

By the Committee on Community Colleges & Career Prep and Representative Harrington

1 A bill to be entitled
2 An act relating to the consensus estimating
3 conferences; amending s. 216.136, F.S.;
4 renaming the Occupational Forecasting
5 Conference as the Workforce and Economic
6 Development Estimating Conference; revising the
7 duties of the conference; revising the
8 principals of the conference; changing the
9 presiding principal of the conference; amending
10 ss. 239.115, 239.249, 239.514, 240.40207,
11 288.7091, 288.9950, 288.9951, 288.9952,
12 288.9958, and 414.065, F.S., to conform to the
13 conference name change; providing an effective
14 date.

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

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18 Section 1. Subsection (10) of section 216.136, Florida
19 Statutes, is amended to read:

20 216.136 Consensus estimating conferences; duties and
21 principals.--

22 (10) WORKFORCE AND ECONOMIC DEVELOPMENT ESTIMATING
23 ~~OCCUPATIONAL FORECASTING~~ CONFERENCE.--

24 (a) Duties.--

25 1. The Workforce and Economic Development Estimating
26 ~~Occupational Forecasting~~ Conference shall develop such
27 official information on the workforce development system
28 planning process and the economic development efforts of this
29 state as it relates to the personnel needs of current, new,
30 and emerging industries as the conference determines is needed
31 by the state planning and budgeting system. Such information,

1 using quantitative and qualitative research methods, must
2 include at least: short-term and long-term forecasts of
3 employment demand for ~~high-skills/high-wage~~ jobs by occupation
4 and industry; entry and average ~~relative~~ wage forecasts among
5 those occupations; and estimates of the supply of trained and
6 qualified individuals available or potentially available for
7 employment in those occupations, with special focus upon those
8 occupations and industries which require high skills and have
9 high entry wages and experienced wage levels. In the
10 development of workforce estimates, the conference shall use,
11 to the fullest extent possible, local occupational and
12 workforce forecasts and estimates.

13 2. During each legislative session, and at other times
14 if necessary, the Workforce and Economic Development
15 Estimating Conference shall meet as the Workforce and Economic
16 Development Impact Conference for the purpose of determining
17 the effects of legislation related to the state's workforce
18 and economic development efforts introduced prior to and
19 during such legislative session. In addition to the
20 designated principals of the impact conference, nonprincipal
21 participants of the impact conference shall include a
22 representative of the Florida Chamber of Commerce and other
23 interested parties. The impact conference shall use both
24 quantitative and qualitative research methods to determine the
25 impact of introduced legislation related to workforce and
26 economic development issues.

27 3. Notwithstanding subparagraph 2., the Workforce and
28 Economic Development Estimating Conference, for the purposes
29 described in subparagraph 1., shall meet no less than two
30 times in a calendar year. The first meeting shall be held in
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1 February and the second meeting shall be held in August. Other
2 meetings may be scheduled as needed.

3 (b) Principals.--The Commissioner of Education, the
4 Executive Office of the Governor, the director of the Office
5 of Tourism, Trade, and Economic Development, the Secretary of
6 Labor and Employment Security, the Chancellor of the State
7 University System, the Executive Director of the State Board
8 of Community Colleges, the Chair of the State Board of
9 Nonpublic Career Education, the Chair of the Workforce
10 Development Board, and the coordinator of the Office of
11 Economic and Demographic Research, and professional staff from
12 the Senate and the House of Representatives who have
13 forecasting and substantive expertise, or their designees, are
14 the principals of the Workforce and Economic Development
15 Estimating Occupational Forecasting Conference. In addition
16 to the designated principals of the conference, nonprincipal
17 participants of the conference shall include a representative
18 of the Florida Chamber of Commerce and other interested
19 parties. The principal representing the Executive Office of
20 the Governor Commissioner of Education, or the commissioner's
21 designee, shall preside over the sessions of the conference.

