

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/CS/HB 1507 Workforce Related Programs and Services

**SPONSOR(S):** Education & Employment Committee and Appropriations Committee and Post-Secondary Education & Lifelong Learning Subcommittee, Yarborough, Melo and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 98

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**FINAL HOUSE FLOOR ACTION:** 117 Y's

0 N's

**GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/CS/CS/HB 1507 passed the House on April 14, 2021, and subsequently passed the Senate on April 26, 2021. The bill includes provisions of CS/HB 1505.

To improve the equity and access for all Floridians to have opportunities to achieve self-sufficiency, the bill creates a system-wide approach which:

- Authorizes the Governor to seek federal waivers to create greater flexibility and strategic investment in Florida's implementation of the Workforce Innovation and Opportunity Act (WIOA).
- Creates the Office of Reimagining Education and Career Help (Office) in the Executive Office of the Governor to provide coordination and alignment in Florida's workforce development system.
- Requires the Office to create a "no-wrong-door" entry strategy whereby Floridians may access services from any workforce partner with a common intake form and case management system.
- Creates an online opportunity portal to provide Floridians access to available state, federal, and local services and evaluative tools to determine short-term employability and long-term self-sufficiency. In addition, the portal provides broader access to education and training options, real-time labor market information, career planning and career services tools, and other support available for workforce training and education linked to middle- and high-wage in-demand jobs.
- Requires the Department of Economic Opportunity (DEO) and the Department of Children and Families to evaluate the impact of workforce services on participants receiving benefits and welfare transition programs, to include performance reports on participant earnings.
- Requires local workforce development boards to be assigned a letter grade, which must be made public, based on improvement of participant long-term self-sufficiency and return on investment.
- Charges the Labor Market Estimating Conference as the entity responsible for determining Florida's real-time supply and demand in the labor market.
- Requires the Talent Development Council to coordinate Florida's efforts to meet state healthcare workforce needs, by conducting a gap analysis and provide trend information on nursing programs.
- Requires the DEO to establish WIOA eligible training provider criteria focused on participant outcomes.
- Requires the CareerSource state board to appoint a Credentials Review Committee to identify degree and non-degree credentials of value, develop a Master Credentials List for performance funding, and establish policy direction for funding which prioritizes outcomes and leverages resources to support vulnerable populations.
- Creates the Open Door Workforce Grant Program to provide grants to school districts and Florida College System (FCS) institutions to cover up to two-thirds of the cost of short-term, high-demand programs.
- Creates the Money-Back Guarantee Program, requiring each school district and FCS institution to refund the cost of tuition to students who are not able to find a job within 6 months of completing select programs.
- Creates a new workforce performance funding model for school district and FCS institution workforce programs, requiring one-third of performance funding to be based on rewarding student job placement and the remaining two-thirds on student earnings, with a focus on increasing the economic mobility of underserved populations.
- Requires that students entering a public postsecondary institution in 2022-2023, and thereafter, must be able to earn nationally recognized digital credentials for competencies within the general education core courses which demonstrate career readiness.

The bill has a significant, negative impact on state expenditures. See Fiscal Section for additional detail.

The bill was approved by the Governor on June 24, 2021, ch. 2021-164, L.O.F., and will become effective July 1, 2021.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

**STORAGE NAME:** h1507z1.DOCX

**DATE:** 7/6/2021

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Florida's Workforce Development System

#### Present Situation

The federal Workforce Investment Act of 1998 (WIA) was passed by Congress in an effort to improve the quality of the nation's workforce through implementation of a comprehensive workforce investment system.<sup>1</sup> WIA required each state to establish an investment board at the state level and to also establish workforce investment boards to represent local service areas.<sup>2</sup> WIA also called for the delivery of workforce development services through a system of "one-stop" centers in local communities.<sup>3</sup> Some key principles of WIA were to better integrate workforce services, empower individuals, provide universal access to participants, increase accountability, and improve youth programs.<sup>4</sup>

In response to WIA, Florida established a workforce development system (WDS) under the Workforce Investment Act of 2000.<sup>5</sup> The act aimed to better connect the state's economic development strategies with its WDS and to implement the principles of the federal WIA.<sup>6</sup>

#### *Federal Workforce Innovation and Opportunity Act of 2014*

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.<sup>7</sup> WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.<sup>8</sup> In general, WIOA maintains the one-stop framework of WIA, and encompasses provisions aimed at streamlining services, easing reporting requirements, and reducing administrative barriers.<sup>9</sup> WIOA officially became effective on July 1, 2015, the first full program year after enactment.

#### *Core Programs*

WIOA identifies four core programs, Titles I – IV, which must coordinate and complement each other in a manner that ensures job seekers have access to needed resources.<sup>10</sup> The core programs are:

- Title I - Adult, Dislocated Worker and Youth Programs;
- Title II - Adult Education and Literacy Activities;
- Title III - Employment Services under the Wagner-Peyser Employment Act; and
- Title IV - Vocational Rehabilitation Services.

#### *Performance Measures*

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<sup>1</sup> Workforce Investment Act of 1998, 29 U.S.C. § 2801 (1998), *repealed by* Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, H.R. 803, 113th Cong. (July 22, 2014)(codified at 29 U.S.C. § 3101, et seq.).

<sup>2</sup> See 29 U.S.C. s. 2821 and 29 U.S.C. s. 2832 (1998).

<sup>3</sup> See 29 U.S.C. s. 2841 (1998).

<sup>4</sup> See 29 U.S.C. s. 2811 (1998).

<sup>5</sup> Ch. 2000-165, Laws of Fla.

<sup>6</sup> See s. 445.003, F.S.

<sup>7</sup> Workforce Innovation and Opportunity Act, 29 U.S.C. § 3101 et seq. (2014).

<sup>8</sup> See 29 U.S.C. s. 3112(a).

<sup>9</sup> See 29 U.S.C. s. 3111.

<sup>10</sup> See 29 U.S.C. s. 3102(13).

In an effort to promote transparency and accountability, WIOA created a single set of common measures, “primary indicators of performance,” for the evaluation of core programs.<sup>11</sup> WIOA requires performance reports to be provided at the state, local, and training provider levels. Performance measures that apply across all core programs include:

- The percentage of participants in unsubsidized employment during second quarter after exit;
- The percentage of participants in unsubsidized employment during fourth quarter after exit;
- The median earnings of participants during second quarter after exit;
- The percentage of participants who obtain a postsecondary credential or secondary school diploma within 1 year after exit;
- The achievement of measureable skill gains toward credentials or employment; and
- The effectiveness in serving employers.<sup>12</sup>

### *State Workforce Development Board and Plan*

WIOA requires the Governor to establish a State Workforce Development Board<sup>13</sup> to assist the Governor in carrying out the duties and responsibilities required by WIOA.<sup>14</sup> The bill requires state board membership to represent diverse geographic regions of the state and include membership of the Governor, members of the state legislature, a majority of representatives of business, including small business, representatives of workforce within the state, and membership from state officials with primary responsibility for the core programs.<sup>15</sup> Among other duties, the state board is required to assist in the development, implementation and modification of a 4-year state plan, review statewide policies, programs, and recommendations on actions to align workforce development programs, and identify and disseminate information on best practices.<sup>16</sup>

Using the common performance measures for core programs, WIOA requires each state to develop and submit a unified state plan based on a 4-year strategy for workforce development.<sup>17</sup> The state plan must describe an overall strategy for the core programs and how the strategy will meet the needs of workers, job seekers, and employers.<sup>18</sup> WIOA also provides an option for states to submit a combined plan that outlines plans for the core programs along with additional workforce programs.<sup>19</sup>

### *Regional Planning and Local Workforce Development Boards*

WIOA requires states to identify regional planning areas for workforce development strategies.<sup>20</sup> Within each area, a local workforce development board (LWDB) must be established.<sup>21</sup> Each LWDB is required to coordinate planning and service delivery strategies within their area.<sup>22</sup> Formulated strategies are then used by the LWDB to develop and submit a local plan for the delivery of workforce services.<sup>23</sup>

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<sup>11</sup> See 29 U.S.C. s. 3141.

<sup>12</sup> *Id.*

<sup>13</sup> 20 C.F.R. s. 679.110.

<sup>14</sup> 20 C.F.R. s. 679.130.

<sup>15</sup> 20 C.F.R. s. 679.110. See also United States Department of Labor, Employment and Training Administration Advisory System, *Training and Employment Guidance Letter WIOA No. 27-14* (April 15, 2015), available at [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_27-14.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_27-14.pdf).

<sup>16</sup> 20 C.F.R. s. 679.130.

<sup>17</sup> See 29 U.S.C. s. 3112(a).

<sup>18</sup> See 29 U.S.C. s. 3112(b).

<sup>19</sup> See 29 U.S.C. s. 3113.

<sup>20</sup> See 29 U.S.C. s. 3121.

<sup>21</sup> *Id.*

<sup>22</sup> See 29 U.S.C. s. 3122.

<sup>23</sup> See 29 U.S.C. s. 3123.

WIOA requires each Governor to designate local workforce development areas in consultation with the state workforce development board, chief elected officials<sup>24</sup> and LWDBs, and after consideration of public comment.<sup>25</sup> In making such designations, WIOA requires each Governor to consider, with limited exception<sup>26</sup>, the extent to which the areas: (1) are consistent with the labor market areas in the state; (2) are consistent with regional economic development areas in the state; and (3) have available the federal and non-federal resources necessary to effectively administer workforce investment activities and providers and other applicable WIOA provisions, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education (CTE) schools.<sup>27</sup>

### *Governor's Authority*

WIOA grants the Governor broad oversight authority of both the state and local level workforce development programs. Specifically related to LWDBs, the Governor is responsible for designating the local workforce areas,<sup>28</sup> certifying the LWDBs,<sup>29</sup> and negotiating the performance measures required by WIOA.<sup>30</sup> The Governor has the additional authority to decertify a LWDB, and require its reorganization, for fraud, abuse, or failure to carry out its statutory duties.<sup>31</sup> If a LWDB fails to meet its agreed upon performance measures in two consecutive program years, the Governor must decertify the LWDB and implement a reorganization plan.<sup>32</sup>

### *Florida's Implementation of WIOA*

In 2016, Florida changed the WDS to conform to the new federal guidelines established by WIOA.<sup>33</sup> Under the current WDS, the Department of Economic Opportunity (DEO), CareerSource FL, Inc. (CareerSource), and 24 LWDBs act as partners in administering Florida's comprehensive system for the delivery of workforce strategies, services, and programs. Florida submitted its first Unified State Plan in 2016, a 2-Year Modification in 2018, and most recently a plan for the period July 1, 2020-June 30, 2024.<sup>34</sup> Florida's plan includes the following required programs:

- Adult Program;
- Dislocated Worker Program;
- Youth Program;
- Adult Education and Family Literacy Act;
- Wagner-Peyser Act; and
- Vocational Rehabilitation Program, including Blind Services Program.<sup>35</sup>

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<sup>24</sup> See Pub. L. 113-128, §. 3(9) (codified at 29 USC § 3102). The term, 'chief elected official' means "(a) the 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 1 unit of general local government, the chief elected officials of such units."

<sup>25</sup> See Pub. L. 113-128, §. 106(a), (b) (codified at 29 U.S.C. § 3121)

<sup>26</sup> *Id.* WIOA lists two exceptions: (1) during the first two years after WIOA's enactment, the Governor of each state was required to approve a request to designate a local workforce development area from any areas designated as such under the Workforce Innovation Act of 1998 for the two-year period immediately preceding WIOA's enactment that performed successfully and sustained fiscal integrity; and (2) after the initial designation of such areas, the Governor of each state was further required to approve a subsequent request to designate such areas if, over the two most recent program years, they performed successfully, sustained fiscal integrity, and in the case of a local area planning region met additional requirements, including, but not limited to, the preparation of a regional plan.  
<sup>27</sup> *Id.*

<sup>28</sup> See 29 U.S.C. s. 3121(b).

<sup>29</sup> See 29 U.S.C. s. 3122(a).

<sup>30</sup> See 29 U.S.C. s. 3121(c).

<sup>31</sup> See 29 U.S.C. s. 3122(c).

<sup>32</sup> See 29 U.S.C. s. 3141(g).

<sup>33</sup> Ch. 2016-216, L.O.F.

<sup>34</sup> Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 9, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.

<sup>35</sup> *Id.* at 10.

The Unified Plan includes the required core partners of: CareerSource, the DEO, and the Department of Education’s (DOE) Divisions of Career and Adult Education, Vocational Rehabilitation and Blind Services.<sup>36</sup>

*CareerSource Florida, Inc. (CareerSource)*

Florida’s workforce system is led by the CareerSource state board.<sup>37</sup> The Board of Directors includes the Governor, 16 business representatives, six workforce representatives, and eight government officials, including state representatives from the core programs, state legislative representatives and chief elected officials.<sup>38</sup> The state board conducts its work through a board of directors, two councils, the Strategic Policy and Performance Council and the Finance Council, and an Executive Committee.<sup>39</sup>

Since Fiscal Year (FY) 2017-2018, CareerSource has allocated \$792 million dollars in funding and assisted 477,126 job seekers in obtaining employment.

<b>CareerSource Allocated Funding 2017-2020</b>		
Fiscal Year	Total Funds Allocated	Job Seekers Assisted
2017-2018 <sup>40</sup>	\$ 273 million	210,737
2018-2019 <sup>41</sup>	\$ 269.6 million	136,328
2019-2020 <sup>42</sup>	\$ 249.4 million	130,061
<b>Total</b>	<b>\$ 792 million</b>	<b>477,126</b>

The state board is responsible for the development of a 4-year plan that is consistent with the requirements of WIOA<sup>43</sup> and also provides state-level policy direction, planning, and performance evaluation of the delivery of workforce services.<sup>44</sup> The state board in partnership with state and local workforce partners, develops strategic planning elements for the state plan to address strategies to fulfill the workforce system goals; aggregate, integrate, and leverage resources; coordinate the activities of federal, state, and local workforce system partners; address the needs of small businesses; and foster the participation of rural and distressed communities.<sup>45</sup> The state board submits an annual report by December 1 of each year to the Governor and the Legislature on the operations and accomplishments of the board and all audits.<sup>46</sup>

The state board has the authority to hire an executive director and staff to assist in carrying out the functions of WIOA<sup>47</sup>, and as such, is supported by CareerSource, a not-for-profit corporation, which operates at the direction of the state board.<sup>48</sup>

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<sup>36</sup> *Id.*  
<sup>37</sup> See s. 445.004(5), F.S. Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 58, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.  
<sup>38</sup> See s. 445.004(3)(a)-(d), F.S. Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 97, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>. The membership roster is as of July 1, 2020.  
<sup>39</sup> *Id.* at 59  
<sup>40</sup> CareerSource Florida, *Annual Report* (2017-2018), at 5, available at <https://careersourceflorida.com/wp-content/uploads/2018/11/2017-18-CSF-Annual-Report.pdf>  
<sup>41</sup> CareerSource Florida, *Annual Report* (2018-2019), at 3-4, available at <https://careersourceflorida.com/wp-content/uploads/2019/11/2018-19-CSF-Annual-Report.pdf>.  
<sup>42</sup> CareerSource Florida, *Annual Report* (2019-2020), at 3-4, available at <https://careersourceflorida.com/wp-content/uploads/2020/11/2019-20-CSF-ANNUAL-REPORT.pdf>.  
<sup>43</sup> Section 445.003(2), F.S. and s. 445.006, F.S.  
<sup>44</sup> Section 445.004(5)(a)-(g), F.S.  
<sup>45</sup> See s. 445.006(2)(a), F.S.  
<sup>46</sup> Section 445.004(7)(a)-(b), F.S.  
<sup>47</sup> Section 445.003(6), F.S.  
<sup>48</sup> Section 445.004(1), F.S. Prior to 2014, CareerSource was known as Workforce Florida, Inc.

## Department of Economic Opportunity (DEO)

DEO serves as Florida's lead workforce agency.<sup>49</sup> DEO is responsible for the fiscal and administrative affairs of the WDS.<sup>50</sup> DEO receives and distributes federal funds for employment-related programs to the LWDBs.<sup>51</sup> The legislature also appropriates Temporary Assistance for Needy Families (TANF) funds to DEO for allocation to the LWDBs.<sup>52</sup> The legislature requires the state board and the Department of Children and Families (DCF), which administers the TANF program, to evaluate funded programs, examining program outcomes and return on investment among other criteria.<sup>53</sup> Additionally, under the direction of CareerSource, the DEO is required to annually meet with each LWDB to review the board's performance and to certify that the board is in compliance with applicable state and federal laws.<sup>54</sup>

## Local Workforce Development Boards (LWDBs)

Each of Florida's 24 LWDBs formulates a local budget and oversees the delivery of workforce services within its local area.<sup>55</sup> Collectively, LWDBs operate under a charter approved by CareerSource.<sup>56</sup> LWDBs must submit a request for continued designation every two years, beginning July 1, 2017, to CareerSource and DEO.<sup>57</sup> Continued designation is granted if the LWDB performs successfully and sustains fiscal integrity.<sup>58</sup> Each LWDB must develop their own local 4-year plan which is aligned with the vision and goals of the state plan.<sup>59</sup>

## One-Stop Centers

Florida's LWDBs deliver workforce development services through over 100 one-stop service providers.<sup>60</sup> The one-stop service providers give Floridians access to available workforce services, including job placement, career counseling, and skills training.<sup>61</sup> Some LWDBs operate their own one-stop centers, while others contract for these services.

WIOA requires the following partners in the one-stop delivery system:

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<sup>49</sup> Primarily through the Division of Workforce Services. *See* s. 20.60, F.S.

<sup>50</sup> *See* s. 20.60(5)(c), F.S. and s. 445.009(3)(c), F.S.

<sup>51</sup> *See* s. 20.60(5)(c), F.S. and s. 445.003, F.S.

<sup>52</sup> Florida Department of Children and Families, Temporary Assistance for Needy Families, *State Plan Renewal* (Oct. 1, 2020-Sept. 30, 2023), at 5-6, available at <https://www.myflfamilies.com/service-programs/access/docs/TANF-Plan.pdf>. *See also* CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 19, available at [https://careersourceflorida.com/wp-content/uploads/2020/06/200603\\_FinanceCouncilPacket.pdf](https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf). *See also* CareerSource Florida Board of Directors Meeting June 4, 2020, *Presentation*, at 36, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/June-2020-BOD-Presentation-.pdf>

<sup>53</sup> Section 445.003, F.S.

<sup>54</sup> *See* s. 445.007(3), F.S.

<sup>55</sup> Section 445.007(12), F.S.

<sup>56</sup> CareerSource Florida, Strategic Policy 2000.08.15.8D, *Chartering of Local Workforce Development Boards* (Aug. 15, 2020), available at <https://careersourceflorida.com/wp-content/uploads/2017/05/2000.08.15.I.8D-Chartering-of-LWDB.pdf>.

<sup>57</sup> CareerSource Florida, Administrative Policy Number 94, *Local Workforce Development Area Designation* (March 20, 2017), at 3, available at [https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2017-guidance-papers/localareadesignatn-ap94.pdf?sfvrsn=2e3770b0\\_4](https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2017-guidance-papers/localareadesignatn-ap94.pdf?sfvrsn=2e3770b0_4).

<sup>58</sup> *Id.*

<sup>59</sup> Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 111, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>. *See also* Florida Department of Economic Opportunity, *Local Workforce Development Area WIOA Plans*, <https://floridajobs.org/local-workforce-development-board-resources/programs-and-resources/local-workforce-development-area-wioa-plans> (last visited May 4, 2021).

<sup>60</sup> Florida Department of Economic Opportunity, *CareerSource Florida Network Directory*, <http://lcd.floridajobs.org/> (last visited May 4, 2021).

<sup>61</sup> *See* s. 445.009, F.S.

- WIOA Title I programs (Adult, Dislocated Worker, Youth, Job Corps, YouthBuild, Native American, and Migrant Seasonal Farmworker);
- Title II Adult Education and Family Literacy activities;
- Wagner-Peyser Act employment services programs;
- The Vocational Rehabilitation program under Title I of the Rehabilitation Act;
- The Senior Community Service Employment Program authorized under Title V of the Older Americans Act;
- Postsecondary career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act (Perkins);
- Trade Adjustment Assistance authorized under the Trade Act;
- Jobs for Veterans State Grants programs authorized under chapter 41 of title 38, U.S.C.;
- Employment and training activities under the Community Services Block Grant;
- Employment and training activities of the Department of Housing and Urban Development;
- State unemployment compensation program;
- Ex-offender programs authorized under section 212 of the Second Chance Act; and
- TANF authorized under the Social Security Act, unless exempt by the Governor.<sup>62</sup>

A job seeker arriving at a one-stop career center goes through multiple steps to determine need and receive WIOA training or placement services, or to obtain referrals to other service providers.<sup>63</sup>

While Florida operates one-stop career centers, they are not the only locations that serve as a point of entry into the workforce system.<sup>64</sup> Individuals may enter the system through a postsecondary institution or a training center, and depending on that point of entry, the individual may not have all workforce services available or provided to them as current workforce service availability varies depending on the core functions of the entity.<sup>65</sup> Additionally, individuals might be dually served through other programs such as TANF<sup>66</sup> or the Supplemental Nutrition Assistance Program (SNAP),<sup>67</sup> which are provided through the DCF.<sup>68</sup>

Currently, the DEO is charged with implementing multiple automated information systems to deliver and manage one-stop services and to provide the federally required online labor exchange which connects jobseekers and employers known as Employ Florida.<sup>69</sup> Florida's current online labor

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<sup>62</sup> 20 C.F.R. s. 678.400.

