HOUSE OF REPRESENTATIVES COMMITTEE ON BUSINESS DEVELOPMENT & INTERNATIONAL TRADE FINAL ANALYSIS

- BILL #: CS/SB 2050, 2nd ENG
- **RELATING TO:** Workforce Innovation Act of 2000

SPONSOR(S): Committee on Fiscal Policy, Senator King and others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1)	BUSINESS DEVELOPMENT & INTERNATIONAL TRADE
(2)	
(3)	
(4)	
(5)	
(5)	

I. <u>SUMMARY</u>:

The bill reorganizes the state workforce development and WAGES systems by merging these two systems and creating an Agency for Workforce Innovation (AWI) attached to the Department of Management Services, but not under its control; by creating a non-profit entity called Workforce Florida, Inc., to direct policy for AWI; by transferring all workforce programs and staff from the Department of Labor and Employment Security to the Agency for Workforce Innovation and Workforce Florida, Inc., by a type-two transfer, and by merging each regional workforce development and WAGES board into single regional workforce boards.

It creates four offices, the Office of One-Stop Workforce Services, the Office of Workforce Support Services, the Office of Workforce Investment and Accountability, and the Office of Workforce Information Services within AWI.

The bill requires the creation of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages councils and committees in Workforce Florida, Inc., and regional workforce boards respectively.

The bill makes changes to the WAGES system by providing enhanced transitional support services designed to assist WAGES clients in improving their job opportunities and be diverted from public assistance. Additionally, it enhances accountability mechanisms for the WAGES component of the consolidated workforce system.

Further, it enhances the workforce one-stop delivery system by consolidating the provisions of services; authorizing the use of private staffing agencies; consolidating workforce information systems; and creating consolidated Internet-based websites for employers and job seekers to access education, training, and support services in the state's workforce system.

By consolidating the state's workforce development and WAGES system, the bill also consolidates state and federal funding streams.

The bill provides an effective date of July 1, 2000, unless otherwise provided.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1.	Less Government	Yes []	No []	N/A [X]
2.	Lower Taxes	Yes []	No []	N/A [X]
3.	Individual Freedom	Yes []	No []	N/A [X]
4.	Personal Responsibility	Yes []	No []	N/A [X]
5.	Family Empowerment	Yes []	No []	N/A [X]

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Federal Workforce Investment Act and Florida's Response

In August 1998, the federal Workforce Investment Act (WIA) was signed into law (Pub. L. No. 105-220), representing a significant change in federal policy governing job training and other workforce activities. WIA is grounded upon the following principles: better integration of services; individual empowerment; universal access; increased accountability; strong roles for local workforce partners and the private sector; state and local flexibility; and improved youth programs.

WIA requires each state to establish a state workforce investment board, as well as boards representing local service areas. In a number of respects, Florida's workforce system was already aligned with the requirements of WIA.

Workforce Development Board - As a result of action taken by the Legislature in 1996, Florida had by statute established the state Workforce Development Board (WDB) (also commonly referred to as the Jobs and Education Partnership) of Enterprise Florida, Inc., as the entity responsible for overseeing workforce development activities. In addition, Florida had provided for the chartering of regional workforce development boards and for the establishment of one-stop career centers. (See ch. 96-404, L.O.F.)

Workforce Funding - With respect to funding, WIA specifies three federal funding streams to the states: adults, dislocated workers, and youth. Section 288.9956, F.S., governs part of Florida's implementation of WIA. For Fiscal Year 1999-2000, the state Workforce Development Board contracts with the Florida Department of Labor and Employment Security (DLES) to serve as the administrative entity for WIA funding.

Of the more than 1,200 full time equivalent (FTE) positions in the DLES Division of Workforce and Employment Opportunities, 993.5 FTE perform service delivery functions in field offices and one-stop centers. The remaining staff are based in Tallahassee and perform administrative duties including supervision, quality assurance, customer support, and information technology.

One-Stop Service Centers - A core component of WIA is the emphasis on the delivery of workforce development services through a system of "one-stop" centers in local

communities throughout the state. WIA prescribes the programs and activities that are required to be part of each one-stop center and authorizes each local workforce board to select a one-stop operator through a competitive process or designate a consortia that includes at least three of the federal one-stop partners to operate the center.

Federal law requires each local board to develop and enter into a memorandum of understanding with the one-stop partners concerning the operation of the area's one-stop delivery system.

In Florida, the one-stop system is managed through 24 regional workforce development boards. The more than 170 one-stop facilities in Florida vary widely in size and program configuration. However, they share a common challenge: delivering coordinated, customer-focused services in an environment where most of the employees take their direction from Tallahassee.

Employees of the Division of Workforce and Employment Opportunities of the Department of Labor and Employment Security, funded with federal Wagner-Peyser revenues, constitute the majority of one-stop system staffing. Section 288.9951, F.S., provides for a memorandum of understanding between a regional workforce board and the department governing the delivery of employment services under the Wagner-Peyser Act. This section also prescribes the variety of services that are required to be available through the centers.

Enacted in 1933, the Wagner-Peyser Act provides for the establishment of a national employment system and cooperation with the states to promote the system (29 U.S.C. ss. 49-49I-1 (1998), amended by Pub. L. No. 105-220 (1998), ss. 301-311). Through its secretary, the U.S. Department of Labor (USDOL) is designated to coordinate the state public employment services throughout the country.

One method by which the Act mandates that the USDOL increase the usefulness of employment services among the states is by developing and prescribing "minimum standards of efficiency." USDOL requires by rule that individuals who deliver services funded by Wagner-Peyser be employed in a state merit system.

Despite requests from many states to modify this rule, USDOL has reiterated its insistence on state merit system employment. Amendments to Wagner-Peyser comprise one of the five titles of WIA; however, Wagner-Peyser retains separate authorization, as well as a separate funding stream. WIA does require that the public labor exchange services authorized under Wagner-Peyser be part of the one-stop system. One challenge for states is to find a way to integrate management of the one-stop delivery system while conforming to USDOL rule.

