

By the Committee on Community Colleges & Career Prep and  
Representatives Sindler, Fasano, Diaz de la Portilla,  
Harrington, Gay, Wise and Kelly

1                                   A bill to be entitled  
2           An act relating to job training and education  
3           for workforce development; amending s. 239.117,  
4           F.S., relating to postsecondary student fees;  
5           allowing payment for the cost of fee exemptions  
6           to be made through a contract with the local  
7           WAGES board; deleting full-time equivalent  
8           enrollment funding; amending s. 239.249, F.S.;  
9           providing an appeal process for school  
10          districts and community colleges to allow  
11          exemption from participation in  
12          performance-based incentive funding; amending  
13          s. 239.301, F.S.; providing for services for  
14          WAGES clients negotiated through the jobs and  
15          education regional board by school districts  
16          and community colleges to be funded by the  
17          local WAGES coalition; amending s. 240.35,  
18          F.S., relating to student fees; allowing  
19          payment for the cost of fee exemptions to be  
20          made through a contract with the local WAGES  
21          board; amending s. 414.027, F.S.; providing an  
22          alternative payment structure for job training  
23          services; amending s. 414.065, F.S., relating  
24          to work requirements for participation in the  
25          WAGES Program; including paid apprenticeship  
26          activities, cooperative education activities,  
27          and work-study activities in work activities;  
28          permitting educational institutions to provide  
29          training and receive subsidies to offset the  
30          cost of the training; providing reasons for  
31          placement in community service; defining work

1           experience; clarifying the role of remedial or  
2           basic skills training; revising requirements  
3           for payment to a provider of vocational  
4           education or training; requiring the  
5           development of programs to address the needs of  
6           "hard-to-place" recipients; expanding the  
7           definition of job skills training; providing  
8           additional literacy or basic skills  
9           requirements related to work activity  
10          requirements; requiring the establishment of a  
11          task force to investigate issues associated  
12          with job training and workforce development;  
13          providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Paragraph (f) of subsection (2) of section  
18          239.117, Florida Statutes, 1996 Supplement, is amended to  
19          read:

20           239.117 Postsecondary student fees.--

21           (2) The following students are exempt from any  
22          requirement for the payment of registration, matriculation,  
23          and laboratory fees for instruction:

24           (f) A student enrolled in an employment and training  
25          program under the WAGES Program. Such a student may receive a  
26          fee exemption only if the student applies for and does not  
27          receive student financial aid, including Job Training  
28          Partnership Act or Family Support Act funds. Schools and  
29          community colleges shall help such students apply for  
30          financial aid, but may not deny such students program  
31          participation during the financial aid application process.

1 Such a student may not be required to incur debt within the  
2 financial aid package. If local WAGES boards, established  
3 pursuant to s. 414.028, choose to contract with a public  
4 postsecondary institution for education and training services,  
5 payment for the cost of such fee exemptions must be made by  
6 the local WAGES boards.~~Fee-exempt instruction provided at~~  
7 ~~community colleges pursuant to this subsection generates an~~  
8 ~~additional one-fourth of a full-time equivalent enrollment.~~

9 Section 2. Subsections (9) through (13) of section  
10 239.249, Florida Statutes, 1996 Supplement, are renumbered as  
11 subsections (10) through (14), respectively, and a new  
12 subsection (9) is added to said section to read:

13 239.249 Market-driven, performance-based incentive  
14 funding for vocational and technical education programs.--

15 (9) The Jobs and Education Partnership Board shall  
16 develop an appeal process, to be implemented by the regional  
17 workforce development boards, that may allow an exemption of  
18 certain school districts and community colleges from  
19 participation in the performance-based incentive funding  
20 provisions of this section. School districts and community  
21 colleges shall be eligible to use the appeal process if they  
22 meet one or both of the following criteria:

23 (a) Generate less than 50 unweighted FTE in  
24 certificate career education and in career degree education.

25 (b) Provide a written report documenting the direct  
26 costs incurred due to the implementation of performance-based  
27 incentive funding and how mandatory participation in the  
28 program will adversely affect the school district or community  
29 college.

30 Section 3. Paragraph (e) is added to subsection (5) of  
31 section 239.301, Florida Statutes, 1996 Supplement, to read:

1           239.301 Adult general education.--

2           (5)

3           (e) School districts and community colleges may  
4 negotiate through the jobs and education regional boards for  
5 specialized services for WAGES clients, beyond what is  
6 routinely provided for the general public, to be funded by the  
7 local WAGES coalition pursuant to s. 414.065(10). Under any  
8 contract with the local WAGES coalition, attendance may be  
9 required of clients.

