

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 F.S., which provides for designation of primary

1 service providers; providing for severability;
2 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.

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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

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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) Notwithstanding any other provision of law, by
31 October 1, 1999, regional workforce development boards shall

1 assume responsibility and contract for the delivery, through
2 One-Stop Career Center operators, of employment services
3 authorized by Wagner-Peyser. By July 1, 1999, each regional
4 workforce development board shall develop a transition plan to
5 be approved by the Workforce Development 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. Leased employees
12 from the department shall work under the management of a
13 One-Stop Career Center operator, but shall retain their state
14 employment status, including the right to participate in the
15 Florida Retirement System and the State Group Insurance
16 Program.

17 (b) When local employment services are delivered by
18 the Department of Labor and Employment Security, management of
19 those services shall rest with the One-Stop Career Center
20 operator.

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

26 (5) One-Stop Career Center partners identified in
27 subsection (2) shall enter into a Memorandum of Understanding
28 pursuant to Pub. L. No. 105-220, Title I, s. 121, with the
29 regional workforce development board. Failure of a local
30 partner to participate cannot unilaterally block the majority
31 of partners from moving forward with their One-Stop Career

1 Centers, and the Workforce Development Board, pursuant to s.
2 288.9952(4)(d), may sanction a local partner that fails to
3 participate.

4 (6) To the maximum extent possible, core services, as
5 defined by Pub. L. No. 105-220, shall be provided
6 electronically, utilizing existing systems and public
7 libraries. To expand electronic capabilities, the Workforce
8 Development Board, working with regional workforce development
9 boards, shall develop a centralized help center to assist
10 regional workforce development boards in fulfilling core
11 services, minimizing the need for fixed-site One-Stop Career
12 Centers.

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

23 (8)(a) Individual Training Accounts must be expended
24 on programs that prepare people to enter high-wage occupations
25 identified by the Occupational Forecasting Conference created
26 by s. 216.136, and on other programs as approved by the
27 Workforce Development Board.

28 (b) For each approved training program, regional
29 workforce development boards, in consultation with training
30 providers, shall establish a fair-market purchase price to be
31 paid through an Individual Training Account. The purchase

1 price must be based on prevailing costs and reflect local
2 economic factors, program complexity, and program benefits,
3 including time to beginning of training and time to
4 completion. The price shall ensure the fair participation of
5 public and nonpublic postsecondary educational institutions as
6 authorized service providers and shall prohibit the use of
7 unlawful remuneration to the student in return for attending
8 an institution. Unlawful remuneration does not include student
9 financial assistance programs.

10 (c) The Workforce Development Board shall review
11 Individual Training Account pricing schedules developed by
12 regional workforce development boards and present findings and
13 recommendations for process improvement to the President of
14 the Senate and the Speaker of the House of Representatives by
15 January 1, 2000.

16 (d) To the maximum extent possible, training providers
17 shall use funding sources other than the funding provided
18 under Pub. L. No. 105-220. A performance outcome related to
19 alternative financing obtained by the training provider shall
20 be established by the Workforce Development Board and used for
21 performance evaluation purposes. The performance evaluation
22 must take into consideration the number of alternative funding
23 sources.

24 (e) Training services provided through Individual
25 Training Accounts must be performance-based, with successful
26 job placement triggering full payment.

27 (f) The accountability measures to be used in
28 documenting competencies acquired by the participant during
29 training shall be literacy completion points and occupational
30 completion points. Literacy completion points refers to the
31 academic or workforce readiness competencies that qualify a

1 person for further basic education, vocational education, or
2 for employment. Occupational completion points refers to the
3 vocational competencies that qualify a person to enter an
4 occupation that is linked to a vocational program.

5 (9)(a)(1) The Department of Management Services,
6 working with the Workforce Development Board, shall coordinate
7 among the agencies a plan for a One-Stop Career Center
8 Electronic Network made up of One-Stop Career Centers that are
9 operated by ~~the Department of Labor and Employment Security,~~
10 ~~the Department of Health and Rehabilitative Services, the~~
11 ~~Department of Education,~~ and other authorized public or
12 private for-profit or not-for-profit agents. The plan shall
13 identify resources within existing revenues to establish and
14 support this ~~such~~ electronic network for service delivery that
15 includes the Florida Communities Network.

16 (b)(2) The network shall assure that a uniform method
17 is used to determine eligibility for and management of
18 services provided by agencies that conduct workforce
19 development activities. The Department of Management Services
20 shall develop strategies to allow access to the databases and
21 information management systems of the following systems in
22 order to link information in those databases with the One-Stop
23 Career Centers:

24 1.(a) The Unemployment Compensation System of the
25 Department of Labor and Employment Security.

