

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Trujillo offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 37-109 and insert:

5 Section 1. Paragraph (a) of subsection (3) of section  
6 445.003, Florida Statutes, is amended to read:

7 445.003 Implementation of the federal Workforce Investment  
8 Act of 1998.—

9 (3) FUNDING.—

10 (a) Title I, Workforce Investment Act of 1998 funds;  
11 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended  
12 based on the 5-year plan of Workforce Florida, Inc. The plan  
13 shall outline and direct the method used to administer and  
14 coordinate various funds and programs that are operated by  
15 various agencies. The following provisions shall also apply to  
16 these funds:

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17 1. At least 50 percent of the Title I funds for Adults and  
18 Dislocated Workers that are passed through to regional workforce  
19 boards shall be allocated to and expended on Individual Training  
20 Accounts unless a regional workforce board obtains a waiver from  
21 Workforce Florida, Inc. Tuition, books, and fees of training  
22 providers qualify as an Individual Training Account expenditure,  
23 ~~as do other programs developed by regional workforce boards in~~  
24 ~~compliance with policies of Workforce Florida, Inc.~~

25 2. Fifteen percent of Title I funding shall be retained at  
26 the state level and shall be dedicated to state administration  
27 and used to design, develop, induce, and fund innovative  
28 Individual Training Account pilots, demonstrations, and  
29 programs. Of such funds retained at the state level, \$2 million  
30 shall be reserved for the Incumbent Worker Training Program,  
31 created under subparagraph 3. Eligible state administration  
32 costs include the costs of: funding for the board and staff of  
33 Workforce Florida, Inc.; operating fiscal, compliance, and  
34 management accountability systems through Workforce Florida,  
35 Inc.; conducting evaluation and research on workforce  
36 development activities; and providing technical and capacity  
37 building assistance to regions at the direction of Workforce  
38 Florida, Inc. Notwithstanding s. 445.004, such administrative  
39 costs shall not exceed 25 percent of these funds. An amount not  
40 to exceed 75 percent of these funds shall be allocated to  
41 Individual Training Accounts and other workforce development  
42 strategies for other training designed and tailored by Workforce  
43 Florida, Inc., including, but not limited to, programs for  
44 incumbent workers, displaced homemakers, nontraditional

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45 employment, and enterprise zones. Workforce Florida, Inc., shall  
46 design, adopt, and fund Individual Training Accounts for  
47 distressed urban and rural communities.

48 3. The Incumbent Worker Training Program is created for  
49 the purpose of providing grant funding for continuing education  
50 and training of incumbent employees at existing Florida  
51 businesses. The program will provide reimbursement grants to  
52 businesses that pay for preapproved, direct, training-related  
53 costs.

54 a. The Incumbent Worker Training Program will be  
55 administered by Workforce Florida, Inc. Workforce Florida, Inc.,  
56 at its discretion, may contract with a private business  
57 organization to serve as grant administrator.

58 b. To be eligible for the program's grant funding, a  
59 business must have been in operation in Florida for a minimum of  
60 1 year prior to the application for grant funding; have at least  
61 one full-time employee; demonstrate financial viability; and be  
62 current on all state tax obligations. Priority for funding shall  
63 be given to businesses with 25 employees or fewer, businesses in  
64 rural areas, businesses in distressed inner-city areas,  
65 businesses in a qualified targeted industry, businesses whose  
66 grant proposals represent a significant upgrade in employee  
67 skills, or businesses whose grant proposals represent a  
68 significant layoff avoidance strategy.

69 c. All costs reimbursed by the program must be preapproved  
70 by Workforce Florida, Inc., or the grant administrator. The  
71 program will not reimburse businesses for trainee wages, the  
72 purchase of capital equipment, or the purchase of any item or  
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73 service that may possibly be used outside the training project.

74 A business approved for a grant may be reimbursed for  
75 preapproved, direct, training-related costs including tuition;  
76 fees; books and training materials; and overhead or indirect  
77 costs not to exceed 5 percent of the grant amount.

