



BOARD MEETING AGENDA

Thursday, April 8, 2021 – 9:00 a.m.

Zoom Link: <https://us02web.zoom.us/j/83022499714>
Conference Line: 1 646 558 8656 - Meeting ID: 830 2249 9714#

Call to Order		K. Baxley
Invocation and Pledge of Allegiance		R. Stermer
Roll Call		C. Schnettler
Approval of Minutes, March 24, 2021	Pages 3 - 4	K. Baxley

PUBLIC COMMENT

DISCUSSION ITEMS

State Update		R. Skinner
Workforce Issues that are Important to Our Community		R. Skinner
CareerSource Florida's Administrative Policy Number 110,	Pages 5 - 21	R. Skinner
Local Workforce Development Area and Board Governance.		
Summary of Legislation- HB1505, HB1507, SB98	Pages 22 - 174	R. Skinner
DEO and FWDA responses	Pages 175 - 188	
DOL/DEO monitoring review for local impact	Pages 189 - 190	D. French
Board Orientation	Page 191	R. Skinner
Recertification Designation	Pages 192 - 198	D. French
Request for Attorney General's Opinion: Conflict	Pages 199 - 206	B. Stermer

ACTION ITEMS

Memorandum of Agreement	Pages 207 - 214	R. Skinner
Department of Corrections Grant	Page 215	D. French

CONSENT AGENDA

<u>Performance and Monitoring – 2/9/2021</u>		T. Knight
WT/SNAP/WIOA Monitoring Report - Underwood and Sloan	Pages 216 - 247	
<u>Business and Economic Development – 2/11/2021</u>		P. Beasley
None		
<u>Career Center – 2/18/2021</u>		
Area Targeted Occupation List Update – Life-Line Institute	Page 248	C. Harris
<u>Marketing and Outreach – 2/24/2021</u>		A. Jones
None		

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.



Executive Committee – 3/3/2021

Financial Audit

Travel Policy

One Stop Operator ITN Selection

Youth Services ITN Selection

Local Workforce Area Designation

Policy Update OPS-26 and OPS-46

Policy Update OPS - 81

Request for Attorney General's Opinion: Conflict

Pages 249 - 312

K. Baxley /

R. Skinner

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

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CAREERSOURCE CITRUS LEVY MARION BOARD MEETING

MINUTES

DATE: March 24, 2021
PLACE: College of Central Florida – Webber Center
3001 SW College Road, Ocala, FL 34474
TIME: 11:30 a.m.

MEMBERS PRESENT

Angie White
Arno Proctor
Carol Jones
Charles Harris
Darlene Goddard
Debra Stanley
Equilla Wheeler
Fred Morgan
Jeff Chang
John Hemken
Mike Melfi
Judy Houlios
Kathy Judkins
Kimberly Baxley
Mark Paugh
Pat Reddish
Pete Beasley
Ted Knight
William Burda

MEMBERS ABSENT

Albert Jones
Brandon Whiteman
David Pieklik
John Murphy
Jorge Martinez
Kevin Cunningham
Lanny Mathis
Mark Vianello
Rachel Riley
Theresa Flick

OTHER ATTENDEES

Rusty Skinner, CSCLM
Dale French, CSCLM
Cory Weaver, CSCLM
Cindy LeCouris, CSCLM
Iris Pozo
Laura Byrnes, CSCLM

Cira Schnettler, CSCLM
Robert Stermer, Attorney
Daniel Harper, DEO
Richard Powell, Powell and Jones
Roy Vanderford, TPMA

CALL TO ORDER

Due to technical issues the meeting started late. The meeting was called to order by Kim Baxley, Chair, at 11:44 a.m.

ROLL CALL

Cira Schnettler called roll and a quorum was declared present.

APPROVAL OF MINUTES

Bill Burda made a motion to approve the minutes from the December 9, 2020 meeting. Charles Harris seconded the motion. Motion carried.

INTRODUCTION OF NEW MEMBER

Kim Baxley introduced the new members that were appointed at the Consortium meeting on March 10, 2021. She welcomed John Murphy from the Citrus County Chronicle, Equilla Wheeler from Transform Co. in Marion County, and David Pieklik who has now transferred to his new position at the Citrus County BOCC representing economic development. John Murphy and David Pieklik were not in attendance. Equilla Wheeler shared about herself and her company.

PRESENTATIONS

Annual Financial Audit

Richard Powell, with the Powell and Jones auditing firm, presented the financial audit report. The audit is in compliance with Florida statutes and there were no findings to report. Kim Baxley noted that the audit was approved at the March 3rd Executive Committee meeting. Deb Stanly made a motion to approve the audit. Dr. Paugh seconded the motion. Motion carried.

DEO Annual Performance Presentation

Daniel Harper from DEO explained that the annual performance presentation provided to the Board from DEO is required. This performance review is for the 2019-2020 program year. He noted that all indicators of performance were either met or exceeded and there were improvements from the previous year in the number of findings from 8 to 5. He congratulated the board on a successful performance review.

PUBLIC COMMENT

None

ADJOURNMENT

The meeting broke for lunch at 12:15 pm. Upon returning to the meeting at 12:30 pm the audio/visual equipment was not working properly; troubleshooting was unsuccessful and the meeting could not continue. The Chair announced that the meeting will need to be rescheduled to complete the agenda. The meeting was adjourned at 12:45.

APPROVED:



**POLICY
NUMBER
110**

Administrative Policy

Title:	Local Workforce Development Area and Board Governance
Program:	Workforce Innovation and Opportunity Act
Effective:	03/04/2021

I. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Chief Local Elected Official (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 CLEOs 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 audit financial 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.

¹ Section 445.007(2)(c)

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.

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 jobseekers;
- 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 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 that 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 guide 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, 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 a 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 be faced with needing 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. DEO 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 in which the contract was terminated.

The LWDB will:

- a) Submit a request to serve in the role in 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 in 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 local 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 that are delegated to CLEO(s), or a consortium, reflect the agreement of all the chief elected officials in all jurisdictions of a local area and 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 amongst 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 that 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. They provide consistency and clarification on the roles and responsibilities of the various representatives governing the local workforce development system. The LWDB must ensure that 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;
- g) Required partners and programs;
- h) How the workforce system is funded;
- i) Performance requirements;
- j) Sunshine law requirements; and

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.

- 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 that 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. **Chief Local Elected Official (CLEO) (CEO 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 to 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)** is a 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
03/04/2021	Issued by the Florida Department of Economic Opportunity.
02/18/2021	Approved by CareerSource Florida Board of Directors.

VII. RESOURCES

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

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

pathways toward self-sufficiency.

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

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

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

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

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

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

216.136 Consensus estimating conferences; duties and 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,

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

432 Section 3. Paragraph (b) of subsection (8) of section
433 288.047, Florida Statutes, is amended to read:

434 288.047 Quick-response training for economic development.—

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

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

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

448 445.002 Definitions.—As used in this chapter, the term:

449 (2) "For cause" includes, but is not limited to, engaging
450 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

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

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

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

840 (e) Maintaining a Master Credentials List that:

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

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

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

849 ~~(d) Designating Institutes of Applied Technology composed~~
850 ~~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.

1226 (d) In considering whether to approve a contract under
1227 this subsection, the department shall review and consider all
1228 documentation provided to the department by the local board,
1229 including the performance of the entity with which the local
1230 board is proposing to contract with, if applicable, and the
1231 nature, size, and makeup of the business community served by the
1232 local board, including whether the entity with which the local
1233 board is proposing to contract with is the only provider of the
1234 desired goods or services within the area served by the local
1235 board ~~If a contract cannot be approved by the department, a~~
1236 ~~review of the decision to disapprove the contract may be~~
1237 ~~requested by the local workforce development board or other~~
1238 ~~parties to the disapproved contract.~~

1239 (12) Each local workforce development board shall develop
1240 a budget for the purpose of carrying out the duties of the local
1241 board under this section, subject to the approval of the chief
1242 elected official. Each local ~~workforce development~~ board shall
1243 submit its annual budget for review to the department no later
1244 than 2 weeks after the chair approves the budget. The local
1245 board shall publish the budget on its website, or the
1246 department's website if the local board does not maintain a
1247 website, within 10 days after approval by the department. The
1248 budget shall remain published on the website for the duration of
1249 the fiscal year for which it accounts for the expenditure of
1250 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

1426 Talent Development Council under ~~pursuant to~~ s. 1004.015 and the
1427 Articulation Coordinating Committee under ~~pursuant to~~ s.
1428 1007.01.

1429 3. Include student enrollment and performance data
1430 delineated by method of instruction, including, but not limited
1431 to, traditional, online, and distance learning instruction.

1432 4. Include criteria for designating baccalaureate degree
1433 and master's degree programs at specified universities as high-
1434 demand programs of emphasis. The programs of emphasis list
1435 adopted by the Board of Governors before July 1, 2021, shall be
1436 used for the 2021-2022 academic year. Beginning in the 2022-2023
1437 academic year, the Board of Governors shall adopt the criteria
1438 to determine value for and prioritization of degree credentials
1439 and degree programs established by the Credentials Review
1440 Committee under s. 445.004 for designating ~~Fifty percent of the~~
1441 ~~criteria for designation as~~ high-demand programs of emphasis.
1442 The Board of Governors must review designated programs of
1443 emphasis, at a minimum, every 3 years to ensure alignment with
1444 the prioritization of degree credentials and degree programs
1445 identified by the Credentials Review Committee. ~~must be based on~~
1446 ~~achievement of performance outcome thresholds determined by the~~
1447 ~~Board of Governors, and 50 percent of the criteria must be based~~
1448 ~~on achievement of performance outcome thresholds specifically~~
1449 ~~linked to:~~

1450 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~~

1626 rates, retention rates, Florida Bright Futures Scholarship
1627 awards, additional educational attainment, employment records,
1628 earnings, industry certification, return on investment, and
1629 employer satisfaction. ~~The results of this study shall be~~
1630 ~~submitted to the President of the Senate and the Speaker of the~~
1631 ~~House of Representatives annually by December 31.~~

1632 Section 17. Paragraph (a) of subsection (2) and subsection
1633 (3) of section 1003.4935, Florida Statutes, are amended to read:

1634 1003.4935 Middle grades career and professional academy
1635 courses and career-themed courses.—

1636 (2) Each middle grades career and professional academy or
1637 career-themed course must be aligned with at least one high
1638 school career and professional academy or career-themed course
1639 offered in the district and maintain partnerships with local
1640 business and industry and economic development boards. Middle
1641 grades career and professional academies and career-themed
1642 courses must:

1643 (a) Lead to careers in occupations aligned to ~~designated~~
1644 ~~as high-skill, high-wage, and high-demand in~~ the CAPE Industry
1645 Certification Funding List approved under rules adopted by the
1646 State Board of Education;

1647 (3) Beginning with the 2012-2013 school year, if a school
1648 district implements a middle school career and professional
1649 academy or a career-themed course, the Department of Education
1650 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

may include the following certificates, certifications, and courses:

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

(b) ~~No more than 30~~ CAPE Digital Tool certificates under ~~limited to the areas of word processing; spreadsheets; sound, motion, and color presentations; digital arts; cybersecurity; and coding pursuant to s. 1003.4203(3) that do not articulate for college credit. Such certificates shall be annually 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:

2251 1. Student attendance.
2252 2. Student program performance.
2253 3. Career Service or Career Day attendance.
2254 4. Participation in internship or work-study programs.
2255 5. Job search documentation.
2256 6. Development of a student career plan with the
2257 institution's career services department.
2258 (3) No later than July 1, 2022, each school district and
2259 Florida College System institution shall notify the State Board
2260 of Education of the money-back guarantee programs it offers.
2261 Information about these programs shall be made available on each
2262 school district's and Florida College System institution's
2263 website, on the department's website, and on EmployFlorida's
2264 website.
2265 (4) By November 1 of each year, the Department of
2266 Education shall report performance results by school district,
2267 Florida College System institution, and program to the Governor,
2268 the President of the Senate, and the Speaker of the House of
2269 Representatives.
2270 Section 29. Subsection (2) of section 1011.81, Florida
2271 Statutes, is amended to read:
2272 1011.81 Florida College System Program Fund.—
2273 (2) Performance funding for industry certifications for
2274 Florida College System institutions is contingent upon specific
2275 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.

A bill to be entitled
An act relating to workforce related programs and services; amending s. 216.136, F.S.; renaming the Workforce Estimating Conference as the Labor Market Estimating Conference; removing requirements for the Workforce Estimating Conference; providing requirements for the Labor Market Estimating Conference; amending s. 445.002, F.S.; redefining the term "for cause"; amending s. 445.004, F.S.; expanding the membership of the state workforce development board; 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; requiring the state board to assign letter grades to local workforce development boards; requiring local performance accountability measures to be based on identified local area needs; amending s. 445.007, F.S.; 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; providing term limits for local board members; 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;

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.

Total Employed

143,264

Total Wages

\$3,777,618,678

Average Wage

\$26,368

PROGRAM	AVERAGE WAGE
WIOA Adult	\$35,943
WIOA Dislocated Worker	\$41,127
WIOA Youth	\$17,062
Wagner-Peyser	\$26,138

EMPLOYMENT OBTAINED BY DEMOGRAPHIC	
Unemployed	112,701
Veterans	8,026
African Americans	50,166
Hispanic/Latino	36,273
Female	75,481
Male	63,828

*Information provided above is for participants that exited the programs and were reported on the Program Year 2019-2020 Federal Report.

AVERAGE COST PER PARTICIPANT	
WIOA Adult	\$2,534
WIOA Dislocated Worker	\$13,115
WIOA Youth	\$8,861
Wagner-Peyser	\$103

Services provided to participants

WIOA

- Assessments
- Career counseling
- Labor market information
- On-the-job training
- Apprenticeships
- Incumbent work training
- Scholarships for training
- Support services (such as transportation, childcare)

Wagner-Peyser

- Job referrals
- Resume building
- Labor market information
- Interview training
- Job fairs
- Recruitment for employers

Programs:

WIOA ADULT

Program Purpose: To increase the employment, job retention, earnings, and career advancement of U.S. workers by providing quality employment and training services to assist eligible individuals in finding and qualifying for meaningful employment, and to help employers find the skilled workers they need to compete and succeed in business.

Target Populations: Low Income Individuals; Basic Skills Deficient Individuals; Public Assistance Recipients; and Veterans.

WIOA DISLOCATED WORKER

Program Purpose: To provide quality employment and training services to assist workers who have been laid off or have been notified that they will be terminated or laid off in finding and qualifying for meaningful employment, and to help employers find the skilled workers they need to compete and succeed in business.

Target Populations: Individuals who have been terminated or laid off through no fault of their own; Separating service members; Individuals who are displaced homemakers; Military spouses of active duty service members. Individuals dislocated from employment due to federally declared emergencies or disasters; and Long-term unemployed individuals (eligible for disaster events only).

Note: This population includes individuals from National Dislocated Worker Grants (NDWG) which offers training and temporary, disaster-relief employment opportunities resulting in increased costs per participant.

ADULT AND DISLOCATED WORKER SERVICES

Career Services

- Basic (e.g. career counseling, workforce and labor market information, referrals to partners)
- Individualized (e.g. assessments, work experience, transitional jobs)

Support Services

- Assistance with transportation, childcare, books, uniforms or other appropriate work attire, work-related tools, needs-related payments, and other services that are necessary to enable an individual to participate in WIOA activities.

Training Services

- Work-based (On-the-job, Registered Apprenticeship, Incumbent Worker, Customized)
- Occupational Skills Training (training from Eligible Training Providers (ETP))

WIOA YOUTH

Program Purpose: Deliver a comprehensive array of services that focus on assisting out-of-school youth and in-school youth with barriers to employment and prepare for post-secondary education and employment opportunities, attain educational and/or skills training credentials, and secure employment with career/promotional opportunities.

Target Populations: In-school-youth (not younger than 14 or older than 21 a time of enrollment); Out-of-school youth (not younger than age 16 or older than 21 at time of enrollment).

Note: Priority if placed on out-of-school youth (75 percent of funds must be allocated for expenditures related for out-of-school youth services.)

YOUTH SERVICES

- Tutoring
- Alternative secondary school services
- Paid and unpaid work experiences
- Supportive services
- Mentoring
- Comprehensive guidance and counseling
- Financial literacy education
- Postsecondary education and training preparation activities

WAGNER-PEYSER

Program Purpose: Wagner-Peyser seeks to improve the functioning of the nation's labor markets by bringing together individuals seeking employment with employers seeking workers.

Target Populations: Wagner-Peyser is a universal program with a priority of service provided to veterans.

WAGNER-PEYSER SERVICES

Career Services

- Basic (e.g. resume assistance, workforce and labor market information, referrals to partner programs, referrals to job openings)

Measures	PY2018-2019 4th Quarter Performance - United States	PY2018-2019 4th Quarter Performance - Florida
Adults:		
Employed 2nd Qtr After Exit	71.30	85.70
Median Wage 2nd Quarter After Exit	\$6,170	\$8,272
Employed 4th Qtr After Exit	70.90	87.00
Credential Attainment Rate	62.30	84.20
Dislocated Workers:		
Employed 2nd Qtr After Exit	70.90	88.70
Median Wage 2nd Quarter After Exit	\$7,377	\$8,199
Employed 4th Qtr After Exit	71.70	86.70
Credential Attainment Rate	66.60	81.90
Youth:		
Employed 2nd Qtr After Exit	73.10	81.50
Employed 4th Qtr After Exit	72.60	80.10
Credential Attainment Rate	62.20	79.80
Wagner Peyser:		
Employed 2nd Qtr After Exit	68.30	66.00
Median Wage 2nd Quarter After Exit	\$5,789	\$5,335
Employed 4th Qtr After Exit	67.90	64.10

Additional performance measured outlined in other state's WIOA 4-year plan

Alabama

- Alabama will incrementally increase the percentage of WIOA funds used directly on job training over a 4-year period beginning with at least 45 percent in year one, 50% in year 2, 55% in year 3, and 60% in year 4.

North Carolina

- Outreach & Engagement
 - Provide staff-assisted services to a percentage of the labor force that is equal to or larger than the annual unemployment rate for the Local Workforce Development Boards (WDB) Area.**
 - Provide a staff-assisted service to at least 5% of all private businesses in the counties served by the local WDB.
 - At least 10% of all private businesses receiving staff-assisted services will be new customers.
 - At least 25% of all private businesses receiving staff-assisted services will be small businesses (<100 employees).
- Skills Gap
 - Provide training (classroom, on-the-job, and/or standardized training) services to at least 5% of adult participants.
 - Enroll at least 25% of youth served in the WIOA Youth program in a work-based learning activity. Process
- Process
 - Each WDB will engage in the creation of at least two NCWorks Certified Career Pathways. Evaluations will be tracked.
 - 100% of the local WDBs' career centers will be NCWorks Commission certified career centers. Certifications will be tracked.

South Carolina

- Participant Cost Rate: The Participant Cost Rate Policy (State Instruction Letter 17-04, Change 1), requires that each LWDB meet a minimum participant cost rate of 30 percent. The annually evaluated rate is calculated using combined local WIOA Title I Adult and Dislocated Worker program expenditures, include carry-in and new funds.
- Fund Utilization: The Fund Utilization Policy (State Instruction Letter 17-05) requires each LWDB to meet an annual 70 percent fund utilization rate for each of the WIOA Title I funding streams (Adult, Dislocated Worker, and Youth). The rate is calculated by dividing total program and administration expenditures by total available funds (carry-in and current annual allocation) for each funding stream.
- Priority of Service: The Priority of Service Policy (State Instruction Letter 15-17, Change 2) requires that, for those Title I Adult participants receiving individualized career services and training, 70 percent be low-income or basic skills deficient. LWDBs are responsible for

establishing local procedures to comply with this policy and for conducting outreach to these priority populations.

Texas (did not include goals just what data would be reported to the Governor)

- Percentage of recent high school graduates enrolled at a Texas college or university
- Number of pre-kindergarten-age students served through the Texas Early Education Model
- Percentage of nursing graduates employed or enrolled in nursing graduate programs in Texas
- Percentage of Texans receiving TANF cash assistance
- Percentage of adult welfare participants in job training who enter employment
- Number of employees in targeted industry sectors
- Number of new small businesses created
- Number of new nongovernment, nonfarm jobs created
- Texas unemployment rate
- Number of Texans receiving job-training services

Pennsylvania

- Double the number of apprentices to 30,000 by 2025
- Increase the creation of registered pre-apprenticeship and apprenticeship programs, particularly in non-traditional occupations as part of its career pathway system building efforts.
- Increase recruitment efforts of registered pre-apprenticeship and apprenticeship programs to increase the number of individuals from non-traditional populations, such as women, minorities, re-entrants, and persons with disabilities, into these programs, while also ensuring opportunities are available to both youth and adults.
- The commonwealth will expand access to online education and training programs that result in a credential or certification of value
- The commonwealth will encourage employers, including those that receive state funds from economic development and other programs, to utilize the public workforce system.
- The commonwealth will increase co-enrollment of opportunity youth in WIOA Core and partner programs, when relevant, to ensure that appropriate funds are leveraged to provide necessary services to these individuals. The commonwealth will also encourage the use of individual training accounts when serving opportunity youth.

Below are Florida Workforce Development Association's responses to questions/comments posed by the Florida House Education and Employment Committee on February 16, 2021.

In addition to information provided by the Florida Department of Economic Opportunity, FWDA offers this snapshot of the previous program year (19-20):

Program	total allocation to the 24 LWDBs	# rec' staff assisted services	Target population	types of services
Wagner-Peyser (includes salaries of state merit employees working in Career Centers)	26,875,071	194,909*	Wagner-Peyser is an employment program with no eligibility requirements and with a priority of service provided to veterans.	job search support, résumé prep, assessments, professional networking, recruitment events, access to resources such as computers and labor market information
WIOA Adult/Dislocated Worker	80,461,368	34,637	Low Income Individuals; Basic Skills Deficient Individuals; Public Assistance Recipients; and Veterans. Individuals who have been terminated or laid off through no fault of their own; Separating service members; Military spouses of active duty service members. Individuals dislocated from employment due to federally declared emergencies or disasters.	training that includes: <ul style="list-style-type: none"> • work experience • occupational skills • OJT • Entrepreneurial • workplace learning • apprenticeships
WIOA Youth	39,120,332	12,671	In-school-youth (not younger than 14 or older than 24 at time of enrollment); Out-of-school youth (not younger than age 16 or older than 24 at time of enrollment)	training that includes: <ul style="list-style-type: none"> • work experience • occupational skills • entrepreneurial • apprenticeships
Welfare Transition	52,514,907	16,769 open cases on June 29, 2020 compared to 5,166 open cases in June 2019.		

***This number does not include those who used the resources provided for job search that did not receive a direct service from staff.**

This is in addition to serving 59,335 businesses in 2019-2020 and administering the Dislocated Worker Grant for disaster relief.

Salaries

LWDB executive salaries are monitored by DEO for compliance with federal regulations and salary cap

The question regarding the salaries of the local workforce development boards has been answered by DEO. Each LWDB provides this information to DEO annually through a Salary Cap Certification process. The US Department of Labor requires certification inline with the salary caps imposed by the Federal Employment and Training Administration. Salaries of Executive Leadership is determined by local boards based upon longevity, performance, and size of region.

Websites

LWDB websites must adhere to CareerSource Florida branding policy

The Local Workforce Development Boards all follow the brand standards established by CareerSource Florida, including logos, fonts, color palettes, to ensure a unified look, feel and experience for businesses and job seekers. In addition, each website must reflect US Department of Labor's American Job Center logo and be ADA compliant. (see CSF's brand standards manual 8/31/2015).

Regarding inconsistencies on how the Eligible Training Providers Lists (ETPL) appear across the State and local websites, the required information is present on each website. The local workforce areas must and do provide all the necessary information to each customer seeking financial assistance through the WIOA program to cover costs to receive training/education.

On February 1, 2021, CareerSource Florida announced the creation of a policy development workgroup that includes DEO and representatives from the LWDBs to address the existing policies of the ETPL.

LWDB Board Members

LWDB board members are selected according to federal and state regulations, which includes the following:

The Workforce Innovation and Opportunity Act prescribes who shall be represented on the board of directors. LWDB board members are selected and approved by the Chief Local Elected Officials.

LWDB Board Members represent four categories:

- Majority are representatives of private business
- Not less than 20 percent are workforce representatives, i.e., labor or community-based organizations
- Entities administering education and training activities in the local area
- Government, including economic development

In accordance with Florida Statutes, Chapter 286, local boards operate under Florida's Sunshine Law

What are the occupations of board members? Board members on all LWDBs represent key industries across their regions in positions that include those owners of business concerns, chief executive or chief operating officers of non-governmental or other private sector executives who have substantial management or policy responsibility.

Do you have any board members who have contracts with your board? CareerSource Florida Policy prohibits local workforce development boards from entering a contract with one of its own board members unless they meet one of the following exemptions:

1. A contract with an agency (as defined in s. 112.312(2), including, but not limited to, those statutorily required to be board members) when said agency is represented by a board member and said member does not personally benefit financially from such contracts;
2. A contract with a board member or a vendor (when a board member has any relationship with the contacting vendor when the contract relates to the member's appointment to the board under the WIOA Title 1, Section 107(b)(2)(A)(vi);
3. A contract with a member receiving a grant for workforce services under federal, state or other governmental workforce programs;
4. A contract between a board and a board member which is not exempted under paragraphs II(a), II(b) or II(c) where the board documents exceptional circumstances and/or need and the board member does not personally benefit financially from the contract. Based upon criteria developed by CareerSource Florida, and the Department of Economic Opportunity shall review the board's documentation and assure compliance.

