

By the Committee on Commerce and Economic Opportunities; and
Senator Kirkpatrick

310-1817A-99

1 A bill to be entitled
2 An act relating to workforce development;
3 directing the Division of Statutory Revision to
4 designate certain sections of the Florida
5 Statutes as part XI, relating to Workforce
6 Development; transferring, renumbering, and
7 amending s. 446.601, F.S.; conforming
8 cross-references; deleting provisions governing
9 services of One-Stop Career Centers; revising
10 components of the state's workforce development
11 strategy; transferring, renumbering, and
12 amending s. 446.604, F.S.; providing for the
13 state's One-Stop Career Center customer service
14 delivery strategy; specifying partners;
15 providing for oversight and operation of
16 centers by regional workforce development
17 boards and center operators; providing for
18 transfer of responsibilities; providing for
19 assigning and leasing of employees; providing
20 for employment preference; providing for
21 memorandums of understanding and sanctions;
22 providing for electronic service delivery;
23 authorizing Intensive Service Accounts and
24 Individual Training Accounts and providing
25 specifications; transferring, renumbering, and
26 amending s. 288.9620, F.S.; providing for
27 membership of the Workforce Development Board
28 pursuant to federal law; providing for
29 committees; requiring financial disclosure;
30 authorizing the board as the Workforce
31 Investment Board; specifying functions, duties,

1 and responsibilities; providing for sanctions;
2 providing for carryover of funds; requiring a
3 performance measurement system and reporting of
4 such; transferring, renumbering, and amending
5 s. 446.602, F.S.; providing for membership of
6 regional workforce development boards pursuant
7 to federal law; prohibiting certain activities
8 that create a conflict of interest; providing
9 for transition; providing for performance and
10 compliance review; correcting organizational
11 name references; requiring a local plan;
12 providing for oversight of One-Stop Career
13 Centers; authorizing local committees;
14 establishing high skills/high wages committees;
15 transferring, renumbering, and amending s.
16 446.607, F.S.; conforming cross-references;
17 providing for consolidated board membership
18 requirements; transferring, renumbering, and
19 amending s. 446.603, F.S.; conforming
20 cross-references; expanding the scope of the
21 Untried Worker Placement and Employment
22 Incentive Act; abrogating scheduled repeal of
23 program; creating s. 288.9956, F.S.; providing
24 principles for implementing the federal
25 Workforce Investment Act of 1998; providing for
26 a 5-year plan; specifying funding distribution;
27 creating the Incumbent Worker Training Program;
28 providing program requirements; requiring a
29 report; authorizing the Workforce Development
30 Board to contract for administrative services
31 related to federal funding; specifying

1 contractual agreements; providing for
2 indemnification; providing for settlement
3 authority; providing for compliance with
4 federal law; providing for workforce
5 development review; providing for termination
6 of state set-aside; creating s. 288.9957, F.S.;
7 requiring designation of the Florida Youth
8 Workforce Council; providing for membership and
9 duties; providing for allocation of funds;
10 creating s. 288.9958, F.S.; requiring
11 appointment of the Employment, Occupation, and
12 Performance Information Coordinating Committee;
13 providing for membership and duties; providing
14 for services and staff; creating s. 288.9959,
15 F.S.; requiring appointment of the Operational
16 Design and Technology Procurement Committee;
17 providing for membership and duties; providing
18 for services and staff; amending s. 288.901,
19 F.S.; conforming a cross-reference; amending s.
20 288.902, F.S.; deleting an obsolete
21 cross-reference; amending s. 414.026, F.S.;
22 conforming a cross-reference; repealing s.
23 446.20, F.S., which provides for administration
24 of responsibilities under the federal Job
25 Training Partnership Act; repealing s. 446.205,
26 F.S., which provides for a Job Training
27 Partnership Act family drop-out prevention
28 program; repealing s. 446.605, F.S., which
29 provides for applicability of the Workforce
30 Florida Act of 1996; repealing s. 446.606,
31

1 F.S., which provides for designation of primary
2 service providers; providing an effective date.

3

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

5

6 Section 1. Sections 288.9950, 288.9951, 288.9952,
7 288.9953, 288.9954, 288.9955, 288.9956, 288.9957, 288.9958,
8 and 288.9959, Florida Statutes, are designated as part XI of
9 chapter 288, Florida Statutes, and the Division of Statutory
10 Revision is requested to designate that part "Workforce
11 Development."

12 Section 2. Section 446.601, Florida Statutes, is
13 transferred, renumbered as section 288.9950, Florida Statutes,
14 and amended to read:

15 288.9950 ~~446.601~~ Workforce Florida Act of 1996 ~~Short~~
16 ~~title; legislative intent.--~~

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

19 (2) The goal of this section is to utilize the
20 workforce development system to upgrade dramatically
21 Floridians' workplace skills, economically benefiting the
22 workforce, employers, and the state.

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

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

26 (b) In business, workforce skills are the key
27 competitive advantage.

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

30

31

1 (d) Budget cuts, efficiency, effectiveness, and
2 accountability mandate the consolidation of program services
3 and the elimination of unwarranted duplication.

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

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

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

13 (h) Job placement, job retention, and
14 return-on-investment should control workforce development
15 expenditures and be a part of the measure for success and
16 failure.

17 (i) Success will be rewarded and failure will have
18 consequences.

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

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

24 (l) Self-employment and small business ownership will
25 be options that each worker can pursue.

26 (4) The workforce development strategy shall be
27 designed by the Workforce Development Board ~~Enterprise Florida~~
28 ~~Jobs and Education Partnership~~ pursuant to s. 288.9952 ~~s.~~
29 ~~288.0475~~, and shall be centered around the strategies ~~four~~
30 ~~integrated strategic components~~ of First Jobs/First Wages

31

1 ~~One-Stop Career Centers, School-to-Work, Welfare-to-Work, and~~
2 ~~High Skills/High Wages Wage Jobs.~~

3 (a) First Jobs/First Wages is the state's strategy to
4 promote successful entry into the workforce through education
5 and workplace experience that lead to self-sufficiency and
6 career advancement. The components of the strategy include
7 efforts that enlist business, education, and community support
8 for students to achieve long-term career goals, ensuring that
9 young people have the academic and occupational skills
10 required to succeed in the workplace. The strategy also
11 includes the Work and Gain Economic Self-sufficiency (WAGES)
12 effort that is the state's welfare-to-work program designed
13 and developed by the WAGES Program State Board of Directors.

14 ~~(a) One-Stop Career Centers are the state's initial~~
15 ~~customer-service contact strategy for offering every Floridian~~
16 ~~access, through service sites, telephone, or computer~~
17 ~~networks, to the following services:~~

- 18 ~~1. Job search, referral, and placement assistance.~~
- 19 ~~2. Career counseling and educational planning.~~
- 20 ~~3. Consumer reports on service providers.~~
- 21 ~~4. Recruitment and eligibility determination.~~
- 22 ~~5. Support services, including child care and~~
23 ~~transportation.~~
- 24 ~~6. Employability skills training.~~
- 25 ~~7. Adult education and basic skills training.~~
- 26 ~~8. Technical training leading to a certification and~~
27 ~~degree.~~
- 28 ~~9. Claim filing for unemployment compensation~~
29 ~~services.~~
- 30 ~~10. Temporary income, health, nutritional, and housing~~
31 ~~assistance.~~

1 ~~11. Child care and transportation assistance to gain~~
2 ~~employment.~~

3 ~~12. Other appropriate and available workforce~~
4 ~~development services.~~

5 ~~(b) School-to-Work is the state's youth and adult~~
6 ~~workforce education strategy for coordinating business,~~
7 ~~education, and the community to support students in achieving~~
8 ~~long-term career goals, and for ensuring the workforce is~~
9 ~~prepared with the academic and occupational skills required~~
10 ~~for success.~~

11 ~~(c) Welfare-to-Work is the state's strategy for~~
12 ~~encouraging self-sufficiency and minimizing dependence upon~~
13 ~~public assistance by emphasizing job placement and transition~~
14 ~~support services for welfare recipients.~~

15 ~~(b)(d)~~ High Skills/High Wages Wage is the state's
16 strategy for aligning education and training programs with
17 high-paying, high-demand occupations that advance individuals'
18 careers, build a more skilled workforce, and enhance Florida's
19 efforts to attract and expand job-creating business the
20 Occupational Forecasting Conference under s. 216.136, for
21 meeting the job demands of the state's existing businesses,
22 and for providing a ready workforce which is integral to the
23 state's economic development goal of attracting new and
24 expanding businesses.

