

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 98

INTRODUCER: Appropriations Committee; and Senator Albritton

SUBJECT: Workforce Related Programs and Services

DATE: April 18, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
3.	<u>Hrdlicka/Underhill</u>	<u>Sadberry</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 98 modifies provisions related to Florida workforce development and education. Specifically, the bill:

- 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 a publicly available online opportunity portal to provide Floridians with access to identify in-demand jobs, the skills needed, where to obtain those skills, available services, and program performance employability and economic mobility.
- Requires the DEO and the DCF 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 (LWDB) 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 be based 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 Section V.

The bill takes effect July 1, 2021.

II. Present Situation:

The Workforce Estimating Conference

Current law directs the Workforce Estimating Conference to develop forecasts of employment demand for jobs by occupation and industry. 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. Additionally, the data is used to make recommendations to CareerSource on any changes to local target occupation lists. The Workforce Estimating Conference is expected to meet at least twice a year;¹ however, the conference has not met since September 6, 2013.²

¹ See s. 216.136(7), F.S.

² Office of Economic & Demographic Research, Workforce Estimating Conference, <http://edr.state.fl.us/content/conferences/workforce/index.cfm> (last visited April 9, 2021).

Florida's Workforce Development System

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.³ The 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.⁴ The WIA also called for the delivery of workforce development services through a system of "one-stop" centers in local communities.⁵ Some key principles of the WIA were to better integrate workforce services, empower individuals, provide universal access to participants, increase accountability, and improve youth programs.⁶

In response to the WIA, Florida established a workforce development system under the Workforce Investment Act of 2000.⁷ The act aimed to better connect the state's economic development strategies with its workforce development system and to implement the principles of the federal WIA.⁸

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 1998.⁹ The WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.¹⁰ In general, the WIOA maintains the one-stop framework of the WIA and encompasses provisions aimed at streamlining services, easing reporting requirements, and reducing administrative barriers.¹¹ The WIOA officially became effective on July 1, 2015, the first full program year after enactment.

Core Programs

The WIOA identifies four core programs that must coordinate and complement each other in a manner that ensures job seekers have access to needed resources.¹² The core programs are:

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

³ Workforce Investment Act of 1998, 29 U.S.C. 2801 (1998), *repealed by* Workforce Innovation and Opportunity Act, Pub. L. No. 113-128 (113th Cong.) (July 22, 2014)(codified at 29 U.S.C. 3101, et seq.).

⁴ *See* 29 U.S.C. 2821 and 2832 (1998).

⁵ *See* 29 U.S.C. 2841 (1998).

⁶ *See* 29 U.S.C. 2811 (1998).

⁷ Chapter 2000-165, Laws of Fla.

⁸ *See* s. 445.003, F.S.

⁹ Workforce Innovation and Opportunity Act, 29 U.S.C. 3101 et seq. (2014).

¹⁰ *See* 29 U.S.C. 3112(a) (2014).

¹¹ *See* 29 U.S.C. 3111.

¹² *See* 29 U.S.C. 3102(13).

Performance Measures

In an effort to promote transparency and accountability, the WIOA created a single set of common measures for the evaluation of core programs.¹³ The WIOA requires performance reports to be provided at the state, local, and trainer provider levels. The performance measures that now apply across all core programs are:

- 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.¹⁴

State Workforce Development Plan

Using the common performance measures for core programs, the WIOA requires each state to develop and submit a unified state plan based on a 4-year strategy for workforce development.¹⁵ The state plan must describe an overall strategy for the core programs and how the strategy will meet needs for workers, job seekers, and employers.¹⁶ The WIOA also provides an option for states to submit a combined plan that outlines plans for the core programs along with additional workforce programs.¹⁷

The WIOA requires the Governor to establish a State Workforce Development Board¹⁸ to assist the Governor in carrying out the duties and responsibilities required by the WIOA.¹⁹ The membership of the state board must represent diverse geographic regions of the state, and the membership must include the Governor, members of the state legislature, representatives of business, representatives of workforce within the state, and membership from state officials with primary responsibility for the core programs.²⁰ 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 identification and dissemination on best practices.²¹

¹³ See 29 U.S.C. 3141.

¹⁴ *Id.*

¹⁵ See 29 U.S.C. 3112(a).

¹⁶ See 29 U.S.C. 3112(b).

¹⁷ See 29 U.S.C. 3113.

¹⁸ See 20 C.F.R. 679.110.

¹⁹ See 20 C.F.R. 679.130.

²⁰ See 20 C.F.R. 679.110. See also U.S. 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 (last visited March 8, 2021).

²¹ See 20 C.F.R. 679.130.

Regional Planning and Local Workforce Development Boards

The WIOA requires states to identify regional planning areas for workforce development strategies.²² Within each area, a local workforce development board must be established.²³ Each local workforce development board is required to coordinate planning and service delivery strategies within their area.²⁴ Formulated strategies are then used by the local workforce development board to develop and submit a local plan for the delivery of workforce services.²⁵

The WIOA requires each Governor to designate local workforce development areas in consultation with the state workforce development board, chief elected officials²⁶ and local workforce development boards, and after consideration of public comment.²⁷ In making such designations, the WIOA requires each Governor to consider, with limited exception,²⁸ 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 the federal and non-federal resources necessary to effectively administer workforce investment activities, 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.²⁹

The Governor's Authority

The WIOA grants the Governor broad oversight authority of both the state and local level workforce development programs. The Governor is responsible for designating the local workforce areas,³⁰ certifying the local workforce development boards,³¹ and negotiating the performance measures required by the WIOA.³² The Governor also has the authority to decertify a local workforce development board, and require its reorganization, for fraud, abuse, or failure to carry out its statutory duties.³³ If a local workforce development board fails to meet its agreed upon performance measures in two consecutive program years, the Governor must decertify it and implement a reorganization plan.³⁴

²² See 29 U.S.C. 3121.

²³ *Id.*

²⁴ See 29 U.S.C. 3122.

²⁵ See 29 U.S.C. 3123.

²⁶ See Pub. L. 113-128, s. 3(9) (codified at 29 U.S.C. 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.”

²⁷ See Pub. L. 113-128, s. 106(a) and (b) (codified at 29 U.S.C. 3121).

²⁸ *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.

²⁹ *Id.*

³⁰ See 29 U.S.C. 3121(b).

³¹ See 29 U.S.C. 3122(a).

³² See 29 U.S.C. 3121(c).

³³ See 29 U.S.C. 3122(c).

³⁴ See 29 U.S.C. 3141(g).

