWDBs; and
- i) Certifying the one-stop career centers. One-stop certification requirements may be found in [Administrative Policy 93 – One-Stop Career Center Certification Requirements](#)

B. One Entity Performing Multiple Functions

WIOA establishes clear roles and responsibilities for each entity or organization involved in the workforce delivery system. The LWDB should make every effort to ensure that roles and duties of workforce delivery system entities are clearly delineated. This includes efforts to designate or procure the functions of the fiscal agent, staff to the LWDB, one-stop operator, direct provider of workforce services, and provider of youth program services.

One entity may perform multiple functions if appropriate firewalls and internal controls are in place. Local entities or organizations often function simultaneously in a variety of roles, including fiscal agent, board staff, one-stop operator, provider of career services, and provider of youth services. **See section IV.B.3** of this policy for agreement requirements for one entity (not LWDBs) performing multiple functions.

See section IV. C. 1. for requirements for LWDBs serving multiple functions.

C. Local Workforce Development Boards as Direct Providers of Workforce Services

Ideally, entities providing workforce services are procured through the LWDB, which is responsible for monitoring and overseeing the contracts as well as services performed through the contract. The LWDB is designed to oversee the workforce delivery system and its services. Chapter 445.007(6), F.S. allows LWDBs to be designated as the one-stop operator and direct provider of services (except training services), with the agreement of the CLEO and Governor based on the criteria established by the state workforce development board.

LWDBs seeking to provide workforce services, except training services, will follow the requirements established in [Administrative Policy 083 – Direct Provider of Workforce Services](#).

Before an LWDB may be designated as the One-Stop Operator, LWDBs must still follow criteria established in [Administrative Policy 097 – One-Stop Operator Procurement](#).

1. Local Workforce Development Boards Serving Multiple Functions

LWDBs serving multiple functions must be able to demonstrate that roles, responsibilities and duties of each function are clearly defined and delineated in locally established processes and procedures that clearly detail:

- a) How functions are sufficiently separated;
- b) Descriptions of the steps the local area has taken to mitigate risks that could lead to impropriety;
- c) Firewalls (physical, technological, policies, etc.) created to ensure such risks are mitigated; and
- d) Oversight and monitoring procedures.

These processes and procedures must be included in the LWDB's WIOA Local Plan.

D. Temporary Assumption of Duties for Procured and Contracted Services

While LWDBs may provide workforce services and assume the role of one-stop operator, many LWDBs procure and contract with providers for these services. In certain critical circumstances, (e.g., sudden termination of contract or failed procurement), the local board may need to temporarily assume the role(s) of one-stop operator, direct provider of workforce and/or youth program services. When this happens, LWDBs may request to temporarily assume the responsibilities that were being provided by a contracted vendor or services being sought when the procurement failed. Requests for boards to act as a one-stop operator and provider of workforce and/or youth program services on a time-limited basis must be approved by the CLEO and submitted to DEO. The request must include the duration for which the board will act as a one-stop operator and provider of services. The Department will make a recommendation to the state workforce development board.

1. Sudden Termination of Contract

If the circumstance arises that the LWDB or LWDB staff needs to temporarily serve in multiple roles due to sudden (unexpected) termination of a contract, a new competitive solicitation must be reissued timely. A new entity must assume the applicable role on or before the end of the temporary designation.

In the event of a sudden termination of contract, the LWDB must submit a formal request to serve in the capacity of the role for which the contract was terminated.

The LWDB will:

- a) Submit a request to serve in the role for which the contract was terminated;

- b) Provide documentation of the original contract and the termination notification, which should include the reason for termination;
- c) Provide an explanation and an organizational chart showing who will be responsible for assuming the role(s) temporarily. The explanation and organizational chart must clearly illustrate how the following will be enforced to minimize potential risks associated with the temporary designation.
 - 1. Separation of duties; (including but not limited to the temporary removal of duties from certain areas/individuals to allow assumption of the temporary role);
 - 2. Firewalls; (including but not limited to restriction from access to any information that may lead to impropriety); and
 - 3. Conflict of interest requirements.
- d) The length of time in which the LWDB seeks to temporarily serve in the role in which the contract was terminated, not to exceed one year from the date of request.

LWDBs will submit formal requests for temporary designation to CareerSource Florida and DEO via email at LWDBGovernance@deo.myflorida.com.

2. Failed Procurement

If the circumstance arises that the LWDB or LWDB staff needs to serve in multiple roles due to failed procurement, the LWDB will:

- a) Submit, in writing, the request to serve in the role sought through the failed procurement and provide the following:
 - 1. A copy of the competitive solicitation;
 - 2. Proof of the announcement medium used (e.g., newspaper, social media, website, email notification to potential bidders), including documentation showing how long the announcement was posted; and
 - 3. The length of time the LWDB seeks to temporarily serve in the role.
- b) An explanation and an organizational chart showing who will temporarily be responsible for assuming the role(s). The explanation and organizational chart will clearly illustrate how the following will be enforced to minimize potential risks associated with the temporary designation.
 - 1. Separation of duties; (including but not limited to the temporary removal of duties from certain areas/individuals to allow assumption of the temporary role);

2. Firewalls; (including but not limited to restriction from access to any information that may lead to impropriety); and
 3. Conflict of interest requirements.
- c) The LWDB will review the previously issued competitive solicitation and identify any elements that led to the failed procurement (e.g., unrealistic compensation for requested services, duties outside the scope of the role for which services are being sought);
 - d) Update and reissue the competitive solicitation (within one month of being granted temporary authority to serve in the role for which the procurement was not successful);
 - e) Once an entity is selected, notify DEO of the selection upon final approval by the LWDB; and
 - f) Onboard the selected entity of the new solicitation on or before the end of the temporary designation.

The individual or entity contracted to fulfill the role of the LWDB executive director ***must not*** be the one-stop operator or the provider of workforce and/or youth program services.

Formal requests for temporary designation will be sent to CareerSource Florida and DEO via email at LWDBGovernance@deo.myflorida.com.

3. Local Workforce Development Area Multi-Function Agreement

For circumstances in which an entity or organization, other than the local workforce development board, has been selected or otherwise designated to perform more than one function, the required contract or written agreement must include a clause to clarify how the entity will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant OMB circulars, and the state's conflict of interest policy. The written clause in the contract or agreement must include, at a minimum, the following requirements:

- a) Definition of roles and responsibilities/duties per function (e.g., fiscal agent, one-stop operator, and/or procured provider of workforce or youth program services);
- b) Description of the separation of staff duties under each role, including deliverables for each separate function;
- c) Description of how budget authority is separated, including separate line item budgets for each function; and
- d) Description of how staff duties will be completed while demonstrating compliance with WIOA and corresponding regulations, OMB circulars, and the state's conflict of interest policy, including how conflict of interest will be minimized;

- e) Description of the roles and responsibilities within the organization, including an organizational chart, and sustainability if a function is removed; and
- f) Description of how fiscal monitoring will occur if the fiscal agent is performing multiple functions.

The written clauses in the agreement are intended to limit conflicts of interest or the appearance of conflicts of interest, minimize fiscal risk, and develop appropriate firewalls within a single entity performing multiple functions.

E. Governance Agreements

Implementation of a local workforce development system pursuant to WIOA requires that the CLEOs play an active role in both strategic planning and ongoing operation of the local system. When a local area includes more than one unit of general local government, the chief elected officials of such units may execute a written agreement that specifies the respective roles and liability of the individual chief elected officials. Chief elected officials are liable in their official capacity but not personally liable for the misuse of WIOA funds.

1. Interlocal, Consortium and Other Agreements

The purpose of having interlocal, consortium or other governing agreements is to ensure the decisions delegated to CLEO(s), or a consortium, reflect the agreement of all the chief elected officials in all jurisdictions of a local area and are consistent with requirements established in s 163.01, F.S. These agreements are between the chief elected officials of each jurisdiction within the local area and must contain signatures of the representative(s) authorized to enter into such agreements.

The interlocal or consortium agreement will clearly state the level of agreement to be reached among the governmental entities involved and identify the roles and responsibilities of the CLEOs within the local area. At a minimum, applicable agreements will address:

- a) **Identification of local workforce development area** – The agreement will clearly identify the units of local government which are covered by the agreement and which make up the local area.
- b) **Designation and responsibilities of the CLEO** – The parties to the interlocal agreement should identify the county commissioners and/or mayors to serve as the CLEO(s) of the local area for the purposes of approving local and, if appropriate, regional plans; establishing policy; authorizing WIOA expenditures; establishing contracts; paying for services outside of the local area; or paying costs associated with monitoring or audit findings or sanctions.

Areas where a consortium is serving in the capacity to perform the duties and functions of the CLEO will describe the duties/responsibilities of the consortium, members who make up the consortium, and the authority of its members in an agreement signed by the applicable elected officials or their authorized designee.

- c) **Establishment, appointment, and operation of the LWDB** – The agreement should include an agreed upon process for establishing and appointing the LWDB members, including:
 - 1. Membership of the LWDB that is consistent with WIOA and state guidance; and
 - 2. How the needs of all geographical areas in all jurisdictions will be represented within the local area.
- d) **Designation and responsibilities of the fiscal agent** – The fiscal agent is the entity designated to perform accounting and funds management on behalf of the CLEO. The agreement will identify the entity performing these duties.
- e) **Process for CLEOs to provide input** – The agreement will include a process for all CLEOs to provide input for the purposes of reaching a consensus on critical decisions that may impact the local workforce development system.
- f) **Liability** – Under WIOA, CLEOs are liable for misspent funds, disallowed costs, funds spent fraudulently, and potential sanctions for nonperformance. Therefore, it is recommended that CLEOs within a local area agree on how liability will be addressed. The following questions can be used to guide such discussions:
 - 1. How will sanctions related to performance be shared among the jurisdictions within the local area?
 - 2. How will the issue of disallowed costs or misspent funds that cannot be covered by federal grant funds be addressed?
- g) **Performance Accountability** – Generally, performance accountability is addressed in the WIOA local plan. However, CLEOs should agree on an approach to performance accountability. The following questions may be used to guide such discussions:
 - 1. Who will be responsible for negotiating local performance measures with the state (the executive director / staff to the board, local board)?

2. Will the local area have any performance criteria in addition to federal and state criteria? How will performance be administratively tracked locally?
 3. Will performance-related incentives be shared among the jurisdictions within the local area?
- h) **Dispute Resolution Process** – The governing agreement should include provisions for resolving disputes. Below are possible issues to address in the agreement relative to dispute resolution:
1. What types of disputes arise to the level of needing a dispute resolution process?
 2. What type of dispute resolution process should be used (mediation, arbitration, consultation with state, etc.)?
- i) **Other Agreement Provisions (Miscellaneous)**
1. Duration of the agreement; and
 2. Process for modification or termination of agreement.

2. Bylaws

Bylaws are the provisions by which the local area is governed and the LWDB and its operations are managed. Bylaws provide consistency and clarification on the roles and responsibilities of the various representatives governing the local workforce development system. The LWDB must ensure its bylaws are up to date and in alignment with requirements of WIOA and state policy. At a minimum, the following should be reflected in the local area's bylaws.

- a) **Purpose and Responsibilities (Functions)** – Describe the purpose of the LWDB (e.g. to set policy and establish oversight of the workforce development system). Describe the functions or the responsibilities of the LWDB (e.g. the local board has the responsibility to provide strategic and operational oversight, assists in achievement of the state's strategic and operational vision and goals, and maximizes and continues to improve quality of services, customer satisfaction, and effectiveness of services provided). **A list of the board's responsibilities can be found in Section IV.A.3. of this policy.**
- b) **Membership** – Include the processes and procedures for the following:
1. Recruiting, nominating, vetting and appointing board members;
 2. Filling LWDB member vacancies; and
 3. Resignation, reasons for disqualification, removal, and reappointment of board members.

Board membership and composition requirements can be found in [Administrative Policy 091 Local Workforce Development Board Composition and Certification](#)

- c) **Authority of LWBD** – Include the power and authorities of the LWDB, including authority to recommend, select and hire an executive director to perform operational and administrative functions of the board.
- d) **Duties of the members** – Describe the duties and term limits of the board members.
- e) **Officers** – Describe the authority of its officers, including terms of office and board officer duties.
- f) **Committees** – Describe the types of committees (e.g. executive committee, finance committee, nominating committee, etc.) as well as their authorities, responsibilities, terms of committee members and chairpersons, who has the authority to appoint committee members, and who may sit on the committee. The LWDB will prohibit any LWDB staff from serving as members of a committee or subcommittee.
- g) **Meetings and Minutes** – Describe frequency of meetings and describe how regular board and committee meetings are planned and conducted. The LWDB will also describe the process and requirements for calling special and emergency meetings, what constitutes an emergency meeting or special meeting, and who is authorized to call such meetings. This includes but is not limited to the requirement to provide the schedule to the board members and the public.
 - 1. **Record Keeping** – The LWDB will describe how meeting minutes will be scribed/recorded, retain records of board members who are present/absent, and record official acts of the board including the number of votes of members (yeas, nays and abstentions). Meeting minutes must be made available publicly on the LWDB's website.
 - 2. **Voting, Board Actions and Conflict of Interest** – Include voting and quorum requirements, record official acts of the board including the number of votes of members (yeas, nays, and abstentions). Abstentions due to conflict of interest must be recorded, include the name of the abstaining member and the reason for abstention. Strategic Policy [2012.05.24.A.2 - State and Local Workforce Development Board Contracting Conflict of Interest Policy](#) provides guidelines for approving contracts in which a conflict of interest may exist.

LWDBs must adhere to requirements in the Grantee-Subgrantee Agreement for board member conflicts of interest disclosures and applicable requirements. This

includes but is not limited to the requirement to adopt and abide by a conflict of interest policy that ensures compliance with state and federal law, regulations and policies.

LWDB members and staff must maintain integrity, accountability and transparency in decisions and actions that earn and protect the public trust in compliance with [Strategic Policy 2018.09.26.A.1 - Ethics and Transparency Policy](#) This includes taking all necessary steps to avoid the appearance of conflicts of interest.

The LWDB is subject to open government and confidentiality requirements in Chapters 119 and 286, Florida Statutes (F.S).²

While it is preferable that the elements outlined in section IV. E. of this policy be contained in comprehensive documents as described, it is acceptable that the items identified in this section be contained in separate agreements (memoranda of understanding, governing policies and procedures, etc.), as long as the requirements of this section are clearly met.

F. New Board Member Orientation and Annual Training

Members appointed to the LWDB are required to participate in orientation and annual training to ensure they understand the purpose of their participation on the LWDB. The purpose of orientation and training is to provide LWDB members with information that empowers them to effectively serve as a board member. The LWDB is expected to take all reasonable steps necessary to encourage attendance by the CLEO at board member orientation and training.

1. New LWDB Member Orientation

All new board members, within six months of appointment, will complete a new board member orientation. The board shall develop board member orientation for board members, which will cover at a minimum:

- a) Overview of WIOA;
- b) Overview of the workforce development system and structure;
- c) The state's workforce development system goals and strategies;
- d) The purpose of the LWDB;
- e) LWDB composition, including required members and areas of representation;
- f) Roles and responsibilities of the CLEO, fiscal agent, LWDB, LWDB chairperson, and LWDB executive director and staff;

² The LWDB is subject to Chapters 119 and 286, F.S. The LWDB is responsible for responding to public records requests and subpoenas. The LWDB is responsible for ensuring that its staff and agents have a working knowledge of Chapter 119, F.S. The LWDB agrees to appoint a public records coordinator for the purpose of ensuring that all public records matters are handled appropriately.

- g) Required partners and programs;
- h) How the workforce system is funded;
- i) Performance requirements;
- j) Sunshine law requirements; and
- k) Conflict of interest policy and disclosure of potential conflicts of interest.

2. Annual Training Requirements

Board members will complete an annual refresher training to remind them of the purpose of their appointment as a member to the LWDB. The annual training will include at a minimum:

- a) The state's workforce development goals and strategies;
- b) The purpose of the LWDB;
- c) Roles and responsibilities of the CLEO, fiscal agent, LWDB, LWDB chairperson, and LWDB executive director and staff;
- d) How the workforce system is funded;
- e) Performance requirements;
- f) Sunshine law requirements; and
- g) Conflict of interest policy.

New member orientation and refresher training may be offered in person and/or virtually at the local area's discretion. The LWDB must retain, and provide to DEO upon request, attendance records of participants and the dates of completion. New board members completing the board member orientation are not required to complete the annual refresher training in the same year they become a new member.

G. State and Local Monitoring

At the local level, the LWDB must conduct oversight of the procurement process and resulting contracts and agreements to ensure all aspects of written agreements and contracts are compliant with federal and state laws and regulations. Additionally, the LWDB must also ensure governing agreements are upheld. In instances where the LWDB is also the one-stop operator, the LWDB must follow the monitoring requirements outlined in [Administrative Policy 97 – One-Stop Operator Procurement](#). The LWDB must monitor compliance with this policy.

DEO will perform programmatic and fiscal monitoring and will review the local area's agreements and contracts during the annual monitoring review for compliance with federal and state laws and regulations. Findings and other noncompliance issues will be handled through the state's monitoring resolution process.

V. DEFINITIONS

1. **CLEO (CLEO in WIOA sec. 3(9)) –**

- a) A chief elected executive officer of a unit of general local government in a local area; and
- b) In a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in section 107(c)(1)(B).

2. **Governance Agreements (i.e. Interlocal, Consortium and other governing agreements)** are written agreements designed to ensure that decisions by CLEO(s) or a consortium reflect the agreement of all the chief elected officials in all jurisdictions of a local area, including how the local board is governed, roles and responsibilities of members, liabilities, etc.

3. **Local Workforce Development Area (LWDA)** – geographical area that serves as the jurisdiction for the administration of workforce development activities and has been granted such designation by meeting criteria as prescribed in [Administrative Policy 94 – Local Workforce Development Designation](#).

4. **Fiscal Agent** is the entity designated to perform accounting and funds management on behalf of the CLEO.

5. **Board Chairperson** is a business representative among the board members who is elected by the board.

6. **Local Workforce Development Board** is a board established under WIOA sec. 107 to set policy for the local workforce development system.

7. **Executive Director** is an individual hired or designated by the LWDB to perform the operational and administrative functions of the board.

8. **Cause** includes but is not limited to engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence or irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance.

VI. REVISION HISTORY

Date	Description
02/xx/2021	Approved by CareerSource Florida Board of Directors.
02/xx/2021	Issued by the Florida Department of Economic Opportunity.

VII. RESOURCES

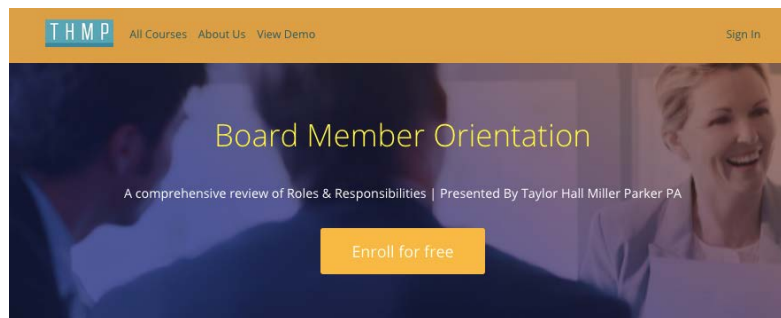
[WIOA Fact Sheet: Governance and Leadership](#)

How to Access BOARD MEMBER ORIENTATION Training

URL: <https://workforce-academy.thinkific.com/courses/board-member-orientation-py20-21?thug=eeade279>

Note: Thinkific supports the 2 most recent versions of **Chrome, Firefox, Safari** and **Edge** browsers.

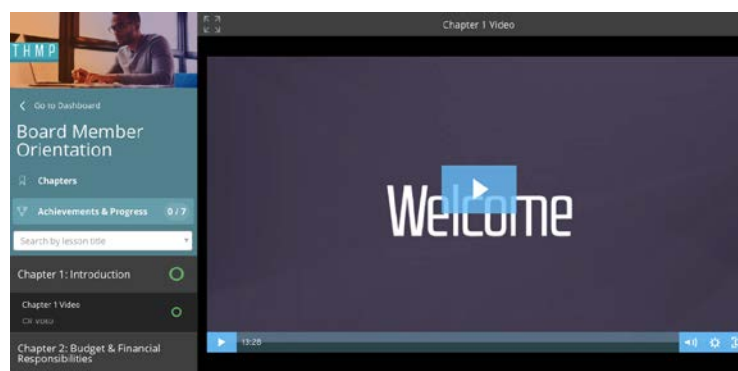
1. First, be sure to log-on to THMP Workforce Academy using the course URL (above), which takes you to the course landing page (below). Click on “Enroll for Free”:



2. Fill out the Enrollment Form (below) and click “Create Account.” If you already have an account, click “I already have an account” and log-in as you normally would:

The screenshot displays the enrollment form for the 'Board Member Orientation' course. At the top, there is a small video thumbnail of a man in a suit. Below it, the text 'Enroll in Board Member Orientation for free' is centered. The form consists of four input fields: 'First Name', 'Last Name', 'Email', and 'New Password'. Below these fields is a large orange button labeled 'Create Account'. At the bottom of the form, there is a link that says 'I already have an account!'

3. Once enrolled, you'll automatically be directed to the course curriculum (below), where you can begin watching the course videos.



Staff Comments on House Bill 1505

Overview

This Bill requires DOE, DCF and DEO to establish a “consumer-first workforce system.”

Comments

A system that ties together educational institutions, public assistance and workforce board services would be a major system improvement for our customers and, at the same time, create many new challenges and costs for those administering programs in these agencies. While speculative because the system is conceptual, it would appear that each agency would have to have special devoted staff for each program to keep abreast of eligibility issues.

There are also many privacy and other legal restrictions about sharing personal information and services obtained that will have to be addressed, some at the state level, but most federal.

