



ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Wednesday, February 10, 2016
10:00 AM – 12:00 PM
Reed Hall (102 HOB)**

**Steve Crisafulli
Speaker**

**Jose Oliva
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Affairs Committee

Start Date and Time: Wednesday, February 10, 2016 10:00 am
End Date and Time: Wednesday, February 10, 2016 12:00 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

CS/CS/HB 141 National Statuary Hall by Appropriations Committee, Economic Development & Tourism Subcommittee, Diaz, J., Narain

CS/HB 151 Installation of Tracking Devices or Tracking Applications by Criminal Justice Subcommittee, Cortes, B.

CS/HB 155 Central Florida Regional Transportation Authority by Government Operations Subcommittee, Cortes, B.

CS/HB 703 Vessels by Highway & Waterway Safety Subcommittee, Workman

HB 961 Transportation by Artiles

CS/HB 1439 Hillsborough County Public Transportation Commission/Transportation Network Companies by Local Government Affairs Subcommittee, Raulerson, Young

HB 7065 Workforce Development by Economic Development & Tourism Subcommittee, Drake

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, February 9, 2016.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, February 9, 2016.

NOTICE FINALIZED on 02/08/2016 4:06PM by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 141 National Statuary Hall

SPONSOR(S): Appropriations Committee; Economic Development & Tourism Subcommittee; Diaz and others

TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 310

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	9 Y, 0 N, As CS	Hancock	Duncan
2) Appropriations Committee	18 Y, 1 N, As CS	Cobb	Leznoff
3) Economic Affairs Committee		Hancock <i>GH</i>	Pitts <i>JP</i>

SUMMARY ANALYSIS

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state for placement in the National Statuary Hall. The entire collection now consists of 100 statues contributed by all 50 states with each state contributing two statues.

Florida provided the statue of Dr. John Gorrie in 1914. Dr. Gorrie, a physician, scientist, inventor, and humanitarian is credited with the invention of refrigeration and air-conditioning. Florida provided the statue of General Edmund Kirby Smith in 1922. General Smith was a soldier and educator, originally from St. Augustine, Florida. Following graduation from the United States Military Academy, General Smith served in the Mexican War and later joined the Confederate forces when Florida seceded from the Union. He commanded the last armed forces of the Confederate States to surrender. He held positions as the president of the Atlantic and Pacific Telegraph Company; chancellor of the University of Nashville; and professor of mathematics at the University of the South in Sewanee, Tennessee, where he remained until his death in 1893.

The bill provides for the replacement of the marble statue of Dr. Gorrie and the bronze statue of General Smith, and directs the ad hoc committee of the Great Floridians Program within the Division of Historical Resources of the Department of State to select two prominent deceased Florida citizens to represent the state in place of the statue of Dr. Gorrie and General Smith. The bill also directs the Florida Council on Arts and Culture within the Department of State to select a sculptor to design the two replacement statues. The Department of State is required to submit the findings and recommendations of the Division of Historical Resources and the Division of Cultural Affairs to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2017.

The bill provides for submission by memorial of the state's request to the United States Joint Committee on the Library of Congress for approval to replace the two statues.

The bill will have an indeterminate, negative fiscal impact to state expenditures. While there appears to be some indeterminate costs associated with the provisions of the bill, the Department of State has not provided an official estimate as requested therefore it is assumed any costs can be absorbed within existing resources. See fiscal section.

The bill provides for an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Background

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state "illustrious for their historic renown or for distinguished civic or military service" for placement in the National Statuary Hall.¹ The entire collection now consists of 100 statues contributed by all 50 states with each state contributing two statues.² The National Statuary Hall is under the supervision and direction of the Architect of the Capitol.³

Currently, Florida has two statues in the National Statuary Hall Collection: one of Dr. John Gorrie and one of General Edmund Kirby Smith. Florida provided the statue of Dr. John Gorrie in 1914.⁴ Dr. Gorrie, a physician, scientist, inventor, and humanitarian is credited with the invention of refrigeration and air-conditioning. Dr. Gorrie's original model of the ice-making machine, and his scientific articles are housed at the Smithsonian Institution.⁵ Dr. Gorrie is buried in Gorrie Square in Apalachicola, Florida.⁶