26 2.(b) The Job Service System of the Department of
27 Labor and Employment Security.

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

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

3 ~~5.(e)~~ The Student Financial Assistance System of the
4 Department of Education.

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

7
8 The systems shall be fully coordinated at both the state and
9 local levels by January 1, 2000 ~~July 1, 1999~~.

10 Section 4. Section 288.9620, Florida Statutes, is
11 transferred, renumbered as section 288.9952, Florida Statutes,
12 and amended to read:

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

15 288.9952 Workforce Development Board.--

16 (1) There is created within the not-for-profit
17 corporate structure of Enterprise Florida, Inc., a
18 not-for-profit public-private Workforce Development Board. The
19 purpose of the Workforce Development Board is to design and
20 implement strategies that help Floridians enter, remain in,
21 and advance in the workplace, becoming more highly skilled and
22 successful, benefiting these Floridians, Florida businesses,
23 and the entire state.

24 (2)(a) The Workforce Development Board shall be
25 governed by a 25-voting-member board of directors whose
26 membership and appointment must be consistent with Pub. L. No.
27 105-220, Title I, s. 111(b). Notwithstanding s. 114.05(f), the
28 Governor may appoint members of the current board to serve on
29 the reconstituted board as required by this section. By June
30 1, 1999, the Workforce Development Board will provide to the
31 Governor a transition plan to incorporate the changes required

1 by this act and Pub. L. No. 105-220, specifying the timeframe
2 and manner of changes to the board. This plan shall govern the
3 transition, unless otherwise notified by the Governor. The
4 importance of minority and gender representation shall be
5 considered when making appointments to the board. Additional
6 members may be appointed when necessary to conform to the
7 requirements of Pub. L. No. 105-220.

8 (b) The board of directors of the Workforce
9 Development Board shall be chaired by a board member
10 designated by the Governor pursuant to Pub. L. No. 105-220.

11 (c) Private-sector members appointed by the Governor
12 must be appointed for four-year, staggered terms.

13 Public-sector members appointed by the Governor must be
14 appointed to 4-year terms. Members appointed by the Governor
15 serve at the pleasure of the Governor.

16 (d) The Governor shall appoint members to the board of
17 directors of the Workforce Development Board within 30 days
18 after the receipt of nominations.

19 (e) A member of the board of directors of the
20 Workforce Development Board may be removed by the Governor for
21 cause. Absence from three consecutive meetings results in
22 automatic removal. The chair of the Workforce Development
23 Board shall notify the Governor of such absences.

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

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

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1 (c) A majority of the total current membership of the
2 board of directors of the Workforce Development Board
3 comprises a quorum of the board.

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

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

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

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

24 (h) The board of directors of the Workforce
25 Development Board may establish an executive committee
26 consisting of the chair and at least two additional board
27 members selected by the board of directors. The executive
28 committee shall have such authority as the board of directors
29 of the Workforce Development Board delegates to it, except
30 that the board of directors may not delegate to the executive
31

1 committee authority to take action that requires approval by a
2 majority of the entire board of directors.

3 (i) The board of directors of the Workforce
4 Development Board may appoint committees to fulfill its
5 responsibilities, to comply with federal requirements, or to
6 obtain technical assistance, and must incorporate members of
7 regional workforce development boards into its structure.

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

13 (4) The Workforce Development Board shall have all the
14 powers and authority, not explicitly prohibited by statute,
15 necessary or convenient to carry out and effectuate the
16 purposes as determined by statute, Pub. L. No. 105-220, and
17 the Governor, as well as its functions, duties, and
18 responsibilities, including, but not limited to, the
19 following:

20 (a) Serving as the state's Workforce Investment Board
21 pursuant to Pub. L. No. 105-220. Unless otherwise required by
22 federal law, at least 90 percent of the workforce development
23 funding must go into direct customer service costs. Of the
24 allowable administrative overhead, appropriate amounts shall
25 be expended to procure independent job-placement evaluations.

