

Committee Substitute for
Committee Substitute for Senate Bill No. 1650

An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; requiring a dispute-resolution process under certain circumstances; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; revising organizational requirements for regional workforce boards; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation; deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

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

Section 1. Section 20.50, Florida Statutes, as amended by section 4 of chapter 2004-484, Laws of Florida, is amended to read:

20.50 Agency for Workforce Innovation.—There is created the Agency for Workforce Innovation within the Department of Management Services. The agency shall be a separate budget entity, as provided in the General Appropriations Act, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

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

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

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

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

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

(c) ~~The agency shall include the following offices within its organizational structure which shall have the specified responsibilities:~~

1.(a) ~~The Office of Unemployment Compensation Workforce Services shall administer the unemployment compensation program, the Rapid Re-~~

sponse program, the Work Opportunity Tax Credit program, the Alien Labor Certification program, and any other programs that are delivered directly by agency staff rather than through the one-stop delivery system. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.

~~2.(b) The Office of Workforce Program Support and Accountability shall administer state merit system program staff within the workforce service delivery system, under the policies of Workforce Florida, Inc. The office is responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office is also responsible for program quality assurance, grants and contract management, contracting, financial management, and reporting. The office shall be directed by the Deputy Director for Program Support and Accountability, who shall be appointed by and serve at the pleasure of the director. The office is responsible for:~~

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

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

~~3.(c) The Office of Early Learning, which shall administer the school readiness system in accordance with s. 411.01 and the operational requirements of the Voluntary Prekindergarten Education Program in accordance with part V of chapter 1002. The office shall be directed by the Deputy Director for Early Learning, who shall be appointed by and serve at the pleasure of the director; and-~~

~~4.(d) The Office of Agency Support Services.~~

The director of the agency may establish the positions of assistant director and deputy director to administer the requirements and functions of the agency. In addition, the director may organize and structure the offices of the agency to best meet the goals and objectives of the agency as provided in s. 20.04. ~~is responsible for procurement, human resource services, and information services including delivering information on labor markets, employment, occupations, and performance, and shall implement and maintain information systems that are required for the effective operation of the one-stop delivery system and the school readiness system, including, but not limited to, those systems described in s. 445.009. The office shall be directed by the Deputy Director for Agency Support Services, who shall be appointed by and serve at the pleasure of the director. The office is responsible for establishing:~~

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

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

3. ~~Information systems that support school readiness system.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Subsections (3), (4), (5), and (6) of section 445.003, Florida Statutes, are amended to read:

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

(3) FUNDING.—

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

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

2. Fifteen percent of Title I funding shall be retained at the state level and shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Of such funds retained at the state level, \$2 million shall be reserved for the Incumbent Worker Training Program, created under subparagraph 3. Eligible state administration costs include the costs of: funding for the board and staff of Workforce Florida, Inc.; operating fiscal, compliance, and management accountability systems through Workforce Florida, Inc.; conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to regions at the direction of Workforce Florida, Inc. Notwithstanding s. 445.004, such administrative costs shall not exceed 25 percent of these funds. An amount not to exceed 75 percent of these funds shall be allocated to Individual Training Accounts and other workforce development strategies for: ~~the Minority Teacher Education Scholars program, the Certified Teacher Aide program, the Self-Employment Institute, and~~ other training designed and tailored by Workforce Florida, Inc., including, but not limited to, programs for incumbent workers, displaced homemakers, nontraditional employment, ~~empowerment zones~~, and enterprise zones. Workforce Florida, Inc., shall design, adopt, and fund Individual Training Accounts for distressed urban and rural communities.

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

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

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

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

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

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

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

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

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

4. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. Workforce Florida, Inc., shall also maintain an Emergency Preparedness Fund from Rapid Response funds which will immediately issue Intensive Service Accounts and Individual Training Accounts as well as other federally authorized assistance to eligible victims of natural or other disasters. At the direc-

tion of the Governor, for events that qualify under federal law, these Rapid Response funds shall be released to regional workforce boards for immediate use. Funding shall also be dedicated to maintain a unit at the state level to respond to Rapid Response emergencies around the state, to work with state emergency management officials, and to work with regional workforce boards. All Rapid Response funds must be expended based on a plan developed by Workforce Florida, Inc., and approved by the Governor.

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

(4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED MODIFICATIONS.—

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

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

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

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

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

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

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

Section 3. Section 445.004, Florida Statutes, is amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(1) There is created a not-for-profit corporation, to be known as “Workforce Florida, Inc.,” which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government and shall be exempt from chapters 120 and 287. Workforce Florida, Inc., shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds. Workforce Florida, Inc., shall be administratively housed within the Agency for Workforce Innovation; however, Workforce Florida, Inc., shall not be subject to control, supervision, or direction by the Agency for Workforce Innovation in any manner. The Legislature determines, however, that public policy dictates that Workforce Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public meetings.