1 A bill to be entitled
2 An act relating to workforce programs and services;
3 amending s. 445.011, F.S.; establishing an automated
4 consumer-first workforce system; requiring the
5 Department of Education and the Department of Children
6 and Families, in consultation with the Department of
7 Economic Opportunity, to implement such system;
8 requiring that such system improve coordination among
9 specified partners; revising requirements for such
10 system; requiring that certain contracts be
11 performance based; requiring the Department of
12 Economic Opportunity to develop training for specified
13 partners; amending s. 446.021, F.S.; revising a
14 definition; amending s. 446.032, F.S.; requiring
15 certain standards and policies established by the
16 Department of Education to include a specified
17 requirement for training providers; requiring, rather
18 than authorizing, the department to adopt rules;
19 revising provisions relating to a certain summary of
20 expenditures for apprenticeship and preapprenticeship
21 programs; providing requirements for a certain annual
22 report; requiring the department to provide data from
23 certain resources to specified persons and entities;
24 amending s. 446.041, F.S.; revising a catchline
25 relating to the department's duties regarding

26 apprenticeship and preapprenticeship programs;
27 creating s. 446.090, F.S.; providing a definition for
28 the term "work-based learning opportunity"; specifying
29 the required criteria for such opportunity; requiring
30 that such opportunity prioritizes paid experiences;
31 requiring the State Board of Education to adopt rules;
32 amending s. 1003.4156, F.S.; requiring a career and
33 education planning course to include certain
34 resources; amending s. 1003.42, F.S.; requiring a
35 specified character development curriculum to include
36 certain instruction and resources; creating s.
37 1006.75, F.S.; requiring specified educational centers
38 and institutions to ensure that certain services and
39 resources prepare students for employment; requiring
40 student career service centers to use specified
41 resources to assist students with certain activities;
42 amending s. 1007.25, F.S.; requiring specified
43 students to complete certain courses before a certain
44 degree is awarded; requiring the chairs of the State
45 Board of Education and the Board of Governors, or
46 their designees, to jointly appoint faculty committees
47 to identify competencies which will result in a
48 digital credential; requiring specified institutions
49 to grant and accept such credential; requiring the
50 department to identify certain courses in which such

51 credential may be earned; requiring certain courses to
52 use specified resources and provide students with the
53 opportunity to create a digital resume; amending ss.
54 443.151, 445.010, and 445.045, F.S.; conforming
55 provisions to changes made by the act; amending ss.
56 943.22 and 1001.64, F.S.; conforming cross-references;
57 providing an effective date.
58

59 Be It Enacted by the Legislature of the State of Florida:
60

61 Section 1. Section 445.011, Florida Statutes, is amended,
62 to read:

63 445.011 Consumer-first workforce system ~~information~~
64 ~~systems.~~—

65 (1) The department, in consultation with the state board,
66 the Department of Education, and the Department of Children and
67 Families, shall implement, subject to legislative appropriation,
68 an automated consumer-first workforce system that improves
69 coordination among required one-stop partners and is ~~information~~
70 ~~systems that are~~ necessary for the efficient and effective
71 operation and management of the workforce development system.
72 This system ~~These information systems~~ shall include, but need
73 not be limited to, the following:

74 (a) An integrated management system for the one-stop
75 service delivery system, which includes, at a minimum, common

76 registration and intake for required one-stop partners,
77 screening for needs and benefits, case management ~~planning and~~
78 ~~tracking,~~ training benefits management, service and training
79 provider management, performance reporting, executive
80 information and reporting, and customer-satisfaction tracking
81 and reporting.

82 1. The system should report current budgeting,
83 expenditure, and performance information for assessing
84 performance related to outcomes, service delivery, and financial
85 administration for workforce programs pursuant to s. 445.004(5)
86 and (9).

87 2. The ~~information~~ system should include auditable systems
88 and controls to ensure financial integrity and valid and
89 reliable performance information.

90 3. The system should support service integration and case
91 management across programs and agencies by providing for case
92 tracking for participants in workforce programs, participants
93 who receive benefits pursuant to public assistance programs
94 under chapter 414, and participants in welfare transition
95 programs under this chapter.

96 (b) An automated job-matching information system that is
97 accessible to employers, job seekers, and other users via the
98 Internet, and that includes, at a minimum:

99 1. Skill match information, including skill gap analysis;
100 resume creation; job order creation; skill tests; job search by

101 area, employer type, and employer name; and training provider
102 linkage;

103 2. Job market information based on surveys, including
104 local, state, regional, national, and international occupational
105 and job availability information; and

106 3. Service provider information, including education and
107 training providers, child care facilities and related
108 information, health and social service agencies, and other
109 providers of services that would be useful to job seekers.

110 (2) The department may procure independent verification
111 and validation services associated with developing and
112 implementing the consumer-first ~~any~~ workforce ~~information~~
113 system.

114 (3) The department shall coordinate development and
115 implementation of the consumer-first workforce system
116 ~~information systems~~ with the state chief information officer to
117 ensure compatibility with the state's information system
118 strategy and enterprise architecture.

119 (4) Any contract entered into or renewed on or after July
120 1, 2021, for the purpose of implementing this section must be
121 performance based.

122 (5) The department shall develop training for required
123 one-stop partners on the use of the consumer-first workforce
124 system and how to prequalify individuals for workforce programs.

125 Section 2. Subsection (8) of 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:

(8) "Uniform minimum ~~preapprenticeship~~ standards" means the minimum requirements established uniformly for each occupation ~~craft~~ under which an apprenticeship or a preapprenticeship program is administered or a work-based learning opportunity is provided. The term ~~and~~ includes standards of admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the apprenticeship or preapprenticeship program or work-based learning opportunity, and the percentage of credit which may be given to an apprentice or a preapprentice or work-based learning student ~~preapprenticeship graduates upon acceptance into the apprenticeship program.~~

Section 3. Subsection (1), paragraphs (b) and (f) of subsection (2), and subsection (3) of section 446.032, Florida Statutes, are amended, and paragraphs (g) and (h) are added to subsection (2) of that section, to read:

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

(1) Establish uniform minimum standards and policies governing apprenticeship and preapprenticeship ~~apprentice~~ programs and agreements which must require training providers to submit data necessary to determine program performance

151 consistent with state and federal law. The standards and
152 policies shall govern the terms and conditions of the
153 apprentice's employment and training, including the quality
154 training of the apprentice for, but not limited to, such matters
155 as ratios of apprentices to journeymen, safety, related
156 instruction, and on-the-job training; but these standards and
157 policies may not include rules, standards, or guidelines that
158 require the use of apprentices and job trainees on state,
159 county, or municipal contracts. The department shall ~~may~~ adopt
160 rules necessary to administer the standards and policies.

161 (2) By September 1 of each year, publish an annual report
162 on apprenticeship and preapprenticeship programs. The report
163 must be published on the department's website and, at a minimum,
164 include all of the following:

165 (b) A detailed summary of each local educational agency's
166 expenditure of funds for apprenticeship and preapprenticeship
167 programs, including:

168 1. The total amount of funds received for apprenticeship
169 and preapprenticeship programs;

170 2. The total amount of funds allocated by training
171 provider, program, and ~~to each trade or~~ occupation;

172 3. The total amount of funds expended for administrative
173 costs by training provider, program, and ~~per trade or~~
174 occupation; and

175 4. The total amount of funds expended for instructional

costs by training provider, program, ~~per trade~~ and occupation.

(f) Documentation of activities conducted by the department to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives and the outcomes of such activities and their impact on establishing or expanding apprenticeship and preapprenticeship programs.

(g) Retention and completion rates of participants disaggregated by training provider, program, and occupation.

(h) Wage progression of participants as demonstrated by starting, exit, and postapprenticeship wages.

(3) Provide assistance to district school boards, Florida College System institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report under ~~pursuant to~~ s. 445.07 and other state career planning resources.

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

446.041 ~~Apprenticeship program~~, Duties of the department.—
The department shall:

(1) Administer ss. 446.011-446.092.

(2) Administer the standards established by the department.

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

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

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

(6) Develop and encourage apprenticeship programs.

(7) Lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities.

(8) Cooperate with and assist local apprenticeship sponsors in the development of their apprenticeship standards and training requirements.

(9) Encourage registered apprenticeship programs to grant consideration and credit to individuals completing registered preapprenticeship programs.

(10) Monitor registered apprenticeship programs to ensure that they are being operated in compliance with all applicable standards.

(11) Supervise all apprenticeship programs that are registered with the department.

(12) Ensure that minority and gender diversity are considered in administering this program.

(13) Adopt rules required to administer ss. 446.011-446.092.

Section 5. Section 446.090, Florida Statutes, is created to read:

446.090 Work-based learning opportunities.—

(1) As used in this section, the term "work-based learning opportunity" means an interaction with industry or community professionals that occurs in a workplace setting, to the extent possible, or a simulated environment at an educational institution that allows firsthand experience with tasks that are aligned to the institution's curriculum.

(2) A work-based learning opportunity must meet all of the following criteria:

(a) Be developmentally appropriate.

(b) Identify learning objectives for the term of experience.

(c) Explore multiple aspects of an industry.

(d) Develop workplace skills and competencies.

(e) Assess performance.

(f) Provide opportunities for work-based reflection.

(g) Link to next steps in career planning and preparation in a student's chosen career pathway.

(h) Be provided in an equal and fair manner.

251 (i) Be documented and reported in compliance with state
252 and federal labor laws.

253
254 A work-based learning opportunity, including an apprenticeship
255 and a preapprenticeship, must, to the extent possible,
256 prioritize paid experiences.

257 (3) The State Board of Education shall adopt rules to
258 implement this section which must include uniform minimum
259 standards and guidelines for determining student eligibility,
260 obligations of employers, and requirements of institutions that
261 offer work-based learning opportunities.

262 Section 6. Paragraph (e) of subsection (1) of section
263 1003.4156, Florida Statutes, is amended to read:

264 1003.4156 General requirements for middle grades
265 promotion.—

266 (1) In order for a student to be promoted to high school
267 from a school that includes middle grades 6, 7, and 8, the
268 student must successfully complete the following courses:

269 (e) One course in career and education planning to be
270 completed in grades 6, 7, or 8, which may be taught by any
271 member of the instructional staff. The course must be Internet-
272 based, customizable to each student, and include research-based
273 assessments to assist students in determining educational and
274 career options and goals. In addition, the course must result in
275 a completed personalized academic and career plan for the

student that may be revised as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under s. 445.07 and other state career planning resources. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285; the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another course or courses.

Section 7. Paragraph (s) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(s) A character development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature. Beginning in school year 2004-2005, the character development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character development program that shall be submitted to the department for approval. The character development curriculum shall stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation. The character development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using state career planning resources; developing and practicing the skills necessary for employment interviews; conflict resolution,

workplace ethics, and workplace law; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraphs (s) and (t).

Section 8. Section 1006.75, Florida Statutes, is created to read:

1006.75 Student career services.—

(1) Each career center, charter technical center, Florida College System institution, and state university shall ensure that their student career service centers and job placement resources prepare students for employment upon completion of their academic work.

(2) Student career service centers shall, to the extent possible, use state career planning resources to assist students with all of the following:

(a) Exploring and identifying career opportunities.

(b) Identifying in-demand jobs and associated earning outcomes.

351 (c) Understanding the skills and credentials needed for
352 specific jobs.

353 (d) Identifying opportunities to gain on-the-job
354 experiences.

355 (e) Creating a digital resume.

356 Section 9. Subsections (4) through (9) of section 1007.25,
357 Florida Statutes, are renumbered as subsections (5) through
358 (10), respectively, present subsections (10) through (12) are
359 renumbered as subsections (12) through (14), respectively,
360 present subsections (3) and (5) are amended, and new subsections
361 (4) and (11) are added to that section, to read:

362 1007.25 General education courses; common prerequisites;
363 other degree requirements.—

364 (3) The chair of the State Board of Education and the
365 chair of the Board of Governors, or their designees, shall
366 jointly appoint faculty committees to identify statewide general
367 education core course options. General education core course
368 options shall consist of a maximum of five courses within each
369 of the subject areas of communication, mathematics, social
370 sciences, humanities, and natural sciences. The core courses may
371 be revised, or the five-course maximum within each subject area
372 may be exceeded, if approved by the State Board of Education and
373 the Board of Governors, as recommended by the subject area
374 faculty committee and approved by the Articulation Coordinating
375 Committee as necessary for a subject area. Each general

education core course option must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course. Beginning with students initially entering a Florida College System institution or state university in 2015-2016 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements. Beginning in the 2022-2023 academic year and thereafter, students entering a technical degree education program as defined in s. 1004.02(13) must complete at least one identified core course in each subject area as part of the general education course requirements before a degree is awarded. All public postsecondary educational institutions shall accept these courses as meeting general education core course requirements. The remaining general education course requirements shall be identified by each institution and reported to the department by their statewide course number. The general education core course options shall be adopted in rule by the State Board of Education and in regulation by the Board of Governors.

(4) The chair of the State Board of Education and the chair of the Board of Governors, or their designees, shall jointly appoint faculty committees to identify the competencies within the general education core courses which demonstrate career readiness and will result in the award of a verifiable

401 and interoperable nationally recognized digital credential. All
402 public postsecondary educational institutions shall grant and
403 accept the identified digital credential. Beginning with
404 students initially entering a Florida College System institution
405 or state university in 2022-2023 and thereafter, each student
406 must be able to distinguish in the institution's or university's
407 catalog which general education core courses are linked to
408 earning a digital credential.

409 (6) ~~(5)~~ The department shall identify those courses offered
410 by universities and accepted for credit toward a degree. The
411 department shall identify courses designated as either general
412 education or required as a prerequisite for a degree and the
413 digital credentials that may be earned through the general
414 education core courses. The courses shall be identified by their
415 statewide course numbers.

416 (11) Courses that provide instruction in student life
417 skills, including career planning and exploration, or similar
418 instruction, and fulfill the requirements for a degree in
419 subsection (9) or subsection (10) or a degree from a technical
420 degree education program as defined in s. 1004.02(13), shall use
421 state career planning resources and provide students with the
422 opportunity to create a digital resume.

423 Section 10. Paragraph (b) of subsection (2) of section
424 443.151, Florida Statutes, is amended to read:

425 443.151 Procedure concerning claims.—

(2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.—

(b) Process.—When the Reemployment Assistance Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the consumer-first workforce system ~~information systems~~ established under ~~pursuant to~~ s. 445.011. Unless exempted under s. 443.091(1)(b)5., a claim for benefits may not be processed until the work registration requirement is satisfied. The department may adopt rules as necessary to administer the work registration requirement set forth in this paragraph.

Section 11. Section 445.010, Florida Statutes, is amended to read:

445.010 Consumer-first workforce system ~~information~~ technology; principles and information sharing.—

(1) The following principles shall guide the development and management of workforce system ~~information~~ resources:

(a) Workforce system entities should be committed to information sharing.

(b) Cooperative planning by workforce system entities is a prerequisite for the effective development of systems to enable the sharing of data.

(c) Workforce system entities should maximize public access to data, while complying with legitimate security,

451 privacy, and confidentiality requirements.

452 (d) When the capture of data for the mutual benefit of
453 workforce system entities can be accomplished, the costs for
454 capturing, managing, and disseminating those data should be
455 shared.

456 (e) The redundant capture of data should, insofar as
457 possible, be eliminated.

458 (f) Only data that are auditable, or that otherwise can be
459 determined to be accurate, valid, and reliable, should be
460 maintained in the consumer-first workforce system ~~information~~
461 ~~systems~~.

462 (g) The design of the consumer-first workforce system
463 ~~information systems~~ should support technological flexibility for
464 users without compromising system integration or data integrity,
465 be based upon open standards, and use platform-independent
466 technologies to the fullest extent possible.

467 (2) Information that is essential to the integrated
468 delivery of services through the one-stop delivery system must
469 be shared between partner agencies within the consumer-first
470 workforce system to the full extent permitted under state and
471 federal law. In order to enable the full integration of services
472 for a specific workforce system customer, that customer must be
473 offered the opportunity to provide written consent prior to
474 sharing any information concerning that customer between the
475 workforce system partners which is subject to confidentiality

under state or federal law.

Section 12. Subsection (3) of section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(3) CareerSource Florida, Inc., shall ensure that the website developed and maintained under this section is consistent, compatible, and coordinated with the consumer-first workforce system ~~information systems~~ required under s. 445.011, including, but not limited to, the automated job-matching information system for employers, job seekers, and other users.

Section 13. Paragraph (c) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(1) For the purpose of this section, the term:

(c) "Community college degree or equivalent" means graduation from an accredited community college or having been granted a degree pursuant to s. 1007.25(13) ~~s. 1007.25(11)~~ or successful completion of 60 semester hours or 90 quarter hours and eligibility to receive an associate degree from an accredited college, university, or community college.

Section 14. Subsection (7) and paragraph (d) of subsection (8) of section 1001.64, Florida Statutes, are amended to read:

1001.64 Florida College System institution boards of

trustees; powers and duties.—

(7) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule; requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education coursework, for an associate in arts degree; notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities; notifying students of unique program prerequisites; and ensuring that degree program coursework beyond general education coursework is consistent with degree program prerequisite requirements adopted pursuant to s. 1007.25(7) ~~s. 1007.25(6)~~.

(8) Each board of trustees has authority for policies related to students, enrollment of students, student records, student activities, financial assistance, and other student services.

(d) Boards of trustees shall identify their general education curricula pursuant to s. 1007.25(8) ~~s. 1007.25(7)~~.

Section 15. This act shall take effect July 1, 2021.

Staff Comments on House Bill 1507

Overview

The Bill offers a number of corrective and clarifying amendments that will have a positive impact on services to our customers as well as systemic improvements to provide more transparency and reforms to the workforce system. It also offers a number of amendments to the State Department of Education's workforce programs and some restructuring of the State's Policy Oversight and Development agencies.

Overall, the Bill provides positive changes(improvements) to our WIOA system

Areas of Local Concern:

While the changes to the State's structure may have some impact on local board functions and management at some point, the thrust of the duties appear to be to focus on streamlining systems; providing oversight to multiple state agencies' workforce efforts and serving as a change agent. Those sections pertaining to education workforce programs will be discussed with some key local institutions and overlapping concerns forward at a later date.

The following concerns reflect a staff review that are believed to have a negative impact on our local system and Board.

Lines 597-617 Eligible Providers:

An overly strict interpretation may result in approved training being solely focused on occupations that have a larger presence or future economic development goals in the workforce area and not allow training that is essential for maintaining a talent supply for small businesses and historic industry sectors which remain community economic mainstays. Language should also include recognition of small businesses and historic industry sectors and allow local boards the flexibility to include those if approved by the local Board.

While performance metrics are essential, completion rates should be better defined. In some areas, such as welding, students are often hired prior to the completion of the program by employers because they have the requisite skills the employer needs and “completion” is not required for the job. Perhaps linking Completion and employment rate metrics by adding and “or” is a more appropriate metric combination.

Recognition should be given that, because of many factors, residents may use WIOA to train at institutions outside of Florida or training that is provided from out-of-state, online training providers.

Lines 642-645: 671-694 Credential Review/Credentials of Value

The relationship of the Credential Review Committee and Master Credentials List should be clarified with CAPE certification. It would appear that, without such clarification, rather than streamlining the process of establishing programs and certifications the process could be made longer and more bureaucratic.

Credentials of Value should include credentials needed in economically important local industries/businesses.

Lines 883-886 Letter Grades

The assignment of letter grades for the purpose of continuous improvement is a positive measure. However, if such grading were to be perceived as a need to restructure or reform a local board, it should be noted that WIOA provides specific processes and protections for such a process.

It should also be noted that “success” denoted by a letter grade may have different metric achievement in each workforce area based on the economy and characteristics of that workforce area.

Lines 993-1013 Waivers

WIOA provides the Governor the authority, with local elected official concurrence, to restructure the state’s workforce areas based on certain failures in performance and management and allows the state board to assume local roles as a step in a reorganizations process.

The state's system is organized around the state college system "footprint" with workforce areas being comprised of at least one state college area. This allows local boards to work with their K12 partners and state colleges and technical colleges on articulation and career pathways issues.

Additionally, these areas relate to the significant labor markets and their commuting patterns throughout the state.

Lines 1069-1071 Term limitations

The required termination of service on a local board after any given period is concerning for a number of reasons:

- The myriad of requirements, both programmatic and administrative, for which local elected officials and their local board are responsible to ensure effective program design and proper expenditure of funds, require private sector leadership with "corporate knowledge". This is not gained in one or two years. Members learn through state monitoring reports, attendance at state and national meetings on workforce issues, and, unfortunately, through mistakes made by other boards and partners with the workforce system of the state and nation.
- Local elected officials are charged by WIOA and state law with making appointments of members who represent the business and industry in their community. The appointment of business leaders who hold significant positions within their industry and business is the mandate for the local elected officials and should not be infringed.
- Local boards require over 50% private sector leadership to ensure that the boards are "business-driven". By removing members arbitrarily based on tie, while not establishing a similar standard for the required governmental members, shifts the leadership, through member terms, from business to governmental.
- Filling membership requirements is often a challenge. Many boards that are multi-county balance their private sector members to ensure that each county's business sector has a voice in talent development. For rural areas/counties, the business communities are often represented by long term members.
- Members are required to be appointed for fixed and staggered terms by WIOA. Elected officials routinely review member reappointment based on criteria such as business relevance and member attendance. Local elected officials have opportunities to replace members at term expiration without citing "cause."

The term limit should be removed, and chief elected officials and their boards should be required to review membership based on business relevance and member participation.

Lines 1251-1271 Compensation transparency

IRS Form 990 are generally prepared by the audit firm as part of the local board's required audit.

Compensation data requirements should be aligned with the annual IRS requirements for W-2 reporting to align website information with legal documents submitted to the IRS.

Lines 1292-1325 TANF/Welfare Transition

The performance of workforce programs ability to transition TANF recipients to self-sufficiency is a key goal. However, boards are constricted in performing by the current treatment of "medically-deferred" recipients. Currently approximately 25% of each Board caseload is deferred for medical reasons. Those deferred that have an explicitly defined temporary condition (such as pregnancy) Board have programs in place to assist them. However, those without such conditions, require assistance beyond that of local workforce boards to define an appropriate career path based upon their limitations. These TANF recipients should be referred to Vocational Rehabilitation for a career assessment and support to enable them "work ready" for assistance by the local workforce board and not counted for performance purposes until they are declared "work ready."

Areas of Awareness

The Bill provides a number of changes that our Board and elected officials should recognize. These are generally "tightening" of existing legislative standards or requirements.

Office of Reimaging Education and Career Help

Creates this Office within the Office of the Governor as a system (education , workforce and TANF) coordinator and "change agent."

- Creates a "no-wrong door" strategy
- Cross training of staff

Changes name and duties of Workforce Estimating Conference to Labor Market Estimating Conference

Improves LMI by requiring additional occupational information such as education level and prioritizes high-skill high-wage occupations for the state and regional areas based on shortages.

Increased Ethics Disclosure requirements

Throughout the Bill there are numerous requirements that expand public notice for ethics purposes. These include posting expanded key staff compensation information, disclosure of Form 1 filings for a period of three years after filing.

“For Cause” termination

This has been expanded to include “Gross Mismanagement.”

Board member Contracts

The threshold for “prior approval” by DEO has been lowered to \$10,000 from the current \$25,000.

