

CHAMBER ACTION

1 The Commerce Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to workforce innovation; amending s.  
7 20.50, F.S., as amended; establishing a separate budget  
8 for the Agency for Workforce Innovation; providing that  
9 the agency may serve as contract administrator for  
10 Workforce Florida, Inc.; removing obsolete language;  
11 clarifying the organization of the agency; authorizing the  
12 director to appoint deputy and assistant directors and to  
13 organize the agency; revising the agency's administrative  
14 responsibilities; authorizing the agency to provide or  
15 contract for training of certain employees; deleting  
16 training requirements; providing for an official seal;  
17 providing agency rulemaking authority; amending s.  
18 427.012, F.S.; revising an obsolete reference; amending s.  
19 445.003, F.S.; removing obsolete references; removing a  
20 reporting requirement; amending s. 445.004, F.S.;  
21 clarifying that Workforce Florida, Inc., is exempt from  
22 chapters 120 and 287, F.S.; providing guidelines for the  
23 expenditure of federal funds; removing the voting

HB 1645

2005  
CS

24 | privileges of certain board members; providing a term  
25 | limit for the chair of the board of Workforce Florida,  
26 | Inc.; increasing board members' terms and creating  
27 | staggered terms; clarifying that the President of the  
28 | Senate and the Speaker of the House of Representatives may  
29 | nominate board members; requiring certain board members to  
30 | have economic development experience; removing a  
31 | requirement that the Governor appoint board members 30  
32 | days after receiving nominations; authorizing the board to  
33 | use telecommunications to conduct meetings; providing that  
34 | the chair of Workforce Florida, Inc., may select executive  
35 | committee members; removing references to certain  
36 | councils; removing obsolete references; exempting  
37 | Workforce Florida, Inc., contracts from certain provisions  
38 | of law; providing expenditure approval to Workforce  
39 | Florida, Inc., for awards and promotional items;  
40 | authorizing Workforce Florida, Inc., to establish a  
41 | dispute resolution process for certain purposes; revising  
42 | and clarifying the state workforce development strategy;  
43 | amending s. 445.006, F.S.; requiring Workforce Florida,  
44 | Inc., to establish an operational plan; clarifying  
45 | references to strategic and operational plans; amending s.  
46 | 445.007, F.S.; clarifying that the military representative  
47 | to a regional workforce board shall be a nonvoting member  
48 | subject to certain approval; removing obsolete language;  
49 | allowing the use of telecommunications for meetings;  
50 | providing for the election and terms of regional workforce  
51 | board chairs; authorizing regional workforce boards to

Page 2 of 48

52 | promote awards and promotional items under certain  
 53 | circumstances; amending organizational requirements for  
 54 | regional workforce boards; amending s. 445.009, F.S.;  
 55 | removing obsolete references; requiring Workforce Florida,  
 56 | Inc., to develop a system for leveraging workforce system  
 57 | resources; removing a requirement for an alternative  
 58 | financing performance outcome measure; amending s.  
 59 | 445.019, F.S.; allowing employment programs to be offered  
 60 | to teen parents; amending s. 445.020, F.S.; clarifying how  
 61 | determination of need criteria will be identified;  
 62 | repealing s. 445.005, F.S., relating to First Jobs/First  
 63 | Wages, Better Jobs/Better Wages, and High Skills/High  
 64 | Wages Councils of Workforce Florida, Inc.; repealing ss.  
 65 | 445.012-445.0125, F.S., the Careers for Florida's Future  
 66 | Incentive Grant Program; repealing s. 445.013, F.S.,  
 67 | relating to challenge grants in support of welfare-to-work  
 68 | initiatives; repealing ss. 446.21-446.27, F.S., the  
 69 | Florida Youth-at-Risk 2000 Pilot Program; providing an  
 70 | effective date.

71 |

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

73 |

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

76 | 20.50 Agency for Workforce Innovation.--There is created  
 77 | the Agency for Workforce Innovation within the Department of  
 78 | Management Services. The agency shall have ~~be~~ a separate budget  
 79 | as provided in the General Appropriations Act ~~entity~~, and the

80 | director of the agency shall be the agency head for all  
 81 | purposes. The agency shall not be subject to control,  
 82 | supervision, or direction by the Department of Management  
 83 | Services in any manner, including, but not limited to,  
 84 | personnel, purchasing, transactions involving real or personal  
 85 | property, and budgetary matters.

86 |       (1) The Agency for Workforce Innovation shall ensure that  
 87 | the state appropriately administers federal and state workforce  
 88 | funding by administering plans and policies of Workforce  
 89 | Florida, Inc., under contract with Workforce Florida, Inc. The  
 90 | operating budget and midyear amendments thereto must be part of  
 91 | such contract.

92 |       (a) All program and fiscal instructions to regional  
 93 | workforce boards shall emanate from the agency pursuant to plans  
 94 | and policies of Workforce Florida, Inc. Workforce Florida, Inc.,  
 95 | shall be responsible for all policy directions to the regional  
 96 | boards.

97 |       (b) Unless otherwise provided by agreement with Workforce  
 98 | Florida, Inc., administrative and personnel policies of the  
 99 | Agency for Workforce Innovation shall apply.

100 |       (2)(a) The Agency for Workforce Innovation is the  
 101 | administrative agency designated for receipt of federal  
 102 | workforce development grants and other federal funds. The agency  
 103 | shall administer the duties and responsibilities assigned by the  
 104 | Governor under each federal grant assigned to the agency. The  
 105 | agency ~~shall be a separate budget entity and~~ shall expend each  
 106 | revenue source as provided by federal and state law and as  
 107 | provided in plans developed by and agreements with Workforce

HB 1645

2005  
CS

108 Florida, Inc. The agency may serve as contract administrator for  
 109 Workforce Florida, Inc., contracts pursuant to s. 445.004(5) as  
 110 directed by Workforce Florida, Inc.

111 (b) The agency shall prepare and submit ~~as a separate~~  
 112 ~~budget entity~~ a unified budget request for workforce  
 113 development, in accordance with chapter 216 for, and in  
 114 conjunction with, Workforce Florida, Inc., and its board. The  
 115 head of the agency is the director of Workforce Innovation, who  
 116 shall be appointed by the Governor. ~~The accountability and~~  
 117 ~~reporting functions of the agency shall be administered by the~~  
 118 ~~director or his or her designee. These functions shall include~~  
 119 ~~budget management, financial management, audit, performance~~  
 120 ~~management standards and controls, assessing outcomes of service~~  
 121 ~~delivery, and financial administration of workforce programs~~  
 122 ~~under s. 445.004(5) and (9).~~

123 (c) ~~The agency shall include the following offices~~ Within  
 124 its organizational structure, the agency which shall include the  
 125 following offices ~~have the specified responsibilities:~~

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

134 2.(b) The Office of Workforce Program Support, and  
 135 ~~Accountability shall administer state merit system program staff~~

HB 1645

2005  
CS

136 ~~within the workforce service delivery system, under the policies~~  
 137 ~~of Workforce Florida, Inc. The office is responsible for~~  
 138 ~~delivering services through the one-stop delivery system and for~~  
 139 ~~ensuring that participants in welfare transition programs~~  
 140 ~~receive case management services, diversion assistance, support~~  
 141 ~~services, including child care and transportation services,~~  
 142 ~~Medicaid services, and transition assistance to enable them to~~  
 143 ~~succeed in the workforce. The office is also responsible for~~  
 144 ~~program quality assurance, grants and contract management,~~  
 145 ~~contracting, financial management, and reporting. The office~~  
 146 ~~shall be directed by the Deputy Director for Program Support and~~  
 147 ~~Accountability, who shall be appointed by and serve at the~~  
 148 ~~pleasure of the director. The office is responsible for:~~

149 ~~1. Establishing monitoring, quality assurance, and quality~~  
 150 ~~improvement systems that routinely assess the quality and~~  
 151 ~~effectiveness of contracted programs and services.~~

152 ~~2. Annual review of each regional workforce board and~~  
 153 ~~administrative entity to ensure that adequate systems of~~  
 154 ~~reporting and control are in place; that monitoring, quality~~  
 155 ~~assurance, and quality improvement activities are conducted~~  
 156 ~~routinely; and that corrective action is taken to eliminate~~  
 157 ~~deficiencies.~~