10           Section 4. Subsection (3) of section 240.35, Florida  
11 Statutes, 1996 Supplement, is amended to read:

12           240.35 Student fees.--Unless otherwise provided, the  
13 provisions of this section apply only to fees charged for  
14 college credit instruction.

15           (3) Students enrolled in dual enrollment and early  
16 admission programs pursuant to s. 240.116 and students  
17 enrolled in employment and training programs under the WAGES  
18 Program are exempt from the payment of registration,  
19 matriculation, and laboratory fees; however, such students may  
20 not be included within calculations of fee-waived enrollments.  
21 Students enrolled in programs under the WAGES Program shall be  
22 granted a fee exemption only if they have applied for student  
23 financial aid including Job Training Partnership Act or Family  
24 Support Act funds and did not receive financial assistance.  
25 Colleges shall assist these students in applying for financial  
26 aid, and these students may not be denied participation in  
27 programs during the application process for financial aid.  
28 These students may not be required to obtain loans as a part  
29 of their financial aid package. If local WAGES boards,  
30 established pursuant to s. 414.028, choose to contract with a  
31 public postsecondary institution for education and training

1 services, payment for the cost of such fee exemptions must be  
2 made by the local WAGES boards. Other fee-exempt instruction  
3 provided pursuant to this subsection shall generate an  
4 additional one-fourth full-time equivalent enrollment.

5 Section 5. Paragraph (g) of subsection (1) of section  
6 414.027, Florida Statutes, 1996 Supplement, is amended to  
7 read:

8 414.027 WAGES Program statewide implementation plan.--

9 (1) By December 31, 1996, the WAGES Program State  
10 Board of Directors shall submit to the Governor, the President  
11 of the Senate, and the Speaker of the House of Representatives  
12 a statewide plan for implementing the WAGES Program  
13 established under this chapter. At a minimum, the statewide  
14 implementation plan must include:

15 (g) The development of a performance-based payment  
16 structure to be used for all WAGES Program services, which  
17 takes into account the following:

- 18 1. The degree of difficulty associated with placing a  
19 WAGES Program participant in a job;
- 20 2. The quality of the placement with regard to salary,  
21 benefits, and opportunities for advancement; and
- 22 3. The employee's retention of the placement.

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24 The payment structure shall provide not more than 40 percent  
25 of the cost of services provided to a WAGES participant prior  
26 to placement, 50 percent upon employment placement, and 10  
27 percent if employment is retained for at least 6 months. The  
28 payment structure should provide bonus payments to providers  
29 that experience notable success in achieving long-term job  
30 retention with WAGES Program participants. The board shall  
31 consult with Enterprise Florida Jobs and Education Partnership

1 in developing the WAGES Program statewide implementation plan.  
2 For job training services, an alternative payment structure  
3 shall provide for the distribution of not more than 40 percent  
4 of the cost of services upon admission and not more than an  
5 additional 30 percent for retention and progress toward  
6 completion, with the remaining percent divided between  
7 placement and employment retention for at least 6 months, with  
8 the majority based on placement.

9 Section 6. Subsections (1) and (2), and paragraph (b)  
10 of subsection (10) of section 414.065, Florida Statutes, 1996  
11 Supplement, are amended to read:

12 414.065 Work requirements.--

13 (1) WORK ACTIVITIES.--The following activities may be  
14 used individually or in combination to satisfy the work  
15 requirements for a participant in the WAGES Program:

16 (a) Unsubsidized employment.--Unsubsidized employment  
17 is full-time employment or part-time employment that is not  
18 directly supplemented by federal or state funds. Paid  
19 apprenticeship and cooperative education activities are  
20 included in this activity.

21 (b) Subsidized private sector employment.--Subsidized  
22 private sector employment is employment in a private  
23 for-profit enterprise or a private not-for-profit enterprise  
24 which is directly supplemented by federal or state funds. A  
25 subsidy may be provided in one or more of the forms listed in  
26 this paragraph.

27 1. Work supplementation.--A work supplementation  
28 subsidy diverts a participant's assistance under the program  
29 to the employer. The employer must pay the participant wages  
30 that equal or exceed the applicable federal minimum wage. Work  
31 supplementation may not exceed 6 months. At the end of the

1 supplementation period, the employer is expected to retain the  
2 participant as a regular employee without receiving a subsidy  
3 for at least 12 months. The work supplementation agreement  
4 must provide that if the employee is dismissed at any time  
5 within 12 months after termination of the supplementation  
6 period due in any part to loss of the supplement, the employer  
7 shall repay some or all of the supplement previously paid as a  
8 subsidy to the employer under the WAGES Program.

