



Administrative Policy

**POLICY
NUMBER
091**

Title:	Local Workforce Development Board Composition and Certification		
Program:	Workforce Innovation and Opportunity Act		
Effective:	06/08/2016	Revised:	03/04/2024

I. PURPOSE AND SCOPE

The purpose of this policy is to provide local workforce development boards (LWDBs) with the requirements for LWDB membership composition under the Workforce Innovation and Opportunity Act (WIOA) and Chapter 445, Florida Statutes (F.S.), and the process for certification of LWDBs.

II. BACKGROUND

Each local workforce development area (local area) in the state shall establish a local workforce development board to carry out the functions specified for the LWDB under WIOA sec. 107(d) for such local area. The state workforce development board (state board), in partnership with the Florida Department of Commerce (FloridaCommerce), will ensure LWDBs have a membership consistent with the requirements of federal and state law, state policy, and have developed a plan consistent with the state's four-year WIOA plan.

III. AUTHORITY

Public Law 113-128, Workforce Innovation and Opportunity Act Sections 106 and 107

[CareerSource Florida Strategic Policy 2020.02.20.A.1.](#)

[CareerSource Florida Strategic Policy 2023.09.19.A.2.](#)

[20 Code of Federal Regulations 679.320](#)

Sections [445.004](#) and [445.007](#), F.S.

IV. POLICIES AND PROCEDURES

Outlined below are the policies and procedures for certifying LWDBs and ensuring the composition of and appointment of members to LWDBs are consistent with the provisions of federal and state requirements.

A. LWDB Membership and Composition

The Governor, in partnership with the state board, shall establish criteria for use by chief local elected officials (CLEOs) to appoint members of the LWDBs in accordance with WIOA sec. 107(b)(2) and to ensure there is appropriate and equitable representation from all counties included in the local area. The composition of the LWDB must meet the following criteria:

1. Business

A majority of the LWDB members shall represent businesses in the local area as individuals who:

- a) Are owners of a business, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority.
- b) Represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area (at least two representatives of small businesses must be included).
- c) Are appointed from individuals nominated by local business organizations and business trade associations.
- d) Are not current members of the local area's Education and Industry Consortium as defined by CareerSource Florida's Strategic Policy 2023.09.19.A.2.

2. Labor/Apprenticeships

Not less than 20 percent of the members shall be representatives of the workforce within the local area that:

- a) Include at least two representatives of labor organizations nominated by local labor federations. For a local area in which no employees are represented by such organizations, at least two other representatives of employees will be included.
- b) Include at least one representative of a labor organization or a training director

from a joint labor-management apprenticeship program. If no union affiliated registered apprenticeship programs exist in the area, a representative of a non-union affiliated registered apprenticeship program must be appointed, if one exists.

- c) May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or provide/support competitive integrated employment for individuals with disabilities.
- d) May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives or organizations that serve out-of-school youth.

3. Education

Each LWDB shall include representatives of entities administering education and training activities in the local area who:

- a) Include a representative of eligible providers administering adult education and literacy activities under Title II of WIOA.
- b) Include a representative of institutions of higher education providing workforce investment activities (including community colleges).
- c) Include a representative of a private education provider if a public education or training provider is represented on the LWDB. LWDBs can search local private education providers on the Florida Department of Education website [Commission for Independent Education \(fldoe.org\)](http://fldoe.org). The state board may waive this requirement if requested by a LWDB if it is demonstrated that such representative does not exist in the local area.
- d) May include representatives of local educational agencies and community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.
- e) Are not current members of the local area's Education and Industry Consortium as defined by CareerSource Florida Policy 2023.09.19.A.2.

When there is more than one institution in each of the types of educational entities listed above, nominations are solicited from representatives of each of these entities.

LWDBs requesting to waive the requirement for private education provider representation on the board must demonstrate that such a provider does not exist in the local area and/or is not willing to serve on the board. The LWDB will describe, in a locally defined process, how private education providers will be identified, and efforts taken to include those representatives on the LWDB. If through the locally defined process the LWDB finds that a private education

provider representative of an entity administering education and training activities in the local area does not exist or is not willing to serve on the board, the LWDB must submit a Private Education Provider Waiver Request Form (Attachment A) to: LWDBGovernance@commerce.fl.gov. The request must include a copy of the locally defined process used to identify private education providers and the results of the LWDB's efforts to include those representatives on the LWDB in its request.

4. Governmental/Economic/Community Development

Each LWDB shall include representatives of economic and community development as well as governmental entities serving the local area who:

- a) Represent economic and community development entities serving the local area.
- b) Represent Vocational Rehabilitation serving the local area.
- c) May represent agencies or entities serving the local area relating to transportation, housing, and public assistance.
- d) May represent philanthropic organizations serving the local area.

5. Other Entity Representation

Each LWDB may include other individuals or representatives of entities determined to be appropriate by the CLEO in the local areas.

Unlike the state board, members of the LWDB may be appointed as representatives of more than one entity if the individual meets all the criteria for representation.

B. LWDB Chairperson

The LWDB chairperson is elected by the members of the LWDB and must be one of the business representatives on the LWDB. LWDB chairperson requirements can be found in [Administrative Policy 110 – Local Workforce Development Area and Board Governance](#).

C. Standing Committees

The LWDB may designate and direct the activities of standing committees to provide information and to assist the LWDB in carrying out its required activities, as further prescribed in WIOA sec. 107(b)(4).

D. Authority of Board Members

Members of the board who represent organizations, agencies, or other entities must be individuals with optimum policymaking authority within the organizations,

agencies or entities.

