

By Senator Garcia

39-911-01

See HB 313

1 A bill to be entitled
2 An act relating to job training; amending s.
3 446.609, F.S.; deleting a time-period
4 limitation for the "Jobs for Florida's
5 Graduates" school-to-work program; deleting
6 provisions relating to an endowment fund;
7 revising certain provisions relating to the
8 members of the board of directors of the
9 Florida Endowment Foundation for Florida
10 Graduates; revising criteria for certain
11 outcome goals; deleting provisions relating to
12 distribution of earnings on the endowment fund;
13 deleting provisions relating to startup
14 funding; revising annual report requirements;
15 requiring the State Board of Administration to
16 transfer all principal and interest in the
17 endowment fund to the foundation's board of
18 directors for certain purposes; repealing s. 3,
19 ch. 98-218, Laws of Florida, relating to a
20 temporary pilot apprenticeship program;
21 providing an effective date.

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

25 Section 1. Section 446.609, Florida Statutes, is
26 amended to read:

- 27 446.609 Jobs for Florida's Graduates Act.--
28 (1) SHORT TITLE.--This section may be cited as the
29 "Jobs for Florida's Graduates Act."
30 (2) DEFINITIONS.--For the purposes of this section:

1 (a) "Board" means the board of directors of the
2 Florida Endowment Foundation for Florida's Graduates.

3 (b) "Department" means the Department of Education.

4 (c) "Endowment fund" means an account established
5 within the Florida Endowment Foundation for Florida's
6 Graduates to provide a continuing and growing source of
7 revenue for school-to-work transition efforts.

8 (d) "Foundation" means the Florida Endowment
9 Foundation for Florida's Graduates.

10 (e) "Operating account" means an account established
11 under paragraph (7)~~(8)~~(h) to carry out the purposes of this
12 section.

13 (3) LEGISLATIVE INTENT.--The Legislature recognizes
14 that it is in the best interest of the citizens of this state
15 that the state have a well-educated and skilled workforce to
16 be competitive in a changing economy. It is the intent of the
17 Legislature to meet the challenge of ensuring a skilled
18 workforce by creating a formal program to facilitate the
19 important school-to-work transition and to provide additional
20 funding to achieve this goal. Accordingly, the Legislature
21 finds and declares that:

22 (a) The purpose of this section is to broaden the
23 participation and funding potential for further significant
24 support for Florida students who are approaching the
25 transition from school to work.

26 (b) It is appropriate to encourage individual and
27 corporate support and involvement, as well as state support
28 and involvement, to promote employment opportunities for
29 Florida's students.

30 (4) PROGRAM.--There is hereby created, ~~for an initial~~
31 ~~5-year period,~~ a school-to-work program to be known as Jobs

1 for Florida's Graduates which shall, ~~during the initial 5-year~~
2 ~~phase set forth in this section and~~ except as otherwise
3 provided by law or by rule of the Department of Education, be
4 operated in accordance with the process and outcome standards
5 of Jobs for America's Graduates, Inc. To that end, the board
6 shall enter into a sponsoring agreement with Jobs for
7 America's Graduates, Inc., to carry out the Jobs for America's
8 Graduates model within the state.

9 (a) ~~During the first year of operation, the Jobs for~~
10 ~~Florida's Graduates Program shall be operated in not less than~~
11 ~~25 nor more than 50 high schools in the state to be chosen by~~
12 ~~the board.~~ The goal of the program shall be to have a minimum
13 of 300 high schools participating in the program ~~by the end of~~
14 ~~the 2001-2002 school year.~~

15 (b) The schools chosen by the board to participate in
16 the program must represent a demographically balanced sample
17 population, include both urban and rural schools, and be
18 comprised of schools, including charter schools, in all
19 geographic areas of the state. Each school selected to
20 participate shall enter into a formal written agreement with
21 the board which, at a minimum, details the responsibilities of
22 each party and the process and outcome goals of the ~~initial~~
23 ~~5-year~~ Jobs for Florida's Graduates Program.

24 (c) Students shall be selected and approved for
25 participation in the program by the educational institutions
26 in which they are enrolled, and such selection and approval
27 shall be based on their being classified as ~~12th grade~~ at-risk
28 students pursuant to the Jobs for America's Graduates model.

