

Bill No. CS for CS for SB 460

Amendment No. Barcode 760952

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Clary moved the following amendment:

Senate Amendment (with title amendment)

On page 86, between lines 8 and 9,

insert:

Section 35. Section 446.609, Florida Statutes, is amended to read:

446.609 Jobs for Florida's Graduates Act.--

(1) SHORT TITLE.--This section may be cited as the "Jobs for Florida's Graduates Act."

(2) DEFINITIONS.--For the purposes of this section:

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

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

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

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

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

4 (3) LEGISLATIVE INTENT.--The Legislature recognizes
5 that it is in the best interest of the citizens of this state
6 that the state have a well-educated and skilled workforce to
7 be competitive in a changing economy. It is the intent of the
8 Legislature to meet the challenge of ensuring a skilled
9 workforce by creating a formal program to facilitate the
10 important school-to-work transition and to provide additional
11 funding to achieve this goal. Accordingly, the Legislature
12 finds and declares that:

13 (a) The purpose of this section is to broaden the
14 participation and funding potential for further significant
15 support for Florida students who are approaching the
16 transition from school to work.

17 (b) It is appropriate to encourage individual and
18 corporate support and involvement, as well as state support
19 and involvement, to promote employment opportunities for
20 Florida's students.

21 (4) PROGRAM.--There is hereby created, ~~for an initial~~
22 ~~5-year period,~~a school-to-work program to be known as Jobs
23 for Florida's Graduates which shall, ~~during the initial 5-year~~
24 ~~phase set forth in this section and~~ except as otherwise
25 provided by law or by rule of the Department of Education, be
26 operated in accordance with the process and outcome standards
27 of Jobs for America's Graduates, Inc. To that end, the board
28 shall enter into a sponsoring agreement with Jobs for
29 America's Graduates, Inc., to carry out the Jobs for America's
30 Graduates model within the state.

31 (a) ~~During the first year of operation, the Jobs for~~

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1 ~~Florida's Graduates Program shall be operated in not less than~~
2 ~~25 nor more than 50 high schools in the state to be chosen by~~
3 ~~the board.~~ The goal of the program shall be to have a minimum
4 of 300 high schools participating in the program ~~by the end of~~
5 ~~the 2001-2002 school year.~~

6 (b) The schools chosen by the board to participate in
7 the program must represent a demographically balanced sample
8 population, include both urban and rural schools, and be
9 comprised of schools, including charter schools, in all
10 geographic areas of the state. Each school selected to
11 participate shall enter into a formal written agreement with
12 the board which, at a minimum, details the responsibilities of
13 each party and the process and outcome goals of the ~~initial~~
14 ~~5-year~~ Jobs for Florida's Graduates Program.

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

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

21 ~~(a) An endowment fund is created as a long-term,~~
22 ~~stable, growing source of revenue to be administered by the~~
23 ~~foundation in accordance with rules promulgated by the~~
24 ~~department.~~

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

29 ~~(c) The State Board of Administration shall invest and~~
30 ~~reinvest moneys of the endowment fund principal in accordance~~
31 ~~with the provisions of ss. 215.44-215.53. Interest and~~

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1 ~~investment income earned on the endowment fund principal shall~~
 2 ~~be annually transmitted to the foundation, based upon a fiscal~~
 3 ~~year which runs from July 1 through June 30, and shall be~~
 4 ~~deposited in the foundation's operating account for~~
 5 ~~distribution as provided in this section.~~

6 (5)(6) THE FLORIDA ENDOWMENT FOUNDATION FOR FLORIDA'S
 7 GRADUATES.--

8 (a) The Florida Endowment Foundation for Florida's
 9 Graduates is created ~~as a direct-support organization of the~~
 10 ~~Department of Education~~ to encourage public and private
 11 support to enhance school-to-work transition. ~~As a~~
 12 ~~direct-support organization, the foundation shall operate~~
 13 ~~under contract with the department~~ and shall be:

14 1. A Florida corporation not for profit which is
 15 incorporated under the provisions of chapter 617 and approved
 16 by the Department of State.

17 2. Organized and operated exclusively to do the
 18 following: raise funds; submit requests and receive grants
 19 from the Federal Government, the state, private foundations,
 20 and individuals; receive, hold, and administer property; and
 21 make expenditures to or for the benefit of school-to-work
 22 transition programs approved by the board of directors of the
 23 foundation.

