

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 Education

BILL: SB 98

INTRODUCER: Senator Albritton

SUBJECT: Workforce Related Programs and Services

DATE: March 22, 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>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 98 modifies provisions related to Florida workforce development and education including:

- Reestablishing the Office of Economic and Demographic Research’s Workforce Estimating Conference as the Labor Market Estimating Conference, tasked with determining real-time supply and demand in Florida’s labor market;
- Adding “gross mismanagement” to the types of behavior for which the Governor may remove a member of the state workforce board or a local workforce development board;
- Requiring the state board to provide detailed information on the effectiveness of its activities, and requiring the state board to assign a letter grade to each local workforce development board;
- Requiring contracts for training services provided through Individual Training Accounts to condition final payment to a training provider, of at least 10 percent, upon a participant’s successful job placement;
- Requiring local workforce development boards to post information about the board’s finances and their board members’ financial and ethics disclosures;
- Imposing 6-year term limits on board members, and increasing oversight of contracts;
- Modifying the duties of the Department of Education to strengthen the accountability of apprenticeship and preapprenticeship programs, and target grants under the Florida Pathways to Career Opportunities Grant Program to programs that satisfy a regional or state demand and have successful completion and employment rates;
- Aligning educational offerings under the Career and Professional Education Act with the CAPE Industry Certification Funding List, and aligning the list with skills needed for future employment and projections from a new Labor Market Estimating Conference; and
- Requiring the Commissioner of Education to review the funding weights assigned to career courses and certifications included in the CAPE Industry Certification Funding List.

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.¹ 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.² Additionally, the data is used to make recommendations to CareerSource on any changes to local target occupation lists.³ The Workforce Estimating Conference is expected to meet at least twice a year;⁴ however, the conference has not met since September 6, 2013.⁵

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.⁶ 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.⁷ The WIA also called for the delivery of workforce development services through a system of "one-stop" centers in local communities.⁸ 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.⁹

In response to the WIA, Florida established a workforce development system under the Workforce Investment Act of 2000.¹⁰ 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.¹¹

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 1998.¹² The WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.¹³ In general, the WIOA maintains the one-stop framework of the WIA,

¹ See s. 216.136(7), F.S.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Office of Economic & Demographic Research, Workforce Estimating Conference, <http://edr.state.fl.us/content/conferences/workforce/index.cfm> (last visited March 8, 2021).

⁶ Workforce Investment Act of 1998, 29 U.S.C. § 2801 (1998), *repealed by* Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, H.R. 803, 113th Cong. (July 22, 2014)(codified at 29 U.S.C. § 3101, et seq.).

⁷ See 29 U.S.C. § 2821 and 29 U.S.C. § 2832 (1998).

⁸ See 29 U.S.C. § 2841 (1998).

⁹ See 29 U.S.C. § 2811 (1998).

¹⁰ Chapter 2000-165, Laws of Fla.

¹¹ See s. 445.003, F.S.

¹² Workforce Innovation and Opportunity Act, 29 U.S.C. § 3101 et seq. (2014).

¹³ See 29 U.S.C. § 3112(a).

and encompasses provisions aimed at streamlining services, easing reporting requirements, and reducing administrative barriers.¹⁴ 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.¹⁵ 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.

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.¹⁶ 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.¹⁷

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.¹⁸ 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.¹⁹ 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.²⁰

The WIOA requires the Governor to establish a State Workforce Development Board²¹ to assist the Governor in carrying out the duties and responsibilities required by the WIOA.²² The membership of the state board must represent diverse geographic regions of the state, and the

¹⁴ See 29 U.S.C. § 3111.

¹⁵ See 29 U.S.C. § 3102(13).

¹⁶ See 29 U.S.C. § 3141.

¹⁷ *Id.*

¹⁸ See 29 U.S.C. § 3112(a).

¹⁹ See 29 U.S.C. § 3112(b).

²⁰ See 29 U.S.C. § 3113.

²¹ See 20 C.F.R. s. 679.110.

²² See 20 C.F.R. s. 679.130.

