

## HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

|                             |  |                                  |         |
|-----------------------------|--|----------------------------------|---------|
| <b>BILL #:</b>              | CS/HB 7065   | <b>FINAL HOUSE FLOOR ACTION:</b> |         |
| <b>SPONSOR(S):</b>          | Economic Affairs Committee;<br>Economic Development & Tourism<br>Subcommittee; Drake and Artiles | 115 Y's                          | 0 N's   |
| <b>COMPANION<br/>BILLS:</b> | CS/SB 7040   | <b>GOVERNOR'S ACTION:</b>        | Pending |

---

### SUMMARY ANALYSIS

CS/HB 7065 passed the House on March 8, 2016, as CS/SB 7040.

The bill modifies Florida's workforce development system to begin the process of the state's implementation of the federal Workforce Innovation and Opportunity Act (WIOA). Specifically, the bill:

- replaces the name of the previous federal law, the Workforce Investment Act of 1998 (WIA), with that of the current law, WIOA, and amends other references and nomenclature throughout the Florida statutes to reflect the terminology and workforce assistance structure contemplated by WIOA;
- specifies that the Incumbent Worker Training Program administration should comply with WIOA;
- changes the state five year plan requirement required under WIA to a new four year state plan (to implement WIOA) and amends the process for creating and amending the plan;
- requires a memorandum of understanding (MOU) between CareerSource Florida, Inc. (CareerSource), and the Department of Education (DOE) to ensure requirements of WIOA are met in compliance with the state plan;
- requires local workforce development boards to enter into an MOU with each mandatory or optional partner that participates in the one-stop delivery system, which details the partner's required contribution to infrastructure costs as required in WIOA;
- requires the Department of Economic Opportunity to consult with DOE on the preparation of the "economic security report of employment and earning outcomes" for degrees or certificates earned at public postsecondary educational institutions;
- expands the CareerSource Board to include representation from Enterprise Florida, Inc., the Division of Career and Adult Education of DOE, and other entities as determined to be necessary;
- uses "performance accountability measures" established by contract between CareerSource and core program partners to assess performance of the state's workforce system strategy;
- aligns the requirements of local workforce development board membership and structure to the requirements of WIOA and provides that CareerSource may waive certain local workforce board membership requirements under certain circumstances; and
- provides that certain employment protections currently available to members of the Florida National Guard are to also apply to members of the National Guard of any state.

The bill appears to have an indeterminate but likely minimal impact on state expenditures. See the FISCAL COMMENTS section of this analysis for additional detail.

Subject to the Governor's veto powers, the effective date of the bill is July 1, 2016.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### PRESENT SITUATION

##### Florida's Workforce System

###### Background

Like all states, Florida's workforce system is organized pursuant to federal law.<sup>1</sup> Federal workforce laws provide structural requirements for workforce programs and partners, and investment and support in employment services, workforce development activities, job training, adult education, and vocational training throughout the country.<sup>2</sup>

Although there have been changes over the years, the law that formed the basis for Florida's current workforce system (and other states' workforce systems) is the Workforce Investment Act of 1998 (WIA), which Florida lawmakers largely implemented under the Workforce Innovation Act of 2000 (Act).<sup>3</sup>

Under the Act, four primary entities (or group of entities) are tasked with administering Florida's workforce system: CareerSource Florida, Inc. (CareerSource), the Department of Economic Opportunity (DEO), the state's 24 Regional Workforce Boards (RWBs), and the state's numerous "one-stop career centers."<sup>4</sup> As discussed below, each works together and has overlapping responsibilities.<sup>5</sup>

###### *CareerSource Florida, Inc.*

CareerSource, a nonprofit corporation administratively housed within DEO, is the "principal workforce policy organization for the state."<sup>6</sup> CareerSource works in conjunction with DEO and provides state-level workforce policy and planning, and evaluates the performance of various workforce related programs.<sup>7</sup> CareerSource also oversees various activities implemented by the RWBs.<sup>8</sup> CareerSource is governed by a board of directors, the majority of which must be representatives from the private sector appointed by the Governor.<sup>9</sup>

###### *Department of Economic Opportunity*

DEO assists CareerSource in developing and disseminating policies and provides technical assistance to CareerSource and the RWBs.<sup>10</sup> Additionally, among other statutorily required responsibilities related to Florida's workforce, DEO prepares and submits a budget request for workforce development, ensures that the state appropriately administers federal and state workforce funding, and implements the state's reemployment assistance program.<sup>11</sup> DEO also serves as the administrative agency designated for receipt of federal workforce development grants.<sup>12</sup>

###### *Regional Workforce Boards and One-Stop Career Centers*

---

<sup>1</sup> See s. 445.003, F.S.

<sup>2</sup> Library of Congress, 113th Congress (2013-2014), H.R. 803 Section 102 – Workforce Innovation and Opportunity Act, Congress.gov, available at <https://www.congress.gov/bill/113th-congress/house-bill/803/text> (last visited Dec. 8, 2015).

<sup>3</sup> Ch. 445, F.S.

<sup>4</sup> See *id.*

<sup>5</sup> See *id.*

<sup>6</sup> Section 445.004(1)-(2), F.S.

<sup>7</sup> See s. 445.004, F.S.

<sup>8</sup> See s. 445.004(4)-(11), F.S.

<sup>9</sup> Section 445.004(3), F.S.