Florida provided the statue of General Edmund Kirby Smith in 1922.⁷ General Smith was a soldier and educator, originally from St. Augustine, Florida. General Smith graduated from the United States Military Academy in 1845 and first served in the Mexican War. Following the war he taught mathematics at the Military Academy and had botany reports published by the Smithsonian Institution. He joined the Confederate Army when Florida seceded from the union.⁸ Smith commanded the last armed forces of the Confederate States to surrender. Concerned that he would be tried for treason, General Smith fled to Mexico before settling in Cuba for a short period.⁹ Returning to the United States, Smith took an oath of amnesty and held positions as the president of the Atlantic and Pacific Telegraph Company; chancellor of the University of Nashville; and professor of mathematics at the University of the South in Sewanee, Tennessee, where he remained until his death in 1893. He was the last surviving general of either army.¹⁰

Due to overcrowding and weight restrictions, the National Statuary Hall collection is located in several areas of the Capitol: the National Statuary Hall (Old Hall of the House), the Rotunda, the second-floor House and Senate corridors, the Hall of Columns, the Crypt, and the Capitol Visitor Center.¹¹ Florida's

¹ 2 U.S.C § 2131.

² AOC website, National Statuary Hall Collection, available at: <http://www.aoc.gov/the-national-statuary-hall-collection> (last visited Oct. 28, 2015).

³ 2 U.S.C § 2131.

⁴ See supra note 2.

⁵ AOC website, National Statuary Hall, Florida List, John Gorrie, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-gorrie> (last visited Oct. 28, 2015).

⁶ Encyclopedia.com available at <http://www.encyclopedia.com/doc/1G2-3404707805.html> (last visited Oct. 28, 2015).

⁷ See supra note 5.

⁸ AOC website, National Statuary Hall, Florida List, General Edmund Kirby Smith, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/edmund-kirby-smith> (last visited Oct. 28, 2015).

⁹ About.com, Military History, *American Civil War: General Edmund Kirby Smith* available at <http://militaryhistory.about.com/od/ConfederateLeaders/p/American-Civil-War-General-Edmund-Kirby-Smith.htm> (last visited Oct. 28, 2015).

¹⁰ See supra note 8.

¹¹ See supra note 2.

statue of Dr. John Gorrie is located in the National Statuary Hall, and the statue of General Edmund Kirby Smith is located in the Capitol Visitor Center.¹²

Since 1864 when the U. S. Congress authorized the creation of the National Statuary Hall, only six states have replaced statues (Alabama, Arizona, California, Iowa, Kansas, and Michigan) with three of those replacements being former United States Presidents: Ronald Reagan (CA), Dwight D. Eisenhower (KS), and Gerald Ford (MI).¹³ Once a statue has been replaced it must remain in the National Statuary Hall for a minimum of ten years.¹⁴

States are responsible for the following costs:

- paying the sculptor for designing and carving or casting the statue;
- designing and fabricating the pedestal;
- transporting the statue and pedestal to the United States Capitol;
- removing and transporting the replaced statue;
- any costs incurred with the unveiling ceremony; and
- any other expenses that the State commission may deem necessary.¹⁵

Recently, the state of Arizona replaced its statue of John Campbell Greenway, which represented the state in the National Statuary Hall Collection from 1930-2015.¹⁶ In 2015 the statue was replaced by one of Barry Goldwater.¹⁷ Legislation requesting Congress to replace John Campbell Greenway's statue was signed by the Arizona Governor in May 2008, but the completed replacement statue of Barry Goldwater did not make its way to the National Statuary Hall until February 2015.¹⁸ The timing delay was due to fundraising challenges.¹⁹ One estimate for the total cost of the replacement is \$500,000.²⁰

Ohio is currently in the process of replacing former Ohio Governor William Allen with a statue of Thomas Edison.²¹ William Allen was a pro-slavery Civil War-era governor who opposed fighting in the Civil War. Ohio lawmakers began the process of the replacement in 2007.²² However, the efforts did not take off until 2010 when the Ohio Historical Society polled 48,000 Ohioans, who selected Thomas Edison as the prime replacement candidate.²³ The statue of Thomas Edison was unveiled in Columbus,

¹² AOC website, National Statuary Hall, By Location, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/nsh-location> (last visited Oct. 28, 2015).

¹³ See supra note 2.

¹⁴ 2 U.S.C. § 2132. However, the Joint Committee may waive this requirement for cause at the request of a state.

¹⁵ 2 U.S.C. § 2132

¹⁶ AOC website, National Statuary Hall Collection, John Campbell Greenway, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-campbell-greenway-replaced> (last visited Oct. 28, 2015).

¹⁷ *Id.*

¹⁸ Arizona Central New, *Goldwater statue dedicated in National Statuary Hall*, available at: <http://www.azcentral.com/story/news/arizona/politics/2015/02/11/goldwater-statue-dedicated-national-statuary-hall/23227893/> (last visited Oct. 28, 2015).