Such contracts, may not be executed before or without prior submission to the Department of Economic Opportunity for review and recommendation to CareerSource Florida, Inc.

A contract under \$25,000 between the Board and a member of the board is not required by State policy to have prior approval of CareerSource Florida, Inc., but must be approved by two-thirds vote of the local board, a quorum having been established, and must be reported to the Department of Economic Opportunity.

Whenever a conflict of interest exists, the conflict must be declared in an open meeting and the member must abstain from voting.

Is it common to have board members who have contracts with the board? Only in instances as outlined above.

Do you have many that have contracts that exceed the \$25,000? Depending on the region and their needs, the number of contracts may vary. However, any contract with a board member must comply with the policy and be submitted to, reviewed by and/or approved by CareerSource Florida or the Department of Economic Opportunity.

Eligibility and Services:

The LWDBs must follow federal eligibility and program requirements

What do you do if someone comes in who isn't eligible? Assuming this is related to WIOA-eligibility for training services, we will attempt to connect the customer to other community resources/partners that might be able to assist with funding, and provide all other universal services (assessment, labor market information, referrals to jobs and workshops such as resume writing, ace the interview, employability skills, etc.)

Is the Wagner-Peyser dictated or limited by the amount of funding?

Wagner-Peyser funds the labor exchange activities in the CareerSource Florida Network by bringing together individuals seeking employment with employers seeking workers. The program is not directly limited by the amount of funding as there are no client-related costs associated with Wagner Peyser services. These are universal services but WP budget affects service-delivery capacity (i.e., facilities/overhead).

What is your sense of the consistency of services across all the one stop centers? OPPAGA indicated they were not consistent. Each LWDB has a comprehensive Career Center that provides access to all services and required partners. Service delivery is designed to meet the needs of each community by the Board of Directors of each LWDB, which includes private business and community stakeholders.

Unlike retail chains, for example, whose success is rooted in their consistency in service delivery, product consistency, etc., it would be detrimental to the communities we serve should this standard be applied to the workforce development system. Communities, job seekers, and businesses vary and the strength of an LWDB lies in its ability to be flexible and responsive to the needs of the communities we serve. The variation in service delivery is an example of this kind of flexibility and value to Floridians.

Wrap-Around Services

Wrap-around services, commonly called support services, may be provided to eligible individuals who are unable to obtain services through other programs.

The majority of energy and effort of local workforce boards is focused on individuals with significant barriers to employment and as such wrap around services play a key role in success. Local boards design their services to fill gaps and enhance the availability of wrap around services. Florida is a diverse state and resources available within communities vary by region, so the boards work directly with individuals to make sure the gaps are filled enabling the individual to achieve success.

Local Boards routinely pay for tuition, books, fees, uniforms, transportation, and post-certification testing required for licensing as well as supplies needed for training. Examples of supplies would range from welding helmets to stethoscopes.

Local workforce boards may pay for additional services, depending on the rules of the funding source, or work with other partners to provide the wrap around services. These are areas where strong partnerships are required both to provide the services and to avoid duplication of effort. The goal is to overcome barriers that prevent the individual from being successful in a career that provides economic self-sufficiency. It is important to note that all cases are handled on a case by case basis to determine the best path to success.

Examples of the additional wrap around services provided by a board or another entity through referral include:

1. Food Assistance
2. Emergency Shelter/Housing
3. Transportation assistance (gas cards, bus passes)
4. Needs-related payments, stipends for attending classes
5. Childcare
6. Clothing, including uniforms
7. Tools needed for education or employment
8. Counseling
9. Health and Wellness

Would the wrap around services be provided with someone you have a contract with?

Some services may be provided through a direct contract and others may be provided through a localized referral network. Each board maintains a list of partners that can provide wrap around services with the local board stepping in to fill gaps. For example, a faith-based partner in one part of the region may provide transportation assistance that isn't available to individuals from another part of the region. In this case a local board may utilize the faith-based group where available but pay for transportation where they don't have a local provider to provide or pay for the service.

Training

Classroom training paid for with WIOA must be in a local demand occupation, high performing and customer choice driven.

LWDBs provide training services in accordance with WIOA, Sec. 134, Use of Funds for Employment and Training Activities and related regulations. Excerpts from TEGL 3-15 below:

Training services must be provided through an Individual Training Account, where the LWDB pays tuition and training-related services to the eligible training provider or through a contract if such training is not available. LWDBs do not provide vocational training.

These regulations require that the LWDB must determine that the individual seeking training “has the skills and qualifications to successfully participate in the selected program of training services.” This is referred to as the “ability to benefit” and some regions may use the TABE or other assessments to determine what is needed for the individual’s success.

The selection of training services should be conducted in a manner that maximizes customer choice.

Providers added/removed from the Eligible Training Provider Lists (ETPL)

State ETPL ensures the accountability, quality and labor-market relevance of programs and ensures informed customer choice.

Training providers may be added to the ETPL by fulfilling the requirements established by the State and LWDB. This includes, at a minimum, licensure through the State’s Commission for Independent Education, supplies student-based information to FETPIP annually and meets performance criteria as applicable.

Providers may be removed from the ETPL. This can happen for several reasons, but the most common one being the training is for an occupation where demand changes and the training is no longer in demand either permanently or for a time (due to market saturation). Other reasons include widespread negative feedback from participants about the quality of training; poor outcomes and/or there are administrative issues with reporting, billing, etc.; that cannot be remedied.

Welfare Transition Program

LWDBs follow the state and federal requirement for work-related participation.

Federal and State (445) TANF E&T rules requires participation in work-related activities. Participation in a GED or high school completion program cannot count toward this requirement for anyone over age 20. Some local regions may use online resources for this training on the customer’s behalf so that they may study for the high school diploma or its equivalent while the participant participates in an allowable activity.

If the participant chooses to participate in community work experience, the number of hours is proportional to the amount of temporary cash assistance combined with the value of supplemental nutrition assistance. The calculation of hours uses the State minimum wage and, while conducting work experience, the participant is considered an employee of the State for purposes of workers’ compensation coverage.

Facilities

Some LWDBs rent space from the State at a much reduce rate than market value

The majority of the LWDBs are non-profit entities not State or county entities. The State does own buildings that LWDBs lease for their one stop career centers – also referred to as REED Act buildings. The square footage price covers the cost of operating and maintaining the building (i.e. utilities, janitorial services, landscaping, building insurance, maintenance, and repairs, etc.) An example for Sarasota County – the square foot price is currently \$13.98 which is well below the local commercial market rate.

Are there protocols to make sure employment numbers and wages are accurate that are being reported by employers?

DEO pulls performance data from information reported directly by employers.

For performance purposes, the LWDBs do not report employment numbers or wages to DEO. The employment and wage information are provided directly to DEO from the Department of Revenue who has received it directly from the employer.

FWDA

The Florida Workforce Development Association, FWDA, is a voluntary association of the local workforce development boards.

A primary purpose of FWDA is to build capacity through education, training and technical assistance to its members. The main venue to build capacity among all employees, from front-line programmatic staff to executive leadership is the annual Workforce Summit. The agenda from our last Workforce Summit is attached to this document.

As the Career Centers do not close during this training, many of the workshops are designed as ‘train the trainer’, so that the participant may return to their region equipped to train the appropriate staff.

FWDA has not had a dues structure in place for three years. This will be revisited upon the expansion of membership recently recommended by DEO and approved by the membership.

Here is a sampling best practices shared among the members:

- Looking to use best practice for Target Occupational Listing (in planning phase)
- Trade Adjustment Assistance policy development
- Development and training of MIS staff
- Joint creation of Welfare Transition orientation videos (in process)
- ongoing group policy and program development efforts
- handling of COVID and office reopening and service deliver structure
- New Board Member Orientation & Governance Training
- Monthly Board Member Education
- Meeting the needs of Small Business: Employer Roundtables
- Effective and Compliant Board Member Recruitment Process
- Succession Planning Task Descriptions to ensure Continuity of Operations
- Mentoring 5 new Directors
- Effective Reports to the Board
- Building Strong Community Partnerships

- Understanding Infrastructure Costs and Working with Mandated Partners
- Best HR Practices: Employee Handbook
- How to write Policies and Local Operating Procedures
- Meeting the needs of Youth with Barriers
- Creation of Infrastructure Funding Agreements (IFA)
- Convening community partners, who and how to invite stakeholders
- Google Ad Grants Program

Members of the Florida Workforce Development Association (FWDA) fully support strengthening the state's workforce development system. In that spirit, the members of FWDA offer these recommendations and would welcome the opportunity to further explore ways to achieve a high level of accountability and transparency while they provide the highest level of services to Floridians as they strive to improve their employability.

- Quarterly or Bi-annual monitoring completed by external independent monitors would provide more accountability and more frequent feedback to the local boards and the Chief Elected Official. **Some smaller boards may have budget constraints securing these services.
- Replicate the staffing model of the veteran's programs with other partners, such as Vocational Rehabilitation and the Division of Blind Services
- State-level DEO, as the State Agency, to serve on the Local Workforce Development Board (not jointly managed staff)
- State coordinated MOU/IFA
- Common intake amongst partners
- Determine common data between DEO and DOE to be shared in the best interest of the student.
- Determine a method to capture and report data on the thousands of Floridians who benefit from the workforce development system.
- Require all individuals receiving reemployment assistance to give consensus to DEO to share their contact information with the Local Workforce Development Boards so that outreach may be conducted.
- US DOL waivers to provide flexibility in the delivery of services, including the opportunity to provide more services to in-school youth (high school)
- Implement the Wagner-Peyser Act staffing flexibility rule issued by the US DOL, Employment and Training Administration (ETA) on January 2020.
- Require the use of Employ Florida as the labor exchange tool for State agencies, their vendors, and graduating seniors from our State College and University System
- Adopting a community-wide referral system to coordinate services

USDOL State Monitoring Review Matrix					
State or Local Issue	Finding Number	Description	Condition	Local Issue	Impact/Resolution
State	1	Noncompliance with Board Composition	The SWDB does not meet representation requirements for WIOA.	Y	We are short on Levy reps. Working with Nominating Committee.
State	7	Eligible Training Provider List does not Include Required Information	The LWDB Eligible Training Provider Lists (ETPLs) for LWDBs 2, 9 and 23 does not include required performance information.	Y	We are revising our local TOL to include all elements
State	13	Noncompliance with Youth Policies and Guidance	The State's policies and procedures are incomplete and inconsistent with WIOA Youth program federal regulations and guidance.	Y	We need to review local policy to ensure our definition of ISY/OSY, 'requires additional assistance' and Basic Skills Deficient are clearly defined.
Local	22	Noncompliance with IEP Development Requirements	The review found that the CSSF is not using participant assessment results to develop an IEP and identify the need for WIOA training services.	Y	We need to verify that our IEPs reference the Customer Profile assessment when setting goals
Local	25	Approved Occupational Training from non-ETPL Providers	During the review of case files, two (2) participants (IDs # 15006764 and 8486531) received training from courses that are not on the ETPL.	Y	We must eliminate use of the TOL Variance form for programs that are not on our, or any other regions TOL as listed at www.floridajobs.org
Local	26	Improper Extension of Enrollment Dates for Adult, DW, and Youth Participants	Case file review found that AJC staff manually extended participants' enrollment in the WIOA Adult, DW and Youth programs when participants had no services for 90 days and no planned additional services.	Y	We need to review any cases that have been in activity 125 Job Search over 180 days
Local	29	LWDB Lacks Parent and Youth Involvement in Program Design	The LWDB's youth program design lacks the involvement and input of parents, youth participants, and community members.	Y	We need to review quantity/quality of feedback received through Net Promoter to see if this feedback would qualify. May need to tailor our survey to include more general feedback.
Local	31	Lack of Access and Referrals to the WIOA Youth Program	LWDBs do not comply with local requirements for WIOA Youth program access and referrals.	Y	We need to review access to Youth services in all centers. We need to ensure that all Youth are served initially even if a direct referral to a Youth CDC can not be done that day.
Local	33	Local Area Determining Youth Participation Based on Age	The local Career Center refers young, potential participants to either the WIOA Youth or Adult program, based on their age.	Y	We need to ensure staff are aware of expanded Youth services available to individuals up to age 24 depending on eligibility
Local	36	Lack of Youth Follow-Up Opt-out Requirements	The LWDB does not make the opt-out of follow-up services as required by law, available to youth participants. The youth service provider contract provisions do not include language that addresses the opt-out clause for youth follow-up services. The LWDB does not have any policy that covers the follow-up requirements	Y	We will need to add to our Youth Services contract Scope of Work and make sure both Youth and AD/DW include methods for opting out of follow-up services (note this is not quarterly follow-up)
Local	42	Noncompliance with Grievance Process Requirements	CSSF handles most complaints and grievances through informal resolution procedures, but lacks a monitoring process to track resolution of those complaints and grievances.	Y	We need to institute a formal written policy and tracking database in HR with outcome/resolution determinations
Local	47	Inadequate Procedures for Processing ES and Employment-Related Law Complaints	CSSF complaint procedures do not comply with the ES and Employment-Related law procedures. Career center staff do not use ETA Form 8429 to record complaints. The complaint form used by CSSF staff does not solicit all required information necessary to process a complaint.	Y	We need to conduct a full review of the complaint log process (although current policy set by DEO does not meet federal requirements as mentioned in the federal report)
State	2	Incomplete SWDB Member Vacancy Policy	The State does not have a policy or process in place for the nomination of SWDB members when a vacancy occurs.	N	
State	3	Lack of SWDB Statewide Policy Development Delegation Procedures	The State indicated that policy development activity is a function of both DEO and CSF staff. DEO is responsible for administrative policies, and CSF staff are responsible for strategic policy.	N	
State	4	Absence of SWDB Staff Hiring Policy	The SWDB does not have a policy for hiring staff.	N	Located in our Job Descriptions
State	5	Noncompliance with Local Plan Requirements	CSSF, the local area visited as part of this review, is operating from a 2016 Local Plan.	N	Our current plan is 2020-2024 posted on website
State	8	Lack of a Needs-Related Payment Policy	The State does not have a Needs-Related Payment policy to define the method for determining level of needs-related payments, the eligibility criteria and the payment amount.	N	This was put to local decision in current policy
State	9	Noncompliance with Incumbent Worker Training Policy Requirements	CareerSource Florida has not updated its current Incumbent Worker Training Policy to meet WIOA regulations.	N	We have OPS-83 to address all work-based programs
State	10	Inadequate Monitoring and Oversight of the LWDB Youth Program Design	The State's monitoring tool is insufficient to adequately assess and ensure LWDBs compliance with federal, state, local, and other	N	
State	11	Lack of Required Youth Statewide Activities for Youth Eligible Provider List	The State is not disseminating the list of eligible providers of youth activities.	N	
State	12	Lack of SWDB Criteria for Selection of Youth Providers	The State has not developed the criteria that local boards must use in awarding grants for youth workforce investment activities, nor have they issued procurement guidance for youth provider	N	
State	14	Inaccurate MIS Youth Program Service Codes and Descriptions	Case managers in CSSF are not properly capturing and reporting program element services provided to participants. They did not enter into the system several services that were required and incorporated into their service strategies for youth participants.	N	This is an EF issue with DEO
State	15	Lack of Adult Priority of Service Policy	The State does not have an Adult Priority of Service Policy.	N	Local policy has been updated to reflect WIOA verbiage and matches the updated CSF policy
State	16	Lack of Dislocated Worker Policies	The State does not have a Dislocated Worker eligibility policy.	N	We have a comprehensive eligibility policy for all WIOA programs.
State	17	Noncompliance with Pass-through Entity Requirements	The State's sub-award agreement does not reflect the provision of workforce development activities as prescribed in the WIOA regulations and the Uniform Administrative Requirements. The Grantee/Sub-grantee Agreement template provided was from the year 2012, which predates the implementation of WIOA and the Uniform Administrative Requirements.	N	
State	18	Lack of Adult and DW Funds Transfer Policy	LWDBs may transfer 100 percent of funds between the two (2) programs; however, the current transfer policy does not establish factors and criteria to allow for the transfer of funds between Adult and DW programs.	N	

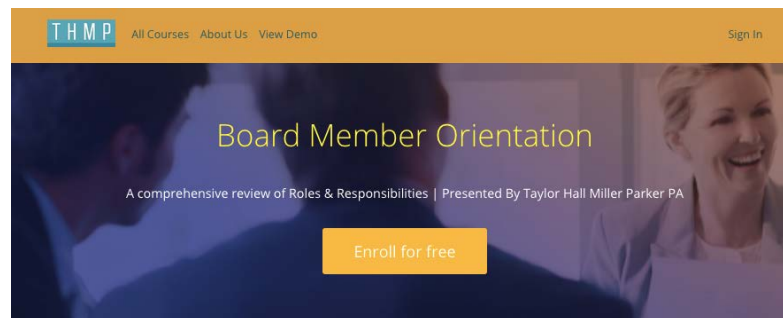
State	19	Incomplete Processes in Employment Services and Employment-Related Law Complaint Policy	Florida provided the DEO Employment Service Complaint Resolution System Handbook as its Employment Services (ES), employment-related law, and discrimination complaint policy. Several parts of the policy did not comply with federal regulations. The period of performance for the current Florida WOTC grant is from 10/01/2018 to 09/30/2020. Quarterly audits were not performed for Fiscal Year (FY) 2018 Quarter 4 (July – September 2018), FY 2019 Quarter 3 (April – June 2019), and FY 2020 Quarter 1 (October – December 2019).	N	
State	20	WOTC Quarterly Audits Were Not Completed as Required		N	
Local	21	Noncompliance with “Sunshine Provision”	CSSF does not meet the WIOA Sunshine Provision requirements in the areas of affiliation of LWDB members, selection of one-stop operators, award of grants or contracts to eligible training providers of workforce investment activities, including providers of youth workforce investment activities, minutes of formal LWDB meetings, and LWDB by-laws. The participant files reviewed showed enrollment of participants employed after a mass recruitment with an employer into WIOA and then into customized training.	N	We have current requirements on our website. All procurements are publicly advertised. Minutes and by-laws are posted
Local	23	Lack of Customized Training Policy and Guidance	The LWDB failed to develop an Incumbent Worker policy.	N	Local policy is in effect
Local	24	Lack of Incumbent Worker Training Policy	The youth participants’ Individual Service Strategy (ISS) plans template fail to incorporate Career pathways as a standard requirement. The LWDB is responsible for establishing the requirements of the ISS as part of designing the framework of services, and ensuring that program services comply with these requirements.	N	Local policy is in effect
Local	28	Lack of Career Pathways in Standard Youth Service Provisions	CSSF’s WIOA youth enrollment process does not comply with the law. One or more of the four (4) required activities were not completed prior to enrollment of the youth into the WIOA youth program.	N	
Local	30	Incomplete Enrollment Process for Youth	CSSF’s guidance for WIOA youth program eligibility is inconsistent, incorrect, and not in compliance with WIOA and state requirements.	N	
Local	32	Noncompliance with WIOA Youth Eligibility Policy Guidance		N	Contained in OPS-39. Our policy follows WIOA regs.
Local	38	Inadequate Monitoring and Oversight of Local Youth Program Design and Fiscal Requirements	The LWDB’s current monitoring processes does not ensure that providers are meeting all of the program and contract requirements, or that participants are receiving the services as required by WIOA. The LWDBs did not have a method to track and monitor the five percent eligibility exception for those qualifying under the “requires additional assistance” criteria	N	
Local	39	Lack of Adult Priority of Service Policy	The LWDB’s priority of services and special populations’ policy does not comply with WIOA regulations.	N	State and local policy have been updated
Local	40	Lack of Dislocated Worker Policies	The LWDB has does not have a required Dislocated Worker policy for determining eligibility.	N	Our policy meets requirements
Local	41	Inadequate Contract Administration Processes	CSSF’s one stop operator and youth provider contracts contain provisions for performance incentive payments for each Title I	N	The youth contract triggers payment on positive outcome
Local	43	SCSEP Memorandum of Understanding Not in Place AARP Foundation Sub-Grantee and Host Agency, SCSEP	The LWDB has not entered into a MOU and IFA Agreement with the local SCSEP provider, AARP. As a direct provider of services listed in Section 121 of the WIOA, AARP Foundation is a required partner and must enter into an MOU, including an Infrastructure Funding Agreement (IFA), with the AJC in the LWDBs where it provides those direct services.	N	We do not have sub-recipient relationships with MOU partners.
Local	44	No Host Agency Policies to Govern Training Plan Independent Living Facility Host Agency, SCSEP	The Host Agency did not have policies governing the development of training plans and the delivery of training services. The participant files did not document regular contact between host agency staff and participants to discuss participants’ employment goals and documentation of participants’ training milestones.	N	We do not have sub-recipient relationships with MOU partners.
Local	45	No Joint IEP and Service Plan Development between the Sub-Grantee, Host Agency, and Participants	The sub-grantee and host agency did not have a policy that provides guidance in the development of a participant’s IEP.	N	We do not have sub-recipient relationships with MOU partners.
Local	46	No Joint IEP and Service Plan Development between the Sub-Grantee, Host Agency, and Participants	The sub-grantee and host agency did not have a policy that provides guidance in the development of a participant’s IEP.	N	We do not have sub-recipient relationships with MOU partners.
Local	48	Incorrectly Recording Job Referrals and Placements during Mass Recruitments	Career center staff incorrectly recorded job referrals and placements. Growers and farm labor contractors (FLCs) organize mass recruitment events onsite at the employer’s location, and AJC staff assist workers with completing I-9 forms to verify work authorization. These farmworkers are also enrolled as ES Program participants.	N	We do not process I-9 documentation
Local	49	Lack of Trade Adjustment Assistance (TAA) Case Management Policy	CSSF does not have a policy to document the required eight (8) case management services to trade-affected workers. Without the policy, the State and LWDB could not demonstrate that they provide or offer these eight employment and case management services to eligible workers.	N	Our policy specifically references the 8 case management services.
Local	50	Noncompliance with 504 Disability Requirements	CSSF one-stop career centers do not comply with disability, physical and programmatic accessibility requirements. Individuals with disabilities cannot access the water fountain, door, bathroom or parking lot in two (2) of the centers. In addition, the career centers do not provide language translation services for all non-English speaking individuals, as well as individuals who are blind or deaf.	N	Our centers have been certified for accessibility by local and DEO monitors. Internal review occurs every two years.
State	6	Noncompliance with “Sunshine Provision”	Florida State Policy 2018.09.26.A.1 identifies a number of items that must be available via website by the State and local boards to meet the Sunshine Provision requirements.	N	All areas covered under the sub-grantee have been added to the website
Local	27	Lack of 14 Youth Element Design Framework in Local Plan	The local plan does not describe the method for ensuring that the 14 youth program elements are available. The plan lists some services available through the local WIOA Youth program, but the description and specific reference to the availability of the 14 elements within the framework is missing.	N	Our plan specifically addresses the 14 youth elements with examples of how they will be provided
Local	34	Not All 14 Youth Elements Made Available	The LWDB is not providing access to all 14 youth elements. The elements noted as unavailable included: occupational skills training, leadership development opportunities, entrepreneurial skills training, and adult mentoring.	N	All 14 elements available or through referral to partnering agencies
Local	35	Work Experience (WEX) Activities Do Not Include Occupational and Academic Components	Work experience services provided to youth program participants do not include the required academic and occupational education components.	N	Each agreement lists the specific academic and occupational skills to be learned throughout the experience.
Local	37	Lack of Local Area Youth Incentive Policy	CSSF does not have a policy for the provision of incentives for youth program participants. A review of participant files revealed that incentive payments are entered into the participant record system as supportive services. Incentive payments are allowable; however, incorrectly reporting them as supportive service payments could impact the participants’ ability to receive needed supportive service assistance.	N	

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.

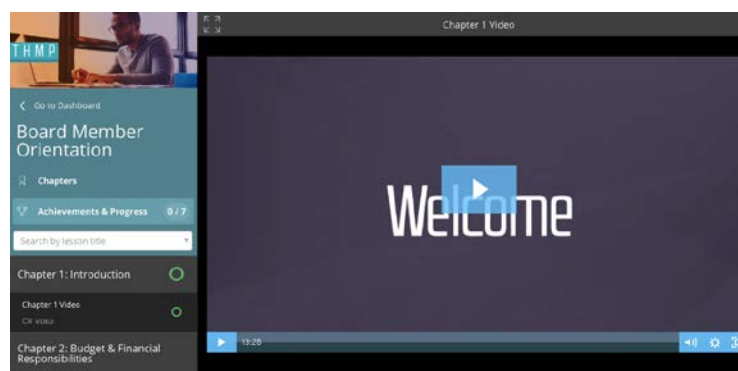
1. First, be sure to log-on to THMP Workforce Academy using the course URL (above), which takes you to the course landing page (below). Click on “Enroll for Free”:



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. 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'. A large orange button labeled 'Create Account' is positioned below the fields. At the bottom of the form, there is a link that says 'I already have an account!'. The entire form is set against a light gray background.