One-Stop Delivery System

The WIOA aims to strengthen the one-stop delivery system by requiring each local area to have at least one comprehensive one-stop delivery provider.³⁵ A comprehensive one-stop delivery provider supplies physical access to services provided by core partners, as well as other mandatory partners.³⁶ The WIOA mandates that each partner shares in the funding of services and infrastructure costs of the one-stop delivery system.³⁷

Florida's Implementation of The WIOA

In 2016, Florida made changes to the workforce development system to conform to the new federal guidelines established by the WIOA.³⁸ Under the current workforce development system, the DEO, CareerSource, the state board, and 24 local workforce development boards 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 Two-Year Modification in 2018, and most recently a plan for the period July 1, 2020 to June 30, 2024.³⁹ 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.⁴⁰

The Unified State 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.⁴¹

The Department of Economic Opportunity

The DEO serves as Florida's lead workforce agency.⁴² The DEO is responsible for the fiscal and administrative affairs of the workforce development system.⁴³ The DEO receives and distributes federal funds for employment-related programs to the local workforce development boards.⁴⁴ Additionally, the DEO must annually meet with each local workforce development board to

³⁵ See 29 U.S.C. 3151.

³⁶ Other mandatory partners may include programs under the Older Americans Act, Adult Education and Literacy, Department of Housing and Urban Development, Social Security Act, Perkins Career and Technical Education Act, and the Community Service Block Grant Act. 29 U.S.C. 3151(b).

³⁷ See 29 U.S.C. 3151(2).

³⁸ Chapter 2016-216, Laws of Fla.

³⁹ Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 1, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf> (last visited March 8, 2021).

⁴⁰ *Id.* at 2.

⁴¹ *Id.* at 1.

⁴² Primarily through the Division of Workforce Services. See s. 20.60, F.S.

⁴³ Section 445.009(3)(c), F.S.

⁴⁴ See s. 445.003, F.S.

review the board's performance and to certify that the board is in compliance with applicable state and federal law.⁴⁵

CareerSource Florida, Inc., and the State Board

CareerSource Florida, Inc., a nonprofit corporation, provides administrative support to Florida's state-level workforce development board.⁴⁶ CareerSource collaborates with the DEO, the local workforce development boards, and one-stop service providers to ensure workforce services are consistent with state and local plans.⁴⁷ CareerSource also implements policy directives of the state board.⁴⁸

The state board is the board of directors of CareerSource.⁴⁹ The board of directors includes the Governor, 16 business representatives, six workforce representatives, and eight government officials.⁵⁰ The state board conducts its work through its board of directors, two councils, and an executive committee.⁵¹

Additionally, the state board is responsible for the design and implementation of Florida's workforce development system and provides policy direction to ensure that the DEO is properly administering workforce development activities and programs.⁵² The state board is also responsible for developing a 4-year plan that is consistent with the requirements of the WIOA.⁵³ In partnership with state and local workforce partners, the state board develops strategic planning elements for the state plan to address strategies to fulfill 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.⁵⁴ 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, as well as all audits.⁵⁵

Local Workforce Development Boards

Twenty-four local workforce development boards deliver Florida's workforce development services through over 100 one-stop service providers.⁵⁶ The one-stop service providers give Floridians access to available workforce services; including job placement, career

⁴⁵ See s. 445.007(3), F.S.

⁴⁶ Section 445.004(2), F.S. Prior to 2014, CareerSource was known as Workforce Florida, Inc.

⁴⁷ See s. 445.004, F.S.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ See s. 445.004(3)(a)-(d), F.S. See also Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 89. The membership roster is as of July 1, 2020.

⁵¹ *Id.* at 59

⁵² See s. 445.004, F.S.

⁵³ Section 445.003(2), F.S.

⁵⁴ See s. 445.006(2)(a), F.S.

⁵⁵ Section 445.004(7)(a)-(b), F.S.

⁵⁶ Department of Economic Opportunity, *CareerSource Florida Network Directory*, available at <http://lcd.floridajobs.org/> (last visited March 8, 2021).

counseling, and skills training.⁵⁷ Each local board formulates a local budget and oversees the one-stop delivery system within its local area.⁵⁸

Collectively, the local boards operate under a charter approved by CareerSource.⁵⁹ The local boards must submit a request for continued designation every two years, beginning July 1, 2017, to CareerSource and the DEO.⁶⁰ Continued designation is granted if the local board performed successfully and sustained fiscal integrity.⁶¹ Each local board must develop their own local plans which are aligned with the vision and goals of the state plan.⁶²

Accountability

For the period February 10, 2020, through August 7, 2020, the U.S. Department of Labor (USDOL) Employment Training Administration (ETA) conducted a compliance review of the DEO to determine its level of compliance with programmatic, fiscal, and administrative requirements.⁶³ The review identified 50 compliance findings, which must be addressed, with several findings having regulatory, statutory, and policy violations.⁶⁴

The DEO has since provided corrective action responses to 46 of the 50 findings.⁶⁵ The DEO's response concluded that the state board has not delegated its policy making authority and provided the agreement⁶⁶ between the DEO and CareerSource.⁶⁷ Additionally, the DEO will incorporate an annual review of local board websites to ensure local plans and modifications are made publicly available. To address conducting business in an open manner, the DEO has

⁵⁷ See s. 445.009, F.S.

⁵⁸ Section 445.007(12), F.S.

⁵⁹ 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> (last visited March 8, 2021).

⁶⁰ CareerSource Florida, Administrative Policy Number 94, *Local Workforce Development Area Designation* (Mar. 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 (last visited March 8, 2021).

⁶¹ *Id.*

⁶² Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 111; See also Department of Economic Opportunity, *Local Workforce Development Area WIOA Plans*, available at <https://floridajobs.org/local-workforce-development-board-resources/programs-and-resources/local-workforce-development-area-wioa-plans> (last visited March 8, 2021).

⁶³ U.S. 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> (last visited March 8, 2021).

⁶⁴ *Id.* at 1-2.

⁶⁵ 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 (last visited March 8, 2021).

⁶⁶ Agreement Between the 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> (last visited March 8, 2021).

⁶⁷ Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons - Regional Administrator Employment and Training Administration* (Feb. 18, 2021), at 5.

updated the grantee-sub grantee agreement as well as a policy for local area governance and transparency.⁶⁸

Workforce Education Programs

Workforce education programs include:

- Adult general education programs.
- Career certificate programs.
- Applied technology diploma programs.
- Continuing workforce education courses.
- Degree career education programs.
- Apprenticeship and preapprenticeship programs.⁶⁹

FCS institutions and school districts may conduct workforce education programs; however, only an FCS institution may award college credit for an associate in applied science (AAS) or an associate in science (AS) degree.⁷⁰ If an AAS or an AS degree program includes an occupational completion point⁷¹ that confers a certificate or an applied technology diploma (ATD), a school district career center can operate that portion of the program.

