

1 A bill to be entitled
2 An act relating to regional workforce boards; amending s.
3 445.003, F.S.; requiring certain funds to be expended on
4 Individual Training Accounts; revising items that qualify
5 as account expenditures; amending s. 445.007, F.S., and
6 reenacting subsections (10) and (11), relating to
7 restrictions on the use of state and federal funds
8 provided to regional workforce boards and contracts
9 between regional workforce boards and members of regional
10 workforce boards; providing for maximum board membership;
11 providing additional membership requirements; requiring
12 certain board members to file a statement of financial
13 interests; authorizing the Governor to remove board
14 members for cause; requiring the Department of Economic
15 Opportunity to assign staff for performance and compliance
16 review; prohibiting regional workforce boards from
17 restricting the choice of training providers based on
18 certain factors; authorizing a board to restrict the
19 amount of training resources available to any one client
20 under certain conditions; providing requirements for the
21 procurement and expenditure of certain funds; providing
22 grounds for removal for cause; deleting an obsolete
23 expiration date for provisions relating to restrictions on
24 the use of state and federal funds provided to regional
25 workforce boards; revising procedures relating to the
26 approval of contracts between regional workforce boards
27 and members of regional workforce boards; deleting an
28 obsolete expiration date for provisions relating to such

29 | contracts; requiring each board to develop a budget for
 30 | certain purposes, subject to the approval of the chief
 31 | elected official, and submit the budget to Workforce
 32 | Florida, Inc.; requiring Workforce Florida, Inc., to
 33 | evaluate the means to establish a single, statewide
 34 | workforce-system brand for the state; providing reporting
 35 | requirements; amending s. 445.009, F.S.; deleting the
 36 | expiration of a provision providing that participants in
 37 | adult or youth work experience activities are employees of
 38 | the state for purposes of workers' compensation coverage;
 39 | providing an effective date.

40 |

41 | Be It Enacted by the Legislature of the State of Florida:

42 |

43 | Section 1. Paragraph (a) of subsection (3) of section
 44 | 445.003, Florida Statutes, is amended to read:

45 | 445.003 Implementation of the federal Workforce Investment
 46 | Act of 1998.—

47 | (3) FUNDING.—

48 | (a) Title I, Workforce Investment Act of 1998 funds;
 49 | Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
 50 | based on the 5-year plan of Workforce Florida, Inc. The plan
 51 | shall outline and direct the method used to administer and
 52 | coordinate various funds and programs that are operated by
 53 | various agencies. The following provisions shall also apply to
 54 | these funds:

55 | 1. At least 50 percent of the Title I funds for Adults and
 56 | Dislocated Workers that are passed through to regional workforce

57 | boards shall be allocated to and expended on Individual Training
58 | Accounts unless a regional workforce board obtains a waiver from
59 | Workforce Florida, Inc. Tuition, books, and fees of training
60 | providers and other training services prescribed and authorized
61 | by the Workforce Investment Act of 1998 qualify as ~~an~~ Individual
62 | Training Account expenditures ~~expenditure,~~ ~~as do other programs~~
63 | ~~developed by regional workforce boards in compliance with~~
64 | ~~policies of Workforce Florida, Inc.~~

65 | 2. Fifteen percent of Title I funding shall be retained at
66 | the state level and shall be dedicated to state administration
67 | and used to design, develop, induce, and fund innovative
68 | Individual Training Account pilots, demonstrations, and
69 | programs. Of such funds retained at the state level, \$2 million
70 | shall be reserved for the Incumbent Worker Training Program,
71 | created under subparagraph 3. Eligible state administration
72 | costs include the costs of: funding for the board and staff of
73 | Workforce Florida, Inc.; operating fiscal, compliance, and
74 | management accountability systems through Workforce Florida,
75 | Inc.; conducting evaluation and research on workforce
76 | development activities; and providing technical and capacity
77 | building assistance to regions at the direction of Workforce
78 | Florida, Inc. Notwithstanding s. 445.004, such administrative
79 | costs shall not exceed 25 percent of these funds. An amount not
80 | to exceed 75 percent of these funds shall be allocated to
81 | Individual Training Accounts and other workforce development
82 | strategies for other training designed and tailored by Workforce
83 | Florida, Inc., including, but not limited to, programs for
84 | incumbent workers, displaced homemakers, nontraditional

85 employment, and enterprise zones. Workforce Florida, Inc., shall
86 design, adopt, and fund Individual Training Accounts for
87 distressed urban and rural communities.