Welfare-to-Work and Florida's WAGES Program

The 1996 Legislature created the Work and Gain Economic Self-sufficiency (WAGES) Program to develop opportunities for public cash assistance recipients, remove barriers to employment, and end reliance on welfare. The WAGES Program was established to take advantage of flexibility provided to states by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The federal act ended entitlement to welfare assistance for eligible families (Aid to Families with Dependent Children) and replaced it with Temporary Assistance to Needy Families (TANF). To qualify for TANF block grants, states must impose work requirements on welfare recipients and establish time limits on the receipt of TANF cash assistance. Most

Florida recipients are subject to a 24-month time limit on cash assistance out of any consecutive 60-month period. The harder to serve clients are subject to a 36-month time limit on cash assistance out of any consecutive 72-month period. All recipients are limited to receiving benefits for a total of 48 months during their lifetime.

Services Provided by WAGES - The WAGES program provides support services to assist participants in complying with work activity requirements. It also provides participants with a wide array of transitional services after they obtain employment. Participants may receive child care services for up to two years with co-payments based on their income levels. Education and job training services may also be provided to help participants move into higher paying jobs. Participants may also be eligible for transportation services, and Medicaid and Food Stamps benefits.

- **Eligibility Services** -- Eligibility involves determining which public assistance clients must participate in WAGES work activities and whether clients are eligible for temporary cash assistance, food stamps, Medicaid, and child care.
- **Diversion Services** -- Diversion assistance is intended to help WAGES clients avoid long-term public assistance by helping them deal with emergency situations and can include paying for shelter, utilities, or car repairs that are needed to help clients continue employment.
- **Employment Related Services** -- These services include job readiness skills training, assistance conducting job searches, as well as subsidized private or public sector employment, community service work experience, on-the-job training, and vocational education.

Administration of the WAGES Program - The State WAGES Board of Directors is responsible for overseeing program operations and assisting state agencies in implementing the program. State agencies represented on the board are responsible for delivering many of the services to WAGES participants. For example, the Department of Children and Families is responsible for determining whether participants are eligible for services and administering child care, Food Stamps, and medical assistance programs.

The State WAGES board charters local WAGES coalitions, which are responsible for overseeing local programs. WAGES participants receive services at local one-stop career centers that are intended to provide integrated access to various assistance programs.

Funding Sources - The Legislature appropriated \$995,462,077 for the WAGES Program in Fiscal Year 1999-2000. This appropriation included \$616 million in TANF funds, and \$379 million for the state's maintenance of effort (MOE) required as a condition of eligibility for federal TANF funds. These appropriations are used to fund WAGES services (TANF cash assistance, transportation, child care and other support services for current and former WAGES participants and teen pregnancy prevention services) and operations of the local WAGES coalitions and the State WAGES Board.

Current Caseloads - As of August 1999, Florida's WAGES caseload was 39,307 families down from 108,235 in July 1997. In August 1999, Florida's total cash assistance caseload was 76,180 families. Approximately one-half of the cash assistant caseload represented one-parent or two-parent families subject to the TANF work participation requirement and served by the WAGES Program. The remainder of the caseload represented child-only cases in which a child is being raised by relatives whose financial needs are not reflected in the amount of TANF cash assistance.

Issues and Effectiveness of the WAGES Program - A review of the WAGES program by the legislative Office of Program Policy Analysis and Government Responsibility (OPPAGA) (Report No. 99-30, January, 2000) found that program participants face significant problems related to employment. Many adult WAGES participants appear to be experiencing difficulty finding permanent employment or retaining jobs. Families return to cash assistance for many reasons, including adult family members' placement in temporary jobs, personal problems such as poor physical or mental health, lack of transportation, and low skills which create difficulties for adult participants trying to adjust to the work environment. These results are consistent with the experiences of other states.

OPPAGA also found that many of the individuals remaining in the WAGES Program have been identified as being "hard- to-serve." These individuals often have multiple barriers to work and need individualized services such as mental health counseling, substance abuse treatment, and health care. Adult WAGES participants typically have low educational skills.

Related issues identified in past reports include concern that WAGES participants who do not find employment within time limits will lose benefits for themselves and their dependents. Other issues related to WAGES include the following:

- Meeting the increased need for subsidized child care for parents seeking work and for employed parents.
- Meeting the health care and health insurance needs of former WAGES participants who no longer qualify for Medicaid and cannot afford to purchase health care insurance.
- Providing basic necessities for families with dependent children when parents are unable to find work but no longer qualify for current public assistance programs.
- Providing for pursuit of a GED by WAGES' participants. One of the greatest obstacles to work among welfare and low-income families is lack of a high school education. Currently, high school attendance or participation in a course of study leading to a GED is only permitted in Florida as a "countable work activity" for WAGES participants under the age of 19.
- Extension of the time limit restriction for certain TANF cash assistance recipients. Because Florida has made significant progress in reducing the welfare caseloads and helping individuals transition from welfare to work, the remaining caseload includes individuals with the greatest obstacles to overcome. Section 414.105, F.S., limits cash assistance to a cumulative lifetime limit of 48 months. Federal law allows states the option to extend cash assistance beyond the state limit of 48 months for a maximum of 20 percent of the average monthly number of cases. States may extend assistance to families with a hardship, as defined by the state, or to families that include someone who has been battered or subjected to extreme cruelty.

Recent Legislative Action Regarding WAGES - The 1999 Legislature passed changes in Chapter 99-241 intended to support and provide opportunities to working recipients, improve provisions related to contracted services, strengthen governance, and increase work participation. The legislation made the following changes to the WAGES program.

 Removed child-only and disabled cases from WAGES so that coalitions could focus efforts on clients with work requirements and time limits.