<sup>63</sup> Office of Program Policy Analysis and Government Accountability (OPPAGA), Presentation to the Committee on Education & Employment (Feb. 9, 2020), at 16, *available at* <https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%202-9-21.pdf>.

<sup>64</sup> Nicole Washington, Presentation to the Committee on Education & Employment (Feb. 9, 2020), at 30, *available at* <https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%202-9-21.pdf>.

<sup>65</sup> *Id.* at 30-31.

<sup>66</sup> The Temporary Assistance for Needy Families (TANF) program provides grant funds to states and territories to provide families with financial assistance and related support services. State-administered programs may include childcare assistance, job preparation, and work assistance. U.S. Department of Health & Human Services, Office of Family Assistance, *About TANF*, <https://www.acf.hhs.gov/ofa/programs/tanf/about> (last visited May 4, 2021).

<sup>67</sup> The Supplemental Nutrition Assistance Program (SNAP) Education and Training program helps SNAP participants gain skills and find work that moves them forward to self-sufficiency. Through SNAP E&T, SNA participants have access to training and support services to help them enter or move up in the workforce. These programs also help to reduce barriers to work by providing support services – such as transportation and childcare – as participants prepare for and obtain employment. Each state is required to operate a SNAP Education and Training program and receives federal funding annually to operate and administer the program. U.S. Department of Agriculture, Food and Nutrition Service, *SNAP Employment and Training*, <https://www.fns.usda.gov/snap/et> (last visited May 4, 2021).

<sup>68</sup> Florida Department of Children and Families (DCF), *Information About Assistance Programs*, <http://www.myflorida.com/accessflorida/> (last visited May 4, 2021).

<sup>69</sup> Section 445.011, F.S.; Florida Department of Economic Opportunity (DEO), Presentation to Post-Secondary Education & Lifelong Learning Subcommittee (Jan. 27, 2021), at 8, *available at*

exchange system and case management system, Employ Florida, does not integrate with the state's SNAP or TANF case management system.<sup>70</sup> Coordination of service delivery by Florida's one-stop program partners is hindered by fragmented case management systems and siloed data collection.<sup>71</sup>

### Funding

For FY 2020-2021 total federal funding provided to Florida for the core programs under WIOA totaled \$262,182,185.

WIOA Funds Allocated to Florida for FY 2020-2021		
Program	Amount Funded	Responsible Core Partner
WIOA Title I Adults, Youth, and Dislocated Workers	\$134,967,855 <sup>72</sup>	CareerSource/DEO
WIOA Title II Adult Education and Literacy Activities	\$46,606,798 <sup>73</sup>	DOE Division of Career and Adult Education
WIOA Title III Wagner Peyser Employment Services	\$38,224,509 <sup>74</sup>	CareerSource/DEO
WIOA Title IV Vocational Rehabilitation Services	\$ 215,470,376 <sup>75</sup>	DOE Divisions of Vocational Rehabilitation and Blind Services.
<b>Total</b>	<b>\$435,269,538</b>	

Of the WIOA Title I funds totaling \$134,967,855, \$102,009,303 was allocated to LWDBs, \$20,245,179 was retained at the state level for use by the Governor for state-level initiatives, and the remainder was allocated to dislocated worker funding.<sup>76</sup> After combining the balance of WIOA unobligated funds

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%201-27-21.pdf>.

<sup>70</sup> Florida Department of Economic Opportunity, Presentation to Post-Secondary Education & Lifelong Learning Subcommittee (Jan. 27, 2021), at 5, 11, and 13, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%201-27-21.pdf>.

<sup>71</sup> Florida Department of Economic Opportunity, Presentation to Education & Employment Committee (Feb. 16, 2021), at 17-18, available at

<https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%202-16-21.pdf>.

<sup>72</sup> See United States Department of Labor Employment and Training Administration, *Training and Employment Guidance Letter No. 16-19* (April 23, 2020), available at [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_16-19.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_16-19.pdf); See also CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 3-4, available at [https://careersourceflorida.com/wp-content/uploads/2020/06/200603\\_FinanceCouncilPacket.pdf](https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf). See also CareerSource Florida Board of Directors Meeting June 4, 2020, *Presentation*, at 36-37, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/June-2020-BOD-Presentation-.pdf>.

<sup>73</sup> United States Department of Education, Office of Career, Technical and Adult Education, *Estimated Adult Education State Award Amounts for Fiscal Year 2020* (March 18, 2020), at 2, available at <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/2020-allocation-memo.pdf>.

<sup>74</sup> See United States Department of Labor Employment and Training Administration, *Training and Employment Guidance Letter No. 16-19* (April 23, 2020), available at [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_16-19.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_16-19.pdf). See also CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 22-23, available at [https://careersourceflorida.com/wp-content/uploads/2020/06/200603\\_FinanceCouncilPacket.pdf](https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf). See also CareerSource Florida Board of Directors Meeting June 4, 2020, *Presentation*, at 36-37, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/June-2020-BOD-Presentation-.pdf>.

<sup>75</sup> See United States Department of Education, Rehabilitation Services Administration, *Vocational Rehabilitation State Grants*, Florida Division of Vocational Rehabilitation, FY 2021 Vocational Rehabilitation State Grant, available at <https://rsa.ed.gov/award/h126a210086> and Florida Division of Blind Services Vocational Rehabilitation State Grant available at <https://rsa.ed.gov/award/h126a210087> (last visited April 5, 2021).

<sup>76</sup> CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 4-5, available at [https://careersourceflorida.com/wp-content/uploads/2020/06/200603\\_FinanceCouncilPacket.pdf](https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf); See also CareerSource Florida Board of Directors Meeting June 4, 2020, *Presentation*, at 36-37, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/June-2020-BOD-Presentation-.pdf>.

brought forward from the prior year and accounting for statewide administrated and program services, the total amount of funding the Governor has available for discretionary funding for FY 2020-2021 totals \$23,049,808.<sup>77</sup>

Current law requires Title I, WIOA funds, Wagner-Peyser funds, and North American Free Trade Agreement Act funds to be expended based on the 4-year state plan.<sup>78</sup> The state plan must outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies.<sup>79</sup> However, current law requires at least 50 percent of the Title I funds for Adults and Dislocated Workers, which are passed through to LWDBs, to be allocated to and expended on Individual Training Accounts, unless the LWDB gets a waiver from the state board.<sup>80</sup> Fifteen percent of Title I funds must be retained at the state level and dedicated to state administration and be used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Of the 15 percent of Title I funds retained, \$2 million may be reserved for the Incumbent Worker Training Program.<sup>81</sup>

### *Accountability*

For the period February 10, 2020 through August 7, 2020, the United States Department of Labor (USDOL) Employment and Training Administration (ETA) conducted a compliance review of the DEO to determine their level of compliance with the programmatic, fiscal, and administrative requirements as the DEO is responsible for the fiscal and administrative affairs of the WDS.<sup>82</sup> The review identified 50 compliance findings which must be addressed, with several findings having regulatory, statutory, and policy violations.<sup>83</sup>

A finding of noncompliance was identified with the state board composition requirements of WIOA. The state board failed to ensure that the board met the requirements of business majority, two or more union representatives, one or more registered apprenticeship representatives, a 20 percent workforce representation, and WIOA core program representation.<sup>84</sup> The compliance review identified a number of policy concerns, one such concern was a lack of a state board policy for delegation of specific functions, in particular procedures in place that outline the specific functions the state board is delegating to DEO.<sup>85</sup> The review determined that Florida did not have an adult priority of service policy or dislocated worker eligibility policy required by WIOA.<sup>86</sup>

The review determined compliance concerns with ensuring LWDBs are operating under current and approved local workforce plans as required by WIOA<sup>87</sup> as well as conducting business in an open manner under the “Sunshine Provision” of WIOA.<sup>88</sup>

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<sup>77</sup> CareerSource Florida, *Finance Council Meeting Agenda* (June 3, 2020), at 4, available at [https://careersourceflorida.com/wp-content/uploads/2020/06/200603\\_FinanceCouncilPacket.pdf](https://careersourceflorida.com/wp-content/uploads/2020/06/200603_FinanceCouncilPacket.pdf).

<sup>78</sup> Section 445.003 (3)(a), F.S.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.* at (3)(a)1.

<sup>81</sup> *Id.* at (3)(a)2.

<sup>82</sup> United States Department of Labor, Employment and Training Administration, *Compliance Review Florida Department of Economic Opportunity* (2020), available at <http://www.floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2020-usdol-eta-compliance-review.pdf>.

<sup>83</sup> *Id.* at 1-2.

<sup>84</sup> *Id.* at 2-3.

<sup>85</sup> *Id.* at 4-5.

<sup>86</sup> *Id.* at 16-17.

<sup>87</sup> *Id.* at 6-7.

<sup>88</sup> *Id.* at 7-8.

The DEO has since provided corrective action responses to 46 of the 50 findings to the ETA.<sup>89</sup> DEO's response concluded that the state board has not delegated its policy making authority and provided the agreement<sup>90</sup> between DEO and CareerSource.<sup>91</sup> Additionally, the DEO will incorporate an annual review of LWDB websites to ensure local plans and modifications are made publicly available.<sup>92</sup> To address conducting business in an open manner, the DEO has updated the grantee-sub grantee agreement as well as a policy for local area governance and transparency.<sup>93</sup>

### *Reimagining the Workforce Development System*

In a Training and Employment Notice (TEN) to states, the USDOL emphasized the promotion of a *One Workforce Strategy* by state workforce agencies, state and local workforce development boards, American Job Centers, and WIOA partner programs and stakeholders.<sup>94</sup> The notice mentioned that the true vision of WIOA, aligned and seamless service delivery, has not yet been realized as individual jobseekers are still not able to easily access services from multiple programs in one physical or virtual location and from one case manager.<sup>95</sup> In a truly integrated service delivery model, as described in the TEN, "workforce system partners must work to align and connect their operations and systems" ensuring that case managers are not "constrained by the services available in one program, but must have the training and ability to offer customers the services they need from multiple programs."<sup>96</sup>

The following key concepts were identified as promoting a truly aligned and seamless service delivery of workforce services:

- Systemic collaboration of key workforce system partners to take a comprehensive approach to assessing and addressing customer needs and removing barriers to employment;
- Integrated service delivery that provides seamless and comprehensive services to customers;
- Shared data for effective decision making and enhanced data collection and analysis to support program operations;
- Leveraged resources across the programs; and
- Improved employment and training outcomes through stronger connections between the training offered through the workforce system and the training needed by employers.<sup>97</sup>

Creating alignment of workforce programs through a single state cabinet or department, was provided as an example in the TEN to create greater alignment in state workforce service delivery.<sup>98</sup> States that align programs within an agency were able to efficiently plan, deliver, monitor, and evaluate multiple programs to the benefit of the customers.<sup>99</sup> The TEN highlighted the Utah Department of Workforce Services (DWS) as an example of the utilization of an integrated case management system.<sup>100</sup> Through their integrated case management system, DWS shares employment plans, milestones, counselor

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<sup>89</sup> Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), available at [https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0\\_6](https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6).

<sup>90</sup> Agreement between the Florida Department of Economic Opportunity and CareerSource Florida, Inc., *Agreement No: BCS02* (July 1, 2019-June 20, 2021), available at <https://careersourceflorida.com/wp-content/uploads/2020/01/DEO-CSF-Agreement.pdf>.

<sup>91</sup> Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), at 4-5, available at [https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0\\_6](https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6).

<sup>92</sup> *Id.* at 6

<sup>93</sup> *Id.* at 7-8.

<sup>94</sup> United States Department of Labor, Training and Employment Notice No. 13-20, *Advancing a One Workforce Vision and Strategy* (Jan. 4, 2021), available at [https://wdr.doleta.gov/directives/attach/TEN/TEN\\_13-20.pdf](https://wdr.doleta.gov/directives/attach/TEN/TEN_13-20.pdf).

<sup>95</sup> *Id.* at 2.

<sup>96</sup> *Id.* at 4.

<sup>97</sup> *Id.* at 3-8.

<sup>98</sup> *Id.* at 10.

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

notes, and customer information between all WIOA programs as well as the TANF program, Vocational Rehabilitation, Corrections, Juvenile Justice, and Child and Family Services.<sup>101</sup>

The RAND Corporation identified states which are adopting varied strategies to further integrate their workforce development and employment system.<sup>102</sup> One approach taken by states has been to combine two or more state agencies, as in Missouri's Department of Higher Education and Workforce Development, which combined the Division of Workforce Development, the Economic Research and Information Center, and the Department of Higher Education under a single office.<sup>103</sup> Another strategy has been to create a new entity which works across all partners, such as the Mississippi Office of Workforce Development or the Indiana Governor's Workforce Cabinet.<sup>104</sup>

To reimagine a WDS for the 21st century that meets the needs of employers, workers, and stakeholders, the RAND Corporation envisions a workforce system focused on the goals of equity and efficiency.<sup>105</sup> A system which provides equitable access to opportunities to learn, train, and retrain with access to information about education costs and returns to inform career decision making and on-ramps for displaced and transitioning workers.<sup>106</sup> The system should also enable timely and appropriate matching of skilled workers to jobs where connections between employers, education, and training providers have greater alignment and awareness of forecasted needs and skills.<sup>107</sup>

## Effect of the Bill

### *Reimagining Education and Career Help Act*

To create greater alignment among Florida's WDS for the delivery of programs suited for the 21<sup>st</sup> century which are focused on equity and efficiency, the bill creates the Reimagining Education and Career Help Act (REACH Act).

The REACH Act serves to address the evolving needs of Florida's economy by increasing the level of collaboration and cooperation among state businesses and education communities while improving training and providing for equity and access to a more integrated workforce and education system for Florida. To facilitate alignment and coordination of entities responsible for Florida's WDS, the bill creates the Office of Reimagining Education and Career Help (REACH Office) in the Executive Office of the Governor. The Director of the REACH Office is required to be appointed by the Governor and serve at his or her pleasure.

### *REACH Office Duties*

The bill requires the REACH Office to fulfill the following duties:

- Serve as an advisor to the Governor on matters related to the state's WDS;
- Establish criteria and goals for workforce development and diversification in Florida's WDS;
- Provide strategies to align and improve efficiency in Florida's WDS and the delivery of workforce related programs;
- Coordinate state and federal workforce related programs, plans, resources, and activities provided by CareerSource, the DEO, and the DOE;

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<sup>101</sup> *Id.*

<sup>102</sup> RAND Corporation, Presentation to the Education & Employment Committee (Jan. 26, 2021), at 11, *available at* <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%201-26-21.pdf>.

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> RAND Corporation, Presentation to the Education & Employment Committee (Jan. 26, 2021), at 33-34, *available at* <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%201-26-21.pdf>.

<sup>106</sup> *Id.* at 34.

<sup>107</sup> *Id.*

- Oversee the workforce development information system designed by the DOE 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;
- Serve on the Credentials Review Committee to identify non-degree and degree credentials of value and facilitate the collection of data necessary to conduct committee work;
- Coordinate and facilitate a memorandum of understanding (MOU) for data sharing agreements of the state's workforce performance data among state agencies and align, to the greatest extent possible, adopted performance measures;
- 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 of nursing education program approval; and
- Direct the objectives of the Talent Development Council.

In addition, because the current performance measures do not compare the number of individuals who need services to those who receive services and whether those individuals are better off after receiving such services, the REACH Office will develop the criteria DEO will use to assign a letter grade to each LWDB, and require the criteria, in part, be based on LWDB performance accountability measures and return on investment. The majority of the grade should be based on the improvement by each LWDB 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.

#### *No-Wrong-Door Entry Strategy*

The bill requires the REACH Office to improve equity and access to the myriad of state and federally funded workforce related programs offered across different entities by creating a no-wrong-door entry strategy whereby a Floridian must not be required to visit multiple locations when seeking access to education and workforce training. In creating the no-wrong-door strategy, the office is required to do the following:

- Develop a training course to cross-train all staff within Florida's WDS on workforce related programs, including how to use an integrated case management system, develop an individual employment plan, conduct a comprehensive needs assessment, pre-certify individuals for workforce related programs, and on any other activities to reinforce the no-wrong-door-entry strategy;
- Coordinate and facilitate a common intake form and case management system for use by workforce related programs to minimize duplicate data entry;
- Coordinate and facilitate a MOU between the DEO and the DCF to permit Supplemental Nutrition Assistance Program (SNAP) and TANF clients to pre-certify for WIOA training services without having to physically visit a one-stop center;
- Oversee the performance evaluation of workforce related programs and services for participants receiving family self-sufficiency benefits and in welfare transition programs; and
- 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 LWDBs.

#### *Workforce Opportunity Portal*

To provide Floridians with public access to a global view of federal, state, and local workforce services available, the bill requires the REACH Office to minimize duplication and use existing resources to adapt and integrate state information systems into an online workforce opportunity portal. The REACH Office must maximize the use of available federal and private funds for the development and initial operation of the portal.

To determine the quality of workforce related programs offered by public postsecondary educational institutions and public and private training providers, the office must review each program 1 year after the program's first graduating class and every 5 years after the first review.

The bill requires the REACH Office to maximize the use of the portal at locations within Florida's WDS and ensure the portal provides access to labor market data consistent with official information developed by the Labor Market Estimating Conference as well as information on how to appropriately use and analyze the presented data, including any limitations.

The REACH Office is required to report to the Legislature on December 1, 2022, and annually thereafter, on the implementation and outcomes of the workforce opportunity portal, including the increase of economic self-sufficiency of individuals.

### *Definitions*

To define the work of the REACH Office, the bill provides the following definitions:

- A definition for Florida's "workforce development system" to include the entities and activities that contribute to Florida's talent pipeline system through education, training, and support services that prepare individuals for employment or career advancement. The definition specifies the entities that are responsible for oversight or conducting those activities such as CareerSource, LWDB, One-Stop Centers, the DEO, the DOE, and the Department of Children and Families.
- A definition for "workforce education region" as areas of the state identified by the DOE, in collaboration with the DEO, to maximize resource allocation by combining two or more sources of funding to integrate education and training in order to improve access to credentials of value for participants in adult education programs.
- A definition for "workforce related program" as a program operated, delivered, or enabled, in whole or in part, by a state or local entity using federal funds or state appropriations to offer incentives, funding, support, or guidance for any of the following purposes:
  - Job training;
  - Attainment of a credential of value as identified by the Credentials Review Committee;
  - Attainment of a postsecondary degree or credential;
  - The provision of other types of employment assistance; or
  - Any other program that has, at least in part, the goal of securing employment or better employment for an individual and receives federal funds or a state appropriation.

The bill defines the attainment of a postsecondary degree or credential to include 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.

### *State Plan*

The bill requires the CareerSource state board to work with state and local partners in the workforce development system to develop the strategic planning elements required by WIOA for Florida's state plan. Additionally, the bill requires the state plan to describe the following:

- How the activities will be carried out by the core programs to implement the strategy and how the activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies.
- How the activities will be aligned with other activities that are provided under employment, training, education, including CTE, and human services programs that are not covered by the state plan, as appropriate, to avoid duplication and assure coordination.
- How the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services, including supportive services, to individuals.

- How the state's strategy to engage Florida College System (FCS) institutions and local CTE schools as partners in the WDS will enable the state to leverage other federal, state, and local investments and increase access to workforce development programs at those institutions.
- How the activities will be coordinated with economic development strategies.
- How the state's strategy will improve access to activities leading to a state approved recognized postsecondary credential, including a credential that is an industry recognized certificate or certification that is portable and builds on additional education or training.

### *Use of WIOA Funds*

The bill requires the 15 percent of WIOA Title I funds which are retained for state administration to be used to 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<sup>108</sup> used by LWDBs on increasing wages and employment over the long term.

### *CareerSource State Board*

The bill adds to the membership of the state board a representative from the DOE's Divisions of Vocational Rehabilitation and Blind Services as well as a representative from the DCF.

The bill requires the state board to, beginning July 1, 2022, assign and make public a letter grade for each LWDB using the criteria established by the REACH Office.

In carrying out their duties, the bill requires the state board to do the following:

- Create a state employment, education, and training policy that ensures workforce related programs are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.
- Establish policy direction for a uniform funding system that prioritizes evidence-based, results-driven solutions.
- Include in their policy related to the education and training of target populations 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.
- Identify barriers to coordination and alignment among workforce related programs and activities and develop solutions to remove such barriers.
- Maintain a Master Credentials List that:
  - Serves as a public and transparent inventory of state-approved credentials of value.
  - Directs the use of federal and state funds for workforce education and training programs that lead to approved credentials of value.
  - Guides workforce education and training programs by informing the public of the credentials that have value in the current or future job market.
- Establish incentives for LWDBs which reward effective alignment and coordination of federal and state programs and programs identified by the REACH Office and outline rewards for achieving long-term self-sufficiency of participants.

