



Transportation & Economic Development Appropriations Subcommittee

Meeting Packet

**March 12, 2015
9:00 a.m. – 11:00 a.m.
Reed Hall**



The Florida House of Representatives

Appropriations Committee

Transportation & Economic Development Appropriations Subcommittee

Steve Crisafulli
Speaker

Clay Ingram
Chair


March 12, 2015

AGENDA
9:00 AM – 11:00 AM
Reed Hall

- I. **Call to Order/Roll Call**
- II. **Consideration of Bills**
 - PCB 15-01 Central Florida Beltway Trust Fund by Transportation & Economic Development Appropriations Subcommittee, Rep. Ingram
 - CS/HB 51 Disabled Parking Permits by Highway & Waterway Safety Subcommittee, Rep. Murphy
 - CS/HB 391 Special Location of Utilities by Local Government Affairs Subcommittee, Rep. Ingram
 - HB 7019 Workforce Services by Economic Development & Tourism Subcommittee, Rep. Drake
- III. **Department of Transportation Work Program Presentation**
 - Lisa Saliba, Office of Work Program and Budget*
- IV. **Closing Remarks/Adjourn**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB TEDAS 15-01 Central Florida Beltway Trust Fund
SPONSOR(S): Transportation & Economic Development Appropriations Subcommittee
TIED BILLS: IDEN./SIM. BILLS:

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|--------|---------|---|
| Orig. Comm.: Transportation & Economic Development Appropriations Subcommittee | | Dobson | Davis  |

SUMMARY ANALYSIS

Legislative review of trust funds is required at least once every four years pursuant to section 215.3208, Florida Statutes. The schedule for review is included in the legislative budget instructions developed pursuant to the requirements of section 216.023, Florida Statutes. A trust fund analysis indicated the Central Florida Beltway Trust Fund within the Department of Transportation (DOT) is no longer needed and could be terminated.

PCB TEDAS 15-01 terminates the Central Florida Beltway Trust Fund within the Department of Transportation. The bill has no fiscal impact.

The bill will take effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Legislative review of trust funds is required at least once every four years pursuant to section 215.3208, Florida Statutes. The schedule for review is included in the legislative budget instructions developed pursuant to the requirements of section 216.023, Florida Statutes. A trust fund analysis indicated the Central Florida Beltway Trust Fund within the Department of Transportation (DOT) is no longer needed and could be terminated.

The Central Florida Beltway Trust Fund, FLAIR number 55-2-074, was originally created as a depository for bonds issued by the Department of Transportation to fund environmental impact mitigation associated with construction of the Central Florida Beltway. Monies from the trust fund financed the purchase of wetlands surrounding the Central Florida Beltway. The beltway consists of the Western Beltway, the Eastern Beltway in Seminole County, the Southern Connector, the Turnpike/Southern Connector Interchange, and the Southern Connector Extension. Construction of the beltway is complete and the payment of all outstanding debt has been made. The trust fund has no funds and no future receipts are anticipated.

Effect of Proposed Changes

This bill terminates the Central Florida Beltway Trust Fund. The current remaining balance and any proceeds thereof will be transferred to the State Transportation Trust Fund within DOT.

B. SECTION DIRECTORY:

Section 1. Terminates the Central Florida Beltway Trust Fund

Section 2. Repeals s. 338.250, F.S. relating to Central Florida Beltway Mitigation

Section 3. Repeals paragraph (a) of subsection (2) of section 2 of chapter 2004-235, Laws of Florida

Section 4. Provides effective date

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill has no fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to trust funds; terminating the
 3 Central Florida Beltway Trust Fund within the
 4 Department of Transportation; providing for the
 5 disposition of balances in and revenues of the trust
 6 fund; prescribing procedures for termination of the
 7 trust fund; repealing s. 338.250, F.S., relating to
 8 Central Florida Beltway Mitigation; repealing
 9 paragraph (2)(a) of s. 2 of chapter 2004-235, Laws Of
 10 Florida, relating to an exemption from termination of
 11 trust funds; amending ss. 259.101 and 259.105, F.S.,
 12 relating to the Florida Preservation 2000 Act and the
 13 Florida Forever Act, respectively; conforming
 14 provisions to changes made by the act; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. (1) The Central Florida Beltway Trust Fund,
 20 FLAIR number 55-2-074, within the Department of Transportation
 21 is terminated.

22 (2) All current balances remaining in, and all revenues
 23 of, the Central Florida Beltway Trust Fund shall be transferred
 24 to the State Transportation Trust Fund.

25 (3) The Department of Transportation shall pay any
 26 outstanding debts and obligations of the terminated trust fund

27 | as soon as practicable, and the Chief Financial Officer shall
 28 | close out and remove the terminated trust fund from the various
 29 | state accounting systems using generally accepted accounting
 30 | principles concerning outstanding warrants, assets, and
 31 | liabilities.

32 | Section 2. Section 338.250, Florida Statutes, is repealed.

33 | Section 3. Paragraph (a) of subsection (2) of section 2 of
 34 | chapter 2004-235, Laws of Florida, is repealed.

35 | Section 4. Subsection (3) of section 259.101, Florida
 36 | Statutes, is amended to read:

37 | 259.101 Florida Preservation 2000 Act.—

38 | (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs
 39 | of issuance, the costs of funding reserve accounts, and other
 40 | costs with respect to the bonds, the proceeds of bonds issued
 41 | pursuant to this act shall be deposited into the Florida
 42 | Preservation 2000 Trust Fund created by s. 375.045. In fiscal
 43 | year 2000-2001, for each Florida Preservation 2000 program
 44 | described in paragraphs (a)-(g), that portion of each program's
 45 | total remaining cash balance which, as of June 30, 2000, is in
 46 | excess of that program's total remaining appropriation balances
 47 | shall be redistributed by the department and deposited into the
 48 | Save Our Everglades Trust Fund for land acquisition. For
 49 | purposes of calculating the total remaining cash balances for
 50 | this redistribution, the Florida Preservation 2000 Series 2000
 51 | bond proceeds, including interest thereon, and the fiscal year
 52 | 1999-2000 General Appropriations Act amounts shall be deducted

53 | from the remaining cash and appropriation balances,
 54 | respectively. The remaining proceeds shall be distributed by the
 55 | Department of Environmental Protection in the following manner:

56 | (a) Fifty percent to the Department of Environmental
 57 | Protection for the purchase of public lands as described in s.
 58 | 259.032. Of this 50 percent, at least one-fifth shall be used
 59 | for the acquisition of coastal lands.

60 | (b) Thirty percent to the Department of Environmental
 61 | Protection for the purchase of water management lands pursuant
 62 | to s. 373.59, to be distributed among the water management
 63 | districts as provided in that section. Funds received by each
 64 | district may also be used for acquisition of lands necessary to
 65 | implement surface water improvement and management plans or for
 66 | acquisition of lands necessary to implement the Everglades
 67 | Construction Project authorized by s. 373.4592.

68 | (c) Ten percent to the Department of Environmental
 69 | Protection to provide land acquisition grants and loans to local
 70 | governments through the Florida Communities Trust pursuant to
 71 | part III of chapter 380. From funds allocated to the trust, \$3
 72 | million annually shall be used by the Division of State Lands
 73 | within the Department of Environmental Protection to implement
 74 | the Green Swamp Land Protection Initiative specifically for the
 75 | purchase of conservation easements, as defined in s.
 76 | 380.0677(3), of lands, or severable interests or rights in
 77 | lands, in the Green Swamp Area of Critical State Concern. From
 78 | funds allocated to the trust, \$3 million annually shall be used

79 | by the Monroe County Comprehensive Plan Land Authority
 80 | specifically for the purchase of a real property interest in
 81 | those lands subject to the Rate of Growth Ordinances adopted by
 82 | local governments in Monroe County or those lands within the
 83 | boundary of an approved Conservation and Recreation Lands
 84 | project located within the Florida Keys or Key West Areas of
 85 | Critical State Concern; however, title to lands acquired within
 86 | the boundary of an approved Conservation and Recreation Lands
 87 | project may, in accordance with an approved joint acquisition
 88 | agreement, vest in the Board of Trustees of the Internal
 89 | Improvement Trust Fund. Of the remaining funds, one-half shall
 90 | be matched by local governments on a dollar-for-dollar basis. To
 91 | the extent allowed by federal requirements for the use of bond
 92 | proceeds, the trust shall expend Preservation 2000 funds to
 93 | carry out the purposes of part III of chapter 380.

94 | (d) Two and nine-tenths percent to the Department of
 95 | Environmental Protection for the purchase of inholdings and
 96 | additions to state parks. For the purposes of this paragraph,
 97 | "state park" means all real property in the state under the
 98 | jurisdiction of the Division of Recreation and Parks of the
 99 | department, or which may come under its jurisdiction.

100 | (e) Two and nine-tenths percent to the Florida Forest
 101 | Service of the Department of Agriculture and Consumer Services
 102 | to fund the acquisition of state forest inholdings and additions
 103 | pursuant to s. 589.07.

104 | (f) Two and nine-tenths percent to the Fish and Wildlife

105 Conservation Commission to fund the acquisition of inholdings
 106 and additions to lands managed by the commission which are
 107 important to the conservation of fish and wildlife.

108 (g) One and three-tenths percent to the Department of
 109 Environmental Protection for the Florida Greenways and Trails
 110 Program, to acquire greenways and trails or greenways and trails
 111 systems pursuant to chapter 260, including, but not limited to,
 112 abandoned railroad rights-of-way and the Florida National Scenic
 113 Trail.

114
 115 Local governments may use federal grants or loans, private
 116 donations, or environmental mitigation funds, ~~including~~
 117 ~~environmental mitigation funds required pursuant to s. 338.250,~~
 118 for any part or all of any local match required for the purposes
 119 described in this subsection. Bond proceeds allocated pursuant
 120 to paragraph (c) may be used to purchase lands on the priority
 121 lists developed pursuant to s. 259.035. Title to lands purchased
 122 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
 123 vested in the Board of Trustees of the Internal Improvement
 124 Trust Fund. Title to lands purchased pursuant to paragraph (c)
 125 may be vested in the Board of Trustees of the Internal
 126 Improvement Trust Fund. The board of trustees shall hold title
 127 to land protection agreements and conservation easements that
 128 were or will be acquired pursuant to s. 380.0677, and the
 129 Southwest Florida Water Management District and the St. Johns
 130 River Water Management District shall monitor such agreements

131 and easements within their respective districts until the state
 132 assumes this responsibility.

133 Section 5. Paragraph (c) of subsection (3) of section
 134 259.105, Florida Statutes, is amended to read:

135 259.105 The Florida Forever Act.—

136 (3) Less the costs of issuing and the costs of funding
 137 reserve accounts and other costs associated with bonds, the
 138 proceeds of cash payments or bonds issued pursuant to this
 139 section shall be deposited into the Florida Forever Trust Fund
 140 created by s. 259.1051. The proceeds shall be distributed by the
 141 Department of Environmental Protection in the following manner:


142 (c) Twenty-one percent to the Department of Environmental
 143 Protection for use by the Florida Communities Trust for the
 144 purposes of part III of chapter 380, as described and limited by
 145 this subsection, and grants to local governments or nonprofit
 146 environmental organizations that are tax-exempt under s.
 147 501(c)(3) of the United States Internal Revenue Code for the
 148 acquisition of community-based projects, urban open spaces,
 149 parks, and greenways to implement local government comprehensive
 150 plans. From funds available to the trust and used for land
 151 acquisition, 75 percent shall be matched by local governments on
 152 a dollar-for-dollar basis. The Legislature intends that the
 153 Florida Communities Trust emphasize funding projects in low-
 154 income or otherwise disadvantaged communities and projects that
 155 provide areas for direct water access and water-dependent
 156 facilities that are open to the public and offer public access

157 | by vessels to waters of the state, including boat ramps and
 158 | associated parking and other support facilities. At least 30
 159 | percent of the total allocation provided to the trust shall be
 160 | used in Standard Metropolitan Statistical Areas, but one-half of
 161 | that amount shall be used in localities in which the project
 162 | site is located in built-up commercial, industrial, or mixed-use
 163 | areas and functions to intersperse open spaces within congested
 164 | urban core areas. From funds allocated to the trust, no less
 165 | than 5 percent shall be used to acquire lands for recreational
 166 | trail systems, provided that in the event these funds are not
 167 | needed for such projects, they will be available for other trust
 168 | projects. Local governments may use federal grants or loans,
 169 | private donations, or environmental mitigation funds, ~~including~~
 170 | ~~environmental mitigation funds required pursuant to s. 338.250,~~
 171 | for any part or all of any local match required for acquisitions
 172 | funded through the Florida Communities Trust. Any lands
 173 | purchased by nonprofit organizations using funds allocated under
 174 | this paragraph must provide for such lands to remain permanently
 175 | in public use through a reversion of title to local or state
 176 | government, conservation easement, or other appropriate
 177 | mechanism. Projects funded with funds allocated to the trust
 178 | shall be selected in a competitive process measured against
 179 | criteria adopted in rule by the trust.

180 | Section 6. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 51 Disabled Parking Permits
SPONSOR(S): Highway & Waterway Safety Subcommittee and Murphy
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 132

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|---------------------|-----------|---|
| 1) Highway & Waterway Safety Subcommittee | 11 Y, 0 N, As CS | Whittaker | Smith |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Davis |  Davis |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

The bill authorizes that a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew or replace his or her disabled parking permit.

The bill has an insignificant, negative impact on state trust funds associated with department programming costs.

The bill will take effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Disabled Parking Permits

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles or its authorized agents, upon application and payment, to issue a disabled parking permit, valid for up to four years in which the period ends on the applicant's birthday, to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed six months, if a temporary mobility impairment exists. No person is required to pay a fee for a parking permit for disabled persons more than once in a 12-month period.

A person applying for a disabled parking permit must be currently certified as being legally blind or as having any of the following disabilities that render him or her unable to walk 200 feet without stopping to rest:

- The inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person.
- The need to permanently use a wheelchair.
- Restriction by lung disease as measured within specified limits.
- The use of portable oxygen.
- Restriction by cardiac condition when classified in severity as Class III or Class IV.
- The severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification of disability must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statute. Provisions are also provided for certification by similarly-licensed physicians from other states. The certification must include:

- The disability of the applicant.
- The certifying practitioner's name, address, and certification number.
- The eligibility criteria for the permit.
- The penalty for falsification by either the certifying practitioner or the applicant.
- The duration of the condition that entitles the person to the permit.
- The statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility."
- The signatures of the certifying physician, the applicant, and the authorized department employee who is processing the application.

To renew a long-term disabled parking permit, the permit holder is required to recertify his or her eligibility by providing a certificate of disability issued within the last 12 months. Recertification of a disability is also required when obtaining a replacement for a disabled parking permit that has been lost or stolen. Long-term disabled parking permits do not require a renewal fee and the fee for obtaining a replacement permit is \$1.

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and is usually hung from the rear-view mirror. Each side of the placard has the international symbol of accessibility in a contrasting color in the center so as to be visible on each side of the parking placard. On one side of the placard is the applicant's driver license number or state identification card number and a warning that the applicant must have such identification at all times while using the placard, and

on the other side is the month and year of expiration. Validation stickers must be of the size specified by the department and be affixed to the disabled parking permits. The disabled parking permits use the same color (lemon yellow) decal as license plate validations.

The department may not issue an additional disabled parking permit unless the applicant states that he or she is a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization under certain conditions.

Permanent Total Disability Rating

The ability to overcome the handicap of disability varies widely among individuals. The rating, however, is based primarily upon the average impairment in earning capacity, that is, upon the economic or industrial handicap which must be overcome and not from individual success in overcoming it.

However, full consideration must be given to unusual physical or mental effects in individual cases, to peculiar effects of occupational activities, to defects in physical or mental endowment preventing the usual amount of success in overcoming the handicap of disability and to the effect of combinations of disability. Total disability will be considered to exist when there is present any impairment of mind or body which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, provided that permanent total disability shall be taken to exist when the impairment is reasonably certain to continue throughout the life of the disabled person. The following will be considered to be permanent total disability:

- the permanent loss of the use of both hands;
- the permanent loss of the use of both feet;
- the permanent loss of the use of one hand and one foot;
- the permanent loss of the sight of both eyes; or
- becoming permanently helpless or permanently bedridden.¹

Service Connected Disability

The United States Department of Veterans Affairs defines a "service connected disability" as veterans who are disabled by an injury or illness that was incurred or aggravated during active military service.²

Veterans and Servicemembers must be determined eligible to receive compensation for permanent and total service-connected disability due to one of the following:

- The loss, or loss of use of both lower extremities, which so affects the functions of balance or propulsion to preclude ambulating without the aid of braces, crutches, canes or a wheelchair.
- The loss, or loss of use of both upper extremities at or above the elbow.
- Blindness in both eyes, having only light perception, plus loss or loss of use of one lower extremity.
- The loss, or loss of use of one lower extremity together with either residuals of organic disease or injury, or the loss, or loss of use of one upper extremity which so affects the functions of balance or propulsion as to preclude locomotion without the use of braces, canes, crutches or a wheelchair.
- Severe burn injuries, which are defined as full thickness or subdermal burns that have resulted in contractures with limitation of motion of two or more extremities or of at least one extremity and the trunk.

¹ http://www.ecfr.gov/cgi-bin/text-idx?SID=4a2fb98e3f523491f7ef4f734c8ece1c&node=se38.1.4_115&rgn=div8 (last viewed 12/31/14)

² www.va.gov/vetdata/Glossary.asp (last viewed 12/31/14)

- The loss, or loss of use of one or more lower extremities due to service on or after Sept. 11, 2001, which so affects the functions of balance or propulsion as to preclude ambulating without the aid of braces, crutches, canes, or a wheelchair.³

United States Department of Veterans Affairs Form Letter 27-333

The VAFL 27-333 letter is issued by the United States Department of Veterans Affairs certifying that a veteran is "totally and permanently" disabled due to a service-connected disability and is a form acceptable by a property appraiser in determining the eligibility of a veteran for the exemption afforded by s. 196.081(1), Florida Statutes.⁴

Proposed Changes:

The bill amends s. 320.0848(1)(d), F.S., authorizing a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew his or her disabled parking permit.

This bill amends s. 320.0848(2)(d) and (e), F.S., authorizing a veteran who has been previously evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability in order to replace his or her disabled parking permit.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.0848, F.S., authorizing veterans to provide the Department of Highway Safety and Motor Vehicles with alternative documentation for renewal or replacement of a disabled parking permit.

Section 2 Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has an insignificant, negative impact on state trust funds associated with department programming costs. The department indicates these costs, approximately \$4,000, would be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

³ http://www.va.gov/opa/publications/benefits_book/benefits_chap02.asp (last viewed 12/31/14)

⁴ <http://www.myfloridalegal.com/ago.nsf/Opinions/9C9FEA065D3722EB852579EB007504A4> (last viewed 2/4/15)

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2015, The Highway & Waterway Safety Subcommittee adopted one amendment to HB 51 and reported the bill favorably as a committee substitute. The amendment provided:

- Authorizing a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew or replace his or her disabled parking permit.

This analysis is drafted to the committee substitute as reported by the Highway & Waterway Safety Subcommittee.

1 A bill to be entitled
 2 An act relating to disabled parking permits; amending
 3 s. 320.0848, F.S.; authorizing veterans to provide the
 4 Department of Highway Safety and Motor Vehicles with
 5 alternative documentation for renewal or replacement
 6 of a disabled parking permit; providing an effective
 7 date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraph (d) of subsection (1) and paragraphs
 12 (d), (e), and (f) of subsection (2) of section 320.0848, Florida
 13 Statutes, are amended to read:

14 320.0848 Persons who have disabilities; issuance of
 15 disabled parking permits; temporary permits; permits for certain
 16 providers of transportation services to persons who have
 17 disabilities.—

18 (1)

19 (d) ~~Beginning October 1, 2012,~~ The department shall renew
 20 the disabled parking permit of any person certified as
 21 permanently disabled on the application if the person provides a
 22 certificate of disability issued within the last 12 months
 23 pursuant to this subsection. A veteran who is evaluated and
 24 certified by the United States Department of Veterans Affairs or
 25 any branch of the United States Armed Forces as permanently and
 26 totally disabled due to a service-connected disability may

27 provide a United States Department of Veterans Affairs Form
 28 Letter 27-333, or its equivalent, issued within the previous 12
 29 months in lieu of a certificate of disability.

30 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
 31 MOBILITY PROBLEMS.—

32 ~~(d) If an applicant who is a disabled veteran, is a~~
 33 ~~resident of this state, has been honorably discharged, and~~
 34 ~~either has been determined by the Department of Defense or the~~
 35 ~~United States Department of Veterans Affairs or its predecessor~~
 36 ~~to have a service-connected disability rating for compensation~~
 37 ~~of 50 percent or greater or has been determined to have a~~
 38 ~~service-connected disability rating of 50 percent or greater and~~
 39 ~~is in receipt of both disability retirement pay from the United~~
 40 ~~States Department of Veterans Affairs, he or she must still~~
 41 ~~provide a signed physician's statement of qualification for the~~
 42 ~~disabled parking permits.~~

43 (d)(e) To obtain a replacement for a disabled parking
 44 permit that has been lost or stolen, a person must submit an
 45 application on a form prescribed by the department, provide a
 46 certificate of disability issued within the last 12 months
 47 pursuant to subsection (1), and pay a replacement fee in the
 48 amount of \$1, to be retained by the issuing agency. If the
 49 person submits with the application a police report documenting
 50 that the permit was stolen, there is no replacement fee. A
 51 veteran who is evaluated and certified by the United States
 52 Department of Veterans Affairs or any branch of the United

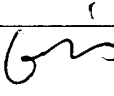
53 States Armed Forces as permanently and totally disabled due to a
54 service-connected disability may provide a United States
55 Department of Veterans Affairs Form Letter 27-333, or its
56 equivalent, issued within the previous 12 months in lieu of a
57 certificate of disability.

58 ~~(e)-(f)~~ A person who qualifies for a disabled parking
59 permit under this section may be issued an international
60 wheelchair user symbol license plate under s. 320.0843 in lieu
61 of the disabled parking permit; or, if the person qualifies for
62 a "DV" license plate under s. 320.084, such a license plate may
63 be issued to him or her in lieu of a disabled parking permit.

64 Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 391 Location of Utilities
SPONSOR(S): Local Government Affairs Subcommittee; Ingram
TIED BILLS: IDEN./SIM. BILLS: SB 896

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|---------------------|----------|---|
| 1) Local Government Affairs Subcommittee | 11 Y, 1 N, As CS | Zaborske | Miller |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Davis |  Davis |
| 3) Regulatory Affairs Committee | | | |

SUMMARY ANALYSIS

Historically, absent an agreement providing otherwise, utility companies generally have been required to pay, as part of the use, maintenance, improvement, extension or expansion of a public road, highway, or publicly owned rail corridor, to relocate a utility line or facility. In 2014, the Florida Second District Court of Appeal held that a utility is required to pay to move its utility lines from one public utility easement to another public utility easement as part of a city's road construction project. CS/HB 391 revises several provisions related to utilities by making certain statutory provisions applicable only to utility lines and facilities located within the right-of-way limits of a road, rather than those lines facilities located upon, under, over, or along any public road or highway, or publicly owned rail corridor. Specifically, the bill:

- Narrows the authority of a county to grant licenses relating to utility transmission lines by referring only to those lines located *within the right-of-way limits* of any county road or highway, rather than *upon, under, over, or along* the county road or highway.
- Narrows the authority of FDOT and local governmental entities to prescribe and enforce reasonable rules or regulations in relation to utility lines or structures by limiting the statute to placement or maintenance of lines and structures *within the right-of-way limits* of any public road or publicly owned rail corridor, rather than those located *upon, under, over, or along* the county road or highway.
- Prohibits a municipality, county, or authority from requiring utilities to resubmit information already in the possession of or previously provided to the municipality or county.
- Alters the requirement for a utility to pay, subject to certain exceptions, to remove or relocate utility lines or facilities that unreasonably interfere with the safe continuous use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor, by:
 - Restricting that requirement only to utilities located *within the right-of-way limits* of the road or rail corridor, rather than *upon, under, over, or along* the road or rail corridor.
 - Requiring that if a governmental authority requires relocation for any purpose other than unreasonable interference, or as a condition or result of a project by a different entity, then the utility is not required to bear the relocation costs.
 - Adding a new exception to the requirement that utility owners pay for removal or relocation of the utilities.

The bill has an indeterminate negative fiscal impact on state or local government expenditures (see Fiscal Analysis Section).

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply. **If the bill does qualify as a mandate, the law must fulfill an important state interest and final passage must be approved by two-thirds of the membership of each house of the Legislature.**

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public roads, highways, and rail corridors, as well as water, sewer, gas, power, telephone, television, and other utilities, play an essential role in our daily lives. Originally, the streets throughout our county were "laid out for the horse and buggy age" and, with time, they became "too narrow for the present traffic conditions."¹ Over time, streets were expanded to accommodate traffic and, even today, streets require expansion to accommodate evolving traffic needs. Rather than acquiring separate easements from private landowners, government authorities historically have allowed utilities to lay their lines and facilities within public rights-of-way and utility easements. Under current law regarding the platting of real property,² every plat offered for recording must include a dedication by all owners of record of the land to be subdivided.³ Once a plat is recorded in compliance with the statute, all streets, rights of way, alleys, easements, and public areas shown on the plat are deemed dedicated for public use, for the uses and purposes thereon stated, unless otherwise stated.⁴

Historically, utilities have been required to pay to relocate lines or facilities located within property held for the public's benefit when relocation is required for a public project. For example, in 1905 the U.S. Supreme Court held that a gas utility company, which had an agreement providing it would make reasonable changes when directed by the City of New Orleans, was not entitled to be compensated for relocating certain lines located within streets and alleys in order for the city to develop a drainage system.⁵ Similarly, in 1906 the Florida Supreme Court explained that it is a "rule well settled in the law [that with any] grant to individuals and corporations [of] the privilege of occupying the streets and public ways for lawful purposes, such as railroad tracks, poles, wires, and gas and water pipes, such rights are at all times held in subordination to the superior rights of the public, and all necessary and desirable police ordinances, that are reasonable, may be enacted and enforced to protect the public health, safety, and convenience, notwithstanding the same may interfere with legal franchise rights."⁶ Accordingly, in 1935, the U.S. Supreme Court held that a utility, which had purchased a right-of-way for pipes and auxiliary telephone lines, had purchased a private right-of-way, or private easement, which the court held was land subject to compensation by the authority seeking to build a highway across it.⁷ In 1983, the U.S. Supreme Court reaffirmed the common-law principle that a utility forced to relocate

¹ *Ridgefield Land Co. v. City of Detroit*, 217 N.W. 58, 59 (Mich. 1928).

² Current law provides that every plat submitted to the approving agency of a local governing body must be accompanied by a boundary survey of the platted lands, as well as a title opinion of an attorney-at-law licensed in Florida or a certification by an abstractor or a title company, as specified by statute. S. 177.041, F.S. Prior to approval by the appropriate governing body, the plat must be reviewed for conformity to the governing statutes by a professional surveyor and mapper either employed by or under contract to the local governing body, the costs of which must be borne by the legal entity offering the plat for recordation, and evidence of such review must be placed on such plat. S. 177.031(16), F.S.

³ S. 177.081(3), F.S. As used in ch. 177, F.S., "[e]asement' means any strip of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude," s. 177.031(7)(a), F.S., and "[r]ight-of-way' means land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies," S. 177.031(16), F.S.

⁴ *Id.*

⁵ *New Orleans Gaslight Co. v. Drainage Comm'n of New Orleans*, 197 U.S. 453, 454 (1905).

⁶ *Anderson v. Fuller*, 41 So. 684, 688 (1906).

⁷ *Panhandle Eastern Pipe Line Co. v. State Highway Comm'n of Kansas*, 294 U.S. 613 (1935). See *City of Grand Prairie v. Am. Tel & Tel. Co.*, 405 F.2d 1144, 1146 (5th Cir. 1969) (holding the common law rule that a utility pay for relocation did not apply where the utility facilities were located within a private easement acquired long prior to planning and laying out and construction of a street). See *Bonner v. Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc) (the Eleventh Circuit Court of Appeals has adopted all of the decisions of the former Fifth Circuit decided prior to October 1, 1981).

from a public right-of-way must do so at its own expense.⁸ Accordingly, under common law, absent an agreement providing otherwise or a private easement pursuant to which the utility locates and runs its lines or facilities, a utility will bear the costs of moving or relocating its utility lines or facilities.

In 2014, the Florida Second District Court of Appeal ruled that the requirement for utilities to pay for relocation within a right-of-way is well established in the common law⁹ and, absent another arrangement by agreement between a governmental entity and the utility, or a statute dictating otherwise, this common law principle governs.¹⁰ This case involved a platted public utility easement, six feet or less on each side of the boundary for each home site in the subdivision, in which the electric utility had installed lines and other equipment.¹¹ The municipality and the utility had a franchise agreement granting the utility the right to operate its electric utility in the public easement, but the agreement did not address who would be responsible for the cost of moving the utility's equipment if the municipality required the utility to do so. The Second District Court held that the utility would bear the burden of the cost of moving a utility line located within a public utility easement to another public utility easement as part of the municipality's expansion of an existing road.¹²

Specific Grant of Authority to Counties to Issue Licenses to Utilities

Section 125.42, F.S., gives counties the specific authority to grant a license to any person or private corporation to construct, maintain, repair, operate, and remove, within the unincorporated areas of a county, water, sewage, gas, power, telephone, other utility, and television transmission lines located under, on, over, across and along any county roads or highways.¹³ The "under, on, over, across and along" county roads or highway language has been in the statute since 1947.¹⁴

Specific Grant of Authority to Regulate the Placement & Maintenance of Utility Lines

Chapter 337, F.S., relates to public contracts and the acquisition, disposal, and use of property.¹⁵ In relation to the placement and maintenance of utility lines along, across, or on any public road or rail corridor, current law authorizes the Florida Department of Transportation (DOT) and local governmental entities¹⁶ to prescribe and enforce reasonable rules or regulations with reference to the placement and

⁸ *Norfolk Redevelopment & Hous. Auth. v. Chesapeake & Potomac Tele. Co. of Va.*, 464 U.S. 30, 35 (1983).

⁹ *Lee County Electric Coop., Inc. v. City of Cape Coral*, No. 2D10-3781, 2014 WL 2218972, at *4 (Fla. 2d DCA May 23, 2014), cert. denied, 151 So. 3d 1226 (Fla. 2014), quoting *Norfolk Redevelopment & Hous. Auth. v. Chesapeake & Potomac Tel. Co. of Va.*, 464 U.S. 30, 35 (1983).

¹⁰ *Lee County Electric Coop., Inc. v. City of Cape Coral*, No. 2D10-3781, 2014 WL 2218972, at *4 (Fla. 2d DCA May 23, 2014),

¹¹ "A right-of-way is not the same thing as an easement. The term 'right-of-way' has been construed to mean ... a right of passage over the land of another.... It does not necessarily mean a legal and enforceable incorporeal [or intangible] right such as an easement." *City of Miami Beach v. Carner*, 579 So. 2d 248, 253 (Fla. 3d DCA 1991) (citation & internal quotation marks omitted). An easement gives someone else a reserved right to use property in a specified manner. See *Seminole Civic Ass'n v. Adkins*, 604 So. 2d 523, 527 (Fla. 5th DCA 1992) ("[E]asements are mere rights to make certain limited use of lands and at common law, they did not have, and in the absence of contractual provisions, do not have, obligations corollary to the easement rights."). An easement "does not involve title to or an estate in the land itself." *Estate of Johnston v. TPE Hotels, Inc.*, 719 So. 2d 22, 26 (Fla. 5th DCA 1998) (citations omitted).

