

By the Committee on Commerce and Consumer Services; and
Senator King

577-1756-05

1 A bill to be entitled
2 An act relating to workforce innovation;
3 amending s. 20.50, F.S.; revising the
4 organization, powers, and duties of the Agency
5 for Workforce Innovation; deleting references
6 to specific programs; amending s. 445.003,
7 F.S.; revising certain provisions relating to
8 funding under the federal Workforce Investment
9 Act of 1998; deleting obsolete provisions;
10 amending s. 445.004, F.S.; revising membership
11 and appointment of the board of directors of
12 Workforce Florida, Inc., and increasing terms
13 of members; providing for use of
14 telecommunications to facilitate meetings;
15 revising duties of the board chair and of
16 Workforce Florida, Inc.; providing for rules;
17 providing additional qualifications for certain
18 board members; authorizing activities,
19 incentives, and awards; requiring a
20 dispute-resolution process under certain
21 circumstances; amending s. 445.006, F.S.;
22 providing for an operational plan; amending s.
23 445.007, F.S.; revising organizational
24 requirements for regional workforce boards;
25 providing for the use of telecommunications to
26 facilitate meetings of regional workforce
27 boards; authorizing activities, incentives, and
28 awards by regional workforce boards and their
29 subordinate entities; deleting obsolete
30 provisions; amending s. 445.009, F.S.; deleting
31 provisions relating to performance evaluation;

1 deleting obsolete provisions; requiring
2 development of a plan for leveraging resources;
3 amending s. 445.019, F.S.; providing an
4 additional purpose of the teen parent and
5 pregnancy prevention diversion program;
6 amending s. 445.020, F.S.; requiring the
7 Temporary Assistance for Needy Families state
8 plan to indicate financial criteria for
9 determination of needy families or parents,
10 when required by federal regulations; amending
11 s. 427.012, F.S.; providing for the director of
12 the agency to serve on the Commission for the
13 Transportation Disadvantaged; repealing s.
14 445.005, F.S., relating to First Jobs/First
15 Wages, Better Jobs/Better Wages, and High
16 Skills/High Wages Councils of Workforce
17 Florida, Inc., s. 445.012, F.S., relating to
18 Careers for Florida's Future Incentive Grant
19 Program, s. 445.0121, F.S., relating to student
20 eligibility requirements for initial awards, s.
21 445.0122, F.S., relating to student eligibility
22 requirements for renewal awards, s. 445.0123,
23 F.S., relating to eligible postsecondary
24 education institutions, s. 445.0124, F.S.,
25 relating to eligible programs, s. 445.0125,
26 F.S., relating to repayment schedule, s.
27 445.013, F.S., relating to challenge grants in
28 support of welfare-to-work initiatives, s.
29 446.21, F.S., providing a short title, s.
30 446.22, F.S., relating to definitions for the
31 Florida Youth-at-Risk 2000 Pilot Program, s.

1 446.23, F.S., relating to obligations of a
2 mentor, s. 446.24, F.S., relating to
3 obligations of a youth participant, s. 446.25,
4 F.S., relating to implementation of the
5 program, s. 446.26, F.S., relating to funding
6 the program, and s. 446.27, F.S., relating to
7 an annual report; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Section 20.50, Florida Statutes, as amended
12 by section 4 of chapter 2004-484, Laws of Florida, is amended
13 to read:

14 20.50 Agency for Workforce Innovation.--There is
15 created the Agency for Workforce Innovation within the
16 Department of Management Services. The agency shall be a
17 separate budget entity, as provided in the General
18 Appropriations Act, and the director of the agency shall be
19 the agency head for all purposes. The agency shall not be
20 subject to control, supervision, or direction by the
21 Department of Management Services in any manner, including,
22 but not limited to, personnel, purchasing, transactions
23 involving real or personal property, and budgetary matters.

24 (1) The Agency for Workforce Innovation shall ensure
25 that the state appropriately administers federal and state
26 workforce funding by administering plans and policies of
27 Workforce Florida, Inc., under contract with Workforce
28 Florida, Inc. The operating budget and midyear amendments
29 thereto must be part of such contract.

30 (a) All program and fiscal instructions to regional
31 workforce boards shall emanate from the agency pursuant to

1 plans and policies of Workforce Florida, Inc. Workforce
2 Florida, Inc., shall be responsible for all policy directions
3 to the regional boards.

4 (b) Unless otherwise provided by agreement with
5 Workforce Florida, Inc., administrative and personnel policies
6 of the Agency for Workforce Innovation shall apply.

7 (2)(a) The Agency for Workforce Innovation is the
8 administrative agency designated for receipt of federal
9 workforce development grants and other federal funds. The
10 agency shall administer the duties and responsibilities
11 assigned by the Governor under each federal grant assigned to
12 the agency. The agency ~~shall be a separate budget entity and~~
13 shall expend each revenue source as provided by federal and
14 state law and as provided in plans developed by and agreements
15 with Workforce Florida, Inc. The agency may serve as contract
16 administrator for Workforce Florida, Inc., contracts pursuant
17 to s. 445.004(5) as directed by Workforce Florida, Inc.

18 (b) The agency shall prepare and submit ~~as a separate~~
19 ~~budget entity~~ a unified budget request for workforce
20 development, in accordance with chapter 216 for, and in
21 conjunction with, Workforce Florida, Inc., and its board. The
22 head of the agency is the director of Workforce Innovation,
23 who shall be appointed by the Governor. ~~The accountability and~~
24 ~~reporting functions of the agency shall be administered by the~~
25 ~~director or his or her designee. These functions shall include~~
26 ~~budget management, financial management, audit, performance~~
27 ~~management standards and controls, assessing outcomes of~~
28 ~~service delivery, and financial administration of workforce~~
29 ~~programs under s. 445.004(5) and (9).~~

1 (c) The agency shall include the following offices
2 within its organizational structure ~~which shall have the~~
3 ~~specified responsibilities:~~

4 1.(a) The Office of Unemployment Compensation
5 Workforce Services ~~shall administer the unemployment~~
6 ~~compensation program, the Rapid Response program, the Work~~
7 ~~Opportunity Tax Credit program, the Alien Labor Certification~~
8 ~~program, and any other programs that are delivered directly by~~
9 ~~agency staff rather than through the one stop delivery system.~~
10 ~~The office shall be directed by the Deputy Director for~~
11 ~~Workforce Services, who shall be appointed by and serve at the~~
12 ~~pleasure of the director.~~

13 2.(b) The Office of Workforce Program Support and
14 ~~Accountability shall administer state merit system program~~
15 ~~staff within the workforce service delivery system, under the~~
16 ~~policies of Workforce Florida, Inc. The office is responsible~~
17 ~~for delivering services through the one stop delivery system~~
18 ~~and for ensuring that participants in welfare transition~~
19 ~~programs receive case management services, diversion~~
20 ~~assistance, support services, including child care and~~
21 ~~transportation services, Medicaid services, and transition~~
22 ~~assistance to enable them to succeed in the workforce. The~~
23 ~~office is also responsible for program quality assurance,~~
24 ~~grants and contract management, contracting, financial~~
25 ~~management, and reporting. The office shall be directed by the~~
26 ~~Deputy Director for Program Support and Accountability, who~~
27 ~~shall be appointed by and serve at the pleasure of the~~
28 ~~director. The office is responsible for:~~

29 1. ~~Establishing monitoring, quality assurance, and~~
30 ~~quality improvement systems that routinely assess the quality~~
31 ~~and effectiveness of contracted programs and services.~~

1 ~~2. Annual review of each regional workforce board and~~
2 ~~administrative entity to ensure that adequate systems of~~
3 ~~reporting and control are in place; that monitoring, quality~~
4 ~~assurance, and quality improvement activities are conducted~~
5 ~~routinely; and that corrective action is taken to eliminate~~
6 ~~deficiencies.~~

7 ~~3.(c)~~ 3.(c) The Office of Early Learning, which shall
8 administer the school readiness system in accordance with s.
9 411.01 and the operational requirements of the Voluntary
10 Prekindergarten Education Program in accordance with part V of
11 chapter 1002. The office shall be directed by the Deputy
12 Director for Early Learning, who shall be appointed by and
13 serve at the pleasure of the director; ~~and~~.