<sup>10</sup> See *id.*; see also DEO's workforce tab on its website at: <http://floridajobs.org/workforce-board-resources> (last visited Feb. 5, 2015).

<sup>11</sup> Section 20.60(5)-(6), F.S.

<sup>12</sup> Section 20.60(6), F.S.

The RWBs, which take policy directives from CareerSource and program and fiscal directives from DEO<sup>13</sup>, develop local workforce plans and directly oversee workforce development activities within the RWBs' regions.<sup>14</sup> One regional workforce board is appointed in each designated service delivery area and serves as the local workforce investment board pursuant to federal law.<sup>15</sup> The membership of the board must contain certain members as provided by federal law.<sup>16</sup> If a public education or training provider is represented on the board, a representative of a private nonprofit provider and a representative of a private for-profit provider must also be appointed to the board.<sup>17</sup>

Importantly, the RWBs may designate within their jurisdictions "one-stop delivery system" operators.<sup>18</sup> One-stop delivery systems, which contain one-stop career centers, serve as the state's primary structures for customer-service strategy to offer every Floridian workforce services.<sup>19</sup> Any public or private entity that is eligible to provide services under any state or federal workforce program approved by CareerSource may be designated as a one-stop delivery system operator.<sup>20</sup>

The one-stop career centers directly deliver employment services to job seekers and employers and carry-out certain state and federal workforce programs.<sup>21</sup> Services may include, but are not limited to the following:

- job search, referral, and placement assistance;
- career counseling and educational planning;
- child care and transportation assistance;
- adult education and basic skills training;
- technical training leading to a certification or degree;
- claim filing for reemployment assistance; and
- temporary income, health, nutritional, and housing assistance.<sup>22</sup>

There are nearly 100 one-stop career centers throughout the state.<sup>23</sup>

In addition to and in concert with CareerSource, DEO, the RWBs and one-stop career centers, many partner organizations, programs, and entities, both state and federal, play a major role in the day to day assistance and development of Florida's workforce system.<sup>24</sup>

## State Plan

All of the entities and partners that participate in Florida's workforce system currently do so according to a five-year strategic plan developed by CareerSource in conjunction with such entities and

---

<sup>13</sup> Section 20.60(5)(c), F.S.

<sup>14</sup> See s. 445.007, F.S.

<sup>15</sup> Section 445.007(1), F.S.

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

<sup>17</sup> *Id.*

<sup>18</sup> Section 445.009(2), F.S.

<sup>19</sup> See s. 445.009, F.S.

<sup>20</sup> Section 445.009(2), F.S.

<sup>21</sup> Section 445.009, F.S.

<sup>22</sup> Section 445.009(1), F.S.

<sup>23</sup> CareerSource Service Center Directory at: <http://www.floridajobs.org/onestop/onestopdir/> (last visited on Dec. 22, 2015).

<sup>24</sup> See Workforce Florida, Inc., Five Year Strategic Plan (2010-2015), p. 8 #7. (Strategic plan is on file with House staff.) See also: CareerSource Workforce Programs at: <http://www.floridajobs.org/office-directory/division-of-workforce-services/workforce-programs>. Last visited, Dec. 22, 2015.

partners.<sup>25</sup> The strategic plan must be updated by January 1 of each year, must include criteria for allocating workforce resources to RWBs,<sup>26</sup> and must include strategies for the following:

- fulfilling the workforce system goals and strategies prescribed by law<sup>27</sup>;
- aggregating, integrating, and leveraging workforce system resources;
- coordinating the activities of federal, state, and local workforce system partners;
- addressing the workforce needs of small businesses; and
- fostering the participation of rural communities and distressed urban cores in the workforce system.<sup>28</sup>

Further, CareerSource must establish an *operational* plan to implement the state strategic plan.<sup>29</sup> CareerSource must submit the operational plan to the Governor and the Legislature along with the strategic plan and reflect the allocation of resources as appropriated by the Legislature.

As a component of the operational plan, CareerSource must develop a workforce marketing plan, with the goal of educating individuals inside and outside the state about Florida's employment market conditions.<sup>30</sup> The operational plan must also include performance measures, measurement criteria, and contract guidelines with respect to participants in the welfare transition program<sup>31</sup> and strategies that are designed to prevent or reduce the need for a person to receive public assistance.<sup>32</sup>

### Performance Review

Florida law requires CareerSource to establish, in collaboration with the RWBs and in consultation with the Office of Program Policy Analysis and Government Accountability (OPPAGA), uniform measures and standards to gauge the performance of the state's workforce development strategy. The measures and standards must be organized into three "outcome tiers".<sup>33</sup>

- The first tier "must be organized to provide benchmarks for system-wide outcomes."<sup>34</sup>
- The second tier "must be organized to provide a set of benchmark outcomes for the strategic components of the workforce development strategy."<sup>35</sup>
- The third tier "must be the operational output measures to be used by the agency implementing programs, which may be specific to federal requirements."<sup>36</sup>

By December 1 of each year, CareerSource has to provide the Legislature with a report detailing the performance of Florida's workforce development system, as reflected in the three-tier system.<sup>37</sup> The

---

<sup>25</sup> Section 445.003(2), F.S.

<sup>26</sup> Section 445.006(4), F.S.