29 ~~(5) REVENUE FOR THE ENDOWMENT FUND.--~~

30 ~~(a) An endowment fund is created as a long-term,~~
31 ~~stable, growing source of revenue to be administered by the~~

1 ~~foundation in accordance with rules promulgated by the~~
2 ~~department.~~

3 ~~(b) The principal of the endowment fund shall consist~~
4 ~~of legislative appropriations that are made to the endowment~~
5 ~~fund and bequests, gifts, grants, and donations as may be~~
6 ~~solicited from public or private sources by the foundation.~~

7 ~~(c) The State Board of Administration shall invest and~~
8 ~~reinvest moneys of the endowment fund principal in accordance~~
9 ~~with the provisions of ss. 215.44-215.53. Interest and~~
10 ~~investment income earned on the endowment fund principal shall~~
11 ~~be annually transmitted to the foundation, based upon a fiscal~~
12 ~~year which runs from July 1 through June 30, and shall be~~
13 ~~deposited in the foundation's operating account for~~
14 ~~distribution as provided in this section.~~

15 ~~(5)(6) THE FLORIDA ENDOWMENT FOUNDATION FOR FLORIDA'S~~
16 ~~GRADUATES.--~~

17 ~~(a) The Florida Endowment Foundation for Florida's~~
18 ~~Graduates is created as a direct-support organization of the~~
19 ~~Department of Education to encourage public and private~~
20 ~~support to enhance school-to-work transition. As a~~
21 ~~direct-support organization, the foundation shall operate~~
22 ~~under contract with the department and shall be:~~

23 1. A Florida corporation not for profit which is
24 incorporated under the provisions of chapter 617 and approved
25 by the Department of State.

26 2. Organized and operated exclusively to do the
27 following: raise funds; submit requests and receive grants
28 from the Federal Government, the state, private foundations,
29 and individuals; receive, hold, and administer property; and
30 make expenditures to or for the benefit of school-to-work
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1 transition programs approved by the board of directors of the
2 foundation.

3 (b) ~~As a direct-support organization,~~The foundation
4 shall:

5 1. Develop articles of incorporation.

6 2. Create a board of directors appointed by the
7 Commissioner of Education.

8 3. Perform an annual financial and performance review
9 to determine if the foundation is operating in a manner
10 consistent with the goals of the Legislature in providing
11 assistance for school-to-work transitions.

12 4. Provide a mechanism for the reversion to the state
13 of moneys in the foundation and in any other funds and
14 accounts held in trust by the foundation if the foundation is
15 dissolved.

16 (6)~~(7)~~ BOARD OF DIRECTORS.--The foundation shall be
17 administered by a board of directors, as follows:

18 (a) The board shall consist of at least 15 members a
19 majority of which shall. ~~At least 9 of the 15 members must be~~
20 ~~from the private sector, and the remaining members may be from~~
21 ~~the public sector. Among the public sector members,~~
22 ~~representation shall come from secondary education, vocational~~
23 ~~education, and job-training programs such as Job Education~~
24 ~~Partnership.~~The chair shall ~~may~~ be from ~~either~~ the private
25 sector ~~or the public sector.~~

26 (b) All members shall have an interest in
27 school-to-work transition and, insofar as is practicable,
28 shall:

29 1. Have skills in foundation work or other fundraising
30 activities, financial consulting, or investment banking or
31 other related experience; or

1 2. Have experience in policymaking or senior
2 management level positions or have distinguished themselves in
3 the fields of education, business, or industry.

4 (c) Initially, the chair and all board members shall
5 be appointed by the Commissioner of Education. Effective July
6 1, 2001, all reappointments shall be made by a membership
7 committee comprised of current board members.

8 1. The chair shall be appointed for a term of 2 years
9 and may be reappointed. However, no chair may serve more than
10 6 consecutive years.

11 2. Board members shall serve for 3-year terms or
12 until resignation or removal for cause, except that members
13 appointed to serve initial terms shall be appointed for
14 staggered terms of 1, 2, and 3 years, respectively.

15 (d) In the event of a vacancy on the board caused by
16 an occurrence other than the expiration of a term, a new
17 member shall be appointed.

18 (e) Each member is accountable to the Commissioner of
19 Education for the proper performance of the duties of office.
20 The commissioner may remove any member from office for
21 malfeasance, misfeasance, neglect of duty, incompetence, or
22 permanent inability to perform official duties or for pleading
23 nolo contendere to, or being found guilty of, a crime.

24 ~~(7)(8)~~ ORGANIZATION, POWERS, AND DUTIES.--Within the
25 limits prescribed in this section or by rule of the
26 department:

27 (a) Upon appointment, the board shall meet and
28 organize. Thereafter, the board shall hold such meetings as
29 are necessary to implement the provisions of this section and
30 shall conduct its business in accordance with rules
31 promulgated by the department.

