

1                                   A bill to be entitled  
 2           An act relating to Regional Workforce Boards; amending  
 3           s. 445.007 F.S.; providing for maximum board  
 4           membership; requiring board members submit financial  
 5           disclosure documents; providing certain board members  
 6           are subject to approval of the Governor; providing all  
 7           board members serve at the pleasure of the Governor;  
 8           authorizing the Governor to remove board members for  
 9           cause; requiring board to submit annual budgets for  
 10          approval of the chief elected official and review of  
 11          Workforce Florida, Inc.; requiring Workforce Florida,  
 12          Inc., to evaluate the means to establish a single,  
 13          statewide workforce-system brand for Florida and make  
 14          recommendations the Governor, the Speaker of the House  
 15          of Representatives, and the Senate President; amending  
 16          creating s.445.009; providing that a participant in an  
 17          adult or youth work experience activity under ch. 445,  
 18          F.S., is an employee of the state for purposes of  
 19          workers' compensation coverage; providing an effective  
 20          date.

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 22   Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1.   Section 445.007, Florida Statutes, is amended  
 25   to read:

26           445.007 Regional workforce boards.—

27           (1) One regional workforce board shall be appointed in each  
 28   designated service delivery area and shall serve as the local

29 workforce investment board pursuant to Pub. L. No. 105-220. The  
 30 membership of the board shall be consistent with Pub. L. No.  
 31 105-220, Title I, s. 117(b), but may not exceed the minimum  
 32 membership required in Pub. L. No. 105-220, Title I, s.  
 33 117(b) (2) (A) and herein. Upon approval by the Governor, the  
 34 chief elected official may appoint additional members above the  
 35 limit set by this subsection. The board shall include one  
 36 nonvoting representative from a military installation if a  
 37 military installation is located within the region and the  
 38 appropriate military command or organization authorizes such  
 39 representation. It is the intent of the Legislature that  
 40 membership of a regional workforce board include persons who are  
 41 current or former recipients of welfare transition assistance as  
 42 defined in s. 445.002(2) or workforce services as provided in s.  
 43 445.009(1) or that such persons be included as ex officio  
 44 members of the board or of committees organized by the board.  
 45 The importance of minority and gender representation shall be  
 46 considered when making appointments to the board. The board, its  
 47 committees, subcommittees, and subdivisions, and other units of  
 48 the workforce system, including units that may consist in whole  
 49 or in part of local governmental units, may use any method of  
 50 telecommunications to conduct meetings, including establishing a  
 51 quorum through telecommunications, provided that the public is  
 52 given proper notice of the telecommunications meeting and  
 53 reasonable access to observe and, when appropriate, participate.  
 54 Regional workforce boards are subject to chapters 119 and 286  
 55 and s. 24, Art. I of the State Constitution. If the regional  
 56 workforce board enters into a contract with an organization or

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57 individual represented on the board of directors, the contract  
58 must be approved by a two-thirds vote of the board, a quorum  
59 having been established, and the board member who could benefit  
60 financially from the transaction must abstain from voting on the  
61 contract. A board member must disclose any such conflict in a  
62 manner that is consistent with the procedures outlined in s.  
63 112.3143. Each member of a regional workforce board, who is not  
64 otherwise required to file financial disclosure pursuant to s.  
65 8, Art. II of the State Constitution or s. 112.3144, shall file  
66 disclosure of financial interests pursuant to s. 112.3145. The  
67 executive director or person designated as being responsible for  
68 the operational and administrative functions of the regional  
69 workforce board, who is not otherwise required to file financial  
70 disclosure pursuant to s. 8, Art. II of the State Constitution  
71 or s. 112.3144, shall file disclosure of financial interests  
72 pursuant to s. 112.3145.

73 (2) (a) The regional workforce board shall elect a chair  
74 from among the representatives described in Pub. L. No. 105-220,  
75 Title I, s. 117(b) (2) (A) (i) to serve for a term of no more than  
76 2 years and shall serve no more than two terms. The chair shall  
77 serve subject to the approval of and at the pleasure of the  
78 Governor.

79 (b) The executive director or person designated as being  
80 responsible for the operational and administrative functions of  
81 the regional workforce board shall serve subject to the approval  
82 of and at the pleasure of the Governor.