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

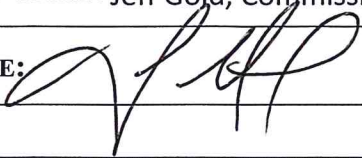


APPLICATION FOR SUBSEQUENT LOCAL WORKFORCE DEVELOPMENT AREA DESIGNATION

LOCAL WORKFORCE AREA INFORMATION	
NAME OF LOCAL AREA: CareerSource Citrus Levy Marion	
LWDB NUMBER: 10	
DATE OF SUBMISSION: 3/16/2021	
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: 3/10/2021

LOCAL CHIEF ELECTED OFFICIAL	
NAME AND TITLE: Jeff Gold, Commissioner	COUNTY: Marion County, Consortium Chair
SIGNATURE: 	DATE: 3/10/2021

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:

LOCAL WORKFORCE DEVELOPMENT BOARD (LWDB) MEMBERSHIP

LOCAL WORKFORCE DEVELOPMENT BOARD NAME:

CareerSource Citrus Levy Marion - 10

NAME OF LWDB MEMBERS	AREA(S) OF REPRESENTATION	NOMINATING ORGANIZATION	DEMOGRAPHICS	PERIOD OF APPOINTMENT
Theresa Flick	WOD - Workforce-Community-based	Key Training Center	F - Fem; W - White (not Select c	06/30/20 06/30/24
Charles Harris	OTHER - Other (please specify group)	Central Florida Community Action Agency	M - Male; B - Black/Afric; Select c	01/25/18 06/30/21
Ted Knight	WOV - Workforce-Community-based	Marine Corp. League	M - Male; B - Black/Afric; V - Vet	06/30/20 06/30/23
Fred Morgan	WOLO - Workforce-Labor Organizati	IBEW Local Union 222	M - Male; W - White (not V - Vet	06/30/20 06/30/25
Fred Morgan	WOJ - Workforce-Joint labor-manage	IBEW Local Union 222	M - Male; W - White (not V - Vet	02/28/20 06/30/25
Jorge Martinez	WOY - Workforce-Community-based	FL DCF	M - Male; W/H - White ar Select c	06/30/19 06/30/22
Carol Jones	ETPA - Education and Training Provi	School Board of Levy County	F - Fem; W - White (not Select c	06/30/19 06/30/23
David Pieklik	GRED - Government Representative	Citrus County Economic Development	M - Male; W - White (not Select c	03/10/21 06/30/21
Judy Houlis	GRED - Government Representative	Ocala Housing Authority	F - Fem; W - White (not Select c	06/30/19 06/30/22
Angie White	GRVRD - Government Representativ	FL Vocational Rehab	F - Fem; B - Black/Afric; Select c	02/28/20 06/30/24
Mark Vianello	ETPA - Education and Training Provi	Marion County Public Schools	M - Male; W - White (not Select c	06/30/19 06/30/22
Pete Beasley	ETPC - Education and Training Provi	Rasmussen College	M - Male; W - White (not Select c	06/30/20 06/30/24
Pete Beasley	BU - Business	Rasmussen College	M - Male; W - White (not Select c	06/30/20 06/30/24

LWDB BOARD MEMBERSHIP

(Continued)

NAME OF LWDB MEMBERS	AREA(S) OF REPRESENTATION	NOMINATING ORGANIZATION	DEMOGRAPHICS	PERIOD OF APPOINTMENT
Debra Stanley	ETPA - Education and Training Provider-A	Citrus EDC	F - Female O - Other Select code...	06/30/19 06/30/23
Darlene Goddard	BU - Business	Ocala EDC	F - Female W - White (not Hispa Select code...	06/28/16 06/28/21
Jeff Chang	BU - Business	MRMA	M - Male O - Other Select code...	02/25/19 06/30/23
Arno Protor	BU - Business	MRMA	M - Male W - White (not Hispa Select code...	02/28/20 06/30/24
Rachel Riley	BU - Business	Citrus EDC	F - Female O - Other Select code...	06/30/20 06/30/24
Brandon Whiteman	BU - Business	Benefits Advisors	M - Male W - White (not Hispa Select code...	02/25/19 06/30/22
Mike Melfi	BU - Business	Champs Software	M - Male W - White (not Hispa Select code...	06/28/19 06/30/23
John Hemken	BU - Business	MRMA	M - Male W - White (not Hispa Select code...	06/12/20 06/30/23
Al Jones	BU - Business	CEP	M - Male W - White (not Hispa Select code...	06/30/19 06/30/23
Kim Baxley	BU - Business	NCBDC	F - Female W - White (not Hispa Select code...	01/25/18 06/30/22
William Burda	BU - Business	EDAC	M - Male W - White (not Hispa Select code...	03/01/17 06/30/21
Pat Reddish	BU - Business	Ocala EDC	F - Female W - White (not Hispa Select code...	06/30/19 06/30/22
Kevin Cunningham	BU - Business	Citrus EDC	M - Male W - White (not Hispa Select code...	06/28/16 06/30/21
Kathy Judkins	BU - Business	CEP	F - Female B - Black/African Arr Select code...	06/28/16 06/30/21
Nelson Mathis, Jr.	WOLO - Workforce-Labor Organization	IBEW Local Union 1205	M - Male W - White (not Hispa Select code...	06/30/20 06/30/24
John Murphy	BU - Business	Citrus Chamber	M - Male W - White (not Hispa Select code...	03/10/21 06/30/23
Equilla Richardson	BU - Business	MRMA	F - Female B - Black/African Arr Select code...	03/10/21 06/30/23
Mark Paugh	ETPC - Education and Training Provider-In	College of Central Florida	M - Male W - White (not Hispa Select code...	06/28/16 06/30/21
	Select an Area...		Select a G Select a Race/Ethnic Select code...	

AREA(S) OF REPRESENTATION CODES

BU – Business

WOLO – Workforce-Labor Organization

WOJ – Workforce-Joint labor-management Apprenticeship Program

WOD – Workforce-Community-based Organizations representing Individuals with Disabilities (optional)

WOV – Workforce-Community-based Organizations representing Veterans (optional)

WOY – Workforce-Community-based Organizations representing Youth (optional)

ETPA – Education and Training Provider-Adult Education and Literacy

ETPC – Education and Training Provider-Institution of Higher Education

ETPO – Education and Training Provider-Other Providers (optional)

GRED – Government Representative-Economic Development

GRES – Government Representative-Employment Service

GRVRD – Government Representative-Vocational Rehabilitation

GRO – Government Representative-Other (optional)

OTHER – Other (please specific group/program being represented) (optional)

DEMOGRAPHICS CODES

GENDER CODES

M – Male

F – Female

RACE/ETHNIC CODES

W – White (not Hispanic)

B – Black/African American (not Hispanic)

W/H – White and Hispanic

B/H – Black and Hispanic

O – Other

OTHER CODES

D – Disabled individual

OI – Older individual

V – Veteran

PY 2018 & PY 2019 FLORIDA WORKFORCE INDICATORS OF PERFORMANCE

LWDA 10 – CareerSource Citrus Levy Marion

July 1, 2018 – June 30, 2019 Outcomes

Measures	PY2018-2019 1st Quarter Performance	PY 2018-2019 % of Performance Goal Met For Q1	PY2018-2019 2nd Quarter Performance	PY 2018-2019 % of Performance Goal Met For Q2	PY2018-2019 3rd Quarter Performance	PY 2018-2019 % of Performance Goal Met For Q3	PY2018-2019 4th Quarter Performance	PY 2018-2019 % of Performance Goal Met For Q4	PY 2018-2019 Performance Goals
Adults:									
Employed 2nd Qtr After Exit	90.40	106.35	91.80	108.00	94.90	111.65	94.60	111.29	85.00
Median Wage 2nd Quarter After Exit	\$8,090	118.10	\$7,782	113.61	\$7,655	111.75	\$7,825	114.23	\$6,850
Employed 4th Qtr After Exit	88.70	108.17	85.60	104.39	89.80	109.51	89.20	108.78	82.00
Credential Attainment Rate	88.70	104.35	89.10	104.82	91.40	107.53	90.10	106.00	85.00
Dislocated Workers:									
Employed 2nd Qtr After Exit	100.00	120.48	100.00	120.48	100.00	120.48	100.00	120.48	83.00
Median Wage 2nd Quarter After Exit	\$11,339	165.53	\$12,569	183.49	\$12,233	178.58	\$11,003	160.63	\$6,850
Employed 4th Qtr After Exit	85.70	114.27	88.90	118.53	100.00	133.33	100.00	133.33	75.00
Credential Attainment Rate	100.00	133.33	100.00	133.33	100.00	133.33	100.00	133.33	75.00
Youth:									
Employed 2nd Qtr After Exit	87.00	116.00	85.40	113.87	85.50	114.00	78.10	104.13	75.00
Employed 4th Qtr After Exit	65.90	95.51	71.40	103.48	70.10	101.59	77.20	111.88	69.00
Credential Attainment Rate	92.80	109.18	93.90	110.47	98.50	115.88	98.50	115.88	85.00
Wagner Peyser:									
Employed 2nd Qtr After Exit	66.70	107.58	66.70	107.58	67.20	108.39	68.40	110.32	62.00
Median Wage 2nd Quarter After Exit	\$4,841	99.81	\$4,902	101.07	\$4,997	103.03	\$5,120	105.57	\$4,850
Employed 4th Qtr After Exit	69.00	107.81	67.60	105.63	66.30	103.59	66.90	104.53	64.00

Not Met (less than 90% of negotiated)

Met (90-100% of negotiated)

Exceeded (greater than 100% of negotiated)

PY2019 & PY 2020 FLORIDA WORKFORCE INDICATORS OF PERFORMANCE

LWDA 10 – CareerSource Citrus Levy Marion

July 1, 2019 – June 30, 2020 Outcomes

Measures	PY2019-2020 1st Quarter Performance	PY 2019-2020 % of Performance Goal Met For Q1	PY2019-2020 2nd Quarter Performance	PY 2019-2020 % of Performance Goal Met For Q2	PY2019-2020 3rd Quarter Performance	PY 2019-2020 % of Performance Goal Met For Q3	PY2019-2020 4th Quarter Performance	PY 2019-2020 % of Performance Goal Met For Q4	PY 2019-2020 Performance Goals
Adults:									
Employed 2nd Qtr After Exit	96.00	112.68	95.00	111.50	93.70	109.98	92.40	108.45	85.20
Median Wage 2nd Quarter After Exit	\$7,088	103.47	\$7,045	102.85	\$6,870	100.29	\$6,807	99.37	\$6,850
Employed 4th Qtr After Exit	91.90	111.39	92.70	112.36	91.90	111.39	92.70	112.36	82.50
Credential Attainment Rate	89.40	101.59	86.00	97.73	85.40	97.05	85.70	97.39	88.00
Dislocated Workers:									
Employed 2nd Qtr After Exit	100.00	120.19	100.00	120.19	100.00	120.19	100.00	120.19	83.20
Median Wage 2nd Quarter After Exit	\$12,991	189.65	\$10,276	150.01	\$10,276	150.01	\$10,710	156.35	\$6,850
Employed 4th Qtr After Exit	100.00	131.58	100.00	131.58	100.00	131.58	100.00	131.58	76.00
Credential Attainment Rate	100.00	132.98	100.00	132.98	80.00	106.38	75.00	99.73	75.20
Youth:									
Employed 2nd Qtr After Exit	77.70	102.91	77.20	102.25	78.70	104.24	83.30	110.33	75.50
Employed 4th Qtr After Exit	81.60	117.92	78.80	113.87	76.40	110.40	77.20	111.56	69.20
Credential Attainment Rate	98.00	114.89	98.70	115.71	98.60	115.59	98.60	115.59	85.30
Wagner Peyser:									
Employed 2nd Qtr After Exit	72.40	116.40	72.80	117.04	73.00	117.36	73.70	118.49	62.20
Median Wage 2nd Quarter After Exit	\$5,321	109.71	\$5,520	113.81	\$5,503	113.46	\$5,478	112.95	\$4,850
Employed 4th Qtr After Exit	67.30	104.83	67.50	105.14	70.70	110.12	72.00	112.15	64.20

Not Met (less than 90% of negotiated)

Met (90-100% of negotiated)

Exceeded (greater than 100% of negotiated)

ROBERT A. STERMER

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OCALA, FLORIDA 34476

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E-MAIL: SV1@ATLANTIC.NET

FACSIMILE: (352) 861-0494

March 12, 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 Bondi:

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 sixteen (16) 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.

This is a matter of some urgency for the Board as it will be voting at its upcoming June meeting to enter into a number of contracts for which various Board members may have conflicts of interest. Given the analysis contained in the attached Memorandum of Law, without an Attorney General’s opinion one way or the other, I feel it would be inadvisable for any Board member to attend the June Board meeting, much less vote on any matter coming before the Board.

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: March 12, 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 seventeen (17) 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 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.

¹ Referred to as a Memorandum of Understanding in F.S. §445.009(4).

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 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.

(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**

²Emphasis added.

shall be no broader than necessary to accomplish the stated purpose of the law.² 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 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.

Federal law also contains provisions designed to promote public access to Board activities. Specifically §107(e) of WIOA provides:

(e) SUNSHINE PROVISION.—The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local board

Thus it would seem that the subject contract clause would also violate Federal law in that a member of the public, the excluded Board member, might be denied access to “information concerning [Board] open meetings [and], information regarding the activities of the local board.”

Further explanation of this provision is provided in 20 C.F.R. § 679.390 below:

§ 679.390 How does the Local Workforce Development Board meet its requirement to conduct business in an open manner under the “sunshine provision” of the Workforce Innovation and Opportunity Act?

The Local WDB must conduct its business in an open manner as required by WIOA sec. 107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the Local WDB. This includes:

- (a) Information about the Local Plan, or modification to the Local Plan, before submission of the plan;
- (b) List and affiliation of Local WDB members;
- ©) Selection of one-stop operators;
- (d) Award of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities;
- (e) Minutes of formal meetings of the Local WDB; and
- (f) Local WDB by-laws, consistent with § 679.310(g).

The exclusion of Board members from Board meetings could violate a number of the foregoing provisions of 20 C.F.R. § 679.390, the most obvious of which is subsection (d), the “[a]ward of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities.”

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, the WIOA and the Code of Federal Regulations 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.



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
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:

Commissioner Meeks made a motion to approve the amendments to the Memorandum of Agreement. Commissioner Schlabach seconded the motion. Motion carried.

BOARD 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



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
Consortium Meeting, Wednesday, March 10, 2021

TOPIC/ISSUE:

Florida Department of Corrections Grant acceptance

BACKGROUND:

We originally accepted a grant from Worldwide Interactive Network (WIN) in the fall of 2019 to provide employment and training services to incarcerated individuals at the Lowell Correctional facility who were within 180 days of release. The goal of the project is to better prepare individuals with backgrounds to more easily reintegrate into the workforce and reduce recidivism. Those services were halted in the spring of 2020 due to Covid-19 restrictions and inaccessibility to the facility due to Covid. Restrictions are beginning to be lifted and we are ready to begin services again.

POINTS OF CONSIDERATION:

Our work plan has been approved by WIN for the remaining quarter of this program year (ending June 30, 2021). If funding is accepted it will allow for the provision of services at the Lowell facility beginning March 30 through the end of the program year. It is our goal to provide services for the duration of the next program year (July 1, 2021 – June 30, 2022). We will address a contract modification with the Board if funding is approved going forward.

STAFF RECOMMENDATIONS:

Approve acceptance of the WIN sub-award for services at Lowell Correctional Institute in the amount of \$20,123.00.

COMMITTEE ACTION:

BOARD ACTION:



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021 Performance and Monitoring Committee, Tuesday, February 9, 2021

TOPIC/ISSUE:

Independent Monitoring Report for WIOA, Welfare Transition (WT) and SNAP

BACKGROUND:

Underwood Sloan & Associates is our contracted third-party monitoring firm. They have completed a review of the WIOA, WT, and SNAP programs and policies.

POINTS OF CONSIDERATION:

The following report details the areas that were monitored and any issues found. One area of special note is the review of the WIOA policies. Underwood Sloan tested our local operating procedures against the recent policy revisions issued by the DEO. The recommended policy adjusted are incorporated into this report. Revision of local operating procedures will be reviewed by the committee and Executive committee as well as the DEO for approval.

STAFF RECOMMENDATIONS:

Accept the attached monitoring report and recommended policy revisions.

COMMITTEE ACTION:

William Burda made a motion to accept the monitoring report and accept the recommended changes to local policies. Fred Morgan seconded the motion. Motion carried.

BOARD ACTION:

PROGRAMMATIC MONITORING

**Underwood Sloan and Associates and
Indelible Business Solutions**

Preliminary findings of CareerSource Citrus Levy Marion's programmatic processes and procedures for the Workforce Innovation and Opportunity Act and Welfare Transition programs.

**Draft
Report**

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Executive Summary

Underwood, Sloan and Associates, LLC (USA) and Indelible Business Solutions were contracted to conduct programmatic and fiscal monitoring services for CareerSource Citrus Levy Marion (CSCLM). We aim to provide meaningful results through a holistic review of program processes in order to improve CSCLM operations, enhance services to the business community, and ensure quality assistance to those seeking employment and training opportunities.

Based on the contracted scope of work, the initial monitoring contained herein was focused on programmatic activities and program centric financial systems and controls and included interviews with frontline, mid-, and senior level staff. The monitoring included the review of randomly sampled program participant files, payments (training and support services), and payment processes for the Workforce Innovation and Opportunity Act (WIOA) Adult and Youth Programs and the Welfare Transition (WT) Program. The case file review included issuance of supportive services, needs based payments, tuition assistance, and payments made through work-based learning agreements such as On the Job Training (OJT), Customized Training, and Paid Internship and Work Experience agreements.

The review analyzed the validity of all payments as well as a review of CSCLM's processes and controls to ensure compliance with federal and state laws, regulations, and statutes. Finally, the review also provides suggestions for increased efficiencies for the current processes of payment management.

Findings	Twelve Findings
Other Noncompliance Issues	Five Other Noncompliance Issues
Observations	Ten Observations

Overall, the review found that CSCLM's programmatic processes and procedures for these programs conform to applicable state and federal regulations. As the third highest performing Local Workforce Development Board (LWDB) in the State of Florida based on the PY2019-20 Statewide Indicators of Performance report, material findings of noncompliance were minimal. However, many opportunities are present for local office policy creation and/or updates to provide detailed guidance to program staff on many case management functions and processes to establish and reinforce compliance protocol.

Review Scope

During the October 1, 2020 introductory meeting with CSCLM and USA executive staff, it was determined that a three-day on-site monitoring visit would suffice to kick-off the programmatic review. During the initial visit, conducted October 6-8, 2020 at the Marion County office, staff were interviewed to gain a thorough understanding of the physical handling of the cases for the WIOA and WT programs, including case management, systems processing, and data requirements. Staff provided program policies, forms, and other material to support the internal processes that were explained in detail. At the conclusion of the site-visit, electronic access was granted to the reviewer for the systems necessary to review and test sample participant case files, specifically the Employ Florida, Atlas, One-Stop Service Tracking (OSST), and Gazelle systems.

The remainder of the programmatic review was conducted remotely.

In order to provide a holistic overview of CSCLM processes, not only for compliance with state and federal regulations but also to provide recommendations for efficiencies and improvements, the review included the following:

- A comprehensive evaluation of local office policies for sufficient guidance and compliance.
- A review of prior programmatic monitoring results from the Department of Economic Opportunity (DEO) to identify recurring issues or material findings for process improvement consideration.
- Testing a sample of WIOA Adult and Youth cases utilizing the DEO programmatic monitoring tool.
- Testing a sample of WT cases utilizing the DEO programmatic monitoring tool.
- A review of the sample participant case files for recommendations not included in the DEO programmatic monitoring tools.

All the items reviewed above were evaluated against and/or compared with the following as applicable:

- DEO-LWDB Grantee-Subgrantee Agreement
- DEO Administrative Policies and Final Guidance Papers, Communiques, and Memoranda
- Federal regulations
- State statutes
- US Department of Labor Employment and Training Administration's Training and Employment Notices (TENs) and Training and Employment Guidance Letters (TEGLs)
- The Workforce Innovation and Opportunity Act
- The State Supplemental Nutrition Assistance Program (SNAP) Plan
- The Temporary Assistance for Needy Families (TANF) State Plan

- Florida's TANF Work Verification Plan
- US Department of Labor Employment and Training Administration's findings of noncompliance from other LWDBs

Overview of the Programs

Workforce Innovation and Opportunity Act

WIOA is a federal law that authorizes funding for state and local workforce initiatives for eligible adults and youth. WIOA emphasizes the need for access to workforce services for all individuals, which includes adults, dislocated workers, and youth. Target populations include recipients of public assistance, low income individuals, employed workers that need skills upgrading or retraining, and veterans.

WIOA assists businesses not only with finding skilled workers, but with accessing various supports, including education and training for their current workforce, and it assists workers in increasing their long-term employment opportunities and wages through services offered at local career centers.

The goals of WIOA are to:

- Increase the prosperity of workers and employers.
- Reduce welfare dependency, increase economic self-sufficiency, meet employer needs, and enhance productivity and competitiveness.
- Improve services to individuals with disabilities.
- Increase access to employment, education, training and support services – particularly for people with barriers to employment.
- Create a comprehensive, high-quality workforce development system by aligning workforce investment, education, and economic development.
- Improve the quality and labor market relevance of workforce investment, education, and economic development efforts.
- Promote improvement in the structure and delivery of workforce services.

Welfare Transition Program

In October of 1996, two Acts went into law that dramatically changed the welfare programs in the State of Florida and around the country. The Temporary Assistance for Needy Families

(TANF) legislation changed the nation's welfare system from the receipt of cash assistance as an entitlement to one that requires work in exchange for time-limited assistance.

Also in October of 1996, Florida enacted the Work and Gain Economic Self Sufficiency (WAGES) Act. The Act was developed to implement the requirements of TANF and to emphasize work, self-sufficiency, and personal responsibility, as well as time-limited assistance. In October 2000, the Florida Workforce Innovation Act, Senate Bill 2010, was passed which substantially redefined Florida's welfare delivery system by replacing the former WAGES program with the Welfare Transition Program. The Workforce Innovation and Opportunity Act (WIOA), signed into law on July 22, 2014, is the first legislative reform of the public workforce system in 15 years and created improved access to comprehensive services in the One-Stop delivery system, to include the Welfare Transition Program, throughout the State of Florida and across the entire United States.

The goal of Florida's Welfare Transition (WT) program is to emphasize work, self-sufficiency, and personal responsibility. To accomplish this goal, the Florida legislature, using federal and state funding, has developed an array of support services and programs, to include:

- Specialized case management services.
- Job search assistance.
- Interviewing techniques.
- Individualized skills assessments.
- Employability workshops and life skills training.
- Educational/vocational school assistance.
- Work experience/job leads.
- Monthly travel allowance.
- Referral services

Overview of Monitoring Results

The outcome of the review is detailed in the following sections of the report identified by the respective program. Outcomes reflect issues noted during the monitoring review and are classified in the report as Findings, Other Noncompliance Issues, and Observations.

Recommendations and suggestions are also made on how to address any identified Findings, Other Noncompliance Issues, and Observations.

- *Findings* – are instances where noncompliance with requirements contained in federal or state laws, rules and regulations, administrative codes, state guidance, or other documents are found and are considered higher risk issues that could impact the integrity of the program operations and/or potentially result in questioned costs.

- *Other Noncompliance Issues* – are general noncompliance conditions considered lower risk findings but could potentially result in higher risk findings based on the nature of the deficiency (i.e. repeat violations, issues indicative of systemic problems in program operations, questioned costs, etc.).
- *Observations* – are informative statements or constructive comments made to identify processes that can help the LWDB improve service delivery and result in positive program outcomes.

Summary of Findings

Workforce Innovation and Opportunity Act

1. CLM Policy OPS-46 WIOA Adult and Dislocated Worker Services does not contain guidance on the issuance and storage of reloadable debit cards/instant issue cards or on the method(s) of delivery to participants. *Substantial issue of note in DOL findings of other LWDB
2. Prior year monitoring's included multiple findings reporting that follow-ups for participants exiting the WIOA program were not recorded timely in Employ Florida by the required quarter after exit. Other follow-up concerns include missing documentation to support that follow-up services were offered.
3. Prior year monitoring's included multiple findings reporting that measurable skill gains were not recorded in Employ Florida for the applicable program year in which the participants were enrolled in an educational or training program.
4. Current monitoring found that a signed Grievance/Complaint and EEO/Discrimination Form was not documented in the case file of one participant.
5. Current monitoring found that one participant in a Custom Business Training program indicated on the Custom Business Training Registration Form that they had served in the military, however the Employ Florida WIOA Application did not indicate such and there was no supporting documentation of veteran status in the participant's case file.
6. Current monitoring found that all youth participants who received supportive services for transportation did not have documentation in the case file to substantiate the amounts for transportation costs that were issued via bus passes or gas cards.
*Substantial issue of note in DOL findings of other LWDB

Welfare Transition Program

1. CLM Policy OPS-81 WTP Support and Incentive Services does not contain guidance on the storage of reloadable debit cards or on the method(s) of delivery to participants.
*Substantial issue of note in DOL findings of other LWDB
2. Prior year monitoring's included multiple findings reporting that documentation was missing to support the hours entered on the JPR screen. One of the reviews also found that projected hours were not properly case noted in OSST.
3. Prior year monitoring's included multiple findings reporting that a safety plan was not documented in the case file and that elements from the safety plan were not included in the IRP/ARP.
4. Current monitoring found that one participant was issued a reloadable debit card for reimbursement/payment of past due car payments. There was no documentation uploaded into Atlas to support the amount of payment issued or the receipt of the debit card by the participant.

