

By Senator Kirkpatrick

5-1170-00

1                                   A bill to be entitled  
2           An act relating to workforce development;  
3           amending s. 239.115, F.S.; expanding the scope  
4           of performance measures for programs funded  
5           through the Workforce Development Education  
6           Fund to include placement or retention in  
7           high-skill, high-wage occupations defined by  
8           guidelines of the Workforce Development Board;  
9           correcting organizational references; expanding  
10          funding emphasis to include programs consistent  
11          with workforce needs of private enterprise and  
12          regional economic development strategies;  
13          amending s. 288.046, F.S.; revising legislative  
14          intent for the quick-response training program;  
15          amending s. 288.047, F.S.; abolishing the  
16          Quick-Response Advisory Committee; authorizing  
17          funding for retraining of current employees to  
18          meet changing skill requirements under certain  
19          conditions; prohibiting funding to reimburse  
20          businesses for trainee wages; prescribing that  
21          grant terms may not exceed 24 months; providing  
22          for funding priority for businesses located in  
23          a brownfield area; revising grant agreement  
24          requirements; eliminating authority to procure  
25          certain equipment; prohibiting the state from  
26          seeking copyright protection for certain  
27          instructional materials; amending s. 288.9950,  
28          F.S.; revising principles of the Workforce  
29          Florida Act of 1996; amending s. 288.9951,  
30          F.S.; revising elements of a plan for a  
31          one-stop career center electronic network;

1           revising required components of such network;  
2           extending a deadline for coordination of  
3           systems under such network; amending s.  
4           288.9952, F.S.; authorizing the Workforce  
5           Development Board to spend, manage, and  
6           administer certain federal workforce  
7           development funds; directing the board to make  
8           recommendations related to a system to project  
9           labor market demand using research tools deemed  
10          appropriate by the board; revising the deadline  
11          for an annual report on performance of the  
12          workforce system; amending s. 288.9953, F.S.;  
13          revising the membership and appointment process  
14          of high skills/high wages committees  
15          established by regional workforce development  
16          boards; requiring the committees to report  
17          annually on occupations critical to business  
18          retention, expansion, and recruitment; amending  
19          s. 288.9956, F.S.; revising uses and allocation  
20          of certain federal Workforce Investment Act  
21          funds; reserving funds for the Incumbent Worker  
22          Training Program; providing for the Incumbent  
23          Worker Training Program to be administered by  
24          the Workforce Development Board; authorizing  
25          the board to contract for grant administration;  
26          expanding funding priority to certain  
27          businesses; clarifying uses of appropriations  
28          for the Incumbent Worker Training Program;  
29          revising a report deadline under such program;  
30          amending s. 288.0656, F.S.; conforming a  
31          cross-reference; providing an effective date.

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

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3 Section 1. Paragraph (c) of subsection (4) and  
4 subsection (9) of section 239.115, Florida Statutes, are  
5 amended to read:

6 239.115 Funds for operation of adult general education  
7 and vocational education programs.--

8 (4) The Florida Workforce Development Education Fund  
9 is created to provide performance-based funding for all  
10 workforce development programs, whether the programs are  
11 offered by a school district or a community college. Funding  
12 for all workforce development education programs must be from  
13 the Workforce Development Education Fund and must be based on  
14 cost categories, performance output measures, and performance  
15 outcome measures. This subsection takes effect July 1, 1999.

16 (c) The performance outcome measures for programs  
17 funded through the Workforce Development Education Fund are  
18 associated with placement and retention of students after  
19 reaching a completion point or completing a program of study.  
20 These measures include placement or retention in employment  
21 that is related to the program of study; placement into or  
22 retention in employment in an occupation on the Occupational  
23 Forecasting Conference list of high-wage, high-skill  
24 occupations with sufficient openings, or in other high-wage,  
25 high-skill occupations as defined in guidelines set by the  
26 Workforce Development Board; and placement and retention of  
27 WAGES clients or former WAGES clients in employment.  
28 Continuing postsecondary education at a level that will  
29 further enhance employment is a performance outcome for adult  
30 general education programs. Placement and retention must be  
31 reported pursuant to ss. 229.8075 and 239.233.