24 (b) ~~As a direct-support organization,~~The foundation
 25 shall:

26 1. Develop articles of incorporation.

27 2. Create a board of directors appointed by the
 28 Commissioner of Education.

29 3. Perform an annual financial and performance review
 30 to determine if the foundation is operating in a manner
 31 consistent with the goals of the Legislature in providing

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1 assistance for school-to-work transitions.

2 4. Provide a mechanism for the reversion to the state
3 of moneys in the foundation and in any other funds and
4 accounts held in trust by the foundation if the foundation is
5 dissolved.

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

8 (a) The board shall consist of at least 15 members a
9 majority of which shall. ~~At least 9 of the 15 members must be~~
10 ~~from the private sector, and the remaining members may be from~~
11 ~~the public sector. Among the public sector members,~~
12 ~~representation shall come from secondary education, vocational~~
13 ~~education, and job-training programs such as Job Education~~
14 ~~Partnership.~~ The chair shall may be from ~~either~~ the private
15 sector ~~or the public sector.~~

16 (b) All members shall have an interest in
17 school-to-work transition and, insofar as is practicable,
18 shall:

19 1. Have skills in foundation work or other fundraising
20 activities, financial consulting, or investment banking or
21 other related experience; or

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

25 (c) Initially, the chair and all board members shall
26 be appointed by the Commissioner of Education. Effective July
27 1, 2001, all reappointments shall be made by a membership
28 committee comprised of current board members.

29 1. The chair shall be appointed for a term of 2 years
30 and may be reappointed. However, no chair may serve more than
31 6 consecutive years.

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

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

8 (e) Each member is accountable to the Commissioner of
9 Education for the proper performance of the duties of office.
10 The commissioner may remove any member from office for
11 malfeasance, misfeasance, neglect of duty, incompetence, or
12 permanent inability to perform official duties or for pleading
13 nolo contendere to, or being found guilty of, a crime.

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

17 (a) Upon appointment, the board shall meet and
18 organize. Thereafter, the board shall hold such meetings as
19 are necessary to implement the provisions of this section and
20 shall conduct its business in accordance with rules
21 promulgated by the department.

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

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

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

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- 1 (e) The board may make gifts or grants:
- 2 1. To the state, or any political subdivision thereof,
- 3 or any public agency of state or local government.
- 4 2. To a corporation, trust, association, or foundation
- 5 organized and operated exclusively for charitable,
- 6 educational, or scientific purposes.
- 7 3. To the department for purposes of program
- 8 recognition and marketing, public relations and education,
- 9 professional development, and technical assistance and
- 10 workshops for grant applicants and recipients and the business
- 11 community.
- 12 (f) The board may advertise and solicit applications
- 13 for funding and shall evaluate applications and program
- 14 proposals submitted thereto.
- 15 (g) The board shall monitor, review, and annually
- 16 evaluate funded programs to determine whether funding should
- 17 be continued, terminated, reduced, or increased.
- 18 (h) The board shall establish an operating account for
- 19 the deposit of funds to be used in carrying out the purposes
- 20 of this section.
- 21 (i) The board shall operate the Jobs for Florida's
- 22 Graduates Program in such a way, and shall recommend to the
- 23 Department of Education the adoption of such rules as may be
- 24 necessary, to ensure that the following outcome goals are met:
- 25 1. In year 1:
- 26 a. The statewide graduation rates, or GED test
- 27 completion rates, of participants in the Jobs for Florida's
- 28 Graduates Program shall be at least 82 percent by June 30
- 29 ~~March 31~~ of the year following the end of the academic year in
- 30 which the participants' respective high school classes
- 31 graduated.

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1 of the academic year in which the participants' respective
2 high school classes graduated, the average wage of graduated
3 participants in the Jobs for Florida's Graduates Program who
4 are working shall be at or above the national average wage for
5 all participants in programs affiliated with Jobs for
6 America's Graduates, Inc.

7 3. In years 3 through 5:

8 a. The statewide graduation rates, or GED test
9 completion rates, of participants in the Jobs for Florida's
10 Graduates Program shall be at least 90 percent by June 30
11 ~~March 31~~ of the year following the end of the academic year in
12 which the participants' respective high school classes
13 graduated.