<sup>27</sup> Section. 445.004(10), F.S.: "The workforce development strategy for the state shall be designed by CareerSource Florida, Inc. The strategy must include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. The strategy must also assist employers in upgrading or updating the skills of their employees and assisting workers to acquire the education or training needed to secure a better job with better wages. The strategy must assist the state's efforts to attract and expand job-creating businesses offering high-paying, high-demand occupations."

<sup>28</sup> Section 445.006(1), F.S.

<sup>29</sup> Section 445.006(2), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> Section 445.006(3), F.S.

<sup>32</sup> Section 445.006(6), F.S.

<sup>33</sup> Section 445.004(9), F.S.

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

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

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

report also must benchmark Florida outcomes for all tiers as compared with other states that collect data similarly.<sup>38</sup>

In addition, the Auditor General may conduct an audit of CareerSource, or the programs or entities created by CareerSource.<sup>39</sup> OPPAGA may also review the systems and controls related to performance outcomes and quality of services offered by CareerSource and its partners.<sup>40</sup>

### **Economic Security Report**

In tune with requiring an organized performance review of Florida's workforce system, Florida law also requires DEO to prepare, or contract with an entity to prepare, an annual economic security report of employment and earning outcomes for degrees or certificates earned at public post-secondary educational institutions.<sup>41</sup> The report must be clear and accessible to the public, available online, and include the following:

- data on the employment of graduates of a degree or certificate program from a public postsecondary educational institution the year after and five years after the degree or certificate is earned by number and percentage; and
- data on the earnings of graduates of a degree or certificate program from a public postsecondary educational institution the year after earning the degree or certificate.<sup>42</sup>

### **Employment Protection for Military Service**

Florida law expressly provides that it is the "intent of the Legislature that Florida residents and businesses understand the rights afforded to the men and women who volunteer their time and sacrifice their lives to protect the freedoms granted by the Constitutions of the United States and the State of Florida."<sup>43</sup> One way Florida law demonstrates such intent is through protecting the employment of certain members of the military when they are called to duty.

Specifically, any person who seeks or holds an employment position may not be denied employment or retention in employment, or any promotion or advantage of employment, because of any obligation as a member of a reserve component of the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.<sup>44</sup> In addition, any county or state official, subject to certain provisions and conditions, may be granted leave of absence from his or her office, to serve in the volunteer forces of the United States, the Florida National Guard, or in the regular Army or Navy of the United States, when called into active service of the United States during war between the United States and a foreign government.<sup>45</sup>

Florida law also provides that if a member of the National Guard is ordered into "state active duty," his or her employer may not discharge, reprimand, or in any other way penalize such member because of his or her absence.<sup>46</sup> "State active duty" means full-time duty in active military service of the State of Florida when ordered by the Governor or Adjutant General.<sup>47</sup>

Upon the completion of state active duty, a member of the National Guard must promptly notify the employer of his or her intent to return to work.<sup>48</sup> Aside from certain exceptions,<sup>49</sup> a member of the

---

<sup>38</sup> *Id.*

<sup>39</sup> Section 445.004(8).

<sup>40</sup> *Id.*

<sup>41</sup> Section 445.07(1), F.S.

<sup>42</sup> Section 445.07(2), F.S.

<sup>43</sup> Section 250.81, F.S.

<sup>44</sup> Section 250.481, F.S.

<sup>45</sup> Section 115.01, F.S.

<sup>46</sup> Section 250.482(1), F.S.

<sup>47</sup> Section 250.01(21), F.S.

<sup>48</sup> Section 250.482(2), F.S.

National Guard who returns to work after serving on state active duty is entitled to the seniority that the member had and would have attained at his or her place of employment on the date of the commencement of his or her state active duty and any other rights and benefits that inure to the member as a result of such seniority.<sup>50</sup> Further, a member of the National Guard who returns to work after serving on state active duty may not be discharged from such employment for a period of one year after the date the member returns to work, except for cause.<sup>51</sup>

Currently, there are approximately 454 members of the National Guard of other states that reside in Florida that are not able to take advantage of the abovementioned employment protections when called to active duty by their state.<sup>52</sup>

## **The Workforce Innovation and Opportunity Act (2014)**<sup>53</sup>

### **Background**

On July 22, 2014, the President of the United States signed into law a new federal workforce law to replace WIA: the Workforce Innovation and Opportunity Act (WIOA).<sup>54</sup>

WIOA maintains the broad framework of WIA (i.e., it maintains a centralized structure of power with a statewide workforce board and a form of regional boards and one-stop centers), but includes provisions aimed at unifying workforce system partners and providers, streamlining programs, easing reporting requirements, and reducing administrative barriers.

The Federal Register Online lays out the major changes in WIOA.<sup>55</sup>

- WIOA requires a single state four-year plan that governs workforce programs as one system and connects strategic needs with service strategies.
- WIOA streamlines the governing bodies that establish state, regional and local workforce investment priorities by reducing the size of state and local workforce boards and assigning them additional responsibilities.
- WIOA creates a common performance accountability system and information system for job seekers and the public. WIOA also ensures that Federal investments in employment, education,

---

<sup>49</sup> Such exceptions include the following: 1) the employer's circumstances have so changed as to make employment impossible or unreasonable; 2) employment would impose an undue hardship on the employer; 3) the employment from which the member of the National Guard leaves to serve in state active duty is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period; or 4) the employer had legally sufficient cause to terminate the member of the National Guard at the time he or she left for state active duty. The employer has the burden of proving the impossibility or unreasonableness, undue hardship, the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period, or the legally sufficient cause to terminate the person at the time he or she left for state active duty. *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> E-mail correspondence from Eric Sherman, Southeast Region State Liaison (AL, FL, KY, MS, TN), Office of the Deputy Assistant Secretary of Defense. E-mail received on Friday January 22, 2016 at 4:04pm. E-mail on file with House staff.