1 A bill to be entitled
2 An act relating to workforce related programs and
3 services; creating s. 14.36, F.S.; creating the Office
4 of Reimagining Education and Career Help Act for
5 certain purposes; creating the Office of Reimagining
6 Education and Career Help within the Executive Office
7 of the Governor for a specified purpose; providing
8 definitions; providing the duties of the office;
9 requiring the office to create a specified strategy;
10 providing requirements for such strategy; requiring
11 the office to establish a workforce opportunity
12 portal; providing requirements related to the portal;
13 requiring a report to the Legislature; amending s.
14 216.136, F.S.; renaming the Workforce Estimating
15 Conference as the Labor Market Estimating Conference;
16 removing requirements of the Workforce Estimating
17 Conference; providing requirements for the Labor
18 Market Estimating Conference; amending s. 288.047,
19 F.S.; requiring participants of the Quick-Response
20 Training Program to earn at or above minimum wage;
21 amending s. 445.002, F.S.; revising the definition of
22 the term "for cause"; amending s. 445.003, F.S.;
23 revising requirements for Workforce Innovation and
24 Opportunity Act Title I funds; requiring, rather than
25 authorizing, the executive director of the state

workforce development board to work with the
Department of Economic Opportunity for certain
purposes; providing duties of the department for the
implementation of the federal Workforce Innovation and
Opportunity Act; amending s. 445.004, F.S.; revising
the composition of the state board; requiring the
state board to appoint a Credentials Review Committee
for a specified purpose; providing the composition of
the committee; requiring certain information to be
accessible to the public; providing duties and
requirements of the committee; specifying entities
that can authorize certain expenditures; providing and
revising requirements for the state board in order to
achieve certain purposes; requiring the state board,
in consultation with the department, to submit a
report to the Governor and Legislature; providing and
revising reporting requirements; removing certain
auditing authority of the Auditor General; requiring
local performance accountability measures to be based
on identified local area needs; amending s. 445.006,
F.S.; providing requirements for the state plan for
workforce development; requiring the department to
prepare a federal waiver for specified purposes;
amending s. 445.007, F.S.; requiring certain
information be accessible on the website of a local

workforce development board or department; providing term limits; providing an exception; requiring actions of the local board to be consistent with federal and state law; providing requirements for certain contracts between a local board and certain entities; providing an exception; requiring the department to review certain documentation when considering whether to approve a contract; removing authority for a local board to review a decision by the department to deny a contract; requiring a local board to disclose certain compensation information to the department; amending s. 445.009, F.S.; requiring a certain final payment amount to Individual Training Accounts; conforming provisions to changes made by the act; amending s. 445.033, F.S.; requiring the department and the Department of Children and Families, rather than the state board, to measure the performance of certain workforce related programs; requiring the state board to consult with local boards; requiring local boards to provide quarterly reports to the state board with certain information; requiring, rather than authorizing, the state board and the department to share certain information; amending s. 445.038, F.S.; conforming provisions to changes made by the act; amending s. 570.07, F.S.; requiring the Department of

Agriculture and Consumer Services to submit certain information to the Credentials Review Committee for placement on the Master Credentials List, rather than the CAPE Industry Certification Funding List or CAPE Postsecondary Industry Certification Funding List; amending s. 1001.706, F.S.; revising and providing requirements for the Board of Governors' strategic plan; removing criteria for the designation of high-demand programs of emphasis; amending s. 1003.4203, F.S.; specifying where the Department of Education has to identify CAPE Digital Tool certificates; removing the deadline for such identification; removing specified skills that have to be mastered; authorizing courses identified in the CAPE Industry Certification Funding List to articulate for college credit; removing the course limit; amending s. 1003.491, F.S.; requiring certain strategic plans to use labor projections identified by the Labor Market Estimating Conference; providing and revising the information that the Commission of Education must review for the annual review of K-12 and postsecondary career and technical education offerings; requiring the Department of Education to adopt rules; amending s. 1003.492, F.S.; providing that industry certification is achieved when a student receives a credential that

is identified on the Master Credentials List;
conforming provisions to changes made by the act;
amending s. 1003.4935, F.S.; conforming provisions to
changes made by the act; amending s. 1004.013, F.S.;
creating the Strategic Efforts to Achieve Self-
Sufficiency consisting of the workforce opportunity
portal, the Open Door Grant Program, and the Money-
Back Guarantee Program; amending s. 1004.015, F.S.;
providing responsibilities of the Florida Talent
Development Council relating to the healthcare
workforce in the state; providing responsibilities of
the Board of Governors and the State Board of
Education; requiring an analysis by a specified date;
specifying data to be provided by such analysis;
amending s. 1008.39, F.S.; conforming provisions to
changes made by the act; amending s. 1008.40, F.S.;
providing requirements for design specifications for
the Workforce Development Information System;
requiring the Department of Education to work with
certain entities to develop certain metrics; providing
requirements for a workforce development metrics
dashboard; amending s. 1008.41, F.S.; conforming
provisions to changes made by the act; amending s.
1008.44, F.S.; removing the CAPE Postsecondary
Industry Certification Funding List; requiring the

State Board of Education to annually adopt, based on recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List; providing certificates, certifications, and courses that may be included on the list; requiring the Commissioner of Education to conduct certain review and make recommendations; requiring the recommendations be provided to the Governor and Legislature by specified date; requiring the CAPE Industry Certification Funding List be used to determine certain funding distributions; conforming provisions to changes made by the act; creating s. 1009.895, F.S.; creating the Open Door Grant Program; providing definitions; providing the purpose of the program; requiring the Department of Education, upon the availability of funds, to provide certain grants; providing for the distribution of the grant to a student and reimbursement to an institution; prohibiting the reduction of the grant based on certain financial aid; providing requirements for the department in administering the grant program; requiring the department to report certain information to the State Board of Education annually; requiring the department to adopt rules; amending s. 1011.80, F.S.; requiring approval by the State Board of Education to conduct

workforce education programs; requiring the State Board of Education to establish criteria for the approval of new workforce education programs; providing requirements for the criteria; authorizing the State Board of Education to modify or terminate a workforce education program; requiring the Credentials Review Committee to develop a returned-value funding formula by a specified time; conforming provisions to changes made by the act; amending s. 1011.801, F.S.; conforming a provision to changes made by the act; amending s. 1011.802, F.S.; requiring the Department of Education to award grants for preapprenticeship programs, in addition to apprenticeship programs, that meet certain criteria; requiring the department to report certain information annually on its website; requiring the State Board of Education to adopt rules; creating s. 1011.803, F.S.; creating the Money-Back Guarantee Program to help individuals achieve self-sufficiency; requiring each school district and Florida College System Institution to offer a money-back guarantee on certain programs by a specified time and to establish student eligibility criteria; requiring each school district and Florida College System institution to notify the State Board of Education of its program by a specified date;

176 requiring information about the program to be posted
177 on certain websites; requiring a report to the
178 Governor and Legislature; amending s. 1011.81, F.S.;
179 requiring the Credentials Review Committee to develop
180 a returned-value funding formula by a specified time;
181 conforming provisions to changes made by the act;
182 providing an effective date.
183

184 Be It Enacted by the Legislature of the State of Florida:
185

186 Section 1. Section 14.36, Florida Statutes, is created to
187 read:

188 14.36 Reimagining Education and Career Help Act.—The
189 Reimagining Education and Career Help Act is created to address
190 the evolving needs of Florida's economy by increasing the level
191 of collaboration and cooperation among state businesses and
192 education communities while improving training within and equity
193 and access to a more integrated workforce and education system
194 for all Floridians.

195 (1) The Office of Reimagining Education and Career Help is
196 created in the Executive Office of the Governor to facilitate
197 alignment and coordination of entities responsible for the
198 state's workforce development system. The head of the office is
199 the Director of the Office of Reimagining Education and Career
200 Help. The Director of the Office of Reimagining Education and

Career Help shall be appointed by and shall serve at the pleasure of the Governor.

(2) As used in this section, the term:

(a) "Credential" means an apprenticeship certificate, industry certification, license, advanced technical certificate, college credit certificate, career certificate, applied technology diploma, associate in applied science degree, associate in science degree, bachelors of applied science degree, and bachelors of science degree.

(b) "Office" means the Office of Reimagining Education and Career Help.

(c) "Workforce development system" means the entities and activities that contribute to the state's talent pipeline system through education, training, and support services that prepare individuals for employment or career advancement, and the entities that are responsible for oversight or conducting those activities such as CareerSource Florida, Inc., local workforce development boards, one-stop career centers, the Department of Economic Opportunity, the Department of Education, and the Department of Children and Families.

(d) "Workforce education region" means areas of the state identified by the Department of Education, in collaboration with the Department of Economic Opportunity, to maximize resource allocation by combining two or more sources of funding to integrate education and training in order to improve access to

226 credentials of value for participants in adult education
227 programs.

228 (e) "Workforce related program" means a program operated,
229 delivered, or enabled, in whole or in part, by a state or local
230 entity using federal funds or state appropriations to offer
231 incentives, funding, support, or guidance for any of the
232 following purposes:

233 1. Job training.

234 2. The attainment of a credential of value identified
235 pursuant to s. 445.004(4) (h) 4.c.

236 3. The attainment of a postsecondary degree or credential.

237 4. The provision of other types of employment assistance.

238 5. Any other program that has, at least in part, the goal
239 of securing employment or better employment for an individual
240 and receives federal funds or a state appropriation.

241 (3) The duties of the office are to:

242 (a) Serve as the advisor to the Governor on matters
243 related to the state's workforce development system.

244 (b) Establish criteria and goals for workforce development
245 and diversification in the state's workforce development system.

246 (c) Provide strategies to align and improve efficiency in
247 the state's workforce development system and the delivery of
248 workforce related programs.

249 (d) Coordinate state and federal workforce related
250 programs, plans, resources, and activities provided by

CareerSource Florida, Inc., the Department of Economic Opportunity, and the Department of Education.

(e) Oversee the Workforce Development Information System described in s. 1008.40 to verify the validity of data collected and monitor compliance of workforce related programs and education and training programs with applicable federal and state requirements as authorized by federal and state law.

(f) Serve on the Credentials Review Committee established in s. 445.004 to identify nondegree and degree credentials of value and facilitate the collection of data necessary to conduct committee work.

(g) Coordinate and facilitate a memorandum of understanding for data sharing agreements of the state's workforce performance data among state agencies and align, to the greatest extent possible, performance measures adopted under ss. 445.004 and 1008.43.

(h) Develop the criteria for assigning a letter grade for each local workforce development board under s. 445.004. The criteria shall, in part, be based on local workforce development board performance accountability measures and return on investment. The majority of the grade shall be based on the improvement by each local workforce development board in the long-term self-sufficiency of participants through outcome measures such as reduction in long-term public assistance and the percentage of participants whose wages were higher after

program completion compared to wages before participation in a program.

(i) Streamline the clinical placement process and increase clinical placement opportunities for students, hospitals, and other clinical sites by administering, directly or through a contract, a web-based centralized clinical placement system for use by all nursing education programs subject to the requirements in s. 464.019.

(j) Direct the objectives of the Talent Development Council established in s. 1004.015.

(4) The office shall create a no-wrong-door-entry strategy to improve equity and access to the myriad of state and federally funded workforce related programs through CareerSource Florida, Inc., local workforce development boards, one-stop career centers, school districts, charter technical centers, Florida College System institutions, the State University System, and through eligible training providers. Individuals must not be required to visit multiple locations when seeking access to education and workforce training. To create the strategy, the office shall:

(a) Develop a training course to cross-train all staff within the state's workforce development system on workforce related programs, including how to use an integrated case management system, develop an individual employment plan, conduct a comprehensive needs assessment, precertify individuals

for workforce related programs, and on any other activities to reinforce the no-wrong-door-entry strategy.

(b) Coordinate and facilitate a common intake form and case management system for use by workforce related programs to minimize duplicate data entry.

(c) Coordinate and facilitate a memorandum of understanding between the Department of Economic Opportunity and the Department of Children and Families to permit Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) clients to precertify for Workforce Innovation and Opportunity Act training services without having to physically visit a one-stop center.

(d) Oversee the performance evaluation of workforce related programs and services under s. 445.033.

(e) Identify other state and federal programs that serve individuals with significant barriers to employment as demonstrated by low placement, employment, and earnings rates and identify strategies to increase the utilization of such programs by local workforce development boards.

(5) The office shall provide the public with access to available federal, state, and local services and provide stakeholders with a systemwide, global view of workforce related program data across various programs through actionable qualitative and quantitative information. The office shall:

(a) Minimize duplication and maximize the use of existing

resources by facilitating the adaptation and integration of state information systems to improve usability and seamlessly link to the workforce opportunity portal and other compatible state information systems and applications to help residents of the state:

1. Explore and identify career opportunities.

2. Identify in-demand jobs and associated earning potential.

3. Identify the skills and credentials needed for specific jobs.

4. Access a broad array of federal, state, and local workforce related programs.

5. Determine the quality of workforce related programs offered by public postsecondary educational institutions and public and private training providers, based on employment, wages, continued education, student loan debt, and receipt of public assistance by graduates of workforce, certificate, or degree programs. To gather this information, the office shall review each workforce related program 1 year after the program's first graduating class and every 5 years after the first review.

6. Identify opportunities and resources to support individuals along their career pathway.

7. Provide information to help individuals understand their potential earnings through paid employment and cope with the loss of public assistance as they progress through career

351 pathways toward self-sufficiency.

352 8. Map the timing and magnitude of the loss of public
353 assistance for in-demand occupations across the state to help
354 individuals visualize how their incomes will increase over time
355 as they move toward self-sufficiency.

356 (b) Provide access to labor market data consistent with
357 the official information developed by the Labor Market
358 Estimating Conference and provide guidance on how to analyze the
359 data, the appropriate use of the data, and any limitations of
360 the data, including instances in which such data may not be
361 used.

362 (c) Maximize the use of the workforce opportunity portal
363 at locations within the workforce development system.

364 (d) Maximize the use of available federal and private
365 funds for the development and initial operation of the workforce
366 opportunity portal. Any incidental costs to state agencies must
367 be derived from existing resources.

368 (e) By December 1, 2022, and annually thereafter, report
369 to the Legislature on the implementation and outcomes of the
370 workforce opportunity portal, including the increase of economic
371 self-sufficiency of individuals.

372 Section 2. Subsection (7) of section 216.136, Florida
373 Statutes, is amended to read:

374 216.136 Consensus estimating conferences; duties and
375 principals.—

376 (7) LABOR MARKET ~~WORKFORCE~~ ESTIMATING CONFERENCE.—

377 (a) The Labor Market ~~Workforce~~ Estimating Conference shall
378 develop such official information with respect to real-time
379 supply and demand in Florida's statewide, regional, and local
380 labor markets ~~on the workforce development system planning~~
381 ~~process as it relates to the personnel needs of current, new,~~
382 ~~and emerging industries~~ as the conference determines is needed
383 by the state planning and budgeting system. Such information
384 shall include labor supply by education level, analyses of labor
385 demand by occupational groups and occupations compared to labor
386 supply, a ranking of critical areas of concern, and
387 identification of in-demand, high-skill, high-wage occupations
388 prioritized by level of statewide or regional shortages. The
389 Office of Economic and Demographic Research is designated as the
390 official lead for the United States Census Bureau's State Data
391 Center Program or its successor. All state agencies must provide
392 the Office of Economic and Demographic Research with the
393 necessary data to accomplish the goals of the conference. In
394 accordance with s. 216.135, state agencies must ensure that any
395 related work product regarding labor demand and supply is
396 consistent with the official information developed by the Labor
397 Market Estimating Conference created in s. 216.136. ~~using~~
398 ~~quantitative and qualitative research methods, must include at~~
399 ~~least: short-term and long-term forecasts of employment demand~~
400 ~~for jobs by occupation and industry; entry and average wage~~

forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.

~~(b)~~ The Workforce Estimating Conference shall review data concerning local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider this data in developing its forecasts for statewide employment demand, including reviewing local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to CareerSource Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by CareerSource Florida, Inc.

(b)(e) The Labor Market Workforce Estimating Conference,

for the purposes described in paragraph (a), shall meet at least twice a year and as necessary to address emerging opportunities for the state's economy ~~no less than 2 times in a calendar year. The first meeting shall be held in February, and the second meeting shall be held in August. Other meetings may be scheduled as needed.~~

Section 3. Paragraph (b) of subsection (8) of section 288.047, Florida Statutes, is amended to read:

288.047 Quick-response training for economic development.—

(8) The Quick-Response Training Program is created to provide assistance to participants in the welfare transition program. CareerSource Florida, Inc., may award quick-response training grants and develop applicable guidelines for the training of participants in the welfare transition program. In addition to a local economic development organization, grants must be endorsed by the applicable local workforce development board.

(b) Participants trained under ~~pursuant to~~ this subsection must be employed at a job paying a wage equivalent to or above the state's minimum hourly wage ~~at least \$6 per hour.~~

Section 4. Subsection (2) is amended in 445.002, Florida Statutes, to read:

445.002 Definitions.—As used in this chapter, the term:

(2) "For cause" includes, but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect

of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, gross mismanagement, waste, or lack of performance.

Section 5. Paragraph (a) of subsection (3) and subsection (6) of section 445.003, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

445.003 Implementation of the federal Workforce Innovation and Opportunity Act.—

(3) FUNDING.—

(a) Title I, Workforce Innovation and Opportunity Act funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended based on the 4-year plan of the state board. The plan must outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies. The following provisions apply to these funds:

1. At least 50 percent of the Title I funds for Adults and Dislocated Workers which are passed through to local workforce development boards shall be allocated to and expended on Individual Training Accounts unless a local workforce development board obtains a waiver from the state board. Tuition, books, and fees of training providers and other training services prescribed and authorized by the Workforce Innovation and Opportunity Act qualify as Individual Training Account expenditures.

2. Fifteen percent of Title I funding shall be retained at

the state level and dedicated to state administration and shall be used to design, develop, induce, ~~and~~ fund, and evaluate the long-term impact of innovative Individual Training Account pilots, demonstrations, and programs to enable participants to attain self-sufficiency and to evaluate the effectiveness of performance-based contracts used by local workforce development boards under s. 445.024(5) on increasing wages and employment over the long term. Of such funds retained at the state level, \$2 million may be reserved for the Incumbent Worker Training Program created under subparagraph 3. Eligible state administration costs include the costs of funding for the state board and state board staff; operating fiscal, compliance, and management accountability systems through the department; conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to local workforce development areas at the direction of the state board. Notwithstanding s. 445.004, such administrative costs may not exceed 25 percent of these funds. An amount not to exceed 75 percent of these funds shall be allocated to Individual Training Accounts and other workforce development strategies for other training designed and tailored by the state board in consultation with the department, including, but not limited to, programs for incumbent workers, nontraditional employment, and enterprise zones. The state board, in consultation with the department, shall design, adopt,

and fund Individual Training Accounts for distressed urban and rural communities.

3. The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs. For purposes of this subparagraph, the term "businesses" includes hospitals operated by nonprofit or local government entities which provide nursing opportunities to acquire new or improved skills.

a. The Incumbent Worker Training Program will be administered by CareerSource Florida, Inc., which may, at its discretion, contract with a private business organization to serve as grant administrator.

b. The program shall be administered under ~~pursuant to~~ s. 134(d)(4) of the Workforce Innovation and Opportunity Act. ~~Priority for~~ Funding priority shall be given in the following order: ~~to~~

(I) Businesses that provide employees with opportunities to acquire new or improved skills by earning a credential on the Master Credentials List.

(II) Hospitals operated by nonprofit or local government entities that provide nursing opportunities to acquire new or improved skills.

526 (III) Businesses whose grant proposals represent a
527 significant upgrade in employee skills.

528 (IV) Businesses with 25 employees or fewer, businesses in
529 rural areas, and businesses in distressed inner-city areas.

530 (V) Businesses in a qualified targeted industry
531 ~~businesses whose grant proposals represent a significant upgrade~~
532 ~~in employee skills,~~ or businesses whose grant proposals
533 represent a significant layoff avoidance strategy.

534 c. All costs reimbursed by the program must be preapproved
535 by CareerSource Florida, Inc., or the grant administrator. The
536 program may not reimburse businesses for trainee wages, the
537 purchase of capital equipment, or the purchase of any item or
538 service that may possibly be used outside the training project.
539 A business approved for a grant may be reimbursed for
540 preapproved, direct, training-related costs including tuition,
541 fees, books and training materials, and overhead or indirect
542 costs not to exceed 5 percent of the grant amount.

543 d. A business that is selected to receive grant funding
544 must provide a matching contribution to the training project,
545 including, but not limited to, wages paid to trainees or the
546 purchase of capital equipment used in the training project; must
547 sign an agreement with CareerSource Florida, Inc., or the grant
548 administrator to complete the training project as proposed in
549 the application; must keep accurate records of the project's
550 implementation process; and must submit monthly or quarterly

reimbursement requests with required documentation.

e. All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention. CareerSource Florida, Inc., or the grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved.

f. The state board may establish guidelines necessary to implement the Incumbent Worker Training Program.

g. No more than 10 percent of the Incumbent Worker Training Program's total appropriation may be used for overhead or indirect purposes.

4. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. The department shall also maintain an Emergency Preparedness Fund from Rapid Response funds, which will immediately issue Intensive Service Accounts, Individual Training Accounts, and other federally authorized assistance to eligible victims of natural or other disasters. At the direction of the Governor, these Rapid Response funds shall be released to local workforce development boards for immediate use after events that qualify under federal law. Funding shall also be dedicated to maintain a unit at the state level to respond to

576 Rapid Response emergencies and to work with state emergency
577 management officials and local workforce development boards. All
578 Rapid Response funds must be expended based on a plan developed
579 by the state board in consultation with the department and
580 approved by the Governor.

581 (6) AUTHORITY TO HIRE EXECUTIVE DIRECTOR AND STAFF.—The
582 state board may hire an executive director and staff to assist
583 in carrying out the functions of the Workforce Innovation and
584 Opportunity Act and in using funds made available through the
585 act. The state board shall require ~~authorize~~ the executive
586 director and staff to work with the department to minimize
587 duplication and maximize efficient use of resources in carrying
588 out the functions of the Workforce Innovation and Opportunity
589 Act.

590 (7) DUTIES OF THE DEPARTMENT.—The department shall adopt
591 rules to implement the requirements of this chapter, including:

592 (a) The submission, review, and approval of local
593 workforce plans.

594 (b) Initial and subsequent eligibility criteria, based on
595 input from local workforce development boards and other
596 stakeholders, for the Workforce Innovation and Opportunity Act
597 eligible training provider list. This list directs training
598 resources to programs leading to employment in high-demand and
599 high-priority occupations that provide economic security,
600 particularly those occupations facing a shortage of skilled

workers. A training provider who offers training to obtain a credential on the Master Credentials List under s. 445.004(4)(h), may not be included on a state or local eligible training provider list if the provider fails to submit the required information or fails to meet initial or subsequent eligibility criteria. Subsequent eligibility criteria must use performance and outcome measures to determine whether a training provider is qualified to remain on the list. At a minimum, a training provider must have:

1. A completion rate of at least 75 percent.
2. Income earnings for participants who complete the program that are equivalent to or above the state's minimum wage in a calendar quarter.
3. An employment rate of at least 75 percent. For programs linked to an occupation, the employment rate is calculated based on obtaining employment in the field in which the participant was trained.

(c) Monitoring compliance of programs authorized by this chapter and determining whether such programs are meeting performance expectations, including an analysis of the return on investment of workforce related programs on individual employment, earnings, and public benefit usage outcomes and a cost-benefit analysis of the monetary impacts of workforce services from the participant and taxpayer points of view.

Section 6. Paragraph (d) of subsection (3), paragraphs (b)

and (e) of subsection (5) and subsections (6), (7), and (8), paragraph (b) of subsection (9), and subsection (11) of section 445.004, Florida Statutes, are amended, and paragraph (h) is added to subsection (4), to read:

445.004 CareerSource Florida, Inc., and the state board; creation; purpose; membership; duties and powers.—

(3)

(d) The state board must include the vice chairperson of the board of directors of Enterprise Florida, Inc., and one member representing each of the Workforce Innovation and Opportunity Act partners, including the Division of Career and Adult Education, the Division of Vocational Rehabilitation, the Department of Children and Families, and other entities representing programs identified in the Workforce Innovation and Opportunity Act, as determined necessary.