158 ~~3.(e)~~ The Office of Early Learning, which shall administer  
 159 the school readiness system in accordance with s. 411.01 and the  
 160 operational requirements of the Voluntary Prekindergarten  
 161 Education Program in accordance with part V of chapter 1002. The  
 162 office shall be directed by the Deputy Director for Early

HB 1645

2005  
CS

163 Learning, who shall be appointed by and serve at the pleasure of  
164 the director.

165 ~~4.(d) The Office of Agency Support Services is responsible~~  
166 ~~for procurement, human resource services, and information~~  
167 ~~services including delivering information on labor markets,~~  
168 ~~employment, occupations, and performance, and shall implement~~  
169 ~~and maintain information systems that are required for the~~  
170 ~~effective operation of the one-stop delivery system and the~~  
171 ~~school readiness system, including, but not limited to, those~~  
172 ~~systems described in s. 445.009. The office shall be directed by~~  
173 ~~the Deputy Director for Agency Support Services, who shall be~~  
174 ~~appointed by and serve at the pleasure of the director. The~~  
175 ~~office is responsible for establishing:~~

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

180 ~~2. Information systems that support service integration~~  
181 ~~and case management by providing for case tracking for~~  
182 ~~participants in welfare transition programs.~~

183 ~~3. Information systems that support the school readiness~~  
184 ~~system.~~

185 (d) The director of the agency may establish assistant  
186 director and deputy director positions to administer the  
187 requirements and functions of the agency. In addition, the  
188 director may organize and structure the offices of the agency to  
189 best meet the goals and objectives of the agency as provided in  
190 s. 20.04.

HB 1645

2005  
CS

191 (e) The Unemployment Appeals Commission, authorized by s.  
192 443.012, is not subject to control, supervision, or direction by  
193 the Agency for Workforce Innovation in the performance of its  
194 powers and duties but shall receive any and all support and  
195 assistance from the agency that is required for the performance  
196 of its duties.

197 (3) The Agency for Workforce Innovation shall serve as the  
198 designated agency for purposes of each federal workforce  
199 development grant assigned to it for administration. The agency  
200 shall carry out the duties assigned to it by the Governor, under  
201 the terms and conditions of each grant. The agency shall have  
202 the level of authority and autonomy necessary to be the  
203 designated recipient of each federal grant assigned to it, and  
204 shall disperse such grants pursuant to the plans and policies of  
205 Workforce Florida, Inc. The director may, upon delegation from  
206 the Governor and pursuant to agreement with Workforce Florida,  
207 Inc., sign contracts, grants, and other instruments as necessary  
208 to execute functions assigned to the agency. Notwithstanding  
209 other provisions of law, ~~the following federal grants and other~~  
210 ~~funds are assigned for administration to~~ the Agency for  
211 Workforce Innovation shall administer:-

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

216 ~~(b) Programs authorized under the Wagner-Peyser Act of~~  
217 ~~1933, as amended, 29 U.S.C. ss. 49 et seq.~~



HB 1645

2005  
CS

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

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

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

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

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

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

237 ~~(i) Programs authorized under the National and Community~~  
 238 ~~Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the~~  
 239 ~~Service America programs, the National Service Trust programs,~~  
 240 ~~the Civilian Community Corps, the Corporation for National and~~  
 241 ~~Community Service, the American Conservation and Youth Service~~  
 242 ~~Corps, and the Points of Light Foundation programs, if such~~  
 243 ~~programs are awarded to the state.~~

244 ~~(j) The Unemployment Compensation program provided~~  
 245 ~~pursuant to chapter 443.~~

246 ~~(k) other~~ programs funded by federal or state  
 247 appropriations, as determined by the Legislature in the General  
 248 Appropriations Act or by law.

249 (4) The Agency for Workforce Innovation may ~~shall~~ provide  
 250 or contract for training for employees of administrative  
 251 entities and case managers of any contracted providers to ensure  
 252 they have the necessary competencies and skills to provide  
 253 adequate administrative oversight and delivery of the full array  
 254 of client services pursuant to s. 445.004(5)(b). Training  
 255 requirements include, but are not limited to:

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

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

262 ~~(c) Specifications or criteria under which any regional~~  
 263 ~~workforce board may award bonus points or otherwise give~~  
 264 ~~preference to competitive service provider applications that~~  
 265 ~~provide minimum criteria for assuring competent case management,~~  
 266 ~~including, but not limited to, maximum caseload per case~~  
 267 ~~manager, current staff turnover rate, minimum educational or~~  
 268 ~~work experience requirements, and a differentiated compensation~~  
 269 ~~plan based on the competency levels of personnel.~~

270 ~~(d) Minimum skills, knowledge, and abilities required for~~  
 271 ~~contract management, including budgeting, expenditure, and~~  
 272 ~~performance information related to service delivery and~~  
 273 ~~financial administration, monitoring, quality assurance and~~

HB 1645

2005  
CS

274 ~~improvement, and standards of conduct for employees of regional~~  
 275 ~~workforce boards and administrative entities specifically~~  
 276 ~~related to carrying out contracting responsibilities.~~

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

280 (6) The Agency for Workforce Innovation may adopt rules  
 281 that relate to implementing and administering the programs  
 282 listed in s. 445.004(5)(b) as well as rules related to eligible  
 283 training providers and auditing and monitoring subrecipients of  
 284 workforce system grant funds.

285 Section 2. Paragraph (d) of subsection (1) of section  
 286 427.012, Florida Statutes, is amended to read:

287 427.012 The Commission for the Transportation  
 288 Disadvantaged.--There is created the Commission for the  
 289 Transportation Disadvantaged in the Department of  
 290 Transportation.

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

292 (d) The Director of the Agency for Workforce Innovation or  
 293 the director's designee. ~~The secretary of the Department of~~  
 294 ~~Labor and Employment Security or the secretary's designee.~~

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

297 445.003 Implementation of the federal Workforce Investment  
 298 Act of 1998.--

299 (3) FUNDING.--

300 (a) Title I, Workforce Investment Act of 1998 funds;  
 301 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended

HB 1645

2005  
CS

302 based on the 5-year plan of Workforce Florida, Inc. The plan  
 303 shall outline and direct the method used to administer and  
 304 coordinate various funds and programs that are operated by  
 305 various agencies. The following provisions shall also apply to  
 306 these funds:

307 1. At least 50 percent of the Title I funds for Adults and  
 308 Dislocated Workers that are passed through to regional workforce  
 309 boards shall be allocated to Individual Training Accounts unless  
 310 a regional workforce board obtains a waiver from Workforce  
 311 Florida, Inc. Tuition and, ~~fees, and performance-based incentive~~  
 312 ~~awards paid in compliance with Florida's Performance-Based~~  
 313 ~~Incentive Fund Program~~ qualify as an Individual Training Account  
 314 expenditure, as do other programs developed by regional  
 315 workforce boards in compliance with policies of Workforce  
 316 Florida, Inc.

317 2. Fifteen percent of Title I funding shall be retained at  
 318 the state level and shall be dedicated to state administration  
 319 and used to design, develop, induce, and fund innovative  
 320 Individual Training Account pilots, demonstrations, and  
 321 programs. Of such funds retained at the state level, \$2 million  
 322 shall be reserved for the Incumbent Worker Training Program,  
 323 created under subparagraph 3. Eligible state administration  
 324 costs include the costs of: funding for the board and staff of  
 325 Workforce Florida, Inc.; operating fiscal, compliance, and  
 326 management accountability systems through Workforce Florida,  
 327 Inc.; conducting evaluation and research on workforce  
 328 development activities; and providing technical and capacity  
 329 building assistance to regions at the direction of Workforce

HB 1645

2005  
CS

330 Florida, Inc. Notwithstanding s. 445.004, such administrative  
 331 costs shall not exceed 25 percent of these funds. An amount not  
 332 to exceed 75 percent of these funds shall be allocated to  
 333 Individual Training Accounts and other workforce development  
 334 strategies for: ~~the Minority Teacher Education Scholars program,~~  
 335 ~~the Certified Teacher Aide program, the Self-Employment~~  
 336 ~~Institute, and other~~ training designed and tailored by Workforce  
 337 Florida, Inc., including, but not limited to, programs for  
 338 incumbent workers, displaced homemakers, nontraditional  
 339 employment, ~~empowerment zones,~~ and enterprise zones. Workforce  
 340 Florida, Inc., shall design, adopt, and fund Individual Training  
 341 Accounts for distressed urban and rural communities.