26 (b) Contracting with public and private entities as
27 necessary to further the directives of this section, except
28 that any contract made with an organization represented on the
29 board of directors of Enterprise Florida, Inc., or on the
30 board of directors of the Workforce Development Board must be
31 approved by a two-thirds vote of the entire board of directors

1 of the Workforce Development Board, and, if applicable, the
2 board member representing such organization shall abstain from
3 voting. No more than 65 percent of the dollar value of all
4 contracts or other agreements entered into in any fiscal year,
5 exclusive of grant programs, shall be made with an
6 organization represented on the board of directors of
7 Enterprise Florida, Inc., or the board of directors of the
8 Workforce Development Board. An organization represented on
9 the board of directors of the Workforce Development Board or
10 on the board of directors of Enterprise Florida, Inc., may not
11 enter into a contract to receive a state-funded economic
12 development incentive or similar grant unless such incentive
13 award is specifically endorsed by a two-thirds vote of the
14 entire board of directors of the Workforce Development Board.
15 The member of the board of directors of the Workforce
16 Development Board representing such organization, if
17 applicable, shall abstain from voting and refrain from
18 discussing the issue with other members of the board. No more
19 than 50 percent of the dollar value of grants issued by the
20 board in any fiscal year may go to businesses associated with
21 members of the board of directors of the Workforce Development
22 Board.

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

29 (d) Notifying the Governor, the President of the
30 Senate, and the Speaker of the House of Representatives of
31 noncompliance by agencies or obstruction of the board's

1 efforts by agencies. For such actions, the board may recommend
2 sanctions to the Governor, the President of the Senate, and
3 the Speaker of House of Representatives, including but not
4 limited to: disqualification or suspension of an agency from
5 participation in workforce development programs; designating
6 an agency ineligible for workforce grants, awards, or funding;
7 and penalties. Through the Office of Planning and Budgeting,
8 the Office of the Governor shall enforce such sanctions as
9 approved by the Governor, the President of the Senate, and the
10 Speaker of the House of Representatives.

11 (e) Ensuring that the state does not waste valuable
12 training resources. Thus, the board shall direct that all
13 resources, including equipment purchased for training
14 Workforce Investment Act clients, be available for use at all
15 times by eligible populations as first priority users. At
16 times when eligible populations are not available, such
17 resources shall be used for any other state authorized
18 education and training purpose.

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

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

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

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

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

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

22 (d) The designation of Institutes of Applied
23 Technology composed of public and private postsecondary
24 institutions working together with business and industry to
25 ensure that technical and vocational education programs use
26 the most advanced technology and instructional methods
27 available and respond to the changing needs of business and
28 industry. Of the funds reserved for activities of the
29 Workforce Investment Act at the state level, \$500,000 shall be
30 reserved for an institute of applied technology in
31 construction excellence, which shall be a demonstration

1 project on the development of such institutes. The institute,
2 once established, shall contract with the Workforce
3 Development Board to provide a coordinated approach to
4 workforce development in this industry.

5 (e) A system to project and evaluate labor market
6 supply and demand using the results of the Occupational
7 Forecasting Conference created in s. 216.136 and the career
8 education performance standards identified under s. 239.233.

9 (f) A review of the performance of public programs
10 that are responsible for economic development, education,
11 employment, and training. The review must include an analysis
12 of the return on investment of these programs.

13 (7) By December 1 of each year, Enterprise Florida,
14 Inc., shall submit to the Governor, the President of the
15 Senate, the Speaker of the House of Representatives, the
16 Senate Minority Leader, and the House Minority Leader a
17 complete and detailed report by the Workforce Development
18 Board setting forth:

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

20 (b) The operations and accomplishments of the
21 partnership including the programs or entities listed in
22 subsection (6).

23 (8) The Auditor General may, pursuant to his or her
24 own authority or at the direction of the Legislative Auditing
25 Committee, conduct an audit of the Workforce Development Board
26 or the programs or entities created by the Workforce
27 Development Board.

28 (9) The Workforce Development Board, in collaboration
29 with the regional workforce development boards and appropriate
30 state agencies and local public and private service providers,
31 and in consultation with the Office of Program Policy Analysis

1 and Government Accountability, shall establish uniform
2 measures and standards to gauge the performance of the
3 workforce development strategy. These measures and standards
4 must be organized into three outcome tiers.

5 (a) The first tier of measures must be organized to
6 provide benchmarks for system-wide outcomes. The Workforce
7 Development Board must, in collaboration with the Office of
8 Program Policy Analysis and Government Accountability,
9 establish goals for the tier-one outcomes. System-wide
10 outcomes may include employment in occupations demonstrating
11 continued growth in wages; continued employment after 3, 6,
12 12, and 24 months; reduction in and elimination of public
13 assistance reliance; job placement; employer satisfaction; and
14 positive return on investment of public resources.

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

25 1. Appropriate measures for One-Stop Career Centers
26 may include direct job placements at minimum wage, at a wage
27 level established by the Occupational Forecasting Conference,
28 and at a wage level above the level established by the
29 Occupational Forecasting Conference.

