

By the Committee on Commerce and Economic Opportunities

310-1705-00

1 A bill to be entitled
2 An act relating to workforce development;
3 amending s. 288.9951, F.S.; revising
4 requirements for a memorandum of understanding
5 governing the delivery of employment services
6 at One-Stop Career Centers; providing for
7 submission of employee performance reports by
8 the One-Stop Career Center operator;
9 prescribing elements and conditions of the
10 memorandum of understanding; authorizing
11 leasing of state employees to One-Stop Career
12 Center operators for the delivery of employment
13 services; prescribing the elements of employee
14 leasing agreements; providing for assistance
15 from the Department of Management Services with
16 such leasing agreements; providing for a review
17 by the Workforce Development Board of the
18 delivery of employment services; deleting
19 obsolete provisions; making conforming
20 revisions; providing for periodic review of
21 individual training account pricing schedules;
22 amending s. 443.181, F.S.; correcting
23 references to a division within the Department
24 of Labor and Employment Security; prescribing
25 One-Stop Career Centers as the primary system
26 for the delivery of employment services;
27 authorizing the Governor to designate the
28 Department of Management Services as an
29 alternative agency for delivery of employment
30 services; prescribing conditions and procedures
31 related to such designation; providing for

1 memorandums of understanding in the event of
2 such designation; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsections (4) and (7) and paragraph (c)
7 of subsection (8) of section 288.9951, Florida Statutes, are
8 amended to read:

9 288.9951 One-Stop Career Centers.--

10 (4) Notwithstanding any other provision of law, each
11 ~~effective July 1, 1999,~~ regional workforce development board
12 annually boards shall enter into a memorandum of understanding
13 with the Department of Labor and Employment Security governing
14 ~~for~~ the delivery of employment services authorized by the
15 federal Wagner-Peyser Act. ~~Each For fiscal year 1999-2000,~~ the
16 memorandum of understanding with the Department of Labor and
17 Employment Security must be performance-based, dedicating 15
18 percent of the funds to performance payments. Performance
19 payments shall be based on performance measures developed by
20 the Workforce Development Board.

21 (a) Unless otherwise required by federal law, at least
22 90 percent of the Wagner-Peyser funding must go into direct
23 customer service costs.

24 (b) Employment services must be provided through
25 One-Stop Career Centers, under the guidance of One-Stop Career
26 Center operators. Personnel matters shall remain under the
27 ultimate authority of the department; however, the One-Stop
28 Career Center operator shall submit to the department
29 information relating to the job performance of department
30 employees delivering employment services. The department shall
31 consider any such information submitted by the One-Stop Career

1 Center operator in conducting performance appraisals of the
2 employees.

3 (c) In addition to any elements required under s. 121
4 of Pub. L. No. 105-220, each memorandum of understanding under
5 this subsection, at a minimum, must specify:

6 1. The manner in which employment services shall be
7 integrated into and coordinated with other services and
8 activities performed under the management of the One-Stop
9 Career Center operator and by the other partners in the
10 One-Stop Career Center.

11 2. Policies and procedures governing the guidance to
12 be provided by the One-Stop Career Center operator to
13 department employees delivering employment services at the
14 One-Stop Career Center.

15 3. Measures to assess the performance of the
16 department and department employees in delivering employment
17 services and sanctions for failure to meet such performance
18 measures. Performance measures developed under this
19 subparagraph must be consistent with the performance measures
20 developed by the Workforce Development Board under this
21 subsection.

22 (d) As a part of the memorandum of understanding under
23 this subsection, a regional workforce development board may
24 elect to enter into an agreement with the department under
25 which department employees delivering employment services
26 shall be leased to the One-Stop Career Center operator.
27 Notwithstanding any provisions in chapter 110 to the contrary,
28 a department employee shall retain the position classification
29 as a state employee that he or she held on the day before the
30 lease agreement takes effect, as well as any state employee
31 personnel rights or benefits associated with that position

1 classification. This lease agreement, at a minimum, must
2 specify that:

3 1. The department shall retain fiscal responsibility
4 and accountability for the administration of funds allocated
5 to the state under the Wagner-Peyser Act.

6 2. The department shall retain ultimate authority over
7 personnel matters relating to an employee covered by the lease
8 agreement; however, the employee shall be under the day-to-day
9 supervision of the One-Stop Career Center operator. The
10 One-Stop Career Center operator shall submit to the department
11 information relating to the job performance of department
12 employees, as provided in paragraph (b).

13 3. An employee covered by the lease agreement who is
14 providing employment services authorized under the
15 Wagner-Peyser Act shall be paid using Wagner-Peyser Act funds.
16 An employee covered by a lease agreement under this subsection
17 also may provide services under any other federal or state
18 workforce program that is a mandatory or discretionary partner
19 at the One-Stop Career Center. However, the lease agreement
20 must provide that the employee will be compensated for the
21 provision of those services using funds appropriated for the
22 administration of the other workforce development program and
23 using cost-allocation formulas consistent with federal and
24 state law.

25
26 The Department of Management Services shall assist a regional
27 workforce development board and the Department of Labor and
28 Employment Security with the implementation of the lease
29 agreement provisions under this paragraph. The Department of
30 Management Services may establish terms and conditions for
31 inclusion in such lease agreements.

