

By Senator Gardiner

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1 A bill to be entitled
2 An act relating to regional workforce boards;
3 providing a short title; amending s. 445.007, F.S.;
4 authorizing the chief elected official in the area of
5 a regional workforce board to appoint representatives
6 to the board if authorized by the Governor; requiring
7 members and the executive director of a regional
8 workforce board to make financial disclosures;
9 providing that the selection of the chair of a
10 regional workforce board is subject to the approval of
11 the Governor; providing that members of a regional
12 workforce board serve at the pleasure of the Governor;
13 requiring that staff of the Department of Economic
14 Opportunity, under the direction of Workforce Florida,
15 Inc., assign staff to review the performance of
16 regional workforce boards; reinstating expired
17 provisions that restrict the ability of a regional
18 workforce board to use state or federal funds for
19 meals, food, or beverages and that prohibit a board
20 from using state or federal funds for entertainment
21 costs or recreational activities for board members or
22 employees; reinstating expired provisions that limit
23 the ability of a regional workforce board to enter
24 into contracts with a member, employee, or relative of
25 a member or employee of the board; requiring a
26 regional workforce board to develop an annual budget,
27 subject to the approval of the chief elected official
28 of the area; requiring the regional workforce board to
29 submit its budget for review to Workforce Florida,

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30 Inc.; making technical and grammatical changes;
 31 amending s. 445.009, F.S.; deleting the expiration of
 32 a provision relating to the determination of the wages
 33 of a participant in an adult or youth work experience
 34 activity; making technical and grammatical changes;
 35 requiring Workforce Florida, Inc., to evaluate the
 36 means to establish a single, statewide-workforce
 37 system brand and to report its findings and
 38 recommendations to the Governor by a specified date;
 39 providing an effective date.

40
 41 Be It Enacted by the Legislature of the State of Florida:

42
 43 Section 1. This act may be cited as the "Regional Workforce
 44 Boards Accountability Act."

45 Section 2. Section 445.007, Florida Statutes, is amended to
 46 read:

47 445.007 Regional workforce boards.—

48 (1) (a) One regional workforce board shall be appointed in
 49 each designated service delivery area and shall serve as the
 50 local workforce investment board pursuant to the Workforce
 51 Investment Act of 1998, 29 U.S.C. 2801 et. seq. Pub. L. No. 105-
 52 220. The membership of the board shall be consistent with and
 53 limited to the members described in 29 U.S.C. 2832(b)(2)(A) Pub.
 54 L. No. 105-220, Title I, s. 117(b). The board may also include
 55 other individuals and representatives of entities who are
 56 appointed by the chief elected official in the local area if
 57 authorized by the Governor.

58 (b) The board shall include one nonvoting representative

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59 from a military installation if a military installation is
60 located within the region and the appropriate military command
61 or organization authorizes such representation. It is the intent
62 of the Legislature that membership of a regional workforce board
63 include persons who are current or former recipients of welfare
64 transition assistance as defined in s. 445.002(2) or workforce
65 services as provided in s. 445.009(1) or that such persons be
66 included as ex officio members of the board or of committees
67 organized by the board. The importance of minority and gender
68 representation shall be considered when making appointments to
69 the board.

70 (c) The board, its committees, subcommittees, and
71 subdivisions, and other units of the workforce system, including
72 units that may consist in whole or in part of local governmental
73 units, may use any method of telecommunications to conduct
74 meetings, including establishing a quorum through
75 telecommunications, provided that the public is given proper
76 notice of the telecommunications meeting and reasonable access
77 to observe and, when appropriate, participate. Regional
78 workforce boards are subject to chapters 119 and 286 and s. 24,
79 Art. I of the State Constitution.

80 (d) If the regional workforce board enters into a contract
81 with an organization or individual represented on the board of
82 directors, the contract must be approved by a two-thirds vote of
83 the board, a quorum having been established, and the board
84 member who could benefit financially from the transaction must
85 abstain from voting on the contract. A board member must
86 disclose any such conflict in a manner that is consistent with
87 the procedures outlined in s. 112.3143.

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88 (e) Each member of a regional workforce board who is not
89 otherwise required to file a financial disclosure pursuant to s.
90 8, Art. II of the State Constitution or s. 112.3144 shall file a
91 disclosure of financial interests pursuant to s. 112.3145. The
92 executive director or other person responsible for the
93 operational and administrative functions of the regional
94 workforce board who is not otherwise required to file a
95 financial disclosure pursuant to s. 8, Art. II of the State
96 Constitution or s. 112.3144 shall file a disclosure of financial
97 interests pursuant to s. 112.3145.