342 3. The Incumbent Worker Training Program is created for  
 343 the purpose of providing grant funding for continuing education  
 344 and training of incumbent employees at existing Florida  
 345 businesses. The program will provide reimbursement grants to  
 346 businesses that pay for preapproved, direct, training-related  
 347 costs.

348 a. The Incumbent Worker Training Program will be  
 349 administered by Workforce Florida, Inc. Workforce Florida, Inc.,  
 350 at its discretion, may contract with a private business  
 351 organization to serve as grant administrator.

352 b. To be eligible for the program's grant funding, a  
 353 business must have been in operation in Florida for a minimum of  
 354 1 year prior to the application for grant funding; have at least  
 355 one full-time employee; demonstrate financial viability; and be  
 356 current on all state tax obligations. Priority for funding shall  
 357 be given to businesses with 25 employees or fewer, businesses in

HB 1645

2005  
CS

358 rural areas, businesses in distressed inner-city areas,  
 359 businesses in a qualified targeted industry, businesses whose  
 360 grant proposals represent a significant upgrade in employee  
 361 skills, or businesses whose grant proposals represent a  
 362 significant layoff avoidance strategy.

363 c. All costs reimbursed by the program must be preapproved  
 364 by Workforce Florida, Inc., or the grant administrator. The  
 365 program will not reimburse businesses for trainee wages, the  
 366 purchase of capital equipment, or the purchase of any item or  
 367 service that may possibly be used outside the training project.  
 368 A business approved for a grant may be reimbursed for  
 369 preapproved, direct, training-related costs including tuition  
 370 and fees; books and training ~~classroom~~ materials; and overhead  
 371 or indirect costs not to exceed 5 percent of the grant amount.

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

381 e. All Incumbent Worker Training Program grant projects  
 382 shall be performance-based with specific measurable performance  
 383 outcomes, including completion of the training project and job  
 384 retention. Workforce Florida, Inc., or the grant administrator  
 385 shall withhold the final payment to the grantee until a final

HB 1645

2005  
CS

386 | grant report is submitted and all performance criteria specified  
387 | in the grant contract have been achieved.

388 |       f. Workforce Florida, Inc., may establish guidelines  
389 | necessary to implement the Incumbent Worker Training Program.

390 |       g. No more than 10 percent of the Incumbent Worker  
391 | Training Program's total appropriation may be used for overhead  
392 | or indirect purposes.

393 |       ~~h. Workforce Florida, Inc., shall submit a report to the~~  
394 | ~~Legislature on the financial and general operations of the~~  
395 | ~~Incumbent Worker Training Program. Such report will be due~~  
396 | ~~before October 1 of any fiscal year for which the program is~~  
397 | ~~funded by the Legislature.~~

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

HB 1645

2005  
CS

413 expended based on a plan developed by Workforce Florida, Inc.,  
414 and approved by the Governor.

415 (b) The administrative entity for Title I, Workforce  
416 Investment Act of 1998 funds, and Rapid Response activities,  
417 shall be the Agency for Workforce Innovation, which shall  
418 provide direction to regional workforce boards regarding Title I  
419 programs and Rapid Response activities pursuant to the direction  
420 of Workforce Florida, Inc.

421 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED  
422 MODIFICATIONS.--

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

426 (b) Workforce Florida, Inc., may negotiate and settle all  
427 outstanding issues with the United States Department of Labor  
428 relating to decisions made by Workforce Florida, Inc., any  
429 predecessor workforce organization, and the Legislature with  
430 regard to the Job Training Partnership Act, making settlements  
431 and closing out all JTPA program year grants.

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

439 ~~(5) The Department of Labor and Employment Security shall~~  
440 ~~phase down JTPA duties before the federal program is abolished~~



HB 1645

2005  
CS

441 ~~July 1, 2000. Outstanding accounts and issues shall be completed~~  
 442 ~~prior to transfer to the Agency for Workforce Innovation.~~

443 ~~(5)(6)~~ LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.--

444 ~~(a)~~ Workforce Florida, Inc., may recommend workforce-  
 445 related divisions, bureaus, units, programs, duties,  
 446 commissions, boards, and councils that can be eliminated,  
 447 consolidated, or privatized.

448 ~~(b)~~ ~~The Office of Program Policy Analysis and Government~~  
 449 ~~Accountability shall review the workforce development system, as~~  
 450 ~~established by this act. The office shall submit its final~~  
 451 ~~report and recommendations by December 31, 2002, to the~~  
 452 ~~President of the Senate and the Speaker of the House of~~  
 453 ~~Representatives.~~

454 Section 4. Section 445.004, Florida Statutes, is amended  
 455 to read:

456 445.004 Workforce Florida, Inc.; creation; purpose;  
 457 membership; duties and powers.--

458 (1) There is created a not-for-profit corporation, to be  
 459 known as "Workforce Florida, Inc.," which shall be registered,  
 460 incorporated, organized, and operated in compliance with chapter  
 461 617, and which shall not be a unit or entity of state government  
 462 and shall be exempt from chapters 120 and 287. Workforce  
 463 Florida, Inc., shall apply the procurement and expenditure  
 464 procedures required by federal law for the expenditure of  
 465 federal funds. Workforce Florida, Inc., shall be  
 466 administratively housed within the Agency for Workforce  
 467 Innovation; however, Workforce Florida, Inc., shall not be  
 468 subject to control, supervision, or direction by the Agency for

HB 1645

2005  
CS

469 Workforce Innovation in any manner. The Legislature determines,  
 470 however, that public policy dictates that Workforce Florida,  
 471 Inc., operate in the most open and accessible manner consistent  
 472 with its public purpose. To this end, the Legislature  
 473 specifically declares that Workforce Florida, Inc., its board,  
 474 councils, and any advisory committees or similar groups created  
 475 by Workforce Florida, Inc., are subject to the provisions of  
 476 chapter 119 relating to public records, and those provisions of  
 477 chapter 286 relating to public meetings.

478 (2) Workforce Florida, Inc., is the principal workforce  
 479 policy organization for the state. The purpose of Workforce  
 480 Florida, Inc., is to design and implement strategies that help  
 481 Floridians enter, remain in, and advance in the workplace,  
 482 becoming more highly skilled and successful, benefiting these  
 483 Floridians, Florida businesses, and the entire state, and to  
 484 assist in developing the state's business climate.

485 (3)(a) Workforce Florida, Inc., shall be governed by a  
 486 board of directors, the number of directors to be determined by  
 487 the Governor, whose membership and appointment must be  
 488 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and  
 489 contain one member representing the licensed nonpublic  
 490 postsecondary educational institutions authorized as individual  
 491 training account providers, one member from the staffing service  
 492 industry, at least one member who is a current or former  
 493 recipient of welfare transition services as defined in s.  
 494 445.002(3) or workforce services as provided in s. 445.009(1),  
 495 and five representatives of organized labor who shall be  
 496 appointed by the Governor. Members described in Pub. L. No. 105-

HB 1645

2005  
CS

497 220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members.  
 498 ~~Notwithstanding s. 114.05(1)(f), the Governor may appoint~~  
 499 ~~remaining members to Workforce Florida, Inc., from the current~~  
 500 ~~Workforce Development Board and the WAGES Program State Board of~~  
 501 ~~Directors, established pursuant to chapter 96-175, Laws of~~  
 502 ~~Florida, to serve on the reconstituted board. By July 1, 2000,~~  
 503 ~~the Workforce Development Board will provide to the Governor a~~  
 504 ~~transition plan to incorporate the changes required by this act~~  
 505 ~~and Pub. L. No. 105-220, specifying the manner of changes to the~~  
 506 ~~board. This plan shall govern the transition, unless otherwise~~  
 507 ~~notified by the Governor.~~ The importance of minority, gender,  
 508 and geographic representation shall be considered when making  
 509 appointments to the board.