22 Section 2. Paragraph (c) of subsection (4) and
23 paragraph (a) of subsection (9) of section 239.115, Florida
24 Statutes, are amended to read:

25 239.115 Funds for operation of adult general education
26 and vocational education programs.--

27 (4) The Florida Workforce Development Education Fund
28 is created to provide performance-based funding for all
29 workforce development programs, whether the programs are
30 offered by a school district or a community college. Funding
31 for all workforce development education programs must be from

1 the Workforce Development Education Fund and must be based on
2 cost categories, performance output measures, and performance
3 outcome measures. This subsection takes effect July 1, 1999.

4 (c) The performance outcome measures for programs
5 funded through the Workforce Development Education Fund are
6 associated with placement and retention of students after
7 reaching a completion point or completing a program of study.
8 These measures include placement or retention in employment
9 that is related to the program of study; placement into or
10 retention in employment in an occupation on the Workforce and
11 Economic Development Estimating ~~Occupational Forecasting~~
12 Conference list of high-wage, high-skill occupations with
13 sufficient openings; and placement and retention of WAGES
14 clients or former WAGES clients in employment. Continuing
15 postsecondary education at a level that will further enhance
16 employment is a performance outcome for adult general
17 education programs. Placement and retention must be reported
18 pursuant to ss. 229.8075 and 239.233.

19 (9) The Department of Education, the State Board of
20 Community Colleges, and the Jobs and Education Partnership
21 shall provide the Legislature with recommended formulas,
22 criteria, timeframes, and mechanisms for distributing
23 performance funds. The commissioner shall consolidate the
24 recommendations and develop a consensus proposal for funding.
25 The Legislature shall adopt a formula and distribute the
26 performance funds to the Division of Community Colleges and
27 the Division of Workforce Development through the General
28 Appropriations Act. These recommendations shall be based on
29 formulas that would discourage low-performing or low-demand
30 programs and encourage through performance-funding awards:

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1 (a) Programs that prepare people to enter high-wage
2 occupations identified by the Workforce and Economic
3 Development Estimating ~~Occupational Forecasting~~ Conference
4 created by s. 216.136 and other programs as approved by the
5 Jobs and Education Partnership. At a minimum, performance
6 incentives shall be calculated for adults who reach completion
7 points or complete programs that lead to specified high-wage
8 employment and to their placement in that employment.

9 Section 3. Paragraph (a) of subsection (3) and
10 subsection (11) of section 239.249, Florida Statutes, are
11 amended to read:

12 239.249 Market-driven, performance-based incentive
13 funding for vocational and technical education programs.--

14 (3) In any year in which the Legislature designates
15 funds for performance-based incentive funding for vocational
16 and technical education programs provided by school districts
17 or community colleges, the Division of Workforce Development
18 shall provide the Jobs and Education Partnership with
19 recommended formulae, criteria, timeframes, and mechanisms for
20 distributing funds. The partnership shall adopt a formula and
21 advise the Division of Community Colleges and the Division of
22 Workforce Development of the expected incentive award earnings
23 of school districts or colleges. The partnership shall base
24 these calculations on formulae that would provide incentive
25 awards or grants for:

26 (a) Programs that prepare people to enter high-wage
27 occupations identified by the Workforce and Economic
28 Development Estimating ~~Occupational Forecasting~~ Conference
29 created by s. 216.136 and other programs as approved by the
30 Jobs and Education Partnership. Local school district
31 superintendents, community college presidents, and private

1 industry councils shall receive the Workforce and Economic
2 Development Estimating Occupational Forecasting Conference
3 results for their respective geographic areas to assess local
4 applicability. At a minimum, performance incentives shall be
5 calculated for people who complete programs that lead to
6 specified high-wage employment and their placement in that
7 employment. Leavers with marketable skills may also be
8 calculated for the purposes of this paragraph. Baseline
9 information for these calculations shall be based upon
10 institutional information compiled by the Florida Education
11 and Training Placement Information Program for the 1992-1993
12 school year. The baseline information calculated for the
13 purposes of this paragraph shall be adjusted for a 3-percent
14 annual increase in productivity beginning in 1995-1996.

15 (11) The Jobs and Education Partnership may add
16 occupations to the list of recommendations produced by the
17 Workforce and Economic Development Estimating Occupational
18 Forecasting Conference if the Quick-Response Advisory
19 Committee recommends them as emerging occupations according to
20 s. 288.047.