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.²³ 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.²⁴

Regional Planning and Local Workforce Development Boards

The WIOA requires states to identify regional planning areas for workforce development strategies.²⁵ Within each area, a local workforce development board must be established.²⁶ Each local workforce development board is required to coordinate planning and service delivery strategies within their area.²⁷ Formulated strategies are then used by the local workforce development board to develop and submit a local plan for the delivery of workforce services.²⁸

The WIOA requires each Governor to designate local workforce development areas in consultation with the state workforce development board, chief elected officials²⁹ and local workforce development boards, and after consideration of public comment.³⁰ In making such designations, the WIOA requires each Governor to consider, with limited exception,³¹ 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.³²

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

²³ See 20 C.F.R. s. 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).

²⁴ See 20 C.F.R. s. 679.130.

²⁵ See 29 U.S.C. § 3121.

²⁶ *Id.*

²⁷ See 29 U.S.C. § 3122.

²⁸ See 29 U.S.C. § 3123.

²⁹ See Pub. L. 113-128, §. 3(9) (codified at 29 USC § 3102). The term, ‘chief elected official’ means “(a) the chief elected executive officer of a unit of general local government in a local area; and (b) in a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units.”

³⁰ See Pub. L. 113-128, §. 106(a), (b) (codified at 29 U.S.C. § 3121).

³¹ *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.

³² *Id.*

workforce areas,³³ certifying the local workforce development boards,³⁴ and negotiating the performance measures required by the WIOA.³⁵ 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.³⁶ 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.³⁷

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.³⁸ A comprehensive one-stop delivery provider supplies physical access to services provided by core partners, as well as other mandatory partners.³⁹ The WIOA mandates that each partner shares in the funding of services and infrastructure costs of the one-stop delivery system.⁴⁰

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.⁴¹ 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-June 30, 2024.⁴² 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.⁴³

³³ See 29 U.S.C. s. 3121(b).

³⁴ See 29 U.S.C. s. 3122(a).

³⁵ See 29 U.S.C. s. 3121(c).

³⁶ See 29 U.S.C. s. 3122(c).

³⁷ See 29 U.S.C. s. 3141(g).

³⁸ See 29 U.S.C. § 3151.

³⁹ 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).

⁴⁰ See 29 U.S.C. § 3151(2).

⁴¹ Chapter 2016-216, Laws of Fla.

⁴² 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).

⁴³ *Id.* at 2.

The Unified Plan includes the required core partners of: CareerSource, the DEO, and the Department of Education's (DOE) Divisions of Career and Adult Education, Vocational Rehabilitation and Blind Services.⁴⁴

The Department of Economic Opportunity

The DEO serves as Florida's lead workforce agency.⁴⁵ The DEO is responsible for the fiscal and administrative affairs of the workforce development system.⁴⁶ The DEO receives and distributes federal funds for employment-related programs to the local workforce development boards.⁴⁷ Additionally, the DEO must annually meet with each local workforce development board to review the board's performance and to certify that the board is in compliance with applicable state and federal law.⁴⁸

CareerSource Florida, Inc. and the State Board

CareerSource Florida, Inc., a not-for-profit corporation, provides administrative support to Florida's *state-level* workforce development board.⁴⁹ 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.⁵⁰ CareerSource also implements policy directives of the state board.⁵¹

The state board is the board of directors of CareerSource.⁵² The board of directors includes the Governor, 16 business representatives, six workforce representatives, and eight government officials.⁵³ The state board conducts its work through its board of directors, two councils, and an Executive Committee.⁵⁴

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.⁵⁵ The state board is also responsible for developing a 4-year plan that is consistent with the requirements of the WIOA.⁵⁶ 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

⁴⁴ 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).

⁴⁵ Primarily through the Division of Workforce Services. See s. 20.60, F.S.

⁴⁶ Section 445.009(3)(c), F.S.

⁴⁷ See s. 445.003, F.S.

⁴⁸ See s. 445.007(3), F.S.

⁴⁹ Section 445.004(2), F.S. Prior to 2014, CareerSource was known as Workforce Florida, Inc.

⁵⁰ See s. 445.004, F.S.

⁵¹ *Id.*

⁵² *Id.*

⁵³ 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, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf> (last visited March 8, 2021). The membership roster is as of July 1, 2020.

