

By the Committees on Governmental Oversight and Productivity;  
Commerce and Consumer Services; and Senators King and Lynn

585-2033-05

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) 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)~~ 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 offices of the agency  
20 to best meet the goals and objectives of the agency as  
21 provided in s. 20.04. is responsible for procurement, human  
22 ~~resource services, and information services including~~  
23 ~~delivering information on labor markets, employment,~~  
24 ~~occupations, and performance, and shall implement and maintain~~  
25 ~~information systems that are required for the effective~~  
26 ~~operation of the one stop delivery system and the school~~  
27 ~~readiness system, including, but not limited to, those systems~~  
28 ~~described in s. 445.009. The office shall be directed by the~~  
29 ~~Deputy Director for Agency Support Services, who shall be~~  
30 ~~appointed by and serve at the pleasure of the director. The~~  
31 ~~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. However, Workforce Florida, Inc.,  
2 | shall apply the procurement and expenditure procedures  
3 | required by federal law for the expenditure of federal funds  
4 | and is therefore exempt from chapters 120 and 287. Workforce  
5 | Florida, Inc., shall be administratively housed within the  
6 | Agency for Workforce Innovation; however, Workforce Florida,  
7 | Inc., shall not be subject to control, supervision, or  
8 | direction by the Agency for Workforce Innovation in any  
9 | manner. The Legislature determines, however, that public  
10 | policy dictates that Workforce Florida, Inc., operate in the  
11 | most open and accessible manner consistent with its public  
12 | purpose. To this end, the Legislature specifically declares  
13 | that Workforce Florida, Inc., its board, councils, and any  
14 | advisory committees or similar groups created by Workforce  
15 | Florida, Inc., are subject to the provisions of chapter 119  
16 | relating to public records, and those provisions of chapter  
17 | 286 relating to public meetings.

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

26 |         (3)(a) Workforce Florida, Inc., shall be governed by a  
27 | board of directors, the number of directors to be determined  
28 | by the Governor, whose membership and appointment must be  
29 | consistent with Pub. L. No. 105-220, Title I, s. 111(b), and  
30 | contain one member representing the licensed nonpublic  
31 | postsecondary educational institutions authorized as



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

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

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

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

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

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

31

1           ~~(e)(f)~~ Representatives of businesses appointed to the  
2 board of directors may not include providers of workforce  
3 services.

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

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

18           (c) A majority of the total current membership of the  
19 board of directors of Workforce Florida, Inc., comprises a  
20 quorum of the board.

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

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

30           (f) Members of the board of directors of Workforce  
31 Florida, Inc., and its committees shall serve without

1 compensation, but these members, the president, and all  
2 employees of Workforce Florida, Inc., may be reimbursed for  
3 all reasonable, necessary, and actual expenses pursuant to s.  
4 112.061.

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

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

24 (i) Each member of the board of directors who is not  
25 otherwise required to file a financial disclosure pursuant to  
26 s. 8, Art. II of the State Constitution or s. 112.3144 must  
27 file disclosure of financial interests pursuant to s.  
28 112.3145.

29 (5) Workforce Florida, Inc., shall have all the powers  
30 and authority, not explicitly prohibited by statute, necessary  
31 or convenient to carry out and effectuate the purposes as

1 | determined by statute, Pub. L. No. 105-220, and the Governor,  
2 | as well as its functions, duties, and responsibilities,  
3 | including, but not limited to, the following:

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

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

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

16 |           2. Programs authorized under the Wagner-Peyser Act of  
17 | 1933, as amended, 29 U.S.C. ss. 49 et seq.

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

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

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

27 |           ~~6. Employment and training activities carried out~~  
28 | ~~under the Community Services Block Grant Act, 42 U.S.C. ss.~~  
29 | ~~9901 et seq.~~

30 |  
31 |

1           ~~5.7-~~ Employment and training activities carried out  
2 under funds awarded to this state by the United States  
3 Department of Housing and Urban Development.

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

9           ~~7.9-~~ Displaced homemaker programs, provided under s.  
10 446.50.