¹⁹ Cronkite News, *Months after unveiling, Goldwater statue still awaiting trip to the U.S. capitol*, available at: <http://cronkitenewsonline.com/2014/09/months-after-unveiling-goldwater-statue-still-awaiting-trip-to-the-u-s-capitol/> (last visited Oct. 27, 2015).

²⁰ *Id.*

²¹ The Columbus Dispatch, *Ohio's Edison Sculpture Set to Occupy Statuary Hall*, available at: <http://www.dispatch.com/content/stories/local/2015/08/10/edison-sculpture-set-to-occupy-statuary-hall.html> (last visited Oct. 27, 2015).

²² The Toledo Blade, *New statue of Thomas Edison unveiled in Columbus*, available at: <http://www.toledoblade.com/State/2015/05/20/New-statue-of-Thomas-Edison-unveiled-in-Columbus.html> (last visited Oct. 27, 2015).

²³ The Columbus Dispatch, *Ohio's Edison Sculpture Set to Occupy Statuary Hall*, available at: <http://www.dispatch.com/content/stories/local/2015/08/10/edison-sculpture-set-to-occupy-statuary-hall.html> (last visited Oct. 27, 2015).

Ohio in May 2015. The state of Ohio is currently waiting for sufficient funds to be gathered to complete the replacement project.²⁴ One estimate for the total cost of the replacement is \$250,000.²⁵

Great Floridians Program

State law provides that an ad hoc committee of the Great Floridians Program within the Division of Historical Resources of the Department of State is responsible for recognizing and honoring Floridians who have made significant contributions to the welfare and progress of the nation or to the state of Florida.²⁶ The Great Floridian ad hoc committee is comprised of representatives of the Governor, each member of the Florida Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State.²⁷

Florida Council on Arts and Culture

The Florida Council on Arts and Culture, which is administratively housed in the Department of State, consists of 15 members. The Governor appoints seven members, and the President of the Senate and the Speaker of the House each appoint four members to the Council.²⁸ The Council is responsible for the following:

- advocating for arts and culture by encouraging the study, participation, and presentation of arts and cultural activities that are of public interest throughout the state;
- advising the Secretary of State in matters pertaining to arts and cultural programs and grants administered by the division;
- encouraging the participation in and appreciation of arts and culture to meet the needs and aspirations of persons in all parts of the state;
- encouraging public interest in the state's cultural heritage and the expansion of its cultural resources;
- encouraging and assisting freedom of artistic expression that is essential for the well-being of the arts;
- advising the Secretary of State in matters concerning the awarding of grants for arts and culture;
- promoting the reading, writing, and appreciation of poetry throughout the state and accepting nominations and recommending nominees for appointment as the State Poet Laureate²⁹; and
- reviewing applications for grants for the acquisition, renovation, or construction of cultural facilities and recommending a priority for the receipt of such grants.³⁰

Effect of the Bill

The bill provides for the replacement of the statue of Dr. John Gorrie and the statue of General Edmund Kirby Smith in the National Statuary Hall of the United States Capitol.

²⁴ See supra note 22.

²⁵ *Id.*

²⁶ Section 267.0731, F.S.

²⁷ Section 267.0731(1)(b), F.S.

²⁸ Section 265.285 (1)(a), F.S.

²⁹ See s. 265.2863, F.S., relating to the State Poet Laureate.

³⁰ Section 265.285 (2)(a-h), F.S.

To do so, the bill directs the Great Floridians Program (GFP) within the Division of Historical Resources of the Department of State to select two individuals of distinguished civil or military service to be commemorated in the National Statuary Hall in the place of Dr. Gorrie and General Smith.

Additionally, the bill directs the Florida Council on Arts and Culture (FCAC) to select, according to guidelines prescribed by the Department of State, a sculptor to design the two replacement statues.

The bill also requires the Department of State to coordinate the recommendations of the Division of Historical Resources and the Division of Cultural Affairs and submit a report of the findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives. At a minimum, the report must include:

- The name of the two prominent citizens and the process used in selection
- The name of the sculptor and process used to select the sculptor
- An estimate of the total costs associated with the replacement of the two statues.

Lastly, the bill provides that upon receiving the report of findings from the Department of State, the Florida Legislature is directed to request by memorial that the United States Joint Committee on the Library of Congress replace the two statues, and for the Architect of the Capitol to carry out the request.

B. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law and calls for the replacement of Dr. John Gorrie and General Edmund Kirby Smith in the National Statuary Hall of the United States Capitol with two alternative deceased Floridians of distinguished civil or military service.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will have an indeterminate, negative fiscal impact to state expenditures. While there appears to be some indeterminate costs associated with the provisions of the bill, the Department of State has not provided an official estimate as requested therefore it is assumed any costs can be absorbed within existing resources.