Supplemental Nutrition Assistance Program – Employment and Training

1. Prior year monitoring's included multiple findings reporting that documentation was missing to support the hours entered on the JPR screen.
2. Prior year monitoring's found that participants' case files did not contain documentation to support the food stamp reimbursement for transportation costs that were issued.
*Related to substantial issue of note in DOL findings of other LWDB

Summary of Other Noncompliance Issues

Workforce Innovation and Opportunity Act

1. CLM Policy OPS-26 WIOA Eligibility/Services Information has the priority of service characteristics listed for the WIOA Adult program but does not specify that they must be applied in a specific priority order, instead the policy states that the individual must exhibit at least one of the characteristics listed (Policy, Section III, Adult, 3., page nine).
2. CLM Policy OPS-69 On-the-Job Training does not contain information on the documentation requirements of business reimbursements that are greater than 50%, instead the policy states that "a 75% reimbursement rate will be established when a business enters into an OJT agreement where the OJT trainee is designated as a focus

demographic in regards to WIOA eligibility as follows: Veteran, Individual with a disability, Welfare Transition participant Homeless, Criminal Offender” (Policy, paragraph three, page two).

3. Current monitoring found that when a participant has an active Scholarship Voucher Agreement with support services indicated, a support service/incentive activity is not being entered into the Employ Florida case.
4. Current monitoring found that three participants’ case files were closed with the Verification of Employment supporting documentation found in Atlas, however the employment information was not entered into Employ Florida.

Welfare Transition Program

1. There is no local office policy guidance on projecting employment hours.

Summary of Observations

Workforce Innovation and Opportunity Act

1. There is no local office policy guidance on documenting Measurable Skill Gains, including the different types of Measurable Skill Gains and what documentation is allowable.
2. Current monitoring found on multiple occasions that the supporting documentation for the identified measurable skill gains was uploaded into Atlas much later than when the documentation was obtained and the information added to the Employ Florida case file. In one case, the documentation was not uploaded until the end of the subsequent program year when the case was closed. In another case, the documentation was not uploaded separately under a Cred/Cert category, instead it was found with purchase order documentation.
3. Current monitoring found on multiple occasions that the supporting identification and verification information for the participant was uploaded into Atlas much later than when the documentation was obtained. In one case, the documentation was not uploaded for six months.
4. Current monitoring found on multiple occasions that supporting documentation in the Atlas system did not include verification that the selected area of training and the provider listed on the Scholarship Voucher Agreement were included on the Area Targeted Occupation List for Area 10.

Welfare Transition Program

1. CLM Policy OPS-51 Earned Months Extension for Individuals Participating in a Substance Abuse or Mental Health Treatment Program is outdated and the guidance no longer applies.
2. CLM Policy OPS-59 Welfare Transition Hardship Extension of Temporary Cash Assistance (TCA) Time Limits includes references and guidance regarding “earned months” that is outdated and no longer applies.
3. CLM Policy OPS-56 Transitional Childcare for Welfare Transition Program Participants includes an incorrect reference to Florida Statute, specifically that “Florida Statutes provide for individuals who are diverted from TCA through Up-Front Diversion to receive TCC for up to one year...” (Procedures and Definitions, bullet ten, page three).
4. CLM Policy OPS-54 Relocation Assistance Program includes duplicative qualifying requirements for relocation assistance, specifically the requirement “there is a basis that supports the assertion that relocation to a new community will contribute to the family’s self sufficiency” is in duplicate of the contributing factors requirement listed directly thereafter (I. Program Guidance, bullets two and three, page two). This policy also includes an incorrect citing of state guidance, “see AWI FG 04-023 for examples of these factors” (I. Program Guidance, bullet three, page two). The correct state guidance is AWI FG 01-023.
5. There is no local office policy guidance on the calculation of the mandatory TANF work participation hours.
6. Local office policy guidance that encompasses multiple programs is difficult to interpret for each program individually.

Local Office Policy Review

To provide a holistic review of the program’s processes, the monitor evaluated current policies for compliance with federal and state guidance to provide recommendations for improvements and efficiencies.

Local office policies were provided by CSCLM staff for the WIOA, Welfare Transition, and SNAP programs. It was expressed during the review that CSCLM intends to review and update all of the Welfare Transition policies as many of these are outdated.

The review found that the program’s policies provide adequate detail and instruction in accordance with federal and state guidance and offers the following improvement suggestions:

1. CLM Policy OPS-46 WIOA Adult and Dislocated Worker Services

Finding

Condition: This policy does not contain guidance on the issuance and storage of reloadable debit cards/instant issue cards or on the method(s) of delivery to participants.

Cause: This policy has not been revised/updated since the new Grantee-Subgrantee Agreement was executed (2020).

Criteria: 29 C.F.R. 95.21(b)(3) states, "Recipients shall adequately safeguard all such assets and assure that they are used solely for authorized purposes." In accordance with 2 C.F.R. 200.302(b)(4), each non-Federal entity must provide for "Effective control over, and accountability for all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes." Further, 2 C.F.R. 200.303(a) states, "The non-Federal entity must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award."

In addition, the updated Grantee-Subgrantee Agreement with DEO stipulates that the subrecipient must certify that written administrative procedures, processes, and fiscal controls are in place for the payment of supportive services including, but not limited to prepaid gas or prepaid debit cards and that controls must address issuance, storage, and reconciliation of prepaid gas or prepaid debit cards. (Substantial issue of note in DOL findings of other LWDB)

Corrective Actions: It is recommended that this policy be updated to include procedures for the issuance and physical storage of reloadable debit cards/instant issue cards as well as the method(s) of delivery to participants in order to strengthen the safeguards of these assets.

2. CLM Policy OPS-81 WTP Support and Incentive Services

Finding

Condition: This policy does not contain guidance on the storage of reloadable debit cards or on the method(s) of delivery to participants.

Cause: This policy has not been revised/updated since the new Grantee-Subgrantee Agreement was executed (2020).

Criteria: 29 C.F.R. 95.21(b)(3) states, "Recipients shall adequately safeguard all such assets and assure that they are used solely for authorized purposes." In accordance with 2 C.F.R.

200.302(b)(4), each non-Federal entity must provide for “Effective control over, and accountability for all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes.” Further, 2 C.F.R. 200.303(a) states, “The non-Federal entity must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.”

In addition, the updated Grantee-Subgrantee Agreement with DEO stipulates that the subrecipient must certify that written administrative procedures, processes, and fiscal controls are in place for the payment of supportive services including, but not limited to prepaid gas or prepaid debit cards and that controls must address issuance, storage, and reconciliation of prepaid gas or prepaid debit cards. (Substantial issue of note in DOL findings of other LWDB)

Corrective Actions: It is recommended that this policy be updated to include procedures for the physical storage of reloadable debit cards as well as the method(s) of delivery to participants in order to strengthen the safeguards of these assets.

3. CLM Policy OPS-26 WIOA Eligibility/Services Information

Other Noncompliance Issue

Condition: This policy has the priority of service characteristics listed for the WIOA Adult program but does not specify that they must be applied in a specific priority order, instead the policy states that the individual must exhibit at least one of the characteristics listed (Policy, Section III, Adult, 3., page nine).

Cause: This policy has not been revised/updated since the state guidance was released (2020).

Criteria: [Administrative Policy on Workforce Innovation and Opportunity Act Priority of Service, Policy Number 105](#), states that LWDBs must give priority for the provision of individualized career and training services in the following sequential order: 1) Recipients of public assistance. 2) Low-income individuals. 3) Individuals who are basic skills deficient. The state guidance then goes on to list the specific priority of service to include veterans and asserts that priority of service must be provided to eligible WIOA adult program participants in the following order: 1) Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, including the underemployed, or individuals who are basic skills deficient. 2) Individuals who are not veterans or eligible spouses who are included in the groups given WIOA priority selection criteria, (public assistance recipient, other low-income individuals including underemployed or basic skills

deficient). 3) All other veterans and eligible spouses. 4) Other individuals who do not meet the statutory priority, but who are identified as priority populations established by the Governor and/or local workforce development boards. 5) Other individuals who do not meet the statutory priority and who do not meet the Governor's or local workforce development board's discretionary priority, but who do meet the WIOA adult program eligibility.

Corrective Actions: It is recommended that this policy be revised to include the appropriate priority of service characteristics in the specific sequential order listed in the state guidance.

4. CLM Policy OPS-69 On-the-Job Training

Other Noncompliance Issue

Condition: This policy does not contain information on the documentation requirements of business reimbursements that are greater than 50%, instead the policy states that "a 75% reimbursement rate will be established when a business enters into an OJT agreement where the OJT trainee is designated as a focus demographic in regards to WIOA eligibility as follows: Veteran, Individual with a disability, Welfare Transition participant Homeless, Criminal Offender" (Policy, paragraph three, page two).

Cause: This policy has not been revised/updated since the revised state guidance was released (2020).

Criteria: [Administrative Policy on Workforce Innovation and Opportunity Act On-the-Job Training, Policy Number 009](#), as well as [Training and Employment Guidance Letter \(TEGL\) No. 19-16](#), states that LWDBs may increase the wage reimbursement level above 50 percent up to 75 percent for the extraordinary costs of providing the training and additional supervision related to the training; however, factors used when deciding to make the increase must be documented and include the following: a) The characteristics of the participants, taking into consideration whether they are individuals with barriers to employment; b) The size of the employer, with an emphasis on small businesses; c) The quality of employer-provided training and advancement opportunities; and d) Other factors the LWDB may determine appropriate.

Corrective Actions: It is recommended that this policy be updated to include the documentation requirements from state and federal guidance on the determination of wage reimbursement greater than 50%.

5. Projecting employment hours

Other Noncompliance Issue

Condition: There is no local office policy guidance on projecting employment hours.

Cause: The cause of the issue is unknown; management consultation may be necessary to determine.

Criteria: [Welfare Transition Program Final Guidance on Projecting Employment Hours, FG 072](#), requires that RWBs develop a local operating procedure on projecting employment hours. The local procedure must include the requirement to obtain documentation of employment, proof of a full pay cycle and documentation that the closure alert has been received prior to projecting hours. The procedure should also provide program staff the guidance on how to enter information.

Corrective Actions: It is recommended that a policy be created outlining the process for projecting employment hours or revise the applicable current policies to include this information.

6. Measurable Skill Gains

Observation

Condition: There is no local office policy guidance on documenting Measurable Skill Gains, including the different types of Measurable Skill Gains and what documentation is allowable.

Cause: The cause of the issue is unknown; management consultation may be necessary to determine.

Criteria: 20 C.F.R. 677.155(a)(v), WIOA Section 116 and TEGL 10-16 Change 1

Federal and state guidance require Measurable Skill Gains (MSG) be recorded in the state's MIS and supported by appropriate case file documentation within the program year. The MSG indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period.

Corrective Actions: It is recommended that a policy be created to provide technical guidance to program staff on the usage and documentation of measurable skill gains as this is a direct indicator of the local performance.

7. CLM Policy OPS-51 Earned Months Extension for Individuals Participating in a Substance Abuse or Mental Health Treatment Program

Observation

Condition: This policy is outdated and the guidance no longer applies.

Cause: This policy has not been revised/updated since 2000, prior to the change in statute.

Criteria: In 2005, [Senate Bill 408](#) removed the earned months provisions from Section 414.105, F.S. to align the statute with federal policy on time limitations. [Final Guidance on Medical Incapacity, FG 05-051](#), deletes all reference to substance abuse/mental health treatment earned months as a result of statutory changes by the Florida legislature. In addition, [Guidance Paper on Welfare Transition Hardship Extension to Temporary Cash Assistance \(TCA\) Time Limits, FG 025](#), states that TCA recipients may no longer earn months to extend receipt of cash assistance for the successful completion of substance abuse and mental health treatment programs.

Corrective Actions: It is recommended that this policy be retired as the earned months provisions have been deleted from Florida Statute.

8. CLM Policy OPS-59 Welfare Transition Hardship Extension of Temporary Cash Assistance (TCA) Time Limits

Observation

Condition: This policy includes references and guidance regarding “earned months” that is outdated and no longer applies.

Cause: This policy has not been revised/updated since 2003, prior to the change in statute.

Criteria: In 2005, [Senate Bill 408](#) removed the earned months provisions from Section 414.105, F.S. to align the statute with federal policy on time limitations. [Guidance Paper on Welfare Transition Hardship Extension to Temporary Cash Assistance \(TCA\) Time Limits, FG 025](#), states that (1) TCA recipients may no longer earn additional months for working and complying with program requirements and (2) TCA recipients may no longer earn months to extend receipt of cash assistance for the successful completion of substance abuse and mental health treatment programs.

Corrective Actions: It is recommended that this policy be revised and updated to remove all guidance related to earned months as these provisions have been deleted from Florida Statute.

9. CLM Policy OPS-56 Transitional Childcare for Welfare Transition Program Participants

Observation

Condition: This policy includes an incorrect reference to Florida Statute, specifically that “Florida Statutes provide for individuals who are diverted from TCA through Up-Front Diversion to receive TCC for up to one year...” (Procedures and Definitions, bullet ten, page three).

Cause: This policy includes guidance to limit Transitional Childcare to one year based on the local directive and incorrectly cites statute.

Criteria: While [Final Guidance on Welfare Transition Transitional Childcare, FG 04-020](#), provides the authority for the RWB to limit the length of time TCC referrals will be provided, Section 445.032, F.S. specifically provides for TCC for up to two years. The one year time limit is based upon local policy, not statute.

Corrective Actions: It is recommended that this policy be revised to correct this statutory reference.

10. CLM Policy OPS-54 Relocation Assistance Program

Observation

Condition: This policy includes duplicative qualifying requirements for relocation assistance, specifically the requirement “there is a basis that supports the assertion that relocation to a new community will contribute to the family’s self sufficiency” is in duplicate of the contributing factors requirement listed directly thereafter (I. Program Guidance, bullets two and three, page two). This policy also includes an incorrect citing of state guidance, “see AWI FG 04-023 for examples of these factors” (I. Program Guidance, bullet three, page two). The correct state guidance is AWI FG 01-023.

Cause: State guidance and statute were incorrectly interpreted.

Criteria: [Final Guidance on Welfare Transition Program Relocation Assistance, FG 01-023](#), asserts that once TCA eligibility is determined, either as a current recipient or an applicant that qualifies for Up-Front Diversion, (1) a need for relocation must be demonstrated as well as (2) a contributing factor to achieving self-sufficiency as a result of the relocation. In addition, Section 445.021(2)(b), F.S. lists the same contributing factors as the Final Guidance but under the statement that “A determination that there is a basis for believing that relocation will contribute to the ability of the applicant to achieve self-sufficiency.”

Interpretation of the statute and the guidance indicate that the contributing factors make up the basis to support the assertion that relocation will contribute to self sufficiency and that these are not two separate qualifying requirements.

Corrective Actions: It is recommended that this policy be revised to include the qualifying requirements found in state guidance and statute. Listing out in the policy the specific examples for the needs and contributing factors is also recommended as well as correcting the reference to state guidance.

11. Work participation hours calculation

Observation

Condition: There is no local office policy guidance on the calculation of the mandatory TANF work participation hours.

Cause: The cause of the issue is unknown; management consultation may be necessary to determine.

Criteria: While CLM OPS-10 Unpaid Community Service/Work Experience documents the process for calculating the participation hours for community service and work experience activities, there is no guidance on the total amount of hours needed per 42 U.S. Code § 607 and state established standards for TANF work activities.

Corrective Actions: It is recommended that a policy be created to provide technical guidance to program staff on the TANF work participation hours requirements with detailed instruction on calculating the required hours by activity (core and supplemental), comparing the calculated amounts to the established minimums based on family type, and denoting where deeming is appropriate.

12. Multiple program policies

Observation

Condition: Local office policy guidance that encompasses multiple programs is difficult to interpret for each program individually.

Cause: N/A

Criteria: N/A

Corrective Action: It is recommended that separate policies be developed for each program individually to ensure accurate understanding of each program's requirements.

Significant Prior Monitoring Findings

To further the holistic review of the program's compliance, the monitor compiled previous programmatic monitoring reports completed by the Department of Economic Opportunity, Division of Workforce Services, Bureau of One-Stop and Program Support. Specifically, the results from Program Years 2016-17, 2017-18, 2018-19 and the preliminary review summary for Program Year 2019-20 were analyzed for recurring findings of noncompliance or for major issues of concern to identify meaningful areas of improvement.

Workforce Innovation and Opportunity Act

1. Program Follow-ups

Finding

Condition: Deficiencies were found for multiple years reporting that follow-ups for participants exiting the WIOA program were not recorded timely in Employ Florida by the required quarter after exit. Other follow-up concerns include missing documentation to support that follow-up services were offered.

Cause: The cause of the issue is unknown; management consultation may be necessary to determine.

Criteria: WIOA Sec. 116, TEGL 17-05, and the Follow-up Memorandum entitled "Entering Case Follow-ups in Employ Florida Marketplace" dated March 23, 2007

Federal and state guidance require quarterly follow-ups for participants exiting the WIOA program. Participants who exited the WIOA programs with employment were to receive 1st, 2nd, 3rd, and 4th quarter follow-up services based on their exit date. Follow-ups must be conducted with the employer to determine the participant's continued employment status. Quarterly follow-ups also help to determine performance outcomes.

Corrective Actions: Program staff must continue to ensure that follow-ups are conducted at the required intervals and entered timely in the system by the due date indicated in the follow-up table. The "WIOA Exiters for Follow-Up Report" in Employ Florida should continue to be used by program staff. To further assist in this process, case managers can set

appropriate follow-up due dates in Employ Florida to alert and/or remind them of upcoming events and timelines to prevent the required deadlines for follow-ups to expire.

This finding was an issue for Program Years 2016-17 and 2017-18. While subsequent monitorings have not discovered this to be a continuing issue, multiple instances across program years indicate a potential opportunity for process improvements.

2. Recording of Measurable Skills Gains

Finding

Condition: Deficiencies were found for multiple years reporting that measurable skill gains were not recorded in Employ Florida for the applicable program year in which the participants were enrolled in an educational or training program.

Cause: There are no written procedures regarding reporting and documentation of Measurable Skill Gains. This finding is linked to Local Office Policy Review item 6 – Measurable Skill Gains.

Criteria: 20 C.F.R. 677.155(a)(v), WIOA Section 116, and TEGL 10-16 Change 1

Federal and state guidance require Measurable Skill Gains (MSG) be recorded in the state's MIS and supported by appropriate case file documentation within the program year. The MSG indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period.

Corrective Actions: Program staff must ensure that MSG attainment information is recorded timely and accurately in Employ Florida to match the MSG documents retained in the participant case files. It is also recommended that local office policy be created or amended to include guidance for program staff on the reporting and documentation requirements for Measurable Skill Gains.

This finding was an issue for Program Years 2018-19 and 2019-20. Multiple instances across program years indicate a potential opportunity for process improvements.

Welfare Transition Program

1. Documentation of Activity Hours Recorded on the Job Participation Rate Screen

Finding

Condition: Deficiencies were found for multiple years reporting that documentation was missing to support the hours entered on the JPR screen. One of the reviews also found that projected hours were not properly case noted in OSST.

Cause: There are no written procedures regarding reporting and documentation of the hours entered on the JPR screen. This finding is linked to Local Office Policy Review item 5 – Projecting employment hours.

Criteria: 445.010 F.S.; 45 C.F.R. 261.60-62 and 45 C.F.R. 262; and Florida’s Work Verification Plan

Federal Law and state guidance require engagement in work activities and participation hours must be documented and auditable. Program staff must enter hours of participation on the job participation rate (JPR) screen in OSST and this data is then used to report performance (participation rates). Also, when employment hours are being projected, they must be updated to reflect the actual hours documented on the paystubs when they are received to ensure the hours reported to the Department of Children and Families (DCF) are accurate and match documentation retained in participant case files.

Corrective Actions: Although the number of instances is minimal, program staff must continue to ensure documentation or other forms of allowable verification for participation rate hours are retained in the case files. Program staff must thoroughly review each case transaction to ensure hours of participation in countable work activated are documented by the participant and verified by staff prior to entering the hours in OSST. Local quality assurance staff should also closely monitor and follow through on the actions proposed in their prior CAP(s).

It is also recommended that local office policy be created or amended to include guidance for program staff on the documentation requirements for job participation rate hours.

This finding was an issue for Program Years 2017-18 and 2018-19. While subsequent monitorings have not discovered this to be a continuing issue, multiple instances across program years indicate a potential opportunity for process improvements.

2. Safety Plan

Finding

Condition: Deficiencies were found for multiple years reporting that a safety plan was not documented in the case file and that elements from the safety plan were not included in the IRP/ARP.

Cause: The cause of the issue is unknown; management consultation may be necessary to determine.

Criteria: 45 C.F.R. 261.11-14; 45 C.F.R. 260.50-59; 445.021 F.S.; 445.028 F.S.; 445.030 F.S.; 445.031 F.S.; 445.032 F.S.; and FG 02-026 Domestic Violence Program Final Guidance Paper

Federal regulations and state guidance require LWDBs to complete a safety plan and include the elements of the safety plan on either the Individual Responsibility Plan (IRP) or the Alternative Requirement Plan (ARP) for individuals identified as victims of domestic violence.

Corrective Actions: If a participant has been identified as a victim of domestic violence, program staff must ensure that all requirements for development of a safety plan are met, including the requirement that information from the safety plan be included on the IRP/ARP.

This finding was an issue for Program Years 2018-19 and 2019-20. Multiple instances across program years indicate a potential opportunity for process improvements.

Supplemental Nutrition Assistance Program – Employment and Training

1. Documentation of Activity Hours

Finding

Condition: Deficiencies were found for multiple years reporting that documentation was missing to support the hours entered on the JPR screen. This is also a repeat issue for Welfare Transition.

Cause: There are no written procedures regarding reporting and documentation of the hours entered on the JPR screen.

Criteria: 7 C.F.R. 273.7 (d)(4)(ii), (e)(1), (m) (3) (v) (A), and the State SNAP Plan

Federal law and state guidance require hours spent in an activity be verified, entered on the OSST system's JPR screen, and documented in the participant's case file.

Corrective Actions: Program staff must ensure that they accurately count and verify participation hours before entering the information in OSST, and that timesheets used to support the hours are maintained in the participant's case file. It is also recommended that local office policy be created or amended to include guidance for program staff on the documentation requirements for job participation rate hours.

This finding was an issue for Program Years 2016-17 and 2017-18. While subsequent monitorings have not discovered this to be a continuing issue, multiple instances across program years indicate a potential opportunity for process improvements.

2. Food Stamp Reimbursements (FSR)

Finding

Condition: Deficiencies were found reporting that participants' case files did not contain documentation to support the food stamp reimbursement for transportation costs that were issued.

Cause: There are no written procedures regarding the maintenance of the supporting documentation in participants case files.

Criteria: 7 C.F.R. 273.7 (d) (4) (ii) and the State SNAP Plan

Federal law and state guidance require participants engaged in program activities must be reimbursed for expenses that are reasonably necessary and directly relate to participation in the program. Reimbursement for transportation costs are based on the presentation of appropriate documentation.

Corrective Actions: Program staff must ensure documentation is collected to support issuance of a food stamp reimbursement before processing for payment and that appropriate documentation is maintained in the participant's case file. It is also recommended that OPS-80 Supplemental Nutrition Assistance Program (SNAP) be updated to include guidance for program office staff on the documentation retention procedures.

This finding was an issue for Program Year 2016-17. While subsequent monitorings have not discovered this to be a continuing issue, processes related to participant reimbursements were a substantial issue of note in the DOL findings of other LWDB.

3. Assignment of Activity Hours

Finding

Condition: Deficiencies were found for multiple years reporting that participants were assigned less than 80 hours of work activities per month. One of the reviews also found that participants were assigned more than 120 hours for a month.

Cause: The cause of the issue is unknown; management consultation may be necessary to determine.

Criteria: 7 C.F.R. 273.7(d)(4)(ii), (e)(1), and (m)(3)(v)(A), (m)(5)(B)(ii); 273.24(a)(3)(ii), and the State SNAP E&T Plan

Federal and state law require Able-Bodied Adults without Dependents (ABAWDs) to meet certain participation requirements. For purposes of meeting these requirements, ABAWDs must participate in one or more qualifying components (i.e. education, job search, job search training, etc.) for 20 hours per week to average 80 hours per month. Additionally, employed participants cannot be assigned to more than 120 hours monthly.

Corrective Actions: Program staff must accurately assign participants to the correct number of hours in program activities and accurately count and verify participation hours before entering the information into OSST.

This finding was an issue for Program Years 2018-19 and 2019-20. Multiple instances across program years indicate a potential opportunity for process improvements.

Participant Case File Review

The current monitoring included sample testing and review of participant case file records. Electronic access was granted to the monitor for the Employ Florida, One-Stop Service Tracking (OSST), and Atlas systems in order to remotely review the sample cases provided by CSCLM. The files were checked to determine whether adequate documentation was maintained to support participant eligibility and services rendered as well as the validity and accuracy of system records and keyed entries made by program staff against original source documents. Case files were further reviewed for operational efficiencies and improvement opportunities.

