

1 A bill to be entitled
2 An act relating to workforce development;
3 transferring and amending s. 288.9620, F.S.;
4 providing legislative findings; creating the
5 Workforce Development Board within Enterprise
6 Florida, Inc.; providing for a board of
7 directors and for officers and employees;
8 providing duties of the board and of its board
9 of directors; providing for reports and audits;
10 requiring measures and standards of workforce
11 development strategy; transferring and amending
12 ss. 446.601, 446.602, 446.603, 446.604,
13 446.605, 446.606, 446.607, F.S.; conforming
14 terminology and cross-references; amending s.
15 288.902, F.S.; deleting an obsolete
16 cross-reference; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Sections 288.99, 288.9951, 288.9952,
21 288.9953, 288.9954, 288.9955, 288.9956, and 288.9957, Florida
22 Statutes, are designated as part XI of chapter 288, Florida
23 Statutes, and the Division of Statutory Revision is requested
24 to designate that part "Workforce Development Board."

25 Section 2. Section 288.9620, Florida Statutes, is
26 transferred, renumbered as section 288.99, Florida Statutes,
27 and amended to read:

28 (Substantial rewording of section. See
29 s. 288.9620, F.S., for present text.)
30 288.99 Workforce Development Board.--

31

1 (1) The Legislature finds that the growth and
2 competitive strength of Florida's economy depend upon the
3 state's ability to attract and support industries that add to
4 the value of the state's social capital as well as to its
5 economic capital. It is crucial to the retention and growth of
6 these high-value-added industries to assure that skilled human
7 resources are adequate in quality and quantity. The
8 Legislature intends to adopt a uniform policy to guide
9 education, training, and employment programs, so that the
10 combined efforts of all the programs accomplish the following
11 objectives:

12 (a) Provide for a skilled workforce to enable Florida
13 to compete in a global economy.

14 (b) Respond to changes in technology and to emerging
15 industries.

16 (c) Promote the development of market-driven programs
17 through a planning and funding system based upon products of
18 the Occupational Forecasting Conference created in s. 216.136.

19 (d) Base evaluations of program success on student and
20 participant outcomes rather than processes.

21 (e) Coordinate state, federal, local, and private
22 funds for maximum impact.

23 (f) Encourage the participation, education, and
24 training of members of populations selected by state or
25 federal policy to receive additional resources, guidance, or
26 services. The selected populations must include people with
27 disabilities or economic disadvantages, especially those who
28 are participants in the WAGES Program, are eligible for public
29 assistance, or are dislocated workers.

30 (2) There is created within the nonprofit corporate
31 structure of Enterprise Florida, Inc., a nonprofit

1 public-private Workforce Development Board. The purpose of
2 the Workforce Development Board, also known as the Jobs and
3 Education Partnership, is to create a Florida economy
4 characterized by better employment opportunities leading to
5 higher wages by creating and maintaining a highly skilled
6 workforce that responds to the rapidly changing technology and
7 diversified market opportunities critical to this mission.

8 (3)(a) The Workforce Development Board shall be
9 governed by a board of directors consisting of the following
10 members:

11 1. The Commissioner of Education.

12 2. The Secretary of the Department of Elderly Affairs.

13 3. The Secretary of the Department of Children and
14 Family Services.

15 4. The Secretary of the Department of Labor and
16 Employment Security.

17 5. The Chancellor of the State University System or
18 the Chancellor's designee.

19 6. The Executive Director of the State Community
20 College System or the executive director's designee.

21 7. A member of the Senate, to be appointed by the
22 President of the Senate as an ex officio member of the board
23 and serve at the pleasure of the President.

24 8. A member of the House of Representatives, to be
25 appointed by the Speaker of the House of Representatives as an
26 ex officio member of the board and serve at the pleasure of
27 the Speaker.

28 9. Eleven to 13 members from the public and private
29 sectors who possess an understanding of the broad spectrum of
30 education, training, and employment needs of the residents of
31 the state, with the majority from the private sector, to be

1 appointed by the Governor, subject to Senate confirmation.
2 Membership must be consistent with Pub. L. No. 97-300, as
3 amended, including the requirement that organized labor
4 representatives must constitute not less than 15 percent of
5 the membership and represent those industries critical to the
6 state's economic base, as well as that portion of the state's
7 population which has limited employment skills and work
8 experience. The members from the public sector must also
9 include an occupational dean of a community college and a
10 school district vocational director with responsibility for
11 postsecondary programs. The members from the private sector
12 must include a private business representative from a private
13 industry council, at least one representative of a regional
14 workforce development board, a representative of organized
15 labor, as well as two representatives from licensed, private
16 postsecondary institutions in the state currently
17 participating in vocational education and job training
18 programs provided that at least one of these members is
19 recommended by the Florida Association of Postsecondary
20 Schools and Colleges.