The state (as opposed to the federal government) is responsible for the following costs:

- paying the sculptor for designing and carving or casting the two statues;
- designing and fabricating the pedestal;
- transporting the two statues and pedestal to the United States Capitol;
- removing and transporting the two replaced statues;
- any costs incurred with the unveiling ceremony; and
- any other expenses that the State commission may deem necessary.³¹

³¹ 2 U.S.C. § 2132.

The state of Arizona has recently replaced one of its statues, and the one cost estimate to do so was \$500,000.³² The state of Ohio has also recently replaced one of its statues, and one cost estimate to do so was \$250,000.³³

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

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:

The bill does not prescribe who or what entity will be responsible for removing the statue of Dr. Gorrie and the statue of General Smith, and does not indicate where the statue will be housed after its removal from the National Statuary Hall. However, the bill does require a report to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives to include, at a minimum, the names of the two Florida citizens, the name of the sculptor, and an estimate of the total costs associated with the replacement of the two statues.

³² Cronkite News, *Months after unveiling, Goldwater statue still awaiting trip to the U.S. capitol*, available at: <http://cronkitenewsonline.com/2014/09/months-after-unveiling-goldwater-statue-still-awaiting-trip-to-the-u-s-capitol/> (last visited Jan, 5, 2016).

³³ The Toledo Blade, *New statue of Thomas Edison unveiled in Columbus*, available at: <http://www.toledoblade.com/State/2015/05/20/New-statue-of-Thomas-Edison-unveiled-in-Columbus.html> (last visited Jan, 5, 2016).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 4, 2015, the Economic Development & Tourism subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarifies that the ad hoc committee of the Great Floridians Program must select a prominent Florida citizen, including but not limited to a person of distinguished civil or military service to be commemorated in the National Statuary Hall of the United States Capitol. The ad hoc committee is required to submit the recommendation to the Division of Historical Resources and the Division of Cultural Affairs.
- Requires the Department of State to coordinate the recommendations of the Division of Historical Resources and the Division of Cultural Affairs and submit a report of the findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2017.
- Removes the language requiring the Florida Council on Arts and Culture to gather necessary funds to carry out the replacement of the statue.

This analysis is drafted to the committee substitute.

On January 21, 2016, the Transportation and Economic Development Appropriations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Provides for the replacement of both the statue of Dr. John Gorrie and the statue of General Edmund Kirby Smith.
- Requires the ad hoc committee of the Great Floridians program to select two prominent deceased Floridians to represent the state in place of Dr. John Gorrie and General Edmund Kirby Smith.
- Directs the Florida Council on Arts and Culture within the Department of State to select a sculptor to design the two replacement statues.
- Provides for the submission by memorial of the state's request to the United States Joint Committee on the Library of Congress for approval to replace the two statues.

This analysis is drafted to the committee substitute.

1 A bill to be entitled
 2 An act relating to the National Statuary Hall;
 3 providing for replacement of the statues of Dr. John
 4 Gorrie and General Edmund Kirby Smith in the National
 5 Statuary Hall of the United States Capitol; providing
 6 for selection of two prominent Florida citizens to be
 7 commemorated in the National Statuary Hall; providing
 8 for selection of a sculptor to design the statues;
 9 requiring the Department of State to submit a report
 10 and recommendations to the Legislature; providing for
 11 submission of the state's request to the United States
 12 Joint Committee on the Library of Congress for
 13 approval to replace the statues; providing an
 14 effective date.

15
 16 WHEREAS, pursuant to 2 U.S.C. s. 2131, each state is
 17 permitted to provide and furnish to the United States
 18 Capitol two statues, in marble or bronze, of deceased
 19 persons who have been prominent citizens of the state for
 20 placement in the National Statuary Hall, and

21 WHEREAS, currently, Florida has two statues, of Dr. John
 22 Gorrie and of General Edmund Kirby Smith, in the National
 23 Statuary Hall, and

24 WHEREAS, pursuant to 2 U.S.C. s. 2132, a state may request
 25 that the Joint Committee on the Library of Congress approve the
 26 replacement of any statue the state has provided for display in

27 the National Statuary Hall of the United States Capitol, NOW,
 28 THEREFORE,

29

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

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32 Section 1. (1) At its first annual meeting following the
 33 effective date of this act, the ad hoc committee of the Great
 34 Floridians Program within the Division of Historical Resources
 35 of the Department of State, as established under s.
 36 267.0731(1)(b), Florida Statutes, shall select, according to
 37 guidelines prescribed by the division, two prominent Florida
 38 citizens, including, but not limited to, persons of
 39 distinguished civil or military service, to be commemorated in
 40 the National Statuary Hall of the United States Capitol. The ad
 41 hoc committee shall submit its recommendations to the Division
 42 of Historical Resources and the Division of Cultural Affairs.