¹² *Id.* In reaching this conclusion, the Second District distinguished *Panhandle E. Pipe Line Co.*, noting that case concerned "a private easement the utility purchased from a property owner, rather than pursuant to a franchise agreement that allows the utility to use public property." *Lee County Electric Coop., Inc.*, 2014 WL 2218972, at *3. The Second District in its opinion also distinguished an earlier Second District case, *Pinellas County v. General Tel. Co. of Fla.*, 229 So. 2d 9 (Fla. 2d DCA 1969). In *Pinellas County*, without citing or discussing relevant cases or statutes, the court determined that the utility, which had a franchise agreement with the City, had a property right in the agreement, and held that the County had to pay the utility's costs in moving its telephone lines located within a right-of-way of an alley dedicated to the City and which was within property the County was purchasing as part of a County building construction.

¹³ S. 125.42, F.S.

¹⁴ Ch. 23850, ss. 1-3, Laws of Fla., now codified at s. 125.42, F.S.

¹⁵ Ss. 337.015 - 337.409, F.S.

¹⁶ These are referred in ss. 337.401-337.404, F.S., as an "authority." S. 337.401(1)(a), F.S.

maintenance of the utility lines.¹⁷ "Utility" in this context means any electric transmission, telephone, telegraph, or other communication services lines; pole lines; poles; railways; ditches; sewers; water, heat or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures the statute refers to as a "utility."¹⁸ Florida local governments have enacted ordinances regulating utilities located within city rights-of-way or easements.¹⁹

Statutory Requirement that Utility Pay to Move or Remove Utilities & Exceptions to the General Rule

In accordance with the historical requirement that a utility pay to move its lines or facilities, since 1957 Florida law expressly has provided that in the event of widening, repair or reconstruction of a county's public road or highway, the licensee must move or remove the lines at no cost to the county.²⁰ In 2009 that requirement was made subject to a provision in s. 337.403(1), F.S., relating to agreements entered into after July 1, 2009.²¹ In 2014, it was made subject to an additional requirement that the authority²² find the utility is "unreasonably interfering" with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor.²³

Additionally, beginning in 1957 Florida statutorily required utilities to bear the costs of relocating a utility placed upon, under, over, or along any public road the authority finds unreasonably interferes in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension or expansion of a road.²⁴ In 1994, that law was amended to include utilities placed upon, under, over, or along any publicly owned rail corridor.²⁵ Current law requires utility owners, upon 30 days notice, to eliminate the unreasonable interference within a reasonable time or an agreed time, at their own expense.²⁶ However, since 1987 numerous exceptions to the general rule that the utility bear the costs under these circumstances have been statutorily carved out.²⁷

- In 1987, exceptions were made providing:
 - When the project is on the federal aid interstate system and federal funding is identified for at least 90 percent of the cost, DOT pays for the removal or relocation with federal funds.²⁸
 - When utility work is performed as part of a transportation facility construction contract, DOT may participate in those costs in an amount limited to the difference between the official estimate of all the work in the agreement plus 10 percent of the amount awarded for the utility work in the construction contract.²⁹

- In 1999, an exception was made providing:
 - When utility work is performed in advance of a construction contract, DOT may participate in the cost of clearing and grubbing necessary for relocation.³⁰

- In 2009, exceptions were made providing:

¹⁷ S. 337.401, F.S.,

¹⁸ S. 337.401(1)(a), F.S.

¹⁹ See City of Cape Coral Code of Ordinances, Ch. 25; City of Jacksonville Code of Ordinances, Title XXI, Ch. 711; City of Orlando Code of Ordinances, Ch. 23.

²⁰ Ch. 57-777, s. 1, Laws of Fla., now codified at s. 125.42(5), F.S.

²¹ Ch. 2009-85, s. 2, Laws of Fla., now codified at s. 125.42(5), F.S.

²² "[A]uthority" means DOT and local governmental entities. S. 337.401(1), F.S.

²³ Ch. 2014-169, s. 1, Laws of Fla., now codified at s. 125.42, F.S.

²⁴ Ch. 57-1978, s. 1, Laws of Fla., now codified at s. 337.403, F.S.

²⁵ Ch. 1994-247, s. 28, Laws of Fla., now codified at s. 337.403, F.S.]

²⁶ S. 337.403, F.S.

²⁷ S. 337.403(1)(a)-(i), F.S.

²⁸ Ch. 1987-100, s. 12, Laws of Fla., now codified at s. 337.403(1)(a), F.S.

²⁹ Ch. 1987-100, s. 12, Laws of Fla., now codified at s. 337.403(1)(b), F.S.

³⁰ Ch. 1999-385, s. 25, Laws of Fla., now codified at s. 337.403(1)(c), F.S.

- If the utility being removed or relocated was initially installed to serve an authority or its tenants, or both, the authority bears the cost of the utility work but is not responsible for the cost of removal or relocation of any subsequent additions to the facility for the purpose of serving others.³¹
 - If, in an agreement between the utility and an authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority without the agreement expressly addressing future responsibility for cost of removal or relocation the authority bears the cost of the utility work, but nothing impairs or restricts, or may be used to interpret, the terms of any agreement entered into prior to July 1, 2009.³²
 - If the utility is an electric facility being relocated underground to enhance vehicular, bicycle, and pedestrian safety, and if ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past five years, DOT bears the cost of the necessary utility work.³³
- In 2012, an exception was made providing:
 - An authority may bear the cost of utility work when the utility is not able to establish a compensable property right in the property where the utility is located:
 - If the utility was physically located on the particular property before the authority acquired rights in the property,
 - The information available to the authority does not establish the relative priorities of the authority's and the utility's interest in the property, and
 - The utility demonstrates that it has a compensable property right in all adjacent properties along the alignment of the utility³⁴ or, pursuant to a 2014 amendment, after due diligence, the utility certifies that it does not have evidence to prove or disprove it has a compensable property right in the particular property where the utility is located.³⁵
 - Additionally, in 2014, exceptions were made providing:
 - Municipally-owned or county-owned utility located in a rural area of critical economic concern (RACEC)³⁶ and DOT determines that the utility is unable, and will not be able within the next 10 years to pay for the cost of utility work necessitated by a DOT project on the State Highway System, DOT may pay, in whole or in part, the cost of such utility work performed by DOT or its contractor.
 - If the relocation of utility facilities is needed for the construction of a commuter rail service project or an intercity passenger rail service project, and the cost of the project is reimbursable by the Federal Government, then the utility that owns or operates the facilities located by permit on a DOT owned rail corridor shall perform all necessary utility relocation work after notice from DOT, and DOT must pay the expense for the utility relocation work in the same proportion as Federal funds are expended on the rail project after deducting any increase in the value of a new facility and any salvage value derived from an old facility.³⁷

³¹ Ch. 2009-85, s. 10, Laws of Fla., now codified at s. 337.403(1)(d), F.S.

³² Ch. 2009-85, s. 10, Laws of Fla., now codified at s. 337.403(1)(e), F.S.

³³ Ch. 2009-85, s.10, Laws of Fla., now codified at s. 337.403(1)(f), F.S.

³⁴ Ch. 2012-174, s. 35, Laws of Fla., now codified at s. 337.403(1)(g), F.S.

³⁵ Ch. 2014-169, s. 5, Laws of Fla., now codified at s. 337.403(1)(g)2., F.S.

³⁶ Section 288.0656(2)(d) defines "rural area of critical economic concern" as "a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact."

³⁷ Ch. 2014-169, s. 5, Laws of Fla., now codified at s. 337.403(1)(i), F.S. The exception expressly provides that in no event is the state required to use state dollars for such utility relocation work and that it does not apply to any phase of the Central Florida Rail Corridor project known as SunRail. S. 337.403(1)(i), F.S.

Effect of Proposed Changes

The bill changes references to utility lines “upon, under, over, or along” in ss. 125.42, 337.401, 337.403, F.S., to utility lines “within the right-of-way limits.” In *Lee County Electric Cooperative, Inc. v. City of Cape Coral*, the court interpreted the “along” language in s. 337.403, F.S., in determining who would bear the burden of the cost of moving the utility line.³⁸ The interpretation of “along,” as that term as used in s. 337.403, F.S., informs its similar use in ss. 125.42 and 337.401, F.S.³⁹ The Second District determined that s. 337.403, F.S., codified common law and, applying the statute, the utility was responsible for bearing the costs of relocation.⁴⁰ The court did not find any “cases interpreting the ‘along’ the road portion of the statute,” but determined the statutory language was clear, holding that “[t]he utility lines at issue . . . were located ‘along’ the road and they were ‘interfering’ with the City’s ‘expansion’ of the road.”⁴¹ By changing the references in ss. 125.42, 337.401, 337.403, F.S., from “upon, under, over, or along” to utility lines “within the right-of-way limits” of a public road, etc., the bill effectively eliminates a county’s authority to issue utility transmission line licenses for lines within a utility easement running along the road but not within the right of way; eliminates the authority of the DOT, the county, and the municipality to prescribe and enforce placement or maintenance rules and regulations in relation to a utility easement running along any public road or publicly owned rail corridor; and eliminates the requirement that a utility pay to remove or relocate utilities within a utility easement running along the road or rail corridor that unreasonably interfere with the safe continuous use, maintenance, improvement, extension or expansion of a public road or publicly owned rail corridor.

In Section 1, the bill provides that the authority of a county to grant a license to construct, maintain, repair, operate, or remove, within the unincorporated areas of the county, lines for the transmission of water, sewage, gas, power, telephone, other utility, television lines, and other communications services⁴² is limited to those lines located *within the right-of-way limits* of any county roads or highways.⁴³ Accordingly, this change narrows a county’s historical right to grant licenses to construct such lines within a public easement, running along a road or highway but not within the actual right of way. The bill also makes a conforming change, substituting a reference to “s. 337.403(1)(d)-(i), F.S.” with “s. 337.403(1)(d)-(j), F.S.” to correspond with a new exception set forth in Section 3 of the bill.

In Section 2, the bill narrows the authority of FDOT and local governmental entities to prescribe and enforce reasonable rules or regulations in relation to the placing and maintaining of electric transmission, telephone, telegraph, or other communication services lines; pole lines; poles; railways; ditches; sewers; water, heat or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to as a utility, to the placement or maintenance of such utilities only *within the right-of-way limits* of any public road or publicly owned rail corridors.⁴⁴ By changing the language to “right-of-way,” the bill strips FDOT and local governments of their authority to prescribe and enforce reasonable rules and regulations regarding the placement and maintenance of the foregoing utilities within a public easement. The bill also changes the expression “other structures referred to as a utility” to mean those structures referred to in ss. 337.401-337.404, F.S.⁴⁵

³⁸ *Lee County Electric Coop., Inc. v. City of Cape Coral*, No. 2D10-3781, 2014 WL 2218972 (Fla. 2d DCA May 23, 2014), *cert. denied*, 151 So. 3d 1226 (Fla. 2014).

³⁹ “When a court interprets a statute, it is axiomatic that all parts of a statute must be read together in order to achieve a consistent whole [and], whenever possible, . . . give full effect to all statutory provisions and construe related statutory provisions in harmony with one another.” *Almerico v. RLI Ins.*, 716 So. 2d 774, 779, n.7 (Fla. 1998) (citations & internal quotation marks omitted).

⁴⁰ *Id.* at Part II of the opinion.

⁴¹ *Id.*

⁴² The bill adds “other communications services” to the list of utilities in current law.

⁴³ S. 125.42(1), F.S.

⁴⁴ Current law references placement and maintenance “along, across, or on” any road or publicly owned rail corridors, rather than the “right-of-way of” any road or publicly owned rail corridors. S. 337.401(1)(a).

⁴⁵ Current law includes only those other structures referred to in s. 337.401, F.S., as a “utility,” which includes “any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps.” S. 337.401(1)(a), F.S.

In addition, the bill provides that a municipality, county, or authority in exercising its general authority over a utility may not require a utility to resubmit information already in the possession of the municipality, county, or authority. The bill separately provides that a municipality or county in exercising its authority to regulate providers of communication services⁴⁶ may not require a provider to resubmit information the municipality or county already has in its possession or was previously provided.⁴⁷ The bill does not require any written response to such a request from a communication services provider referencing the previously-provided information.

In Section 3, the bill provides that when, after the requisite notice, a utility owner is required to remove or relocate utilities at its own expense, subject to the numerous exceptions set forth in the statute, because the utility unreasonably interferes with the safe continuous use, maintenance, improvement, extension or expansion of the road or rail corridor,⁴⁸ the utility must be located *within the right-of-way limits* of any public road or publicly owned rail corridor.⁴⁹ This change contravenes the Second District Court's holding in *Lee County Electric Cooperative, Inc. v. City of Cape Coral*⁵⁰ and apparently shifts the historic requirement that utilities pay for relocation because the utility's right to locate lines or facilities is subordinate to the superior authority of the public.

The bill provides that when a governmental authority requires the relocation of a utility for purposes other than unreasonable interference with the safe continuous use, maintenance, improvement, extension, or expansion of a road or rail corridor, or requires the relocation of a utility as a condition or result of a project by an entity other than the authority, the utility does not bear the costs of relocation. Rather, under those circumstances, either the authority or the entity other than the authority bears the costs of relocation.

The bill also adds a new exception to the requirement that utility owners remove or relocate utilities at their own expense when the utility interferes with the safe continuous use, maintenance, improvement, extension, or expansion of the road or rail corridor. The new exception requires the authority to bear the cost of the utility work required to eliminate the interference if the utility is located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the authority by dedication, transfer of fee, or otherwise.⁵¹

B. SECTION DIRECTORY:

- Section 1: Amends s. 125.42, F.S., relating to water, sewage, gas, power, telephone, other utility and television line licenses. Limits a county's authority to granting licenses for lines only within the right-of-way limits of a county highway or public road as opposed to "under, on, over, across and along" such highways or roads.
- Section 2: Amends s. 337.401, F.S., relating to rules or regulations concerning specified structures within public roads or rail corridors. Limits the ability of defined government authorities to granting licenses only within the right-of-way limits of a county highway or public road as opposed to "under, on, over, across and along" such highways or roads. Also prohibits municipalities, counties, or other authorities exercising authority over a utility from requiring the utility to resubmit information previously provided to the requesting entity.

⁴⁶ S. 337.401, F.S.

⁴⁷ The term "information" is not defined. Consequently, this provision could be difficult to implement because the term "information" includes knowledge, not just documents, and includes information contained in documents in the local government's possession but not necessarily compiled in a way that makes the information usable for the purpose of

⁴⁸ S. 337.403, F.S.

⁴⁹ Current law refers to a utility "placed upon, under, over, or along any public road or publicly owned rail corridor." S. 337.403(1), F.S.

⁵⁰ *Lee County Electric Coop., Inc.*, 2014 WL 2218972, at *4.

⁵¹ The bill states that the new exception does not impair or restrict, and may not be used to interpret, the terms of any lawful agreement between the authority and a utility owner entered into before the effective date of the act.

Separately prohibits municipalities or counties from requiring providers of communication services to resubmit information already in the possession of or previously provided to the requesting entity.

Section 3: Amends s. 337.403, F.S., relating to alleviating interference a utility causes to a public road or publicly owned rail corridor. Limits the responsibility of utility providers to pay for relocating their lines and facilities under certain circumstances and requires defined governmental authorities to pay for such relocation.

Section 4: The act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate. In a bill analysis provided to the House of Representatives on February 27, 2015, the Florida Department of Transportation (DOT) states HB 391 would have an indeterminate negative fiscal impact on State expenditures relating to the cost of utility relocation on state roads. To the extent funds are used for such relocations, projects could be adjusted within the confines of the Work Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Indeterminate. The bill appears to be a shift from the common law, under which historically utilities paid to relocate or move the utility, absent an agreement otherwise or the utility being located within a private easement, as part of the use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor or a highway. LGAS staff requested data from representatives of local governments regarding the cost shift that the bill would produce. The City of Cape Coral submitted data showing the cost of moving two utilities as part of three road projects is over \$4 million. DOT in its bill analysis found HB 391 would have an indeterminate negative fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. Even though the common law historically required utilities to pay to relocate or move the utility, absent an agreement otherwise or the utility being located within a private easement, as part of the use, maintenance, improvement, extension or expansion of a public road or publicly owned rail corridor or a highway, local government representatives and utilities explained that the entities at times reach agreements, separate and distinct from a franchise agreement, relating to who will pay to move or relocate a utility. The utilities argue that the Florida Second District's decision in *Lee County Electric Coop., Inc.*, represents a departure from prior practice in Florida. We requested data from representatives of utilities regarding the cost shift caused by the *Lee County* case. The utilities submitted 14 agreements in which a telecommunications servicer utility was not required to pay to move its lines or facilities on account of a road or other public project. Six of the agreements were

between a utility and DOT. The other agreements were between local governments and a utility. Several of the agreements were after the filing of the Lee County case in the trial court, with some dating after the 2014 appellate decision in the case.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18, of the Florida Constitution may apply because utilities currently are located or may be located in the future within utility easements and an authority would be required to pay for moving or relocating the utility if it is located within said easement and not within a right-of-way for any public road or publicly owned rail corridors. If the bill does qualify as a mandate, the law must fulfill an important state interest and final passage must be approved by two-thirds of the membership of each house of the Legislature.

2. Other:

If the changes proposed in the bill do alter the common law, “[i]t is a well-established principle of statutory construction that ‘[t]he common law ... ought not to be deemed repealed, unless the language of a statute be clear and explicit for this purpose.’”⁵²

B. RULE-MAKING AUTHORITY:

To the extent DOT has any rules affected by this legislation, it may need to amend those rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill prohibits municipalities or counties from requiring utilities to resubmit information previously provided to local governments or authorities, but does not define the term “information.” It is unclear whether the bill pertains only to written documentation or to all forms of information, which may make compliance uncertain.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 3, 2015, the Local Government Affairs Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The strike-all amendment otherwise conforms the bill to the Senate version, SB 896, but adds additional language prohibiting a municipality, county, or other governmental authority from requesting information already submitted by a utility provider. This analysis is drafted to the committee substitute as passed by the Local Government Affairs Subcommittee.

⁵² *Norfolk Redevelopment & Hous. Auth.*, 464 U.S. at 35 (1983), quoting *Fairfax's Devisee v. Hunter's Lessee*, 11 U.S. (7 Cranch) 603, 623, 3 L. Ed. 453 (1812).

1 A bill to be entitled
2 An act relating to the location of utilities; amending
3 s. 125.42, F.S.; authorizing a board of county
4 commissioners to grant a license to work on or operate
5 specified utility, television, or other communications
6 services lines within the right-of-way limits of
7 certain county or public highways or roads; conforming
8 a cross-reference; amending s. 337.401, F.S.;
9 specifying that the Department of Transportation and
10 certain local governmental entities may prescribe and
11 enforce rules or regulations regarding the placement
12 and maintenance of specified structures and lines
13 within the right-of-ways of roads or publicly owned
14 rail corridors under their respective jurisdictions;
15 prohibiting a municipality, county, or authority from
16 requiring a utility or a provider of communications
17 services to resubmit information already in the
18 possession of the respective entity; amending s.
19 337.403, F.S.; specifying that a utility located
20 within certain right-of-way limits must initiate and
21 pay for the work necessary to alleviate any
22 interference to the use of certain public roads or
23 rail corridors; requiring an authority to pay the cost
24 of requiring the relocation of a utility, under
25 certain circumstances; requiring an entity other than
26 the authority to pay the cost of certain relocations

27 of utilities under certain circumstances; requiring an
 28 authority to pay the cost of utility work required to
 29 eliminate unreasonable interference within certain
 30 existing utility easements; providing an effective
 31 date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Section 125.42, Florida Statutes, is amended to
 36 read:

37 125.42 Water, sewage, gas, power, telephone, other
 38 utility, and television lines within the right-of-way limits of
 39 ~~along~~ county roads and highways.-

40 (1) The board of county commissioners, with respect to
 41 property located without the corporate limits of any
 42 municipality, is authorized to grant a license to any person or
 43 private corporation to construct, maintain, repair, operate, and
 44 remove lines for the transmission of water, sewage, gas, power,
 45 telephone, other public utilities, ~~and~~ television, or other
 46 communications services within the right-of-way limits of ~~under,~~
 47 ~~on, over, across and along~~ any county highway or any public road
 48 or highway acquired by the county or public by purchase, gift,
 49 devise, dedication, or prescription. However, the board of
 50 county commissioners shall include in any instrument granting
 51 such license adequate provisions:

52 (a) To prevent the creation of any obstructions or

53 | conditions which are or may become dangerous to the traveling
 54 | public;

55 | (b) To require the licensee to repair any damage or injury
 56 | to the road or highway by reason of the exercise of the
 57 | privileges granted in any instrument creating such license and
 58 | to repair the road or highway promptly, restoring it to a
 59 | condition at least equal to that which existed immediately prior
 60 | to the infliction of such damage or injury;

61 | (c) Whereby the licensee shall hold the board of county
 62 | commissioners and members thereof harmless from the payment of
 63 | any compensation or damages resulting from the exercise of the
 64 | privileges granted in any instrument creating the license; and

65 | (d) As may be reasonably necessary, for the protection of
 66 | the county and the public.

67 | (2) A license may be granted in perpetuity or for a term
 68 | of years, subject, however, to termination by the licensor, in
 69 | the event the road or highway is closed, abandoned, vacated,
 70 | discontinued, or reconstructed.

71 | (3) The board of county commissioners is authorized to
 72 | grant exclusive or nonexclusive licenses for the purposes stated
 73 | herein for television.

74 | (4) This law is intended to provide an additional method
 75 | for the granting of licenses and shall not be construed to
 76 | repeal any law now in effect relating to the same subject.

77 | (5) In the event of widening, repair, or reconstruction of
 78 | any such road, the licensee shall move or remove such water,

79 sewage, gas, power, telephone, and other utility lines and
 80 television lines at no cost to the county should they be found
 81 by the county to be unreasonably interfering, except as provided
 82 in s. 337.403(1)(d)-(j) ~~s. 337.403(1)(d)-(i)~~.

83 Section 2. Paragraph (a) of subsection (1), subsection
 84 (2), and paragraph (b) of subsection (3) of section 337.401,
 85 Florida Statutes, are amended to read:

86 337.401 Use of right-of-way for utilities subject to
 87 regulation; permit; fees.-

88 (1)(a) The department and local governmental entities,
 89 referred to in this section and ss. 337.402, 337.403, and
 90 337.404 ~~ss. 337.401-337.404~~ as the "authority," that have
 91 jurisdiction and control of public roads or publicly owned rail
 92 corridors are authorized to prescribe and enforce reasonable
 93 rules or regulations with reference to the placing and
 94 maintaining within the right-of-way limits of ~~along, across, or~~
 95 ~~on~~ any road or publicly owned rail corridors under their
 96 respective jurisdictions any electric transmission, telephone,
 97 telegraph, or other communications services lines; pole lines;
 98 poles; railways; ditches; sewers; water, heat, or gas mains;
 99 pipelines; fences; gasoline tanks and pumps; or other structures
 100 referred to in this section and ss. 337.402, 337.403, and
 101 337.404 as the "utility." The department may enter into a
 102 permit-delegation agreement with a governmental entity if
 103 issuance of a permit is based on requirements that the
 104 department finds will ensure the safety and integrity of

105 facilities of the Department of Transportation; however, the
 106 permit-delegation agreement does not apply to facilities of
 107 electric utilities as defined in s. 366.02(2).

108 (2) The authority may grant to any person who is a
 109 resident of this state, or to any corporation which is organized
 110 under the laws of this state or licensed to do business within
 111 this state, the use of a right-of-way for the utility in
 112 accordance with such rules or regulations as the authority may
 113 adopt. No utility shall be installed, located, or relocated
 114 unless authorized by a written permit issued by the authority.
 115 However, for public roads or publicly owned rail corridors under
 116 the jurisdiction of the department, a utility relocation
 117 schedule and relocation agreement may be executed in lieu of a
 118 written permit. The permit shall require the permitholder to be
 119 responsible for any damage resulting from the issuance of such
 120 permit. In exercising its authority over a utility, a
 121 municipality, county, or authority may not require a utility to
 122 resubmit information already in the possession of the
 123 municipality, county, or authority. The authority may initiate
 124 injunctive proceedings as provided in s. 120.69 to enforce
 125 provisions of this subsection or any rule or order issued or
 126 entered into pursuant thereto.

127 (3)

128 (b) Registration described in paragraph (a) does not
 129 establish a right to place or maintain, or priority for the
 130 placement or maintenance of, a communications facility in roads

131 or rights-of-way of a municipality or county. Each municipality
 132 and county retains the authority to regulate and manage
 133 municipal and county roads or rights-of-way in exercising its
 134 police power. Any rules or regulations adopted by a municipality
 135 or county which govern the occupation of its roads or rights-of-
 136 way by providers of communications services must be related to
 137 the placement or maintenance of facilities in such roads or
 138 rights-of-way, must be reasonable and nondiscriminatory, and may
 139 include only those matters necessary to manage the roads or
 140 rights-of-way of the municipality or county. In exercising its
 141 authority over providers of communications services under this
 142 section, a municipality or county may not require a provider of
 143 communications services to resubmit information already in the
 144 possession of the municipality or county or previously provided
 145 to the municipality or county.

146 Section 3. Subsection (1) of section 337.403, Florida
 147 Statutes, is amended to read:

148 337.403 Interference caused by utility; expenses.—

149 (1) If a utility that is within the right-of-way limits of
 150 ~~placed upon, under, over, or along~~ any public road or publicly
 151 owned rail corridor is found by the authority to be unreasonably
 152 interfering in any way with the convenient, safe, or continuous
 153 use, or the maintenance, improvement, extension, or expansion,
 154 of such public road or publicly owned rail corridor, the utility
 155 owner shall, upon 30 days' written notice to the utility or its
 156 agent by the authority, initiate the work necessary to alleviate

157 the interference at its own expense except as provided in
 158 paragraphs (a)-(j) ~~(a)-(i)~~. The work must be completed within
 159 such reasonable time as stated in the notice or such time as
 160 agreed to by the authority and the utility owner. If an
 161 authority requires the relocation of a utility for purposes not
 162 described in this subsection, the authority shall bear the cost
 163 of relocating the utility. If the relocation is required as a
 164 condition or result of a project by an entity other than an
 165 authority, the other entity shall bear the cost of relocating
 166 the utility.

167 (a) If the relocation of utility facilities, as referred
 168 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 169 84-627, is necessitated by the construction of a project on the
 170 federal-aid interstate system, including extensions thereof
 171 within urban areas, and the cost of the project is eligible and
 172 approved for reimbursement by the Federal Government to the
 173 extent of 90 percent or more under the Federal Aid Highway Act,
 174 or any amendment thereof, ~~then in that event~~ the utility owning
 175 or operating such facilities shall perform any necessary work
 176 upon notice from the department, and the state shall pay the
 177 entire expense properly attributable to such work after
 178 deducting therefrom any increase in the value of a new facility
 179 and any salvage value derived from an old facility.

180 (b) When a joint agreement between the department and the
 181 utility is executed for utility work to be accomplished as part
 182 of a contract for construction of a transportation facility, the

183 department may participate in those utility work costs that
184 exceed the department's official estimate of the cost of the
185 work by more than 10 percent. The amount of such participation
186 is limited to the difference between the official estimate of
187 all the work in the joint agreement plus 10 percent and the
188 amount awarded for this work in the construction contract for
189 such work. The department may not participate in any utility
190 work costs that occur as a result of changes or additions during
191 the course of the contract.

192 (c) When an agreement between the department and utility
193 is executed for utility work to be accomplished in advance of a
194 contract for construction of a transportation facility, the
195 department may participate in the cost of clearing and grubbing
196 necessary to perform such work.

197 (d) If the utility facility was initially installed to
198 exclusively serve the authority or its tenants, or both, the
199 authority shall bear the costs of the utility work. However, the
200 authority is not responsible for the cost of utility work
201 related to any subsequent additions to that facility for the
202 purpose of serving others. For a county or municipality, if such
203 utility facility was installed in the right-of-way as a means to
204 serve a county or municipal facility on a parcel of property
205 adjacent to the right-of-way and if the intended use of the
206 county or municipal facility is for a use other than
207 transportation purposes, the obligation of the county or
208 municipality to bear the costs of the utility work shall extend

209 only to utility work on the parcel of property on which the
 210 facility of the county or municipality originally served by the
 211 utility facility is located.

212 (e) If, under an agreement between a utility and the
 213 authority entered into after July 1, 2009, the utility conveys,
 214 subordinates, or relinquishes a compensable property right to
 215 the authority for the purpose of accommodating the acquisition
 216 or use of the right-of-way by the authority, without the
 217 agreement expressly addressing future responsibility for the
 218 cost of necessary utility work, the authority shall bear the
 219 cost of removal or relocation. This paragraph does not impair or
 220 restrict, and may not be used to interpret, the terms of any
 221 such agreement entered into before July 1, 2009.

222 (f) If the utility is an electric facility being relocated
 223 underground in order to enhance vehicular, bicycle, and
 224 pedestrian safety and in which ownership of the electric
 225 facility to be placed underground has been transferred from a
 226 private to a public utility within the past 5 years, the
 227 department shall incur all costs of the necessary utility work.

228 (g) An authority may bear the costs of utility work
 229 required to eliminate an unreasonable interference when the
 230 utility is not able to establish that it has a compensable
 231 property right in the particular property where the utility is
 232 located if:

- 233 1. The utility was physically located on the particular
 234 property before the authority acquired rights in the property;

235 2. The utility demonstrates that it has a compensable
 236 property right in adjacent properties along the alignment of the
 237 utility or, after due diligence, certifies that the utility does
 238 not have evidence to prove or disprove that it has a compensable
 239 property right in the particular property where the utility is
 240 located; and

241 3. The information available to the authority does not
 242 establish the relative priorities of the authority's and the
 243 utility's interests in the particular property.

244 (h) If a municipally owned utility or county-owned utility
 245 is located in a rural area of critical economic concern, as
 246 defined in s. 288.0656(2), and the department determines that
 247 the utility is unable, and will not be able within the next 10
 248 years, to pay for the cost of utility work necessitated by a
 249 department project on the State Highway System, the department
 250 may pay, in whole or in part, the cost of such utility work
 251 performed by the department or its contractor.

252 (i) If the relocation of utility facilities is
 253 necessitated by the construction of a commuter rail service
 254 project or an intercity passenger rail service project and the
 255 cost of the project is eligible and approved for reimbursement
 256 by the Federal Government, then in that event the utility owning
 257 or operating such facilities located by permit on a department-
 258 owned rail corridor shall perform any necessary utility
 259 relocation work upon notice from the department, and the
 260 department shall pay the expense properly attributable to such

261 utility relocation work in the same proportion as federal funds
 262 are expended on the commuter rail service project or an
 263 intercity passenger rail service project after deducting
 264 therefrom any increase in the value of a new facility and any
 265 salvage value derived from an old facility. In no event shall
 266 the state be required to use state dollars for such utility
 267 relocation work. This paragraph does not apply to any phase of
 268 the Central Florida Commuter Rail project, known as SunRail.