DEO's programmatic monitoring review tools were used to conduct the review for each of the workforce programs included in the monitoring. The tools are designed to provide a comprehensive assessment of the processes and procedures used by CSCLM staff to operate and manage programs. Use of the monitoring tools ensured the review process followed a

planned and consistent course of action that provided adequate verification of specific program data elements.

Workforce Innovation and Opportunity Act – Adult

The WIOA Adult case file review focused on compliance with federal, state, and local guidelines. The review included, but was not limited to:

- A review of program and operational processes to ensure that all case files contained evidence that participants were eligible, enrolled in allowable activities, and any training provided was in demand occupations provided by institutions on the state/local eligible training provider list.
- A review to determine if participants who entered into employment were placed in jobs that offered a self-sufficient wage as defined by local policy, if credential/certification attainment data were accurately recorded in Employ Florida, and if follow-ups were performed at the required intervals.
- If employed workers were participating in skills upgrade or other training/retraining activities, the review checked to see if training was provided in response to the employer's assessment that such training was required for the workers referred.

The sample reviewed consisted of 22 WIOA Adult participant case files. Most participant case files reviewed contained documentation of eligibility and other case management elements, and participant data records in Employ Florida were determined to have been correctly entered based on case file documentation requirements. However, the following issues were identified and are noted as appropriate based on the severity (Finding, Other Non-compliance Issue, or Observation):

1. Grievance/Complaint Form

Finding

Condition: A signed Grievance/Complaint and EEO/Discrimination Form was not documented in the case file of one participant (4.5 percent). There is a staff note that the CareerSource Citrus Levy Marion Services Application forms were received online and they are dated, however there are no signatures present.

Cause: Electronic submission of the CSCLM Services Application forms did not allow for applicant signature.

Criteria: DEO FG 00-004 rev. 06/08/07, 20 C.F.R. 683.600

Federal and state guidance require that each local area must establish and maintain a procedure for participants to file grievances and complaints alleging violations of the requirements of title I of WIOA and must provide information about the content of the grievance and complaint procedures to participants. A signed and dated Grievance/Complaint and EEO/Discrimination Form should be found in every participant's case file.

Corrective Actions: If a participant submits the Release of Information/Attestation form online without the required signature, program staff must ensure that the participant signs the form and that the signed form is uploaded into Atlas.

2. Veteran Status

Finding

Condition: One participant (4.5 percent) in a Custom Business Training program indicated on the Custom Business Training Registration Form that they had served in the military, however the Employ Florida WIOA Application did not indicate such and there was no supporting documentation of veteran status in the participant's case file.

Cause: Program staff did not accurately complete the Employ Florida WIOA Application with the participant's veteran status and obtain the required documentation.

Criteria: WIOA Sec. 3(63)(A) and (B), JVA 38 U.S.C. Section 4215 and 101, 20 C.F.R. 1010.110, and Local Workforce Services Plan

Federal and state guidance require recipients of federal funding for qualified job training programs to collect and maintain information on applicants and/or participants that are veterans or eligible spouses of veterans for priority of service. Documentation of veteran status should be found in every veteran's or eligible spouse of a veteran's case file.

Corrective Action: When program staff are given permission by the participant to register their information in Employ Florida, they should make sure to enter the participant's information as reported to ensure accurate data and reporting. Documentation regarding the participant's veteran status should be maintained in the case file.

3. Supportive Services Activities

Other Noncompliance Issue

Condition: When a participant has an active Scholarship Voucher Agreement with support services indicated, a support service/incentive activity is not being entered into the Employ Florida case.

Cause: Current office process does not include the entry of separate support service/incentive activities into Employ Florida when a 300-level activity (Occupational Skills Training) is open.

Criteria: While local office policy and state and federal guidelines/regulations do not require a separate activity, the DEO WIOA monitoring tool specifically asks if a support service/incentive activity was entered in the State MIS, with a No response indicating that the participant did not receive a supportive service (line 80 on the DEO WIOA Adult and Dislocated Worker Review Tool PY 2020-21).

Corrective Actions: It is recommended that local office policy be revised to include guidance on utilizing appropriate support service/incentive activities in Employ Florida in order to ensure transparency and compliance with state monitoring.

4. Employment

Other Noncompliance Issue

Condition: During case file reviews, it was observed on three occasions (13.6%) that participants' case files were closed with the Verification of Employment supporting documentation found in Atlas, however the employment information was not entered into Employ Florida.

Cause: There are no written procedures on recording employment information in Employ Florida.

Criteria: Federal Data Validation Requirements

Corrective Actions: It is recommended that upon closure of cases in Employ Florida for participants with unsubsidized employment, that the employment information be entered into the system for accurate reporting.

5. Measurable Skill Gains

Observation

Condition: During case file reviews, it was observed on multiple occasions that the supporting documentation for the identified measurable skill gains was uploaded into Atlas much later than when the documentation was obtained and the information added to the Employ Florida case file. In one case, the documentation was not uploaded until the end of the subsequent program year when the case was closed. In another case, the documentation was not uploaded separately under a Cred/Cert category, instead it was found with purchase order documentation.

Cause: There are no written procedures regarding reporting and documentation of Measurable Skill Gains. This finding is linked to Local Office Policy Review item 6 – Measurable Skill Gains.

Criteria: N/A

Corrective Actions: It is recommended that measurable skill gains documentation be uploaded timely into Atlas as a separate document upon receipt to allow for prompt case reconciliation.

6. WIOA Verification Information

Observation

Condition: During case file reviews, it was observed on multiple occasions that the supporting identification and verification information for the participant was uploaded into Atlas much later than when the documentation was obtained. In one case, the documentation was not uploaded for six months.

Cause: The cause of the issue is unknown; management consultation may be necessary to determine.

Criteria: N/A

Corrective Actions: It is recommended that CSCLM implement a specific expectation that all supporting documentation and case files be uploaded timely into Atlas to allow for prompt case reconciliation and to ensure that documentation is available for audit.

7. Area Targeted Occupation

Observation

Condition: During case file reviews, it was observed on multiple occasions that supporting documentation in the Atlas system did not include verification that the selected area of training and the provider listed on the Scholarship Voucher Agreement were included on the Area Targeted Occupation List for Area 10.

Cause: There is no written policy on including verification in the case file supporting that the training and provider are included on the Area Targeted Occupation List.

Criteria: N/A

Corrective Actions: It is recommended that verification be included with the Scholarship Voucher Agreement that the training program and the provider selected are listed on the Area Targeted Occupation List for Area 10 for processing efficiencies and documentation consistency.

Workforce Innovation and Opportunity Act – Youth

The WIOA Youth case file review focused on compliance with federal, state, and local guidelines. The review included, but was not limited to:

- The process for determining and documenting participant eligibility including low-income status, if the youth had at least one of the federal/local barriers, and whether documentation in the participant case files substantiate program participation information recorded in Employ Florida.
- A review of processes and procedures used by CSCLM and the service provider to manage and administer their youth program, including whether youth met the requirements for their respective customer groups and whether an objective assessment was provided of academic and skill levels and the service needs of each participant.
- Whether attainment data on credentials/certifications were recorded accurately in Employ Florida and all that all youth exiting the program received required follow-up services.

The sample reviewed consisted of 11 WIOA Youth participant case files. Participant case files reviewed contained documentation of eligibility and other case management elements, and participant data records in Employ Florida were determined to have been correctly entered based on case file documentation requirements. However, the following finding was identified:

1. Supportive Services

Finding

Condition: During case file reviews, it was observed that all participants who received supportive services for transportation did not have documentation in the case file to substantiate the amounts for transportation costs that were issued via bus passes or gas cards.

Cause: There are no written procedures regarding the calculation of the amounts for supportive services transportation needs.

Criteria: 29 C.F.R. 95.21(b)(3) states, "Recipients shall adequately safeguard all such assets and assure that they are used solely for authorized purposes." In accordance with 2 C.F.R. 200.302(b)(4), each non-Federal entity must provide for "Effective control over, and accountability for all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes." Further, 2 C.F.R. 200.303(a) states, "The non-Federal entity must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award."

In addition, the updated Grantee-Subgrantee Agreement with DEO stipulates that the subrecipient must certify that written administrative procedures, processes, and fiscal controls are in place for the payment of supportive services including, but not limited to prepaid gas or prepaid debit cards and that controls must address issuance, storage, and reconciliation of prepaid gas or prepaid debit cards. (Substantial issue of note in DOL findings of other LWDB)

Corrective Actions: It is recommended that policy guidance be created to ensure that supportive service payments are issued to participants in the actual amount of need and that documentation to substantiate the amount be uploaded into the Atlas system or detailed in a case note.

Welfare Transition Program

The Welfare Transition case file review focused on program processes, operational practices, and MIS data to determine compliance with program requirements. The review included, but was not limited to:

- The initial and any subsequent assessment processes.
- The process for developing the Individual Responsibility Plan (IRP), the IRP tool used locally, and the process for developing and assigning participants to work activities.
- A review of documentation to support hours entered into OSST for participant credit, and to ensure participants are engaged in activities that meet federal requirements and definitions.

The sample reviewed consisted of 22 Welfare Transition participant case files. Participant case files reviewed contained documentation to support all case management elements, and participant data records in OSST were determined to have been correctly entered. However, the following issue was identified:

1. Support Services

Finding

Condition: One participant (4.5 percent) was issued a reloadable debit card for reimbursement/payment of past due car payments. There was no documentation uploaded into Atlas to support the amount of payment issued or the receipt of the debit card by the participant.

Cause: There are no written procedures regarding the retention of supporting documentation for reloadable debit cards. This finding is linked to Local Office Policy Review item 2 – CLM Policy OPS-81 WTP Support and Incentive Services.

Criteria: 445.025 F.S., and TANF State Plan 2017-2020

Federal and state guidance provide for support service payments to participants in the form of reimbursement for actual expenditures against receipts or invoices. Documentation should be found in the case file to support the amounts entered in OSST for support service payments and reimbursements.

Corrective Actions: Local Office policies and procedures should be updated to include direction for program staff to upload documentation into the participant's case file to support the amounts entered into OSST for all support services provided and for the issuance of the reloadable debit cards to the participants.

It was noted during the review that CSCLM staff intends to update the referenced policy to include guidance on the uploading of the supporting documentation.



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
Career Center Committee, Thursday, February 18, 2021

TOPIC/ISSUE:

Training Provider request for Life-Line Institute

BACKGROUND:

Life-Line Institute has submitted an application for initial provider eligibility for four programs they wish to add to our Area Targeted Occupation List (ATOL). The programs include:

- Clinical Medical Assistant
- Phlebotomist
- Home Health Aide
- Patient Care Tech

POINTS OF CONSIDERATION:

Pursuant to local policy *OPS-28 Area Targeted Occupation List and Training Provider Selection* the approval of providers and programs will be based on several sets of criteria – primarily: All programs must operate a minimum of 12 months, must maintain acceptable performance thresholds for outcomes based on enrollments, completions and employment after training and must meet reporting requirements to the Florida Educational and Training Placement Information Program (FETPIP). This provider is licensed with the State of Florida, and reports performance data to FETPIP, and all four programs have a Placement Rate of 93.75% and a Retention Rate of 100%. The Clinical Medical Assistant, Phlebotomist, Home Health Aide and Patient Care Tech programs meet the minimum performance requirements as outlined in local policy OPS-28.

STAFF RECOMMENDATIONS:

- Approve acceptance of Life-Line Institute as a training provider for Clinical Medical Assistant, Phlebotomist, Home Health Aide and Patient Care Tech.

COMMITTEE ACTION:

John Cook made a motion to add the programs to the Targeted Occupation List. Jorge Martinez seconded the motion. Motion carried.

BOARD ACTION:



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
Executive Meeting, Wednesday, March 3, 2021

TOPIC/ISSUE:

Independent Auditor's Report

BACKGROUND:

We are required to have an independent audit each year.

POINTS OF CONSIDERATION:

Powell and Jones, CPAs were contracted to conduct the audit of CLM for period of 7/1/19-6/30/20.

STAFF RECOMMENDATIONS:

Approve Auditor's Report 7/1/19-6/30/20

COMMITTEE ACTION:

Charles Harris made a motion to accept the financial audit report. Al Jones seconded the report. Motion carried.

BOARD ACTION:



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
Executive Meeting, Wednesday, March 3, 2021

TOPIC/ISSUE:

Travel Policy

BACKGROUND:

Changes made to local policy to align with Sub-grantee Agreement stipulations regarding travel

POINTS OF CONSIDERATION:

Noted Changes on policy and attachments:

Added the following section: LODGING
Amended the MEAL REIMBURSEMENT section
COO changed to EVP on policy and attachments
The EEO statement on policy and attachments was updated
Changes to fields on attachments B, C, D, E, F

STAFF RECOMMENDATIONS:

COMMITTEE ACTION:

Pete Beasley made a motion to accept the revisions to the travel policy. Al Jones seconded the motion. Motion carried.

BOARD ACTION:



POLICIES AND PROCEDURES

SECTION: Financial	POLICY #: FIN-2	PAGE 1 of
TITLE: Travel and Business Meeting Expense Policy	EFFECTIVE DATE: MM/DD/YYYY	
REPLACES: FIN-2 dated 2-10-14		REVISION DATE: MM/DD/YYYY Note: Lodging and Meal Reimbursements

DISTRIBUTION: CAREERSOURCE STAFF, SERVICE PROVIDERS AND BOARD MEMBERS

POLICY

It is the policy of the CareerSource Citrus Levy Marion that costs associated with attendance at meetings, workshops, and conferences (meals, transportation, and lodging) are allowable if such are determined necessary and reasonable and the meeting, workshop, or conference serves a purpose consistent with Workforce funding. It is the CareerSource Citrus Levy Marion's responsibility to insure that program expenditures meet this requirement and adequate documentation is maintained. The Bureau of Compliance Staff will review meeting workshop, and/or conference costs to ensure compliance with this policy. All expenses that fail to comply with this policy will be questioned and subject to disallowance and repayment with Non-Workforce funding. The following expenses are NOT allowed:

- a. Room meal service charges and restaurant charges in excess of approved CareerSource Citrus Levy Marion's meal rates.
- b. Alcoholic beverages.
- c. All other such entertainment costs. (All costs including restaurant/hotel meal or food service charges) for functions whose purpose is social rather than business (such as networking receptions, ancillary tours, outings, etc.) are considered entertainment costs.
- d. Travel, rooms, per diem, and any other costs for persons other than CareerSource Citrus Levy Marion members (or members of a subrecipient's advisory/governing

board), CareerSource Citrus Levy Marion staff members, and other persons invited to speak or otherwise directly contribute to the purpose of the meeting.

In order for the CareerSource Citrus Levy Marion to pay per diem, restaurant/hotel meals or food service charges, mileage or other costs for CareerSource Citrus Levy Marion-sponsored conferences, the following conditions must be met:

- a. Advance approval of attending meetings, workshops or conferences must be obtained from the ~~Chief Operating Officer~~ or ~~Executive Vice President~~.
- b. Any person entitled to reimbursement under CareerSource Citrus Levy Marion travel policies for a meal which has been paid for as part of a restaurant/hotel meal or food service charge must deduct reimbursement for that meal on their Travel Reconciliation Form.

LOCAL TRAVEL

For local travel not involving overnight stays, including business meetings attendance, departures will be logged on Auto Mileage Reports (**Attachment A**) at the time each trip is taken. Each Auto Mileage Report covers a one-month period and must be turned in to Finance for reimbursement as soon as possible after the end of each month. The traveler must sign, date and list their job title, and then give it to their Supervisor for review and certification of the report's accuracy **BEFORE** submitting to Finance for reimbursement.

NOTE: Mileage claimed must be from point of origin to destination based on the official DOT highway map and based on actual mileage for local vicinity mileage. If the actual mileage traveled is less than the DOT highway map, the lesser amount of mileage must be claimed.

Traveler may claim mileage from home to a work location outside their official headquarters provided that travel begins more than one hour before or after the traveler's regular work hours and provided the miles claimed do not exceed the miles actually driven.

- a. A Blanket Authorization to Incur Vicinity Mileage Form (**Attachment B**) must be completed for staff on a yearly basis, approved and signed by the Chief Executive Officer or ~~Chief Operating Officer~~ ~~Executive Vice President~~. A copy should be maintained in the Finance Department and Staff Personnel File.
- b. A Blanket Authorization to Incur Travel Expenses Form (**Attachment C**) must be completed for Contractor/Provider Staff on a yearly basis, approved and signed by the Chief Executive Officer or ~~Chief Operating Officer~~ ~~Executive Vice President~~. A copy should be maintained in the Finance Department and Contract File.

LODGING

Lodging expenses for an employee of the Board and board members, may not exceed the daily limit of \$175 for that of employees of the State of Florida, excluding taxes and fees. An employee of the Board or board member may expend his or her own funds for any lodging expenses over the limit for employees of the State of Florida.

Exceptions:

- a) The Board is participating in a negotiated group rate discount
- b) The Board obtains and maintains documentation of at least three comparable alternatives demonstrating that such lodging at the required rate is not available
- c) Other hotels whose rate meets the state requirement are not convenient to conduct business or have safety concerns

OVERNIGHT TRAVEL

The procedures established by the CareerSource Citrus Levy Marion for overnight travel provide that requests for travel must be approved in advance by the Chief Executive Officer or ~~Chief Operating Officer~~ Executive Vice President. An Authorization to Incur Travel Expenses form (**Attachment D**) and Advance for Travel Expense Form (**Attachment E**) must be completed and approved prior to the beginning date of travel. After the trip has been completed, the traveler submits a Travel Reconciliation Form (**Attachment F**).

All travel advances are recorded as receivables of the CareerSource Citrus Levy Marion until the travel has been completed by the employee and a Travel Reconciliation Form is submitted. Upon submission of a Travel Reconciliation Form, the correct project is charged and any difference between an advance and the actual expense is settled by either the traveler or the CareerSource Citrus Levy Marion.

FORMS PROCEDURES/ROUTING

Authorization to Incur Travel Expense Form:

- a. Traveler completes/signs/dates form stating that the travel is to be incurred in connection with Board business and a description of how it benefits the Board. Attached to the form should be a copy of the program or agenda. Traveler should maintain a copy of the completed form as it must be included as support for the Travel Reconciliation Form.
- b. Supervisor reviews for accurateness, approves/signs form and submits to Workforce Board Administrative Assistant.
- c. Board Executive Assistant assures accurateness of form and submits to Chief Executive Officer or ~~Chief Operating Officer~~ Executive Vice President for

approval/signature.

- d. Approved form is returned to the Board Executive Assistant for processing of travel arrangements.
- e. Scanned or electronic signatures are acceptable.

Advance for Travel Expense Form:

- a. Board Executive Assistant completes form.
- b. Traveler signs form
- c. Supervisor approves/signs form
- d. Form submitted to Finance Department for processing advance
- e. Scanned or electronic signatures are acceptable

Travel Reconciliation Form:

- a. Traveler or Board Executive Assistant completes form. All appropriate backup documentation, receipts and originally signed/approved Travel Authorization Form should be attached to the Travel Reconciliation Form. An electronic signature is also considered an original signature. Hotel receipt should include room charges. Meal receipts are not necessary.
- b. Traveler signs/dates form.
- c. Form submitted to Chief Executive Officer or ~~Chief Operating Officer~~ Executive Vice President for approval/signature.
- d. Form submitted to Finance Department for final processing
- f. Original or electronic signature is needed on this form.

NOTE: For individuals covered under the Americans with Disabilities Act (ADA), there are special provisions for travel reimbursements that apply and may be authorized through the individual's Supervisor.

TRAVEL SPECIFICS

Mileage Reimbursement:

The mileage reimbursement rate will be \$.445 cents per mile.

Meal Reimbursement:

Only allowed where overnight travel is required. In that case the rate shall be as follows:

Breakfast	\$6
Lunch	\$11
Dinner	\$19

Meal allowance is as follows:

Breakfast - \$6.00 (When travel begins **BEFORE** 6 a.m. and extends **BEYOND** 8 a.m.)

Lunch - \$11.00 (When travel begins **BEFORE** 12 noon and extends **BEYOND** 2 p.m.)

Dinner - \$19.00 (When travel begins **BEFORE** 6 p.m. and extends **BEYOND** 8 p.m.)

No day travel meal reimbursements are allowed under current law.

On days where overnight travel has occurred, but the day is a travel day, not subject to overnight accommodations, a per diem rate of \$80 can be claimed. That rate is broken out as a reimbursement of \$20 per quarter of the day. **If a meal is provided during the conference/event then the quarter reimbursement is reduced by the meal allowance of \$6 for breakfast, \$11 for lunch, or \$19 for dinner.** Quarters of a day are as follows:

Midnight- 6 am

6am- noon

Noon- 6pm

6pm- midnight

Reimbursable Incidental Expenses:

- a. Taxi fares in excess of \$25, on a per fare basis, require a receipt. Amounts less than \$25 do not.
- b. Parking fees or tolls in excess of \$25, on a per transaction basis, requires a receipt. Amounts less than \$25 do not.
- c. Tips paid to taxi drivers that do not exceed 15 percent of the taxi fare are reimbursable and do not require a receipts.
- d. Actual amount of tip paid for mandatory valet parking is not to exceed \$1 per occasion are reimbursable and do not require a receipt.
- e. Actual portage paid shall not exceed \$1 per bag not to exceed \$5 per incident are reimbursable and do not require a receipt.

OFFICIAL SIGNATURE

THOMAS E. SKINNER, JR.
Chief Executive Officer

EVP COORD:

ATTACHMENT A



*Misc Expenses = tolls, parking, etc.

Payee Signature

Supervisor Certification

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ATTACHMENT B

AUTHORIZATION TO INCUR VICINITY MILEAGE
July 1, _____ – June 30, _____

Traveler's Name: _____

Title: _____

Travel Justification:

Yearly Cost Estimate: _____

| Approved by CEO or ~~COO~~ EVP:

Signature



ATTACHMENT C

**AUTHORIZATION TO INCUR TRAVEL EXPENSES FOR
ALL CONTRACTOR/PROVIDER STAFF**

Program Year: July 1, _____ to June 30, _____

Contractor/Provider/Agency: _____

STAFF NAME	POSITION/TITLE	TRAVEL ESTIMATE AMOUNT

Use additional sheets as needed.

Travel Justification: _____

Agency Representative's Name: _____

Signature

Date

Approved by CareerSource Citrus Levy Marion CEO or ~~COO~~ EVP:

Signature

Date



ATTACHMENT D

AUTHORIZATION TO INCUR TRAVEL EXPENSE

RWB 10		NAME:		OFFICIAL HEADQUARTERS:				DATE:				
DEPARTURE DATE:			RETURN DATE:									
DESTINATION AND PURPOSE OF TRIP			ESTIMATED COST:									
			REGISTRATION FEE	PER DIEM	MEALS	AIRLINE	CAR RENTAL	GROUND TRANSPOR- TATION	MILEAGE	HOTEL	PARKING	MISC
			TOTAL ESTIMATED COST:									
CONFERENCE OR CONVENTION TRAVEL: EXPLANATION OF BENEFITS ACCRUING TO THE BOARD												
***ALSO ATTACH AGENDA, LIST OF TOPICS OR OTHER BACKUP FOR JUSTIFICATION												
I UNDERSTAND THE USE, POSSESSION OR TRANSPORT OF ALCOHOL OR ILLEGAL DRUGS IS STRICTLY PROHIBITED AT ANY TIME WHEN I AM RESPONSIBLE FOR ANY VEHICLE USED FOR OFFICIAL BOARD TRAVEL.												
I HEREBY CERTIFY THAT TRAVEL AS SHOWN ABOVE IS TO BE INCURRED IN CONNECTION WITH OFFICIAL BUSINESS OF THE BOARD.												
SIGNED BY TRAVELER/DATE:			APPROVED BY - SUPERVISOR/DATE:				APPROVED BY CEO or GOO EVP/DATE:					

Revised MM/DD/Y



ATTACHMENT E

ADVANCE FOR TRAVEL EXPENSES

Traveler's Name: _____
Date of Request: _____
Purpose of Travel / **Conference Name:** _____
City of Origin / Destination: _____
Date of Departure: _____ **Time of Departure:** _____ Date of Return: _____
Account(s) to be Charged: _____

EXPENSES ALREADY PAID IN ADVANCE:

_____ Nights Lodging @ \$ _____	\$ _____
_____ Parking or Mandatory Valet Parking	\$ _____
_____ Registration	\$ _____
_____ Airfare	\$ _____
_____ Other (Car Rental, misc.)	\$ _____

TOTAL EXPENSES PAID IN ADVANCE:

\$ _____

EXPENSES ADVANCED TO PERSON TRAVELING:

_____ Breakfast	@\$6.00	\$ _____
_____ Lunch	@\$11.00	\$ _____
_____ Dinner	@\$19.00	\$ _____
_____ Nights Lodging	@\$	\$ _____
_____ Mileage @ .445 eff. 7-1-10		\$ _____
_____ Parking or Mandatory Valet Parking @ \$ _____		\$ _____
_____ Other (car rental, misc.)		\$ _____

TOTAL TRAVEL ADVANCE PAID TO PERSON TRAVELING:

\$ _____

GRAND TOTAL OF ESTIMATED EXPENSES:

\$ _____
=====

Comments: _____

Traveler hereby requests a travel advance as shown above and certifies that travel is to be incurred in connection with official business of CareerSource Citrus Levy Marion.