- Provided an early exit incentive so that clients leaving the WAGES program have a cash reserve designed to offset the disincentive for work that exists when working recipients use up lifetime benefits for small cash payments.
- Extended benefits for applicants for SSI programs.
- Rewarded work participation with more flexibility in receiving benefits and allowed participants to earn the use of additional months of benefits within a five-year period without extending the lifetime limit.
- Allowed WAGES clients who are paid to be counted toward meeting staff-to-child ratio requirements for child care licensing in order to expand job opportunities and provide equity.
- Expanded educational program options and support services to improve job options, stability in the work force and, when needed, ability to speak English.
- Expanded opportunities for using TANF funds to support family preservation, substance abuse and mental illness, domestic violence, and teen pregnancy and teen parent programs.

The 1999 legislation also completed the process of moving the WAGES program out of the Department of Labor Employment & Security (DLES) which was begun by the 1998 Legislature by transferring funding for the WAGES coalitions to the Department of Management Services.

The Occupational Forecasting Conference

The Occupational Forecasting Conference (OFC) was established in law in 1993 as a consensus estimating conference. It was originally created in order to provide information on the vocational education planning process, with the Commissioner of Education's designee being the presiding officer. In 1996, the words "vocational education" were replaced with "workforce development system". In addition, a change to law in 1996 specifically required information to be reported on high-skill/high-wage jobs.

The Bureau of Workforce Education and Outcome Information Services (BWEOIS) of the Department of Education supports the OFC. Occupational data from the Bureau of Labor Market Information, within the Department of Labor and Employment Security, and from the Florida Education and Training Placement Information Program (FETPIP) are examined, analyzed and manipulated by the BWEOIS into useful information for review by the conferees. The resulting consensus product is a list of high demand, high-skill/high-wage occupations, ranked by their projected number of openings, projected growth rate, and expected entry level wage rates. The occupations are also ranked along with vocational program outcomes that include instructional-related placement rates, full-time employment placement rates, and the full-time earnings at placement. The BWEOIS also provides support in the development of the local targeted occupations list.

This information produced by the conference has proved beneficial in several capacities:

• The list provides a starting place for identifying programs that are targeted in the performance based funding formula for workforce development programs.

- Several community colleges and the DOE Division of Workforce Development have featured high ranking occupations, as identified by the Conference, in publications.
- Some local areas have adopted the Conference's consensus process and methodology to develop local versions of the list.
- Community colleges, local Workforce Development Boards, and school districts have used these local lists to target training areas.

Duties of the Occupational Forecasting Conference

The OFC is currently required in s. 216.136(10), F.S., to develop information as it relates to the *workforce development planning process*. The information produced should relate to personnel needs of current, new and emerging industries, including at *least* the following:

- short-term and long-term forecasts of employment demand for high-skill/high-wage jobs by occupation and industry;
- relative wage forecasts among those occupations; and
- estimates of the supply of trained and qualified individuals available for employment in those occupations.

Current law does not specify research methods to be used in gathering and interpreting the data into useful information. Quantitative tools are presently used.

There is no statutory requirement to utilize any local workforce and occupational forecasts and estimates.

The Occupational Forecasting Conference currently has *no* duty to meet as an *impact* conference and analyze proposed legislation for effects on workforce development and economic development initiatives.

Principals - The principals required by law are as follows: The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the Secretary of Labor, and the coordinator of the Office of Economic and Demographic Research, or their designees. The Commissioner of Education, or his/her designee, is the presiding principal of Conference sessions. Currently, the Bureau Chief for the BWEOIS is the Commissioner's designee and chair of the conference.

According to the current conference chair, participation in the OFC has been actively sought from the Postsecondary Education Planning Commission, Enterprise Florida, the SBCC, the Board of Regents, Private School Licensure Boards, local Workforce Development Boards, Chambers of Commerce and employer groups.

Meetings - The Conference is not statutorily required to meet at any specified time. Currently, they meet annually and on an "as needed" basis.

The Senate Select Committee on Workforce Innovation

The Senate Select Committee on Workforce Innovation was created on October 21, 1999, for the purpose of examining the state's welfare-to-work program, the state's workforce

development system and programs, and the relationship between these systems and programs and the educational and business communities.

The select committee was charged with "...developing legislation creating a statewide integrated workforce system including school-to-work, welfare-to-work, and high skill/high wages."

The select committee held ten meetings, three of which were held outside Tallahassee, and heard from over 100 presenters representing the private sector, state employees, workforce system, education, WAGES programs, and WAGES participants.

The select committee maintained the following goals as it heard about the state's workforce development and WAGES systems:

- To create an environment in which Florida families can achieve economic selfsufficiency through employment.
- To enable Florida employers to meet their needs for qualified, motivated employees.
- To encourage the continued growth of Florida's economy by developing and retaining a highly skilled and flexible workforce.

In addition, the select committee, throughout its deliberations, maintained the following guiding principles:

- Self-sufficiency and self-reliance.
- Performance accountability.
- Privatization.
- Local governance.

The select committee identified the following issues for consideration in reforming the state's workforce development and WAGES systems.

Barriers to Better Employment Opportunities for WAGES Clients - With the enactment of the WAGES Act in 1996, support services and benefits to assist families transition from welfare were included for both WAGES participants and families leaving the WAGES program due to employment. Chapter 414, F.S., provides for support services to assist participants in complying with work activity requirements, and transitional Medicaid, education and training, child care, and transportation for families that lose their temporary cash assistance due to earnings. Retention Incentive Training Accounts (s. 414.223, F.S.) were established during the 1999 Legislative Session to promote job retention and advancement.

Many working poor Floridians share several important common characteristics with former welfare recipients. However, working poor families have historically had less assistance available to them and have been less likely to use the public benefits that were available.

The Florida Legislature began focusing on low-income families in the 1999 session with the establishment of several welfare diversion programs. Sections 414.157 through 414.159,

F.S., provide funding for teen parent and pregnancy prevention programs in avoiding welfare and services and one-time payments to assist the following in avoiding welfare dependence:

- victims of domestic violence and their children,
- families at risk of abuse and neglect or homelessness,
- families at risk of welfare dependency due to substance abuse or mental illness,

As a result of flexibility of the Temporary Assistance for Needy Families (TANF) block grant, states can develop new initiatives to help working families meet work expenses, provides for basic needs, benefit from their child support, and participate in education or training to advance in the workforce. Until now, the TANF funding stream was used to finance a program of basic cash assistance for poor families and a set of initiatives to help families enter or re-enter the workforce. Under the new policies, TANF can also be used to finance efforts that help low-wage families retain employment, escape poverty, and advance in the workforce. States can use TANF funds for child care, transportation, and work expenses for working families who have never been on welfare and provide support services for some or all low income working families.

