

1                                   A bill to be entitled  
2       An act relating to workforce innovation; amending s.  
3       20.50, F.S., as amended; establishing a separate budget  
4       for the Agency for Workforce Innovation; providing that  
5       the agency may serve as contract administrator for  
6       Workforce Florida, Inc.; removing obsolete language;  
7       clarifying the organization of the agency; authorizing the  
8       director to appoint deputy and assistant directors and to  
9       organize the agency; revising the agency's administrative  
10      responsibilities; authorizing the agency to provide or  
11      contract for training of certain employees; deleting  
12      training requirements; providing for an official seal;  
13      providing agency rulemaking authority; amending s.  
14      427.012, F.S.; revising an obsolete reference; amending s.  
15      445.003, F.S.; removing obsolete references; removing a  
16      reporting requirement; amending s. 445.004, F.S.;  
17      clarifying that Workforce Florida, Inc., is exempt from  
18      chapters 120 and 287, F.S.; removing the voting privileges  
19      of certain board members; providing a term limit for the  
20      chair of the board of Workforce Florida, Inc.; increasing  
21      board members' terms and creating staggered terms;  
22      clarifying that the President of the Senate and the  
23      Speaker of the House of Representatives may nominate board  
24      members; requiring certain board members to have economic  
25      development experience; removing a requirement that the  
26      Governor appoint board members 30 days after receiving  
27      nominations; authorizing the board to use  
28      telecommunications to conduct meetings; providing that the

29 chair of Workforce Florida, Inc., may select executive  
30 committee members; removing references to certain  
31 councils; removing obsolete references; exempting  
32 Workforce Florida, Inc., contracts from certain provisions  
33 of law; providing expenditure approval to Workforce  
34 Florida, Inc., for awards and incentives; revising and  
35 clarifying the state workforce development strategy;  
36 amending s. 445.006, F.S.; requiring Workforce Florida,  
37 Inc., to establish an operational plan; clarifying  
38 references to strategic and operational plans; amending s.  
39 445.007, F.S.; clarifying that the military representative  
40 to a regional workforce board shall be a nonvoting member  
41 subject to certain approval; removing obsolete language;  
42 allowing the use of telecommunications for meetings;  
43 providing for the election and terms of regional workforce  
44 board chairs; providing that regional workforce boards are  
45 exempt from chapters 120 and 287, F.S.; authorizing  
46 regional workforce boards to promote activities,  
47 incentives, and awards under certain circumstances;  
48 amending s. 445.009, F.S.; removing obsolete references;  
49 requiring Workforce Florida, Inc., to develop a system for  
50 leveraging workforce system resources; removing a  
51 requirement for an alternative financing performance  
52 outcome measure; amending s. 445.019, F.S.; allowing  
53 employment programs to be offered to teen parents;  
54 amending s. 445.020, F.S.; clarifying how determination of  
55 need criteria will be identified; repealing s. 445.005,  
56 F.S., relating to First Jobs/First Wages, Better

57 |       Jobs/Better Wages, and High Skills/High Wages Councils of  
 58 |       Workforce Florida, Inc.; repealing ss. 445.012-445.0125,  
 59 |       F.S., the Careers for Florida's Future Incentive Grant  
 60 |       Program; repealing s. 445.013, F.S., relating to challenge  
 61 |       grants in support of welfare-to-work initiatives;  
 62 |       repealing ss. 446.21-446.27, F.S., the Florida Youth-at-  
 63 |       Risk 2000 Pilot Program; providing an effective date.  
 64 |

65 | Be It Enacted by the Legislature of the State of Florida:  
 66 |

67 |       Section 1. Section 20.50, Florida Statutes, as amended by  
 68 |       chapter 2004-484, Laws of Florida, is amended to read:

69 |       20.50 Agency for Workforce Innovation.--There is created  
 70 |       the Agency for Workforce Innovation within the Department of  
 71 |       Management Services. The agency shall have ~~be~~ a separate budget  
 72 |       as provided in the General Appropriations Act ~~entity~~, and the  
 73 |       director of the agency shall be the agency head for all  
 74 |       purposes. The agency shall not be subject to control,  
 75 |       supervision, or direction by the Department of Management  
 76 |       Services in any manner, including, but not limited to,  
 77 |       personnel, purchasing, transactions involving real or personal  
 78 |       property, and budgetary matters.

79 |       (1) The Agency for Workforce Innovation shall ensure that  
 80 |       the state appropriately administers federal and state workforce  
 81 |       funding by administering plans and policies of Workforce  
 82 |       Florida, Inc., under contract with Workforce Florida, Inc. The  
 83 |       operating budget and midyear amendments thereto must be part of  
 84 |       such contract.

85 (a) All program and fiscal instructions to regional  
 86 workforce boards shall emanate from the agency pursuant to plans  
 87 and policies of Workforce Florida, Inc. Workforce Florida, Inc.,  
 88 shall be responsible for all policy directions to the regional  
 89 boards.

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

93 (2)(a) The Agency for Workforce Innovation is the  
 94 administrative agency designated for receipt of federal  
 95 workforce development grants and other federal funds. The agency  
 96 shall administer the duties and responsibilities assigned by the  
 97 Governor under each federal grant assigned to the agency. The  
 98 agency ~~shall be a separate budget entity and~~ shall expend each  
 99 revenue source as provided by federal and state law and as  
 100 provided in plans developed by and agreements with Workforce  
 101 Florida, Inc. The agency may serve as contract administrator for  
 102 Workforce Florida, Inc., contracts pursuant to s. 445.004(5) as  
 103 directed by Workforce Florida, Inc.

104 (b) The agency shall prepare and submit ~~as a separate~~  
 105 ~~budget entity~~ a unified budget request for workforce  
 106 development, in accordance with chapter 216 for, and in  
 107 conjunction with, Workforce Florida, Inc., and its board. The  
 108 head of the agency is the director of Workforce Innovation, who  
 109 shall be appointed by the Governor. ~~The accountability and~~  
 110 ~~reporting functions of the agency shall be administered by the~~  
 111 ~~director or his or her designee. These functions shall include~~  
 112 ~~budget management, financial management, audit, performance~~

113 ~~management standards and controls, assessing outcomes of service~~  
114 ~~delivery, and financial administration of workforce programs~~  
115 ~~under s. 445.004(5) and (9). (c) The agency shall include the~~  
116 ~~following offices~~ Within its organizational structure, the  
117 agency which shall include the following offices ~~have the~~  
118 ~~specified responsibilities:~~

119 1.(a) The Office of Unemployment Compensation Workforce  
120 ~~Services shall administer the unemployment compensation program,~~  
121 ~~the Rapid Response program, the Work Opportunity Tax Credit~~  
122 ~~program, the Alien Labor Certification program, and any other~~  
123 ~~programs that are delivered directly by agency staff rather than~~  
124 ~~through the one-stop delivery system. The office shall be~~  
125 ~~directed by the Deputy Director for Workforce Services, who~~  
126 ~~shall be appointed by and serve at the pleasure of the director.~~