14 ~~4.(d)~~ 4.(d) The Office of Agency Support Services.
15
16 The director of the agency may establish the positions of
17 assistant director and deputy director to administer the
18 requirements and functions of the agency. In addition, the
19 director may organize and structure the agency to best meet
20 the goals and objectives of the agency. ~~is responsible for~~
21 ~~procurement, human resource services, and information services~~
22 ~~including delivering information on labor markets, employment,~~
23 ~~occupations, and performance, and shall implement and maintain~~
24 ~~information systems that are required for the effective~~
25 ~~operation of the one stop delivery system and the school~~
26 ~~readiness system, including, but not limited to, those systems~~
27 ~~described in s. 445.009. The office shall be directed by the~~
28 ~~Deputy Director for Agency Support Services, who shall be~~
29 ~~appointed by and serve at the pleasure of the director. The~~
30 ~~office is responsible for establishing:~~

1 ~~1. Information systems and controls that report~~
2 ~~reliable, timely and accurate fiscal and performance data for~~
3 ~~assessing outcomes, service delivery, and financial~~
4 ~~administration of workforce programs under s. 445.004(5) and~~
5 ~~(9).~~

6 ~~2. Information systems that support service~~
7 ~~integration and case management by providing for case tracking~~
8 ~~for participants in welfare transition programs.~~

9 ~~3. Information systems that support school readiness~~
10 ~~system.~~

11 (d)(e) The Unemployment Appeals Commission, authorized
12 by s. 443.012, is not subject to control, supervision, or
13 direction by the Agency for Workforce Innovation in the
14 performance of its powers and duties but shall receive any and
15 all support and assistance from the agency that is required
16 for the performance of its duties.

17 (3) The Agency for Workforce Innovation shall serve as
18 the designated agency for purposes of each federal workforce
19 development grant assigned to it for administration. The
20 agency shall carry out the duties assigned to it by the
21 Governor, under the terms and conditions of each grant. The
22 agency shall have the level of authority and autonomy
23 necessary to be the designated recipient of each federal grant
24 assigned to it, and shall disperse such grants pursuant to the
25 plans and policies of Workforce Florida, Inc. The director
26 may, upon delegation from the Governor and pursuant to
27 agreement with Workforce Florida, Inc., sign contracts,
28 grants, and other instruments as necessary to execute
29 functions assigned to the agency. Notwithstanding other
30 provisions of law, the ~~following federal grants and other~~
31

1 ~~funds are assigned for administration to the Agency for~~
2 ~~Workforce Innovation shall administer~~+

3 ~~(a) Programs authorized under Title I of the Workforce~~
4 ~~Investment Act of 1998, Pub. L. No. 105-220, except for~~
5 ~~programs funded directly by the United States Department of~~
6 ~~Labor under Title I, s. 167.~~

7 ~~(b) Programs authorized under the Wagner Peyser Act of~~
8 ~~1933, as amended, 29 U.S.C. ss. 49 et seq.~~

9 ~~(c) Welfare to work grants administered by the United~~
10 ~~States Department of Labor under Title IV, s. 403, of the~~
11 ~~Social Security Act, as amended.~~

12 ~~(d) Activities authorized under Title II of the Trade~~
13 ~~Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the~~
14 ~~Trade Adjustment Assistance Program.~~

15 ~~(e) Activities authorized under chapter 41 of Title 38~~
16 ~~U.S.C., including job counseling, training, and placement for~~
17 ~~veterans.~~

18 ~~(f) Employment and training activities carried out~~
19 ~~under the Community Services Block Grant Act, 42 U.S.C. ss.~~
20 ~~9901 et seq.~~

21 ~~(g) Employment and training activities carried out~~
22 ~~under funds awarded to this state by the United States~~
23 ~~Department of Housing and Urban Development.~~

24 ~~(h) Designated state and local program expenditures~~
25 ~~under part A of Title IV of the Social Security Act for~~
26 ~~welfare transition workforce services associated with the~~
27 ~~Temporary Assistance for Needy Families Program.~~

28 ~~(i) Programs authorized under the National and~~
29 ~~Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq.,~~
30 ~~and the Service America programs, the National Service Trust~~
31 ~~programs, the Civilian Community Corps, the Corporation for~~

1 ~~National and Community Service, the American Conservation and~~
2 ~~Youth Service Corps, and the Points of Light Foundation~~
3 ~~programs, if such programs are awarded to the state.~~

4 ~~(j) The Unemployment Compensation program provided~~
5 ~~pursuant to chapter 443.~~

6 ~~(k) other programs funded by federal or state~~
7 ~~appropriations, as determined by the Legislature in the~~
8 ~~General Appropriations Act or by law.~~

9 (4) The Agency for Workforce Innovation may ~~shall~~
10 provide or contract for training for employees of
11 administrative entities and case managers of any contracted
12 providers to ensure they have the necessary competencies and
13 skills to provide adequate administrative oversight and
14 delivery of the full array of client services ~~pursuant to s.~~
15 ~~445.004(5)(b). Training requirements include, but are not~~
16 ~~limited to:~~

17 ~~(a) Minimum skills, knowledge, and abilities required~~
18 ~~for each classification of program personnel utilized in the~~
19 ~~regional workforce boards' service delivery plans.~~

20 ~~(b) Minimum requirements for development of a regional~~
21 ~~workforce board supported personnel training plan to include~~
22 ~~preservice and inservice components.~~

23 ~~(c) Specifications or criteria under which any~~
24 ~~regional workforce board may award bonus points or otherwise~~
25 ~~give preference to competitive service provider applications~~
26 ~~that provide minimum criteria for assuring competent case~~
27 ~~management, including, but not limited to, maximum caseload~~
28 ~~per case manager, current staff turnover rate, minimum~~
29 ~~educational or work experience requirements, and a~~
30 ~~differentiated compensation plan based on the competency~~
31 ~~levels of personnel.~~

1 ~~(d) Minimum skills, knowledge, and abilities required~~
2 ~~for contract management, including budgeting, expenditure, and~~
3 ~~performance information related to service delivery and~~
4 ~~financial administration, monitoring, quality assurance and~~
5 ~~improvement, and standards of conduct for employees of~~
6 ~~regional workforce boards and administrative entities~~
7 ~~specifically related to carrying out contracting~~
8 ~~responsibilities.~~

9 (5) The Agency for Workforce Innovation shall have an
10 official seal by which its records, orders, and proceedings
11 are authenticated. The seal shall be judicially noticed.

12 Section 2. Subsections (3), (4), (5), and (6) of
13 section 445.003, Florida Statutes, are amended to read:

14 445.003 Implementation of the federal Workforce
15 Investment Act of 1998.--

16 (3) FUNDING.--

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

24 1. At least 50 percent of the Title I funds for Adults
25 and Dislocated Workers that are passed through to regional
26 workforce boards shall be allocated to Individual Training
27 Accounts unless a regional workforce board obtains a waiver
28 from Workforce Florida, Inc. Tuition ~~and~~ fees, ~~and~~
29 ~~performance based incentive awards paid in compliance with~~
30 ~~Florida's Performance Based Incentive Fund Program~~ qualify as
31 an Individual Training Account expenditure, as do other

1 | programs developed by regional workforce boards in compliance
2 | with policies of Workforce Florida, Inc.

3 | 2. Fifteen percent of Title I funding shall be
4 | retained at the state level and shall be dedicated to state
5 | administration and used to design, develop, induce, and fund
6 | innovative Individual Training Account pilots, demonstrations,
7 | and programs. Of such funds retained at the state level, \$2
8 | million shall be reserved for the Incumbent Worker Training
9 | Program, created under subparagraph 3. Eligible state
10 | administration costs include the costs of: funding for the
11 | board and staff of Workforce Florida, Inc.; operating fiscal,
12 | compliance, and management accountability systems through
13 | Workforce Florida, Inc.; conducting evaluation and research on
14 | workforce development activities; and providing technical and
15 | capacity building assistance to regions at the direction of
16 | Workforce Florida, Inc. Notwithstanding s. 445.004, such
17 | administrative costs shall not exceed 25 percent of these
18 | funds. An amount not to exceed 75 percent of these funds shall
19 | be allocated to Individual Training Accounts and other
20 | workforce development strategies for: ~~the Minority Teacher~~
21 | ~~Education Scholars program, the Certified Teacher Aide~~
22 | ~~program, the Self-Employment Institute, and~~ other training
23 | designed and tailored by Workforce Florida, Inc., including,
24 | but not limited to, programs for incumbent workers, displaced
25 | homemakers, nontraditional employment, ~~empowerment zones,~~ and
26 | enterprise zones. Workforce Florida, Inc., shall design,
27 | adopt, and fund Individual Training Accounts for distressed
28 | urban and rural communities.