Employers Need for Continual Enhancement of Employee Skills - To remain competitive, employers must respond to advancements in technology and changes in the marketplace by modernizing equipment, reengineering production methods, and retooling business practices. These changes frequently require their employees to enhance their current job skills or acquire new ones. Both employers and employees need incumbent worker training that is tailored to meet their needs and available at convenient hours and reasonable cost.

Fifteen percent of the funds received under Title I of the federal Workforce Investment Act are retained at the state level. Florida law specifies that such funds shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs.

Currently, Florida reserves five percent of these state-level funds for an Incumbent Worker Training Program to provide grant funding for continuing education and training of incumbent employees at existing businesses in the state. (See s. 288.9956(3), F.S.) For continuing workforce education courses in community colleges and school districts, state funding is set at 50 percent of the cost of instruction, with student fees, business support, quick-response training funds, or other sources making up the remainder.

Strategic, Effective, and Innovative Use of Workforce System Resources - Florida spends more than \$4.2 billion on programs related to workforce development, of which \$3.6 billion (87 percent) is spent within the education system. Yet, the state spends more than \$30 million annually on remediation, and Florida employers consistently cite the lack of qualified employees as a barrier to business growth.

As stated by a representative of the Florida Chamber of Commerce: "Florida's efforts to attract new businesses and retain current businesses will be severely disadvantaged without a more successful workforce education system." The \$470 million spent on workforce programs outside the education system is divided among many governmental entities, each of which has its own approach to resource management and performance accountability.

Small Business Workforce Needs - Less than 12 percent of all jobs in Florida are in businesses with fewer than 10 employees, but these businesses comprise 82 percent of all employers in Florida. Most small business owners have limited resources to devote to human resource issues including recruitment and employee training.

The workforce system should be prepared to respond to the particular needs of small businesses because these businesses have traditionally provided entry-level job opportunities for first-time wage earners. Also, new small businesses in Florida are being created by entrepreneurs in response to developments in advanced technology. These small businesses can grow quickly in response to the global marketplace and become a source of high wage/high skill jobs.

C. EFFECT OF PROPOSED CHANGES:

The bill reorganizes the state and regional workforce development and WAGES systems by creating the Agency for Workforce Innovation (AWI) within, but not under the control of, the Department of Management Services and by creating a private nonprofit entity called Workforce Florida, Inc., which will develop workforce policy for AWI and regional workforce boards.

The bill transfers workforce development and the Division of Unemployment Compensation staff, programs, and functions in the Department of Labor and Employment Security (DLES) to AWI. The agency is designated as the state agency to receive funds and provide services under federal programs such as Wagner-Peyser.

Additionally, workforce transition and support components of the WAGES program (e.g., child care, transportation, education, and job training) are separated from the Department of Children and Family Services' Temporary Assistance for Needy Families (TANF) funded cash assistance programs, placed under AWI, and enhanced to promote the job retention and economic stability for persons leaving the welfare system.

The bill enhances the relationship between the workforce development system and the business community by identifying workforce needs of employers, linking students and other persons seeking employment with employers through the use of Internet-based technology and the use of private staffing agencies, providing educational incentives and a student loan forgiveness program for targeted occupations and professions, providing training opportunities for incumbent workers with special emphasis upon small business needs, and directing resources towards activities that support economic development.

The bill also provides for enhanced support and accountability of the newly combined workforce and WAGES systems by statutorily specifying training and reporting requirements, including requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a program review of the state's revised workforce and WAGES system.

Unless otherwise stated in the bill, the effective date is July 1, 2000.

See the following Section-By-Section Analysis.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 Creates s. 445.001, F.S., providing that the act will be known as the "Workforce Innovation Act of 2000."

Section 2 Creates s. 445.002, F.S., providing definitions for terms used in the Act.

Section 3 Transfers, renumbers, and amends s. 288.9956, F.S., as s. 445.003, F.S. Makes conforming changes to statute governing Florida's implementation of the Workforce Investment Act (WIA). Provides for \$2 million of WIA Title I funds retained at the state level to be reserved for the Incumbent Worker Training Program. Provides for up to 75 percent of such state-level funds to be allocated to Individual Training Accounts and other workforce-development strategies.

Section 4 Transfers, renumbers, and amends s 288.9952, F.S., as 445.004, F.S. Provides for the creation of a not-for-profit corporation to be known as "Workforce Florida, Inc." (WFI) within the newly created Agency for Workforce Innovation (AWI), but not under the control, supervision, or direction of AWI. Designates WFI as the principal workforce organization for the state; provides that the Governor may appoint members from the current Workforce Development Board and the WAGES Program State Board of Directors to serve on the board of directors of WFI. Specifies that private sector representatives of business appointed by the Governor to the board of WFI must constitute a majority of the board: nominations to the board must come from members of the Legislature through their respective presiding officer. Provides that no less than one-half of the appointments must represent small businesses. Provides that board members are appointed for 2-year terms and may be reappointed. Provides for five labor representatives on the board. Requires the chairperson of WFI to establish standing councils known as the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council; assigns supervision of the administration of multiple, specified workforce programs to WFI; expands the executive committee of WFI to seven, of which one member must a representative of organized labor. Requires WFI to charter regional workforce boards.

Section 5 Creates s. 445.005, F.S., providing for the creation of councils under Workforce Florida, Inc. Provides for Workforce Florida, Inc., to establish by October 1, 2000, three standing councils: the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council. The councils are charged with developing strategies in their respective subject areas for approval by the board of directors of WFI. A majority of the members of each council must be members from the board of directors of WFI, but each council shall include non-board members as well. Each council must meet at least quarterly.