21 (b) Additional members may be appointed, subject to
22 Senate confirmation, when necessary to conform to the
23 requirements of the Job Training Partnership Act or the
24 requirements of any other federal act establishing or
25 designating a Human Resources Investment Council or other
26 federal workforce development board.

27 (c) Private-sector members appointed by the Governor
28 must be appointed for 4-year, staggered terms. Public-sector
29 members appointed by the Governor must be appointed to 4-year
30 terms. At least 50 percent of the Governor's appointees must
31 be members of regional workforce development boards. The

1 regional workforce development boards may nominate members for
2 the Governor's consideration.

3 (d) The chair of the board of directors of the
4 Workforce Development Board and the vice chair of the board of
5 directors of Enterprise Florida, Inc., shall jointly select a
6 list of nominees for appointment to the board of directors of
7 the Workforce Development Board from a slate of candidates
8 submitted by the board of directors of Enterprise Florida,
9 Inc. The chair of the board of directors of the Workforce
10 Development Board and vice chair of the board of directors of
11 Enterprise Florida, Inc., may request that additional
12 candidates be submitted by the board of directors of
13 Enterprise Florida, Inc., if the chair and vice chair cannot
14 agree on a list of nominees submitted. Appointments to the
15 board of directors of the Workforce Development Board shall be
16 made by the Governor from the list of nominees jointly
17 selected by the chair of the board of directors of the
18 Workforce Development Board and vice chair of the board of
19 directors of Enterprise Florida, Inc. Appointees shall
20 represent all geographic regions of the state, including both
21 urban and rural regions. The importance of minority and
22 gender representation shall be considered when making
23 nominations for each position on the board of directors of the
24 Workforce Development Board. A vacancy on the board of
25 directors of the Workforce Development Board shall be filled
26 for the remainder of the unexpired term in the same manner as
27 the original appointment.

28 (e) The Governor shall appoint members from the public
29 sector and private sector to the board of directors of the
30 Workforce Development Board within 30 days after the receipt
31

1 of the nominations from the board of directors of Enterprise
2 Florida, Inc.

3 (f) A member of the board of directors of the
4 Workforce Development Board may be removed by the Governor for
5 cause. Absence from three consecutive meetings results in
6 automatic removal.

7 (4) The board of directors of the Workforce
8 Development Board may appoint subcommittees to fulfill its
9 responsibilities, to comply with federal requirements, or to
10 obtain technical assistance and must incorporate members of
11 regional workforce development boards and former boards and
12 commissions into its structure. These subcommittees may
13 provide the board of directors of the Workforce Development
14 Board with technical advice, policy consultation, and
15 information about workforce development issues.

16 (5)(a) The board of directors of the Workforce
17 Development Board shall be chaired by a board member
18 designated by the Governor.

19 (b) The president of the Workforce Development Board
20 shall be hired by the president of Enterprise Florida, Inc.,
21 and shall serve in the capacity of an executive director and
22 secretary of the Workforce Development Board. The president of
23 Enterprise Florida, Inc., shall hire any additional staff
24 within the parameters established by the board of directors of
25 Enterprise Florida, Inc.

26 (c) The board of directors of the Workforce
27 Development Board shall meet at least quarterly and at other
28 times upon call of its chair.

29 (d) A majority of the total current membership of the
30 board of directors of the Workforce Development Board
31 comprises a quorum of the board.

1 (e) A majority of those voting is required to organize
2 and conduct the business of the Workforce Development Board,
3 except that a majority of the entire board of directors of the
4 Workforce Development Board is required to adopt or amend the
5 operational plan.

6 (f) Except as delegated or authorized by the board of
7 directors of the Workforce Development Board, individual
8 members have no authority to control or direct the operations
9 of the Workforce Development Board or the actions of its
10 officers and employees, including the president.

11 (g) The board of directors of the Workforce
12 Development Board may delegate to its president those powers
13 and responsibilities it deems appropriate.

14 (h) Members of the board of directors of the Workforce
15 Development Board and its subcommittees shall serve without
16 compensation, but these members, the president, and all
17 employees of the Workforce Development Board may be reimbursed
18 for all reasonable, necessary, and actual expenses, as
19 determined by the board of directors of Enterprise Florida,
20 Inc.

21 (i) The board of directors of the Workforce
22 Development Board may establish an executive committee
23 consisting of the chair and at least two additional board
24 members selected by the board of directors. The executive
25 committee shall have such authority as the board of directors
26 of the Workforce Development Board delegates to it, except
27 that the board of directors may not delegate to the executive
28 committee authority to take action that requires approval by a
29 majority of the entire board of directors.