127 2.(b) The Office of Workforce Program Support and  
128 ~~Accountability shall administer state merit system program staff~~  
129 ~~within the workforce service delivery system, under the policies~~  
130 ~~of Workforce Florida, Inc. The office is responsible for~~  
131 ~~delivering services through the one-stop delivery system and for~~  
132 ~~ensuring that participants in welfare transition programs~~  
133 ~~receive case management services, diversion assistance, support~~  
134 ~~services, including child care and transportation services,~~  
135 ~~Medicaid services, and transition assistance to enable them to~~  
136 ~~succeed in the workforce. The office is also responsible for~~  
137 ~~program quality assurance, grants and contract management,~~  
138 ~~contracting, financial management, and reporting. The office~~  
139 ~~shall be directed by the Deputy Director for Program Support and~~

140 ~~Accountability, who shall be appointed by and serve at the~~  
 141 ~~pleasure of the director. The office is responsible for:~~  
 142 ~~1. Establishing monitoring, quality assurance, and quality~~  
 143 ~~improvement systems that routinely assess the quality and~~  
 144 ~~effectiveness of contracted programs and services.~~  
 145 ~~2. Annual review of each regional workforce board and~~  
 146 ~~administrative entity to ensure that adequate systems of~~  
 147 ~~reporting and control are in place; that monitoring, quality~~  
 148 ~~assurance, and quality improvement activities are conducted~~  
 149 ~~routinely; and that corrective action is taken to eliminate~~  
 150 ~~deficiencies.~~  
 151 ~~(c) The Office of Early Learning shall administer the~~  
 152 ~~school readiness system in accordance with s. 411.01 and the~~  
 153 ~~operational requirements of the Voluntary Prekindergarten~~  
 154 ~~Education Program in accordance with part V of chapter 1002. The~~  
 155 ~~office shall be directed by the Deputy Director for Early~~  
 156 ~~Learning, who shall be appointed by and serve at the pleasure of~~  
 157 ~~the director.~~  
 158 3.(d) ~~The Office of Agency Support Services is responsible~~  
 159 ~~for procurement, human resource services, and information~~  
 160 ~~services including delivering information on labor markets,~~  
 161 ~~employment, occupations, and performance, and shall implement~~  
 162 ~~and maintain information systems that are required for the~~  
 163 ~~effective operation of the one-stop delivery system and the~~  
 164 ~~school readiness system, including, but not limited to, those~~  
 165 ~~systems described in s. 445.009. The office shall be directed by~~  
 166 ~~the Deputy Director for Agency Support Services, who shall be~~

167 ~~appointed by and serve at the pleasure of the director. The~~  
168 ~~office is responsible for establishing:~~

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

173 ~~2. Information systems that support service integration~~  
174 ~~and case management by providing for case tracking for~~  
175 ~~participants in welfare transition programs.~~

176 ~~3. Information systems that support the school readiness~~  
177 ~~system.~~

178 (d) The director of the agency may establish assistant  
179 director and deputy director positions to administer the  
180 requirements and functions of the agency. In addition, the  
181 director may organize and structure the agency to best meet the  
182 goals and objectives of the agency.

183 (e) The Unemployment Appeals Commission, authorized by s.  
184 443.012, is not subject to control, supervision, or direction by  
185 the Agency for Workforce Innovation in the performance of its  
186 powers and duties but shall receive any and all support and  
187 assistance from the agency that is required for the performance  
188 of its duties.

189 (3) The Agency for Workforce Innovation shall serve as the  
190 designated agency for purposes of each federal workforce  
191 development grant assigned to it for administration. The agency  
192 shall carry out the duties assigned to it by the Governor, under  
193 the terms and conditions of each grant. The agency shall have  
194 the level of authority and autonomy necessary to be the

195 designated recipient of each federal grant assigned to it, and  
 196 shall disperse such grants pursuant to the plans and policies of  
 197 Workforce Florida, Inc. The director may, upon delegation from  
 198 the Governor and pursuant to agreement with Workforce Florida,  
 199 Inc., sign contracts, grants, and other instruments as necessary  
 200 to execute functions assigned to the agency. Notwithstanding  
 201 other provisions of law, ~~the following federal grants and other~~  
 202 ~~funds are assigned for administration to~~ the Agency for  
 203 Workforce Innovation shall administer:-

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

208       ~~(b) Programs authorized under the Wagner-Peyser Act of~~  
 209 ~~1933, as amended, 29 U.S.C. ss. 49 et seq.~~

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

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

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

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



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

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

229           ~~(i) Programs authorized under the National and Community~~  
 230 ~~Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the~~  
 231 ~~Service-America programs, the National Service Trust programs,~~  
 232 ~~the Civilian Community Corps, the Corporation for National and~~  
 233 ~~Community Service, the American Conservation and Youth Service~~  
 234 ~~Corps, and the Points of Light Foundation programs, if such~~  
 235 ~~programs are awarded to the state.~~

236           ~~(j) The Unemployment Compensation program provided~~  
 237 ~~pursuant to chapter 443.~~

238           ~~(k) other programs funded by federal or state~~  
 239 ~~appropriations, as determined by the Legislature in the General~~  
 240 ~~Appropriations Act or by law.~~

241           (4) The Agency for Workforce Innovation may ~~shall~~ provide  
 242 or contract for training for employees of administrative  
 243 entities and case managers of any contracted providers to ensure  
 244 they have the necessary competencies and skills to provide  
 245 adequate administrative oversight and delivery of the full array  
 246 of client services ~~pursuant to s. 445.004(5)(b).~~ Training  
 247 ~~requirements include, but are not limited to:~~

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

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

254 ~~(c) Specifications or criteria under which any regional~~  
 255 ~~workforce board may award bonus points or otherwise give~~  
 256 ~~preference to competitive service provider applications that~~  
 257 ~~provide minimum criteria for assuring competent case management,~~  
 258 ~~including, but not limited to, maximum caseload per case~~  
 259 ~~manager, current staff turnover rate, minimum educational or~~  
 260 ~~work experience requirements, and a differentiated compensation~~  
 261 ~~plan based on the competency levels of personnel.~~

262 ~~(d) Minimum skills, knowledge, and abilities required for~~  
 263 ~~contract management, including budgeting, expenditure, and~~  
 264 ~~performance information related to service delivery and~~  
 265 ~~financial administration, monitoring, quality assurance and~~  
 266 ~~improvement, and standards of conduct for employees of regional~~  
 267 ~~workforce boards and administrative entities specifically~~  
 268 ~~related to carrying out contracting responsibilities.~~

269 (5) The Agency for Workforce Innovation shall have an  
 270 official seal by which its records, orders, and proceedings are  
 271 authenticated and judicially noticed.

272 (6) The Agency for Workforce Innovation may adopt rules  
 273 that relate to implementing and administering the programs  
 274 listed in s. 445.004(5)(b) as well as rules related to eligible

275 training providers and auditing and monitoring subrecipients of  
 276 workforce system grant funds.

277 Section 2. Paragraph (d) of subsection (1) of section  
 278 427.012, Florida Statutes, is amended to read:

279 427.012 The Commission for the Transportation  
 280 Disadvantaged.--There is created the Commission for the  
 281 Transportation Disadvantaged in the Department of  
 282 Transportation.