25 (5) The workforce development system shall utilize a
26 charter process approach aimed at encouraging local design and
27 control of service delivery and targeted activities. The
28 Workforce Development Board ~~Enterprise Florida Jobs and~~
29 ~~Education Partnership~~ shall be responsible for granting
30 charters to regional workforce development boards that
31 ~~Regional Workforce Development Boards~~ which have a membership

1 consistent with the requirements of federal and state law and
2 that which have developed a plan consistent with the state's
3 workforce development strategy ~~and with the strategic~~
4 ~~components of One-Stop Career Centers, School-to-Work,~~
5 ~~Welfare-to-Work, and High Skills/High Wage.~~ The plan shall
6 specify methods for allocating the resources and programs in a
7 manner that eliminates unwarranted duplication, minimizes
8 administrative costs, meets the existing job market demands
9 and the job market demands resulting from successful economic
10 development activities, ensures access to quality workforce
11 development services for all Floridians, and maximizes
12 successful outcomes. As part of the charter process, the
13 Workforce Development Board ~~Enterprise Florida Jobs and~~
14 ~~Education Partnership~~ shall establish incentives for effective
15 coordination of federal and state programs, outline rewards
16 for successful job placements, and institute collaborative
17 approaches among local service providers. Local
18 decisionmaking and control shall be important components for
19 inclusion in this charter application.

20 Section 3. Section 446.604, Florida Statutes, is
21 transferred, renumbered as section 288.9951, Florida Statutes,
22 and amended to read:

23 288.9951 ~~446.604~~ One-Stop Career Centers.--

24 (1) One-Stop Career Centers comprise the state's
25 initial customer-service delivery system for offering every
26 Floridian access, through service sites or telephone or
27 computer networks, to the following services:

28 (a) Job search, referral, and placement assistance.

29 (b) Career counseling and educational planning.

30 (c) Consumer reports on service providers.

31 (d) Recruitment and eligibility determination.

1 (e) Support services, including child care and
2 transportation assistance to gain employment.

3 (f) Employability skills training.

4 (g) Adult education and basic skills training.

5 (h) Technical training leading to a certification and
6 degree.

7 (i) Claim filing for unemployment compensation
8 services.

9 (j) Temporary income, health, nutritional, and housing
10 assistance.

11 (k) Other appropriate and available workforce
12 development services.

13 (2) In addition to the mandatory partners identified
14 in Pub. L. No. 105-220, Food Stamp Employment and Training,
15 Food Stamp work programs, and WAGES/TANF programs shall
16 participate as partners in each One-Stop Career Center. Each
17 partner is prohibited from operating independently from a
18 One-Stop Career Center unless approved by the regional
19 workforce development board. Services provided by partners who
20 are not physically located in a One-Stop Career Center must be
21 approved by the regional workforce development board.

22 (3) Subject to a process designed by the Workforce
23 Development Board, and in compliance with Pub. L. No. 105-220,
24 regional workforce development boards shall designate One-Stop
25 Career Center operators. A regional workforce development
26 board may retain its current One-Stop Career Center operator
27 without further procurement action where the board has
28 established a One-Stop Career Center that has complied with
29 federal and state law.

30 (4) By October 1, 1999, regional workforce development
31 boards shall assume responsibility and contract for the

1 delivery, through One-Stop Career Center operators, of
2 employment services authorized by Wagner-Peyser. By July 1,
3 1999, each regional workforce development board shall develop
4 a transition plan to be approved by the Workforce Development
5 Board.

6 (a) The Workforce Development Board may direct the
7 Department of Labor and Employment Security to provide such
8 services and to assign or lease staff to the regional
9 workforce development boards' One-Stop Career Centers as are
10 necessary to maintain services and to comply with federal and
11 state workforce development requirements.

12 (b) When local employment services are delivered by
13 the Department of Labor and Employment Security, management of
14 those services shall rest with the One-Stop Career Center
15 operator.

16 (c) Career service employees of the Department of
17 Labor and Employment Security who are subject to layoff due to
18 the enactment of this act shall be given priority
19 consideration for employment by the regional workforce
20 development boards' One-Stop Career Center operators.

21 (5) One-Stop Career Center partners identified in
22 subsection (2) shall enter into a Memorandum of Understanding
23 pursuant to Pub. L. No. 105-220, Title I, s. 121, with the
24 regional workforce development board. Failure of a local
25 partner to participate cannot unilaterally block the majority
26 of partners from moving forward with their One-Stop Career
27 Centers, and the Workforce Development Board, pursuant to s.
28 288.9952(4)(d), may sanction a local partner that fails to
29 participate.

30 (6) To the maximum extent possible, core services, as
31 defined by Pub. L. No. 105-220, shall be provided

1 electronically, utilizing existing systems and public
2 libraries. To expand electronic capabilities, the Workforce
3 Development Board, working with regional workforce development
4 boards, shall develop a centralized help center to assist
5 regional workforce development boards in fulfilling core
6 services, minimizing the need for fixed-site One-Stop Career
7 Centers.

8 (7) Intensive services and training provided pursuant
9 to Pub. L. No. 105-220, shall be provided to individuals
10 through Intensive Service Accounts and Individual Training
11 Accounts. The Workforce Development Board shall develop, by
12 July 1, 1999, an implementation plan, including identification
13 of initially eligible training providers, transition
14 guidelines, and criteria for use of these accounts. Individual
15 Training Accounts must be compatible with Individual
16 Development Accounts for education allowed in federal and
17 state welfare reform statutes.

18 (8)(a) Individual Training Accounts must be expended
19 on programs that prepare people to enter high-wage occupations
20 identified by the Occupational Forecasting Conference created
21 by s. 216.136, and on other programs as approved by the
22 Workforce Development Board.

23 (b) For each approved training program, regional
24 workforce development boards, in consultation with training
25 providers, shall establish a fair-market purchase price to be
26 paid through an Individual Training Account. The purchase
27 price must be based on prevailing costs and reflect local
28 economic factors, program complexity, and program benefits.

29 (c) The Workforce Development Board shall review
30 Individual Training Account pricing schedules developed by
31 regional workforce development boards and present findings and

1 recommendations for process improvement to the President of
2 the Senate and the Speaker of the House of Representatives by
3 January 1, 2000.

4 (d) To the maximum extent possible, training providers
5 shall use funding sources other than the funding provided
6 under Pub. L. No. 105-220. A performance outcome related to
7 alternative financing obtained by the training provider shall
8 be established by the Workforce Development Board and used for
9 performance evaluation purposes.

10 (e) Training services provided through Individual
11 Training Accounts must be performance-based, with successful
12 job placement triggering full payment.

13 (f) The accountability measures to be used in
14 documenting competencies acquired by the participant during
15 training shall be literacy completion points and occupational
16 completion points. Literacy completion points refers to the
17 academic or workforce readiness competencies that qualify a
18 person for further basic education, vocational education, or
19 for employment. Occupational completion points refers to the
20 vocational competencies that qualify a person to enter an
21 occupation that is linked to a vocational program.