29 | 3. The Incumbent Worker Training Program is created
30 | for the purpose of providing grant funding for continuing
31 | education and training of incumbent employees at existing

1 Florida businesses. The program will provide reimbursement
2 grants to businesses that pay for preapproved, direct,
3 training-related costs.

4 a. The Incumbent Worker Training Program will be
5 administered by Workforce Florida, Inc. Workforce Florida,
6 Inc., at its discretion, may contract with a private business
7 organization to serve as grant administrator.

8 b. To be eligible for the program's grant funding, a
9 business must have been in operation in Florida for a minimum
10 of 1 year prior to the application for grant funding; have at
11 least one full-time employee; demonstrate financial viability;
12 and be current on all state tax obligations. Priority for
13 funding shall be given to businesses with 25 employees or
14 fewer, businesses in rural areas, businesses in distressed
15 inner-city areas, businesses in a qualified targeted industry,
16 businesses whose grant proposals represent a significant
17 upgrade in employee skills, or businesses whose grant
18 proposals represent a significant layoff avoidance strategy.

19 c. All costs reimbursed by the program must be
20 preapproved by Workforce Florida, Inc., or the grant
21 administrator. The program will not reimburse businesses for
22 trainee wages, the purchase of capital equipment, or the
23 purchase of any item or service that may possibly be used
24 outside the training project. A business approved for a grant
25 may be reimbursed for preapproved, direct, training-related
26 costs including tuition; ~~and~~ fees; books and training
27 ~~classroom~~ materials; and overhead or indirect costs not to
28 exceed 5 percent of the grant amount.

29 d. A business that is selected to receive grant
30 funding must provide a matching contribution to the training
31 project, including, but not limited to, wages paid to trainees

1 or the purchase of capital equipment used in the training
2 project; must sign an agreement with Workforce Florida, Inc.,
3 or the grant administrator to complete the training project as
4 proposed in the application; must keep accurate records of the
5 project's implementation process; and must submit monthly or
6 quarterly reimbursement requests with required documentation.

7 e. All Incumbent Worker Training Program grant
8 projects shall be performance-based with specific measurable
9 performance outcomes, including completion of the training
10 project and job retention. Workforce Florida, Inc., or the
11 grant administrator shall withhold the final payment to the
12 grantee until a final grant report is submitted and all
13 performance criteria specified in the grant contract have been
14 achieved.

15 f. Workforce Florida, Inc., may establish guidelines
16 necessary to implement the Incumbent Worker Training Program.

17 g. No more than 10 percent of the Incumbent Worker
18 Training Program's total appropriation may be used for
19 overhead or indirect purposes.

20 ~~h. Workforce Florida, Inc., shall submit a report to~~
21 ~~the Legislature on the financial and general operations of the~~
22 ~~Incumbent Worker Training Program. Such report will be due~~
23 ~~before October 1 of any fiscal year for which the program is~~
24 ~~funded by the Legislature.~~

25 4. At least 50 percent of Rapid Response funding shall
26 be dedicated to Intensive Services Accounts and Individual
27 Training Accounts for dislocated workers and incumbent workers
28 who are at risk of dislocation. Workforce Florida, Inc., shall
29 also maintain an Emergency Preparedness Fund from Rapid
30 Response funds which will immediately issue Intensive Service
31 Accounts and Individual Training Accounts as well as other

1 | federally authorized assistance to eligible victims of natural
2 | or other disasters. At the direction of the Governor, for
3 | events that qualify under federal law, these Rapid Response
4 | funds shall be released to regional workforce boards for
5 | immediate use. Funding shall also be dedicated to maintain a
6 | unit at the state level to respond to Rapid Response
7 | emergencies around the state, to work with state emergency
8 | management officials, and to work with regional workforce
9 | boards. All Rapid Response funds must be expended based on a
10 | plan developed by Workforce Florida, Inc., and approved by the
11 | Governor.

12 | (b) The administrative entity for Title I, Workforce
13 | Investment Act of 1998 funds, and Rapid Response activities,
14 | shall be the Agency for Workforce Innovation, which shall
15 | provide direction to regional workforce boards regarding Title
16 | I programs and Rapid Response activities pursuant to the
17 | direction of Workforce Florida, Inc.

18 | (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED
19 | MODIFICATIONS.--

20 | (a) Workforce Florida, Inc., may provide
21 | indemnification from audit liabilities to regional workforce
22 | boards that act in full compliance with state law and the
23 | board's policies.

24 | (b) Workforce Florida, Inc., may negotiate and settle
25 | all outstanding issues with the United States Department of
26 | Labor relating to decisions made by Workforce Florida, Inc.,
27 | any predecessor workforce organization, and the Legislature
28 | with regard to the Job Training Partnership Act, making
29 | settlements and closing out all JTPA program year grants.

30 | (c) Workforce Florida, Inc., may make modifications to
31 | the state's plan, policies, and procedures to comply with

1 federally mandated requirements that in its judgment must be
2 complied with to maintain funding provided pursuant to Pub. L.
3 No. 105-220. The board shall notify in writing the Governor,
4 the President of the Senate, and the Speaker of the House of
5 Representatives within 30 days after any such changes or
6 modifications.

7 ~~(5) The Department of Labor and Employment Security~~
8 ~~shall phase down JTPA duties before the federal program is~~
9 ~~abolished July 1, 2000. Outstanding accounts and issues shall~~
10 ~~be completed prior to transfer to the Agency for Workforce~~
11 ~~Innovation.~~

12 ~~(5)(6)~~ LONG-TERM CONSOLIDATION OF WORKFORCE
13 DEVELOPMENT.--

14 ~~(a)~~ Workforce Florida, Inc., may recommend
15 workforce-related divisions, bureaus, units, programs, duties,
16 commissions, boards, and councils that can be eliminated,
17 consolidated, or privatized.

18 ~~(b) The Office of Program Policy Analysis and~~
19 ~~Government Accountability shall review the workforce~~
20 ~~development system, as established by this act. The office~~
21 ~~shall submit its final report and recommendations by December~~
22 ~~31, 2002, to the President of the Senate and the Speaker of~~
23 ~~the House of Representatives.~~

24 Section 3. Section 445.004, Florida Statutes, is
25 amended to read:

26 445.004 Workforce Florida, Inc.; creation; purpose;
27 membership; duties and powers.--

28 (1) There is created a not-for-profit corporation, to
29 be known as "Workforce Florida, Inc.," which shall be
30 registered, incorporated, organized, and operated in
31 compliance with chapter 617, and which shall not be a unit or

1 | entity of state government and is therefore exempt from
2 | chapters 120 and 287. Workforce Florida, Inc., shall be
3 | administratively housed within the Agency for Workforce
4 | Innovation; however, Workforce Florida, Inc., shall not be
5 | subject to control, supervision, or direction by the Agency
6 | for Workforce Innovation in any manner. The Legislature
7 | determines, however, that public policy dictates that
8 | Workforce Florida, Inc., operate in the most open and
9 | accessible manner consistent with its public purpose. To this
10 | end, the Legislature specifically declares that Workforce
11 | Florida, Inc., its board, councils, and any advisory
12 | committees or similar groups created by Workforce Florida,
13 | Inc., are subject to the provisions of chapter 119 relating to
14 | public records, and those provisions of chapter 286 relating
15 | to public meetings.

16 | (2) Workforce Florida, Inc., is the principal
17 | workforce policy organization for the state. The purpose of
18 | Workforce Florida, Inc., is to design and implement strategies
19 | that help Floridians enter, remain in, and advance in the
20 | workplace, becoming more highly skilled and successful,
21 | benefiting these Floridians, Florida businesses, and the
22 | entire state, and to assist in developing the state's business
23 | climate.