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

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic post-secondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), and five representatives of organized labor who shall be appointed by the Governor. Members described in Pub. L. No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members. Notwithstanding s. 114.05(1)(f), the Governor may appoint remaining members to Workforce Florida, Inc., from the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board. By July 1, 2000, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, gender, and geographic representation shall be considered when making appointments to the board.

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

(c) Members appointed by the Governor may serve no more than two terms and must be appointed for 3-year 2-year terms. However, in order to establish staggered terms for board members, the Governor shall appoint or reappoint one-third of the board members for 1-year terms, one-third of the board members for 2-year terms, and one-third of the board members for 3-year terms beginning July 1, 2005. Following that date, the Governor shall appoint or reappoint board members for 3-year terms exclusively, except that, when a board member is replaced before the end of a 3-year term, the replacement shall be appointed to serve only the remainder of that term, after which the replacement may be appointed for a full 3-year term. Private sector representatives of businesses, appointed by the Governor pursuant to Pub. L. No. 105-220, shall constitute a majority of the membership of the board. Private sector representatives shall be appointed from nominations received by the Governor, including, but not limited to, those nominations made by the President of the Senate and the Speaker of the House of Representatives from any member of the Legislature. A member of the Legislature may submit more than one board nomination to the Governor through his or her respective presiding officer. Private sector appointments to the board shall be representative of the business community of this state; and no fewer less than one-half of the appointments to the board must be representative of small businesses and at least five members must have economic development experience. Members appointed by the Governor serve at the pleasure of the Governor and are eligible for reappointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.11. The Food Stamp Employment and Training Program, provided under the Food Stamp Act of 1977, 7 U.S.C. ss. 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198; and the Hunger Prevention Act, Pub. L. No. 100-435.

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

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

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

~~15. Programs authorized under the National and Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the Service America programs, the National Service Trust programs, the Civilian Community Corps, the Corporation for National and Community Service, the American Conservation and~~

Youth Service Corps, and the Points of Light Foundation programs, if such programs are awarded to the state.

(c) The agency may adopt rules necessary to administer the provisions of this chapter which relate to implementing and administering the programs listed in paragraph (b) as well as rules related to eligible training providers and auditing and monitoring subrecipients of the workforce system grant funds.

(d)(e) Contracting with public and private entities as necessary to further the directives of this section. All contracts executed by Workforce Florida, Inc., must include specific performance expectations and deliverables. All Workforce Florida, Inc., contracts, including those solicited, managed, or paid by the Agency for Workforce Innovation pursuant to s. 20.50(2) are exempt from s. 112.061, but shall be governed by s. 445.004(1).

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

(f)(e) Ensuring that the state does not waste valuable training resources. Thus, the board shall direct that all resources, including equipment purchased for training Workforce Investment Act clients, be available for use at all times by eligible populations as first priority users. At times when eligible populations are not available, such resources shall be used for any other state authorized education and training purpose. Workforce Florida, Inc., may authorize expenditures to award suitable framed certificates, pins, or other tokens of recognition for performance by a regional workforce board, its committees and subdivisions, and other units of the workforce system. Workforce Florida, Inc., may also authorize expenditures for promotional items, such as t-shirts, hats, or pens printed with messages promoting the state's workforce system to employers, job seekers, and program participants. However, such expenditures are subject to federal regulations applicable to the expenditure of federal funds.

(g) Establish a dispute-resolution process for all memoranda of understanding or other contracts or agreements entered into between the agency and regional workforce boards.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) Workforce Florida, Inc., in collaboration with the regional workforce boards and appropriate state agencies and local public and private service providers, and in consultation with the Office of Program Policy Analysis

and Government Accountability, shall establish uniform measures and standards to gauge the performance of the workforce development strategy. These measures and standards must be organized into three outcome tiers.