Approval Process

The DOE develops and maintains CTE programs which align with 17 career clusters.⁷² Each CTE program has a corresponding curriculum framework which outlines the program structure, total hours, and student performance standards.⁷³ Once a program is approved by the SBE, the program may be offered by any institution in Florida.⁷⁴

The SBE is authorized to review and approve baccalaureate programs offered by FCS institutions.⁷⁵ The approval process requires an FCS institution to submit a notice of intent that 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. A proposal by an 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.⁷⁶

⁶⁸ *Id.* at 7-9.

⁶⁹ Section 1011.80(1)(a)-(f), F.S.

⁷⁰ Section 1011.80(2), F.S.

⁷¹ *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.

⁷² 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 April 15, 2021).

⁷³ *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>.

⁷⁴ 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.

⁷⁵ Section 1001.03(15), F.S.

⁷⁶ Section 1007.33(5)(a) and (d), F.S.

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.⁷⁷ 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.
- Individuals who are enhancing occupational skills necessary to maintain current employment, to cross train, or to upgrade employment.⁷⁸

Expenditures for CWE programs provided by an FCS institution or school district must be fully supported by fees. Enrollments in CWE courses may not be counted for purposes of funding FTE enrollment.⁷⁹

Apprenticeships and Preapprenticeships

The Florida Legislature has established educational opportunities for young people in the state to be trained for trades, occupations, and professions suited to their abilities.⁸⁰

The federal government works in cooperation with states to oversee the nation's apprenticeship programs. States have the authority to register apprenticeship programs through federally-recognized State Apprenticeship Agencies.⁸¹ In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.

An apprenticeable occupation is a skilled trade that possesses all of the following characteristics:

- It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training;
- It is commonly recognized throughout the industry;
- It involves manual, mechanical, or technical skills and knowledge requiring a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction; and
- It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom or through correspondence courses.⁸²

⁷⁷ Section 1004.02(12), F.S.

⁷⁸ Id. at (a)-(d).

⁷⁹ Section 1011.80(6)(a), F.S.

⁸⁰ Chapter 446, F.S.

⁸¹ 29 C.F.R. 29.1 and 29.13.

⁸² Section 446.092, F.S.

Registered Apprenticeship

Registered apprenticeship is an employer-driven, on-the-job workforce educational training program that connects job seekers looking to learn new skills and career opportunities with employers looking to create a pipeline of highly skilled individuals for their workforce.⁸³

The key components of a Florida registered apprenticeship program are business involvement, structured on-the-job training, related technical instruction, rewards for skill gains, and a nationally recognized credential.⁸⁴

Apprenticeship Programs

An “apprentice” is a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which should be combined with properly coordinated studies of technical and supplementary subjects. An apprentice must enter into an apprentice agreement with a sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.⁸⁵

Potential candidates for apprenticeships may apply with a registered sponsor, who determines whether the candidate meets the required qualifications.⁸⁶ Sponsors may provide private classroom instruction or coordinate with a local educational agency⁸⁷ to provide related supplemental classroom instruction.⁸⁸ The apprentices are exempt from paying tuition and fees at a school district technical center, Florida College System (FCS) institution, or state university.⁸⁹

The sponsor operates and registers an agreed-upon apprenticeship program.⁹⁰ An apprenticeship program is an organized course of instruction, registered and approved by the DOE that contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices.⁹¹

The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction is the responsibility of the appropriate career education institution. The career education institution is encouraged to provide facilities, equipment and

⁸³ Florida Department of Education, *Florida’s Annual Apprenticeship and Preapprenticeship Report (2019-2020)*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/2020appr-rpt.pdf>, at 2 (last visited April 15, 2021).

⁸⁴ *Id.*

⁸⁵ Section 446.021(2), F.S.

⁸⁶ Florida Department of Education, *What is Registered Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml>, (last visited April 15, 2021).

⁸⁷ Though not defined in the federal regulations governing the U.S. Department of Labor, the U.S. Department of Education regulations define a local educational agency as a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program. 34 C.F.R. s. 400.4.

⁸⁸ Section 446.051(2), F.S.

⁸⁹ Section 1009.25(1)(b), F.S.

⁹⁰ Rule 65A-23.002(21), F.A.C.

⁹¹ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees that establishes higher apprenticeship standards. Section 446.081(1), F.S.

supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the registered program.⁹²

Preapprenticeship Programs

A preapprentice is any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the DOE. The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program. The program must be registered with the DOE and sponsored by a registered apprenticeship program.⁹³

The DOE is authorized to administer the law⁹⁴ relating to preapprenticeship programs in cooperation with district school boards and FCS institution boards of trustees (BOT). District school boards, FCS institution BOT, and sponsors must cooperate in developing and establishing preapprenticeship programs that include career instruction and general education courses required to obtain a high school diploma.⁹⁵

Department of Education Responsibilities

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:

- Developing and encouraging apprenticeship programs;
- Registering any apprenticeship or preapprenticeship program, regardless of affiliation,⁹⁶ which meets standards established by the DOE;
- Cooperating with and assisting sponsors to develop apprenticeship standards and training requirements;
- Monitoring registered apprenticeship programs;
- Leading and coordinating outreach efforts to educate veterans about apprenticeship and career opportunities;
- Investigating complaints regarding failure to meet the standards established by the DOE; and
- Canceling registration of programs that fail to comply with DOE standards and policies.⁹⁷

The DOE establishes uniform minimum standards and policies governing registered apprenticeship programs and agreements. The standards and policies must govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and on-the-job training. The DOE is also required to publish an annual report on apprenticeship and preapprenticeship programs, which must include:

- A list of registered apprenticeship and preapprenticeship programs;
- A summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, per trade or occupation;

⁹² Section 446.051(1), F.S.

⁹³ Section 446.021(1) and (5), F.S., and Rule 6A-23.010(1), F.A.C.

⁹⁴ Sections 446.011 to 446.092, F.S.

⁹⁵ Section 446.052(2), F.S.

⁹⁶ Apprenticeship programs may be in both non-union and union workplaces; sponsors may include employers, labor organizations, and joint labor-management organizations.

⁹⁷ Section 446.041, F.S.

- The number of apprentices and preapprentices per trade and occupation;
- The percentage 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; and
- Documentation of activities conducted by the DOE to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.⁹⁸

State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council (council) advises the DOE on matters related to apprenticeship. The council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by DOE. The Commissioner of Education (commissioner) or the commissioner's designee must serve ex officio as chair of the council, but may not vote. The state director of the USDOL also serves ex officio as a nonvoting member of the council. The council is comprised of 10 voting members appointed by the Governor. The council must meet at the call of the chair or at the request of a majority of its membership, but at least twice a year.⁹⁹

Florida Pathways to Career Opportunities Grant Program

In 2019, the Governor issued an executive order directing the DOE to seek funding to seed high quality workforce apprenticeships and other industry specific learning opportunities for students.¹⁰⁰

The Florida Pathways to Career Opportunities Grant Program (grant program) was established in 2019¹⁰¹ in 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. 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.¹⁰²

Credentials of Value

Industry certification is 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.