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

284 (d) The executive director of the Agency for Workforce  
 285 Innovation or the director's designee. ~~The secretary of the~~  
 286 ~~Department of Labor and Employment Security or the secretary's~~  
 287 ~~designee.~~

288 Section 3. Subsections (3) through (6) of section 445.003,  
 289 Florida Statutes, are amended to read:

290 445.003 Implementation of the federal Workforce Investment  
 291 Act of 1998.--

292 (3) FUNDING.--

293 (a) Title I, Workforce Investment Act of 1998 funds;  
 294 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended  
 295 based on the 5-year plan of Workforce Florida, Inc. The plan  
 296 shall outline and direct the method used to administer and  
 297 coordinate various funds and programs that are operated by  
 298 various agencies. The following provisions shall also apply to  
 299 these funds:

300 1. At least 50 percent of the Title I funds for Adults and  
 301 Dislocated Workers that are passed through to regional workforce  
 302 boards shall be allocated to Individual Training Accounts unless

303 a regional workforce board obtains a waiver from Workforce  
 304 Florida, Inc. Tuition and, fees, ~~and performance-based incentive~~  
 305 ~~awards paid in compliance with Florida's Performance-Based~~  
 306 ~~Incentive Fund Program~~ qualify as an Individual Training Account  
 307 expenditure, as do other programs developed by regional  
 308 workforce boards in compliance with policies of Workforce  
 309 Florida, Inc.

310 2. Fifteen percent of Title I funding shall be retained at  
 311 the state level and shall be dedicated to state administration  
 312 and used to design, develop, induce, and fund innovative  
 313 Individual Training Account pilots, demonstrations, and  
 314 programs. Of such funds retained at the state level, \$2 million  
 315 shall be reserved for the Incumbent Worker Training Program,  
 316 created under subparagraph 3. Eligible state administration  
 317 costs include the costs of: funding for the board and staff of  
 318 Workforce Florida, Inc.; operating fiscal, compliance, and  
 319 management accountability systems through Workforce Florida,  
 320 Inc.; conducting evaluation and research on workforce  
 321 development activities; and providing technical and capacity  
 322 building assistance to regions at the direction of Workforce  
 323 Florida, Inc. Notwithstanding s. 445.004, such administrative  
 324 costs shall not exceed 25 percent of these funds. An amount not  
 325 to exceed 75 percent of these funds shall be allocated to  
 326 Individual Training Accounts and other workforce development  
 327 strategies for: ~~the Minority Teacher Education Scholars program,~~  
 328 ~~the Certified Teacher Aide program, the Self-Employment~~  
 329 ~~Institute, and other~~ training designed and tailored by Workforce  
 330 Florida, Inc., including, but not limited to, programs for

331 incumbent workers, displaced homemakers, nontraditional  
332 employment, ~~empowerment zones~~, and enterprise zones. Workforce  
333 Florida, Inc., shall design, adopt, and fund Individual Training  
334 Accounts for distressed urban and rural communities.

335 3. The Incumbent Worker Training Program is created for  
336 the purpose of providing grant funding for continuing education  
337 and training of incumbent employees at existing Florida  
338 businesses. The program will provide reimbursement grants to  
339 businesses that pay for preapproved, direct, training-related  
340 costs.

341 a. The Incumbent Worker Training Program will be  
342 administered by Workforce Florida, Inc. Workforce Florida, Inc.,  
343 at its discretion, may contract with a private business  
344 organization to serve as grant administrator.

345 b. To be eligible for the program's grant funding, a  
346 business must have been in operation in Florida for a minimum of  
347 1 year prior to the application for grant funding; have at least  
348 one full-time employee; demonstrate financial viability; and be  
349 current on all state tax obligations. Priority for funding shall  
350 be given to businesses with 25 employees or fewer, businesses in  
351 rural areas, businesses in distressed inner-city areas,  
352 businesses in a qualified targeted industry, businesses whose  
353 grant proposals represent a significant upgrade in employee  
354 skills, or businesses whose grant proposals represent a  
355 significant layoff avoidance strategy.

356 c. All costs reimbursed by the program must be preapproved  
357 by Workforce Florida, Inc., or the grant administrator. The  
358 program will not reimburse businesses for trainee wages, the

359 purchase of capital equipment, or the purchase of any item or  
 360 service that may possibly be used outside the training project.  
 361 A business approved for a grant may be reimbursed for  
 362 preapproved, direct, training-related costs including tuition  
 363 and fees; books and training ~~classroom~~ materials; and overhead  
 364 or indirect costs not to exceed 5 percent of the grant amount.

365 d. A business that is selected to receive grant funding  
 366 must provide a matching contribution to the training project,  
 367 including, but not limited to, wages paid to trainees or the  
 368 purchase of capital equipment used in the training project; must  
 369 sign an agreement with Workforce Florida, Inc., or the grant  
 370 administrator to complete the training project as proposed in  
 371 the application; must keep accurate records of the project's  
 372 implementation process; and must submit monthly or quarterly  
 373 reimbursement requests with required documentation.

374 e. All Incumbent Worker Training Program grant projects  
 375 shall be performance-based with specific measurable performance  
 376 outcomes, including completion of the training project and job  
 377 retention. Workforce Florida, Inc., or the grant administrator  
 378 shall withhold the final payment to the grantee until a final  
 379 grant report is submitted and all performance criteria specified  
 380 in the grant contract have been achieved.

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

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

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

391 4. At least 50 percent of Rapid Response funding shall be  
392 dedicated to Intensive Services Accounts and Individual Training  
393 Accounts for dislocated workers and incumbent workers who are at  
394 risk of dislocation. Workforce Florida, Inc., shall also  
395 maintain an Emergency Preparedness Fund from Rapid Response  
396 funds which will immediately issue Intensive Service Accounts  
397 and Individual Training Accounts as well as other federally  
398 authorized assistance to eligible victims of natural or other  
399 disasters. At the direction of the Governor, for events that  
400 qualify under federal law, these Rapid Response funds shall be  
401 released to regional workforce boards for immediate use. Funding  
402 shall also be dedicated to maintain a unit at the state level to  
403 respond to Rapid Response emergencies around the state, to work  
404 with state emergency management officials, and to work with  
405 regional workforce boards. All Rapid Response funds must be  
406 expended based on a plan developed by Workforce Florida, Inc.,  
407 and approved by the Governor.

408 (b) The administrative entity for Title I, Workforce  
409 Investment Act of 1998 funds, and Rapid Response activities,  
410 shall be the Agency for Workforce Innovation, which shall  
411 provide direction to regional workforce boards regarding Title I  
412 programs and Rapid Response activities pursuant to the direction  
413 of Workforce Florida, Inc.

414 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED  
 415 MODIFICATIONS.--

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

419 (b) Workforce Florida, Inc., may negotiate and settle all  
 420 outstanding issues with the United States Department of Labor  
 421 relating to decisions made by Workforce Florida, Inc., any  
 422 predecessor workforce organization, and the Legislature with  
 423 regard to the Job Training Partnership Act, making settlements  
 424 and closing out all JTPA program year grants.

425 (c) Workforce Florida, Inc., may make modifications to the  
 426 state's plan, policies, and procedures to comply with federally  
 427 mandated requirements that in its judgment must be complied with  
 428 to maintain funding provided pursuant to Pub. L. No. 105-220.  
 429 The board shall notify in writing the Governor, the President of  
 430 the Senate, and the Speaker of the House of Representatives  
 431 within 30 days after any such changes or modifications.

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

436 (5)~~(6)~~ LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.--

437 ~~(a)~~ Workforce Florida, Inc., may recommend workforce-  
 438 related divisions, bureaus, units, programs, duties,  
 439 commissions, boards, and councils that can be eliminated,  
 440 consolidated, or privatized.