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

514 (c) Members appointed by the Governor must be appointed  
 515 for 3-year ~~2-year~~ terms. However, in order to establish  
 516 staggered terms for all board members' terms that commenced on  
 517 July 1, 2004, the Governor shall appoint or reappoint one-third  
 518 of the board members for 1-year terms, appoint or reappoint  
 519 another third of the board members for 2-year terms, and appoint  
 520 or reappoint the remaining third of the board members for 3-year  
 521 terms. Following the July 1, 2004, appointment or reappointment  
 522 of the entire board, the Governor shall appoint or reappoint  
 523 board members for exclusively 3-year terms, except that when a  
 524 board member is replaced prior to the end of that board member's

HB 1645

2005  
CS

525 3-year term, his or her replacement shall be appointed to serve  
 526 only the remainder of the 3-year term, after which the  
 527 replacement may be appointed for a full 3-year term. Private  
 528 sector representatives of businesses, appointed by the Governor  
 529 pursuant to Pub. L. No. 105-220, shall constitute a majority of  
 530 the membership of the board. Private sector representatives  
 531 shall be appointed from nominations received by the Governor,  
 532 including, but not limited to, those nominations made by the  
 533 President of the Senate and the Speaker of the House of  
 534 Representatives from any member of the Legislature. ~~A member of~~  
 535 ~~the Legislature may submit more than one board nomination to the~~  
 536 ~~Governor through his or her respective presiding officer.~~  
 537 Private sector appointments to the board shall be representative  
 538 of the business community of this state, and no less than one-  
 539 half of the appointments to the board must be representative of  
 540 small businesses and at least five members shall have economic  
 541 development experience. Members appointed by the Governor serve  
 542 at the pleasure of the Governor and are eligible for  
 543 reappointment.

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

547 (d)(e) A member of the board of directors of Workforce  
 548 Florida, Inc., may be removed by the Governor for cause. Absence  
 549 from three consecutive meetings results in automatic removal.  
 550 The chair of Workforce Florida, Inc., shall notify the Governor  
 551 of such absences.

552        ~~(e)(f)~~ Representatives of businesses appointed to the  
 553 board of directors may not include providers of workforce  
 554 services.

555        (4)(a) The president of Workforce Florida, Inc., shall be  
 556 hired by the board of directors of Workforce Florida, Inc., and  
 557 shall serve at the pleasure of the Governor in the capacity of  
 558 an executive director and secretary of Workforce Florida, Inc.

559        (b) The board of directors of Workforce Florida, Inc.,  
 560 shall meet at least quarterly and at other times upon call of  
 561 its chair. The board and its committees, subcommittees, and  
 562 other subdivisions may use any method of telecommunications to  
 563 conduct meetings, including establishing a quorum through  
 564 telecommunications, provided that the public is given proper  
 565 notice of the telecommunicated meeting and is given reasonable  
 566 access to observe and, when appropriate, participate.

567        (c) A majority of the total current membership of the  
 568 board of directors of Workforce Florida, Inc., comprises a  
 569 quorum of the board.

570        (d) A majority of those voting is required to organize and  
 571 conduct the business of the board, except that a majority of the  
 572 entire board of directors is required to adopt or amend the  
 573 bylaws ~~operational plan~~.

574        (e) Except as delegated or authorized by the board of  
 575 directors of Workforce Florida, Inc., individual members have no  
 576 authority to control or direct the operations of Workforce  
 577 Florida, Inc., or the actions of its officers and employees,  
 578 including the president.

HB 1645

2005  
CS

579 (f) Members of the board of directors of Workforce  
580 Florida, Inc., and its committees shall serve without  
581 compensation, but these members, the president, and all  
582 employees of Workforce Florida, Inc., may be reimbursed for all  
583 reasonable, necessary, and actual expenses pursuant to s.  
584 112.061.

585 (g) The board of directors of Workforce Florida, Inc., may  
586 establish an executive committee consisting of the chair and at  
587 least six additional board members selected by the chair ~~board~~  
588 ~~of directors~~, one of whom must be a representative of organized  
589 labor. The executive committee and the president shall have such  
590 authority as the board delegates to it, except that the board of  
591 directors may not delegate to the executive committee authority  
592 to take action that requires approval by a majority of the  
593 entire board of directors.

594 (h) The chair may appoint committees to fulfill its  
595 responsibilities, to comply with federal requirements, or to  
596 obtain technical assistance, and must incorporate members of  
597 regional workforce development boards into its structure. ~~At a~~  
598 ~~minimum, the chair shall establish the following standing~~  
599 ~~councils: the First Jobs/First Wages Council, the Better~~  
600 ~~Jobs/Better Wages Council, and the High Skills/High Wages~~  
601 ~~Council. For purposes of Pub. L. No. 105-220, the First~~  
602 ~~Jobs/First Wages Council shall serve as the state's youth~~  
603 ~~council.~~

604 (i) Each member of the board of directors who is not  
605 otherwise required to file a financial disclosure pursuant to s.

HB 1645

2005  
CS

606 8, Art. II of the State Constitution or s. 112.3144 must file  
607 disclosure of financial interests pursuant to s. 112.3145.

608 (5) Workforce Florida, Inc., shall have all the powers and  
609 authority, not explicitly prohibited by statute, necessary or  
610 convenient to carry out and effectuate the purposes as  
611 determined by statute, Pub. L. No. 105-220, and the Governor, as  
612 well as its functions, duties, and responsibilities, including,  
613 but not limited to, the following:

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

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

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

626 2. Programs authorized under the Wagner-Peyser Act of  
627 1933, as amended, 29 U.S.C. ss. 49 et seq.

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

631 3.4. Activities authorized under Title II of the Trade Act  
632 of 2002 ~~1974~~, as amended, 19 ~~2~~ U.S.C. ss. 2272 ~~2271~~ et seq., and  
633 the Trade Adjustment Assistance Program.

HB 1645

2005  
CS

634        4.5. Activities authorized under 38 U.S.C., chapter 41,  
635 including job counseling, training, and placement for veterans.

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

639        5.7. Employment and training activities carried out under  
640 funds awarded to this state by the United States Department of  
641 Housing and Urban Development.

642        6.8. Welfare transition services funded by the Temporary  
643 Assistance for Needy Families Program, created under the  
644 Personal Responsibility and Work Opportunity Reconciliation Act  
645 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
646 of the Social Security Act, as amended.

647        7.9. Displaced homemaker programs, provided under s.  
648 446.50.

649        ~~8.10.~~ The Florida Bonding Program, provided under Pub. L.  
650 No. 97-300, s. 164(a)(1).

651        ~~9.11.~~ The Food Stamp Employment and Training Program,  
652 provided under the Food Stamp Act of 1977, U.S.C. ss. 2011-2032;  
653 the Food Security Act of 1988, Pub. L. No. 99-198; and the  
654 Hunger Prevention Act, Pub. L. No. 100-435.

655        10.12. The Quick-Response Training Program, provided under  
656 ss. 288.046-288.047. Matching funds and in-kind contributions  
657 that are provided by clients of the Quick-Response Training  
658 Program shall count toward the requirements of s.  
659 288.90151(5)(d), pertaining to the return on investment from  
660 activities of Enterprise Florida, Inc.



HB 1645

2005  
CS

661        ~~11.13.~~ The Work Opportunity Tax Credit, provided under the  
662 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
663 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

664        ~~12.14.~~ Offender placement services, provided under ss.  
665 944.707-944.708.

666        ~~15. Programs authorized under the National and Community~~  
667 ~~Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the~~  
668 ~~Service America programs, the National Service Trust programs,~~  
669 ~~the Civilian Community Corps, the Corporation for National and~~  
670 ~~Community Service, the American Conservation and Youth Service~~  
671 ~~Corps, and the Points of Light Foundation programs, if such~~  
672 ~~programs are awarded to the state.~~

673        (c) Contracting with public and private entities as  
674 necessary to further the directives of this section. All  
675 contracts executed by Workforce Florida, Inc., must include  
676 specific performance expectations and deliverables. All  
677 Workforce Florida, Inc., contracts, including those solicited,  
678 managed, or paid by the Agency for Workforce Innovation pursuant  
679 to s. 20.50(2), are exempt from s. 112.061, and shall be  
680 governed by subsection (1).

681        (d) Notifying the Governor, the President of the Senate,  
682 and the Speaker of the House of Representatives of noncompliance  
683 by the Agency for Workforce Innovation or other agencies or  
684 obstruction of the board's efforts by such agencies. Upon such  
685 notification, the Executive Office of the Governor shall assist  
686 agencies to bring them into compliance with board objectives.