TRAVELER'S SIGNATURE: _____

SUPERVISOR'S SIGNATURE: _____

TRAVELER'S NAME:

TRAVEL RECONCILIATION - CAREERSOURCE CITRUS LEVY MARION - ATTACHMENT F

Date of Travel	Point of Origin	Point of Destination	Purpose of Travel	Hr Depart/ Hr Return	Meals Claimed	Mileage Claimed	Vicinity Mileage Claimed	Lodging Expense or Per Diem	Other Expenses	Other Expenses Description
										Registration
										Parking
										Tolls
										Portage (Tips)
										Cabs
										Airfare
										Baggage Fees #_____
Computations or Comments: Agenda, list of topics or program and a Approved Authorization to Incur Travel Expenses Form and required receipts must be attached to this Reconciliation Form						TOTAL MEALS CLAIMED	TOTAL MILES x.445 effec 7-1-10	TOTAL LODGING/ PER DIEM	TOTAL OTHER EXPENSES	GRAND TOTAL
						BALANCE:				
						LESS TRAVEL ADVANCE (INCLUDES PAYMENT OF REGISTRATIONS, AIRFARE, HOTEL, CHARGES TO COMPANY CREDIT CARD AND TRAVEL ADVANCE TO TRAVELER):				
						REIMBURSEMENT TO TRAVELER:				
						AMOUNT OWED CAREERSOURCE CLM:				

I hereby certify or affirm that the above expenses were actually incurred by me as necessary traveling expenses in the performance of my official duties; attendance at a conference or convention was directly related to official duties of the agency; any meals or lodging included in a conference or convention registration fee have been deducted from this travel claim; and that this claim is true and correct in every material matter and same conforms in every respect with the requirements of CareerSource Citrus Levy Marion's Travel Policy. I hereby certify that the above claimed expenses are allowable under CareerSource Citrus Levy Marion Policy and that the totals and extensions are accurate.

TRAVELER'S SIGNATURE: _____

DATE: _____

APPROVED BY CEO OR ~~GOO~~-EVP: _____

DATE: _____

Revised MM-DD-YY



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
Executive Meeting, Wednesday, March 3, 2021

TOPIC/ISSUE:

One Stop Operator Procurement and Contracting

BACKGROUND:

Procurement of a One Stop Operator is a requirement under the Workforce Innovation and Opportunity Act. The Executive committee met on October 5, 2016 prior to our initial procurement to determine what the definition of a One Stop Operator would be in this region. The subsequent procurements were modeled after that definition. Input from the Career Center and Executive committees was solicited during regular meetings this program year prior to the release of an Invitation to Negotiate (ITN) and no changes to the definition were recommended by the members. An ITN was released on December 10, 2020. The deadline for responses to be received was February 19, 2021. Two proposals were received, one from Thomas P. Miller & Associates and one from LDW Group LLC.

POINTS OF CONSIDERATION:

Thomas P. Miller & Associates has extensive experience with working with the staff and board in our area throughout the last 4 years. The total cost of a 12-month contract will be \$66,880.00 for services rendered and \$8120.00 for travel and per diem for a total of \$75,000.00. LDW Group LLC has experience working with two large workforce boards in Florida. The total cost of a 12-month contract will be \$75,000.00. The scoring matrices for the two contracts provide an aggregate score of 80.25 for Thomas P. Miller & Associates and 66.25 for LDW Group LLC, out of the highest possible score of 100 (aggregate scoring matrix on following page). Both proposals provide similar services, however, the review team determined that Thomas P. Miller & Associates offers more comprehensive services that better fit the needs of our region at this time. Both submitted proposals met all requirements as listed in the ITN. The One Stop Operator contract will be renewable up to three additional program years (4 years total) at the Board's discretion.

STAFF RECOMMENDATIONS:

Approve the selection of Thomas P. Miller & Associates to provide One Stop Operation duties for CareerSource CLM beginning July 1, 2021 through June 30, 2022.

COMMITTEE ACTION:

Al Jones made a motion to approve the selection of Thomas P. Miller & Associates to provide One Stop Operation duties for CareerSource CLM beginning July 1, 2021 through June 30, 2022. Fred Morgan seconded the motion. Motion carried.

BOARD ACTION:

One Stop Operator Review

Aggregate Review Scores

CareerSource Citrus Levy Marion One Stop Operator Review

		Maximum Points	Thomas P. Miller & Associates	LDW Group LLC
Criteria			Reviewer Score	
1	Rate how well the respondent's proposal addressed all requested elements contained in the Invitation to Negotiate (ITN)	10	8.5	6.75
2	Rate the respondent's overall experience overseeing program delivery in the workforce system based on their proposal	10	8	5.75
3	Rate the respondent's understanding of the various funding streams offered in the workforce system as well as those through partner agencies	10	7.5	5.75
4	Rate the respondent's past quantifiable experience in workforce as it relates to operation of One Stop career centers	10	7.75	7
5	Rate the respondent's proposed level of collaboration and provision of input by members of CareerSource management and members of the Board of Directors	10	8	6.5
6	Rate the respondent's organizational and staff qualifications	10	8	6.75
7	Rate the respondents quantifiable performance history in workforce Development (letters of recommendation will be accepted)	10	7.5	7.75
8	Rate how well the proposed scope of work aligns with the requested services in Part III of the ITN (Program Parameters and Description of Services Sought)	10	8.25	6
9	Rate how well the proposed deliverables will create a comprehensive One Stop 'system'.	10	8.5	7.5
10	Rate the respondents demonstrated knowledge of the Workforce Innovation and Opportunity Act (WIOA)	10	8.25	6.5
Reviewers Total Score:		100	80.25	66.25

Reviewers Signature: Reviewer Aggregate Scoring



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
Executive Meeting, Wednesday, March 3, 2021

TOPIC/ISSUE:

Youth Services Provider Procurement and Contracting

BACKGROUND:

An Invitation to Negotiate (ITN) was released on December 10, 2020. The deadline for responses to be received was February 19, 2021. One Expression of Interest and one proposal was received from Eckerd Connects. Staff sends copies of each solicitation to all known relevant organizations. All solicitations are advertised in local print media and posted to our website RFP page. Staff contacted the corporate offices of Equus Workforce Solutions (formerly ResCare Workforce Service) but did not get a response to their offer to send a copy of the ITN. ResCare had previously submitted an Expression of Interest during our 2016 procurement cycle but did not submit a final proposal.

POINTS OF CONSIDERATION:

Eckerd Connects has extensive experience working with the youth and staff in our area. Eckerd is quick to respond to all requests by the board and staff and provide seamless integration of services and staff within the career centers. During the last 4 years Eckerd Connects has provided youth services for CSCLM and has consistently met performance metrics each year. The submitted proposal has been reviewed by staff and it has been determined that it meets all requirements as listed in the ITN. This contract will be renewable up to three additional program years (4 year total) at the Board's discretion. The final budget for Youth services will be contingent on funding levels to be announced later in the program year.

STAFF RECOMMENDATIONS:

Approve the Sole Source selection and contracting with Eckerd Connects to provide youth services beginning July 1, 2021 through June 30, 2022.

COMMITTEE ACTION:

Al Jones made a motion to approve the sole source selection and contracting with Eckerd Connects to provide youth services beginning July 1, 2021 through June 30, 2022. Pete Beasley seconded the motion. Motion carried.

BOARD ACTION:



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
Executive Meeting, Wednesday, March 3, 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:

Al Jones made a motion to approve the executive director's signature on the certification and submit it to the Consortium for signature and approval, then on to the State. Fred Morgan seconded the motion. Motion carried.

BOARD ACTION:



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021 Executive Meeting, Wednesday, March 3, 2021

TOPIC/ISSUE:

OPS-26 Eligibility Services Information OPS-46 WIOA Supportive Services

BACKGROUND:

Per the recent updated policy from CareerSource Florida under Policy 109, we are required to update policy changes regarding Priority of Service and Support Services. Additionally, the Programmatic Monitoring Report provided by Underwood Sloan & Associates provided information on a finding in OPS-46, which does not include guidance on the issuance and storage of reloadable/instant issue cards or on the method(s) of delivery to participants. Job title corrections were also updated.

POINTS OF CONSIDERATION:

Staff have updated Operations policy ***OPS-26 Eligibility Services Information and OPS-46 WIOA Supportive Services*** to address all the requirements as set forth in CSFL Policy 109 and the Sloan Underwood & Associates Programmatic Monitoring Report as well as under the sub-grantee agreement. Upon approval from the Executive Committee CSCLM is required to send the updates to Department of Economic Opportunity for approval as well.

STAFF RECOMMENDATIONS:

Approve OPS-26 and OPS-46 to be implemented under our official policies and procedures.

COMMITTEE ACTION:

Pete Beasley made a motion to approve OPS-26 and OPS-46 to be implemented under our official policies and procedures and submitted to DEO. Al Jones seconded the motion. Motion carried.

BOARD ACTION:



POLICIES AND PROCEDURES

SECTION: Program Operations	POLICY #: OPS-26	PAGE 01 of 11
TITLE: WIOA Eligibility/Services Information	EFFECTIVE DATE: 12/03/2020	
SUPERCEDES: OPS-26	Dated January 31, 2017	
REPLACES: OPS-43	Dated May 09, 2000	

DISTRIBUTION: CareerSource Citrus Levy Marion staff and Service Providers

PURPOSE:

To provide policy guidance and interpretation of Federal and State workforce laws. Local procedural guidance is also provided to assure consistency. The policy is intended for use in conjunction with Federal and State laws and regulations.

POLICY:

It is the purpose of the Workforce Innovation and Opportunity Act (WIOA) to provide and increase access to workforce services to eligible citizens of the United States. WIOA is designed to assist those with barriers to employment to access workforce services needed to succeed in the job market as well as to align workforce investment with education and economic development systems.

Under Title I of the WIOA, the workforce development system provides the framework for delivery of workforce services at the State and local levels to individuals (i.e. dislocated workers, Adults with barriers, youth, and veterans) and employers in need of those services. CareerSource Citrus Levy Marion is committed to utilizing a holistic approach to promote career development in tandem with workforce development. Our integrated workforce system ensures that **Basic Career Services** are available for the universal population and staff assisted **Individualized Career Services** and Training Services are provided to eligible and sufficiently prepared customers. The following information provides guidance for the services provided through the Workforce Innovation and Opportunity Act.

WORKFORCE INNOVATION AND OPPORTUNITY ACT

SERVICES INFORMATION

SECTION I

WHAT IS THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)?

The Workforce Innovation and Opportunity Act or WIOA is a federal law that provides the framework for creating a world-class workforce development system. The Act supersedes the previous Workforce Invest Act of 1998. The purpose of the Act is defined in six main principles:

- 1) To increase, for individuals in the United States particularly those individuals with barriers to employment, access to an opportunities for the employment, education, training, and support services they need to succeed in the labor market
- 2) To support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system in the United States.
- 3) To improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide America's workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy.
- 4) To promote improvement in the structure of and delivery of services through the United States workforce development system to better address the employment and skill needs of workers, jobseekers, and employers.
- 5) To increase the prosperity of workers and employers in the United States, the economic growth of communities, regions, and States, and the global competitiveness of the United States.
- 6) To provide workforce investment activities, through the statewide and local workforce development system, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.

The WIOA is divided in five "titles," each of which addresses major aspects of the system.

- ◆ **Title I:** Creates the overall structure of the system including state and local workforce boards, one-stop career centers, and Youth Councils. It specifies allowable activities and procedures for measuring performance. It replaces the Workforce Investment Act (WIA) of 1998.

- ◆ **Title II:** Amends existing adult education and literacy legislation and aligns these services with the workforce investment system.
- ◆ **Title III:** Defines the Wagner-Peyser (Employment Service) Act to better integrate with the overall vision of workforce investment.
- ◆ **Title IV:** Amends the federal Rehabilitation Act and requires increased alignment through defined partnerships with the workforce investment system.
- ◆ **Title V:** Provides the transition of the Act and allows states to consolidate two or more federal workforce-related programs through a state unified plan.

SECTION II

EMPOWERING THE NATION'S JOBSEEKERS

The Workforce Innovation and Opportunity Act provides the framework for a continued national workforce preparation and employment system designed to meet both the needs of the nation's businesses *and* the needs of job seekers and those who want to further their careers.

Title I of the legislation is based on the following elements:

- Training and employment programs are tailored for the needs of the population within each workforce development area with a sense of the needs within a larger workforce region comprised of partnering workforce areas.
- Customers must be able to conveniently access Career and Training Services through the local One Stop centers, as well as through electronic or 'virtual' mediums. Services may be classified as self-service, or staff assisted.
- Customers should have choices in deciding the training program that best fits their needs and the organizations that will provide that service. They should have control over their own career development.
- Customers have a right to information about how well training providers succeed in preparing people for jobs. Training providers will provide information on their success rates in order to be qualified as an approved educational provider.
- Businesses will provide information, leadership, and play an active role in ensuring that the system prepares people for current and future jobs. WIOA stipulates the percentages of representation from private sector, business, labor, education and economic development on the local workforce development board.

Title I defines the Workforce Investment System. In Florida, the State and local workforce investment board as well as the Department of Economic Opportunity (DEO) share in the leadership and oversight of the workforce investment system. Locally, the workforce development board and sub committees provide input and guidance to the structure of the local workforce area.

Title I requires that standards for success are established for organizations that provide training services and a system outlined for determining their initial eligibility to receive funds. It establishes the funding mechanism for States and local areas, specifies participant eligibility criteria, and authorizes a broad array of services for youth, adults, and dislocated workers. It also authorizes certain statewide activities and a system of *accountability* to ensure that customer needs are met.

WIOA also re-authorizes: Job Corps; Native American programs; Migrant and Seasonal Farmworker programs; Veterans' Workforce Investment programs; Youth Opportunity grants for high-poverty areas; technical assistance efforts to States and local areas; demonstration, pilot, and other special national projects; program evaluations; and National **Dislocated Worker** grants.

Title II reauthorized Adult Education and Literacy programs.

Title III re-authorized the Wagner-Peyser Act and continues to require that Employment Service/Job Service activities become part of the "One-Stop" system and established a national employment statistics initiative. It requires linkages between the Act's programs and WIOA career activities, the Trade Adjustment Act, Veteran services as well as the Welfare Transition Program.

Title IV reauthorized the Rehabilitation Act programs and linked these programs to State and local workforce development Areas. WIOA also establishes a required partnership with workforce development.

Title V contains general provisions that include authority for State unified plans relating to several workforce development programs, incentive grants for States exceeding negotiated performance levels under the Workforce Innovation and Opportunity Act, Adult Education Act, and Perkins Vocational Education Act, and transition provisions.

A Customer-Focused System

The most important aspect of the Act is its focus on meeting the needs of businesses for skilled workers *and* the training, education, and employment needs of individuals. Key components of the Act enable customers to easily access the information and services they need through the One Stop system; empower adults to obtain the training they find most appropriate through Individual Training Accounts, and ensure that all State and local programs meet customer expectations.

The system is based on the One Stop concept where information about and access to a wide array of job training, education, and employment services is available for customers at a single location. Customers are able to easily:

- Receive a preliminary assessment of their skill levels, aptitudes, abilities, and support service needs.
- Obtain information on a full array of employment-related services, including information about local education and training service providers.

- Obtain information regarding approved training programs and providers as established through the local **Area Targeted Occupation List (ATOL)**. *Reference OPS-28 Area Targeted Occupation List*
- Receive help filing claims for **reemployment** assistance and evaluating eligibility for job training and education programs or student financial aid.
- Obtain job search and placement assistance, and receive career counseling.
- Have access to up-to-date labor market information that identifies job vacancies, skills necessary for in-demand jobs, and provides information about local, regional and national employment trends.

Through the One Stop, employers benefit by having a single point of contact to provide information about current and future skills needed by their workers, to list job openings, and to find job-ready skilled workers who meet their needs.

Empowerment Through **Individual Training Accounts**

WIOA focuses on customer choice to promote individual responsibility and personal decision-making through the use of "Individual Training Accounts" which allow customers to access the training they determine best for them. This market-driven system enables customers to get the skills and credentials they need to succeed in their local labor markets.

Good customer choice requires quality information. The One Stop system provides customers with a list of eligible training providers. Payment for services is arranged through the Individual Training Accounts. Only in exceptional cases may training be provided through a contract for services between the One-Stop Center and organizations providing the training.

As individuals become empowered to choose the services they require, States, local areas, and providers of those services become more accountable for meeting those needs.

For adults and dislocated workers (such as those who lose their jobs because of permanent layoffs or plant closings), measures for the rates of entry into unsubsidized employment, job retention, post-placement earnings, and acquired education and skill standards for those who obtain employment are established. Measures for Out of School Youth (16-24) also include the attainment of a high school diploma (or its equivalent) for those who enter post-secondary education or advanced training as well as for those who get jobs. Measures for In School Youth (14-21) include rates of basic skills and work readiness or occupational skills attainment, attainment of high school diplomas (or the equivalent), and placement and retention in postsecondary education, advanced occupational training, apprenticeships, the military or employment. These measures apply to both statewide and local performance.

The Act also requires that training providers must meet certain requirements in order to receive adult or dislocated worker funds. There are separate requirements for initial eligibility and for subsequently maintaining eligibility to receive funds. Training providers are held accountable for completion rates, the percentage of participants who obtain unsubsidized jobs and for their wages at placement. Training providers must also provide information about the cost of their programs. This information will be available to customers at One-Stop Centers. When authorizing training, CareerSource Citrus Levy Marion's Policy OPS 28, **Area Targeted**

Occupation List, will be used in conjunction with the state list of approved training vendors which can be found at <http://www.floridajobs.org/labor-market-information/publications-and-reports/labor-market-information-reports/regional-demand-occupations-list>.

SECTION III

ELIGIBILITY AND SERVICE REQUIREMENTS

The Act specifies three funding streams to the States and local areas: adults, dislocated workers, and youth.

Adults and Dislocated Workers

Most workforce services for adults and dislocated workers are provided through the One-Stop system and most customers will use their individual training accounts to determine which training program and training providers fit their needs.

The Act authorizes Basic Career Services (available to all customers *with no eligibility requirements*), Individualized Career Services (available to those who meet eligibility requirements) and Training Services for Adults and Dislocated Workers.

While the services for adults and dislocated workers may be the same, **there are dedicated funding streams.**

Basic Career Services

- information about available services
- labor market information (which identifies job vacancies; skills needed for in-demand jobs; and local, regional and national employment trends);
- access to provided technologies such as internet access, fax, phone, etc.

Individualized Career Services:

- initial assessment of skills and needs;
- additional comprehensive assessments;
- development of individual employment plans;
- group and individual counseling;
- case management;
- short-term pre-vocational services;
- Internship and Work Experience services.

WIOA establishes that there is no required 'tier' for receiving services. Customers may be assessed for their needs and immediately moved to either Career Services (self or staff assisted or Training as needed).

Training Services may include:

- occupational skills training;
- on-the-job training;

- entrepreneurial training;
- skill upgrading;
- job readiness training, and;
- adult education and literacy activities in conjunction with other training.

Under WIOA, the 'limited funding for priority' provision is removed. Priority of Service is given to those individuals that exhibit 'multiple barriers' or special priority categories as specified in the ADULT section of this policy. This priority applies to adult funds for training services only. **Funds allocated for dislocated workers are not subject to this requirement** as priority is met through dislocation.

Priority of service will be given for traditional adult training funds; will take into account all areas represented in our priority of service; and will not be driven only by income. Customers facing multiple barriers shall be given priority when seeking services. (see Priority of Service Definition section)

The Act also re-authorizes the provision of supportive services as outlined in OPS-46 Supportive Services, (e.g., transportation assistance, clothing allowance, tools of the trade, etc.) to assist participants receiving Career and Training services and the provision of temporary income support to enable participants to remain in training. Supportive services may be authorized for participants depending on availability of funding and accessibility through other programs providing such services.

Youth

Customers utilizing youth funds will meet eligibility through defined barriers and are ages 14 through 24 at the time of eligibility. All youth will be classified as In School Youth or Out of School Youth based on the eligibility criteria below. At least 75 percent of local youth funds must help those who are classified as Out of School. Youth participants will be classified per the standards below and will meet the barrier requirements as specified for In School and Out of School below:

Out of School Youth are defined as:

- A. Not attending any school (as defined under State law);
- B. Not younger than age 16 or older than age 24; and
- C. One or more of the following:
 - I. A school dropout.
 - II. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.
 - III. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—
 - a) Basic skills deficient; or
 - b) An English language learner.
 - c) An individual who is subject to the juvenile or adult justice system.
 - d) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has

aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C.677), or in an out of-home placement.

- e) An individual who is pregnant or parenting.
- f) A youth who is an individual with a disability.
- g) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

IN-SCHOOL YOUTH are defined as:

- A. Attending school (as defined by State law);
- B. Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;
- C. A low-income individual; and is one or more of the following:
 - a) Basic skills deficient.
 - b) An English language learner.
 - c) An offender.
 - d) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out of-home placement.
 - e) Pregnant or parenting.
 - f) A youth who is an individual with a disability.
 - g) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

Additionally, not more than five (5) percent of the individuals assisted under this section may be persons who would be covered individuals, except that the persons are not low income individuals.

Youth will be prepared for post-secondary educational opportunities or employment. Programs and services will link academic and occupational learning. Youth Program Service Providers will have strong ties to employers.

Services provided to youth must also include tutoring, study skills training and instruction leading to completion of secondary school (including dropout prevention); alternative school services; mentoring by appropriate adults; paid and unpaid work experience (such as internships and job shadowing); occupational skills training; leadership development; and appropriate supportive services. The following services as stated in WIOA section 681.460 will be made available to all Youth participants:

- i. Tutoring
- ii. Alternative Secondary School Services
- iii. Paid and Unpaid Work Experiences
- iv. Occupational Skill Training
- v. Education offered concurrently with and in the same context as Workforce Preparation Activities
- vi. Leadership Development Opportunities

- vii. Supportive Services
- viii. Adult Mentoring
- ix. Follow Up Services
- x. Comprehensive Guidance and Counseling
- xi. Financial Literacy Education
- xii. Entrepreneurial Skills Training
- xiii. Labor Market Information
- xiv. Transition Activities to Post-Secondary Education and Training

If summer programs are provided to youth, the summer employment opportunities must be linked to academic and occupational learning. The mix of year-round and summer activities is left to local discretion and CareerSource Citrus Levy Marion does not maintain a separate appropriation for a “summer” program.

ADULT

Eligibility categories/characteristics shall be defined as:

1. Meeting WIOA eligibility under Title I for the Adult Program as defined in the WIOA section 3(2) as a person of or over the age of 18 years old.
2. A resident residing within the geographic borders of Citrus, Levy or Marion counties or a resident of a neighboring county that is seeking employment or training in Citrus, Levy or Marion County.
3. WIOA focuses on serving individuals with barriers to employment and ensures access to these services on a priority basis. LWDBs must give priority for the provision of individualized career and training services in the following sequential order:
 1. Recipients of public assistance.
 2. Low-income individuals. Payments for reemployment assistance, child support payments and old-age survivors’ insurance are not excluded from income calculations for determining if an individual is low income.
 2. Individuals who are basic skills deficient.

Veteran and Adult Priority of Service

Veterans and eligible spouses receive priority of service for all USDOL-funded job training programs, which include WIOA programs. However, when programs are statutorily required to provide priority for a particular group, such as the WIOA priority for adult funds described above, priority must be provided in the order described below. Veterans who receive priority of service must meet all WIOA adult program eligibility requirements. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs cannot be considered income for eligibility purposes.

LWDBs must ensure veterans and eligible spouses are made aware of their eligibility to priority of service, the full array of workforce programs and services available to them, and any applicable eligibility requirements for those programs and services.

Priority of service must be provided to eligible WIOA adult program participants in the following order:

- 1) Veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, including the underemployed, or individuals who are basic skills deficient. Priority of Service Policy Number 105 Page 3 of 5
- 2) Individuals who are not veterans or eligible spouses who are included in the groups given WIOA priority selection criteria, (public assistance recipient, other low-income individuals including underemployed or basic skills deficient).
- 3) All other veterans and eligible spouses who are not included in the WIOA priority groups (see above items 1 and 2).
- 4) Other individuals who do not meet the statutory priority, but who are identified as priority populations established by the Governor and/or local workforce development boards.
- 5) Other Individuals who do not meet the statutory priority and who do not meet the Governor's or local workforce development board's discretionary priority, but who do meet the WIOA Adult program eligibility.

DISLOCATED WORKER

Dislocated Workers are defined as:

1. An individual who:
 - i. has been terminated or laid off, or who has received a notice of termination or layoff from employment;
 - ii. is eligible for or has exhausted entitlement to **reemployment** assistance; or
 - i. has been employed for a duration sufficient to demonstrate to the appropriate entity at a One Stop center attachment to the workforce but is not eligible for **reemployment** assistance due to insufficient earning or having performed services for an employer that was not covered under a State **reemployment** assistance law; and
 - ii. is unlikely to return to a previous industry or occupation;
2. An individual who:
 - i. has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;
 - ii. is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
 - i. For purposes of eligibility to receive services other than training services, career services or support services, is employed at a facility at which the employer has made a general announcement that such facility will close.
3. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic condition in the community in which the individual resides or because of natural disasters;

4. Is a displaced homemaker WIOA Section 3(16)
5. Is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), **and**:
 - i. who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or
 - ii. is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph WIOA Section 3(16)(B)

DISPLACED HOMEMAKER

The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—

- a) (i) has been dependent on the income of another family member but is no longer supported by that income; or (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) **and** whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; **and**
- b) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

CareerSource Citrus Levy Marion

LOCAL DEFINITIONS

SELF-SUFFICIENCY/LOW INCOME FOR ADULTS AND DISLOCATED WORKERS

1. **Low Income for ADULTS:** Earning a rate of pay at the local wage sufficiency rate as determined by DEO or less than 200% of the Metro Lower Living Standard Income Level based on family size.
2. **Dislocated Workers:** Earning a rate of pay representing the hourly equivalent at 80% of the layoff wage.
3. **Employed Worker:** Reference OPS-68 Custom Business Training, which allows the Region to increase the skill levels of the existing workforce to meet the needs of the employer, to leave no worker behind in obtaining and retaining employment opportunities, and to continuously foster economic growth.