441           ~~(b) The Office of Program Policy Analysis and Government~~  
442 ~~Accountability shall review the workforce development system, as~~  
443 ~~established by this act. The office shall submit its final~~  
444 ~~report and recommendations by December 31, 2002, to the~~  
445 ~~President of the Senate and the Speaker of the House of~~  
446 ~~Representatives.~~

447           Section 4. Section 445.004, Florida Statutes, is amended  
448 to read:

449           445.004 Workforce Florida, Inc.; creation; purpose;  
450 membership; duties and powers.--

451           (1) There is created a not-for-profit corporation, to be  
452 known as "Workforce Florida, Inc.," which shall be registered,  
453 incorporated, organized, and operated in compliance with chapter  
454 617, and which shall not be a unit or entity of state government  
455 and shall therefore be exempt from chapters 120 and 287.

456 Workforce Florida, Inc., shall be administratively housed within  
457 the Agency for Workforce Innovation; however, Workforce Florida,  
458 Inc., shall not be subject to control, supervision, or direction  
459 by the Agency for Workforce Innovation in any manner. The  
460 Legislature determines, however, that public policy dictates  
461 that Workforce Florida, Inc., operate in the most open and  
462 accessible manner consistent with its public purpose. To this  
463 end, the Legislature specifically declares that Workforce  
464 Florida, Inc., its board, councils, and any advisory committees  
465 or similar groups created by Workforce Florida, Inc., are  
466 subject to the provisions of chapter 119 relating to public  
467 records, and those provisions of chapter 286 relating to public  
468 meetings.

469 (2) Workforce Florida, Inc., is the principal workforce  
470 policy organization for the state. The purpose of Workforce  
471 Florida, Inc., is to design and implement strategies that help  
472 Floridians enter, remain in, and advance in the workplace,  
473 becoming more highly skilled and successful, benefiting these  
474 Floridians, Florida businesses, and the entire state, and to  
475 assist in developing the state's business climate.

476 (3)(a) Workforce Florida, Inc., shall be governed by a  
477 board of directors, the number of directors to be determined by  
478 the Governor, whose membership and appointment must be  
479 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and  
480 contain one member representing the licensed nonpublic  
481 postsecondary educational institutions authorized as individual  
482 training account providers, one member from the staffing service  
483 industry, at least one member who is a current or former  
484 recipient of welfare transition services as defined in s.  
485 445.002(3) or workforce services as provided in s. 445.009(1),  
486 and five representatives of organized labor who shall be  
487 appointed by the Governor. Members described in Pub. L. No. 105-  
488 220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members.  
489 ~~Notwithstanding s. 114.05(1)(f), the Governor may appoint~~  
490 ~~remaining members to Workforce Florida, Inc., from the current~~  
491 ~~Workforce Development Board and the WAGES Program State Board of~~  
492 ~~Directors, established pursuant to chapter 96-175, Laws of~~  
493 ~~Florida, to serve on the reconstituted board. By July 1, 2000,~~  
494 ~~the Workforce Development Board will provide to the Governor a~~  
495 ~~transition plan to incorporate the changes required by this act~~  
496 ~~and Pub. L. No. 105-220, specifying the manner of changes to the~~

497 ~~board. This plan shall govern the transition, unless otherwise~~  
 498 ~~notified by the Governor.~~ The importance of minority, gender,  
 499 and geographic representation shall be considered when making  
 500 appointments to the board.

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

505 (c) Members appointed by the Governor must be appointed  
 506 for 3-year 2-year terms. However, in order to establish  
 507 staggered terms for all board members' terms that commenced on  
 508 July 1, 2004, the Governor shall appoint or reappoint one-third  
 509 of the board members for 1-year terms, appoint or reappoint  
 510 another third of the board members for 2-year terms, and appoint  
 511 or reappoint the remaining third of the board members for 3-year  
 512 terms. Following the July 1, 2004, appointment or reappointment  
 513 of the entire board, the Governor shall appoint or reappoint  
 514 board members for exclusively 3-year terms, except that when a  
 515 board member is replaced prior to the end of that board member's  
 516 3-year term, his or her replacement shall be appointed to serve  
 517 only the remainder of the 3-year term, after which the  
 518 replacement may be appointed for a full 3-year term. Private  
 519 sector representatives of businesses, appointed by the Governor  
 520 pursuant to Pub. L. No. 105-220, shall constitute a majority of  
 521 the membership of the board. Private sector representatives  
 522 shall be appointed from nominations received by the Governor,  
 523 including, but not limited to, those nominations made by the  
 524 President of the Senate and the Speaker of the House of

525 ~~Representatives from any member of the Legislature. A member of~~  
 526 ~~the Legislature may submit more than one board nomination to the~~  
 527 ~~Governor through his or her respective presiding officer.~~

528 Private sector appointments to the board shall be representative  
 529 of the business community of this state, and no less than one-  
 530 half of the appointments to the board must be representative of  
 531 small businesses and at least five members shall have economic  
 532 development experience. Members appointed by the Governor serve  
 533 at the pleasure of the Governor and are eligible for  
 534 reappointment.

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

538 (d)(e) A member of the board of directors of Workforce  
 539 Florida, Inc., may be removed by the Governor for cause. Absence  
 540 from three consecutive meetings results in automatic removal.  
 541 The chair of Workforce Florida, Inc., shall notify the Governor  
 542 of such absences.

543 (e)(f) Representatives of businesses appointed to the  
 544 board of directors may not include providers of workforce  
 545 services.

546 (4)(a) The president of Workforce Florida, Inc., shall be  
 547 hired by the board of directors of Workforce Florida, Inc., and  
 548 shall serve at the pleasure of the Governor in the capacity of  
 549 an executive director and secretary of Workforce Florida, Inc.

550 (b) The board of directors of Workforce Florida, Inc.,  
 551 shall meet at least quarterly and at other times upon call of  
 552 its chair. The board and its committees, subcommittees, and

553 other subdivisions may use any method of telecommunications to  
 554 conduct meetings, including establishing a quorum through  
 555 telecommunications, provided that the public is given proper  
 556 notice of the telecommunicated meeting and is given reasonable  
 557 access to observe and, when appropriate, participate.

558 (c) A majority of the total current membership of the  
 559 board of directors of Workforce Florida, Inc., comprises a  
 560 quorum of the board.

561 (d) A majority of those voting is required to organize and  
 562 conduct the business of the board, except that a majority of the  
 563 entire board of directors is required to adopt or amend the  
 564 bylaws ~~operational plan~~.

565 (e) Except as delegated or authorized by the board of  
 566 directors of Workforce Florida, Inc., individual members have no  
 567 authority to control or direct the operations of Workforce  
 568 Florida, Inc., or the actions of its officers and employees,  
 569 including the president.

570 (f) Members of the board of directors of Workforce  
 571 Florida, Inc., and its committees shall serve without  
 572 compensation, but these members, the president, and all  
 573 employees of Workforce Florida, Inc., may be reimbursed for all  
 574 reasonable, necessary, and actual expenses pursuant to s.  
 575 112.061.

576 (g) The board of directors of Workforce Florida, Inc., may  
 577 establish an executive committee consisting of the chair and at  
 578 least six additional board members selected by the chair ~~board~~  
 579 ~~of directors~~, one of whom must be a representative of organized  
 580 labor. The executive committee and the president shall have such

581 authority as the board delegates to it, except that the board of  
 582 directors may not delegate to the executive committee authority  
 583 to take action that requires approval by a majority of the  
 584 entire board of directors.