⁹⁸ Section 446.032(1) and (2), F.S.

⁹⁹ Section 446.045(2)(a)-(c), F.S.

¹⁰⁰ Florida Office of the Governor, Executive Order 19-31, at 3.

¹⁰¹ Section 33, ch. 2019-119, Laws of Fla.

¹⁰² Section 1011.802, F.S.

- Linked to an occupation that is identified as emerging.¹⁰³

Industry certifications for nonfarm occupations must be based on the highest national standards available for the specific industry certification. 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.¹⁰⁴

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

List	Designating Entity	Use
Comprehensive Industry Certifications List	CareerSource	<ul style="list-style-type: none"> • The DOE adopts fundable industry certifications from this list¹⁰⁵
Career and Professional Education (CAPE) Industry Certification Funding List (K-12)	Developed jointly by CareerSource and the DEO Adopted annually by the SBE	<ul style="list-style-type: none"> • Florida Education Finance Program (FEFP) supplemental FTE for industry certification attainment • Acceleration component in the school grades calculation¹⁰⁶
CAPE Postsecondary Industry Certification Funding List	Adopted annually in rule by the SBE	<ul style="list-style-type: none"> • Performance funding for school districts and FCS institutions for occupational areas identified in the General Appropriations Act¹⁰⁷
CTE Audit List	Developed jointly by CareerSource, the DEO, and other stakeholders	<ul style="list-style-type: none"> • Provides authority to the Commissioner of Education (commissioner) to audit all workforce programs to ensure alignment to market demand¹⁰⁸ • Annually reviewed and synced with curriculum framework process/cycle to ensure quality¹⁰⁹
Rapid Credentialing Grant Lists	DOE	<ul style="list-style-type: none"> • Increase capacity around short-term, in-demand middle to high wage occupation, workforce programs¹¹⁰

¹⁰³ Section 1003.492(2), F.S.

¹⁰⁴ Section 1003.492(3(a) and (b), F.S.

¹⁰⁵ 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>.

¹⁰⁶ Sections 1003.492 and 1008.44(1), F.S.

¹⁰⁷ Sections 1008.44(1), 1011.80, and 1011.81, F.S.

¹⁰⁸ Section 1003.491(5), F.S.

¹⁰⁹ 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.

¹¹⁰ 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>.

		<ul style="list-style-type: none"> 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 sectors¹¹¹
Programs of Strategic Emphasis List	State University System (SUS) BOG	<ul style="list-style-type: none"> Aligns SUS degrees with Florida’s economic and workforce needs Performance funding component for the SUS¹¹²

The Florida Career and Professional Education (CAPE) Act

The 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.¹¹³

In order to fulfill the requirements of the CAPE Act the DOE incentivizes school districts and FCS institutions¹¹⁴ through two statewide lists.¹¹⁵

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). 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.¹¹⁶

¹¹¹ 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.

¹¹² 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 (last visited April 15, 2021).

¹¹³ Section 1003.491, F.S.

¹¹⁴ Sections 1011.62(1)(o), 1008.44, 1011.80, and 1011.81(2), F.S.

¹¹⁵ Sections 1011.62(1)(o), 1011.80(7)(b), and 1011.81(2)(c), F.S.

¹¹⁶ Section 1011.62(1)(o), F.S.; Rule 6A-6.0573(12), F.A.C.

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 local boards or public school principals. All submissions are then researched by CareerSource staff, the DOE, and the 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 that the DOE may consider for funding eligibility and addition to the CAPE Industry Certification Funding List.¹¹⁷

Approved industry certifications are published by the DOE, CareerSource, and the Department of Agriculture and Consumer Services (DACCS). The selection of industry certifications occurs in two phases. First, CareerSource must identify industry certifications and compile them into a Comprehensive Industry Certification List.¹¹⁸ Second, the DOE must:

- Review CareerSource's Comprehensive Industry Certification List that includes 236 certifications;¹¹⁹
- Identify industry certifications that qualify for additional weighted funding;¹²⁰
- Consider district requests that industry certifications be added to the approved list;¹²¹ and
- Annually publish a final list.¹²²

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.¹²³

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.¹²⁴ 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.¹²⁵

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

¹¹⁷ 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 (last visited April 15, 2021).

¹¹⁸ Section 1003.492(3) and (4), F.S.; rule 6A-6.0573(2)(d), F.A.C.

¹¹⁹ 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> (last visited April 15, 2021).

¹²⁰ Rule 6A-6.0573(4), F.A.C.

¹²¹ Rule 6A-6.0573(9), F.A.C.

¹²² Section 1003.492(4), F.S.; rule 6A-6.0573(8), F.A.C.

¹²³ Rule 6A-6.0573(7)(a), F.A.C.

¹²⁴ Section 1003.4203(5)(b), F.S.

¹²⁵ Rule 6A-6.0573(7)(c), F.A.C.

grades students. By 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.¹²⁶ 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.¹²⁷

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.¹²⁸

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.¹²⁹

CAPE Postsecondary Industry Certification Funding List

The CAPE Postsecondary Industry Certification Funding List is developed by the Chancellor of the FCS and the Chancellor of Career and Adult Education and approved by the SBE. These industry certifications are linked to occupational areas identified in the General Appropriations Act.¹³⁰

State University System-Programs of Strategic Emphasis

As part of its duties to operate the SUS, the BOG¹³¹ develops a strategic plan which specifies the goals and objectives for each university and the SUS.¹³² Part of the strategic plan includes criteria for designating baccalaureate degree and master's degree high-demand programs of

¹²⁶ Section 1003.4203(3), F.S.

¹²⁷ Rule 6A-6.0573(7)(d), F.A.C.

¹²⁸ Section 1008.44(1)(b), F.S.

¹²⁹ Section 1008.44(1)(c), F.S.

¹³⁰ Sections 1011.80(7)(b) and 1011.81(2)(b), F.S.; ss. 124 and 130, ch. 2020-111, Laws of Fla.

¹³¹ Art. IX., s. 7, Fla. Const.