9         2. On-the-job training.--On-the-job training is  
10 full-time, paid employment in which the employer or  
11 educational institution in cooperation with the employer  
12 provides training needed for the participant to perform the  
13 skills required for the position. The employer or educational  
14 institution on behalf of the employer receives a subsidy to  
15 offset the cost of the training provided to the participant.  
16 Upon satisfactory completion of the training, the employer is  
17 expected to retain the participant as a regular employee  
18 without receiving a subsidy. The on-the-job training agreement  
19 must provide that in the case of dismissal of a participant  
20 due to loss of the subsidy, the employer shall repay some or  
21 all of the subsidy previously provided by the department.

22         3. Incentive payments.--The department may provide  
23 additional incentive payments to encourage employers to employ  
24 program participants. Incentive payments may include payments  
25 to encourage the employment of hard-to-place participants, in  
26 which case the amount of the payment shall be weighted  
27 proportionally to the extent to which the participant has  
28 limitations associated with the long-term receipt of welfare  
29 and difficulty in sustaining employment. In establishing  
30 incentive payments, the department shall consider the extent  
31 of prior receipt of welfare, lack of employment experience,

1 lack of education, lack of job skills, and other appropriate  
2 factors. A participant who has complied with program  
3 requirements and who is approaching the time limit for  
4 receiving temporary assistance may be defined as  
5 "hard-to-place." Incentive payments may include payments in  
6 which an initial payment is made to the employer upon the  
7 employment of a participant, and the majority of the incentive  
8 payment is made after the employer retains the participant as  
9 a full-time employee for at least 12 months. The incentive  
10 agreement must provide that if the employee is dismissed at  
11 any time within 12 months after termination of the incentive  
12 payment period due in any part to loss of the incentive, the  
13 employer shall repay some or all of the payment previously  
14 paid as an incentive to the employer under the WAGES Program.

15         4. Tax credits.--An employer who employs a program  
16 participant may qualify for enterprise zone property tax  
17 credits under s. 220.182, the tax refund program for qualified  
18 target industry businesses under s. 288.106, or other federal  
19 or state tax benefits. The department shall provide  
20 information and assistance, as appropriate, to use such  
21 credits to accomplish program goals.

22         (c) Subsidized public sector employment.--Subsidized  
23 public sector employment is employment by an agency of the  
24 federal, state, or local government which is directly  
25 supplemented by federal or state funds. The applicable  
26 subsidies provided under paragraph (b) may be used to  
27 subsidize employment in the public sector, except that  
28 priority for subsidized employment shall be employment in the  
29 private sector. Public sector employment is distinguished from  
30 work experience in that the participant is paid wages and  
31 receives the same benefits as a nonsubsidized employee who



1 performs similar work. Work-study activities administered by  
2 educational institutions are included in this activity.  
3 (d) Community service work experience.--Community  
4 service work experience is job training experience at a  
5 supervised public or private not-for-profit agency. A  
6 participant shall receive temporary assistance in the form of  
7 wages that are proportional to the amount of time worked. A  
8 participant assigned to community service work experience  
9 shall be deemed an employee of the state for purposes of  
10 workers' compensation coverage and is subject to the  
11 requirements of the drug-free workplace program. As used in  
12 this paragraph, the terms "community service experience,"  
13 "community work," and "workfare" are synonymous. Participants  
14 involved in community service work may be assigned to this  
15 activity to increase their work maturity and job  
16 problem-solving and critical thinking skills, as well as  
17 develop skills in balancing job and personal responsibilities.  
18 Participants may be placed in community service for one or  
19 more of the following reasons which include, but are not  
20 limited to:  
21 1. Assessing WAGES Program compliance prior to  
22 referral to costly services such as vocational education.  
23 2. Maintaining work activity status while awaiting  
24 placement into paid employment or training.  
25 3. Fulfilling clinical practicum or internship  
26 requirements related to training.  
27 4. Participating in work-based mentoring programs.  
28 (e) Work experience.--Work experience is a structured,  
29 supervised, job training activity in a public or private  
30 not-for-profit agency. Work experience is appropriate for  
31 participants who are the least prepared for entry into the

1 workforce. This work activity involves intensive supervision  
2 and training of the participant that leads to the development  
3 of work maturity, employability, and basic job skills. This  
4 activity requires 20 hours of work and an additional 10 hours  
5 of education and training related to a vocational goal. The  
6 WAGES Program shall pay for this activity through a  
7 performance-based contract which shall include benchmarks,  
8 goals, outcomes, and timeframes designed to move the  
9 participant toward full-time paid employment. A participant  
10 shall receive temporary assistance proportional to the time  
11 worked. A participant assigned to work experience shall be  
12 deemed an employee of the state for purposes of workers'  
13 compensation coverage and is subject to the requirements of  
14 the drug-free workplace program.