E. Board Member Recruiting, Vetting and Nominating

The LWDB, in consultation with the CLEO, must develop and implement written processes and procedures for recruiting, vetting and nominating LWDB members. The qualifications of LWDB members must be documented, align with the requirements of WIOA, and be compliant with all federal and state laws, rules and regulations, and applicable state policies. Documentation supporting the recruitment, vetting and nomination process, including names of nominating organizations and names of all candidates and their qualifications, must be retained for not less than five years.

In addition to criteria outlined in Section A. of this policy, the members of the LWDB must represent diverse geographic areas within the local area and must ensure appropriate and equitable representation from all counties included in the local area. The importance of minority and gender representation must be considered when making appointments to the LWDB¹.

F. Appointment of Board Members

The CLEO in a local area is authorized to appoint the members of the LWDB who meet the criteria outlined in **Section IV.A.** of this policy. The CLEO may not delegate the responsibility of appointing members to the LWDB, to the executive director or to staff of the LWDB.

When a local area includes more than one unit of local government, the CLEOs of such units may execute an agreement that specifies the respective roles of the individual CLEOs regarding:

- a) The selection, appointment, removal, or reappointment of the members of the LWDB from individuals nominated or recommended to be such members; and
- b) Carrying out any other responsibilities assigned to such officials in accordance with WIOA.

If after a reasonable effort the CLEOs are unable to reach agreement, the Governor may appoint the members of the LWDB from individuals so nominated or recommended.

LWDBs must adopt and abide by a conflict-of-interest policy that ensures compliance with federal and state laws, rules and regulations and applicable state policies.

Upon appointment to the LWDB, members must be educated about and acknowledge state and local conflict-of-interest policies.

LWDB members who are not otherwise required to file a full and public disclosure of

¹ Section 445.007(1), F.S.

financial interests under Section 8, Art. II of the State Constitution or Section 112.3144, F.S. must be advised of their obligation to file a statement of financial interests under Section 112.3145, F.S.

G. Board Member Vacancies, Term Limits and Removal

LWDB members who no longer hold the position or status that made them eligible appointees must resign or be removed by the CLEO. Local workforce development board vacancies must be filled within a reasonable amount of time, but no more than 12 months from the vacancy occurrence. This process must be described in the local area's bylaws or in a local operating procedure.

LWDB members shall serve staggered terms and may not serve for more than eight (8) consecutive years unless the member is a representative of a government entity. Service in a term of office which commenced before July 1, 2021, does not count toward the 8- year limitation.

The Governor and CLEO may remove members of a LWDB, its executive director and/or the designated person responsible for operational and administrative functions of the board for cause.

H. Certification of Local Workforce Development Boards

1. Certification

Once every two years, one LWDB must be certified for each local area in the state, based on the criteria described in WIOA sec. 107(b) and this policy. For a second or subsequent certification, certification must also be based on the extent to which the local area ensures workforce investment activities carried out in the local area enabled the local area to meet the corresponding performance accountability measures and achieve fiscal integrity as defined in WIOA sec. 106(e)(2).

The state board, on behalf of the Governor, approves the certification of LWDBs every two years. FloridaCommerce, in consultation with CareerSource Florida, will issue instructions to the LWDBs for certification. At the appropriate time intervals, instructions will be issued to LWDBs about the certification process, to include documentation requirements.

At a minimum, LWDBs must provide the following certification documents to FloridaCommerce:

- a) LWDB membership, composition, and policymaking authority.
- b) LWDB chairperson (confirming the chairperson is one of the business representatives on the LWDB).
- c) Membership of standing committees including education and industry consortium(s).

Upon satisfactory review of an LWDB's certification documents, FloridaCommerce will provide a recommendation regarding certification to the state board.

2. Failure to Achieve Certification

Failure of an LWDB to achieve certification shall result in appointment and certification of a new LWDB for the local area pursuant to WIOA sec. 107(c)(1). [Administrative Policy 104 – Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards](#) details the actions the state board and FloridaCommerce may take if an LWDB fails to meet this standard.

I. Decertification of Local Workforce Development Boards

The Governor may decertify a LWDB in accordance with WIOA Sec. 107(c)(3), as further prescribed in Administrative Policy 104, Sanctions for Local Workforce Development Boards' Failure to Meet Federal and State Standards.

V. DEFINITIONS

- a) **Small business** - defined by the [Small Business Administration](#).
- b) **Economic agency** - includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.
- c) **For cause** – includes, but is not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, gross mismanagement, waste, or lack of performance.
- d) **Person with optimum policy-making authority** - an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.
- e) **Demonstrated experience and expertise** - an individual who (1) is a workplace learning advisor as defined in WIOA sec. 3(70); (2) contributes to the field of workforce development, human resources, training and development, or a core program function; or (3) the LWDB recognizes for valuable contributions in education or workforce development related fields.

VI. REVISION HISTORY

Date	Description
03/04/2024	Issued by the Florida Department of Commerce.
02/28/2024	Revised by the Florida Department of Commerce and approved by CareerSource Florida Board of Directors.
07/01/2021	Revised and issued by the Florida Department of Economic Opportunity to incorporate the requirements of the Reimagining Education and Career Help Act of 2021 (House Bill 1507).
01/07/2021	Issued by the Florida Department of Economic Opportunity.
12/03/2020	Revised and approved by CareerSource Florida Board of Directors.
02/20/2020	Revised and approved by CareerSource Florida Board of Directors.
06/08/2016	Issued by the Florida Department of Economic Opportunity. This administrative policy supersedes and replaces FG-OSPS-073, Regional Workforce Board Composition, Certification and Decertification, issued June 29, 2013.

VII. ATTACHMENTS

[Attachment A – Private Education Provider Waiver Request Form](#)