1           (9) The Department of Education, the State Board of  
2 Community Colleges, and the Workforce Development Board ~~Jobs~~  
3 ~~and Education Partnership~~ shall provide the Legislature with  
4 recommended formulas, criteria, timeframes, and mechanisms for  
5 distributing performance funds. The commissioner shall  
6 consolidate the recommendations and develop a consensus  
7 proposal for funding. The Legislature shall adopt a formula  
8 and distribute the performance funds to the Division of  
9 Community Colleges and the Division of Workforce Development  
10 through the General Appropriations Act. These recommendations  
11 shall be based on formulas that would discourage  
12 low-performing or low-demand programs and encourage through  
13 performance-funding awards:

14           (a) Programs that prepare people to enter high-wage  
15 occupations identified by the Occupational Forecasting  
16 Conference created by s. 216.136 and other programs as  
17 approved by the Workforce Development Board ~~Jobs and Education~~  
18 ~~Partnership~~. At a minimum, performance incentives shall be  
19 calculated for adults who reach completion points or complete  
20 programs that lead to specified high-wage employment and to  
21 their placement in that employment.

22           (b) Programs that successfully prepare adults who are  
23 eligible for public assistance, economically disadvantaged,  
24 disabled, not proficient in English, or dislocated workers for  
25 high-wage occupations. At a minimum, performance incentives  
26 shall be calculated at an enhanced value for the completion of  
27 adults identified in this paragraph and job placement of such  
28 adults upon completion. In addition, adjustments may be made  
29 in payments for job placements for areas of high unemployment.

30           (c) Programs specifically designed to be consistent  
31 with the workforce needs of private enterprise and regional

1 economic development strategies as defined in guidelines set  
2 by the Workforce Development Board. The Workforce Development  
3 Board shall develop guidelines to identify such needs and  
4 strategies based on localized research of private employers  
5 and economic development practitioners.

6 (d)(c) Programs identified by the Workforce  
7 Development Board ~~Jobs and Education Partnership~~ as increasing  
8 the effectiveness and cost efficiency of education.

9 Section 2. Section 288.046, Florida Statutes, is  
10 amended to read:

11 288.046 Quick-response training; legislative  
12 intent.--The Legislature recognizes the importance of  
13 providing a skilled workforce for attracting new industries  
14 and retaining and expanding existing businesses and industries  
15 in this state. It is the intent of the Legislature that a  
16 program exist to meet the short-term, immediate,  
17 workforce-skill needs of such businesses and industries. It  
18 is further the intent of the Legislature that funds provided  
19 for the purposes of s. 288.047 be expended on businesses and  
20 industries that support the state's economic development  
21 goals, particularly high value-added businesses ~~in Florida's~~  
22 ~~Targeted Industrial Clusters~~ or businesses that locate in and  
23 provide jobs in the state's distressed urban and rural areas,  
24 and that instruction funded pursuant to s. 288.047 lead to  
25 permanent, quality employment opportunities.

26 Section 3. Section 288.047, Florida Statutes, is  
27 amended to read:

28 288.047 Quick-response training for economic  
29 development.--

30 (1) The Quick-Response Training Program is created to  
31 meet the workforce-skill needs of existing, new, and expanding

1 industries. The program shall be administered by Enterprise  
2 Florida, Inc., in conjunction with the Department of  
3 Education. Enterprise Florida, Inc., shall adopt guidelines  
4 for the administration of this program. Enterprise Florida,  
5 Inc., shall provide technical services and shall identify  
6 businesses that seek services through the program. ~~The~~  
7 ~~Department of Education shall provide services related to the~~  
8 ~~development and implementation of instructional programs.~~

9 ~~(2)(a) A Quick-Response Advisory Committee, composed~~  
10 ~~of the director of the Division of Workforce Development of~~  
11 ~~the Department of Education; the director of the Division of~~  
12 ~~Community Colleges of the Department of Education; and the~~  
13 ~~director of the Division of Jobs and Benefits of the~~  
14 ~~Department of Labor and Employment Security, or their~~  
15 ~~respective designees, and four private sector members, shall~~  
16 ~~review training funded through this program and shall provide~~  
17 ~~policy advice to Enterprise Florida, Inc., in the~~  
18 ~~implementation of this program. The committee shall elect a~~  
19 ~~chair from among its members. Members of the committee may~~  
20 ~~receive reimbursement for per diem and travel expenses as~~  
21 ~~provided in s. 112.061.~~