83 (c) A member of a regional workforce board may be removed  
84 by the Governor for cause. Cause as used in this section shall

85 include but not be limited to engaging in fraud and other  
 86 criminal acts, incapacity, unfitness, neglect of duty, and  
 87 official incompetence and irresponsibility justifying removal in  
 88 the essential public interest.

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

94 (4) In addition to the duties and functions specified by  
 95 Workforce Florida, Inc., and by the interlocal agreement  
 96 approved by the local county or city governing bodies, the  
 97 regional workforce board shall have the following  
 98 responsibilities:

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

102 (b) Conclude agreements necessary to designate the fiscal  
 103 agent and administrative entity. A public or private entity,  
 104 including an entity established pursuant to s. 163.01, which  
 105 makes a majority of the appointments to a regional workforce  
 106 board may serve as the board's administrative entity if approved  
 107 by Workforce Florida, Inc., based upon a showing that a fair and  
 108 competitive process was used to select the administrative  
 109 entity.

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

113 economic development, equal access, compliance and  
 114 accountability, and performance outcomes.

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

116 (5) Workforce Florida, Inc., shall implement a training  
 117 program for the regional workforce boards to familiarize board  
 118 members with the state's workforce development goals and  
 119 strategies.

120 (6) The regional workforce board shall designate all local  
 121 service providers and may not transfer this authority to a third  
 122 party. The regional workforce board may be designated as a one-  
 123 stop operator and direct provider of intake, assessment,  
 124 eligibility determinations, or other direct provider services  
 125 except training services. Such designation may occur only with  
 126 the agreement of the chief elected official and the Governor as  
 127 specified in 29 U.S.C. s. 2832(f)(2). Workforce Florida, Inc.,  
 128 shall establish procedures by which a regional workforce board  
 129 may request permission to operate under this section and the  
 130 criteria under which such permission may be granted. The  
 131 criteria shall include, but need not be limited to, a reduction  
 132 in the cost of providing the permitted services. Such permission  
 133 shall be granted for a period not to exceed 3 years for any  
 134 single request submitted by the regional workforce board.

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

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

141 (9) For purposes of procurement, regional workforce boards  
 142 and their administrative entities are not state agencies and are  
 143 exempt from chapters 120 and 287. The regional workforce boards  
 144 shall apply the procurement and expenditure procedures required  
 145 by federal law for the expenditure of federal funds. Regional  
 146 workforce boards, their administrative entities, committees, and  
 147 subcommittees, and other workforce units may authorize  
 148 expenditures to award suitable framed certificates, pins, or  
 149 other tokens of recognition for performance by units of the  
 150 workforce system. Regional workforce boards; their  
 151 administrative entities, committees, and subcommittees; and  
 152 other workforce units may authorize expenditures for promotional  
 153 items, such as t-shirts, hats, or pens printed with messages  
 154 promoting Florida's workforce system to employers, job seekers,  
 155 and program participants. However, such expenditures are subject  
 156 to federal regulations applicable to the expenditure of federal  
 157 funds. All contracts executed by regional workforce boards must  
 158 include specific performance expectations and deliverables.

159 (12) The local board shall develop a budget for the  
 160 purpose of carrying out the duties of the local board under this  
 161 section, subject to the approval of the chief elected official.  
 162 Each regional workforce board shall submit its annual budget for  
 163 review to Workforce Florida, Inc., two weeks after the approval  
 164 of the chief elected official.

165 (13) Workforce Florida, Inc., shall evaluate the means to  
 166 establish a single, statewide workforce-system brand for  
 167 Florida. The recommendations of this evaluation must be  
 168 submitted to the Governor by November 1, 2012.

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169 Section 2. Subsection (11) of section 445.009, Florida  
170 Statutes, is created to read:

171 445.009 One-stop delivery system.—

172 (11) A participant in an adult or youth work experience  
173 activity administered under this chapter shall be deemed an  
174 employee of the state for purposes of workers' compensation  
175 coverage. In determining the average weekly wage, all  
176 remuneration received from the employer shall be considered a  
177 gratuity, and the participant shall not be entitled to any  
178 benefits otherwise payable under s. 440.15, regardless of  
179 whether the participant may be receiving wages and remuneration  
180 from other employment with another employer and regardless of  
181 his or her future wage-earning capacity.

182 Section 3. This act shall take effect July 1, 2012.