The bill requires the state board, to work with DEO to submit their annual report on December 1 to the Governor and Legislature and requires the report to include the following:

- All investigations;

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<sup>108</sup> Outcomes-based contracts, also known as fixed-price performance-based contracts, help focus on the delivery of results for those being served with an emphasis on the outcomes of participants, such as obtaining and retaining jobs. Traditional cost-reimbursement contracts pay the same amount for the services provided, regardless of whether they actually help people gain skills, get jobs, or earn higher wages. Results for America, *Performance-Based Contracts in WIOA* (Dec. 2020), available at <https://results4america.org/wp-content/uploads/2019/12/Performance-Based-Contracts-in-WIOA.pdf>.

- Number of mandatory partners located within one-stop centers; and
- Progress on implementing solutions to address barriers to coordination and alignment among programs and activities.

The bill requires the state board to ensure the Executive Director of CareerSource and his or her staff works with the DEO to minimize duplication and maximize efficient use of resources in carrying out their duties to implement the WIOA.

The bill adds gross management and waste as instances which would provide cause for removal of a state board member.

The bill authorizes any committees, councils, or administrative entities of the state board to use funds to award recognition by a LWDB, its committees and subdivision, and other units of the workforce system.

The bill aligns the required wages for participants in the Quick-Response Training program administered by CareerSource to present market wages.

The bill removes the authority for the state board to designate Institutes of Applied Technology, provide policy direction to evaluate labor market supply, and expand the occupations of the Workforce Estimating Conference. The bill removes duplicative language already in current law which allows the Auditor General to conduct an audit of the state board and CareerSource or any programs or entities created by the state board and the authority for the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review performance outcomes and quality of services of the state board and CareerSource.<sup>109</sup>

### *DEO*

The bill requires the DEO to adopt rules to monitor the compliance of workforce related programs and determine whether 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.

### *One-Stop Centers*

To transform Florida's workforce system into a unified workforce system which focuses on the consumer, the bill creates a consumer-first workforce system, requiring the DEO to consult with the DOE and the DCF to implement one state automated system that improves coordination among the required one-stop partners to efficiently and effectively provide workforce and education programs and services in Florida.

The consumer-first workforce system requires an integrated service delivery system that includes common registration and intake for required one-stop partners and support service integration and case management across programs and agencies. The bill requires the DEO to develop training for required one-stop partners on the use of the system and prequalifying individuals for workforce programs. The bill requires any contract to implement the consumer-first workforce system, entered into or renewed on or after July 1, 2021, to be performance based.

The bill makes conforming changes to reflect the implementation of one consumer-first workforce system.

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<sup>109</sup> See s.11.45(3)(p) and s. 11.51(1), F.S.

The bill requires training services provided to One-Stop Center participants through Individual Training Accounts be used on programs that prepare individuals to enter occupations identified by the Labor Market Estimating Conference. Additionally, the bill requires training services provided through Individual Training Accounts to condition final payment, of at least 10 percent, to a training provider upon a participant's successful job placement.

### *Program Evaluation*

To effectively assess the impact of services on workforce participants who are dually served, the bill requires the DEO and DCF to measure the performance of workforce related programs and services for participants who receive benefits and welfare transition programs. The evaluation must include participants who receive TANF and also those receiving family self-sufficiency program benefits.

The bill requires the DEO to consult with LWDBs to develop annual performance reports which analyze participants as they transition from public assistance to self-sufficiency. Participant co-enrollment in programs must be considered as a part of the performance measure.

Each LWDB is required to, at a minimum, provide quarterly reports on the following measures:

- the percent of participants working in unsubsidized employment;
- the percent of participants who stop receiving benefits for reasons other than disqualification or sanction;
- 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.
- the median placement wage rate;
- the TANF work participation rate; and
- a self-sufficiency index, by county, 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 bill requires the self-sufficiency index to 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. Additionally, the report must contain an expected range of performance for each county on the self-sufficiency index. The bill requires the expected range to be derived by a statistical methodology developed in consultation with the local boards and that the methodology control for differences across counties in economic conditions and demographics of participants in family self-sufficiency programs and welfare transition programs.

To conduct the evaluation, the bill requires the state board and the DEO to share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program (FETPIP).

### **WIOA Waiver Authority**

#### Present Situation

WIOA allows the Secretary of Labor (Secretary) to grant states additional flexibility to meet their workforce needs and achieve better outcomes for job seekers and employers. WIOA does this through the use of waivers that provide states a reprieve from statutory or regulatory WIOA provisions.<sup>110</sup>

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<sup>110</sup> See Pub. L. 113-128, §. 189(i)(3) (codified at 29 U.S.C. § 3249).

A state may request a waiver in its overall Unified or Combined State Plan submission or modification.<sup>111</sup> A state may also use its own format or form when making a waiver request – provided all requirements are addressed.<sup>112</sup> A state waiver request is required to include a discussion of the following elements<sup>113</sup>:

- the statutory and/or regulatory requirements the state would like to waive;
- actions the state has undertaken to remove state or local barriers;
- state strategic goals and Department of Labor priorities (i.e. expansion of apprenticeship, improved employer engagement, etc.) supported by the waiver;
- projected programmatic outcomes resulting from implementation of the waiver;
- individuals, groups or populations benefitting from the waiver;
- how the state plans to monitor waiver implementation, including collection of waiver outcome information; and
- assurance of state posting of the request for public comment and notification to affected LWDBs.

The USDOL reviews each waiver request individually.<sup>114</sup> The Secretary must respond within 90 days of the waiver request.<sup>115</sup>

While several states have successfully received waivers from WIOA's requirements, there are limitations to the Secretary's waiver authority.<sup>116</sup> WIOA prohibits the Secretary from waiving any provisions related to the following<sup>117</sup>:

- wage and labor standards;
- allocation of funds to local areas;
- non-displacement;
- eligibility of providers or participants;
- worker rights;
- establishment and functions of local areas and local WDBs;
- participation and protection of workers and participants;
- procedures to review and approve state and local plans;
- grievance procedures and judicial review;
- funding of infrastructure costs for One-Stop Centers;
- nondiscrimination; and
- other requirements related to the basic purposes of WIOA Title I.

Presently, Florida does not operate under any WIOA waivers.<sup>118</sup>

### Effect of the Bill

To provide Florida with additional flexibility in overseeing the state's workforce investment and to streamline the administration of our system while also increasing accountability, the bill requires the DEO to prepare a federal waiver to be submitted by the Governor to the USDOL that allows:

- The CareerSource state board to fulfill the roles and responsibilities of LWDBs or that reduces the number of LWDBs based on population size and commuting patterns in order to:

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<sup>111</sup> See United States Department of Labor's, 'Workforce Innovation and Opportunity Act Waiver Request Tool,' <https://www.dol.gov/agencies/eta/wioa/waivers> (last visited May 4, 2021).

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> See United States Department of Labor, Workforce Innovation and Opportunity Act, Waivers, <https://www.dol.gov/agencies/eta/wioa/waivers> (last visited May 4, 2021).

<sup>115</sup> *Id.*

<sup>116</sup> See Pub. L. 113-128, §. 189(i)(3) (codified at 29 U.S.C. § 3249).

<sup>117</sup> *Id.*

<sup>118</sup> Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 130, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.

- eliminate multiple layers of administrative entities to improve coordination of the WDS;
- establish consistent eligibility standards across the state to improve the accountability of workforce related programs; and
- provide greater flexibility in the allocation of resources to maximize the funds directed to training and business services.<sup>119</sup>
- The Governor to reallocate funds among local areas that have a demonstrated need for additional funding and programmatic outcomes that will maximize the use of the additional funds to serve low-income individuals, public assistance recipients, dislocated workers, and unemployment insurance claimants.<sup>120</sup>

## Local Workforce Development Boards (LWDBs)

### Present Situation

#### *Board Membership*

The chief elected official(s) of the local workforce development area appoints members to the LWDB. Such appointments are made in accordance with criteria established by the Governor and the state workforce development board.<sup>121</sup> WIOA mandates a certain composition for LWDBs, but does not mandate a specific number of board members; however, reading WIOA leads to an understanding that the minimum number of board members is 19.<sup>122</sup> Of the 19 members, ten must represent the business community, four must represent the workforce community, two must represent education and training organizations, and three must be from government and the economic development community.<sup>123</sup>

The members of the LWDB elect the chair from among the members representing the business community.<sup>124</sup> The chair may serve for a term of no more than 2 years and may not serve more than two terms.<sup>125</sup> The Governor or local chief elected officer(s) may remove a LWDB member or the executive director or person responsible for the LWDBs operational or administrative functions for “cause.”<sup>126</sup>

#### *Compensation & Expenses*

Pursuant to state law, LWDB board members may receive a per diem – provided it is preapproved, reasonable and necessary.<sup>127</sup> LWDB board members may also receive reimbursement for travel

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<sup>119</sup> See United States Department of Labor, Employment and Training Administration, letter approving Alaska’s waiver request and accompanying plan to improve the statewide workforce development system, submitted as part of Alaska’s WIOA State Plan modification dated June 30, 2018, *available at* [https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/Signed\\_Alaska\\_Waiver\\_Letter.pdf](https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/Signed_Alaska_Waiver_Letter.pdf); See also United States Department of Labor, Employment and Training Administration, letter approving Idaho’s waiver request and accompanying plan to improve the statewide workforce development system, submitted as part of Idaho’s WIOA State Plan modification dated June 29, 2018, *available at* [https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/Signed\\_Idaho\\_Waiver\\_Letter.pdf](https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/Signed_Idaho_Waiver_Letter.pdf).

<sup>120</sup> See United States Department of Labor, Employment and Training Administration, letter approving Texas’s waiver request, submitted as part of Texas’s WIOA State Plan modification dated July 7, 2020, *available at* [https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/TX%20PY%202020%20Waiver%20Response%20Letter\\_06.30.20\\_signed.pdf](https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/TX%20PY%202020%20Waiver%20Response%20Letter_06.30.20_signed.pdf).

<sup>121</sup> See Pub. L. 113-128, §. 107(b)(1)(codified at 29 U.S.C. § 3122).

<sup>122</sup> See Pub. L. 113-128, §. 107(b)(2) (codified at 29 U.S.C. § 3122).

<sup>123</sup> *Id.* See also CareerSource Florida, Administrative Policy Number 091, *Local Workforce Development Board Composition and Certification* (Jan. 7, 2021), *available at* [https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2021-guidance-papers/adminpolicy091\\_wioa-lwdb-composition-and-certification---final-01072021.pdf?sfvrsn=adb94db0\\_2](https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2021-guidance-papers/adminpolicy091_wioa-lwdb-composition-and-certification---final-01072021.pdf?sfvrsn=adb94db0_2).

<sup>124</sup> See Pub. L. 113-128, s. 107(b)(3) (codified at 29 U.S.C. § 3122).

<sup>125</sup> Section 445.007(2)(a), F.S.

<sup>126</sup> See ss. 445.007(2)(b), (c), F.S. The term, ‘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, or lack of performance.

<sup>127</sup> See s. 445.007(10), F.S.

expenses – provided such reimbursements are at the state rate and in compliance with all applicable federal and other state requirements.<sup>128</sup>

Neither federal nor state funds may be used directly or indirectly to pay for meals, food, or beverages for LWDB board members or staff, except as expressly authorized by state law.<sup>129</sup> Further, LWDBs may not expend federal or state funds for entertainment or recreational activities.<sup>130</sup>

A LWDB may hire staff to assist in carrying out its required functions.<sup>131</sup> WIOA mandates LWDBs establish and apply a set of objective qualifications for the position of director, that ensure the director has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the LWDB<sup>132</sup>

### *Financial Disclosure Requirements*

State law requires LWDB board members, as well as the executive director or person responsible for a LWDB's operational and administrative functions, to annually file a statement of financial interests.<sup>133</sup> The statement of financial interests requires filers to disclose their primary sources of income (other than from their public position), secondary sources of income (in certain circumstances), real property in Florida (other than a residence or vacation home), intangible personal property, liabilities, and interests in specified businesses.<sup>134</sup>

### *Conflicts of Interest*

WIOA contains provisions designed to eliminate or highlight conflicts of interest. For example, WIOA prohibits a LWDB board member from voting on a matter under consideration by the board regarding the provision of services by such member (or by an entity that such member represents); or that would provide direct financial benefit to such member or the immediate family of such member.<sup>135</sup>

State law contains additional measures designed to increase transparency and accountability with respect to contracts entered into between a LWDB and a LWDB board member (or board member's organization), LWDB employee, or relative of either. Such contracts are required to be approved by a two-thirds vote of the LWDB and any LWDB board member that may personally benefit from the contract, or that has a relative that would benefit from the contract, must announce his or her conflict before the vote and abstain from voting.<sup>136</sup> Further, such contracts of \$25,000 or more are required to be reviewed and approved by DEO prior to execution.<sup>137</sup>

### *Performance*

WIOA mandates that each designated local area have performance accountability measures which consist of the primary indicators of performance, any additional indicators of performance, and local level performance. The local level performance is determined by the local board, the chief elected official, and the Governor.<sup>138</sup>

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<sup>128</sup> See ss.445.007(10) and 112.061, F.S.

<sup>129</sup> See s. 445.007(10), F.S.

<sup>130</sup> *Id.*

<sup>131</sup> See Pub. L. 113-128, §. 107(f)(1)-(3)(codified at 29 U.S.C. § 3122).

<sup>132</sup> See Pub. L. 113-128, §. 107(f)(1)-(3)(codified at 29 U.S.C. § 3122).

<sup>133</sup> See ss.445.007(1) and 112.3145, F.S. The statement of financial interests is commonly referred to as the Florida Commission on Ethics FORM 1.

<sup>134</sup> See s. 112.3145, F.S.

<sup>135</sup> See Pub. L. 113-128, §. 107(h)(codified at 29 U.S.C. § 3122).

<sup>136</sup> See ss.445.007(1), (11), F.S. See also CareerSource Florida Strategic Policy 2012.05.24.A.2, *State and Local Workforce Development Board Contracting Conflict of Interest Policy* (May 24, 2012), available at [https://careersourceflorida.com/wp-content/uploads/2017/05/2012.05.24.A.2-State\\_LWDB-COI-Policy.pdf](https://careersourceflorida.com/wp-content/uploads/2017/05/2012.05.24.A.2-State_LWDB-COI-Policy.pdf).

<sup>137</sup> *Id.*

<sup>138</sup> See Pub. L. 113-128, §. 116(codified at 29 U.S.C. § 3141).

WIOA INDICATORS OF PERFORMANCE	STATE GOAL	# OF LWDBs ACHIEVING GOAL	% OF LWDBs ACHIEVING GOAL
Adult Employed 2nd Qtr. After Exit	85.0%	22 of 24	91.7%
Adult Employed 4th Qtr. After Exit	82.5%	23 of 24	95.8%
Adult Median Wage 2nd Qtr. After Exit	\$6,850	23 of 24	95.8%
Adult Credential Attainment Rate	62.0%	21 of 24	87.5%
Dislocated Worker Employed 2nd Qtr. After Exit	83.0%	22 of 24	91.7%
Dislocated Worker Employed 4th Qtr. After Exit	79.0%	22 of 24	91.7%
Dislocated Worker Median Wage 2nd Qtr. After Exit	\$6,850	20 of 24	83.3%
Dislocated Worker Credential Attainment Rate	68.0%	18 of 24	75.0%
Youth Employed 2nd Qtr. After Exit	75.0%	24 of 24	100.0%
Youth Employed 4th Qtr. After Exit	69.0%	24 of 24	100.0%
Youth Credential Attainment Rate	75.2%	17 of 24	70.8%

Negotiations for local levels of performance are conducted every 2 years and occur following the state's negotiations with the USDOL.<sup>140</sup> For each performance indicator, a LWDB is determined to have met the standard if its performance is at or above 90 percent of the negotiated standard.<sup>141</sup>

If a LWDB fails to meet the negotiated local levels of performance in any program year, technical assistance will be provided. The technical assistance may include:

- Assistance in the development of a performance improvement plan;
- The development of a modified local plan; or
- Other actions designed to assist the LWDB in improving performance.<sup>142</sup>

### Effect of the Bill

The bill establishes term limits for a LWDB chair as no more than 2 years and establishes term limits for all members of a LWDB as no more than 8 consecutive years, unless the member is a representative of a government entity. The bill requires LWDB members to serve staggered terms and specifies that service which commenced before July 1, 2021, will not count toward the 8 year term limit.

The bill requires DEO to annually meet with each LWDB to review the local board's performance in order to inform the determination of each LWDB's letter grade made by the CareerSource state board.

To increase LWDB accountability and transparency, the bill requires LWDBs to make publicly available on the LWDB's website, or DEO's website if the LWDB does not maintain a website, the following:

- Information for the public that a public disclosure of financial interest filed with the Commission on Ethics has been completed for each LWDB board member and executive director and provide information on how each disclosure or statement may be reviewed. The notice to the

<sup>139</sup> Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 94, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf>.

<sup>140</sup> CareerSource Florida Administrative Policy Number 088, *Negotiated Local Levels of Performance Requirements* (Feb 20, 2020), at 2, available at [https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2020-guidance-papers/adminpolicy088\\_negotiatedlocallevelsperfrequirements---final.pdf?sfvrsn=348643b0\\_2](https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2020-guidance-papers/adminpolicy088_negotiatedlocallevelsperfrequirements---final.pdf?sfvrsn=348643b0_2).

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

public must remain on the website throughout the term of office or employment of the filer and until 1 year after the term ends.

- The LWDB's budget within 10 days after approval by the department. The budget must remain published on the website for the duration of the fiscal year for which it accounts for the expenditure of funds.
- Annual publication of its most recent Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax. 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.

To provide greater oversight in a LWDBs contracting process, the bill does the following:

- Requires prior approval from DEO for contracts between the board and an organization or individual represented on the LWDB and states that such contracts may not be included on a consent agenda by the LWDB. Additionally, a member whose organization may benefit from the contract must abstain from voting on the contract.
- Reduces the threshold from \$25,000 to \$10,000 for contracts between local boards, a relative of a local board, or an employee of the board, which do not require prior approval from the DEO but do require approval by a two-thirds vote of the board.
- Requires the publication of contracts between a LWDB and a member of the board, a relative of a board member, an organization or individual represented on the board, or an employee of the board approved on or after July 1, 2021, to be published on the board's website, or DEO's website if the local board does not maintain a website within ten days after approval by DEO and requires it to remain published for at least 1 year after termination of the contract.
- Requires the DEO, in their review of required contracts to consider documentation provided by the LWDB, including performance ratings of the entity under consideration for contract and whether such entity is the only provider of the desired good and services within the area served.

The bill requires each LWDB to annually, within 30 days after the end of the fiscal year, disclose to the DEO, in a manner determined by the department, the amount and nature of compensation paid to all executives, officers, directors, trustees, key employees, and the highest compensated employees, as defined for purposes of the Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax. The reported compensation must include 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 from the chief financial officer, or his or her designee, that he or she has read the compensation disclosure and affirms it is true and accurate. The compensation disclosure information must also be published on the LWDB'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.

The bill requires any local performance accountability measures established to gauge the performance of a LWDB in achieving the workforce development strategy to be based on identified local area needs.

The bill adds gross management and waste as instances which would provide cause for removal of a LWDB member and LWDB executive director.

The bill requires DEO to adopt rules for the submission, review, and approval of local workforce plans by LWDBs.

## **WIOA Eligible Training Providers**

### Present Situation

#### *Federal*

Eligible providers of training services programs are entities that are eligible to receive WIOA funds for adult and dislocated worker participants who enroll in training services programs through Individual Training Accounts (ITA).<sup>143</sup> WIOA requires the Governor, in consultation with the state workforce development board, to, among other things, establish the criteria and procedures governing the eligibility of training providers and training programs to receive funds under WIOA to provide training services.<sup>144</sup> Federal regulations also specify the Governor may designate a state agency or entity to assist in carrying out this responsibility.<sup>145</sup> The Governor or the designated state agency is responsible for developing and maintaining a state list of eligible training providers and programs which includes initial eligibility, continued eligibility for providers, as well as performance and cost reporting requirements and removing programs which are not meeting performance levels.<sup>146</sup> The process of establishing initial and subsequent eligibility for eligible providers of training services programs is to ensure that “training customers are using ITAs for high-quality training programs-those that are likely to result in positive labor market outcomes for participants.”<sup>147</sup>

Additionally, each LWDB may set higher levels of performance than those required by the state as criteria for local providers to become or remain eligible to provide training services in that area.<sup>148</sup> Although LWDBs may add some of their own restrictions and requirements to develop a list of training providers, the USDOL specifics that local boards may only include training providers on their list which are approved for the state list.<sup>149</sup> States are encouraged to streamline the process and policies for eligible providers of training services programs to reduce the number of local lists and the degree to which they vary from the state list and from one local board to another.<sup>150</sup>

### *Florida*

CareerSource has not adopted policies for a state eligible training provider list (ETPL), by default, authority is delegated to LWDBs to develop local ETPLs.

A training provider seeking initial eligibility must, at a minimum, provide the following information in their application to a LWDB:

- Verification the provider is licensed, certified, or otherwise authorized under Florida law to provide training services programs.
- Description of each training services program the training provider intends to provide.
- Information on the cost of attendance, including, but not limited to, tuition and fees.
- Whether the training program leads to an industry-recognized credential, including recognized postsecondary credential, identifying that credential.
- Whether the credential can be stacked with other credentials as part of a sequence to move an individual along a career pathway or up a career ladder.
- Whether the provider has developed the training in partnership or collaboration with a business or industry.
- Identification of in-demand industry sectors and occupations which best fit with the training program.
- Description of the prerequisites or skills and knowledge required prior to the training.