22 (9)(a)(1) The Department of Management Services,
23 working with the Workforce Development Board, shall coordinate
24 among the agencies a plan for a One-Stop Career Center
25 Electronic Network made up of One-Stop Career Centers that are
26 operated by the Department of Labor and Employment Security,
27 the Department of Health and Rehabilitative Services, the
28 Department of Education, and other authorized public or
29 private for-profit or not-for-profit agents. The plan shall
30 identify resources within existing revenues to establish and
31

1 support this ~~such~~ electronic network for service delivery that
2 includes the Florida Communities Network.

3 (b)~~(2)~~ The network shall assure that a uniform method
4 is used to determine eligibility for and management of
5 services provided by agencies that conduct workforce
6 development activities. The Department of Management Services
7 shall develop strategies to allow access to the databases and
8 information management systems of the following systems in
9 order to link information in those databases with the One-Stop
10 Career Centers:

11 1.~~(a)~~ The Unemployment Compensation System of the
12 Department of Labor and Employment Security.

13 2.~~(b)~~ The Job Service System of the Department of
14 Labor and Employment Security.

15 3.~~(c)~~ The FLORIDA System and the components related to
16 WAGES ~~Aid to Families with Dependent Children~~, food stamps,
17 and Medicaid eligibility.

18 4.~~(d)~~ The Workers' Compensation System of the
19 Department of Labor and Employment Security.

20 5.~~(e)~~ The Student Financial Assistance System of the
21 Department of Education.

22 6.~~(f)~~ Enrollment in the public postsecondary education
23 system.

24
25 The systems shall be fully coordinated at both the state and
26 local levels by January 1, 2000 ~~July 1, 1999~~.

27 Section 4. Section 288.9620, Florida Statutes, is
28 transferred, renumbered as section 288.9952, Florida Statutes,
29 and amended to read:

30 (Substantial rewording of section. See
31 s. 288.9620, F.S., for present text.)

1 288.9952 Workforce Development Board.--
2 (1) There is created within the not-for-profit
3 corporate structure of Enterprise Florida, Inc., a
4 not-for-profit public-private Workforce Development Board. The
5 purpose of the Workforce Development Board is to design and
6 implement strategies that help Floridians enter, remain in,
7 and advance in the workplace, becoming more highly skilled and
8 successful, benefiting these Floridians, Florida businesses,
9 and the entire state.
10 (2)(a) The Workforce Development Board shall be
11 governed by a 25-voting-member board of directors whose
12 membership and appointment must be consistent with Pub. L. No.
13 105-220, Title I, s. 111(b). The importance of minority and
14 gender representation shall be considered when making
15 appointments to the board. Additional members may be
16 appointed when necessary to conform to the requirements of
17 Pub. L. No. 105-220.
18 (b) The board of directors of the Workforce
19 Development Board shall be chaired by a board member
20 designated by the Governor pursuant to Pub. L. No. 105-220.
21 (c) Private-sector members appointed by the Governor
22 must be appointed for four-year, staggered terms.
23 Public-sector members appointed by the Governor must be
24 appointed to 4-year terms. Members appointed by the Governor
25 serve at the pleasure of the Governor.
26 (d) The Governor shall appoint members to the board of
27 directors of the Workforce Development Board within 30 days
28 after the receipt of nominations.
29 (e) A member of the board of directors of the
30 Workforce Development Board may be removed by the Governor for
31 cause. Absence from three consecutive meetings results in

1 automatic removal. The chair of the Workforce Development
2 Board shall notify the Governor of such absences.

3 (3)(a) The president of the Workforce Development
4 Board shall be hired by the president of Enterprise Florida,
5 Inc., and shall serve in the capacity of an executive director
6 and secretary of the Workforce Development Board.

7 (b) The board of directors of the Workforce
8 Development Board shall meet at least quarterly and at other
9 times upon call of its chair.

10 (c) A majority of the total current membership of the
11 board of directors of the Workforce Development Board
12 comprises a quorum of the board.

13 (d) A majority of those voting is required to organize
14 and conduct the business of the Workforce Development Board,
15 except that a majority of the entire board of directors of the
16 Workforce Development Board is required to adopt or amend the
17 operational plan.

18 (e) Except as delegated or authorized by the board of
19 directors of the Workforce Development Board, individual
20 members have no authority to control or direct the operations
21 of the Workforce Development Board or the actions of its
22 officers and employees, including the president.

23 (f) The board of directors of the Workforce
24 Development Board may delegate to its president those powers
25 and responsibilities it deems appropriate.

26 (g) Members of the board of directors of the Workforce
27 Development Board and its committees shall serve without
28 compensation, but these members, the president, and all
29 employees of the Workforce Development Board may be reimbursed
30 for all reasonable, necessary, and actual expenses, as
31

1 determined by the board of directors of Enterprise Florida,
2 Inc.

3 (h) The board of directors of the Workforce
4 Development Board may establish an executive committee
5 consisting of the chair and at least two additional board
6 members selected by the board of directors. The executive
7 committee shall have such authority as the board of directors
8 of the Workforce Development Board delegates to it, except
9 that the board of directors may not delegate to the executive
10 committee authority to take action that requires approval by a
11 majority of the entire board of directors.

12 (i) The board of directors of the Workforce
13 Development Board may appoint committees to fulfill its
14 responsibilities, to comply with federal requirements, or to
15 obtain technical assistance, and must incorporate members of
16 regional workforce development boards into its structure.

17 (j) Each member of the board of directors of the
18 Workforce Development Board who is not otherwise required to
19 file a financial disclosure pursuant to s. 8, Art. II of the
20 State Constitution or s. 112.3144 must file disclosure of
21 financial interests pursuant to s. 112.3145.

22 (4) The Workforce Development Board shall have all the
23 powers and authority, not explicitly prohibited by statute,
24 necessary or convenient to carry out and effectuate the
25 purposes as determined by statute, Pub. L. No. 105-220, and
26 the Governor, as well as its functions, duties, and
27 responsibilities, including, but not limited to, the
28 following:

29 (a) Serving as the state's Workforce Investment Board
30 pursuant to Pub. L. No. 105-220. Unless otherwise required by
31 federal law, at least 90 percent of the workforce development

1 funding must go into direct customer service costs. Of the
2 allowable administrative overhead, appropriate amounts shall
3 be expended to procure independent job-placement evaluations.
4 (b) Contracting with public and private entities as
5 necessary to further the directives of this section, except
6 that any contract made with an organization represented on the
7 board of directors of Enterprise Florida, Inc., or on the
8 board of directors of the Workforce Development Board must be
9 approved by a two-thirds vote of the entire board of directors
10 of the Workforce Development Board, and, if applicable, the
11 board member representing such organization shall abstain from
12 voting. No more than 65 percent of the dollar value of all
13 contracts or other agreements entered into in any fiscal year,
14 exclusive of grant programs, shall be made with an
15 organization represented on the board of directors of
16 Enterprise Florida, Inc., or the board of directors of the
17 Workforce Development Board. An organization represented on
18 the board of directors of the Workforce Development Board or
19 on the board of directors of Enterprise Florida, Inc., may not
20 enter into a contract to receive a state-funded economic
21 development incentive or similar grant unless such incentive
22 award is specifically endorsed by a two-thirds vote of the
23 entire board of directors of the Workforce Development Board.
24 The member of the board of directors of the Workforce
25 Development Board representing such organization, if
26 applicable, shall abstain from voting and refrain from
27 discussing the issue with other members of the board. No more
28 than 50 percent of the dollar value of grants issued by the
29 board in any fiscal year may go to businesses associated with
30 members of the board of directors of the Workforce Development
31 Board.

1 (c) Providing an annual report to the board of
2 directors of Enterprise Florida, Inc., by November 1 that
3 includes a copy of an annual financial and compliance audit of
4 its accounts and records conducted by an independent certified
5 public accountant and performed in accordance with rules
6 adopted by the Auditor General.