11           ~~8.10-~~ The Florida Bonding Program, provided under Pub.  
12 L. No. 97-300, s. 164(a)(1).

13           ~~9.11-~~ The Food Stamp Employment and Training Program,  
14 provided under the Food Stamp Act of 1977, 7 U.S.C. ss.  
15 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
16 and the Hunger Prevention Act, Pub. L. No. 100-435.

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

23           ~~11.13-~~ The Work Opportunity Tax Credit, provided under  
24 the Tax and Trade Relief Extension Act of 1998, Pub. L. No.  
25 105-277, and the Taxpayer Relief Act of 1997, Pub. L. No.  
26 105-34.

27           ~~12.14-~~ Offender placement services, provided under ss.  
28 944.707-944.708.

29           ~~15-~~ ~~Programs authorized under the National and~~  
30 ~~Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq.,~~  
31 ~~and the Service America programs, the National Service Trust~~

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

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

11 ~~(d)(e)~~ Contracting with public and private entities as  
12 necessary to further the directives of this section. All  
13 contracts executed by Workforce Florida, Inc., must include  
14 specific performance expectations and deliverables. All  
15 Workforce Florida, Inc., contracts, including those solicited,  
16 managed, or paid by the Agency for Workforce Innovation under  
17 s. 20.50(2), shall be governed by subsection (1).

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

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

1 | education and training purpose. Workforce Florida, Inc., may  
2 | authorize expenditures to award suitable framed certificates,  
3 | pins, or other tokens of recognition for performance by a  
4 | regional workforce board, its committees and subdivisions, and  
5 | other units of the workforce system. Workforce Florida, Inc.,  
6 | may also authorize expenditures for promotional items, such as  
7 | t-shirts, hats, or pens printed with messages promoting the  
8 | state's workforce system to employers, job seekers, and  
9 | program participants. However, such expenditures are subject  
10 | to federal regulations applicable to the expenditure of  
11 | federal funds.

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

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

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

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

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



1           (c) Establishing a comprehensive policy related to the  
2 education and training of target populations such as those who  
3 have disabilities, are economically disadvantaged, receive  
4 public assistance, are not proficient in English, or are  
5 dislocated workers. This approach should ensure the effective  
6 use of federal, state, local, and private resources in  
7 reducing the need for public assistance.

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

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

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

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

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

1 (a) All audits, including the audit in subsection (8),  
2 if conducted.

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

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

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

23 (a) The first tier of measures must be organized to  
24 provide benchmarks for systemwide outcomes. Workforce Florida,  
25 Inc., must, in collaboration with the Office of Program Policy  
26 Analysis and Government Accountability, establish goals for  
27 the tier-one outcomes. Systemwide outcomes may include  
28 employment in occupations demonstrating continued growth in  
29 wages; continued employment after 3, 6, 12, and 24 months;  
30 reduction in and elimination of public assistance reliance;  
31

1 | job placement; employer satisfaction; and positive return on  
2 | investment of public resources.

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

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

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

23 |         (e) Job placement must be reported pursuant to s.  
24 | 1008.39. Positive outcomes for providers of education and  
25 | training must be consistent with ss. 1008.42 and 1008.43.

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

31 |

1           (g) By December 1 of each year, Workforce Florida,  
2 Inc., shall provide the Legislature with a report detailing  
3 the performance of Florida's workforce development system, as  
4 reflected in the three-tier measurement system. Additionally,  
5 this report must benchmark Florida outcomes, at all tiers,  
6 against other states that collect data similarly.