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<sup>143</sup> See 20 C.F.R. §680.410.

<sup>144</sup> See 20 C.F.R. §680.430(a)

<sup>145</sup> See 20 C.F.R. §680.430(b).

<sup>146</sup> See 20 C.F.R. §680.430(b).

<sup>147</sup> United States Department of Labor Employment and Training Administration, *How States Manage Eligible Training Provider Lists: Findings from a State Survey* (June 2, 2015), at 22, available at [https://wdr.doleta.gov/research/FullText\\_Documents/ETAOP-2017-10%20EPTL%20Report%20\(Accessible%20PDF\).pdf](https://wdr.doleta.gov/research/FullText_Documents/ETAOP-2017-10%20EPTL%20Report%20(Accessible%20PDF).pdf).

<sup>148</sup> See 20 C.F.R. §680.430(e).

<sup>149</sup> United States Department of Labor, Training and Employment Guidance Letter No. 8-19, *Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs*, at 5-6, available at [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_8-19.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_8-19.pdf).

<sup>150</sup> *Id.*

- Verification the training program is for an occupation on the local area targeted occupations list.<sup>151</sup>

Continued eligibility for a training provider must be submitted every 2 years to maintain their eligibility.<sup>152</sup> To maintain eligibility, providers must submit performance data on WIOA required accountability measures.<sup>153</sup>

Current state policy authorizes each LWDB to establish additional criteria for initial and continued training provider eligibility – a process which could result in 24 different standards for provider eligibility across the state.<sup>154</sup> This means a training provider could be eligible to provide services to one area of the state, but not others. Likewise, each contract between a LWDB and a service provider has its own performance standards. Additionally, current state policy does not impose any state-wide minimum performance targets as eligibility criteria for training programs to remain on a local ETPL.<sup>155</sup> The DEO is presently revising the state policy to include more involvement at the state level for the review and approval of eligible providers of training services programs.<sup>156</sup> Additionally, DEO is updating the ETPL list which is displayed in Employ Florida to allow training providers to apply directly to the state, display performance data, and remove training entities which have not recently served WIOA participants.

For the period February 10, 2020 through August 7, 2020, the USDOL ETA conducted a compliance review of the DEO to determine their level of compliance with the programmatic, fiscal, and administrative requirements as the DEO is responsible for the fiscal and administrative affairs of the WDS.<sup>157</sup> The state was found out of compliance with ensuring training providers were submitting required information for training programs on the ETPL. The DEO has implemented a corrective action plan, and intends to work towards the development of an online state and local ETPL application. The corrective action is expected to be complete by June 2021.<sup>158</sup>

### Effect of the Bill

To support informed consumer choice, with a focus on positive labor market outcomes for participants, the bill directs the use of WIOA workforce program funds to high-quality training providers. The bill requires the DEO to determine high-quality training providers by adopting rules for initial and subsequent eligibility criteria for the ETPL, based on input from the CareerSource state board, LWDBs, the DOE, and other stakeholders. The bill requires a training provider who offers training for credentials identified on the Master Credentials List, as determined by the CareerSource Credentials Review Committee, to no longer be eligible for inclusion on a state or local ETPL if the provider fails to submit required information or fails to meet initial or subsequent eligibility criteria.

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<sup>151</sup> CareerSource Florida, WIOA Eligible Training Provider List Administrative Policy, *Policy Number 90*, at 4-5, available at [https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2016-guidance-papers/wioa\\_etpl\\_policy.pdf?sfvrsn=a5876ab0\\_9](https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2016-guidance-papers/wioa_etpl_policy.pdf?sfvrsn=a5876ab0_9).

<sup>152</sup> *Id.* at 7.

<sup>153</sup> *Id.* at 16.

<sup>154</sup> *Id.* at 6.

<sup>155</sup> *Id.* at 9.

<sup>156</sup> Florida Department of Economic Opportunity, Presentation to the Education & Employment Committee (Feb. 16, 2021), at 15-16, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3105&Session=2021&DocumentType=Meeting%20Packets&FileName=eec%202-16-21.pdf>.

<sup>157</sup> United States Department of Labor, Employment and Training Administration, *Compliance Review Florida Department of Economic Opportunity* (2020), at 13-14, available at <http://www.floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2020-usdol-eta-compliance-review.pdf>.

<sup>158</sup> Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), at 8-10, available at [https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0\\_6](https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6)

The bill requires subsequent eligibility criteria to use performance and outcome measures which at a minimum, must require each program offered by a training provider to meet the following phased in criteria:

- For the 2021-2022 program year, the DEO and the DOE must set the minimum criteria a training provider program must achieve for completion, earnings, and employment rates of eligible participants. The bill requires that the minimum program criteria set must not exceed the threshold at which more than 20 percent of all eligible training provider programs in the state would fall below.
- Beginning with the 2022-2023 program year, each program offered by a training provider must, at a minimum, meet all of the following:
  - Income earnings for all individuals who complete the program that are equivalent to or above the state's minimum wage in a calendar quarter.
  - An employment rate of at least 75 percent for all individuals, with programs linked to an occupation, the employment rate must be calculated based on obtaining employment in the field in which the participant was trained.
  - A completion rate of at least 75 percent for all individuals, beginning with the 2023-2024 program year.

## **Credential Attainment in Florida**

### Present Situation

#### *Attainment- Florida's SAIL to 60 Initiative*

In 2019, the Legislature created the Strengthening Alignment between Industry and Learning (SAIL) to 60 Initiative to increase the percentage of working-age Floridians with a high-value postsecondary certificate, degree, or training experience to 60 percent by 2030. The initiative requires the SBE and BOG to work collaboratively to carry out the following duties:

- Increase awareness and the use of the following:
  - K-20 statewide computer-assisted student advising system;
  - Complete Florida Degree Initiative that facilitates degree completion for adult learners; and
  - summer bridge programs at state universities and FCS institutions that help students transition to postsecondary education.
- Support and publicize the efforts of the Florida College Access Network (FCAN) to:
  - Increase the number of high school seniors who submit at least one completed postsecondary education application.
  - Increase the number of high school seniors who submit a completed Free Application for Federal Student Aid to receive financial aid to help pay for their postsecondary education expenses.
  - Recognize and celebrate high school seniors for their postsecondary education and career plans and encourage early preparation for college.
  - Conduct regional meetings with postsecondary educational institutions, business leaders, and community organizations to solve community-specific issues related to attainment of postsecondary certificates, associate degrees, and baccalaureate degrees.
- Facilitate a reverse transfer agreement between the State Board of Education (SBE) and the State University System Board of Governors (BOG) to award postsecondary education credentials to students who have earned them.
- Facilitate the establishment of career pathways agreements between career centers and FCS institutions.
- Develop a systematic, cross-sector approach to awarding credit for prior learning.<sup>159</sup>

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<sup>159</sup> See s. 1004.013, F.S.

In order to meet the SAIL to 60 goal by 2030, Floridian's will need to attain an additional 1,149,304 degrees or short-term credentials.<sup>160</sup> Currently 3,762,669 working age Floridians, ages 25-64, have a high school diploma or less. An additional 1,432,220, or 13 percent of working-age Floridians have some college but no degree. Research from the DEO forecasts that by 2025, 2 out of every 3 new Florida jobs will require some form of postsecondary education.<sup>161</sup>

### *COVID-19 Impact*

As a result of the COVID-19 pandemic, 58 percent of Floridians lost their job, had a pay cut, or saw a reduction of hours. COVID-19 has also had a disparate financial impact on those with lower levels of education. Floridians with a high school degree or less reported the highest rates of job loss, pay cuts, or reduced hours. Overall, 35 percent of Floridians believe they need additional education or training to find another job with the same wages or income if they lost their job due to COVID-19, and those with an associate's degree or less were most likely to believe they would need additional education or training.<sup>162</sup>

### *Rapid Credentialing Grant*

In FY 2020-2021, \$35 million was allocated for the Rapid Credentials Grant from the Governor's Emergency Education Fund (GEER),<sup>163</sup> one of the four grant programs created through the Coronavirus Aid Relief and Economic Security (CARES) Act.<sup>164</sup> Grant funds are directed to connecting unemployed, underemployed, or furloughed individuals with training in an in-demand area of the regional workforce board.<sup>165</sup>

Rapid credentialing programs are designed to increase all of Florida's 28 state and 48 technical college's capacity to enroll and graduate students in short term, in-demand, middle to high wage occupation, workforce programs that can be completed in 18 weeks or less, aiding in accelerated recovery for residents and the economy after the COVID-19 pandemic.<sup>166</sup> Many of these programs are not eligible for federal financial aid as they do not meet the minimum instructional time requirements.<sup>167</sup>

Rapid credential programs include the following:

- technical certificate programs (i.e., short, credit options offered by FCS institutions);
- market-driven and in-demand clock hour career certificate programs (i.e., short, vocational training programs offered by technical colleges); and

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<sup>160</sup> Email, Florida College Access Network (Feb. 26, 2021).

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 14, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

<sup>164</sup> On Friday, March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act was signed into law. Four grant programs were created through the CARES Act: Education Stabilization Fund Discretionary Grants; Governor's Emergency Education Relief Fund; Elementary and Secondary School Emergency Relief Fund; and Higher Education Emergency Relief Fund. United States Department of Education, Office of Elementary & Secondary Education, *Education Stabilization Fund*, <https://oese.ed.gov/offices/education-stabilization-fund/> (last visited May 4, 2021).

<sup>165</sup> Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 16, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

<sup>166</sup> *Id.* at 11, 14, and 18.

<sup>167</sup> United States Department of Education, Federal Student Aid, *FASFAA Clock Hour Workshop* (Oct. 30 – Nov. 1, 2018), at 2, available at <https://fasfaa.memberclicks.net/assets/ClockHour/1819/Presentations/FASFAA%20C1%20Hr%20wshp%20-%20clock%20hour%20basics%20-%20Oct%202018.pdf>.

- engaging, transformative, in-demand industry certification preparation courses (i.e., courses that culminate in an industry-recognized certification that can articulate into college credit).<sup>168</sup>

The DOE identified over 100 rapid credential programs statewide and cross-walked them to CareerSource’s in-demand sector strategies.<sup>169</sup> These workforce education-related options are accessible, affordable, and articulate into “higher-level” credentials (i.e., associate of science degrees or bachelors of applied science degrees).<sup>170</sup>

Funds were allocated to 73 local education agencies, including charter districts and laboratory schools.<sup>171</sup> The grant requires 25 percent matching by the institution and allocates a minimum of \$150,000 per agency plus a pro-rated share of additional funds based on unduplicated headcount in postsecondary CTE programs.<sup>172</sup> Of the \$35 million award, \$7,130,453 was allocated to technical colleges and the remaining \$27,869,547 was allocated to FCS institutions.<sup>173</sup> Funds may be used to purchase necessary equipment and underwrite costs associated with administering these short term courses/programs.<sup>174</sup>

### Effect of the Bill

To increase momentum towards Florida’s SAIL to 60 Attainment goal, and respond to those impacted by job loss or disruption due to COVID-19, the bill creates the Strategic Efforts to Achieve Self-Sufficiency (SEAS). SEAS creates three key strategies: the workforce opportunity portal, the Open Door Grant Program, and the Money-Back Guarantee Program.

1. The workforce opportunity portal, created in the Office of Reimagining Education and Career Help (REACH Office), 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. The portal will serve as an important tool for Floridian’s looking to reskill or retrain for the workforce.

The workforce opportunity portal will assist Floridians as they:

- Explore and identify career opportunities.
- Identify in-demand jobs and associated earning potential.
- Identify the skills and credentials needed for specific jobs.
- Access a broad array of federal, state, and local workforce related programs.
- 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.
- Identify opportunities and resources to support individuals along their career pathway.

<sup>168</sup> Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 14, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> Florida Department of Education, Division of Career and Adult Education, *Rapid Credentialing*, at 10, available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/RapidCredentials3.pdf>.

<sup>172</sup> Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 18-19, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

<sup>173</sup> Florida Department of Education, Division of Career and Adult Education, *Rapid Credentialing*, at 4, available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/RapidCredentials3.pdf>.

<sup>174</sup> Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity* (June 16, 2020), at 16, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

- 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.
  - 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.
2. The Open Door Grant Program creates a demand-driven supply of credentialed workers for high-demand occupations, expands the affordability of workforce training and credentialing, and increases the interest of current and future workers in short-term, high-demand CTE credentialing and certificate programs. Grants are provided to school district's postsecondary technical centers and FCS 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. The grant program will provide short-term training for high-demand programs in Florida, offering job seekers an opportunity to obtain expedited and affordable training.

Under the Open Door Grant program, an eligible student must complete the Free Application for Federal Student Aid and:

- For a student who does not receive state or federal aid, at the time of enrollment, the student is responsible for paying one-third of the cost of the program and signing an agreement to either complete the program or pay an additional one-third of the program cost in the event of non-completion. Grant funds may be used to cover the student's one-third of the cost of the program for students in integrated education and training programs and students who do not have a high school diploma and meet requirements established by the DOE.
- For a student who does receive state or federal aid, grant funds may be awarded to cover the unmet need after all eligible aid is accounted for.

The bill allows grant funds to be used to cover the cost of a program, which includes tuition and fees, examination, books, and materials.

The bill establishes that the DOE must prioritize funding for integrated education and training programs in which institutions establish partnerships with LWDBs to provide basic skills instruction contextually and concurrently with workforce training that results in the award of credentials on the Master Credentials List. The bill requires one-quarter of the appropriated grant funds to be prioritized to serve students attending rural institutions. No more than one-quarter of funds may be disbursed annually to any one eligible institution.

The bill establishes that the DOE may not reimburse any institution more than \$3,000 per completed workforce training program by an eligible student.

The bill requires the SBE to adopt rules and the DOE to administer the grant by:

- requiring eligible institutions to provide student-specific data and make final decisions on any dispute between eligible institutions and grant recipients;
- undertaking periodic assessments of the overall success of the grant program and recommend modifications, interventions, and other actions based on such assessments;
- establishing the procedure by which eligible institutions shall notify the department when eligible students enroll in eligible programs; and
- requiring each eligible institution to submit a report with data from the previous fiscal year on program completion and credential attainment by students participating in the grant program.

The DOE must provide an annual report to the SBE on program completion, attainment, and participant wage and demographics categorized by credential name and relevant occupation.

3. The Money-Back Guarantee Program requires each school district and FCS institution, beginning in the 2022-2023 academic year, 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.

The bill requires each institution to offer a money-back guarantee on at least three programs that prepare individuals to enter in-demand, middle-level to high-level wage occupations, or at least 50 percent of workforce education programs if the institution offers six or fewer programs. The bill requires the money-back guarantee program to be offered for all workforce education program which are established to meet a critical local economic need and are not aligned to statewide needs identified by the Labor Market Estimating Conference.

The bill requires each institution to establish student eligibility criteria for the program, including student attendance, career service attendance, participation in internships or work-study, job search documentation and development of a student career plan.

Institutions are required to notify the SBE of the money-back guarantee programs it offers by July 1, 2022 and information on the offered programs are required to be made available on each school district's and FCS institution's website, on the DOE's website, and on the Employ Florida website. The bill requires the DOE to provide a report on performance results by school district, FCS institution, and program by November 1 of each year.

## **Florida's Healthcare Workforce**

### Present Situation

#### *Nursing*

According to the Bureau of Labor Statistics, Florida ranks third among states to employ nurses. While Florida ranks as one of the top states for employment of nurses, a report in June 2020, showed 35,000 or 16.3 percent of registered nurses (RN) and 3,700 or 13.4 percent of advanced practice registered nurses (APRN) are over the age of 60 in Florida and may begin phasing into retirement during the next 5 to 10 years.<sup>175</sup>

Health care professionals have been on the front lines of the COVID-19 pandemic and the long term impacts on these professionals is unknown. A Johnson & Johnson, American Nurses Association, and American Organization for Nursing Leadership report, found nurses who spent more than half their time with COVID-19 patients believe more strongly that the pandemic will cause burnout and a shortage of nurses compared with nurses who spent less than half of their time with COVID-19 patients. Burnout is identified as the primary factor causing nurses to quit before the pandemic. Of the more than 418,000 registered nurses who quit their jobs in 2017, more than 30 percent said they left because of burnout, citing stressful work environments and inadequate staffing.<sup>176</sup>

As a percent of nurses are approaching retirement or departing the profession due to burnout, nursing schools are unable to accept qualified applicants into their programs. According to a 2019-2020 American Association of Critical-Care Nurses report, United States nursing schools turned away 80,407 qualified applicants from baccalaureate and graduate nursing programs in 2019 due to an insufficient number of faculty, clinical sites, classroom space, and clinical preceptors, as well as budget constraints.<sup>177</sup>

#### *Florida Talent Development Council*

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<sup>175</sup> Email, Florida College Access Network (March 1, 2021).

<sup>176</sup> *Id.*

<sup>177</sup> American Association of Colleges of Nursing, Fact Sheets, *Nursing Faculty Shortage*, <https://www.aacnnursing.org/news-information/fact-sheets/nursing-faculty-shortage> (last visited May 4, 2021).

In 2019, the Legislature reconstituted the Higher Education Coordinating Council (HECC) as the Florida Talent Development Council (FTDC) for the purpose of developing a data-driven, statewide approach to meeting Florida's need for a 21<sup>st</sup> century workforce, which utilizes the in-state talent supply system.<sup>178</sup> The FTDC is responsible for the development and monitoring of a strategic plan for talent development to accomplish the attainment goal of 60 percent of working age adults with a high-value postsecondary credential by 2030.<sup>179</sup>

### Effect of the Bill

To address Florida's health care needs, the bill requires the FTDC to coordinate, facilitate, and communicate statewide efforts to meet supply and demand needs for Florida's health care workforce. The FTDC must annually, beginning December 1, 2021, report on their implementation on the council's webpage.

To support the efforts of the council, the bill requires the BOG and the SBE to do the following:

- Conduct a statistically valid biennial data-driven gap analysis of the healthcare workforce. Demand must align with the Labor Market Estimating Conference.
- Provide 10-year trend information on nursing education programs. In order to collect the information, the bill requires the Department of Health, the BOG, the SBE, the Commission for Independent Education (CIE), the Independent Colleges and Universities of Florida (ICUF), and postsecondary institutions participating in the Access to Better Learning and Education (ABLE) or Effective Access to Student Education (EASE) state grant program to provide data on:
  - the number and type of programs and student slots available;
  - the number of student applications submitted, the number of qualified student applicants, and the number of students accepted;
  - the number of program graduates;
  - Program retention rates of students tracked from program entry to graduation;
  - Graduate passage rates on and the number of times each graduate took the National Council of State Boards of Nursing Licensing Examination;
  - the number of graduates who become employed as practical or professional nurses in the state; and
  - the educational advancement of nurses through career pathways by comparing their initial degree to their highest degree obtained for the preceding 10 years.
- Develop a survey for use by the Department of Health, the CIE, the ICUF, and postsecondary institutions participating in ABLE or EASE, to collect information on trends in nursing education programs. The survey must include, but is not limited to, a student's age, gender, race, ethnicity, veteran status, wage, employer information, loan debt, and retirement expectations.

The bill also requires the REACH Office to streamline the clinical placement process across the state by administering a web-based centralized clinical placement system for use by all nursing programs.

The bill requires Title I WIOA funds which are retained at the state level and reserved for the Incumbent Working Training Program administered by CareerSource to prioritize program funds as follows:

1. Businesses that provide employees with opportunities to acquire new or improved skills by earning a credential on the Master Credentials List.
2. Hospitals operated by nonprofit or local government entities that provide nursing opportunities to acquire new or improved skills.
3. Businesses whose grant proposals represent a significant upgrade in employee skills.
4. Businesses with 25 employees or fewer, businesses in rural areas, and businesses in distressed inner-city areas.

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<sup>178</sup> Section 1004.015(1), F.S.

<sup>179</sup> *Id.* at (4).

5. Businesses in a qualified targeted industry or businesses whose grant proposals represent a significant layoff avoidance strategy.

The bill defines businesses for Incumbent Working Training Program funds to include hospitals operated by nonprofit or local government entities which provide nursing opportunities to acquire new or improved skills.<sup>180</sup>

## Identifying Labor Market Demand in Florida

### Present Situation

Current law directs the Workforce Estimating Conference to develop forecasts of employment demand for jobs by occupation and industry; wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available for employment in those occupations, with special focus on those occupations and industries which require high skills and have high entry wages and experienced wage levels.<sup>181</sup> The Conference must also review local and regional occupational data generated through the Internet-based job-matching and labor-market information system and consider such data in developing its forecasts for statewide employment demand and use the data to make recommendations to CareerSource on additions or deletions to local target occupation lists.<sup>182</sup> The Workforce Estimating Conference is expected to meet at least twice a year;<sup>183</sup> however, the conference has not met since September 6, 2013.<sup>184</sup>

Currently, Florida has multiple entities that identify in-demand and high-wage occupations, industries, or sectors:

Entity Responsible	List	Description	Number Identified
DEO	Statewide Demand Occupations List	<ul style="list-style-type: none"> <li>• Developed using United States Bureau of Labor Statistics occupation projection data and employee wage information</li> <li>• Middle wage occupations are those with a mean wage of \$15.13/hour and entry wage of \$12.31/hour</li> <li>• High wage occupations are those with a mean wage of \$23.73/hour and entry wage of \$15.13/hour</li> <li>• High demand occupations have 500 annual openings and average growth rate of 1.26% or 1,200 annual openings with any positive growth<sup>185</sup></li> <li>• Updated annually</li> </ul>	82 Occupational Titles <sup>186</sup>

<sup>180</sup> See United States Department of Labor, Employment and Training Administration, *Training and Employment Guidance Letter WIOA No. 19-16*, at 17, available at [https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_19-16\\_acc.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_19-16_acc.pdf).