7 (d) Notifying the Governor, the President of the
8 Senate, and the Speaker of the House of Representatives of
9 noncompliance by agencies or obstruction of the board's
10 efforts by agencies. For such actions, the board may recommend
11 sanctions to the Governor, the President of the Senate, and
12 the Speaker of House of Representatives, including but not
13 limited to: disqualification or suspension of an agency from
14 participation in workforce development programs; designating
15 an agency ineligible for workforce grants, awards, or funding;
16 and penalties. Through the Office of Planning and Budgeting,
17 the Office of the Governor shall enforce such sanctions as
18 approved by the Governor, the President of the Senate, and the
19 Speaker of the House of Representatives.

20 (5) Notwithstanding s. 216.351, to allow time for
21 documenting program performance, funds allocated for the
22 incentives in s. 239.249 must be carried forward to the next
23 fiscal year and must be awarded for the current year's
24 performance, unless federal law requires the funds to revert
25 at the year's end.

26 (6) The Workforce Development Board may take action
27 that it deems necessary to achieve the purposes of this
28 section and consistent with the policies of the board of
29 directors of Enterprise Florida, Inc., in partnership with
30 private enterprises, public agencies, and other organizations.
31 The Workforce Development Board shall advise and make

1 recommendations to the board of directors of Enterprise
2 Florida, Inc., and through that board of directors to the
3 State Board of Education and the Legislature concerning action
4 needed to bring about the following benefits to the state's
5 social and economic resources:

6 (a) A state employment, education, and training policy
7 that ensures that programs to prepare workers are responsive
8 to present and future business and industry needs and
9 complement the initiatives of Enterprise Florida, Inc.

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

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

23 (d) The designation of Institutes of Applied
24 Technology composed of postsecondary institutions working
25 together with business and industry to ensure that technical
26 and vocational education programs use the most advanced
27 technology and instructional methods available and respond to
28 the changing needs of business and industry.

29 (e) A system to project and evaluate labor market
30 supply and demand using the results of the Occupational
31

1 Forecasting Conference created in s. 216.136 and the career
2 education performance standards identified under s. 239.233.

3 (f) A review of the performance of public programs
4 that are responsible for economic development, education,
5 employment, and training. The review must include an analysis
6 of the return on investment of these programs.

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

13 (a) The audit in subsection (8), if conducted.

14 (b) The operations and accomplishments of the
15 partnership including the programs or entities listed in
16 subsection (6).

17 (8) The Auditor General may, pursuant to his or her
18 own authority or at the direction of the Legislative Auditing
19 Committee, conduct an audit of the Workforce Development Board
20 or the programs or entities created by the Workforce
21 Development Board.

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

30 (a) The first tier of measures must be organized to
31 provide benchmarks for system-wide outcomes. The Workforce

1 Development Board must, in collaboration with the Office of
2 Program Policy Analysis and Government Accountability,
3 establish goals for the tier-one outcomes. System-wide
4 outcomes may include employment in occupations demonstrating
5 continued growth in wages; continued employment after 3, 6,
6 12, and 24 months; reduction in and elimination of public
7 assistance reliance; job placement; employer satisfaction; and
8 positive return on investment of public resources.

9 (b) The second tier of measures must be organized to
10 provide a set of benchmark outcomes for One-Stop Career
11 Centers and each of the strategic components of the workforce
12 development strategy. A set of standards and measures must be
13 developed for One-Stop Career Centers, youth employment
14 activities, WAGES, and High Skills/High Wages, targeting the
15 specific goals of each particular strategic component. Cost
16 per entered employment, earnings at placement, retention in
17 employment, job placement, and entered employment rate must be
18 included among the performance outcome measures.

19 1. Appropriate measures for One-Stop Career Centers
20 may include direct job placements at minimum wage, at a wage
21 level established by the Occupational Forecasting Conference,
22 and at a wage level above the level established by the
23 Occupational Forecasting Conference.

24 2. Appropriate measures for youth employment
25 activities may include the number of students enrolling in and
26 completing work-based programs, including apprenticeship
27 programs; job placement rate; job retention rate; wage at
28 placement; and wage growth.

29 3. WAGES measures may include job placement rate, job
30 retention rate, wage at placement, wage growth, reduction and
31

1 elimination of reliance on public assistance, and savings
2 resulting from reduced reliance on public assistance.

3 4. High Skills/High Wages measures may include job
4 placement rate, job retention rate, wage at placement, and
5 wage growth.

6 (c) The third tier of measures must be the operational
7 output measures to be used by the agency implementing
8 programs, and it may be specific to federal requirements. The
9 tier-three measures must be developed by the agencies
10 implementing programs, and the Workforce Development Board may
11 be consulted in this effort. Such measures must be reported to
12 the Workforce Development Board by the appropriate
13 implementing agency.

14 (d) Regional differences must be reflected in the
15 establishment of performance goals and may include job
16 availability, unemployment rates, average worker wage, and
17 available employable population. All performance goals must be
18 derived from the goals, principles, and strategies established
19 in the Workforce Florida Act of 1996.

20 (e) Job placement must be reported pursuant to s.
21 229.8075. Positive outcomes for providers of education and
22 training must be consistent with ss. 239.233 and 239.245.

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

28 (g) By October 15 of each year, the Workforce
29 Development Board shall provide the Legislature with a report
30 detailing the performance of Florida's workforce development
31 system, as reflected in the three-tier measurement system.

1 Additionally, this report must benchmark Florida outcomes, at
2 all tiers, against other states that collect data similarly.

3 Section 5. Section 446.602, Florida Statutes, is
4 transferred, renumbered as section 288.9953, Florida Statutes,
5 and amended to read:

6 288.9953 ~~446.602~~ Regional Workforce Development
7 Boards.--

8 (1) One regional workforce development board ~~Regional~~
9 ~~Workforce Development Board~~ shall be appointed in each
10 designated service delivery area and shall serve as the local
11 workforce investment board pursuant to Pub. L. No. 105-220.

12 The membership ~~and responsibilities~~ of the board shall be
13 consistent with Pub. L. No. 105-220, Title I, s. 117(b). A
14 member of a regional workforce development board may not vote
15 on a matter under consideration by the board regarding the
16 provision of services by such member, or by an entity that
17 such member represents; vote on a matter that would provide
18 direct financial benefit to such member or the immediate
19 family of such member; or engage in any other activity
20 determined by the Governor to constitute a conflict of
21 interest as specified in the state plan.97-300, as amended.

22 ~~The board shall be appointed by the chief elected official or~~
23 ~~his or her designee of the local county or city governing~~
24 ~~bodies or consortiums of county and/or city governmental units~~
25 ~~that exist through interlocal agreements and shall include:~~

26 (a) ~~At least 51 percent of the members of each board~~
27 ~~being from the private sector and being chief executives,~~
28 ~~chief operating officers, owners of business concerns, or~~
29 ~~other private sector executives with substantial management or~~
30 ~~policy responsibility.~~

31

1 ~~(b) Representatives of organized labor and~~
2 ~~community-based organizations, who shall constitute not less~~
3 ~~than 15 percent of the board members.~~

4 ~~(c) Representatives of educational agencies, including~~
5 ~~presidents of local community colleges, superintendents of~~
6 ~~local school districts, licensed private postsecondary~~
7 ~~educational institutions participating in vocational education~~
8 ~~and job training in the state and conducting programs on the~~
9 ~~Occupational Forecasting Conference list or a list validated~~
10 ~~by the Regional Workforce Development Board; vocational~~
11 ~~rehabilitation agencies; economic development agencies; public~~
12 ~~assistance agencies; and public employment service. One of~~
13 ~~the representatives from licensed private postsecondary~~
14 ~~educational institutions shall be from a degree-granting~~
15 ~~institution, and one from an institution offering certificate~~
16 ~~or diploma programs. One of these members shall be a~~
17 ~~nonprofit, community-based organization which provides direct~~
18 ~~job training and placement services to hard-to-serve~~
19 ~~individuals including the target population of people with~~
20 ~~disabilities.~~

21
22 ~~The current Private Industry Council may be restructured, by~~
23 ~~local agreement, to meet the criteria for a Regional Workforce~~
24 ~~Development Board.~~

25 (2) The Workforce Development Board will determine the
26 timeframe and manner of changes to the regional workforce
27 development boards as required by this act and Pub. L. No.
28 105-220.