687        (e) Ensuring that the state does not waste valuable  
688 training resources. Thus, the board shall direct that all

689 resources, including equipment purchased for training Workforce  
 690 Investment Act clients, be available for use at all times by  
 691 eligible populations as first priority users. At times when  
 692 eligible populations are not available, such resources shall be  
 693 used for any other state authorized education and training  
 694 purpose. Workforce Florida, Inc., may authorize expenditures to  
 695 award suitable framed certificates, pins, or other tokens of  
 696 recognition for performance by a regional workforce board, its  
 697 committees and subdivisions, and other units of the workforce  
 698 system. Workforce Florida, Inc., may also authorize expenditures  
 699 for promotional items such as t-shirts, hats, or pens printed  
 700 with messages promoting the state's workforce system to  
 701 employers, job seekers, and program participants. However, such  
 702 expenditures are subject to federal regulations applicable to  
 703 the expenditure of federal funds.

704 (f) Establishing a dispute resolution process for all  
 705 memoranda of understanding or other contracts or agreements  
 706 entered into between the agency and regional workforce boards.

707 (g)~~(f)~~ Archiving records with the Bureau of Archives and  
 708 Records Management of the Division of Library and Information  
 709 Services of the Department of State.

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

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

717 (b) Establishing policy direction for a funding system  
 718 that provides incentives to improve the outcomes of career  
 719 education programs, and of registered apprenticeship and work-  
 720 based learning programs, and that focuses resources on  
 721 occupations related to new or emerging industries that add  
 722 greatly to the value of the state's economy.

723 (c) Establishing a comprehensive policy related to the  
 724 education and training of target populations such as those who  
 725 have disabilities, are economically disadvantaged, receive  
 726 public assistance, are not proficient in English, or are  
 727 dislocated workers. This approach should ensure the effective  
 728 use of federal, state, local, and private resources in reducing  
 729 the need for public assistance.

730 (d) Designating Institutes of Applied Technology composed  
 731 of public and private postsecondary institutions working  
 732 together with business and industry to ensure that career  
 733 education programs use the most advanced technology and  
 734 instructional methods available and respond to the changing  
 735 needs of business and industry.

736 (e) Providing policy direction for a system to project and  
 737 evaluate labor market supply and demand using the results of the  
 738 Workforce Estimating Conference created in s. 216.136 and the  
 739 career education performance standards identified under s.  
 740 1008.43.

741 (f) Reviewing the performance of public programs that are  
 742 responsible for economic development, education, employment, and  
 743 training. The review must include an analysis of the return on  
 744 investment of these programs.

HB 1645

2005  
CS

745 (g) Expanding the occupations identified by the Workforce  
746 Estimating Conference to meet needs created by local emergencies  
747 or plant closings or to capture occupations within emerging  
748 industries.

749 (7) By December 1 of each year, Workforce Florida, Inc.,  
750 shall submit to the Governor, the President of the Senate, the  
751 Speaker of the House of Representatives, the Senate Minority  
752 Leader, and the House Minority Leader a complete and detailed  
753 annual report setting forth:

754 (a) All audits, including the audit in subsection (8), if  
755 conducted.

756 (b) The operations and accomplishments of the board  
757 ~~partnership~~ including the programs or entities listed in  
758 subsection (6).

759 (8) The Auditor General may, pursuant to his or her own  
760 authority or at the direction of the Legislative Auditing  
761 Committee, conduct an audit of Workforce Florida, Inc., or the  
762 programs or entities created by Workforce Florida, Inc. The  
763 Office of Program Policy Analysis and Government Accountability,  
764 pursuant to its authority or at the direction of the Legislative  
765 Auditing Committee, may review the systems and controls related  
766 to performance outcomes and quality of services of Workforce  
767 Florida, Inc.

768 (9) Workforce Florida, Inc., in collaboration with the  
769 regional workforce boards and appropriate state agencies and  
770 local public and private service providers, and in consultation  
771 with the Office of Program Policy Analysis and Government  
772 Accountability, shall establish uniform measures and standards

HB 1645

2005  
CS

773 to gauge the performance of the workforce development strategy.  
774 These measures and standards must be organized into three  
775 outcome tiers.

776 (a) The first tier of measures must be organized to  
777 provide benchmarks for systemwide outcomes. Workforce Florida,  
778 Inc., must, in collaboration with the Office of Program Policy  
779 Analysis and Government Accountability, establish goals for the  
780 tier-one outcomes. Systemwide outcomes may include employment in  
781 occupations demonstrating continued growth in wages; continued  
782 employment after 3, 6, 12, and 24 months; reduction in and  
783 elimination of public assistance reliance; job placement;  
784 employer satisfaction; and positive return on investment of  
785 public resources.

786 (b) The second tier of measures must be organized to  
787 provide a set of benchmark outcomes for ~~the initiatives of the~~  
788 ~~First Jobs/First Wages Council, the Better Jobs/Better Wages~~  
789 ~~Council, and the High Skills/High Wages Council~~ and for each of  
790 the strategic components of the workforce development strategy.  
791 Cost per entered employment, earnings at placement, retention in  
792 employment, job placement, and entered employment rate must be  
793 included among the performance outcome measures.

794 (c) The third tier of measures must be the operational  
795 output measures to be used by the agency implementing programs,  
796 and it may be specific to federal requirements. The tier-three  
797 measures must be developed by the agencies implementing  
798 programs, and Workforce Florida, Inc., may be consulted in this  
799 effort. Such measures must be reported to Workforce Florida,  
800 Inc., by the appropriate implementing agency.

Page 29 of 48

HB 1645

2005  
CS

801 (d) Regional differences must be reflected in the  
802 establishment of performance goals and may include job  
803 availability, unemployment rates, average worker wage, and  
804 available employable population.

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

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

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

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

823 ~~(a) First Jobs/First Wages is the state's strategy to~~  
824 ~~promote successful entry into the workforce through education~~  
825 ~~and workplace experience that lead to self-sufficiency and~~  
826 ~~career advancement. The components of the strategy include~~  
827 efforts that enlist business, education, and community support  
828 for students to achieve long-term career goals, ensuring that

829 | young people have the academic and occupational skills required  
 830 | to succeed in the workplace. The strategy must also assist  
 831 | employers in upgrading or updating the skills of their employees  
 832 | and assisting workers in acquiring the education or training  
 833 | needed to secure better jobs with better wages. The strategy  
 834 | must assist the state's efforts to attract and expand job-  
 835 | creating businesses offering high-paying, high-demand  
 836 | occupations. A minimum of 15 percent of all Workforce Investment  
 837 | ~~Act youth services funds shall be expended for after-school care~~  
 838 | ~~programs, through contracts with qualified community-based~~  
 839 | ~~organizations and faith-based organizations, on an equal basis~~  
 840 | ~~with other private organizations, to provide after-school care~~  
 841 | ~~programs to eligible children 14 through 18 years of age. These~~  
 842 | ~~programs shall include academic tutoring, mentoring, and other~~  
 843 | ~~appropriate services. Similar services may be provided for~~  
 844 | ~~eligible children 6 through 13 years of age using Temporary~~  
 845 | ~~Assistance for Needy Families funds. Funds expended under this~~  
 846 | ~~paragraph may not be used for religious or sectarian purposes.~~  
 847 | ~~To provide after-school care programs under this paragraph, a~~  
 848 | ~~community-based organization or a faith-based organization must~~  
 849 | ~~be a nonprofit organization that holds a current exemption from~~  
 850 | ~~federal taxation under s. 501(c)(3) or (4) of the Internal~~  
 851 | ~~Revenue Code or must be a religious organization that is not~~  
 852 | ~~required to apply for recognition of its exemption from federal~~  
 853 | ~~taxation under s. 501(c)(3) of the Internal Revenue Code.~~

854 | ~~(b) Better Jobs/Better Wages is the state's strategy for~~  
 855 | ~~assisting employers in upgrading or updating the skills of their~~  
 856 | ~~employees and for assisting incumbent workers in improving their~~

HB 1645

2005  
CS

857 ~~performance in their current jobs or acquiring the education or~~  
 858 ~~training needed to secure a better job with better wages.~~

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

864 (11) The workforce development system shall use a charter-  
 865 process approach aimed at encouraging local design and control  
 866 of service delivery and targeted activities. Workforce Florida,  
 867 Inc., shall be responsible for granting charters to regional  
 868 workforce boards that have a membership consistent with the  
 869 requirements of federal and state law and that have developed a  
 870 plan consistent with the state's workforce development strategy.  
 871 The plan must specify methods for allocating the resources and  
 872 programs in a manner that eliminates unwarranted duplication,  
 873 minimizes administrative costs, meets the existing job market  
 874 demands and the job market demands resulting from successful  
 875 economic development activities, ensures access to quality  
 876 workforce development services for all Floridians, allows for  
 877 pro rata or partial distribution of benefits and services,  
 878 prohibits the creation of a waiting list or other indication of  
 879 an unserved population, serves as many individuals as possible  
 880 within available resources, and maximizes successful outcomes.  
 881 As part of the charter process, Workforce Florida, Inc., shall  
 882 establish incentives for effective coordination of federal and  
 883 state programs, outline rewards for successful job placements,  
 884 and institute collaborative approaches among local service



HB 1645

2005  
CS

885 providers. Local decisionmaking and control shall be important  
886 components for inclusion in this charter application.

