

# CHAPTER 98-218

## House Bill No. 1901

An act relating to job training; creating s. 446.609, F.S.; creating a school-to-work program entitled “Jobs for Florida’s Graduates”; providing definitions and intent; providing requirements for school and student participation; creating an endowment fund and providing for appropriations and gifts; providing for the investment and deposit of funds in an operating account; creating an endowment foundation as a direct-support organization; providing duties of the foundation and a foundation board of directors; providing program outcome goals; providing for use of funds and startup funding; providing for accreditation; requiring an annual audit; providing for assessment of program results; requiring an annual report; providing for rules; requiring legislative review of the program; creating a pilot apprenticeship program; providing for positions and funding; providing an effective date.

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

Section 1. Section 446.609, Florida Statutes, is created to read:

446.609 Jobs for Florida’s Graduates.—

(1) SHORT TITLE.—This section may be cited as the “Jobs for Florida’s Graduates Act.”

(2) DEFINITIONS.—For the purposes of this section:

(a) “Board” means the board of directors of the Florida Endowment Foundation for Florida’s Graduates.

(b) “Department” means the Department of Education.

(c) “Endowment fund” means an account established within the Florida Endowment Foundation for Florida’s Graduates to provide a continuing and growing source of revenue for school-to-work transition efforts.

(d) “Foundation” means the Florida Endowment Foundation for Florida’s Graduates.

(e) “Operating account” means an account established under paragraph (8)(h) to carry out the purposes of this section.

(3) LEGISLATIVE INTENT.—The Legislature recognizes that it is in the best interest of the citizens of this state that the state have a well-educated and skilled workforce to be competitive in a changing economy. It is the intent of the Legislature to meet the challenge of ensuring a skilled workforce by creating a formal program to facilitate the important school-to-work transition and to provide additional funding to achieve this goal. Accordingly, the Legislature finds and declares that:

(a) The purpose of this section is to broaden the participation and funding potential for further significant support for Florida students who are approaching the transition from school to work.

(b) It is appropriate to encourage individual and corporate support and involvement, as well as state support and involvement, to promote employment opportunities for Florida's students.

(4) PROGRAM.—There is hereby created, for an initial 5-year period, a school-to-work program to be known as Jobs for Florida's Graduates which shall, during the initial 5-year phase set forth in this section and except as otherwise provided by law or by rule of the Department of Education, be operated in accordance with the process and outcome standards of Jobs for America's Graduates, Inc. To that end, the board shall enter into a sponsoring agreement with Jobs for America's Graduates, Inc., to carry out the Jobs for America's Graduates model within the state.

(a) During the first year of operation, the Jobs for Florida's Graduates Program shall be operated in not less than 25 nor more than 50 high schools in the state to be chosen by the board. The goal shall be to have a minimum of 300 high schools participating in the program by the end of the 2001-2002 school year.

(b) The schools chosen by the board to participate in the program must represent a demographically balanced sample population, include both urban and rural schools, and be comprised of schools in all geographic areas of the state. Each school selected to participate shall enter into a formal written agreement with the board which, at a minimum, details the responsibilities of each party and the process and outcome goals of the initial 5-year Jobs for Florida's Graduates Program.

(c) Students shall be selected and approved for participation in the program by the educational institutions in which they are enrolled, and such selection and approval shall be based on their being classified as 12th grade at-risk students.

(5) REVENUE FOR THE ENDOWMENT FUND.—

(a) An endowment fund is created as a long-term, stable, growing source of revenue to be administered by the foundation in accordance with rules promulgated by the department.

(b) The principal of the endowment fund shall consist of legislative appropriations that are made to the endowment fund and bequests, gifts, grants, and donations as may be solicited from public or private sources by the foundation.

(c) The State Board of Administration shall invest and reinvest moneys of the endowment fund principal in accordance with the provisions of ss. 215.44-215.53. Interest and investment income earned on the endowment fund principal shall be annually transmitted to the foundation, based upon a fiscal year which runs from July 1 through June 30, and shall be deposited in the foundation's operating account for distribution as provided in this section.

(6) THE FLORIDA ENDOWMENT FOUNDATION FOR FLORIDA'S GRADUATES.—

(a) The Florida Endowment Foundation for Florida's Graduates is created as a direct-support organization of the Department of Education to encourage public and private support to enhance school-to-work transition. As a direct-support organization, the foundation shall operate under contract with the department and shall be:

1. A Florida corporation not for profit which is incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to do the following: raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; receive, hold, and administer property; and make expenditures to or for the benefit of school-to-work transition programs approved by the board of directors of the foundation.