98 (2) (a) The regional workforce board shall elect a chair
99 from among the representatives of businesses in the local area
100 who:

101 1. Are owners of businesses, chief executives or operating
102 officers of businesses, and other business executives or
103 employers who have optimum policymaking or hiring authority;

104 2. Represent businesses that offer employment opportunities
105 similar to the employment opportunities of the local area; and

106 3. Are appointed from among individuals nominated by local
107 business organizations and business trade associations.

108 (b) The chair is subject to approval by, and serves at the
109 pleasure of, the Governor. A chair shall be appointed ~~described~~
110 ~~in Pub. L. No. 105-220, Title I, s. 117(b)(2)(A)(i)~~ to serve for
111 a term of no more than 2 years and shall serve no more than two
112 terms.

113 (c) The executive director of the board or other person
114 responsible for the operational and administrative functions of
115 the board is subject to approval by, and serves at the pleasure
116 of, the Governor.

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117 (d) The Governor may remove a member of the board for
118 cause. As used in this paragraph, the term "cause" includes, but
119 is not limited to, engaging in fraud or other criminal acts,
120 incapacity, unfitness, neglect of duty, or official incompetence
121 and irresponsibility.

122 (3) The Department of Economic Opportunity, under the
123 direction of Workforce Florida, Inc., shall assign staff to meet
124 with each regional workforce board annually to review the
125 board's performance and to certify that the board is in
126 compliance with applicable state and federal law.

127 (4) In addition to the duties and functions specified by
128 Workforce Florida, Inc., and by the interlocal agreement
129 approved by the local county or city governing bodies, the
130 regional workforce board shall have the following
131 responsibilities:

132 (a) Develop, submit, ratify, or amend the local plan
133 pursuant to 29 U.S.C. 2833 ~~Pub. L. No. 105-220, Title I, s. 118,~~
134 ~~and the provisions of this chapter act.~~

135 (b) Conclude agreements necessary to designate the fiscal
136 agent and administrative entity. A public or private entity,
137 including an entity established pursuant to s. 163.01, which
138 makes a majority of the appointments to a regional workforce
139 board may serve as the board's administrative entity if approved
140 by Workforce Florida, Inc., based upon a showing that a fair and
141 competitive process was used to select the administrative
142 entity.

143 (c) Complete assurances required for the charter process of
144 Workforce Florida, Inc., and provide ongoing oversight related
145 to administrative costs, duplicated services, career counseling,

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146 economic development, equal access, compliance and
147 accountability, and performance outcomes.

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

149 (5) Workforce Florida, Inc., shall implement a training
150 program for the regional workforce boards to familiarize board
151 members with the state's workforce development goals and
152 strategies.

153 (6) The regional workforce board shall designate all local
154 service providers and may not transfer this authority to a third
155 party. The regional workforce board may be designated as a one-
156 stop operator and direct provider of intake, assessment,
157 eligibility determinations, or other direct provider services
158 except training services. Such designation may occur only with
159 the agreement of the chief elected official and the Governor as
160 specified in 29 U.S.C. s. 2832(f)(2). Workforce Florida, Inc.,
161 shall establish procedures by which a regional workforce board
162 may request permission to operate under this section and the
163 criteria under which such permission may be granted. The
164 criteria shall include, but need not be limited to, a reduction
165 in the cost of providing the permitted services. Such permission
166 shall be granted for a period not to exceed 3 years for any
167 single request submitted by the regional workforce board.

168 (7) Regional workforce boards shall adopt a committee
169 structure consistent with applicable federal law and state
170 policies established by Workforce Florida, Inc.

171 (8) The importance of minority and gender representation
172 shall be considered when appointments are made to any committee
173 established by the regional workforce board.

174 (9) For purposes of procurement, regional workforce boards

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175 and their administrative entities are not state agencies and are
176 exempt from chapters 120 and 287. The regional workforce boards
177 shall apply the procurement and expenditure procedures required
178 by federal law for the expenditure of federal funds. Regional
179 workforce boards, their administrative entities, committees, and
180 subcommittees, and other workforce units may authorize
181 expenditures to award suitable framed certificates, pins, or
182 other tokens of recognition for performance by units of the
183 workforce system. Regional workforce boards; their
184 administrative entities, committees, and subcommittees; and
185 other workforce units may authorize expenditures for promotional
186 items, such as t-shirts, hats, or pens printed with messages
187 promoting Florida's workforce system to employers, job seekers,
188 and program participants. However, such expenditures are subject
189 to federal regulations applicable to the expenditure of federal
190 funds. All contracts executed by regional workforce boards must
191 include specific performance expectations and deliverables.

