

1 A bill to be entitled
2 An act relating to regional workforce boards; amending
3 s. 445.007, F.S., and reenacting subsections (10) and
4 (11), relating to restrictions on the use of state and
5 federal funds provided to regional workforce boards
6 and contracts between regional workforce boards and
7 members of regional workforce boards; providing for
8 maximum board membership; requiring certain board
9 members to file a statement of financial interests;
10 providing that certain board members serve at the
11 pleasure of the Governor; authorizing the Governor to
12 remove board members for cause; requiring the
13 Department of Economic Opportunity to assign staff for
14 performance and compliance review; deleting an
15 obsolete expiration date for provisions relating to
16 restrictions on the use of state and federal funds
17 provided to regional workforce boards; revising
18 procedures relating to the approval of contracts
19 between regional workforce boards and members of
20 regional workforce boards; deleting an obsolete
21 expiration date for provisions relating to such
22 contracts; requiring each board to develop a budget
23 for certain purposes, subject to the approval of the
24 chief elected official, and submit the budget to
25 Workforce Florida, Inc.; requiring Workforce Florida,
26 Inc., to evaluate the means to establish a single,
27 statewide workforce-system brand for the state;
28 providing reporting requirements; amending s. 445.009,

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29 F.S.; deleting the expiration of a provision providing
30 that participants in adult or youth work experience
31 activities are employees of the state for purposes of
32 workers' compensation coverage; providing an effective
33 date.

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

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37 Section 1. Subsections (1), (2), and (3) of section
38 445.007, Florida Statutes, are amended, subsections (10) and
39 (11) are reenacted and amended, and subsections (12) and (13)
40 are added to that section, to read:

41 445.007 Regional workforce boards.—

42 (1) One regional workforce board shall be appointed in
43 each designated service delivery area and shall serve as the
44 local workforce investment board pursuant to Pub. L. No. 105-
45 220. The membership of the board shall be consistent with Pub.
46 L. No. 105-220, Title I, s. 117(b) but may not exceed the
47 minimum membership required in Pub. L. No. 105-220, Title I, s.
48 117(b) (2) (A) and in this subsection. Upon approval by the
49 Governor, the chief elected official may appoint additional
50 members above the limit set by this subsection. The board shall
51 include one nonvoting representative from a military
52 installation if a military installation is located within the
53 region and the appropriate military command or organization
54 authorizes such representation. It is the intent of the
55 Legislature that membership of a regional workforce board
56 include persons who are current or former recipients of welfare

57 transition assistance as defined in s. 445.002(2) or workforce
58 services as provided in s. 445.009(1) or that such persons be
59 included as ex officio members of the board or of committees
60 organized by the board. The importance of minority and gender
61 representation shall be considered when making appointments to
62 the board. The board, its committees, subcommittees, and
63 subdivisions, and other units of the workforce system, including
64 units that may consist in whole or in part of local governmental
65 units, may use any method of telecommunications to conduct
66 meetings, including establishing a quorum through
67 telecommunications, provided that the public is given proper
68 notice of the telecommunications meeting and reasonable access
69 to observe and, when appropriate, participate. Regional
70 workforce boards are subject to chapters 119 and 286 and s. 24,
71 Art. I of the State Constitution. If the regional workforce
72 board enters into a contract with an organization or individual
73 represented on the board of directors, the contract must be
74 approved by a two-thirds vote of the board, a quorum having been
75 established, and the board member who could benefit financially
76 from the transaction must abstain from voting on the contract. A
77 board member must disclose any such conflict in a manner that is
78 consistent with the procedures outlined in s. 112.3143. Each
79 member of a regional workforce board who is not otherwise
80 required to file a full and public disclosure of financial
81 interests pursuant to s. 8, Art. II of the State Constitution or
82 s. 112.3144 shall file a statement of financial interests
83 pursuant to s. 112.3145. The executive director or designated
84 person responsible for the operational and administrative

85 functions of the regional workforce board who is not otherwise
 86 required to file a full and public disclosure of financial
 87 interests pursuant to s. 8, Art. II of the State Constitution or
 88 s. 112.3144 shall file a statement of financial interests
 89 pursuant to s. 112.3145.

90 (2) (a) The regional workforce board shall elect a chair
 91 from among the representatives described in Pub. L. No. 105-220,
 92 Title I, s. 117(b) (2) (A) (i) to serve for a term of no more than
 93 2 years and shall serve no more than two terms. The chair shall
 94 serve at the pleasure of the Governor.

95 (b) The executive director or designated person
 96 responsible for the operational and administrative functions of
 97 the regional workforce board shall serve at the pleasure of the
 98 Governor.

99 (c) A member of a regional workforce board may be removed
 100 by the Governor for cause, which includes, but is not limited
 101 to, engaging in fraud and other criminal acts, incapacity,
 102 unfitness, neglect of duty, and official incompetence and
 103 irresponsibility justifying removal in the essential public
 104 interest.