<sup>181</sup> See s. 216.136(7), F.S.

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

<sup>184</sup> Office of Economic & Demographic Research, Workforce Estimating Conference, <http://edr.state.fl.us/content/conferences/workforce/index.cfm> (last visited May 4, 2021).

<sup>185</sup> Florida Department of Education, Presentation to the Senate Education Committee on January 26, 2021, *Career and Technical Education Programs and Labor Market Needs*, at 88, available at [https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983\\_MeetingPacket\\_4987\\_2.pdf](https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983_MeetingPacket_4987_2.pdf).

<sup>186</sup> Florida Department of Economic Opportunity, Bureau of Workforce Statistics and Economic Research, *2020-21 Florida Statewide Demand Occupations List*, at tab1, available at [http://lmsresources.labormarketinfo.com/library/rdol/Statewide\\_demand\\_list.xls](http://lmsresources.labormarketinfo.com/library/rdol/Statewide_demand_list.xls).

DEO	Regional Demand Occupations List	<ul style="list-style-type: none"> <li>Developed for each of the state's 24 workforce development areas</li> <li>Occupations of high growth and/or high wage</li> <li>Updated annually</li> </ul>	24 Regional lists, each ranging between 82 to 150 occupational titles <sup>187</sup>
LWDBs	Local Targeted Occupations List	<ul style="list-style-type: none"> <li>Developed by each board</li> <li>Adds occupations to the regional list that are in demand based on high growth and/or high wages in the local area</li> <li>Updated annually</li> </ul>	24 Local lists, each board adding between 0 to 112 occupational titles <sup>188</sup>
Enterprise Florida, Inc.	Targeted Industries	<ul style="list-style-type: none"> <li>State's priority business sectors for job creation through tax incentive programs</li> <li>Identified through 6 criteria: <ol style="list-style-type: none"> <li>Future growth;</li> <li>Stability;</li> <li>High wage;</li> <li>Market and resource independence;</li> <li>Industrial base diversification and strengthening; and</li> <li>Positive economic impact.</li> </ol> </li> <li>Should be reviewed every 3 years<sup>189</sup></li> </ul>	9 Industries <sup>190</sup>

Various entities, including the DOE, the BOG, CareerSource, and LWDBs use one or more of these lists when determining credential and program offerings.<sup>191</sup>

### Effect of the Bill

The bill reconstitutes the Workforce Estimating Conference as the Labor Market Estimating Conference.

The bill requires the conference to develop real-time supply and demand information on Florida's statewide, regional, and local labor markets. 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, middle-level to high-level wage occupations prioritized by level of statewide or regional shortages.

The bill designates the Office of Economic and Demographic Research (EDR) as the official lead for the United States Census Bureau's State Data Center Program or its successor. The bill requires that all state agencies provide the EDR with the necessary data to accomplish the goals of the conference

<sup>187</sup> *Id.* at tabs 2-25.

<sup>188</sup> Florida Department of Economic Opportunity, Bureau of Workforce Statistics and Economic Research, *Local Targeted Occupations List*, <https://floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/local-targeted-occupations-list> (last visited May 4, 2021). Six local workforce boards did not add any occupations to their local list: regions 1, 4, 5, 7, 17, and 23.

<sup>189</sup> Section 288.106, F.S.

<sup>190</sup> Enterprise Florida, Inc., *Industries*, <https://www.enterpriseflorida.com/industries/> (last visited May 4, 2021).

<sup>191</sup> Florida Department of Education, Presentation to the Senate Education Committee on January 26, 2021, *Career and Technical Education Programs and Labor Market Needs*, at 90-91, available at [https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983\\_MeetingPacket\\_4987\\_2.pdf](https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983_MeetingPacket_4987_2.pdf).

and that agencies must ensure that any related work product regarding labor demand and supply is consistent with the official information developed by the conference.

The bill requires the conference to meet at least twice a year and as necessary to address emerging opportunities for the state's economy.

The bill makes conforming changes to reflect the Labor Market Estimating Conference and their role in developing labor demand and identification of in-demand, high-skill, high-wage occupations.

## **Credentials of Value**

### Present Situation

#### *National*

A 2018 report by the Education Strategy Group, Advance CTE, and the Council of Chief State School Officers highlighted the importance of states identifying industry-recognized credentials that are of high value, and differentiating them from those that do not provide a return on investment for credential earners.<sup>192</sup> The report highlighted that post-high school credentials from “industry-recognized credentials to postsecondary certificates and licenses to associate and bachelor’s degrees” have become “necessary for career success, and those with a high school diploma or less are often left behind.”<sup>193</sup> An important part of a state identifying credentials of value is collaboration from K-12 and postsecondary education, economic development, and business and industry to identify credentials which are of high value and the extent to which each credential shapes employers decisions and provides earnings to learners.<sup>194</sup>

To expand access and opportunities to earn post-high school credentials, the National Skills Coalition (NSC) reports that non-degree credentials, such as certifications, industry certifications, apprenticeship certificates, and occupational licenses are key to helping states achieve attainment goals and help workers obtain better jobs with credentials which link to opportunities for further education or training.<sup>195</sup> While non-degree credentials generally do not have the same earnings as a more traditional bachelor’s degree, non-degree credentials do provide an important opportunity to many workers to increase their earnings and economic opportunities.<sup>196</sup> The NSC recommends that states create criteria to assess the quality of non-degree credentials to better inform policy decisions, ensure equity, and appropriately place individuals on a path to success.<sup>197</sup>

#### *Florida Credentials*

Research conducted by ExcelinEd found that in 2018-19, Florida’s secondary learners earned almost 200,000 industry credentials. However, most credentials were for course level certifications, such as Adobe and Microsoft, rather than credentials associated with a robust learner. Many certifications earned were highly over-supplied and only 24 percent of earned certifications were aligned with

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<sup>192</sup> Education Strategy Group, Advance CTE, and Council of Chief State School Officers, *Credential Currency* (Sept. 2018), at 3, available at <https://edstrategy.org/wp-content/uploads/2018/10/ESG-Credential-Currency-Full-Report.pdf>.

<sup>193</sup> *Id.*

<sup>194</sup> *Id.* at 5.

<sup>195</sup> National Skills Coalition, *Expanding Opportunities-Defining Quality Non-Degree Credentials for States* (Sept. 2019), at 5, available at [https://www.nationalskillscoalition.org/wp-content/uploads/2020/12/9.18-NSC\\_QNDC-paper\\_web.pdf](https://www.nationalskillscoalition.org/wp-content/uploads/2020/12/9.18-NSC_QNDC-paper_web.pdf).

<sup>196</sup> *Id.* at 6.

<sup>197</sup> *Id.*

employer demand and associated with an occupation that pays at least \$15/hour.<sup>198</sup> Linking certifications or credentials to labor market demand ensures that there is sufficient capacity across the state to provide job seekers skills that are both valuable and in demand.

Current law defines an industry certification as a voluntary process, through which individuals are assessed by an independent, third-party using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized and must be at least one of the following:

- within an industry that addresses a critical local or statewide economic need;
- linked to an occupation that is included in the workforce system’s targeted occupation list; or
- linked to an occupation that is identified as emerging.<sup>199</sup>

Industry certifications for nonfarm occupations must be based on the highest national standards available for the specific industry certification.<sup>200</sup> Industry certifications for farm occupations must demonstrate student skill proficiency and be based upon the best available data to address critical local or statewide economic needs.<sup>201</sup>

Presently, Florida produces several lists by various entities to identify industry certifications which may be offered by Florida’s secondary and postsecondary institutions:

List	Designating Entity	Use
Comprehensive Industry Certifications List	CareerSource	<ul style="list-style-type: none"> <li>• The DOE adopts fundable industry certifications from this list<sup>202</sup></li> </ul>
Career and Professional Education (CAPE) Industry Certification Funding List (K-12)	<p>Developed jointly by CareerSource and the DEO</p> <p>Adopted annually by the SBE</p>	<ul style="list-style-type: none"> <li>• Florida Education Finance Program (FEFP) supplemental FTE for industry certification attainment</li> <li>• Acceleration component in the school grades calculation<sup>203</sup></li> </ul>
CAPE Postsecondary Industry Certification Funding List	Adopted annually in rule by the SBE	<ul style="list-style-type: none"> <li>• Performance funding for school districts and FCS institutions for occupational areas identified in the General Appropriations Act<sup>204</sup></li> </ul>
CTE Audit List	Developed jointly by CareerSource, the DEO, and other stakeholders	<ul style="list-style-type: none"> <li>• Provides authority to the Commissioner of Education (commissioner) to audit all workforce programs to ensure alignment to market demand<sup>205</sup></li> </ul>

<sup>198</sup> ExcelinEd, Presentation to the Florida House Secondary Education & Career Development Subcommittee (Feb. 3, 2021), at 7 and 12-14, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3108&Session=2021&DocumentType=Meeting%20Packets&FileName=sec%202-3-21.pdf>.

<sup>199</sup> Section 1003.492(2), F.S.

<sup>200</sup> Section 1003.492(3)(a), F.S.

<sup>201</sup> Section 1003.492(3)(b), F.S.

<sup>202</sup> Florida Department of Education, Division of Career and Adult Education, *2020-21 Career Source Florida Recommendations*, available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/2021-csfl-rec-all.pdf>.

<sup>203</sup> Sections 1003.492 and 1008.44(1), F.S.

<sup>204</sup> Sections 1008.44(1), 1011.80, and 1011.81, F.S.

<sup>205</sup> Section 1003.491(5), F.S.

		<ul style="list-style-type: none"> <li>Annually reviewed and synced with curriculum framework process/cycle to ensure quality<sup>206</sup></li> </ul>
Rapid Credentialing Grant Lists	DOE	<ul style="list-style-type: none"> <li>Increase capacity around short-term, in-demand middle to high wage occupation, workforce programs<sup>207</sup></li> <li>Two lists (one non-degree list and one for credit list) of short term CTE programs that meet statewide benchmarks, aligned to a mid-to-high wage occupation and cross walked to Enterprise Florida's targeted industry sectors<sup>208</sup></li> </ul>
Programs of Strategic Emphasis List	State University System (SUS) BOG	<ul style="list-style-type: none"> <li>Aligns SUS degrees with Florida's economic and workforce needs</li> <li>Performance funding component for the SUS<sup>209</sup></li> </ul>

### CAPE Industry Certification Funding List (K-12)

Florida's current process for submitting, reviewing, and approving certifications starts with the submission of a certification application to CareerSource by LWDBs or public school principals. All submissions are then researched by CareerSource staff, DOE, and DEO to determine eligibility and to develop a list of recommended certifications for approval. The CareerSource Board of Directors is responsible for the final approval of certifications which the DOE may consider for funding eligibility and addition to the CAPE Industry Certification Funding List.<sup>210</sup>

Approved industry certifications are published by the DOE, CareerSource, and the Department of Agriculture and Consumer Services (DACS).<sup>211</sup> The selection of industry certifications occurs in two phases. First, CareerSource must identify industry certifications and compile them into a Comprehensive Industry Certification List.<sup>212</sup> Second, the DOE must:

- review CareerSource's Comprehensive Industry Certification List that includes 236 certifications;<sup>213</sup>
- identify industry certifications that qualify for additional weighted funding;<sup>214</sup>
- consider district requests that industry certifications be added to the approved list;<sup>215</sup> and

<sup>206</sup> Florida Department of Education, Presentation to the Senate Education Committee on January 26, 2021, *Career and Technical Education Programs and Labor Market Needs*, at 91, available at [https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983\\_MeetingPacket\\_4987\\_2.pdf](https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983_MeetingPacket_4987_2.pdf).

<sup>207</sup> Florida Department of Education, Division of Career and Adult Education, Division of Florida Colleges, *CARES Act, Rapid Credentialing Grant Opportunity (June 16, 2020)*, at 11, 14, and 18, available at <http://www.fldoe.org/core/fileparse.php/7515/urlt/RFA-RapidCredentialing.pdf>.

<sup>208</sup> Florida Department of Education, Presentation to the Senate Education Committee on January 26, 2021, *Career and Technical Education Programs and Labor Market Needs*, at 91, available at [https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983\\_MeetingPacket\\_4987\\_2.pdf](https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/4987/8983_MeetingPacket_4987_2.pdf).

<sup>209</sup> State University System, Programs of Strategic Emphasis, *Methodology for Updating Programs of Strategic Emphasis In the State University System of Florida, Board of Governors CIP 2020 Update* (Sept. 2020), [https://www.flbog.edu/wp-content/uploads/CIP\\_2020\\_PSE\\_Methodology\\_CE\\_FINAL.pdf](https://www.flbog.edu/wp-content/uploads/CIP_2020_PSE_Methodology_CE_FINAL.pdf) (last visited May 4, 2021).

<sup>210</sup> CareerSource Florida, *2021-2022 Submission Process and Guidelines for Career and Professional Education Act*, available at: [https://careersourceflorida.com/wp-content/uploads/2018/08/CAPE\\_Process\\_and\\_Guidelines.pdf](https://careersourceflorida.com/wp-content/uploads/2018/08/CAPE_Process_and_Guidelines.pdf).

<sup>211</sup> Section 1003.492(3), F.S.

<sup>212</sup> Section 1003.492(4), F.S.; rule 6A-6.0573(2)(d), F.A.C.

<sup>213</sup> Rule 6A-6.0573(3), F.A.C. *See also*, Florida Department of Education, Division of Career and Adult Education, *2020-21 Career Source Florida Recommendations*, available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/2021-csfl-rec-all.pdf>.

<sup>214</sup> Rule 6A-6.0573(4), F.A.C.

<sup>215</sup> Rule 6A-6.0573(9), F.A.C.

- annually publish a final list.<sup>216</sup>

Most industry certifications on the DOE's most current list require passage of a subject area examination and some combination of work experience, educational attainment, or on-the-job training. DOE has approved industry certifications in such career fields as information technology, automotive and aircraft mechanics, welding, and nursing.<sup>217</sup>

In order for an industry certification to be included on the CAPE Industry Certification Funding List, a certification must require a minimum of 150 hours of instruction and be achievable by secondary students.<sup>218</sup>

CAPE acceleration industry certifications which are annually approved by the commissioner, must articulate for 15 or more college credit hours and, if successfully completed, must be eligible for additional FTE funding.<sup>219</sup> In order for a CAPE acceleration industry certification to be included on the CAPE Industry Certification Funding List, it must meet the same requirements as an industry certification and also have a statewide articulation agreement that enables students to earn 15 hours or more of college credit.<sup>220</sup>

CAPE digital tool certificates recognize a student's attainment of digital skills. The DOE is required to identify, by June 15 of each year, digital tool certificates that indicate a student's digital skills. The DOE must notify each school district when a digital tool certificate is available. Digital tool certificates must be made available to all public elementary and middle grades students. Beginning July 1, 2018, and on an annual basis thereafter, at least 75 percent of public middle grades students are expected to earn at least one digital tool certificate.<sup>221</sup> In order for a CAPE digital tool certificate to be included on the CAPE Industry Certification Funding List a certificate must:

- be achievable by elementary school and middle grades students;
- assess at least one of the following digital skills: word processing; development of spreadsheets; digital arts; cybersecurity; coding; and development of sound, motion, and color presentations; and
- be part of a career pathway leading to the attainment of a career and professional education industry certification on the career and professional education funding list.<sup>222</sup>

The commissioner may at any time recommend adding to the CAPE Industry Certification Funding List no more than 30 career and professional education digital tool certificates limited to the areas of word processing; development of spreadsheets; digital arts; cybersecurity; coding; and development of sound, motion, and color presentations that do not articulate for college credit.<sup>223</sup>

The Chancellor of Career and Adult Education may identify certificates and certifications for students with disabilities, which must be included on the CAPE Industry Certification Funding List, i.e., digital tool certifications, workplace industry certification, and occupation safety and health administration industry certifications.<sup>224</sup>

### *CAPE Postsecondary Industry Certification Funding List*

<sup>216</sup> Section 1003.492(4), F.S.; Rule 6A-6.0573(8), F.A.C.

<sup>217</sup> Florida Department of Education, Division of Career and Adult Education, *2020-21 CAPE Industry Certification Funding List (Detailed)*, available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/2021icfl-detailed.pdf>.

<sup>218</sup> Rule 6A-6.0573(7)(a), F.A.C.

<sup>219</sup> Section 1003.4203(5)(b), F.S.

<sup>220</sup> Rule 6A-6.0573(7)(c), F.A.C.

<sup>221</sup> Section 1003.4203(3), F.S.

<sup>222</sup> Rule 6A-6.0573(7)(d), F.A.C.

<sup>223</sup> Section 1008.44(1)(b), F.S.

<sup>224</sup> Section 1008.44(1)(c), F.S.

The CAPE Postsecondary Industry Certification Funding List is developed by the Chancellor of the FCS<sup>225</sup> and the Chancellor of Career and Adult Education<sup>226</sup> and approved by the SBE.<sup>227</sup> These industry certifications are linked to occupational areas identified in the General Appropriations Act.<sup>228</sup>

*State University System-Programs of Strategic Emphasis*

As part of its duties to operate the SUS, the BOG<sup>229</sup> develops a strategic plan which specifies the goals and objectives for each university and the SUS.<sup>230</sup> Part of the strategic plan includes criteria for designating baccalaureate degree and master’s degree high-demand programs of emphasis.<sup>231</sup> The criteria for designating high-demand programs of emphasis include the following:

BOG High-Demand Programs of Emphasis Criteria	
Criteria Percentage	Criteria Metrics
50%	Achievement of performance outcome thresholds determined by the BOG. <sup>232</sup>
50%	Achievement of performance outcomes linked to: <ol style="list-style-type: none"> <li>1. Job placement in employment of 36 hours or more per week and average full-time wages of graduates of the degree program 1 year and 5 years after graduation.</li> <li>2. BOG data-driven gap analysis of the state’s job market demands and the outlook for jobs that require a baccalaureate degree or higher, with a growth rate of at least 10.1 percent, and a median Florida wage of at least \$45,000 per year.<sup>233</sup></li> </ol>

The BOG periodically updates the list of identified programs of strategic emphasis (PSE), and most recently updated the list in September 2020<sup>234</sup> identifying 868 PSE.<sup>235</sup> The BOG categorizes PSEs into five areas:

1. *Critical Workforce - Education*: comprised of the SBE critical teacher shortage areas.<sup>236</sup>
2. *Critical Workforce - Health*: comprised of workforce projections by the DEO.<sup>237</sup>
3. *Critical Workforce - Gap Analysis*: programs leading to occupations projected to be critically under-supplied in the BOG analysis of labor market projections and related degree production.<sup>238</sup>
4. *Economic Development - Global Competitiveness*: programs that assist in making the SUS globally competitive.<sup>239</sup>

<sup>225</sup> Section 1011.81(2)(b), F.S.

<sup>226</sup> Section 1011.80(7)(b)2., F.S.

<sup>227</sup> Section 1011.81(2)(b), F.S. and s. 1011.80(7)(b)2., F.S.

<sup>228</sup> Sections 1011.80(7)(b) and 1011.81(2)(b), F.S.; ss. 124 and 130, ch. 2020-111, L.O.F.

<sup>229</sup> Art. IX., s. 7, Fla. Const.

<sup>230</sup> Section 1001.706(5)(b), F.S.

<sup>231</sup> Section 1001.706(5)(b)4., F.S.

<sup>232</sup> *Id.*

<sup>233</sup> Section 1001.706(5)(b)4.a.-b., F.S. *See also* Florida Board of Governors, Presentation to Post-Secondary Education & Lifelong Learning Subcommittee (February 10, 2021), at 6, *available at*

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%202-10-21.pdf>.

<sup>234</sup> Florida Board of Governors, *Programs of Strategic Emphasis*, <https://www.flbog.edu/resources/academic/programs-of-strategic-emphasis/> (last visited May 4, 2021).

<sup>235</sup> Florida Board of Governors, *Approved PSE List 2020-2021* (September 2020), *available at* <https://www.flbog.edu/wp-content/uploads/Current-PSE-list-approved-by-the-BOG-at-its-September-2020-meeting-XLSX.xlsx>.

<sup>236</sup> Florida Board of Governors, *Current CIP 2020 Programs of Strategic Emphasis methodology* (September 2020), at 3, *available at* [https://www.flbog.edu/wp-content/uploads/CIP\\_2020\\_PSE\\_Methodology\\_CE\\_FINAL.pdf](https://www.flbog.edu/wp-content/uploads/CIP_2020_PSE_Methodology_CE_FINAL.pdf).

