

By the Committee on Commerce and Economic Opportunities; and  
Senator Kirkpatrick

310-1813-00

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

1           amending s. 288.0656, F.S.; conforming a  
2           cross-reference; providing an effective date.

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

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

9           239.115 Funds for operation of adult general education  
10 and vocational education programs.--

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

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

1 further enhance employment is a performance outcome for adult  
2 general education programs. Placement and retention must be  
3 reported pursuant to ss. 229.8075 and 239.233.

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

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

25 (b) Programs that successfully prepare adults who are  
26 eligible for public assistance, economically disadvantaged,  
27 disabled, not proficient in English, or dislocated workers for  
28 high-wage occupations. At a minimum, performance incentives  
29 shall be calculated at an enhanced value for the completion of  
30 adults identified in this paragraph and job placement of such  
31

1 adults upon completion. In addition, adjustments may be made  
2 in payments for job placements for areas of high unemployment.

3 (c) Programs specifically designed to be consistent  
4 with the workforce needs of private enterprise and regional  
5 economic development strategies as defined in guidelines set  
6 by the Workforce Development Board. The Workforce Development  
7 Board shall develop guidelines to identify such needs and  
8 strategies based on localized research of private employers  
9 and economic development practitioners.

10 (d)(e) Programs identified by the Workforce  
11 Development Board Jobs and Education Partnership as increasing  
12 the effectiveness and cost efficiency of education.

13 Section 2. Section 288.046, Florida Statutes, is  
14 amended to read:

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

30 Section 3. Section 288.047, Florida Statutes, is  
31 amended to read:

1           288.047 Quick-response training for economic  
2 development.--

3           (1) The Quick-Response Training Program is created to  
4 meet the workforce-skill needs of existing, new, and expanding  
5 industries. The program shall be administered by Enterprise  
6 Florida, Inc., in conjunction with the Department of  
7 Education. Enterprise Florida, Inc., shall adopt guidelines  
8 for the administration of this program. Enterprise Florida,  
9 Inc., shall provide technical services and shall identify  
10 businesses that seek services through the program. ~~The~~  
11 ~~Department of Education shall provide services related to the~~  
12 ~~development and implementation of instructional programs.~~

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

26           ~~(b) The four private sector members appointed to the~~  
27 ~~Quick-Response Advisory Committee must be selected from a~~  
28 ~~slate of nominees submitted by the board of directors of~~  
29 ~~Enterprise Florida, Inc. The president of Enterprise Florida,~~  
30 ~~Inc., shall appoint private sector members from this slate for~~  
31 ~~terms of 4 years, except that in making the initial~~

1 ~~appointments, the president shall appoint members for~~  
2 ~~staggered terms, one for 1 year, 2 years, 3 years, and 4~~  
3 ~~years, respectively. To the maximum extent possible, the~~  
4 ~~president shall select private sector members who are~~  
5 ~~representative of diverse industries and regions of the state.~~  
6 ~~The importance of minority representation must be considered~~  
7 ~~when making appointments for each private sector position.~~  
8 ~~Private sector members may be removed for cause. Absence from~~  
9 ~~three consecutive meetings results in the automatic removal of~~  
10 ~~a private sector member.~~

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

17 ~~(2)(3)~~ Enterprise Florida, Inc., shall ensure that  
18 instruction funded pursuant to this section is not available  
19 through the local community college ~~or~~ school district, ~~or~~  
20 private industry council and that the instruction promotes  
21 economic development by providing specialized training  
22 entry-level skills to new workers or retraining for  
23 supplemental skills to current employees to meet changing  
24 skill requirements caused by new technology or new product  
25 lines and to prevent potential layoffs ~~whose job descriptions~~  
26 are changing. Such funds may not be expended to subsidize the  
27 ongoing staff development program of any business or industry  
28 or to provide training for instruction related to retail  
29 businesses or to reimburse businesses for trainee wages. Funds  
30 made available pursuant to this section may not be expended in  
31 connection with the relocation of a business from one

1 community to another community in this state unless Enterprise  
2 Florida, Inc., determines that without such relocation the  
3 business will move outside this state or determines that the  
4 business has a compelling economic rationale for the  
5 relocation which creates additional jobs.

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

29 (4)~~(5)~~ For the first 6 months of each fiscal year,  
30 Enterprise Florida, Inc., shall set aside 30 percent of the  
31 amount appropriated for the Quick-Response Training Program by



1 the Legislature to fund instructional programs for businesses  
2 located in an enterprise zone or brownfield area ~~to instruct~~  
3 ~~residents of an enterprise zone~~. Any unencumbered funds  
4 remaining undisbursed from this set-aside at the end of the  
5 6-month period may be used to provide funding for any program  
6 qualifying for funding pursuant to this section.