78 d. A business that is selected to receive grant funding  
79 must provide a matching contribution to the training project,  
80 including, but not limited to, wages paid to trainees or the  
81 purchase of capital equipment used in the training project; must  
82 sign an agreement with Workforce Florida, Inc., or the grant  
83 administrator to complete the training project as proposed in  
84 the application; must keep accurate records of the project's  
85 implementation process; and must submit monthly or quarterly  
86 reimbursement requests with required documentation.

87 e. All Incumbent Worker Training Program grant projects  
88 shall be performance-based with specific measurable performance  
89 outcomes, including completion of the training project and job  
90 retention. Workforce Florida, Inc., or the grant administrator  
91 shall withhold the final payment to the grantee until a final  
92 grant report is submitted and all performance criteria specified  
93 in the grant contract have been achieved.

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

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

99 4. At least 50 percent of Rapid Response funding shall be  
100 dedicated to Intensive Services Accounts and Individual Training  
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101 Accounts for dislocated workers and incumbent workers who are at  
102 risk of dislocation. Workforce Florida, Inc., shall also  
103 maintain an Emergency Preparedness Fund from Rapid Response  
104 funds which will immediately issue Intensive Service Accounts  
105 and Individual Training Accounts as well as other federally  
106 authorized assistance to eligible victims of natural or other  
107 disasters. At the direction of the Governor, for events that  
108 qualify under federal law, these Rapid Response funds shall be  
109 released to regional workforce boards for immediate use. Funding  
110 shall also be dedicated to maintain a unit at the state level to  
111 respond to Rapid Response emergencies around the state, to work  
112 with state emergency management officials, and to work with  
113 regional workforce boards. All Rapid Response funds must be  
114 expended based on a plan developed by Workforce Florida, Inc.,  
115 and approved by the Governor.

116 Section 2. Subsections (1), (2), (3), and (6) of section  
117 445.007, Florida Statutes, are amended, subsections (10) and  
118 (11) are reenacted and amended, and subsections (12) and (13)  
119 are added to that section, to read:

120 445.007 Regional workforce boards.—

121 (1) One regional workforce board shall be appointed in  
122 each designated service delivery area and shall serve as the  
123 local workforce investment board pursuant to Pub. L. No. 105-  
124 220. The membership of the board shall be consistent with Pub.  
125 L. No. 105-220, Title I, s. 117(b) but may not exceed the  
126 minimum membership required in Pub. L. No. 105-220, Title I, s.  
127 117(b) (2) (A) and in this subsection. Upon approval by the  
128 Governor, the chief elected official may appoint additional

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129 members above the limit set by this subsection. If any public  
130 education or training provider is represented on the board, a  
131 representative of private nonprofit providers and a  
132 representative of private for-profit providers must also be  
133 appointed. The board shall include one nonvoting representative  
134 from a military installation if a military installation is  
135 located within the region and the appropriate military command  
136 or organization authorizes such representation. It is the intent  
137 of the Legislature that membership of a regional workforce board  
138 include persons who are current or former recipients of welfare  
139 transition assistance as defined in s. 445.002(2) or workforce  
140 services as provided in s. 445.009(1) or that such persons be  
141 included as ex officio members of the board or of committees  
142 organized by the board. The importance of minority and gender  
143 representation shall be considered when making appointments to  
144 the board. The board, its committees, subcommittees, and  
145 subdivisions, and other units of the workforce system, including  
146 units that may consist in whole or in part of local governmental  
147 units, may use any method of telecommunications to conduct  
148 meetings, including establishing a quorum through  
149 telecommunications, provided that the public is given proper  
150 notice of the telecommunications meeting and reasonable access  
151 to observe and, when appropriate, participate. Regional  
152 workforce boards are subject to chapters 119 and 286 and s. 24,  
153 Art. I of the State Constitution. If the regional workforce  
154 board enters into a contract with an organization or individual  
155 represented on the board of directors, the contract must be  
156 approved by a two-thirds vote of the board, a quorum having been