<sup>53</sup> As used here and throughout this analysis, information related to WIOA stems from both the text of the law as well as the proposed rules, through which the United States Department of Labor will implement WIOA. The proposed rules are available at <https://www.federalregister.gov/articles/2015/04/16/2015-05530/workforce-innovation-and-opportunity-act-notice-of-proposed-rulemaking#h-13>. Last visited December 29, 2015.

<sup>54</sup> Library of Congress, 113th Congress (2013-2014), H.R. 803 – Workforce Innovation and Opportunity Act, Congress.gov, available at <https://www.congress.gov/bill/113th-congress/house-bill/803/actions> (last visited Dec 8, 2015).

<sup>55</sup> Federal Register, Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking. Supplementary Information: III. B. Major Changes From Current Workforce Investment Act of 1998. Available at: <https://www.federalregister.gov/articles/2015/04/16/2015-05530/workforce-innovation-and-opportunity-act-notice-of-proposed-rulemaking#h-13>. Last visited, December 21, 2015.

and training programs are evidence-based and data-driven, and accountable to participants and the public.

- WIOA promotes alignment of workforce development programs with regional economic development strategies to meet the needs of local and regional employers.
- WIOA helps jobseekers and employers acquire the services they need in one-stop centers and online by clarifying the roles and responsibilities of the one-stop partner programs, adding the Temporary Assistance for Needy Families “TANF” program as a required one-stop partner (unless the Governor objects), requiring competitive selection of one-stop operators, and requiring the use by the one-stop system of a common one-stop delivery identifier or brand.
- WIOA stresses physical and programmatic accessibility, including the use of accessible technology to increase individuals with disabilities’ access to high quality workforce services.
- WIOA emphasizes services to disconnected youth to prepare them for successful employment by increasing required spending on out-of-school youth programs and work-based training activities at the local level including on-the-job training and summer jobs. WIOA also increases out-of-school youths’ access to WIOA services, including pre-apprenticeship programs that result in registered apprenticeships.
- WIOA ensures the workforce system is job-driven—matching employers with skilled individuals. In doing so, WIOA requires local boards (discussed below) to promote the use of industry and sector partnerships that include key stakeholders in an industry cluster or sector that work with public entities to identify and address the workforce needs of multiple employers.

Additionally, WIOA requires robust relationships across programs and with businesses, economic development, education and training institutions, including community colleges and career and technical education, local entities, and supportive services agencies.<sup>56</sup>

### **Planning Regions, Local Workforce Development Areas, One-Stop Centers, and the State Plan**

WIOA’s “planning regions”, “local workforce development areas”, one-stop centers, and the four-year state plan warrant additional review.

#### *WIOA Planning Regions and Local Workforce Development Areas*

WIOA requires states to identify planning regions that consist of one or more local workforce development areas.<sup>57</sup> Local workforce development areas, governed by a local board, serve as jurisdictions for the administration of workforce development activities and execution of federal workforce programs.<sup>58</sup>

According to the proposed WIOA regulations, the purpose of planning regions is to “align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers.”<sup>59</sup> The regulations also recognize that regional cooperation may lower cost and increase the effectiveness of service delivery to businesses and/or industries that span more than one local workforce development area or that cross state borders.<sup>60</sup>

---

<sup>56</sup> *Id.*

<sup>57</sup> Federal Register, Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking, Section by Section Analysis, Subpart B, Section 679.200, Published April 16, 2015, available at: <https://www.federalregister.gov/articles/2015/04/16/2015-05530/workforce-innovation-and-opportunity-act-notice-of-proposed-rulemaking>.

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

<sup>59</sup> *Id.*

<sup>60</sup> CareerSource Florida, Inc., Florida Workforce Innovation and Opportunity Act, Implementation Recommendations, page 7. Available at: [http://careersourceflorida.com/wp-content/uploads/2015/11/151120\\_CombinedAttachments.pdf](http://careersourceflorida.com/wp-content/uploads/2015/11/151120_CombinedAttachments.pdf). Last visited: December 29, 2015.

According to WIOA, states should consider the following factors in determining planning regions:

- consistency with labor market areas in the state;
- consistency with regional economic development areas in the state;
- availability of federal and non-federal resources necessary to effectively administer activities under subtitle B and other applicable WIOA provisions, including whether the areas have the appropriate institutions of higher education and area career and technical education schools; and
- input from local elected officials.<sup>61</sup>

Once the state determines its planning regions, local workforce development boards and local elected officials in those regions will use regional economic data to form a regional plan that results in the establishment of regional strategies for service delivery and sector strategies for in-demand industry sectors or occupations for the region.<sup>62</sup> The plan should identify ways in which the region will coordinate services and the establishment of administrative cost arrangements, including the pooling of funds for administrative costs as appropriate.<sup>63</sup>