88 3. The Incumbent Worker Training Program is created for
89 the purpose of providing grant funding for continuing education
90 and training of incumbent employees at existing Florida
91 businesses. The program will provide reimbursement grants to
92 businesses that pay for preapproved, direct, training-related
93 costs.

94 a. The Incumbent Worker Training Program will be
95 administered by Workforce Florida, Inc. Workforce Florida, Inc.,
96 at its discretion, may contract with a private business
97 organization to serve as grant administrator.

98 b. To be eligible for the program's grant funding, a
99 business must have been in operation in Florida for a minimum of
100 1 year prior to the application for grant funding; have at least
101 one full-time employee; demonstrate financial viability; and be
102 current on all state tax obligations. Priority for funding shall
103 be given to businesses with 25 employees or fewer, businesses in
104 rural areas, businesses in distressed inner-city areas,
105 businesses in a qualified targeted industry, businesses whose
106 grant proposals represent a significant upgrade in employee
107 skills, or businesses whose grant proposals represent a
108 significant layoff avoidance strategy.

109 c. All costs reimbursed by the program must be preapproved
110 by Workforce Florida, Inc., or the grant administrator. The
111 program will not reimburse businesses for trainee wages, the
112 purchase of capital equipment, or the purchase of any item or

113 service that may possibly be used outside the training project.
114 A business approved for a grant may be reimbursed for
115 preapproved, direct, training-related costs including tuition;
116 fees; books and training materials; and overhead or indirect
117 costs not to exceed 5 percent of the grant amount.

118 d. A business that is selected to receive grant funding
119 must provide a matching contribution to the training project,
120 including, but not limited to, wages paid to trainees or the
121 purchase of capital equipment used in the training project; must
122 sign an agreement with Workforce Florida, Inc., or the grant
123 administrator to complete the training project as proposed in
124 the application; must keep accurate records of the project's
125 implementation process; and must submit monthly or quarterly
126 reimbursement requests with required documentation.

127 e. All Incumbent Worker Training Program grant projects
128 shall be performance-based with specific measurable performance
129 outcomes, including completion of the training project and job
130 retention. Workforce Florida, Inc., or the grant administrator
131 shall withhold the final payment to the grantee until a final
132 grant report is submitted and all performance criteria specified
133 in the grant contract have been achieved.

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

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

139 4. At least 50 percent of Rapid Response funding shall be
140 dedicated to Intensive Services Accounts and Individual Training

141 Accounts for dislocated workers and incumbent workers who are at
142 risk of dislocation. Workforce Florida, Inc., shall also
143 maintain an Emergency Preparedness Fund from Rapid Response
144 funds which will immediately issue Intensive Service Accounts
145 and Individual Training Accounts as well as other federally
146 authorized assistance to eligible victims of natural or other
147 disasters. At the direction of the Governor, for events that
148 qualify under federal law, these Rapid Response funds shall be
149 released to regional workforce boards for immediate use. Funding
150 shall also be dedicated to maintain a unit at the state level to
151 respond to Rapid Response emergencies around the state, to work
152 with state emergency management officials, and to work with
153 regional workforce boards. All Rapid Response funds must be
154 expended based on a plan developed by Workforce Florida, Inc.,
155 and approved by the Governor.

156 Section 2. Subsections (1), (2), (3), (6), and (9) of
157 section 445.007, Florida Statutes, are amended, subsections (10)
158 and (11) are reenacted and amended, and subsections (12) and
159 (13) are added to that section, to read:

160 445.007 Regional workforce boards.—

161 (1) One regional workforce board shall be appointed in
162 each designated service delivery area and shall serve as the
163 local workforce investment board pursuant to Pub. L. No. 105-
164 220. The membership of the board shall be consistent with Pub.
165 L. No. 105-220, Title I, s. 117(b) but may not exceed the
166 minimum membership required in Pub. L. No. 105-220, Title I, s.
167 117(b) (2) (A) and in this subsection. Upon approval by the
168 Governor, the chief elected official may appoint additional