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

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

29 (j) The board may take such additional actions,
30 including independently organizing and conducting hiring
31 practices, as are deemed necessary and appropriate to

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1 administer the provisions of this section. To the maximum
2 extent possible, the board shall hire Jobs for Florida's
3 Graduates Program staff who operate in selected schools to
4 fill necessary staff positions and shall provide for salary,
5 benefits, discipline, evaluation, or discharge according to a
6 contractual agreement. These positions shall not be state
7 employee positions.

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

11 ~~(a) Planning, research, and policy development for~~
12 ~~issues related to school-to-work transition and publications~~
13 ~~and dissemination of such information as may serve the~~
14 ~~objectives of this section.~~

15 ~~(b) Promotion of initiatives for school-to-work~~
16 ~~transition.~~

17 ~~(c) Funding of programs which engage in, contract for,~~
18 ~~foster, finance, or aid in job training and counseling for~~
19 ~~school-to-work transition research, education, or~~
20 ~~demonstration, or other related activities.~~

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

25 ~~(10) STARTUP FUNDING.--Notwithstanding any provision~~
26 ~~of this section to the contrary, in order to provide for first~~
27 ~~year startup funds, 50 percent of the money allocated during~~
28 ~~the 12-month period beginning July 1, 1998, shall not be~~
29 ~~available for investment by the State Board of Administration,~~
30 ~~but shall be transmitted quarterly to the foundation board and~~
31 ~~shall be available to the foundation for the purposes set~~

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1 ~~forth in this section.~~

2 ~~(8)(11) ACCREDITATION.--During the initial 5-year~~
3 ~~period,~~The board shall request and contract with the national
4 accreditation process of Jobs for America's Graduates, Inc.,
5 to ensure the viability and efficacy of the individual
6 school-based Jobs for Florida's Graduates programs in the
7 state.

8 ~~(9)(12) ANNUAL AUDIT.--~~The board shall cause an annual
9 audit of the foundation's financial accounts to be conducted
10 by an independent certified public accountant in accordance
11 with rules adopted by the department. The annual audit report
12 shall be submitted to the Auditor General and the department
13 for review. The Auditor General and the department may
14 require and receive from the foundation, or from its
15 independent auditor, any relevant detail or supplemental data.

16 ~~(10)(13) ASSESSMENT OF PROGRAM RESULTS.--~~The success
17 of the Jobs for Florida's Graduates Program shall be assessed
18 as follows:

19 (a) No later than November 1 of each year of the Jobs
20 for Florida's Graduates Program, Jobs for America's Graduates,
21 Inc., shall conduct and deliver to the Office of Program
22 Policy Analysis and Government Accountability a full review
23 and report of the program's activities. The Office of Program
24 Policy Analysis and Government Accountability shall audit and
25 review the report and deliver the report, along with its
26 analysis and any recommendations for expansion, curtailment,
27 modification, or continuation, to the board not later than
28 December 31 of the same year.

29 (b) Beginning in the first year of the Jobs for
30 Florida's Graduates Program, the Division of Economic and
31 Demographic Research of the Joint Legislative Management

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1 Committee shall undertake, during the initial phase, an
2 ongoing longitudinal study of participants to determine the
3 overall efficacy of the program. The division shall transmit
4 its findings each year to the Office of Program Policy
5 Analysis and Government Accountability for inclusion in the
6 report provided for in paragraph (a).

7 (11)~~(14)~~ ANNUAL REPORT.--The board shall issue a
8 report to the Governor, the President of the Senate, the
9 Speaker of the House of Representatives, and the Commissioner
10 of Education by March 1, 2000, and each year thereafter,
11 summarizing ~~the performance of the endowment fund for the~~
12 ~~previous fiscal year and the foundation's fundraising~~
13 activities and performance and detailing those activities and
14 programs supported ~~by the earnings on the endowment principal~~
15 ~~or~~ by bequests, gifts, grants, donations, and other valued
16 goods and services received.

17 (12)~~(15)~~ RULES.--The department shall adopt ~~promulgate~~
18 rules to implement ~~for the implementation of~~ this section.

19 Section 36. The State Board of Administration shall
20 transfer all principal and interest in the endowment fund, as
21 defined in section 446.609, Florida Statutes, to the Board of
22 Directors of the Florida Endowment Foundation for Florida's
23 Graduates to be used for the Jobs for Florida's Graduates
24 Program as provided by law.

25 Section 37. Section 3 of chapter 98-218, Laws of
26 Florida, is repealed.

27
28 (Redesignate subsequent sections.)
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 5, line 2,

4

5 after the semicolon insert:

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

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