22 ~~(b) The four private sector members appointed to the~~  
23 ~~Quick-Response Advisory Committee must be selected from a~~  
24 ~~slate of nominees submitted by the board of directors of~~  
25 ~~Enterprise Florida, Inc. The president of Enterprise Florida,~~  
26 ~~Inc., shall appoint private sector members from this slate for~~  
27 ~~terms of 4 years, except that in making the initial~~  
28 ~~appointments, the president shall appoint members for~~  
29 ~~staggered terms, one for 1 year, 2 years, 3 years, and 4~~  
30 ~~years, respectively. To the maximum extent possible, the~~  
31 ~~president shall select private sector members who are~~

1 ~~representative of diverse industries and regions of the state.~~  
2 ~~The importance of minority representation must be considered~~  
3 ~~when making appointments for each private sector position.~~  
4 ~~Private sector members may be removed for cause. Absence from~~  
5 ~~three consecutive meetings results in the automatic removal of~~  
6 ~~a private sector member.~~

7 ~~(c) The Quick-Response Advisory Committee shall meet~~  
8 ~~at the call of its chair, at the request of a majority of the~~  
9 ~~membership, at the request of Enterprise Florida, Inc., or at~~  
10 ~~times prescribed by its rules. The committee shall serve to~~  
11 ~~advise Enterprise Florida, Inc., regarding the administration~~  
12 ~~of the Quick-Response Training Program.~~

13 ~~(2)(3)~~ Enterprise Florida, Inc., shall ensure that  
14 instruction funded pursuant to this section is not available  
15 through the local community college or school district, ~~or~~  
16 ~~private industry council~~ and that the instruction promotes  
17 economic development by providing specialized training  
18 ~~entry-level skills~~ to new workers or retraining for  
19 ~~supplemental skills~~ to current employees to meet changing  
20 skill requirements caused by new technology or new product  
21 lines and to prevent potential layoffs ~~whose job descriptions~~  
22 ~~are changing~~. Such funds may not be expended ~~to subsidize the~~  
23 ~~ongoing staff development program of any business or industry~~  
24 ~~or~~ to provide training for instruction related to retail  
25 businesses or to reimburse businesses for trainee wages. Funds  
26 made available pursuant to this section may not be expended in  
27 connection with the relocation of a business from one  
28 community to another community in this state unless Enterprise  
29 Florida, Inc., determines that without such relocation the  
30 business will move outside this state or determines that the  
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1 business has a compelling economic rationale for the  
2 relocation which creates additional jobs.

3       (3)~~(4)~~ Requests for funding through the Quick-Response  
4 Training Program may be produced through inquiries from a  
5 specific business or industry, inquiries from a school  
6 district director of career education or community college  
7 occupational dean on behalf of a business or industry, or  
8 through official state or local economic development efforts.  
9 In allocating funds for the purposes of the program,  
10 Enterprise Florida, Inc., shall establish criteria for  
11 approval of requests for funding and shall select the entity  
12 that provides the most efficient, cost-effective instruction  
13 meeting such criteria. Program funds may be allocated to any  
14 area technical center, community college, or state university.  
15 Program funds may be allocated to private postsecondary  
16 institutions only upon a review that includes, but is not  
17 limited to, accreditation and licensure documentation and  
18 prior approval by Enterprise Florida, Inc.~~a majority of the~~  
19 ~~advisory committee.~~ Instruction funded through the program  
20 must terminate when participants demonstrate competence at the  
21 level specified in the request; however, the grant term  
22 ~~instruction~~ may not exceed 24 ~~18~~ months. Costs and  
23 expenditures for the Quick-Response Training Program must be  
24 documented and separated from those incurred by the training  
25 provider.