⁵⁴ *Id.* at 59

⁵⁵ See s. 445.004, F.S.

⁵⁶ Section 445.003(2), F.S.

system partners; address the needs of small businesses; and foster the participation of rural and distressed communities.⁵⁷ 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.⁵⁸

Local Workforce Development Boards

Twenty-four local workforce development boards (local boards) deliver Florida's workforce development services through over 100 one-stop service providers.⁵⁹ The one-stop service providers give Floridians access to available workforce services; including job placement, career counseling, and skills training.⁶⁰ Each local board formulates a local budget and oversees the one-stop delivery system within its local area.⁶¹

Collectively, the local boards operate under a charter approved by CareerSource.⁶² The local boards must submit a request for continued designation every two years, beginning July 1, 2017, to CareerSource and the DEO.⁶³ Continued designation is granted if the local board performed successfully and sustained fiscal integrity.⁶⁴ Each local board must develop their own local plans which are aligned with the vision and goals of the state plan.⁶⁵

Accountability

For the period February 10, 2020 through August 7, 2020, the United States Department of Labor (USDOL) Employment Training Administration (ETA) conducted a compliance review of the DEO to determine their level of compliance with the programmatic, fiscal, and administrative requirements.⁶⁶ The review identified 50 compliance findings which must be addressed, with several findings having regulatory, statutory, and policy violations.⁶⁷

⁵⁷ See s. 445.006(2)(a), F.S.

⁵⁸ Section 445.004(7)(a)-(b), F.S.

⁵⁹ Florida Department of Economic Opportunity, *CareerSource Florida Network Directory*, <http://lcd.floridajobs.org/> (last visited March 8, 2021).

⁶⁰ See s. 445.009, F.S.

⁶¹ Section 445.007(12), F.S.

⁶² 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).

⁶³ CareerSource Florida, Administrative Policy Number 94, *Local Workforce Development Area Designation* (March 20, 2017), at 3, available at https://floridajobs.org/docs/default-source/lwdb-resources/policy-and-guidance/guidance-papers/2017-guidance-papers/localareadesignatn-ap94.pdf?sfvrsn=2e3770b0_4 (last visited March 8, 2021).

⁶⁴ *Id.*

⁶⁵ Workforce Innovation and Opportunity Act, *State of Florida Unified Plan July 1, 2020-June 30, 2024* (2020), at 111, available at <https://careersourceflorida.com/wp-content/uploads/2020/09/2020-2024-WIOA-Unified-Plan.pdf> (last visited March 8, 2021); See also Florida Department of Economic Opportunity, *Local Workforce Development Area WIOA Plans*, <https://floridajobs.org/local-workforce-development-board-resources/programs-and-resources/local-workforce-development-area-wioa-plans> (last visited March 8, 2021).

⁶⁶ United States Department of Labor, Employment and Training Administration, *Compliance Review Florida Department of Economic Opportunity* (2020), available at <http://www.floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2020-usdol-eta-compliance-review.pdf> (last visited March 8, 2021).

⁶⁷ *Id.* at 1-2 (last visited March 8, 2021).

The DEO has since provided corrective action responses to 46 of the 50 findings.⁶⁸ The DEO's response concluded that the state board has not delegated its policy making authority and provided the agreement⁶⁹ between the DEO and CareerSource.⁷⁰ 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 updated the grantee-sub grantee agreement as well as a policy for local area governance and transparency.⁷¹

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.⁷²

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.⁷³ 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 which possesses all of the following characteristics:⁷⁴

- 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.

⁶⁸ Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), available at https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6 (last visited March 8, 2021).

⁶⁹ Agreement Between the Florida Department of Economic Opportunity and CareerSource Florida, Inc., *Agreement No: BCS02* (July 1, 2019-June 20, 2021), available at <https://careersourceflorida.com/wp-content/uploads/2020/01/DEO-CSF-Agreement.pdf> (last visited March 8, 2021).