29 (3) The Workforce Development Board shall assign staff
30 to meet with each regional workforce development board
31 annually to review the board's performance and to certify that

1 the board is in compliance with applicable state and federal
2 law.

3 (4)(2) In addition to the duties and functions
4 specified by the Workforce Development Board ~~Enterprise~~
5 ~~Florida Jobs and Education Partnership~~ and by the interlocal
6 agreement approved by the local county or city governing
7 bodies, the regional workforce development board ~~Regional~~
8 ~~Workforce Development Board~~ shall have the following
9 responsibilities:

10 (a) Develop, submit, ratify, or amend ~~Review, approve,~~
11 ~~and ratify~~ the local ~~Job Training Partnership Act~~ plan
12 pursuant to Pub. L. No. 105-220, Title I, s. 118 ~~which also~~
13 ~~must be signed by the chief elected officials.~~

14 (b) Conclude agreements necessary to designate the
15 fiscal agent and administrative entity.

16 (c) Complete assurances required for the Workforce
17 Development Board ~~Enterprise Florida Jobs and Education~~
18 ~~Partnership~~ charter process and provide ongoing oversight
19 related to administrative costs, duplicated services, career
20 counseling, economic development, equal access, compliance and
21 accountability, and performance outcomes.

22 (d) Oversee One-Stop Career Centers in its local area.

23 (5)(3) The Workforce Development Board ~~Enterprise~~
24 ~~Florida Jobs and Education Partnership~~ shall, ~~by January 1,~~
25 ~~1997, design and~~ implement a training program for the regional
26 workforce development boards ~~Regional Workforce Development~~
27 ~~Boards~~ to familiarize board members with the state's workforce
28 development goals and strategies.

29

30 The regional workforce development board ~~Regional Workforce~~
31 ~~Development Board~~ shall designate all local service providers

1 and shall not transfer this authority to a third party. In
2 order to exercise independent oversight, the regional
3 workforce development board ~~Regional Workforce Development~~
4 ~~Board~~ shall not be a direct provider of intake, assessment,
5 eligibility determinations, or other direct provider services.

6 (6) Regional workforce development boards may appoint
7 local committees to obtain technical assistance on issues of
8 importance, including those issues affecting older workers.

9 (7) Each regional workforce development board shall
10 establish a high skills/high wages committee consisting of
11 five private-sector business representatives, including the
12 regional workforce development board chair; the presidents of
13 all community colleges within the board's region; and those
14 district school superintendents with authority for conducting
15 postsecondary educational programs within the region. The
16 business representatives other than the board chair need not
17 be members of the regional workforce development board.

18 (a) During fiscal year 1999-2000, each high
19 skills/high wages committee shall submit, quarterly,
20 recommendations to the Workforce Development Board related to:

21 1. Policies to enhance the responsiveness of high
22 skills/high wages programs in its region to business and
23 economic development opportunities.

24 2. Integrated use of state education and federal
25 workforce development funds to enhance the training and
26 placement of designated population individuals with local
27 businesses and industries.

28 (b) After fiscal year 1999-2000, the Workforce
29 Development Board has the discretion to decrease the frequency
30 of reporting by the high skills/high wages committees, but the
31

1 committees shall meet and submit any recommendations at least
2 annually.

3 (c) Annually, the Workforce Development Board shall
4 compile all the recommendations of the high skills/high wages
5 committees, research their feasibility, and make
6 recommendations to the Governor, the President of the Senate,
7 and the Speaker of the House of Representatives.

8 Section 6. Section 446.607, Florida Statutes, is
9 transferred, renumbered as section 288.9954, Florida Statutes,
10 and amended to read:

11 288.9954 ~~446.607~~ Consultation, consolidation, and
12 coordination.--The Workforce Development Board ~~Enterprise~~
13 ~~Florida Jobs and Education Partnership~~ and the WAGES Program
14 State Board of Directors ~~any state public assistance policy~~
15 ~~board established pursuant to law~~ shall consult with each
16 other in developing each of their statewide implementation
17 plans and strategies. The regional workforce development
18 boards ~~Regional Workforce Development Boards~~ and local WAGES
19 coalitions ~~any local public assistance policy boards~~
20 ~~established pursuant to law~~ may elect to consolidate into one
21 board provided that the consolidated board membership complies
22 with the requirements of Pub. L. No. 105-220, Title I, s.
23 117(b)97-300, as amended, and with any other law delineating
24 the membership requirements for either of the separate boards.
25 The regional workforce development boards ~~Regional Workforce~~
26 ~~Development Boards~~ and local WAGES coalitions ~~any respective~~
27 ~~local public assistance policy board established pursuant to~~
28 ~~law~~ shall collaboratively coordinate, to the maximum extent
29 possible, the local services and activities provided by and
30 through each of these boards and coalitions and their
31 designated local service providers.

1 Section 7. Section 446.603, Florida Statutes, is
2 transferred, renumbered as section 288.9955, Florida Statutes,
3 and amended to read:

4 288.9955 ~~446.603~~ Untried Worker Placement and
5 Employment Incentive Act.--

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

8 (2) For purposes of this section, the term "untried
9 worker" means a person who is a hard-to-place participant in
10 the Work and Gain Economic Self-sufficiency Program (WAGES)
11 ~~welfare-to-work programs of the Department of Labor and~~
12 ~~Employment Security or the Department of Health and~~
13 ~~Rehabilitative Services~~ because he or she has ~~they have~~
14 limitations associated with the long-term receipt of welfare
15 and difficulty in sustaining employment, particularly because
16 of physical or mental disabilities.

17 ~~(3) The Department of Labor and Employment Security~~
18 ~~and the Department of Health and Rehabilitative Services,~~
19 ~~working with the Enterprise Florida Jobs and Education~~
20 ~~Partnership, shall develop five Untried Worker Placement and~~
21 ~~Employment Incentive pilot projects in at least five different~~
22 ~~counties.~~

23 ~~(3)(4)~~ Incentive ~~In these pilots, incentive~~ payments
24 may ~~will~~ be made to for-profit or not-for-profit agents
25 selected by local WAGES coalitions ~~the Regional Workforce~~
26 ~~Development Boards~~ who successfully place untried workers in
27 full-time employment for 6 months with an employer after the
28 employee successfully completes a probationary placement of no
29 more than 6 months with that employer. Full-time employment
30 that includes health care benefits will receive an additional
31 incentive payment.

1 (4)~~(5)~~ The for-profit and not-for-profit agents shall
2 contract to provide services for no more than 1 year.
3 Contracts may be renewed upon successful review by the
4 contracting agent.

5 (5)~~(6)~~ Incentives must be paid according to the ~~The~~
6 ~~Department of Labor and Employment Security and the Department~~
7 ~~of Health and Rehabilitative Services, working with the~~
8 ~~Enterprise Florida Jobs and Education Partnership, shall~~
9 ~~develop an~~ incentive schedule developed by the Department of
10 Labor and Employment Security and the Department of Children
11 and Family Services which ~~that~~ costs the state less per
12 placement than the state's 12-month expenditure on a welfare
13 recipient.