26       (4)~~(5)~~ For the first 6 months of each fiscal year,  
27 Enterprise Florida, Inc., shall set aside 30 percent of the  
28 amount appropriated for the Quick-Response Training Program by  
29 the Legislature to fund instructional programs for businesses  
30 located in an enterprise zone or brownfield area ~~to instruct~~  
31 ~~residents of an enterprise zone.~~ Any unencumbered funds



1 remaining undisbursed from this set-aside at the end of the  
2 6-month period may be used to provide funding for any program  
3 qualifying for funding pursuant to this section.

4 (5)~~(6)~~ Prior to the allocation of funds for any  
5 request pursuant to this section, Enterprise Florida, Inc.,  
6 shall prepare a grant agreement between the business or  
7 industry requesting funds, the educational institution  
8 receiving funding through the program, and Enterprise Florida,  
9 Inc. Such agreement must include, but is not limited to:

10 ~~(a) An identification of the facility in which the~~  
11 ~~instruction will be conducted and the respective~~  
12 ~~responsibilities of the parties for paying costs associated~~  
13 ~~with facility use.~~

14 ~~(b) An identification of the equipment necessary to~~  
15 ~~conduct the program, the respective responsibilities of the~~  
16 ~~parties for paying costs associated with equipment purchase,~~  
17 ~~maintenance, and repair, as well as an identification of which~~  
18 ~~party owns the equipment upon completion of the instruction.~~

19 (a)~~(c)~~ An identification of the personnel necessary to  
20 conduct the instructional program, the qualifications of such  
21 personnel, and the respective responsibilities of the parties  
22 for paying costs associated with the employment of such  
23 personnel.

24 (b)~~(d)~~ An identification of the estimated length of  
25 the instructional program. ~~Such program may not exceed 12~~  
26 ~~months of full-time instruction or 18 months of total~~  
27 ~~instruction.~~

28 (c) An identification of all direct, training-related  
29 costs, including tuition and fees, curriculum development,  
30 books and classroom materials, and overhead or indirect costs  
31 not to exceed 5 percent of the grant amount.

1           (d)~~(e)~~ An identification of special program  
2 requirements that are not addressed otherwise in the  
3 agreement.

4           (e)~~(f)~~ Permission to access information specific to  
5 the wages and performance of participants upon the completion  
6 of instruction for evaluation purposes. Information which, if  
7 released, would disclose the identity of the person to whom  
8 the information pertains or disclose the identity of the  
9 person's employer is confidential and exempt from the  
10 provisions of s. 119.07(1). The agreement must specify that  
11 any evaluations published subsequent to the instruction may  
12 not identify the employer or any individual participant.

13           (6)~~(7)~~ For the purposes of this section, Enterprise  
14 Florida, Inc., may accept grants of money, materials,  
15 services, or property of any kind from any agency,  
16 corporation, or individual.

17           ~~(8) Enterprise Florida, Inc., may procure equipment as~~  
18 ~~necessary to meet the purposes of this section. Title to and~~  
19 ~~control of such equipment is vested in the Department of~~  
20 ~~Education. Upon the conclusion of instruction, the Department~~  
21 ~~of Education may transfer title to the district school board,~~  
22 ~~community college district board of trustees, or Board of~~  
23 ~~Regents on behalf of a specific state university, where the~~  
24 ~~equipment is physically located. The department may also~~  
25 ~~lease such equipment to the district school board, community~~  
26 ~~college district board of trustees, or Board of Regents for a~~  
27 ~~maximum of 1 year. Such lease may provide for automatic~~  
28 ~~renewal. Either party to a lease has the right to cancel the~~  
29 ~~lease upon a 60-day notice in writing. Any equipment for which~~  
30 ~~no title transfer or lease exists must be returned to a~~

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1 ~~warehouse reserve and be available for use by an instructional~~  
2 ~~program in any area of the state.~~

3       (7)(9) In providing instruction pursuant to this  
4 section, materials that relate to methods of manufacture or  
5 production, potential trade secrets, business transactions, or  
6 proprietary information received, produced, ascertained, or  
7 discovered by employees of the respective departments,  
8 district school boards, community college district boards of  
9 trustees, or other personnel employed for the purposes of this  
10 section is confidential and exempt from the provisions of s.  
11 119.07(1). The state may seek copyright protection for all  
12 instructional materials and ancillary written documents  
13 developed wholly or partially with state funds as a result of  
14 instruction provided pursuant to this section, except for  
15 materials that are confidential and exempt from the provisions  
16 of s. 119.07(1).