269 (j) If a utility is located within an existing and valid
 270 utility easement granted by recorded plat, regardless of whether
 271 such land was subsequently acquired by the authority by
 272 dedication, transfer of fee, or otherwise, the authority shall
 273 bear the cost of the utility work required to eliminate an
 274 unreasonable interference.

275 Section 4. This act shall take effect upon becoming a law.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | ___ | (Y/N) |
| ADOPTED AS AMENDED | ___ | (Y/N) |
| ADOPTED W/O OBJECTION | ___ | (Y/N) |
| FAILED TO ADOPT | ___ | (Y/N) |
| WITHDRAWN | ___ | (Y/N) |
| OTHER | _____ | |

1 Committee/Subcommittee hearing bill: Transportation & Economic
 2 Development Appropriations Subcommittee
 3 Representative Ingram offered the following:

Amendment

Remove lines 120-123 and insert:

7 permit. In exercising its authority over a utility, a
 8 municipality or county may not require a utility to resubmit
 9 information already in the possession of the municipality or
 10 county. The authority may initiate

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7019 **BILL EDTS** 15-02 **Workforce Services**
SPONSOR(S): Economic Development & Tourism Subcommittee, Drake
TIED BILLS: **IDEN./SIM. BILLS:** SB 7002

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|----------|-------------------|--|
| Orig. Comm.: Economic Development & Tourism Subcommittee | 9 Y, 0 N | Lukis | Duncan |
| 1) Transportation & Economic Development Appropriations Subcommittee | | Proctor <i>TP</i> | Davis <i>[Signature]</i> |
| 2) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

The bill relates to Florida's workforce development system and contains the following provisions:

- changes the name of Workforce Florida, Inc., to CareerSource Florida, Inc.;
- creates a task force to develop the state's plan for implementing the federal Workforce Innovation and Opportunity Act 2014 (WIOA); and
- suspends the Workforce Estimating Conference for Fiscal Year 2015-2016.

The bill may have an insignificant fiscal impact to the state which can be absorbed within the Department of Economic Opportunity's existing resources to support the task force created to implement WIOA.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Workforce Florida, Inc.

Present Situation

Florida's Workforce System

Three primary entities (or group of entities) are tasked with the administration and implementation of Florida's workforce system:¹ Workforce Florida, Inc. (WFI), the Department of Economic Opportunity (DEO), and the state's 24 Regional Workforce Boards (RWBs). As discussed below, each works together and have overlapping responsibilities.

WFI, a nonprofit corporation administratively housed within DEO, is the "principal workforce policy organization for the state."² WFI works in conjunction with DEO and provides state-level workforce policy and planning, and evaluates the performance of various workforce related programs.³ WFI also oversees various activities implemented by the RWBs.⁴

DEO assists WFI in developing and disseminating policies and provides technical assistance to WFI and the RWBs.⁵ Additionally, among other statutorily required responsibilities related to Florida's workforce, DEO prepares and submits a budget request for workforce development, ensures that the state appropriately administers federal and state workforce funding, and implements the state's reemployment assistance program.⁶ DEO also serves as the designated agency for purposes of each federal workforce development grant assigned to it for administration.⁷

The RWBs, which take policy directives from WFI and program and fiscal directives from DEO⁸, develop local workforce plans and directly oversee workforce development activities within the RWBs' regions.⁹ The RWBs also select contractors to operate local One-Stop Career Centers. The One-Stop Career Centers deliver employment services to job seekers and employers.¹⁰ Services include job placement and recruitment assistance, as well as funding for skills training.¹¹ There are over 100 One-Stop Career Centers throughout the state.¹²

Single Statewide Brand - CareerSource Florida, Inc.

In 2012, the Legislature passed the Regional Workforce Boards Accountability Act, which, among other things, directed WFI to evaluate a means to establish a single, statewide brand for the state's workforce system.¹³ At the time the Act passed, each of the 24 RWBs maintained individual names, logos, and

¹ The Department of Children and Families also plays a part in Florida's workforce system as it is responsible for processing initial applications for both the Temporary Assistance for Needy Families (TANF) program and the Supplemental Nutrition Assistance Program (SNAP). TANF and SNAP both have an employment element. The Department of Education also administers workforce education and training programs.

² Section 445.004(1)-(2), F.S.

³ See s. 445.004, F.S.

⁴ See s. 445.004(4)-(11), F.S.

⁵ See *id.*; see also DEO's workforce tab on its website at: <http://floridajobs.org/workforce-board-resources> (last visited Feb. 5, 2015).

⁶ Section 20.60(5)-(6), F.S.

⁷ Section 20.60(6), F.S.

⁸ Section 20.60(5)(c), F.S.

⁹ See s. 445.007, F.S.

¹⁰ See s. 445.009, F.S.

¹¹ *Id.*

¹² CareerSource Service Center Directory at: <http://www.floridajobs.org/onestop/onestopdir/> (last visited on Feb. 5, 2015).

¹³ Chapter 2012-29, s. 2, L.O.F.

branding for each of their respective boards and One-Stop Career Centers. According to DEO and WFI, the lack of a unified brand contributed to confusion among job seekers and employers, who could have benefited from the services that the RWBs and One-Stop Career Centers offer.¹⁴

Accordingly, WFI, in collaboration with DEO, began the process of establishing a single, statewide brand and identity.¹⁵ WFI conducted statewide surveys of stakeholders to assess awareness and perceptions of the workforce system and to test proposed brand names and logos.¹⁶ Those surveyed strongly preferred “CareerSource Florida, Inc.,”¹⁷ and in May 2013, the WFI Board of Directors approved the new brand name, logo, and unified brand charter.¹⁸ Each RWB was allotted funding, based on its size, to assist with the brand transition. The WFI Board also approved additional incentive funding for RWBs that met certain branding achievements within specified time frames.¹⁹

WFI officially launched the new statewide brand as CareerSource Florida, Inc., (CareerSource) on February 10, 2014, and filed its Articles of Incorporation reflecting the name change with the Department of State’s Division of Corporations on July 10, 2014.²⁰

Effect of Proposed Changes

The bill replaces all references to “Workforce Florida, Inc.,” with “CareerSource Florida, Inc.,” throughout the Florida statutes.

Federal Workforce Innovation and Opportunity Act (2014)

Present Situation

The federal Workforce Innovation and Opportunity Act (WIOA) became law on July 22, 2014.²¹ WIOA replaces the federal Workforce Innovation Act of 1998 (WIA), which the state implemented under the Workforce Innovation Act of 2000, pursuant to Ch. 445, F.S., and s. 445.003, F.S. Until the enactment of WIOA, WIA was the primary federal platform that provided investment and support in employment services, workforce development activities, job training, adult education, and vocational training throughout the country.²²

In general, WIOA maintains the framework of WIA but includes provisions aimed at streamlining programs, easing reporting requirements, and reducing administrative barriers. Broadly, some WIOA provisions that will significantly impact Florida’s workforce system include the following:

- changes to the required make-up of state workforce boards;
- changes to the type of plan the WIOA requires from states and what such plan must include;

¹⁴ Florida Department of Economic Opportunity (DEO), *Brand Implementation Guidelines* (October 31, 2013), <http://www.floridajobs.org/PDG/guidancepapers/BrandImplementationGuidelinesFinal.pdf> (last visited Feb. 5, 2015).

¹⁵ CareerSource Florida, Inc., *Statewide Brand Implementation Plan* (October 21, 2013) (on file with the House Economic Development and Tourism Subcommittee).

¹⁶ *Id.* at 30. The process engaged more than 1,500 business leaders, workforce professionals, employers, and job seekers.

¹⁷ DEO, *Brand Implementation Guidelines*.

¹⁸ CareerSource Florida, *Statewide Brand Implementation* at 7.

¹⁹ DEO, *Brand Implementation Guidelines* at 6-8.

²⁰ CareerSource Florida, Inc., Press Release: *Florida Activates New Unified Workforce Brand* (Feb. 10, 2014), <http://careersourceflorida.com/wp-content/uploads/2014/01/CareerSourceFloridaLaunchRelease.pdf> (last visited Feb. 5, 2015); Department of State, Division of Corporations, Sunbiz, Entity Name Search, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=CAREERSOURCEFLORIDA%20N140000064750&aggregateId=domnp-n14000006475-9e28c17f-a4d7-4a12-83d9-54bc7f3467c2&searchTerm=CareerSource%20Florida&listNameOrder=CAREERSOURCEFLORIDA%20N140000064750> Document Number N14000006475, (last visited Feb. 9, 2015).

²¹ Library of Congress, 113th Congress (2013-2014), H.R. 803 – Workforce Innovation and Opportunity Act, Congress.gov, available at <https://www.congress.gov/bill/113th-congress/house-bill/803/actions> (last visited Feb. 9, 2015).

²² See s. 445.003, F.S.

- changes to required regional coordination and local workforce board membership;
- changes to the structure and operation of one-stop service centers; and
- changes to indicators of performance for workforce programs.²³

More specifically, some of WIOA's highlights include the following:

- requiring a single, unified state plan with common performance standards and metrics aligned to outcomes designed to create opportunities for long-term career pathways and the delivery of market-relevant skills;
- restoring the 15-percent reserve for statewide workforce investment priorities;
- permitting local boards to transfer up to 100 percent of funding between the adult and dislocated worker employment and training programs;
- emphasizing training and career opportunities for out-of-school youth;
- emphasizing business engagement, incumbent worker training, on-the-job and customized training and attainment of industry-recognized credentials;
- calling for smaller, more focused and business-led state and local workforce boards to enhance efficiency;
- strengthening the alignment between local workforce areas, labor markets and economic development regions;²⁴
- promoting accountability and transparency;
- targeting workforce services to better serve job seekers;
- improving services to individuals with disabilities; and
- adding the Temporary Assistance for Needy Families program as a mandatory partner.²⁵

WIOA officially becomes effective on July 1, 2015, the first full program year after enactment. However, the state unified plans and common performance accountability provisions become effective July 1, 2016.²⁶ The United States Department of Labor is currently in the rulemaking process for WIOA, which it expects to complete by spring of 2015. Until the rulemaking process is complete, the law's specific implementation procedures and processes will remain unclear.²⁷

Effect of Proposed Changes

The bill creates a task force to assist Florida in meeting the requirements of and preparing for the implementation of WIOA. The task force must organize no later than June 1, 2015 and is composed of the following 17 members:

- the President of CareerSource, Florida, Inc., who is required to serve as a member and the chair of the task force; and
- the Executive Director of the Department of Economic Opportunity or his or her designee;
- the Commissioner of Education or his or her designee;

²³ "WorkED Consulting," commissioned by CareerSource Florida, Inc., to assist in reviewing WIOA. Documentation is on file with House Economic Development and Tourism Subcommittee staff.

²⁴ CareerSource Florida, Inc., press release, July 22, 2014, on file with the House Economic Development and Tourism Subcommittee.

²⁵ U.S. Department of Labor, Employment and Training Administration, *WIOA Overview*, <http://www.doleta.gov/wioa/pdf/WIOA-Overview.pdf>.

²⁶ U.S. Department of Labor, Employment and Training Administration, *WIOA Fact Sheet*, <http://www.doleta.gov/wioa/pdf/WIOA-Factsheet.pdf>.

²⁷ U.S. Department of Labor, Employment and Training Administration, *Workforce Innovation and Opportunity Act of 2014*, available at <http://www.doleta.gov/WIOA/> (last visited Feb. 6, 2015).

- the Chancellor of the Florida College System or his or her designee;
- the Chancellor of the Division of Career and Adult Education of the Department of Education or his or her designee;
- the director of the Division of Vocational Rehabilitation of the Department of Education or his or her designee;
- the director of the Division of Blind Services of the Department of Education or his or her designee;
- the director of the Agency for Persons with Disabilities or his or her designee;
- the Secretary of Elderly Affairs or his or her designee;
- the Secretary of Children and Families or his or her designee;
- the Secretary of Juvenile Justice or his or her designee;
- the Secretary of Corrections or his or her designee;
- the president of Enterprise Florida, Inc., or his or her designee;
- the president of the Florida Workforce Development Association, Inc., or his or her designee;
- the statewide director of the Florida Small Business Development Center Network or his or her designee;
- the president of the Florida Association of Postsecondary Schools and Colleges, Inc., or his or her designee; and
- the president of the Independent Colleges and Universities of Florida, Inc., or his or her designee.

The members of the task force serve without compensation but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, F.S. The bill directs the task force to develop recommendations for Florida's implementation of WIOA, which the task force must submit for approval to CareerSource's Board of Directors. The recommendations must include the following:

- a review of current workforce service delivery programs;
- regional planning design;
- one-stop service delivery design;
- integration of economic development, workforce development, and Florida's education system; and
- development of sector strategies and career pathways.

CareerSource must submit a report containing its approved recommendations to the Governor, the President of the Senate, and Speaker of the House of Representatives by December 1, 2015. Additionally, the bill directs CareerSource to incorporate the task force's approved recommendations into the state's plan required by WIOA. CareerSource's Board of Directors must approve the plan prior to its submittal to the United States Department of Labor and must provide a copy of the plan to the Governor, President of the Senate, and Speaker of the House of Representatives.

The bill provides that the task force is abolished June 30, 2016, or at an earlier date as provided by the task force.

Workforce Estimating Conference

Present Situation

The Workforce Estimating Conference (WEC) is responsible for developing short- and long-term information on state workforce needs, which is used to develop state and local workforce policy.²⁸ To develop such information, WEC participants review regional data showing employment in high-skills and high-wage jobs and project future employment trends.²⁹

The WEC also semiannually recommends occupations for CareerSource to include in officially adopted statewide demand and regional targeted occupations lists.³⁰ These lists are used to direct state and federal funds to workforce training programs that prepare individuals for targeted occupations that require vocational certificates and some associate degrees.³¹

CareerSource and the Office of Economic and Demographic Research (EDR) recently reviewed the WEC's practices and determined a need to both improve WEC's labor market forecasting and overall collaboration with DEO, CareerSource and the RWBs.

Effect of Proposed Changes

The bill suspends the WEC from its duties for Fiscal Year 2015-2016, during which time EDR must develop and test an economic model to assess Florida's labor market with respect to supply and demand.

Additionally, the bill requires EDR to submit to the President of the Senate and Speaker of the House of Representatives, a report focusing on the needs of the state planning and budgeting process containing a written explanation of the key assumptions of the economic model and its use, and providing recommendations regarding the role of the WEC. The report is due on or before October 1, 2015 and must include, upon EDR's request, input from DEO, CareerSource, the Department of Education, and the Board of Governors.

B. SECTION DIRECTORY:

- Section 1: Amends s. 11.45, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 2: Amends s. 20.60, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 3: Amends s. 216.136, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., making other technical changes, suspending the Workforce Estimating Conference during FY 2015-2016, and directing the Office of Economic and Demographic Research to submit a report to the Legislature.
- Section 4: Amends s. 218.077, F.S., removing an expired provision of law.
- Section 5: Amends s. 288.047, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 6: Amends s. 288.0656, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.

²⁸ Section 216.136, F.S.

²⁹ *Id.*

³⁰ *Id.*

³¹ More information on the occupations list can be found on DEO's website at: <http://www.floridajobs.org/labor-market-information/publications-and-reports/labor-market-information-reports/regional-demand-occupations-list> (last visited Feb 5, 2015).

- Section 7: Amends 288.1252, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 8: Amends s. 288.901, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 9: Amends s. 288.903, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 10: Amends s. 295.22, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 11: Amends s. 320.20, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 12: Amends s. 331.3051, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 13: Amends s. 331.369, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 14: Amends s. 407.973, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 15: Amends s. 409.1451, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 16: Amends s. 413.405, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 17: Amends s. 413.407, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 18: Amends s. 414.045, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 19: Amends s. 414.105, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 20: Amends s. 414.106, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 21: Amends s. 414.295, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 22: Amends s. 414.55, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 23: Amends s. 420.622, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 24: Amends s. 443.091, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.

- Section 25: Amends s. 443.171, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 26: Amends s. 443.181, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 27: Amends s. 445.003, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 28: Amends s. 445.004, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 29: Amends s. 445.006, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 30: Amends s. 445.007, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 31: Amends s. 445.0071, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 32: Amends s. 445.008, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 33: Amends s. 445.009, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 34: Amends s. 445.011, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 35: Amends s. 445.014, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 36: Amends s. 445.016, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 37: Amends s. 445.021, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 38: Amends s. 445.022, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 39: Amends s. 445.024, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 40: Amends s. 445.026, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 41: Amends s. 445.028, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 42: Amends s. 445.030, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.

- Section 43: Amends s. 445.033, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 44: Amends s. 445.035, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 45: Amends s. 445.038, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 46: Amends s. 445.045, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 47: Amends s. 445.048, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 48: Amends s. 445.051, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 49: Amends s. 445.055, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 50: Amends s. 446.41, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 51: Amends s. 446.50, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 52: Amends s. 1003.491, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 53: Amends s. 1003.492, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc., and making other technical changes.
- Section 54: Amends s. 1003.493, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 55: Amends s. 1003.51, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 56: Amends s. 1003.52, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 57: Amends s. 1004.015, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 58: Amends s. 1011.80, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 59: Amends s. 1011.801, F.S., changing Workforce Florida, Inc., to CareerSource Florida, Inc.
- Section 60: Creates a task force to make recommendations to CareerSource Florida, Inc., for Florida's implementation of the federal Workforce Innovation and Opportunity Act.
- Section 61: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an insignificant fiscal impact to DEO that is anticipated to be absorbed within the agency's existing resources to support the task force created to implement WIOA.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

27 report and recommendations for approval by
 28 CareerSource Florida, Inc.; requiring CareerSource
 29 Florida, Inc., to submit a specified state plan to the
 30 United States Department of Labor; providing for
 31 abolishment of the task force; providing an effective
 32 date.

33

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

35

36 Section 1. Paragraph (q) of subsection (3) of section
 37 11.45, Florida Statutes, is amended to read:

38 11.45 Definitions; duties; authorities; reports; rules.—

39 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 40 Auditor General may, pursuant to his or her own authority, or at
 41 the direction of the Legislative Auditing Committee, conduct
 42 audits or other engagements as determined appropriate by the
 43 Auditor General of:

44 (q) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, or
 45 the programs or entities created by CareerSource Florida, Inc.
 46 ~~Workforce Florida, Inc.~~, created pursuant to s. 445.004.

47 Section 2. Paragraphs (a) and (c) of subsection (5) and
 48 subsections (6) and (11) of section 20.60, Florida Statutes, are
 49 amended to read:

50 20.60 Department of Economic Opportunity; creation; powers
 51 and duties.—

52 (5) The divisions within the department have specific

53 | responsibilities to achieve the duties, responsibilities, and
 54 | goals of the department. Specifically:

55 | (a) The Division of Strategic Business Development shall:

56 | 1. Analyze and evaluate business prospects identified by
 57 | the Governor, the executive director of the department, and
 58 | Enterprise Florida, Inc.

59 | 2. Administer certain tax refund, tax credit, and grant
 60 | programs created in law. Notwithstanding any other provision of
 61 | law, the department may expend interest earned from the
 62 | investment of program funds deposited in the Grants and
 63 | Donations Trust Fund to contract for the administration of those
 64 | programs, or portions of the programs, assigned to the
 65 | department by law, by the appropriations process, or by the
 66 | Governor. Such expenditures shall be subject to review under
 67 | chapter 216.

68 | 3. Develop measurement protocols for the state incentive
 69 | programs and for the contracted entities which will be used to
 70 | determine their performance and competitive value to the state.
 71 | Performance measures, benchmarks, and sanctions must be
 72 | developed in consultation with the legislative appropriations
 73 | committees and the appropriate substantive committees, and are
 74 | subject to the review and approval process provided in s.
 75 | 216.177. The approved performance measures, standards, and
 76 | sanctions shall be included and made a part of the strategic
 77 | plan for contracts entered into for delivery of programs
 78 | authorized by this section.

79 | 4. Develop a 5-year statewide strategic plan. The
 80 | strategic plan must include, but need not be limited to:
 81 | a. Strategies for the promotion of business formation,
 82 | expansion, recruitment, and retention through aggressive
 83 | marketing, international development, and export assistance,
 84 | which lead to more and better jobs and higher wages for all
 85 | geographic regions, disadvantaged communities, and populations
 86 | of the state, including rural areas, minority businesses, and
 87 | urban core areas.
 88 | b. The development of realistic policies and programs to
 89 | further the economic diversity of the state, its regions, and
 90 | their associated industrial clusters.
 91 | c. Specific provisions for the stimulation of economic
 92 | development and job creation in rural areas and midsize cities
 93 | and counties of the state, including strategies for rural
 94 | marketing and the development of infrastructure in rural areas.
 95 | d. Provisions for the promotion of the successful long-
 96 | term economic development of the state with increased emphasis
 97 | in market research and information.
 98 | e. Plans for the generation of foreign investment in the
 99 | state which create jobs paying above-average wages and which
 100 | result in reverse investment in the state, including programs
 101 | that establish viable overseas markets, assist in meeting the
 102 | financing requirements of export-ready firms, broaden
 103 | opportunities for international joint venture relationships, use
 104 | the resources of academic and other institutions, coordinate

105 trade assistance and facilitation services, and facilitate
 106 availability of and access to education and training programs
 107 that assure requisite skills and competencies necessary to
 108 compete successfully in the global marketplace.

109 f. The identification of business sectors that are of
 110 current or future importance to the state's economy and to the
 111 state's global business image, and development of specific
 112 strategies to promote the development of such sectors.

113 g. Strategies for talent development necessary in the
 114 state to encourage economic development growth, taking into
 115 account factors such as the state's talent supply chain,
 116 education and training opportunities, and available workforce.

117 5. Update the strategic plan every 5 years.

118 6. Involve Enterprise Florida, Inc.; CareerSource Florida,
 119 Inc. ~~Workforce Florida, Inc.~~; local governments; the general
 120 public; local and regional economic development organizations;
 121 other local, state, and federal economic, international, and
 122 workforce development entities; the business community; and
 123 educational institutions to assist with the strategic plan.

124 (c) The Division of Workforce Services shall:

125 1. Prepare and submit a unified budget request for
 126 workforce development in accordance with chapter 216 for, and in
 127 conjunction with, CareerSource Florida, Inc. ~~Workforce Florida,~~
 128 ~~Inc.~~, and its board.

129 2. Ensure that the state appropriately administers federal
 130 and state workforce funding by administering plans and policies

131 of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, under
 132 contract with CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~
 133 The operating budget and midyear amendments thereto must be part
 134 of such contract.

135 a. All program and fiscal instructions to regional
 136 workforce boards shall emanate from the Department of Economic
 137 Opportunity pursuant to plans and policies of CareerSource
 138 Florida, Inc. ~~Workforce Florida, Inc.~~, which shall be
 139 responsible for all policy directions to the regional workforce
 140 boards.

141 b. Unless otherwise provided by agreement with
 142 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 143 administrative and personnel policies of the Department of
 144 Economic Opportunity ~~shall~~ apply.

145 3. Implement the state's reemployment assistance program.
 146 The Department of Economic Opportunity shall ensure that the
 147 state appropriately administers the reemployment assistance
 148 program pursuant to state and federal law.

149 4. Assist in developing the 5-year statewide strategic
 150 plan required by this section.

151 (6)(a) The Department of Economic Opportunity is the
 152 administrative agency designated for receipt of federal
 153 workforce development grants and other federal funds. The
 154 department shall administer the duties and responsibilities
 155 assigned by the Governor under each federal grant assigned to
 156 the department. The department shall expend each revenue source

157 as provided by federal and state law and as provided in plans
 158 developed by and agreements with CareerSource Florida, Inc.
 159 ~~Workforce Florida, Inc.~~ The department may serve as the contract
 160 administrator for contracts entered into by CareerSource
 161 Florida, Inc. ~~Workforce Florida, Inc.~~, pursuant to s.
 162 445.004(5), as directed by CareerSource Florida, Inc. ~~Workforce~~
 163 ~~Florida, Inc.~~

164 (b) The Department of Economic Opportunity shall serve as
 165 the designated agency for purposes of each federal workforce
 166 development grant assigned to it for administration. The
 167 department shall carry out the duties assigned to it by the
 168 Governor, under the terms and conditions of each grant. The
 169 department shall have the level of authority and autonomy
 170 necessary to be the designated recipient of each federal grant
 171 assigned to it, and shall disburse such grants pursuant to the
 172 plans and policies of CareerSource Florida, Inc. ~~Workforce~~
 173 ~~Florida, Inc.~~ The executive director may, upon delegation from
 174 the Governor and pursuant to agreement with CareerSource
 175 Florida, Inc. ~~Workforce Florida, Inc.~~, sign contracts, grants,
 176 and other instruments as necessary to execute functions assigned
 177 to the department. Notwithstanding other provisions of law, the
 178 department shall administer other programs funded by federal or
 179 state appropriations, as determined by the Legislature in the
 180 General Appropriations Act or other ~~by~~ law.

181 (11) The department shall establish annual performance
 182 standards for Enterprise Florida, Inc., CareerSource Florida,

183 | Inc. Workforce Florida, Inc., the Florida Tourism Industry
 184 | Marketing Corporation, and Space Florida and report annually on
 185 | how these performance measures are being met in the annual
 186 | report required under subsection (10).

187 | Section 3. Paragraph (b) of subsection (7) of section
 188 | 216.136, Florida Statutes, is amended, and paragraph (d) is
 189 | added to that subsection, to read:

190 | 216.136 Consensus estimating conferences; duties and
 191 | principals.—

192 | (7) WORKFORCE ESTIMATING CONFERENCE.—

193 | (b) The Workforce Estimating Conference shall review data
 194 | concerning ~~the~~ local and regional demands for short-term and
 195 | long-term employment in High-Skills/High-Wage Program jobs, as
 196 | well as other jobs, which data is generated through surveys
 197 | conducted as part of the state's Internet-based job matching and
 198 | labor market information system authorized under s. 445.011. The
 199 | conference shall consider this ~~such~~ data in developing its
 200 | forecasts for statewide employment demand, including reviewing
 201 | ~~the~~ local and regional data for common trends and conditions
 202 | among localities or regions which may warrant inclusion of a
 203 | particular occupation on the statewide occupational forecasting
 204 | list developed by the conference. Based upon its review of such
 205 | survey data, the conference shall also make recommendations
 206 | semiannually to CareerSource Florida, Inc. ~~Workforce Florida,~~
 207 | ~~Inc.~~, on additions or deletions to lists of locally targeted
 208 | occupations approved by CareerSource Florida, Inc. ~~Workforce~~

209 ~~Florida, Inc.~~

210 (d) Effective July 1, 2015, this subsection shall be held
 211 in abeyance and not be implemented. During the 2015-2016 fiscal
 212 year only, the Office of Economic and Demographic Research shall
 213 develop and test an economic model to assess the state's labor
 214 market with respect to supply and demand, including
 215 identification of critical areas of concern. By October 1, 2015,
 216 the Office of Economic and Demographic Research shall submit a
 217 report to the President of the Senate and the Speaker of the
 218 House of Representatives focusing on the needs of the state
 219 planning and budgeting process; containing a written explanation
 220 of the key assumptions of the economic model and its use; and
 221 providing recommendations regarding the role of the Workforce
 222 Estimating Conference. The Department of Economic Opportunity,
 223 CareerSource Florida, Inc., the Department of Education, and the
 224 Board of Governors of the State University System shall provide
 225 input to the Office of Economic and Demographic Research upon
 226 request. This paragraph is repealed June 30, 2016.

227 Section 4. Subsections (5) and (6) of section 218.077,
 228 Florida Statutes, are amended to read:

229 218.077 Wage and employment benefits requirements by
 230 political subdivisions; restrictions.-

231 ~~(5) (a) There is created the Employer-Sponsored Benefits~~
 232 ~~Study Task Force. Workforce Florida, Inc., shall provide~~
 233 ~~administrative and staff support services relating to the~~
 234 ~~functions of the task force. The task force shall organize by~~

235 ~~September 1, 2013. The task force shall be composed of 11~~
 236 ~~members. The President of Workforce Florida, Inc., shall serve~~
 237 ~~as a member and chair of the task force. The Speaker of the~~
 238 ~~House of Representatives shall appoint one member who is an~~
 239 ~~economist with a background in business economics. The President~~
 240 ~~of the Senate shall appoint one member who is a physician~~
 241 ~~licensed under chapter 458 or chapter 459 with at least 5 years~~
 242 ~~of experience in the active practice of medicine. In addition,~~
 243 ~~the President of the Senate and the Speaker of the House of~~
 244 ~~Representatives shall each appoint four additional members to~~
 245 ~~the task force. The four appointments from the President of the~~
 246 ~~Senate and the four appointments from the Speaker of the House~~
 247 ~~of Representatives must each include:~~

- 248 ~~1. A member of the Legislature.~~
- 249 ~~2. An owner of a business in this state which employs~~
 250 ~~fewer than 50 people.~~
- 251 ~~3. An owner or representative of a business in this state~~
 252 ~~which employs more than 50 people.~~
- 253 ~~4. A representative of an organization who represents the~~
 254 ~~nonmanagement employees of a business.~~

255 ~~(b) Members of the task force shall serve without~~
 256 ~~compensation, but are entitled to reimbursement for per diem and~~
 257 ~~travel expenses in accordance with s. 112.061.~~

258 ~~(c) The purpose of the task force is to analyze employment~~
 259 ~~benefits and the impact of state preemption of the regulation of~~
 260 ~~such benefits. The task force shall develop a report that~~

261 ~~includes its findings and recommendations for legislative action~~
 262 ~~regarding the regulation of employment benefits. The task force~~
 263 ~~shall submit the report to the Governor, the President of the~~
 264 ~~Senate, and the Speaker of the House of Representatives by~~
 265 ~~January 15, 2014.~~

266 ~~(d) This subsection is repealed June 30, 2014.~~

267 (5)~~(6)~~ This section does not prohibit a federally
 268 authorized and recognized tribal government from requiring
 269 employment benefits for a person employed within a territory
 270 over which the tribe has jurisdiction.

271 Section 5. Section 288.047, Florida Statutes, is amended
 272 to read:

273 288.047 Quick-response training for economic development.-

274 (1) The Quick-Response Training Program is created to meet
 275 the workforce-skill needs of existing, new, and expanding
 276 industries. The program shall be administered by CareerSource
 277 Florida, Inc. ~~Workforce Florida, Inc.~~, in conjunction with
 278 Enterprise Florida, Inc., and the Department of Education.
 279 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall adopt
 280 guidelines for the administration of this program, ~~Workforce~~
 281 ~~Florida, Inc.~~, shall provide technical services, and shall
 282 identify businesses that seek services through the program.
 283 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may contract
 284 with Enterprise Florida, Inc., or administer this program
 285 directly, if it is determined that such an arrangement maximizes
 286 the amount of the Quick Response grant going to direct services.

287 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 288 shall ensure that instruction funded pursuant to this section is
 289 not available through the local community college or school
 290 district and that the instruction promotes economic development
 291 by providing specialized training to new workers or retraining
 292 for current employees to meet changing skill requirements caused
 293 by new technology or new product lines and to prevent potential
 294 layoffs. Such funds may not be expended to provide training for
 295 instruction related to retail businesses or to reimburse
 296 businesses for trainee wages. Funds made available pursuant to
 297 this section may not be expended in connection with the
 298 relocation of a business from one community to another ~~community~~
 299 ~~in this state~~ unless CareerSource Florida, Inc. ~~Workforce~~
 300 ~~Florida, Inc.~~, determines that, in the absence of ~~without~~ such
 301 relocation, the business will move outside this state or
 302 ~~determines~~ that the business has a compelling economic rationale
 303 for the relocation which creates additional jobs.