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

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

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

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

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

31

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

5           ~~(d)(e)~~ An identification of special program  
6 requirements that are not addressed otherwise in the  
7 agreement.

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

17           ~~(6)(7)~~ For the purposes of this section, Enterprise  
18 Florida, Inc., may accept grants of money, materials,  
19 services, or property of any kind from any agency,  
20 corporation, or individual.

21           ~~(8)~~ Enterprise Florida, Inc., may procure equipment as  
22 necessary to meet the purposes of this section. Title to and  
23 control of such equipment is vested in the Department of  
24 Education. Upon the conclusion of instruction, the Department  
25 of Education may transfer title to the district school board,  
26 community college district board of trustees, or Board of  
27 Regents on behalf of a specific state university, where the  
28 equipment is physically located. The department may also  
29 lease such equipment to the district school board, community  
30 college district board of trustees, or Board of Regents for a  
31 maximum of 1 year. Such lease may provide for automatic

1 ~~renewal. Either party to a lease has the right to cancel the~~  
2 ~~lease upon a 60-day notice in writing. Any equipment for which~~  
3 ~~no title transfer or lease exists must be returned to a~~  
4 ~~warehouse reserve and be available for use by an instructional~~  
5 ~~program in any area of the state.~~

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

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

29 (a) Training funded pursuant to this subsection may  
30 not exceed 12 months, and may be provided by the local  
31 community college, school district, regional workforce

1 development board, or the business employing the participant,  
2 including on-the-job training. Training will provide  
3 entry-level skills to new workers, including those employed in  
4 retail, who are participants in the WAGES Program.

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

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

12 Section 4. Paragraph (g) of subsection (3) of section  
13 288.9950, Florida Statutes, is amended to read:

14 288.9950 Workforce Florida Act of 1996.--

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

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

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

24 288.9951 One-Stop Career Centers.--

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

1 service delivery that includes Government Services Direct. If  
2 necessary, the plan shall specify additional revenues needed  
3 to fulfill the requirements of this subsection.

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

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

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

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

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

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

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

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

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

29 Section 6. Paragraph (f) is added to subsection (4) of  
30 section 288.9952, Florida Statutes, and paragraph (e) of  
31

1 subsection (6) and paragraph (g) of subsection (9) of that  
2 section are amended, to read:

3 288.9952 Workforce Development Board.--

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

11 (f) Ensuring that state expenditures of federal  
12 workforce funds are in keeping with the requirements of  
13 federal guidelines and the purposes of this state's overall  
14 workforce development goals. For such purposes, the Workforce  
15 Development Board shall supervise the state agency designated  
16 by the state to receive funds from the Federal Government  
17 under Title I of the Workforce Investment Act of 1998 and the  
18 Wagner-Peyser Act, with regard to the expenditure, management,  
19 and administration of such funds for purposes of workforce  
20 development.

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

1 (e) A system to project and evaluate labor market  
2 supply and demand using the results of the Occupational  
3 Forecasting Conference created in s. 216.136,~~and~~ the career  
4 education performance standards identified under s. 239.233,  
5 and other research tools deemed appropriate by the Workforce  
6 Development Board.

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

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

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

23 288.9953 Regional Workforce Development Boards.--

24 (7) Each regional workforce development board shall  
25 establish a high skills/high wages committee consisting of at  
26 least five private-sector business representatives appointed  
27 in consultation with local chambers of commerce by the primary  
28 county economic development organizations within the region,  
29 as identified by Enterprise Florida, Inc.; a representative of  
30 each primary county economic development organization within  
31 the region;~~including~~ the regional workforce development

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

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

21 1. Policies to enhance the responsiveness of high  
22 skills/high wages programs in its region to business and  
23 economic development opportunities.

24 2. Integrated use of state education and federal  
25 workforce development funds to enhance the training and  
26 placement of designated population individuals with local  
27 businesses and industries.