30 2. Appropriate measures for youth employment
31 activities may include the number of students enrolling in and

1 completing work-based programs, including apprenticeship
2 programs; job placement rate; job retention rate; wage at
3 placement; and wage growth.

4 3. WAGES measures may include job placement rate, job
5 retention rate, wage at placement, wage growth, reduction and
6 elimination of reliance on public assistance, and savings
7 resulting from reduced reliance on public assistance.

8 4. High Skills/High Wages measures may include job
9 placement rate, job retention rate, wage at placement, and
10 wage growth.

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

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

25 (e) Job placement must be reported pursuant to s.
26 229.8075. Positive outcomes for providers of education and
27 training must be consistent with ss. 239.233 and 239.245.

28 (f) The uniform measures of success that are adopted
29 by the Workforce Development Board or the regional workforce
30 development boards must be developed in a manner that provides
31

1 for an equitable comparison of the relative success or failure
2 of any service provider in terms of positive outcomes.

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

9 Section 5. Section 446.602, Florida Statutes, is
10 transferred, renumbered as section 288.9953, Florida Statutes,
11 and amended to read:

12 288.9953 ~~446.602~~ Regional Workforce Development
13 Boards.--

14 (1) One regional workforce development board ~~Regional~~
15 ~~Workforce Development Board~~ shall be appointed in each
16 designated service delivery area and shall serve as the local
17 workforce investment board pursuant to Pub. L. No. 105-220.
18 The membership ~~and responsibilities~~ of the board shall be
19 consistent with Pub. L. No. 105-220, Title I, s. 117(b). A
20 member of a regional workforce development board may not vote
21 on a matter under consideration by the board regarding the
22 provision of services by such member, or by an entity that
23 such member represents; vote on a matter that would provide
24 direct financial benefit to such member or the immediate
25 family of such member; or engage in any other activity
26 determined by the Governor to constitute a conflict of
27 interest as specified in the state plan.97-300, as amended.
28 ~~The board shall be appointed by the chief elected official or~~
29 ~~his or her designee of the local county or city governing~~
30 ~~bodies or consortiums of county and/or city governmental units~~
31 ~~that exist through interlocal agreements and shall include:~~

1 ~~(a) At least 51 percent of the members of each board~~
2 ~~being from the private sector and being chief executives,~~
3 ~~chief operating officers, owners of business concerns, or~~
4 ~~other private sector executives with substantial management or~~
5 ~~policy responsibility.~~

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

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

26
27 ~~The current Private Industry Council may be restructured, by~~
28 ~~local agreement, to meet the criteria for a Regional Workforce~~
29 ~~Development Board.~~

30 (2) The Workforce Development Board will determine the
31 timeframe and manner of changes to the regional workforce

1 development boards as required by this act and Pub. L. No.
2 105-220.

3 (3) The Workforce Development Board shall assign staff
4 to meet with each regional workforce development board
5 annually to review the board's performance and to certify that
6 the board is in compliance with applicable state and federal
7 law.

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

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

19 (b) Conclude agreements necessary to designate the
20 fiscal agent and administrative entity.

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

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

28 (5)(3) The Workforce Development Board ~~Enterprise~~
29 ~~Florida Jobs and Education Partnership~~ shall, ~~by January 1,~~
30 ~~1997, design and implement~~ a training program for the regional
31 workforce development boards ~~Regional Workforce Development~~

1 ~~Boards~~ to familiarize board members with the state's workforce
2 development goals and strategies.

3
4 The regional workforce development board ~~Regional Workforce~~
5 ~~Development Board~~ shall designate all local service providers
6 and shall not transfer this authority to a third party. In
7 order to exercise independent oversight, the regional
8 workforce development board ~~Regional Workforce Development~~
9 ~~Board~~ shall not be a direct provider of intake, assessment,
10 eligibility determinations, or other direct provider services.

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

14 (7) Each regional workforce development board shall
15 establish a high skills/high wages committee consisting of
16 five private-sector business representatives, including the
17 regional workforce development board chair; the presidents of
18 all community colleges within the board's region; those
19 district school superintendents with authority for conducting
20 postsecondary educational programs within the region; and a
21 representative from a nonpublic postsecondary educational
22 institution that is an authorized individual training account
23 provider within the region. The business representatives other
24 than the board chair need not be members of the regional
25 workforce development board.

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

29 1. Policies to enhance the responsiveness of high
30 skills/high wages programs in its region to business and
31 economic development opportunities.

1 2. Integrated use of state education and federal
2 workforce development funds to enhance the training and
3 placement of designated population individuals with local
4 businesses and industries.