585 (h) The chair may appoint committees to fulfill its  
 586 responsibilities, to comply with federal requirements, or to  
 587 obtain technical assistance, and must incorporate members of  
 588 regional workforce development boards into its structure. ~~At a~~  
 589 ~~minimum, the chair shall establish the following standing~~  
 590 ~~councils: the First Jobs/First Wages Council, the Better~~  
 591 ~~Jobs/Better Wages Council, and the High Skills/High Wages~~  
 592 ~~Council. For purposes of Pub. L. No. 105-220, the First~~  
 593 ~~Jobs/First Wages Council shall serve as the state's youth~~  
 594 ~~council.~~

595 (i) Each member of the board of directors who is not  
 596 otherwise required to file a financial disclosure pursuant to s.  
 597 8, Art. II of the State Constitution or s. 112.3144 must file  
 598 disclosure of financial interests pursuant to s. 112.3145.

599 (5) Workforce Florida, Inc., shall have all the powers and  
 600 authority, not explicitly prohibited by statute, necessary or  
 601 convenient to carry out and effectuate the purposes as  
 602 determined by statute, Pub. L. No. 105-220, and the Governor, as  
 603 well as its functions, duties, and responsibilities, including,  
 604 but not limited to, the following:

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

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

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

617 2. Programs authorized under the Wagner-Peyser Act of  
 618 1933, as amended, 29 U.S.C. ss. 49 et seq.

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

622 ~~3.4.~~ Activities authorized under Title II of the Trade Act  
 623 of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the Trade  
 624 Adjustment Assistance Program.

625 ~~4.5.~~ Activities authorized under 38 U.S.C., chapter 41,  
 626 including job counseling, training, and placement for veterans.

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

630 ~~5.7.~~ Employment and training activities carried out under  
 631 funds awarded to this state by the United States Department of  
 632 Housing and Urban Development.

633 ~~6.8.~~ Welfare transition services funded by the Temporary  
 634 Assistance for Needy Families Program, created under the  
 635 Personal Responsibility and Work Opportunity Reconciliation Act

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636 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
 637 of the Social Security Act, as amended.

638 ~~7.9.~~ Displaced homemaker programs, provided under s.  
 639 446.50.

640 ~~8.10.~~ The Florida Bonding Program, provided under Pub. L.  
 641 No. 97-300, s. 164(a)(1).

642 ~~9.11.~~ The Food Stamp Employment and Training Program,  
 643 provided under the Food Stamp Act of 1977, U.S.C. ss. 2011-2032;  
 644 the Food Security Act of 1988, Pub. L. No. 99-198; and the  
 645 Hunger Prevention Act, Pub. L. No. 100-435.

646 ~~10.12.~~ The Quick-Response Training Program, provided under  
 647 ss. 288.046-288.047. Matching funds and in-kind contributions  
 648 that are provided by clients of the Quick-Response Training  
 649 Program shall count toward the requirements of s.  
 650 288.90151(5)(d), pertaining to the return on investment from  
 651 activities of Enterprise Florida, Inc.

652 ~~11.13.~~ The Work Opportunity Tax Credit, provided under the  
 653 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
 654 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

655 ~~12.14.~~ Offender placement services, provided under ss.  
 656 944.707-944.708.

657 ~~15. Programs authorized under the National and Community~~  
 658 ~~Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the~~  
 659 ~~Service America programs, the National Service Trust programs,~~  
 660 ~~the Civilian Community Corps, the Corporation for National and~~  
 661 ~~Community Service, the American Conservation and Youth Service~~  
 662 ~~Corps, and the Points of Light Foundation programs, if such~~  
 663 ~~programs are awarded to the state.~~



664 (c) Contracting with public and private entities as  
665 necessary to further the directives of this section. All  
666 contracts executed by Workforce Florida, Inc., must include  
667 specific performance expectations and deliverables. All  
668 Workforce Florida, Inc., contracts, including those solicited,  
669 managed, or paid by the Agency for Workforce Innovation pursuant  
670 to s. 20.50(2), are exempt from s. 112.061 and chapters 120 and  
671 287.

672 (d) Notifying the Governor, the President of the Senate,  
673 and the Speaker of the House of Representatives of noncompliance  
674 by the Agency for Workforce Innovation or other agencies or  
675 obstruction of the board's efforts by such agencies. Upon such  
676 notification, the Executive Office of the Governor shall assist  
677 agencies to bring them into compliance with board objectives.

678 (e) Ensuring that the state does not waste valuable  
679 training resources. Thus, the board shall direct that all  
680 resources, including equipment purchased for training Workforce  
681 Investment Act clients, be available for use at all times by  
682 eligible populations as first priority users. At times when  
683 eligible populations are not available, such resources shall be  
684 used for any other state authorized education and training  
685 purpose. Workforce Florida, Inc., may pay for appropriate  
686 promotional activities, incentives, and awards for performance  
687 by regional workforce boards, its committees and subdivisions,  
688 and other units of the state's workforce system. Expenditures  
689 for such activities, incentives, and awards shall not be subject  
690 to chapter 287 or chapter 17, including rules adopted  
691 thereunder. However, all expenditures for such activities,

692 incentives, and awards shall be exclusively subject to federal  
 693 rules and regulations applicable to expenditure of federal  
 694 funds.

695 (f) Archiving records with the Bureau of Archives and  
 696 Records Management of the Division of Library and Information  
 697 Services of the Department of State.

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

701 (a) Creating a state employment, education, and training  
 702 policy that ensures that programs to prepare workers are  
 703 responsive to present and future business and industry needs and  
 704 complement the initiatives of Enterprise Florida, Inc.

705 (b) Establishing policy direction for a funding system  
 706 that provides incentives to improve the outcomes of career  
 707 education programs, and of registered apprenticeship and work-  
 708 based learning programs, and that focuses resources on  
 709 occupations related to new or emerging industries that add  
 710 greatly to the value of the state's economy.

711 (c) Establishing a comprehensive policy related to the  
 712 education and training of target populations such as those who  
 713 have disabilities, are economically disadvantaged, receive  
 714 public assistance, are not proficient in English, or are  
 715 dislocated workers. This approach should ensure the effective  
 716 use of federal, state, local, and private resources in reducing  
 717 the need for public assistance.

718 (d) Designating Institutes of Applied Technology composed  
 719 of public and private postsecondary institutions working

720 together with business and industry to ensure that career  
721 education programs use the most advanced technology and  
722 instructional methods available and respond to the changing  
723 needs of business and industry.

724 (e) Providing policy direction for a system to project and  
725 evaluate labor market supply and demand using the results of the  
726 Workforce Estimating Conference created in s. 216.136 and the  
727 career education performance standards identified under s.  
728 1008.43.

729 (f) Reviewing the performance of public programs that are  
730 responsible for economic development, education, employment, and  
731 training. The review must include an analysis of the return on  
732 investment of these programs.

733 (g) Expanding the occupations identified by the Workforce  
734 Estimating Conference to meet needs created by local emergencies  
735 or plant closings or to capture occupations within emerging  
736 industries.

737 (7) By December 1 of each year, Workforce Florida, Inc.,  
738 shall submit to the Governor, the President of the Senate, the  
739 Speaker of the House of Representatives, the Senate Minority  
740 Leader, and the House Minority Leader a complete and detailed  
741 annual report setting forth:

742 (a) All audits, including the audit in subsection (8), if  
743 conducted.

744 (b) The operations and accomplishments of the board  
745 ~~partnership~~ including the programs or entities listed in  
746 subsection (6).