15 (f)(e) Job search and job readiness assistance.--Job  
16 search assistance may include supervised or unsupervised  
17 job-seeking activities. Job readiness assistance provides  
18 support for job-seeking activities, which may include:

- 19 1. Orientation to the world of work and basic  
20 job-seeking and job retention skills.
- 21 2. Instruction in completing an application for  
22 employment and writing a resume.
- 23 3. Instruction in conducting oneself during a job  
24 interview, including appropriate dress.
- 25 4. Instruction in retaining a job, success in the  
26 workplace, and career planning.

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28 Job readiness assistance may also include providing a  
29 participant with access to an employment resource center that  
30 contains job listings, telephones, facsimile machines,  
31 typewriters, and word processors. Job search and job readiness

1 activities may be used in conjunction with other program  
2 activities, such as work experience, but may not be the  
3 primary work activity, may not be used in conjunction with  
4 other program activities such as work experience, and may not  
5 continue longer than the length of time permitted under  
6 federal law.

7 (g)~~(f)~~ Vocational education or training.--Vocational  
8 education or training is education or training designed to  
9 provide participants with the skills and certification  
10 necessary for employment in an occupational area. Vocational  
11 education or training may be used as a primary program  
12 activity for participants when it has been determined that the  
13 individual has demonstrated compliance with other phases of  
14 program participation and successful completion of the  
15 vocational education or training is likely to result in  
16 employment entry at a higher wage than the participant would  
17 have been likely to attain without completion of the  
18 vocational education or training. Vocational education or  
19 training may be combined with other program activities and  
20 also may be used to upgrade skills or prepare for a higher  
21 paying occupational area for a participant who is employed.

22 1. Vocational education shall not be used as the  
23 primary program activity for a period which exceeds 12 months.  
24 The 12-month restriction, however, only includes actual  
25 vocational education instruction. Remedial or basic skills  
26 training shall not count towards the 12 months.In addition,  
27 use of vocational education or training shall be restricted to  
28 not more than 20 percent of adult participants in the WAGES  
29 region, or subject to other limitation as established in  
30 federal law. Vocational education included in a program

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1 leading to a high school diploma shall not be considered  
2 vocational education for purposes of this section.

3           2. When ~~To the maximum extent~~ possible, a provider of  
4 vocational education or training shall use funds provided by  
5 funding sources other than the department. The department may  
6 provide additional funds to a vocational education or training  
7 provider only if payment is made pursuant to a  
8 performance-based contract. Under a performance-based  
9 contract, the provider may be partially paid when a  
10 participant enters, continues, and completes education or  
11 training, but at least 25 percent ~~the majority~~ of payment  
12 shall be made following the participant's employment at a  
13 specific wage or job retention for a specific duration.  
14 Performance-based payments made under this subparagraph are  
15 limited to education or training for targeted occupations  
16 identified by the Occupational Forecasting Conference under s.  
17 216.136, or other programs identified by the Enterprise  
18 Florida Jobs and Education Partnership, to include specially  
19 developed programs to address the needs of "hard-to-place"  
20 recipients. ~~A contract with a community college or school~~  
21 ~~district must conform to the provisions of ss. 239.249 and~~  
22 ~~240.40685.~~

23           (h)(g) Job skills training directly related to  
24 employment.--Job skills training directly related to  
25 employment provides job skills training in a specific  
26 occupation for which there is a written commitment by the  
27 employer to offer employment to a participant who successfully  
28 completes the training. Job skills training includes  
29 customized training designed to meet the needs of a specific  
30 employer or a specific industry. A participant may be required  
31 to complete an entrance assessment or test before entering

1 into job skills training if assessments or tests are required  
2 for employment upon completion of the training. Jobs skills  
3 training may include work place literacy instruction as a  
4 secondary activity for those participants with a high school  
5 diploma or equivalent, but without the literacy skills  
6 necessary for a specific job or job training program.