#### *Changes to the structure and operation of one-stop centers*

WIOA identifies “one-stop required partner programs” that include a variety of federally funded employment and training programs administered by a number of federal agencies including the United States Department of Labor, United States Department of Education and the United States Department of Health and Human Services.<sup>64</sup> Some required programs are also “core” programs, which must be part of the state plan.<sup>65</sup>

According to WIOA, the required partner programs should be delivered through the one-stop system and contribute to the costs of one-stop infrastructure.<sup>66</sup> The required one-stop career center partner programs identified under WIOA are the following:

- WIOA Adult, Dislocated Worker and Youth programs (core);
- Wagner-Peyser Employment Service (core);
- Adult Education and Literacy (core);
- Vocational Rehabilitation (core);
- Title V of Older Americans Act (Senior Community Service Employment Program);
- Perkins Career and Technical Educational (CTE) programs;
- Trade Adjustment Assistance (TAA);
- Veterans Employment and Training;
- Community Services Block Grant (CSBG) employment programs;
- HUD employment programs;
- Unemployment Insurance;
- Second Chance Act; and
- Temporary Assistance to Needy Families (TANF).<sup>67</sup>

---

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 8.

<sup>65</sup> *Id.* at 11.

<sup>66</sup> *Id.* at 8.

<sup>67</sup> *Id.*



WIOA also identifies various additional partner programs that may be part of a local one-stop delivery system.<sup>68</sup> These include the following:

- Social Security Administration employment and training programs;
- Florida Small Business Development Center Network;
- Supplemental Nutrition Assistance Program (SNAP) employment and training programs;
- Vocational Rehabilitation special projects and demonstrations;
- National and Community Service Act programs; and
- other federal, state or local programs.<sup>69</sup>

The WIOA one-stop career center required programs provide the funding and authorization for delivery of a host of employment and training services.<sup>70</sup> Each program has its own rules and regulations; however, WIOA's vision is that these required programs have a coordinated and integrated service delivery structure to facilitate improved outcomes and customer experiences for both employers and job seekers.<sup>71</sup> To that end, WIOA specifically identifies the following roles and responsibilities of required partner programs:

- 1) provide access through the one-stop delivery system to such program or activities, including career services;
- 2) use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers;
- 3) enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop system;
- 4) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding and legal requirements; and
- 5) provide representation on the state board to the extent provided under WIOA.<sup>72</sup>

#### *One-stop center cost sharing under WIOA*

WIOA Section 121 outlines the requirements for the establishment of one-stop delivery systems.<sup>73</sup> This section states that infrastructure costs must be shared by all of the required partners in the system.<sup>74</sup> Infrastructure costs are defined as non-personnel costs that are necessary for the general operation of the one-stop career center, including:

- rental costs of facilities;
- costs of utilities and maintenance;
- equipment, including assessment related products and assistive technology for individuals with disabilities; and
- technology to facilitate access to the one-stop career center, including one-stop planning and outreach activities.<sup>75</sup>

---

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 8-9.

<sup>70</sup> *Id.* at 9.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at 9-10.

<sup>75</sup> CareerSource Florida, Inc., Florida Workforce Innovation and Opportunity Act, Implementation Recommendations, page 10. Available at: [http://careersourceflorida.com/wp-content/uploads/2015/11/151120\\_CombinedAttachments.pdf](http://careersourceflorida.com/wp-content/uploads/2015/11/151120_CombinedAttachments.pdf). Last visited: December 29, 2015.

In each local workforce development area, the local workforce development board, chief elected officials and one-stop career center partners are charged with agreeing on a methodology for determining the infrastructure cost contributions.<sup>76</sup> These agreements will be captured in memorandums of understanding among the local board and the one-stop career center partners.<sup>77</sup>

To be eligible for infrastructure funds, one-stop career centers must be certified by local boards as meeting criteria regarding the effectiveness and the physical and programmatic accessibility of the center in accordance with the Americans with Disabilities Act of 1990, and continuous improvement of one-stop career centers and the one-stop delivery system. This certification must occur every three years.<sup>78</sup>

WIOA leaves the negotiation of infrastructure cost sharing to the local workforce development area.<sup>79</sup> If local officials are unable to reach consensus, an infrastructure funding methodology determined by the Governor that is based upon the following WIOA guidelines must be used.<sup>80</sup>

- Adult, Dislocated Worker and Youth shall not exceed 3 percent of the federal funds provided to the state.<sup>81</sup>
- Vocational Rehabilitation shall not exceed the following:
  - .75 percent of the federal funds provided to the state in the second full program year;
  - 1 percent of the federal funds provided to the state in the third full program year;
  - 1.25 percent of the federal funds provided to the state in the fourth full program year; and
  - 1.5 percent of the federal funds provided to the state in the fifth full program year and in each succeeding year.<sup>82</sup>
- Other partners shall not exceed 1.5 percent of the federal funds provided to the state.<sup>83</sup>

*State four year plan: “Combined” vs. “Unified”*

WIOA requires a single, “Unified State Plan” covering all core programs authorized under the law, which include the following:

- Adult, Dislocated Worker and Youth workforce investment activities in title I, subtitle B;
- Adult Education and Literacy activities in title II;
- employment service activities authorized by the Wagner-Peyser Act and title III; and
- vocational rehabilitation services in title IV and title I of the Rehabilitation Act of 1973.<sup>84</sup>

WIOA also provides an option for states to submit a “Combined Plan” that includes the core programs listed above in addition to plans for one or more of the following workforce programs:

- Career and technical education programs authorized by the Perkins Act Temporary Assistance for Needy Families programs authorized under part A of title IV of the Social Security Act;
- employment and training programs authorized under section 6(d)(4) of the Food and Nutrition Act;

---

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

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

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 11.