¹³² Section 1001.706(5)(b), F.S.

emphasis.¹³³ The criteria for designating high-demand programs of emphasis is explained in the following table:

BOG High-Demand Programs of Emphasis Criteria	
Criteria Percentage	Criteria Metrics
50%	Achievement of performance outcome thresholds determined by the BOG. ¹³⁴
50%	Achievement of performance outcomes linked to: <ol style="list-style-type: none"> 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. 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.¹³⁵

The BOG periodically updates the list of identified programs of strategic emphasis (PSE), and most recently updated the list in September 2020¹³⁶ identifying 868 PSE.¹³⁷ The BOG categorizes PSEs into five areas:

- *Critical Workforce - Education*: comprised of the SBE critical teacher shortage areas.
- *Critical Workforce - Health*: comprised of workforce projections by the DEO.
- *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.
- *Economic Development - Global Competitiveness*: programs that assist in making the SUS globally competitive.
- *Economic Development - Science Technology Engineering and Math (STEM)*: programs identified with national usage.¹³⁸

The PSE are used by the BOG to develop annual accountability plans, coordinate academic programs, and approve new academic programs.¹³⁹ PSEs are also a component of SUS performance based funding.¹⁴⁰ For the 2019-2020 academic year, 54 percent of bachelor’s

¹³³ Section 1001.706(5)(b)4., F.S.

¹³⁴ *Id.*

¹³⁵ 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>.

¹³⁶ Florida Board of Governors, *Programs of Strategic Emphasis*, <https://www.flbog.edu/resources/academic/programs-of-strategic-emphasis/> (last visited April 15, 2021).

¹³⁷ 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>.

¹³⁸ 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, at 4-6, and 10.

¹³⁹ Florida Board of Governors, *Programs of Strategic Emphasis*, <https://www.flbog.edu/resources/academic/programs-of-strategic-emphasis/> (last visited April 15, 2021).

¹⁴⁰ 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->

degrees awarded by the SUS and 63 percent of graduate degrees awarded by the SUS were in PSE.¹⁴¹

Performance Funding

Incentives are provided for valuable credentials. 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 reflected in the following table:¹⁴²

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 1.0.¹⁴³

In addition, performance incentive funds are provided for attainment of industry certifications identified on the CAPE Postsecondary Industry Certification Funding List.¹⁴⁴ For FY 2020-21, \$6.5 million in performance-based incentives were allocated for school districts and \$14 million for state colleges.¹⁴⁵ Each eligible postsecondary-level certification earned by a student at a postsecondary institution generates \$1,000 in state performance funding for the institution.¹⁴⁶

[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.

¹⁴¹ 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>.

¹⁴² Section 1011.62(1)(o), F.S.

¹⁴³ Section 1011.62(1)(o)3., F.S.

¹⁴⁴ Section 1011.81(2)(b), F.S.

¹⁴⁵ Sections 124 and 130, ch. 2020-111, L.O.F.

¹⁴⁶ Section 1011.80(7)(b)3., F.S.; s. 1011.81(2)(c), F.S.

Rapid Credentialing Grant

In FY 2020-2021, \$35 million was allocated for the Rapid Credentials Grant from the Governor’s Emergency Education Fund (GEER),¹⁴⁷ one of the four grant programs created through the Coronavirus Aid Relief and Economic Security (CARES) Act.¹⁴⁸ Grant funds are directed to connecting unemployed, underemployed, or furloughed individuals with training in an in-demand area of the regional workforce board.¹⁴⁹

Rapid credentialing programs are designed to increase all of Florida's 28 state and 48 technical colleges’ 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.¹⁵⁰ Many of these programs are not eligible for federal financial aid as they do not meet the minimum instructional time requirements.¹⁵¹

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).
- Engaging, transformative, in-demand industry certification preparation courses (i.e., courses that culminate in an industry-recognized certification that can articulate into college credit).¹⁵²

The DOE identified over 100 rapid credential programs statewide and cross-walked them to CareerSource’s in-demand sector strategies. 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).¹⁵³

¹⁴⁷ 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>.

¹⁴⁸ 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 April 15, 2021).

¹⁴⁹ 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>.

¹⁵⁰ *Id.* at 11, 14, and 18.

¹⁵¹ 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%20CI%20Hr%20wksHp%20-%20clock%20hour%20basics%20-%20Oct%202018.pdf>.

¹⁵² 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>.

¹⁵³ *Id.*

Funds were allocated to 73 local education agencies, including charter districts and laboratory schools.¹⁵⁴ 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.¹⁵⁵ Of the \$35 million award, \$7,130,453 was allocated to technical colleges, and the remaining \$27,869,547 was allocated to FCS institutions.¹⁵⁶ Funds may be used to purchase necessary equipment and underwrite costs associated with administering these short term courses/programs.¹⁵⁷

Measuring Outcomes for Florida's Workforce Programs

Florida Talent Development Council

The Florida Talent Development Council 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 2030.¹⁵⁸

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. The law requires all elements of Florida's WDS to use information provided through FETPIP for any project they conduct that requires automated matching of administrative records for follow-up purposes.¹⁵⁹

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.¹⁶⁰

Workforce Development Information System (WDIS)

The DOE is responsible for designing specifications for the collection and reporting of data and performance specifications for the WDIS. 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.¹⁶¹

¹⁵⁴ 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>.

¹⁵⁵ 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>.

¹⁵⁶ 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>.

¹⁵⁷ 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>.

¹⁵⁸ *Id.* at (4).

¹⁵⁹ Section 1008.39, F.S.

¹⁶⁰ Email, Florida Department of Economic Opportunity, Director of External Affairs (Nov. 10, 2020).

¹⁶¹ Section 1008.40(1), F.S.

Career and Technical Education Program Audit

On January 2019, the Governor issued Executive Order 19-31¹⁶² which established 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.

The commissioner is required to annually review 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. 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.¹⁶³

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.¹⁶⁴

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.¹⁶⁵

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.¹⁶⁶

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.¹⁶⁷

¹⁶² 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 April 15, 2021).

¹⁶³ Section 1003.491(5)(a), F.S.

¹⁶⁴ 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>.

¹⁶⁵ Section 1003.491(5)(b), F.S.

¹⁶⁶ Email, Florida College Access Network (March 1, 2021) (on file with Senate Appropriations Committee).

¹⁶⁷ American Association of Colleges of Nursing, Fact Sheets, *Nursing Faculty Shortage*, <https://www.aacnnursing.org/news-information/fact-sheets/nursing-faculty-shortage> (last visited April 15, 2021).

Career Planning for Florida's Students

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. 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.¹⁶⁸ 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.¹⁶⁹ The course may be implemented as a stand-alone course or integrated into another course or courses.¹⁷⁰

The career and education planning course must prepare students to:

- Describe the influences that societal, economic, and technological changes have on employment trends and future training.
- Develop skills to locate, evaluate, and interpret career information.
- Identify and demonstrate processes for making short and long term goals.
- Demonstrate employability skills such as working in a group, problem-solving and organizational skills, and the importance of entrepreneurship.
- Understand the relationship between educational achievement and career choices/postsecondary options.
- Identify a career cluster and related pathways through an interest assessment that match career and education goals.
- Develop a career and education plan that includes short and long-term goals, high school program of study, and postsecondary/career goals.
- Demonstrate knowledge of technology and its application in career fields/clusters.¹⁷¹

For the 2020-2021 school year, the DOE identified 79 approved middle grades courses for career and education planning.¹⁷² 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.¹⁷³

¹⁶⁸ Section 1003.4156(1)(e), F.S.