304 (3) Requests for funding may be submitted to ~~through~~ the
 305 Quick-Response Training Program by ~~may be produced through~~
 306 ~~inquiries from~~ a specific business or industry, through
 307 ~~inquiries from~~ a school district director of career education or
 308 community college occupational dean on behalf of a business or
 309 industry, or through official state or local economic
 310 development efforts. In allocating funds for the purposes of the
 311 program, CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 312 shall establish criteria for approval of requests for funding

313 and shall select the entity that provides the most efficient,
 314 cost-effective instruction meeting such criteria. Program funds
 315 may be allocated to a ~~any~~ career center, community college, or
 316 state university. Program funds may be allocated to private
 317 postsecondary institutions only after ~~upon~~ a review that
 318 includes, but is not limited to, accreditation and licensure
 319 documentation and prior approval by CareerSource Florida, Inc.
 320 ~~Workforce Florida, Inc.~~ Instruction funded through the program
 321 must terminate when participants demonstrate competence at the
 322 level specified in the request; however, the grant term may not
 323 exceed 24 months. Costs and expenditures for the Quick-Response
 324 Training Program must be documented and separated from those
 325 incurred by the training provider.

326 (4) For the first 6 months of each fiscal year,
 327 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall set
 328 aside 30 percent of the amount appropriated by the Legislature
 329 for the Quick-Response Training Program ~~by the Legislature~~ to
 330 fund instructional programs for businesses located in an
 331 enterprise zone or brownfield area. Any unencumbered funds
 332 remaining undisbursed from this set-aside at the end of the 6-
 333 month period may be used to provide funding for a ~~any~~ program
 334 that qualifies ~~qualifying~~ for funding pursuant to this section.

335 (5) Prior to the allocation of funds for a ~~any~~ request
 336 made pursuant to this section, CareerSource Florida, Inc.
 337 ~~Workforce Florida, Inc.~~, shall prepare a grant agreement between
 338 the business or industry requesting funds, the educational

339 institution receiving funding through the program, and
 340 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~ Such
 341 agreement must include, but is not limited to:

342 (a) An identification of the personnel necessary to
 343 conduct the instructional program, the qualifications of such
 344 personnel, and the respective responsibilities of the parties
 345 for paying costs associated with the employment of such
 346 personnel.

347 (b) An identification of the estimated length of the
 348 instructional program.

349 (c) An identification of all direct, training-related
 350 costs, including tuition and fees, curriculum development, books
 351 and classroom materials, and overhead or indirect costs, not to
 352 exceed 5 percent of the grant amount.

353 (d) An identification of special program requirements that
 354 are not addressed otherwise in the agreement.

355 (e) Permission to access information specific to the wages
 356 and performance of participants upon the completion of
 357 instruction for evaluation purposes. Information which, if
 358 released, would disclose the identity of the person to whom the
 359 information pertains or disclose the identity of the person's
 360 employer is confidential and exempt from the provisions of s.
 361 119.07(1). The agreement must specify that any evaluations
 362 published subsequent to the instruction may not identify the
 363 employer or any individual participant.

364 (6) For ~~the~~ purposes of this section, CareerSource

365 Florida, Inc. ~~Workforce Florida, Inc.~~, may accept grants of
 366 money, materials, services, or property of any kind from any
 367 agency, corporation, or individual.

368 (7) In providing instruction pursuant to this section,
 369 materials that relate to methods of manufacture or production,
 370 potential trade secrets, business transactions, or proprietary
 371 information received, produced, ascertained, or discovered by
 372 employees of the respective departments, district school boards,
 373 community college district boards of trustees, or other
 374 personnel employed for the purposes of this section is
 375 confidential and exempt from the provisions of s. 119.07(1). The
 376 state may seek copyright protection for ~~all~~ instructional
 377 materials and ancillary written documents developed wholly or
 378 partially with state funds as a result of instruction provided
 379 pursuant to this section, except for materials that are
 380 confidential and exempt from the provisions of s. 119.07(1).

381 (8) The ~~There is created a~~ Quick-Response Training Program
 382 is created to provide assistance to ~~for~~ participants in the
 383 welfare transition program. CareerSource Florida, Inc. ~~Workforce~~
 384 ~~Florida, Inc.~~, may award quick-response training grants and
 385 develop applicable guidelines for the training of participants
 386 in the welfare transition program. In addition to a local
 387 economic development organization, grants must be endorsed by
 388 the applicable regional workforce board.

389 (a) Training funded pursuant to this subsection may not
 390 exceed 12 months, and may be provided by the local community

391 college, school district, regional workforce board, or the
 392 business employing the participant, including on-the-job
 393 training. Training will provide entry-level skills to new
 394 workers, including those employed in retail, who are
 395 participants in the welfare transition program.

396 (b) Participants trained pursuant to this subsection must
 397 be employed at a job paying at least ~~wage not less than~~ \$6 per
 398 hour.

399 (c) Funds made available pursuant to this subsection may
 400 be expended in connection with the relocation of a business from
 401 one community to another ~~community~~ if approved by CareerSource
 402 Florida, Inc. ~~Workforce Florida, Inc.~~

403 (9) Notwithstanding any other provision of law, eligible
 404 matching contributions received under this section from the
 405 Quick-Response Training Program ~~under this section~~ may be
 406 counted toward the private sector support of Enterprise Florida,
 407 Inc., under s. 288.904.

408 (10) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 409 and Enterprise Florida, Inc., shall coordinate and cooperate
 410 ~~ensure maximum coordination and cooperation~~ in administering
 411 this section ~~so, in such a manner~~ that any division of
 412 responsibility between the two organizations which relates to
 413 marketing or administering the Quick-Response Training Program
 414 is not apparent to a business that inquires about or applies for
 415 funding under this section. A business shall be provided with a
 416 single point of contact for information and assistance.

417 Section 6. Paragraph (a) of subsection (6) of section
 418 288.0656, Florida Statutes, is amended to read:

419 288.0656 Rural Economic Development Initiative.—

420 (6)(a) By August 1 of each year, the head of each of the
 421 following agencies and organizations shall designate a deputy
 422 secretary or higher-level staff person from within the agency or
 423 organization to serve as the REDI representative for the agency
 424 or organization:

- 425 1. The Department of Transportation.
- 426 2. The Department of Environmental Protection.
- 427 3. The Department of Agriculture and Consumer Services.
- 428 4. The Department of State.
- 429 5. The Department of Health.
- 430 6. The Department of Children and Families.
- 431 7. The Department of Corrections.
- 432 8. The Department of Education.
- 433 9. The Department of Juvenile Justice.
- 434 10. The Fish and Wildlife Conservation Commission.
- 435 11. Each water management district.
- 436 12. Enterprise Florida, Inc.
- 437 13. CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~
- 438 14. VISIT Florida.
- 439 15. The Florida Regional Planning Council Association.
- 440 16. The Agency for Health Care Administration.
- 441 17. The Institute of Food and Agricultural Sciences
 442 (IFAS).

443
 444 An alternate for each designee shall also be chosen, and the
 445 names of the designees and alternates shall be sent to the
 446 executive director of the department.

447 Section 7. Paragraph (e) of subsection (3) of section
 448 288.1252, Florida Statutes, is amended to read:

449 288.1252 Florida Film and Entertainment Advisory Council;
 450 creation; purpose; membership; powers and duties.—

451 (3) MEMBERSHIP.—

452 (e) In addition to the 17 appointed members of the
 453 council, one A representative from each of Enterprise Florida,
 454 Inc., CareerSource Florida, Inc. a representative of Workforce
 455 ~~Florida, Inc., and a representative of VISIT Florida shall serve~~
 456 ~~as ex officio, nonvoting members of the council, and shall be in~~
 457 ~~addition to the 17 appointed members of the council.~~

458 Section 8. Paragraph (a) of subsection (5) of section
 459 288.901, Florida Statutes, is amended to read:

460 288.901 Enterprise Florida, Inc.—

461 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

462 (a) In addition to the Governor or his or her ~~the~~
 463 ~~Governor's~~ designee, the board of directors shall consist of the
 464 following appointed members:

- 465 1. The Commissioner of Education or his or her ~~the~~
 466 ~~commissioner's~~ designee.
- 467 2. The Chief Financial Officer or his or her designee.
- 468 3. The Attorney General or his or her designee.

469 4. The Commissioner of Agriculture or his or her designee.

470 5. The chairperson of the board of directors of
 471 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

472 6. The Secretary of State or his or her ~~the secretary's~~
 473 designee.

474 7. Twelve members from the private sector, six of whom
 475 shall be appointed by the Governor, three of whom shall be
 476 appointed by the President of the Senate, and three of whom
 477 shall be appointed by the Speaker of the House of
 478 Representatives. Members appointed by the Governor are subject
 479 to Senate confirmation.

480 Section 9. Subsection (6) of section 288.903, Florida
 481 Statutes, is amended to read:

482 288.903 Duties of Enterprise Florida, Inc.—Enterprise
 483 Florida, Inc., shall have the following duties:

484 (6) In coordination with CareerSource Florida, Inc.
 485 ~~Workforce Florida, Inc.~~, identify education and training
 486 programs that will ensure that Florida businesses have access to
 487 a skilled and competent workforce necessary to compete
 488 successfully in the domestic and global marketplace.

489 Section 10. Paragraph (d) of subsection (3) of section
 490 295.22, Florida Statutes, is amended to read:

491 295.22 Veterans Employment and Training Services Program.—

492 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall
 493 administer the Veterans Employment and Training Services Program
 494 and perform all of the following functions:

495 (d) Create a grant program to provide funding to assist
 496 veterans in meeting the workforce-skill needs of businesses
 497 seeking to hire veterans, establish criteria for approval of
 498 requests for funding, and maximize the use of funding for this
 499 program. Grant funds may be used only in the absence of
 500 available veteran-specific federally funded programs. Grants may
 501 fund specialized training specific to a particular business.

502 1. Grant funds may be allocated to any training provider
 503 selected by the business, including a career center, a Florida
 504 College System institution, a state university, or an in-house
 505 training provider of the business. If grant funds are used to
 506 provide a technical certificate, a licensure, or a degree, funds
 507 may be allocated only upon a review that includes, but is not
 508 limited to, documentation of accreditation and licensure
 509 ~~documentation~~. Instruction funded through the program terminates
 510 ~~must terminate~~ when participants demonstrate competence at the
 511 level specified in the request but, however, the grant term may
 512 not exceed 48 months. Preference shall be given to target
 513 industry businesses, as defined in s. 288.106, and to businesses
 514 in the defense supply, cloud virtualization, or commercial
 515 aviation manufacturing industries.

516 2. Costs and expenditures for the grant program must be
 517 documented and separated from those incurred by the training
 518 provider. Costs and expenditures shall be limited to \$8,000 per
 519 veteran trainee. Eligible costs and expenditures include:

520 a. Tuition and fees.

- 521 b. Curriculum development.
- 522 c. Books and classroom materials.
- 523 d. Rental fees for facilities at public colleges and
- 524 universities, including virtual training labs.
- 525 e. Overhead or indirect costs not to exceed 5 percent of
- 526 the grant amount.
- 527 3. Before funds are allocated for a request pursuant to
- 528 this section, the corporation shall prepare a grant agreement
- 529 between the business requesting funds, the educational
- 530 institution or training provider receiving funding through the
- 531 program, and the corporation. Such agreement must include, but
- 532 need not be limited to:
 - 533 a. Identification of the personnel necessary to conduct
 - 534 the instructional program, the qualifications of such personnel,
 - 535 and the respective responsibilities of the parties for paying
 - 536 costs associated with the employment of such personnel.
 - 537 b. Identification of the match provided by the business,
 - 538 including cash and in-kind contributions, equal to at least 50
 - 539 percent of the total grant amount.
 - 540 c. Identification of the estimated duration of the
 - 541 instructional program.
 - 542 d. Identification of all direct, training-related costs.
 - 543 e. Identification of special program requirements that are
 - 544 not otherwise addressed in the agreement.
 - 545 f. Permission to access aggregate information specific to
 - 546 the wages and performance of participants upon the completion of

547 instruction for evaluation purposes. The agreement must specify
 548 that any evaluation published subsequent to the instruction may
 549 not identify the employer or any individual participant.

550 4. A business may receive a grant under the Quick-Response
 551 Training Program created under s. 288.047 and a grant under this
 552 section for the same veteran trainee. If a business receives
 553 funds under both programs, one grant agreement may be entered
 554 into with CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, as
 555 the grant administrator.

556 Section 11. Subsection (4) of section 320.20, Florida
 557 Statutes, is amended to read:

558 320.20 Disposition of license tax moneys.—The revenue
 559 derived from the registration of motor vehicles, including any
 560 delinquent fees and excluding those revenues collected and
 561 distributed under the provisions of s. 320.081, must be
 562 distributed monthly, as collected, as follows:

563 (4) Notwithstanding any other provision of law except
 564 subsections (1), (2), and (3), \$10 million shall be deposited
 565 annually into the State Transportation Trust Fund solely for the
 566 purposes of funding the Florida Seaport Transportation and
 567 Economic Development Program as provided in chapter 311 and for
 568 funding seaport intermodal access projects of statewide
 569 significance as provided in s. 341.053. Such revenues shall be
 570 distributed to any port listed in s. 311.09(1), to be used for
 571 funding projects as follows:

572 (a) For any seaport intermodal access projects that are

573 identified in the 1997-1998 Tentative Work Program of the
 574 Department of Transportation, up to the amounts needed to offset
 575 the funding requirements of this section.

576 (b) For seaport intermodal access projects as described in
 577 s. 341.053(6) which are identified in the 5-year Florida Seaport
 578 Mission Plan as provided in s. 311.09(3). Funding for such
 579 projects shall be on a matching basis as mutually determined by
 580 the Florida Seaport Transportation and Economic Development
 581 Council and the Department of Transportation if a minimum of 25
 582 percent of total project funds come from any port funds, local
 583 funds, private funds, or specifically earmarked federal funds.

584 (c) On a 50-50 matching basis for projects as described in
 585 s. 311.07(3)(b).

586 (d) For seaport intermodal access projects that involve
 587 the dredging or deepening of channels, turning basins, or
 588 harbors; or the rehabilitation of wharves, docks, or similar
 589 structures. Funding for such projects requires a 25 percent
 590 match of the funds received pursuant to this subsection.
 591 Matching funds must come from ~~any~~ port funds, federal funds,
 592 local funds, or private funds.

593
 594 Such revenues may be assigned, pledged, or set aside as a trust
 595 for the payment of principal or interest on bonds, tax
 596 anticipation certificates, or other form of indebtedness issued
 597 by an individual port or appropriate local government having
 598 jurisdiction thereof, or collectively by interlocal agreement

599 | among any of the ports, or used to purchase credit support to
 600 | permit such borrowings. However, such debt is not a general
 601 | obligation of the state. This state covenants with holders of
 602 | such revenue bonds or other instruments of indebtedness issued
 603 | hereunder that it will not repeal, ~~or~~ impair, or amend this
 604 | subsection in a ~~any~~ manner that will materially and adversely
 605 | affect the rights of holders while ~~so long as~~ bonds authorized
 606 | by this subsection remain ~~are~~ outstanding. ~~Any~~ Revenues that are
 607 | not pledged to the repayment of bonds as authorized by this
 608 | section may be used for purposes authorized under the Florida
 609 | Seaport Transportation and Economic Development Program. This
 610 | revenue source is in addition to any amounts provided for and
 611 | appropriated in accordance with s. 311.07 and subsection (3).
 612 | The Florida Seaport Transportation and Economic Development
 613 | Council shall approve distribution of funds to ports for
 614 | projects that have been approved pursuant to s. 311.09(5)-(8),
 615 | or for seaport intermodal access projects identified in the 5-
 616 | year Florida Seaport Mission Plan as provided in s. 311.09(3)
 617 | and mutually agreed upon by the Florida Seaport Transportation
 618 | and Economic Development Council and the Department of
 619 | Transportation. All contracts for actual construction of
 620 | projects authorized by this subsection must include a provision
 621 | encouraging employment of participants in the welfare transition
 622 | program. The goal for such employment is 25 percent of all new
 623 | employees employed specifically for the project, unless the
 624 | Department of Transportation and the Florida Seaport

625 Transportation and Economic Development Council demonstrate that
 626 such a requirement would severely hamper the successful
 627 completion of the project. In such an instance, CareerSource
 628 Florida, Inc. ~~Workforce Florida, Inc.~~, shall establish an
 629 appropriate percentage of employees who are participants in the
 630 welfare transition program. The council and the Department of
 631 Transportation may perform such acts as are required to
 632 facilitate and implement the provisions of this subsection. To
 633 better enable the ports to cooperate to their mutual advantage,
 634 the governing body of each port may exercise powers provided to
 635 municipalities or counties in s. 163.01(7)(d) subject to the
 636 provisions of chapter 311 and special acts, if any, pertaining
 637 to a port. The use of funds provided pursuant to this subsection
 638 is limited to eligible projects listed in this subsection. The
 639 revenues available under this subsection may not be pledged to
 640 the payment of any bonds other than the Florida Ports Financing
 641 Commission Series 1996 and Series 1999 Bonds currently
 642 outstanding; however, such revenues may be pledged to secure
 643 payment of refunding bonds to refinance the Florida Ports
 644 Financing Commission Series 1996 and Series 1999 Bonds.
 645 Refunding bonds secured by revenues available under this
 646 subsection may not be issued with a final maturity later than
 647 the final maturity of the Florida Ports Financing Commission
 648 Series 1996 and Series 1999 Bonds and may not ~~or which~~ provide
 649 for higher debt service in any year than is currently payable on
 650 such bonds. Any revenue bonds or other indebtedness issued after

651 July 1, 2000, other than refunding bonds shall be issued by the
 652 Division of Bond Finance at the request of the Department of
 653 Transportation pursuant to the State Bond Act.

654 Section 12. Subsections (2) and (9) of section 331.3051,
 655 Florida Statutes, are amended to read:

656 331.3051 Duties of Space Florida.—Space Florida shall:

657 (2) Enter into agreement with the Department of Education,
 658 the Department of Transportation, Enterprise Florida, Inc., and
 659 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, for the
 660 purpose of implementing this act.

661 (9) Carry out its responsibility for workforce development
 662 by coordinating with CareerSource Florida, Inc. ~~Workforce~~
 663 ~~Florida, Inc.~~, community colleges, colleges, public and private
 664 universities, and other public and private partners to develop a
 665 plan to retain, train, and retrain workers, from entry-level
 666 skills training through to technician-level, and 4-year degrees
 667 and higher, with the skills most relevant to aerospace
 668 employers.

669 Section 13. Subsections (2), (4), and (5) of section
 670 331.369, Florida Statutes, are amended to read:

671 331.369 Space Industry Workforce Initiative.—

672 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 673 shall coordinate development of a Space Industry Workforce
 674 Initiative in partnership with Space Florida, public and private
 675 universities, community colleges, and other training providers
 676 approved by the board. The purpose of the initiative is to use

677 or revise existing programs and to develop innovative new
 678 programs to address the workforce needs of the aerospace
 679 industry.

680 (4) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 681 with the assistance of Space Florida, shall convene
 682 representatives from the aerospace industry to identify the
 683 priority training and education needs of the industry and to
 684 appoint a team to design programs to meet the priority needs.

685 (5) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, as
 686 part of its statutorily prescribed annual report to the
 687 Legislature, shall provide recommendations for policies,
 688 programs, and funding to enhance the workforce needs of the
 689 aerospace industry.

690 Section 14. Paragraph (c) of subsection (3) of section
 691 403.973, Florida Statutes, is amended to read:

692 403.973 Expedited permitting; amendments to comprehensive
 693 plans.--

694 (3)

695 (c) At the request of a county or municipal government,
 696 the Department of Economic Opportunity or a Quick Permitting
 697 County may certify projects located in counties where the ratio
 698 of new jobs per participant in the welfare transition program,
 699 as determined by CareerSource Florida, Inc. ~~Workforce Florida,
 700 Inc.~~, is less than one or otherwise critical, as eligible for
 701 the expedited permitting process. Such projects must meet the
 702 numerical ~~job creation~~ criteria for job creation specified in ~~of~~

703 | this subsection, but the jobs created by the project do not have
 704 | to be high-wage jobs that diversify the state's economy.

705 | Section 15. Paragraph (c) of subsection (7) of section
 706 | 409.1451, Florida Statutes, is amended to read:

707 | 409.1451 The Road-to-Independence Program.—

708 | (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
 709 | secretary shall establish the Independent Living Services
 710 | Advisory Council for the purpose of reviewing and making
 711 | recommendations concerning the implementation and operation of
 712 | the provisions of s. 39.6251 and the Road-to-Independence
 713 | Program. The advisory council shall function as specified in
 714 | this subsection until the Legislature determines that the
 715 | advisory council can no longer provide a valuable contribution
 716 | to the department's efforts to achieve the goals of the services
 717 | designed to enable a young adult to live independently.

718 | (c) Members of the advisory council shall be appointed by
 719 | the secretary of the department. The membership of the advisory
 720 | council must include, at a minimum, representatives from the
 721 | headquarters and regional offices of the Department of Children
 722 | and Families, community-based care lead agencies, the Department
 723 | of Juvenile Justice, the Department of Economic Opportunity, the
 724 | Department of Education, the Agency for Health Care
 725 | Administration, the State Youth Advisory Board, CareerSource
 726 | Florida, Inc. ~~Workforce Florida, Inc.~~, the Statewide Guardian Ad
 727 | Litem Office, foster parents, recipients of services and funding
 728 | through the Road-to-Independence Program, and advocates for

729 children in care. The secretary shall determine the length of
 730 the term to be served by each member appointed to the advisory
 731 council, which may not exceed 4 years.

732 Section 16. Paragraph (k) of subsection (1) and subsection
 733 (9) of section 413.405, Florida Statutes, are amended to read:

734 413.405 Florida Rehabilitation Council.—There is created
 735 the Florida Rehabilitation Council to assist the division in the
 736 planning and development of statewide rehabilitation programs
 737 and services, to recommend improvements to such programs and
 738 services, and to perform the functions listed in this section.

739 (1) The council shall be composed of:

740 (k) At least one representative of the board of directors
 741 of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

742 (9) In addition to the other functions specified in this
 743 section, the council shall, after consulting with the board of
 744 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.:~~

745 (a) Review, analyze, and advise the division regarding the
 746 performance of the responsibilities of the division under Title
 747 I of the act, particularly responsibilities relating to:

748 1. Eligibility, including order of selection.

749 2. The extent, scope, and effectiveness of services
 750 provided.

751 3. Functions performed by state agencies which ~~that~~ affect
 752 or potentially affect the ability of individuals with
 753 disabilities to achieve ~~in achieving~~ employment outcomes under
 754 Title I.

755 (b) In partnership with the division:
 756 1. Develop, agree to, and review state goals and
 757 priorities in accordance with 34 C.F.R. s. 361.29(c); and
 758 2. Evaluate the effectiveness of the vocational
 759 rehabilitation program and submit reports of progress to the
 760 Governor, the President of the Senate, the Speaker of the House
 761 of Representatives, and the United States Secretary of Education
 762 in accordance with 34 C.F.R. s. 361.29(e).
 763 (c) Advise the department and the division and assist in
 764 the preparation of the state plan and amendments to the plan,
 765 applications, reports, needs assessments, and evaluations
 766 required by Title I.
 767 (d) To the extent feasible, conduct a review and analysis
 768 of the effectiveness of, and consumer satisfaction with:
 769 1. The functions performed by state agencies and other
 770 public and private entities responsible for performing functions
 771 for individuals who have disabilities.
 772 2. Vocational rehabilitation services:
 773 a. Provided or paid for from funds made available under
 774 the act or through other public or private sources.
 775 b. Provided by state agencies and other public and private
 776 entities responsible for providing vocational rehabilitation
 777 services to individuals who have disabilities.
 778 3. The employment outcomes achieved by eligible
 779 individuals receiving services under this part, including the
 780 availability of health or other employment benefits in

781 connection with those employment outcomes.

782 (e) Prepare and submit an annual report on the status of
 783 vocational rehabilitation programs in the state to the Governor,
 784 the President of the Senate, the Speaker of the House of
 785 Representatives, and the United States Secretary of Education
 786 and make the report available to the public.

787 (f) Coordinate with other councils within Florida,
 788 including the Florida Independent Living Council, the advisory
 789 panel established under s. 612(a)(21) of the Individuals with
 790 Disabilities Education Act, 20 U.S.C. s. 1412(a)(21), the State
 791 Planning Council described in s. 124 of the Developmental
 792 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.
 793 15024, the state mental health planning council established
 794 under s. 1914 of the Public Health Service Act, 42 U.S.C. s.
 795 300x-3, and the board of directors of CareerSource Florida, Inc.
 796 ~~Workforce Florida, Inc.~~

797 (g) Advise the department and division and provide for
 798 coordination and the establishment of working relationships
 799 among the department, the division, the Florida Independent
 800 Living Council, and centers for independent living in the state.

801 (h) Perform other functions that are consistent with the
 802 duties and responsibilities of the council under this section.

803 Section 17. Paragraph (a) of subsection (1) of section
 804 413.407, Florida Statutes, is amended to read:

805 413.407 Assistive Technology Advisory Council.—There is
 806 created the Assistive Technology Advisory Council, responsible

807 for ensuring consumer involvement in the creation, application,
 808 and distribution of technology-related assistance to and for
 809 persons who have disabilities. The council shall fulfill its
 810 responsibilities through statewide policy development, both
 811 state and federal legislative initiatives, advocacy at both the
 812 state and federal level, planning of statewide resource
 813 allocations, policy-level management, reviews of both consumer
 814 responsiveness and the adequacy of program service delivery, and
 815 by performing the functions listed in this section.

816 (1)(a) The council shall be composed of:

817 1. Individuals who have disabilities and who are assistive
 818 technology consumers or family members or guardians of those
 819 individuals.

820 2. Representatives of consumer organizations concerned
 821 with assistive technology.

822 3. Representatives of business and industry, including the
 823 insurance industry, concerned with assistive technology.

824 4. A representative of the Division of Vocational
 825 Rehabilitation.

826 5. A representative of the Division of Blind Services.

827 6. A representative of the Florida Independent Living
 828 Council.

829 7. A representative of CareerSource Florida, Inc.
 830 ~~Workforce Florida, Inc.~~

831 8. A representative of the Department of Education.

832 9. Representatives of other state agencies that provide or

833 coordinate services for persons with disabilities.

834

835 Total membership on the council may ~~shall~~ not exceed 27 at any
 836 one time. A majority of the members shall be appointed in
 837 accordance with subparagraph 1.

838 Section 18. Section 414.045, Florida Statutes, is amended
 839 to read:

840 414.045 Cash assistance program.—Cash assistance families
 841 include any families receiving cash assistance payments from the
 842 state program for temporary assistance for needy families as
 843 defined in federal law, whether such funds are from federal
 844 funds, state funds, or commingled federal and state funds. Cash
 845 assistance families may also include families receiving cash
 846 assistance through a program defined as a separate state
 847 program.

848 (1) For reporting purposes, families receiving cash
 849 assistance shall be grouped into the following categories. The
 850 department may develop additional groupings in order to comply
 851 with federal reporting requirements, to comply with the data-
 852 reporting needs of the board of directors of CareerSource
 853 Florida, Inc. ~~Workforce Florida, Inc.~~, or to better inform the
 854 public of program progress.

855 (a) *Work-eligible cases.*—Work-eligible cases shall
 856 include:

857 1. Families containing an adult or a teen head of
 858 household, as defined by federal law. These cases are generally

859 subject to the work activity requirements provided in s. 445.024
 860 and the time limitations on benefits provided in s. 414.105.

861 2. Families with a parent where the parent's needs have
 862 been removed from the case due to sanction or disqualification
 863 shall be considered work-eligible cases to the extent that such
 864 cases are considered in the calculation of federal participation
 865 rates or would be counted in such calculation in future months.

866 3. Families participating in transition assistance
 867 programs.

868 4. Families otherwise eligible for temporary cash
 869 assistance which ~~that~~ receive diversion services, a severance
 870 payment, or participate in the relocation program.

871 (b) *Child-only cases.*—Child-only cases include cases that
 872 do not have an adult or teen head of household as defined in
 873 federal law. Such cases include:

874 1. Children in the care of caretaker relatives, if ~~where~~
 875 the caretaker relatives choose to have their needs excluded in
 876 the calculation of the amount of cash assistance.

877 2. Families in the Relative Caregiver Program as provided
 878 in s. 39.5085.

879 3. Families in which the only parent in a single-parent
 880 family or both parents in a two-parent family receive
 881 supplemental security income (SSI) benefits under Title XVI of
 882 the Social Security Act, as amended. To the extent permitted by
 883 federal law, individuals receiving SSI shall be excluded as
 884 household members in determining the amount of cash assistance,

885 | and such cases shall not be considered families containing an
 886 | adult. Parents or caretaker relatives who are excluded from the
 887 | cash assistance group due to receipt of SSI may choose to
 888 | participate in work activities. An individual whose ability to
 889 | participate in work activities is limited who volunteers to
 890 | participate in work activities ~~activity but whose ability to~~
 891 | ~~participate in work activities is limited~~ shall be assigned to
 892 | work activities consistent with such limitations. An individual
 893 | who volunteers to participate in a work activity may receive
 894 | child care or support services consistent with such
 895 | participation.

896 | 4. Families in which ~~where~~ the only parent in a single-
 897 | parent family or both parents in a two-parent family are not
 898 | eligible for cash assistance due to immigration status or other
 899 | limitation of federal law. To the extent required by federal
 900 | law, such cases shall not be considered families containing an
 901 | adult.

902 | 5. To the extent permitted by federal law and subject to
 903 | appropriations, special needs children who have been adopted
 904 | pursuant to s. 409.166 and whose adopting family qualifies as a
 905 | needy family under the state program for temporary assistance
 906 | for needy families. Notwithstanding any provision to the
 907 | contrary in s. 414.075, s. 414.085, or s. 414.095, a family
 908 | shall be considered a needy family if:

909 | a. The family is determined by the department to have an
 910 | income below 200 percent of the federal poverty level;

911 | b. The family meets the requirements of s. 414.095(2) and
 912 | (3) related to residence, citizenship, or eligible noncitizen
 913 | status; and

914 | c. The family provides any information that may be
 915 | necessary to meet federal reporting requirements specified under
 916 | Part A of Title IV of the Social Security Act.

917 |
 918 | Families described in subparagraph 1., subparagraph 2., or
 919 | subparagraph 3. may receive child care assistance or other
 920 | supports or services so that the children may continue to be
 921 | cared for in their own homes or in the homes of relatives. Such
 922 | assistance or services may be funded from the temporary
 923 | assistance for needy families block grant to the extent
 924 | permitted under federal law and to the extent funds have been
 925 | provided in the General Appropriations Act.

926 | (2) Oversight by the board of directors of CareerSource
 927 | Florida, Inc. ~~Workforce Florida, Inc.~~, and the service delivery
 928 | and financial planning responsibilities of the regional
 929 | workforce boards ~~shall~~ apply to the families defined as work-
 930 | eligible cases in paragraph (1)(a). The department shall be
 931 | responsible for program administration related to families in
 932 | groups defined in paragraph (1)(b), and the department shall
 933 | coordinate such administration with the board of directors of
 934 | CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, to the
 935 | extent needed for operation of the program.