- work programs authorized under section 6(o) of the Food and Nutrition Act;
- trade adjustment assistance activities and NAFTA-TAA;
- veterans' activities authorized under Chapter 41 of title 38 United States Code;
- programs authorized under state unemployment compensation laws;
- Senior Community Service Employment Programs under title V of the Older Americans Act;
- employment and training activities carried out by the Department of Housing and Urban Development;
- employment and training activities carried out under the Community Services Block Grant Act; and
- reintegration of offenders programs authorized under section 212 of the Second Chance Act.<sup>85</sup>

Under WIOA, states are required to submit unified or combined plans by March 2016.<sup>86</sup> The plan must describe the state's overall strategy for workforce development and how the strategy meets identified needs for workers, job seekers and employers.<sup>87</sup> In turn, local plans must describe how services provided at the local level are aligned to regional market needs.<sup>88</sup>

### **Florida's Workforce Innovation and Opportunity Task Force**

Chapter 2015-98, Laws of Florida, created the Workforce Innovation and Opportunity Task Force (Task Force) to "develop recommendations for the state's implementation of the federal Workforce Innovation and Opportunity Act."

The Task Force consisted of the following members:

- the President of CareerSource, Florida, Inc., who is required to serve as a member and the chair of the Task Force; and
- the Executive Director of the Department of Economic Opportunity or his or her designee;
- the Commissioner of Education or his or her designee;
- the Chancellor of the State University System or his or her designee;
- the Chancellor of the Florida College System or his or her designee;
- the Chancellor of the Division of Career and Adult Education of the Department of Education or his or her designee;
- the director of the Division of Vocational Rehabilitation of the Department of Education or his or her designee;
- the director of the Division of Blind Services of the Department of Education or his or her designee;
- the director of the Agency for Persons with Disabilities or his or her designee;
- the Secretary of Elderly Affairs or his or her designee;
- the Secretary of Children and Families or his or her designee;
- the Secretary of Juvenile Justice or his or her designee;
- the Secretary of Corrections or his or her designee;

---

<sup>85</sup> *Id.* at 11-12.

<sup>86</sup> *Id.* at 12.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

- the president of Enterprise Florida, Inc., or his or her designee;
- the president of the Florida Workforce Development Association, Inc., and two of his or her designees from regional workforce boards, one of whom must be a representative of a rural regional workforce board;
- the statewide director of the Florida Small Business Development Center Network or his or her designee;
- the president of the Florida Association of Postsecondary Schools and Colleges, Inc., or his or her designee; and
- the president of the Independent Colleges and Universities of Florida, Inc., or his or her designee.<sup>89</sup>

The members of the Task Force met six times<sup>90</sup> over several months to learn about WIOA, deliberate on how best to implement WIOA in Florida, and ultimately develop recommendations, which were submitted to CareerSource's board of directors (Board).<sup>91</sup> The Board considered and approved the Task Force's recommendations at its November 4, 2015 meeting.<sup>92</sup> CareerSource subsequently submitted a report, which included the approved recommendations to the Governor, Senate President, and the Speaker of the House of Representatives on November 24, 2015. The following questions and bullet points lay out the Task Force's recommendations as set forth in the report.<sup>93</sup>

*How should Florida's Workforce Innovation and Opportunity Act planning regions be organized?*<sup>94</sup>

- The Task Force members presented a variety of regional structures that are currently utilized to serve customers throughout Florida. Because regional planning has the greatest implications for the CareerSource Florida network, much discussion surrounded the impact on the existing local workforce development areas (currently known as regional workforce boards or workforce regions).
- Recommendations submitted through the Task Force process encouraged continuing conversations within the CareerSource Florida Network after the Task Force completed its work. At the September 21, 2015 CareerSource board meeting, the Florida Workforce Development Association (FWDA) and CareerSource proposed a joint recommendation to designate the existing 24 local workforce development areas as WIOA regional planning areas in the first WIOA state plan submitted in March 2016. This plan will specify that the 24 local boards would engage chief elected officials, community and business leaders, economic developers and others in public meetings and hearings leading to recommended regional planning areas for endorsement by the CareerSource Florida board of directors to the Governor for inclusion within the March 2018 update to the March 2016 State Workforce Development Strategic Plan.<sup>95</sup>

*What should be included in a comprehensive one-stop career center?*<sup>96</sup>

---

<sup>89</sup> Chapter 2015-98, s. 60(2), L.O.F. The members of the Task Force serve without compensation but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, F.S. Such per diem and travel expenses incurred by a member of the Task Force must be paid from funds budgeted to the state agency or entity that the member represents.

<sup>90</sup> Two webinars and four in-person meetings: April 29 Webinar, May 14 Meeting, June 11 Meeting, July 16 Meeting, August 6 Meeting, August 27 Webinar

<sup>91</sup> CareerSource Florida, Inc., Florida Workforce Innovation and Opportunity Act, Implementation Recommendations, *available at*: [http://careersourceflorida.com/wp-content/uploads/2015/11/151120\\_CombinedAttachments.pdf](http://careersourceflorida.com/wp-content/uploads/2015/11/151120_CombinedAttachments.pdf). Last visited: December 29, 2015.