(4)

(h)1. The state board shall appoint a Credentials Review Committee to identify nondegree credentials and degree credentials of value for approval by the state board and inclusion in the Master Credentials List. Such credentials must include apprenticeship certificates, industry certifications, licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees. The Credentials Review Committee must include representatives

651 from:

652 a. The Office of Reimagining Education and Career Help.

653 b. The Chancellors of the Division of Career and Adult
654 Education and Division of K-12 Public Schools.

655 c. The Florida College System.

656 d. The State University System.

657 e. Nonpublic postsecondary institutions.

658 f. The Department of Economic Opportunity.

659 g. The Department of Agriculture and Consumer Services.

660 h. Industry associations.

661 i. Florida-based businesses.

662 j. Local workforce development boards.

663 k. Any other entities representing programs identified in
664 the Workforce Innovation and Opportunity Act, as determined
665 necessary.

666 2. All information pertaining to the Credentials Review
667 Committee, the process for the approval of credentials of value,
668 and the Master Credentials List must be made available and be
669 easily accessible to the public on all relevant state agency
670 websites.

671 3. The Credentials Review Committee shall establish a
672 definition for credentials of value and create a framework of
673 quality. The framework must align with federally funded
674 workforce accountability requirements and undergo biennial
675 review.

676 4. The criteria to determine value for nondegree
677 credentials should, at a minimum, require:

678 a. Evidence that the credential meets labor market demand
679 as identified by the Labor Market Estimating Conference created
680 in s. 216.136 or meets local demand as identified in the
681 criteria adopted by the Credentials Review Committee. Evidence
682 must include employer information on present credential use or
683 emerging opportunities.

684 b. Evidence that the competencies mastered upon completion
685 of the credential are aligned with labor market demand.

686 c. Evidence of the employment and earnings outcomes for
687 individuals after obtaining the credential. Earnings outcomes
688 must provide middle-level to high-level wages with preference
689 given to credentials generating high-level wages. Credentials
690 that do not meet the earnings outcomes criteria must build on
691 additional education or training to be identified as a
692 credential of value. For new credentials, this criteria may be
693 met with conditional eligibility until measurable labor market
694 outcomes are obtained.

695 5. The Credentials Review Committee shall establish the
696 criteria to determine value for degree programs. This criteria
697 shall include evidence that the program meets the labor market
698 demand as identified by the Labor Market Estimating Conference
699 created in s. 216.136 or meets local demand as determined by the
700 committee. Such criteria must be used to designate programs of

701 emphasis under s. 1001.706.

702 6. The Credentials Review Committee shall establish a
703 process for prioritizing nondegree credentials and degree
704 programs based on critical statewide or regional shortages.

705 7. The Credentials Review Committee shall establish a
706 process for:

707 a. Quarterly review and approval of credential
708 applications. Approved credentials of value shall be used by the
709 committee to develop the Master Credentials List.

710 b. Annual review of the Master Credentials List.

711 c. Phasing out credentials on the Master Credentials List
712 that no longer meet the framework of quality.

713 d. Designating performance funding eligibility under ss.
714 1011.80 and 1011.81, based upon the highest available
715 certification for postsecondary students.

716 e. Beginning with the 2022-2023 school year, the state
717 board shall submit the Master Credentials List to the State
718 Board of Education. The list must, at a minimum, identify
719 credentials that may be offered statewide, regionally, or at the
720 local level; the type of certificate or credential; and the
721 primary standard occupation classification code. For the 2021-
722 2022 school year, the Master Credentials List shall be comprised
723 of the CAPE Industry Certification Funding List and the CAPE
724 Postsecondary Industry Certification Funding List under ss.
725 1008.44 and 1011.62(1) and adopted by the State Board of

Education before July 1, 2021.

8. The Credentials Review Committee shall establish a process for linking Classifications of Instructional Programs (CIP) to Standard Occupational Classifications (SOC) for all new credentials of value identified on the Master Credentials List. The CIP code aligns instructional programs to occupations. A CIP to SOC link indicates that programs classified in the CIP code category prepare individuals for jobs classified in the SOC code category. The state board shall submit approved CIP to SOC linkages to the State board of Education with each credential that is added to the Master Credentials List.

9. The Credentials Review Committee shall identify all data elements necessary to collect information on credentials by the Florida Education and Training Placement Program automated system under s. 1008.39.

10. The Credentials Review Committee shall develop a returned-value funding formula as provided under ss. 1011.80(7)(b) and 1011.81(2)(b).

(5) The state board has all the powers and authority not explicitly prohibited by statute which are necessary or convenient to carry out and effectuate its purposes as determined by statute, Pub. L. No. 113-128, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(b) Providing policy direction to ensure that the

751 following programs are administered by the department consistent
752 with approved plans:

753 1. Programs authorized under Title I of the Workforce
754 Innovation and Opportunity Act, Pub. L. No. 113-128, with the
755 exception of programs funded directly by the United States
756 Department of Labor under Title I, s. 167.

757 2. Programs authorized under the Wagner-Peyser Act of
758 1933, as amended, 29 U.S.C. ss. 49 et seq.

759 3. Activities authorized under Title II of the Trade Act
760 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
761 Adjustment Assistance Program.

762 4. Activities authorized under 38 U.S.C. chapter 41,
763 including job counseling, training, and placement for veterans.

764 5. Employment and training activities carried out under
765 funds awarded to this state by the United States Department of
766 Housing and Urban Development.

767 6. Welfare transition services funded by the Temporary
768 Assistance for Needy Families Program, created under the
769 Personal Responsibility and Work Opportunity Reconciliation Act
770 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
771 of the Social Security Act, as amended.

772 7. The Florida Bonding Program, provided under Pub. L. No.
773 97-300, s. 164(a)(1).

774 8. The Food Assistance Employment and Training Program,
775 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.

2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198; the Hunger Prevention Act, Pub. L. No. 100-435; and the Agriculture Improvement Act of 2018, Pub. L. No. 115-334.

9. The Quick-Response Training Program, provided under ss. 288.046-288.047. Matching funds and in-kind contributions that are provided by clients of the Quick-Response Training Program count toward the requirements of s. 288.904, pertaining to the return on investment from activities of Enterprise Florida, Inc.

10. The Work Opportunity Tax Credit, provided under the Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

11. Offender placement services, provided under ss. 944.707-944.708.

~~The department may adopt rules necessary to administer this chapter which relate to implementing and administering the programs listed in this paragraph as well as rules related to eligible training providers and auditing and monitoring subrecipients of the workforce system grant funds.~~

(e) Ensuring that the state does not waste valuable training resources. The state board's policy is that all resources, including equipment purchased for training Workforce Innovation and Opportunity Act clients, be available for use at all times by eligible populations as first priority users. At times when eligible populations are not available, such

resources shall be used for any other state-authorized education and training purpose. The state board and any of its committees, councils, or administrative entities may authorize expenditures to award suitable framed certificates, pins, or other tokens of recognition for performance by a local workforce development board, its committees and subdivisions, and other units of the workforce system. The state board may also authorize expenditures for promotional items, such as t-shirts, hats, or pens printed with messages promoting the state's workforce system to employers, job seekers, and program participants. However, such expenditures are subject to federal regulations applicable to the expenditure of federal funds.

(6) The state board shall ~~may take action that it deems necessary to~~ achieve the purposes of this section by, ~~including, but not limited to:~~

(a) Creating a state employment, education, and training policy that ensures workforce related programs ~~that programs to prepare workers~~ are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.

(b) Establishing policy direction for a uniform funding system that prioritizes evidence-based, results-driven solutions by providing ~~provides~~ incentives to improve the outcomes of career education, registered apprenticeship, and work-based learning programs and that focuses resources on occupations

related to new or emerging industries that add greatly to the value of the state's economy.

(c) Establishing a comprehensive policy related to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance by combining two or more sources of funding to support workforce related programs or activities for vulnerable populations.

(d) Identifying barriers to coordination and alignment among workforce related programs and activities and developing solutions to remove such barriers.

(e) Maintaining a Master Credentials List that:

1. Serves as a public and transparent inventory of state-approved credentials of value.

2. Directs the use of federal and state funds for workforce education and training programs that lead to approved credentials of value.

3. Guides workforce education and training programs by informing the public of the credentials that have value in the current or future job market.

~~(d) Designating Institutes of Applied Technology composed of public and private postsecondary institutions working~~

~~together with business and industry to ensure that career education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.~~

~~(e) Providing policy direction for a system to project and evaluate labor market supply and demand using the results of the Workforce Estimating Conference created in s. 216.136 and the career education performance standards identified under s. 1008.43.~~

~~(f) Reviewing the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.~~

~~(g) Expanding the occupations identified by the Workforce Estimating Conference to meet needs created by local emergencies or plant closings or to capture occupations within emerging industries.~~

(7) By December 1 of each year, the state board, in consultation with the department, shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed annual report setting forth:

(a) All audits and investigations, ~~including any audit conducted under subsection (8).~~

876 (b) The operations and accomplishments of the state board,
877 including the programs or entities specified in subsection (6).

878 (c) The number of mandatory partners located within one-
879 stop centers.

880 (d) The progress on implementing solutions to address
881 barriers to coordination and alignment among programs and
882 activities identified under paragraph (6) (d).

883 (8) Annually, beginning July 1, 2022, the state board
884 shall assign a letter grade for each local workforce development
885 board using the criteria established by the Office of
886 Reimagining Education and Career Help under s. 14.36 ~~Pursuant to~~
887 ~~his or her own authority or at the direction of the Legislative~~
888 ~~Auditing Committee, the Auditor General may conduct an audit of~~
889 ~~the state board and CareerSource Florida, Inc., or the programs~~
890 ~~or entities created by the state board. The Office of Program~~
891 ~~Policy Analysis and Government Accountability, pursuant to its~~
892 ~~authority or at the direction of the Legislative Auditing~~
893 ~~Committee, may review the systems and controls related to~~
894 ~~performance outcomes and quality of services of the state board~~
895 ~~and CareerSource Florida, Inc.~~

896 (9) The state board, in collaboration with the local
897 workforce development boards and appropriate state agencies and
898 local public and private service providers, shall establish
899 uniform performance accountability measures that apply across
900 the core programs to gauge the performance of the state and

901 local workforce development boards in achieving the workforce
902 development strategy.

903 (b) The performance accountability measures for each local
904 area consist of the primary indicators of performance, any
905 additional indicators of performance, and a local level of
906 performance for each indicator pursuant to Pub. L. No. 113-128.
907 The local level of performance is determined by the local board,
908 the chief elected official, and the Governor pursuant to Pub. L.
909 No. 113-128, Title I, s. 116(c). Any local performance
910 accountability measures that are established must be based on
911 identified local area needs.

912 (11) The workforce development system must use local
913 design and control of service delivery and targeted activities.
914 The state board, in consultation with the department, is
915 responsible for ensuring that local workforce development boards
916 have a membership consistent with the requirements of federal
917 and state law and have developed a plan consistent with the
918 state's workforce development strategy. The plan must specify
919 methods for allocating the resources and programs in a manner
920 that eliminates unwarranted duplication, minimizes
921 administrative costs, meets the existing job market demands and
922 the job market demands resulting from successful economic
923 development activities, ensures access to quality workforce
924 development services for all Floridians, allows for pro rata or
925 partial distribution of benefits and services, prohibits the

creation of a waiting list or other indication of an unserved population, serves as many individuals as possible within available resources, and maximizes successful outcomes. The state board shall establish incentives for effective alignment and coordination of federal and state programs and those identified by the Office of Reimagining Education and Career Help under s. 14.36(4)(e), outline rewards for long-term self-sufficiency of ~~successful job placements~~ participants, and institute collaborative approaches among local service providers.

Section 7. Subsection (2) of section 445.006, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

445.006 State plan for workforce development.—

(2) STRATEGIC PLANNING ELEMENTS.—The state board, in conjunction with state and local partners in the workforce development system, shall develop strategic planning elements, pursuant to Pub. L. No. 113-128, Title I, s. 102, for the state plan.

(a) The strategic planning elements of the state plan must include, but need not be limited to, strategies for:

1. Fulfilling the workforce system goals and strategies prescribed in s. 445.004.†

2. Aggregating, integrating, and leveraging workforce system resources.†

951 3. Coordinating the activities of federal, state, and
952 local workforce system partners.~~†~~

953 4. Addressing the workforce needs of small businesses.~~†~~
954 and

955 5. Fostering the participation of rural communities and
956 distressed urban cores in the workforce system.

957 (b) The strategic planning elements must include criteria
958 for allocating workforce resources to local workforce
959 development boards. With respect to allocating funds to serve
960 customers of the welfare transition program, such criteria may
961 include weighting factors that indicate the relative degree of
962 difficulty associated with securing and retaining employment
963 placements for specific subsets of the welfare transition
964 caseload.

965 (c) The state plan must describe:

966 1. How the activities will be carried out by the
967 respective core programs to implement the strategy and how the
968 activities will be aligned across the programs and among the
969 entities administering the programs, including using
970 coenrollment and other strategies.

971 2. How the activities will be aligned with other
972 activities that are provided under employment, training,
973 education, including career and technical education, and human
974 services programs that are not covered by the state plan, as
975 appropriate, to avoid duplication and assure coordination.

976 3. How the entities carrying out the respective core
977 programs will coordinate activities and provide comprehensive,
978 high-quality services, including supportive services, to
979 individuals.

980 4. How the state's strategy to engage Florida College
981 System institutions and local career and technical education
982 schools as partners in the workforce development system will
983 enable the state to leverage other federal, state, and local
984 investments and increase access to workforce development
985 programs at those institutions.

986 5. How the activities will be coordinated with economic
987 development strategies.

988 6. How the state's strategy will improve access to
989 activities leading to a state approved recognized postsecondary
990 credential, including a credential that is an industry
991 recognized certificate or certification that is portable and
992 builds on additional education or training.

993 (4) WAIVERS.—The department shall prepare a federal waiver
994 to be submitted by the Governor to the United States Department
995 of Labor that:

996 (a) Allows the state board to fulfill the roles and
997 responsibilities of local workforce development boards or that
998 reduces the number of local workforce development boards based
999 on population size and commuting patterns in order to:

1000 1. Eliminate multiple layers of administrative entities to

1001 improve coordination of the workforce development system.

1002 2. Establish consistent eligibility standards across the
1003 state to improve the accountability of workforce related
1004 programs.

1005 3. Provide greater flexibility in the allocation of
1006 resources to maximize the funds directed to training and
1007 business services.

1008 (b) Allows the Governor to reallocate funds among local
1009 areas that have a demonstrated need for additional funding and
1010 programmatic outcomes that will maximize the use of the
1011 additional funds to serve low-income individuals, public
1012 assistance recipients, dislocated workers, and unemployment
1013 insurance claimants.

1014 Section 8. Section 445.007, Florida Statutes, is amended
1015 to read:

1016 445.007 Local workforce development boards.—

1017 (1) One local workforce development board shall be
1018 appointed in each designated service delivery area and shall
1019 serve as the local workforce development board pursuant to Pub.
1020 L. No. 113-128. The membership of the local board must be
1021 consistent with Pub. L. No. 113-128, Title I, s. 107(b). If a
1022 public education or training provider is represented on the
1023 local board, a representative of a private education provider
1024 must also be appointed to the local board. The state board may
1025 waive this requirement if requested by a local ~~workforce~~

development board if it is demonstrated that such
representatives do not exist in the region. The importance of
minority and gender representation shall be considered when
making appointments to the local board. The local board, its
committees, subcommittees, and subdivisions, and other units of
the workforce system, including units that may consist in whole
or in part of local governmental units, may use any method of
telecommunications to conduct meetings, including establishing a
quorum through telecommunications, provided that the public is
given proper notice of the telecommunications meeting and
reasonable access to observe and, when appropriate, participate.
Local ~~workforce development~~ boards are subject to chapters 119
and 286 and s. 24, Art. I of the State Constitution. ~~If the
local workforce development board enters into a contract with an
organization or individual represented on the local board, the
contract must be approved by a two-thirds vote of the local
board, a quorum having been established, and the local board
member who could benefit financially from the transaction must
abstain from voting on the contract. A local board member must
disclose any such conflict in a manner that is consistent with
the procedures outlined in s. 112.3143.~~ Each member of a local
~~workforce development~~ board who is not otherwise required to
file a full and public disclosure of financial interests under
s. 8, Art. II of the State Constitution or s. 112.3144 shall
file a statement of financial interests under s. 112.3145. The

1051 executive director or designated person responsible for the
1052 operational and administrative functions of the local ~~workforce~~
1053 ~~development~~ board who is not otherwise required to file a full
1054 and public disclosure of financial interests under s. 8, Art. II
1055 of the State Constitution or s. 112.3144 shall file a statement
1056 of financial interests under s. 112.3145. The local board's
1057 website, or the department's website if the local board does not
1058 maintain a website, must inform the public that each disclosure
1059 or statement has been filed with the Commission on Ethics and
1060 provide information how each disclosure or statement may be
1061 reviewed. The notice to the public must remain on the website
1062 throughout the term of office or employment of the filer and
1063 until 1 year after the term on the local board or employment
1064 ends.

1065 (2)(a) The local workforce development board shall elect a
1066 chair from among the representatives described in Pub. L. No.
1067 113-128, Title I, s. 107(b)(2)(A) to serve for a term of no more
1068 than 2 years and may not ~~shall~~ serve ~~no~~ more than two terms as
1069 chair. A member of a local board may not serve as a member of
1070 the board for more than 6 consecutive years, unless such member
1071 is a representative of a governmental entity.

1072 (b) The Governor may remove a member of the local board,
1073 the executive director of the local board, or the designated
1074 person responsible for the operational and administrative
1075 functions of the local board for cause.

1076 (c) The chief elected official for the local ~~workforce~~
1077 ~~development~~ board may remove a member of the local board, the
1078 executive director of the local board, or the designated person
1079 responsible for the operational and administrative functions of
1080 the local board for cause.

1081 (3) The department shall assign staff to meet with each
1082 local workforce development board annually to review the local
1083 board's performance as determined under s. 445.004(8) and to
1084 certify that the local board is in compliance with applicable
1085 state and federal law.

1086 (4) In addition to the duties and functions specified by
1087 the state board and by the interlocal agreement approved by the
1088 local county or city governing bodies, the local workforce
1089 development board shall have the following responsibilities:

1090 (a) Develop, submit, ratify, or amend the local plan
1091 pursuant to Pub. L. No. 113-128, Title I, s. 108 and this act.

1092 (b) Conclude agreements necessary to designate the fiscal
1093 agent and administrative entity. A public or private entity,
1094 including an entity established under s. 163.01, which makes a
1095 majority of the appointments to a local ~~workforce development~~
1096 board may serve as the local board's administrative entity if
1097 approved by the department based upon a showing that a fair and
1098 competitive process was used to select the administrative
1099 entity.

1100 (c) Provide ongoing oversight related to administrative

costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.

(d) Oversee the one-stop delivery system in its local area.

(5) The department and CareerSource Florida, Inc., in consultation with the state board, shall implement a training program for the local workforce development boards to familiarize local board members with the state's workforce development goals and strategies.

(6) Consistent with federal and state law, the local workforce development board shall designate all local service providers and may not transfer this authority to a third party. Consistent with the intent of the Workforce Innovation and Opportunity Act, local ~~workforce development~~ boards should provide the greatest possible choice of training providers to those who qualify for training services. A local ~~workforce development~~ board may not restrict the choice of training providers based upon cost, location, or historical training arrangements. However, a local board may restrict the amount of training resources available to any one client. Such restrictions may vary based upon the cost of training in the client's chosen occupational area. The local ~~workforce development~~ board may be designated as a one-stop operator and direct provider of intake, assessment, eligibility

determinations, or other direct provider services except training services. Such designation may occur only with the agreement of the chief elected official and the Governor as specified in 29 U.S.C. s. 2832(f)(2). The state board shall establish procedures by which a local ~~workforce development~~ board may request permission to operate under this section and the criteria under which such permission may be granted. The criteria shall include, but need not be limited to, a reduction in the cost of providing the permitted services. Such permission shall be granted for a period not to exceed 3 years for any single request submitted by the local ~~workforce development~~ board.

(7) Local workforce development boards shall adopt a committee structure consistent with applicable federal law and state policies established by the state board.

(8) The importance of minority and gender representation shall be considered when appointments are made to any committee established by the local workforce development board.

(9) For purposes of procurement, local workforce development boards and their administrative entities are not state agencies and are exempt from chapters 120 and 287. The local ~~workforce development~~ boards shall apply the procurement and expenditure procedures required by federal law and policies of the department and the state board for the expenditure of federal, state, and nonpass-through funds. The making or

1151 approval of smaller, multiple payments for a single purchase
1152 with the intent to avoid or evade the monetary thresholds and
1153 procedures established by federal law and policies of the
1154 department and the state board is grounds for removal for cause.
1155 Local ~~workforce development~~ boards, their administrative
1156 entities, committees, and subcommittees, and other workforce
1157 units may authorize expenditures to award suitable framed
1158 certificates, pins, or other tokens of recognition for
1159 performance by units of the workforce development system. Local
1160 ~~workforce development~~ boards; their administrative entities,
1161 committees, and subcommittees; and other workforce units may
1162 authorize expenditures for promotional items, such as t-shirts,
1163 hats, or pens printed with messages promoting the state's
1164 ~~Florida's~~ workforce system to employers, job seekers, and
1165 program participants. However, such expenditures are subject to
1166 federal regulations applicable to the expenditure of federal
1167 funds. All contracts executed by local ~~workforce development~~
1168 boards must include specific performance expectations and
1169 deliverables.

1170 (10) State and federal funds provided to the local
1171 workforce development boards may not be used directly or
1172 indirectly to pay for meals, food, or beverages for members,
1173 staff, or employees of local ~~workforce development~~ boards, the
1174 state board, or the department except as expressly authorized by
1175 state law. Preapproved, reasonable, and necessary per diem

allowances and travel expenses may be reimbursed. Such reimbursement shall be at the standard travel reimbursement rates established in s. 112.061 and shall be in compliance with all applicable federal and state requirements. The department shall provide fiscal and programmatic guidance to the state board, CareerSource Florida, Inc., and all local ~~workforce development~~ boards to hold both the state and local ~~workforce development~~ boards strictly accountable for adherence to the policy and subject to regular and periodic monitoring by the department. Local boards are prohibited from expending state or federal funds for entertainment costs and recreational activities for local board members and employees as these terms are defined by 2 C.F.R. part 200.

(11)(a) To increase transparency and accountability, a local workforce development board must comply with the requirements of this section before contracting with a member of the local board; ~~or~~ a relative, as defined in s. 112.3143(1)(c), of a local board member; an organization or individual represented on the local board; or of an employee of the local board. Such contracts may not be executed before or without the prior approval of the department. Such contracts, as well as documentation demonstrating adherence to this section as specified by the department, must be submitted to the department for review and approval. Such a contract must be approved by a two-thirds vote of the local board, a quorum having been

established; all conflicts of interest must be disclosed before the vote in a manner that is consistent with the procedures outlined in s. 112.3143(4); and any member who may benefit from the contract, or whose organization or relative may benefit from the contract, must abstain from the vote. A contract subject to the requirements of this subsection may not be included on a consent agenda.