936 | Section 19. Subsections (1) and (3) of section 414.105,

937 Florida Statutes, are amended to read:

938 414.105 Time limitations of temporary cash assistance.—
 939 Except as otherwise provided in this section, an applicant or
 940 current participant shall receive temporary cash assistance for
 941 no more than a lifetime cumulative total of 48 months, unless
 942 otherwise provided by law.

943 (1) Hardship exemptions from ~~to~~ the time limitations
 944 provided in this section may not exceed ~~shall be limited to~~ 20
 945 percent of the average monthly caseload, as determined by the
 946 department in cooperation with CareerSource Florida, Inc.
 947 ~~Workforce Florida, Inc.~~ Criteria for hardship exemptions
 948 include:

949 (a) Diligent participation in activities, combined with
 950 inability to obtain employment.

951 (b) Diligent participation in activities, combined with
 952 extraordinary barriers to employment, including the conditions
 953 which may result in an exemption to work requirements.

954 (c) Significant barriers to employment, combined with a
 955 need for additional time.

956 (d) Diligent participation in activities and a need by
 957 teen parents for an exemption in order to have 24 months of
 958 eligibility beyond receipt of the high school diploma or
 959 equivalent.

960 (e) A recommendation of extension for a minor child of a
 961 participating family that has reached the end of the eligibility
 962 period for temporary cash assistance. The recommendation must be

963 | the result of a review that ~~which~~ determines that the
 964 | termination of the child's temporary cash assistance would be
 965 | likely to result in the child being placed into emergency
 966 | shelter or foster care.

967 | (3) The department, in cooperation with CareerSource
 968 | Florida, Inc. ~~Workforce Florida, Inc.~~, shall establish a
 969 | procedure for approving hardship exemptions and for reviewing
 970 | hardship cases at least once every 2 years. Regional workforce
 971 | boards may assist in making these determinations.

972 | Section 20. Section 414.106, Florida Statutes, is amended
 973 | to read:

974 | 414.106 Exemption from public meetings law.—That portion
 975 | of a meeting held by the department, CareerSource Florida, Inc.
 976 | ~~Workforce Florida, Inc.~~, or a regional workforce board or local
 977 | committee created pursuant to s. 445.007 at which personal
 978 | identifying information contained in records relating to
 979 | temporary cash assistance is discussed is exempt from s. 286.011
 980 | and s. 24(b), Art. I of the State Constitution if the
 981 | information identifies a participant, a participant's family, or
 982 | a participant's family or household member.

983 | Section 21. Subsection (1) of section 414.295, Florida
 984 | Statutes, is amended to read:

985 | 414.295 Temporary cash assistance programs; public records
 986 | exemption.—

987 | (1) Personal identifying information of a temporary cash
 988 | assistance program participant, a participant's family, or a

989 participant's family or household member, except for information
 990 identifying a parent who does not live in the same home as the
 991 child, which is held by the department, the Office of Early
 992 Learning, CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 993 the Department of Health, the Department of Revenue, the
 994 Department of Education, or a regional workforce board or local
 995 committee created pursuant to s. 445.007 is confidential and
 996 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 997 Constitution. Such confidential and exempt information may be
 998 released for purposes directly connected with:

999 (a) The administration of the temporary assistance for
 1000 needy families plan under Title IV-A of the Social Security Act,
 1001 as amended, by the department, the Office of Early Learning,
 1002 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, the
 1003 Department of Military Affairs, the Department of Health, the
 1004 Department of Revenue, the Department of Education, a regional
 1005 workforce board or local committee created pursuant to s.
 1006 445.007, or a school district.

1007 (b) The administration of the state's plan or program
 1008 approved under Title IV-B, Title IV-D, or Title IV-E of the
 1009 Social Security Act, as amended, or under Title I, Title X,
 1010 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
 1011 Social Security Act, as amended.

1012 (c) An ~~Any~~ investigation, prosecution, or ~~any~~ criminal,
 1013 civil, or administrative proceeding conducted in connection with
 1014 the administration of any of the plans or programs specified in

1015 paragraph (a) or paragraph (b) by a federal, state, or local
 1016 governmental entity, upon request by that entity, if ~~when~~ such
 1017 request is made pursuant to the proper exercise of that entity's
 1018 duties and responsibilities.

1019 (d) The administration of any other state, federal, or
 1020 federally assisted program that provides assistance or services
 1021 on the basis of need, in cash or in kind, directly to a
 1022 participant.

1023 (e) An ~~Any~~ audit or similar activity, such as a review of
 1024 expenditure reports or financial review, conducted in connection
 1025 with the administration of ~~any of the~~ plans or programs
 1026 specified in paragraph (a) or paragraph (b) by a governmental
 1027 entity authorized by law to conduct such audit or activity.

1028 (f) The administration of the reemployment assistance
 1029 program.

1030 (g) The reporting to the appropriate agency or official of
 1031 information about known or suspected instances of physical or
 1032 mental injury, sexual abuse or exploitation, or negligent
 1033 treatment or maltreatment of a child or elderly person receiving
 1034 assistance, if circumstances indicate that the health or welfare
 1035 of the child or elderly person is threatened.

1036 (h) The administration of services to elderly persons
 1037 under ss. 430.601-430.606.

1038 Section 22. Section 414.55, Florida Statutes, is amended
 1039 to read:

1040 414.55 Implementation of community work program.—The

1041 Governor shall minimize the liability of the state by opting out
 1042 of the special provision related to community work, as described
 1043 in s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by
 1044 Pub. L. No. 104-193. The department and CareerSource Florida,
 1045 Inc. ~~Workforce Florida, Inc.~~, shall implement the community work
 1046 program in accordance with s. 445.024.

1047 Section 23. Subsection (2) of section 420.622, Florida
 1048 Statutes, is amended to read:

1049 420.622 State Office on Homelessness; Council on
 1050 Homelessness.—

1051 (2) The Council on Homelessness is created to consist of
 1052 17 representatives ~~a 17-member council~~ of public and private
 1053 agencies ~~agency representatives~~ who shall develop policy and
 1054 advise the State Office on Homelessness. The council members
 1055 shall be: the Secretary of Children and Families, or his or her
 1056 designee; the executive director of the Department of Economic
 1057 Opportunity, or his or her designee, who shall ~~to~~ advise the
 1058 council on issues related to rural development; the State
 1059 Surgeon General, or his or her designee; the Executive Director
 1060 of Veterans' Affairs, or his or her designee; the Secretary of
 1061 Corrections, or his or her designee; the Secretary of Health
 1062 Care Administration, or his or her designee; the Commissioner of
 1063 Education, or his or her designee; the Director of CareerSource
 1064 Florida, Inc. ~~Workforce Florida, Inc.~~, or his or her designee;
 1065 one representative of the Florida Association of Counties; one
 1066 representative of ~~from~~ the Florida League of Cities; one

1067 representative of the Florida Supportive Housing Coalition; the
 1068 Executive Director of the Florida Housing Finance Corporation,
 1069 or his or her designee; one representative of the Florida
 1070 Coalition for the Homeless; and four members appointed by the
 1071 Governor. The council members shall be nonpaid volunteers
 1072 ~~volunteer, nonpaid persons~~ and shall be reimbursed only for
 1073 travel expenses ~~only~~. The appointed members of the council shall
 1074 be appointed to staggered 2-year terms, and the council shall
 1075 meet at least four times per year. The importance of minority,
 1076 gender, and geographic representation shall ~~must~~ be considered
 1077 in ~~when~~ appointing members to the council.

1078 Section 24. Paragraph (c) of subsection (1) of section
 1079 443.091, Florida Statutes, is amended to read:

1080 443.091 Benefit eligibility conditions.—

1081 (1) An unemployed individual is eligible to receive
 1082 benefits for any week only if the Department of Economic
 1083 Opportunity finds that:

1084 (c) To make continued claims for benefits, she or he is
 1085 reporting to the department in accordance with this paragraph
 1086 and department rules. Department rules may not conflict with s.
 1087 443.111(1)(b), which requires that each claimant continue to
 1088 report regardless of any pending appeal relating to her or his
 1089 eligibility or disqualification for benefits.

1090 1. For each week of unemployment claimed, each report
 1091 must, at a minimum, include the name, address, and telephone
 1092 number of each prospective employer contacted, or the date the

1093 claimant reported to a one-stop career center, pursuant to
 1094 paragraph (d).

1095 2. The department shall ~~must~~ offer an online assessment
 1096 aimed at identifying ~~that serves to identify~~ an individual's
 1097 skills, abilities, and career aptitude. The skills assessment
 1098 must be voluntary, and the department shall ~~must~~ allow a
 1099 claimant to choose whether to take the skills assessment. The
 1100 online assessment shall be made available to any person seeking
 1101 services from a regional workforce board or a one-stop career
 1102 center.

1103 a. If the claimant chooses to take the online assessment,
 1104 the outcome of the assessment shall ~~must~~ be made available to
 1105 the claimant, regional workforce board, and one-stop career
 1106 center. The department, workforce board, or one-stop career
 1107 center shall use the assessment to develop a plan for referring
 1108 individuals to training and employment opportunities. Aggregate
 1109 data on assessment outcomes may be made available to
 1110 CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~ and
 1111 Enterprise Florida, Inc., for use in the development of policies
 1112 related to education and training programs that will ensure that
 1113 businesses in this state have access to a skilled and competent
 1114 workforce.

1115 b. Individuals shall be informed of and offered services
 1116 through the one-stop delivery system, including career
 1117 counseling, the provision of skill match and job market
 1118 information, and skills upgrade and other training

1119 | opportunities, and shall be encouraged to participate in such
 1120 | services at no cost to the individuals. The department shall
 1121 | coordinate with CareerSource Florida, Inc. ~~Workforce Florida,~~
 1122 | ~~Inc.~~, the workforce boards, and the one-stop career centers to
 1123 | identify, develop, and use best practices for improving the
 1124 | skills of individuals who choose to participate in skills
 1125 | upgrade and other training opportunities. The department may
 1126 | contract with an entity to create the online assessment in
 1127 | accordance with the competitive bidding requirements in s.
 1128 | 287.057. The online assessment must work seamlessly with the
 1129 | Reemployment Assistance Claims and Benefits Information System.

1130 | Section 25. Subsections (1) and (4) of section 443.171,
 1131 | Florida Statutes, are amended to read:

1132 | 443.171 Department of Economic Opportunity and commission;
 1133 | powers and duties; records and reports; proceedings; state-
 1134 | federal cooperation.—

1135 | (1) POWERS AND DUTIES.—The Department of Economic
 1136 | Opportunity shall administer this chapter. The department may
 1137 | employ ~~those~~ persons, make expenditures, require reports,
 1138 | conduct investigations, and take other action necessary or
 1139 | suitable to administer this chapter. The department shall
 1140 | annually submit information to CareerSource Florida, Inc.
 1141 | ~~Workforce Florida, Inc.~~, covering the administration and
 1142 | operation of this chapter during the preceding calendar year for
 1143 | inclusion in the strategic plan under s. 445.006 and may make
 1144 | recommendations for amendment to this chapter.

1145 (4) EMPLOYMENT STABILIZATION.—The Department of Economic
 1146 Opportunity, under the direction of CareerSource Florida, Inc.
 1147 ~~Workforce Florida, Inc.~~, shall take all appropriate steps to
 1148 reduce and prevent unemployment; to encourage and assist in the
 1149 adoption of practical methods of career training, retraining,
 1150 and career guidance; to investigate, recommend, advise, and
 1151 assist municipalities, counties, school districts, and the state
 1152 in the establishment and operation, ~~by municipalities, counties,~~
 1153 ~~school districts, and the state,~~ of reserves for public works to
 1154 be used in times of business depression and unemployment; to
 1155 promote the reemployment of ~~the~~ unemployed workers throughout
 1156 the state in every other way that may be feasible; to refer a
 1157 ~~any~~ claimant entitled to extended benefits to suitable work that
 1158 ~~which~~ meets the criteria of this chapter; and, to these ends, to
 1159 carry on and publish the results of investigations and research
 1160 studies.

1161 Section 26. Subsection (1) of section 443.181, Florida
 1162 Statutes, is amended to read:

1163 443.181 Public employment service.—

1164 (1) The one-stop delivery system established under s.
 1165 445.009 is this state's public employment service as part of the
 1166 national system of public employment offices established under
 1167 29 U.S.C. s. 49. The Department of Economic Opportunity, under
 1168 policy direction from CareerSource Florida, Inc. ~~Workforce~~
 1169 ~~Florida, Inc.~~, shall cooperate with any official or agency of
 1170 the United States having power or duties under 29 U.S.C. ss. 49-

1171 491-1 and shall perform those duties necessary to secure to this
 1172 state the funds provided under federal law for the promotion and
 1173 maintenance of the state's public employment service. In
 1174 accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C.
 1175 ss. 49-491-1. The department is designated the state agency
 1176 responsible for cooperating with the United States Secretary of
 1177 Labor under 29 U.S.C. s. 49c. The department shall appoint
 1178 sufficient employees to administer this section. The department
 1179 may cooperate with or enter into agreements with the Railroad
 1180 Retirement Board for the establishment, maintenance, and use of
 1181 one-stop career centers.

1182 Section 27. Section 445.003, Florida Statutes, is amended
 1183 to read:

1184 445.003 Implementation of the federal Workforce Investment
 1185 Act of 1998.—

1186 (1) WORKFORCE INVESTMENT ACT PRINCIPLES.—The state's
 1187 approach to implementing the federal Workforce Investment Act of
 1188 1998, Pub. L. No. 105-220, should have six elements:

1189 (a) *Streamlining Services*.—Florida's employment and
 1190 training programs must be coordinated and consolidated at
 1191 locally managed one-stop delivery system centers.

1192 (b) *Empowering Individuals*.—Eligible participants will
 1193 make informed decisions, choosing the qualified training program
 1194 that best meets their needs.

1195 (c) *Universal Access*.—Through a one-stop delivery system,
 1196 every Floridian will have access to employment services.

1197 (d) *Increased Accountability.*—The state, localities, and
 1198 training providers will be held accountable for their
 1199 performance.

1200 (e) *Local Board and Private Sector Leadership.*—Local
 1201 boards will focus on strategic planning, policy development, and
 1202 oversight of the local system, choosing local managers to direct
 1203 the operational details of their one-stop delivery system
 1204 centers.

1205 (f) *Local Flexibility and Integration.*—Localities will
 1206 have exceptional flexibility to build on existing reforms.
 1207 Unified planning will free local groups from conflicting
 1208 micromanagement, while waivers and WorkFlex will allow local
 1209 innovations.

1210 (2) FIVE-YEAR PLAN.—CareerSource Florida, Inc. ~~Workforce~~
 1211 ~~Florida, Inc.~~, shall prepare and submit a 5-year plan, which
 1212 must include ~~includes~~ secondary career education, to fulfill the
 1213 early implementation requirements of Pub. L. No. 105-220 and
 1214 applicable state statutes. Mandatory and optional federal
 1215 partners ~~and optional federal partners~~ shall be fully involved
 1216 in designing the plan's one-stop delivery system strategy. The
 1217 plan shall ~~detail a process to~~ clearly define each program's
 1218 statewide duties and role relating to the system. Any optional
 1219 federal partner may immediately choose to fully integrate its
 1220 program's plan with this plan, which shall, notwithstanding any
 1221 other state provisions, fulfill all their state planning and
 1222 reporting requirements as they relate to the one-stop delivery

1223 system. The plan must ~~shall~~ detail a process that would fully
 1224 integrate all federally mandated and optional partners by the
 1225 second year of the plan. All optional federal program partners
 1226 in the planning process shall be mandatory participants in the
 1227 second year of the plan.

1228 (3) FUNDING.—

1229 (a) Title I, Workforce Investment Act of 1998 funds;
 1230 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
 1231 based on the 5-year plan of CareerSource Florida, Inc. ~~Workforce~~
 1232 ~~Florida, Inc.~~ The plan shall outline and direct the method used
 1233 to administer and coordinate various funds and programs that are
 1234 operated by various agencies. The following provisions ~~shall~~
 1235 ~~also~~ apply to these funds:

1236 1. At least 50 percent of the Title I funds for Adults and
 1237 Dislocated Workers which ~~that~~ are passed through to regional
 1238 workforce boards shall be allocated to and expended on
 1239 Individual Training Accounts unless a regional workforce board
 1240 obtains a waiver from CareerSource Florida, Inc. ~~Workforce~~
 1241 ~~Florida, Inc.~~ Tuition, books, and fees of training providers and
 1242 other training services prescribed and authorized by the
 1243 Workforce Investment Act of 1998 qualify as Individual Training
 1244 Account expenditures.

1245 2. Fifteen percent of Title I funding shall be retained at
 1246 the state level and ~~shall be~~ dedicated to state administration
 1247 and shall be used to design, develop, induce, and fund
 1248 innovative Individual Training Account pilots, demonstrations,

1249 and programs. Of such funds retained at the state level, \$2
 1250 million shall be reserved for the Incumbent Worker Training
 1251 Program, created under subparagraph 3. Eligible state
 1252 administration costs include the costs of: funding for the board
 1253 and staff of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~;
 1254 operating fiscal, compliance, and management accountability
 1255 systems through CareerSource Florida, Inc. ~~Workforce Florida,~~
 1256 ~~Inc.~~; conducting evaluation and research on workforce
 1257 development activities; and providing technical and capacity
 1258 building assistance to regions at the direction of CareerSource
 1259 Florida, Inc. ~~Workforce Florida, Inc.~~ Notwithstanding s.
 1260 445.004, such administrative costs may ~~shall~~ not exceed 25
 1261 percent of these funds. An amount not to exceed 75 percent of
 1262 these funds shall be allocated to Individual Training Accounts
 1263 and other workforce development strategies for other training
 1264 designed and tailored by CareerSource Florida, Inc. ~~Workforce~~
 1265 ~~Florida, Inc.~~, including, but not limited to, programs for
 1266 incumbent workers, displaced homemakers, nontraditional
 1267 employment, and enterprise zones. CareerSource Florida, Inc.
 1268 ~~Workforce Florida, Inc.~~, shall design, adopt, and fund
 1269 Individual Training Accounts for distressed urban and rural
 1270 communities.

1271 3. The Incumbent Worker Training Program is created for
 1272 the purpose of providing grant funding for continuing education
 1273 and training of incumbent employees at existing Florida
 1274 businesses. The program will provide reimbursement grants to

1275 businesses that pay for preapproved, direct, training-related
 1276 costs.

1277 a. The Incumbent Worker Training Program will be
 1278 administered by CareerSource Florida, Inc. ~~Workforce Florida,~~
 1279 ~~Inc. Workforce Florida, Inc.~~, which may, at its discretion, ~~may~~
 1280 contract with a private business organization to serve as grant
 1281 administrator.

1282 b. To be eligible for the program's grant funding, a
 1283 business must have been in operation in Florida for a minimum of
 1284 1 year prior to the application for grant funding; have at least
 1285 one full-time employee; demonstrate financial viability; and be
 1286 current on all state tax obligations. Priority for funding shall
 1287 be given to businesses with 25 employees or fewer, businesses in
 1288 rural areas, businesses in distressed inner-city areas,
 1289 businesses in a qualified targeted industry, businesses whose
 1290 grant proposals represent a significant upgrade in employee
 1291 skills, or businesses whose grant proposals represent a
 1292 significant layoff avoidance strategy.

1293 c. All costs reimbursed by the program must be preapproved
 1294 by CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, or the
 1295 grant administrator. The program may ~~will~~ not reimburse
 1296 businesses for trainee wages, the purchase of capital equipment,
 1297 or the purchase of any item or service that may possibly be used
 1298 outside the training project. A business approved for a grant
 1299 may be reimbursed for preapproved, direct, training-related
 1300 costs including tuition, + fees, + books and training materials, +

1301 and overhead or indirect costs not to exceed 5 percent of the
 1302 grant amount.

1303 d. A business that is selected to receive grant funding
 1304 must provide a matching contribution to the training project,
 1305 including, but not limited to, wages paid to trainees or the
 1306 purchase of capital equipment used in the training project; must
 1307 sign an agreement with CareerSource Florida, Inc. ~~Workforce~~
 1308 ~~Florida, Inc.~~, or the grant administrator to complete the
 1309 training project as proposed in the application; must keep
 1310 accurate records of the project's implementation process; and
 1311 must submit monthly or quarterly reimbursement requests with
 1312 required documentation.

1313 e. All Incumbent Worker Training Program grant projects
 1314 shall be performance-based with specific measurable performance
 1315 outcomes, including completion of the training project and job
 1316 retention. CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1317 or the grant administrator shall withhold the final payment to
 1318 the grantee until a final grant report is submitted and all
 1319 performance criteria specified in the grant contract have been
 1320 achieved.

1321 f. CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may
 1322 establish guidelines necessary to implement the Incumbent Worker
 1323 Training Program.

1324 g. No more than 10 percent of the Incumbent Worker
 1325 Training Program's total appropriation may be used for overhead
 1326 or indirect purposes.

1327 4. At least 50 percent of Rapid Response funding shall be
 1328 dedicated to Intensive Services Accounts and Individual Training
 1329 Accounts for dislocated workers and incumbent workers who are at
 1330 risk of dislocation. CareerSource Florida, Inc. ~~Workforce~~
 1331 ~~Florida, Inc.~~, shall also maintain an Emergency Preparedness
 1332 Fund from Rapid Response funds, which will immediately issue
 1333 Intensive Service Accounts, and Individual Training Accounts,
 1334 and as well as other federally authorized assistance to eligible
 1335 victims of natural or other disasters. At the direction of the
 1336 Governor, ~~for events that qualify under federal law,~~ these Rapid
 1337 Response funds shall be released to regional workforce boards
 1338 for immediate use after events that qualify under federal law.
 1339 Funding shall also be dedicated to maintain a unit at the state
 1340 level to respond to Rapid Response emergencies and around the
 1341 ~~state,~~ to work with state emergency management officials, ~~and to~~
 1342 ~~work with~~ regional workforce boards. All Rapid Response funds
 1343 must be expended based on a plan developed by CareerSource
 1344 Florida, Inc. ~~Workforce Florida, Inc.~~, and approved by the
 1345 Governor.

1346 (b) The administrative entity for Title I, Workforce
 1347 Investment Act of 1998 funds, and Rapid Response activities is,
 1348 ~~shall be~~ the Department of Economic Opportunity, which shall
 1349 provide direction to regional workforce boards regarding Title I
 1350 programs and Rapid Response activities pursuant to the direction
 1351 of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

1352 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED

1353 MODIFICATIONS.—

1354 (a) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1355 may provide indemnification from audit liabilities to regional
 1356 workforce boards that act in full compliance with state law and
 1357 board policy ~~the board's policies~~.

1358 (b) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1359 may negotiate and settle all outstanding issues with the United
 1360 States Department of Labor relating to decisions made by
 1361 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, any
 1362 predecessor workforce organization, and the Legislature with
 1363 regard to the Job Training Partnership Act, making settlements
 1364 and closing out all JTPA program year grants.

1365 (c) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1366 may make modifications to the state's plan, policies, and
 1367 procedures to comply with federally mandated requirements that
 1368 in its judgment must be complied with to maintain funding
 1369 provided pursuant to Pub. L. No. 105-220. The board shall
 1370 provide written notice to ~~notify in writing~~ the Governor, the
 1371 President of the Senate, and the Speaker of the House of
 1372 Representatives within 30 days after any such changes or
 1373 modifications.

1374 (5) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.—
 1375 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may
 1376 recommend workforce-related divisions, bureaus, units, programs,
 1377 duties, commissions, boards, and councils for elimination,
 1378 consolidation, or privatization ~~that can be eliminated,~~

1379 ~~consolidated, or privatized.~~

1380 Section 28. Section 445.004, Florida Statutes, is amended
1381 to read:

1382 445.004 CareerSource Florida, Inc. ~~Workforce Florida,~~
1383 ~~Inc.~~; creation; purpose; membership; duties and powers.-

1384 (1) CareerSource Florida, Inc., ~~There~~ is created as a not-
1385 for-profit corporation, ~~to be known as "Workforce Florida,~~
1386 ~~Inc.,"~~ which shall be registered, incorporated, organized, and
1387 operated in compliance with chapter 617. CareerSource Florida,
1388 Inc., ~~is not, and which shall not be~~ a unit or entity of state
1389 government and is ~~shall be~~ exempt from chapters 120 and 287.

1390 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall apply
1391 the procurement and expenditure procedures required by federal
1392 law for the expenditure of federal funds. CareerSource Florida,
1393 Inc. ~~Workforce Florida, Inc.~~, shall be administratively housed
1394 within the Department of Economic Opportunity; however,
1395 CareerSource Florida, Inc., ~~is not Workforce Florida, Inc.,~~
1396 ~~shall not be~~ subject to control, supervision, or direction by
1397 the department in any manner. The Legislature finds ~~determines,~~
1398 ~~however,~~ that public policy dictates that CareerSource Florida,
1399 Inc. ~~Workforce Florida, Inc.~~, operate in the most open and
1400 accessible manner consistent with its public purpose. To this
1401 end, the Legislature specifically declares that CareerSource
1402 Florida, Inc. ~~Workforce Florida, Inc.~~, its board, councils, and
1403 any advisory committees or similar groups created by
1404 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, are subject

1405 to the provisions of chapter 119 relating to public records, and
 1406 those provisions of chapter 286 relating to public meetings.

1407 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, is
 1408 the principal workforce policy organization for the state. The
 1409 purpose of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1410 is to design and implement strategies that help Floridians
 1411 enter, remain in, and advance in the workplace, so that they may
 1412 become ~~becoming~~ more highly skilled and successful, which
 1413 benefits ~~benefiting~~ these Floridians, Florida businesses, and
 1414 the entire state, and fosters the development of ~~to assist in~~
 1415 ~~developing~~ the state's business climate.

1416 (3) (a) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1417 shall be governed by a board of directors, ~~the number of~~
 1418 ~~directors to be determined by the Governor~~, whose membership and
 1419 appointment must be consistent with Pub. L. No. 105-220, Title
 1420 I, s. 111(b). Members described in Pub. L. No. 105-220, Title I,
 1421 s. 111(b) (1) (C) (vi) shall be nonvoting members. The number of
 1422 directors shall be determined by the Governor, who shall
 1423 consider the importance of minority, gender, and geographic
 1424 representation in ~~shall be considered when~~ making appointments
 1425 to the board. ~~The Governor~~, When the Governor is in attendance,
 1426 he or she shall preside at all meetings of the board of
 1427 directors.

1428 (b) The board of directors of CareerSource Florida, Inc.
 1429 ~~Workforce Florida, Inc.~~, shall be chaired by a board member
 1430 designated by the Governor pursuant to Pub. L. No. 105-220. A

1431 member may not ~~and shall~~ serve ~~no~~ more than two terms.

1432 (c) Members appointed by the Governor may serve no more

1433 than two terms and must be appointed for 3-year terms. However,

1434 in order to establish staggered terms for board members, the

1435 Governor shall appoint or reappoint one-third of the board

1436 members for 1-year terms, one-third of the board members for 2-

1437 year terms, and one-third of the board members for 3-year terms

1438 beginning July 1, 2005. Subsequent appointments or

1439 reappointments shall be ~~Following that date, the Governor shall~~

1440 ~~appoint or reappoint board members~~ for 3-year terms ~~exclusively,~~

1441 except that, ~~when a board member~~ appointed to fill a vacancy on

1442 the board is replaced before the end of a 3-year term, the

1443 ~~replacement~~ shall be appointed to serve only the remainder of

1444 the that term of the member whom he or she is replacing, and,

1445 ~~after which the replacement~~ may be appointed for a subsequent

1446 ~~full~~ 3-year term. Private sector representatives of businesses,

1447 appointed by the Governor pursuant to Pub. L. No. 105-220, shall

1448 constitute a majority of the membership of the board. Private

1449 sector representatives shall be appointed from nominations

1450 received by the Governor, including, but not limited to, those

1451 nominations made by the President of the Senate and the Speaker

1452 of the House of Representatives. Private sector appointments to

1453 the board must ~~shall~~ be representative of the business community

1454 of this state; no fewer than one-half of the appointments ~~to the~~

1455 ~~board~~ must be representative of small businesses, and at least

1456 five members must have economic development experience. Members

1457 appointed by the Governor serve at the pleasure of the Governor
 1458 and are eligible for reappointment.

1459 (d) A member of the board of directors of CareerSource
 1460 Florida, Inc. ~~Workforce Florida, Inc.~~, may be removed by the
 1461 Governor for cause. Absence from three consecutive meetings
 1462 results in automatic removal. The chair of CareerSource Florida,
 1463 Inc. ~~Workforce Florida, Inc.~~, shall notify the Governor of such
 1464 absences.

1465 (e) Representatives of businesses appointed to the board
 1466 of directors may not include providers of workforce services.

1467 (4)(a) The president of CareerSource Florida, Inc.
 1468 ~~Workforce Florida, Inc.~~, shall be hired by the board of
 1469 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1470 and shall serve at the pleasure of the Governor in the capacity
 1471 of an executive director and secretary of CareerSource Florida,
 1472 Inc. ~~Workforce Florida, Inc.~~

1473 (b) The board of directors of CareerSource Florida, Inc.
 1474 ~~Workforce Florida, Inc.~~, shall meet at least quarterly and at
 1475 other times upon the call of its chair. The board and its
 1476 committees, subcommittees, or other subdivisions may use any
 1477 method of telecommunications to conduct meetings, including
 1478 establishing a quorum through telecommunications, if provided
 1479 ~~that~~ the public is given proper notice of the telecommunications
 1480 meeting and is given reasonable access to observe and, if ~~when~~
 1481 appropriate, participate.

1482 (c) A majority of the total current membership of the

1483 board of directors of CareerSource Florida, Inc., constitutes
 1484 ~~Workforce Florida, Inc.~~, comprises a quorum of the board.

1485 (d) A majority of those voting is required to organize and
 1486 conduct the business of the board, except that a majority of the
 1487 entire board of directors is required to adopt or amend the
 1488 bylaws.

1489 (e) Except as delegated or authorized by the board of
 1490 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1491 individual members have no authority to control or direct the
 1492 operations of CareerSource Florida, Inc. ~~Workforce Florida,~~
 1493 ~~Inc.~~, or the actions of its officers and employees, including
 1494 the president.

1495 (f) Members of the board of directors of CareerSource
 1496 Florida, Inc. ~~Workforce Florida, Inc.~~, and its committees shall
 1497 serve without compensation, but these members, the president,
 1498 and the ~~all~~ employees of CareerSource Florida, Inc. ~~Workforce~~
 1499 ~~Florida, Inc.~~, may be reimbursed for all reasonable, necessary,
 1500 and actual expenses pursuant to s. 112.061.

1501 (g) The board of directors of CareerSource Florida, Inc.
 1502 ~~Workforce Florida, Inc.~~, may establish an executive committee
 1503 consisting of the chair and at least six additional board
 1504 members selected by the chair, one of whom must be a
 1505 representative of organized labor. The executive committee and
 1506 the president ~~shall~~ have such authority as the board delegates
 1507 to them ~~it~~, except that the board of directors may not delegate
 1508 to the executive committee authority to take action that

1509 requires approval by a majority of the entire board of
 1510 directors.