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157 established, and the board member who could benefit financially  
158 from the transaction must abstain from voting on the contract. A  
159 board member must disclose any such conflict in a manner that is  
160 consistent with the procedures outlined in s. 112.3143. Each  
161 member of a regional workforce board who is not otherwise  
162 required to file a full and public disclosure of financial  
163 interests pursuant to s. 8, Art. II of the State Constitution or  
164 s. 112.3144 shall file a statement of financial interests  
165 pursuant to s. 112.3145. The executive director or designated  
166 person responsible for the operational and administrative  
167 functions of the regional workforce board who is not otherwise  
168 required to file a full and public disclosure of financial  
169 interests pursuant to s. 8, Art. II of the State Constitution or  
170 s. 112.3144 shall file a statement of financial interests  
171 pursuant to s. 112.3145.

172 (2) (a) The regional workforce board shall elect a chair  
173 from among the representatives described in Pub. L. No. 105-220,  
174 Title I, s. 117(b)(2)(A)(i) to serve for a term of no more than  
175 2 years and shall serve no more than two terms. The chair shall  
176 serve at the pleasure of the Governor.

177 (b) The executive director or designated person  
178 responsible for the operational and administrative functions of  
179 the regional workforce board shall serve at the pleasure of the  
180 Governor.

181 (c) A member of a regional workforce board may be removed  
182 by the Governor for cause, which includes, but is not limited  
183 to, engaging in fraud and other criminal acts, incapacity,  
184 unfitness, neglect of duty, and official incompetence and

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185 irresponsibility justifying removal in the essential public  
186 interest.

187 (3) The Department of Economic Opportunity, under the  
188 direction of Workforce Florida, Inc., shall assign staff to meet  
189 with each regional workforce board annually to review the  
190 board's performance and to certify that the board is in  
191 compliance with applicable state and federal law.

192 (6) The regional workforce board shall designate all local  
193 service providers and may not transfer this authority to a third  
194 party. Consistent with the intent of the Workforce Investment  
195 Act, regional workforce boards should provide the greatest  
196 possible choice of training providers to those who qualify for  
197 training services. A regional workforce board may not restrict  
198 the choice of training providers based upon cost, location, or  
199 historical training arrangements. A board may restrict the  
200 amount of training resources available to any one client. Such  
201 restrictions may vary based upon the cost of training in the  
202 client's chosen occupational area. The regional workforce board  
203 may be designated as a one-stop operator and direct provider of  
204 intake, assessment, eligibility determinations, or other direct  
205 provider services except training services. Such designation may  
206 occur only with the agreement of the chief elected official and  
207 the Governor as specified in 29 U.S.C. s. 2832(f)(2). Workforce  
208 Florida, Inc., shall establish procedures by which a regional  
209 workforce board may request permission to operate under this  
210 section and the criteria under which such permission may be  
211 granted. The criteria shall include, but need not be limited to,  
212 a reduction in the cost of providing the permitted services.

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213 Such permission shall be granted for a period not to exceed 3  
214 years for any single request submitted by the regional workforce  
215 board.

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**T I T L E A M E N D M E N T**

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Remove lines 3-14 and insert:

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s. 445.003, F.S.; requiring certain funds to be expended on

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Individual Training Accounts; revising items that qualify as

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account expenditures; amending s. 445.007, F.S., and reenacting

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subsections (10) and (11), relating to restrictions on the use

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of state and federal funds provided to regional workforce boards

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and contracts between regional workforce boards and members of

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regional workforce boards; providing for maximum board

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membership; providing additional membership requirements;

228

requiring certain board members to file a statement of financial

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interests; providing that certain board members serve at the

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pleasure of the Governor; authorizing the Governor to remove

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board members for cause; requiring the Department of Economic

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Opportunity to assign staff for performance and compliance

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review; prohibiting regional workforce boards from restricting

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the choice of training providers based on certain factors;

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authorizing a board to restrict the amount of training resources

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available to any one client under certain conditions; deleting

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