(b) A contract under \$10,000 ~~\$25,000~~ between a local ~~workforce development board,~~ and ~~a member of that board or~~ between a relative, as defined in s. 112.3143(1)(c), of a local board member, or of an employee of the local board is not required to have the prior approval of the department, but must be approved by a two-thirds vote of the local board, a quorum having been established, and must be reported to the department and the state board within 30 days after approval.

(c) All contracts between a local board and a member of the local board; a relative, as defined in s. 112.3143(1)(c), of a local board member; an organization or individual represented on the local board; or an employee of the local board, approved on or after July 1, 2021, must also be published on the local board's website, or on the department's website if the local board does not maintain a website, within 10 days after approval by the local board or department, whichever is later. Such contracts must remain published on the website for at least 1 year after termination of the contract.

(d) In considering whether to approve a contract under this subsection, the department shall review and consider all documentation provided to the department by the local board, including the performance of the entity with which the local board is proposing to contract with, if applicable, and the nature, size, and makeup of the business community served by the local board, including whether the entity with which the local board is proposing to contract with is the only provider of the desired goods or services within the area served by the local board ~~If a contract cannot be approved by the department, a review of the decision to disapprove the contract may be requested by the local workforce development board or other parties to the disapproved contract.~~

(12) Each local workforce development board shall develop a budget for the purpose of carrying out the duties of the local board under this section, subject to the approval of the chief elected official. Each local ~~workforce development~~ board shall submit its annual budget for review to the department no later than 2 weeks after the chair approves the budget. The local board shall publish the budget on its website, or the department's website if the local board does not maintain a website, within 10 days after approval by the department. The budget shall remain published on the website for the duration of the fiscal year for which it accounts for the expenditure of funds.

1251 (13) Each local workforce development board shall
1252 annually, within 30 days after the end of the fiscal year,
1253 disclose to the department, in a manner determined by the
1254 department, the amount and nature of compensation paid to all
1255 executives, officers, directors, trustees, key employees, and
1256 the highest compensated employees, as defined for purposes of
1257 the Internal Revenue Service Form 990, Return of Organization
1258 Exempt from Income Tax, including salary, bonuses, present value
1259 of vested benefits including but not limited to retirement,
1260 accrued leave and paid time off, cashed-in leave, cash
1261 equivalents, severance pay, pension plan accruals and
1262 contributions, deferred compensation, real property gifts, and
1263 any other liability owed to such persons. The disclosure must be
1264 accompanied by a written declaration, as provided for under s.
1265 92.525(2), from the chief financial officer, or his or her
1266 designee, that he or she has read the foregoing document and the
1267 facts stated in it are true. Such information must also be
1268 published on the local board's website, or the department's
1269 website if the local board does not maintain a website, for a
1270 period of 3 years after it is first published.

1271 (14) Each local workforce development board shall annually
1272 publish its most recent Internal Revenue Service Form 990,
1273 Return of Organization Exempt from Income Tax, on its website,
1274 or the department's website if the local board does not maintain
1275 a website. The form must be posted on the local board's website

1276 within 60 calendar days after it is filed with the Internal
1277 Revenue Service and remain posted for 3 years after it is filed.

1278 Section 9. Paragraphs (a) and (e) of subsection (8) of
1279 section 445.009, Florida Statutes, are amended to read:

1280 445.009 One-stop delivery system.—

1281 (8) (a) Individual Training Accounts must be expended on
1282 programs that prepare people to enter ~~high-wage~~ occupations
1283 identified by the Labor Market Workforce Estimating Conference
1284 created by s. 216.136, and on other programs recommended and
1285 approved by the state board following a review by the department
1286 to determine the program's compliance with federal law.

1287 (e) Training services provided through Individual Training
1288 Accounts must be performance-based, with successful job
1289 placement triggering final full payment of at least 10 percent.

1290 Section 10. Section 445.033, Florida Statutes, is amended
1291 to read:

1292 445.033 Evaluation.—The department ~~state board~~ and the
1293 Department of Children and Families shall measure the
1294 performance of workforce related programs and services for
1295 participants who receive benefits pursuant to family self-
1296 sufficiency programs under chapter 414, and participants in
1297 welfare transition ~~arrange for evaluation of TANF-funded~~
1298 programs ~~operated~~ under this chapter, as follows:

1299 ~~(1) If required by federal waivers or other federal~~
1300 ~~requirements, the state board and the department may provide for~~

~~evaluation according to these requirements.~~

(1)(2) The state board and the department shall consult with local workforce development boards to develop annual performance reports that analyze participants' transition from public assistance to self-sufficiency, including, but not limited to, shall participate in the evaluation of this program in conjunction with evaluation of the state's workforce development programs or similar activities aimed at evaluating program outcomes, cost-effectiveness, ~~or~~ return on investment, and coenrollment in these programs, and the impact of time limits, sanctions, and other welfare reform measures set out in this chapter. Each local board shall, at a minimum, provide quarterly reports on the following measures:

(a) The percent of participants working in unsubsidized employment.

(b) The percent of participants who stop receiving benefits for reasons other than disqualification or sanction.

(c) The number of sanctions and waivers that are granted, measured by the type of sanction or waiver and the number of completed compliance activities that lead to a restoration of benefits.

(d) The median placement wage rate.

(e) The TANF work participation rate, defined as the participation requirements specified under Public Law 109-171, the Deficit Reduction Act of 2005.

(f) A self-sufficiency index, by county, calculated each quarter based on the percent of current or former participants who stop receiving benefits or are working 30 or more hours per week and at 1 and 2 years after participants stop receiving benefits or work 30 or more hours per week. The quarterly report must include the percentage of participants earning at or above 200 percent of the federal poverty level 3 years after participants stop receiving benefits or work 30 or more hours per week. The quarterly report must also contain an expected range of performance for each county on the self-sufficiency index. The expected range shall be derived by a statistical methodology developed in consultation with the local boards. The statistical methodology shall control differences across counties in economic conditions and demographics of participants in family self-sufficiency programs under chapter 414, and welfare transition programs under this chapter. ~~Evaluation shall also contain information on the number of participants in work experience assignments who obtain unsubsidized employment, including, but not limited to, the length of time the unsubsidized job is retained, wages, and the public benefits, if any, received by such families while in unsubsidized employment. The evaluation must solicit the input of consumers, community-based organizations, service providers, employers, and the general public, and must publicize, especially in low-income communities, the process for submitting comments.~~

1351 (2)~~(3)~~ The state board and the department shall ~~may~~ share
1352 information with and develop protocols for information exchange
1353 with the Florida Education and Training Placement Information
1354 Program.

1355 (3)~~(4)~~ The state board and the department may initiate or
1356 participate in additional evaluation or assessment activities
1357 that will further the systematic study of issues related to
1358 program goals and outcomes.

1359 (4)~~(5)~~ In providing for evaluation activities, the state
1360 board and the department shall safeguard the use or disclosure
1361 of information obtained from program participants consistent
1362 with federal or state requirements. Evaluation methodologies may
1363 be used which are appropriate for evaluation of program
1364 activities, including random assignment of recipients or
1365 participants into program groups or control groups. To the
1366 extent necessary or appropriate, evaluation data shall provide
1367 information with respect to the state, district, or county, or
1368 other substate area.

1369 (5)~~(6)~~ The state board and the department may contract
1370 with a qualified organization for evaluations conducted under
1371 this section.

1372 Section 11. Section 445.038, Florida Statutes, is amended
1373 to read:

1374 445.038 Digital media; job training.—CareerSource Florida,
1375 Inc., through the Department of Economic Opportunity, may use

funds dedicated for incumbent worker training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the ~~targeted~~ occupations list developed by the Labor Market Workforce Estimating Conference ~~or CareerSource Florida, Inc.~~ Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.

Section 12. Subsection (43) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(43) In cooperation with the Institute of Food and Agricultural Sciences at the University of Florida and the College of Agriculture and Food Sciences at the Florida Agricultural and Mechanical University, submit industry certifications for farm occupations ~~to annually provide~~ to the Credentials Review Committee established in s. 445.004(4) ~~State Board of Education and the Department of Education information and industry certifications for farm occupations~~ to be considered for placement on the Master Credentials List ~~CAPE Industry Certification Funding List and the CAPE Postsecondary Industry Certification Funding List pursuant to s. 1008.44.~~ ~~Information and industry certifications provided by the~~

~~department must be based upon the best available data.~~

Section 13. Paragraph (b) of subsection (5) of section 1001.706, Florida Statutes, is amended to read:

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(b) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan must:

1. Include performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions, including, but not limited to, student admission requirements, retention, graduation, percentage of graduates who have attained employment, percentage of graduates enrolled in continued education, licensure passage, average wages of employed graduates, average cost per graduate, excess hours, student loan burden and default rates, faculty awards, total annual research expenditures, patents, licenses and royalties, intellectual property, startup companies, annual giving, endowments, and well-known, highly respected national rankings for institutional and program achievements.

2. Consider reports and recommendations of the Florida

Talent Development Council under ~~pursuant to~~ s. 1004.015 and the
Articulation Coordinating Committee under ~~pursuant to~~ s.
1007.01.

3. Include student enrollment and performance data
delineated by method of instruction, including, but not limited
to, traditional, online, and distance learning instruction.

4. Include criteria for designating baccalaureate degree
and master's degree programs at specified universities as high-
demand programs of emphasis. The programs of emphasis list
adopted by the Board of Governors before July 1, 2021, shall be
used for the 2021-2022 academic year. Beginning in the 2022-2023
academic year, the Board of Governors shall adopt the criteria
to determine value for and prioritization of degree credentials
and degree programs established by the Credentials Review
Committee under s. 445.004 for designating ~~Fifty percent of the~~
~~criteria for designation as~~ high-demand programs of emphasis.
The Board of Governors must review designated programs of
emphasis, at a minimum, every 3 years to ensure alignment with
the prioritization of degree credentials and degree programs
identified by the Credentials Review Committee. ~~must be based on~~
~~achievement of performance outcome thresholds determined by the~~
~~Board of Governors, and 50 percent of the criteria must be based~~
~~on achievement of performance outcome thresholds specifically~~
~~linked to:~~

a. ~~Job placement in employment of 36 hours or more per~~

~~week and average full-time wages of graduates of the degree programs 1 year and 5 years after graduation, based in part on data provided in the economic security report of employment and earning outcomes produced annually pursuant to s. 445.07.~~

~~b. Data-driven gap analyses, conducted by the Board of Governors, of the state's job market demands and the outlook for jobs that require a baccalaureate or higher degree. Each state university must use the gap analyses to identify internship opportunities for students to benefit from mentorship by industry experts, earn industry certifications, and become employed in high-demand fields.~~

Section 14. Subsections (3) and (5) of section 1003.4203, Florida Statutes, are amended to read:

1003.4203 Digital materials, CAPE Digital Tool certificates, and technical assistance.—

(3) CAPE DIGITAL TOOL CERTIFICATES.—The department shall identify, in the CAPE Industry Certification Funding List under ss. 1003.492 and 1008.44 ~~by June 15 of each year~~, CAPE Digital Tool certificates that indicate a student's digital skills. The department shall notify each school district when the certificates are available. The certificates shall be made available to all public elementary and middle grades students.

(a) Targeted skills to be mastered for the certificate include digital skills that are necessary to the student's academic work and skills the student may need in future

1476 employment. ~~The skills must include, but are not limited to,~~
1477 ~~word processing; spreadsheets; presentations, including sound,~~
1478 ~~motion, and color presentations; digital arts; cybersecurity;~~
1479 ~~and coding consistent with CAPE industry certifications that are~~
1480 ~~listed on the CAPE Industry Certification Funding List, pursuant~~
1481 ~~to ss. 1003.492 and 1008.44.~~ CAPE Digital Tool certificates
1482 earned by students are eligible for additional full-time
1483 equivalent membership under ~~pursuant to~~ s. 1011.62(1)(o)1.a.

1484 (b) The school district shall notify each middle school
1485 advisory council of the methods of delivery of the open-access
1486 content and assessments for the certificates. If there is no
1487 middle school advisory council, notification must be provided to
1488 the district advisory council.

1489 (c) The Legislature intends that by July 1, 2018, on an
1490 annual basis, at least 75 percent of public middle grades
1491 students earn at least one CAPE Digital Tool certificate.

1492 (5) CAPE INNOVATION AND CAPE ACCELERATION.—

1493 (a) CAPE Innovation. ~~Up to five Courses, identified in the~~
1494 ~~CAPE Industry Certification Funding List, annually approved by~~
1495 ~~the commissioner~~ that combine academic and career content, and
1496 performance outcome expectations that, if achieved by a student,
1497 shall articulate for college credit and be eligible for
1498 additional full-time equivalent membership under ~~pursuant to~~ s.
1499 1011.62(1)(o)1.c. Such approved courses must incorporate at
1500 least two third-party assessments that, if successfully

completed by a student, shall articulate for college credit. At least one of the two third-party assessments must be associated with an industry certification that is identified on the CAPE Industry Certification Funding List. Each course that is approved by the commissioner must be specifically identified in the Course Code Directory as a CAPE Innovation Course.

(b) CAPE Acceleration.—Industry certifications, ~~annually approved by the commissioner,~~ that articulate for 15 or more college credit hours and, if successfully completed, are ~~shall~~ be eligible for additional full-time equivalent membership under ~~pursuant to~~ s. 1011.62(1)(o)1.d. Each approved industry certification must be specifically identified in the CAPE Industry Certification Funding List as a CAPE Acceleration Industry Certification.

Section 15. Paragraphs (a) and (b) of subsection (3) and subsection (5) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(3) The strategic 3-year plan developed jointly by the local school district, local workforce development boards,

economic development agencies, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Estimating Conference created in s. 216.136 ~~of the United States Department of Labor and the Department of Economic Opportunity;~~

(b) Strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Estimating Conference created in s. 216.136 ~~those careers determined to be high-wage, high-skill, and high-demand;~~

(5) (a) The Commissioner of Education shall conduct an annual review of K-12 and postsecondary career and technical education offerings that, at a minimum, must examine: ~~in consultation with the Department of Economic Opportunity, CareerSource Florida, Inc., leaders of business and industry, the Board of Governors, the Florida College System, school districts, and other education stakeholders, to determine the alignment of existing offerings with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review shall identify career and technical education offerings that are linked~~

1. Alignment of offerings to occupations identified by the Labor Market Estimating Conference created in s. 216.136 ~~that are in high demand by employers, require high-level skills, and~~

~~provide middle-level and high-level wages.~~

2. Alignment of offerings with the framework of quality under s. 445.004(4).

3. Alignment of offerings with certificate or degree programs offered at the K-12 and postsecondary levels.

4. Inclusion of offerings on the Master Credentials List under s. 445.004(4).

5. Program utilization and unwarranted duplication across institutions serving the same students in a geographical or service area.

6. Institutional performance measured by student outcomes such as academic achievement, college readiness, postsecondary enrollment, credential and certification attainment, job placement, and wages.

(b) The annual review shall utilize data captured through the Workforce Development Information System under s. 1008.40 and provide an automated data collection process that includes the collection and evaluation of the federal Comprehensive Local Needs Assessments, to assist in the review of programs.

(c) ~~(b)~~ Using the findings from the annual review required in paragraphs (a) and (b) ~~paragraph (a)~~, the commissioner shall phase out career and technical education offerings that are not aligned with the needs of the state ~~employers or do not provide program completers with a middle-wage or high-wage occupation~~ and encourage school districts and Florida College System

institutions to offer programs that are not offered currently.

(d) The department shall adopt rules to administer this section.

Section 16. Subsections (2) through (5) of section 1003.492, Florida Statutes, are amended to read:

1003.492 Industry-certified career education programs.—

(2) Industry certification as used in this section is a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is identified on the Master Credentials List under s. 445.004(4). ~~nationally recognized and must be at least one of the following:~~

~~(a) Within an industry that addresses a critical local or statewide economic need;~~

~~(b) Linked to an occupation that is included in the workforce system's targeted occupation list; or~~

~~(c) Linked to an occupation that is identified as emerging.~~

~~(3) The State Board of Education shall use the expertise of CareerSource Florida, Inc., and the Department of Agriculture and Consumer Services to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process.~~

~~(a) For nonfarm occupations, industry certification must~~

~~be based upon the highest available national standards for specific industry certification to ensure student skill proficiency and to address emerging labor market and industry trends. A local workforce development board or a school principal may apply to CareerSource Florida, Inc., to request additions to the approved list of industry certifications based on high-skill, high-wage, and high-demand job requirements in the local economy.~~

~~(b) For farm occupations submitted pursuant to s. 570.07, industry certification must demonstrate student skill proficiency and be based upon the best available data to address critical local or statewide economic needs.~~

~~(4) The list of industry certifications approved by CareerSource Florida, Inc., the Department of Agriculture and Consumer Services, and the Department of Education shall be published and updated annually by a date certain, to be included in the adopted rule.~~

~~(3)(5) The Department of Education shall collect student achievement and performance data in industry-certified career education programs and career-themed courses that includes and shall work with CareerSource Florida, Inc., and the Department of Agriculture and Consumer Services in the analysis of collected data. The data collection and analyses shall examine the performance of participating students over time. Performance factors must include, but need not be limited to, graduation~~

rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, return on investment, and employer satisfaction. ~~The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives annually by December 31.~~

Section 17. Paragraph (a) of subsection (2) and subsection (3) of section 1003.4935, Florida Statutes, are amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

(2) Each middle grades career and professional academy or career-themed course must be aligned with at least one high school career and professional academy or career-themed course offered in the district and maintain partnerships with local business and industry and economic development boards. Middle grades career and professional academies and career-themed courses must:

(a) Lead to careers in occupations aligned to ~~designated as high-skill, high-wage, and high-demand in~~ the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education;

(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy or a career-themed course, the Department of Education shall collect and report student achievement data pursuant to

performance factors identified under s. 1003.492(3) ~~s.~~
~~1003.492(5)~~ for students enrolled in an academy or a career-
themed course.

Section 18. Subsection (3) is added to section 1004.013,
Florida Statutes, to read:

1004.013 SAIL to 60 Initiative.—

(3) There is created within the SAIL to 60 Initiative the
Strategic Efforts to Achieve Self-Sufficiency (SEAS) which
consists of:

(a) The workforce opportunity portal under s. 14.36, which
provides the public with more effective access to available
federal, state, and local services and a system-wide, global
view of workforce related program data across various programs
through actionable qualitative and quantitative information.

(b) The Open Door Grant Program under s. 1009.895, which
provides grants to school district's postsecondary technical
centers and Florida College System institutions to cover up to
two-thirds of the cost of short-term high-demand programs for
eligible students upon successful completion and award of a
credential of value.

(c) The Money-Back Guarantee Program under s. 1011.803,
which requires each school district and Florida College System
institution to refund the cost of tuition to students who are
not able to find a job within 6 months of successful completion
of select workforce related programs.

1676 Section 19. Subsection (6) is added to section 1004.015,
1677 Florida Statutes, to read:

1678 1004.015 Florida Talent Development Council.—

1679 (6) The council shall coordinate, facilitate, and
1680 communicate statewide efforts to meet supply and demand needs
1681 for the state's healthcare workforce. Initially, the council
1682 shall focus on the nursing supply and demand and annually,
1683 beginning December 1, 2021, report on the implementation of this
1684 subsection and any other relevant information on the Florida
1685 Talent Developmental Council's webpage located on the Department
1686 of Economic Opportunity's website. To support the efforts of the
1687 council, the Board of Governors and the State Board of Education
1688 shall:

1689 (a) By December 1, 2021, conduct a statistically valid
1690 biennial data-driven gap analysis of the nursing supply and
1691 demand, including, but not limited to, teaching faculty and
1692 preceptors. Demand must align with the Labor Market Estimating
1693 Conference created in s. 216.136. The gap analysis must include
1694 10-year trend information on nursing education programs subject
1695 to the requirements of s. 464.019. In order to conduct the gap
1696 analysis, the Department of Health, the Board of Governors, the
1697 State Board of Education, the Commission for Independent
1698 Education, and postsecondary institutions participating in a
1699 state grant program under s. 1009.89 or s. 1009.891, shall
1700 provide data on:

1701 1. The number and type of programs and student slots
1702 available.

1703 2. The number of student applications submitted, the
1704 number of qualified student applicants, and the number of
1705 students accepted.

1706 3. The number of program graduates.

1707 4. Program retention rates of students tracked from
1708 program entry to graduation.

1709 5. Graduate passage rates on the National Council of State
1710 Boards of Nursing Licensing Examination.

1711 6. The number of graduates who become employed as
1712 practical or professional nurses in the state.

1713 (b) Develop a survey for use by the Department of Health,
1714 the Commission for Independent Education, and postsecondary
1715 institutions participating in a state grant program under s.
1716 1009.89 or s. 1009.891, to collect data for the gap analysis.
1717 The survey must include, but is not limited to, a student's age,
1718 gender, race, ethnicity, veteran status, wage, employer
1719 information, loan debt, and retirement expectations.

1720 (c) Conduct a review of nursing education program
1721 curricula to improve alignment, streamline career pathways, and
1722 develop frameworks for colocated and concurrent enrollment
1723 nursing education programs which can be implemented statewide.

1724 (d) Report on the establishment of accelerated programs
1725 for bachelor of science in nursing and masters of science in

nursing, and implementation of other strategies to address the demand for nurses in the state.

(e) Map educational advancement of nurses through career pathways by comparing their initial degree to their highest degree obtained for the preceding 5 years.

Section 20. Subsection (2) of section 1008.39, Florida Statutes, is amended to read:

1008.39 Florida Education and Training Placement Information Program. —

(2) Any project conducted by the Department of Education or the workforce development system that requires placement information shall use information provided through the Florida Education and Training Placement Information Program, and shall not initiate automated matching of records in duplication of methods already in place in the Florida Education and Training Placement Information Program. The department shall implement an automated system which matches the social security numbers of former participants in workforce related programs as defined in s. 14.36 and state educational and training programs with information in the files of state and federal agencies that maintain educational, employment, and United States armed service records and shall implement procedures to identify the occupations of those former participants whose social security numbers are found in employment records, as required by Specific Appropriation 337A, chapter 84-220, Laws of Florida; Specific

1751 Appropriation 337B, chapter 85-119, Laws of Florida; Specific
1752 Appropriation 350A, chapter 86-167, Laws of Florida; and
1753 Specific Appropriation 351, chapter 87-98, Laws of Florida. The
1754 system shall incorporate data collection elements prescribed by
1755 the Credentials Review Committee under s. 445.004.

1756 Section 21. Section 1008.40, Florida Statutes, is amended
1757 to read:

1758 1008.40 Workforce Development Information System.—The
1759 Department of Education shall:

1760 (1) Design specifications for the collection and reporting
1761 of data and performance specifications for the Workforce
1762 Development Information System. This design must:

1763 (a) Use common terms and enable parallel reporting and
1764 state-level access of workforce data necessary to use the data
1765 reports as a basis for calculating funding allocations,
1766 conducting audits, and determining compliance of workforce
1767 related programs, as defined in s. 14.36, and education and
1768 training programs with applicable federal and state requirements
1769 as authorized by federal and state law. This includes
1770 establishing a process for the collection, review, and reporting
1771 of Comprehensive Local Needs Assessments as required by federal
1772 law.