887 Section 5. Section 445.006, Florida Statutes, is amended  
888 to read:

889 445.006 Strategic and operational plans ~~plan~~ for workforce  
890 development.--

891 (1) Workforce Florida, Inc., in conjunction with state and  
892 local partners in the workforce system, shall develop a  
893 strategic plan for workforce, with the goal of producing skilled  
894 employees for employers in the state. The strategic plan shall  
895 be submitted to the Governor, the President of the Senate, and  
896 the Speaker of the House of Representatives by February 1, 2001.  
897 The strategic plan shall be updated or modified by January 1 of  
898 each year thereafter. The plan must include, but need not be  
899 limited to, strategies for:

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

902 (b) Aggregating, integrating, and leveraging workforce  
903 system resources;

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

906 (d) Addressing the workforce needs of small businesses;  
907 and

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

910 (2) Workforce Florida, Inc., shall establish an  
911 operational plan to implement the strategic plan. The  
912 operational plan shall be submitted to the Governor, the

HB 1645

2005  
CS

913 | President of the Senate, and the Speaker of the House of  
914 | Representatives along with the strategic plan and shall reflect  
915 | the allocation of resources as appropriated by the Legislature  
916 | to specific responsibilities enumerated in law. As a component  
917 | of the operational ~~strategie~~ plan required under this section,  
918 | Workforce Florida, Inc., shall develop a workforce marketing  
919 | plan, with the goal of educating individuals inside and outside  
920 | the state about the employment market and employment conditions  
921 | in the state. The marketing plan must include, but need not be  
922 | limited to, strategies for:

923 |       (a) Distributing information to secondary and  
924 | postsecondary education institutions about the diversity of  
925 | businesses in the state, specific clusters of businesses or  
926 | business sectors in the state, and occupations by industry which  
927 | are in demand by employers in the state;

928 |       (b) Distributing information about and promoting use of  
929 | the Internet-based job matching and labor market information  
930 | system authorized under s. 445.011; and

931 |       (c) Coordinating with Enterprise Florida, Inc., to ensure  
932 | that workforce marketing efforts complement the economic  
933 | development marketing efforts of the state.

934 |       (3) The operational ~~strategie~~ plan must include  
935 | performance measures, standards, measurement criteria, and  
936 | contract guidelines in the following areas with respect to  
937 | participants in the welfare transition program:

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

939 |           (b) Caseload trends;

940 |           (c) Recidivism;

HB 1645

2005  
CS

941 (d) Participation in diversion and relocation assistance  
942 programs;

943 (e) Employment retention;

944 (f) Wage growth; and

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

947 (4) The operational ~~strategie~~ plan must include criteria  
948 for allocating workforce resources to regional workforce boards.  
949 With respect to allocating funds to serve customers of the  
950 welfare transition program, such criteria may include weighting  
951 factors that indicate the relative degree of difficulty  
952 associated with securing and retaining employment placements for  
953 specific subsets of the welfare transition caseload.

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

957 1. The degree of difficulty associated with placement and  
958 retention;

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

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

962 (b) The payment structure may ~~must~~ provide for bonus  
963 payments of up to 10 percent of the contract amount to providers  
964 that achieve notable success in achieving contract objectives,  
965 including, but not limited to, success in diverting families in  
966 which there is an adult who is subject to work requirements from  
967 receiving cash assistance and in achieving long-term job  
968 retention and wage growth with respect to welfare transition

HB 1645

2005  
CS

969 | program customers. A service provider shall be paid a maximum of  
 970 | one payment per service for each participant during any given 6-  
 971 | month period.

972 |         (6)(a) The operational ~~strategie~~ plan must include  
 973 | strategies that are designed to prevent or reduce the need for a  
 974 | person to receive public assistance. These strategies must  
 975 | include:

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

982 |             2. A component that encourages creation of community-based  
 983 | welfare prevention and reduction initiatives that increase  
 984 | support provided by noncustodial parents to their welfare-  
 985 | dependent children and are consistent with program and financial  
 986 | guidelines developed by Workforce Florida, Inc., and the  
 987 | Commission on Responsible Fatherhood. These initiatives may  
 988 | include, but are not limited to, improved paternity  
 989 | establishment, work activities for noncustodial parents,  
 990 | programs aimed at decreasing out-of-wedlock pregnancies,  
 991 | encouraging involvement of fathers with their children including  
 992 | court-ordered supervised visitation, and increasing child  
 993 | support payments;

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

HB 1645

2005  
CS

- 997 | 4. A component that fosters responsible fatherhood in  
 998 | families receiving assistance; and
- 999 | 5. A component that fosters provision of services that  
 1000 | reduce the incidence and effects of domestic violence on women  
 1001 | and children in families receiving assistance.
- 1002 | (b) Specifications for welfare transition program services  
 1003 | that are to be delivered include, but are not limited to:
- 1004 | 1. Initial assessment services prior to an individual  
 1005 | being placed in an employment service, to determine whether the  
 1006 | individual should be referred for relocation, up-front  
 1007 | diversion, education, or employment placement. Assessment  
 1008 | services shall be paid on a fixed unit rate and may not provide  
 1009 | educational or employment placement services.
- 1010 | 2. Referral of participants to diversion and relocation  
 1011 | programs.
- 1012 | 3. Preplacement services, including assessment, staffing,  
 1013 | career plan development, work orientation, and employability  
 1014 | skills enhancement.
- 1015 | 4. Services necessary to secure employment for a welfare  
 1016 | transition program participant.
- 1017 | 5. Services necessary to assist participants in retaining  
 1018 | employment, including, but not limited to, remedial education,  
 1019 | language skills, and personal and family counseling.
- 1020 | 6. Desired quality of job placements with regard to  
 1021 | salary, benefits, and opportunities for advancement.
- 1022 | 7. Expectations regarding job retention.
- 1023 | 8. Strategies to ensure that transition services are  
 1024 | provided to participants for the mandated period of eligibility.

HB 1645

2005  
CS

1025           9. Services that must be provided to the participant  
1026 throughout an education or training program, such as monitoring  
1027 attendance and progress in the program.

1028           10. Services that must be delivered to welfare transition  
1029 program participants who have a deferral from work requirements  
1030 but wish to participate in activities that meet federal  
1031 participation requirements.

1032           11. Expectations regarding continued participant awareness  
1033 of available services and benefits.