24 | (3)(a) Workforce Florida, Inc., shall be governed by a
25 | board of directors, the number of directors to be determined
26 | by the Governor, whose membership and appointment must be
27 | consistent with Pub. L. No. 105-220, Title I, s.
28 | 111(b)(1)(C)(vi) ~~s. 111(b)~~, and contain one member
29 | representing the licensed nonpublic postsecondary educational
30 | institutions authorized as individual training account
31 | providers, one member from the staffing service industry, at

1 | least one member who is a current or former recipient of
2 | welfare transition services as defined in s. 445.002(3) or
3 | workforce services as provided in s. 445.009(1), and five
4 | representatives of organized labor who shall be appointed by
5 | the Governor. Members described in Pub. L. No. 105-220, Title
6 | I, s. 111(b)(1)(C)(vi) shall be nonvoting members.
7 | ~~Notwithstanding s. 114.05(1)(f), the Governor may appoint~~
8 | ~~remaining members to Workforce Florida, Inc., from the current~~
9 | ~~Workforce Development Board and the WAGES Program State Board~~
10 | ~~of Directors, established pursuant to chapter 96-175, Laws of~~
11 | ~~Florida, to serve on the reconstituted board. By July 1, 2000,~~
12 | ~~the Workforce Development Board will provide to the Governor a~~
13 | ~~transition plan to incorporate the changes required by this~~
14 | ~~act and Pub. L. No. 105-220, specifying the manner of changes~~
15 | ~~to the board. This plan shall govern the transition, unless~~
16 | ~~otherwise notified by the Governor.~~ The importance of
17 | minority, gender, and geographic representation shall be
18 | considered when making appointments to the board.

19 | (b) The board of directors of Workforce Florida, Inc.,
20 | shall be chaired by a board member designated by the Governor
21 | pursuant to Pub. L. No. 105-220 and shall serve no more than
22 | two terms.

23 | (c) Members appointed by the Governor may serve no
24 | more than two terms and must be appointed for 3-year ~~2-year~~
25 | terms. However, in order to establish staggered terms for
26 | board members, the Governor shall appoint or reappoint
27 | one-third of the board members for 1-year terms, one-third of
28 | the board members for 2-year terms, and one-third of the board
29 | members for 3-year terms beginning July 1, 2005. Following
30 | that date, the Governor shall appoint or reappoint board
31 | members for 3-year terms exclusively, except that, when a

1 board member is replaced before the end of a 3-year term, the
2 replacement shall be appointed to serve only the remainder of
3 that term, after which the replacement may be appointed for a
4 full 3-year term. Private sector representatives of
5 businesses, appointed by the Governor pursuant to Pub. L. No.
6 105-220, shall constitute a majority of the membership of the
7 board. Private sector representatives shall be appointed from
8 nominations received by the Governor, including, but not
9 limited to, those nominations made by the President of the
10 Senate and the Speaker of the House of Representatives from
11 ~~any member of the Legislature. A member of the Legislature may~~
12 ~~submit more than one board nomination to the Governor through~~
13 ~~his or her respective presiding officer.~~ Private sector
14 appointments to the board shall be representative of the
15 business community of this state; ~~and no fewer less~~ than
16 one-half of the appointments to the board must be
17 representative of small businesses and at least five members
18 must have economic development experience. Members appointed
19 by the Governor serve at the pleasure of the Governor and are
20 eligible for reappointment.

21 ~~(d) The Governor shall appoint members to the board of~~
22 ~~directors of Workforce Florida, Inc., within 30 days after the~~
23 ~~receipt of a sufficient number of nominations.~~

24 ~~(d)(e)~~ A member of the board of directors of Workforce
25 Florida, Inc., may be removed by the Governor for cause.
26 Absence from three consecutive meetings results in automatic
27 removal. The chair of Workforce Florida, Inc., shall notify
28 the Governor of such absences.

29 ~~(e)(f)~~ Representatives of businesses appointed to the
30 board of directors may not include providers of workforce
31 services.

1 (4)(a) The president of Workforce Florida, Inc., shall
2 be hired by the board of directors of Workforce Florida, Inc.,
3 and shall serve at the pleasure of the Governor in the
4 capacity of an executive director and secretary of Workforce
5 Florida, Inc.

6 (b) The board of directors of Workforce Florida, Inc.,
7 shall meet at least quarterly and at other times upon call of
8 its chair. The board and its committees, subcommittees, or
9 other subdivisions may use any method of telecommunications to
10 conduct meetings, including establishing a quorum through
11 telecommunications, provided that the public is given proper
12 notice of the telecommunications meeting and is given
13 reasonable access to observe and, when appropriate,
14 participate.

15 (c) A majority of the total current membership of the
16 board of directors of Workforce Florida, Inc., comprises a
17 quorum of the board.

18 (d) A majority of those voting is required to organize
19 and conduct the business of the board, except that a majority
20 of the entire board of directors is required to adopt or amend
21 the bylaws ~~operational plan~~.

22 (e) Except as delegated or authorized by the board of
23 directors of Workforce Florida, Inc., individual members have
24 no authority to control or direct the operations of Workforce
25 Florida, Inc., or the actions of its officers and employees,
26 including the president.

27 (f) Members of the board of directors of Workforce
28 Florida, Inc., and its committees shall serve without
29 compensation, but these members, the president, and all
30 employees of Workforce Florida, Inc., may be reimbursed for
31

1 all reasonable, necessary, and actual expenses pursuant to s.
2 112.061.

3 (g) The board of directors of Workforce Florida, Inc.,
4 may establish an executive committee consisting of the chair
5 and at least six additional board members selected by the
6 chair ~~board of directors~~, one of whom must be a representative
7 of organized labor. The executive committee and the president
8 shall have such authority as the board delegates to it, except
9 that the board of directors may not delegate to the executive
10 committee authority to take action that requires approval by a
11 majority of the entire board of directors.

12 (h) The chair may appoint committees to fulfill its
13 responsibilities, to comply with federal requirements, or to
14 obtain technical assistance, and must incorporate members of
15 regional workforce development boards into its structure. ~~At a~~
16 ~~minimum, the chair shall establish the following standing~~
17 ~~councils: the First Jobs/First Wages Council, the Better~~
18 ~~Jobs/Better Wages Council, and the High Skills/High Wages~~
19 ~~Council. For purposes of Pub. L. No. 105-220, the First~~
20 ~~Jobs/First Wages Council shall serve as the state's youth~~
21 ~~council.~~

22 (i) Each member of the board of directors who is not
23 otherwise required to file a financial disclosure pursuant to
24 s. 8, Art. II of the State Constitution or s. 112.3144 must
25 file disclosure of financial interests pursuant to s.
26 112.3145.

27 (5) Workforce Florida, Inc., shall have all the powers
28 and authority, not explicitly prohibited by statute, necessary
29 or convenient to carry out and effectuate the purposes as
30 determined by statute, Pub. L. No. 105-220, and the Governor,
31

1 as well as its functions, duties, and responsibilities,
2 including, but not limited to, the following:

3 (a) Serving as the state's Workforce Investment Board
4 pursuant to Pub. L. No. 105-220. Unless otherwise required by
5 federal law, at least 90 percent of the workforce development
6 funding must go into direct customer service costs.

7 (b) Providing oversight and policy direction to ensure
8 that the following programs are administered by the Agency for
9 Workforce Innovation in compliance with approved plans and
10 under contract with Workforce Florida, Inc.:

11 1. Programs authorized under Title I of the Workforce
12 Investment Act of 1998, Pub. L. No. 105-220, with the
13 exception of programs funded directly by the United States
14 Department of Labor under Title I, s. 167.

15 2. Programs authorized under the Wagner-Peyser Act of
16 1933, as amended, 29 U.S.C. ss. 49 et seq.

17 ~~3. Welfare to work grants administered by the United~~
18 ~~States Department of Labor under Title IV, s. 403, of the~~
19 ~~Social Security Act, as amended.~~

20 ~~3.4.~~ Activities authorized under Title II of the Trade
21 Act of ~~2002~~ 1974, as amended, ~~19~~ 2 U.S.C. ss. ~~2272~~ 2271 et
22 seq., and the Trade Adjustment Assistance Program.

23 ~~4.5.~~ Activities authorized under 38 U.S.C., chapter
24 41, including job counseling, training, and placement for
25 veterans.

26 ~~6. Employment and training activities carried out~~
27 ~~under the Community Services Block Grant Act, 42 U.S.C. ss.~~
28 ~~9901 et seq.~~

29 ~~5.7.~~ Employment and training activities carried out
30 under funds awarded to this state by the United States
31 Department of Housing and Urban Development.

1 ~~6.8.~~ Welfare transition services funded by the
2 Temporary Assistance for Needy Families Program, created under
3 the Personal Responsibility and Work Opportunity
4 Reconciliation Act of 1996, as amended, Pub. L. No. 104-193,
5 and Title IV, s. 403, of the Social Security Act, as amended.

6 ~~7.9.~~ Displaced homemaker programs, provided under s.
7 446.50.

8 ~~8.10.~~ The Florida Bonding Program, provided under Pub.
9 L. No. 97-300, s. 164(a)(1).

10 ~~9.11.~~ The Food Stamp Employment and Training Program,
11 provided under the Food Stamp Act of 1977, 7 U.S.C. ss.
12 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
13 and the Hunger Prevention Act, Pub. L. No. 100-435.