30 (j) Each member of the board of directors of the
31 Workforce Development Board who is not otherwise required to

1 file a financial disclosure pursuant to s. 8, Art. II of the
2 State Constitution or s. 112.3144 must file disclosure of
3 financial interests pursuant to s. 112.3145.

4 (6) The Workforce Development Board shall have all the
5 powers and authority, not explicitly prohibited by statute,
6 necessary or convenient to carry out and effectuate the
7 purposes of this section, as well as its functions, duties,
8 and responsibilities, including, but not limited to, the
9 following:

10 (a) Advising and assisting in the formulation and
11 coordination of the state's economic policy regarding
12 workforce development critical to achieve the purposes of the
13 board, as stated in this section and consistent with the
14 policies of the board of directors of Enterprise Florida, Inc.

15 (b) Using a corporate seal.

16 (c) Advising and assisting in developing the state's
17 strategic workforce development plan and subsequent
18 implementation plans as part of the strategic economic
19 development plan of Enterprise Florida, Inc.

20 (d) Designing the state's workforce development
21 strategy as the state's Human Resource Investment Council,
22 recommending a market-driven, placement-based,
23 community-managed, and customer-focused workforce development
24 system and promoting that system's implementation at the state
25 and local level. The strategy should establish standards and
26 measures for job placement cost, direct customer service
27 costs, and overall service delivery costs to measure
28 performance for various categories of workers as well as
29 performance when taking into account the difficulties
30 confronted by workers. Unless otherwise required by federal
31 law, at least 90 percent of the funding covered by this

1 strategy must go into direct customer service costs. Of the
2 allowable administrative overhead, appropriate amounts shall
3 be expended to procure independent job placement performance
4 evaluations.

5 (e) Evaluating the performance and effectiveness of
6 Florida's workforce development programs.

7 (f) Reporting to the board of directors of Enterprise
8 Florida, Inc., regarding its recommendations, functions,
9 duties, and responsibilities.

10 (g) Soliciting, borrowing, accepting, receiving,
11 investing, and expending funds from any public or private
12 source.

13 (h) Contracting with public and private entities as
14 necessary to further the directives of this section, except
15 that any contract made with an organization represented on the
16 board of directors of Enterprise Florida, Inc., or on the
17 board of directors of the Workforce Development Board must be
18 approved by a two-thirds vote of the entire board of directors
19 of the Workforce Development Board, and, if applicable, the
20 board member representing such organization shall abstain from
21 voting. No more than 65 percent of the dollar value of all
22 contracts or other agreements entered into in any fiscal year,
23 exclusive of grant programs, shall be made with an
24 organization represented on the board of directors of
25 Enterprise Florida, Inc., or the board of directors of the
26 Workforce Development Board. An organization represented on
27 the board of directors of the Workforce Development Board or
28 on the board of directors of Enterprise Florida, Inc., may not
29 enter into a contract to receive a state-funded economic
30 development incentive or similar grant, unless such incentive
31 award is specifically endorsed by a two-thirds vote of the

1 entire board of directors of the Workforce Development Board.
2 The member of the board of directors of the Workforce
3 Development Board representing such organization, if
4 applicable, shall abstain from voting and refrain from
5 discussing the issue with other members of the board. No more
6 than 50 percent of the dollar value of grants issued by the
7 board in any fiscal year may go to businesses associated with
8 members of the board of directors of the Workforce Development
9 Board.

10 (i) Approving an annual budget.
11 (j) Carrying forward any unexpended state
12 appropriations into succeeding fiscal years.

13 (k) Providing an annual report to the board of
14 directors of Enterprise Florida, Inc., by November 1 which
15 includes a copy of an annual financial and compliance audit of
16 its accounts and records conducted by an independent certified
17 public accountant and performed in accordance with rules
18 adopted by the Auditor General.

19 (l) Serving as the designated State Human Resource
20 Investment Council, as described in Pub. L. No. 102-367, Title
21 VII, with responsibility for policy, planning, and
22 accountability for the state's workforce development strategy.

23 (m) Working with affected communities, councils, and
24 agencies to develop and implement a transition plan
25 consolidating and coordinating these groups and their funding
26 into the state's workforce development strategy.

27 (n) Implementing a charter process that uses regional
28 workforce development boards whose membership,
29 responsibilities, and authority must be consistent with
30 federal and state law. Such charter process must align local
31 workforce groups' resources and services under the regional

1 workforce development boards' plans to eliminate unwarranted
2 duplication, minimize administrative costs, and increase
3 responsiveness to business, communities, and workers.

4 (o) Identifying resources that can be directed to
5 charters and designs that can make state expenditures more
6 job-placement-focused and performance-based.