OFFICIAL SIGNATURE

Thomas E. Skinner, Jr.
Chief Executive Officer

EVP Coord:



POLICIES AND

PROCEDURES

SECTION: Program Operations	POLICY #: OPS-46	PAGE 01 of 12
TITLE: WIOA Adult and Dislocated Worker Services	EFFECTIVE DATE: 12/03/2020	
SUPERCEDES: OPS-46		Dated July 1, 2015
REPLACES: OPS-08 Customer Travel Assistance OPS-29 Dislocated Worker Needs-Based Policy OPS-57 WIA Exit and Follow-up LOP-02 WIA Service Delivery and the Individual LOP-36 WIA Support Services		Dated September 25, 2003 Dated August 21, 2000 Dated September 25, 2003 Dated May 20, 2013 Dated November 18, 2014

DISTRIBUTION: CareerSource Citrus Levy Marion Staff and Service Providers

PURPOSE: To provide policy by which Career Services, Training Services and Supportive Service payments may be made to Workforce Innovation and Opportunity Act (WIOA) program customers in order to enable them to participate in their assigned/enrolled activity, training and/or to obtain/maintain employment.

I. POLICY

All services will be individually assessed based on a customer's demonstrated need and, where appropriate, will be contained in the customer's Individual Employment Plan (IEP). Eligible individuals may receive Basic Career Services (self-service), Individualized Career Services (staff assisted) and/or Training Services. There is not a requirement under WIOA that an eligible customer must complete a 'tier' of services prior to being enrolled in training. A customer may move directly to training should they be assessed that training is the optimal activity.

Basic Career Services are referred to as self-service. Basic Career Services do not require eligibility and include (but not limited to):

Provision of Job Listing
Labor Market Information
Labor Exchange
Information on Available Services/Partner Programs

Individualized Career Services are more involved, require eligibility and are tailored to the individual needs of the customer. These **include (but are not limited to):**

Comprehensive Skills Assessment
Career Planning
Development of an Individual Employment Plan
Work Experience and Internship Opportunities
Supportive Services
Case Management
Follow-up Services

Training services are available to eligible adults and dislocated workers who have met the eligibility requirement and who, after interview, evaluation or assessment, and case management are determined to be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone. The customer must be determined to be in need of training services and possess the skills and qualifications to successfully participate in the selected program.

The training program should be directly linked to occupations that support the local workforce and economy as listed on the **Area Targeted Occupation List**. WIOA training services are reserved for customers who do not have access to or adequate amounts of other sources of subsidized training such as TANF, VRAP, PELL, etc. The services are available to individuals who meet the current priority of service definition as established by the Citrus, Levy, Marion Regional Workforce Development Board (*CLM OPS 26 WIOA Eligibility/Services Information*). Examples of training services:

Occupational Skills/Classroom Training
On the Job Training
Customized Training
Apprenticeships
Pre-Apprenticeships
Incumbent Worker Training
Skill Upgrading and Re-Training
Entrepreneurial Training
Transitional Jobs
Supportive Services
Case Management
Follow-up Services
Concurrent Education in Job Readiness

Adult Education
Literacy Skills
English Language Acquisition

Some customers may need additional services to assist their vocational training, such as job readiness training, literacy activities including English language training, and customized training. (680.210 (a))

II. Developing and Amending the Individual Employment Plan (IEP)

- A. The customer's IEP is an ongoing strategy jointly developed by the customer and the Career **Development** Coach. The IEP identifies the customer's employment goals, the appropriate achievement objectives, and appropriate combination of services for the customer to achieve the employment goals. The Career **Development** Coach shall involve the customer in the employment planning process and document this involvement via the customer involvement statement. Both the customer and Career **Development** Coach will sign the statement thereby verifying their participation.
- B. Updates to the customer's IEP should occur any time there is a change made to their training and/or employment goals or plans. These changes should be discussed with the customer and documented on an IEP Amendment form. The Career **Development** Coach should note on the amendment how the change affects the goals of the original IEP, what new goals exist and how the Career **Development** Coach and the customer can work together to reach those goals.
- C. The IEP forms have been carefully created to include all elements required by Federal, State and local policies. Each IEP must be 100% complete to be effective and should contain as much detail as possible. The IEP is to be used by the customer as a guide toward next steps. One of its purposes is to help them stay focused while following the plan.

The document also helps the Career **Development** Coach in many ways, to include the tracking of the customer's goal progression; helps staff to assist the customer in activities that will help them define, refine and achieve goals; and it sets measurable accountability between the Career **Development** Coach and customer.

The following items should be considered when developing an IEP (Note: these items are also reviewed during local quality assurance reviews):

1. Is the plan signed and dated by both the customer and consultant?
2. Is the following required component included on the signed Plan: Training Objective, Short & Long Term Goals/Objectives, Support Service needs?
3. Is the following required component included on the signed Plan: Reason for WIOA Assistance?

4. Is the following optional component included on the signed Plan if provided; Career Services/ Activities provided; Type & Results of Assessment.
6. Is the following required component included on the signed Plan for Training (when applicable): <ul style="list-style-type: none"> • Type of training; Is training a demand occupation; approximate start date; • Name of approved training provider or if work-based, provide name of employer? • Pell Grant/Fund coordination Per OPS 27 – Individual Training Accounts
7. Is the following required component included on the signed Plan under Supportive Services: Is there evidence that support services were discussed with the customer and if support services were to be provided was frequency stated?
8. Is the following required component included on the signed Plan under Follow-up Services: Details as to future contacts and/or assistance; If further documentation was needed was there a description as to what it was and when it should be provided?
9. Under Contact Information & Preferred Method & Time: Is contact information and preferred method and time noted?
10. Is the plan personalized to the individual?

III. Case Notes

Case notes differ from the IEP in that the IEP defines a wide range of goals, objectives and services provided a customer where case notes give details of specific events, conversations and case follow-up. Case notes are an important tool in case management to document routine activity with each case. Case notes should tell the story of the customer and give a complete detail of the case. The information contained in the case notes should be objective and free of personal opinion or interpretations. The purpose of case notes is to not only help the Career **Development** Coach track services, discussions and activity with the case, but should also provide a thorough detail of the case should it need to be accessed by any other workforce staff and will allow for a seamless hand off of information. Case notes can also contain additional information that may or may not be included in the customer's IEP.

Case notes are most widely used for documenting discussions and follow-up between face-to-face visits. They are also entered to track actions by the Career **Development** Coach such as processing assistance requests, documenting referrals and managing financial aspects of the case and provide detailed information to other staff that may assist the customer. Current internal quality assurance efforts review the following components of case notes when reviewing a file. The following items should be considered when writing case notes:

1. Do the case notes tell the customer's story?
2. Are the case notes written by the consultant without using "canned" case notes?

3. If no to #2, was personal pertinent information relative to the customer inserted?
4. Are case notes timely, i.e. no long time lag between entries (at a minimum every 30 days)?
5. Do case notes coincide with contacts, interactions or case actions?
6. Were case notes written without abbreviations or acronyms not known to reviewer or would not be known to outside reviewer?
7. If a case note is being used as the verification for an action or decision, is there enough information provided in the case note for justification?
8. Are there Career Development Coach case notes in addition to system generated case notes?
9. Were the case notes written without inappropriate information, statements and/or language?
10. Are the case notes concise, clear, respectful and do not contain excessive typos?

IV. Contact and Routine Monthly Follow-up

Maintaining communication with WIOA customers is vital to successful outcomes. Customers must know that their Career **Development** Coach has their best intentions in mind. Customers must also feel comfortable sharing information that they ordinarily would not share with someone outside of the family unit. Regular follow-up with a customer can also help a Career **Development** Coach identify potential issues and barriers before they become issues.

Customer follow-up must occur on a regular basis with all WIOA cases and be documented in the customer's **EF** case note screen.

- A. Follow-up must occur at a minimum every thirty days. Follow-up may occur via:
 - One on one appointment
 - Telephone
 - E-mail
 - Social Media
- B. A face-to-face appointment must occur every ninety days. Each face-to-face appointment should include a review of the customer's current IEP and an amendment written and signed during the visit if appropriate. Otherwise, the details of the visit should be thoroughly documented in a case note.

Regardless of the method of follow-up, the generated case note must include specific elements. These elements will ensure that thoughtful and meaningful services are provided to the customer and reliable information is available. Case notes should be clear, concise and relevant. Case notes should be brief and to the point, contain only facts and written in the active voice. The elements of the case notes written during Follow-up should contain:

- Current status of goals listed in IEP
- Case note any changes or advancements. These should be documented in an IEP Amendment and reviewed and signed by both the Career **Development** Coach and the customer at the next face to face meeting.
- Barriers that exist or have come up that may prevent the customer from achieving their goals, **detail options for removing them.**
- What activities has the customer been involved with since the last follow-up.
- What activities the customer wishes to complete or participate in between now and the next follow-up or appointment.
- Any gaps in service/contact explained.
- Next steps for the Career Development Coach and the customer.

Post Closure Follow-up will be required once a WIOA case has been closed without activities for a period of 90 days. Cases that enter Post Closure Follow-up are required to have follow-up activities provided for a minimum of one follow-up each quarter for the first four quarters after exit (90 days with no activity). **One type of follow-up service highlighted in WIOA is to provide individuals counseling about the workplace.** It is the intent of WIOA that follow-up services are meaningful and are designed to provide continued support for customers that have exited WIOA. At least three (3) follow-up attempts must be made to a customer each quarter. Unsuccessful attempts must be documented in the follow-up module in Employ Florida (EF) to include the date, time and method of the follow-up.

Successful follow-up attempts should be completed in the follow-up module as well as a case note entry detailing what was discussed during the follow-up, the status and progress of the customer and any additional barriers or assistance that may be needed. Note: additional follow-up services may be provided to a customer without reopening their WIOA case by notating the provided services on the customer WIOA application module in **EF** using the 'F' or 'Follow-up' level activities. Follow-up services do not engage, nor extend participation.

V. Supportive Services

- To be eligible for support service assistance under the WIOA Program, customers must be enrolled in Individualized Career Services or Training Services.
- Supportive Services should be used to address the participant's barriers identified through the initial or objective assessment and must be documented in the participant's Individual Employment Plan (IEP) or Individual Service Strategy (ISS) as appropriate through the use of the Cost of Attendance (COA form).
- No support services will be provided without the coordination of management at the Assistant Director level or higher.
- Supportive services must be necessary to enable the individual to participate in career services or training activities.
- Support Services must not be available from other sources.

F. Abuse of support services may result in discontinuance of these services and/or WIOA funding. *Employees of the Citrus, Levy, Marion Regional Workforce Development Board are not eligible for WIOA Support Services.*

G. Supportive Services will not be limited by a specific cap but will instead be based on need.

Travel Assistance

Travel assistance issuance is designed to assist a customer that is satisfactorily attending training with the actual costs of travel to and from educational institutions and program associated activities such as internships, work experience, clinicals or other required activities necessary for program completion. Travel assistance will only be issued on a reloadable or one-time use debit card and is issued on a reimbursement basis. All customers receiving travel assistance will need to provide documentation for the prior period illustrating the travel that occurred. Travel assistance may be issued on an 'up-front' basis, but should only be done during extenuating circumstances and requires pre-approval from a member of management at the **Assistant Director level or above.**

Travel assistance is routinely reserved for customers that are participating in a career or training service that is not eligible for additional financial aid through PELL. Customers participating in PELL eligible programs are awarded additional WIOA funds toward tuition, book and fee costs that PELL would normally cover to compensate for the actual or overall costs of training. *Reference OPS-27 Individual Training Account (ITA Budgeting and Fund Coordination Policy).* Exceptions to this may be made with pre-approval from a member of management at the **Assistant Director level or above.**

Training programs that are not PELL eligible as well as Internships, Work Experience, On the Job Training and Custom Business Training are examples of non-PELL eligible career and training services for which travel assistance can be issued.

Travel assistance will only be reimbursed when documentation showing attendance at training is supplied to the customer's Career **Development** Coach. This documentation must be in the form of a CareerSource Citrus Levy Marion issued attendance sheet or documentation provided by the educational institution, online training provider (when training is required at a location other than the customer's residence) or other training provider such as timesheets or paystubs supplied by an employer while a customer is engaged in work-based training.

Customer's that are deemed eligible to receive travel assistance will be issued assistance in one of two ways:

- a. Customers may receive a flat amount of \$10.00 weekly for weeks where training attendance is documented.
- b. **Customers that travel a total of 50 miles or more a day to attend training activities may receive .25 per mile.** Note that this is limited to approved training providers in the local area of Citrus, Levy and Marion counties.

Travel assistance to any customer shall not exceed \$40.00 or the permissible calculation based on actual mileage driven in a four-week period. However, flexibility is key in assisting program participants achieve their goals. Exception to this policy may be permitted at any time based on current economic conditions. Exceptions require approval from a member of management at the **Assistant Director level or above**. A case note or documentation will be required and included in the customer's e-file detailing the reason for the **exception (i.e. economic conditions including fuel costs that would limit the customer's ability to remain in training)**.

Bus Passes:

Bus passes are available for those customers who use public transportation in order to get to and from their activity and/or to transport children to childcare facilities. **In Marion County, where public transportation is readily available, this method of travel reimbursement shall be considered first by the Career **Development** Coach and customer when developing a travel plan.**

- a. Regular passes are valid for one calendar month (from the first to the last day of the month). The current cost is \$45.00.
- b. Career **Development** Coaches may request bus passes for the subsequent month starting the 25th of the current month through the 15th of the subsequent month. For example, passes for the month of September may be requested beginning August 25 through September 15. Any passes issued after the 15th will be by exception only and approved by the Finance Department staff.
- c. Any unused bus passes must be returned to the Finance Department on the first Friday of the month.

Cab Service:

- a. May be used when there is absolutely no other transportation service available.
- b. Must be pre-approved by a member of management at the **Assistant Director level or higher**.
- c. The customer may be paid in advance or reimbursed for cab fare up to \$20.00 per day.
- d. The cab fare receipt must accompany documentation for reimbursement.

Childcare Assistance Services

- a. Childcare services are available only on a case-by-case basis for special grant activities. Services are provided which appropriately support WIOA customers so that they may most effectively participate in approved activities. These activities may occur while participation in Individualized and Training Services.
- b. Customers participating in full-time training may receive reimbursement up to **\$157.44 weekly per child for full time childcare and up to \$118.14 (based on a 25% reduction in hours from full time training) weekly per child for part-time childcare based on average costs as report by the Child Care Resource and Referral Network (CCR&R) as of 2020.**
- c. All childcare assistance will be issued as a reimbursement to the customer for expenses incurred during the previous month. All expenses must gain pre-approval from a member of management at the Assistant Director level or higher. Each customer that receives childcare assistance will be informed of the expenses that will be reimbursed

by CareerSource Citrus Levy Marion through the development of the Scholarship Voucher Agreement (SVA) or the Support Service Agreement (SSA).

- d. If the customer's economic condition requires pre-payment of childcare services, interim approval must be obtained from a member of management at the Assistant Director level or higher.
- e. Childcare Assistance is available for a duration of up to six (6) months while the customer is fully participating in the activities as detailed in their Individual Employment Plan.
- f. Customers may require childcare to cover their study time. Many childcare providers charge a daily fee regardless of hours in attendance; therefore, full-time day care may be provided for fully participating students.
- g. Many training programs require Co-Op, practicum, clinical or laboratory experiences that occur in addition to the regularly scheduled courses. Assistance for childcare may support daycare during the time-period in which the customer is participating in these required training components.
- h. Some customers will need to maintain employment while participating in a training program. Assistance may be approved for the cost of childcare during the time-period in which the customer is engaged in employment.
- i. Training and Employment activities will be recorded on a customer timesheet to validate the customer's current and ongoing engagement in the training/employment activity. The timesheet, along with all appropriate backup documentation, will be submitted to finance to substantiate the childcare fees.
- j. The childcare budget and duration will be documented in the Customer's Scholarship Voucher Agreement (SVA) or Support Services Agreement (SSA).
- k. Reimbursement will occur monthly.

1. **Reloadable/Instant Issue Debit Cards:**

- a. Reloadable cards are ordered by finance from Global Cash Cards (run by ADP) and batches of cards are delivered to finance with no cash value assigned to them. Reloadable cards are kept with the bookkeeper in a securely locked file drawer. When reloadable cards are requested the bookkeeping department, upon approval from management at the Assistant Director level or higher, issues the card and mails directly to the customer. Once the customer is in receipt of the reloadable card and they advise their Career Development Coach they have activated the card, a request is made for support services amount to be loaded to the card. We do not purchase, distribute or house any pre-paid cards.
- b. Career Coaches must obtain supporting documentation before or after the use of such cards to ensure the card was used for the documented need and intended purpose. This will include but not limited to timesheets, paystubs, estimates, lease agreements, eviction notices, utility bills, invoices and receipts. Career Coaches will scan all documentation into Atlas.
- c. Reloadable cards are issued once. Funds can be placed on the card multiple times based on procedures detailed in this policy.
- d. The amount of issuance will be mathematically rounded when reloadable cards are utilized in order for cards to be issued in ten dollar increments.
- e. If a customer reports that a card is lost or stolen, the Career Development Coach will report this to the Finance Department and the Program Director. A member of management at the Assistant Director level or higher, must approve all card replacements.

I. Documentation of Program Services and Support Assistance

As supportive services are paid directly to or on behalf of eligible participants, LWDBs are required to maintain documentation sufficient to satisfy the requirements of this policy to ensure that funds are allowable and used for the intended purpose. At a minimum, documentation must include:

- a. The Activity Form, Scholarship Voucher Agreement, Support Services Agreement, Cost of Attendance, paystubs or written statements from employers or education partners shall be the documents of record for verifying participation and receipt of support services.
- b. Determination of the participant's need for supportive services included in the participant's IEP/ISS. Must include a budget/financial analysis form Cost of Attendance (COA) signed by the participant reflecting the participant's financial situation. An explanation regarding the participant's need for supportive services must be included in the participant's case notes in Employ Florida.
- c. Career Coaches are responsible for case notes either confirming that the needed supportive services were not available through other programs providing such services or that the urgency of the needed supportive service was such that referrals to other resources would delay the provision of the supportive service and create a hardship for the participant.
- d. Records of payments to vendors, including date of receipt, the amount of payment, check/voucher number, etc.
- e. For participants enrolled in training, proof/verification of attendance in training programs.
- f. For participants receiving assistance with childcare or dependent care, documentation of other resources explored.
- g. For participants receiving needs-related payments, documents used to determine the participant's eligibility for such payments and payment level.
- h. Ensure supportive services are WIOA-funded only when these services are not available through other agencies and that services are necessary for the individual to participate in WIOA career or training services.
- i. All disbursements of supported services are tracked in our financial management systems.

Supportive Service	Required Documentation
Travel-mileage reimbursement	CareerSource Citrus Levy Marion issued attendance sheet documentation provided by the educational institution, or actual mileage based on leading mapping software (screen shots, printouts)
Bus Passes	Attestation from candidate that public transportation is necessary
Cab Services	Proof no other transportation is available
Childcare	Training and Employment customer timesheet to validate the customer's current and ongoing engagement in the training/employment activity, along with receipts from daycare
Rent/Mortgage Payments	Copy of lease/mortgage statement reflecting past due amount
Utilities	Copy of statement reflecting past due amount
Clothing/Uniforms/Equipment	Two quotes for items requested, receipts
Ancillary Auto Expenses	Two quotes for repairs requested, current vehicle registration, driver's license, schedule of fees
Tangible Items	Two quotes for items requested
All other services	Receipts, copy of bills

II. AD – OSO Youth (18-24) Needs Related Payments

- A.** As supportive services are not an entitlement, staff must first determine a participant to be in financial need of supportive services before they are provided. Supportive services should be used to address the participant's barriers identified through the initial or objective assessment process. The plan for addressing these barriers, to include the provision of supportive services, must be documented in the participant's Individual Employment Plan (IEP) or Individual Service Strategy (ISS), as appropriate. LWDBs are encouraged to develop and use additional supporting documentation that demonstrates the participant's financial need, such as a budget/financial analysis form and/or a Statement of Need signed by the participant. The Cost of Attendance Form (COA) will be used to determine the participant's financial need.
- B.** Payment level of needs related payments will be determined using the 100% LLSIL Metro based on family size. For statewide projects, the payment level must be established by the State Workforce Development board.
- C.** To receive needs related payments, adults and OSY (ages 18-24) must:
 - 1. Be unemployed;
 - 2. Not qualify for, or have ceased qualifying for, Reemployment Assistance (RA) benefits; and
 - 3. Be enrolled in training services authorized under WIOA sec. 134(c)(3).
- D.** Budget will be established and reviewed with participant for needs related payments and will be reviewed on a quarterly basis.

III. Dislocated Worker Reemployment Needs-related payments

WIOA States that Funds allocated to a local area for adults under paragraph (2)(A) or (3) as appropriate, of WIOA section 133(b), and dislocated workers under WIOA section 133(b)(2)(B), may be used to provide needs related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for, or have ceased to qualify for, reemployment compensation ((including Trade Readjustment Act (TRA) benefits)) for the purpose of enabling such individuals to participate in programs of training services under WIOA subsection (c)(3).

To receive needs related payments, dislocated workers must be unemployed, and:

- 1. Have ceased to qualify for RA benefits or Trade Readjustment Allowance (TRA) under the Trade Adjustment Assistance (TAA) program; and
- 2. Be enrolled in training services authorized under WIOA sec. 134(c)(3) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the eighth week after the worker is informed that a short-term layoff will exceed six months; or
- 3. Be unemployed, deemed ineligible for RA benefits or TRA under the TAA program, and be enrolled in training services authorized under WIOA sec. 134(c)(3).

Level of Payments

The level of a needs related payment made to a dislocated worker under this paragraph shall not exceed the greater of:

- a. The applicable level of reemployment assistance; or
- b. If the worker did not qualify for reemployment assistance, an amount equal to the poverty line based on family size divided by 52 equal weekly payments, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

Needs related payment may be provided on an exception only basis and must be pre-approved in writing by Chief Executive Officer or Executive Vice President or designee. All other options of income must be investigated, exhausted, and documented before a request is made.

OFFICIAL SIGNATURE

Thomas E. Skinner, Jr.
Chief Executive Officer

EVP Coord:



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021 Executive Meeting, Wednesday, March 3, 2021

TOPIC/ISSUE:

OPS-81 Welfare Transition Support Services

BACKGROUND:

Per the recent updated policy from CareerSource Florida under Policy 109, we are required to update policy changes regarding Support Services. Additionally, the Programmatic Monitoring Report provided by Underwood Sloan & Associates provided information on a finding in OPS-81, which does not include guidance on the issuance and storage of reloadable/instant issue cards or on the method(s) of delivery to participants. Eligibility for Services amounts and limits were adjusted to current prevailing limits/rates. Job title corrections were also updated.

POINTS OF CONSIDERATION:

Staff have updated Operations policy **OPS-81 Welfare Transition Support Services** to address all the requirements as set forth in CSFL Policy 109 and the Sloan Underwood & Associates Programmatic Monitoring Report as well as under the sub-grantee agreement. Upon approval from the Executive Committee CSCLM is required to send the updates to Department of Economic Opportunity for approval as well.

STAFF RECOMMENDATIONS:

Approve OPS-81 to be implemented under our official policies and procedures.

COMMITTEE ACTION:

Al Jones made a motion to approve OPS-81 to be implemented under our official policies and procedures and submitted to DEO. Pete Beasley seconded the motion. Motion carried.

BOARD ACTION:

Policy and Procedure



SECTION: Program Operations/WTP	POLICY #: OPS-81	PAGE 1 of 8
TITLE: WTP Support and Incentive Services	EFFECTIVE DATE: 12/03/2020	
REPLACES: OPS-81		DATED: May 18, 2017

DISTRIBUTION: CAREERSOURCE CITRUS LEVY MARION STAFF AND PROVIDERS

PURPOSE: To provide guidance by which related travel, childcare and other supportive service payments may be made to the Welfare Transition Program (WTP) customers in order to enable them to participate in their assigned/enrolled activity(ies), training and/or obtain/maintain employment.

I. POLICY: The provision of support services, where appropriate, will be contained in the customer's individual responsibility plan (IRP). Each customer will be individually assessed and must demonstrate a viable need for supportive services. Rationale for approval of these services will be documented by the Career Development Coach in the customer's file.

These services shall not be provided to customers who have been found eligible but do not agree to participate with program requirements or to follow his/her responsibility plan. Support services are not entitlements and are subject to budgetary constraints; in consequence they may be terminated without notice. All financial disbursements must be approved by an Assistant Director, Director or the Executive Vice President (EVP) or Chief Executive Officer (CEO).