747           (8) The Auditor General may, pursuant to his or her own  
748 authority or at the direction of the Legislative Auditing  
749 Committee, conduct an audit of Workforce Florida, Inc., or the  
750 programs or entities created by Workforce Florida, Inc. The  
751 Office of Program Policy Analysis and Government Accountability,  
752 pursuant to its authority or at the direction of the Legislative  
753 Auditing Committee, may review the systems and controls related  
754 to performance outcomes and quality of services of Workforce  
755 Florida, Inc.

756           (9) Workforce Florida, Inc., in collaboration with the  
757 regional workforce boards and appropriate state agencies and  
758 local public and private service providers, and in consultation  
759 with the Office of Program Policy Analysis and Government  
760 Accountability, shall establish uniform measures and standards  
761 to gauge the performance of the workforce development strategy.  
762 These measures and standards must be organized into three  
763 outcome tiers.

764           (a) The first tier of measures must be organized to  
765 provide benchmarks for systemwide outcomes. Workforce Florida,  
766 Inc., must, in collaboration with the Office of Program Policy  
767 Analysis and Government Accountability, establish goals for the  
768 tier-one outcomes. Systemwide outcomes may include employment in  
769 occupations demonstrating continued growth in wages; continued  
770 employment after 3, 6, 12, and 24 months; reduction in and  
771 elimination of public assistance reliance; job placement;  
772 employer satisfaction; and positive return on investment of  
773 public resources.

774 (b) The second tier of measures must be organized to  
 775 provide a set of benchmark outcomes for ~~the initiatives of the~~  
 776 ~~First Jobs/First Wages Council, the Better Jobs/Better Wages~~  
 777 ~~Council, and the High Skills/High Wages Council~~ and for each of  
 778 the strategic components of the workforce development strategy.  
 779 Cost per entered employment, earnings at placement, retention in  
 780 employment, job placement, and entered employment rate must be  
 781 included among the performance outcome measures.

782 (c) The third tier of measures must be the operational  
 783 output measures to be used by the agency implementing programs,  
 784 and it may be specific to federal requirements. The tier-three  
 785 measures must be developed by the agencies implementing  
 786 programs, and Workforce Florida, Inc., may be consulted in this  
 787 effort. Such measures must be reported to Workforce Florida,  
 788 Inc., by the appropriate implementing agency.

789 (d) Regional differences must be reflected in the  
 790 establishment of performance goals and may include job  
 791 availability, unemployment rates, average worker wage, and  
 792 available employable population.

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

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

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

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

811           ~~(a) First Jobs/First Wages is the state's strategy to~~  
 812 ~~promote successful entry into the workforce through education~~  
 813 ~~and workplace experience that lead to self-sufficiency and~~  
 814 ~~career advancement. The components of the strategy include~~  
 815 efforts that enlist business, education, and community support  
 816 for students to achieve long-term career goals, ensuring that  
 817 young people have the academic and occupational skills required  
 818 to succeed in the workplace. The strategy must also assist  
 819 employers in upgrading or updating the skills of their employees  
 820 and assisting workers in acquiring the education or training  
 821 needed to secure better jobs with better wages. The strategy  
 822 must assist the state's efforts to attract and expand job-  
 823 creating businesses offering high-paying, high-demand  
 824 occupations. A minimum of 15 percent of all Workforce Investment  
 825 ~~Act youth services funds shall be expended for after-school care~~  
 826 ~~programs, through contracts with qualified community-based~~  
 827 ~~organizations and faith-based organizations, on an equal basis~~  
 828 ~~with other private organizations, to provide after-school care~~

829 ~~programs to eligible children 14 through 18 years of age. These~~  
 830 ~~programs shall include academic tutoring, mentoring, and other~~  
 831 ~~appropriate services. Similar services may be provided for~~  
 832 ~~eligible children 6 through 13 years of age using Temporary~~  
 833 ~~Assistance for Needy Families funds. Funds expended under this~~  
 834 ~~paragraph may not be used for religious or sectarian purposes.~~  
 835 ~~To provide after-school care programs under this paragraph, a~~  
 836 ~~community-based organization or a faith-based organization must~~  
 837 ~~be a nonprofit organization that holds a current exemption from~~  
 838 ~~federal taxation under s. 501(c)(3) or (4) of the Internal~~  
 839 ~~Revenue Code or must be a religious organization that is not~~  
 840 ~~required to apply for recognition of its exemption from federal~~  
 841 ~~taxation under s. 501(c)(3) of the Internal Revenue Code.~~

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

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

852 (11) The workforce development system shall use a charter-  
 853 process approach aimed at encouraging local design and control  
 854 of service delivery and targeted activities. Workforce Florida,  
 855 Inc., shall be responsible for granting charters to regional  
 856 workforce boards that have a membership consistent with the

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857 requirements of federal and state law and that have developed a  
858 plan consistent with the state's workforce development strategy.  
859 The plan must specify methods for allocating the resources and  
860 programs in a manner that eliminates unwarranted duplication,  
861 minimizes administrative costs, meets the existing job market  
862 demands and the job market demands resulting from successful  
863 economic development activities, ensures access to quality  
864 workforce development services for all Floridians, allows for  
865 pro rata or partial distribution of benefits and services,  
866 prohibits the creation of a waiting list or other indication of  
867 an unserved population, serves as many individuals as possible  
868 within available resources, and maximizes successful outcomes.  
869 As part of the charter process, Workforce Florida, Inc., shall  
870 establish incentives for effective coordination of federal and  
871 state programs, outline rewards for successful job placements,  
872 and institute collaborative approaches among local service  
873 providers. Local decisionmaking and control shall be important  
874 components for inclusion in this charter application.

875 Section 5. Section 445.006, Florida Statutes, is amended  
876 to read:

877 445.006 Strategic and operational plans ~~plan~~ for workforce  
878 development.--

879 (1) Workforce Florida, Inc., in conjunction with state and  
880 local partners in the workforce system, shall develop a  
881 strategic plan for workforce, with the goal of producing skilled  
882 employees for employers in the state. The strategic plan shall  
883 be submitted to the Governor, the President of the Senate, and  
884 the Speaker of the House of Representatives by February 1, 2001.



885 The strategic plan shall be updated or modified by January 1 of  
 886 each year thereafter. The plan must include, but need not be  
 887 limited to, strategies for:

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

890 (b) Aggregating, integrating, and leveraging workforce  
 891 system resources;

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

894 (d) Addressing the workforce needs of small businesses;  
 895 and

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

898 (2) Workforce Florida, Inc., shall establish an  
 899 operational plan to implement the strategic plan. The  
 900 operational plan shall be submitted to the Governor, the  
 901 President of the Senate, and the Speaker of the House of  
 902 Representatives along with the strategic plan and shall reflect  
 903 the allocation of resources as appropriated by the Legislature  
 904 to specific responsibilities enumerated in law. As a component  
 905 of the operational ~~strategie~~ plan required under this section,  
 906 Workforce Florida, Inc., shall develop a workforce marketing  
 907 plan, with the goal of educating individuals inside and outside  
 908 the state about the employment market and employment conditions  
 909 in the state. The marketing plan must include, but need not be  
 910 limited to, strategies for:

911 (a) Distributing information to secondary and  
 912 postsecondary education institutions about the diversity of

913 businesses in the state, specific clusters of businesses or  
 914 business sectors in the state, and occupations by industry which  
 915 are in demand by employers in the state;

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

919 (c) Coordinating with Enterprise Florida, Inc., to ensure  
 920 that workforce marketing efforts complement the economic  
 921 development marketing efforts of the state.