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

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

1 ~~appropriate services. Similar services may be provided for~~  
2 ~~eligible children 6 through 13 years of age using Temporary~~  
3 ~~Assistance for Needy Families funds. Funds expended under this~~  
4 ~~paragraph may not be used for religious or sectarian purposes.~~  
5 ~~To provide after school care programs under this paragraph, a~~  
6 ~~community based organization or a faith based organization~~  
7 ~~must be a nonprofit organization that holds a current~~  
8 ~~exemption from federal taxation under s. 501(c)(3) or (4) of~~  
9 ~~the Internal Revenue Code or must be a religious organization~~  
10 ~~that is not required to apply for recognition of its exemption~~  
11 ~~from federal taxation under s. 501(c)(3) of the Internal~~  
12 ~~Revenue Code.~~

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

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

24 (11) The workforce development system shall use a  
25 charter-process approach aimed at encouraging local design and  
26 control of service delivery and targeted activities. Workforce  
27 Florida, Inc., shall be responsible for granting charters to  
28 regional workforce boards that have a membership consistent  
29 with the requirements of federal and state law and that have  
30 developed a plan consistent with the state's workforce  
31 development strategy. The plan must specify methods for

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

17 Section 4. Section 445.006, Florida Statutes, is  
18 amended to read:

19 445.006 Strategic and operational plans ~~plan~~ for  
20 workforce development.--

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

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

1 (b) Aggregating, integrating, and leveraging workforce  
2 system resources;

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

5 (d) Addressing the workforce needs of small  
6 businesses; and

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

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

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

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

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

1           (3) The operational ~~strategic~~ plan must include  
2 performance measures, standards, measurement criteria, and  
3 contract guidelines in the following areas with respect to  
4 participants in the welfare transition program:

5           (a) Work participation rates, by type of activity;

6           (b) Caseload trends;

7           (c) Recidivism;

8           (d) Participation in diversion and relocation

9 assistance programs;

10           (e) Employment retention;

11           (f) Wage growth; and

12           (g) Other issues identified by the board of directors

13 of Workforce Florida, Inc.

14           (4) The strategic plan must include criteria for  
15 allocating workforce resources to regional workforce boards.

16 With respect to allocating funds to serve customers of the  
17 welfare transition program, such criteria may include  
18 weighting factors that indicate the relative degree of  
19 difficulty associated with securing and retaining employment  
20 placements for specific subsets of the welfare transition  
21 caseload.

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

25           1. The degree of difficulty associated with placement  
26 and retention;

27           2. The quality of the placement with respect to  
28 salary, benefits, and opportunities for advancement; and

29           3. The employee's retention in the placement.

30           (b) The payment structure may ~~must~~ provide for bonus  
31 payments of up to 10 percent of the contract amount to



1 providers that achieve notable success in achieving contract  
2 objectives, including, but not limited to, success in  
3 diverting families in which there is an adult who is subject  
4 to work requirements from receiving cash assistance and in  
5 achieving long-term job retention and wage growth with respect  
6 to welfare transition program customers. A service provider  
7 shall be paid a maximum of one payment per service for each  
8 participant during any given 6-month period.

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

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

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

31

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

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

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

9           (b) Specifications for welfare transition program  
10 services that are to be delivered include, but are not limited  
11 to:

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

18           2. Referral of participants to diversion and  
19 relocation programs.

20           3. Preplacement services, including assessment,  
21 staffing, career plan development, work orientation, and  
22 employability skills enhancement.

23           4. Services necessary to secure employment for a  
24 welfare transition program participant.

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

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

31           7. Expectations regarding job retention.

1           8. Strategies to ensure that transition services are  
2 provided to participants for the mandated period of  
3 eligibility.

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

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

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

13           Section 5. Subsections (1), (2), (6), (7), (8), (9),  
14 (10), (11), and (12) of section 445.007, Florida Statutes, are  
15 amended to read:

16           445.007 Regional workforce boards; exemption from  
17 public meetings law.--