14 ~~10.12.~~ The Quick-Response Training Program, provided
15 under ss. 288.046-288.047. Matching funds and in-kind
16 contributions that are provided by clients of the
17 Quick-Response Training Program shall count toward the
18 requirements of s. 288.90151(5)(d), pertaining to the return
19 on investment from activities of Enterprise Florida, Inc.

20 ~~11.13.~~ The Work Opportunity Tax Credit, provided under
21 the Tax and Trade Relief Extension Act of 1998, Pub. L. No.
22 105-277, and the Taxpayer Relief Act of 1997, Pub. L. No.
23 105-34.

24 ~~12.14.~~ Offender placement services, provided under ss.
25 944.707-944.708.

26 ~~15.~~ ~~Programs authorized under the National and~~
27 ~~Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq.,~~
28 ~~and the Service America programs, the National Service Trust~~
29 ~~programs, the Civilian Community Corps, the Corporation for~~
30 ~~National and Community Service, the American Conservation and~~
31

1 ~~Youth Service Corps, and the Points of Light Foundation~~
2 ~~programs, if such programs are awarded to the state.~~

3 (c) The agency may adopt rules necessary to administer
4 the provisions of this chapter which relate to implementing
5 and administering the programs listed in paragraph (b) as well
6 as rules related to eligible training providers and auditing
7 and monitoring subrecipients of the workforce system grant
8 funds.

9 ~~(d)(e)~~ Contracting with public and private entities as
10 necessary to further the directives of this section. All
11 contracts executed by Workforce Florida, Inc., must include
12 specific performance expectations and deliverables. All
13 Workforce Florida, Inc., contracts, including those solicited,
14 managed, or paid by the Agency for Workforce Innovation under
15 s. 20.50(2), are exempt from s. 112.061 and chapters 120 and
16 287.

17 ~~(e)(d)~~ Notifying the Governor, the President of the
18 Senate, and the Speaker of the House of Representatives of
19 noncompliance by the Agency for Workforce Innovation or other
20 agencies or obstruction of the board's efforts by such
21 agencies. Upon such notification, the Executive Office of the
22 Governor shall assist agencies to bring them into compliance
23 with board objectives.

24 ~~(f)(e)~~ Ensuring that the state does not waste valuable
25 training resources. Thus, the board shall direct that all
26 resources, including equipment purchased for training
27 Workforce Investment Act clients, be available for use at all
28 times by eligible populations as first priority users. At
29 times when eligible populations are not available, such
30 resources shall be used for any other state authorized
31 education and training purpose. Workforce Florida, Inc., may

1 promote appropriate activities, incentives, and awards for
2 performance by regional workforce boards, by its committees
3 and subdivisions, and by other units of Florida's workforce
4 system, and expenditures for such activities, incentives, and
5 awards are not subject to chapter 287 or chapter 17, including
6 rules adopted thereunder. However, all expenditures for such
7 activities, incentives, and awards are exclusively subject to
8 federal regulations applicable to the expenditure of federal
9 funds.

10 (g) Establish a dispute-resolution process for all
11 memoranda of understanding or other contracts or agreements
12 entered into between the agency and regional workforce boards.

13 ~~(h)(f)~~ Archiving records with the Bureau of Archives
14 and Records Management of the Division of Library and
15 Information Services of the Department of State.

16 (6) Workforce Florida, Inc., may take action that it
17 deems necessary to achieve the purposes of this section,
18 including, but not limited to:

19 (a) Creating a state employment, education, and
20 training policy that ensures that programs to prepare workers
21 are responsive to present and future business and industry
22 needs and complement the initiatives of Enterprise Florida,
23 Inc.

24 (b) Establishing policy direction for a funding system
25 that provides incentives to improve the outcomes of career
26 education programs, and of registered apprenticeship and
27 work-based learning programs, and that focuses resources on
28 occupations related to new or emerging industries that add
29 greatly to the value of the state's economy.

30 (c) Establishing a comprehensive policy related to the
31 education and training of target populations such as those who

1 | have disabilities, are economically disadvantaged, receive
2 | public assistance, are not proficient in English, or are
3 | dislocated workers. This approach should ensure the effective
4 | use of federal, state, local, and private resources in
5 | reducing the need for public assistance.

6 | (d) Designating Institutes of Applied Technology
7 | composed of public and private postsecondary institutions
8 | working together with business and industry to ensure that
9 | career education programs use the most advanced technology and
10 | instructional methods available and respond to the changing
11 | needs of business and industry.

12 | (e) Providing policy direction for a system to project
13 | and evaluate labor market supply and demand using the results
14 | of the Workforce Estimating Conference created in s. 216.136
15 | and the career education performance standards identified
16 | under s. 1008.43.

17 | (f) Reviewing the performance of public programs that
18 | are responsible for economic development, education,
19 | employment, and training. The review must include an analysis
20 | of the return on investment of these programs.

21 | (g) Expanding the occupations identified by the
22 | Workforce Estimating Conference to meet needs created by local
23 | emergencies or plant closings or to capture occupations within
24 | emerging industries.

25 | (7) By December 1 of each year, Workforce Florida,
26 | Inc., shall submit to the Governor, the President of the
27 | Senate, the Speaker of the House of Representatives, the
28 | Senate Minority Leader, and the House Minority Leader a
29 | complete and detailed annual report setting forth:

30 | (a) All audits, including the audit in subsection (8),
31 | if conducted.

1 (b) The operations and accomplishments of the board,
2 ~~partnership~~ including the programs or entities listed in
3 subsection (6).

4 (8) The Auditor General may, pursuant to his or her
5 own authority or at the direction of the Legislative Auditing
6 Committee, conduct an audit of Workforce Florida, Inc., or the
7 programs or entities created by Workforce Florida, Inc. The
8 Office of Program Policy Analysis and Government
9 Accountability, pursuant to its authority or at the direction
10 of the Legislative Auditing Committee, may review the systems
11 and controls related to performance outcomes and quality of
12 services of Workforce Florida, Inc.

13 (9) Workforce Florida, Inc., in collaboration with the
14 regional workforce boards and appropriate state agencies and
15 local public and private service providers, and in
16 consultation with the Office of Program Policy Analysis and
17 Government Accountability, shall establish uniform measures
18 and standards to gauge the performance of the workforce
19 development strategy. These measures and standards must be
20 organized into three outcome tiers.

21 (a) The first tier of measures must be organized to
22 provide benchmarks for systemwide outcomes. Workforce Florida,
23 Inc., must, in collaboration with the Office of Program Policy
24 Analysis and Government Accountability, establish goals for
25 the tier-one outcomes. Systemwide outcomes may include
26 employment in occupations demonstrating continued growth in
27 wages; continued employment after 3, 6, 12, and 24 months;
28 reduction in and elimination of public assistance reliance;
29 job placement; employer satisfaction; and positive return on
30 investment of public resources.

31

1 (b) The second tier of measures must be organized to
2 provide a set of benchmark outcomes for the ~~initiatives of the~~
3 ~~First Jobs/First Wages Council, the Better Jobs/Better Wages~~
4 ~~Council, and the High Skills/High Wages Council and for each~~
5 ~~of the~~ strategic components of the workforce development
6 strategy. Cost per entered employment, earnings at placement,
7 retention in employment, job placement, and entered employment
8 rate must be included among the performance outcome measures.

9 (c) The third tier of measures must be the operational
10 output measures to be used by the agency implementing
11 programs, and it may be specific to federal requirements. The
12 tier-three measures must be developed by the agencies
13 implementing programs, and Workforce Florida, Inc., may be
14 consulted in this effort. Such measures must be reported to
15 Workforce Florida, Inc., by the appropriate implementing
16 agency.

17 (d) Regional differences must be reflected in the
18 establishment of performance goals and may include job
19 availability, unemployment rates, average worker wage, and
20 available employable population.

21 (e) Job placement must be reported pursuant to s.
22 1008.39. Positive outcomes for providers of education and
23 training must be consistent with ss. 1008.42 and 1008.43.

24 (f) The uniform measures of success that are adopted
25 by Workforce Florida, Inc., or the regional workforce boards
26 must be developed in a manner that provides for an equitable
27 comparison of the relative success or failure of any service
28 provider in terms of positive outcomes.

29 (g) By December 1 of each year, Workforce Florida,
30 Inc., shall provide the Legislature with a report detailing
31 the performance of Florida's workforce development system, as

1 reflected in the three-tier measurement system. Additionally,
2 this report must benchmark Florida outcomes, at all tiers,
3 against other states that collect data similarly.