17       (8)(10) There is created a Quick-Response Training  
18 Program for Work and Gain Economic Self-sufficiency (WAGES)  
19 participants. Enterprise Florida, Inc., may, at the discretion  
20 of the State WAGES Emergency Response Team, award  
21 quick-response training grants and develop applicable  
22 guidelines for the training of participants in the WAGES  
23 Program. In addition to a local economic development  
24 organization, grants must be endorsed by the applicable local  
25 WAGES coalition and regional workforce development board.

26       (a) Training funded pursuant to this subsection may  
27 not exceed 12 months, and may be provided by the local  
28 community college, school district, regional workforce  
29 development board, or the business employing the participant,  
30 including on-the-job training. Training will provide

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1 entry-level skills to new workers, including those employed in  
2 retail, who are participants in the WAGES Program.

3 (b) WAGES participants trained pursuant to this  
4 subsection must be employed at a wage not less than \$6.00 per  
5 hour.

6 (c) Funds made available pursuant to this subsection  
7 may be expended in connection with the relocation of a  
8 business from one community to another community if approved  
9 by the State WAGES Emergency Response Team.

10 Section 4. Paragraph (g) of subsection (3) of section  
11 288.9950, Florida Statutes, is amended to read:

12 288.9950 Workforce Florida Act of 1996.--

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

14 (g) Job training curricula must be developed in  
15 concert with the input and needs of existing employers and  
16 businesses, and must consider the anticipated demand for  
17 targeted job opportunities, as specified by the Occupational  
18 Forecasting Conference under s. 216.136 and other research  
19 tools deemed appropriate by the Workforce Development Board.

20 Section 5. Subsection (9) of section 288.9951, Florida  
21 Statutes, is amended to read:

22 288.9951 One-Stop Career Centers.--

23 (9)(a) The Department of Management Services, working  
24 with the Workforce Development Board, shall coordinate among  
25 the agencies a plan for a One-Stop Career Center Electronic  
26 Network made up of One-Stop Career Centers that are operated  
27 by authorized public or private for-profit or not-for-profit  
28 agents. The plan shall identify resources within existing  
29 revenues to establish and support this electronic network for  
30 service delivery that includes Government Services Direct. If

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1 necessary, the plan shall specify additional revenues needed  
2 to fulfill the requirements of this subsection.

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

11 1. The Unemployment Compensation System of the  
12 Department of Labor and Employment Security.

13 2. The Job Service System of the Department of Labor  
14 and Employment Security.

15 3. The FLORIDA System and the components related to  
16 WAGES, food stamps, and Medicaid eligibility.

17 4. The Workers' Compensation System of the Department  
18 of Labor and Employment Security.

19 5. The Student Financial Assistance System of the  
20 Department of Education.

21 6. Enrollment in the public postsecondary education  
22 system.

23 7. Other information systems deemed appropriate by the  
24 Workforce Development Board.

25  
26 The systems shall be fully coordinated at both the state and  
27 local levels by January 1, 2001 ~~2000~~.

28 Section 6. Paragraph (f) is added to subsection (4) of  
29 section 288.9952, Florida Statutes, and paragraph (e) of  
30 subsection (6) and paragraph (g) of subsection (9) of that  
31 section are amended, to read:

1           288.9952 Workforce Development Board.--

2           (4) The Workforce Development Board shall have all the  
3 powers and authority, not explicitly prohibited by statute,  
4 necessary or convenient to carry out and effectuate the  
5 purposes as determined by statute, Pub. L. No. 105-220, and  
6 the Governor, as well as its functions, duties, and  
7 responsibilities, including, but not limited to, the  
8 following:

9           (f) Ensuring that state expenditures of federal  
10 workforce funds are in keeping with the requirements of  
11 federal guidelines and the purposes of this state's overall  
12 workforce development goals. For such purposes, the Workforce  
13 Development Board shall have authority to spend, manage, and  
14 administer funds under Title I of the Workforce Investment Act  
15 of 1998 and the Wagner-Peyser Act received by this state from  
16 the Federal Government for purposes of workforce development.