⁷⁰ Florida Department of Economic Opportunity, *Letter to Ms. Lenita Jacobs-Simmons- Regional Administrator Employment and Training Administration* (Feb. 18, 2021), at 5, available at https://floridajobs.org/docs/default-source/lwdb-resources/program-monitoring-and-reports/2020-usdol-eta-compliance-review/2021-feb-18-eta-comprehensive-monitoring-report-cap.pdf?sfvrsn=b2074db0_6 (last visited March 8, 2021).

⁷¹ *Id.* at 7-9.

⁷² Chapter 446, F.S.

⁷³ 29 C.F.R. ss. 29.1 and 29.13.

⁷⁴ 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.⁷⁵

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.⁷⁶

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.⁷⁷

Potential candidates for apprenticeships may apply with a registered sponsor, who determines whether the candidate meets the required qualifications.⁷⁸ Sponsors may provide private classroom instruction or coordinate with a local educational agency⁷⁹ to provide related supplemental classroom instruction.⁸⁰ The apprentices are exempt from paying tuition and fees at a school district technical center, Florida College System (FCS) institution, or state university.⁸¹

The sponsor operates and registers an agreed-upon apprenticeship program.⁸² 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.⁸³

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

⁷⁵ 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 March 8, 2021).

⁷⁶ *Id.*

⁷⁷ Section 446.021(2), F.S.

⁷⁸ Florida Department of Education, *What is Registered Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml>, (last visited March 8, 2021).

⁷⁹ 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.

⁸⁰ Section 446.051(2), F.S.

⁸¹ Section 1009.25(1)(b), F.S.

⁸² Rule 65A-23.002(21), F.A.C.

⁸³ 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 which establishes higher apprenticeship standards. Section 446.081(1), F.S.

institution.⁸⁴ The career education institution is encouraged to provide facilities, equipment and supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the registered program.⁸⁵

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.⁸⁶ The program's purpose is to provide training that will enable students, upon completion, to obtain entrance into a registered apprenticeship program.⁸⁷ The program must be registered with the DOE and sponsored by a registered apprenticeship program.⁸⁸

The DOE is authorized to administer the law⁸⁹ 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.⁹⁰

Department of Education Responsibilities

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:⁹¹

- Developing and encouraging apprenticeship programs;
- Registering any apprenticeship or preapprenticeship program, regardless of affiliation,⁹² 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.

The DOE establishes uniform minimum standards and policies governing registered apprenticeship programs and agreements.⁹³ 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,

⁸⁴ Section 446.051(1), F.S.

⁸⁵ Section 446.051(2), F.S.

⁸⁶ Section 446.021(1), F.S.

⁸⁷ Rule 6A-23.010(1), F.A.C.

⁸⁸ Section 446.021(5), F.S.

⁸⁹ Sections 446.011 to 446.092, F.S.

⁹⁰ Section 446.052(2), F.S.

⁹¹ Section 446.041, F.S.

⁹² Apprenticeship programs may be in both non-union and union workplaces; sponsors may include employers, labor organizations, and joint labor-management organizations.

⁹³ Section 446.032(1), F.S.

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:⁹⁴

- 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;
- 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.

State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council (council) advises the DOE on matters related to apprenticeship.⁹⁵ 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.⁹⁶ 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.⁹⁷

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.⁹⁸

The Florida Pathways to Career Opportunities Grant Program (grant program) was established in 2019⁹⁹ 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.¹⁰⁰

⁹⁴ Section 446.032(2), F.S.

⁹⁵ Section 446.045(2)(a), F.S.

⁹⁶ Section 446.045(2)(b), F.S.

⁹⁷ Section 446.045(2)(c), F.S.

⁹⁸ Florida Office of the Governor, Executive Order 19-31, at 3.

⁹⁹ Section 33, ch. 2019-119, Laws of Fla.

¹⁰⁰ Section 1011.802, F.S.

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.¹⁰¹

In order to fulfill the requirements of the CAPE Act the DOE incentivizes school districts and FCS institutions¹⁰² through two statewide lists.¹⁰³

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).¹⁰⁴ 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.¹⁰⁵

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 which the DOE may consider for funding eligibility and addition to the CAPE Industry Certification Funding List.¹⁰⁶

Approved industry certifications are published by the DOE, CareerSource, and the Department of Agriculture and Consumer Services (DACCS).¹⁰⁷ The selection of industry certifications occurs in two phases. First, CareerSource must identify industry certifications and compile them into a Comprehensive Industry Certification List.¹⁰⁸ Second, the DOE must:

¹⁰¹ Section 1003.491, F.S.