¹⁶⁹ 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.

¹⁷⁰ Section 1003.4156(1)(e), F.S.

¹⁷¹ Florida Department of Education, *Career & Education Planning Course Standards*, available at <http://www.fldoe.org/core/fileparse.php/3/urlt/ceplanningcoursecompetencies.pdf>.

¹⁷² 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>.

¹⁷³ Florida Department of Education, *Educator's Toolkit*, <http://www.fldoe.org/academics/college-career-planning/educators-toolkit/> (last visited April 15, 2021).

High School

Each district school board must provide appropriate instruction to ensure that students meet SBE-adopted standards¹⁷⁴ in specified subject areas.¹⁷⁵ Each school district must submit a report to the commissioner that describes how instruction was provided during the previous school year.¹⁷⁶ One of the required instructional topics is a character development program required in kindergarten through grade 12.¹⁷⁷

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.
- Skills that enable students to become more resilient and self-motivated.¹⁷⁸

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. The career centers provide students with opportunities to create a resume, prepare for job interviews, and search for jobs among other services.¹⁷⁹

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.¹⁸⁰ Some school districts use the system to help satisfy the middle grades course requirements. Effective September 1, 2020, school districts became responsible for their own

¹⁷⁴ 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.

¹⁷⁵ 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.

¹⁷⁶ Section 1003.42(2), F.S.; Rule 6A-1.094124(1), F.A.C.

¹⁷⁷ Section 1003.42(2)(s), F.S.

¹⁷⁸ *Id.*

¹⁷⁹ 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.atlantitechnicalcollege.edu/atccareercenter/> (last visited April 15, 2021); Tallahassee Community College, Career Center, <https://www.tcc.fl.edu/student-life/career-services/> (last visited April 15, 2021); DOE Statewide Course Numbering System, Find a Statewide Course, *Browse Statewide Course-Prefix- SLS Student Life Skills*, <https://flscns.fldoe.org/> (last visited April 15, 2021).

¹⁸⁰ Florida Department of Education, Educator's Toolkit, *MyCareerShines powered by Kuder*, <http://www.fldoe.org/academics/college-career-planning/educators-toolkit/> (last visited April 15, 2021).

career planning and advisement platform, allowing districts to continue to utilize MyCareerShines via contract or to explore alternative options.¹⁸¹

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. The report must be easy to read and accessible by the public and must be made available online.¹⁸² 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.¹⁸³ At the postsecondary level, each SUS and FCS institution must provide students, prior to registration, electronic access to the report.¹⁸⁴

The report, by education sector, must provide data for graduates of degree or certificate programs of public postsecondary institutions in the year after the certificate is earned and 5 years after graduation. The data must include:

- The number and percentage of graduates employed full-time.
- The number and percentage of graduates earning:
 - 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.¹⁸⁵

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. 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.¹⁸⁶

Employ Florida serves as Florida's online labor exchange system and case management system.¹⁸⁷ 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.¹⁸⁸

¹⁸¹ 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>.

¹⁸² Section 445.07(1) and (2), 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>.

¹⁸³ 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.

¹⁸⁴ Section 1001.02(2)(w), F.S. and s. 1001.706(5)(d), F. S.

¹⁸⁵ Section 445.07(2)(c) and (d), F.S.

¹⁸⁶ Launch My Career Florida, *About the Program*, <http://launchmycareerfl.org/pages/florida/about.html> (last visited April 15, 2021).

¹⁸⁷ 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>.

¹⁸⁸ *Id.* at 9-10; *See also* Employ Florida, <https://www.employflorida.com/vosnet/Default.aspx> (last visited April 15, 2021).

Additional state career planning tools include Get There, Florida's Workforce Education Initiative to raise awareness and rebrand career and technical education. 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.¹⁸⁹ Apprenticeship Florida is another initiative to expand apprenticeship opportunities in several targeted sectors in Florida as well as expanding apprenticeship and pre-apprenticeship opportunities to underrepresented populations.¹⁹⁰

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.¹⁹¹

Current law requires an associate in arts degree at an 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. For the baccalaureate degree, it must be no more than 120 semester hours of college credit, unless prior approval has been granted by the BOG or the SBE, as applicable, and include 36 semester hours of general education coursework.¹⁹²

Since academic year 2015-2016, students entering an 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. All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements.¹⁹³ 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.¹⁹⁴

¹⁸⁹ 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>.

¹⁹⁰ Florida Department of Economic Opportunity, *Apprenticeship FLA*, <https://floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/apprenticeship-fla> (last visited April 15, 2021).

¹⁹¹ 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>.

¹⁹² Section 1007.25(8) and (9), F.S.

¹⁹³ Section 1007.25(3), F.S.

¹⁹⁴ Florida Board of Governors, General Education Core Course Options, Regulation 8.005(1) and Rule 6A-14.0303(5), F.A.C.

III. Effect of Proposed Changes:

Florida's Workforce Development System (Section 1)

To create greater alignment among Florida's WDS for the delivery of programs suited for the 21st century which are focused on equity and efficiency, the bill creates s. 14.36, F.S., to create 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 REACH Office is required 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;
- 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, 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 REACH Office is required 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

The REACH Office is required to minimize duplication and use existing resources to adapt and integrate state information systems into an online workforce opportunity portal. The REACH Office should 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 one year after the program's first graduating class and every five 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:

- “Workforce development system” includes 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.
- “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.
- “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 (Section 7)

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 modifies s. 445.006, F.S., to require 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 (Section 5)

The bill modifies s. 445.003, F.S., to require 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 contracts¹⁹⁵ used by LWDBs on increasing wages and employment over the long term.

CareerSource State Board (Section 6)

The bill modifies s.445.004, F.S., to add 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.

¹⁹⁵ 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>.

The bill amends s. 445.004, F.S., to require 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;
- 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.

Section 1 of 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 modifies s. 445.002, F.S., in Section 4 to add gross management and waste as instances which would provide cause for removal of a state board member.

The bill modifies s. 445.004, F.S., to authorize 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 amends s. 288.047, F.S., in Section 3 to align the required wages for participants in the Quick-Response Training program administered by CareerSource to present market wages.

The bill amends s. 445.004, F.S., to remove 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.¹⁹⁶

DEO Compliance Monitoring (Section 5)

The bill amends s. 445.003, F.S., to require 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.

Consumer-First Workforce System (Section 10)

To transform Florida's workforce system into a unified workforce system which focuses on the consumer, the bill amends s. 445.011, F.S. to create 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.

¹⁹⁶ See s.11.45(3)(p) and s. 11.51(1), F.S.

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 (ss. 443.151, 445.010, and 445.045, F.S.) to reflect the implementation of one consumer-first workforce system.