4 (10) The workforce development strategy for the state
5 shall be designed by Workforce Florida, Inc., ~~and shall be~~
6 ~~centered around the strategies of First Jobs/First Wages,~~
7 ~~Better Jobs/Better Wages, and High Skills/High Wages.~~

8 ~~(a) First Jobs/First Wages is the state's strategy to~~
9 ~~promote successful entry into the workforce through education~~
10 ~~and workplace experience that lead to self sufficiency and~~
11 ~~career advancement. The components of the strategy must~~
12 ~~include efforts that enlist business, education, and community~~
13 ~~support for students to achieve long-term career goals,~~
14 ~~ensuring that young people have the academic and occupational~~
15 ~~skills required to succeed in the workplace. The strategy must~~
16 ~~also assist employers in upgrading or updating the skills of~~
17 ~~their employees and assisting workers to acquire the education~~
18 ~~or training needed to secure a better job with better wages.~~
19 ~~The strategy must assist the state's efforts to attract and~~
20 ~~expand job-creating businesses offering high-paying,~~
21 ~~high-demand occupations. A minimum of 15 percent of all~~
22 ~~Workforce Investment Act youth services funds shall be~~
23 ~~expended for after school care programs, through contracts~~
24 ~~with qualified community based organizations and faith based~~
25 ~~organizations, on an equal basis with other private~~
26 ~~organizations, to provide after school care programs to~~
27 ~~eligible children 14 through 18 years of age. These programs~~
28 ~~shall include academic tutoring, mentoring, and other~~
29 ~~appropriate services. Similar services may be provided for~~
30 ~~eligible children 6 through 13 years of age using Temporary~~
31 ~~Assistance for Needy Families funds. Funds expended under this~~

1 ~~paragraph may not be used for religious or sectarian purposes.~~
2 ~~To provide after school care programs under this paragraph, a~~
3 ~~community based organization or a faith based organization~~
4 ~~must be a nonprofit organization that holds a current~~
5 ~~exemption from federal taxation under s. 501(c)(3) or (4) of~~
6 ~~the Internal Revenue Code or must be a religious organization~~
7 ~~that is not required to apply for recognition of its exemption~~
8 ~~from federal taxation under s. 501(c)(3) of the Internal~~
9 ~~Revenue Code.~~

10 ~~(b) Better Jobs/Better Wages is the state's strategy~~
11 ~~for assisting employers in upgrading or updating the skills of~~
12 ~~their employees and for assisting incumbent workers in~~
13 ~~improving their performance in their current jobs or acquiring~~
14 ~~the education or training needed to secure a better job with~~
15 ~~better wages.~~

16 ~~(c) High Skills/High Wages is the state's strategy for~~
17 ~~aligning education and training programs with high paying,~~
18 ~~high demand occupations that advance individuals' careers,~~
19 ~~build a more skilled workforce, and enhance Florida's efforts~~
20 ~~to attract and expand job creating businesses.~~

21 (11) The workforce development system shall use a
22 charter-process approach aimed at encouraging local design and
23 control of service delivery and targeted activities. Workforce
24 Florida, Inc., shall be responsible for granting charters to
25 regional workforce boards that have a membership consistent
26 with the requirements of federal and state law and that have
27 developed a plan consistent with the state's workforce
28 development strategy. The plan must specify methods for
29 allocating the resources and programs in a manner that
30 eliminates unwarranted duplication, minimizes administrative
31 costs, meets the existing job market demands and the job

1 market demands resulting from successful economic development
2 activities, ensures access to quality workforce development
3 services for all Floridians, allows for pro rata or partial
4 distribution of benefits and services, prohibits the creation
5 of a waiting list or other indication of an unserved
6 population, serves as many individuals as possible within
7 available resources, and maximizes successful outcomes. As
8 part of the charter process, Workforce Florida, Inc., shall
9 establish incentives for effective coordination of federal and
10 state programs, outline rewards for successful job placements,
11 and institute collaborative approaches among local service
12 providers. Local decisionmaking and control shall be important
13 components for inclusion in this charter application.

14 Section 4. Section 445.006, Florida Statutes, is
15 amended to read:

16 445.006 Strategic and operational plans ~~plan~~ for
17 workforce development.--

18 (1) Workforce Florida, Inc., in conjunction with state
19 and local partners in the workforce system, shall develop a
20 strategic plan for workforce, with the goal of producing
21 skilled employees for employers in the state. The strategic
22 plan shall be submitted to the Governor, the President of the
23 Senate, and the Speaker of the House of Representatives by
24 February 1, 2001. The strategic plan shall be updated or
25 modified by January 1 of each year thereafter. The plan must
26 include, but need not be limited to, strategies for:

27 (a) Fulfilling the workforce system goals and
28 strategies prescribed in s. 445.004;

29 (b) Aggregating, integrating, and leveraging workforce
30 system resources;

31

1 (c) Coordinating the activities of federal, state, and
2 local workforce system partners;

3 (d) Addressing the workforce needs of small
4 businesses; and

5 (e) Fostering the participation of rural communities
6 and distressed urban cores in the workforce system.

7 (2) Workforce Florida, Inc., shall establish an
8 operational plan to implement the state strategic plan. The
9 operational plan shall be submitted to the Governor and the
10 Legislature along with the strategic plan and must reflect the
11 allocation of resources as appropriated by the Legislature to
12 specific responsibilities enumerated in law. As a component of
13 the operational ~~strategic~~ plan required under this section,
14 Workforce Florida, Inc., shall develop a workforce marketing
15 plan, with the goal of educating individuals inside and
16 outside the state about the employment market and employment
17 conditions in the state. The marketing plan must include, but
18 need not be limited to, strategies for:

19 (a) Distributing information to secondary and
20 postsecondary education institutions about the diversity of
21 businesses in the state, specific clusters of businesses or
22 business sectors in the state, and occupations by industry
23 which are in demand by employers in the state;

24 (b) Distributing information about and promoting use
25 of the Internet-based job matching and labor market
26 information system authorized under s. 445.011; and

27 (c) Coordinating with Enterprise Florida, Inc., to
28 ensure that workforce marketing efforts complement the
29 economic development marketing efforts of the state.

30 (3) The operational ~~strategic~~ plan must include
31 performance measures, standards, measurement criteria, and

1 contract guidelines in the following areas with respect to
2 participants in the welfare transition program:

- 3 (a) Work participation rates, by type of activity;
- 4 (b) Caseload trends;
- 5 (c) Recidivism;
- 6 (d) Participation in diversion and relocation
7 assistance programs;
- 8 (e) Employment retention;
- 9 (f) Wage growth; and
- 10 (g) Other issues identified by the board of directors
11 of Workforce Florida, Inc.

12 (4) The strategic plan must include criteria for
13 allocating workforce resources to regional workforce boards.
14 With respect to allocating funds to serve customers of the
15 welfare transition program, such criteria may include
16 weighting factors that indicate the relative degree of
17 difficulty associated with securing and retaining employment
18 placements for specific subsets of the welfare transition
19 caseload.

20 (5)(a) The operational ~~strategic~~ plan may ~~must~~ include
21 a performance-based payment structure to be used for all
22 welfare transition program customers which takes into account:

- 23 1. The degree of difficulty associated with placement
24 and retention;
- 25 2. The quality of the placement with respect to
26 salary, benefits, and opportunities for advancement; and
- 27 3. The employee's retention in the placement.

28 (b) The payment structure may ~~must~~ provide for bonus
29 payments of up to 10 percent of the contract amount to
30 providers that achieve notable success in achieving contract
31 objectives, including, but not limited to, success in

1 diverting families in which there is an adult who is subject
2 to work requirements from receiving cash assistance and in
3 achieving long-term job retention and wage growth with respect
4 to welfare transition program customers. A service provider
5 shall be paid a maximum of one payment per service for each
6 participant during any given 6-month period.