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

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

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

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

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

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

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

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

~~(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that~~

~~lead to self-sufficiency and career advancement. The components of the strategy must include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. The strategy must also assist employers in upgrading or updating the skills of their employees and assisting workers to acquire the education or training needed to secure a better job with better wages. The strategy must assist the state's efforts to attract and expand job-creating businesses offering high-paying, high-demand occupations. A minimum of 15 percent of all Workforce Investment Act youth services funds shall be expended for after-school care programs, through contracts with qualified community-based organizations and faith-based organizations, on an equal basis with other private organizations, to provide after-school care programs to eligible children 14 through 18 years of age. These programs shall include academic tutoring, mentoring, and other appropriate services. Similar services may be provided for eligible children 6 through 13 years of age using Temporary Assistance for Needy Families funds. Funds expended under this paragraph may not be used for religious or sectarian purposes. To provide after-school care programs under this paragraph, a community-based organization or a faith-based organization must be a nonprofit organization that holds a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code or must be a religious organization that is not required to apply for recognition of its exemption from federal taxation under s. 501(c)(3) of the Internal Revenue Code.~~

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

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

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

outline rewards for successful job placements, and institute collaborative approaches among local service providers. Local decisionmaking and control shall be important components for inclusion in this charter application.

Section 4. Section 445.006, Florida Statutes, is amended to read:

445.006 Strategic and operational plans ~~plan~~ for workforce development.—

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

- (a) Fulfilling the workforce system goals and strategies prescribed in s. 445.004;
- (b) Aggregating, integrating, and leveraging workforce system resources;
- (c) Coordinating the activities of federal, state, and local workforce system partners;
- (d) Addressing the workforce needs of small businesses; and
- (e) Fostering the participation of rural communities and distressed urban cores in the workforce system.

(2) Workforce Florida, Inc., shall establish an operational plan to implement the state strategic plan. The operational plan shall be submitted to the Governor and the Legislature along with the strategic plan and must reflect the allocation of resources as appropriated by the Legislature to specific responsibilities enumerated in law. As a component of the operational strategic plan required under this section, Workforce Florida, Inc., shall develop a workforce marketing plan, with the goal of educating individuals inside and outside the state about the employment market and employment conditions in the state. The marketing plan must include, but need not be limited to, strategies for:

- (a) Distributing information to secondary and postsecondary education institutions about the diversity of businesses in the state, specific clusters of businesses or business sectors in the state, and occupations by industry which are in demand by employers in the state;
- (b) Distributing information about and promoting use of the Internet-based job matching and labor market information system authorized under s. 445.011; and
- (c) Coordinating with Enterprise Florida, Inc., to ensure that workforce marketing efforts complement the economic development marketing efforts of the state.

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

- (a) Work participation rates, by type of activity;
- (b) Caseload trends;
- (c) Recidivism;
- (d) Participation in diversion and relocation assistance programs;
- (e) Employment retention;
- (f) Wage growth; and
- (g) Other issues identified by the board of directors of Workforce Florida, Inc.

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

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

1. The degree of difficulty associated with placement and retention;
2. The quality of the placement with respect to salary, benefits, and opportunities for advancement; and
3. The employee's retention in the placement.

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

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

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

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

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

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

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

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

1. Initial assessment services prior to an individual being placed in an employment service, to determine whether the individual should be referred for relocation, up-front diversion, education, or employment placement. Assessment services shall be paid on a fixed unit rate and may not provide educational or employment placement services.

2. Referral of participants to diversion and relocation programs.

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

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

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

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

7. Expectations regarding job retention.

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

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

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

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

Section 5. Subsections (1), (2), (6), (7), (8), (9), (10), (11), and (12) of section 445.007, Florida Statutes, are amended to read:

445.007 Regional workforce boards; exemption from public meetings law.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. The board shall include one nonvoting representative from a military installation if a military installation is located within the region and the appropriate military command or organization authorizes such representation. ~~Individuals serving as members of regional workforce development boards or local WAGES coalitions, as of June 30, 2000, are eligible for appointment to regional workforce boards, pursuant to this section. It is the intent of the Legislature that, whenever possible and to the greatest extent practicable, membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(3) or workforce services as provided in s. 445.009(1), or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board, its committees, subcommittees, and subdivisions, and other units of the workforce system, including units that may consist in whole or in part of local governmental units, may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of the telecommunications meeting and reasonable access to observe and, when appropriate, participate. Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.~~

(2) The regional workforce board shall elect a chair from among the representatives described in Pub. L. No. 105-220, Title I, s. 117(b)(2)(A)(i)

to serve for a term of no more than 2 years and shall serve no more than two terms. Workforce Florida, Inc., will determine the timeframe and manner of changes to the regional workforce boards as required by this chapter and Pub. L. No. 105-220.