14 (6)~~(7)~~ During an untried worker's probationary
15 placement, the for-profit or not-for-profit agent shall be the
16 employer of record of that untried worker, and shall provide
17 workers' compensation and unemployment compensation coverage
18 as provided by law. The business employing the untried worker
19 through the agent may be eligible to apply for any tax
20 credits, wage supplementation, wage subsidy, or employer
21 payment for that employee that are authorized in law or by
22 agreement with the employer. After satisfactory completion of
23 such a probationary period, an untried worker shall not be
24 considered an untried worker.

25 (7)~~(8)~~ This section shall not be used for the purpose
26 of displacing or replacing an employer's regular employees,
27 and shall not interfere with executed collective bargaining
28 agreements. Untried workers shall be paid by the employer at
29 the same rate as similarly situated and assessed workers in
30 the same place of employment.

31

1 ~~(8)(9)~~ An employer that demonstrates a pattern of
2 unsuccessful placements shall be disqualified from
3 participation in these pilots because of poor return on the
4 public's investment.

5 ~~(9)(10) The Department of Labor and Employment~~
6 ~~Security and the Department of Health and Rehabilitative~~
7 ~~Services, working with the Enterprise Florida Jobs and~~
8 ~~Education Partnership, may offer to Any employer that chooses~~
9 to employ untried workers is eligible to receive such
10 incentives and benefits that are available and provided in
11 law, as long as the long-term, cost savings can be quantified
12 with each such additional inducement.

13 ~~(11) Unless otherwise reenacted, this section shall be~~
14 ~~repealed on July 1, 1999.~~

15 Section 8. Section 288.9956, Florida Statutes, is
16 created to read:

17 288.9956 Implementation of the federal Workforce
18 Investment Act of 1998.--

19 (1) WORKFORCE INVESTMENT ACT PRINCIPLES.--The state's
20 approach to implementing the federal Workforce Investment Act
21 of 1998, Pub. L. No. 105-220, should have six elements:

22 (a) Streamlining Services--Florida's employment and
23 training programs must be coordinated and consolidated at
24 locally managed One-Stop Career Centers.

25 (b) Empowering Individuals--Eligible participants will
26 make informed decisions, choosing the qualified training
27 program that best meets their needs.

28 (c) Universal Access--Through One-Stop Career Centers,
29 every Floridian will have access to employment services.

30
31

1 (d) Increased Accountability--The state, localities,
2 and training providers will be held accountable for their
3 performance.

4 (e) Local Board and Private Sector Leadership--Local
5 boards will focus on strategic planning, policy development,
6 and oversight of the local system, choosing local managers to
7 direct the operational details of their One-Stop Career
8 Centers.

9 (f) Local Flexibility and Integration--Localities will
10 have exceptional flexibility to build on existing reforms.
11 Unified planning will free local groups from conflicting
12 micro-management, while waivers and WorkFlex will allow local
13 innovations.

14 (2) FIVE-YEAR PLAN.--The Workforce Development Board
15 shall prepare and submit a 5-year plan, which includes
16 secondary vocational education, to fulfill the early
17 implementation requirements of Pub. L. No. 105-220 and
18 applicable state statutes. Mandatory federal partners and
19 optional federal partners, including the WAGES Program State
20 Board of Directors, shall be fully involved in designing the
21 plan's One-Stop Career Center system strategy. The plan shall
22 detail a process to clearly define each program's statewide
23 duties and role relating to the system. Any optional federal
24 partner may immediately choose to fully integrate its
25 program's plan with this plan, which shall, notwithstanding
26 any other state provisions, fulfill all their state planning
27 and reporting requirements as they relate to One-Stop Career
28 Centers. The plan shall detail a process that would fully
29 integrate all federally mandated and optional partners by the
30 second year of the plan. All optional federal program partners

31

1 in the planning process shall be mandatory participants in the
2 second year of the plan.

3 (3) FUNDING.--

4 (a) Title I, Workforce Investment Act of 1998 funds;
5 Wagner-Peyser funds; and NAFTA/Trade Act funds will be
6 expended based on the Workforce Development Board's 5-year
7 plan. The plan shall outline and direct the method used to
8 administer and coordinate various funds and programs that are
9 operated by various agencies. The following provisions shall
10 also apply to these funds:

11 1. At least 50 percent of the Title I funds for Adults
12 and Dislocated Workers that are passed through to regional
13 workforce development boards shall be allocated to Individual
14 Training Accounts unless a regional workforce development
15 board obtains a waiver from the Workforce Development Board.
16 Tuition, fees, and performance-based incentive awards paid in
17 compliance with Florida's Performance-Based Incentive Fund
18 Program qualify as an Individual Training Account expenditure,
19 as do other programs developed by regional workforce
20 development boards in compliance with the Workforce
21 Development Board's policies.

22 2. Twenty-five percent of Wagner-Peyser funds shall be
23 allocated to Intensive Services Accounts unless a regional
24 workforce development board obtains a waiver from the
25 Workforce Development Board. Except where prohibited by
26 federal law, or approved by the Workforce Development Board,
27 all core services provided pursuant to Pub. L. No. 105-220
28 shall be funded using Wagner-Peyser funds.

29 3. Fifteen percent of Title I funding shall be
30 retained at the state level and shall be dedicated to state
31 administration and used to design, develop, induce, and fund

1 innovative Individual Training Account pilots, demonstrations,
2 and programs. Eligible state administration costs include the
3 costs of: funding of the Workforce Development Board and
4 Workforce Development Board's staff; operating fiscal,
5 compliance, and management accountability systems through the
6 Workforce Development Board; conducting evaluation and
7 research on workforce development activities; and providing
8 technical and capacity building assistance to regions at the
9 direction of the Workforce Development Board. Notwithstanding
10 s. 288.9952, such administrative costs shall not exceed 25
11 percent of these funds. Seventy percent of these funds shall
12 be allocated to Individual Training Accounts for: the Minority
13 Teacher Education Scholars program, the Certified Teacher-Aide
14 program, the Self-Employment Institute, and other Individual
15 Training Accounts designed and tailored by the Workforce
16 Development Board, including, but not limited to, programs for
17 incumbent workers, displaced homemakers, nontraditional
18 employment, empowerment zones, and enterprise zones. The
19 Workforce Development Board shall design, adopt, and fund
20 Individual Training Accounts for distressed urban and rural
21 communities. The remaining 5 percent shall be reserved for the
22 Incumbent Worker Training Program.

23 4. The Incumbent Worker Training Program is created
24 for the purpose of providing grant funding for continuing
25 education and training of incumbent employees at existing
26 Florida businesses. The program will provide reimbursement
27 grants to businesses that pay for preapproved, direct,
28 training-related costs.

29 a. The Incumbent Worker Training Program will be
30 administered by a private business organization, known as the
31

1 grant administrator, under contract with the Workforce
2 Development Board.

3 b. To be eligible for the program's grant funding, a
4 business must have been in operation in Florida for a minimum
5 of 1 year prior to the application for grant funding; have at
6 least one full-time employee; demonstrate financial viability;
7 and be current on all state tax obligations. Priority for
8 funding shall be given to businesses with 25 employees or
9 fewer, businesses in rural areas, or businesses whose grant
10 proposals represent a significant upgrade in employee skills.

11 c. All costs reimbursed by the program must be
12 preapproved by the grant administrator. The program will not
13 reimburse businesses for trainee wages, the purchase of
14 capital equipment, or the purchase of any item or service that
15 may possibly be used outside the training project. A business
16 approved for a grant may be reimbursed for preapproved,
17 direct, training-related costs including tuition and fees;
18 books and classroom materials; and administrative costs not to
19 exceed 5 percent of the grant amount.