1773 (b) Provide ~~In addition, the design must be capable of~~
1774 ~~providing~~ reports necessary to comply with other program
1775 performance documentation required by state or federal law,

1776 without requiring additional data collection or reporting from
1777 local educational agencies.

1778 (c) Link data from multiple sources for consideration in
1779 developing broad public policy initiatives for workforce related
1780 programs as defined in s. 14.36.

1781 (2) Develop the computer programs, software, and edit
1782 processes necessary for local and state users to produce a
1783 single, unified Workforce Development Information System.

1784 (3) Work with the Department of Economic Opportunity, the
1785 Department of Children and Families, and other entities to
1786 define statewide education, workforce development, and
1787 employment metrics and ensure the integrity and quality of data
1788 being collected.

1789 (4) Develop a workforce development metrics dashboard that
1790 measures the state's investments in workforce development. To
1791 the extent feasible, the dashboard shall use statistically
1792 rigorous methodologies to estimate, assess, and isolate the
1793 impact of programs on participant outcomes. The workforce
1794 development metrics dashboard shall be produced, to the extent
1795 feasible, using existing available data and resources that are
1796 currently collected and accessible to state agencies. The
1797 department shall convene workforce related program partners to
1798 develop a standardized set of inputs and outputs for the
1799 workforce development metrics dashboard. The workforce
1800 development metrics dashboard must:

1801 (a) Display the impact of workforce related programs, as
1802 defined in s. 14.36, on credential attainment, training
1803 completion, degree attainment, and participant wages.

1804 (b) Provide demographic breakdowns, including, to the
1805 extent possible, race, ethnicity, age, gender, veteran status,
1806 wage, student loan debt, barriers to employment, and credential
1807 or degree outcomes, and information on workforce outcomes in
1808 different industry sectors.

1809 (c) Measure, at a minimum and to the extent feasible with
1810 existing resources, the return on investment of the following
1811 workforce related programs:

1812 1. Career and technical education offered by school
1813 districts and Florida College System institutions.

1814 2. Workforce related programs as defined in s. 14.36.

1815 3. State apprenticeship programs.

1816 (d) Provide performance data on training providers to
1817 enable individuals to make informed choices.

1818 Section 22. Subsection (3) of section 1008.41, Florida
1819 Statutes, is amended to read:

1820 1008.41 Workforce education; management information
1821 system.—

1822 (3) Planning and evaluation of job-preparatory programs
1823 shall be based on standard sources of data and use standard
1824 occupational definitions and coding structures, including, but
1825 not limited to:

(a) The Florida Occupational Information System.~~†~~
(b) The Florida Education and Training Placement
Information Program.~~†~~
(c) The Department of Economic Opportunity.~~†~~
(d) The United States Department of Labor.~~†~~ and
(e) The Labor Market Estimating Conference created in s.
216.136.
~~(f)(e)~~ Other sources of data developed using statistically
valid procedures.
Section 23. Subsections (1) and (2) and paragraph (c) of
subsection (4) of section 1008.44, Florida Statutes, are amended
to read:
1008.44 CAPE Industry Certification Funding List ~~and CAPE~~
~~Postsecondary Industry Certification Funding List.-~~
(1) The State Board of Education Pursuant to ss. 1003.4203
~~and 1003.492, the Department of Education shall adopt,~~ at least
annually, based upon recommendations by the Commissioner of
Education the CAPE Industry Certification Funding List that
assigns additional full-time equivalent membership to
certifications identified in the Master Credentials List under
s. 445.004(4) that meets a statewide demand, and courses that
lead to such certifications, in accordance with s.
1011.62(1)(o). ~~identify, under rules adopted by the State Board~~
~~of Education, and the Commissioner of Education may at any time~~
~~recommend adding~~ The CAPE Industry Certification Funding List

1851 may include the following certificates, certifications, and
1852 courses:

1853 (a) CAPE industry certifications identified as credentials
1854 of value that meet the framework of quality under ~~pursuant to s.~~
1855 ~~445.004(4), on the CAPE Industry Certification Funding List that~~
1856 ~~must be applied in the distribution of funding to school~~
1857 ~~districts under~~ ~~pursuant to s. 1011.62(1)(o).~~ The CAPE Industry
1858 Certification Funding List shall incorporate by reference the
1859 industry certifications on the career pathways list approved for
1860 the Florida Gold Seal CAPE Vocational Scholars award. ~~In~~
1861 ~~addition, by August 1 of each year, the not-for-profit~~
1862 ~~corporation established pursuant to s. 445.004 may annually~~
1863 ~~select one industry certification, that does not articulate for~~
1864 ~~college credit, for inclusion on the CAPE Industry Certification~~
1865 ~~Funding List for a period of 3 years unless otherwise approved~~
1866 ~~by the curriculum review committee pursuant to s. 1003.491. Such~~
1867 ~~industry certifications, if earned by a student, shall be~~
1868 ~~eligible for additional full-time equivalent membership,~~
1869 ~~pursuant to s. 1011.62(1)(o)1.~~

1870 (b) ~~No more than 30~~ CAPE Digital Tool certificates under
1871 ~~limited to the areas of word processing; spreadsheets; sound,~~
1872 ~~motion, and color presentations; digital arts; cybersecurity;~~
1873 ~~and coding pursuant to s. 1003.4203(3) that do not articulate~~
1874 ~~for college credit. Such certificates shall be annually~~
1875 ~~identified on the CAPE Industry Certification Funding List and~~

~~updated solely by the Chancellor of Career and Adult Education.~~

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

(c) CAPE ESE Digital Tool certificates, workplace industry certifications, and OSHA industry certifications ~~identified by the Chancellor of Career and Adult Education~~ for students with disabilities under ~~pursuant to~~ s. 1003.4203(2). Such certificates and certifications shall ~~be identified on the CAPE Industry Certification Funding List and~~, if earned by a student, be eligible for additional full-time equivalent membership under ~~pursuant to~~ s. 1011.62(1)(o)1.

(d) CAPE Innovation Courses that combine academic and career performance outcomes with embedded industry certifications under ~~shall be annually approved by the Commissioner of Education and identified pursuant to~~ s. 1003.4203(5)(a). Such courses shall ~~and~~, if completed by a student, be eligible for additional full-time equivalent membership under ~~pursuant to~~ s. 1011.62(1)(o)1.

(e) CAPE Acceleration Industry Certifications that articulate for 15 or more college credit hours under ~~pursuant to~~ s. 1003.4203(5)(b). Such certifications shall ~~be annually approved by the Commissioner of Education and~~, if successfully completed, ~~shall~~ be eligible for additional full-time equivalent

membership under ~~pursuant to~~ s. 1011.62(1)(o)1. ~~The approved industry certifications must be identified on the CAPE Industry Certification Funding List.~~

(f) The Commissioner of Education shall conduct a review of the methodology used to determine additional full-time equivalent membership weights assigned in s. 1011.62(1)(o) and, if necessary, recommend revised weights. The weights must factor in the prioritization of critical statewide shortages of labor market demand as identified by the Credentials Review Committee under s. 445.004. The results of the review and the commissioner's recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2021.

(2) ~~The State Board of Education shall approve, at least annually, the CAPE Postsecondary Industry Certification Funding List pursuant to this section. The Commissioner of Education shall recommend, at least annually, the CAPE Postsecondary Industry Certification Funding List to the State Board of Education and may at any time recommend adding certifications. The Chancellor of the State University System, the Chancellor of the Florida College System, and the Chancellor of Career and Adult Education shall work with local workforce boards, other postsecondary institutions, businesses, and industry to identify, create, and recommend to the Commissioner of Education industry certifications to be placed on the funding list. The~~

CAPE Industry Certification Funding List adopted under subsection (1) ~~list~~ shall be used to determine annual performance funding distributions to school districts or Florida College System institutions as specified in ss. 1011.80 and 1011.81, respectively. ~~The chancellors shall review results of the economic security report of employment and earning outcomes produced annually pursuant to s. 445.07 when determining recommended certifications for the list, as well as other reports and indicators available regarding certification needs.~~

(4)

(c) The Articulation Coordinating Committee shall review statewide articulation agreement proposals for industry certifications and make recommendations to the State Board of Education for approval. After an industry certification is approved by CareerSource Florida, Inc., under s. 445.004(4) ~~adopted by the State Board of Education for inclusion on the CAPE Industry Certification Funding List,~~ the Chancellor of Career and Adult Education, within 90 days, must provide to the Articulation Coordinating Committee recommendations for articulation of postsecondary credit for related degrees for the approved certifications.

Section 24. Section 1009.895, Florida Statutes, is created to read:

1009.895 Open Door Grant Program.—

(1) As used in this section, the term:

1951 (a) "Institution" means school district postsecondary
1952 technical career centers under s. 1001.44, Florida College
1953 System institutions under s. 1000.21(3), and charter technical
1954 career centers under s. 1002.34.

1955 (b) "Program" means a noncredit industry certification
1956 preparation, clock hour career certificate programs, or for-
1957 credit short-term career and technical education programs that
1958 result in the award of credentials identified under s.
1959 445.004(4).

1960 (c) "Student" means a person who is a resident of this
1961 state as determined in s. 1009.40 and is unemployed,
1962 underemployed, or furloughed.

1963 (2) Subject to appropriations, the Open Door Grant Program
1964 is established for the purpose of:

1965 (a) Creating and sustaining a demand-driven supply of
1966 credentialed workers for high-demand occupations by addressing
1967 and closing the gap between the skills needed by workers in the
1968 state and the skills of the available workforce in the state.

1969 (b) Expanding the affordability of workforce training and
1970 credentialing.

1971 (c) Increasing the interest of current and future workers
1972 in short-term, high-demand career and technical education
1973 credentialing and certificate programs.

1974 (3) The Department of Education shall provide grants to
1975 institutions on a first-come, first-serve basis for students who

1976 enroll in an eligible program. No more than one-quarter of the
1977 appropriated funds may be disbursed annually to any eligible
1978 institution.

1979 (4) Subject to the availability of funds, any student who
1980 enrolls in an eligible program offered by an institution may
1981 apply for and be awarded a grant to cover two-thirds of the cost
1982 of the program, if at the time of enrollment the student pays
1983 one-third of the cost of the program and signs an agreement to
1984 either complete the program or pay an additional one-third of
1985 the program cost in the event of noncompletion. Upon the
1986 presentation of satisfactory proof of completion of the program
1987 by the student, the department shall reimburse the institution
1988 in an amount equal to one-third of the cost of the program. In
1989 addition, upon the presentation of satisfactory proof of the
1990 attainment of a workforce credential or certificate by the
1991 student, the department shall reimburse the institution in an
1992 amount equal to one-third of the cost of the program. However,
1993 the department may not reimburse any institution more than
1994 \$3,000 per completed workforce training program by an eligible
1995 student.

1996 (5) Grants may not be reduced by a student's concurrent
1997 receipt of financial aid from any other source except in cases
1998 in which the grant and such other financial aid would result in
1999 total assistance in excess of tuition, fees, books, and other
2000 allowable costs of completing the workforce related program.

2001 (6) The department shall administer the grant and shall
2002 carry out the goals and purposes of the grant set forth in
2003 subsection (2). In administering the grant, the department
2004 shall:

2005 (a) Require eligible institutions to provide student-
2006 specific data and make final decisions on any dispute between
2007 eligible institutions and grant recipients.

2008 (b) Undertake periodic assessments of the overall success
2009 of the grant program and recommend modifications, interventions,
2010 and other actions based on such assessments.

2011 (c) Establish the procedure by which eligible institutions
2012 shall notify the department when eligible students enroll in
2013 eligible programs.

2014 (d) Require each eligible institution to submit a report
2015 with data from the previous fiscal year on program completion
2016 and credential attainment by students participating in the grant
2017 program that, at a minimum, includes:

2018 1. A list of the programs offered.
2019 2. The number of students who enrolled in the programs.
2020 3. The number of students who completed the programs.
2021 4. The number of students who attained workforce
2022 credentials, categorized by credential name and relevant
2023 occupation, after completing training programs.

2024 5. The average cost per workforce credential attained,
2025 categorized by credential name and relevant occupation.

(7) The department shall compile the data provided under paragraph (6)(d) and annually report such data, in the aggregate and categorize such information by eligible institution, to the State Board of Education. The report shall also include information on the average wage, age, gender, race, ethnicity, veteran status, and other relevant information, of students who have completed workforce training programs categorized by credential name and relevant occupation.

(8) The State Board of Education shall adopt rules to implement this section.

Section 25. Subsections (10), (11), and (12), of section 1011.80, Florida Statutes, are renumbered as subsections (9), (10), and (11), respectively, and subsection (2), paragraph (b) of subsection (7), and subsection (9) of that section are amended, to read:

1011.80 Funds for operation of workforce education programs.—

(2) Upon approval by the State Board of Education, any workforce education program may be conducted by a Florida College System institution or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a Florida College System institution. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion point that confers a

2051 certificate or an applied technology diploma, that portion of
2052 the program may be conducted by a school district career center.
2053 Any instruction designed to articulate to a degree program is
2054 subject to guidelines and standards adopted by the State Board
2055 of Education under ~~pursuant to~~ s. 1007.25.

2056 (a) The State Board of Education shall establish criteria
2057 for review and approval of new workforce education programs by a
2058 Florida College System institution or a school district that
2059 considers local demand as well as local program offerings at
2060 public and private institutions to avoid wasteful duplication of
2061 programs. Priority shall be given to institutions that have
2062 implemented the money-back-guarantee program in excess of the
2063 minimum number of programs required by s. 1011.803. The criteria
2064 must include, but is not limited to, the following:

2065 1. A notice of intent to propose a new workforce education
2066 program that includes all of the following:

2067 a. A brief description of the program.

2068 b. An analysis of workforce demand and unmet need for
2069 graduates of the program on a district, regional, or statewide
2070 basis, as appropriate, including evidence from entities
2071 independent of the technical center or institution.

2072 c. The geographic region to be served.

2073 d. An estimated timeframe for implementation.

2074 2. Documentation of collaboration among technical centers
2075 and institutions serving the same students in a geographical or

2076 service area that enhances program offerings and prevents
2077 program duplication. Unnecessary duplication of programs offered
2078 by public and private institutions must be avoided.

2079 3. Articulation agreements between technical centers and
2080 Florida College System institutions for the enrollment of
2081 graduates in related workforce education programs.

2082 4. Documentation of alignment between the exit
2083 requirements of a technical center and the admissions
2084 requirements of a Florida College System institution into which
2085 students typically transfer.

2086 5. Performance and compliance indicators that will be used
2087 in determining the program's success.

2088 (b) The State Board of Education, upon review of the
2089 workforce education program, may require a school district
2090 postsecondary technical career center, charter technical career
2091 center, or Florida College System institution, to modify or
2092 terminate a program authorized under this section.

2093 (7)

2094 (b) Performance funding for industry certifications for
2095 school district workforce education programs is contingent upon
2096 specific appropriation in the General Appropriations Act and
2097 shall be determined as follows:

2098 ~~1. Occupational areas for which industry certifications~~
2099 ~~may be earned, as established in the General Appropriations Act,~~
2100 ~~are eligible for performance funding. Priority shall be given to~~

~~the occupational areas emphasized in state, national, or corporate grants provided to Florida educational institutions.~~

~~1.2. The Chancellor of Career and Adult Education shall identify the Industry certifications identified eligible for funding on the CAPE Postsecondary Industry Certification Funding List approved by the State Board of Education under pursuant to s. 1008.44, are eligible for performance funding based on the occupational areas specified in the General Appropriations Act.~~

~~2.3. Each school district shall be provided \$1,000 for each industry certification earned by a workforce education student. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated. Beginning with the 2022-2023 fiscal year, the Credentials Review Committee established in s. 445.004 shall develop a returned-value funding formula to allocate school district performance funds that rewards student job placements and wages for students earning industry certifications. One-third of the performance funds shall be allocated based on student job placements. The remaining two-thirds shall be allocated using a three tiered weighted system based on aggregate student wages that exceed minimum wage with the highest weight applied to the highest wage tier. Student wages above minimum wage are considered to be the value added by the institution's training.~~

~~(9) The State Board of Education and the state board as defined in s. 445.002 shall provide the Legislature with~~

~~recommended formulas, criteria, timeframes, and mechanisms for distributing performance funds. The commissioner shall consolidate the recommendations and develop a consensus proposal for funding. The Legislature shall adopt a formula and distribute the performance funds to the State Board of Education for Florida College System institutions and school districts through the General Appropriations Act. These recommendations shall be based on formulas that would discourage low-performing or low-demand programs and encourage through performance-funding awards:~~

~~(a) Programs that prepare people to enter high-wage occupations identified by the Workforce Estimating Conference created by s. 216.136 and other programs as approved by the state board as defined in s. 445.002. At a minimum, performance incentives shall be calculated for adults who reach completion points or complete programs that lead to specified high-wage employment and to their placement in that employment.~~

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

~~(c) Programs that are specifically designed to be consistent with the workforce needs of private enterprise and regional economic development strategies, as defined in guidelines set by the state board as defined in s. 445.002. The state board as defined in s. 445.002 shall develop guidelines to identify such needs and strategies based on localized research of private employers and economic development practitioners.~~

~~(d) Programs identified by the state board as defined in s. 445.002 as increasing the effectiveness and cost efficiency of education.~~

Section 26. Subsection (3) of section 1011.801, Florida Statutes, is amended to read:

1011.801 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts and Florida College System institutions to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and Florida College System institutions on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs.

(3) The State Board of Education shall give highest priority to programs that train people to enter high-skill,

high-wage occupations identified by the Labor Market Workforce Estimating Conference and other programs approved by the state board as defined in s. 445.002, programs that train people to enter occupations under the welfare transition program, or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The State Board of Education shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

Section 27. Subsection (4) of section 1011.802, Florida Statutes, is renumbered as subsection (5), subsection (3) of that section is amended, and a new subsection (4) is added to that section, to read:

1011.802 Florida Pathways to Career Opportunities Grant Program.—

(3)(a) The department shall award grants for preapprenticeship or ~~give priority to~~ apprenticeship programs with demonstrated regional demand that:

1. Address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference created in s. 216.136 and that are industry sectors not adequately represented throughout the state, such as health care;

2201 2. Address a critical statewide or regional shortage as
2202 identified by the Labor Market Estimating Conference created in
2203 s. 216.136; or

2204 3. Expand existing programs that exceed the median
2205 completion rate and employment rate 1 year after completion of
2206 similar programs in the region, or the state if there are no
2207 similar programs in the region.

2208 (b) Grant funds may be used for instructional equipment,
2209 supplies, personnel, student services, and other expenses
2210 associated with the creation or expansion of an apprenticeship
2211 program. Grant funds may not be used for recurring instructional
2212 costs or for indirect costs. Grant recipients must submit
2213 quarterly reports in a format prescribed by the department.

2214 (4) The department shall annually report on its website:

2215 (a) The number of programs funded and represented
2216 throughout the state under this section.

2217 (b) Retention, completion, and employment rates,
2218 categorized by program and provider.

2219 (c) Starting and ending salaries, as categorized by
2220 program and provider, for participants who complete the program.

2221 (5)-(4) The State Board of Education shall ~~may~~ adopt rules
2222 to administer this section.

2223 Section 28. Section 1011.803, Florida Statutes, is created
2224 to read:

2225 1011.803 Money-back Guarantee Program.—

2226 (1) The Money-back Guarantee Program is established to
2227 help individuals achieve self-sufficiency by requiring each
2228 school district and Florida College System institution to refund
2229 the cost of tuition to students who are not able to find a job
2230 in the field in which the student was trained within 6 months of
2231 successful completion of select workforce education programs
2232 that prepare students for in-demand, high-skill, high-wage
2233 occupations.

2234 (2) Beginning in the 2022-2023 academic year, each school
2235 district and Florida College System institution shall establish
2236 a money-back guarantee program to:

2237 (a) Offer a money-back guarantee on at least four programs
2238 that prepare individuals to enter in-demand, high-skill, high-
2239 wage occupations identified by the Labor Market Estimating
2240 Conference created in s. 216.136. School district or Florida
2241 College System institutions must offer a money-back guarantee on
2242 at least 50 percent of workforce education programs if they
2243 offer seven or fewer programs.

2244 (b) Offer a money-back guarantee for all workforce
2245 education programs that are established to meet a critical local
2246 economic industry need, but are not linked to the statewide
2247 needs list as identified by the Labor Market Estimating
2248 Conference created in s. 216.136.

2249 (c) Establish student eligibility criteria for the money-
2250 back guarantee program that includes:

1. Student attendance.
2. Student program performance.
3. Career Service or Career Day attendance.
4. Participation in internship or work-study programs.
5. Job search documentation.
6. Development of a student career plan with the
institution's career services department.

(3) No later than July 1, 2022, each school district and
Florida College System institution shall notify the State Board
of Education of the money-back guarantee programs it offers.
Information about these programs shall be made available on each
school district's and Florida College System institution's
website, on the department's website, and on EmployFlorida's
website.

(4) By November 1 of each year, the Department of
Education shall report performance results by school district,
Florida College System institution, and program to the Governor,
the President of the Senate, and the Speaker of the House of
Representatives.

Section 29. Subsection (2) of section 1011.81, Florida
Statutes, is amended to read:

1011.81 Florida College System Program Fund.—

(2) Performance funding for industry certifications for
Florida College System institutions is contingent upon specific
appropriation in the General Appropriations Act and shall be

determined as follows:

~~(a) Occupational areas for which industry certifications may be earned, as established in the General Appropriations Act, are eligible for performance funding. Priority shall be given to the occupational areas emphasized in state, national, or corporate grants provided to Florida educational institutions.~~

~~(a)(b)~~ Postsecondary The Chancellor of the Florida College System shall identify the industry certifications identified eligible for funding on the CAPE ~~Postsecondary~~ Industry Certification Funding List approved by the State Board of Education under pursuant to s. 1008.44, are eligible for performance funding ~~based on the occupational areas specified in the General Appropriations Act.~~

~~(b)(c)~~ Each Florida College System institution shall be provided \$1,000 for each industry certification earned by a student under paragraph (a). If funds are insufficient to fully fund the calculated total award, such funds shall be prorated. Beginning with the 2022-2023 fiscal year, the Credentials Review Committee established in s. 445.004 shall develop a returned-value funding formula to allocate institution performance funds that rewards student job placements and wages for students earning industry certifications. One-third of the performance funds shall be allocated based on student job placements. The remaining two-thirds shall be allocated using a three tiered weighted system based on aggregate student wages that exceed

2301 minimum wage with the highest weight applied to the highest wage
2302 tier. Student wages above minimum wage are considered to be the
2303 value added by the institution's training.

2304 Section 30. This act shall take effect July 1, 2021.

Staff Comments

SB 98

Overview

SB 98 parallels HB1507 in a number of ways. It does not create the Office of Reimagining Education and Career Help, nor does it envision the new workforce case management system.