1511 (h) The chair may appoint committees to fulfill the
 1512 board's ~~its~~ responsibilities, to comply with federal
 1513 requirements, or to obtain technical assistance, and must
 1514 incorporate members of regional workforce development boards
 1515 into its structure.

1516 (i) Each member of the board of directors who is not
 1517 otherwise required to file a financial disclosure pursuant to s.
 1518 8, Art. II of the State Constitution or s. 112.3144 must file
 1519 disclosure of financial interests pursuant to s. 112.3145.

1520 (5) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1521 shall have all the powers and authority~~7~~ not explicitly
 1522 prohibited by statute which are~~7~~ necessary or convenient to
 1523 carry out and effectuate its ~~the~~ purposes as determined by
 1524 statute, Pub. L. No. 105-220, and the Governor, as well as its
 1525 functions, duties, and responsibilities, including, but not
 1526 limited to, the following:

1527 (a) Serving as the state's Workforce Investment Board
 1528 pursuant to Pub. L. No. 105-220. Unless otherwise required by
 1529 federal law, at least 90 percent of ~~the~~ workforce development
 1530 funding must go toward ~~into~~ direct customer service ~~costs~~.

1531 (b) Providing oversight and policy direction to ensure
 1532 that the following programs are administered by the department
 1533 in compliance with approved plans and under contract with
 1534 CareerSource Florida, Inc. ~~Workforce Florida, Inc.:~~

1535 | 1. Programs authorized under Title I of the Workforce
 1536 | Investment Act of 1998, Pub. L. No. 105-220, with the exception
 1537 | of programs funded directly by the United States Department of
 1538 | Labor under Title I, s. 167.

1539 | 2. Programs authorized under the Wagner-Peyser Act of
 1540 | 1933, as amended, 29 U.S.C. ss. 49 et seq.

1541 | 3. Activities authorized under Title II of the Trade Act
 1542 | of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
 1543 | Adjustment Assistance Program.

1544 | 4. Activities authorized under 38 U.S.C., chapter 41,
 1545 | including job counseling, training, and placement for veterans.

1546 | 5. Employment and training activities carried out under
 1547 | funds awarded to this state by the United States Department of
 1548 | Housing and Urban Development.

1549 | 6. Welfare transition services funded by the Temporary
 1550 | Assistance for Needy Families Program, created under the
 1551 | Personal Responsibility and Work Opportunity Reconciliation Act
 1552 | of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
 1553 | of the Social Security Act, as amended.

1554 | 7. Displaced homemaker programs, provided under s. 446.50.

1555 | 8. The Florida Bonding Program, provided under Pub. L. No.
 1556 | 97-300, s. 164(a)(1).

1557 | 9. The Food Assistance Employment and Training Program,
 1558 | provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
 1559 | 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
 1560 | and the Hunger Prevention Act, Pub. L. No. 100-435.

1561 10. The Quick-Response Training Program, provided under
 1562 ss. 288.046-288.047. Matching funds and in-kind contributions
 1563 that are provided by clients of the Quick-Response Training
 1564 Program shall count toward the requirements of s. 288.904,
 1565 pertaining to the return on investment from activities of
 1566 Enterprise Florida, Inc.

1567 11. The Work Opportunity Tax Credit, provided under the
 1568 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,
 1569 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

1570 12. Offender placement services, provided under ss.
 1571 944.707-944.708.

1572 (c) The department may adopt rules necessary to administer
 1573 the provisions of this chapter which relate to implementing and
 1574 administering the programs listed in paragraph (b) as well as
 1575 rules related to eligible training providers and auditing and
 1576 monitoring subrecipients of the workforce system grant funds.

1577 (d) Contracting with public and private entities as
 1578 necessary to further the directives of this section. All
 1579 contracts executed by CareerSource Florida, Inc. ~~Workforce~~
 1580 ~~Florida, Inc.~~, must include specific performance expectations
 1581 and deliverables. All CareerSource Florida, Inc. ~~Workforce~~
 1582 ~~Florida, Inc.~~, contracts, including those solicited, managed, or
 1583 paid by the department pursuant to s. 20.60(5)(c) are exempt
 1584 from s. 112.061, but shall be governed by subsection (1).

1585 (e) Notifying the Governor, the President of the Senate,
 1586 and the Speaker of the House of Representatives of noncompliance

1587 | by the department or other agencies or obstruction of the
 1588 | board's efforts by such agencies. Upon such notification, the
 1589 | Executive Office of the Governor shall assist agencies to bring
 1590 | them into compliance with board objectives.

1591 | (f) Ensuring that the state does not waste valuable
 1592 | training resources. ~~Thus,~~ The board shall direct that all
 1593 | resources, including equipment purchased for training Workforce
 1594 | Investment Act clients, be available for use at all times by
 1595 | eligible populations as first priority users. At times when
 1596 | eligible populations are not available, such resources shall be
 1597 | used for any other state-authorized ~~state-authorized~~ education
 1598 | and training purpose. CareerSource Florida, Inc. ~~Workforce~~
 1599 | ~~Florida, Inc.~~, may authorize expenditures to award suitable
 1600 | framed certificates, pins, or other tokens of recognition for
 1601 | performance by a regional workforce board, its committees and
 1602 | subdivisions, and other units of the workforce system.
 1603 | CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may also
 1604 | authorize expenditures for promotional items, such as t-shirts,
 1605 | hats, or pens printed with messages promoting the state's
 1606 | workforce system to employers, job seekers, and program
 1607 | participants. However, such expenditures are subject to federal
 1608 | regulations applicable to the expenditure of federal funds.

1609 | (g) Establishing ~~Establish~~ a dispute resolution process
 1610 | for all memoranda of understanding or other contracts or
 1611 | agreements entered into between the department and regional
 1612 | workforce boards.

1613 (h) Archiving records with the Bureau of Archives and
 1614 Records Management of the Division of Library and Information
 1615 Services of the Department of State.

1616 (6) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1617 may take action that it deems necessary to achieve the purposes
 1618 of this section, including, but not limited to:

1619 (a) Creating a state employment, education, and training
 1620 policy that ensures that programs to prepare workers are
 1621 responsive to present and future business and industry needs and
 1622 complement the initiatives of Enterprise Florida, Inc.

1623 (b) Establishing policy direction for a funding system
 1624 that provides incentives to improve the outcomes of career
 1625 education, ~~programs, and of~~ registered apprenticeship, and work-
 1626 based learning programs, and that focuses resources on
 1627 occupations related to new or emerging industries that add
 1628 greatly to the value of the state's economy.

1629 (c) Establishing a comprehensive policy related to the
 1630 education and training of target populations such as those who
 1631 have disabilities, are economically disadvantaged, receive
 1632 public assistance, are not proficient in English, or are
 1633 dislocated workers. This approach should ensure the effective
 1634 use of federal, state, local, and private resources in reducing
 1635 the need for public assistance.

1636 (d) Designating Institutes of Applied Technology composed
 1637 of public and private postsecondary institutions working
 1638 together with business and industry to ensure that career

1639 education programs use the most advanced technology and
 1640 instructional methods available and respond to the changing
 1641 needs of business and industry.

1642 (e) Providing policy direction for a system to project and
 1643 evaluate labor market supply and demand using the results of the
 1644 Workforce Estimating Conference created in s. 216.136 and the
 1645 career education performance standards identified under s.
 1646 1008.43.

1647 (f) Reviewing the performance of public programs that are
 1648 responsible for economic development, education, employment, and
 1649 training. The review must include an analysis of the return on
 1650 investment of these programs.

1651 (g) Expanding the occupations identified by the Workforce
 1652 Estimating Conference to meet needs created by local emergencies
 1653 or plant closings or to capture occupations within emerging
 1654 industries.

1655 (7) By December 1 of each year, CareerSource Florida, Inc.
 1656 ~~Workforce Florida, Inc.~~, shall submit to the Governor, the
 1657 President of the Senate, the Speaker of the House of
 1658 Representatives, the Senate Minority Leader, and the House
 1659 Minority Leader a complete and detailed annual report setting
 1660 forth:

1661 (a) All audits, including any ~~the~~ audit conducted under ~~in~~
 1662 subsection (8), ~~if conducted~~.

1663 (b) The operations and accomplishments of the board,
 1664 including the programs or entities specified ~~listed~~ in

1665 subsection (6).

1666 (8) ~~The Auditor General may,~~ Pursuant to his or her own
 1667 authority or at the direction of the Legislative Auditing
 1668 Committee, the Auditor General may conduct an audit of
 1669 CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~ or the
 1670 programs or entities created by CareerSource Florida, Inc.
 1671 ~~Workforce Florida, Inc.~~ The Office of Program Policy Analysis
 1672 and Government Accountability, pursuant to its authority or at
 1673 the direction of the Legislative Auditing Committee, may review
 1674 the systems and controls related to performance outcomes and
 1675 quality of services of CareerSource Florida, Inc. ~~Workforce~~
 1676 ~~Florida, Inc.~~

1677 (9) CareerSource Florida, Inc. ~~Workforce Florida, Inc.,~~ in
 1678 collaboration with the regional workforce boards and appropriate
 1679 state agencies and local public and private service providers,
 1680 and in consultation with the Office of Program Policy Analysis
 1681 and Government Accountability, shall establish uniform measures
 1682 and standards to gauge the performance of the workforce
 1683 development strategy. These measures and standards must be
 1684 organized into three outcome tiers.

1685 (a) The first tier of measures must be organized to
 1686 provide benchmarks for systemwide outcomes. CareerSource
 1687 Florida, Inc. ~~Workforce Florida, Inc.,~~ shall must, in
 1688 collaboration with the Office of Program Policy Analysis and
 1689 Government Accountability, establish goals for the tier-one
 1690 outcomes. Systemwide outcomes may include employment in

1691 occupations demonstrating continued growth in wages; continued
 1692 employment after 3, 6, 12, and 24 months; reduction in and
 1693 elimination of public assistance reliance; job placement;
 1694 employer satisfaction; and positive return on investment of
 1695 public resources.

1696 (b) The second tier of measures must be organized to
 1697 provide a set of benchmark outcomes for the strategic components
 1698 of the workforce development strategy. Cost per entered
 1699 employment, earnings at placement, retention in employment, job
 1700 placement, and entered employment rate must be included among
 1701 the performance outcome measures.

1702 (c) The third tier of measures must be the operational
 1703 output measures to be used by the agency implementing programs,
 1704 which ~~and it~~ may be specific to federal requirements. The tier-
 1705 three measures must be developed by the agencies implementing
 1706 programs, which ~~and Workforce Florida, Inc.,~~ may consult with
 1707 CareerSource Florida, Inc., ~~be consulted~~ in this effort. Such
 1708 measures must be reported to CareerSource Florida, Inc.
 1709 ~~Workforce Florida, Inc.,~~ by the appropriate implementing agency.

1710 (d) Regional differences must be reflected in the
 1711 establishment of performance goals and may include job
 1712 availability, unemployment rates, average worker wage, and
 1713 available employable population.

1714 (e) Job placement must be reported pursuant to s. 1008.39.
 1715 Positive outcomes for providers of education and training must
 1716 be consistent with ss. 1008.42 and 1008.43.

1717 (f) The uniform measures of success that are adopted by
 1718 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, or the
 1719 regional workforce boards must be developed in a manner that
 1720 provides for an equitable comparison of the relative success or
 1721 failure of any service provider in terms of positive outcomes.

1722 (g) By December 1 of each year, CareerSource Florida, Inc.
 1723 ~~Workforce Florida, Inc.~~, shall provide the Legislature with a
 1724 report detailing the performance of Florida's workforce
 1725 development system, as reflected in the three-tier measurement
 1726 system. The ~~Additionally, this~~ report also must benchmark
 1727 Florida outcomes for, at all tiers as compared with, ~~against~~
 1728 other states that collect data similarly.

1729 (10) The workforce development strategy for the state
 1730 shall be designed by CareerSource Florida, Inc. ~~Workforce~~
 1731 ~~Florida, Inc.~~ The strategy must include efforts that enlist
 1732 business, education, and community support for students to
 1733 achieve long-term career goals, ensuring that young people have
 1734 the academic and occupational skills required to succeed in the
 1735 workplace. The strategy must also assist employers in upgrading
 1736 or updating the skills of their employees and assisting workers
 1737 to acquire the education or training needed to secure a better
 1738 job with better wages. The strategy must assist the state's
 1739 efforts to attract and expand job-creating businesses offering
 1740 high-paying, high-demand occupations.

1741 (11) The workforce development system must ~~shall~~ use a
 1742 charter-process approach aimed at encouraging local design and

1743 control of service delivery and targeted activities.
 1744 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall be
 1745 responsible for granting charters to regional workforce boards
 1746 that have a membership consistent with the requirements of
 1747 federal and state law and ~~that~~ have developed a plan consistent
 1748 with the state's workforce development strategy. The plan must
 1749 specify methods for allocating the resources and programs in a
 1750 manner that eliminates unwarranted duplication, minimizes
 1751 administrative costs, meets the existing job market demands and
 1752 the job market demands resulting from successful economic
 1753 development activities, ensures access to quality workforce
 1754 development services for all Floridians, allows for pro rata or
 1755 partial distribution of benefits and services, prohibits the
 1756 creation of a waiting list or other indication of an unserved
 1757 population, serves as many individuals as possible within
 1758 available resources, and maximizes successful outcomes. As part
 1759 of the charter process, CareerSource Florida, Inc. ~~Workforce~~
 1760 ~~Florida, Inc.~~, shall establish incentives for effective
 1761 coordination of federal and state programs, outline rewards for
 1762 successful job placements, and institute collaborative
 1763 approaches among local service providers. Local decisionmaking
 1764 and control shall be important components for inclusion in this
 1765 charter application.

1766 (12) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1767 shall enter into agreement with Space Florida and collaborate
 1768 with vocational institutes, community colleges, colleges, and

1769 universities in this state, to develop a workforce development
 1770 strategy to implement the workforce provisions of s. 331.3051.

1771 Section 29. Subsections (1) and (2), paragraph (g) of
 1772 subsection (3), and paragraph (a) of subsection (6) of section
 1773 445.006, Florida Statutes, are amended to read:

1774 445.006 Strategic and operational plans for workforce
 1775 development.—

1776 (1) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, in
 1777 conjunction with state and local partners in the workforce
 1778 system, shall develop a strategic plan that produces skilled
 1779 employees for employers in the state. The strategic plan shall
 1780 be updated or modified by January 1 of each year. The plan must
 1781 include, but need not be limited to, strategies for:

1782 (a) Fulfilling the workforce system goals and strategies
 1783 prescribed in s. 445.004;

1784 (b) Aggregating, integrating, and leveraging workforce
 1785 system resources;

1786 (c) Coordinating the activities of federal, state, and
 1787 local workforce system partners;

1788 (d) Addressing the workforce needs of small businesses;
 1789 and

1790 (e) Fostering the participation of rural communities and
 1791 distressed urban cores in the workforce system.

1792 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1793 shall establish an operational plan to implement the state
 1794 strategic plan. The operational plan shall be submitted to the

1795 Governor and the Legislature along with the strategic plan and
 1796 must reflect the allocation of resources as appropriated by the
 1797 Legislature to specific responsibilities enumerated in law. As a
 1798 component of the operational plan required under this section,
 1799 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall
 1800 develop a workforce marketing plan, with the goal of educating
 1801 individuals inside and outside the state about the employment
 1802 market and employment conditions in the state. The marketing
 1803 plan must include, but need not be limited to, strategies for:
 1804 (a) Distributing information to secondary and
 1805 postsecondary education institutions about the diversity of
 1806 businesses in the state, specific clusters of businesses or
 1807 business sectors in the state, and occupations by industry which
 1808 are in demand by employers in the state;
 1809 (b) Distributing information about and promoting use of
 1810 the Internet-based job matching and labor market information
 1811 system authorized under s. 445.011; and
 1812 (c) Coordinating with Enterprise Florida, Inc., to ensure
 1813 that workforce marketing efforts complement the economic
 1814 development marketing efforts of the state.
 1815 (3) The operational plan must include performance
 1816 measures, standards, measurement criteria, and contract
 1817 guidelines in the following areas with respect to participants
 1818 in the welfare transition program:
 1819 (g) Other issues identified by the board of directors of
 1820 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

1821 (6) (a) The operational plan must include strategies that
 1822 are designed to prevent or reduce the need for a person to
 1823 receive public assistance, including:

1824 1. A teen pregnancy prevention component that includes,
 1825 but is not limited to, a plan for implementing the Teen
 1826 Pregnancy Prevention Community Initiative within each county of
 1827 the services area in which the teen birth rate is higher than
 1828 the state average;

1829 2. A component that encourages community-based welfare
 1830 prevention and reduction initiatives that increase support
 1831 provided by noncustodial parents to their welfare-dependent
 1832 children and are consistent with program and financial
 1833 guidelines developed by CareerSource Florida, Inc. ~~Workforce~~
 1834 ~~Florida, Inc.~~, and the Commission on Responsible Fatherhood.
 1835 These initiatives may include improved paternity establishment,
 1836 work activities for noncustodial parents, programs aimed at
 1837 decreasing out-of-wedlock pregnancies, encouraging involvement
 1838 of fathers with their children which includes court-ordered
 1839 supervised visitation, and increasing child support payments;

1840 3. A component that encourages formation and maintenance
 1841 of two-parent families through, among other things, court-
 1842 ordered supervised visitation;

1843 4. A component that fosters responsible fatherhood in
 1844 families receiving assistance; and

1845 5. A component that fosters the provision of services that
 1846 reduce the incidence and effects of domestic violence on women

1847 and children in families receiving assistance.

1848 Section 30. Subsections (3), (4), (5), (6), (7), (9),
 1849 (10), (11), and (12) of section 445.007, Florida Statutes, are
 1850 amended to read:

1851 445.007 Regional workforce boards.—

1852 (3) The Department of Economic Opportunity, under the
 1853 direction of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1854 shall assign staff to meet with each regional workforce board
 1855 annually to review the board's performance and to certify that
 1856 the board is in compliance with applicable state and federal
 1857 law.

1858 (4) In addition to the duties and functions specified by
 1859 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and by the
 1860 interlocal agreement approved by the local county or city
 1861 governing bodies, the regional workforce board shall have the
 1862 following responsibilities:

1863 (a) Develop, submit, ratify, or amend the local plan
 1864 pursuant to Pub. L. No. 105-220, Title I, s. 118, and the
 1865 provisions of this act.

1866 (b) Conclude agreements necessary to designate the fiscal
 1867 agent and administrative entity. A public or private entity,
 1868 including an entity established pursuant to s. 163.01, which
 1869 makes a majority of the appointments to a regional workforce
 1870 board may serve as the board's administrative entity if approved
 1871 by CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, based
 1872 upon a showing that a fair and competitive process was used to

1873 | select the administrative entity.

1874 | (c) Complete assurances required for the charter process
 1875 | of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and
 1876 | provide ongoing oversight related to administrative costs,
 1877 | duplicated services, career counseling, economic development,
 1878 | equal access, compliance and accountability, and performance
 1879 | outcomes.

1880 | (d) Oversee the one-stop delivery system in its local
 1881 | area.

1882 | (5) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1883 | shall implement a training program for the regional workforce
 1884 | boards to familiarize board members with the state's workforce
 1885 | development goals and strategies.

1886 | (6) The regional workforce board shall designate all local
 1887 | service providers and may not transfer this authority to a third
 1888 | party. Consistent with the intent of the Workforce Investment
 1889 | Act, regional workforce boards should provide the greatest
 1890 | possible choice of training providers to those who qualify for
 1891 | training services. A regional workforce board may not restrict
 1892 | the choice of training providers based upon cost, location, or
 1893 | historical training arrangements. However, a board may restrict
 1894 | the amount of training resources available to any one client.
 1895 | Such restrictions may vary based upon the cost of training in
 1896 | the client's chosen occupational area. The regional workforce
 1897 | board may be designated as a one-stop operator and direct
 1898 | provider of intake, assessment, eligibility determinations, or

1899 other direct provider services except training services. Such
 1900 designation may occur only with the agreement of the chief
 1901 elected official and the Governor as specified in 29 U.S.C. s.
 1902 2832(f)(2). CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 1903 shall establish procedures by which a regional workforce board
 1904 may request permission to operate under this section and the
 1905 criteria under which such permission may be granted. The
 1906 criteria shall include, but need not be limited to, a reduction
 1907 in the cost of providing the permitted services. Such permission
 1908 shall be granted for a period not to exceed 3 years for any
 1909 single request submitted by the regional workforce board.

1910 (7) Regional workforce boards shall adopt a committee
 1911 structure consistent with applicable federal law and state
 1912 policies established by CareerSource Florida, Inc. ~~Workforce~~
 1913 ~~Florida, Inc.~~

1914 (9) For purposes of procurement, regional workforce boards
 1915 and their administrative entities are not state agencies and are
 1916 exempt from chapters 120 and 287. The regional workforce boards
 1917 shall apply the procurement and expenditure procedures required
 1918 by federal law and policies of the Department of Economic
 1919 Opportunity and CareerSource Florida, Inc. ~~Workforce Florida,~~
 1920 ~~Inc.~~, for the expenditure of federal, state, and nonpass-through
 1921 funds. The making or approval of smaller, multiple payments for
 1922 a single purchase with the intent to avoid or evade the monetary
 1923 thresholds and procedures established by federal law and
 1924 policies of the Department of Economic Opportunity and

1925 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, is grounds
 1926 for removal for cause. Regional workforce boards, their
 1927 administrative entities, committees, and subcommittees, and
 1928 other workforce units may authorize expenditures to award
 1929 suitable framed certificates, pins, or other tokens of
 1930 recognition for performance by units of the workforce system.
 1931 Regional workforce boards; their administrative entities,
 1932 committees, and subcommittees; and other workforce units may
 1933 authorize expenditures for promotional items, such as t-shirts,
 1934 hats, or pens printed with messages promoting Florida's
 1935 workforce system to employers, job seekers, and program
 1936 participants. However, such expenditures are subject to federal
 1937 regulations applicable to the expenditure of federal funds. All
 1938 contracts executed by regional workforce boards must include
 1939 specific performance expectations and deliverables.

1940 (10) State and federal funds provided to the regional
 1941 workforce boards may not be used directly or indirectly to pay
 1942 for meals, food, or beverages for board members, staff, or
 1943 employees of regional workforce boards, CareerSource Florida,
 1944 Inc. ~~Workforce Florida, Inc.~~, or the Department of Economic
 1945 Opportunity except as expressly authorized by state law.
 1946 Preapproved, reasonable, and necessary per diem allowances and
 1947 travel expenses may be reimbursed. Such reimbursement shall be
 1948 at the standard travel reimbursement rates established in s.
 1949 112.061 and shall be in compliance with all applicable federal
 1950 and state requirements. CareerSource Florida, Inc. ~~Workforce~~

1951 ~~Florida, Inc.~~, shall develop a statewide fiscal policy
 1952 applicable to the state board and all regional workforce boards,
 1953 to hold both the state and regional boards strictly accountable
 1954 for adherence to the policy and subject to regular and periodic
 1955 monitoring by the Department of Economic Opportunity, the
 1956 administrative entity for CareerSource Florida, Inc. ~~Workforce~~
 1957 ~~Florida, Inc.~~ Boards are prohibited from expending state or
 1958 federal funds for entertainment costs and recreational
 1959 activities for board members and employees as these terms are
 1960 defined by 2 C.F.R. part 230.

1961 (11) To increase transparency and accountability, a
 1962 regional workforce board must comply with the requirements of
 1963 this section before contracting with a member of the board or a
 1964 relative, as defined in s. 112.3143(1)(c), of a board member or
 1965 of an employee of the board. Such contracts may not be executed
 1966 before or without the approval of CareerSource Florida, Inc.
 1967 ~~Workforce Florida, Inc.~~ Such contracts, as well as documentation
 1968 demonstrating adherence to this section as specified by
 1969 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, must be
 1970 submitted to the Department of Economic Opportunity for review
 1971 and recommendation according to criteria to be determined by
 1972 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~ Such a
 1973 contract must be approved by a two-thirds vote of the board, a
 1974 quorum having been established; all conflicts of interest must
 1975 be disclosed before the vote; and any member who may benefit
 1976 from the contract, or whose relative may benefit from the

1977 contract, must abstain from the vote. A contract under \$25,000
 1978 between a regional workforce board and a member of that board or
 1979 between a relative, as defined in s. 112.3143(1)(c), of a board
 1980 member or of an employee of the board is not required to have
 1981 the prior approval of CareerSource Florida, Inc. ~~Workforce~~
 1982 ~~Florida, Inc.~~, but must be approved by a two-thirds vote of the
 1983 board, a quorum having been established, and must be reported to
 1984 the Department of Economic Opportunity and CareerSource Florida,
 1985 Inc. ~~Workforce Florida, Inc.~~, within 30 days after approval. If
 1986 a contract cannot be approved by CareerSource Florida, Inc.
 1987 ~~Workforce Florida, Inc.~~, a review of the decision to disapprove
 1988 the contract may be requested by the regional workforce board or
 1989 other parties to the disapproved contract.

1990 (12) Each regional workforce board shall develop a budget
 1991 for the purpose of carrying out the duties of the board under
 1992 this section, subject to the approval of the chief elected
 1993 official. Each regional workforce board shall submit its annual
 1994 budget for review to CareerSource Florida, Inc. ~~Workforce~~
 1995 ~~Florida, Inc.~~, no later than 2 weeks after the chair approves
 1996 the budget.

1997 Section 31. Subsections (1) and (4) of section 445.0071,
 1998 Florida Statutes, are amended to read:

1999 445.0071 Florida Youth Summer Jobs Pilot Program.—

2000 (1) CREATION.—Contingent upon appropriations, there is
 2001 created the Florida Youth Summer Jobs Pilot Program within
 2002 workforce development district 22 served by the Broward

2003 Workforce Development Board. The board shall, in consultation
 2004 with CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, provide
 2005 a program offering at-risk and disadvantaged children summer
 2006 jobs in partnership with local communities and public employers.

2007 (4) GOVERNANCE.—

2008 (a) The pilot program shall be administered by the
 2009 regional workforce board in consultation with CareerSource
 2010 Florida, Inc. ~~Workforce Florida, Inc.~~

2011 (b) The regional workforce board shall report to
 2012 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, the number
 2013 of at-risk and disadvantaged children who enter the program, the
 2014 types of work activities they participate in, and the number of
 2015 children who return to school, go on to postsecondary school, or
 2016 enter the workforce full time at the end of the program.
 2017 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall report
 2018 to the Legislature by November 1 of each year on the performance
 2019 of the program.

2020 Section 32. Section 445.008, Florida Statutes, is amended
 2021 to read:

2022 445.008 Workforce Training Institute.—

2023 (1) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2024 may create the Workforce Training Institute, which shall be a
 2025 comprehensive program of workforce training courses designed to
 2026 meet the unique needs of, and shall include Internet-based
 2027 training modules suitable for and made available to,
 2028 professionals integral to the workforce system, including

2029 advisors and counselors in educational institutions.

2030 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2031 may enter into a contract for the provision of administrative
 2032 support services for the institute and ~~Workforce Florida, Inc.~~,
 2033 shall adopt policies for the administration and operation of the
 2034 institute and establish admission fees in an amount which, in
 2035 the aggregate, does not exceed the cost of the program.

2036 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may accept
 2037 donations or grants of any type for any function or purpose of
 2038 the institute.

2039 (3) All moneys, fees, donations, or grants collected by
 2040 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, under this
 2041 section shall be applied to cover all costs incurred in
 2042 establishing and conducting the workforce training programs
 2043 authorized under this section, including, but not limited to,
 2044 salaries for instructors and costs of materials connected to
 2045 such programs.

2046 Section 33. Subsections (2) and (4), paragraph (b) of
 2047 subsection (6), subsection (7), paragraphs (a), (c), and (d) of
 2048 subsection (8), and subsection (9) of section 445.009, Florida
 2049 Statutes, are amended to read:

2050 445.009 One-stop delivery system.—

2051 (2)(a) Subject to a process designed by CareerSource
 2052 Florida, Inc. ~~Workforce Florida, Inc.~~, and in compliance with
 2053 Pub. L. No. 105-220, regional workforce boards shall designate
 2054 one-stop delivery system operators.

2055 (b) A regional workforce board may designate as its one-
 2056 stop delivery system operator any public or private entity that
 2057 is eligible to provide services under any state or federal
 2058 workforce program that is a mandatory or discretionary partner
 2059 in the region's one-stop delivery system if approved by
 2060 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, upon a
 2061 showing by the regional workforce board that a fair and
 2062 competitive process was used in the selection. As a condition of
 2063 authorizing a regional workforce board to designate such an
 2064 entity as its one-stop delivery system operator, CareerSource
 2065 Florida, Inc. ~~Workforce Florida, Inc.~~, must require the regional
 2066 workforce board to demonstrate that safeguards are in place to
 2067 ensure that the one-stop delivery system operator will not
 2068 exercise an unfair competitive advantage or unfairly refer or
 2069 direct customers of the one-stop delivery system to services
 2070 provided by that one-stop delivery system operator. A regional
 2071 workforce board may retain its current One-Stop Career Center
 2072 operator without further procurement action if ~~where~~ the board
 2073 has an established ~~a~~ One-Stop Career Center that has complied
 2074 with federal and state law.

2075 (4) One-stop delivery system partners shall enter into a
 2076 memorandum of understanding pursuant to Pub. L. No. 105-220,
 2077 Title I, s. 121, with the regional workforce board. Failure of a
 2078 local partner to participate cannot unilaterally block the
 2079 majority of partners from moving forward with their one-stop
 2080 delivery system, and CareerSource Florida, Inc. ~~Workforce~~

2081 ~~Florida, Inc.~~, pursuant to s. 445.004(5)(e), may make
 2082 notification of a local partner that fails to participate.

2083 (6)

2084 (b) To expand electronic capabilities, CareerSource
 2085 Florida, Inc. ~~Workforce Florida, Inc.~~, working with regional
 2086 workforce boards, shall develop a centralized help center to
 2087 assist regional workforce boards in fulfilling core services,
 2088 minimizing the need for fixed-site one-stop delivery system
 2089 centers.

2090 (7) Intensive services and training provided pursuant to
 2091 Pub. L. No. 105-220, shall be provided to individuals through
 2092 Intensive Service Accounts and Individual Training Accounts.
 2093 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall
 2094 develop an implementation plan, including identification of
 2095 initially eligible training providers, transition guidelines,
 2096 and criteria for use of these accounts. Individual Training
 2097 Accounts must be compatible with Individual Development Accounts
 2098 for education allowed in federal and state welfare reform
 2099 statutes.

2100 (8)(a) Individual Training Accounts must be expended on
 2101 programs that prepare people to enter high-wage occupations
 2102 identified by the Workforce Estimating Conference created by s.
 2103 216.136, and on other programs as approved by CareerSource
 2104 Florida, Inc. ~~Workforce Florida, Inc.~~

2105 (c) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2106 shall periodically review Individual Training Account pricing

2107 | schedules developed by regional workforce boards and present
 2108 | findings and recommendations for process improvement to the
 2109 | President of the Senate and the Speaker of the House of
 2110 | Representatives.

2111 | (d) To the maximum extent possible, training providers
 2112 | shall use funding sources other than the funding provided under
 2113 | Pub. L. No. 105-220. CareerSource Florida, Inc. ~~Workforce~~
 2114 | ~~Florida, Inc.~~, shall develop a system to encourage the
 2115 | leveraging of appropriated resources for the workforce system
 2116 | and shall report on such efforts as part of the required annual
 2117 | report.