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

~~(7) Each regional workforce board shall establish by October 1, 2000, a High Skills/High Wages committee consisting of at least five private-sector business representatives appointed in consultation with local chambers of commerce by the primary county economic development organization within the region, as identified by Enterprise Florida, Inc.; a representative of each primary county economic development organization within the region; the regional workforce board chair; the presidents of all community colleges within the board's region; those district school superintendents with authority for conducting postsecondary educational programs within the region; and two representatives from nonpublic postsecondary educational institutions that are authorized individual training account providers within the region, appointed by the chair of the regional workforce board. If possible, one of the nonpublic educational institutions represented must be accredited by the Southern Association of Colleges and Schools. The business representatives appointed by the primary county economic development organizations need not be members of the regional workforce board and shall represent those industries that are of primary importance to the region's current and future economy. In a multicounty region, each primary county economic development organization within the region shall appoint at least one business representative and shall consult with the other primary county economic development organizations within the region to make joint appointments when necessary.~~

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

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

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

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

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

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

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

~~(8)(11) For purposes of procurement, regional workforce boards and their administrative entities are not state agencies and are exempt from chapters 120 and 287. The regional workforce boards shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds, but the boards and their administrative entities must comply with state procurement laws and procedures until Workforce Florida, Inc., adopts the provisions or alternative procurement procedures that meet the requirements of federal law. Regional workforce boards, their administrative entities, committees, and subcommittees, and other workforce units may authorize expenditures to award suitable framed certificates, pins, or other tokens of recognition for performance by units of the workforce system. Regional workforce boards; their administrative entities, committees, and subcommittees; and other workforce units may authorize expenditures for promotional items, such as t-shirts, hats, or pens printed with messages promoting Florida's workforce system to employers, job seekers, and program participants. However, such expenditures are subject to federal regulations applicable to the expenditure of federal funds. All contracts executed by regional workforce boards must include specific performance expectations and deliverables.~~

~~(9)(12) Any meeting or portion of a meeting held by Workforce Florida, Inc., or a regional workforce board or local committee created under this section at which personal identifying information contained in records relating to temporary cash assistance, as defined in s. 414.0252, is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution if the information identifies a participant, a participant's family, or a participant's family or household member, as defined in s. 414.0252. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 6. Subsections (3) and (4) and paragraph (d) of subsection (8) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

~~(3) Notwithstanding any other provision of law, any memorandum of understanding in effect on June 30, 2000, between a regional workforce board and the Department of Labor and Employment Security governing the delivery of workforce services shall remain in effect until September 30,~~

2000. Beginning October 1, 2000, regional workforce boards shall enter into a memorandum of understanding with the Agency for Workforce Innovation for the delivery of employment services authorized by the federal Wagner-Peyser Act. This memorandum of understanding must be performance based.

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

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

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

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

(4) One-stop delivery system partners shall enter into a memorandum of understanding pursuant to Pub. L. No. 105-220, Title I, s. 121, with the regional workforce board. Failure of a local partner to participate cannot unilaterally block the majority of partners from moving forward with their one-stop delivery system, and Workforce Florida, Inc., pursuant to s. 445.004(5)(e) ~~s. 445.004(5)(d)~~, may make notification of a local partner that fails to participate.

(8)

(d) To the maximum extent possible, training providers shall use funding sources other than the funding provided under Pub. L. No. 105-220. Workforce Florida, Inc., shall develop a system to encourage the leveraging of appropriated resources for the workforce system and shall report on such efforts as part of the required annual report. A performance outcome related to alternative financing obtained by the training provider shall be established by Workforce Florida, Inc., and used for performance evaluation pur-

poses. The performance evaluation must take into consideration the number of alternative funding sources.

Section 7. Section 445.019, Florida Statutes, is amended to read:

445.019 Teen parent and pregnancy prevention diversion program; eligibility for services.—The Legislature recognizes that teen pregnancy is a major cause of dependency on government assistance that often extends through more than one generation. The purpose of the teen parent and pregnancy prevention diversion program is to provide services to reduce and avoid welfare dependency by reducing teen pregnancy, reducing the incidence of multiple pregnancies to teens, and by assisting teens in completing educational or employment programs, or both.

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

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

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

Section 8. Section 445.020, Florida Statutes, is amended to read:

445.020 Diversion programs; determination of need.—If federal regulations require a determination of needy families or needy parents to be based on financial criteria, such as income or resources, for individuals or families who are receiving services, one-time payments, or nonrecurring short-term benefits, the TANF state plan shall clearly indicate Department of Children and Family Services shall adopt rules to define such criteria. In such rules, the department shall use the income level established for Temporary Assistance for Needy Families funds which are transferred for use under Title XX of the Social Security Act. If federal regulations do not require a financial determination for receipt of such benefits, payments, or services, the criteria otherwise established in this chapter shall be used.

Section 9. Paragraph (d) of subsection (1) of section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

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

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

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

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

Approved by the Governor June 17, 2005.

Filed in Office Secretary of State June 17, 2005.