922 (3) The operational ~~strategie~~ plan must include  
 923 performance measures, standards, measurement criteria, and  
 924 contract guidelines in the following areas with respect to  
 925 participants in the welfare transition program:

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

927 (b) Caseload trends;

928 (c) Recidivism;

929 (d) Participation in diversion and relocation assistance  
 930 programs;

931 (e) Employment retention;

932 (f) Wage growth; and

933 (g) Other issues identified by the board of directors of  
 934 Workforce Florida, Inc.

935 (4) The operational ~~strategie~~ plan must include criteria  
 936 for allocating workforce resources to regional workforce boards.  
 937 With respect to allocating funds to serve customers of the  
 938 welfare transition program, such criteria may include weighting  
 939 factors that indicate the relative degree of difficulty

940 associated with securing and retaining employment placements for  
 941 specific subsets of the welfare transition caseload.

942 (5)(a) The operational ~~strategie~~ plan may ~~must~~ include a  
 943 performance-based payment structure to be used for all welfare  
 944 transition program customers which takes into account:

945 1. The degree of difficulty associated with placement and  
 946 retention;

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

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

950 (b) The payment structure may ~~must~~ provide for bonus  
 951 payments of up to 10 percent of the contract amount to providers  
 952 that achieve notable success in achieving contract objectives,  
 953 including, but not limited to, success in diverting families in  
 954 which there is an adult who is subject to work requirements from  
 955 receiving cash assistance and in achieving long-term job  
 956 retention and wage growth with respect to welfare transition  
 957 program customers. A service provider shall be paid a maximum of  
 958 one payment per service for each participant during any given 6-  
 959 month period.

960 (6)(a) The operational ~~strategie~~ plan must include  
 961 strategies that are designed to prevent or reduce the need for a  
 962 person to receive public assistance. These strategies must  
 963 include:

964 1. A teen pregnancy prevention component that includes,  
 965 but is not limited to, a plan for implementing the Florida  
 966 Education Now and Babies Later (ENABL) program under s. 411.242  
 967 and the Teen Pregnancy Prevention Community Initiative within

968 | each county of the services area in which the teen birth rate is  
 969 | higher than the state average;

970 |         2. A component that encourages creation of community-based  
 971 | welfare prevention and reduction initiatives that increase  
 972 | support provided by noncustodial parents to their welfare-  
 973 | dependent children and are consistent with program and financial  
 974 | guidelines developed by Workforce Florida, Inc., and the  
 975 | Commission on Responsible Fatherhood. These initiatives may  
 976 | include, but are not limited to, improved paternity  
 977 | establishment, work activities for noncustodial parents,  
 978 | programs aimed at decreasing out-of-wedlock pregnancies,  
 979 | encouraging involvement of fathers with their children including  
 980 | court-ordered supervised visitation, and increasing child  
 981 | support payments;

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

985 |         4. A component that fosters responsible fatherhood in  
 986 | families receiving assistance; and

987 |         5. A component that fosters provision of services that  
 988 | reduce the incidence and effects of domestic violence on women  
 989 | and children in families receiving assistance.

990 |         (b) Specifications for welfare transition program services  
 991 | that are to be delivered include, but are not limited to:

992 |             1. Initial assessment services prior to an individual  
 993 | being placed in an employment service, to determine whether the  
 994 | individual should be referred for relocation, up-front  
 995 | diversion, education, or employment placement. Assessment

996 | services shall be paid on a fixed unit rate and may not provide  
 997 | educational or employment placement services.

998 |         2. Referral of participants to diversion and relocation  
 999 | programs.

1000 |         3. Preplacement services, including assessment, staffing,  
 1001 | career plan development, work orientation, and employability  
 1002 | skills enhancement.

1003 |         4. Services necessary to secure employment for a welfare  
 1004 | transition program participant.

1005 |         5. Services necessary to assist participants in retaining  
 1006 | employment, including, but not limited to, remedial education,  
 1007 | language skills, and personal and family counseling.

1008 |         6. Desired quality of job placements with regard to  
 1009 | salary, benefits, and opportunities for advancement.

1010 |         7. Expectations regarding job retention.

1011 |         8. Strategies to ensure that transition services are  
 1012 | provided to participants for the mandated period of eligibility.

1013 |         9. Services that must be provided to the participant  
 1014 | throughout an education or training program, such as monitoring  
 1015 | attendance and progress in the program.

1016 |         10. Services that must be delivered to welfare transition  
 1017 | program participants who have a deferral from work requirements  
 1018 | but wish to participate in activities that meet federal  
 1019 | participation requirements.

1020 |         11. Expectations regarding continued participant awareness  
 1021 | of available services and benefits.

1022 |         Section 6. Subsections (1), (2), and (11) of section  
 1023 | 445.007, Florida Statutes, are amended to read:

1024 445.007 Regional workforce boards; exemption from public  
 1025 meetings law.--

1026 (1) One regional workforce board shall be appointed in  
 1027 each designated service delivery area and shall serve as the  
 1028 local workforce investment board pursuant to Pub. L. No. 105-  
 1029 220. The membership of the board shall be consistent with Pub.  
 1030 L. No. 105-220, Title I, s. 117(b), and contain one  
 1031 representative from a nonpublic postsecondary educational  
 1032 institution that is an authorized individual training account  
 1033 provider within the region and confers certificates and  
 1034 diplomas, one representative from a nonpublic postsecondary  
 1035 educational institution that is an authorized individual  
 1036 training account provider within the region and confers degrees,  
 1037 and three representatives of organized labor. The board shall  
 1038 include one nonvoting representative from a military  
 1039 installation if a military installation is located within the  
 1040 region and the appropriate military command or organization  
 1041 authorizes such representation. ~~Individuals serving as members~~  
 1042 ~~of regional workforce development boards or local WAGES~~  
 1043 ~~coalitions, as of June 30, 2000, are eligible for appointment to~~  
 1044 ~~regional workforce boards, pursuant to this section.~~ It is the  
 1045 intent of the Legislature that, ~~whenever possible and to the~~  
 1046 ~~greatest extent practicable,~~ membership of a regional workforce  
 1047 board include persons who are current or former recipients of  
 1048 welfare transition assistance as defined in s. 445.002(3) or  
 1049 workforce services as provided in s. 445.009(1), or that such  
 1050 persons be included as ex officio members of the board or of  
 1051 committees organized by the board. The importance of minority

1052 and gender representation shall be considered when making  
 1053 appointments to the board. The board and its committees,  
 1054 subcommittees, and subdivisions, or other units of the workforce  
 1055 system, including units that may consist in whole or in part of  
 1056 local governmental units, may use any method of  
 1057 telecommunications to conduct meetings, including establishing a  
 1058 quorum through telecommunications. Regional workforce boards are  
 1059 subject to the provisions of chapter 119 relating to public  
 1060 records and the provisions of chapter 286 relating to public  
 1061 meetings. If the regional workforce board enters into a contract  
 1062 with an organization or individual represented on the board of  
 1063 directors, the contract must be approved by a two-thirds vote of  
 1064 the entire board, and the board member who could benefit  
 1065 financially from the transaction must abstain from voting on the  
 1066 contract. A board member must disclose any such conflict in a  
 1067 manner that is consistent with the procedures outlined in s.  
 1068 112.3143.