169 members above the limit set by this subsection. If a public
170 education or training provider is represented on the board, a
171 representative of a private nonprofit provider and a
172 representative of a private for-profit provider must also be
173 appointed to the board. The board shall include one nonvoting
174 representative from a military installation if a military
175 installation is located within the region and the appropriate
176 military command or organization authorizes such representation.
177 It is the intent of the Legislature that membership of a
178 regional workforce board include persons who are current or
179 former recipients of welfare transition assistance as defined in
180 s. 445.002(2) or workforce services as provided in s. 445.009(1)
181 or that such persons be included as ex officio members of the
182 board or of committees organized by the board. The importance of
183 minority and gender representation shall be considered when
184 making appointments to the board. The board, its committees,
185 subcommittees, and subdivisions, and other units of the
186 workforce system, including units that may consist in whole or
187 in part of local governmental units, may use any method of
188 telecommunications to conduct meetings, including establishing a
189 quorum through telecommunications, provided that the public is
190 given proper notice of the telecommunications meeting and
191 reasonable access to observe and, when appropriate, participate.
192 Regional workforce boards are subject to chapters 119 and 286
193 and s. 24, Art. I of the State Constitution. If the regional
194 workforce board enters into a contract with an organization or
195 individual represented on the board of directors, the contract
196 must be approved by a two-thirds vote of the board, a quorum

197 having been established, and the board member who could benefit
 198 financially from the transaction must abstain from voting on the
 199 contract. A board member must disclose any such conflict in a
 200 manner that is consistent with the procedures outlined in s.
 201 112.3143. Each member of a regional workforce board who is not
 202 otherwise required to file a full and public disclosure of
 203 financial interests pursuant to s. 8, Art. II of the State
 204 Constitution or s. 112.3144 shall file a statement of financial
 205 interests pursuant to s. 112.3145. The executive director or
 206 designated person responsible for the operational and
 207 administrative functions of the regional workforce board who is
 208 not otherwise required to file a full and public disclosure of
 209 financial interests pursuant to s. 8, Art. II of the State
 210 Constitution or s. 112.3144 shall file a statement of financial
 211 interests pursuant to s. 112.3145.

212 (2) (a) The regional workforce board shall elect a chair
 213 from among the representatives described in Pub. L. No. 105-220,
 214 Title I, s. 117(b) (2) (A) (i) to serve for a term of no more than
 215 2 years and shall serve no more than two terms.

216 (b) The Governor may remove a member of the board, the
 217 executive director of the board, or the designated person
 218 responsible for the operational and administrative functions of
 219 the board for cause. As used in this paragraph, the term "cause"
 220 includes, but is not limited to, engaging in fraud or other
 221 criminal acts, incapacity, unfitness, neglect of duty, official
 222 incompetence and irresponsibility, misfeasance, malfeasance,
 223 nonfeasance, or lack of performance.

224 (3) The Department of Economic Opportunity, under the

225 direction of Workforce Florida, Inc., shall assign staff to meet
226 with each regional workforce board annually to review the
227 board's performance and to certify that the board is in
228 compliance with applicable state and federal law.

229 (6) The regional workforce board shall designate all local
230 service providers and may not transfer this authority to a third
231 party. Consistent with the intent of the Workforce Investment
232 Act, regional workforce boards should provide the greatest
233 possible choice of training providers to those who qualify for
234 training services. A regional workforce board may not restrict
235 the choice of training providers based upon cost, location, or
236 historical training arrangements. However, a board may restrict
237 the amount of training resources available to any one client.
238 Such restrictions may vary based upon the cost of training in
239 the client's chosen occupational area. The regional workforce
240 board may be designated as a one-stop operator and direct
241 provider of intake, assessment, eligibility determinations, or
242 other direct provider services except training services. Such
243 designation may occur only with the agreement of the chief
244 elected official and the Governor as specified in 29 U.S.C. s.
245 2832(f)(2). Workforce Florida, Inc., shall establish procedures
246 by which a regional workforce board may request permission to
247 operate under this section and the criteria under which such
248 permission may be granted. The criteria shall include, but need
249 not be limited to, a reduction in the cost of providing the
250 permitted services. Such permission shall be granted for a
251 period not to exceed 3 years for any single request submitted by
252 the regional workforce board.

253 (9) For purposes of procurement, regional workforce boards
254 and their administrative entities are not state agencies and are
255 exempt from chapters 120 and 287. The regional workforce boards
256 shall apply the procurement and expenditure procedures required
257 by federal law and policies of the Department of Economic
258 Opportunity and Workforce Florida, Inc., for the expenditure of
259 federal, state, and nonpass-through funds. The making or
260 approval of smaller, multiple payments for a single purchase
261 with the intent to avoid or evade the monetary thresholds and
262 procedures established by federal law and policies of the
263 Department of Economic Opportunity and Workforce Florida, Inc.,
264 is grounds for removal for cause. Regional workforce boards,
265 their administrative entities, committees, and subcommittees,
266 and other workforce units may authorize expenditures to award
267 suitable framed certificates, pins, or other tokens of
268 recognition for performance by units of the workforce system.
269 Regional workforce boards; their administrative entities,
270 committees, and subcommittees; and other workforce units may
271 authorize expenditures for promotional items, such as t-shirts,
272 hats, or pens printed with messages promoting Florida's
273 workforce system to employers, job seekers, and program
274 participants. However, such expenditures are subject to federal
275 regulations applicable to the expenditure of federal funds. All
276 contracts executed by regional workforce boards must include
277 specific performance expectations and deliverables.