Section 6 Creates s. 445.006, F.S., providing for the workforce development strategic plan. Directs Workforce Florida, Inc., in conjunction with state and local workforce partners, to develop a strategic plan for workforce development. Requires the plan to include workforce marketing plans designed to educate individuals inside and outside the state about the employment market and employment conditions in Florida. Provides specifications and performance payments for welfare transition services.

Section 7 Transfers, renumbers, and amends s. 288.9953, F.S., as s. 445.007, F.S., providing for the designation or regional workforce boards. Specifies that business representatives on the regional workforce boards shall not include providers of workforce services. Requires a fair and competitive process for selecting administrative entities. Requires boards to establish standing committees on first jobs/first wages, better

jobs/betters wages, and high skills/high wages. Specifies that the high skills/high wages committee must include at least five private-sector business representatives appointed by the primary county economic development organization within the region, in consultation with local chambers of commerce, and a representative of each primary county economic development organization in the region. Requires high skills/high wages committees to report to Workforce Florida, Inc., on occupations in the region deemed critical to business retention, expansion, and recruitment. Requires better jobs/better wages and first jobs/first wages committees to each include at least five members. Provides that initial appointments to the first jobs/first wages committee shall include at least three members of the local WAGES coalition established pursuant to ch. 96-175, Laws of Florida.

Section 8 Creates s. 445. 008, establishing a Workforce Training Institute to provide comprehensive workforce training for one-stop delivery system staff. Provides for developing Internet-based training modules.

Section 9 Transfers, renumbers, and amends s. 288.9951, F.S., as s. 445.009, F.S., relating to the one-stop delivery system to emphasize the delivery of services through the Internet. Provides for the transfer of Wagner-Peyser services to the Agency for Workforce Innovation. Authorizes the use of staffing services firms in the one-stop delivery system. Requires the Office of Program and Policy Analysis (OPPAGA) to conduct a program review of services delivered under the federal Wagner-Peyser Act and submit a report by December 31, 2002.

Section 10 Intent for transition and implementation. Directs WFI to coordinate the development and implementation of a transition plan supporting implementation of the Workforce Innovation Act of 2000. Requires applicable state agencies to cooperate in the effort and to dedicate financial and staff resources toward the implementation of the plan. Requires the Governor to designate a staff member from the Office of Planning and Budget to serve as the Governor's primary representative on matters relating to the implementation of the act. Requires the Governor, based upon recommendations from WFI, to submit any necessary amendments or supplements to workforce program plans that Florida has on file with the federal government and to seek any necessary waivers from federal laws or rules.

Section 11 Transfers the WAGES Program State Board of Directors and the state Workforce Development Board to Workforce Florida, Inc., effective July 1, 2000. Transfers the Bureau of Apprenticeship from DLES to the Department of Education effective July 1, 2000.

Transfers those employees of the state Workforce Development Board leased from the Department of Management Services by a type two transfer to AWI effective October 1, 2000. Allows state employees leased to the state Workforce Development Board as of June 30, 2000, to be leased to Workforce Florida, Inc. as of the same date to perform administrative and professional services. Provides for additional state employees in AWI to be assigned to Workforce Florida, Inc.

Transfers the Division of Workforce and Employment Opportunities and the Office of Labor Market Statistics from DLES by a type two transfer to AWI effective October 1, 2000. Exempts employees responsible for information technology within the division, employees responsible for licensing and permitting business agents and labor organizations under ch. 447, F.S., and employees responsible for regulations relating to minority labor groups under ch. 450, F.S., from the transfer. Requires AWI, in consultation with DLES, to determine the number of positions needed for administrative support of the programs within the division as transferred to the agency. Transfers the resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other entity within DLES that supports the division by a type two transfer to AWI effective October 1, 2000.

Transfers the staff of the displaced homemaker program by a type two transfer from DOE to AWI effective October 1, 2000.

Transfers the resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the WAGES Contracting Division by a type two transfer from DMS effective October 1, 2000. Requires AWI, in consultation with DMS, to determine the number of positions needed to perform the WAGES contracting function within the agency. Provides that the number of positions the agency deems necessary is not to exceed the number of positions that were previously authorized within DMS for this purpose.

Transfers the Division of Unemployment Compensation by a type two transfer from DLES to AWI effective October 1, 2000. Transfers the resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other entity that supports the division by a type two transfer to AWI effective October 1, 2000.

Requires AWI to contract with the Department of Revenue to provide unemployment tax collection services by January 1, 2001. Requires the Office of Program Policy Analysis and Government Accountability to conduct a study regarding privatization of unemployment tax collections services and submit it to the Governor, the President of the Senate, and the Speaker of the House or Representatives.

Requires DLES to reduce the number of positions not engaged in directly providing workforce development services to customers or in supervising the direct provision of workforce development services by 25 percent within the Division of Workforce and Employment Opportunities. Requires Workforce Florida, Inc., in conjunction with AWI, to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a reorganization plan.

Requires DLES to develop a plan to reduce the department's existing full-time positions to reflect the remaining mission of the department. Requires the department to submit a budget amendment for legislative notice and review under s. 216.177, F.S., to implement the plan by October 1, 2000.

Section 12 Creates s. 445.010, F.S., establishing principles to guide the development of workforce information systems and expectations for information sharing and procedures for waiver of confidentiality of some information to facilitate integrated service provision.

Section 13 Creates s. 445.011, F.S., directing the implementation of workforce information systems to provide efficient and effective operation and management of the workforce development system.

Section 14 Requires the Postsecondary Education Planning Commission, in consultation with WFI and DOE, to conduct a study and recommend strategies to the Legislature to expand access to and production of certificates and degrees in targeted programs needed for Florida's economy and to identify new, targeted financial aid programs for postsecondary students. Requires the report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2000.