<sup>237</sup> *Id.* at 4.

<sup>238</sup> *Id.* at 10.

<sup>239</sup> *Id.* at 5.

5. *Economic Development - Science Technology Engineering and Math (STEM)*: programs identified with national usage.<sup>240</sup>

The PSE are used by the BOG to develop annual accountability plans, coordinate academic programs, and approve new academic programs.<sup>241</sup> PSEs are also a component of SUS performance based funding.<sup>242</sup> For the 2019-2020 academic year, 54 percent of bachelor's degrees awarded by the SUS and 63 percent of graduate degrees awarded by the SUS were in PSE.<sup>243</sup>

### Effect of the Bill

#### *Credentials Review Committee*

The bill centralizes identification and designation of credentials of value by requiring the CareerSource state board to appoint a Credentials Review Committee (committee) to identify non-degree credentials and degree credentials of value for approval by the CareerSource state board and inclusion in a Master Credentials List. Credentials must include registered apprenticeship programs, industry certifications, licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees.

The bill provides the composition of the committee to include:

- The Chancellor of the Division of Public Schools;
- The Chancellor of the Division of Career and Adult Education;
- The Chancellor of the FCS;
- The Chancellor of the SUS;
- The Director of the REACH Office;
- Four members from LWDBs, with equal representation from urban and rural regions’;
- Two members from nonpublic postsecondary institutions;
- Two members from industry associations;
- Two members from Florida-based businesses;
- Two members from the DEO; and
- One member from the DACS.

The bill requires the committee to establish a definition for credentials of value for Florida and create a framework of quality. The framework must align with federally funded workforce accountability requirements and undergo biennial review. The bill establishes minimum criteria to determine value for non-degree credentials to include the following:

- Evidence the credential meets labor market demand as identified by the Labor Market Estimating Conference or meets local demand as identified in the criteria adopted by the Credentials Review Committee. Evidence must include employer information on present credential use or emerging opportunities.
- Evidence the competencies mastered upon completion of the credential are aligned with labor market demand.

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<sup>240</sup> *Id.* at 6.

<sup>241</sup> Florida Board of Governors, *Programs of Strategic Emphasis*, <https://www.flbog.edu/resources/academic/programs-of-strategic-emphasis/> (last visited May 4, 2021).

<sup>242</sup> Florida Board of Governors, *Performance Funding Model Overview* (Nov. 2019), at 1, available at <https://www.flbog.edu/wp-content/uploads/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version-1.pdf>. Metric 6 includes bachelor's degrees award in areas of strategic emphasis and Metric 8a includes graduates degrees awarded in areas of strategic emphasis. *See also* s. 1001.92, F.S.

<sup>243</sup> Florida Board of Governors, Presentation to Post-Secondary Education & Lifelong Learning Subcommittee (February 10, 2021), at 11, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%202-10-21.pdf>.

- Evidence of employment and earnings outcomes for individuals after obtaining the credential. Earnings outcomes must provide middle-level to high-level wages with preference given to credentials generating high-level wages. Credentials that do not meet the earnings outcomes criteria must be part of a sequence of credentials required for the next level occupation that does meet the earnings outcomes criteria to be identified as a credential of value. For new credentials, this criteria may be met with conditional eligibility until measurable labor market outcomes are obtained.

The bill requires the committee to establish criteria to determine value for degree programs. Criteria for degree programs must include evidence that the program meets the labor market demand as identified by the Labor Market Estimating Conference or meets local demand as determined by the committee.

The bill requires the committee to establish a process for the following:

- prioritizing non-degree credentials and degree programs based on critical statewide or regional shortages;
- at a minimum, quarterly review and approval of credential applications which must be used to develop the Master Credentials List;
- annual review of the Master Credentials List;
- phasing out credentials on the Master Credentials List that no longer meet the framework of quality;
- designating performance funding eligibility for credentials earned by postsecondary students, based upon the highest available certification; and
- linking Classifications of Instructional Programs (CIP) to Standard Occupational Classifications (SOC) for all new credentials of value identified on the Master Credentials List.

To support the committee's work, the bill requires the committee to identify all data elements necessary by the Florida Education and Training Placement Program (FETPIP).

The bill requires all information pertaining to the committee, the process for the approval of credentials of value, and the Master Credentials List to be made publicly available and easily accessible on all relevant state agency websites.

#### *CAPE Industry Certification Identification*

Beginning with the 2022-2023 school year, the bill requires the CareerSource state board to produce and submit a Master Credentials List to the SBE. The list must, at a minimum, identify non-degree credentials and degree programs determined to be of value for CAPE Industry Certification funding; if the credential or degree program meets statewide, regional, or local level demand; the type of certificate, credential, or degree; and the primary standard occupation classification code. The Master Credentials List shall be used by the SBE to establish the CAPE Industry Certification Funding List beginning with the 2022-2023 school year. For the 2021-2022 school year the SBE will continue to use the certifications identified in the CAPE Industry Certification Funding List and the CAPE Postsecondary Industry Certification Funding List adopted by the SBE before October 1, 2021.

To align funded industry certifications with those determined to be of value by the committee and to the labor demand identified by the Labor Market Estimating Conference, the bill revises the CAPE Industry Certification Funding List to be a single list that is adopted by the SBE, based upon recommendations by the commissioner.

The bill requires the DACS to work 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 to annually submit industry certifications for agriculture occupations to the committee for consideration on the Master Credentials List.

The CAPE Industry Certification Funding List will assign additional full-time equivalent (FTE) membership (incentives) to certifications identified by the Master Credentials List that meet a statewide, regional, or local demand and courses that lead to such certifications. The bill provides that additional FTE funding for regional and local demand certifications and courses that lead to such certifications may only be earned in areas with regional or local demand as identified by the Credentials Review Committee.

The bill requires the CAPE Industry Certification Funding List to be comprised of CAPE industry certifications identified as credentials of value (both at the secondary and postsecondary level); CAPE digital tools certificates (removing the previous cap of no more than 30 CAPE digital tools); CAPE ESE digital tool certificates, workplace industry certifications, and OSHA industry certificates; CAPE Innovation Courses (removing the previous cap of no more than 5 courses); and CAPE acceleration industry certifications. The bill requires middle grades career and professional academy courses and career-themed courses to lead to careers in occupations aligned to the Cape Industry Certification Funding List.

The bill clarifies that postsecondary industry certifications must be identified on the CAPE Industry Certification Funding List and are eligible for performance funding. The bill deletes occupational areas for which industry certifications may be earned which are identified in the GAA for performance funding eligibility.

The bill requires the Chancellor of Career and Adult Education to provide the Articulation Coordinating Committee recommendations for articulation of postsecondary credit for related degrees for the approved certifications within 90 days after an industry certification has been approved for inclusion on the Master Credentials List.

The bill requires the DOE to collect data on student achievement and performance data in industry-certified career education programs and career-themed courses but deletes the submission of an annual report and requires middle grades career and professional academy courses and career-themed courses to be aligned with the CAPE Industry Certification Funding List.

### *State University System-Programs of Strategic Emphasis*

The bill requires the BOG, beginning with the 2022-2023 academic year, to adopt the criteria to determine value for and prioritization of degree programs established by the committee to review and designate programs of emphasis. The bill requires the BOG to review the PSE list at least every 3 years to ensure alignment with the prioritization of degree credentials and degree programs identified by the committee.

### *Career Education*

The bill requires the DOE to use the criteria to determine value for degree programs established by the committee to guide the development of program standards and benchmarks for career education programs.

## **Incentivizing Credentials**

### Present Situation

#### *School Districts and Florida College System Institutions*

The Florida Career and Professional Education (CAPE) Act was created to provide a statewide planning partnership between the business and education communities to attract, expand and retain targeted, high-value industry to sustain a strong, knowledge-based economy. The primary purpose of the CAPE Act is to:

- improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and lead to industry certification;
- support local and regional economic development;
- respond to Florida's critical workforce needs; and
- provide state residents with access to high-wage and high-demand careers.<sup>244</sup>

In order to fulfill the requirements of the CAPE Act the DOE incentivizes school districts and FCS institutions<sup>245</sup> through two statewide lists.<sup>246</sup>

The CAPE Industry Certification Funding List includes CAPE industry certifications, CAPE acceleration industry certifications, and CAPE digital tool certificates. Industry certifications on the final approved CAPE Industry Certification Funding list are eligible for additional weighted funding through the Florida Education Finance Program (FEFP).<sup>247</sup> The value is added to the total FTE in secondary career education programs for grades 9 through 12. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification to the program that generated the funds.<sup>248</sup>

A value of 0.025 FTE is calculated for CAPE digital tool certificates earned by students in elementary and middle school. Weights of 0.1, 0.2, 0.3, 0.5, or 1.0 FTE are added for courses that lead to the attainment of a CAPE industry certification, as follows:<sup>249</sup>

Weight	Course Type
0.1 FTE	CAPE Industry Certification does not articulate to college credit
0.2 FTE	CAPE Industry Certification articulates to college credit
0.3 FTE	CAPE Innovation Course
0.5 FTE	CAPE Acceleration Industry Certification articulates to 15-29 college credit hours
1.0 FTE	CAPE Acceleration Industry Certification articulates to 30+ college credit hours

Bonuses are available for teachers of courses in which students earn industry certifications, as follows:

- A bonus amount of \$25 is awarded for a course with a weight of 0.1.
- A bonus amount of \$50 is awarded for a course with a weight of 0.2.
- A bonus amount of \$75 is awarded for a course with a weight of 0.3.
- A bonus amount of \$100 is awarded for a course with a weight of 0.5 or 1.0.<sup>250</sup>

In addition, performance incentive funds are provided for attainment of industry certifications identified on the CAPE Postsecondary Industry Certification Funding List.<sup>251</sup> For FY 2020-21, \$6.5 million in performance based incentives were allocated for school districts and \$14 million for Florida colleges.<sup>252</sup> Each eligible postsecondary-level certification earned by a student at a postsecondary institution generates \$1,000 in state performance incentive funding for the institution.<sup>253</sup>

### Effect of the Bill

<sup>244</sup> Section 1003.491, F.S.

<sup>245</sup> Sections 1011.62(1)(o), 1008.44, 1011.80, and 1011.81(2), F.S.

<sup>246</sup> Sections 1011.62(1)(o), 1011.80(7)(b), and 1011.81(2)(c), F.S.

<sup>247</sup> Section 1011.62(1)(o), F.S.; Rule 6A-6.0573(12), F.A.C.

<sup>248</sup> Section 1011.62(1)(o), F.S.

<sup>249</sup> Section 1011.62(1)(o), F.S.

<sup>250</sup> Section 1011.62(1)(o)3., F.S.

<sup>251</sup> Section 1011.81(2)(b), F.S.

<sup>252</sup> Sections 124 and 130, ch. 2020-111, L.O.F.

<sup>253</sup> Section 1011.80(7)(b)3., F.S.; s. 1011.81(2)(c), F.S.

The bill requires the commissioner to conduct a review of the methodology used to determine additional FTE membership weights assigned to CAPE programs and, if necessary, recommend revised weights. The weights must factor in prioritization of critical shortages of labor market demand and middle-level to high-level wage earning outcomes as identified by the Credentials Review Committee (committee). The bill requires the results of the review and the commissioner's recommendations to be submitted to the Governor and the Legislature no later than December 1, 2021.

Beginning with FY 2022-2023, the bill revises the formula for allocating postsecondary performance incentive funding to school district technical centers and FCS institutions. Rather than each certification, earned by a student, earning \$1,000; the bill requires the committee to develop a returned-value funding formula that rewards student job placements and wages for students earning industry certifications, with a focus on increasing the economic mobility of underserved populations. One-third of the performance funds must be allocated based on student job placements. The remaining two-thirds must be allocated using a tiered weighted system based on aggregate student wages that exceed minimum wage with the highest weight applied to the highest wage tier, with additional weight for underserved populations. Student wages above minimum wage are considered to be the value added by the institution's training. At a minimum, the bill requires the Credentials Review Committee to take into account variables such as differences in population and wages across school districts and the state when developing the returned-value funding formula. In addition, when developing the formula, the committee must not penalize school districts or institutions for students who postpone employment to continue their education. The bill removes an obsolete methodology for distribution of performance funds.

The bill requires the CAPE strategic 3-year plan developed jointly by the local school district, LWDBs, economic development agencies, and state-approved postsecondary institutions to be developed based on local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Estimating Conference and strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Estimating Conference.

## **Measuring Outcomes for Florida's Workforce Programs**

### Present Situation

#### *Florida Education & Training Placement Information Program (FETPIP)*

The FETPIP is a data collection and consumer reporting system established to provide follow-up data on former students and program participants who have graduated, exited or completed a public education or training program within the State of Florida.<sup>254</sup> The law requires all elements of Florida's WDS to use information provided through FETPIP, for any project they may conduct requiring automated matching of administrative records for follow-up purposes.<sup>255</sup>

A major goal of Florida's K-20 Education system is to improve employment and earnings outcomes for all students. This information is part of the performance accountability processes for all parts of the K-20 system and serves as an indicator of student achievement and program needs. It helps educators and parents better prepare and counsel students for success in their future education or career choices.<sup>256</sup>

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<sup>254</sup> Section 1008.39, F.S.

<sup>255</sup> *Id.*

<sup>256</sup> Florida Department of Education, *Florida Education & Training Placement Information Program (FETPIP)*, <http://www.fldoe.org/accountability/fl-edu-training-placement-info-program/> (last visited May 4, 2021).

Currently, FETPIP data does not capture certain data elements necessary for WIOA federal reporting criteria. The system is unable to report data on non-WIOA participant performance.<sup>257</sup>

### *Workforce Development Information System (WDIS)*

Current law charges the DOE with designing specifications for the collection and reporting of data and performance specifications for the WDIS.<sup>258</sup> The design must allow parallel reporting and state-level access of workforce data necessary to use the data reports as a basis for calculating funding allocations. In addition, the design must be capable of providing reports necessary to comply with other program performance documentation required by state or federal law, without requiring additional data collection or reporting from local educational agencies.<sup>259</sup>

### Effect of the Bill

#### *FETPIP*

In order to better track the outcome of program participants, the bill requires the DOE automated system, which matches the social security numbers of former participants in 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, to include former participants in workforce related programs. Additionally, the bill requires that the system incorporate any data collection elements prescribed by the Credentials Review Committee.

#### *WDIS*

The bill requires the DOE to design the WDIS using common terms and to use the data to conduct audits, and determine compliance of workforce related programs and education and training programs with applicable federal and state requirements as authorized by federal and state law. The bill requires the DOE to establish a process for the collection, review, and reporting of Comprehensive Local Needs Assessments (CLNA) as required by federal law.

The bill requires the WDIS to link data from multiple sources for consideration in developing broad public policy initiatives for workforce related programs and requires the DOE to work with the DEO, the DCF, and other entities to define statewide education, workforce development, and employment metrics and ensure the integrity and quality of data being collected.

The bill requires the DOE to develop a workforce development metrics dashboard that measures the state's investments in workforce development. The bill requires the dashboard to be produced, to the extent feasible, using existing available data and resources that are currently collected and accessible to state agencies. To the extent feasible, the dashboard must use statistically rigorous methodologies to estimate, assess, and isolate the impact of programs on participant outcomes.

The bill requires the DOE to convene workforce related program partners to develop a standardized set of inputs and outputs for the dashboard and requires the dashboard to provide the following data:

- the impact of workforce related programs on credential attainment, training completion, degree attainment, and participant wages;
- demographic breakdowns, including, to the extent possible, race, ethnicity, age, gender, veteran status, wage, student loan debt, barriers to employment, and credential or degree outcomes, and information on workforce outcomes in different industry sectors;
- performance data on training providers to enable individuals to make informed choices; and

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<sup>257</sup> Email, Florida Department of Economic Opportunity, Director of External Affairs (Nov. 10, 2020).

<sup>258</sup> Section 1008.40(1), F.S.

<sup>259</sup> *Id.*

- measure, at a minimum and to the extent feasible with existing resources, the return on investment of the following workforce related programs:
  - CTE programs offered by school districts and FCS institutions;
  - workforce related programs; and
  - state apprenticeship programs.

The bill requires the DOE to utilize the WDIS to conduct the annual review of CTE programs and use data captured in WDIS to provide an automated data collection process that includes the collection and evaluation of the federal CLNA, to assist in the review of programs.

## **Apprenticeship and Preapprenticeship Programs in Florida**

### Present Situation

In Florida, the DOE is authorized to implement and oversee apprenticeship and preapprenticeship programs.<sup>260</sup> The DOE is charged with establishing uniform minimum standards and policies governing apprenticeship programs and agreements.<sup>261</sup>

Florida’s registered apprenticeship programs require five core components: business involvement; structured on-the-job training; related technical instruction; rewards for skill gains; and a national recognized credential upon completion.<sup>262</sup>

To be eligible for an apprenticeship, a person must be at least 16 years of age;<sup>263</sup> however, individuals must usually be 18 to be an apprentice in hazardous occupations.<sup>264</sup> Admission requirements relating to education, physical ability, work experience, and other criteria vary based on the program’s training needs.<sup>265</sup>

A pre-apprenticeship program is an organized course of instruction designed to prepare a person 16 years of age or older to become an apprentice.<sup>266</sup> The program must be registered with the DOE and sponsored by a registered apprenticeship program.<sup>267</sup> The program’s purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program.<sup>268</sup>

The DOE must publish, annually by September 1, a report on apprenticeship and preapprenticeship programs on its website.<sup>269</sup> The report must include, at a minimum, the following:

- A list of registered apprenticeship and preapprenticeship programs, by local educational agency<sup>270</sup> and training sponsor.<sup>271</sup>

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<sup>260</sup> Section 446.041, F.S.; *See also* Florida Department of Education, *What is Registered Apprenticeship*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml> (last visited May 4, 2021).

<sup>261</sup> Section 446.032(1), F.S.

<sup>262</sup> Florida Department of Education, *Florida’s Annual Apprenticeship and Preapprenticeship Report (2019-2020)*, at 3-4, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/2020appr-rpt.pdf>.

<sup>263</sup> Section 446.021(2), F.S.

<sup>264</sup> United States Department of Labor, Wage and Hour Child Labor Fact Sheets and FAQs, *Child Labor Provisions of the Fair Labor Standards Act (FLSA) for Nonagricultural Occupations* (Dec. 2016), available at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs43.pdf>.

<sup>265</sup> Florida Department of Education, *What is Registered Apprenticeship*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml> (last visited May 4, 2021).

<sup>266</sup> Section 446.021(5), F.S.

<sup>267</sup> *Id.*

<sup>268</sup> Rule 6A-23.010(1), F.A.C.

<sup>269</sup> Section 446.032(2), F.S.

<sup>270</sup> Section 1004.02(18), F.S. “Local educational agency” means a Florida College System institution or school district.

<sup>271</sup> Section 1004.02(19), F.S. “Local sponsor” means a district school board, Florida College System institution board of trustees, public library, other public entity, or private nonprofit entity, or any combination of these entities, that provides adult literacy instruction.

- A detailed summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, to include:
  - The total amount of funding received for apprenticeship and preapprenticeship programs.
  - The total number of funds allocated to each trade or occupation.
  - The total amount of funds expended for administrative costs per trade or occupation.
  - The total amount of funds expended for instructional costs per trade and occupation.
  - The number of apprentices and preapprentices per trade and occupation.
- The percent of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.
- Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.
- Documentation of activities conducted by the DOE to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.<sup>272</sup>

In 2019-2020, the DOE registered 29 new apprenticeship programs, for a total of 251, and 4,196 new apprentices for a total of 20,018.<sup>273</sup> For preapprenticeship programs, the DOE reported a total of 37 registered programs.<sup>274</sup>

Examining program outcomes, for the 2019-2020 program year, 1,603 apprentices completed their program and received an apprenticeship certificate with an average median exit wage of \$21.27 per hour or an annual salary of \$44,241.<sup>275</sup> For those completing, 825 apprentices, or 51.5% completed their program during the expected timeframe.<sup>276</sup> For preapprenticeship programs, a total of 1,090 preapprentices were enrolled in the 2019-2020 program year, with 275 completers, for a 54% completion rate.<sup>277</sup>

Operating funds provided to school districts and FCS institutions may be used to support registered apprenticeship programs, but this is not a required expenditure of funds.<sup>278</sup> Based on local demands and current resources, school districts and FCS institutions enter into local agreements with apprenticeship program sponsors. The agreements are not standardized statewide, but reflect the contributions of the school district or FCS institution and the program sponsor towards the costs of supporting the apprenticeship program.<sup>279</sup> If a school district or FCS institution partners with the apprenticeship program, they must report the total amount of funds expended for the program in an annual cost report. Total expenditures for registered apprenticeship and preapprenticeship programs for both school districts and FCS institutions for the 2018-2019 fiscal year was \$22.8 million.<sup>280</sup>

### Effect of the Bill

To determine the impact of apprenticeship and preapprenticeship programs on participants, the bill requires the DOE to establish uniform minimum standards and policies governing apprenticeship and preapprenticeship programs and agreements which must require apprenticeship training providers to submit data which is necessary to determine program performance. The bill clarifies that uniform minimum standards are the requirements established for each occupation under which an apprenticeship or preapprenticeship program is administered. The bill requires the DOE to adopt rules to administer such standards and policies.