(b) As a direct-support organization, the foundation shall:

1. Develop articles of incorporation.

2. Create a board of directors appointed by the Commissioner of Education.

3. Perform an annual financial and performance review to determine if the foundation is operating in a manner consistent with the goals of the Legislature in providing assistance for school-to-work transitions.

4. Provide a mechanism for the reversion to the state of moneys in the foundation and in any other funds and accounts held in trust by the foundation if the foundation is dissolved.

(7) BOARD OF DIRECTORS.—The foundation shall be administered by a board of directors, as follows:

(a) The board shall consist of 15 members. At least 9 of the 15 members must be from the private sector and the remaining members may be from the public sector. Among the public sector members, representation shall come from secondary education, vocational education, and job-training programs such as Job Education Partnership. The chair may be from either the private sector or the public sector.

(b) All members shall have an interest in school-to-work transition and, insofar as is practicable, shall:

1. Have skills in foundation work or other fundraising activities, financial consulting, or investment banking or other related experience; or

2. Have experience in policymaking or senior management level positions or have distinguished themselves in the fields of education, business, or industry.

(c) The chair and all board members shall be appointed by the Commissioner of Education.

1. The chair shall be appointed for a term of 2 years and may be reappointed. However, no chair may serve more than 6 consecutive years.

2. Board members shall serve for 3-year terms or until resignation or removal for cause, except that members appointed to serve initial terms shall be appointed for staggered terms of 1, 2, and 3 years, respectively.

(d) In the event of a vacancy on the board caused by an occurrence other than the expiration of a term, a new member shall be appointed.

(e) Each member is accountable to the Commissioner of Education for the proper performance of the duties of office. The commissioner may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties or for pleading nolo contendere to, or being found guilty of, a crime.

(8) ORGANIZATION, POWERS, AND DUTIES.—Within the limits prescribed in this section or by rule of the department:

(a) Upon appointment, the board shall meet and organize. Thereafter, the board shall hold such meetings as are necessary to implement the provisions of this section and shall conduct its business in accordance with rules promulgated by the department.

(b) The board may solicit and receive bequests, gifts, grants, donations, goods, and services. When gifts are restricted as to purpose, they may be used only for the purpose or purposes stated by the donor.

(c) The board may enter into contracts with the Federal Government, state or local agencies, private entities, or individuals to carry out the purposes of this section.

(d) The board may identify, initiate, and fund Jobs for Florida's Graduates programs to carry out the purposes of this section.

(e) The board may make gifts or grants:

1. To the state, or any political subdivision thereof, or any public agency of state or local government.

2. To a corporation, trust, association, or foundation organized and operated exclusively for charitable, educational, or scientific purposes.

3. To the department for purposes of program recognition and marketing, public relations and education, professional development, and technical assistance and workshops for grant applicants and recipients and the business community.

(f) The board may advertise and solicit applications for funding and shall evaluate applications and program proposals submitted thereto.

(g) The board shall monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.

(h) The board shall establish an operating account for the deposit of funds to be used in carrying out the purposes of this section.

(i) The board shall operate the Jobs for Florida's Graduates Program in such a way, and shall recommend to the Department of Education the adoption of such rules as may be necessary, to ensure that the following outcome goals are met:

1. In year 1:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 82 percent by March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated, 70 to 75 percent of participants in the Jobs for Florida's Graduates Program shall be employed a minimum of 40 hours per week in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to 40 hours per week.

c. By March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

2. In year 2:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 85 percent by March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated, 75 to 78 percent of participants in the Jobs for Florida's Graduates Program shall be employed a minimum of 40 hours per week in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to 40 hours per week.

c. By March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

3. In years 3 through 5:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 90 percent by March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated, 80 percent of participants in the Jobs for Florida's Graduates Program shall be employed a minimum of 40 hours per week in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to 40 hours per week.

c. By March 31 of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

(j) The board may take such additional actions, including independently organizing and conducting hiring practices, as are deemed necessary and appropriate to administer the provisions of this section. To the maximum extent possible, the board shall hire Jobs for Florida's Graduates Program staff who operate in selected schools to fill necessary staff positions and shall provide for salary, benefits, discipline, evaluation, or discharge according to a contractual agreement. These positions shall not be state employee positions.