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

28           (e) A system to project and evaluate labor market  
29 supply and demand using the results of the Occupational  
30 Forecasting Conference created in s. 216.136, ~~and~~ the career  
31 education performance standards identified under s. 239.233,

1 and other research tools deemed appropriate by the Workforce  
2 Development Board.

3 (9) The Workforce Development Board, in collaboration  
4 with the regional workforce development boards and appropriate  
5 state agencies and local public and private service providers,  
6 and in consultation with the Office of Program Policy Analysis  
7 and Government Accountability, shall establish uniform  
8 measures and standards to gauge the performance of the  
9 workforce development strategy. These measures and standards  
10 must be organized into three outcome tiers.

11 (g) By December ~~October~~ 15 of each year, the Workforce  
12 Development Board shall provide the Legislature with a report  
13 detailing the performance of Florida's workforce development  
14 system, as reflected in the three-tier measurement system.  
15 Additionally, this report must benchmark Florida outcomes, at  
16 all tiers, against other states that collect data similarly.

17 Section 7. Subsection (7) of section 288.9953, Florida  
18 Statutes, is amended to read:

19 288.9953 Regional Workforce Development Boards.--

20 (7) Each regional workforce development board shall  
21 establish a high skills/high wages committee consisting of at  
22 least five private-sector business representatives appointed  
23 in consultation with local chambers of commerce by the primary  
24 county economic development organization within the region, as  
25 identified by Enterprise Florida, Inc.; a representative of  
26 each primary county economic development organization within  
27 the region; ~~including~~ the regional workforce development  
28 board chair; the presidents of all community colleges within  
29 the board's region; those district school superintendents with  
30 authority for conducting postsecondary educational programs  
31 within the region; and a representative from a nonpublic

1 postsecondary educational institution that is an authorized  
2 individual training account provider within the region,  
3 appointed by the regional workforce development board chair.  
4 The business representatives appointed by primary county  
5 economic development organizations ~~other than the board chair~~  
6 need not be members of the regional workforce development  
7 board and shall represent those industries that are of primary  
8 importance to the region's current and future economy. In a  
9 multi-county region, each primary county economic development  
10 organization within the region shall appoint at least one  
11 business representative and shall consult with the other  
12 primary county economic development organizations within the  
13 region to make joint appointments when necessary.

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

17 1. Policies to enhance the responsiveness of high  
18 skills/high wages programs in its region to business and  
19 economic development opportunities.

20 2. Integrated use of state education and federal  
21 workforce development funds to enhance the training and  
22 placement of designated population individuals with local  
23 businesses and industries.

24 (b) After fiscal year 1999-2000, the Workforce  
25 Development Board has the discretion to decrease the frequency  
26 of reporting by the high skills/high wages committees, but the  
27 committees shall meet and submit ~~any~~ recommendations  
28 consistent with those described in paragraph (a) at least  
29 annually. The committees shall also make reports to the  
30 Workforce Development Board annually, on dates specified by  
31 the Workforce Development Board, which identify occupations in



1 the region deemed critical to business retention, expansion,  
2 and recruitment activities, based on guidelines set by the  
3 Workforce Development Board. Such guidelines shall include  
4 research concerning the workforce needs of private employers  
5 in the region in consultation with local chambers of commerce  
6 and economic development organizations. Occupations identified  
7 pursuant to this paragraph shall be considered by the  
8 Workforce Development Board for inclusion in the region's  
9 targeted occupation list.

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

15 Section 8. Paragraph (a) of subsection (3) of section  
16 288.9956, Florida Statutes, is amended to read:

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

19 (3) FUNDING.--

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

27 1. At least 50 percent of the Title I funds for Adults  
28 and Dislocated Workers that are passed through to regional  
29 workforce development boards shall be allocated to Individual  
30 Training Accounts unless a regional workforce development  
31 board obtains a waiver from the Workforce Development Board.