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<sup>272</sup> Section 446.032(2)(a)-(f), F.S.

<sup>273</sup> Florida's Annual Apprenticeship and Preapprenticeship Report, *supra* note 262, at 20.

<sup>274</sup> *Id.*

<sup>275</sup> Florida's Annual Apprenticeship and Preapprenticeship Report, *supra* note 262, at 23.

<sup>276</sup> *Id.*

<sup>277</sup> *Id.*

<sup>278</sup> Florida's Annual Apprenticeship and Preapprenticeship Report, *supra* note 262, at 24.

<sup>279</sup> *Id.*

<sup>280</sup> *Id.*

The bill requires the DOE to provide the following additional information in the annual report on apprenticeship and preapprenticeship programs:

- detailed summary of each local educational agency's expenditure of total funds allocated, expended for administrative costs, and expended for instructional costs by training provider, program, and occupation;
- documentation of the outcomes of activities conducted to promote apprenticeship and preapprenticeship programs and their impact on establishing or expanding such programs;
- retention and completion rates of participants disaggregated by training provider, program, and occupation; and
- wage progression of participants as demonstrated by starting, exit, and post apprenticeship wages at 1 and 5 years after participants exit the program.

The bill requires the DOE to notify partners of Florida's career planning resources, such as Apprentice Florida.

### **Florida Pathways to Career Opportunities Grant Program**

The Florida Pathways to Career Opportunities Grant Program was established in 2019<sup>281</sup> for the DOE to provide grants on a competitive basis to high schools, career centers, charter technical career centers, FCS institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program to establish new apprenticeship or preapprenticeship programs and expand existing apprenticeship or preapprenticeship programs.<sup>282</sup> Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs.<sup>283</sup>

In 2019, the Legislature appropriated \$10 million for the grant program.<sup>284</sup> For FY 2019-2020, the grant awarded funds to grantees in two phases. The first phase totaled \$7,222,392 to fund 37 apprenticeship programs<sup>285</sup> and the second phase totaled \$3,044,005 and funded 18 apprenticeship programs.<sup>286</sup> In 2019-2020, the grant funded a total of 14 apprenticeship programs, five of which were new programs and nine were to expand existing programs. Additionally, the grant awarded a total of seven preapprenticeship programs, three of which were new programs and four were to expand existing programs.<sup>287</sup>

In 2020, the Legislature appropriated another \$10 million for the grant program.<sup>288</sup> For FY 2020-2021, the grant awarded a total of \$10,045,493 to 48 occupations.<sup>289</sup> In 2020-2021, the grant funded a total of 26 apprenticeships, ten grants for new apprenticeships and 16 to expand previous apprenticeship programs. Additionally, the grant awarded a total of 22 preapprenticeships, 12 of which were for new preapprenticeships and ten were to expand existing preapprenticeships.<sup>290</sup> In FY 2020-2021, applicants

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<sup>281</sup> Section 33, ch. 2019-119, L.O.F.

<sup>282</sup> Section 1011.802

<sup>283</sup> Section 1011.802(3), F.S.

<sup>284</sup> Specific Appropriation 125A, s.2, ch. 2019-115, L.O.F.

<sup>285</sup> Florida Department of Education, Pathways to Career Opportunities Phase One, *Recommended Funding List FY 2019-2020*, TAPS# 20B019, available at <http://www.fldoe.org/core/fileparse.php/18794/urlt/phase1prioritizedfundinglist.pdf>.

<sup>286</sup> Florida Department of Education, Pathways to Career Opportunities Phase Two, *Recommended Funding List FY 2019-2020*, TAPS# 20B019 (May 21, 2020), available at <http://www.fldoe.org/core/fileparse.php/18794/urlt/phase2prioritizedfundinglist.pdf>.

<sup>287</sup> Email from Bethany Swanson, Legislative Affairs, Department of Education, Re: Florida Pathways to Career Opportunities Grant (Feb. 27, 2021).

<sup>288</sup> Specific Appropriation 127A, s.2, ch. 2020-115, L.O.F.

<sup>289</sup> Florida Department of Education, Pathways to Career Opportunities 2020-2021 Funding List TAPS# 21B019 (Feb. 7, 2021), available at <http://www.fldoe.org/core/fileparse.php/18794/urlt/PCOG-PrioritizedFundingList.pdf>.

<sup>290</sup> Email from Bethany Swanson, Legislative Affairs, Department of Education, Re: Florida Pathways to Career Opportunities Grant (Feb. 27, 2021).

were encouraged to collaborate with LWDBs to leverage additional funds which could support tuition or instructional costs, other supportive services, and a portion of the apprentice's wages.<sup>291</sup> Such collaboration by an applicant was eligible for additional points in the review and evaluation of the grant application.<sup>292</sup>

The DOE reports the anticipated number of apprentices served by the Pathways to Career Opportunities Grant in 2019-2020 and 2020-2021 is approximately 5,200.<sup>293</sup>

### Effect of the Bill

The bill requires the DOE to award Florida Pathway to Career Opportunities Grants to preapprenticeship or apprenticeship programs with demonstrated regional demand which:

- address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference and that are industry sectors not adequately represented throughout the state, such as health care;
- address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference; or
- expand existing programs that exceed the median completion rate and employment rate 1 year after completion of similar programs in the region, or the state if there are no similar programs in the region.

The bill requires the DOE to annually report on the Florida Pathways to Career Opportunities website the following information:

- number of programs funded and represented throughout the state;
- retention, completion, and employment rates, categorized by program and provider; and
- starting and ending salaries, as categorized by program and provider, for participants who complete the program.

The bill authorizes grant funds to be used for instructional personnel costs. The bill authorizes the DOE to use up to \$200,000 of the total grant allocation to administer the grant program.

The bill requires the SBE to adopt rules to implement the Pathways to Career Opportunities Grant.

## **Workforce Education Programs**

### Present Situation

Current law defines a workforce education program as the delivery of any of the following:

- Adult general education programs;
- Career certificate programs;
- Applied technology diploma programs;
- Continuing workforce education courses;
- Degree career education programs; or
- Apprenticeship and preapprenticeship programs.<sup>294</sup>

Under current law, FCS institutions and school districts may conduct workforce education programs; however, only a FCS institution may award college credit for an associate in applied science (AAS) or

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<sup>291</sup> Florida Department of Education, *Pathways to Career Opportunities 2020-2021 Request for Proposal*, at 2, available at <http://www.fldoe.org/core/fileparse.php/18794/urlt/PCOG-RFP-GeneralGuidelines.docx>.

<sup>292</sup> *Id.* at 14.

<sup>293</sup> Email from Bethany Swanson, Legislative Affairs, Department of Education, Re: Florida Pathways to Career Opportunities Grant (Feb. 27, 2021).

<sup>294</sup> Section 1011.80(1)(a)-(f), F.S.

an associate in science (AS) degree.<sup>295</sup> If an AAS or an AS degree program includes an occupational completion point<sup>296</sup> that confers a certificate or an applied technology diploma (ATD), a school district career center can operate that portion of the program.

### *Approval Process*

#### Certificate and Associate Programs

The DOE develops and maintains CTE programs which align with 17 career clusters.<sup>297</sup> Each CTE program has a corresponding curriculum framework which outlines the program structure, total hours, and student performance standards.<sup>298</sup> Once a program is approved by the SBE, the program may be offered by any institution in Florida.<sup>299</sup>

#### Baccalaureate Programs

Current law authorizes the SBE to review and approve a FCS institution to offer a baccalaureate program.<sup>300</sup> The approval process requires a FCS institution to submit a notice of intent which must include evidence that the FCS institution engaged in need, demand, and impact discussions with the state university and other regionally accredited postsecondary education providers in its service district.<sup>301</sup> A proposal by a FCS institution to offer a baccalaureate program, among other criteria, must include an analysis of workforce demand and unmet need for graduates of the program, cost, and admission requirements.<sup>302</sup>

#### *Continuing Workforce Education (CWE)*

CWE is defined as instruction that does not result in a technical certificate, diploma, associate in applied science degree, or associate in science degree.<sup>303</sup> CWE is for:

- individuals who are required to have training for licensure renewal or certification renewal by a regulatory agency or credentialing body;
- new or expanding businesses;
- business, industry, and government agencies whose products or services are changing so retraining of employees is necessary or whose employees need training in specific skills to increase efficiency and productivity; or
- individuals who are enhancing occupational skills necessary to maintain current employment, to cross train, or to upgrade employment.<sup>304</sup>

Current law requires expenditures for CWE programs provided by a FCS institution or school district to be fully supported by fees.<sup>305</sup> Enrollments in CWE courses may not be counted for purposes of funding FTE enrollment.<sup>306</sup>

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<sup>295</sup> Section 1011.80(2), F.S.

<sup>296</sup> See s. 1004.02(21), F.S. An occupational completion point means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program.

<sup>297</sup> Florida Department of Education, 2020-21 Career and Technical Education Frameworks, <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2020-21-frameworks/> (last visited May 4, 2021).

<sup>298</sup> *Id.* See also s. 1004.92(2)(b), F.S. and Health Sciences Career Cluster, Curriculum Framework, Program Surgical Technology (2020-2021), available at <http://www.fldoe.org/core/fileparse.php/19869/urlt/H170211-2021.rtf>.

<sup>299</sup> Florida Department of Education, Presentation to Senate Committee on Education (Feb. 16, 2021), at 105, available at [https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5054/9043\\_MeetingPacket\\_5054\\_2.pdf](https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5054/9043_MeetingPacket_5054_2.pdf).

<sup>300</sup> Section 1001.03(15), F.S.

<sup>301</sup> Section 1007.33(5)(a), F.S.

<sup>302</sup> *Id.* at (5)(d), F.S.

<sup>303</sup> Section 1004.02(12), F.S.

<sup>304</sup> *Id.* at (a)-(d).

<sup>305</sup> Section 1011.80(6)(a), F.S.

<sup>306</sup> *Id.*

## Effect of the Bill

### *Program Approval*

The bill requires the SBE to develop criteria for the review and approval of new workforce education programs which are not included in the statewide curriculum framework and are proposed to be offered by a FCS institution or a school district technical center. The bill requires the criteria to be based on the framework of quality established by the Credentials Review Committee.

The bill authorizes a FCS institution or school district to offer new workforce education programs that are already included in the statewide curriculum framework, however, these programs may not receive performance funding and add on FTE funding until they are reviewed and approved by the SBE. The bill requires an expedited SBE review process for these programs that must include, but is not limited to, the following:

- A description of the workforce education program that includes all of the following:
  - an analysis of workforce demand and unmet need for graduates of the program on a district, regional, or statewide basis, as appropriate, including evidence from entities independent of the technical center or institution
  - geographic region to be served; and
- Documentation of collaboration among technical centers and institutions serving the same students in a geographical or service area that enhances program offerings and prevents program duplication which exceeds workforce need. Unnecessary duplication of programs offered by public and private institutions must be avoided.
- Beginning with the 2022-2023 academic year, alignment of program offerings with credentials or degree programs identified by the Credential Review Committee on the Master Credentials List.
- Articulation agreements between technical centers and FCS institutions for the enrollment of graduates in related workforce education programs.
- Documentation of alignment between the exit requirements of a technical center and the admissions requirements of a FCS institution.
- Performance and compliance indicators that will be used in determining the program's success.

The bill authorizes the SBE to phase out workforce education program offerings that are not aligned with the framework of quality, do not meet labor market demand, or are unwarranted program duplications.

### *CWE*

To provide clarity, the bill revises the definition of CWE to mean instruction that does not result in a registered apprenticeship certificate of completion and revises the definition of workforce education to include a course or program of study which leads to a registered apprenticeship certificate of completion. The revision distinguishes apprenticeship and preapprenticeship programs as a workforce education program.

To expand opportunities for apprenticeship and preapprenticeship programs, the bill authorizes school districts and FCS institutions to count enrollments in apprenticeship and preapprenticeship programs for purposes of funding FTE enrollment.<sup>307</sup>

## **Career and Technical Education Program Audit**

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<sup>307</sup> School districts are presently able to report a maximum of 2,000 on-the-job training hours for apprenticeship FTE. Florida Department of Education, *2020-2021 District Workforce Education Funding Summary*, at 2-4, available at <http://www.fldoe.org/core/fileparse.php/7529/urlt/2021-wf-fundingsummary.pdf>. For apprenticeship programs at a FCS institution, the students are exempt from the payment of tuition and fees, however, state funding is provided equal to 100 percent of the average cost of instruction. s. 1011.80(6)(c), F.S.

## Present Situation

On January 2019, the Governor issued Executive Order 19-31<sup>308</sup> establishing a goal for Florida to become number one in the nation for workforce education by 2030. The executive order directed the commissioner to complete an audit of CTE offerings in Florida and develop a methodology to audit and review offerings annually.

Current law charges the commissioner with annually reviewing K-12 and postsecondary CTE programs in consultation with the DEO, CareerSource, leaders of business and industry, the BOG, the FCS, school districts and other education stakeholders.<sup>309</sup> The review must assess alignment of existing offerings with employer demand, postsecondary credentials and professional industry certifications. This includes identifying offerings that are linked to occupations that are in high demand by employers, require high-level skills, and provide middle-level to high-level wages.<sup>310</sup>

Under the audit's labor market alignment requirements, current secondary career preparation and postsecondary CTE programs are required to be linked to an occupation on the Statewide or Regional Demand Occupation List, linked to a program that is expected to grow over the next eight years, or train for an occupation with middle to high wages. For programs not meeting any of these criteria, local agencies may document demand using the criteria specified in the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) CLNA.<sup>311</sup>

The CTE audit was conducted in three phases:<sup>312</sup>

- *Phase One - Statewide review of programs* - an analysis of quality, using statewide data, for active CTE secondary and postsecondary programs. The department completed Phase 1 in January 2020 and found that 68 percent of CTE programs reviewed met benchmarks.<sup>313</sup>
- *Phase Two - Local program review* - a review of each institution for programs not meeting the statewide benchmarks. The department completed Phase 2 in December 2020. There were 243 local program terminations across 60 programs of study for secondary CTE programs and 320 local program terminations across 164 programs of study for postsecondary CTE programs.<sup>314</sup>
- *Phase Three - Share information and best practices* - using the data and information collected, the department will publish and recognize best practices around business and industry partnerships. The department completed Phase 3 in January 2021.<sup>315</sup>

Based on audit results, the commissioner is required to phase out CTE programs which are not aligned with the needs of employers or do not provide program completers with a middle-wage or high-wage occupation and encourage districts and postsecondary institutions to offer new programs.<sup>316</sup>

## Effect of the Bill

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<sup>308</sup> State of Florida, Office of the Governor, *Executive Order Number 19-31* (Jan. 30, 2019), <https://www.flgov.com/wp-content/uploads/2019/01/EO-19-31.pdf> (last visited May 4, 2021).

<sup>309</sup> Section 1003.491(5)(a), F.S.

<sup>310</sup> *Id.*

<sup>311</sup> Florida Department of Education, *Florida's CTE Audit: Statewide Review of Programs*, at 18, available at <http://www.fldoe.org/core/fileparse.php/18788/urlt/2020CTEAuditPreliminaryFindings.pdf>.

<sup>312</sup> Florida Department of Education, Career Pathways, *Career & Technical Education Audit*, <http://www.fldoe.org/careerpathways/> (last visited May 4, 2021).

<sup>313</sup> Florida Department of Education, *Florida's CTE Audit: Statewide Review of Programs*, at 28, available at <http://www.fldoe.org/core/fileparse.php/18788/urlt/2020CTEAuditPreliminaryFindings.pdf>.

<sup>314</sup> Florida Department of Education Career and Adult Education, *Florida's Career and Technical Education Audit: Year One Report*, at 129 and 137 (Jan. 2021).

<sup>315</sup> Florida Department of Education Career and Adult Education, *Florida's Career and Technical Education Audit: Year One Report*, at 143 (Jan. 2021).

<sup>316</sup> Section 1003.491(5)(b), F.S.

The bill requires the DOE's annual CTE audit to examine, at a minimum, the following:

- alignment of offerings with the framework of quality established by the Credentials Review Committee;
- alignment of offerings at the K-12 and postsecondary levels with credentials or degree programs identified on the Master Credentials List;
- program utilization and unwarranted duplication across institutions serving the same students in a geographical or service area; and
- institutional performance measured by student outcomes.

The bill requires the CTE audit to use data captured through the WDIS and provide an automated data collection process that includes the collection and evaluation of the federal CLNA, to assist in the review of programs.

The bill requires the commissioner to use the findings from the CTE audit to phase out CTE offerings which are not aligned with the framework of quality established by the Credentials Review Committee, do not meet labor market demand or institutional performance, or are unwarranted program duplications.

The bill requires the DOE to adopt rules to administer the annual review of K-12 and postsecondary CTE offerings.

## **Career Planning for Florida's Students**

### Present Situation

#### *Middle Grades*

Before a middle grades student can successfully be promoted to high school, one of the required courses a student must complete is a career and education planning course during grades 6, 7, or 8.<sup>317</sup> The required course must be Internet-based and result in a personalized academic and career plan for the student that may be revised as the student progresses; must emphasize the importance of entrepreneurship and employability skills; and must include information from the DEO's economic security report.<sup>318</sup> The required personalized academic and career plan must inform students of high school graduation requirements, the requirements for each scholarship in the Florida Bright Futures Scholarship Program; SUS and FCS institution admission requirements; and available opportunities to earn college credit in high school.<sup>319</sup> The course may be implemented as a stand-alone course or integrated into another course or courses.<sup>320</sup>

The DOE, outlines the eight course standards of the career and education planning course which ensures that a student is able to do the following:

1. Describe the influences that societal, economic, and technological changes have on employment trends and future training.
2. Develop skills to locate, evaluate, and interpret career information.
3. Identify and demonstrate processes for making short and long term goals.
4. Demonstrate employability skills such as working in a group, problem-solving and organizational skills, and the importance of entrepreneurship.

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<sup>317</sup> Section 1003.4156(1)(e), F.S.

<sup>318</sup> *Id.*

<sup>319</sup> To include 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 certifications. Section 1003.4156(1)(e), F.S.

<sup>320</sup> Section 1003.4156(1)(e), F.S.

5. Understand the relationship between educational achievement and career choices/postsecondary options.
6. Identify a career cluster and related pathways through an interest assessment that match career and education goals.
7. Develop a career and education plan that includes short and long-term goals, high school program of study, and postsecondary/career goals.
8. Demonstrate knowledge of technology and its application in career fields/clusters.<sup>321</sup>

For the 2020-2021 school year, the DOE identified 79 approved middle grades courses for career and education planning.<sup>322</sup> In addition, the DOE publishes an educator's toolkit, providing resources such as classroom activities, lesson plans, and additional resources to assist teachers in career and education course planning.<sup>323</sup>

### *High School*

Current law requires each district school board to provide appropriate instruction to ensure that students meet SBE adopted standards<sup>324</sup> in specified subject areas.<sup>325</sup> Additionally, public school teachers are required to provide instruction on specified topics and each school district must submit a report to the Commissioner of Education that describes how instruction was provided during the previous school year.<sup>326</sup> One of the required instructional topics is a character development program required in kindergarten through grade 12.<sup>327</sup>

In grades 9 through 12, the character development curriculum, at a minimum, must include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; 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.<sup>328</sup>

### *Postsecondary*

Florida's postsecondary institutions provide students with opportunities to explore and prepare for their future careers through services available at their career centers and courses on life skills and career planning.<sup>329</sup> The career centers provide students with opportunities to create a resume, prepare for job interviews, and search for jobs among other services.<sup>330</sup>

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<sup>321</sup> Florida Department of Education, *Career & Education Planning Course Standards*, available at <http://www.fldoe.org/core/fileparse.php/3/urlt/ceplanningcoursecompetencies.pdf>.

<sup>322</sup> Florida Department of Education, *Approved Middle School Courses for Career & Education Planning 2020-2021 School Year* (Jan. 31, 2020), available at <http://www.fldoe.org/core/fileparse.php/7531/urlt/approved-courses.pdf>.

<sup>323</sup> Florida Department of Education, *Educator's Toolkit*, <http://www.fldoe.org/academics/college-career-planning/educators-toolkit/> (last visited April 5, 2021).

<sup>324</sup> In 2020, the State Board of Education adopted new standards for English language arts and mathematics, called the Benchmarks for Excellent Student Thinking (BEST) standards. The English language arts standards implementation begins with the 2021-2022 school year and implementation of the math standards begin in the 2022-2023 school year.

<sup>325</sup> Section 1003.42(1), F.S.; The required subject areas include: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

<sup>326</sup> Section 1003.42(2), F.S.; Rule 6A-1.094124(1), F.A.C.

<sup>327</sup> Section 1003.42(2)(s), F.S.

<sup>328</sup> *Id.*

<sup>329</sup> See Florida State University, Division of Student Affairs, The Career Center, Presentation to Post-Secondary Education & Lifelong Learning Subcommittee (Jan. 27, 2021), at 31, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%201-27-21.pdf>; Atlantic Technical College, Career Center,

<https://www.atlanticttechnicalcollege.edu/atccareercenter/> (last visited May 4, 2021); Tallahassee Community College, Career Center,

<https://www.tcc.fl.edu/student-life/career-services/> (last visited May 4, 2021); DOE Statewide Course Numbering System, Find a Statewide Course, *Browse Statewide Course-Prefix- SLS Student Life Skills*, <https://flscns.fldoe.org/> (last visited May 4, 2021).