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

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

284 Preapproved, reasonable, and necessary per diem allowances and
 285 travel expenses may be reimbursed. Such reimbursement shall be
 286 at the standard travel reimbursement rates established in s.
 287 112.061 and shall be in compliance with all applicable federal
 288 and state requirements. Workforce Florida, Inc., shall develop a
 289 statewide fiscal policy applicable to the state board and all
 290 regional workforce boards, to hold both the state and regional
 291 boards strictly accountable for adherence to the policy and
 292 subject to regular and periodic monitoring by the Department of
 293 Economic Opportunity ~~Agency for Workforce Innovation~~, the
 294 administrative entity for Workforce Florida, Inc. Boards are
 295 prohibited from expending state or federal funds for
 296 entertainment costs and recreational activities for board
 297 members and employees as these terms are defined by 2 C.F.R.
 298 part 230. ~~This subsection expires July 1, 2011.~~

299 (11) To increase transparency and accountability, a
 300 regional workforce board must ~~boards shall~~ comply with the
 301 requirements of this section before contracting with a member of
 302 the ~~regional workforce board~~ or a relative, as defined in s.
 303 112.3143(1) (b), of a board member or of an employee of the
 304 board. Such contracts may ~~shall~~ not be executed before or
 305 without the approval of Workforce Florida, Inc. Such contracts,
 306 as well as documentation demonstrating adherence to this section
 307 as specified by Workforce Florida, Inc., must be submitted to
 308 the Department of Economic Opportunity ~~Agency for Workforce~~

309 ~~Innovation~~ for review and recommendation according to criteria
 310 to be determined by Workforce Florida, Inc. Such a contract
 311 ~~Contracts between relatives, as defined in s. 112.3143(1)(b), of~~
 312 ~~a board member or employee of a board~~ must be approved by a two-
 313 thirds vote of the ~~entire board~~, a quorum having been
 314 established; all conflicts of interest must be disclosed before
 315 ~~prior to~~ the vote; and any member who may benefit from the
 316 contract, or whose relative may benefit from the contract, must
 317 abstain from the vote ~~and the contract must be reviewed and~~
 318 ~~approved as stated above.~~ A contract ~~Contracts~~ under \$25,000
 319 between a regional workforce board and a member of that board or
 320 between a relative ~~relatives~~, as defined in s. 112.3143(1)(b),
 321 of a board member or of an employee ~~employees~~ of the ~~a~~ board is
 322 not required to have the prior approval of Workforce Florida,
 323 Inc., ~~are exempt from the review and recommendation process~~ but
 324 must be approved by a two-thirds vote of the ~~entire board~~, a
 325 quorum having been established, and must be reported to the
 326 Department of Economic Opportunity ~~Agency for Workforce~~
 327 ~~Innovation~~ and Workforce Florida, Inc., within 30 days after
 328 approval. If a contract cannot be approved by Workforce Florida,
 329 Inc., a review of the decision to disapprove the contract may be
 330 requested by the regional workforce board or other parties to
 331 the disapproved contract. ~~This subsection expires July 1, 2011.~~

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

337 weeks after the chair approves the budget.

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

342 Section 3. Subsection (11) of section 445.009, Florida
 343 Statutes, is amended to read:

344 445.009 One-stop delivery system.—

345 (11) A participant in an adult or youth work experience
 346 activity administered under this chapter shall be deemed an
 347 employee of the state for purposes of workers' compensation
 348 coverage. In determining the average weekly wage, all
 349 remuneration received from the employer shall be considered a
 350 gratuity, and the participant shall not be entitled to any
 351 benefits otherwise payable under s. 440.15, regardless of
 352 whether the participant may be receiving wages and remuneration
 353 from other employment with another employer and regardless of
 354 his or her future wage-earning capacity. ~~This subsection expires~~
 355 ~~July 1, 2012.~~

356 Section 4. This act shall take effect July 1, 2012.