5 (b) After fiscal year 1999-2000, the Workforce
6 Development Board has the discretion to decrease the frequency
7 of reporting by the high skills/high wages committees, but the
8 committees shall meet and submit any recommendations at least
9 annually.

10 (c) Annually, the Workforce Development Board shall
11 compile all the recommendations of the high skills/high wages
12 committees, research their feasibility, and make
13 recommendations to the Governor, the President of the Senate,
14 and the Speaker of the House of Representatives.

15 Section 6. Section 446.607, Florida Statutes, is
16 transferred, renumbered as section 288.9954, Florida Statutes,
17 and amended to read:

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

1 The regional workforce development boards ~~Regional Workforce~~
 2 ~~Development Boards~~ and local WAGES coalitions ~~any respective~~
 3 ~~local public assistance policy board established pursuant to~~
 4 ~~law~~ shall collaboratively coordinate, to the maximum extent
 5 possible, the local services and activities provided by and
 6 through each of these boards and coalitions and their
 7 designated local service providers.

8 Section 7. Section 446.603, Florida Statutes, is
 9 transferred, renumbered as section 288.9955, Florida Statutes,
 10 and amended to read:

11 288.9955 ~~446.603~~ Untried Worker Placement and
 12 Employment Incentive Act.--

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

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

24 ~~(3) The Department of Labor and Employment Security~~
 25 ~~and the Department of Health and Rehabilitative Services,~~
 26 ~~working with the Enterprise Florida Jobs and Education~~
 27 ~~Partnership, shall develop five Untried Worker Placement and~~
 28 ~~Employment Incentive pilot projects in at least five different~~
 29 ~~counties.~~

30 ~~(3)(4)~~ Incentive ~~In these pilots, incentive~~ payments
 31 may ~~will~~ be made to for-profit or not-for-profit agents

1 selected by local WAGES coalitions ~~the Regional Workforce~~
2 ~~Development Boards~~ who successfully place untried workers in
3 full-time employment for 6 months with an employer after the
4 employee successfully completes a probationary placement of no
5 more than 6 months with that employer. Full-time employment
6 that includes health care benefits will receive an additional
7 incentive payment.

8 (4)~~(5)~~ The for-profit and not-for-profit agents shall
9 contract to provide services for no more than 1 year.
10 Contracts may be renewed upon successful review by the
11 contracting agent.

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

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

1 ~~(7)(8)~~ This section shall not be used for the purpose
2 of displacing or replacing an employer's regular employees,
3 and shall not interfere with executed collective bargaining
4 agreements. Untried workers shall be paid by the employer at
5 the same rate as similarly situated and assessed workers in
6 the same place of employment.

7 ~~(8)(9)~~ An employer that demonstrates a pattern of
8 unsuccessful placements shall be disqualified from
9 participation in these pilots because of poor return on the
10 public's investment.

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

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

21 Section 8. Section 288.9956, Florida Statutes, is
22 created to read:

23 288.9956 Implementation of the federal Workforce
24 Investment Act of 1998.--

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

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

31

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

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

6 (d) Increased Accountability--The state, localities,
7 and training providers will be held accountable for their
8 performance.

9 (e) Local Board and Private Sector Leadership--Local
10 boards will focus on strategic planning, policy development,
11 and oversight of the local system, choosing local managers to
12 direct the operational details of their One-Stop Career
13 Centers.

14 (f) Local Flexibility and Integration--Localities will
15 have exceptional flexibility to build on existing reforms.
16 Unified planning will free local groups from conflicting
17 micro-management, while waivers and WorkFlex will allow local
18 innovations.

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

1 and reporting requirements as they relate to One-Stop Career
2 Centers. The plan shall detail a process that would fully
3 integrate all federally mandated and optional partners by the
4 second year of the plan. All optional federal program partners
5 in the planning process shall be mandatory participants in the
6 second year of the plan.

7 (3) FUNDING.--

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

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

26 2. Twenty-five percent of Wagner-Peyser funds shall be
27 allocated to Intensive Services Accounts unless a regional
28 workforce development board obtains a waiver from the
29 Workforce Development Board. Except where prohibited by
30 federal law, or approved by the Workforce Development Board,

31

1 all core services provided pursuant to Pub. L. No. 105-220
2 shall be funded using Wagner-Peyser funds.

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

28 4. The Incumbent Worker Training Program is created
29 for the purpose of providing grant funding for continuing
30 education and training of incumbent employees at existing
31 Florida businesses. The program will provide reimbursement

1 grants to businesses that pay for preapproved, direct,
2 training-related costs.

3 a. The Incumbent Worker Training Program will be
4 administered by a private business organization, known as the
5 grant administrator, under contract with the Workforce
6 Development Board.