20 d. A business that is selected to receive grant
21 funding must provide a matching contribution to the training
22 project, including but not limited to, wages paid to trainees
23 or the purchase of capital equipment used in the training
24 project; must sign an agreement with the grant administrator
25 to complete the training project as proposed in the
26 application; must keep accurate records of the project's
27 implementation process; and must submit monthly or quarterly
28 reimbursement requests with required documentation.

29 e. All Incumbent Worker Training Program grant
30 projects shall be performance-based with specific measurable
31 performance outcomes, including completion of the training

1 project and job retention. The grant administrator shall
2 withhold the final payment to the grantee until a final grant
3 report is submitted and all performance criteria specified in
4 the grant contract have been achieved.

5 f. The Workforce Development Board is authorized to
6 establish guidelines necessary to implement the Incumbent
7 Worker Training Program.

8 g. No more than 10 percent of the Incumbent Worker
9 Training Program's appropriation may be used for
10 administrative purposes.

11 h. The grant administrator is required to submit a
12 report to the Workforce Development Board and the Legislature
13 on the financial and general operations of the Incumbent
14 Worker Training Program. Such report will be due before
15 December 1 of any fiscal year for which the program is funded
16 by the Legislature.

17 5. At least 50 percent of Rapid Response funding shall
18 be dedicated to Intensive Services Accounts and Individual
19 Training Accounts for dislocated workers and incumbent workers
20 who are at risk of dislocation. The Workforce Development
21 Board shall also maintain an Emergency Preparedness Fund from
22 Rapid Response funds which will immediately issue Intensive
23 Service Accounts and Individual Training Accounts as well as
24 other federally authorized assistance to eligible victims of
25 natural or other disasters. The state shall retain a limited
26 reserve of Rapid Response funds for rapid response activities
27 at the state level. All Rapid Response funds must be expended
28 based on a plan developed by the Workforce Development Board.

29 (b) The administrative entity for Title I, Workforce
30 Investment Act of 1998 funds, including Rapid Response
31 activities, will be determined by the Workforce Development

1 Board. The administrative entity will provide services
2 through a contractual agreement with the Workforce Development
3 Board. The terms and conditions of the agreement may include,
4 but are not limited to, the following:

5 1. All policy direction to regional workforce
6 development boards regarding Title I programs shall emanate
7 from the Workforce Development Board.

8 2. Any policies by a state agency acting as an
9 administrative entity which may materially impact local
10 workforce boards, local governments, or educational
11 institutions must be promulgated under chapter 120.

12 3. The administrative entity will operate under a
13 procedures manual, approved by the Workforce Development
14 Board, addressing: financial services including cash
15 management, accounting, and auditing; procurement; management
16 information system services; and federal and state compliance
17 monitoring, including quality control.

18 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED
19 MODIFICATIONS.--

20 (a) The Workforce Development Board may provide
21 indemnification from audit liabilities to regional workforce
22 development boards that act in full compliance with state law
23 and the board's policies.

24 (b) The Workforce Development Board may negotiate and
25 settle all outstanding issues with the U.S. Department of
26 Labor relating to decisions made by the Workforce Development
27 Board and the Legislature with regard to the Job Training
28 Partnership Act, making settlements and closing out all JTPA
29 program year grants before the repeal of the act June 30,
30 2000.

31

1 (c) The Workforce Development Board may make
2 modifications to the state's plan, policies, and procedures to
3 comply with federally mandated requirements that in its
4 judgment must be complied with to maintain funding provided
5 pursuant to Pub. L. No. 105-220. The board shall notify in
6 writing the Governor, the President of the Senate, and the
7 Speaker of the House of Representatives within 30 days of any
8 such changes or modifications.

9 (5) The Department of Labor and Employment Security
10 shall phase-down JTPA duties before the federal program is
11 abolished July 1, 2000. Outstanding accounts and issues shall
12 be promptly closed out after this date.

13 (6) LONG-TERM CONSOLIDATION OF WORKFORCE
14 DEVELOPMENT.--

15 (a) The Workforce Development Board may recommend
16 workforce-related divisions, bureaus, units, programs, duties,
17 commissions, boards, and councils that can be eliminated,
18 consolidated, or privatized.

19 (b) By December 31, 1999, the Office of Program Policy
20 Analysis and Government Accountability shall review the
21 workforce development system, identifying divisions, bureaus,
22 units, programs, duties, commissions, boards, and councils
23 that could be eliminated, consolidated, or privatized.

24 (7) TERMINATION OF STATE SET-ASIDE.--The Department of
25 Education and the Department of Elderly Affairs shall keep any
26 unexpended JTPA Section 123 (Education Coordination) or JTPA
27 IIA (Services for Older Adults) funds to closeout their
28 education and coordination activities. The Workforce
29 Development Board shall develop guidelines under which the
30 departments may negotiate with the regional workforce
31 development boards to provide continuation of activities and

1 services currently conducted with the JTPA Section 123 or JTPA
2 IIA funds.

3 Section 9. Section 288.9957, Florida Statutes, is
4 created to read:

5 288.9957 Florida Youth Workforce Council.--

6 (1) The chairman of the Workforce Development Board
7 shall designate the Florida Youth Workforce Council from
8 representatives of public and private groups, including but
9 not limited to, School-To-Work Advisory Councils, Childrens'
10 Services Councils, Juvenile Welfare Boards, the Apprenticeship
11 Council, Juvenile Justice Advisory Boards, and other federal
12 and state programs that target youth, to advise the board on
13 youth programs and to implement Workforce Development Board
14 strategies for young people.

15 (2) The Florida Youth Workforce Council shall oversee
16 the development of regional youth workforce councils, as a
17 subgroup of each regional workforce development board, which
18 will be responsible for developing required local plans
19 relating to youth, recommending providers of youth activities
20 to be awarded grants by the regional workforce development
21 board, conducting oversight of these providers, and
22 coordinating youth activities in the region.

23 (3) Resources awarded to regions for youth activities
24 shall fund community activities including the Minority Teacher
25 Education Scholars program, the Certified Teacher-Aide
26 program, and the "About Face" program of the Department of
27 Military Affairs, as well as other programs designed and
28 tailored by the regional youth workforce council and regional
29 workforce development board.

30 (4) Regional youth workforce councils must leverage
31 other program funds in order to enlist youth workforce program

1 stakeholders in their community in upgrading each
2 stakeholder's effectiveness through collaborative planning,
3 implementation, and funding.

4 (5) The Florida Youth Workforce Council shall report
5 annually by December 1 to the Workforce Development Board the
6 total aggregate funding impact of this effort, including the
7 inventory of collaborative funding partners in each region and
8 their contributions.

9 (6) Ten percent of youth funds allocated under Pub. L.
10 No. 105-220 to the regional workforce development boards shall
11 be used to leverage public schools' dropout-prevention funds
12 through performance payments for outcomes specified by the
13 Workforce Development Board.

14 Section 10. Section 288.9958, Florida Statutes, is
15 created to read:

16 288.9958 Employment, Occupation, and Performance
17 Information Coordinating Committee.--

18 (1) By July 15, 1999, the chairman of the Workforce
19 Development Board shall appoint an Employment, Occupation, and
20 Performance Information Coordinating Committee, which shall
21 assemble all employment, occupational, and performance
22 information from workforce development partners into a single
23 integrated informational system. The committee shall include
24 representatives from the Bureau of Labor Market and
25 Performance Information, Florida Education and Training
26 Placement Information Program, and the State Occupational
27 Forecasting Conference, as well as other public or private
28 members with information expertise.

29 (2) The committee shall initially focus on the timely
30 provision of data necessary for planning, consumer reports,
31 and performance accountability reports necessary for the

1 selection of training service providers, as well as state and
2 local board program assessment, completing these tasks no
3 later than October 1, 1999.

4 (3) By December 1, 1999, the committee shall establish
5 outcome measures that enable an assessment of the Workforce
6 Development Board's coordinating and oversight
7 responsibilities.