Section 15 Creates s. 445.013, F.S., creating a challenge grant program in support of welfare-to-work initiatives in AWI. Under the program, not-for-profit organizations, for-profit organizations, educational institutions, and units of government are encouraged to sponsor eligible individuals in post-employment education and training by providing the non-federal matching funds required under the federal welfare-to-work grant program. Requires that in exchange for the provision of such matching funds, the state pledges to earmark welfare-to-work funds for the sponsored individual. Requires one of the program criteria to be a determination that the education or training will enhance the ability of the individual to retain employment and achieve self-sufficiency through career advancement. Requires the education and training be approved by Workforce Florida, Inc.

Section 16 Transfers and renumbers s. 288.9955, F.S., as s. 445.016, F.S., and makes conforming changes.

Section 17 Transfers and renumbers s. 414.15, F.S., as s. 445.017, F.S., and makes conforming changes.

Section 18 Creates s. 445.018, F.S., creating a diversion program for families at risk of welfare dependency with family incomes that do not exceed 200 percent of poverty. Provides that eligible families may receive services related to employment, including child care and transportation. Provides for repayment.

Section 19 Transfers and renumbers s. 414.159, F.S., as s. 445.019, F.S., and makes conforming changes.

Section 20 Creates s. 445.020, F.S., allowing the Department of Children and Family Services, with the approval of WFI, to use a means test for eligibility for diversion programs if required by the federal government.

Section 21 Transfers and renumbers s. 414.155, F.S., as s. 445.021, F.S., and amends the section to clarify conditions that must be met to receive relocation assistance.

Section 22 Transfers and renumbers s. 414.223, F.S., as s. 445.022, F.S., and makes conforming changes.

Section 23 Transfers and renumbers s. 414.18, F.S., as s. 445.023, F.S., and makes conforming changes.

Section 24 Creates s. 445.024, F.S., allowing incentive payments to employers that provide jobs with health insurance coverage and adding GED pursuit and adult basic education to the list of activities that can be counted as work for purposes of meeting work activity requirements of TANF.

Section 25 Transfers and renumbers s. 414.20, F.S., as s. 445.025, F.S., and makes conforming changes.

Section 26 Transfers and renumbers s. 414.1525, F.S., as s. 445.026, and amends the section. Renames the Early Exit Diversion Program. Creates a cash assistance severance benefit for eligible individuals who choose to receive a one-time lump sum payment of \$1,000 in exchange for agreeing not to accept cash assistance for 6 months.

Section 27 Creates s. 445.028, F.S., requiring the development of procedures to ensure that families leaving temporary cash assistance receive transitional benefits and services.

Section 28 Transfers and renumbers s. 414.21, F.S., as s. 445.029, F.S., and makes conforming changes.

Section 29 Transfers and renumbers s. 414.22, F.S., as s. 445.030, F.S., and makes conforming changes.

Section 30 Transfers and renumbers s. 414.225, F.S., as s. 445.031, F.S., and amends the section. Increases from 1 year to 2 years the availability of transitional transportation services for former recipients of temporary cash assistance.

Section 31 Creates s. 445.032, F.S., authorizing child care to sustain employment or educational opportunities for up to 2 years for former recipients of temporary cash assistance.

Section 32 Transfers and renumbers s. 414.23, F.S., as s. 445.033, F.S., and makes conforming changes.

Section 33 Creates s. 445.034, providing that any expenditures from TANF be made in accordance with Title IV of the Social Security Act. Requires the Department of Children and Family Services to certify that controls are in place to ensure compliance with the federal law prior to expenditure of funds.

Section 34 Transfers and renumbers s. 414.44, F.S., as s. 445.035, F.S, and amends the section. Requires the Department of Children and Family Services and Workforce Florida, Inc., to collect and report date required under federal law.

Section 35 Amends s. 414.025, F.S., revising legislative intent and removing references to the WAGES program.

Section 36-Section 39 Make conforming changes. Amends ss. 414.0252, 414.045, 414.065, 414.085, F.S.

Section 40 Amends s. 414.095, F.S., altering eligibility requirements for qualified noncitizens to reflect changes in federal law and interpretation.

Section 41 Amends s. 414.105, F.S., providing for an extension of cash assistance for successful substance abuse and mental health treatment and for hardship extensions to 24 and 36 month time limits on cash assistance. Provides for hardship extensions to the 48 month lifetime limit for minor children, child-only cases, victims of domestic violence, individuals with persistent barriers to employment, and individuals who are eligible for SSI or SSDI because of age or disability.

Section 42 Amends s. 414.157, F.S., providing for on-time payments not to exceed \$1,000 as part of a diversion program for victims of domestic violence.

Section 43-Section 49 Make conforming changes. Amends ss. 414.158, 414.35, 414.36, 414.39, 414.41, 414.55, 414.70, F.S.

Section 50 Repeals s. 239.249, F.S., relating to market-driven, performance based incentive funding for vocational and technical education programs (PBIF); s. 288.9950, F.S., relating to the "Workforce Florida Act of 1996;" s. 288.9954, F.S., relating to consultation, consolidation, and coordination between the Workforce Development Board and the WAGES Program State Board of Directors; s. 288.9957, F.S., relating to the Florida Youth Workforce Council; s. 288.9958, F.S., relating to the Employment, Occupation, and Performance Information Coordinating Committee; s. 288.9959, F.S., relating to the Operational Design and Technology Procurement Committee; s. 414.015, F.S., relating to the chapter 414, F.S., title of the "Work and Gain Economic Self-sufficiency (WAGES) Act;" s. 414.026, F.S., relating to the WAGES Program State Board of Directors; s. 414.0267, F.S., relating to matching grants for economic independence; s. 414.027, F.S., relating to the WAGES Program annual statewide program plan; s. 414.028, F.S., relating to local WAGES coalitions; s. 414.029, F.S., relating to the WAGES Program Business Registry; s. 414.030, F.S., relating to WAGES Program Employment Projects; s. 414.055, F.S., relating to one-stop career centers; s. 414.125, F.S., relating to the learnfare program; s. 414.25, F.S., relating to the exemption from leased real property requirements; and s. 414.38, F.S., relating to pilot work experience and job training for noncustodial parents.