7 (p) Establishing procedures to award resources and
8 incentives to chartered communities and to measure the job
9 placement outcomes of those charters, rewarding positive
10 outcomes, and penalizing negative outcomes, ultimately
11 revoking failing charters. Notwithstanding s. 216.351, to
12 allow time for documenting program performance, funds
13 allocated for the incentives provided in this section and s.
14 239.249 must be carried forward to the next fiscal year and
15 must be awarded for the current year's performance, unless
16 federal law requires the funds to revert at the year's end.

17 (q) Developing workforce development innovations in
18 consultation with business, labor, community groups, workforce
19 development groups, educational institutions, research groups,
20 and agencies.

21 (7) The Workforce Development Board may take any
22 action that it deems necessary to achieve the purposes of this
23 section and consistent with the policies of the board of
24 directors of Enterprise Florida, Inc., in partnership with
25 private enterprises, public agencies, and other organizations.
26 The Workforce Development Board shall advise and make
27 recommendations to the board of directors of Enterprise
28 Florida, Inc., and through that board of directors to the
29 State Board of Education and the Legislature concerning action
30 needed to bring about the following benefits to the state's
31 social and economic resources:

1 (a) A state employment, education, and training policy
2 that ensures that programs to prepare workers are responsive
3 to present and future business and industry needs and
4 complement the initiatives of the boards of Enterprise
5 Florida, Inc.

6 (b) A funding system that provides incentives to
7 improve the outcomes of vocational education programs, and of
8 registered apprenticeship and work-based learning programs,
9 and that focuses resources on occupations related to new or
10 emerging industries that add greatly to the value of the
11 state's economy.

12 (c) A comprehensive approach to the education and
13 training of target populations such as those who have
14 disabilities, are economically disadvantaged, receive public
15 assistance, are not proficient in English, or are dislocated
16 workers. This approach should ensure the effective use of
17 federal, state, local, and private resources in reducing the
18 need for public assistance.

19 (d) The designation of institutes of applied
20 technology composed of postsecondary institutions working
21 together with business and industry to ensure that technical
22 and vocational education programs use the most advanced
23 technology and instructional methods available and respond to
24 the changing needs of business and industry.

25 (e) A system to project and evaluate labor market
26 supply and demand using the results of the Occupational
27 Forecasting Conference created in s. 216.136 and the career
28 education performance standards identified in s. 239.233.

29 (f) A review of the performance of public programs
30 that are responsible for economic development, education,
31

1 employment, and training. The review must include an analysis
2 of the return on investment of these programs.

3 (8) By December 1 of each year, Enterprise Florida,
4 Inc., shall submit to the Governor, the President of the
5 Senate, the Speaker of the House of Representatives, the
6 Senate Minority Leader, and the House Minority Leader a
7 complete and detailed report by the Workforce Development
8 Board setting forth:

9 (a) The audit in subsection (9), if conducted.

10 (b) The operations and accomplishments of the
11 partnership including the programs or entities listed in
12 subsection (7).

13 (9) The Auditor General may, pursuant to his or her
14 own authority or at the direction of the Legislative Auditing
15 Committee, conduct an audit of the Workforce Development Board
16 or the programs or entities created by the Workforce
17 Development Board.

18 (10) The Workforce Development Board, in collaboration
19 with the regional workforce development boards, the Office of
20 Program Policy Analysis and Government Accountability, and
21 appropriate state agencies and local public and private
22 service providers, must establish uniform measures and
23 standards, to gauge the performance of the workforce
24 development strategy. These measures and standards must be
25 organized into three outcome tiers.

26 (a) The first tier must be organized to provide
27 benchmarks for systemwide outcomes. The Workforce Development
28 Board must, in collaboration with the Office of Program Policy
29 Analysis and Government Accountability, establish goals for
30 the tier one outcomes. The resources of the University of
31 Florida Bureau of Economics and Business Research, the

1 Department of Labor and Employment Security, the Commission on
2 Government Accountability to the People, the Florida Education
3 and Training Placement Information Program, and the
4 Occupational Forecasting Conference, as well as any other
5 relevant federal, state, or private sources, may be consulted
6 for assistance in establishing standards and measures, for
7 providing data collection and ensuring data reliability, or
8 for data evaluation and interpretation by the Workforce
9 Development Board. Systemwide outcomes may include employment
10 in occupations demonstrating continued growth in wages,
11 continued employment after 3, 6, 12, and 24 months, reduction
12 in and elimination of public assistance reliance, job
13 placement, employer satisfaction, and positive return on
14 investment of public resources.