One-Stop Career Centers (Section 9)

The bill amends s. 445.009, F.S., to require training services provided to One-Stop Center participants through Individual Training Accounts to 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 (Section 11)

To effectively assess the impact of services on workforce participants who are dually served, the bill amends s. 445.033, F.S. to require 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 DEO is required 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:

- Percent of participants working in unsubsidized employment;
- Percent of participants who stop receiving benefits for reasons other than disqualification or sanction;
- 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.
- Median placement wage rate;
- TANF work participation rate; and
- 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 self-sufficiency index is required to include the percentage of participants earning at or above 200 percent of the federal poverty level three 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 expected range is required 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 state board and the DEO are required to share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program (FETPIP).

WIOA Waiver Authority (Section 7)

To provide Florida with additional flexibility in overseeing the state's workforce investment and to streamline administration of our system while also increasing accountability, the bill amends s. 445.006, F.S., to require 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:
 - 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.
- 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.

Local Workforce Boards (Section 8)

The bill amends s. 445.007, F.S., to establish term limits for a LWDB chair as no more than two years and establishes term limits for all members of a LWDB as no more than eight 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 eight year term limit.

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.

Each LWDB is required 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 three years after it is first published.

The bill amends s. 445.004, F.S., to require 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 amends s. 445.002, F.S., to add gross management and waste as instances which would provide cause for removal of a LWDB member and LWDB executive director.

WIOA Eligible Training Providers (Section 5)

To support informed consumer choice, with a focus on positive labor market outcomes for participants, the bill amends s. 445.003, F.S., to direct the use of WIOA workforce program funds to high-quality training providers. The DEO is required 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.

The bill amends s. 445.003, F.S., to require 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 (Section 25)

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 amends s. 1004.013, F.S., to create 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.

Workforce Opportunity Portal (Section 1)

The workforce opportunity portal, created in the Office of Reimagining Education and Career Help (REACH Office) under s. 14.36, F.S., is intended to provide 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 goal of the portal is to help residents:

- 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.
- 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.

Open Door Grant Program (Section 34)

The Open Door Grant Program established under s. 1009.895, F.S., provides grants 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.

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 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. One-quarter of the appropriated grant funds must be prioritized to serve students attending rural institutions and no more than one-quarter of funds may be disbursed annually to any one eligible institution. Grant funds may be used to cover the cost of a program, which includes tuition and fees, examination, books, and materials. 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.

Money-Back Guarantee Program (Section 38)

The Money-Back Guarantee Program created under s. 1011.803, F.S., 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 six months of successful completion of select workforce related programs.

Each institution is required 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 money-back guarantee program must be offered for all workforce education programs which are established to meet a critical local economic need and are not aligned to statewide needs identified by the Labor Market Estimating Conference.

Each institution is required 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 DOE is required to provide a report on performance results by school district, FCS institution, and program by November 1 of each year.

Florida's Healthcare Workforce (Section 26)

To address Florida's health care needs, the bill amends s. 1004.015, F.S., to require the Florida Talent Development Council (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 BOG and the SBE must 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:
 - Number and type of programs and student slots available;
 - Number of student applications submitted, the number of qualified student applicants, and the number of students accepted;
 - 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;
 - Number of graduates who become employed as practical or professional nurses in the state; and
 - 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.

Through the creation of s. 14.36, F.S., the bill 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 amends s. 445.003, F.S., to define 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.¹⁹⁷

Identifying Labor Market Demand in Florida (Section 2)

The bill amends s. 216.136, F.S., to reconstitute the Workforce Estimating Conference as the Labor Market Estimating Conference.

The conference is required 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 Office of Economic and Demographic Research (EDR) is designated as the official lead for the United States Census Bureau's State Data Center Program or its successor. All state agencies are required to provide the EDR with the necessary data to accomplish the goals of the conference 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 conference must 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

Credentials Review Committee (Section 6)

The bill amends s. 445.004, F.S., to centralize 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

¹⁹⁷ 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.

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 committee is required 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.
- 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 committee is required 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 committee is required 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.

The committee must identify all data elements necessary by the Florida Education and Training Placement Program (FETPIP).

All information pertaining to the committee, the process for the approval of credentials of value, and the Master Credentials List must 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 amends s. 4454.004, F.S., to require 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.

The bill amends s. 570.07, F.S., to require the Department of Agriculture and Consumer Services (DACS) to work with the Institute of Food and Agricultural Sciences (IFAS) 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 amends s. 1008.44, F.S., to provide 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 amends s. 1003.4203, F.S., to require 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 five courses); and CAPE acceleration industry certifications. The

bill amends s. 1003.4935, F.S., to require 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 amends s. 1011.81, F.S., to clarify that postsecondary industry certifications must be identified on the CAPE Industry Certification Funding List and are eligible for performance funding. The bill amends s. 1011.80, F.S., to delete occupational areas for which industry certifications may be earned which are identified in the GAA for performance funding eligibility.

The bill amends s. 1008.44, F.S., to require 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.

State University System-Programs of Strategic Emphasis

The bill amends s. 1001.706, F.S., to require 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 three years to ensure alignment with the prioritization of degree credentials and degree programs identified by the committee.

Incentivizing Credentials

School Districts and Florida College System Institutions

The bill amends s. 1008.44, F.S., to require 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 results of the review and the commissioner's recommendations must be submitted to the Governor and the Legislature no later than December 1, 2021.

Beginning with FY 2022-2023, the bill amends s. 1011.80, F.S., to revise 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 Credentials Review Committee is required to develop a returned-value funding formula that rewards 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 amends s. 1003.491, F.S., to require 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 three 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

Florida Education and Training Placement Information Program (FETPIP)

The bill amends s. 1008.39, F.S., to require 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.

Workforce Development Information System (WDIS)

The bill amends s. 1008.40, F.S., to require 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 the dashboard to provide the following data:

- 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
- 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 amends s. 1003.491, F.S., to require 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

To determine the impact of apprenticeship and preapprenticeship programs on participants, the bill amends s. 446.032, F.S., to require 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 amends s. 446.0915, F.S., to require the DOE to adopt rules to administer such standards and policies.

The bill amends s 446.032, F.S., to require 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.

Florida Pathways to Career Opportunities Grant Program (Section 37)

The bill amends s. 1011.802, F.S., to require 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 DOE is required 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 DOE is authorized 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

Program Approval (Section 35)

The bill amends s. 1011.80, F.S., to require 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.

A FCS institution or school district is authorized 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 SBE is authorized 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.