1 (b) The board may solicit and receive bequests, gifts,
2 grants, donations, goods, and services. When gifts are
3 restricted as to purpose, they may be used only for the
4 purpose or purposes stated by the donor.

5 (c) The board may enter into contracts with the
6 Federal Government, state or local agencies, private entities,
7 or individuals to carry out the purposes of this section.

8 (d) The board may identify, initiate, and fund Jobs
9 for Florida's Graduates programs to carry out the purposes of
10 this section.

11 (e) The board may make gifts or grants:

12 1. To the state, or any political subdivision thereof,
13 or any public agency of state or local government.

14 2. To a corporation, trust, association, or foundation
15 organized and operated exclusively for charitable,
16 educational, or scientific purposes.

17 3. To the department for purposes of program
18 recognition and marketing, public relations and education,
19 professional development, and technical assistance and
20 workshops for grant applicants and recipients and the business
21 community.

22 (f) The board may advertise and solicit applications
23 for funding and shall evaluate applications and program
24 proposals submitted thereto.

25 (g) The board shall monitor, review, and annually
26 evaluate funded programs to determine whether funding should
27 be continued, terminated, reduced, or increased.

28 (h) The board shall establish an operating account for
29 the deposit of funds to be used in carrying out the purposes
30 of this section.

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1 (i) The board shall operate the Jobs for Florida's
2 Graduates Program in such a way, and shall recommend to the
3 Department of Education the adoption of such rules as may be
4 necessary, to ensure that the following outcome goals are met:

5 1. In year 1:

6 a. The statewide graduation rates, or GED test
7 completion rates, of participants in the Jobs for Florida's
8 Graduates Program shall be at least 82 percent by June 30
9 ~~March 31~~ of the year following the end of the academic year in
10 which the participants' respective high school classes
11 graduated.

12 b. By June 30 ~~March 31~~ of the year following the end
13 of the academic year in which the participants' respective
14 high school classes graduated, 70 to 75 percent of graduated
15 working participants in the Jobs for Florida's Graduates
16 Program shall be employed full time ~~a minimum of 40 hours per~~
17 ~~week~~ in the civilian sector or the military or enrolled in
18 postsecondary training education, or any combination of these
19 that together are equivalent to full time ~~40 hours per week~~.

20 c. By June 30 ~~March 31~~ of the year following the end
21 of the academic year in which the participants' respective
22 high school classes graduated, the average wage of graduated
23 participants in the Jobs for Florida's Graduates Program who
24 are working shall be at or above the national average wage for
25 all participants in programs affiliated with Jobs for
26 America's Graduates, Inc.

27 2. In year 2:

28 a. The statewide graduation rates, or GED test
29 completion rates, of participants in the Jobs for Florida's
30 Graduates Program shall be at least 85 percent by June 30
31 ~~March 31~~ of the year following the end of the academic year in

1 which the participants' respective high school classes
2 graduated.

3 b. By June 30 ~~March 31~~ of the year following the end
4 of the academic year in which the participants' respective
5 high school classes graduated, 75 to 78 percent of graduated
6 working participants in the Jobs for Florida's Graduates
7 Program shall be employed full time ~~a minimum of 40 hours per~~
8 ~~week~~ in the civilian sector or the military or enrolled in
9 postsecondary training education, or any combination of these
10 that together are equivalent to full time ~~40 hours per week~~.

11 c. By June 30 ~~March 31~~ of the year following the end
12 of the academic year in which the participants' respective
13 high school classes graduated, the average wage of graduated
14 participants in the Jobs for Florida's Graduates Program who
15 are working shall be at or above the national average wage for
16 all participants in programs affiliated with Jobs for
17 America's Graduates, Inc.

18 3. In years 3 through 5:

19 a. The statewide graduation rates, or GED test
20 completion rates, of participants in the Jobs for Florida's
21 Graduates Program shall be at least 90 percent by June 30
22 ~~March 31~~ of the year following the end of the academic year in
23 which the participants' respective high school classes
24 graduated.

25 b. By June 30 ~~March 31~~ of the year following the end
26 of the academic year in which the participants' respective
27 high school classes graduated, 80 percent of graduated working
28 participants in the Jobs for Florida's Graduates Program shall
29 be employed full time ~~a minimum of 40 hours per week~~ in the
30 civilian sector or the military or enrolled in postsecondary
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1 training education, or any combination of these that together
2 are equivalent to full time ~~40 hours per week~~.

3 c. By June 30 ~~March 31~~ of the year following the end
4 of the academic year in which the participants' respective
5 high school classes graduated, the average wage of graduated
6 participants in the Jobs for Florida's Graduates Program who
7 are working shall be at or above the national average wage for
8 all participants in programs affiliated with Jobs for
9 America's Graduates, Inc.