1 Tuition, fees, and performance-based incentive awards paid in  
2 compliance with Florida's Performance-Based Incentive Fund  
3 Program qualify as an Individual Training Account expenditure,  
4 as do other programs developed by regional workforce  
5 development boards in compliance with the Workforce  
6 Development Board's policies.

7         2. Fifteen percent of Title I funding shall be  
8 retained at the state level and shall be dedicated to state  
9 administration and used to design, develop, induce, and fund  
10 innovative Individual Training Account pilots, demonstrations,  
11 and programs. Of such funds retained at the state level, \$2  
12 million shall be reserved for the Incumbent Worker Training  
13 Program, under subparagraph 3.Eligible state administration  
14 costs include the costs of: funding of the Workforce  
15 Development Board and Workforce Development Board's staff;  
16 operating fiscal, compliance, and management accountability  
17 systems through the Workforce Development Board; conducting  
18 evaluation and research on workforce development activities;  
19 and providing technical and capacity building assistance to  
20 regions at the direction of the Workforce Development Board.  
21 Notwithstanding s. 288.9952, such administrative costs shall  
22 not exceed 25 percent of these funds. An amount not to exceed  
23 75 ~~Seventy~~ percent of these funds shall be allocated to  
24 Individual Training Accounts and other training delivery  
25 systems for: the Minority Teacher Education Scholars program,  
26 the Certified Teacher-Aide program, the Self-Employment  
27 Institute, and other training ~~Individual Training Accounts~~  
28 designed and tailored by the Workforce Development Board,  
29 including, but not limited to, programs for incumbent workers,  
30 displaced homemakers, nontraditional employment, empowerment  
31 zones, and enterprise zones. The Workforce Development Board

1 shall design, adopt, and fund Individual Training Accounts for  
2 distressed urban and rural communities. ~~The remaining 5~~  
3 ~~percent shall be reserved for the Incumbent Worker Training~~  
4 ~~Program.~~

5           3. The Incumbent Worker Training Program is created  
6 for the purpose of providing grant funding for continuing  
7 education and training of incumbent employees at existing  
8 Florida businesses. The program will provide reimbursement  
9 grants to businesses that pay for preapproved, direct,  
10 training-related costs.

11           a. The Incumbent Worker Training Program will be  
12 administered by ~~a private business organization, known as the~~  
13 ~~grant administrator, under contract with~~ the Workforce  
14 Development Board. The Workforce Development Board, at its  
15 discretion, is authorized to contract with a private business  
16 organization to serve as grant administrator.

17           b. To be eligible for the program's grant funding, a  
18 business must have been in operation in Florida for a minimum  
19 of 1 year prior to the application for grant funding; have at  
20 least one full-time employee; demonstrate financial viability;  
21 and be current on all state tax obligations. Priority for  
22 funding shall be given to businesses with 25 employees or  
23 fewer, businesses in rural areas, businesses in distressed  
24 inner-city areas, businesses in a qualified targeted industry,  
25 ~~or~~ businesses whose grant proposals represent a significant  
26 upgrade in employee skills, or businesses whose grant  
27 proposals represent a significant layoff aversion strategy.

28           c. All costs reimbursed by the program must be  
29 preapproved by the grant administrator. The program will not  
30 reimburse businesses for trainee wages, the purchase of  
31 capital equipment, or the purchase of any item or service that

1 may possibly be used outside the training project. A business  
2 approved for a grant may be reimbursed for preapproved,  
3 direct, training-related costs including tuition and fees;  
4 books and classroom materials; and overhead or indirect  
5 ~~administrative~~ costs not to exceed 5 percent of the grant  
6 amount.

7 d. A business that is selected to receive grant  
8 funding must provide a matching contribution to the training  
9 project, including but not limited to, wages paid to trainees  
10 or the purchase of capital equipment used in the training  
11 project; must sign an agreement with the grant administrator  
12 to complete the training project as proposed in the  
13 application; must keep accurate records of the project's  
14 implementation process; and must submit monthly or quarterly  
15 reimbursement requests with required documentation.