43 (2) At its first meeting following the effective date of
 44 this act, the Florida Council on Arts and Culture, as
 45 established under s. 265.285, Florida Statutes, shall select,
 46 according to guidelines prescribed by the Department of State, a
 47 sculptor to design the statues of the two prominent Florida
 48 citizens selected pursuant to subsection (1) for replacement of
 49 the statue of Dr. John Gorrie and the statue of General Edmund
 50 Kirby Smith in the National Statuary Hall. The Florida Council
 51 on Arts and Culture shall submit its recommendation to the
 52 Division of Historical Resources and the Division of Cultural

53 Affairs.

54 (3) The Department of State shall coordinate the
 55 recommendations submitted to the Division of Historical
 56 Resources and the Division of Cultural Affairs and shall submit
 57 a report by January 1, 2017, to the Governor, the President of
 58 the Senate, and the Speaker of the House of Representatives that
 59 includes, but is not limited to:

60 (a) The names of the two prominent Florida citizens and
 61 the process used to select the two prominent Florida citizens.

62 (b) The name of the sculptor and the process used to
 63 select the sculptor.

64 (c) An estimate of the total costs associated with
 65 replacement of the statues, including the costs to remove and
 66 transfer the current statues and to install the replacement
 67 statues.

68 (4) In accordance with 2 U.S.C. s. 2132, upon receiving
 69 the report under subsection (3), the Legislature may request by
 70 memorial that the United States Joint Committee on the Library
 71 of Congress approve the request to replace the statues of Dr.
 72 John Gorrie and General Edmund Kirby Smith and that the
 73 Architect of the Capitol carry out the request. Upon adoption of
 74 the memorial by the Legislature and approval of the request in
 75 writing by the Governor, the memorial shall be submitted to the
 76 United States Joint Committee on the Library of Congress.

77 Section 2. This act shall take effect upon becoming a law.



Amendment No. 1

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: Economic Affairs Committee
 2 Representative Diaz, J. offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. (1) At its first annual meeting following the
 7 effective date of this act, the ad hoc committee of the Great
 8 Floridians Program within the Division of Historical Resources
 9 of the Department of State, as established under s.
 10 267.0731(1)(b), Florida Statutes, shall select, according to
 11 guidelines prescribed by the division, up to two prominent
 12 Florida citizens, including, but not limited to, persons of
 13 distinguished civil or military service, to be commemorated in
 14 the National Statuary Hall of the United States Capitol. The ad
 15 hoc committee shall submit its recommendations to the Division
 16 of Historical Resources and the Division of Cultural Affairs.



Amendment No. 1

17 (2) At its first meeting following the effective date of
18 this act, the Florida Council on Arts and Culture, as
19 established under s. 265.285, Florida Statutes, shall select,
20 according to guidelines prescribed by the Department of State, a
21 sculptor to design the statues selected pursuant to subsection
22 (1) for replacement of the statue of Dr. John Gorrie and the
23 statue of General Edmund Kirby Smith in the National Statuary
24 Hall. The Florida Council on Arts and Culture shall submit its
25 recommendation to the Division of Historical Resources and the
26 Division of Cultural Affairs.

27 (3) The Department of State shall coordinate the
28 recommendations submitted to the Division of Historical
29 Resources and the Division of Cultural Affairs and shall submit
30 a report by January 1, 2017, to the Governor, the President of
31 the Senate, and the Speaker of the House of Representatives that
32 includes, but is not limited to:

33 (a) The names of prominent Florida citizens and the
34 process used to select prominent Florida citizens.

35 (b) The name of the sculptor and the process used to
36 select the sculptor.

37 (c) An estimate of the total costs associated with
38 replacement of up to two statues, including the costs to remove
39 and transfer the current statues and to install the replacement
40 statues.

41 (4) In accordance with 2 U.S.C. s. 2132, upon receiving
42 the report under subsection (3), the Legislature may request by



Amendment No. 1

43 memorial that the United States Joint Committee on the Library
44 of Congress approve the request to replace the statues of Dr.
45 John Gorrie and General Edmund Kirby Smith and that the
46 Architect of the Capitol carry out the request. Upon adoption of
47 the memorial by the Legislature and approval of the request in
48 writing by the Governor, the memorial shall be submitted to the
49 United States Joint Committee on the Library of Congress.