2118 | (9) (a) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2119 | working with the department, shall coordinate among the agencies
 2120 | a plan for a One-Stop Electronic Network made up of one-stop
 2121 | delivery system centers and other partner agencies that are
 2122 | operated by authorized public or private for-profit or not-for-
 2123 | profit agents. The plan shall identify resources within existing
 2124 | revenues to establish and support this electronic network for
 2125 | service delivery that includes Government Services Direct. If
 2126 | necessary, the plan shall identify additional funding needed to
 2127 | achieve the provisions of this subsection.

2128 | (b) The network shall assure that a uniform method is used
 2129 | to determine eligibility for and management of services provided
 2130 | by agencies that conduct workforce development activities. The
 2131 | Department of Management Services shall develop strategies to
 2132 | allow access to the databases and information management systems

2133 of the following systems in order to link information in those
 2134 databases with the one-stop delivery system:

- 2135 1. The Reemployment Assistance Program under chapter 443.
- 2136 2. The public employment service described in s. 443.181.
- 2137 3. The FLORIDA System and the components related to
- 2138 temporary cash assistance, food assistance, and Medicaid
- 2139 eligibility.
- 2140 4. The Student Financial Assistance System of the
- 2141 Department of Education.
- 2142 5. Enrollment in the public postsecondary education
- 2143 system.
- 2144 6. Other information systems determined appropriate by
- 2145 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

2146 Section 34. Section 445.011, Florida Statutes, is amended
 2147 to read:

2148 445.011 Workforce information systems.—

2149 (1) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2150 shall implement, subject to legislative appropriation, automated
 2151 information systems that are necessary for the efficient and
 2152 effective operation and management of the workforce development
 2153 system. These information systems shall include, but need not be
 2154 limited to, the following:

2155 (a) An integrated management system for the one-stop
 2156 service delivery system, which includes, at a minimum, common
 2157 registration and intake, screening for needs and benefits, case
 2158 planning and tracking, training benefits management, service and

2159 training provider management, performance reporting, executive
 2160 information and reporting, and customer-satisfaction tracking
 2161 and reporting.

2162 1. The system should report current budgeting,
 2163 expenditure, and performance information for assessing
 2164 performance related to outcomes, service delivery, and financial
 2165 administration for workforce programs pursuant to s. 445.004(5)
 2166 and (9).

2167 2. The information system should include auditable systems
 2168 and controls to ensure financial integrity and valid and
 2169 reliable performance information.

2170 3. The system should support service integration and case
 2171 management by providing for case tracking for participants in
 2172 welfare transition programs.

2173 (b) An automated job-matching information system that is
 2174 accessible to employers, job seekers, and other users via the
 2175 Internet, and that includes, at a minimum:

2176 1. Skill match information, including skill gap analysis;
 2177 resume creation; job order creation; skill tests; job search by
 2178 area, employer type, and employer name; and training provider
 2179 linkage;

2180 2. Job market information based on surveys, including
 2181 local, state, regional, national, and international occupational
 2182 and job availability information; and

2183 3. Service provider information, including education and
 2184 training providers, child care facilities and related

2185 information, health and social service agencies, and other
 2186 providers of services that would be useful to job seekers.

2187 (2) In procuring workforce information systems,
 2188 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall employ
 2189 competitive processes, including requests for proposals,
 2190 competitive negotiation, and other competitive processes to
 2191 ensure that the procurement results in the most cost-effective
 2192 investment of state funds.

2193 (3) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2194 may procure independent verification and validation services
 2195 associated with developing and implementing any workforce
 2196 information system.

2197 (4) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2198 shall coordinate development and implementation of workforce
 2199 information systems with the executive director of the Agency
 2200 for State Technology to ensure compatibility with the state's
 2201 information system strategy and enterprise architecture.

2202 Section 35. Subsections (1) and (3) of section 445.014,
 2203 Florida Statutes, are amended to read:

2204 445.014 Small business workforce service initiative.—

2205 (1) Subject to legislative appropriation, CareerSource
 2206 Florida, Inc. ~~Workforce Florida, Inc.~~, shall establish a program
 2207 to encourage regional workforce development boards to establish
 2208 one-stop delivery systems that maximize the provision of
 2209 workforce and human-resource support services to small
 2210 businesses. Under the program, a regional workforce board may

2211 apply, on a competitive basis, for funds to support the
 2212 provision of such services to small businesses through the
 2213 region's one-stop delivery system.

2214 (3) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2215 shall establish guidelines governing the administration of this
 2216 program and shall establish criteria to be used in evaluating
 2217 applications for funding. Such criteria must include, but need
 2218 not be limited to, a showing that the regional board has in
 2219 place a detailed plan for establishing a one-stop delivery
 2220 system designed to meet the workforce needs of small businesses
 2221 and for leveraging other funding sources in support of such
 2222 activities.

2223 Section 36. Subsection (5) of section 445.016, Florida
 2224 Statutes, is amended to read:

2225 445.016 Untried Worker Placement and Employment Incentive
 2226 Act.—

2227 (5) Incentives must be paid according to the incentive
 2228 schedule developed by CareerSource Florida, Inc. ~~Workforce~~
 2229 ~~Florida, Inc.~~, the Department of Economic Opportunity, and the
 2230 Department of Children and Families which costs the state less
 2231 per placement than the state's 12-month expenditure on a welfare
 2232 recipient.

2233 Section 37. Subsections (2) and (4) of section 445.021,
 2234 Florida Statutes, are amended to read:

2235 445.021 Relocation assistance program.—

2236 (2) The relocation assistance program shall involve five

2237 steps by the regional workforce board, in cooperation with the
 2238 Department of Children and Families:

2239 (a) A determination that the family is receiving temporary
 2240 cash assistance or that all requirements of eligibility for
 2241 diversion services would likely be met.

2242 (b) A determination that there is a basis for believing
 2243 that relocation will contribute to the ability of the applicant
 2244 to achieve self-sufficiency. For example, the applicant:

2245 1. Is unlikely to achieve economic self-sufficiency at the
 2246 current community of residence;

2247 2. Has secured a job that provides an increased salary or
 2248 improved benefits and that requires relocation to another
 2249 community;

2250 3. Has a family support network that will contribute to
 2251 job retention in another community;

2252 4. Is determined, pursuant to criteria or procedures
 2253 established by the board of directors of CareerSource Florida,
 2254 Inc. ~~Workforce Florida, Inc.~~, to be a victim of domestic
 2255 violence who would experience reduced probability of further
 2256 incidents through relocation; or

2257 5. Must relocate in order to receive education or training
 2258 that is directly related to the applicant's employment or career
 2259 advancement.

2260 (c) Establishment of a relocation plan that includes such
 2261 requirements as are necessary to prevent abuse of the benefit
 2262 and provisions to protect the safety of victims of domestic

2263 violence and avoid provisions that place them in anticipated
 2264 danger. The payment to defray relocation expenses shall be
 2265 determined based on criteria approved by the board of directors
 2266 of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~

2267 Participants in the relocation program shall be eligible for
 2268 diversion or transitional benefits.

2269 (d) A determination, pursuant to criteria adopted by the
 2270 board of directors of CareerSource Florida, Inc. ~~Workforce~~
 2271 ~~Florida, Inc.~~, that a community receiving a relocated family has
 2272 the capacity to provide needed services and employment
 2273 opportunities.

2274 (e) Monitoring the relocation.

2275 (4) The board of directors of CareerSource Florida, Inc.
 2276 ~~Workforce Florida, Inc.~~, may establish criteria for developing
 2277 and implementing relocation plans and for drafting agreements to
 2278 restrict a family from applying for temporary cash assistance
 2279 for a specified period after receiving a relocation assistance
 2280 payment.

2281 Section 38. Section 445.022, Florida Statutes, is amended
 2282 to read:

2283 445.022 Retention Incentive Training Accounts.—To promote
 2284 job retention and to enable upward job advancement into higher
 2285 skilled, higher paying employment, the board of directors of
 2286 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and the
 2287 regional workforce boards may assemble, ~~from postsecondary~~
 2288 ~~education institutions,~~ a list of programs and courses offered

2289 by postsecondary educational institutions which may be available
 2290 to ~~for~~ participants who have become employed to ~~which~~ promote
 2291 job retention and advancement.

2292 (1) The board of directors of CareerSource Florida, Inc.
 2293 ~~Workforce Florida, Inc.~~, may establish Retention Incentive
 2294 Training Accounts (RITAs) to use. ~~RITAs shall utilize~~ Temporary
 2295 Assistance to Needy Families (TANF) block grant funds
 2296 specifically appropriated for this purpose. RITAs must
 2297 complement the Individual Training Account required by the
 2298 federal Workforce Investment Act of 1998, Pub. L. No. 105-220.

2299 (2) RITAs may pay for tuition, fees, educational
 2300 materials, coaching and mentoring, performance incentives,
 2301 transportation to and from courses, child care costs during
 2302 education courses, and other such costs as the regional
 2303 workforce boards determine are necessary to effect successful
 2304 job retention and advancement.

2305 (3) Regional workforce boards shall retain only those
 2306 courses that continue to meet their performance standards as
 2307 established in their local plan.

2308 (4) Regional workforce boards shall report annually to the
 2309 Legislature on the measurable retention and advancement success
 2310 of each program provider and the effectiveness of RITAs, making
 2311 recommendations for any needed changes or modifications.

2312 Section 39. Paragraph (e) of subsection (5) of section
 2313 445.024, Florida Statutes, is amended to read:

2314 445.024 Work requirements.—

2315 (5) USE OF CONTRACTS.—Regional workforce boards shall
 2316 provide work activities, training, and other services, as
 2317 appropriate, through contracts. In contracting for work
 2318 activities, training, or services, the following applies:

2319 (e) The administrative costs associated with a contract
 2320 for services provided under this section may not exceed the
 2321 applicable administrative cost ceiling established in federal
 2322 law. An agency or entity that is awarded a contract under this
 2323 section may not charge more than 7 percent of the value of the
 2324 contract for administration, unless an exception is approved by
 2325 the regional workforce board. A list of any exceptions approved
 2326 must be submitted to the board of directors of CareerSource
 2327 Florida, Inc. ~~Workforce Florida, Inc.~~, for review, and the board
 2328 may rescind approval of the exception.

2329 Section 40. Subsection (6) of section 445.026, Florida
 2330 Statutes, is amended to read:

2331 445.026 Cash assistance severance benefit.—An individual
 2332 who meets the criteria listed in this section may choose to
 2333 receive a lump-sum payment in lieu of ongoing cash assistance
 2334 payments, provided the individual:

2335 (6) Signs an agreement not to apply for or accept cash
 2336 assistance for 6 months after receipt of the one-time payment.
 2337 In the event of an emergency, such agreement shall provide for
 2338 an exception to this restriction, provided that the one-time
 2339 payment shall be deducted from any cash assistance for which the
 2340 family subsequently is approved. This deduction may be prorated

2341 over an 8-month period. The board of directors of CareerSource
 2342 Florida, Inc. ~~Workforce Florida, Inc.~~, shall adopt criteria
 2343 defining the conditions under which a family may receive cash
 2344 assistance due to such emergency.

2345
 2346 Such individual may choose to accept a one-time, lump-sum
 2347 payment of \$1,000 in lieu of receiving ongoing cash assistance.
 2348 Such payment shall only count toward the time limitation for the
 2349 month in which the payment is made in lieu of cash assistance. A
 2350 participant choosing to accept such payment shall be terminated
 2351 from cash assistance. However, eligibility for Medicaid, food
 2352 assistance, or child care shall continue, subject to the
 2353 eligibility requirements of those programs.

2354 Section 41. Section 445.028, Florida Statutes, is amended
 2355 to read:

2356 445.028 Transitional benefits and services.—In cooperation
 2357 with CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, the
 2358 Department of Children and Families shall develop procedures to
 2359 ensure that families leaving the temporary cash assistance
 2360 program receive transitional benefits and services that will
 2361 assist the family in moving toward self-sufficiency. At a
 2362 minimum, such procedures must include, but are not limited to,
 2363 the following:

- 2364 (1) Each recipient of cash assistance who is determined
 2365 ineligible for cash assistance for a reason other than a work
 2366 activity sanction shall be contacted by the workforce system

2367 case manager and provided information about the availability of
 2368 transitional benefits and services. Such contact shall be
 2369 attempted prior to closure of the case management file.

2370 (2) Each recipient of temporary cash assistance who is
 2371 determined ineligible for cash assistance due to noncompliance
 2372 with the work activity requirements shall be contacted and
 2373 provided information in accordance with s. 414.065(1).

2374 (3) The department, in consultation with the board of
 2375 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2376 shall develop informational material, including posters and
 2377 brochures, to better inform families about the availability of
 2378 transitional benefits and services.

2379 (4) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, in
 2380 cooperation with the Department of Children and Families shall,
 2381 to the extent permitted by federal law, develop procedures to
 2382 maximize the utilization of transitional Medicaid by families
 2383 who leave the temporary cash assistance program.

2384 Section 42. Section 445.030, Florida Statutes, is amended
 2385 to read:

2386 445.030 Transitional education and training.—In order to
 2387 assist former recipients of temporary cash assistance who are
 2388 working or actively seeking employment in continuing their
 2389 training and upgrading their skills, education, or training,
 2390 support services may be provided for up to 2 years after the
 2391 family is no longer receiving temporary cash assistance. This
 2392 section does not constitute an entitlement to transitional

2393 education and training. If funds are not sufficient to provide
 2394 services under this section, the board of directors of
 2395 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may limit or
 2396 otherwise prioritize transitional education and training.

2397 (1) Education or training resources available in the
 2398 community at no additional cost shall be used whenever possible.

2399 (2) Regional workforce boards may authorize child care or
 2400 other support services in addition to services provided in
 2401 conjunction with employment. For example, a participant who is
 2402 employed full time may receive child care services related to
 2403 that employment and may also receive additional child care
 2404 services in conjunction with training to upgrade the
 2405 participant's skills.

2406 (3) Transitional education or training must be job-
 2407 related, but may include training to improve job skills in a
 2408 participant's existing area of employment or may include
 2409 training to prepare a participant for employment in another
 2410 occupation.

2411 (4) A regional workforce board may enter into an agreement
 2412 with an employer to share the costs relating to upgrading the
 2413 skills of participants hired by the employer. For example, a
 2414 regional workforce board may agree to provide support services
 2415 such as transportation or a wage subsidy in conjunction with
 2416 training opportunities provided by the employer.

2417 Section 43. Section 445.033, Florida Statutes, is amended
 2418 to read:

2419 445.033 Evaluation.—The board of directors of CareerSource
 2420 Florida, Inc. ~~Workforce Florida, Inc.~~, and the Department of
 2421 Children and Families shall arrange for evaluation of TANF-
 2422 funded programs operated under this chapter, as follows:

2423 (1) If required by federal waivers or other federal
 2424 requirements, the board of directors of CareerSource Florida,
 2425 Inc. ~~Workforce Florida, Inc.~~, and the department may provide for
 2426 evaluation according to these requirements.

2427 (2) The board of directors of CareerSource Florida, Inc.
 2428 ~~Workforce Florida, Inc.~~, and the department shall participate in
 2429 the evaluation of this program in conjunction with evaluation of
 2430 the state's workforce development programs or similar activities
 2431 aimed at evaluating program outcomes, cost-effectiveness, or
 2432 return on investment, and the impact of time limits, sanctions,
 2433 and other welfare reform measures set out in this chapter.
 2434 Evaluation shall also contain information on the number of
 2435 participants in work experience assignments who obtain
 2436 unsubsidized employment, including, but not limited to, the
 2437 length of time the unsubsidized job is retained, wages, and the
 2438 public benefits, if any, received by such families while in
 2439 unsubsidized employment. The evaluation must ~~shall~~ solicit the
 2440 input of consumers, community-based organizations, service
 2441 providers, employers, and the general public, and must ~~shall~~
 2442 publicize, especially in low-income communities, the process for
 2443 submitting comments.

2444 (3) The board of directors of CareerSource Florida, Inc.

2445 ~~Workforce Florida, Inc.~~, and the department may share
 2446 information with and develop protocols for information exchange
 2447 with the Florida Education and Training Placement Information
 2448 Program.

2449 (4) The board of directors of CareerSource Florida, Inc.
 2450 ~~Workforce Florida, Inc.~~, and the department may initiate or
 2451 participate in additional evaluation or assessment activities
 2452 that will further the systematic study of issues related to
 2453 program goals and outcomes.

2454 (5) In providing for evaluation activities, the board of
 2455 directors of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2456 and the department shall safeguard the use or disclosure of
 2457 information obtained from program participants consistent with
 2458 federal or state requirements. Evaluation methodologies may be
 2459 used which are appropriate for evaluation of program activities,
 2460 including random assignment of recipients or participants into
 2461 program groups or control groups. To the extent necessary or
 2462 appropriate, evaluation data shall provide information with
 2463 respect to the state, district, or county, or other substate
 2464 area.

2465 (6) The board of directors of CareerSource Florida, Inc.
 2466 ~~Workforce Florida, Inc.~~, and the department may contract with a
 2467 qualified organization for evaluations conducted under this
 2468 section.

2469 Section 44. Section 445.035, Florida Statutes, is amended
 2470 to read:

2471 445.035 Data collection and reporting.—The Department of
 2472 Children and Families and the board of directors of CareerSource
 2473 Florida, Inc. ~~Workforce Florida, Inc.~~, shall collect data
 2474 necessary to administer this chapter and make the reports
 2475 required under federal law to the United States Department of
 2476 Health and Human Services and the United States Department of
 2477 Agriculture.

2478 Section 45. Section 445.038, Florida Statutes, is amended
 2479 to read:

2480 445.038 Digital media; job training.—CareerSource Florida,
 2481 Inc. ~~Workforce Florida, Inc.~~, through the Department of Economic
 2482 Opportunity, may use funds dedicated for incumbent worker
 2483 training for the digital media industry. Training may be
 2484 provided by public or private training providers for broadband
 2485 digital media jobs listed on the targeted occupations list
 2486 developed by the Workforce Estimating Conference or CareerSource
 2487 Florida, Inc. ~~Workforce Florida, Inc.~~ Programs that operate
 2488 outside the normal semester time periods and coordinate the use
 2489 of industry and public resources should be given priority status
 2490 for funding.

2491 Section 46. Section 445.045, Florida Statutes, is amended
 2492 to read:

2493 445.045 Development of an Internet-based system for
 2494 information technology industry promotion and workforce
 2495 recruitment.—

2496 (1) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, is

2497 responsible for directing the development and maintenance of a
 2498 website that promotes and markets the information technology
 2499 industry in this state. The website shall be designed to inform
 2500 the public concerning the scope of the information technology
 2501 industry in the state and shall also be designed to address the
 2502 workforce needs of the industry. The website must ~~shall~~ include,
 2503 through links or actual content, information concerning
 2504 information technology businesses in this state, including links
 2505 to such businesses; information concerning employment available
 2506 at these businesses; and the means by which a job seeker may
 2507 post a resume on the website.

2508 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2509 shall coordinate with the Agency for State Technology and the
 2510 Department of Economic Opportunity to ensure links, as ~~where~~
 2511 feasible and appropriate, to existing job information websites
 2512 maintained by the state and state agencies and to ensure that
 2513 information technology positions offered by the state and state
 2514 agencies are posted on the information technology website.

2515 (3) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2516 shall ensure that the website developed and maintained under
 2517 this section is consistent, compatible, and coordinated with the
 2518 workforce information systems required under s. 445.011,
 2519 including, but not limited to, the automated job-matching
 2520 information system for employers, job seekers, and other users.

2521 (4) (a) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2522 shall coordinate development and maintenance of the website

2523 | under this section with the executive director of the Agency for
 2524 | State Technology to ensure compatibility with the state's
 2525 | information system strategy and enterprise architecture.

2526 | (b) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2527 | may enter into an agreement with the Agency for State
 2528 | Technology, the Department of Economic Opportunity, or any other
 2529 | public agency with the requisite information technology
 2530 | expertise for the provision of design, operating, or other
 2531 | technological services necessary to develop and maintain the
 2532 | website.

2533 | (c) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2534 | may procure services necessary to implement this section, if it
 2535 | employs competitive processes, including requests for proposals,
 2536 | competitive negotiation, and other competitive processes to
 2537 | ensure that the procurement results in the most cost-effective
 2538 | investment of state funds.

2539 | (5) In furtherance of the requirements of this section
 2540 | that the website promote and market the information technology
 2541 | industry by communicating information on the scope of the
 2542 | industry in this state, CareerSource Florida, Inc. ~~Workforce~~
 2543 | ~~Florida, Inc.~~, shall coordinate its efforts with the high-
 2544 | technology industry marketing efforts of Enterprise Florida,
 2545 | Inc., under s. 288.911. Through links or actual content, the
 2546 | website developed under this section shall serve as a forum for
 2547 | distributing the marketing campaign developed by Enterprise
 2548 | Florida, Inc., under s. 288.911. In addition, CareerSource

2549 Florida, Inc. ~~Workforce Florida, Inc.~~, shall solicit input from
 2550 the not-for-profit corporation created to advocate on behalf of
 2551 the information technology industry as an outgrowth of the
 2552 Information Service Technology Development Task Force created
 2553 under chapter 99-354, Laws of Florida.

2554 (6) In fulfilling its responsibilities under this section,
 2555 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may enlist
 2556 the assistance of and act through the Department of Economic
 2557 Opportunity. The department is authorized and directed to
 2558 provide the services that CareerSource Florida, Inc. ~~Workforce~~
 2559 ~~Florida, Inc.~~, and the department consider necessary to
 2560 implement this section.

2561 Section 47. Section 445.048, Florida Statutes, is amended
 2562 to read:

2563 445.048 Passport to Economic Progress program.—

2564 (1) AUTHORIZATION.—Notwithstanding any law to the
 2565 contrary, CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, in
 2566 conjunction with the Department of Children and Families and the
 2567 Department of Economic Opportunity, shall implement a Passport
 2568 to Economic Progress program consistent with the provisions of
 2569 this section. CareerSource Florida, Inc. ~~Workforce Florida,~~
 2570 ~~Inc.~~, may designate regional workforce boards to participate in
 2571 the program. Expenses for the program may come from appropriated
 2572 revenues or from funds otherwise available to a regional
 2573 workforce board which may be legally used for such purposes.
 2574 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, must consult

2575 with the applicable regional workforce boards and the applicable
 2576 local offices of the Department of Children and Families which
 2577 serve the program areas and must encourage community input into
 2578 the implementation process.

2579 (2) WAIVERS.—If CareerSource Florida, Inc. ~~Workforce~~
 2580 ~~Florida, Inc.~~, in consultation with the Department of Children
 2581 and Families, finds that federal waivers would facilitate
 2582 implementation of the program, the department shall immediately
 2583 request such waivers, and CareerSource Florida, Inc. ~~Workforce~~
 2584 ~~Florida, Inc.~~, shall report to the Governor, the President of
 2585 the Senate, and the Speaker of the House of Representatives if
 2586 any refusal of the federal government to grant such waivers
 2587 prevents the implementation of the program. If CareerSource
 2588 Florida, Inc. ~~Workforce Florida, Inc.~~, finds that federal
 2589 waivers to provisions of the Food Assistance Program would
 2590 facilitate implementation of the program, the Department of
 2591 Children and Families shall immediately request such waivers in
 2592 accordance with s. 414.175.

2593 (3) TRANSITIONAL BENEFITS AND SERVICES.—In order to assist
 2594 them in making the transition to economic self-sufficiency,
 2595 former recipients of temporary cash assistance participating in
 2596 the passport program shall be eligible for the following
 2597 benefits and services:

2598 (a) Notwithstanding the time period specified in s.
 2599 445.030, transitional education and training support services as
 2600 specified in s. 445.030 for up to 4 years after the family is no

2601 longer receiving temporary cash assistance;

2602 (b) Notwithstanding the time period specified in s.

2603 445.031, transitional transportation support services as

2604 specified in s. 445.031 for up to 4 years after the family is no

2605 longer receiving temporary cash assistance; and

2606 (c) Notwithstanding the time period specified in s.

2607 445.032, transitional child care as specified in s. 445.032 for

2608 up to 4 years after the family is no longer receiving temporary

2609 cash assistance.

2610

2611 All other provisions of ss. 445.030, 445.031, and 445.032 ~~shall~~

2612 apply to such individuals, as appropriate. This subsection does

2613 not constitute an entitlement to transitional benefits and

2614 services. If funds are insufficient to provide benefits and

2615 services under this subsection, the board of directors of

2616 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, or its

2617 agent, may limit such benefits and services or otherwise

2618 establish priorities for the provisions of such benefits and

2619 services.

2620 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.-

2621 (a) The Legislature finds that:

2622 1. There are former recipients of temporary cash

2623 assistance and families who are eligible for temporary

2624 assistance for needy families who are working full time but

2625 whose incomes are below 200 percent of the federal poverty

2626 level.

2627 2. Having incomes below 200 percent of the federal poverty
 2628 level makes such individuals particularly vulnerable to reliance
 2629 on public assistance despite their best efforts to achieve or
 2630 maintain economic independence through employment.

2631 3. It is necessary to implement a performance-based
 2632 program that defines economic incentives for achieving specific
 2633 benchmarks toward self-sufficiency while the individual is
 2634 working full time.

2635 (b) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, in
 2636 cooperation with the Department of Children and Families and the
 2637 Department of Economic Opportunity, shall offer performance-
 2638 based incentive bonuses as a component of the Passport to
 2639 Economic Progress program. The bonuses do not represent a
 2640 program entitlement and are ~~shall be~~ contingent on achieving
 2641 specific benchmarks prescribed in the self-sufficiency plan. If
 2642 the funds appropriated for this purpose are insufficient to
 2643 provide this financial incentive, the board of directors of
 2644 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, may reduce
 2645 or suspend the bonuses in order not to exceed the appropriation
 2646 or may direct the regional boards to use resources otherwise
 2647 given to the regional workforce to pay such bonuses if such
 2648 payments comply with applicable state and federal laws.

2649 (c) To be eligible for an incentive bonus under this
 2650 subsection, an individual must:

2651 1. Be a former recipient of temporary cash assistance who
 2652 last received such assistance on or after January 1, 2000, or be

2653 part of a family that is eligible for temporary assistance for
 2654 needy families;

2655 2. Be employed full time, which for the purposes of this
 2656 subsection means employment averaging at least 32 hours per
 2657 week, until the United States Congress enacts legislation
 2658 reauthorizing the Temporary Assistance for Needy Families block
 2659 grant and, after the reauthorization, means employment complying
 2660 with the employment requirements of the reauthorization; and

2661 3. Have an average family income for the 6 months
 2662 preceding the date of application for an incentive bonus which
 2663 is less than 200 percent of the federal poverty level.

2664 (5) EVALUATIONS AND RECOMMENDATIONS.—CareerSource Florida,
 2665 Inc. ~~Workforce Florida, Inc.~~, in conjunction with the Department
 2666 of Children and Families, the Department of Economic
 2667 Opportunity, and the regional workforce boards, shall conduct a
 2668 comprehensive evaluation of the effectiveness of the program
 2669 operated under this section. Evaluations and recommendations for
 2670 the program shall be submitted by CareerSource Florida, Inc.
 2671 ~~Workforce Florida, Inc.~~, as part of its annual report to the
 2672 Legislature.

2673 (6) CONFLICTS.—If there is a conflict between the
 2674 implementation procedures described in this section and federal
 2675 requirements and regulations, federal requirements and
 2676 regulations shall control.

2677 Section 48. Subsections (6), (8), (11), and (13) of
 2678 section 445.051, Florida Statutes, are amended to read:

2679 445.051 Individual development accounts.--
 2680 (6) CareerSource Florida, Inc. ~~The Workforce Florida,~~
 2681 ~~Inc.~~, shall establish procedures for regional workforce boards
 2682 to include in their annual program and financial plan an
 2683 application to offer an individual development account program
 2684 as part of their TANF allocation. These procedures must ~~shall~~
 2685 include, but need not be limited to, administrative costs
 2686 permitted for the fiduciary organization and policies relative
 2687 to identifying the match ratio and limits on the deposits for
 2688 which the match will be provided in the application process.
 2689 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall
 2690 establish policies and procedures ~~that are~~ necessary to ensure
 2691 that funds held in an individual development account are not
 2692 withdrawn except for one or more of the qualified purposes
 2693 described in this section.
 2694 (8) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2695 shall establish procedures for controlling the withdrawal of
 2696 funds for uses other than qualified purposes, including
 2697 specifying conditions under which an account must be closed.
 2698 (11) Financial institutions approved by CareerSource
 2699 Florida, Inc. ~~Workforce Florida, Inc.~~, may establish individual
 2700 development accounts pursuant to this section. A financial
 2701 institution shall certify the establishment of the individual
 2702 development accounts in accordance with the forms,
 2703 documentation, and requirements prescribed by CareerSource
 2704 Florida, Inc. ~~Workforce Florida, Inc.~~

2705 (13) Pursuant to policy direction by CareerSource Florida,
 2706 Inc. ~~Workforce Florida, Inc.~~, the Department of Economic
 2707 Opportunity shall adopt such rules as are necessary to implement
 2708 this act.

2709 Section 49. Subsection (2), paragraph (e) of subsection
 2710 (3), and subsection (4) of section 445.055, Florida Statutes,
 2711 are amended to read:

2712 445.055 Employment advocacy and assistance program
 2713 targeting military spouses and dependents.-

2714 (2) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2715 shall establish an employment advocacy and assistance program
 2716 targeting military spouses and dependents. This program shall
 2717 deliver employment assistance services through military family
 2718 employment advocates colocated within selected one-stop career
 2719 centers. Persons eligible for assistance through this program
 2720 ~~shall~~ include spouses and dependents of active duty military
 2721 personnel, Florida National Guard members, and military
 2722 reservists.

2723 (3) Military family employment advocates are responsible
 2724 for providing the following services and activities:

2725 (e) Other employment assistance services CareerSource
 2726 Florida, Inc. ~~Workforce Florida, Inc.~~, deems necessary.

2727 (4) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
 2728 may enter into agreements with public and private entities to
 2729 provide services authorized under this section.

2730 Section 50. Section 446.41, Florida Statutes, is amended

2731 to read:

2732 446.41 Legislative intent with respect to rural workforce
 2733 training and development; establishment of Rural Workforce
 2734 Services Program.—In order that the state may achieve its full
 2735 economic and social potential, consideration must be given to
 2736 rural workforce training and development to enable those living
 2737 in its rural areas ~~citizens as well as urban citizens~~ to develop
 2738 their maximum capacities and participate productively in ~~our~~
 2739 society. It is, therefore, the policy of the state to make
 2740 available those services needed to assist individuals and
 2741 communities in rural areas to improve their quality of life. It
 2742 is with a great sense of urgency that a Rural Workforce Services
 2743 Program is established within the Department of Economic
 2744 Opportunity, under the direction of CareerSource Florida, Inc.
 2745 ~~Workforce Florida, Inc.~~, to provide equal access to all manpower
 2746 training programs available to rural as well as urban areas.