¹⁰² Sections 1011.62(1)(o), 1008.44, 1011.80, and 1011.81(2), F.S.

¹⁰³ Sections 1011.62(1)(o), 1011.80(7)(b), and 1011.81(2)(c), F.S.

¹⁰⁴ Section 1011.62(1)(o), F.S.; Rule 6A-6.0573(12), F.A.C.

¹⁰⁵ Section 1011.62(1)(o), F.S.

¹⁰⁶ 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 March 8, 2021).

¹⁰⁷ Section 1003.492(3), F.S.

¹⁰⁸ Section 1003.492(4), F.S.; rule 6A-6.0573(2)(d), F.A.C.

- Review CareerSource’s Comprehensive Industry Certification List that includes 236 certifications;¹⁰⁹
- Identify industry certifications that qualify for additional weighted funding;¹¹⁰
- Consider district requests that industry certifications be added to the approved list;¹¹¹ and
- Annually publish a final list.¹¹²

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.¹¹³

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.¹¹⁴ 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.¹¹⁵

CAPE digital tool certificates recognize a student’s attainment of digital skills. The DOE is required to identify, by June 15 of each year, digital tool certificates that indicate a student’s digital skills. The DOE must notify each school district when a digital tool certificate is available. Digital tool certificates must be made available to all public elementary and middle grades students. 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.¹¹⁶ 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.¹¹⁷

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;

¹⁰⁹ 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 March 8, 2021).

¹¹⁰ Rule 6A-6.0573(4), F.A.C.

¹¹¹ Rule 6A-6.0573(9), F.A.C.

¹¹² Section 1003.492(4), F.S.; rule 6A-6.0573(8), F.A.C.

¹¹³ Rule 6A-6.0573(7)(a), F.A.C.

¹¹⁴ Section 1003.4203(5)(b), F.S.

¹¹⁵ Rule 6A-6.0573(7)(c), F.A.C.

¹¹⁶ Section 1003.4203(3), F.S.

¹¹⁷ Rule 6A-6.0573(7)(d), F.A.C.

and development of sound, motion, and color presentations that do not articulate for college credit.¹¹⁸

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.¹¹⁹

CAPE Postsecondary Industry Certification Funding List

The CAPE Postsecondary Industry Certification Funding List is developed by the Chancellor of the FCS¹²⁰ and the Chancellor of Career and Adult Education¹²¹ and approved by the SBE.¹²² These industry certifications are linked to occupational areas identified in the General Appropriations Act.¹²³

III. Effect of Proposed Changes:

Workforce Development

Section 1 amends s. 216.136, F.S., to change the name of the Workforce Estimating Conference to the Labor Market Estimating Conference.

The bill clarifies that the Labor Market Estimating Conference must meet at least twice a year to develop information regarding real-time supply and demand in Florida's statewide, regional, and local labor markets.

The bill provides that the Labor Market Estimating Conference will provide information on 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, and high-wage occupations.

The bill provides that all state agencies must provide the Office of Economic and Demographic Research with the necessary data to accomplish the goals of the Labor Market Estimating Conference.

Section 2 amends s. 445.002, F.S., to include "gross mismanagement" in the definition of "for cause." The "for cause" standard is used in ch. 445, F.S., as a standard by which the Governor may remove a member of the state board or a local board, and a chief elected official may remove a member of a local board.

Section 3 amends s. 445.004, F.S., to revise provisions relating to the purpose, operation, and organizational structure of the state board.

¹¹⁸ Section 1008.44(1)(b), F.S.

¹¹⁹ Section 1008.44(1)(c), F.S.

¹²⁰ Section 1011.81(2)(b), F.S.

¹²¹ Section 1011.80(7)(b)2., F.S.

¹²² Section 1011.81(2)(b), F.S. and s. 1011.80(7)(b)2., F.S.