<sup>92</sup> By law, the recommendations had to be presented to and approved by the board of directors of CareerSource and ultimately sent in a report to the Governor, the President of the Florida Senate, and the Speaker of the Florida House of Representatives by December 1, 2015. Chapter 2015-98, s. 60(2), L.O.F.

<sup>93</sup> *Id.* at 7-15.

<sup>94</sup> *Id.* at 7-8.

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

<sup>96</sup> *Id.* at 8-9. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

- One-stop career centers should be inclusive while providing flexibility as it relates to the levels of participation from required partners. The Task Force proposed that CareerSource Florida work with DEO and the core partners to develop a certification tool that provides for a uniform expectation of the levels of service for career centers. The first draft of this tool will be reviewed with the CareerSource Florida Strategic Policy Council in October, while also receiving input from required partners.

*How should WIOA-required one-stop career center partners share infrastructure costs?<sup>97</sup>*

- Task Force members representing the Department of Education Divisions of Blind Services and Vocational Rehabilitation recommended that infrastructure cost sharing be determined by the Department of Education at the state level pursuant to WIOA requirements. For the core program of Adult Education, it was recommended that infrastructure cost negotiations should occur at the local level, where appropriations are made via school districts, and be responsive to the needs of the local workforce development area. Pursuant to requirements set forth in WIOA, CareerSource can assist in local negotiations when an agreement cannot otherwise be reached.
- It was also recommended that Perkins Act funding, although a required career center partner and subject to cost sharing, would not contribute toward infrastructure cost at this time based on the pending federal reauthorization of the program and the need for additional time to explore partnerships with the CareerSource Florida network. Chancellor Rod Duckworth remarked during the Task Force's July 16 meeting that the goal would be to integrate the program, its functions, and infrastructure cost sharing into a combined workforce plan in the future. This was the only required career center partner who submitted a recommendation to delay infrastructure cost sharing.

*Which programs and entities should be included in Florida's workforce development system (combined or unified planning)?<sup>98</sup>*

- Optional combined planning partners should be able to voluntarily participate in workforce development planning as part of Florida's WIOA strategic state plan if they choose. This approach would not require any program or entity to participate in workforce planning other than the required core programs.
- During the Task Force meetings, there were no recommendations to include optional planning partners. Instead, the Task Force discussed submitting an initial unified plan that provides a timeline to incorporate combined planning partners in outlying years. The initial plan would recognize Florida's intention to move toward a combined plan with a staged approach. This would allow for alignment of current planning timeframes, cross training on program collaboration opportunities, and better integration of reporting mechanisms necessary in a combined plan.

*Since WIOA requires common measurement and planning for the core programs, what governance or organizational structure would lead to the best outcomes?<sup>99</sup>*

- While WIOA contemplates state and local workforce development board membership participation from the core programs, additional career center partners and potential combined planning partners should be encouraged to participate. Specifically, the Florida Agency for Persons with Disabilities, the Florida Department of Corrections and the Florida Small Business Development Center Network should serve on the CareerSource Florida Board.

---

<sup>97</sup> *Id.* at 9-11. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

<sup>98</sup> *Id.* at 11-12. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

<sup>99</sup> *Id.* at 12-13. Materials related to recommendations regarding this topic are included in Attachments 4 and 5 of the Implementation Recommendations.

- This recommendation seeks to examine and refine state and local workforce development board makeup to include partners that will lead Florida to a more comprehensive workforce development system.
- Board participation also would provide for those core programs to report their performance accountability measures to the CareerSource Board and to local workforce development boards. Utilizing a mechanism similar to that employed between CareerSource and DEO, performance expectations could be set via a memorandum of understanding and reported quarterly to the CareerSource Board through the programs' board representatives.

*How can Florida's workforce development system better share information, systems and/or customers?*<sup>100</sup>

- Resources can best be utilized by integrating existing systems to provide for a common intake and reporting system. Each core program partner and optional partner uses a technology system unique to its constituency, in which all information may not be necessary for intake and reporting for Florida's workforce development system. It follows that Florida's approach should be to align current systems for WIOA compliance, rather than advocating a new information system for all partners.
- Furthermore, some Task Force members recommended that the Employ Florida Marketplace, Florida's job-matching system, should be integrated, as a requirement, into career services available through state college and state university career centers. The Florida College System supports career services utilizing all tools available, including Employ Florida Marketplace.

*What can Florida's workforce development system do to best serve individuals with obstacles to employment?*<sup>101</sup>

- The Task Force recommended that career centers employ universal design principles in their operations, including such requirements in a career center certification tool. It emphasized the importance of universal design for online or technology-oriented resources. It was also suggested that maintaining the integrity of systems for unique constituent populations would be important to be sure job seekers with disabilities are provided every opportunity to be successful. Enhanced board membership that would include the partner programs serving these populations would allow more opportunities for those with specialized needs to be considered in decision making.

*What resources or relationships do you need to implement WIOA?*<sup>102</sup>

- Most Task Force recommendations on this topic centered on process-oriented needs such as memorandums of understanding developed and negotiated at the state level that outline roles and responsibilities. State-level memorandums of understanding could be explored for Department of Education programs as necessary.
- The Task Force recognized that special provisions for lease arrangements in which opportunities for co-location are explored may need to be included in state law along with appropriate partner decision-making processes.
- Enhanced data-sharing arrangements between partners should be explored as necessary to facilitate reporting.