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

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

25 d. A business that is selected to receive grant
26 funding must provide a matching contribution to the training
27 project, including but not limited to, wages paid to trainees
28 or the purchase of capital equipment used in the training
29 project; must sign an agreement with the grant administrator
30 to complete the training project as proposed in the
31 application; must keep accurate records of the project's

1 implementation process; and must submit monthly or quarterly
2 reimbursement requests with required documentation.

3 e. All Incumbent Worker Training Program grant
4 projects shall be performance-based with specific measurable
5 performance outcomes, including completion of the training
6 project and job retention. The grant administrator shall
7 withhold the final payment to the grantee until a final grant
8 report is submitted and all performance criteria specified in
9 the grant contract have been achieved.

10 f. The Workforce Development Board is authorized to
11 establish guidelines necessary to implement the Incumbent
12 Worker Training Program.

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

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

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

1 at the state level. All Rapid Response funds must be expended
2 based on a plan developed by the Workforce Development Board.

3 (b) The administrative entity for Title I, Workforce
4 Investment Act of 1998 funds, Wagner Peyser, and Rapid
5 Response activities, will be determined by the Workforce
6 Development Board. The administrative entity will provide
7 services through a contractual agreement with the Workforce
8 Development Board. The terms and conditions of the agreement
9 may include, but are not limited to, the following:

10 1. All policy direction to regional workforce
11 development boards regarding Title I programs, Wagner Peyser,
12 and Rapid Response activities shall emanate from the Workforce
13 Development Board.

14 2. Any policies by a state agency acting as an
15 administrative entity which may materially impact local
16 workforce boards, local governments, or educational
17 institutions must be promulgated under chapter 120.

18 3. The administrative entity will operate under a
19 procedures manual, approved by the Workforce Development
20 Board, addressing: financial services including cash
21 management, accounting, and auditing; procurement; management
22 information system services; and federal and state compliance
23 monitoring, including quality control.

24 4. State Career Service employees in the Department of
25 Labor and Employment Security may be leased or assigned to the
26 administrative entity to provide administrative and
27 professional functions.

28 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED
29 MODIFICATIONS.--

30 (a) The Workforce Development Board may provide
31 indemnification from audit liabilities to regional workforce

1 development boards that act in full compliance with state law
2 and the board's policies.

3 (b) The Workforce Development Board may negotiate and
4 settle all outstanding issues with the U.S. Department of
5 Labor relating to decisions made by the Workforce Development
6 Board and the Legislature with regard to the Job Training
7 Partnership Act, making settlements and closing out all JTPA
8 program year grants before the repeal of the act June 30,
9 2000.

10 (c) The Workforce Development Board may make
11 modifications to the state's plan, policies, and procedures to
12 comply with federally mandated requirements that in its
13 judgment must be complied with to maintain funding provided
14 pursuant to Pub. L. No. 105-220. The board shall notify in
15 writing the Governor, the President of the Senate, and the
16 Speaker of the House of Representatives within 30 days of any
17 such changes or modifications.

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

22 (6) LONG-TERM CONSOLIDATION OF WORKFORCE
23 DEVELOPMENT.--

24 (a) The Workforce Development Board may recommend
25 workforce-related divisions, bureaus, units, programs, duties,
26 commissions, boards, and councils that can be eliminated,
27 consolidated, or privatized.

28 (b) By December 31, 1999, the Office of Program Policy
29 Analysis and Government Accountability shall review the
30 workforce development system, identifying divisions, bureaus,
31 units, programs, duties, commissions, boards, and councils

1 that could be eliminated, consolidated, or privatized. The
2 office shall submit preliminary findings by December 31, 1999,
3 and its final report and recommendations by January 31, 2000,
4 to the President of the Senate and the Speaker of the House of
5 Representatives. As part of the report, the Office of Program
6 Policy Analysis and Government Accountability shall
7 specifically identify, by funding stream, indirect,
8 administrative, management information system, and overhead
9 costs of the Department of Labor and Employment Security.

10 (7) TERMINATION OF STATE SET-ASIDE.--The Department of
11 Education and the Department of Elderly Affairs shall keep any
12 unexpended JTPA Section 123 (Education Coordination) or JTPA
13 IIA (Services for Older Adults) funds to closeout their
14 education and coordination activities. The Workforce
15 Development Board shall develop guidelines under which the
16 departments may negotiate with the regional workforce
17 development boards to provide continuation of activities and
18 services currently conducted with the JTPA Section 123 or JTPA
19 IIA funds.