21 Section 4. Subsection (3) of section 239.514, Florida
22 Statutes, is amended to read:

23 239.514 Workforce Development Capitalization Incentive
24 Grant Program.--The Legislature recognizes that the need for
25 school districts and community colleges to be able to respond
26 to emerging local or statewide economic development needs is
27 critical to the workforce development system. The Workforce
28 Development Capitalization Incentive Grant Program is created
29 to provide grants to school districts and community colleges
30 on a competitive basis to fund some or all of the costs
31 associated with the creation or expansion of workforce

1 development programs that serve specific employment workforce
2 needs.

3 (3) The commission shall give highest priority to
4 programs that train people to enter high-skill, high-wage
5 occupations identified by the Workforce and Economic
6 Development Estimating ~~occupational forecasting~~ Conference and
7 other programs approved by the Jobs and Education Partnership;
8 programs that train people to enter occupations on the WAGES
9 list; or programs that train for the workforce adults who are
10 eligible for public assistance, economically disadvantaged,
11 disabled, not proficient in English, or dislocated workers.
12 The commission shall consider the statewide geographic
13 dispersion of grant funds in ranking the applications and
14 shall give priority to applications from education agencies
15 that are making maximum use of their workforce development
16 funding by offering high-performing, high-demand programs.

17 Section 5. Paragraph (a) of subsection (1) of section
18 240.40207, Florida Statutes, is amended to read:

19 240.40207 Florida Gold Seal Vocational Scholars
20 award.--The Florida Gold Seal Vocational Scholars award is
21 created within the Florida Bright Futures Scholarship Program
22 to recognize and reward academic achievement and vocational
23 preparation by high school students who wish to continue their
24 education.

25 (1) A student is eligible for a Florida Gold Seal
26 Vocational Scholars award if the student meets the general
27 eligibility requirements for the Florida Bright Futures
28 Scholarship Program and the student:

29 (a) Completes the secondary school portion of a
30 sequential program of studies that requires at least three
31 secondary school vocational credits taken over at least 2

1 academic years, and is continued in a planned, related
2 postsecondary education program. If the student's school does
3 not offer such a two-plus-two or tech-prep program, the
4 student must complete a job-preparatory career education
5 program selected by the Workforce and Economic Development
6 Estimating Occupational Forecasting Conference or the
7 Workforce Development Board of Enterprise Florida for its
8 ability to provide high-wage employment in an occupation with
9 high potential for employment opportunities. On-the-job
10 training may not be substituted for any of the three required
11 vocational credits.

12 Section 6. Subsection (3) of section 288.7091, Florida
13 Statutes, is amended to read:

14 288.7091 Duties of the Florida Black Business
15 Investment Board.--The Florida Black Business Investment Board
16 shall:

17 (3) Include in the criteria for loan decisions,
18 Workforce and Economic Development Estimating Conference
19 ~~occupational forecasting~~ results set forth in s. 216.136(10)
20 which target high growth jobs;

21 Section 7. Paragraph (g) of subsection (3) of section
22 288.9950, Florida Statutes, is amended to read:

23 288.9950 Workforce Florida Act of 1996.--

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

25 (g) Job training curricula must be developed in
26 concert with the input and needs of existing employers and
27 businesses, and must consider the anticipated demand for
28 targeted job opportunities, as specified by the Workforce and
29 Economic Development Estimating ~~Occupational Forecasting~~
30 Conference under s. 216.136.

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1 Section 8. Paragraph (a) of subsection (8) of section
2 288.9951, Florida Statutes, is amended to read:

3 288.9951 One-Stop Career Centers.--

4 (8)(a) Individual Training Accounts must be expended
5 on programs that prepare people to enter high-wage occupations
6 identified by the Workforce and Economic Development
7 Estimating Occupational Forecasting Conference created by s.
8 216.136, and on other programs as approved by the Workforce
9 Development Board.