¹²³ Sections 1011.80(7)(b) and 1011.81(2)(b), F.S.; ss. 124 and 130, ch. 2020-111, Laws of Fla.

- The state board must include one member representing each of the WIOA partners, including the Division of Vocational Rehabilitation and the Department of Children and Families.
- The state board must create a state employment, education, and training policy that ensures workforce-related programs are responsive to present and future business and industry needs.
- The state board must establish policy direction for a uniform funding system that prioritizes evidence-based, results-driven solutions by providing certain incentives to improve the outcomes of career education, registered apprenticeship, and work-based learning programs.
- The state board must establish a comprehensive policy related to the education and training of target populations, which should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance by combining two or more sources of funding to support workforce-related programs or activities for vulnerable populations when appropriate or authorized.
- The state board must identify barriers to coordination and alignment among workforce-related programs and activities, and develop solutions to remove such barriers.
- The state board, in consultation with the DEO must submit a complete and detailed annual report by December 1 of each year to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.
- The state board's annual report must include all audits and investigations, the state board's operations and accomplishments, the number of mandatory partners located within one-stop centers, and the amount of progress made toward implementing solutions to address barriers to coordination and alignment among programs and activities.
- The state board, beginning July 1, 2022, must annually assign a letter grade for each local board.
- The state board must establish incentives for effective alignment of federal and state programs, outline rewards for achieving long-term self-sufficiency of participants, and institute collaborative approaches among local service providers.
- The state board must establish uniform performance accountability measures, and any local performance accountability measures established must be based on identified local area needs.

Section 4 amends s. 445.007, F.S., to revise provisions relating to transparency and oversight of local boards.

The bill establishes term limits for a local board chair as no more than 2 years and establishes term limits for all members of a local board as no more than 6 consecutive years, unless the member is a representative of a government entity.

The bill requires local boards to make publicly available on the local board's website, or the DEO's website if the local board does not maintain a website, the following:

- Information for the public that a public disclosure of financial interest filed with the Commission on Ethics has been completed for each local board member and executive director and provide information on how each disclosure or statement may be reviewed;¹²⁴

¹²⁴ The notice to the public must remain on the website throughout the term of office or employment of the filer and until 1 year after the term ends.

- The local board's budget within 10 days after approval by the DEO;¹²⁵ and
- Annual publication of its most recent Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax.¹²⁶

The bill requires prior approval from the DEO for contracts between the local board and an organization or individual represented on the local board and states that such contracts may not be included on a consent agenda by the board. Additionally, a member whose organization may benefit from the contract must abstain from voting on the contract.

The bill 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 a two-thirds board approval.

The bill requires the publication of contracts between a local board and a member of the local board, a relative of a local board member, an organization or individual represented on the local board, or an employee of the local board approved on or after July 1, 2021, to be published on the local board's website, or the DEO's website if the local board does not maintain a website within ten days after approval by the DEO and requires it to remain published for at least 1 year after termination of the contract.

The bill requires the DEO, in their review of required contracts to consider documentation provided by the local board, including the performance rating of the entity under consideration for contract and whether such entity is the only provider of the desired goods and services within the area served.

The bill removes a provision that requires a two-thirds vote of a local board if the local board enters into a contract with an organization or individual represented on the local board.

The bill requires each local board to annually, within 30 days after the end of the fiscal year, disclose to the DEO, 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.¹²⁷

¹²⁵ The budget must remain published on the website for the duration of the fiscal year for which it accounts for the expenditure of funds.

¹²⁶ The form must be posted on the local board's website within 60 calendar days after it is filed with the Internal Revenue Service and remain posted for 3 years after it is filed.

¹²⁷ The bill provides that 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 local board's website, or the DOE's website if the local board does not maintain a website, for a period of 3 years after it is first published.

Section 5 amends s. 445.009, F.S., to provide that Individual Training Accounts¹²⁸ must be expended on programs that prepare people to enter occupations identified by the Labor Market Estimating Conference.

The bill requires training services provided through Individual Training Accounts to be performance-based, with successful job placement triggering final payment of at least 10 percent.

Sections 6 and 18 amend ss. 445.038 and 445.011, F.S., respectively, to make conforming changes to provisions made by the bill.