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

110 (10) State and federal funds provided to the regional
 111 workforce boards may not be used directly or indirectly to pay
 112 for meals, food, or beverages for board members, staff, or

113 employees of regional workforce boards, Workforce Florida, Inc.,
 114 or the Department of Economic Opportunity ~~Agency for Workforce~~
 115 ~~Innovation~~ except as expressly authorized by state law.

116 Preapproved, reasonable, and necessary per diem allowances and
 117 travel expenses may be reimbursed. Such reimbursement shall be
 118 at the standard travel reimbursement rates established in s.
 119 112.061 and shall be in compliance with all applicable federal
 120 and state requirements. Workforce Florida, Inc., shall develop a
 121 statewide fiscal policy applicable to the state board and all
 122 regional workforce boards, to hold both the state and regional
 123 boards strictly accountable for adherence to the policy and
 124 subject to regular and periodic monitoring by the Department of
 125 Economic Opportunity ~~Agency for Workforce Innovation~~, the
 126 administrative entity for Workforce Florida, Inc. Boards are
 127 prohibited from expending state or federal funds for
 128 entertainment costs and recreational activities for board
 129 members and employees as these terms are defined by 2 C.F.R.
 130 part 230. ~~This subsection expires July 1, 2011.~~

131 (11) To increase transparency and accountability, a
 132 regional workforce board must ~~boards shall~~ comply with the
 133 requirements of this section before contracting with a member of
 134 the ~~regional workforce board~~ or a relative, as defined in s.
 135 112.3143(1) (b), of a board member or of an employee of the
 136 board. Such contracts may ~~shall~~ not be executed before or
 137 without the approval of Workforce Florida, Inc. Such contracts,
 138 as well as documentation demonstrating adherence to this section
 139 as specified by Workforce Florida, Inc., must be submitted to
 140 the Department of Economic Opportunity ~~Agency for Workforce~~

141 ~~Innovation~~ for review and recommendation according to criteria
 142 to be determined by Workforce Florida, Inc. Such a contract
 143 ~~Contracts between relatives, as defined in s. 112.3143(1)(b), of~~
 144 ~~a board member or employee of a board~~ must be approved by a two-
 145 thirds vote of the entire board, a quorum having been
 146 established; all conflicts of interest must be disclosed before
 147 ~~prior to~~ the vote; and any member who may benefit from the
 148 contract, or whose relative may benefit from the contract, must
 149 abstain from the vote ~~and the contract must be reviewed and~~
 150 ~~approved as stated above.~~ A contract ~~Contracts~~ under \$25,000
 151 between a regional workforce board and a member of that board or
 152 between a relative ~~relatives~~, as defined in s. 112.3143(1)(b),
 153 of a board member or of an employee ~~employees~~ of the ~~a~~ board is
 154 not required to have the prior approval of Workforce Florida,
 155 Inc., ~~are exempt from the review and recommendation process~~ but
 156 must be approved by a two-thirds vote of the ~~entire board,~~ a
 157 quorum having been established, and must be reported to the
 158 Department of Economic Opportunity ~~Agency for Workforce~~
 159 ~~Innovation~~ and Workforce Florida, Inc., within 30 days after
 160 approval. If a contract cannot be approved by Workforce Florida,
 161 Inc., a review of the decision to disapprove the contract may be
 162 requested by the regional workforce board or other parties to
 163 the disapproved contract. ~~This subsection expires July 1, 2011.~~

164 (12) Each regional workforce board shall develop a budget
 165 for the purpose of carrying out the duties of the board under
 166 this section, subject to the approval of the chief elected
 167 official. Each regional workforce board shall submit its annual
 168 budget for review to Workforce Florida, Inc., no later than 2

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169 weeks after the chair approves the budget.

170 (13) Workforce Florida, Inc., shall evaluate the means to
171 establish a single, statewide workforce-system brand for the
172 state and shall submit its recommendations to the Governor by
173 November 1, 2012.

174 Section 2. Subsection (11) of section 445.009, Florida
175 Statutes, is amended to read:

176 445.009 One-stop delivery system.—

177 (11) A participant in an adult or youth work experience
178 activity administered under this chapter shall be deemed an
179 employee of the state for purposes of workers' compensation
180 coverage. In determining the average weekly wage, all
181 remuneration received from the employer shall be considered a
182 gratuity, and the participant shall not be entitled to any
183 benefits otherwise payable under s. 440.15, regardless of
184 whether the participant may be receiving wages and remuneration
185 from other employment with another employer and regardless of
186 his or her future wage-earning capacity. ~~This subsection expires~~
187 ~~July 1, 2012.~~

188 Section 3. This act shall take effect July 1, 2012.