7 (6)(a) The operational ~~strategic~~ plan must include
8 strategies that are designed to prevent or reduce the need for
9 a person to receive public assistance. These strategies must
10 include:

11 1. A teen pregnancy prevention component that
12 includes, but is not limited to, a plan for implementing the
13 Florida Education Now and Babies Later (ENABL) program under
14 s. 411.242 and the Teen Pregnancy Prevention Community
15 Initiative within each county of the services area in which
16 the teen birth rate is higher than the state average;

17 2. A component that encourages creation of
18 community-based welfare prevention and reduction initiatives
19 that increase support provided by noncustodial parents to
20 their welfare-dependent children and are consistent with
21 program and financial guidelines developed by Workforce
22 Florida, Inc., and the Commission on Responsible Fatherhood.
23 These initiatives may include, but are not limited to,
24 improved paternity establishment, work activities for
25 noncustodial parents, programs aimed at decreasing
26 out-of-wedlock pregnancies, encouraging involvement of fathers
27 with their children including court-ordered supervised
28 visitation, and increasing child support payments;

29 3. A component that encourages formation and
30 maintenance of two-parent families through, among other
31 things, court-ordered supervised visitation;

1 4. A component that fosters responsible fatherhood in
2 families receiving assistance; and

3 5. A component that fosters provision of services that
4 reduce the incidence and effects of domestic violence on women
5 and children in families receiving assistance.

6 (b) Specifications for welfare transition program
7 services that are to be delivered include, but are not limited
8 to:

9 1. Initial assessment services prior to an individual
10 being placed in an employment service, to determine whether
11 the individual should be referred for relocation, up-front
12 diversion, education, or employment placement. Assessment
13 services shall be paid on a fixed unit rate and may not
14 provide educational or employment placement services.

15 2. Referral of participants to diversion and
16 relocation programs.

17 3. Preplacement services, including assessment,
18 staffing, career plan development, work orientation, and
19 employability skills enhancement.

20 4. Services necessary to secure employment for a
21 welfare transition program participant.

22 5. Services necessary to assist participants in
23 retaining employment, including, but not limited to, remedial
24 education, language skills, and personal and family
25 counseling.

26 6. Desired quality of job placements with regard to
27 salary, benefits, and opportunities for advancement.

28 7. Expectations regarding job retention.

29 8. Strategies to ensure that transition services are
30 provided to participants for the mandated period of
31 eligibility.

1 9. Services that must be provided to the participant
2 throughout an education or training program, such as
3 monitoring attendance and progress in the program.

4 10. Services that must be delivered to welfare
5 transition program participants who have a deferral from work
6 requirements but wish to participate in activities that meet
7 federal participation requirements.

8 11. Expectations regarding continued participant
9 awareness of available services and benefits.

10 Section 5. Subsections (1), (2), (6), (7), (8), (9),
11 (10), (11), and (12) of section 445.007, Florida Statutes, are
12 amended to read:

13 445.007 Regional workforce boards; exemption from
14 public meetings law.--

15 (1) One regional workforce board shall be appointed in
16 each designated service delivery area and shall serve as the
17 local workforce investment board pursuant to Pub. L. No.
18 105-220. The membership of the board shall be consistent with
19 Pub. L. No. 105-220, Title I, s. 117(b), and contain one
20 representative from a nonpublic postsecondary educational
21 institution that is an authorized individual training account
22 provider within the region and confers certificates and
23 diplomas, one representative from a nonpublic postsecondary
24 educational institution that is an authorized individual
25 training account provider within the region and confers
26 degrees, and three representatives of organized labor. The
27 board shall include one nonvoting representative from a
28 military installation if a military installation is located
29 within the region and the appropriate military command or
30 organization authorizes such representation. Individuals
31 ~~serving as members of regional workforce development boards or~~

1 ~~local WAGES coalitions, as of June 30, 2000, are eligible for~~
2 ~~appointment to regional workforce boards, pursuant to this~~
3 ~~section.~~ It is the intent of the Legislature that, ~~whenever~~
4 ~~possible and to the greatest extent practicable,~~ membership of
5 a regional workforce board include persons who are current or
6 former recipients of welfare transition assistance as defined
7 in s. 445.002(3) or workforce services as provided in s.
8 445.009(1), ~~or that such persons be included as ex officio~~
9 members of the board or of committees organized by the board.
10 The importance of minority and gender representation shall be
11 considered when making appointments to the board. The board,
12 its committees, subcommittees, and subdivisions, and other
13 units of the workforce system, including units that may
14 consist in whole or in part of local governmental units, may
15 use any method of telecommunications to conduct meetings,
16 including establishing a quorum through telecommunications,
17 provided that the public is given proper notice of the
18 telecommunications meeting and reasonable access to observe
19 and, when appropriate, participate. Regional workforce boards
20 are subject to those provisions of chapter 119 which relate to
21 public records and those provisions of chapter 286 which
22 relate to public meetings. If the regional workforce board
23 enters into a contract with an organization or individual
24 represented on the board of directors, the contract must be
25 approved by a two-thirds vote of the entire board, and the
26 board member who could benefit financially from the
27 transaction must abstain from voting on the contract. A board
28 member must disclose any such conflict in a manner that is
29 consistent with the procedures outlined in s. 112.3143.
30 (2) The regional workforce board shall elect a chair
31 from among the representatives described in Pub. L. No.

1 ~~105-220, Title I, s. 117(b)(2)(A)(i) to serve for a term of no~~
2 ~~more than 2 years and shall serve no more than two terms.~~
3 ~~Workforce Florida, Inc., will determine the timeframe and~~
4 ~~manner of changes to the regional workforce boards as required~~
5 ~~by this chapter and Pub. L. No. 105-220.~~

6 (6) Regional workforce boards shall adopt a committee
7 structure consistent with applicable federal law and state
8 policies established by Workforce Florida, Inc. may appoint
9 ~~local committees to obtain technical assistance on issues of~~
10 ~~importance, including those issues affecting older workers.~~

11 ~~(7) Each regional workforce board shall establish by~~
12 ~~October 1, 2000, a High Skills/High Wages committee consisting~~
13 ~~of at least five private sector business representatives~~
14 ~~appointed in consultation with local chambers of commerce by~~
15 ~~the primary county economic development organization within~~
16 ~~the region, as identified by Enterprise Florida, Inc.; a~~
17 ~~representative of each primary county economic development~~
18 ~~organization within the region; the regional workforce board~~
19 ~~chair; the presidents of all community colleges within the~~
20 ~~board's region; those district school superintendents with~~
21 ~~authority for conducting postsecondary educational programs~~
22 ~~within the region; and two representatives from nonpublic~~
23 ~~postsecondary educational institutions that are authorized~~
24 ~~individual training account providers within the region,~~
25 ~~appointed by the chair of the regional workforce board. If~~
26 ~~possible, one of the nonpublic educational institutions~~
27 ~~represented must be accredited by the Southern Association of~~
28 ~~Colleges and Schools. The business representatives appointed~~
29 ~~by the primary county economic development organizations need~~
30 ~~not be members of the regional workforce board and shall~~
31 ~~represent those industries that are of primary importance to~~

1 ~~the region's current and future economy. In a multicounty~~
2 ~~region, each primary county economic development organization~~
3 ~~within the region shall appoint at least one business~~
4 ~~representative and shall consult with the other primary county~~
5 ~~economic development organizations within the region to make~~
6 ~~joint appointments when necessary.~~

7 ~~(a) At least annually, each High Skills/High Wages~~
8 ~~committee shall submit recommendations to Workforce Florida,~~
9 ~~Inc., related to:~~

10 ~~1. Policies to enhance the responsiveness of High~~
11 ~~Skills/High Wages programs in its region to business and~~
12 ~~economic development opportunities.~~

13 ~~2. Integrated use of state education and federal~~
14 ~~workforce development funds to enhance the training and~~
15 ~~placement of designated population individuals with local~~
16 ~~businesses and industries.~~

17 ~~(b) The committees shall also make reports to~~
18 ~~Workforce Florida, Inc., annually, on dates specified by~~
19 ~~Workforce Florida, Inc., that identify occupations in the~~
20 ~~region deemed critical to business retention, expansion, and~~
21 ~~recruitment activities, based on guidelines set by Workforce~~
22 ~~Florida, Inc. Such guidelines shall include research of the~~
23 ~~workforce needs of private employers in the region, in~~
24 ~~consultation with local chambers of commerce and economic~~
25 ~~development organizations. Occupations identified pursuant to~~
26 ~~this paragraph shall be considered by Workforce Florida, Inc.,~~
27 ~~for inclusion in the region's targeted occupation list.~~

28 ~~(8) Each regional workforce board shall establish a~~
29 ~~Better Jobs/Better Wages committee consisting of at least five~~
30 ~~members. Initial appointments to this committee shall include~~
31

1 ~~at least three members of the local WAGES coalition,~~
2 ~~established pursuant to chapter 96 175, Laws of Florida.~~

3 ~~(9) Each regional workforce board shall establish a~~
4 ~~First Jobs/First Wages committee consisting of at least five~~
5 ~~members. This committee shall serve as the youth council for~~
6 ~~purposes of Pub. L. No. 105 220.~~

7 ~~(7)(10)~~ The importance of minority and gender
8 representation shall be considered when appointments are made
9 to any committee established by the regional workforce board.