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

1 | within the region and the appropriate military command or  
2 | organization authorizes such representation. Individuals  
3 | ~~serving as members of regional workforce development boards or~~  
4 | ~~local WAGES coalitions, as of June 30, 2000, are eligible for~~  
5 | ~~appointment to regional workforce boards, pursuant to this~~  
6 | ~~section.~~ It is the intent of the Legislature that, ~~whenever~~  
7 | ~~possible and to the greatest extent practicable,~~ membership of  
8 | a regional workforce board include persons who are current or  
9 | former recipients of welfare transition assistance as defined  
10 | in s. 445.002(3) or workforce services as provided in s.  
11 | 445.009(1),<sup>7</sup> or that such persons be included as ex officio  
12 | members of the board or of committees organized by the board.  
13 | The importance of minority and gender representation shall be  
14 | considered when making appointments to the board. The board,  
15 | its committees, subcommittees, and subdivisions, and other  
16 | units of the workforce system, including units that may  
17 | consist in whole or in part of local governmental units, may  
18 | use any method of telecommunications to conduct meetings,  
19 | including establishing a quorum through telecommunications,  
20 | provided that the public is given proper notice of the  
21 | telecommunications meeting and reasonable access to observe  
22 | and, when appropriate, participate. Regional workforce boards  
23 | are subject to chapters 119 and 286 and s. 24, Art. I of the  
24 | State Constitution. If the regional workforce board enters  
25 | into a contract with an organization or individual represented  
26 | on the board of directors, the contract must be approved by a  
27 | two-thirds vote of the entire board, and the board member who  
28 | could benefit financially from the transaction must abstain  
29 | from voting on the contract. A board member must disclose any  
30 | such conflict in a manner that is consistent with the  
31 | procedures outlined in s. 112.3143.

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

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

13           ~~(7) Each regional workforce board shall establish by~~  
14 ~~October 1, 2000, a High Skills/High Wages committee consisting~~  
15 ~~of at least five private sector business representatives~~  
16 ~~appointed in consultation with local chambers of commerce by~~  
17 ~~the primary county economic development organization within~~  
18 ~~the region, as identified by Enterprise Florida, Inc.; a~~  
19 ~~representative of each primary county economic development~~  
20 ~~organization within the region; the regional workforce board~~  
21 ~~chair; the presidents of all community colleges within the~~  
22 ~~board's region; those district school superintendents with~~  
23 ~~authority for conducting postsecondary educational programs~~  
24 ~~within the region; and two representatives from nonpublic~~  
25 ~~postsecondary educational institutions that are authorized~~  
26 ~~individual training account providers within the region,~~  
27 ~~appointed by the chair of the regional workforce board. If~~  
28 ~~possible, one of the nonpublic educational institutions~~  
29 ~~represented must be accredited by the Southern Association of~~  
30 ~~Colleges and Schools. The business representatives appointed~~  
31 ~~by the primary county economic development organizations need~~

1 ~~not be members of the regional workforce board and shall~~  
2 ~~represent those industries that are of primary importance to~~  
3 ~~the region's current and future economy. In a multicounty~~  
4 ~~region, each primary county economic development organization~~  
5 ~~within the region shall appoint at least one business~~  
6 ~~representative and shall consult with the other primary county~~  
7 ~~economic development organizations within the region to make~~  
8 ~~joint appointments when necessary.~~

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

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

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

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

30 ~~(8) Each regional workforce board shall establish a~~  
31 ~~Better Jobs/Better Wages committee consisting of at least five~~

1 ~~members. Initial appointments to this committee shall include~~  
2 ~~at least three members of the local WAGES coalition,~~  
3 ~~established pursuant to chapter 96-175, Laws of Florida.~~

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

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

11 ~~(8)(11)~~ For purposes of procurement, regional  
12 workforce boards and their administrative entities are not  
13 state agencies, but the boards and their administrative  
14 entities must comply with state procurement laws and  
15 procedures until Workforce Florida, Inc., adopts the  
16 provisions or alternative procurement procedures that meet the  
17 requirements of federal law. Regional workforce boards, their  
18 administrative entities, committees, and subcommittees, and  
19 other workforce units may authorize expenditures to award  
20 suitable framed certificates, pins, or other tokens of  
21 recognition for performance by units of the workforce system.  
22 Regional workforce boards; their administrative entities,  
23 committees, and subcommittees; and other workforce units may  
24 authorize expenditures for promotional items, such as  
25 t-shirts, hats, or pens printed with messages promoting  
26 Florida's workforce system to employers, job seekers, and  
27 program participants. However, such expenditures are subject  
28 to federal regulations applicable to the expenditure of  
29 federal funds. All contracts executed by regional workforce  
30 boards must include specific performance expectations and  
31 deliverables.