Section 51 Amends s. 14.2015, F.S., including workforce programs and Workforce Florida, Inc., within the oversight and coordination responsibilities of the Office of Tourism, Trade, and Economic Development. Charges OTTED with ensuring linkages between the workforce and economic development goals and strategies of the state. Requires the participation of leaders in education and workforce among the participants in the annual economic summits organized by OTTED.

Section 52 Amends s. 20.171, F.S., reflecting the transfer of specified workforce functions.

Section 53 Creates s. 20. 50, F.S., creating the Agency for Workforce Innovation (AWI) within DMS, but not under the control, supervision, and direction of the department. Provides that Workforce Florida, Inc., is responsible for all policy directions to regional workforce boards through AWI. Provides that AWI is the designated agency for all federal workforce development grants. Provides for the transfer of certain federal workforce grants and programs from DLES to AWI. Creates the Office of Workforce Services, the Office of Workforce Investment and Accountability, and the Office of Workforce Information Services in AWI. Assigns responsibilities and duties to AWI and the three offices.

Section 54-Section 57 Makes conforming changes. Amends ss. 212.08, 212.06, 212.097, and 212.098, F.S.

Section 58 Amends s. 216.136, F.S., changing the name of the Occupational Forecasting Conference to the Workforce Estimating Conference. Adds the Chancellor of the State University System, the Executive Director of the State Board of Community Colleges, the Executive Director of the State Board of Nonpublic Career Education, the Chairman of Workforce Florida, Inc., and legislative staff as principals. Eliminates DLES as a principal. Directs the conference to review local and regional occupational data generated through the Internet-based job-matching and labor-market information system, and to consider such data in developing its forecasts for statewide employment demand. Directs the conference to use the data as the basis for making recommendations to WFI on additions or deletions to local target occupation lists. Requires the conference to meet as an impact conference and seek participation of non-principals, including the Florida Chamber of Commerce and other interested parties. Requires the conference to meet twice annually and the impact conference to meet prior to and during each legislative session. Makes the principal from the Governor's office the chair of the conference.

Section 59-Section 63 Makes conforming changes. Amends ss. 220.181, 230.2305, 232.17, 234.01, 234.211, F.S.

Section 64 Amends s. 239.105, F.S., providing that, for licensure purposes, the "associate in science degree" is interchangeable with the "associate in applied science degree."

Section 65 Amends s. 239.115, F.S., making conforming changes and creates a response fund for school districts and community colleges to provide customized training to business.

Section 66 Amends s. 239.117, F.S., making conforming changes.

Section 67 Amends s. 239.229, F.S., requiring industry-driven benchmarks for vocational, adult, and community education programs to be updated every 3 years. Requires the standards to include technical, academic, and workplace skills, viability of distance learning for instruction, and work/learn cycles that are responsive to business and industry. Provides that a school board or public school is not to require a student to participate in any school-to-work or job training program.

Section 68-Section 69 Makes conforming changes. Amends ss. 239.301, and 239.514, F.S.

Section 70 Amends s. 240.209, F.S., requiring the Board of Regents to include industrydriven competencies in the program reviews of high-tech programs.

Section 71 Amends s. 240.312, F.S., requiring community colleges to review associate in science programs and career education programs every three years.

Section 72-Section 76 Makes conforming changes. Amends ss. 240.35, 240.40207, 240.40685, 240.61, 246.50, F.S.

Section 77 Amends s. 288.046, F.S., deleting a reference to "Florida's Targeted Industrial Clusters."

Section 78 Amends s. 288.047, F.S., providing for Workforce Florida, Inc., to administer the Quick Response Training Program. Eliminates references to the Quick Response Advisory Committee. Authorizes supplemental-skills training for current employees whose job descriptions are changing. Authorizes retraining for current employees to meet changing skill requirements caused by new technology or new product lines and to prevent potential layoffs. Specifies that the grant term may not exceed 24 months. Provides that businesses located in brownfield areas are included, along with enterprise zone businesses, in a provision setting aside a specified portion of Quick Response Training funds at the start of each fiscal year for instructional programs for these businesses. Eliminates set-aside funding at the start of each fiscal year for instruction for residents of enterprise zones. Specifies that matching funds generated under the Quick Response Training Program may count toward the requirements for Enterprise Florida, Inc., to generate private-sector support. Requires Enterprise Florida, Inc., and Workforce Florida, Inc., to establish a single point of contact for businesses.

Section 79 Amends s. 288.0656, F.S., making conforming changes.

Section 80 Amends s. 288.901, F.S., making conforming changes. Provides for the chairperson of the Workforce Florida, Inc., board to serve on the board of Enterprise Florida, Inc.

Section 81 Amends s. 288.904, F.S., making conforming changes. Removes "workforce" reference from the powers of Enterprise Florida, Inc.

Section 82-Section 86 Makes conforming changes. Amends ss. 288.905, 288.906, 320.20, 322.34, 341.052, F.S.

Section 87 Amends s. 402.3015, F.S., making conforming changes. Defines "needy family" as a family that is eligible to participate in the subsidized child care program for purposes of expending TANF funds for child care. Includes children of working families who participate in the diversion program to strengthen Florida's families under s. 445.018, F.S., for purposes of expending TANF funds for child care.

Section 88-Section 95 Makes conforming changes. Amends ss. 402.33, 402.40, 402.45, 403.973, 409.2554, 409.2564, 409.259, 409.903, F.S.

Section 96 Amends s. 409.942, F.S., authorizing Workforce Florida, Inc., through AWI and with the Department of Children and Family Services, to use the electronic benefits program established for the state's public assistance programs. Provides that the program be designed to enable an individual who receives an electronic benefit transfer card from the department to use that card for purposes of benefits provided under the workforce development system. Requires the agency to reimburse the department for all costs incurred in providing such assistance and to pay all costs for the development of the workforce electronic benefit transfer program.

Section 97-Section 106 Makes conforming changes. Amends ss. 411.01, 411.232, 411.242, 413.82, 421.10, 427.013, 427.0155, 427.0157, 443.091, 443.151, F.S.