<sup>330</sup> *Id.*

## State Career Planning Resources

The MyCareerShines website is a career planning system available to Florida's middle and high school students to assist in exploring career options and developing an academic and career plan.<sup>331</sup> Some school districts use the system to help satisfy the middle grades course requirements.<sup>332</sup> Effective September 1, 2020, school districts became responsible for their own career planning and advisement platform allowing districts to continue to utilize MyCareerShines via contract or to explore alternative options.<sup>333</sup>

The DEO in consultation with the DOE, prepares an annual economic security report of employment and earning outcomes for degrees or certificates earned at public postsecondary educational institutions.<sup>334</sup> The report must be easy to read and accessible by the public and must be made available online.<sup>335</sup> Additionally, each middle school and high school student or the student's, parent prior to registration, must be provided a 2-page summary of the report.<sup>336</sup> At the postsecondary level, each SUS and FCS institution must provide students, prior to registration, electronic access to the report.<sup>337</sup>

The report, by education sector, must provide the following information:

- Employment data of graduates of a degree or certificate program from a public postsecondary institution the year after the degree or certificate is earned by number and percentage; for graduates employed full-time in the year after graduation by number and percentage; employment data of graduates of a degree or certificate program from a public postsecondary institution 5 years after graduation by number and percentage.<sup>338</sup>
- Data on the earnings of graduates of a degree or certificate program from a public postsecondary institution the year after earning the degree or certificate by at least the following levels on a quarterly and annualized bases, rounded to the nearest dollar:
  - Quarterly wages of \$6,250 and annualized wages of \$25,000 and below.
  - Quarterly wages between \$6,251 and \$11,250 and annualized wages between \$25,001 and \$45,000.
  - Quarterly wages of \$11,251 and annualized wages of \$45,001 and above.<sup>339</sup>

Launch My Career Florida serves as an on-line tool which provides students, parents, and the public with a preliminary view of the type of information that is available within the annual Economic Security Report.<sup>340</sup> The tool allows users to explore wage information, current and projected job growth, and search for public postsecondary schools that offer a degree in a selected career path.<sup>341</sup>

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<sup>331</sup> Florida Department of Education, Educator's Toolkit, *MyCareerShines powered by Kuder*, <http://www.fldoe.org/academics/college-career-planning/educators-toolkit/> (last visited April 5, 2021).

<sup>332</sup> Florida Department of Education, Memo, *Update on Career Planning and Advisement Platform* (Aug. 12, 2020), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8937/dps-2020-94.pdf>.

<sup>333</sup> *Id.*

<sup>334</sup> Section 445.07(1), F.S.; *See also* Outcomes for Graduates of Florida's Public Postsecondary Educational Institutions, *Economic Security Report 2020* (March 2021), available at <http://lmsresources.labormarketinfo.com/special/ESR.pdf>.

<sup>335</sup> Section 445.07(2), F.S.

<sup>336</sup> Section 1002.20(24), F.S.; *See also* Measuring the Economic Success of Florida's Graduates, *2020 Economic Security Report- Executive Summary* (March 2021), available at [http://lmsresources.labormarketinfo.com/special/ESR\\_Summary.pdf](http://lmsresources.labormarketinfo.com/special/ESR_Summary.pdf).

<sup>337</sup> Section 1001.02(2)(w), F.S. and s. 1001.706(5)(d), F. S.

<sup>338</sup> Section 445.07(2)(c), F.S.

<sup>339</sup> Section 445.07(2)(d), F.S.

<sup>340</sup> Launch My Career Florida, *About the Program*, <http://launchmycareerfl.org/pages/florida/about.html> (last visited May 4, 2021).

<sup>341</sup> Launch My Career Florida, *Search Accountants and Auditors*, <http://launchmycareerfl.org/jobs/13-2011-00?area=415> (last visited May 4, 2021).

Employ Florida serves as Florida's online labor exchange system and case management system.<sup>342</sup> The site serves job seekers looking to find a job or receive additional training, employers seeking to post job openings and find qualified candidates, and individuals looking to explore career fields, build a resume, or access labor market information.<sup>343</sup>

Additional state career planning tools include Get There, Florida's Workforce Education Initiative to raise awareness and rebrand career and technical education.<sup>344</sup> The site highlights the 17 career pathways offered at Florida's 28 state colleges and 48 technical colleges, providing alternatives to the traditional university pathway.<sup>345</sup> As well as, Apprentice Florida, an initiative to expand apprenticeship opportunities in several targeted sectors in Florida as well as expanding apprenticeship and pre-apprenticeship opportunities to underrepresented populations.<sup>346</sup>

### Effect of the Bill

To provide students with the information necessary to explore and make decisions as they plan for their future and embark on a career pathway, the bill requires secondary career and education planning courses, curriculum, and postsecondary career services to utilize state career planning resources as a student progresses along their educational experience.

At the secondary level, the bill requires the middle grades career and education planning course to include information from state career planning resources. In the character development curriculum for grades 9 through 12, the bill requires students to explore career pathways using state career planning resources and to create a digital resume.

At the postsecondary level, the bill authorizes courses that provide instruction in student life skills, including career planning and exploration, or similar, to use state career planning resources within the course and provide students with the opportunity to create a digital resume. For postsecondary student career service centers, the bill requires centers to prepare students for employment upon completion of their academic work. Career service centers, to the extent possible, are required to use state career planning resources to assist students in: exploring and identifying career opportunities; identifying in-demand jobs and associated earnings outcomes; understanding the skills and credentials needed for specific jobs; identifying opportunities to gain on-the-job experiences; and creating a digital resume.

## **Developing Workplace Readiness**

### Present Situation

#### *Employability Skills*

In a 2018, CareerSource and DEO Florida Skills Gap and Job Vacancy Report, employers identified communication skills, reliability/time management, leadership, and problem-solving as the most significant soft skills gaps.<sup>347</sup> In 2019, the Society for Human Resource Management (SHRM) found that 51 percent of its members responding to a survey said that education systems have done little or

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<sup>342</sup> Florida Department of Economic Opportunity, Presentation to Post-Secondary Education & Lifelong Learning Subcommittee (Jan. 27, 2021), at 5, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%201-27-21.pdf>.

<sup>343</sup> *Id.* at 9-10; See also Employ Florida, <https://www.employflorida.com/vosnet/Default.aspx> (last visited May 4, 2021).

<sup>344</sup> Florida Department of Education, Statewide Email- Get There- Florida's Workforce Education Initiative Unveiled (Sept. 23, 2020), available at <http://www.fldoe.org/core/fileparse.php/7671/urlt/swe-GET-THERE-FL-WorkforceEduInitiativeUnveiled.pdf>.

<sup>345</sup> *Id.*

<sup>346</sup> Florida Department of Economic Opportunity, *Apprenticeship FLA*, <https://floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/apprenticeship-fla> (last visited May 4, 2021).

<sup>347</sup> CareerSource Florida and Department of Economic Opportunity, *Statewide Skills Gap and Job Vacancy Survey* (2018), at 14, available at [http://lmsresources.labormarketinfo.com/skills\\_gap/skills\\_gap\\_report.pdf](http://lmsresources.labormarketinfo.com/skills_gap/skills_gap_report.pdf).

nothing to help address the skills shortage.<sup>348</sup> SHRM members found the top three missing soft skills to be: problem solving, critical thinking, innovation and creativity; the ability to deal with complexity and ambiguity; and communication.<sup>349</sup> As business and industry indicate difficulty in finding skilled employees, postsecondary students express concern with their readiness to enter the workforce. A 2019 survey of undergraduate students found that about 34 percent of students strongly agreed that they will graduate with the knowledge and skills needed to be successful in the job market, while an additional 37 percent somewhat agreed.<sup>350</sup>

Thinking ahead to Florida's future in 2030, the Florida Chamber Foundation (chamber) identified employability skills as universally valuable work competencies that are essential to adapting to shifting demands within and between careers.<sup>351</sup> The chamber found employability skills to be future proof as they are comprised of a set of key attributes which are highly valued in the workplace, they are general in nature, rather than job-specific, and are common to all work roles across industry types.<sup>352</sup> The chamber identified 15 foundational employability skills in three core areas of workplace skills, effective relationships, and applied knowledge.<sup>353</sup> Skills such as problem solving, critical thinking, communication, and teamwork, were identified among others.<sup>354</sup> One strategy to advance Florida's talent pipeline identified by the chamber is to strengthen curriculum options to ensure graduates are prepared with competencies necessary for employment.<sup>355</sup>

Recognizing the importance of preparing career ready graduates, postsecondary institutions, such as the University of South Florida<sup>356</sup> and Florida State University,<sup>357</sup> have developed career readiness digital credential programs. The programs are based on the eight career readiness competencies researched and identified by the National Association of Colleges and Employers.<sup>358</sup> Upon completion, students earn a digital credential, a badge, to demonstrate their skills to potential employers. Other states, such as Colorado,<sup>359</sup> California,<sup>360</sup> and New York,<sup>361</sup> have developed system wide badging programs.

#### *Providing on-the-job experiences*

Work-based learning is an educational strategy that connects classroom education with on-the-job experience and is comprised of three key components: the alignment of classroom and workplace learning; application of academic, technical, and employability skills in a work setting; and support from

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<sup>348</sup> The Society for Human Resource Management, *2019 State of the Workplace* (2019), at 7, available at <https://www.shrm.org/about-shrm/Documents/SHRM%20State%20of%20Workplace%20Bridging%20the%20Talent%20Gap.pdf>.

<sup>349</sup> *Id.* at 5.

<sup>350</sup> Gallup, Inc., *Six College Experiences Linked to Student Confidence on Jobs* (Jan. 2019), <https://news.gallup.com/poll/246170/six-college-experiences-linked-student-confidence-jobs.aspx> (last visited May 4, 2021).

<sup>351</sup> Florida Chamber Foundation, *Florida 2030-Employability Skills Framework* (2019), at 3, available at <http://www.flchamber.com/wp-content/uploads/2019/09/2019-Employability-Skills-Report.pdf>.

<sup>352</sup> *Id.*

<sup>353</sup> *Id.* at 7.

<sup>354</sup> *Id.*

<sup>355</sup> *Id.* at 5.

<sup>356</sup> University of South Florida, Career Services, Career Readiness Badging Program, <https://www.usf.edu/career-services/career-ready/index.aspx> (last visited May 4, 2021).

<sup>357</sup> Florida State University, The Career Center, Professional Pathways, <https://www.career.fsu.edu/professionlepathways> (last visited May 4, 2021).

<sup>358</sup> National Association of Colleges and Employers, *Career Readiness Defined*, <https://www.nacweb.org/career-readiness/competencies/career-readiness-defined/> (last visited May 4, 2021).

<sup>359</sup> Colorado Community College System, *Digital Badges*, <https://internal.cccs.edu/academic-affairs/academic-initiatives/digital-badges/> (last visited May 4, 2021).

<sup>360</sup> Foundation for California Community Colleges, *Digital Badging*, <https://foundationccc.org/What-We-Do/Workforce-Development/Workforce-Services/Digital-Badging> (last visited May 4, 2021).

<sup>361</sup> The State University of New York, *Micro-Credentials at SUNY*, <https://system.suny.edu/academic-affairs/microcredentials/> (last visited May 4, 2021).

classroom or workplace mentors.<sup>362</sup> Some examples of work-based learning include pre-apprenticeship, apprenticeship, on-the-job training, internships, and job shadowing.<sup>363</sup> As the nature of work and careers change, work-based learning serves as an important opportunity to prepare students and adult learners for college and the workforce.

Work-based learning is supported at the federal level through the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V), the Every Student Succeeds Act, and WIOA.<sup>364</sup>

In Florida's 2020-2024 Perkins V State Plan, all programs which use Perkins funds must "provide students an opportunity for work-based learning, career and technical student organizations, or capstone experiences that engage students learning inside or outside the classroom."<sup>365</sup>

Adult, dislocated worker, and youth programs under WIOA provide different types of work-based learning opportunities available to each population.<sup>366</sup> For example, work experience and internships for youth or adults with barriers to employment or dislocated workers needing exposure to new industries or occupations, or on-the-job training for adults and dislocated workers in need of new employer-based skills.<sup>367</sup>

A key component of scaling work-based learning identified by the National Governors Association is the development of a statewide definition for the term.<sup>368</sup> While Florida's students and adult learners are engaged in work-based learning opportunities across our state, a statewide definition does not exist to ensure minimum expectations and safe guards.

### *General Education Program*

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), the regional accrediting body for Florida's public post-secondary institutions, describes general education as an integral component of an undergraduate degree program and the component of a degree program where students encounter the basic content and methodology of the principal areas of knowledge: humanities and fine arts, social and behavioral sciences, natural sciences and mathematics.<sup>369</sup>

Current law requires an associate in arts degree at a FCS or SUS institution to be no more than 60 semester hours of college credit and include 36 semester hours of general education course work.<sup>370</sup> For the baccalaureate degree, it must be no more than 120 semester hours of college credit, unless

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<sup>362</sup> RTI International Inc., *Work-based Learning Tool Kit*, <https://cte.ed.gov/wbltoolkit/index.html> (last visited May 4, 2021).

<sup>363</sup> Jobs for the Future, *About Work-Based Learning*, <https://www.jff.org/what-we-do/impact-stories/center-for-apprenticeship-and-work-based-learning/about-work-based-learning/> (last visited May 4, 2021).

<sup>364</sup> *Id.*

<sup>365</sup> Florida Department of Education, *Perkins V- Florida's 2020-2024 State Plan for The Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V)*, at 36, available at <http://www.fldoe.org/core/fileparse.php/18818/urlt/FloridaDraftStatePlanPerkinsV.pdf>. Florida's Perkins V Four-Year State Plan was approved by the U.S. Department of Education in June of 2020; *See also*, Florida Department of Education, *Florida's Experiential Learning Framework for Perkins Size, Scope, and Quality*, available at <http://www.fldoe.org/core/fileparse.php/18815/urlt/PerkinsV-ExperientialLearningFramework.pdf>.

<sup>366</sup> U.S. Department of Labor, Employment and Training Administration, *Work-Based Learning Desk Reference* (Aug. 2020), available at <https://ion.workforcegps.org/resources/2017/03/09/12/20/~link.aspx?id=8C050EABF6134F16886864C550493B9E&z=z>.

<sup>367</sup> *Id.*

<sup>368</sup> National Governors Association, *State Strategies to Scale Work-Based Learning* (2020), at 8, available at [https://www.nga.org/wp-content/uploads/2020/02/NGA\\_Work-Based-Learning\\_Guide\\_final\\_web.pdf](https://www.nga.org/wp-content/uploads/2020/02/NGA_Work-Based-Learning_Guide_final_web.pdf).

<sup>369</sup> Southern Association of Colleges and Schools Commission on Colleges, *Resource Manual for the Principles of Accreditation: Foundations for Quality Enhancement* (2020), at 81, available at <https://sacscoc.org/app/uploads/2019/08/2018-POA-Resource-Manual.pdf>.

<sup>370</sup> Section 1007.25(8), F.S.

prior approval has been granted by the BOG or the SBE, as applicable, and include 36 semester hours of general education coursework.<sup>371</sup>

Since academic year 2015-2016, students entering a FCS or SUS institution are required to complete at least one identified core course in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.<sup>372</sup> All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements.<sup>373</sup> After completing the general education core course requirement, the remaining courses and credits that fulfill the total 36-hour general education requirement for an associate in arts or baccalaureate degree are at the discretion of the FCS or SUS institution.<sup>374</sup>

### Effect of the Bill

To provide opportunities for students to experience and develop the skills necessary to enter the workforce and distinguish their unique skills to employers, the bill:

#### *Work-based Learning*

Creates a definition for work-based learning opportunity to mean 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 required in a given career field, is aligned with curriculum and instruction, and is provided in partnership with an educational institution.

The bill requires work-based learning to be developmentally appropriate, identify learning objectives for the experience, explore multiple aspects of an industry, develop workplace skills and competencies, assess performance, provide opportunities for work-based reflection, link to next steps in career planning and preparation in a student's chosen career pathway, be provided in an equal and fair manner, and be documented and reported in compliance with state and federal labor law. The bill prioritizes paid work-based learning opportunities, such as apprenticeship and preapprenticeship programs.

The bill requires the SBE to adopt rules to implement work-based learning opportunities. The adopted rules must include uniform minimum standards and guidelines for determining student eligibility, obligations of employers, and requirements of institutions that offer work-based learning opportunities.

#### *Career Readiness Credential*

Beginning with students initially entering a public postsecondary institution in 2022-2023, and thereafter, the bill requires each student to be able to earn a nationally recognized digital credential from competencies within the general education core courses which demonstrate career readiness.

The bill requires the digital credentials to be identified by a faculty committee appointed by the chair of the SBE and the chair of the BOG. The faculty committee must identify the competencies within the general education core courses which demonstrate career readiness and will result in the award of a verifiable and interoperable nationally recognized digital credential.

In order to ensure students pursuing an associate in applied science or associate in science degree may earn a digital credential, the bill requires, beginning in the 2022-2023 academic year, students

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<sup>371</sup> Section 1007.25(9), F.S.

<sup>372</sup> Section 1007.25(3), F.S.

<sup>373</sup> *Id.*

<sup>374</sup> Florida Board of Governors, General Education Core Course Options, Regulation 8.005(1) and Rule 6A-14.0303(5), F.A.C.

entering such degree programs to complete at least one identified core course in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

The bill requires all public postsecondary institutions to distinguish in their course catalog the general education core courses linked to earning a digital credential, and requires institutions to grant and accept the identified digital credential. Students pursuing an associate in applied science, associate in science, associate in arts, and baccalaureate degree, would be eligible to obtain the digital credential.

The bill requires the DOE to identify in the state course numbering system the digital credentials that may be earned through the general education core courses.

The bill provides conforming changes.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

The bill creates the Office of Reimagining Education and Career Help (REACH) within the Executive Office of the Governor to facilitate alignment and coordination of the state's workforce development entities. Within the 2021-2022 General Appropriations Act (GAA), Specific Appropriations 2543, 2544, and 2549 provide 8 new FTE for the REACH Office and include General Revenue (GR) appropriations totaling \$887,503.

The bill requires implementation of a consumer-first workforce information system which requires coordination among various state entities, including: the Departments of Economic Opportunity, Education, Children and Families, as well as CareerSource, the EOG REACH office and local partners. The cost of implementing an automated and coordinated system among the state's workforce partners is indeterminate and cannot be quantified at this time as each entity currently operates its own data systems. Detailed analysis is required to include data governance for shared data across all entities, engineering of data interoperability and new business processes, and documentation of detailed functional requirements for the procurement of supporting technologies. Analysis should also include how current data and intake systems can be enhanced or augmented to include these functionalities. Within the GAA, Specific Appropriation 2194 includes \$2 million from nonrecurring GR for project planning and analysis to implement a new system.

Section 152 of the GAA provides an appropriation of \$100 million from nonrecurring GR to develop and implement the consumer-first workforce information system system. The appropriation is contingent upon receipt of the federal Coronavirus State Fiscal Recovery Funds.

The bill requires the DOE to develop a workforce development metrics dashboard to measure the state's investments in workforce development and measure the return on investment for workforce-related programs. The department estimates they would need 2 additional FTE who will assist with data collections and outcome reporting requirements. The GAA provides 2 FTE and \$250,525 for the work associated with the dashboard.

The DOE further estimates department workload associated with the new reporting requirements in the Pathways to Career Opportunities Grant Program. The department estimates a need of two additional FTE to successfully implement these provisions. The GAA provides 2 FTE and \$199,340 for the work associated with the grant program.

Additionally, the bill establishes the Open Door Grant Program, where grants are available to institutions for students enrolling in eligible technical education or certificate programs. Grants will cover 2/3 of program costs with a student being responsible for 1/3 cost or any unmet need after student aid is accounted for. The GAA provides \$35 million from the federal Governors Emergency Education Relief (GEER) Fund, to implement the provisions of the program.

The bill specifies the Credentials Review Committee will develop the Master Credentials List used for the distribution of performance funds for Florida Colleges and District Workforce Education and develop a returned-value funding formula to allocate performance funds for Florida Colleges and District Workforce Education. These changes may affect the distribution of funds currently being allocated, however the affect is indeterminate.

The Money Back Guarantee Program will refund the cost of tuition to students unable to find a job within six months of completion of select workforce-related programs that prepare students for in-demand, middle-level to high-level wage occupations. Actual expenditures will vary depending on the number of guarantees that must be honored and the cost of tuition for those students.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill creates a robust and transparent workforce portal to provide Floridians with real-time resources to support their long term earning potential. The bill provides important data and resources for Floridians to access and evaluate workforce services at a participant's time of need. Additionally, the bill identifies and categorizes in-demand credentials and degree programs and requires information to be made available to the public to determine the performance of these programs and training providers offering these programs, as well as long term earning results and impact to self-sufficiency.

#### D. FISCAL COMMENTS:

None.