Its scope of improvement/change is more focused and includes the following 1507 elements of concern:

- Letter grades;
- Member term limitations;
- Compensation transparency; and
- TANF Performance (less specific than 1507).

From an “Awareness” standpoint, it expands “for cause” to include Gross Mismanagement and Board member contract amount reduction.

1 A bill to be entitled
2 An act relating to workforce related programs and
3 services; amending s. 216.136, F.S.; renaming the
4 Workforce Estimating Conference as the Labor Market
5 Estimating Conference; removing requirements for the
6 Workforce Estimating Conference; providing
7 requirements for the Labor Market Estimating
8 Conference; amending s. 445.002, F.S.; redefining the
9 term "for cause"; amending s. 445.004, F.S.; expanding
10 the membership of the state workforce development
11 board; specifying entities that can authorize certain
12 expenditures; providing and revising requirements for
13 the state board in order to achieve certain purposes;
14 requiring the state board, in consultation with the
15 department, to submit a report to the Governor and
16 Legislature; providing and revising reporting
17 requirements; requiring the state board to assign
18 letter grades to local workforce development boards;
19 requiring local performance accountability measures to
20 be based on identified local area needs; amending s.
21 445.007, F.S.; removing authority for a local board to
22 review a decision by the department to deny a
23 contract; requiring a local board to disclose certain
24 compensation information to the department; providing
25 term limits for local board members; providing an
26 exception; requiring actions of the local board to be
27 consistent with federal and state law; providing
28 requirements for certain contracts between a local
29 board and certain entities; providing an exception;

30 requiring the department to review certain
31 documentation when considering whether to approve a
32 contract; removing authority for a local board to
33 review a decision by the department to deny a
34 contract; requiring a local board to disclose certain
35 compensation information to the department; requiring
36 local boards to publish specified information;
37 requiring the department to review certain information
38 provided by a local board in reviewing contracts;
39 amending s. 445.009, F.S.; requiring a certain final
40 payment amount to Individual Training Accounts;
41 conforming provisions to changes made by the act;
42 amending s. 445.038, F.S.; conforming provisions to
43 changes made by the act; amending s. 446.021, F.S.;
44 revising the definition of the term "uniform minimum
45 preapprenticeship standards"; expanding the definition
46 to include apprenticeship programs; amending s.
47 446.032, F.S.; requiring certain standards and
48 policies established by the Department of Education to
49 include a specified requirement for training
50 providers; requiring, rather than authorizing, the
51 department to adopt rules; providing requirements for
52 a certain annual report; requiring the department to
53 provide data from certain resources to specified
54 persons and entities; amending s. 446.045, F.S.;
55 specifying that the Governor shall fill vacancies on
56 the State Apprenticeship Advisory Council for the
57 remainder of a term; amending s. 1003.4156, F.S.;
58 requiring a career and education planning course to

include certain resources; amending s. 1003.4203, F.S.; specifying the sections under which the Department of Education must identify certain CAPE Digital Tool certificates; removing the deadline for such identification; removing specified skills that must be mastered; authorizing courses identified in the CAPE Industry Certification Funding List to articulate for college credit; removing the course limit; amending s. 1003.491, F.S.; requiring certain strategic plans to use labor projections identified by the Labor Market Estimating Conference; amending s. 1003.4935, F.S.; requiring that middle grades career and professional academies and career-themed courses lead to careers in occupations aligned with the CAPE Industry Certification Funding List; amending s. 1008.41, F.S.; adding the Labor Market Estimating Conference as a source of workforce data; amending s. 1008.44, F.S.; requiring the Commissioner of Education to conduct a review of the methodology used to determine certain full-time equivalent membership weights and, if necessary, recommend revised weights; requiring that the recommendations be provided to the Governor and the Legislature by a specified date; amending s. 1011.801, F.S.; conforming a provision to changes made by the act; amending s. 1011.802, F.S.; requiring the department to prioritize programs identified by the Labor Market Estimating Conference; providing requirements for awards under the Florida Pathways to Career Opportunities Grant Program;

amending s. 445.011, F.S.; conforming a cross-reference; amending s. 1011.80, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsection (7) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(7) LABOR MARKET ~~WORKFORCE~~ ESTIMATING CONFERENCE.—

(a) The Labor Market ~~Workforce~~ Estimating Conference shall develop such official information with respect to real-time supply and demand in Florida's statewide, regional, and local labor markets ~~on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries~~ as the conference determines is needed by the state planning and budgeting system. Such information must include labor supply by education level, analyses of labor demand by occupational groups and occupations compared to labor supply, a ranking of critical areas of concern, and identification of in-demand, high-skill, high-wage occupations. The Office of Economic and Demographic Research is designated as the official lead for the United States Census Bureau's State Data Center Program or its successor. All state agencies must provide the Office of Economic and Demographic Research with the necessary data to accomplish the goals of the conference. In accordance with s. 216.135, state agencies shall ensure that any

work product regarding labor demand and supply is consistent with the official information developed by the Labor Market Estimating Conference, ~~using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for jobs by occupation and industry; entry and average wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.~~

(b) ~~The Workforce Estimating Conference shall review data concerning local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider this data in developing its forecasts for statewide employment demand, including reviewing local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to CareerSource Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by~~

~~CareerSource Florida, Inc.~~

~~(c) The Labor Market Workforce Estimating Conference, for the purposes described in paragraph (a), shall meet at least twice a year for the purposes described in paragraph (a) ~~no less than 2 times in a calendar year. The first meeting shall be held in February, and the second meeting shall be held in August. Other meetings may be scheduled as needed.~~~~

Section 2. Subsection (2) of section 445.002, Florida Statutes, is amended to read:

445.002 Definitions.—As used in this chapter, the term:

(2) "For cause" includes, but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, gross mismanagement, or lack of performance.

Section 3. Present subsections (8) through (13) of section 445.004, Florida Statutes, are redesignated as subsections (9) through (14), respectively, a new subsection (8) is added to that section, and paragraph (d) of subsection (3), subsections (6) and (7), paragraph (b) of present subsection (9), and present subsection (11) of that section are amended, to read:

445.004 CareerSource Florida, Inc., and the state board; creation; purpose; membership; duties and powers.—

(3)

(d) The state board must include the vice chairperson of the board of directors of Enterprise Florida, Inc., and one member representing each of the Workforce Innovation and Opportunity Act partners, including the Division of Career and Adult Education, the Division of Vocational Rehabilitation, the

Department of Children and Families, and other entities representing programs identified in the Workforce Innovation and Opportunity Act, as determined necessary.

(6) The state board shall ~~may take action that it deems necessary to~~ achieve the purposes of this section by, ~~including, but not limited to:~~

(a) Creating a state employment, education, and training policy that ensures that workforce-related programs ~~to prepare workers~~ are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.

(b) Establishing policy direction for a uniform funding system that prioritizes evidence-based, results-driven solutions by providing ~~provides~~ incentives to improve the outcomes of career education, registered apprenticeship, and work-based learning programs and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) Establishing a comprehensive policy related to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance by combining two or more sources of funding to support workforce-related programs or activities for vulnerable populations when appropriate or authorized.

(d) Identifying barriers to coordination and alignment among workforce-related programs and activities and developing

204 solutions to remove such barriers ~~Designating Institutes of~~
205 ~~Applied Technology composed of public and private postsecondary~~
206 ~~institutions working together with business and industry to~~
207 ~~ensure that career education programs use the most advanced~~
208 ~~technology and instructional methods available and respond to~~
209 ~~the changing needs of business and industry.~~

210 (e) Providing policy direction for a system to project and
211 evaluate labor market supply and demand using the results of the
212 Labor Market ~~Workforce~~ Estimating Conference created in s.
213 216.136 and the career education performance standards
214 identified under s. 1008.43.

215 (f) Reviewing the performance of public programs that are
216 responsible for economic development, education, employment, and
217 training. The review must include an analysis of the return on
218 investment of these programs.

219 (g) Expanding the occupations identified by the Labor
220 Market ~~Workforce~~ Estimating Conference to meet needs created by
221 local emergencies or plant closings or to capture occupations
222 within emerging industries.

223 (7) By December 1 of each year, the state board, in
224 consultation with the department, shall submit to the Governor,
225 the President of the Senate, the Speaker of the House of
226 Representatives, the Senate Minority Leader, and the House
227 Minority Leader a complete and detailed annual report setting
228 forth:

229 (a) All audits and investigations, including any audit or
230 investigation conducted under subsection (9) ~~(8)~~.

231 (b) The operations and accomplishments of the state board,
232 including the programs or entities specified in subsection (6).

233 (c) The number of mandatory partners located within one-
234 stop centers.

235 (d) The amount of progress made toward implementing
236 solutions to address barriers to coordination and alignment
237 among programs and activities identified under paragraph (6) (d).

238 (8) Beginning July 1, 2022, the state board shall annually
239 assign a letter grade for each local workforce development
240 board.

241 ~~(10)~~~~(9)~~ The state board, in collaboration with the local
242 workforce development boards and appropriate state agencies and
243 local public and private service providers, shall establish
244 uniform performance accountability measures that apply across
245 the core programs to gauge the performance of the state and
246 local workforce development boards in achieving the workforce
247 development strategy.

248 (b) The performance accountability measures for each local
249 area consist of the primary indicators of performance, any
250 additional indicators of performance, and a local level of
251 performance for each indicator pursuant to Pub. L. No. 113-128.
252 The local level of performance is determined by the local board,
253 the chief elected official, and the Governor pursuant to Pub. L.
254 No. 113-128, Title I, s. 116(c). Any local performance
255 accountability measures that are established must be based on
256 identified local area needs.

257 ~~(12)~~~~(11)~~ The workforce development system must use local
258 design and control of service delivery and targeted activities.
259 The state board, in consultation with the department, is
260 responsible for ensuring that local workforce development boards
261 have a membership consistent with the requirements of federal

and state law and have developed a plan consistent with the state's workforce development strategy. The plan must specify methods for allocating the resources and programs in a manner that eliminates unwarranted duplication, minimizes administrative costs, meets the existing job market demands and the job market demands resulting from successful economic development activities, ensures access to quality workforce development services for all Floridians, allows for pro rata or partial distribution of benefits and services, prohibits the creation of a waiting list or other indication of an unserved population, serves as many individuals as possible within available resources, and maximizes successful outcomes. The state board shall establish incentives for effective alignment ~~coordination~~ of federal and state programs, outline rewards for achieving the long-term self-sufficiency of participants ~~successful job placements~~, and institute collaborative approaches among local service providers.

Section 4. Subsection (1), paragraph (a) of subsection (2), and subsections (6), (11), and (12) of section 445.007, Florida Statutes, are amended, and subsections (13) and (14) are added to that section, to read:

445.007 Local workforce development boards.—

(1) One local workforce development board shall be appointed in each designated service delivery area and shall serve as the local workforce development board pursuant to Pub. L. No. 113-128. The membership of the local board must be consistent with Pub. L. No. 113-128, Title I, s. 107(b). If a public education or training provider is represented on the local board, a representative of a private education provider

291 must also be appointed to the local board. The state board may
292 waive this requirement if requested by a local workforce
293 development board if it is demonstrated that such
294 representatives do not exist in the region. The importance of
295 minority and gender representation shall be considered when
296 making appointments to the local board. The local board, its
297 committees, subcommittees, and subdivisions, and other units of
298 the workforce system, including units that may consist in whole
299 or in part of local governmental units, may use any method of
300 telecommunications to conduct meetings, including establishing a
301 quorum through telecommunications, provided that the public is
302 given proper notice of the telecommunications meeting and
303 reasonable access to observe and, when appropriate, participate.
304 Local workforce development boards are subject to chapters 119
305 and 286 and s. 24, Art. I of the State Constitution. ~~If the~~
306 ~~local workforce development board enters into a contract with an~~
307 ~~organization or individual represented on the local board, the~~
308 ~~contract must be approved by a two-thirds vote of the local~~
309 ~~board, a quorum having been established, and the local board~~
310 ~~member who could benefit financially from the transaction must~~
311 ~~abstain from voting on the contract. A local board member must~~
312 ~~disclose any such conflict in a manner that is consistent with~~
313 ~~the procedures outlined in s. 112.3143.~~ Each member of a local
314 workforce development board who is not otherwise required to
315 file a full and public disclosure of financial interests under
316 s. 8, Art. II of the State Constitution or s. 112.3144 shall
317 file a statement of financial interests under s. 112.3145. The
318 executive director or designated person responsible for the
319 operational and administrative functions of the local workforce

development board who is not otherwise required to file a full and public disclosure of financial interests under s. 8, Art. II of the State Constitution or s. 112.3144 shall file a statement of financial interests under s. 112.3145. The local workforce development board's website, or the department's website if the local board does not maintain a website, must inform the public that each disclosure or statement has been filed with the Commission on Ethics and provide information as to how each disclosure or statement may be reviewed. The notice to the public must remain on the website throughout the term of office or employment of the filer and until 1 year after his or her term on the local board or employment, as applicable, ends.

(2) (a) The local workforce development board shall elect a chair from among the representatives described in Pub. L. No. 113-128, Title I, s. 107(b) (2) (A) to serve for a term of no more than 2 years and may not ~~shall~~ serve ~~no~~ more than two terms as chair. A member of a local workforce development board may not serve as a member of the board for more than 6 consecutive years, unless such member is a representative of a governmental entity.

(6) Consistent with federal and state law, the local workforce development board shall designate all local service providers and may not transfer this authority to a third party. Consistent with the intent of the Workforce Innovation and Opportunity Act, local workforce development boards should provide the greatest possible choice of training providers to those who qualify for training services. A local ~~workforce development~~ board may not restrict the choice of training providers based upon cost, location, or historical training

arrangements. However, a local board may restrict the amount of training resources available to any one client. Such restrictions may vary based upon the cost of training in the client's chosen occupational area. The local workforce development board may be designated as a one-stop operator and direct provider of intake, assessment, eligibility determinations, or other direct provider services except training services. Such designation may occur only with the agreement of the chief elected official and the Governor as specified in 29 U.S.C. s. 2832(f)(2). The state board shall establish procedures by which a local workforce development board may request permission to operate under this section and the criteria under which such permission may be granted. The criteria shall include, but need not be limited to, a reduction in the cost of providing the permitted services. Such permission shall be granted for a period not to exceed 3 years for any single request submitted by the local workforce development board.

(11) (a) To increase transparency and accountability, a local workforce development board must comply with the requirements of this section before contracting with a member of the local board; ~~or~~ a relative, as defined in s. 112.3143(1)(c), of a local board member; an organization or individual represented on the local board; or of an employee of the local board. Such contracts may not be executed before or without the prior approval of the department. Such contracts, as well as documentation demonstrating adherence to this section as specified by the department, must be submitted to the department for review and approval. Such a contract must be approved by a

378 two-thirds vote of the local board, a quorum having been
379 established; all conflicts of interest must be disclosed before
380 the vote in a manner that is consistent with the procedures
381 outlined in s. 112.3143(4); and any member who may benefit from
382 the contract, or whose organization or relative may benefit from
383 the contract, must abstain from the vote. A contract subject to
384 the requirements of this subsection may not be included on a
385 consent agenda.

386 (b) A contract under \$10,000 ~~\$25,000~~ between a local
387 workforce development board and ~~a member of that board or~~
388 ~~between~~ a relative, as defined in s. 112.3143(1)(c), of a local
389 board member or of an employee of the local board is not
390 required to have the prior approval of the department, but must
391 be approved by a two-thirds vote of the local board, a quorum
392 having been established, and must be reported to the department
393 and the state board within 30 days after approval.

394 (c) All contracts between a local board and a member of the
395 local board; a relative, as defined in s. 112.3143(1)(c), of a
396 local board member; an organization or individual represented on
397 the local board; or an employee of the local board, approved on
398 or after July 1, 2021, also must be published on the local
399 board's website, or on the department's website if the local
400 board does not maintain a website, within 10 days after approval
401 by the local board or department, whichever is later. Such
402 contracts must remain published on the website for at least 1
403 year after termination of the contract.

404 (d) In considering whether to approve a contract under this
405 subsection, the department shall review and consider all
406 documentation provided to the department by the local board,

407 including the performance rating of the entity with which the
408 local board is proposing to contract, if applicable, and the
409 nature, size, and makeup of the business community served by the
410 local board, including whether the entity with which the local
411 board is proposing to contract is the only provider of the
412 desired goods or services within the area served by the local
413 board ~~If a contract cannot be approved by the department, a~~
414 ~~review of the decision to disapprove the contract may be~~
415 ~~requested by the local workforce development board or other~~
416 ~~parties to the disapproved contract.~~

417 (12) Each local workforce development board shall develop a
418 budget for the purpose of carrying out the duties of the local
419 board under this section, subject to the approval of the chief
420 elected official. Each local workforce development board shall
421 submit its annual budget for review to the department no later
422 than 2 weeks after the chair approves the budget. The local
423 board shall publish the budget on its website, or the
424 department's website if the local board does not maintain a
425 website, within 10 days after approval by the department. The
426 budget shall remain published on the website for the duration of
427 the fiscal year for which it accounts for the expenditure of
428 funds.

429 (13) Each local workforce development board annually,
430 within 30 days after the end of the fiscal year, shall disclose
431 to the department, in a manner determined by the department, the
432 amount and nature of compensation paid to all executives,
433 officers, directors, trustees, key employees, and highest
434 compensated employees, as defined for purposes of the Internal
435 Revenue Service Form 990, Return of Organization Exempt from

Income Tax, including salary, bonuses, present value of vested benefits, including, but not limited to, retirement, accrued leave and paid time off, cashed-in leave, cash equivalents, severance pay, pension plan accruals and contributions, deferred compensation, real property gifts, and any other liability owed to such persons. The disclosure must be accompanied by a written declaration, as provided for under s. 92.525(2), from the Chief Financial Officer, or his or her designee, stating that he or she has read the foregoing document and the facts stated in it are true. Such information also must be published on the local board's website, or the department's website if the local board does not maintain a website, for a period of 3 years after it is first published.

(14) Each local workforce development board shall annually publish its most recent Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax, on its website, or the department's website if the local board does not maintain a website. The form must be posted on the local board's website within 60 calendar days after it is filed with the Internal Revenue Service and remain posted for 3 years after it is filed.

Section 5. Paragraphs (a) and (e) of subsection (8) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(8) (a) Individual Training Accounts must be expended on programs that prepare people to enter ~~high-wage~~ occupations identified by the Labor Market Workforce Estimating Conference created by s. 216.136, and on other programs recommended and approved by the state board following a review by the department to determine the program's compliance with federal law.

(e) Training services provided through Individual Training Accounts must be performance-based, with successful job placement triggering final full payment of at least 10 percent.

Section 6. Section 445.038, Florida Statutes, is amended to read:

445.038 Digital media; job training.—CareerSource Florida, Inc., through the Department of Economic Opportunity, may use funds dedicated for incumbent worker training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the ~~targeted~~ occupations list developed by the Labor Market Workforce Estimating Conference ~~or CareerSource Florida, Inc.~~ Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.

Section 7. Subsection (8) of 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:

(8) "~~Uniform minimum preapprenticeship~~ Standards" means the minimum requirements established uniformly for each occupation ~~eraft~~ under which an apprenticeship or a preapprenticeship program is administered. The term ~~and~~ includes standards of admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the apprenticeship or preapprenticeship program, and the percentage of credit which may be given to an apprentice or a preapprentice ~~preapprenticeship graduates upon acceptance into the apprenticeship program.~~

Section 8. Subsections (1), (2), and (3) of section 446.032, Florida Statutes, are amended to read:

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

(1) Establish uniform minimum standards and policies governing apprenticeship ~~apprentice~~ programs and agreements which must require training providers to submit data necessary to determine program performance consistent with state and federal law. The standards and policies shall govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeyworkers, safety, related instruction, and on-the-job training; but these standards and policies may not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The department shall ~~may~~ adopt rules necessary to administer the standards and policies.

(2) By September 1 of each year, publish an annual report on apprenticeship and preapprenticeship programs. The report must be published on the department's website and, at a minimum, include all of the following:

(a) A list of registered apprenticeship and preapprenticeship programs, sorted by local educational agency, as defined in s. 1004.02(18), and apprenticeship sponsor, under s. 446.071.

(b) A detailed summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, including:

523 1. The total amount of funds received for apprenticeship
524 and preapprenticeship programs;

525 2. The total amount of funds allocated by training
526 provider, program, and to each trade or occupation;

527 3. The total amount of funds expended for administrative
528 costs by training provider, program, and per trade or
529 occupation; and

530 4. The total amount of funds expended for instructional
531 costs by training provider, program, per trade and occupation.

532 (c) The number of apprentices and preapprentices per trade
533 and occupation.

534 (d) The percentage of apprentices and preapprentices who
535 complete their respective programs in the appropriate timeframe.

536 (e) Information and resources related to applications for
537 new apprenticeship programs and technical assistance and
538 requirements for potential applicants.

539 (f) Documentation of activities conducted by the department
540 to promote apprenticeship and preapprenticeship programs through
541 public engagement, community-based partnerships, and other
542 initiatives and the outcomes of such activities and their impact
543 on establishing or expanding apprenticeship and
544 preapprenticeship programs.

545 (g) Retention and completion rates of participants
546 aggregated by training provider, program, and occupation.

547 (h) Wage progression of participants as demonstrated by
548 starting, exit, and postapprenticeship wages.

549 (3) Provide assistance to district school boards, Florida
550 College System institution boards of trustees, program sponsors,
551 and local workforce development boards in notifying students,

552 parents, and members of the community of the availability of
553 apprenticeship and preapprenticeship opportunities, including
554 data provided in the economic security report under ~~pursuant to~~
555 s. 445.07 and other state career planning resources.

556 Section 9. Paragraph (b) of subsection (2) of section
557 446.045, Florida Statutes, is amended to read:

558 446.045 State Apprenticeship Advisory Council.—

559 (2)

560 (b) The Commissioner of Education or the commissioner's
561 designee shall serve ex officio as chair of the State
562 Apprenticeship Advisory Council, but may not vote. The state
563 director of the Office of Apprenticeship of the United States
564 Department of Labor shall serve ex officio as a nonvoting member
565 of the council. The Governor shall appoint to the council four
566 members representing employee organizations and four members
567 representing employer organizations. Each of these eight members
568 shall represent industries that have registered apprenticeship
569 programs. The Governor shall also appoint two public members who
570 are knowledgeable about registered apprenticeship and
571 apprenticeable occupations and who are independent of any joint
572 or nonjoint organization. Members shall be appointed for 4-year
573 staggered terms. The Governor ~~A vacancy~~ shall fill any vacancy
574 ~~be filled~~ for the remainder of the unexpired term.

575 Section 10. Paragraph (e) of subsection (1) of section
576 1003.4156, Florida Statutes, is amended to read:

577 1003.4156 General requirements for middle grades
578 promotion.—

579 (1) In order for a student to be promoted to high school
580 from a school that includes middle grades 6, 7, and 8, the

student must successfully complete the following courses:

(e) One course in career and education planning to be completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under s. 445.07 and other state career planning resources. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285; the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another

610 course or courses.