20 Section 9. Section 288.9957, Florida Statutes, is
21 created to read:

22 288.9957 Florida Youth Workforce Council.--

23 (1) The chairman of the Workforce Development Board
24 shall designate the Florida Youth Workforce Council from
25 representatives of distressed inner-city and rural communities
26 who have demonstrated experience working with at-risk youth,
27 and representatives of public and private groups, including,
28 but not limited to, School-to-Work Advisory Councils, the
29 National Guard, Childrens' Services Councils, Juvenile Welfare
30 Boards, the Apprenticeship Council, Juvenile Justice Advisory
31 Boards, and other federal and state programs that target

1 youth, to advise the board on youth programs and to implement
2 Workforce Development Board strategies for young people.

3 (2) The Florida Youth Workforce Council shall oversee
4 the development of regional youth workforce councils, as a
5 subgroup of each regional workforce development board, which
6 will be responsible for developing required local plans
7 relating to youth, recommending providers of youth activities
8 to be awarded grants by the regional workforce development
9 board, conducting oversight of these providers, and
10 coordinating youth activities in the region.

11 (3) Resources awarded to regions for youth activities
12 shall fund community activities including the Minority Teacher
13 Education Scholars program, the Certified Teacher-Aide
14 program, and the "About Face" program of the Department of
15 Military Affairs, as well as other programs designed and
16 tailored by the regional youth workforce council and regional
17 workforce development board.

18 (4) Regional youth workforce councils must leverage
19 other program funds in order to enlist youth workforce program
20 stakeholders in their community in upgrading each
21 stakeholder's effectiveness through collaborative planning,
22 implementation, and funding.

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

28 (6) Ten percent of youth funds allocated under Pub. L.
29 No. 105-220 to the regional workforce development boards shall
30 be used to leverage public schools' dropout-prevention funds
31

1 through performance payments for outcomes specified by the
2 Workforce Development Board.

3 Section 10. Section 288.9958, Florida Statutes, is
4 created to read:

5 288.9958 Employment, Occupation, and Performance
6 Information Coordinating Committee.--

7 (1) By July 15, 1999, the chairman of the Workforce
8 Development Board shall appoint an Employment, Occupation, and
9 Performance Information Coordinating Committee, which shall
10 assemble all employment, occupational, and performance
11 information from workforce development partners into a single
12 integrated informational system. The committee shall include
13 representatives from the Bureau of Labor Market and
14 Performance Information, Florida Education and Training
15 Placement Information Program, and the State Occupational
16 Forecasting Conference, as well as other public or private
17 members with information expertise.

18 (2) The committee shall initially focus on the timely
19 provision of data necessary for planning, consumer reports,
20 and performance accountability reports necessary for the
21 selection of training service providers, as well as state and
22 local board program assessment, completing these tasks no
23 later than October 1, 1999.

24 (3) By December 1, 1999, the committee shall establish
25 outcome measures that enable an assessment of the Workforce
26 Development Board's coordinating and oversight
27 responsibilities.

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

1 (5) To ensure the fulfillment of these requirements,
2 the Workforce Development Board may direct the Department of
3 Labor and Employment Security, the Department of Education,
4 and the Department of Children and Family Services to provide
5 such services and assign such staff to this committee as it
6 deems necessary until June 30, 2000.

7 Section 11. Section 288.9959, Florida Statutes, is
8 created to read:

9 288.9959 Operational Design and Technology Procurement
10 Committee.--

11 (1) The chairman of the Workforce Development Board
12 shall appoint an Operational Design and Technology Procurement
13 Committee, which shall assemble representatives from the
14 regional workforce development boards, board staff, and the
15 staff of the WAGES State Board of Directors to design and
16 develop a model operational design and technology procurement
17 strategy for One-Stop Career Centers to ensure that services
18 from region to region are consistent for customers, that
19 customer service technology is compatible, and that
20 procurement expenditures, where possible, are aggregated to
21 obtain economies and efficiencies.

22 (2) The committee shall initially focus on designing a
23 uniform intake procedure for all One-Stop Career Centers; on
24 the design and delivery of customer reports on eligible
25 training providers; on the design of Intensive Services
26 Accounts, Individual Training Accounts, and Individual
27 Development Accounts; on enhancing availability of electronic
28 One-Stop Career Center core services; and on the development
29 of One-Stop Career Center model operating procedures.

30 (3) To ensure the fulfillment of these requirements,
31 the Workforce Development Board may direct the Department of

1 Labor and Employment Security, the Department of Education,
2 and the Department of Children and Family Services to provide
3 such services and assign such staff to this committee as it
4 deems necessary until June 30, 2000.