8 (4) By June 30, 2000, the committee shall develop an
9 integrated and comprehensive accountability system that can be
10 used to evaluate and report on the effectiveness of Florida's
11 workforce development system as required by state law.

12 (5) To ensure the fulfillment of these requirements,
13 the Workforce Development Board may direct the Department of
14 Labor and Employment Security, the Department of Education,
15 and the Department of Children and Family Services to provide
16 such services and assign such staff to this committee as it
17 deems necessary until June 30, 2000.

18 Section 11. Section 288.9959, Florida Statutes, is
19 created to read:

20 288.9959 Operational Design and Technology Procurement
21 Committee.--

22 (1) The chairman of the Workforce Development Board
23 shall appoint an Operational Design and Technology Procurement
24 Committee, which shall assemble representatives from the
25 regional workforce development boards, board staff, and the
26 staff of the WAGES State Board of Directors to design and
27 develop a model operational design and technology procurement
28 strategy for One-Stop Career Centers to ensure that services
29 from region to region are consistent for customers, that
30 customer service technology is compatible, and that
31

1 procurement expenditures, where possible, are aggregated to
2 obtain economies and efficiencies.

3 (2) The committee shall initially focus on designing a
4 uniform intake procedure for all One-Stop Career Centers; on
5 the design and delivery of customer reports on eligible
6 training providers; on the design of Intensive Services
7 Accounts, Individual Training Accounts, and Individual
8 Development Accounts; on enhancing availability of electronic
9 One-Stop Career Center core services; and on the development
10 of One-Stop Career Center model operating procedures.

11 (3) To ensure the fulfillment of these requirements,
12 the Workforce Development Board may direct the Department of
13 Labor and Employment Security, the Department of Education,
14 and the Department of Children and Family Services to provide
15 such services and assign such staff to this committee as it
16 deems necessary until June 30, 2000.

17 Section 12. Subsection (2) of section 288.901, Florida
18 Statutes, is amended to read:

19 288.901 Enterprise Florida, Inc.; creation;
20 membership; organization; meetings; disclosure.--

21 (2) Enterprise Florida, Inc., shall establish one or
22 more corporate offices, at least one of which shall be located
23 in Leon County. Persons employed by the Department of Commerce
24 on the day prior to July 1, 1996, whose jobs are privatized,
25 shall be given preference, if qualified, for similar jobs at
26 Enterprise Florida, Inc. When practical, those jobs shall be
27 located in Leon County. All available resources, including
28 telecommuting, must be employed to minimize the negative
29 impact on the Leon County economy caused by job losses
30 associated with the privatization of the Department of
31 Commerce. The Department of Management Services may establish

1 a lease agreement program under which Enterprise Florida,
2 Inc., may hire any individual who, as of June 30, 1996, is
3 employed by the Department of Commerce or who, as of January
4 1, 1997, is employed by the Executive Office of the Governor
5 and has responsibilities specifically in support of the
6 Workforce Development Board established under s. 288.9952 ~~s.~~
7 ~~288.9620~~. Under such agreement, the employee shall retain his
8 or her status as a state employee but shall work under the
9 direct supervision of Enterprise Florida, Inc. Retention of
10 state employee status shall include the right to participate
11 in the Florida Retirement System. The Department of Management
12 Services shall establish the terms and conditions of such
13 lease agreements.

14 Section 13. Subsection (5) of section 288.902, Florida
15 Statutes, is amended to read:

16 288.902 Enterprise Florida Nominating Council.--

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

25 Section 14. Paragraph (a) of subsection (2) of section
26 414.026, Florida Statutes, 1998 Supplement, is amended to
27 read:

28 414.026 WAGES Program State Board of Directors.--

29 (2)(a) The board of directors shall be composed of the
30 following members:

31

- 1 1. The Commissioner of Education, or the
2 commissioner's designee.
- 3 2. The Secretary of Children and Family Services.
- 4 3. The Secretary of Health.
- 5 4. The Secretary of Labor and Employment Security.
- 6 5. The Secretary of Community Affairs.
- 7 6. The Secretary of Transportation, or the secretary's
8 designee.
- 9 7. The director of the Office of Tourism, Trade, and
10 Economic Development.
- 11 8. The president of the Enterprise Florida workforce
12 development board, established under s. 288.9952 ~~s. 288.9620~~.
- 13 9. The chief executive officer of the Florida Tourism
14 Industry Marketing Corporation, established under s. 288.1226.
- 15 10. Nine members appointed by the Governor, as
16 follows:
 - 17 a. Six members shall be appointed from a list of ten
18 nominees, of which five must be submitted by the President of
19 the Senate and five must be submitted by the Speaker of the
20 House of Representatives. The list of five nominees submitted
21 by the President of the Senate and the Speaker of the House of
22 Representatives must each contain at least three individuals
23 employed in the private sector, two of whom must have
24 management experience. One of the five nominees submitted by
25 the President of the Senate and one of the five nominees
26 submitted by the Speaker of the House of Representatives must
27 be an elected local government official who shall serve as an
28 ex officio nonvoting member.
 - 29 b. Three members shall be at-large members appointed
30 by the Governor.
- 31

1 c. Of the nine members appointed by the Governor, at
2 least six must be employed in the private sector and of these,
3 at least five must have management experience.

4
5 The members appointed by the Governor shall be appointed to
6 4-year, staggered terms. Within 60 days after a vacancy occurs
7 on the board, the Governor shall fill the vacancy of a member
8 appointed from the nominees submitted by the President of the
9 Senate and the Speaker of the House of Representatives for the
10 remainder of the unexpired term from one nominee submitted by
11 the President of the Senate and one nominee submitted by the
12 Speaker of the House of Representatives. Within 60 days after
13 a vacancy of a member appointed at-large by the Governor
14 occurs on the board, the Governor shall fill the vacancy for
15 the remainder of the unexpired term. The composition of the
16 board must generally reflect the racial, gender, and ethnic
17 diversity of the state as a whole.

18 Section 15. Sections 446.20, 446.205, 446.605, and
19 446.606, Florida Statutes, are repealed effective June 30,
20 2000.

21 Section 16. This act shall take effect upon becoming a
22 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 252

4 This committee substitute provides specifications for
5 Florida's implementation of the federal Workforce Investment
6 Act of 1998, consolidates Florida statutes regarding workforce
7 development in a distinct part of the statutes, and
8 reauthorizes language from the Workforce Florida Act of 1996
9 inadvertently omitted from current law. Specifically, the
10 major provisions of the committee substitute:

11 Transfer administration of employment services from the
12 Department of Labor and Employment Security to the
13 regional workforce development boards.

14 Provide for Intensive Service Accounts and Individual
15 Training Accounts based on an implementation plan,
16 including identification of initially eligible training
17 providers, transition guidelines, and criteria for use
18 of these accounts by the Workforce Development Board.
19 Regional workforce development boards, in consultation
20 with training providers, must establish a fair market
21 purchase price for each training program to be paid
22 through an Individual Training Account.

23 Provide that the membership composition of the Workforce
24 Development Board and regional workforce development
25 boards must be in compliance with the federal Workforce
26 Investment Act.

27 Provide that the Workforce Development Board will
28 contract with an administrative entity for the
29 dispersment of Workforce Investment Act funds,
30 including Rapid Response funds, to the regional
31 workforce development boards.

 Provide for the allocation of Workforce Investment Act
funds, including ten percent of youth funding which must
be used as performance payments for public schools'
dropout prevention programs.

23 This committee substitute amends ss. 446.601, 446.604,
24 288.9620, 446.602, 446.607, 446.603, 288.901, 288.902, and
25 414.026; creates ss. 288.9956, 288.9957, 288.9958, and
26 288.9959; and repeals ss. 446.20, 446.205, 446.605, and
27 446.606, Florida Statutes.