II. WELFARE TRANSITION PROGRAM (WTP) ASSISTANCE

Support services for customers participating in the Welfare Transition (WT) Program are available in three categories.

- **Traditional Support Services:** These services include, but are not limited to, transportation, uniforms, tools, rent and utility assistance, and vehicle repairs. Customers participating in the WT program are not entitled to any retroactive support services or "traditional" support services after their participation in the program ends.
- **Vocational/Educational Support Services:** These services are subject to a maximum disbursement amount for tuition and a separate reasonable maximum disbursement amount for travel cost. Available for customers completing thirty (30) hours or more of employment or training. Vocational support for tuition expenses will only be authorized on program costs that are not eligible for PELL funding. Funding coordination may be conducted to determine the total amount of assistance needed to complete the program.

Funding coordination should be conducted for all PELL eligible programs to determine the reasonable amount of assistance to provide.

- **Employment Support Services:** On-the-Job Training (OJT) services will be authorized up to 75% employer reimbursement.
- **Participation/Employment Benchmark:** Customers that achieve three consecutive months of participation at or above their required participation hours are eligible for a \$100.00 incentive (this incentive can be paid up to four times in a program year). Customers that exit the welfare transition program with employment are eligible for a \$100.00 incentive (this incentive may be once during a program year).

III. **TRADITIONAL SUPPORT SERVICES GUIDELINES**

- A. Customers that fully participate for a full month may receive a maximum of \$50.00 in travel support services while participating in required activities. Customers that do not participate fully for any given month are not eligible for support services. Any exception to this requires pre-approval from Assistant Director, Director, EVP or CEO. Customers that reach 'mandatory' status during any period of the month that does not allow them to participate for the entire month are eligible for \$10.00 weekly for each week active in the program IF they reach their full required participation hours for the partial month. (Example: if a customer enters the program in the third week of the month and fully participates for the remaining two weeks of the month, the customer would be eligible for \$20.00 in travel support services – or \$10.00 for each remaining week of the month assuming that only two full weeks remained in the month.)

If a case is received in the middle of the month but calculation of the participation allows the customer to provide all the required participation for that month, without excused time, and (s)he complies providing all required hours for the month, the customer will receive the full allotment of \$50.00.

- B. Travel and/or support assistance may be provided to customers that are assigned to activities according to WTP policies. The assistance will be issued **after timely receipt of fully and accurately completed documentation** to support the hours completed.

No support service travel assistance will be provided prior to the completion of the assigned activity or for participation hours that reported to case management staff late. Participation is due each Monday by 4:00PM. Exceptions to this rule due to extraordinary circumstances must be approved by an Assistant Director, Director, EVP or CEO.

- C. All monetary support service amounts are based on budgetary projections and may be changed at any time by CareerSource Citrus Levy Marion depending on availability of funding and the prevailing economic environment.

IV. **VOCATIONAL/EDUCATIONAL SUPPORT SERVICES**

- A. The Career Development Coach will determine if the customer is in need of educational

travel support. In order to qualify for the travel assistance, the customer must comply with program participation requirements.

Note: OPS-28: Area Targeted Occupation List and Training Provider Selection, which is available on the organizational intranet, shall be used by Career Development Coaches when developing a customer's Individual Responsibility Plan (IRP). As referenced in CareerSource Citrus Levy Marion's OPS 26: WIOA Eligibility Services, a customer's program of services must be directly linked to occupations in demand. Also as referenced in CareerSource Citrus Levy Marion's OPS 27: ATOL Training Provider Variance Request (Form FM-CS-057) must be used when a training provider or training program is not listed on the local ATOL and a one-time variance is sought. Note: justification for variance must be provided and must document that the variance is in the best interest of the customer and will complement the customer's current skills or previous experience.

- B. The Career Development Coach will develop a training budget for the customer using CSCLM's Scholarship Voucher Agreement (FM-CS-007) for all customer's that will be participating in training. The Scholarship Voucher Agreement (SVA) must be approved by the program manager and an Assistant Director, Director, EVP or CEO. The approving authority will establish the necessary budget in the financial purchase order system.
- C. For those customers that have self-enrolled into a vocational program (whether currently on our Area Targeted Occupation List or not (if self-funded)), educational travel support may be approved and calculated using the same methodology as described in Section III Traditional Support Services. It will be based on the remaining time in the program, as long as the activity is used as their participation activity. Documentation must be obtained that establishes proof of enrollment and an anticipated end date of the program. The service will be issued on a prospective basis meaning that assistance may only be issued from the time it was approved and may not be issued to cover costs prior to approval. The customer will need to provide weekly documentation showing full attendance in the training to be eligible for support services.

V. EMPLOYMENT SUPPORT

- A. **OJT Participation.** Qualifying customers may be approved at an employee reimbursement rate of 75% - reference OPS-69: On the Job Training for specifics. Per state and local policy, the reimbursement rate is contingent on specific targeted populations.

Advance Travel Support. In instances whereby the customer, due to varying payroll cycles, may not receive their first paycheck for up to three weeks, travel assistance advances may be issued. Customers will be required to provide documentation verifying employment from the beginning of employment through the first projected pay date. Advances may be calculated at a rate of .25 per mile (times) daily required mileage (times) the number of days of work prior to the first pay date.

Travel advances should only be requested when an urgent need is identified and employment cannot be maintained without a travel advance. Travel advances must be approved by an Assistant Director, Director, EVP or CEO.

VI. PARTICIPATION/EMPLOYMENT BENCHMARK

- A. Participation.** Customers may qualify for a maximum of four (4) \$100.00 participation incentives per program year (July 1 through June 30). Participation incentives are achieved when a customer successfully completes three full months of participation by providing appropriate and timely documentation to the Career Development Coach showing that they have completed all or more of their required participation hours. A full month will be defined as a month in which the customer is required to participate at least four weeks within the month. Three full months will be defined as three consecutive months in which required participation hours were achieved each of the consecutively counted months (not counting any previously counted months).
- B. Employment.** Customers may qualify for a maximum of one (1) \$100.00 employment incentive per program year (July 1 through June 30). Customers will be eligible for the employment incentive when verification of employment is provided to the customer's case manager **AND** the customer's case is scheduled to close due to income.

No more than a maximum of \$500.00 may be provided to any one customer in the form of Participation or Employment incentives per program year.

VII. ELIGIBILITY FOR SERVICES

A. Mandatory WTP Customers

1. To be eligible for support services the WTP customer must be participating in countable activity(ies) and complying with activity(ies) as required by the WT program, unless excused for good cause. Customers must be notified when the countable activity ends. Any support service and assistance requested for any period after the countable activity ends will not be approved and is the complete responsibility of the customer.
2. Abuse of support services and assistance will result in discontinuance of support services and assistance.

B. Transitional WTP Customers:

1. To be eligible for transitional support services and assistance, the transitional customer must:
 - a) be employed;
 - b) Temporary Cash Assistance (TCA) cancelled due to **earned income**;

- c) current income does not exceed 200% of the federal poverty level;
 - d) submit ongoing paystubs verifying continued employment; and
 - e) notify their Career **Development** Coach when employment ends.
2. Retroactive Support Services: Transitional customers are not entitled to retroactive support services after their employment ends. Receipt of retroactive transportation can only be approved by an **Assistant Director, Director, EVP, or CEO** if payment was not previously made and the customer can provide documentation of full engagement in work during the time of the request. If services have been provided to a customer who is not eligible, the Career Development Coach is required to recover the overpayment.
 3. Transitional transportation: Customers may be approved for transitional transportation assistance **for up to one (1) year** from the date of case closure. Assistance for this service is contingent on funding availability. The Career **Development** Coach shall determine the frequency of the distribution and will work with the customer to assist in moving the customer from workforce supported transportation funds to self-sufficient transportation.
 4. Transitional education and training: Employed customers may be eligible for education and training assistance for up to two (2) years from the last month of receipt of cash assistance. **Assistance for this service is contingent on funding availability.** The education and training must be job related; may include training to improve job skills in an existing area of employment, or help prepare for employment in another demand career. Requirements for approval of education and training will be in accordance with established local guidelines and processes. **Vocational support for tuition expenses will only be authorized on program costs that are not eligible for PELL funding. Funding coordination may be conducted to determine the total amount of assistance needed to complete the program. A determination and coordination of fund availability may be conducted using the *FM-CS-034 Cost of Attendance* form.**

VIII. METHODS OF DISBURSEMENT: Travel or Support Assistance will be provided by one of the following methods:

A. **Reloadable Debit Cards:**

1. Travel assistance and/or miscellaneous support allotment to any customer (Mandatory or Transitional) shall not exceed a maximum of \$50.00 monthly. Exception to this maximum amount requires approval from management at the **Assistant Director level or higher and must have justifiable reasoning and documentation to support additional services.**
2. Customers are solely responsible for the reloadable cards issued to them. If a card is lost or stolen, the customer will be advised to notify his/her Career **Development**

Coach and to contact Global Cash Customer Service (1-866-395-9200) and request a new card. To avoid reloading a lost or stolen card, the Career **Development** Coach will not request support services until the new card is issued to the customer.

B. Bus Passes/Tokens: Bus passes/tokens are available for customers who use public transportation in order to get to and from their activity and/or transport children to childcare facilities. **In Marion County, where public transportation is available, this method of travel reimbursement shall be considered first by the Career Development Coach and customer when developing a travel plan.**

1. **Passes:** are valid for one calendar month (from the first day of the month to the last day of the month).
 - a) Staff may request bus passes for the subsequent month starting the 25th of the current month through the 15th of the subsequent month. For example, passes for the month of September may be requested beginning August 25th through September 15th.
 - b) Any passes issued after the 15th of the subsequent month will require pre-approval from program management.

C. Checks: May be used as a last resort as the method of disbursement.

IX. OTHER WTP SUPPORTIVE SERVICES

A. Childcare Assistance: Childcare assistance will be provided by the Early Learning Coalition (ELC) in each county in accordance with current CareerSource/ELC policy and procedures. Transitional Childcare Assistance may be provided for a total of up to twenty-four (24) months.

B. Miscellaneous Support Assistance: Other support services and assistance will be approved in accordance with current CareerSource Citrus Levy Marion policies and procedures.

C. Relocation Assistance: Refer to CareerSource Citrus Levy Marion's *OPS-54-Relocation Assistance Program*.

X. DOCUMENTATION OF SUPPORT ASSISTANCE

A. The Individual Responsibility Plan shall document all barriers **and supportive services to be provided to overcome those barriers.**

B. Time Sheets for the particular activity or Pay Stubs for employed customers will be the document of record for verifying participation.

- C. The use of standardized Case Note Templates is permissible as long as the template is customizable for each individual. The standardized templates allow for full documentation as required by CSCLM and the Department of Economic Opportunity (DEO).

XI. RELOADABLE CARD DISPOSITIONS

A. Career Development Coaches

1. Reloadable Debit Cards will be requested from the Finance Department. Requests must include a copy of a Driver License, Social Security card and enrollment form signed by the participant. This is necessary to verify the customer's identity and signature.
2. Reloadable cards are ordered by finance from Global Cash Cards (run by ADP) and batches of cards are delivered to finance with no cash value assigned to them. Reloadable cards are kept with the bookkeeper in a securely locked file drawer. When reloadable cards are requested the bookkeeping department, upon approval from management at the Assistant Director level or higher, issues the card and mails directly to the customer. Once the customer is in receipt of the reloadable card and they advise their Career Development Coach they have activated the card, a request is made for support services amount to be loaded to the card. We do not purchase, distribute or house any pre-paid cards.
3. Career Development Coaches must obtain supporting documentation before or after the use of such cards to ensure the card was used for the documented need and intended purpose. This will include but not limited to timesheets, pay stubs, estimates, lease agreements, eviction notices, utility bills, invoices and receipts. Career Development Coaches will scan all documentation into Atlas. Additionally, finance staff have access to the list of purchases made on the card and can pull purchase records if needed. However, it is our intent to keep the responsibility on the customer to provide back-up when assistance is provided.
4. Services are provided by reimbursement at all times possible. If reimbursement is not possible then receipt documentation must be provided to the Career Development Coach after the supportive service funds are spent. (Note this is not a requirement for incentives or transportation assistance distributed per this policy.)
5. Career Development Coaches will scan into ATLAS the documentation related to the card/load request signed by customer.

B. Delivering Cards to the WTP Participants

1. Reloadable Cards will be issued to participants based on the service details listed in this operating policy.
2. The customer will sign an enrollment form at the time of applying for the card. The signature must be dated and the enrollment form scanned into the customer's ATLAS file.
3. A case note will be entered stating the date that the card was received by the customer.
4. The Career **Development** Coach will create an account in the Gazelle System for each customer.

C. Requesting reload of cards for the WTP Participants

1. Career Development Coaches will provide the required documentation being submitted for the support service by use of system screen shots.
2. Job Participation Rate (JPR) updates and entries will be completed in the One-Stop Service Tracking (OSST) System.
3. A complete case note will be entered in OSST for JPR entry.
4. In OSST under the "skill development" section, the Career **Development** Coach will enter the support service under "services", selecting CareerSource Citrus Levy Marion as the provider and entering in the card details / cost.

D. Submitting Logs to Finance

1. Request to reload the card will be uploaded to the "Approvals" Folder in the Z drive. Request must include:
 - Copy of case note
 - Copy of JPR Screen showing that hours for corresponding period are entered
 - Copy of Voucher printed out of Gazelle System under the customer's account
 - Copy of Time Sheets (Exception: Job Search Log Forms and its supporting documentation are not required to be sent to Finance)
2. Requests will be reviewed for full compliance by the Program Manager. Final approval will be made by management at the **Assistant Director** level or higher.
3. The Finance Department will be notified by the signing authority that the request was approved and the requested amount of money will be deposited on the Reloadable Card.

OFFICIAL SIGNATURE

Thomas E. Skinner, Jr.
Chief Executive Officer

EVP Coord.

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 800 434-5627, ext. 7878 or e-mail accommodations@careersourceclm.com. Please make request at least three business days in advance. A proud member of the American Job Center Network.

2020 State Fact Sheet FLORIDA

Children in Florida

Children under six

1,334,082

Children with all parents in the workforce

854,849

Children at or near poverty level

639,144

Child Care Spaces

2018 2019 As of July 2020

Child Care Center Spaces

726,078

738,803

722,894

Family Child Care Spaces

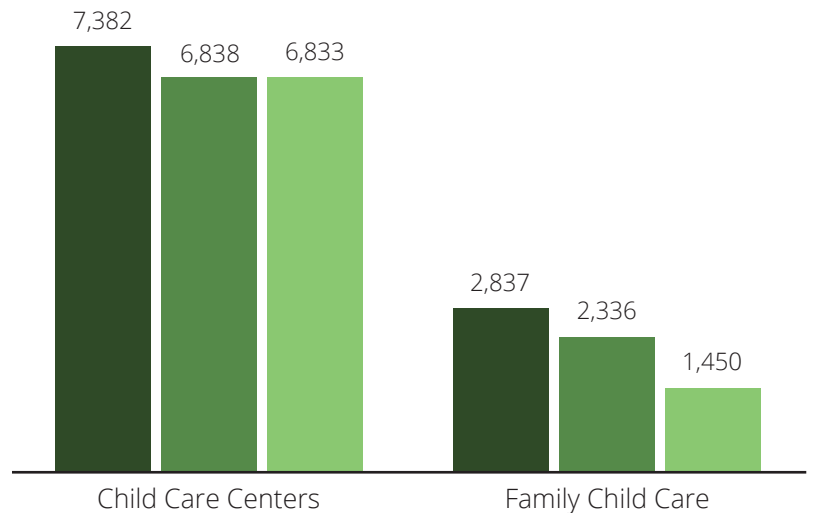
27,703

22,756

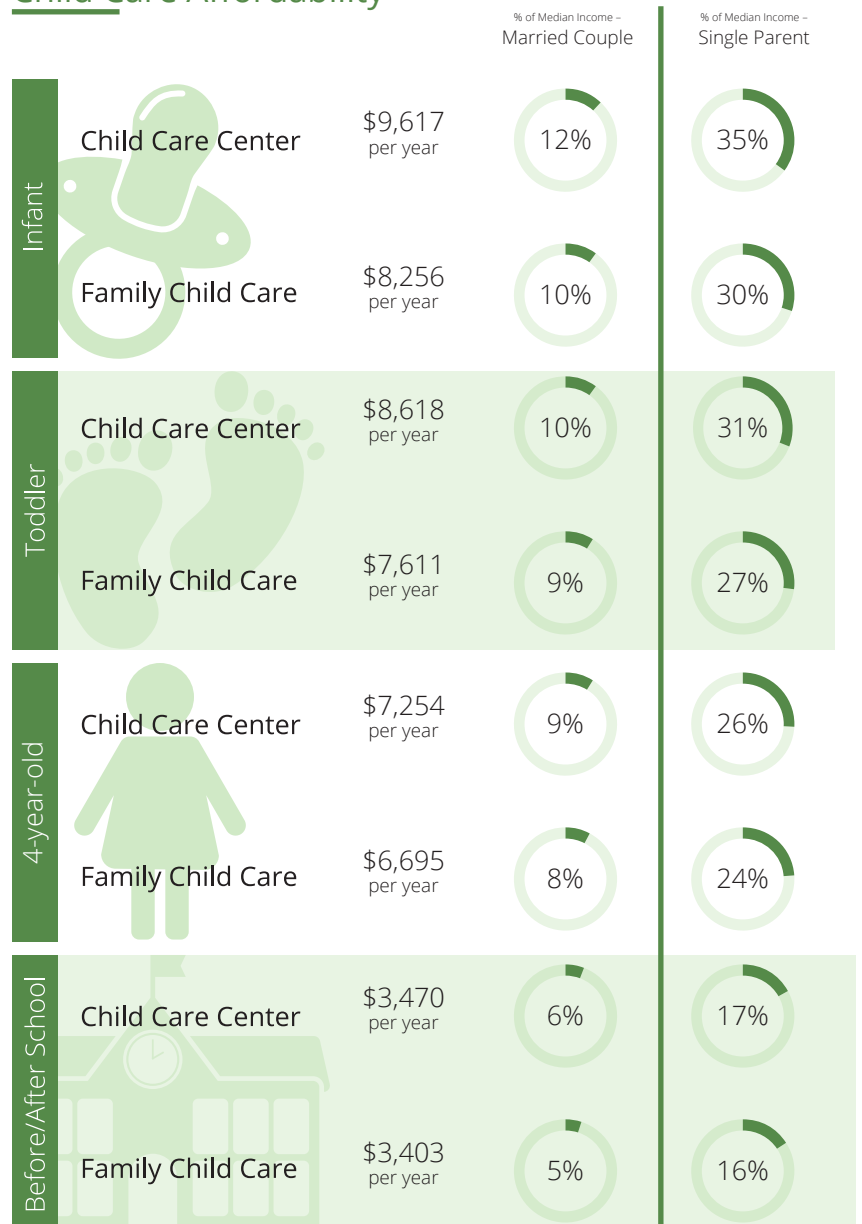
14,265

Child Care Programs

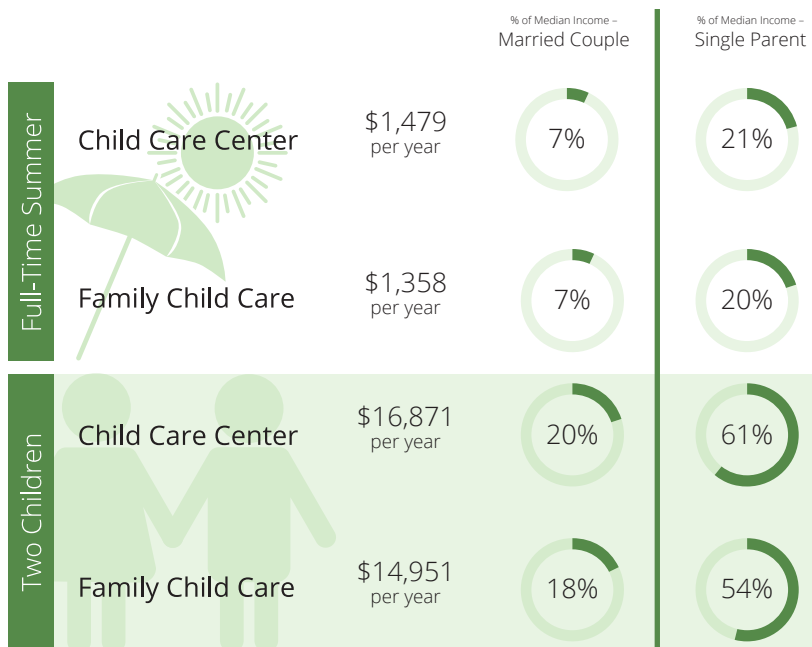
2018 2019 As of July 2020



Child Care Affordability



Child Care Affordability Cont'd



CCR&R Services

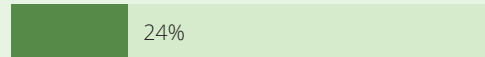
54,863

referrals received

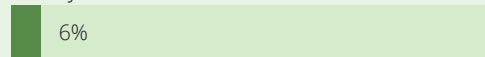
Child Care Quality

% of Nationally Accredited Programs

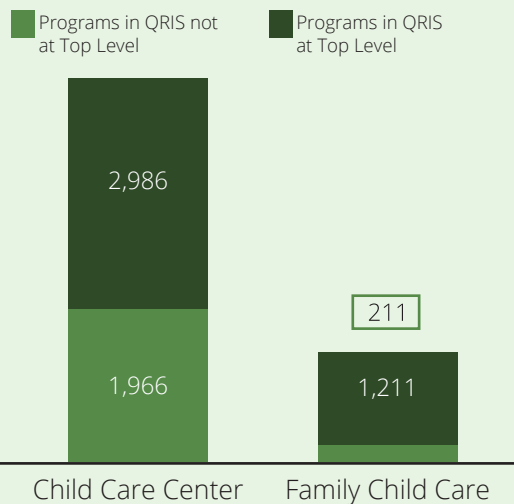
Child Care Centers



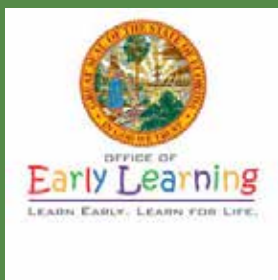
Family Child Care Homes



Quality Rating and Improvement System



Contacts



www.floridaearlylearning.com



childcareaware.org



RECORD OF ACTION/APPROVAL

Board Meeting, Wednesday, March 24, 2021
Executive Meeting, Wednesday, March 3, 2021

TOPIC/ISSUE:

Request for Attorney General's Opinion: Conflict

BACKGROUND:

The Sub-grantee Agreement requirement that a board member physically leave a board meeting when a conflict is declared on a board vote is in direct conflict of Florida statutes. The conflict creates financial and criminal liability for board members, and ultimately the contract in conflict could be deemed voidable.

POINTS OF CONSIDERATION:

STAFF RECOMMENDATIONS:

Board Attorney, Bob Stermer, drafted a letter seeking guidance from the Attorney General on the matter.

COMMITTEE ACTION:

Al Jones made a motion to approve sending the Request for Attorney General Opinion. Pete Beasley seconded the motion. Motion carried.

BOARD ACTION:

ROBERT A. STERMER

ATTORNEY AT LAW
7480 SW HIGHWAY 200
OCALA, FLORIDA 34476

TELEPHONE: (352) 861-0447

E-MAIL: SV1@ATLANTIC.NET

FACSIMILE: (352) 861-0494

March 12, 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 Bondi:

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 sixteen (16) 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.

This is a matter of some urgency for the Board as it will be voting at its upcoming June meeting to enter into a number of contracts for which various Board members may have conflicts of interest. Given the analysis contained in the attached Memorandum of Law, without an Attorney General’s opinion one way or the other, I feel it would be inadvisable for any Board member to attend the June Board meeting, much less vote on any matter coming before the Board.

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: March 12, 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 seventeen (17) 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 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.

¹ Referred to as a Memorandum of Understanding in F.S. §445.009(4).

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 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.

(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**

²Emphasis added.

shall be no broader than necessary to accomplish the stated purpose of the law.² 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 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.

Federal law also contains provisions designed to promote public access to Board activities. Specifically §107(e) of WIOA provides:

(e) SUNSHINE PROVISION.—The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local board

Thus it would seem that the subject contract clause would also violate Federal law in that a member of the public, the excluded Board member, might be denied access to “information concerning [Board] open meetings [and], information regarding the activities of the local board.”

Further explanation of this provision is provided in 20 C.F.R. § 679.390 below:

§ 679.390 How does the Local Workforce Development Board meet its requirement to conduct business in an open manner under the “sunshine provision” of the Workforce Innovation and Opportunity Act?

The Local WDB must conduct its business in an open manner as required by WIOA sec. 107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the Local WDB. This includes:

- (a) Information about the Local Plan, or modification to the Local Plan, before submission of the plan;
- (b) List and affiliation of Local WDB members;
- ©) Selection of one-stop operators;
- (d) Award of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities;
- (e) Minutes of formal meetings of the Local WDB; and
- (f) Local WDB by-laws, consistent with § 679.310(g).

The exclusion of Board members from Board meetings could violate a number of the foregoing provisions of 20 C.F.R. § 679.390 , the most obvious of which is subsection (d), the “[a]ward of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities.”

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, the WIOA and the Code of Federal Regulations 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.