15 (b) The second tier must be organized to provide a set
16 of benchmark outcomes for each of the four strategic
17 components of the workforce development strategy. A set of
18 standards and measures must be developed for One-Stop Career
19 Centers, School-to-Work, Welfare-to-Work, and High Skills/High
20 Wage, targeting the specific goals of that particular
21 strategy. Cost per entered employment, earnings at placement,
22 retention in employment, job placement, and entered employment
23 rate must be included among the performance outcome measures.
24 The resources of the University of Florida Bureau of Economics
25 and Business Research, the Department of Labor and Employment
26 Security, the Commission on Government Accountability to the
27 People, the Florida Education and Training Placement
28 Information Program, and the Occupational Forecasting
29 Conference, as well as any other relevant federal, state, or
30 private sources, may be consulted for assistance in
31 establishing standards and measures, for providing data

1 collection and ensuring data reliability, or for data
2 evaluation and interpretation by the Workforce Development
3 Board.

4 1. Appropriate measures for One-Stop Career Centers
5 may include direct job placements at minimum wage, at a wage
6 level established by the Occupational Forecasting Conference,
7 and at a wage level above the level established by the
8 Occupational Forecasting Conference.

9 2. Appropriate measures for the School-to-Work
10 component may include the number of students enrolling and
11 completing work-based programs including apprenticeship
12 programs, job placement rate, job retention rate, wage at
13 placement, and wage growth.

14 3. Welfare-to-Work measures may include job placement
15 rate, job retention rate, wage at placement, wage growth,
16 reduction and elimination of reliance on public assistance,
17 and savings resulting from reduced reliance on public
18 assistance.

19 4. High Skills/High Wage measures may include job
20 placement rate, job retention rate, wage at placement, and
21 wage growth.

22 (c) A third tier of measures and standards shall be
23 the operational and output measures to be used by the agency
24 implementing programs, and it may be specific to federal
25 requirements. The tier three standards must be developed by
26 the agencies implementing programs, and the Workforce
27 Development Board may be consulted in this effort. Such
28 outputs must be reported to the Workforce Development Board by
29 the appropriate implementing agency.

30 (d) Regional differences must be reflective of the
31 establishment of performance goals and may include job

1 availability, unemployment rates, average worker wage, and
2 available employable population. All performance goals must be
3 derived from the goals, principles, and strategies established
4 in the Workforce Florida Act of 1996.

5 (e) Job placement must be reported pursuant to s.
6 229.8075. Positive outcomes for providers of education and
7 training must be consistent with ss. 239.233 and 239.245.

8 (f) The uniform measures of success that are adopted
9 by the Workforce Development Board or the regional workforce
10 development boards must be developed in a manner that provides
11 for an equitable comparison of the relative success or failure
12 of any service provider in terms of positive outcomes.

13 (g) By October 15 of each year, the Workforce
14 Development Board must provide the Legislature with a report
15 detailing the performance of Florida's workforce development
16 system, as reflected in the three-tier measurement system.
17 Additionally, this report must benchmark Florida outcomes, at
18 all tiers, against other states that collect data similarly.

19 Section 3. Section 446.601, Florida Statutes, is
20 transferred, renumbered as section 288.9951, Florida Statutes,
21 and amended to read:

22 288.9951 ~~446.601~~ Short title; legislative intent.--

23 (1) This section may be cited as the "Workforce
24 Florida Act of 1996."

25 (2) The goal of this section is to utilize the
26 workforce development system to upgrade dramatically
27 Floridians' workplace skills, economically benefiting the
28 workforce, employers, and the state.

29 (3) These principles should guide the state's efforts:

30 (a) Floridians must upgrade their skills to succeed in
31 today's workplace.

1 (b) In business, workforce skills are the key
2 competitive advantage.

3 (c) Workforce skills will be Florida's key
4 job-creating incentive for business.

5 (d) Budget cuts, efficiency, effectiveness, and
6 accountability mandate the consolidation of program services
7 and the elimination of unwarranted duplication.

8 (e) Streamlined state and local partnerships must
9 focus on outcomes, not process.

10 (f) Locally designed, customer-focused, market-driven
11 service delivery works best.

12 (g) Job training curricula must be developed in
13 concert with the input and needs of existing employers and
14 businesses, and must consider the anticipated demand for
15 targeted job opportunities, as specified by the Occupational
16 Forecasting Conference under s. 216.136.

17 (h) Job placement, job retention, and
18 return-on-investment should control workforce development
19 expenditures and be a part of the measure for success and
20 failure.

21 (i) Success will be rewarded and failure will have
22 consequences.

23 (j) Job placement success will be publicly measured
24 and reported to the Legislature.

25 (k) Apprenticeship programs, pursuant to s. 446.011,
26 which provide a valuable opportunity for preparing citizens
27 for productive employment, will be encouraged.