50 Section 2. This act shall take effect upon becoming a law.

51

52

53

T I T L E A M E N D M E N T

54

Remove everything before the enacting clause and insert:

55

An act relating to the National Statuary Hall;

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providing for selection of up to two prominent Florida

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citizens to be commemorated in the National Statuary

58

Hall of the United States Capitol; providing for

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selection of a sculptor to design the statues;

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requiring the Department of State to submit a report

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and recommendations to the Legislature; providing for

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submission of the state's request to the United States

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Joint Committee on the Library of Congress for

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approval to replace the statues; providing an

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effective date.

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WHEREAS, pursuant to 2 U.S.C. s. 2131, each state is

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permitted to provide and furnish to the United States

68

Capitol two statues, in marble or bronze, of deceased

545031 - HB 141 - strike all amendment.docx

Published On: 2/9/2016 7:09:18 PM



Amendment No. 1

69 persons who have been prominent citizens of the state
70 for placement in the National Statuary Hall, and
71 WHEREAS, currently, Florida has two statues, of Dr. John
72 Gorrie and of General Edmund Kirby Smith, in the National
73 Statuary Hall, and
74 WHEREAS, pursuant to 2 U.S.C. s. 2132, a state may
75 request that the Joint Committee on the Library of
76 Congress approve the replacement of any statue the
77 state has provided for display in the National
78 Statuary Hall of the United States Capitol, NOW,
79 THEREFORE,

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 151 Installation of Tracking Devices or Tracking Applications

SPONSOR(S): Criminal Justice Subcommittee; Cortes, B.

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 298

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	13 Y, 0 N, As CS	Keegan	White
2) Economic Affairs Committee		Johnson 	Pitts 
3) Judiciary Committee			

SUMMARY ANALYSIS

Tracking devices and tracking applications can utilize cell phone signal technology, the Global Positioning System (hereinafter "GPS"), and tracking software downloaded onto electronic devices to secretly track the location of a person.

During the 2015 Legislative Session, CS/CS/HB 197 passed House and Senate votes and was signed into law. The bill created s. 934.425, F.S., making it a second degree misdemeanor for a person to install a tracking device or tracking application on another person's property without the other person's consent. The prohibition applies to a person engaged in private investigation, who installs a tracking device or tracking application on behalf of another person unless the activities would otherwise be exempt under an exception under s. 934.425, F.S.

The bill provides that a person engaged in private investigation, as defined in s. 493.6101, may install a tracking device in the following two circumstances:

- A person or business entity that is exempt under paragraphs (b), (c), and (e) may hire a private investigator to install a tracking device or tracking application consistent with the applicable exemption.
- A private investigator may install a tracking device or tracking application pursuant to a lawful court order.

The bill expands the exemption for persons and business entities that may install a tracking device or tracking application without being exposed to the second degree misdemeanor penalty for doing so. This may reduce the jail bed impact on local government expenditures.

The bill is effective October 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Cellular Phone Tracking

Any time a cellular phone is on, it will periodically send a signal to the local “base station”¹ to verify the strength of the phone’s connection to the provider network.² Cellular phones also communicate back and forth with base stations during phone calls.³ Providers divide their service area up among base stations in the area, and the cellular phone communicates with different nearby base stations as the user moves around the service area.⁴ Providers keep close track of which base stations a phone communicates with so the provider knows which base stations to send phone calls to.⁵ The electronic record created by a cellular phone communicating with a base station is often referred to as “cell site location information” (hereinafter “CSLI”).⁶

CSLI is also used by cellular providers to transmit location data for cellular phones that dial 911.⁷ The Federal Communications Commission (hereinafter “FCC”) developed the Enhanced 911 program (hereinafter “E911”) to ensure that wireless carriers provide location information to 911 dispatchers when a 911 call is placed from a cellular phone.⁸ Over time the FCC has created more stringent requirements for cellular providers that currently require specific location data such as latitude and longitude of the 911 caller.⁹ In similar form to the FCC requirements, Florida law requires the establishment of a statewide E911 program requiring providers to route 911 calls to the correct public safety answering points.¹⁰ This is accomplished by “selective routing based on the geographical location from which the call originated,” and requiring providers to create automatic number identification and automatic location-identification features.¹¹

GPS Tracking

The Global Positioning System (hereinafter “GPS”) is a system of twenty-four operating satellites that orbit the earth and transmit radio signals.¹² The GPS system is operated by the United States Air Force,¹³ and is used for civilian applications as well as national security and military operations.¹⁴ GPS can be used for tracking and locating cellular phones that are equipped with hardware that can receive radio signals from GPS satellites.¹⁵ GPS technology can usually identify the location of a cellular

¹ The “base station” is the device or communications tower that transmits cellular radio signals so a telephone call can be made wirelessly. These towers are also referred to as “cellular towers.” TECHOPEDIA, *Base Station*, <https://www.techopedia.com/definition/5268/base-station-bs> (last visited Jan. 28, 2016).