1            ~~(9)(12)~~ Any meeting or portion of a meeting held by  
2 Workforce Florida, Inc., or a regional workforce board or  
3 local committee created under this section at which personal  
4 identifying information contained in records relating to  
5 temporary cash assistance, as defined in s. 414.0252, is  
6 discussed is exempt from s. 286.011 and s. 24(b), Art. I of  
7 the State Constitution if the information identifies a  
8 participant, a participant's family, or a participant's family  
9 or household member, as defined in s. 414.0252. This  
10 subsection is subject to the Open Government Sunset Review Act  
11 of 1995 in accordance with s. 119.15, and shall stand repealed  
12 on October 2, 2006, unless reviewed and saved from repeal  
13 through reenactment by the Legislature.

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

17            445.009 One-stop delivery system.--

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

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

28            (a) Unless otherwise required by federal law, at least  
29 90 percent of the Wagner-Peyser funding must go into direct  
30 customer service costs.

31



1           (b) Employment services must be provided through the  
2 one-stop delivery system, under the guidance of one-stop  
3 delivery system operators. One-stop delivery system operators  
4 shall have overall authority for directing the staff of the  
5 workforce system. Personnel matters shall remain under the  
6 ultimate authority of the Agency for Workforce Innovation.  
7 However, the one-stop delivery system operator shall submit to  
8 the agency information concerning the job performance of  
9 agency employees who deliver employment services. The agency  
10 shall consider any such information submitted by the one-stop  
11 delivery system operator in conducting performance appraisals  
12 of the employees.

13           (c) The agency shall retain fiscal responsibility and  
14 accountability for the administration of funds allocated to  
15 the state under the Wagner-Peyser Act. An agency employee who  
16 is providing services authorized under the Wagner-Peyser Act  
17 shall be paid using Wagner-Peyser Act funds.

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

30           (4) One-stop delivery system partners shall enter into  
31 a memorandum of understanding pursuant to Pub. L. No. 105-220,

1 Title I, s. 121, with the regional workforce board. Failure of  
2 a local partner to participate cannot unilaterally block the  
3 majority of partners from moving forward with their one-stop  
4 delivery system, and Workforce Florida, Inc., pursuant to s.  
5 445.004(5)(e) ~~s. 445.004(5)(d)~~, may make notification of a  
6 local partner that fails to participate.

7 (8)

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

19 Section 7. Section 445.019, Florida Statutes, is  
20 amended to read:

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

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

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

8           (3) Receipt of services under this section does not  
9 preclude eligibility for, or receipt of, other assistance or  
10 services under chapter 414.

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

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

28           Section 9. Paragraph (d) of subsection (1) of section  
29 427.012, Florida Statutes, is amended to read:

30           427.012 The Commission for the Transportation  
31 Disadvantaged.--There is created the Commission for the

1 Transportation Disadvantaged in the Department of  
2 Transportation.

3 (1) The commission shall consist of the following  
4 members:

5 (d) The director of the Agency for Workforce  
6 Innovation or the director's secretary of the Department of  
7 Labor and Employment Security or the secretary's designee.

8 Section 10. Sections 445.005, 445.012, 445.0121,  
9 445.0122, 445.0123, 445.0124, 445.0125, 445.013, 446.21,  
10 446.22, 446.23, 446.24, 446.25, 446.26, and 446.27, Florida  
11 Statutes, are repealed.

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

13

14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15 COMMITTEE SUBSTITUTE FOR  
16 CS for SB 1650

16

17 The CS provides that the workforce entities named in the bill  
18 shall adhere to federal purchasing standards for the  
19 expenditure of federal funds and may expend monies to provide  
20 tangible tokens of appreciation in recognition of achievement.

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