1034           Section 6. Section 445.007, Florida Statutes, is amended  
1035 to read:

1036           445.007 Regional workforce boards; exemption from public  
1037 meetings law.--

1038           (1) One regional workforce board shall be appointed in  
1039 each designated service delivery area and shall serve as the  
1040 local workforce investment board pursuant to Pub. L. No. 105-  
1041 220. The membership of the board shall be consistent with Pub.  
1042 L. No. 105-220, Title I, s. 117(b), and contain one  
1043 representative from a nonpublic postsecondary educational  
1044 institution that is an authorized individual training account  
1045 provider within the region and confers certificates and  
1046 diplomas, one representative from a nonpublic postsecondary  
1047 educational institution that is an authorized individual  
1048 training account provider within the region and confers degrees,  
1049 and three representatives of organized labor. The board shall  
1050 include one nonvoting representative from a military  
1051 installation if a military installation is located within the  
1052 region and the appropriate military command or organization

HB 1645

2005  
CS

1053 | authorizes such representation. ~~Individuals serving as members~~  
 1054 | ~~of regional workforce development boards or local WAGES~~  
 1055 | ~~coalitions, as of June 30, 2000, are eligible for appointment to~~  
 1056 | ~~regional workforce boards, pursuant to this section.~~ It is the  
 1057 | intent of the Legislature that, ~~whenever possible and to the~~  
 1058 | ~~greatest extent practicable,~~ membership of a regional workforce  
 1059 | board include persons who are current or former recipients of  
 1060 | welfare transition assistance as defined in s. 445.002(3) or  
 1061 | workforce services as provided in s. 445.009(1), or that such  
 1062 | persons be included as ex officio members of the board or of  
 1063 | committees organized by the board. The importance of minority  
 1064 | and gender representation shall be considered when making  
 1065 | appointments to the board. The board and its committees,  
 1066 | subcommittees, and subdivisions, or other units of the workforce  
 1067 | system, including units that may consist in whole or in part of  
 1068 | local governmental units, may use any method of  
 1069 | telecommunications to conduct meetings, including establishing a  
 1070 | quorum through telecommunications. Regional workforce boards are  
 1071 | subject to chapters 119 and 286 and article I, section 24 of the  
 1072 | State Constitution. If the regional workforce board enters into  
 1073 | a contract with an organization or individual represented on the  
 1074 | board of directors, the contract must be approved by a two-  
 1075 | thirds vote of the entire board, and the board member who could  
 1076 | benefit financially from the transaction must abstain from  
 1077 | voting on the contract. A board member must disclose any such  
 1078 | conflict in a manner that is consistent with the procedures  
 1079 | outlined in s. 112.3143.

HB 1645

2005  
CS

1080           (2) The regional workforce board shall elect a chair from  
 1081 among the representatives described in Pub. L. No. 105-220,  
 1082 Title I, s. 117(b)(2)(A)(i) to serve for a term of no more than  
 1083 2 years and to serve no more than two terms. ~~Workforce Florida,~~  
 1084 ~~Inc., will determine the timeframe and manner of changes to the~~  
 1085 ~~regional workforce boards as required by this chapter and Pub.~~  
 1086 ~~L. No. 105-220.~~

1087           (3) Workforce Florida, Inc., shall assign staff to meet  
 1088 with each regional workforce board annually to review the  
 1089 board's performance and to certify that the board is in  
 1090 compliance with applicable state and federal law.

1091           (4) In addition to the duties and functions specified by  
 1092 Workforce Florida, Inc., and by the interlocal agreement  
 1093 approved by the local county or city governing bodies, the  
 1094 regional workforce board shall have the following  
 1095 responsibilities:

1096           (a) Develop, submit, ratify, or amend the local plan  
 1097 pursuant to Pub. L. No. 105-220, Title I, s. 118, and the  
 1098 provisions of this act.

1099           (b) Conclude agreements necessary to designate the fiscal  
 1100 agent and administrative entity. A public or private entity,  
 1101 including an entity established pursuant to s. 163.01, which  
 1102 makes a majority of the appointments to a regional workforce  
 1103 board may serve as the board's administrative entity if approved  
 1104 by Workforce Florida, Inc., based upon a showing that a fair and  
 1105 competitive process was used to select the administrative  
 1106 entity.



HB 1645

2005  
CS

1107 (c) Complete assurances required for the charter process  
 1108 of Workforce Florida, Inc., and provide ongoing oversight  
 1109 related to administrative costs, duplicated services, career  
 1110 counseling, economic development, equal access, compliance and  
 1111 accountability, and performance outcomes.

1112 (d) Oversee the one-stop delivery system in its local  
 1113 area.

1114 (5) Workforce Florida, Inc., shall implement a training  
 1115 program for the regional workforce boards to familiarize board  
 1116 members with the state's workforce development goals and  
 1117 strategies. The regional workforce board shall designate all  
 1118 local service providers and shall not transfer this authority to  
 1119 a third party. In order to exercise independent oversight, the  
 1120 regional workforce board shall not be a direct provider of  
 1121 intake, assessment, eligibility determinations, or other direct  
 1122 provider services.

1123 (6) Regional workforce boards shall adopt a committee  
 1124 structure consistent with applicable federal law and state  
 1125 policies established by Workforce Florida, Inc. Regional  
 1126 ~~workforce boards may appoint local committees to obtain~~  
 1127 ~~technical assistance on issues of importance, including those~~  
 1128 ~~issues affecting older workers.~~

1129 ~~(7) Each regional workforce board shall establish by~~  
 1130 ~~October 1, 2000, a High Skills/High Wages committee consisting~~  
 1131 ~~of at least five private sector business representatives~~  
 1132 ~~appointed in consultation with local chambers of commerce by the~~  
 1133 ~~primary county economic development organization within the~~  
 1134 ~~region, as identified by Enterprise Florida, Inc.; a~~

HB 1645

2005  
CS

1135 ~~representative of each primary county economic development~~  
 1136 ~~organization within the region; the regional workforce board~~  
 1137 ~~chair; the presidents of all community colleges within the~~  
 1138 ~~board's region; those district school superintendents with~~  
 1139 ~~authority for conducting postsecondary educational programs~~  
 1140 ~~within the region; and two representatives from nonpublic~~  
 1141 ~~postsecondary educational institutions that are authorized~~  
 1142 ~~individual training account providers within the region,~~  
 1143 ~~appointed by the chair of the regional workforce board. If~~  
 1144 ~~possible, one of the nonpublic educational institutions~~  
 1145 ~~represented must be accredited by the Southern Association of~~  
 1146 ~~Colleges and Schools. The business representatives appointed by~~  
 1147 ~~the primary county economic development organizations need not~~  
 1148 ~~be members of the regional workforce board and shall represent~~  
 1149 ~~those industries that are of primary importance to the region's~~  
 1150 ~~current and future economy. In a multicounty region, each~~  
 1151 ~~primary county economic development organization within the~~  
 1152 ~~region shall appoint at least one business representative and~~  
 1153 ~~shall consult with the other primary county economic development~~  
 1154 ~~organizations within the region to make joint appointments when~~  
 1155 ~~necessary.~~

1156 ~~(a) At least annually, each High Skills/High Wages~~  
 1157 ~~committee shall submit recommendations to Workforce Florida,~~  
 1158 ~~Inc., related to:~~

1159 ~~1. Policies to enhance the responsiveness of High~~  
 1160 ~~Skills/High Wages programs in its region to business and~~  
 1161 ~~economic development opportunities.~~

HB 1645

2005  
CS

1162           ~~2.—Integrated use of state education and federal workforce~~  
 1163 ~~development funds to enhance the training and placement of~~  
 1164 ~~designated population individuals with local businesses and~~  
 1165 ~~industries.~~

1166           ~~(b) The committees shall also make reports to Workforce~~  
 1167 ~~Florida, Inc., annually, on dates specified by Workforce~~  
 1168 ~~Florida, Inc., that identify occupations in the region deemed~~  
 1169 ~~critical to business retention, expansion, and recruitment~~  
 1170 ~~activities, based on guidelines set by Workforce Florida, Inc.~~  
 1171 ~~Such guidelines shall include research of the workforce needs of~~  
 1172 ~~private employers in the region, in consultation with local~~  
 1173 ~~chambers of commerce and economic development organizations.~~  
 1174 ~~Occupations identified pursuant to this paragraph shall be~~  
 1175 ~~considered by Workforce Florida, Inc., for inclusion in the~~  
 1176 ~~region's targeted occupation list.~~

1177           ~~(8) Each regional workforce board shall establish a Better~~  
 1178 ~~Jobs/Better Wages committee consisting of at least five members.~~  
 1179 ~~Initial appointments to this committee shall include at least~~  
 1180 ~~three members of the local WAGES coalition, established pursuant~~  
 1181 ~~to chapter 96-175, Laws of Florida.~~

1182           ~~(9) Each regional workforce board shall establish a First~~  
 1183 ~~Jobs/First Wages committee consisting of at least five members.~~  
 1184 ~~This committee shall serve as the youth council for purposes of~~  
 1185 ~~Pub. L. No. 105-220.~~

1186           (7)~~(10)~~ The importance of minority and gender  
 1187 representation shall be considered when appointments are made to  
 1188 any committee established by the regional workforce board.