*Other Recommendations:*<sup>103</sup>

<sup>100</sup> *Id.* at 13. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

<sup>101</sup> *Id.* at 14. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

<sup>102</sup> *Id.* at 14-15. Materials related to recommendations regarding this topic are included in Attachments 4 and 5 of the Implementation Recommendations.

- Change state law references from regional workforce board to local workforce development board.
- Utilize WIOA resources to promote registered apprenticeships.
- Cross-train individuals who interface with job seekers on core programs.
- Provide after-hours access to job seekers through expanded career center hours.
- Align state law governing local workforce development board structure to WIOA.

Upon completion of its work, the WIOA Task Force disbanded on September 8, 2015.<sup>104</sup> However, CareerSource must incorporate the Task Force's recommendations into the state's plan required by WIOA.<sup>105</sup>

### **Next Steps in WIOA Implementation**

CareerSource continues to utilize information and data gathered from its workforce development partners and the Task Force's recommendations to finalize Florida's four-year state plan, which must be submitted to the United States Department of Labor by March 2016.<sup>106</sup> As the state's implementation of WIOA proceeds, additional modifications to the state workforce development system may be requested for consideration by the Legislature.

### **Effect of the Bill**

The bill updates and amends the Florida statutes to reflect the federal change in law from WIA to WIOA and the Task Force's recommendations. Specifically, the bill does as follows.

- The bill replaces the name of the old federal law (WIA) with that of the new law (WIOA), and amends other references and nomenclature throughout the Florida statutes to reflect the new terminology and workforce assistance structure contemplated by WIOA.<sup>107</sup> The bill also removes various provisions in law rendered obsolete by the new federal law.
- The bill specifies that the Incumbent Worker Training Program administration should comply with WIOA.
- The bill changes the current state five year plan requirement (used to implement WIA) to a new four year state plan (to implement WIOA). The bill also amends the process for creating and modifying the plan. The four year plan requires certain strategic planning elements and operational planning elements.
- The bill requires a memorandum of understanding (MOU) between CareerSource and the Department of Education (DOE) to ensure requirements of WIOA are met in compliance with the state plan.
- The bill adopts a Task Force recommendation to expand CareerSource's board to include the vice chairperson of the board of directors of Enterprise Florida, Inc., and one member representing each of the WIOA partners, including the Division of Career and Adult Education, and other entities representing programs identified in WIOA as determined necessary.

---

<sup>103</sup> *Id* at 15.

<sup>104</sup> E-mail from April Money, Director of Government Relations for CareerSource Florida, Inc., to House Staff on Monday, December 7, 2015 at 4:52 pm. E-mail on file with House Staff. Chapter 2015-98, s. 60(5), L.O.F., provides that the Task Force: "is abolished June 30, 2016, or at an earlier date as provided by the task force." (Emphasis added.)

<sup>105</sup> Chapter 2015-98, s. 60(4), L.O.F.

<sup>106</sup> Library of Congress, 113<sup>th</sup> Congress (2013-2014), H.R. 803 Section 102 – Workforce Innovation and Opportunity Act, Congress.gov, available at <https://www.congress.gov/bill/113th-congress/house-bill/803/text> (last visited Dec. 8, 2015).

<sup>107</sup> For example, "regional workforce board" is changed to "local workforce development board."

- The bill adopts a Task Force recommendation to replace the current “tiers” system used to gauge performance of the state’s workforce system strategy, in favor of “performance accountability measures” that are set by contract between CareerSource and core program partners and are reported on by one-stop partners to the Board.
- The bill adopts a Task Force recommendation to align the requirements of local workforce development board membership and structure to the requirements of WIOA. The bill also provides that CareerSource may waive the requirement that if a local workforce development board has a representative from a public education or training provider, the local workforce development board must also have a representative from a private education provider. However, CareerSource may only waive the requirement if requested by the local workforce development board and if it is demonstrated that such a private representative does not exist within the local workforce development board’s region.
- The bill requires local workforce development boards to enter into an MOU with each mandatory or optional partner that participates in the one-stop delivery system, which details the partner’s required contribution to infrastructure costs as required in WIOA.
- The bill updates a reference to the public assistance information system used by the Department of Children and Families.
- The bill requires DEO to consult with DOE on the preparation of the “economic security report of employment and earning outcomes” for degrees or certificates earned at public postsecondary educational institutions.
- The bill provides that certain employment protections currently available to members of the Florida National Guard are to also apply to members of the National Guard of any state.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

See FISCAL COMMENTS.

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

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

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

None.

### **D. FISCAL COMMENTS:**



According to CareerSource, costs for the first year of WIOA implementation (FY 2016-17) will be absorbed through the state's federal funding. Costs to participating agencies, which are projected to be minimal will be managed within the respective agency budgets.<sup>108</sup>

As the state's implementation of WIOA proceeds, additional indeterminate costs may be incurred in future years for data sharing and information technology projects in order to improve the collaboration amongst the various workforce development system partners.<sup>109</sup>

---

<sup>108</sup> E-mail correspondence from April Money, Director of Governmental Relations, CareerSource Florida, Inc. E-mail received January 8, 2016 at 9:03 am. E-mail on file with House staff.

<sup>109</sup> *Id.*