10 Section 9. Paragraph (e) of subsection (6) and
11 paragraph (b) of subsection (9) of section 288.9952, Florida
12 Statutes, are amended to read:

13 288.9952 Workforce Development Board.--

14 (6) The Workforce Development Board may take action
15 that it deems necessary to achieve the purposes of this
16 section and consistent with the policies of the board of
17 directors of Enterprise Florida, Inc., in partnership with
18 private enterprises, public agencies, and other organizations.
19 The Workforce Development Board shall advise and make
20 recommendations to the board of directors of Enterprise
21 Florida, Inc., and through that board of directors to the
22 State Board of Education and the Legislature concerning action
23 needed to bring about the following benefits to the state's
24 social and economic resources:

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

30 (9) The Workforce Development Board, in collaboration
31 with the regional workforce development boards and appropriate

1 state agencies and local public and private service providers,
2 and in consultation with the Office of Program Policy Analysis
3 and Government Accountability, shall establish uniform
4 measures and standards to gauge the performance of the
5 workforce development strategy. These measures and standards
6 must be organized into three outcome tiers.

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

17 1. Appropriate measures for One-Stop Career Centers
18 may include direct job placements at minimum wage, at a wage
19 level established by the Workforce and Economic Development
20 Estimating Occupational Forecasting Conference, and at a wage
21 level above the level established by the Workforce and
22 Economic Development Estimating Occupational Forecasting
23 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
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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 Section 10. Subsection (1) of section 288.9958,
7 Florida Statutes, is amended to read:

8 288.9958 Employment, Occupation, and Performance
9 Information Coordinating Committee.--

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

22 Section 11. Paragraph (g) of subsection (1) of section
23 414.065, Florida Statutes, is amended to read:

24 414.065 Work requirements.--

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

28 (g) Vocational education or training.--Vocational
29 education or training is education or training designed to
30 provide participants with the skills and certification
31 necessary for employment in an occupational area. Vocational

1 education or training may be used as a primary program
2 activity for participants when it has been determined that the
3 individual has demonstrated compliance with other phases of
4 program participation and successful completion of the
5 vocational education or training is likely to result in
6 employment entry at a higher wage than the participant would
7 have been likely to attain without completion of the
8 vocational education or training. Vocational education or
9 training may be combined with other program activities and
10 also may be used to upgrade skills or prepare for a higher
11 paying occupational area for a participant who is employed.

12 1. Unless otherwise provided in this section,
13 vocational education shall not be used as the primary program
14 activity for a period which exceeds 12 months. The 12-month
15 restriction applies to instruction in a career education
16 program and does not include remediation of basic skills,
17 including English language proficiency, if remediation is
18 necessary to enable a WAGES participant to benefit from a
19 career education program. Any necessary remediation must be
20 completed before a participant is referred to vocational
21 education as the primary work activity. In addition, use of
22 vocational education or training shall be restricted to the
23 limitation established in federal law. Vocational education
24 included in a program leading to a high school diploma shall
25 not be considered vocational education for purposes of this
26 section.

27 2. When possible, a provider of vocational education
28 or training shall use funds provided by funding sources other
29 than the department or the local WAGES coalition. Either
30 department may provide additional funds to a vocational
31 education or training provider only if payment is made

1 pursuant to a performance-based contract. Under a
2 performance-based contract, the provider may be partially paid
3 when a participant completes education or training, but the
4 majority of payment shall be made following the participant's
5 employment at a specific wage or job retention for a specific
6 duration. Performance-based payments made under this
7 subparagraph are limited to education or training for targeted
8 occupations identified by the Workforce and Economic
9 Development Estimating Occupational Forecasting Conference
10 under s. 216.136, or other programs identified by the
11 Workforce Development Board as beneficial to meet the needs of
12 designated groups, such as WAGES participants, who are hard to
13 place. If the contract pays the full cost of training, the
14 community college or school district may not report the
15 participants for other state funding, except that the college
16 or school district may report WAGES clients for performance
17 incentives or bonuses authorized for student enrollment,
18 completion, and placement.

19 Section 12. This act shall take effect upon becoming a
20 law.

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23 HOUSE SUMMARY

24 Renames the Occupational Forecasting Conference as the
25 Workforce and Economic Development Estimating Conference,
26 revises the duties of the conference, revises the
27 principals of the conference, and changes the presiding
28 principal of the conference from the Commissioner of
29 Education to the principal representing the Executive
30 Office of the Governor.
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