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

7 288.901 Enterprise Florida, Inc.; creation;
8 membership; organization; meetings; disclosure.--

9 (2) Enterprise Florida, Inc., shall establish one or
10 more corporate offices, at least one of which shall be located
11 in Leon County. Persons employed by the Department of Commerce
12 on the day prior to July 1, 1996, whose jobs are privatized,
13 shall be given preference, if qualified, for similar jobs at
14 Enterprise Florida, Inc. When practical, those jobs shall be
15 located in Leon County. All available resources, including
16 telecommuting, must be employed to minimize the negative
17 impact on the Leon County economy caused by job losses
18 associated with the privatization of the Department of
19 Commerce. The Department of Management Services may establish
20 a lease agreement program under which Enterprise Florida,
21 Inc., may hire any individual who, as of June 30, 1996, is
22 employed by the Department of Commerce or who, as of January
23 1, 1997, is employed by the Executive Office of the Governor
24 and has responsibilities specifically in support of the
25 Workforce Development Board established under s. 288.9952 ~~s.~~
26 ~~288.9620~~. Under such agreement, the employee shall retain his
27 or her status as a state employee but shall work under the
28 direct supervision of Enterprise Florida, Inc. Retention of
29 state employee status shall include the right to participate
30 in the Florida Retirement System. The Department of Management
31

1 Services shall establish the terms and conditions of such
2 lease agreements.

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

5 288.902 Enterprise Florida Nominating Council.--

6 (5) Notwithstanding the provisions of ss. 288.901,
7 288.9412, 288.9512, and 288.9611, ~~and 288.9620~~ regarding the
8 process of selecting nominees for a board, all nominations
9 shall be conducted in accordance with the provisions of this
10 section. All statutory requirements of board members and all
11 statutory requirements regarding the composition of all boards
12 shall be considered and complied with throughout the
13 nominating process.

14 Section 14. Paragraph (a) of subsection (2) of section
15 414.026, Florida Statutes, 1998 Supplement, is amended to
16 read:

17 414.026 WAGES Program State Board of Directors.--

18 (2)(a) The board of directors shall be composed of the
19 following members:

- 20 1. The Commissioner of Education, or the
21 commissioner's designee.
- 22 2. The Secretary of Children and Family Services.
- 23 3. The Secretary of Health.
- 24 4. The Secretary of Labor and Employment Security.
- 25 5. The Secretary of Community Affairs.
- 26 6. The Secretary of Transportation, or the secretary's
27 designee.
- 28 7. The director of the Office of Tourism, Trade, and
29 Economic Development.
- 30 8. The president of the Enterprise Florida workforce
31 development board, established under s. 288.9952 ~~s. 288.9620~~.

1 9. The chief executive officer of the Florida Tourism
2 Industry Marketing Corporation, established under s. 288.1226.

3 10. Nine members appointed by the Governor, as
4 follows:

5 a. Six members shall be appointed from a list of ten
6 nominees, of which five must be submitted by the President of
7 the Senate and five must be submitted by the Speaker of the
8 House of Representatives. The list of five nominees submitted
9 by the President of the Senate and the Speaker of the House of
10 Representatives must each contain at least three individuals
11 employed in the private sector, two of whom must have
12 management experience. One of the five nominees submitted by
13 the President of the Senate and one of the five nominees
14 submitted by the Speaker of the House of Representatives must
15 be an elected local government official who shall serve as an
16 ex officio nonvoting member.

17 b. Three members shall be at-large members appointed
18 by the Governor.

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

22
23 The members appointed by the Governor shall be appointed to
24 4-year, staggered terms. Within 60 days after a vacancy occurs
25 on the board, the Governor shall fill the vacancy of a member
26 appointed from the nominees submitted by the President of the
27 Senate and the Speaker of the House of Representatives for the
28 remainder of the unexpired term from one nominee submitted by
29 the President of the Senate and one nominee submitted by the
30 Speaker of the House of Representatives. Within 60 days after
31 a vacancy of a member appointed at-large by the Governor

1 occurs on the board, the Governor shall fill the vacancy for
2 the remainder of the unexpired term. The composition of the
3 board must generally reflect the racial, gender, and ethnic
4 diversity of the state as a whole.

5 Section 15. Sections 446.20, 446.205, 446.605, and
6 446.606, Florida Statutes, are repealed effective June 30,
7 2000.

8 Section 16. If any provision of this act or the
9 application thereof to any person or circumstance is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the act which can be given effect without the
12 invalid provision or application, and to this end the
13 provisions of this act are declared severable.

14 Section 17. This act shall take effect upon becoming a
15 law.

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