28 (4) The workforce development strategy shall be
29 designed by the Workforce Development Board ~~Enterprise Florida~~
30 ~~Jobs and Education Partnership~~ pursuant to s. 288.99 ~~s.~~
31 ~~288.0475~~, and shall be centered around the four integrated

1 strategic components of One-Stop Career Centers,
2 School-to-Work, Welfare-to-Work, and High Skills/High Wage
3 Jobs.

4 (a) One-Stop Career Centers are the state's initial
5 customer-service contact strategy for offering every Floridian
6 access, through service sites, telephone, or computer
7 networks, to the following services:

- 8 1. Job search, referral, and placement assistance.
- 9 2. Career counseling and educational planning.
- 10 3. Consumer reports on service providers.
- 11 4. Recruitment and eligibility determination.
- 12 5. Support services, including child care and
13 transportation.
- 14 6. Employability skills training.
- 15 7. Adult education and basic skills training.
- 16 8. Technical training leading to a certification and
17 degree.
- 18 9. Claim filing for unemployment compensation
19 services.
- 20 10. Temporary income, health, nutritional, and housing
21 assistance.
- 22 11. Child care and transportation assistance to gain
23 employment.
- 24 12. Other appropriate and available workforce
25 development services.

26 (b) School-to-Work is the state's youth and adult
27 workforce education strategy for coordinating business,
28 education, and the community to support students in achieving
29 long-term career goals, and for ensuring the workforce is
30 prepared with the academic and occupational skills required
31 for success.

1 (c) Welfare-to-Work is the state's strategy for
2 encouraging self-sufficiency and minimizing dependence upon
3 public assistance by emphasizing job placement and transition
4 support services for welfare recipients.

5 (d) High Skills/High Wage is the state's strategy for
6 aligning education and training programs with the Occupational
7 Forecasting Conference under s. 216.136, for meeting the job
8 demands of the state's existing businesses, and for providing
9 a ready workforce which is integral to the state's economic
10 development goal of attracting new and expanding businesses.

11 (5) The workforce development system shall utilize a
12 charter process approach aimed at encouraging local design and
13 control of service delivery and targeted activities. The
14 Workforce Development Board ~~Enterprise Florida Jobs and~~
15 ~~Education Partnership~~ shall be responsible for granting
16 charters to regional workforce development boards which have a
17 membership consistent with the requirements of federal and
18 state law and which have developed a plan consistent with the
19 state's workforce development strategy and with the strategic
20 components of One-Stop Career Centers, School-to-Work,
21 Welfare-to-Work, and High Skills/High Wage. The plan shall
22 specify methods for allocating the resources and programs in a
23 manner that eliminates unwarranted duplication, minimizes
24 administrative costs, meets the existing job market demands
25 and the job market demands resulting from successful economic
26 development activities, ensures access to quality workforce
27 development services for all Floridians, and maximizes
28 successful outcomes. As part of the charter process, the
29 Workforce Development Board ~~Enterprise Florida Jobs and~~
30 ~~Education Partnership~~ shall establish incentives for effective
31 coordination of federal and state programs, outline rewards

1 for successful job placements, and institute collaborative
2 approaches among local service providers. Local
3 decisionmaking and control shall be important components for
4 inclusion in this charter application.

5 Section 4. Section 446.602, Florida Statutes, is
6 transferred, renumbered as section 288.9952, Florida Statutes,
7 and amended to read:

8 288.9952 ~~446.602~~ Regional workforce development
9 boards.--

10 (1) One regional workforce development board shall be
11 appointed in each designated service delivery area. The
12 membership and responsibilities of the board shall be
13 consistent with Pub. L. No. 97-300, as amended. The board
14 shall be appointed by the chief elected official or his or her
15 designee of the local county or city governing bodies or
16 consortiums of county and/or city governmental units that
17 exist through interlocal agreements and shall include:

18 (a) At least 51 percent of the members of each board
19 being from the private sector and being chief executives,
20 chief operating officers, owners of business concerns, or
21 other private sector executives with substantial management or
22 policy responsibility.

23 (b) Representatives of organized labor and
24 community-based organizations, who shall constitute not less
25 than 15 percent of the board members.

26 (c) Representatives of educational agencies, including
27 presidents of local community colleges, superintendents of
28 local school districts, licensed private postsecondary
29 educational institutions participating in vocational education
30 and job training in the state and conducting programs on the
31 Occupational Forecasting Conference list or a list validated

1 by the regional workforce development board; vocational
2 rehabilitation agencies; economic development agencies; public
3 assistance agencies; and public employment service. One of
4 the representatives from licensed private postsecondary
5 educational institutions shall be from a degree-granting
6 institution, and one from an institution offering certificate
7 or diploma programs. One of these members shall be a
8 nonprofit, community-based organization which provides direct
9 job training and placement services to hard-to-serve
10 individuals including the target population of people with
11 disabilities.