HB 1645

2005  
CS

1189        ~~(8)(11)~~ For purposes of procurement, regional workforce  
 1190 boards and their administrative entities are not state agencies  
 1191 and are exempt from chapters 120 and 287, ~~but the boards and~~  
 1192 ~~their administrative entities must comply with state procurement~~  
 1193 ~~laws and procedures until Workforce Florida, Inc., adopts the~~  
 1194 ~~provisions or alternative procurement procedures that meet the~~  
 1195 ~~requirements of federal law.~~ The regional workforce boards shall  
 1196 apply the procurement and expenditure procedures required by  
 1197 federal law for the expenditure of federal funds. Regional  
 1198 workforce boards and their administrative entities, committees,  
 1199 and subcommittees and other workforce units may promote  
 1200 appropriate activities, incentives, and awards for performance  
 1201 by units of the state's workforce system, and expenditures for  
 1202 such activities, incentives, and awards shall not be subject to  
 1203 chapter 287 or chapter 17, including rules adopted thereunder.  
 1204 However, all expenditures for such activities, incentives, and  
 1205 awards shall be exclusively subject to federal rules and  
 1206 regulations applicable to expenditure of federal funds. All  
 1207 contracts executed by regional workforce boards must include  
 1208 specific performance expectations and deliverables.

1209        ~~(9)(12)~~ Any meeting or portion of a meeting held by  
 1210 Workforce Florida, Inc., or a regional workforce board or local  
 1211 committee created under this section at which personal  
 1212 identifying information contained in records relating to  
 1213 temporary cash assistance, as defined in s. 414.0252, is  
 1214 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the  
 1215 State Constitution if the information identifies a participant,  
 1216 a participant's family, or a participant's family or household

HB 1645

2005  
CS

1217 member, as defined in s. 414.0252. This subsection is subject to  
 1218 the Open Government Sunset Review Act of 1995 in accordance with  
 1219 s. 119.15, and shall stand repealed on October 2, 2006, unless  
 1220 reviewed and saved from repeal through reenactment by the  
 1221 Legislature.

1222 Section 7. Subsection (3) and paragraph (d) of subsection  
 1223 (8) of section 445.009, Florida Statutes, are amended to read:

1224 445.009 One-stop delivery system.--

1225 (3) ~~Notwithstanding any other provision of law, any~~  
 1226 ~~memorandum of understanding in effect on June 30, 2000, between~~  
 1227 ~~a regional workforce board and the Department of Labor and~~  
 1228 ~~Employment Security governing the delivery of workforce services~~  
 1229 ~~shall remain in effect until September 30, 2000.~~ Beginning  
 1230 October 1, 2000, regional workforce boards shall enter into a  
 1231 memorandum of understanding with the Agency for Workforce  
 1232 Innovation for the delivery of employment services authorized by  
 1233 the federal Wagner-Peyser Act. This memorandum of understanding  
 1234 must be performance based.

1235 (a) Unless otherwise required by federal law, at least 90  
 1236 percent of the Wagner-Peyser funding must go into direct  
 1237 customer service costs.

1238 (b) Employment services must be provided through the one-  
 1239 stop delivery system, under the guidance of one-stop delivery  
 1240 system operators. One-stop delivery system operators shall have  
 1241 overall authority for directing the staff of the workforce  
 1242 system. Personnel matters shall remain under the ultimate  
 1243 authority of the Agency for Workforce Innovation. However, the  
 1244 one-stop delivery system operator shall submit to the agency

HB 1645

2005  
CS

1245 information concerning the job performance of agency employees  
 1246 who deliver employment services. The agency shall consider any  
 1247 such information submitted by the one-stop delivery system  
 1248 operator in conducting performance appraisals of the employees.

1249 (c) The agency shall retain fiscal responsibility and  
 1250 accountability for the administration of funds allocated to the  
 1251 state under the Wagner-Peyser Act. An agency employee who is  
 1252 providing services authorized under the Wagner-Peyser Act shall  
 1253 be paid using Wagner-Peyser Act funds.

1254 ~~(d) The Office of Program Policy Analysis and Government~~  
 1255 ~~Accountability, in consultation with Workforce Florida, Inc.,~~  
 1256 ~~shall review the delivery of employment services under the~~  
 1257 ~~Wagner-Peyser Act and the integration of those services with~~  
 1258 ~~other activities performed through the one-stop delivery system~~  
 1259 ~~and shall provide recommendations to the Legislature for~~  
 1260 ~~improving the effectiveness of the delivery of employment~~  
 1261 ~~services in this state. The Office of Program Policy Analysis~~  
 1262 ~~and Government Accountability shall submit a report and~~  
 1263 ~~recommendations to the Governor, the President of the Senate,~~  
 1264 ~~and the Speaker of the House of Representatives by December 31,~~  
 1265 ~~2002.~~

1266 (8)

1267 (d) To the maximum extent possible, training providers  
 1268 shall use funding sources other than the funding provided under  
 1269 Pub. L. No. 105-220. Workforce Florida, Inc., shall develop a  
 1270 system to encourage the leveraging of appropriated resources for  
 1271 the workforce system and shall report on such efforts as part of  
 1272 the required annual report. ~~A performance outcome related to~~

HB 1645

2005  
CS

1273 ~~alternative financing obtained by the training provider shall be~~  
 1274 ~~established by Workforce Florida, Inc., and used for performance~~  
 1275 ~~evaluation purposes. The performance evaluation must take into~~  
 1276 ~~consideration the number of alternative funding sources.~~

1277 Section 8. Section 445.019, Florida Statutes, is amended  
 1278 to read:

1279 445.019 Teen parent and pregnancy prevention diversion  
 1280 program; eligibility for services.--The Legislature recognizes  
 1281 that teen pregnancy is a major cause of dependency on government  
 1282 assistance that often extends through more than one generation.  
 1283 The purpose of the teen parent and pregnancy prevention  
 1284 diversion program is to provide services to reduce and avoid  
 1285 welfare dependency by reducing teen pregnancy, reducing the  
 1286 incidence of multiple pregnancies to teens, and ~~by~~ assisting  
 1287 teens in completing educational and employment programs.

1288 (1) Notwithstanding any provision to the contrary in ss.  
 1289 414.075, 414.085, and 414.095, a teen who is determined to be at  
 1290 risk of teen pregnancy or who already has a child shall be  
 1291 deemed eligible to receive services under this program.

1292 (2) Services provided under this program shall be limited  
 1293 to services that are not considered assistance under federal law  
 1294 or guidelines.

1295 (3) Receipt of services under this section does not  
 1296 preclude eligibility for, or receipt of, other assistance or  
 1297 services under chapter 414.

1298 Section 9. Section 445.020, Florida Statutes, is amended  
 1299 to read:

HB 1645

2005  
CS

1300           445.020 Diversion programs; determination of need.--If  
 1301 federal regulations require a determination of needy families or  
 1302 needy parents to be based on financial criteria, such as income  
 1303 or resources, for individuals or families who are receiving  
 1304 services, one-time payments, or nonrecurring short-term  
 1305 benefits, the Temporary Assistance for Needy Families State Plan  
 1306 ~~Department of Children and Family Services~~ shall clearly  
 1307 indicate ~~adopt rules to define~~ such criteria. ~~In such rules, the~~  
 1308 ~~department shall use the income level established for Temporary~~  
 1309 ~~Assistance for Needy Families funds which are transferred for~~  
 1310 ~~use under Title XX of the Social Security Act.~~ If federal  
 1311 regulations do not require a financial determination for receipt  
 1312 of such benefits, payments, or services, the criteria otherwise  
 1313 established in this chapter shall be used.

1314           Section 10. Sections 445.005, 445.012, 445.0121, 445.0122,  
 1315 445.0123, 445.0124, 445.0125, 445.013, 446.21, 446.22, 446.23,  
 1316 446.24, 446.25, 446.26, and 446.27, Florida Statutes, are  
 1317 repealed.

1318           Section 11. This act shall take effect July 1, 2005.