² *ECPA Reform and the Revolution in Location Based Techs. & Servs. before the Subcomm. on the Constitution, Civil Rights & Civil Liberties*, 111th Cong. 13-14 (testimony of Matt Blaze, Assoc. Prof., Univ. Pa.).

³ *ECPA Reform*, *supra* note 2, at 13.

⁴ *ECPA Reform*, *supra* note 2, at 13.

⁵ *ECPA Reform*, *supra* note 2, at 14.

⁶ *In re Application of U.S. for an Order Directing a Provider of Elec. Comm’n Serv. to Disclose Records to the Gov’t*, 620 F.3d 304 (3d Cir. 2010).

⁷ FEDERAL COMM’NS COMM’N, *Enhanced 9-1-1 Wireless Services*, <https://www.fcc.gov/general/enhanced-9-1-1-wireless-services> (last visited Jan. 28, 2016).

⁸ FEDERAL COMM’NS COMM’N, *Guide: 911 Wireless Services*, <https://www.fcc.gov/consumers/guides/911-wireless-services> (last visited Jan. 28, 2016).

⁹ *Enhanced 9-1-1 Wireless Services*, *supra* note 7.

¹⁰ s. 365.172(3)(h), F.S.

¹¹ *Id.*

¹² GPS.GOV, *Space Segment*, <http://www.gps.gov/systems/gps/space/> (last visited Jan. 28, 2016).

¹³ SCHRIEVER AIR FORCE BASE, *GPS*, <http://www.schriever.af.mil/GPS/> (last visited Jan. 28, 2016).

¹⁴ GPS.GOV, *GPS Applications*, <http://www.gps.gov/applications/> (last visited Jan. 28, 2016).

¹⁵ *ECPA Reform*, *supra* note 2, at 13-14.

phone within a distance of ten meters;¹⁶ however, more recent cellular phone models are the only models equipped with the proper hardware to utilize this technology.¹⁷

Tracking Software

Tracking software can be downloaded onto phones and other electronic devices and used to track the location of the device for mapping applications or other purposes.¹⁸ Some types of tracking software can monitor messages, emails, websites that are visited, and contacts that are saved, in addition to tracking a device's location.¹⁹

Florida Law

Chapter 934, F.S., governs the security of electronic and telephonic communications and the procedural requirements for searching and monitoring such communications. The law covers a number of different investigative and monitoring procedures, including wiretapping, obtaining service provider records, and mobile tracking devices. However, many of the chapter's provisions only apply to law enforcement entities (e.g., s. 934.42, F.S., authorizes a law enforcement officer to apply to a judge of competent jurisdiction for an order authorizing or approving the installation and use of a mobile tracking device).²⁰

During the 2015 Legislative Session, CS/CS/HB 197 passed House and Senate votes and was signed into law. The bill created s. 934.425, F.S., making it a second degree misdemeanor²¹ for a person to install a tracking device or tracking application on another person's property without the other person's consent. This prohibition does not apply to:

- A law enforcement officer or law enforcement agency that lawfully installs a tracking device or tracking application on another person's property as part of a criminal investigation;
- A parent or legal guardian of a minor child that installs a tracking device or tracking application on the minor child's property if:
 - The parents or legal guardians are lawfully married to each other and are not separated or otherwise living apart, and either parent or legal guardian consents to the installation of the tracking device or tracking application;
 - The parent or legal guardian is the sole surviving parent or legal guardian of the minor child;
 - The parent or legal guardian has sole custody of the minor child; or
 - The parents or legal guardians are divorced, separated, or otherwise living apart and
 - Both consent to the installation of the tracking device or tracking application;
- A caregiver of an elderly person or disabled adult, if the elderly person or disabled adult's treating physician certifies that such installation is necessary to ensure the safety of the elderly person or disabled adult;
- A person who is not engaged in private investigation, and is acting in good faith on behalf of a business entity for a legitimate business purpose; or
- An owner or lessee of a motor vehicle, in specified circumstances.

Section 934.425, F.S., provide for administrative disciplinary action against persons engaged in private investigation, security, or repossession, who install tracking devices or tracking applications in violation of the provisions of the bill.

¹⁶ *ECPA Reform, supra note 2*, at 13-14.

¹⁷ *ECPA Reform, supra note 2*, at 22.