12

13 The current Private Industry Council may be restructured, by
14 local agreement, to meet the criteria for a regional workforce
15 development board.

16 (2) In addition to the duties and functions specified
17 by the Workforce Development Board ~~Enterprise Florida Jobs and~~
18 ~~Education Partnership~~ and by the interlocal agreement approved
19 by the local county or city governing bodies, the regional
20 workforce development board shall have the following
21 responsibilities:

22 (a) Review, approve, and ratify the local Job Training
23 Partnership Act plan which also must be signed by the chief
24 elected officials.

25 (b) Conclude agreements necessary to designate the
26 fiscal agent and administrative entity.

27 (c) Complete assurances required for the Workforce
28 Development Board ~~Enterprise Florida Jobs and Education~~
29 ~~Partnership~~ charter process and provide ongoing oversight
30 related to administrative costs, duplicated services, career
31

1 counseling, economic development, equal access, compliance and
2 accountability, and performance outcomes.

3 (3) The Workforce Development Board ~~Enterprise Florida~~
4 ~~Jobs and Education Partnership~~ shall, ~~by January 1, 1997,~~
5 design and implement a training program for the regional
6 workforce development boards to familiarize board members with
7 the state's workforce development goals and strategies.

8
9 The regional workforce development board shall designate all
10 local service providers and shall not transfer this authority
11 to a third party. In order to exercise independent oversight,
12 the regional workforce development board shall not be a direct
13 provider of intake, assessment, eligibility determinations, or
14 other direct provider services.

15 Section 5. Section 446.603, Florida Statutes, is
16 transferred, renumbered as section 288.9953, Florida Statutes,
17 and amended to read:

18 288.9953 ~~446.603~~ Untried Worker Placement and
19 Employment Incentive Act.--

20 (1) This section may be cited as the "Untried Worker
21 Placement and Employment Incentive Act."

22 (2) For purposes of this section, the term "untried
23 worker" means a person who is a hard-to-place participant in
24 the welfare-to-work programs of the Department of Labor and
25 Employment Security or the Department of Children and Family
26 ~~Health and Rehabilitative~~ Services because they have
27 limitations associated with the long-term receipt of welfare
28 and difficulty in sustaining employment.

29 (3) The Department of Labor and Employment Security
30 and the Department of Children and Family ~~Health and~~
31 ~~Rehabilitative~~ Services, working with the Workforce

1 Development Board ~~Enterprise Florida Jobs and Education~~
2 ~~Partnership~~, shall develop five Untried Worker Placement and
3 Employment Incentive pilot projects in at least five different
4 counties.

5 (4) In these pilots, incentive payments will be made
6 to for-profit or not-for-profit agents selected by the
7 regional workforce development boards who successfully place
8 untried workers in full-time employment for 6 months with an
9 employer after the employee successfully completes a
10 probationary placement of no more than 6 months with that
11 employer. Full-time employment that includes health care
12 benefits will receive an additional incentive payment.

13 (5) The for-profit and not-for-profit agents shall
14 contract to provide services for no more than 1 year.
15 Contracts may be renewed upon successful review by the
16 contracting agent.

17 (6) The Department of Labor and Employment Security
18 and the Department of Children and Family Health and
19 ~~Rehabilitative~~ Services, working with the Workforce
20 Development Board ~~Enterprise Florida Jobs and Education~~
21 ~~Partnership~~, shall develop an incentive schedule that costs
22 the state less per placement than the state's 12-month
23 expenditure on a welfare recipient.

24 (7) During an untried worker's probationary placement,
25 the for-profit or not-for-profit agent shall be the employer
26 of record of that untried worker, and shall provide workers'
27 compensation and unemployment compensation coverage as
28 provided by law. The business employing the untried worker
29 through the agent may be eligible to apply for any tax
30 credits, wage supplementation, wage subsidy, or employer
31 payment for that employee that are authorized in law or by

1 agreement with the employer. After satisfactory completion of
2 such a probationary period, an untried worker shall not be
3 considered an untried worker.

4 (8) This section shall not be used for the purpose of
5 displacing or replacing an employer's regular employees, and
6 shall not interfere with executed collective bargaining
7 agreements. Untried workers shall be paid by the employer at
8 the same rate as similarly situated and assessed workers in
9 the same place of employment.

10 (9) An employer that demonstrates a pattern of
11 unsuccessful placements shall be disqualified from
12 participation in these pilots because of poor return on the
13 public's investment.

14 (10) The Department of Labor and Employment Security
15 and the Department of Children and Family Health and
16 ~~Rehabilitative~~ Services, working with the Workforce
17 Development Board ~~Enterprise Florida Jobs and Education~~
18 ~~Partnership~~, may offer to any employer that chooses to employ
19 untried workers such incentives and benefits that are
20 available and provided in law, as long as the long-term, cost
21 savings can be quantified with each such additional
22 inducement.