10 ~~(8)(11)~~ For purposes of procurement, regional
11 workforce boards and their administrative entities are not
12 state agencies, but the boards and their administrative
13 entities must comply with state procurement laws and
14 procedures until Workforce Florida, Inc., adopts the
15 provisions or alternative procurement procedures that meet the
16 requirements of federal law. Regional workforce boards, their
17 administrative entities, committees, and subcommittees, and
18 other workforce units may promote appropriate activities,
19 incentives, and awards for performance by units of Florida's
20 workforce system, and expenditures for such activities,
21 incentives, and awards are not subject to chapter 287 or
22 chapter 17, including rules adopted thereunder. However, all
23 expenditures for such activities, incentives, and awards are
24 exclusively subject to federal regulations applicable to the
25 expenditure of federal funds. All contracts executed by
26 regional workforce boards must include specific performance
27 expectations and deliverables.

28 ~~(9)(12)~~ Any meeting or portion of a meeting held by
29 Workforce Florida, Inc., or a regional workforce board or
30 local committee created under this section at which personal
31 identifying information contained in records relating to

1 temporary cash assistance, as defined in s. 414.0252, is
2 discussed is exempt from s. 286.011 and s. 24(b), Art. I of
3 the State Constitution if the information identifies a
4 participant, a participant's family, or a participant's family
5 or household member, as defined in s. 414.0252. This
6 subsection is subject to the Open Government Sunset Review Act
7 of 1995 in accordance with s. 119.15, and shall stand repealed
8 on October 2, 2006, unless reviewed and saved from repeal
9 through reenactment by the Legislature.

10 Section 6. Subsections (3) and (4) and paragraph (d)
11 of subsection (8) of section 445.009, Florida Statutes, are
12 amended to read:

13 445.009 One-stop delivery system.--

14 (3) ~~Notwithstanding any other provision of law, any~~
15 ~~memorandum of understanding in effect on June 30, 2000,~~
16 ~~between a regional workforce board and the Department of Labor~~
17 ~~and Employment Security governing the delivery of workforce~~
18 ~~services shall remain in effect until September 30, 2000.~~

19 Beginning October 1, 2000, regional workforce boards shall
20 enter into a memorandum of understanding with the Agency for
21 Workforce Innovation for the delivery of employment services
22 authorized by the federal Wagner-Peyser Act. This memorandum
23 of understanding must be performance based.

24 (a) Unless otherwise required by federal law, at least
25 90 percent of the Wagner-Peyser funding must go into direct
26 customer service costs.

27 (b) Employment services must be provided through the
28 one-stop delivery system, under the guidance of one-stop
29 delivery system operators. One-stop delivery system operators
30 shall have overall authority for directing the staff of the
31 workforce system. Personnel matters shall remain under the

1 ultimate authority of the Agency for Workforce Innovation.
2 However, the one-stop delivery system operator shall submit to
3 the agency information concerning the job performance of
4 agency employees who deliver employment services. The agency
5 shall consider any such information submitted by the one-stop
6 delivery system operator in conducting performance appraisals
7 of the employees.

8 (c) The agency shall retain fiscal responsibility and
9 accountability for the administration of funds allocated to
10 the state under the Wagner-Peyser Act. An agency employee who
11 is providing services authorized under the Wagner-Peyser Act
12 shall be paid using Wagner-Peyser Act funds.

13 ~~(d) The Office of Program Policy Analysis and~~
14 ~~Government Accountability, in consultation with Workforce~~
15 ~~Florida, Inc., shall review the delivery of employment~~
16 ~~services under the Wagner Peyser Act and the integration of~~
17 ~~those services with other activities performed through the~~
18 ~~one stop delivery system and shall provide recommendations to~~
19 ~~the Legislature for improving the effectiveness of the~~
20 ~~delivery of employment services in this state. The Office of~~
21 ~~Program Policy Analysis and Government Accountability shall~~
22 ~~submit a report and recommendations to the Governor, the~~
23 ~~President of the Senate, and the Speaker of the House of~~
24 ~~Representatives by December 31, 2002.~~

25 (4) One-stop delivery system partners shall enter into
26 a memorandum of understanding pursuant to Pub. L. No. 105-220,
27 Title I, s. 121, with the regional workforce board. Failure of
28 a local partner to participate cannot unilaterally block the
29 majority of partners from moving forward with their one-stop
30 delivery system, and Workforce Florida, Inc., pursuant to s.
31

1 ~~445.004(5)(e)~~ ~~s. 445.004(5)(d)~~, may make notification of a
2 local partner that fails to participate.

3 (8)

4 (d) To the maximum extent possible, training providers
5 shall use funding sources other than the funding provided
6 under Pub. L. No. 105-220. Workforce Florida, Inc., shall
7 develop a system to encourage the leveraging of appropriated
8 resources for the workforce system and shall report on such
9 efforts as part of the required annual report. A performance
10 ~~outcome related to alternative financing obtained by the~~
11 ~~training provider shall be established by Workforce Florida,~~
12 ~~Inc., and used for performance evaluation purposes. The~~
13 ~~performance evaluation must take into consideration the number~~
14 ~~of alternative funding sources.~~

15 Section 7. Section 445.019, Florida Statutes, is
16 amended to read:

17 445.019 Teen parent and pregnancy prevention diversion
18 program; eligibility for services.--The Legislature recognizes
19 that teen pregnancy is a major cause of dependency on
20 government assistance that often extends through more than one
21 generation. The purpose of the teen parent and pregnancy
22 prevention diversion program is to provide services to reduce
23 and avoid welfare dependency by reducing teen pregnancy,
24 reducing the incidence of multiple pregnancies to teens, and
25 by assisting teens in completing educational or employment
26 programs, or both.

27 (1) Notwithstanding any provision to the contrary in
28 ss. 414.075, 414.085, and 414.095, a teen who is determined to
29 be at risk of teen pregnancy or who already has a child shall
30 be deemed eligible to receive services under this program.

31

1 (2) Services provided under this program shall be
2 limited to services that are not considered assistance under
3 federal law or guidelines.

4 (3) Receipt of services under this section does not
5 preclude eligibility for, or receipt of, other assistance or
6 services under chapter 414.

7 Section 8. Section 445.020, Florida Statutes, is
8 amended to read:

9 445.020 Diversion programs; determination of need.--If
10 federal regulations require a determination of needy families
11 or needy parents to be based on financial criteria, such as
12 income or resources, for individuals or families who are
13 receiving services, one-time payments, or nonrecurring
14 short-term benefits, the TANF state plan shall clearly
15 indicate ~~Department of Children and Family Services shall~~
16 ~~adopt rules to define such criteria. In such rules, the~~
17 ~~department shall use the income level established for~~
18 ~~Temporary Assistance for Needy Families funds which are~~
19 ~~transferred for use under Title XX of the Social Security Act.~~
20 If federal regulations do not require a financial
21 determination for receipt of such benefits, payments, or
22 services, the criteria otherwise established in this chapter
23 shall be used.

24 Section 9. Paragraph (d) of subsection (1) of section
25 427.012, Florida Statutes, is amended to read:

26 427.012 The Commission for the Transportation
27 Disadvantaged.--There is created the Commission for the
28 Transportation Disadvantaged in the Department of
29 Transportation.

30 (1) The commission shall consist of the following
31 members:

1 (d) The director of the Agency for Workforce
2 Innovation or the director's secretary of the Department of
3 Labor and Employment Security or the secretary's designee.

4 Section 10. Sections 445.005, 445.012, 445.0121,
5 445.0122, 445.0123, 445.0124, 445.0125, 445.013, 446.21,
6 446.22, 446.23, 446.24, 446.25, 446.26, and 446.27, Florida
7 Statutes, are repealed.

8 Section 11. This act shall take effect July 1, 2005.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1650

13 This committee substitute differs from SB 1650 in the
14 following manner:

- 15 -- Grants Workforce Florida, Inc., the authority to create a
16 dispute resolution procedure to address any disputes that
17 may arise between AWI and the regional workforce boards;
18 and
19 -- Deletes statutory descriptions of a limited number of
20 regional workforce boards' duties.
21
22
23
24
25
26
27
28
29
30
31