16 e. All Incumbent Worker Training Program grant  
17 projects shall be performance-based with specific measurable  
18 performance outcomes, including completion of the training  
19 project and job retention. The grant administrator shall  
20 withhold the final payment to the grantee until a final grant  
21 report is submitted and all performance criteria specified in  
22 the grant contract have been achieved.

23 f. The Workforce Development Board is authorized to  
24 establish guidelines necessary to implement the Incumbent  
25 Worker Training Program.

26 g. No more than 10 percent of the Incumbent Worker  
27 Training Program's total appropriation may be used by the  
28 grant administrator for overhead or indirect ~~administrative~~  
29 purposes.

30 h. The grant administrator is required to submit a  
31 report to the Workforce Development Board and the Legislature

1 on the financial and general operations of the Incumbent  
2 Worker Training Program. Such report will be due before  
3 October ~~December~~ 1 of any fiscal year for which the program is  
4 funded by the Legislature.

5 4. At least 50 percent of Rapid Response funding shall  
6 be dedicated to Intensive Services Accounts and Individual  
7 Training Accounts for dislocated workers and incumbent workers  
8 who are at risk of dislocation. The Workforce Development  
9 Board shall also maintain an Emergency Preparedness Fund from  
10 Rapid Response funds which will immediately issue Intensive  
11 Service Accounts and Individual Training Accounts as well as  
12 other federally authorized assistance to eligible victims of  
13 natural or other disasters. At the direction of the Governor,  
14 for events that qualify under federal law, these Rapid  
15 Response funds shall be released to regional workforce  
16 development boards for immediate use. Funding shall also be  
17 dedicated to maintain a unit at the state level to respond to  
18 Rapid Response emergencies around the state, to work with  
19 state emergency management officials, and to work with  
20 regional workforce development boards. All Rapid Response  
21 funds must be expended based on a plan developed by the  
22 Workforce Development Board and approved by the Governor.

23 Section 9. Subsection (7) of section 288.0656, Florida  
24 Statutes, is amended to read:

25 288.0656 Rural Economic Development Initiative.--

26 (7) REDI may recommend to the Governor up to three  
27 rural areas of critical economic concern. A rural area of  
28 critical economic concern must be a rural community, or a  
29 region composed of such, that has been adversely affected by  
30 an extraordinary economic event or a natural disaster or that  
31 presents a unique economic development opportunity of regional

1 impact that will create more than 1,000 jobs over a 5-year  
2 period. The Governor may by executive order designate up to  
3 three rural areas of critical economic concern which will  
4 establish these areas as priority assignments for REDI as well  
5 as to allow the Governor, acting through REDI, to waive  
6 criteria, requirements, or similar provisions of any economic  
7 development incentive. Such incentives shall include, but not  
8 be limited to: the Qualified Target Industry Tax Refund  
9 Program under s. 288.106, the Quick Response Training Program  
10 under s. 288.047, the WAGES Quick-Response ~~Quick-Response~~  
11 Training Program under s. 288.047(8)~~s. 288.047(10)~~,  
12 transportation projects under s. 288.063, the brownfield  
13 redevelopment bonus refund under s. 288.107, and the rural job  
14 tax credit program under ss. 212.098 and 220.1895. Designation  
15 as a rural area of critical economic concern under this  
16 subsection shall be contingent upon the execution of a  
17 memorandum of agreement among the Office of Tourism, Trade,  
18 and Economic Development; the governing body of the county;  
19 and the governing bodies of any municipalities to be included  
20 within a rural area of critical economic concern. Such  
21 agreement shall specify the terms and conditions of the  
22 designation, including, but not limited to, the duties and  
23 responsibilities of the county and any participating  
24 municipalities to take actions designed to facilitate the  
25 retention and expansion of existing businesses in the area, as  
26 well as the recruitment of new businesses to the area.

27 Section 10. This act shall take effect upon becoming a  
28 law.

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SENATE SUMMARY

Revises miscellaneous provisions relating to workforce development and training, generally providing additional powers and duties to the Workforce Development Board. (See bill for details.)