Apprenticeship and Preapprenticeship

Section 7 amends s. 446.021, F.S., to change the term “Uniform minimum preapprenticeship standards” to “standards,” which means the minimum requirements established uniformly for each occupation under which an apprenticeship or preapprenticeship program is administered.¹²⁹

Section 8 amends s. 446.032, F.S., to clarify the role of the DOE in the administration of apprenticeship training programs.

The bill requires the DOE to establish uniform minimum standards and policies governing apprenticeship programs and agreements which must require training providers to submit data necessary to determine program performance consistent with state and federal law.

The bill requires the DOE to adopt rules necessary to administer the standards and policies governing apprenticeship programs and agreements.

The bill provides that the DOE must include the following in its annual report on apprenticeship and preapprenticeship programs:

- The total amount of funds allocated by training provider, program, and occupation;
- The total amount of funds expended for administrative costs by training provider, program, and occupation;
- The total amount of funds expended for instructional costs by training provider, program, and occupation;
- Documentation of activities conducted by the DOE to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives and the outcomes of such activities and their impact on establishing or expanding apprenticeship or preapprenticeship programs;
- Retention and completion rates of participants aggregated by training provider, program, and occupation; and
- Wage progression of participants as demonstrated by starting, exit, and postapprenticeship wages.

¹²⁸ Individual Training Account expenditures include tuition, books, and fees of training providers and other training services authorized by the WIOA. See s. 445.003, F.S.

¹²⁹ The bill clarifies that the term includes standards of admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the apprenticeship or preapprenticeship program, and the percentage of credit which may be given to an apprentice or a preapprentice.

The bill requires the DOE to provide career planning resources to district school boards, Florida College System institution boards of trustees, program sponsors, and local workforce development boards.

Section 9 amends s. 446.045, F.S., to establish that the Governor must fill any vacancy on the State Apprenticeship Advisory Council for the remainder of an unexpired term.

Section 17 amends s. 1011.802, F.S., to require the DOE to give priority to apprenticeship programs, such as health care programs, with demonstrated regional demand identified by the Labor Market Estimating Conference.

The bill authorizes the DOE to award grants, which only expand existing programs that exceed the median completion rate and employment rate one year after completion for similar programs in the region, or in the state if there are no similar programs in the region.

Career and Education Planning

Section 10 amends s. 1003.4156, F.S., to provide that the required course¹³⁰ in career and education planning must include information from the DEO's economic security report and other state career planning resources.

Section 11 amends s. 1003.4203, F.S., to specify that the DOE must identify CAPE Digital Tool certificates under ss. 1003.492 and 1008.44, F.S.

The bill provides that CAPE Innovation courses and CAPE Acceleration Industry Certifications are identified in the CAPE Industry Certification Funding List, rather than approved by the Commissioner of Education.

Section 12 amends s. 1003.491, F.S., to require the CAPE strategic 3-year plan developed jointly by the local school district, local work force development boards, economic development agencies, and state-approved postsecondary institutions to be developed based on local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Labor Market Estimating Conference and strategies to develop and implement career academies or career-themed courses based on occupations identified by the Labor Market Estimating Conference.

Sections 13 and 14 amend ss. 1003.4935 and 1008.41, F.S., respectively, to make conforming changes to provisions made by the bill.

Section 15 amends s. 1008.44, F.S., to require the Commissioner of Education to conduct a review of the methodology used to determine additional full-time equivalent membership weights assigned in s. 1011.62(1)(o), F.S., and if necessary, recommend revised weights. The results of the commissioner's recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31, 2021.

¹³⁰ The course is required before a student will be promoted to high school.

Sections 16 and 19 amend ss. 1011.801 and 1011.80, F.S., respectively, to make conforming changes to provisions made by the bill.

Effective Date

Section 20 provides that the bill takes effect 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 216.136, 445.002, 445.004, 445.007, 445.009, 445.038, 446.021, 446.032, 446.045, 1003.4156, 1003.4203, 1003.491, 1003.4935, 1008.41, 1008.44, 1011.801, 1011.802, 445.011, 1011.80.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