1069 (2) The regional workforce board shall elect a chair from  
 1070 among the representatives described in Pub. L. No. 105-220,  
 1071 Title I, s. 117(b)(2)(A)(i) to serve for a term of no more than  
 1072 2 years and serve no more than two terms. ~~Workforce Florida,~~  
 1073 ~~Inc., will determine the timeframe and manner of changes to the~~  
 1074 ~~regional workforce boards as required by this chapter and Pub.~~  
 1075 ~~L. No. 105-220.~~

1076 (11) For purposes of procurement, regional workforce  
 1077 boards and their administrative entities are not state agencies  
 1078 and are therefore exempt from chapters 120 and 287, but the  
 1079 boards and their administrative entities must comply with state

1080 procurement laws and procedures until Workforce Florida, Inc.,  
 1081 adopts the provisions or alternative procurement procedures that  
 1082 meet the requirements of federal law. Regional workforce boards  
 1083 and their administrative entities, committees, and subcommittees  
 1084 and other workforce units may promote appropriate activities,  
 1085 incentives, and awards for performance by units of the state's  
 1086 workforce system, and expenditures for such activities,  
 1087 incentives, and awards shall not be subject to chapter 287 or  
 1088 chapter 17, including rules adopted thereunder. However, all  
 1089 expenditures for such activities, incentives, and awards shall  
 1090 be exclusively subject to federal rules and regulations  
 1091 applicable to expenditure of federal funds. All contracts  
 1092 executed by regional workforce boards must include specific  
 1093 performance expectations and deliverables.

1094 Section 7. Subsection (3) and paragraph (d) of subsection  
 1095 (8) of section 445.009, Florida Statutes, are amended to read:

1096 445.009 One-stop delivery system.--

1097 (3) ~~Notwithstanding any other provision of law, any~~  
 1098 ~~memorandum of understanding in effect on June 30, 2000, between~~  
 1099 ~~a regional workforce board and the Department of Labor and~~  
 1100 ~~Employment Security governing the delivery of workforce services~~  
 1101 ~~shall remain in effect until September 30, 2000.~~ Beginning  
 1102 October 1, 2000, regional workforce boards shall enter into a  
 1103 memorandum of understanding with the Agency for Workforce  
 1104 Innovation for the delivery of employment services authorized by  
 1105 the federal Wagner-Peyser Act. This memorandum of understanding  
 1106 must be performance based.



1107 (a) Unless otherwise required by federal law, at least 90  
 1108 percent of the Wagner-Peyser funding must go into direct  
 1109 customer service costs.

1110 (b) Employment services must be provided through the one-  
 1111 stop delivery system, under the guidance of one-stop delivery  
 1112 system operators. One-stop delivery system operators shall have  
 1113 overall authority for directing the staff of the workforce  
 1114 system. Personnel matters shall remain under the ultimate  
 1115 authority of the Agency for Workforce Innovation. However, the  
 1116 one-stop delivery system operator shall submit to the agency  
 1117 information concerning the job performance of agency employees  
 1118 who deliver employment services. The agency shall consider any  
 1119 such information submitted by the one-stop delivery system  
 1120 operator in conducting performance appraisals of the employees.

1121 (c) The agency shall retain fiscal responsibility and  
 1122 accountability for the administration of funds allocated to the  
 1123 state under the Wagner-Peyser Act. An agency employee who is  
 1124 providing services authorized under the Wagner-Peyser Act shall  
 1125 be paid using Wagner-Peyser Act funds.

1126 ~~(d) The Office of Program Policy Analysis and Government~~  
 1127 ~~Accountability, in consultation with Workforce Florida, Inc.,~~  
 1128 ~~shall review the delivery of employment services under the~~  
 1129 ~~Wagner-Peyser Act and the integration of those services with~~  
 1130 ~~other activities performed through the one-stop delivery system~~  
 1131 ~~and shall provide recommendations to the Legislature for~~  
 1132 ~~improving the effectiveness of the delivery of employment~~  
 1133 ~~services in this state. The Office of Program Policy Analysis~~  
 1134 ~~and Government Accountability shall submit a report and~~

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1135 ~~recommendations to the Governor, the President of the Senate,~~  
 1136 ~~and the Speaker of the House of Representatives by December 31,~~  
 1137 ~~2002.~~

1138 (8)

1139 (d) To the maximum extent possible, training providers  
 1140 shall use funding sources other than the funding provided under  
 1141 Pub. L. No. 105-220. Workforce Florida, Inc., shall develop a  
 1142 system to encourage the leveraging of appropriated resources for  
 1143 the workforce system and shall report on such efforts as part of  
 1144 the required annual report. ~~A performance outcome related to~~  
 1145 ~~alternative financing obtained by the training provider shall be~~  
 1146 ~~established by Workforce Florida, Inc., and used for performance~~  
 1147 ~~evaluation purposes. The performance evaluation must take into~~  
 1148 ~~consideration the number of alternative funding sources.~~

1149 Section 8. Section 445.019, Florida Statutes, is amended  
 1150 to read:

1151 445.019 Teen parent and pregnancy prevention diversion  
 1152 program; eligibility for services.--The Legislature recognizes  
 1153 that teen pregnancy is a major cause of dependency on government  
 1154 assistance that often extends through more than one generation.  
 1155 The purpose of the teen parent and pregnancy prevention  
 1156 diversion program is to provide services to reduce and avoid  
 1157 welfare dependency by reducing teen pregnancy, reducing the  
 1158 incidence of multiple pregnancies to teens, and ~~by~~ assisting  
 1159 teens in completing educational and employment programs.

1160 (1) Notwithstanding any provision to the contrary in ss.  
 1161 414.075, 414.085, and 414.095, a teen who is determined to be at

1162 risk of teen pregnancy or who already has a child shall be  
 1163 deemed eligible to receive services under this program.

1164 (2) Services provided under this program shall be limited  
 1165 to services that are not considered assistance under federal law  
 1166 or guidelines.

1167 (3) Receipt of services under this section does not  
 1168 preclude eligibility for, or receipt of, other assistance or  
 1169 services under chapter 414.

1170 Section 9. Section 445.020, Florida Statutes, is amended  
 1171 to read:

1172 445.020 Diversion programs; determination of need.--If  
 1173 federal regulations require a determination of needy families or  
 1174 needy parents to be based on financial criteria, such as income  
 1175 or resources, for individuals or families who are receiving  
 1176 services, one-time payments, or nonrecurring short-term  
 1177 benefits, the Temporary Assistance for Needy Families State Plan  
 1178 ~~Department of Children and Family Services~~ shall clearly  
 1179 indicate ~~adopt rules to define~~ such criteria. ~~In such rules, the~~  
 1180 ~~department shall use the income level established for Temporary~~  
 1181 ~~Assistance for Needy Families funds which are transferred for~~  
 1182 ~~use under Title XX of the Social Security Act.~~ If federal  
 1183 regulations do not require a financial determination for receipt  
 1184 of such benefits, payments, or services, the criteria otherwise  
 1185 established in this chapter shall be used.

1186 Section 10. Sections 445.005, 445.012, 445.0121, 445.0122,  
 1187 445.0123, 445.0124, 445.0125, 445.013, 446.21, 446.22, 446.23,  
 1188 446.24, 446.25, 446.26, and 446.27, Florida Statutes, are  
 1189 repealed.

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