2747 Section 51. Paragraph (a) of subsection (3) of section
 2748 446.50, Florida Statutes, is amended to read:

2749 446.50 Displaced homemakers; multiservice programs; report
 2750 to the Legislature; Displaced Homemaker Trust Fund created.—

2751 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
 2752 OPPORTUNITY.—

2753 (a) The Department of Economic Opportunity, under plans
 2754 established by CareerSource Florida, Inc. ~~Workforce Florida,~~
 2755 ~~Inc.~~, shall establish, or contract for the establishment of,
 2756 programs for displaced homemakers which shall include:

2757 1. Job counseling, by professionals and peers,
 2758 specifically designed for a person entering the job market after
 2759 a number of years as a homemaker.

2760 2. Job training and placement services, including:

2761 a. Training programs for available jobs in the public and
 2762 private sectors, taking into account the skills and job
 2763 experiences of a homemaker and developed by working with public
 2764 and private employers.

2765 b. Assistance in locating available employment for
 2766 displaced homemakers, some of whom could be employed in existing
 2767 job training and placement programs.

2768 c. Utilization of the services of the state employment
 2769 service in locating employment opportunities.

2770 3. Financial management services providing information and
 2771 assistance with respect to insurance, including, but not limited
 2772 to, life, health, home, and automobile insurance, and taxes,
 2773 estate and probate problems, mortgages, loans, and other related
 2774 financial matters.

2775 4. Educational services, including high school equivalency
 2776 degree and such other courses that ~~as~~ the department determines
 2777 would be of interest and benefit to displaced homemakers.

2778 5. Outreach and information services with respect to
 2779 federal and state employment, education, health, and
 2780 reemployment assistance programs that the department determines
 2781 would be of interest and benefit to displaced homemakers.

2782 Section 52. Paragraph (a) of subsection (4) of section

2783 1003.491, Florida Statutes, is amended to read:

2784 1003.491 Florida Career and Professional Education Act.—
 2785 The Florida Career and Professional Education Act is created to
 2786 provide a statewide planning partnership between the business
 2787 and education communities in order to attract, expand, and
 2788 retain targeted, high-value industry and to sustain a strong,
 2789 knowledge-based economy.

2790 (4) The State Board of Education shall establish a process
 2791 for the continual and uninterrupted review of newly proposed
 2792 core secondary courses and existing courses requested to be
 2793 considered as core courses to ensure that sufficient rigor and
 2794 relevance is provided for workforce skills and postsecondary
 2795 education and aligned to state curriculum standards.

2796 (a) The review of newly proposed core secondary courses
 2797 shall be the responsibility of a curriculum review committee
 2798 whose membership is approved by CareerSource Florida, Inc. The
 2799 membership of the committee ~~Workforce Florida, Inc.,~~ and shall
 2800 include:

2801 1. Three certified high school counselors recommended by
 2802 the Florida Association of Student Services Administrators.

2803 2. Three assistant superintendents for curriculum and
 2804 instruction, recommended by the Florida Association of District
 2805 School Superintendents, ~~and~~ who serve in districts that operate
 2806 successful career and professional academies pursuant to s.
 2807 1003.492 or a successful series of courses that lead to industry
 2808 certification. Committee members in this category shall employ

2809 the expertise of appropriate subject area specialists in the
 2810 review of proposed courses.

2811 3. Three workforce representatives recommended by the
 2812 Department of Economic Opportunity.

2813 4. Three admissions directors of postsecondary
 2814 institutions accredited by the Southern Association of Colleges
 2815 and Schools, representing both public and private institutions.

2816 5. The Commissioner of Education, or his or her designee,
 2817 who is responsible for K-12 curriculum and instruction and. ~~The~~
 2818 ~~commissioner~~ shall employ the expertise of appropriate subject
 2819 area specialists in the review of proposed courses.

2820 Section 53. Subsections (3), (4), and (5) of section
 2821 1003.492, Florida Statutes, are amended to read:

2822 1003.492 Industry-certified career education programs.—

2823 (3) The State Board of Education shall use the expertise
 2824 of CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and the
 2825 Department of Agriculture and Consumer Services to develop and
 2826 adopt rules pursuant to ss. 120.536(1) and 120.54 for
 2827 implementing an industry certification process.

2828 (a) For nonfarm occupations, industry certification must
 2829 ~~shall~~ be based upon the highest available national standards for
 2830 specific industry certification to ensure student skill
 2831 proficiency and to address emerging labor market and industry
 2832 trends. A regional workforce board or a school principal may
 2833 apply to CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, to
 2834 request additions to the approved list of industry

2835 | certifications based on high-skill, high-wage, and high-demand
 2836 | job requirements in the regional economy.

2837 | (b) For farm occupations submitted pursuant to s. 570.07,
 2838 | industry certification must ~~shall~~ demonstrate student skill
 2839 | proficiency and be based upon the best available data to address
 2840 | critical local or statewide economic needs.

2841 | (4) The list of industry certifications approved by
 2842 | CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, the
 2843 | Department of Agriculture and Consumer Services, and the
 2844 | Department of Education shall be published and updated annually
 2845 | by a date certain, to be included in the adopted rule.

2846 | (5) The Department of Education shall collect student
 2847 | achievement and performance data in industry-certified career
 2848 | education programs and career-themed courses and shall work with
 2849 | CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, and the
 2850 | Department of Agriculture and Consumer Services in the analysis
 2851 | of collected data. The data collection and analyses shall
 2852 | examine the performance of participating students over time.
 2853 | Performance factors must ~~shall~~ include, but need not be limited
 2854 | to, graduation rates, retention rates, Florida Bright Futures
 2855 | Scholarship awards, additional educational attainment,
 2856 | employment records, earnings, industry certification, return on
 2857 | investment, and employer satisfaction. The results of this study
 2858 | shall be submitted to the President of the Senate and the
 2859 | Speaker of the House of Representatives annually by December 31.

2860 | Section 54. Subsection (6) of section 1003.493, Florida

2861 Statutes, is amended to read:

2862 1003.493 Career and professional academies and career-
2863 themed courses.—

2864 (6) CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~,
2865 shall serve in an advisory role and offer technical assistance
2866 in the development and deployment of newly established career
2867 and professional academies and career-themed courses.

2868 Section 55. Paragraph (b) of subsection (2) of section
2869 1003.51, Florida Statutes, is amended to read:

2870 1003.51 Other public educational services.—

2871 (2) The State Board of Education shall adopt rules
2872 articulating expectations for effective education programs for
2873 students in Department of Juvenile Justice programs, including,
2874 but not limited to, education programs in juvenile justice
2875 prevention, day treatment, residential, and detention programs.
2876 The rule shall establish policies and standards for education
2877 programs for students in Department of Juvenile Justice programs
2878 and shall include the following:

2879 (b) The responsibilities of the Department of Education,
2880 the Department of Juvenile Justice, CareerSource Florida, Inc.
2881 ~~Workforce Florida, Inc.~~, district school boards, and providers
2882 of education services to students in Department of Juvenile
2883 Justice programs.

2884 Section 56. Subsection (23) of section 1003.52, Florida
2885 Statutes, is amended to read:

2886 1003.52 Educational services in Department of Juvenile

2887 Justice programs.—

2888 (23) The Department of Juvenile Justice and the Department
 2889 of Education, in consultation with CareerSource Florida, Inc.
 2890 ~~Workforce Florida, Inc.~~, the statewide Workforce Development
 2891 Youth Council, district school boards, Florida College System
 2892 institutions, providers, and others, shall jointly develop a
 2893 multiagency plan for CAPE which describes the funding,
 2894 curriculum, transfer of credits, goals, and outcome measures for
 2895 career education programming in juvenile commitment facilities,
 2896 pursuant to s. 985.622. The plan must be reviewed annually.

2897 Section 57. Paragraph (g) of subsection (2) of section
 2898 1004.015, Florida Statutes, is amended to read:

2899 1004.015 Higher Education Coordinating Council.—

2900 (2) Members of the council shall include:

2901 (g) The president of CareerSource Florida, Inc. ~~Workforce~~
 2902 ~~Florida, Inc.~~, or his or her designee.

2903 Section 58. Subsection (8) of section 1011.80, Florida
 2904 Statutes, is amended to read:

2905 1011.80 Funds for operation of workforce education
 2906 programs.—

2907 (8) The State Board of Education and CareerSource Florida,
 2908 Inc. ~~Workforce Florida, Inc.~~, shall provide the Legislature with
 2909 recommended formulas, criteria, timeframes, and mechanisms for
 2910 distributing performance funds. The commissioner shall
 2911 consolidate the recommendations and develop a consensus proposal
 2912 for funding. The Legislature shall adopt a formula and

2913 distribute the performance funds to the State Board of Education
 2914 for Florida College System institutions and school districts
 2915 through the General Appropriations Act. These recommendations
 2916 shall be based on formulas that would discourage low-performing
 2917 or low-demand programs and encourage through performance-funding
 2918 awards:

2919 (a) Programs that prepare people to enter high-wage
 2920 occupations identified by the Workforce Estimating Conference
 2921 created by s. 216.136 and other programs as approved by
 2922 CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~ At a minimum,
 2923 performance incentives shall be calculated for adults who reach
 2924 completion points or complete programs that lead to specified
 2925 high-wage employment and to their placement in that employment.

2926 (b) Programs that successfully prepare adults who are
 2927 eligible for public assistance, economically disadvantaged,
 2928 disabled, not proficient in English, or dislocated workers for
 2929 high-wage occupations. At a minimum, performance incentives
 2930 shall be calculated at an enhanced value for the completion of
 2931 adults identified in this paragraph and job placement of such
 2932 adults upon completion. In addition, adjustments may be made in
 2933 payments for job placements for areas of high unemployment.

2934 (c) Programs that are specifically designed to be
 2935 consistent with the workforce needs of private enterprise and
 2936 regional economic development strategies, as defined in
 2937 guidelines set by CareerSource Florida, Inc. ~~Workforce Florida,~~
 2938 ~~Inc.~~ CareerSource Florida, Inc. ~~Workforce Florida, Inc.~~, shall

2939 develop guidelines to identify such needs and strategies based
 2940 on localized research of private employers and economic
 2941 development practitioners.

2942 (d) Programs identified by CareerSource Florida, Inc.
 2943 ~~Workforce Florida, Inc.~~, as increasing the effectiveness and
 2944 cost efficiency of education.

2945 Section 59. Subsections (2) and (3) of section 1011.801,
 2946 Florida Statutes, are amended to read:

2947 1011.801 Workforce Development Capitalization Incentive
 2948 Grant Program.—The Legislature recognizes that the need for
 2949 school districts and Florida College System institutions to be
 2950 able to respond to emerging local or statewide economic
 2951 development needs is critical to the workforce development
 2952 system. The Workforce Development Capitalization Incentive Grant
 2953 Program is created to provide grants to school districts and
 2954 Florida College System institutions on a competitive basis to
 2955 fund some or all of the costs associated with the creation or
 2956 expansion of workforce development programs that serve specific
 2957 employment workforce needs.

2958 (2) The State Board of Education shall accept applications
 2959 from school districts or Florida College System institutions for
 2960 workforce development capitalization incentive grants.
 2961 Applications from school districts or Florida College System
 2962 institutions shall contain projected enrollments and projected
 2963 costs for the new or expanded workforce development program. The
 2964 State Board of Education, in consultation with CareerSource

2965 Florida, Inc. ~~the Workforce Florida, Inc.~~, shall review and rank
 2966 each application for a grant according to subsection (3) and
 2967 shall submit to the Legislature a list in priority order of
 2968 applications recommended for a grant award.

2969 (3) The State Board of Education shall give highest
 2970 priority to programs that train people to enter high-skill,
 2971 high-wage occupations identified by the Workforce Estimating
 2972 Conference and other programs approved by CareerSource Florida,
 2973 Inc. ~~Workforce Florida, Inc.~~; programs that train people to
 2974 enter occupations under the welfare transition program; or
 2975 programs that train for the workforce adults who are eligible
 2976 for public assistance, economically disadvantaged, disabled, not
 2977 proficient in English, or dislocated workers. The State Board of
 2978 Education shall consider the statewide geographic dispersion of
 2979 grant funds in ranking the applications and shall give priority
 2980 to applications from education agencies that are making maximum
 2981 use of their workforce development funding by offering high-
 2982 performing, high-demand programs.

2983 Section 60. (1) There is created a task force on
 2984 preparation for the state's implementation of the federal
 2985 Workforce Innovation and Opportunity Act, Pub. L. No. 113-128.
 2986 The task force is assigned to CareerSource Florida, Inc., for
 2987 administrative purposes only.

2988 (2) The task force shall convene no later than June 1,
 2989 2015, and shall be composed of the following 17 members:

2990 (a) The president of CareerSource Florida, Inc., who shall

- 2991 serve as chair of the task force.
- 2992 (b) The executive director of the Department of Economic
- 2993 Opportunity or his or her designee.
- 2994 (c) The Commissioner of Education or his or her designee.
- 2995 (d) The Chancellor of the Florida College System or his or
- 2996 her designee.
- 2997 (e) The Chancellor of the Division of Career and Adult
- 2998 Education of the Department of Education or his or her designee.
- 2999 (f) The director of the Division of Vocational
- 3000 Rehabilitation of the Department of Education or his or her
- 3001 designee.
- 3002 (g) The director of the Division of Blind Services of the
- 3003 Department of Education or his or her designee.
- 3004 (h) The director of the Agency for Persons with
- 3005 Disabilities or his or her designee.
- 3006 (i) The Secretary of Elderly Affairs or his or her
- 3007 designee.
- 3008 (j) The Secretary of Children and Families or his or her
- 3009 designee.
- 3010 (k) The Secretary of Juvenile Justice or his or her
- 3011 designee.
- 3012 (l) The Secretary of Corrections or his or her designee.
- 3013 (m) The president of Enterprise Florida, Inc., or his or
- 3014 her designee.
- 3015 (n) The president of the Florida Workforce Development
- 3016 Association, Inc., or his or her designee.

3017 (o) The statewide director of the Florida Small Business
 3018 Development Center Network or his or her designee.

3019 (p) The president of the Florida Association of
 3020 Postsecondary Schools and Colleges, Inc., or his or her
 3021 designee.

3022 (q) The president of the Independent Colleges and
 3023 Universities of Florida, Inc., or his or her designee.

3024 (2) (a) CareerSource Florida, Inc., shall provide
 3025 administrative and staff support services to the task force
 3026 which relate to its functions, including creating workgroups or
 3027 subcommittees of the task force.

3028 (b) Members of the task force shall serve without
 3029 compensation but are entitled to reimbursement for per diem and
 3030 travel expenses in accordance with s. 112.061, Florida Statutes.

3031 (3) (a) The task force shall develop recommendations for
 3032 the state's implementation of the federal Workforce Innovation
 3033 and Opportunity Act, which recommendations shall be presented to
 3034 and approved by the board of directors of CareerSource Florida,
 3035 Inc. The recommendations shall include, but are not limited to:

3036 1. A review of current workforce service delivery and
 3037 recommendations for inclusiveness of programs.

3038 2. A regional planning design.

3039 3. A one-stop service delivery design.

3040 4. The integration of economic development, workforce
 3041 development, and the state's education system.

3042 5. The development of sector strategies and career

3043 | pathways.

3044 | (b) The task force shall submit a report containing the
 3045 | approved recommendations to the Governor, the President of the
 3046 | Senate, and the Speaker of the House of Representatives by
 3047 | December 1, 2015.

3048 | (4) CareerSource Florida, Inc., shall incorporate the task
 3049 | force's approved recommendations into the state plan required
 3050 | under the federal Workforce Innovation and Opportunity Act,
 3051 | which, upon approval of the state plan by the board of directors
 3052 | of CareerSource Florida, Inc., shall be submitted to the United
 3053 | States Department of Labor, with a copy of the state plan
 3054 | provided to the Governor, the President of the Senate, and the
 3055 | Speaker of the House of Representatives.

3056 | (5) The task force is abolished June 30, 2016, or at an
 3057 | earlier date as provided by the task force.

3058 | Section 61. This act shall take effect upon becoming a
 3059 | law.



Florida Department of
TRANSPORTATION

TRANSPORTATION WORK PROGRAM OVERVIEW

Presenter:

**Lisa Saliba, Office of Work Program and Budget
Florida Department of Transportation**

Florida House
Appropriations Subcommittee on
Transportation & Economic Development
March 12, 2015

OUR MISSION

The department will provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities.

OUR VISION

Serving the people of Florida by delivering a transportation system that is fatality and congestion free.



PURPOSE

A five-year plan of transportation projects as defined in section s. 339.135, F.S.

- Developed in partnership with communities, metropolitan planning organizations, local governments, state and federal agencies, modal partners, and regional entities
- Projects must be consistent with laws, policies, program objectives and priorities



INVESTMENT PRIORITIES

- 1. Safety (all programs)**
 - 2. Meet all system preservation and maintenance objectives**
 - State-Maintained Bridges
 - Pavement Condition of State Highways
 - Maintenance of State Highways
 - 3. Transportation system capacity**
 - Meet statutory requirements for public transportation: aviation, transit, rail, ports
 - Strategic Intermodal System
 - Other state highways and other public transportation programs
-
-



DEVELOPMENT PRINCIPLES

- Commitments must be planned to deplete the estimated resources of the funds for the fiscal year
 - Cannot budget in excess of revenues received from the various sources
 - Minimize changes to the four common fiscal years contained in the previous adopted and the new tentative
 - Based on a balanced 5 year Finance Plan and 36 month Cash Forecast
-
-



FINANCING METHODOLOGY

- Multi-year transportation projects start before the total amount of cash is available to fund the entire project
- Future revenues are used to pay for a project as actual expenditures occur
- The finance plan and cash forecast are used to measure and evaluate the anticipated future revenues against total and planned project commitments

FDOT is the only state agency in Florida that operates this way



FY 2015-16 LEGISLATIVE BUDGET REQUEST

BUDGET TOTAL

| <u>Type of Budget</u> | <u>\$ Amount in Millions</u> | <u>% of Total Request</u> |
|-----------------------|------------------------------|---------------------------|
| Work Program | 9,026.0 | 90.8% |
| Debt Service | 166.4 | 1.6% |
| Operating | 731.6 | 7.4% |
| FCO | 18.2 | 0.2% |
| Total | <u>9,942.2</u> | <u>100.0%</u> |



FY 2015-16 TENTATIVE WORK PROGRAM

PROGRAM HIGHLIGHTS

\$9.0 Billion Projects Planned

- \$3.8 billion – Highway Construction Investment
 - \$657.5 million – Resurfacing Investment
 - \$242.3 million – Bridge Construction
 - \$109.5 million – Seaport Investments
 - \$348.9 million – Aviation Investments
 - \$188.9 million – Rail Investment
-
-



FY 2015-16 TENTATIVE WORK PROGRAM

PROJECT HIGHLIGHTS

\$9.0 B Work Program – Sample Projects

- I-10 and US-301 - interchange improvement (Duval County)
- SR997/Krome Ave - reconstruct from 2 to 4 lanes (Miami-Dade)
- US 301 - reconstruct from SR 674/Suncity Center Blvd to CR 672/Balm Road (Hillsborough)
- I-95 at I-295 - interchange construction (Duval)
- SR 77 - add lanes and reconstruct (Washington County)
- US 17 - add lanes and reconstruct (DeSoto County)
- Replace two bridges on SR-80 and reconstruct roadway for bridge approaches (Palm Beach County)
- I-95 and St. Johns Heritage Parkway new interchange (Brevard County)
- Aviation capacity project at Tampa International Airport Gateway Center



FY 2015-16 TENTATIVE WORK PROGRAM

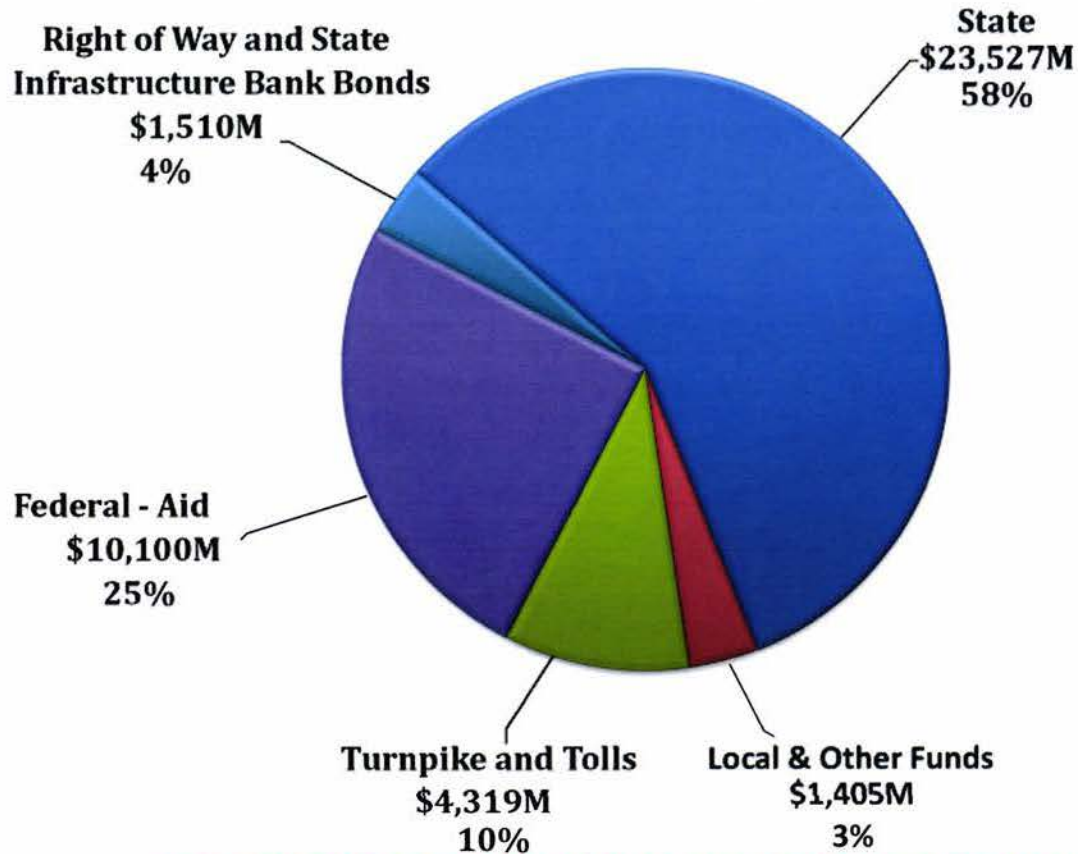
PRODUCTION HIGHLIGHTS

- Construction of approximately 292 new lane miles
 - Resurfacing, reconstruction & rehabilitation of approximately 2,493 existing lane miles
 - Repair or rehabilitation of 94 bridges
 - Replacement of 16 bridges
-
-



FIVE-YEAR WORK PROGRAM FY 2016-20

TOTAL BY FUNDING SOURCES

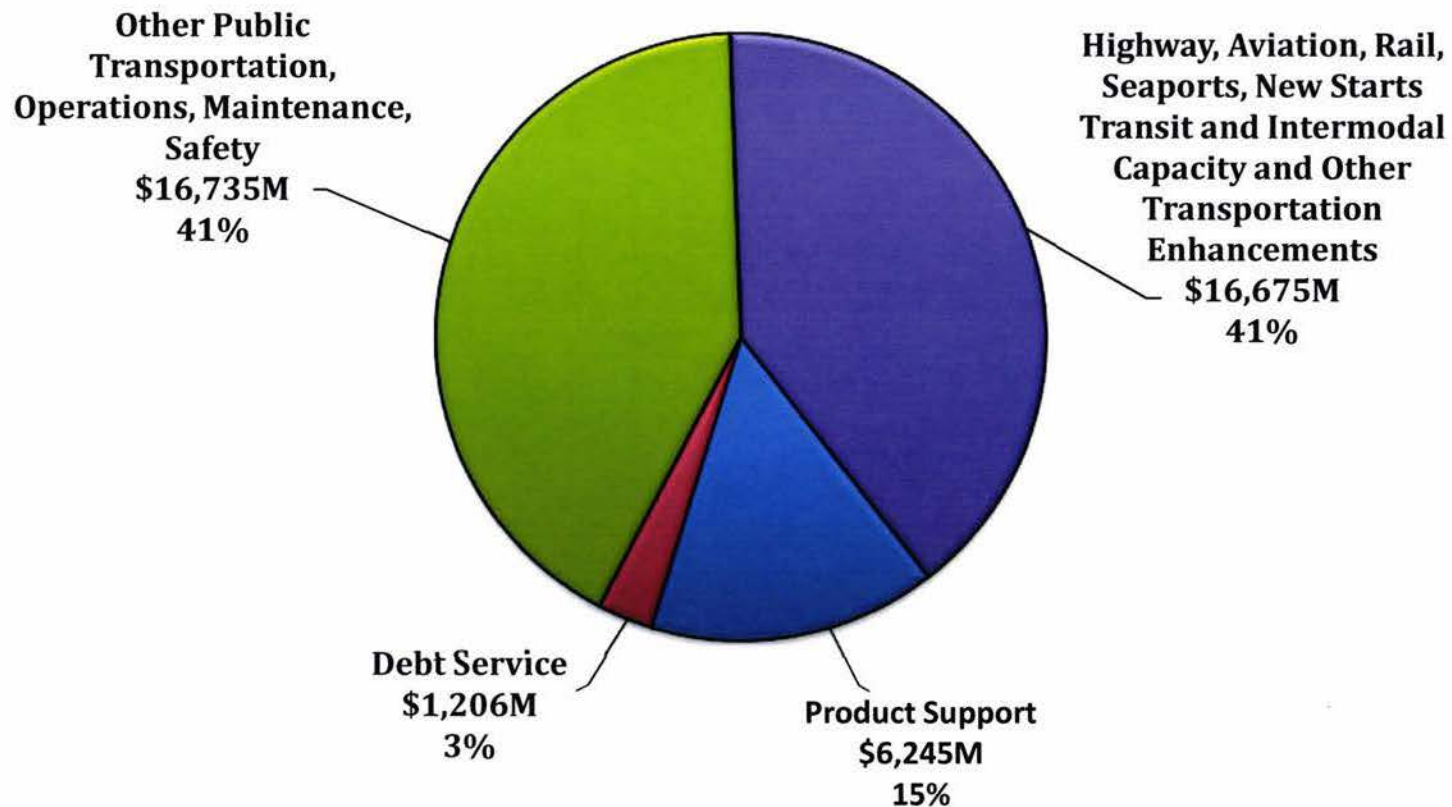


TOTAL 5 YEAR TENTATIVE WORK PROGRAM \$40.9B



FIVE-YEAR WORK PROGRAM FY 2016-20

TOTAL BY MAJOR ACTIVITY



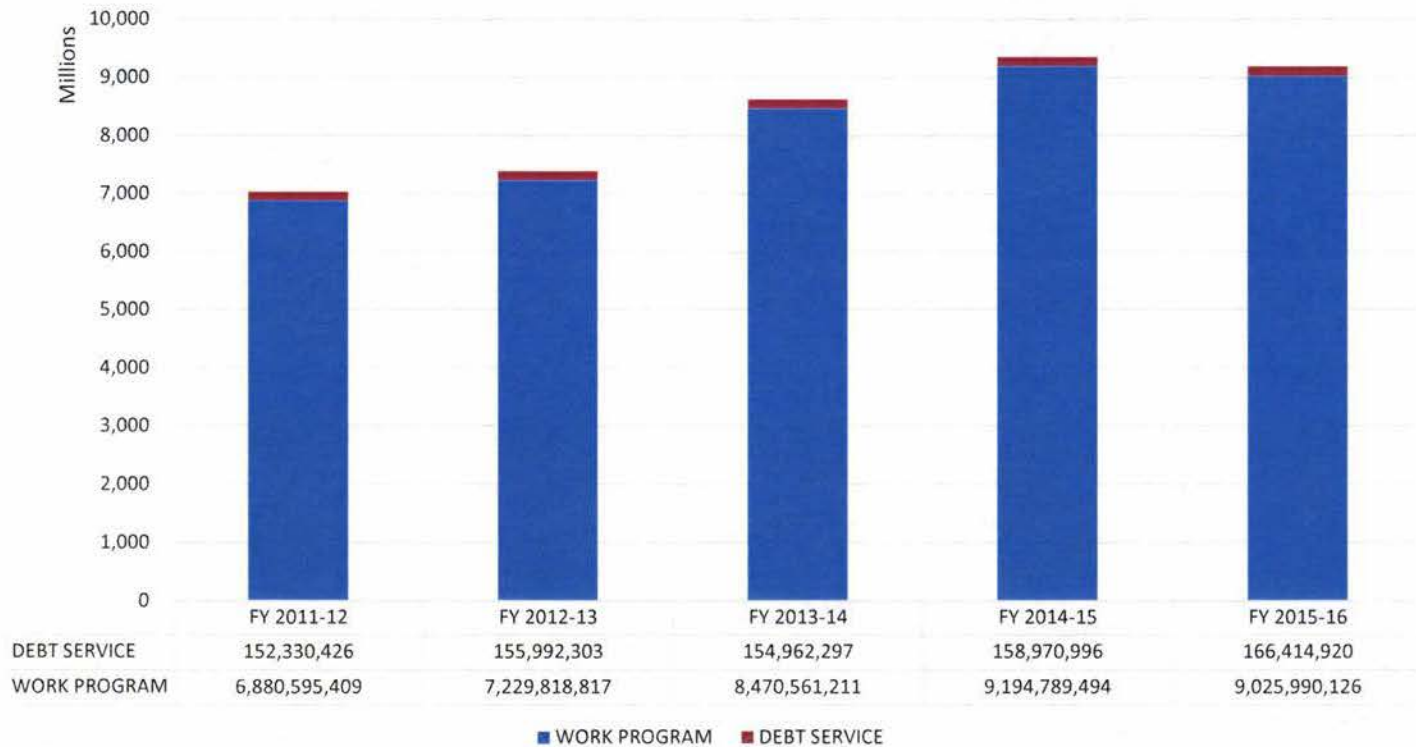
TOTAL 5 YEAR TENTATIVE WORK PROGRAM \$40.9B



TRANSPORTATION WORK PROGRAM

HISTORY OF APPROPRIATIONS

Five Year History of Appropriations





ADOPTED WORK PROGRAM

ACCOUNTABILITY AND OVERSIGHT

Florida Transportation Commission

- In-depth evaluation of the Tentative Work Program development compliance
- Performance and production review

Monthly measurement evaluated by leadership team

- Performance – ability to deliver projects as planned
- Production – projects delivered in total

Various reports to Governor and the Legislature

Internal and external financial audits

- By program
 - By project
 - By fund
-
-



ADOPTED WORK PROGRAM

PERFORMANCE MEASURES

Measuring Statutory Compliance

Production Goals

- Maintain the System – Highways and Bridges, Maintenance
- Accomplishment of Plan – Number of Projects and Total Budget
- Mobility

Financial Goals

- Program Balanced to Revenues
 - Debt Limitations
-
-



ADOPTED WORK PROGRAM

INTERIM ADJUSTMENTS

Changes to the List of Projects

State

- Add, Advance, Defer and Delete Projects -14 days Consultation with Governor and Legislature
- Changes to funding levels for budget categories - Legislative Budget Commission (LBC) must adopt
- Roll Forward budget - LBC must adopt

Federal:

- Adds – STIP/TIP action based on criteria; process initiated with Local Partner prior to state process
 - Defers and Deletes – Only required if moves project outside 4 common years
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WORK PROGRAM OVERVIEW

THANK YOU.

QUESTIONS?