(9) DISTRIBUTION OF EARNINGS ON ENDOWMENT FUND PRINCIPAL.—The board shall use the moneys in the operating account, by whatever means, to provide for:

(a) Planning, research, and policy development for issues related to school-to-work transition and publications and dissemination of such information as may serve the objectives of this section.

(b) Promotion of initiatives for school-to-work transition.

(c) Funding of programs which engage in, contract for, foster, finance, or aid in job training and counseling for school-to-work transition research, education, or demonstration, or other related activities.

(d) Funding of programs which engage in, contract for, foster, finance, or aid in activities designed to advance better public understanding and appreciation of the school-to-work transition.

(10) STARTUP FUNDING.—Notwithstanding any provision of this section to the contrary, in order to provide for first year startup funds, 50 percent of the money allocated during the 12-month period beginning July 1, 1998, shall not be available for investment by the State Board of Administration, but shall be transmitted quarterly to the foundation board and shall be available to the foundation for the purposes set forth in this section.

(11) ACCREDITATION.—During the initial 5-year period, the board shall request and contract with the national accreditation process of Jobs for America's Graduates, Inc., to ensure the viability and efficacy of the individual school-based Jobs For Florida's Graduates programs in the state.

(12) ANNUAL AUDIT.—The board shall cause an annual audit of the foundation's financial accounts to be conducted by an independent certified

public accountant in accordance with rules adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department may require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data.

(13) ASSESSMENT OF PROGRAM RESULTS.—The success of the Jobs for Florida's Graduates Program shall be assessed as follows:

(a) No later than November 1 of each year of the Jobs for Florida's Graduates Program, Jobs for America's Graduates, Inc., shall conduct and deliver to the Office of Program Policy Analysis and Government Accountability a full review and report of the program's activities. The Office of Program Policy Analysis and Government Accountability shall audit and review the report and deliver the report, along with its analysis and any recommendations for expansion, curtailment, modification, or continuation, to the board not later than December 31 of the same year.

(b) Beginning in the first year of the Jobs for Florida's Graduate Program, the Division of Economic and Demographic Research of the Joint Legislative Management Committee shall undertake, during the initial phase, an ongoing longitudinal study of participants to determine the overall efficacy of the program. The division shall transmit its findings each year to the Office of Program Policy Analysis and Government Accountability for inclusion in the report provided for in paragraph (a).

(14) ANNUAL REPORT.—The board shall issue a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education by March 1, 2000, and each year thereafter, summarizing the performance of the endowment fund for the previous fiscal year and the foundation's fundraising activities and performance and detailing those activities and programs supported by the earnings on the endowment principal or by bequests, gifts, grants, donations, and other valued goods and services received.

(15) RULES.—The department shall promulgate rules for the implementation of this section.

Section 2. The Legislature shall conduct a review of the Jobs for Florida's Graduates Program after the fifth year of operation with recommendations for continuation, expansion, or termination of the program.

Section 3. (1) There is created a 1-year pilot apprenticeship program at Okaloosa-Walton Community College to develop and implement programs designed to meet employee training needs of business and industry within the community college's service area.

(2) Okaloosa-Walton Community College shall be recognized as an apprenticeship sponsor under the definition in s. 446.071, Florida Statutes, and shall be entitled to four positions as indicated in this section. The community college shall have the responsibility to survey and identify within its service area all business and industry that may benefit from an

apprenticeship program, to develop programs to meet those needs, and to implement the programs utilizing funding from the affected industry.

(3) The four positions allocated to Okaloosa-Walton Community College shall be funded by Enterprise Florida, Inc., in the amount not to exceed \$200,000. These shall be two job development specialists at a total cost for both positions not to exceed \$138,000; one researcher at a total cost not to exceed \$34,660; and one secretary at a total cost not to exceed \$19,390. Office furniture and supplies shall be funded in the amount of \$7,950.

(4) Okaloosa-Walton Community College shall be entitled to apply for continued funding of these positions for 1 additional year if it can prove substantial progress toward meeting the goals of this section. However, it is the intent of the Legislature that, beginning with the third academic year, costs of this program shall be borne substantially by the businesses and industries that take part in the program and that Okaloosa-Walton Community College shall provide all interested areas with a full report on the program and its success.

Section 4. This act shall take effect July 1 of the year in which enacted.

Became a law without the Governor's approval May 24, 1998.

Filed in Office Secretary of State May 22, 1998.