192 (10) A regional workforce board shall prepare an annual
193 budget for the purpose of carrying out its duties under this
194 section. The budget is subject to the approval of the chief
195 elected local official in the area. Each regional workforce
196 board shall submit its budget for review to Workforce Florida,
197 Inc., within 2 weeks after approval by the chief elected local
198 official.

199 (11)~~(10)~~ State and federal funds provided to the regional
200 workforce boards may not be used directly or indirectly to pay
201 for meals, food, or beverages for board members, staff, or
202 employees of regional workforce boards, Workforce Florida, Inc.,
203 or the Department of Economic Opportunity Agency for Workforce

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204 ~~Innovation~~ except as expressly authorized by state law.
205 Preapproved, reasonable, and necessary per diem allowances and
206 travel expenses may be reimbursed. Such reimbursement shall be
207 at the standard travel reimbursement rates established in s.
208 112.061 and shall be in compliance with all applicable federal
209 and state requirements. Workforce Florida, Inc., shall develop a
210 statewide fiscal policy applicable to the state board and all
211 regional workforce boards, to hold both the state and regional
212 boards strictly accountable for adherence to the policy and
213 subject to regular and periodic monitoring by the Department of
214 Economic Opportunity Agency for Workforce Innovation, the
215 administrative entity for Workforce Florida, Inc. A board may
216 not use ~~Boards are prohibited from expending~~ state or federal
217 funds for entertainment costs or ~~and~~ recreational activities for
218 board members and employees as these terms are defined by 2
219 C.F.R. part 230. ~~This subsection expires July 1, 2011.~~

220 (12) ~~(11)~~ To increase transparency and accountability,
221 regional workforce boards must ~~shall~~ comply with ~~the~~
222 ~~requirements of~~ this section before contracting with a member of
223 the regional workforce board. Such contracts may ~~shall~~ not be
224 executed before or without the approval of Workforce Florida,
225 Inc. Such contracts, as well as documentation demonstrating
226 adherence to this section as specified by Workforce Florida,
227 Inc., must be submitted to the Department of Economic
228 Opportunity Agency for Workforce Innovation for review and
229 recommendation according to criteria to be determined by
230 Workforce Florida, Inc. Contracts between relatives, as defined
231 in s. 112.3143(1)(b), of a board member or employee of a board
232 must be approved by a two-thirds vote of the entire board; all

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233 conflicts must be disclosed before ~~prior to~~ the vote; and any
234 member who may benefit from the contract, or whose relative may
235 benefit from the contract, must abstain from the vote and the
236 contract must be reviewed and approved as provided in this
237 section ~~stated above~~. Contracts under \$25,000 between a regional
238 workforce board and a member of that board or between relatives,
239 as defined in s. 112.3143(1)(b), of a board member or employees
240 of a board are exempt from the review and recommendation process
241 but must be approved by a two-thirds vote of the entire board
242 and must be reported to the Department of Economic Opportunity
243 ~~Agency for Workforce Innovation~~ and Workforce Florida, Inc.,
244 within 30 days after approval. If a contract cannot be approved
245 by Workforce Florida, Inc., a review of the decision to
246 disapprove the contract may be requested by the regional
247 workforce board or other parties to the disapproved contract.
248 ~~This subsection expires July 1, 2011.~~

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

251 445.009 One-stop delivery system.—

252 (11) A participant in an adult or youth work experience
253 activity administered under this chapter shall be deemed an
254 employee of the state for purposes of workers' compensation
255 coverage. In determining the average weekly wage, all
256 remuneration received from the employer shall be considered a
257 gratuity, and the participant is ~~shall~~ not be entitled to any
258 benefits otherwise payable under s. 440.15, regardless of
259 whether the participant is ~~may be~~ receiving wages and
260 remuneration from other employment with another employer and
261 regardless of his or her future wage-earning capacity. ~~This~~

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262 ~~subsection expires July 1, 2012.~~

263 Section 4. Workforce Florida, Inc., shall evaluate the
264 means to establish a single, statewide workforce-system brand
265 for this state. Workforce Florida, Inc., shall submit a report
266 of its findings and recommendations to the Governor by August 1,
267 2012.

268 Section 5. This act shall take effect July 1, 2012.