28 (b) After fiscal year 1999-2000, the Workforce  
29 Development Board has the discretion to decrease the frequency  
30 of reporting by the high skills/high wages committees, but the  
31 committees shall meet and submit ~~any~~ recommendations



1 consistent with those described in paragraph (a) at least  
2 annually. The committees shall also make reports to the  
3 Workforce Development Board annually, on dates specified by  
4 the Workforce Development Board, which identify occupations in  
5 the region deemed critical to business retention, expansion,  
6 and recruitment activities, based on guidelines set by the  
7 Workforce Development Board. Such guidelines shall include  
8 research concerning the workforce needs of private employers  
9 in the region in consultation with local chambers of commerce  
10 and economic development organizations. Occupations identified  
11 pursuant to this paragraph shall be considered by the  
12 Workforce Development Board for inclusion in the region's  
13 targeted occupation list.

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

19 Section 8. Paragraph (a) of subsection (3) of section  
20 288.9956, Florida Statutes, is amended to read:

21 288.9956 Implementation of the federal Workforce  
22 Investment Act of 1998.--

23 (3) FUNDING.--

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

31

1           1. At least 50 percent of the Title I funds for Adults  
2 and Dislocated Workers that are passed through to regional  
3 workforce development boards shall be allocated to Individual  
4 Training Accounts unless a regional workforce development  
5 board obtains a waiver from the Workforce Development Board.  
6 Tuition, fees, and performance-based incentive awards paid in  
7 compliance with Florida's Performance-Based Incentive Fund  
8 Program qualify as an Individual Training Account expenditure,  
9 as do other programs developed by regional workforce  
10 development boards in compliance with the Workforce  
11 Development Board's policies.

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

1 Institute, and other training ~~Individual Training Accounts~~  
2 designed and tailored by the Workforce Development Board,  
3 including, but not limited to, programs for incumbent workers,  
4 displaced homemakers, nontraditional employment, empowerment  
5 zones, and enterprise zones. The Workforce Development Board  
6 shall design, adopt, and fund Individual Training Accounts for  
7 distressed urban and rural communities. ~~The remaining 5~~  
8 ~~percent shall be reserved for the Incumbent Worker Training~~  
9 ~~Program.~~

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

16 a. The Incumbent Worker Training Program will be  
17 administered by ~~a private business organization, known as the~~  
18 ~~grant administrator, under contract with~~ the Workforce  
19 Development Board. The Workforce Development Board, at its  
20 discretion, is authorized to contract with a private business  
21 organization to serve as grant administrator.

22 b. To be eligible for the program's grant funding, a  
23 business must have been in operation in Florida for a minimum  
24 of 1 year prior to the application for grant funding; have at  
25 least one full-time employee; demonstrate financial viability;  
26 and be current on all state tax obligations. Priority for  
27 funding shall be given to businesses with 25 employees or  
28 fewer, businesses in rural areas, businesses in distressed  
29 inner-city areas, businesses in a qualified targeted industry,  
30 ~~or~~ businesses whose grant proposals represent a significant  
31

1 upgrade in employee skills, or businesses whose grant  
2 proposals represent a significant layoff aversion strategy.

3 c. All costs reimbursed by the program must be  
4 preapproved by the grant administrator. The program will not  
5 reimburse businesses for trainee wages, the purchase of  
6 capital equipment, or the purchase of any item or service that  
7 may possibly be used outside the training project. A business  
8 approved for a grant may be reimbursed for preapproved,  
9 direct, training-related costs including tuition and fees;  
10 books and classroom materials; and overhead or indirect  
11 ~~administrative~~ costs not to exceed 5 percent of the grant  
12 amount.

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

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

29 f. The Workforce Development Board is authorized to  
30 establish guidelines necessary to implement the Incumbent  
31 Worker Training Program.

1           g. No more than 10 percent of the Incumbent Worker  
2 Training Program's total appropriation may be used by the  
3 grant administrator for overhead or indirect ~~administrative~~  
4 purposes.

5           h. The grant administrator is required to submit a  
6 report to the Workforce Development Board and the Legislature  
7 on the financial and general operations of the Incumbent  
8 Worker Training Program. Such report will be due before  
9 October ~~December~~ 1 of any fiscal year for which the program is  
10 funded by the Legislature.

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

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

31           288.0656 Rural Economic Development Initiative.--

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

1 retention and expansion of existing businesses in the area, as  
2 well as the recruitment of new businesses to the area.

3 Section 10. This act shall take effect July 1, 2000.

4

5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 SB 2178

7

8 The committee substitute differs from SB 2178 in that it:

9 Replaces language giving authority to the state Workforce  
10 Development Board to spend, manage, and administer certain  
11 federal funds with language mandating that the board is to  
12 supervise the expenditure, management, and administration of  
13 such funds by the state agency designated by the state to  
14 receive such funds.

15 Changes the effective date to July 1, 2000, from upon becoming  
16 a law.

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