10 (j) The board may take such additional actions,
11 including independently organizing and conducting hiring
12 practices, as are deemed necessary and appropriate to
13 administer the provisions of this section. To the maximum
14 extent possible, the board shall hire Jobs for Florida's
15 Graduates Program staff who operate in selected schools to
16 fill necessary staff positions and shall provide for salary,
17 benefits, discipline, evaluation, or discharge according to a
18 contractual agreement. These positions shall not be state
19 employee positions.

20 ~~(9) DISTRIBUTION OF EARNINGS ON ENDOWMENT FUND~~
21 ~~PRINCIPAL.--The board shall use the moneys in the operating~~
22 ~~account, by whatever means, to provide for:~~

23 ~~(a) Planning, research, and policy development for~~
24 ~~issues related to school-to-work transition and publications~~
25 ~~and dissemination of such information as may serve the~~
26 ~~objectives of this section.~~

27 ~~(b) Promotion of initiatives for school-to-work~~
28 ~~transition.~~

29 ~~(c) Funding of programs which engage in, contract for,~~
30 ~~foster, finance, or aid in job training and counseling for~~

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1 ~~school-to-work transition research, education, or~~
2 ~~demonstration, or other related activities.~~

3 ~~(d) Funding of programs which engage in, contract for,~~
4 ~~foster, finance, or aid in activities designed to advance~~
5 ~~better public understanding and appreciation of the~~
6 ~~school-to-work transition.~~

7 ~~(10) STARTUP FUNDING.--Notwithstanding any provision~~
8 ~~of this section to the contrary, in order to provide for first~~
9 ~~year startup funds, 50 percent of the money allocated during~~
10 ~~the 12-month period beginning July 1, 1998, shall not be~~
11 ~~available for investment by the State Board of Administration,~~
12 ~~but shall be transmitted quarterly to the foundation board and~~
13 ~~shall be available to the foundation for the purposes set~~
14 ~~forth in this section.~~

15 ~~(8)(11) ACCREDITATION.--During the initial 5-year~~
16 ~~period,~~The board shall request and contract with the national
17 accreditation process of Jobs for America's Graduates, Inc.,
18 to ensure the viability and efficacy of the individual
19 school-based Jobs for Florida's Graduates programs in the
20 state.

21 ~~(9)(12) ANNUAL AUDIT.--~~The board shall cause an annual
22 audit of the foundation's financial accounts to be conducted
23 by an independent certified public accountant in accordance
24 with rules adopted by the department. The annual audit report
25 shall be submitted to the Auditor General and the department
26 for review. The Auditor General and the department may
27 require and receive from the foundation, or from its
28 independent auditor, any relevant detail or supplemental data.

29 ~~(10)(13) ASSESSMENT OF PROGRAM RESULTS.--~~The success
30 of the Jobs for Florida's Graduates Program shall be assessed
31 as follows:

1 (a) No later than November 1 of each year of the Jobs
2 for Florida's Graduates Program, Jobs for America's Graduates,
3 Inc., shall conduct and deliver to the Office of Program
4 Policy Analysis and Government Accountability a full review
5 and report of the program's activities. The Office of Program
6 Policy Analysis and Government Accountability shall audit and
7 review the report and deliver the report, along with its
8 analysis and any recommendations for expansion, curtailment,
9 modification, or continuation, to the board not later than
10 December 31 of the same year.

11 (b) Beginning in the first year of the Jobs for
12 Florida's Graduates Program, the Division of Economic and
13 Demographic Research of the Joint Legislative Management
14 Committee shall undertake, during the initial phase, an
15 ongoing longitudinal study of participants to determine the
16 overall efficacy of the program. The division shall transmit
17 its findings each year to the Office of Program Policy
18 Analysis and Government Accountability for inclusion in the
19 report provided for in paragraph (a).

20 (11)~~(14)~~ ANNUAL REPORT.--The board shall issue a
21 report to the Governor, the President of the Senate, the
22 Speaker of the House of Representatives, and the Commissioner
23 of Education by March 1, 2000, and each year thereafter,
24 summarizing ~~the performance of the endowment fund for the~~
25 ~~previous fiscal year and~~ the foundation's fundraising
26 activities and performance and detailing those activities and
27 programs supported ~~by the earnings on the endowment principal~~
28 ~~or~~ by bequests, gifts, grants, donations, and other valued
29 goods and services received.

30 (12)~~(15)~~ RULES.--The department shall adopt ~~promulgate~~
31 rules to implement ~~for the implementation of~~ this section.