611 Section 11. Subsections (3) and (5) of section 1003.4203,
612 Florida Statutes, are amended to read:

613 1003.4203 Digital materials, CAPE Digital Tool
614 certificates, and technical assistance.—

615 (3) CAPE DIGITAL TOOL CERTIFICATES.—The department shall
616 identify, in the CAPE Industry Certification Funding List under
617 ss. 1003.492 and 1008.44 ~~by June 15 of each year,~~ CAPE Digital
618 Tool certificates that indicate a student's digital skills. The
619 department shall notify each school district when the
620 certificates are available. The certificates shall be made
621 available to all public elementary and middle grades students.

622 (a) Targeted skills to be mastered for the certificate
623 include digital skills that are necessary to the student's
624 academic work and skills the student may need in future
625 employment. ~~The skills must include, but are not limited to,~~
626 ~~word processing; spreadsheets; presentations, including sound,~~
627 ~~motion, and color presentations; digital arts; cybersecurity;~~
628 ~~and coding consistent with CAPE industry certifications that are~~
629 ~~listed on the CAPE Industry Certification Funding List, pursuant~~
630 ~~to ss. 1003.492 and 1008.44.~~ CAPE Digital Tool certificates
631 earned by students are eligible for additional full-time
632 equivalent membership under ~~pursuant to~~ s. 1011.62(1)(o)1.a.

633 (b) The school district shall notify each middle school
634 advisory council of the methods of delivery of the open-access
635 content and assessments for the certificates. If there is no
636 middle school advisory council, notification must be provided to
637 the district advisory council.

638 (c) The Legislature intends that by July 1, 2018, on an

639 annual basis, at least 75 percent of public middle grades
640 students earn at least one CAPE Digital Tool certificate.

641 (5) CAPE INNOVATION AND CAPE ACCELERATION.—

642 (a) *CAPE Innovation.*—~~Up to five Courses, identified in the~~
643 ~~CAPE Industry Certification Funding List, which annually~~
644 ~~approved by the commissioner that~~ combine academic and career
645 content, and performance outcome expectations that, if achieved
646 by a student, must ~~shall~~ articulate for college credit and be
647 eligible for additional full-time equivalent membership under
648 ~~pursuant to~~ s. 1011.62(1)(o)1.c. Such approved courses must
649 incorporate at least two third-party assessments that, if
650 successfully completed by a student, must ~~shall~~ articulate for
651 college credit. At least one of the two third-party assessments
652 must be associated with an industry certification that is
653 identified on the CAPE Industry Certification Funding List. Each
654 course that is approved by the commissioner must be specifically
655 identified in the Course Code Directory as a CAPE Innovation
656 Course.

657 (b) *CAPE Acceleration.*—Industry certifications, ~~annually~~
658 ~~approved by the commissioner,~~ that articulate for 15 or more
659 college credit hours ~~and~~, if successfully completed, are ~~shall~~
660 ~~be~~ eligible for additional full-time equivalent membership under
661 ~~pursuant to~~ s. 1011.62(1)(o)1.d. Each approved industry
662 certification must be specifically identified in the CAPE
663 Industry Certification Funding List as a CAPE Acceleration
664 Industry Certification.

665 Section 12. Subsection (3) and paragraph (b) of subsection
666 (5) of section 1003.491, Florida Statutes, are amended to read:
667 1003.491 Florida Career and Professional Education Act.—The

Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(3) The strategic 3-year plan developed jointly by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Estimating Conference created in s. 216.136 ~~of the United States Department of Labor and the Department of Economic Opportunity;~~

(b) Strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Estimating Conference created in s. 216.136 ~~those careers determined to be high-wage, high-skill, and high-demand;~~

(c) Strategies to provide shared, maximum use of private sector facilities and personnel;

(d) Strategies that ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards;

(e) Strategies to provide personalized student advisement, including a parent-participation component, and coordination with middle grades to promote and support career-themed courses and education planning;

(f) Alignment of requirements for middle school career

697 planning, middle and high school career and professional
698 academies or career-themed courses leading to industry
699 certification or postsecondary credit, and high school
700 graduation requirements;

701 (g) Provisions to ensure that career-themed courses and
702 courses offered through career and professional academies are
703 academically rigorous, meet or exceed appropriate state-adopted
704 subject area standards, result in attainment of industry
705 certification, and, when appropriate, result in postsecondary
706 credit;

707 (h) Plans to sustain and improve career-themed courses and
708 career and professional academies;

709 (i) Strategies to improve the passage rate for industry
710 certification examinations if the rate falls below 50 percent;

711 (j) Strategies to recruit students into career-themed
712 courses and career and professional academies which include
713 opportunities for students who have been unsuccessful in
714 traditional classrooms but who are interested in enrolling in
715 career-themed courses or a career and professional academy.
716 School boards shall provide opportunities for students who may
717 be deemed as potential dropouts or whose cumulative grade point
718 average drops below a 2.0 to enroll in career-themed courses or
719 participate in career and professional academies. Such students
720 must be provided in-person academic advising that includes
721 information on career education programs by a certified school
722 counselor or the school principal or his or her designee during
723 any semester the students are at risk of dropping out or have a
724 cumulative grade point average below a 2.0;

725 (k) Strategies to provide sufficient space within academies

726 to meet workforce needs and to provide access to all interested
727 and qualified students;

728 (l) Strategies to implement career-themed courses or career
729 and professional academy training that lead to industry
730 certification in juvenile justice education programs;

731 (m) Opportunities for high school students to earn weighted
732 or dual enrollment credit for higher-level career and technical
733 courses;

734 (n) Promotion of the benefits of the Gold Seal Bright
735 Futures Scholarship;

736 (o) Strategies to ensure the review of district pupil-
737 progression plans and to amend such plans to include career-
738 themed courses and career and professional academy courses and
739 to include courses that may qualify as substitute courses for
740 core graduation requirements and those that may be counted as
741 elective courses;

742 (p) Strategies to provide professional development for
743 secondary certified school counselors on the benefits of career
744 and professional academies and career-themed courses that lead
745 to industry certification; and

746 (q) Strategies to redirect appropriated career funding in
747 secondary and postsecondary institutions to support career
748 academies and career-themed courses that lead to industry
749 certification.

750 (5) (b) Using the findings from the annual review required
751 in paragraph (a), the commissioner shall phase out career and
752 technical education offerings that are not aligned with the
753 needs of the state ~~employers or do not provide program~~
754 ~~completers with a middle wage or high wage occupation~~ and

encourage school districts and Florida College System institutions to offer programs that are not ~~offered~~ currently offered.

Section 13. Subsections (2) and (3) of section 1003.4935, Florida Statutes, are amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

(2) Each middle grades career and professional academy or career-themed course must be aligned with at least one high school career and professional academy or career-themed course offered in the district and maintain partnerships with local business and industry and economic development boards. Middle grades career and professional academies and career-themed courses must:

(a) Lead to careers in occupations aligned with ~~designated as high-skill, high-wage, and high-demand in~~ the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education;

(b) Integrate content from core subject areas;

(c) Integrate career and professional academy or career-themed course content with intensive reading, English Language Arts, and mathematics pursuant to s. 1003.4282;

(d) Coordinate with high schools to maximize opportunities for middle grades students to earn high school credit;

(e) Provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle grades students. The virtual instruction courses must be aligned to state curriculum standards for middle grades career and professional academy

courses or career-themed courses, with priority given to students who have required course deficits;

(f) Provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach;

(g) Offer externships; and

(h) Provide personalized student advisement that includes a parent-participation component.

(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy or a career-themed course, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) ~~s.~~ ~~1003.492(5)~~ for students enrolled in an academy or a career-themed course.

Section 14. Subsection (3) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

(a) The Florida Occupational Information System. ~~+~~

(b) The Florida Education and Training Placement Information Program. ~~+~~

(c) The Department of Economic Opportunity. ~~+~~

(d) The United States Department of Labor. ~~+~~ ~~and~~

(e) The Labor Market Estimating Conference created under s.

216.136.

(f) Other sources of data developed using statistically valid procedures.

Section 15. Paragraph (f) is added to subsection (1) of section 1008.44, Florida Statutes, to read:

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

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

(f) The Commissioner of Education shall conduct a review of the methodology used to determine additional full-time equivalent membership weights assigned in s. 1011.62(1)(o) and, if necessary, recommend revised weights. The results of the review and the commissioner's recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31, 2021.

Section 16. Subsection (3) of section 1011.801, Florida Statutes, is amended to read:

1011.801 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts and Florida College System institutions to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and Florida College System institutions on a competitive basis to

842 fund some or all of the costs associated with the creation or
843 expansion of workforce development programs that serve specific
844 employment workforce needs.

845 (3) The State Board of Education shall give highest
846 priority to programs that train people to enter high-skill,
847 high-wage occupations identified by the Labor Market Workforce
848 Estimating Conference and other programs approved by the state
849 board as defined in s. 445.002, programs that train people to
850 enter occupations under the welfare transition program, or
851 programs that train for the workforce adults who are eligible
852 for public assistance, economically disadvantaged, disabled, not
853 proficient in English, or dislocated workers. The State Board of
854 Education shall consider the statewide geographic dispersion of
855 grant funds in ranking the applications and shall give priority
856 to applications from education agencies that are making maximum
857 use of their workforce development funding by offering high-
858 performing, high-demand programs.

859 Section 17. Subsection (3) of section 1011.802, Florida
860 Statutes, is amended to read:

861 1011.802 Florida Pathways to Career Opportunities Grant
862 Program.—

863 (3) The department shall give priority to apprenticeship
864 programs with demonstrated regional demand identified by the
865 Labor Market Estimating Conference, such as health care
866 programs. Grant funds may be used for instructional equipment,
867 supplies, personnel, student services, and other expenses
868 associated with the creation or expansion of an apprenticeship
869 program. The department may award grants to expand only those
870 existing programs that exceed the median completion rate and

employment rate 1 year after completion for similar programs in the region, or in the state if there are no similar programs in the region. Grant funds may not be used for recurring instructional costs or for indirect costs. Grant recipients must submit quarterly reports in a format prescribed by the department.

Section 18. Paragraph (a) of subsection (1) of section 445.011, Florida Statutes, is amended to read:

445.011 Workforce information systems.—

(1) The department, in consultation with the state board, shall implement, subject to legislative appropriation, automated information systems that are necessary for the efficient and effective operation and management of the workforce development system. These information systems shall include, but need not be limited to, the following:

(a) An integrated management system for the one-stop service delivery system, which includes, at a minimum, common registration and intake, screening for needs and benefits, case planning and tracking, training benefits management, service and training provider management, performance reporting, executive information and reporting, and customer-satisfaction tracking and reporting.

1. The system should report current budgeting, expenditure, and performance information for assessing performance related to outcomes, service delivery, and financial administration for workforce programs pursuant to s. 445.004(5) and (10) ~~(9)~~.

2. The information system should include auditable systems and controls to ensure financial integrity and valid and reliable performance information.

900 3. The system should support service integration and case
901 management by providing for case tracking for participants in
902 welfare transition programs.

903 Section 19. Paragraph (a) of subsection (9) of section
904 1011.80, Florida Statutes, is amended to read:

905 1011.80 Funds for operation of workforce education
906 programs.—

907 (9) The State Board of Education and the state board as
908 defined in s. 445.002 shall provide the Legislature with
909 recommended formulas, criteria, timeframes, and mechanisms for
910 distributing performance funds. The commissioner shall
911 consolidate the recommendations and develop a consensus proposal
912 for funding. The Legislature shall adopt a formula and
913 distribute the performance funds to the State Board of Education
914 for Florida College System institutions and school districts
915 through the General Appropriations Act. These recommendations
916 shall be based on formulas that would discourage low-performing
917 or low-demand programs and encourage through performance-funding
918 awards:

919 (a) Programs that prepare people to enter high-wage
920 occupations identified by the Labor Market ~~Workforce~~ Estimating
921 Conference created by s. 216.136 and other programs as approved
922 by the state board as defined in s. 445.002. At a minimum,
923 performance incentives shall be calculated for adults who reach
924 completion points or complete programs that lead to specified
925 high-wage employment and to their placement in that employment.

926 Section 20. This act shall take effect July 1, 2021.

ROBERT A. STERMER

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March 2, 2021

Honorable Ashley Moody
Attorney General
Office of the Attorney General
State of Florida
The Capitol
Tallahassee, FL 32399-1050

RE: Request for Attorney General Opinion re: Citrus Levy Marion Regional Workforce Development Board, Inc.

Dear Attorney General Moody:

This office represents the Board of Directors of the Citrus Levy Marion Regional Workforce Development Board, Inc. ("CLM"), a special district of the State of Florida and an entity which is a subgrantee of the Florida Department of Economic Opportunity ("DEO") for various workforce development funds provided by the United States Department of Labor. By unanimous vote of the Executive Committee of CLM, I have been asked to request you to render an opinion on the following question:

Whether a contract provision required by DEO in its contract with CLM and with all twenty-three (23) of the other subgrantees to administer Federal workforce development funds is unenforceable as a matter of public policy, or, if enforceable, that CLM and its Board members will not be liable either civilly or criminally for enforcing the contractual provision. Specifically, whether the contractual provision is consistent with the provisions of Florida Statutes §286.011(2) and Florida Statutes §445.007(1) requiring that there be public access to all meetings of the Board and its various committees or whether Board members and employees declaring a conflict of interest may lawfully be excluded from Board Meetings and subcommittee meetings without subjecting the Board to potential non-criminal and Board members to potential criminal penalties.

Factual Background

In 2014 the Congress of the United States enacted Public Law 113-128 which is commonly known as the "Workforce Innovation and Opportunity Act of 2014" ("WIOA"). WIOA established a program to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment who are in special need of such training to obtain productive employment.

WIOA required the State of Florida to designate Service Delivery Areas (“SDAs”) to promote the effective delivery of job training services and further provided that a consortium of units of general local government might constitute such an SDA. The Governor of the State of Florida has designated a consortium of Citrus, Levy and Marion Counties to constitute one such Service Delivery Area. The aforementioned counties subsequently entered into an Interlocal Agreement which created CLM as their Regional Workforce Board. CLM is incorporated under the laws of the State of Florida as a not-for-profit corporation.

Recently, DEO required each SDA, including CLM, to enter into a Subgrantee Agreement (a copy of which is attached to the Accompanying Memorandum of Law) which specifies how subgrantees shall administer WIOA funds. That agreement contains a provision which requires Board members who declare a conflict of interest to leave Board meetings while the matter which was the subject of the conflict of interest declaration is discussed and voted upon. CLM’s Board is concerned that enforcement of the provision, which is apparently contrary to both Florida Statutes §289.011(1) and Florida Statutes §445.007(1) may result in CLM being assessed up to a \$500 non-criminal fine as set forth in Florida Statutes §286.011(3)(a) or individual Board members being subject to the criminal provisions of §286.011(3)(b). Accordingly, the CLM Board is seeking an Attorney General’s opinion as to the correct course of action.

Should you require any further information in regard to the foregoing, please do not hesitate to contact me. I remain,

Very truly yours,

Robert A. Stermer

RAS/ydw
Enclosure

Memorandum of Law

From: Robert A. Stermer
Counsel for Citrus Levy Marion Regional Workforce Development Board, Inc.

To: Ashley Moody
Attorney General, State of Florida

Date: February 23, 2021

Subject: Validity of a contractual provision between the State of Florida Department of Economic Opportunity (“DEO”) and the Citrus Levy Marion Regional Workforce Board, Inc., a Florida Special District (“CLM”) requiring CLM Board members and employees who declare a conflict of interest at a Board or committee meeting to leave the meeting room while the matter necessitating the declaration of conflict of interest is discussed and voted upon.

1. Introduction.

The Workforce Innovation and Opportunity Act, Pub. L. 113-128, (“WIOA”) is the federal legislation which sets forth the conditions under which states may receive various funds from the federal government to facilitate the development of its workforce. Chapter 445 of Florida Statutes, Workforce Services, sets forth Florida’s implementation of the requirements of WIOA.

In accordance with WIOA, Chapter 445 requires the Governor to designate Regional Service Delivery Areas (“SDAs”) to receive and administer WIOA funds. The Governor has established twenty-four (24) such areas. One of the SDAs encompasses Citrus, Levy and Marion Counties. Those counties entered into an Interlocal Agreement to establish the Citrus Levy Marion Regional Workforce Development Board, Inc., a non-profit corporation (“CLM,”) to administer the WIOA funds allocated to the three county SDA. CLM has been determined to be a Special District by the then Department of Community Affairs, now a bureau/unit within DEO.

In accordance with WIOA and Chapter 445, DEO and CLM entered into a Grantee-Subgrantee Agreement (“Agreement”¹) to delineate the duties and responsibilities of the parties with respect to funds administered under Chapter 445. A copy of the Agreement is attached hereto as Exhibit “A.” The provision in question, Paragraph 15.c.i. , provides in pertinent part:

I. Prior to entering into any Related Party Contract with any Related Party, the proposed Related Party Contract must be brought before the Board for consideration and approval. The Board shall ensure that: (I) the Board member or employee with the conflict removes himself or herself from the room prior to any discussions at any meeting, including subcommittee meetings, involving the contract; (ii) the Board member or employee with the

¹ Referred to as a Memorandum of Understanding in F.S. §445.009(4).

conflict is not physically present during the voting; and (iii) the Board member with the conflict abstains from any vote regarding the Related Party Contract.

The problematic portions of the above-quoted provision are subsections (I) and (ii) which require the Board to ensure that Board members or employees having a conflict remove themselves from the room prior to any discussion involving a proposed contract and further require Board Members to not be physically present during voting. There is no dispute as to subparagraph (iii) which requires Board members to abstain from voting on any matter for which they have a conflict of interest. The Board is concerned that enforcement of subparagraphs (I) and (ii) will subject the Board to a potential non-criminal penalty under Florida Statutes §286.011(3)(a) and could subject Board members to potential criminal liability under Florida Statutes §286.011(3)(c) merely for the act of attending a Board or committee/subcommittee meeting. Thus, the Board seeks guidance as to whether the contractual provision quoted above is unenforceable as a matter of public policy, or, if enforceable, that CLM and its Board members will not be liable either civilly (as to the Board) or criminally (as to the individual Board members in attendance) for enforcing the contractual provision.

2. The Law.

The starting point for analysis is the Florida Constitution which provides in Article I, Section 24 as follows:

Access to Public Records and Meetings

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public² and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

²Emphasis added.

(c) This section shall be self-executing. **The legislature, however, may provide by general law passed by a two-thirds vote of each house for the exemption of records from the requirements of subsection (a) and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law.**³ The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section, except that each house of the legislature may adopt rules governing the enforcement of this section in relation to records of the legislative branch. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsections (a) or (b) and provisions governing the enforcement of this section, and shall relate to one subject.

(d) All laws that are in effect on July 1, 1993 that limit public access to records or meetings shall remain in force, and such laws apply to records of the legislative and judicial branches, until they are repealed. Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed.

Florida Statutes, §286.011(1) and (2) provide m:

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

It is clear from the Florida Constitution that the public is required to be allowed access to all meetings unless a specific statutory exemption exists. A review of the Florida Statutes finds no law exempting Workforce Development Boards from the Application of Article I, Section 24. In fact F.S. §445.007(1) subjects Workforce Development Boards to Art. I, Section 24 of the Florida

³Emphasis added.

Constitution and to Florida Statutes Chapters 119 and 286 in their entirety. Specifically, F.S. §445.007(1) provides, “Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution.” Thus, there is no question as to the applicability of both Art I, s.24 of the Florida Constitution and Chapters 119 and 286 of Florida Statutes.

However, there may be a question as to whether Board members and CLM employees are members of the “public” for the purposes of the Florida Constitution and Chapter 286. Unfortunately, the term “public” is nowhere defined in Chapter 286 as it applies to who is entitled to access public records or attend meetings.

The term “public” is indirectly defined in Florida Statute §119.07(1)(a) in regard to public records wherein it is stated “(1)(a) Every person who has custody of a public record shall permit the record to be inspected and copied by **any person** desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.” Thus, it is clear that Chapter 119 applies to public records requests received from “any person” and as Florida Statutes §286.011 applies to requests from the “the public,” it appears that the term “the public” means any person. This conclusion is further buttressed by the concluding sentence of F.S. §286.011(2) which grants jurisdiction to the Circuit Courts to enforce the section upon application by **any citizen** of the state. It would also seem that the term applies to both public records and public meetings, as it would be a very odd interpretation indeed which would hold that for the purpose of accessing public records, the Chapter 286 reference to the “public” applies to “any person,” but for the purpose of attendance at public meetings, Chapter 286 applies to a restricted subset of the population. This is especially true given that exemptions from the requirements of Art. I, s.24 of the Florida Constitution require a two-thirds vote of both houses of the Florida Legislature, “such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law,” and no such vote has occurred.

This position is supported by both prior Attorney General opinions and Court decisions. In AGO 79-01 the Attorney General approvingly pointed out that Webster’s Third International Dictionary defined “public” to mean “the people as a whole,” and that the staff of a municipal housing authority were members of the public as well as employees of the Housing Authority and hence could not be excluded from its meetings. In *Port Everglades Authority v. Int’l Longshoremen’s Ass’n, Local 1922-1*, 652 So. 2d 1169 (Fla. 4th DCA 1995) the Court held that a mere request for bidders to leave the room while their competitors made presentations on their bids not only violated the Sunshine Law but caused the contracts issued to be invalidated. In AGO 99-53 the Attorney General ruled that the Sunshine law must be “broadly construed to effect its remedial and protective purpose.” The Attorney General cited *Times Publishing Company v. Williams*, 222 So. 2d 470.473 (Fla. 2d DCA 1969) which states “each. . . step [in the decision making process] constitutes an “official act,” an indispensable prerequisite to “formal action,” within the meaning of the act.” AGO 99-53 goes on to point out that the Florida Supreme Court has held in *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974) that the Sunshine Act extends to include the inquiry and discussion stages of public meetings.

From the foregoing it seems quite clear that, absent a specific statutory exemption, any contractual provision between two state agencies or between a state agency and any entity which by statute has been made subject to Chapters 119 and 286 can not limit the access of the public to meetings at any stage in the decision making process. To do so would constitute a prima facie violation of the Sunshine Law and such contractual provisions should be held void as against public policy. Anything less would fly in the face of logic and sound precedent.

3. Conclusion.

From the perspective of the CLM Board, although its members believe that laws should be applied consistently and so as to achieve their stated purposes, if the Attorney General opines that it is lawful for the Board to exclude Board members from Board and subcommittee meetings when discussing and voting on matters for which the member has a conflict of interest and that such exclusion will not result in the imposition of a fine on CLM and if the Attorney General also opines that Board members will not face potential criminal liability for attending a Board meeting at which another Board member is excluded as the result of a conflict of interest and if the Attorney General opines that contracts entered into while following the requirements of the Agreement are not invalid as a result, then the Board is quite prepared to proceed based on that opinion. However, it is the Board's belief and position that the contractual provision under review clearly should be held void as a matter of public policy until such time as the legislature enacts a law creating an exception to deal with Regional Workforce Board member conflicts of interest.