Continuing Workforce Education (CWE)

To provide clarity, the bill amends s. 1004.02, F.S., to revise 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 amends s. 1011.80, F.S., to authorize\ school districts and FCS institutions to count enrollments in apprenticeship and preapprenticeship programs for purposes of funding FTE enrollment.¹⁹⁸

Career and Technical Education (CTE) Program Audit (Section 22)

The bill amends s. 1003.491, F.S., to require 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 CTE audit shall 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 commissioner is required 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

¹⁹⁸ 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.

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

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 amends s. 1003.4156, F.S., to require 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 amends s. 1003.42, F.S., to require students to explore career pathways using state career planning resources and to create a digital resume.

At the postsecondary level, the bill amends s. 1007.25, F.S., to authorize 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 creates s. 1006.75, F.S. to require 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

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 makes the changes discussed below.

Work-based Learning (Section 16)

The bill creates s. 446.090, F.s., to define a 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.

Work-based learning must 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 SBE is required 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 amends s. 1007.25, F.S., to require 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 digital credentials must 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 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.

The bill provides conforming changes.

The bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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 earnings results and impact to self-sufficiency.

Employers may incur costs to integrate with a new or modified system to post job, apprenticeship, and training opportunities.

C. Government Sector Impact:

Based on standard salaries/benefits and expense packages for a policy coordinator and associated analysts within the Governor's office, staffing the new Office of Reimagining Education and Career Help (REACH) within the Executive Office of the Governor office is estimated to require 8 full-time-equivalent (FTE) positions, at a cost of \$887,503.

The cost of implementing an automated and coordinated Consumer-First Workforce Information 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. Analysis by the DOE and the DEO state that the cost could be between \$70 million and \$140 million for each program and each agency involved. 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. Based on historical costs related to planning information technology systems, such an analysis could cost between \$1.5 million and \$2 million. Funding for the Consumer-First Workforce Information System will be dependent upon consideration of the General Appropriations Act for Fiscal Year 2021-2022.

The DOE estimates they would need two additional FTE to assist with data collections and outcome reporting requirements for the development of a workforce development

metrics dashboard. Based on standard salaries/benefits and expense packages associated with the personnel handling this workload, the cost will be \$268,265.

The DOE estimates a need of two additional FTE to successfully implement the new reporting requirements in the Pathways to Career Opportunities Grant Program. While costs for these positions are estimated to be \$199,496, the DOE states the cost for the new positions can be absorbed within the current, recurring appropriations for the program.

To the extent the Legislature provides funding for the new program, it would have an indeterminate, negative impact based on the amount of appropriations made available for the newly created Open Door Grant Program. Funding requirements for the personnel and the grant program provisions within the bill will be dependent upon consideration of the General Appropriations Act for Fiscal Year 2021-2022.

The application of the Master Credentials List and the development of a returned-value funding formula may affect the distribution of funds currently being allocated to Florida Colleges and District workforce programs, however the affect is indeterminate.

Actual expenditures Money Back Guarantee Program will vary depending on the number of guarantees that must be honored and the cost of tuition for those students.

The bill may require the incorporation of multiple federally funded programs with diverse funding and program requirements. Each agency will need to come to agreements on allocation methodologies to ensure that each federal source is appropriately charged.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 14.36, 216.136, 288.047, 443.151, 445.002, 445.003, 445.004, 445.006, 445.007, 445.009, 445.010, 445.011, 445.033, 445.038, 445.045, 446.021, 446.032, 446.041, 570.07, 943.22, 1001.64, 1001.706, 1003.4156, 1003.42, 1003.4203, 1003.491, 1003.492, 1003.4935, 1004.013, 1004.015, 1004.02, 1007.25, 1008.40, 1008.39, 1008.41, 1008.44, 1011.80, 1011.801, 1011.802, and 1011.81.

The bill creates the following sections of Florida Statutes: 446.0915, 1006.75, 1009.895, and 1011.803.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on April 15, 2021:

The committee substitute makes the following changes:

- Establishes the Reimagining Education and Career Help Act (REACH Act) to create a system-wide approach to Florida’s workforce development system by integrating services through the:
 - Creation of the Office of Reimagining Education and Career Help (REACH Office) within the Executive Office of the Governor.
 - Implementation the consumer-first workforce system for data management.
 - Creation of an online opportunity portal to provide public access to identify in-demand jobs, the skills needed, and where to obtain those skills.
- 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).

In relation to labor market supply and demands, the amendment:

- Establishes a Labor Market Estimating Conference to determine real-time labor market supply and demand.
- Requires CareerSourceFL to appoint a Credentials Review Committee, which includes rural representation, to:
 - Identify and include in a Master Credentials List credentials of value, which are associated with positive earnings outcomes.
 - Designate eligibility for performance funding for state college and school district workforce education programs.

To safeguard workforce funding and provide accountability, the amendment requires:

- The Department of Economic Opportunity to establish eligibility requirements for in-demand eligible training program providers.
- The Department of Education to develop a workforce development metrics dashboard to measure return on the state’s workforce investments.
- The Department of Education to review for approval new workforce education programs at tech centers and state colleges and phase out existing programs that fail to meet performance benchmarks.
- The REACH Office to develop criteria for assigning letter grades to local workforce development boards (LWDB). The grades must account for local area needs and improvement of participants’ self-sufficiency. The amendment also requires staggered 8-year terms for LWDB board members.

In relation to Funding Incentives for Workforce Education, the amendment:

- Aligns the Career and Professional Education (CAPE) Act with projections made by the Labor Market Estimating Conference.

- Requires the Commissioner of Education to recommend revised funding weights for the CAPE Industry Certification Funding List to the Governor and the Legislature by December 31, 2021.
- Creates a new workforce performance funding model for school district and state college workforce programs requiring:
 - One-third based on student job placement.
 - Two-thirds based on student earnings, with a focus on increasing the economic mobility of underserved populations.

In relation to Healthcare Needs, the amendment:

- Requires the Talent Development Council to conduct a review of the healthcare labor market and nursing program alignment.
- Prioritizes funds in the Incumbent Worker Training programs for nonprofit and local public hospitals that provide nursing education opportunities.
- Requires the REACH Office to administer a web-based centralized clinical placement system for use by all nursing programs.

The amendment encourages work-based learning educational opportunities by:

- Requiring standards to be developed by the Department of Education.
- Breaking down the Department of Education annual report on apprenticeship to better measure individual program outcomes.

The amendment expands educational access for students through:

- The creation of the Open Door Workforce Grant Program, which provides grants to school districts and state colleges to cover some or all of the cost of short-term, high-demand programs, including programs for students without a high school diploma.
- The creation of the Money-Back Guarantee Program, which requires each school district and state college to refund the cost of tuition to students who are not able to find a job within six months of completing one of three in-demand programs chosen by the institution.
- Aligning apprenticeship grants with labor shortages.

In relation to core curriculum, the amendment:

- Requires that seeking students in state colleges and universities earn verified digital credentials which demonstrate career readiness.

B. Amendments:

None.