7 (i)~~(h)~~ Education services related to employment for  
8 participants 19 years of age or younger.--Education services  
9 provided under this paragraph are designed to prepare a  
10 participant for employment in an occupation. The Department of  
11 Labor and Employment Security shall coordinate education  
12 services with the school-to-work activities provided under s.  
13 229.595. Activities provided under this paragraph are  
14 restricted to participants 19 years of age or younger who have  
15 not completed high school or obtained a high school  
16 equivalency diploma.

17 (j)~~(i)~~ School attendance.--Attendance at a high school  
18 or attendance at a program designed to prepare the participant  
19 to receive a high school equivalency diploma is a required  
20 program activity for each participant 19 years of age or  
21 younger who:

- 22 1. Has not completed high school or obtained a high  
23 school equivalency diploma;
- 24 2. Is a dependent child or a head of household; and
- 25 3. For whom it has not been determined that another  
26 program activity is more appropriate.

27 (k)~~(j)~~ Teen parent services.--Participation in  
28 medical, educational, counseling, and other services that are  
29 part of a comprehensive program is a required activity for  
30 each teen parent who participates in the WAGES Program.

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1           (2) WORK ACTIVITY REQUIREMENTS.--Each adult  
2 participant who is not otherwise exempt must participate in a  
3 work activity for the maximum number of hours allowable under  
4 federal law provided that no participant be required to work  
5 more than 40 hours per week or less than the minimum number of  
6 hours required by federal law. An applicant shall be referred  
7 for employment at the time of application if the applicant is  
8 eligible to participate in the WAGES Program.

9           (a) Participants with literacy or basic skills below  
10 that necessary to obtain or retain employment may be required  
11 to obtain instruction to increase those skills, so long as  
12 such requirement does not require more than 40 hours per week  
13 of total activity. Attendance at such instruction may be  
14 required for continued WAGES support.

15           (b) Participants who meet the work activity  
16 requirements and who wish to avail themselves of educational  
17 services that will enhance their ability to be self sufficient  
18 should be supported by WAGES funds to the greatest extent  
19 possible.

20           (10) USE OF CONTRACTS.--The department shall provide  
21 work activities, training, and other services, as appropriate,  
22 through contracts. In contracting for work activities,  
23 training, or services, the following applies:

24           (b) A contract must be performance-based. Wherever  
25 possible, payment shall be tied to performance outcomes that  
26 include factors such as, but not limited to, job entry, job  
27 entry at a target wage, and job retention, ~~rather than tied to~~  
28 ~~completion of training or education or any other phase of the~~  
29 ~~program participation process.~~

30           Section 7. The Commissioner of Education is hereby  
31 directed to convene a task force to investigate issues

1 associated with postsecondary education's role in Florida's  
2 job training, WAGES, and workforce development activities.  
3 The task force shall consist of members representing public  
4 schools, community colleges, private postsecondary  
5 institutions, workforce development boards, and WAGES boards,  
6 two members of the House of Representatives appointed by the  
7 Speaker of the House of Representatives, two members of the  
8 Senate appointed by the President of the Senate, and other  
9 appropriate parties. The task force shall investigate,  
10 evaluate, and make recommendations regarding, but not limited  
11 to, restructured governance, reporting, funding, and  
12 accountability mechanisms needed to effectively meet  
13 increasing demands and improve the services of postsecondary  
14 institutions, particularly with respect to adult and  
15 vocational education. The task force shall make both  
16 substantive and fiscal recommendations to the Governor and the  
17 Legislature no later than January 1, 1998.

18 Section 8. This act shall take effect July 1, 1997.  
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HOUSE SUMMARY

With respect to postsecondary education student fees, provides for payment for the cost of fee exemptions by local WAGES boards that contract with public postsecondary institutions for education and training services. Provides an appeal process for school districts and community colleges to allow exemption from participation in performance-based incentive funding. Provides for services for WAGES clients negotiated through the jobs and education regional board by school districts and community colleges to be funded by the local WAGES coalition. Provides an alternative payment structure for job training services. Revises provisions relating to work requirements for participation in the WAGES Program. Includes paid apprenticeship activities, cooperative education activities, and work-study activities in work activities. Permits educational institutions to provide training and receive subsidies to offset the cost of the training. Provides reasons for participants to be placed in community service. Defines work experience and clarifies the role of remedial or basic skills training. Revises requirements for payment to a provider of vocational education or training. Requires the development of programs to address the needs of "hard-to-place" recipients. Expands the definition of job skills training and provides additional literacy or basic skills requirements related to work activity requirements. Requires establishment of a task force to investigate issues associated with job training and workforce development.