1 (e) The Workforce Development Board, in consultation
2 with the Office of Program Policy Analysis and Government
3 Accountability, shall review the delivery of employment
4 services under the Wagner-Peyser Act and the integration of
5 those services with other activities performed at the One-Stop
6 Career Centers and shall provide recommendations to the
7 Legislature for improving the effectiveness of the delivery of
8 employment services in Florida. The Workforce Development
9 Board shall submit a report and recommendations to the
10 Governor, the President of the Senate, and the Speaker of the
11 House of Representatives by January 1, 2001.

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

23 (8)

24 (c) The Workforce Development Board periodically shall
25 review Individual Training Account pricing schedules developed
26 by regional workforce development boards and present findings
27 and recommendations for process improvement to the President
28 of the Senate and the Speaker of the House of Representatives
29 ~~by January 1, 2000.~~

30 Section 2. Subsections (1) and (3) of section 443.181,
31 Florida Statutes, are amended to read:

1 443.181 State Employment Service.--
2 (1)(a) A state public employment service is hereby
3 established in the Division of Workforce and Employment
4 Opportunities ~~Jobs and Benefits~~. The division shall establish
5 and maintain free public employment offices in such number and
6 in such places as may be necessary for the proper
7 administration of this chapter and for the purposes of
8 performing such duties as are within the purview of the Act of
9 Congress entitled "An Act to provide for the establishment of
10 a national employment system and for cooperation with the
11 states in the promotion of such system and for other
12 purposes," approved June 6, 1933 (48 Stat. 113; 29 U.S.C. s.
13 49(c)), as amended. Notwithstanding any provisions in this
14 section to the contrary, the One-Stop Career Centers
15 established under Pub. L. No. 105-220 shall be the primary
16 system for delivering employment services, consistent with
17 Pub. L. No. 105-220 and s. 288.9951.It shall be the duty of
18 the division to cooperate with any official or agency of the
19 United States having power or duties under the provisions of
20 the Act of Congress, as amended, and to do and perform all
21 things necessary to secure to this state the benefits of said
22 Act of Congress, as amended, in the promotion and maintenance
23 of a system of public employment offices. The provisions of
24 the said Act of Congress, as amended, are hereby accepted by
25 this state, in conformity with s. 4 of that act, and this
26 state will observe and comply with the requirements thereof.
27 The Division of Workforce and Employment Opportunities ~~Jobs~~
28 ~~and Benefits~~ of the Department of Labor and Employment
29 Security is hereby designated and constituted the agency of
30 this state for the purpose of that act. The division is
31 authorized and directed to appoint sufficient employees to

1 carry out the purposes of this section. The division may
2 cooperate with or enter into agreements with the Railroad
3 Retirement Board with respect to the establishment,
4 maintenance, and use of free employment service facilities.

5 (b) The Governor, after consultation with the
6 Workforce Development Board of Enterprise Florida, Inc., may
7 designate the Department of Management Services as the state
8 agency for the delivery of employment services under the
9 federal Wagner-Peyser Act. Prior to implementing such
10 designation, the Governor must pursue a budget amendment
11 consistent with the provisions of chapter 216 to effectuate
12 the transfer of applicable responsibilities, personnel, and
13 funds to the Department of Management Services from the
14 Department of Labor and Employment Security. The Governor must
15 include with the budget amendment a detailed transition plan
16 describing the transfer of responsibilities between the two
17 departments. Upon approval of the budget amendment, the
18 Governor, with the assistance of the Workforce Development
19 Board of Enterprise Florida, Inc., shall submit any necessary
20 amendments to, or supplemental information for, plans that the
21 state is required to maintain with the federal government. If
22 the Governor exercises and fully implements the authority
23 given under this paragraph to designate the Department of
24 Management Services as the state agency responsible for
25 administration of employment services under the Wagner-Peyser
26 Act, the regional workforce development boards shall execute
27 memorandums of understanding as prescribed under Pub. L. No.
28 105-220 and s. 288.9951 with the Department of Management
29 Services.

1 (3) References to "the division" in this section mean
2 the Division of Workforce and Employment Opportunities ~~Jobs~~
3 ~~and Benefits~~.

4 Section 3. This act shall take effect July 1, 2000.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 1096

9 The committee substitute differs from SB 1096 in that it:

10 Allows a Department of Labor and Employment Security employee
11 leased to a One-Stop Career Center operator under an agreement
12 between the department and the regional workforce development
13 board to provide workforce services funded by federal or state
14 programs that are mandatory or discretionary partners at the
15 centers other than the Wagner-Peyser Act. Mandates that the
16 employee be compensated using funds appropriated for such
17 other workforce development program and using cost-allocation
18 formulas consistent with federal and state law.

19 Corrects references to the Division of Jobs and Benefits of
20 the Department of Labor and Employment Security to reflect
21 that the division has been renamed the Division of Workforce
22 and Employment Opportunities.

23 Provides that notwithstanding any provisions in s. 443.181,
24 F.S., to the contrary, the One-Stop Career Centers established
25 under Pub. L. No. 105-220 shall be the primary system for
26 delivering employment services, consistent with federal and
27 state law.

28 Provides that the Governor may, after consultation with the
29 Workforce Development Board of Enterprise Florida, Inc.,
30 designate the Department of Management Services as an
31 alternative agency for delivery of employment services under
the Wagner-Peyser Act. Includes provisions for the pursuit by
the Governor of a budget amendment consistent with ch. 216,
F.S., to effectuate the transfer, and includes provisions for
the execution of memorandums of understanding by regional
workforce development boards with the Department of Management
Services in the event of a designation by the Governor.