Section 107 Amends s. 443.181, F.S., making conforming changes. Establishes a state public employment in AWI, under the policy direction from Workforce Florida, Inc. Specifies that the one-stop delivery system shall be the primary method for delivering employment services.

Section 108-Section 110 Makes conforming changes. Amends ss. 443.211, 443.221, 443.231, F.S.

Section 111 Amends s. 446.011, F.S., giving the responsibility for apprenticeship programs to the Department of Education's Division of Workforce Development.

Section 112 Requires OPPAGA in cooperation with Workforce Florida, Inc., and DOE to submit recommendations to the Legislature by January 1, 2002, regarding improving the efficiency of apprenticeship and other formalized on-the-job training programs for skilled trades, decreasing the cost of these programs, and increasing the number of those that complete the programs.

Section 113-Section 120 Makes conforming changes. Amends ss. 446.021, 446.032, 446.041, 446.045, 446.052, 446.061, 446.071, 446.075, F.S.

Section 121 Amends s. 446.40, F.S., making conforming changes. Changes the name of the Rural Manpower Services Act to the Rural Workforce Services Act.

Section 122 Amends s. 446.41, F.S., transferring the rural workforce training and development program from DLES to AWI under the direction of Workforce Florida, Inc.

Section 123-Section 125 Makes conforming changes. Amends ss. 446.42, 446.43, 446.44, F.S.

Section 126 Amends s. 446.50, F.S., placing the Displaced Homemaker Program under the direction of AWI rather than under the Department of Education's Division of Community Colleges.

Section 127 Amends s. 447.02, F.S., making conforming changes from "division" to "Department of Labor and Employment Services."

Section 128-Section 151 Makes conforming changes. Amends ss. 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, 447.305, 450.012, 450.061, 450.081, 450.095, 450.121, 450.132, 450.141, 450.191, 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, 450.38, 497.419, F.S.

Section 152 Amends s. 240.3341, F.S., providing that incubator facilities are to be owned or leased by community colleges. Creates incubator facilities for high technology digital media fields.

Section 153 Creates s. 240.710, F.S., creating the digital media education coordination group within the Board of Regents. Provides for collaboration of digital media education and research with the State Board of Community Colleges and the Articulation Coordinating Committee. Provides for the development and submission to the Legislature of a plan to promote the development of and improve opportunities for postsecondary study and research of the digital media industry.

Section 154 Provides that Workforce Florida, Inc., may use Incumbent Worker Training funds for providing public or private training in digital media.

Section 155 Creates s. 445.012, F.S., providing for the creation of the Careers for Florida's Future Incentive Grants program for students who pursue degrees or certificates in programs that lead to employment in occupations critical to Florida's economic future.

Section 156 Creates s. 445.0121, F.S., requiring students to earn a cumulative GPA of 2.75 in 18 postsecondary credit hours for eligibility for lower level awards. Requires students to earn a cumulative GPA of 2.75 in all postsecondary work and must be admitted into an eligible program for upper level awards. Requires students to be admitted into eligible programs for certificate, AAS, and AS programs that do not articulate into baccalaureate degree programs.

Section 157 Creates s. 445.0122, F.S., providing renewal requirements for all awards. Requires students to earn a 2.75 cumulative GPA for lower and upper level awards. Requires students to complete an occupational completion point or be making progress towards completion for renewal of certificate, AAS, and AS programs that do not articulate into baccalaureate degree programs.

Section 158 Creates s. 445.0123, F.S., specifying types of institutions in which students must enroll.

Section 159 Creates s. 445.0124, F.S., requiring that students be enrolled in programs that lead to employment in an eligible occupation.

Section 160 Creates s. 445.0125, F.S., requiring grants be repaid on a year-for-year basis if the student does not work in an eligible occupation in Florida.

Section 161 Creates s. 445.014, F.S., directing Workforce Florida, Inc., to award funds on a competitive basis to regional workforce boards for the provision of workforce and human-resource support services to small businesses. Provides that eligible uses of funds include identifying common training needs among small businesses, developing curriculum to address common training needs of small businesses, facilitating the provision of training services for small businesses through eligible training providers, assisting small businesses in the identification of incentives and completion of incentive-related paperwork, and establishing single points-of-contact for the provision of pre-employment and post-employment services to small businesses.

Section 162 Disregards income from certain temporary census employment when determining eligibility in programs requiring a financial determination such as WAGES, subsidized child care, and TANF funded programs.

Section 163 Appropriates \$250,000 in nonrecurring GR for workforce marketing materials. Appropriates \$200,000 in nonrecurring TANF funds for the Workforce Training Institute. Appropriates \$8 million in recurring TANF funds for diversion services for needy families. Appropriates \$10 million in nonrecurring TANF funds for workforce information systems. Appropriates \$12 million in recurring GR for the Careers in Florida's Future Incentive Grant Program. Appropriates \$500,000 in nonrecurring GR for the Small Business Workforce Service Initiative. Appropriates \$5 million from nonrecurring TANF funds for local economic development projects.

Section 164 Amends s. 402.305, F.S., making conforming changes.

Section 165 Provides for non-entitlement to services and benefits.

Section 166 Includes standard severability clause.

Section 167 Provides that, except as otherwise provided, the act shall take effect July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

- A. FISCAL IMPACT ON STATE GOVERNMENT:
 - 1. <u>Revenues</u>:

N/A

2. Expenditures:

N/A

- B. FISCAL IMPACT ON LOCAL GOVERNMENTS:
 - 1. <u>Revenues</u>:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. <u>SIGNATURES</u>:

COMMITTEE ON BUSINESS DEVELOPMENT & INTERNATIONAL TRADE: Prepared by: Staff Director:

James M. Cox

J. Paul Whitfield, Jr.

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON BUSINESS DEVELOPMENT & INTERNATIONAL TRADE:

Prepared by:

Staff Director:

James M. Cox

J. Paul Whitfield, Jr.