23 (11) Unless otherwise reenacted, this section shall be
24 repealed on July 1, 1999.

25 Section 6. Section 446.604, Florida Statutes, is
26 transferred, renumbered as section 288.9954, Florida Statutes,
27 and amended to read:

28 288.9954 ~~446.604~~ One-Stop Career Centers.--

29 (1) The Department of Management Services shall
30 coordinate among the agencies a plan for a One-Stop Career
31 Center Electronic Network made up of One-Stop Career Centers

1 that are operated by the Department of Labor and Employment
2 Security, the Department of Children and Family ~~Health and~~
3 ~~Rehabilitative~~ Services, the Department of Education, and
4 other authorized public or private for-profit or
5 not-for-profit agents. The plan shall identify resources
6 within existing revenues to establish and support such
7 electronic network for service delivery that includes the
8 Florida Communities Network.

9 (2) The network shall assure that a uniform method is
10 used to determine eligibility for and management of services
11 provided by agencies that conduct workforce development
12 activities. The Department of Management Services shall
13 develop strategies to allow access to the databases and
14 information management systems of the following systems in
15 order to link information in those databases with the One-Stop
16 Career Centers:

17 (a) The Unemployment Compensation System of the
18 Department of Labor and Employment Security.

19 (b) The Job Service System of the Department of Labor
20 and Employment Security.

21 (c) The FLORIDA System and the components related to
22 Aid to Families with Dependent Children, food stamps, and
23 Medicaid eligibility.

24 (d) The Workers' Compensation System of the Department
25 of Labor and Employment Security.

26 (e) The Student Financial Assistance System of the
27 Department of Education.

28 (f) Enrollment in the public postsecondary education
29 system.

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1 The systems shall be fully coordinated at both the state and
2 local levels by July 1, 1999.

3 Section 7. Section 446.605, Florida Statutes, is
4 transferred, renumbered as section 288.9955, Florida Statutes,
5 and amended to read:

6 288.9955 ~~446.605~~ Applicability of Workforce Florida
7 Act of 1996.--Unless otherwise provided herein, the Workforce
8 Florida Act of 1996 shall apply to the State Human Resource
9 Investment Council and any regional workforce development
10 boards in existence on the effective date of such act.
11 Regional workforce development boards shall be reconstituted,
12 if necessary, to meet the requirements of the Workforce
13 Florida Act of 1996. In addition, the Workforce Development
14 Board ~~Enterprise Florida Jobs and Education Partnership~~ shall
15 review each charter granted prior to the effective date of the
16 Workforce Florida Act of 1996 to assure its compliance with
17 the provisions of such act.

18 Section 8. Section 446.606, Florida Statutes, is
19 transferred, renumbered as section 288.9956, Florida Statutes,
20 and amended to read:

21 288.9956 ~~446.606~~ Designation of primary service
22 providers.--Designation of primary service providers shall not
23 be made until the regional workforce development boards have
24 been reconstituted in compliance with the Workforce Florida
25 Act of 1996.

26 Section 9. Section 446.607, Florida Statutes, is
27 transferred, renumbered as section 288.9957, Florida Statutes,
28 and amended to read:

29 288.9957 ~~446.607~~ Consultation, consolidation, and
30 coordination.--The Workforce Development Board ~~Enterprise~~
31 ~~Florida Jobs and Education Partnership~~ and any state public

1 assistance policy board established pursuant to law shall
2 consult with each other in developing each of their statewide
3 implementation plans and strategies. The regional workforce
4 development boards and any local public assistance policy
5 boards established pursuant to law may elect to consolidate
6 into one board provided that the consolidated board membership
7 complies with the requirements of Pub. L. No. 97-300, as
8 amended, and with any other law delineating the membership
9 requirements for either of the separate boards. The regional
10 workforce development boards and any respective local public
11 assistance policy board established pursuant to law shall
12 collaboratively coordinate, to the maximum extent possible,
13 the local services and activities provided by and through each
14 of these boards and their designated local service providers.

15 Section 10. Subsection (5) of section 288.902, Florida
16 Statutes, is amended to read:

17 288.902 Enterprise Florida Nominating Council.--

18 (5) Notwithstanding the provisions of ss. 288.901,
19 288.9412, 288.9512, and 288.9611, ~~and 288.9620~~ regarding the
20 process of selecting nominees for a board, all nominations
21 shall be conducted in accordance with the provisions of this
22 section. All statutory requirements of board members and all
23 statutory requirements regarding the composition of all boards
24 shall be considered and complied with throughout the
25 nominating process.

26 Section 11. This act shall take effect upon becoming a
27 law.

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