¹⁸ *ECPA Reform, supra note 2*, at 13-14.

¹⁹ CBS DFW, *Stalkers Using Cell Phones to Track Victims*, CBS LOCAL (Jan. 14, 2015), <http://dfw.cbslocal.com/2015/01/14/stalkers-using-cell-phones-to-track-victims/>; Crystal Price, *Oklahoma Attorney Raises Awareness about Stalking*, KOCO.COM OKLAHOMA CITY (Jan. 25, 2016), <http://www.koco.com/news/Oklahoma-attorney-raises-awareness-about-stalking/37616944>.

²⁰ Section 934.42, F.S., defines "tracking device" as an electronic or mechanical device which permits the tracking of the movement of a person or object.

²¹ A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. ss. 775.082 and 775.083, F.S.

Effect of the Bill

The bill provides that a person engaged in private investigation, as defined in s. 493.6101, may install a tracking device in the following two circumstances:

- A person or business entity that is exempt under paragraphs (b), (c), and (e) may hire a private investigator to install a tracking device or tracking application consistent with the applicable exemption.
- A private investigator may install a tracking device or tracking application pursuant to a lawful court order.

The bill reenacts s. 493.6118, F.S., (relating to grounds for disciplinary action against specified parties), to incorporate the amendments made by the bill to s. 934.425(4), F.S.

B. SECTION DIRECTORY:

Section 1. Amends s. 934.425, F.S., relating to installation of tracking devices or tracking applications; exceptions; penalties.

Section 2. Reenacting s. 934.425, F.S., relating to grounds for disciplinary action.

Section 3. Provides an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have an impact on state revenues.

2. Expenditures:

The bill does not appear to have an impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have an impact on local government revenues.

2. Expenditures:

The bill expands the exemption for persons and business entities that may install a tracking device or tracking application without being exposed to the second degree misdemeanor penalty for doing so. This may reduce the jail bed impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2016, the Criminal Justice Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute:

- Authorizes certain persons or business entities to hire a private investigator to install tracking devices or tracking applications when the person or business entity is lawfully permitted to do so.
- Permits a private investigator to install a tracking device or tracking application pursuant to a lawful court order.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

1 A bill to be entitled
2 An act relating to installation of tracking devices or
3 tracking applications; amending s. 934.425, F.S.;
4 authorizing certain persons, business entities, and
5 private investigators to install tracking devices or
6 tracking applications under certain circumstances;
7 deleting a provision concerning persons engaging
8 private investigators; reenacting s. 493.6118(1)(y),
9 F.S., relating to grounds for disciplinary action, to
10 incorporate the amendment made to s. 934.425, F.S., in
11 a reference thereto; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (d) of subsection (4) of section
16 934.425, Florida Statutes, is amended to read:

17 934.425 Installation of tracking devices or tracking
18 applications; exceptions; penalties.-

19 (4) This section does not apply to:

20 (d) A person acting in good faith on behalf of a business
21 entity for a legitimate business purpose. This paragraph does
22 not apply to a person engaged in private investigation, as
23 defined in s. 493.6101, on behalf of another person, except
24 that:

25 1. A person or business entity that is exempt under
26 paragraph (b), paragraph (c), or paragraph (e) may hire a

27 private investigator to install a tracking device or tracking
 28 application consistent with the applicable exemption.

29 2. A private investigator may install a tracking device or
 30 tracking application pursuant to a lawful court order unless
 31 ~~such activities would otherwise be exempt under this subsection~~
 32 ~~if performed by the person engaging the private investigator.~~

33 Section 2. For the purpose of incorporating the amendment
 34 made by this act to section 934.425, Florida Statutes, in a
 35 reference thereto, paragraph (y) of subsection (1) of section
 36 493.6118, Florida Statutes, is reenacted to read:

37 493.6118 Grounds for disciplinary action.—

38 (1) The following constitute grounds for which
 39 disciplinary action specified in subsection (2) may be taken by
 40 the department against any licensee, agency, or applicant
 41 regulated by this chapter, or any unlicensed person engaged in
 42 activities regulated under this chapter.

43 (y) Installation of a tracking device or tracking
 44 application in violation of s. 934.425.

45 Section 3. This act shall take effect October 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 155 Central Florida Regional Transportation Authority
SPONSOR(S): Government Operations Subcommittee; Cortes
TIED BILLS: IDEN./SIM. BILLS: SB 738

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	10 Y, 2 N	Willson	Vickers
2) Government Operations Subcommittee	10 Y, 1 N, As CS	Moore	Williamson
3) Transportation & Economic Development Appropriations Subcommittee	8 Y, 4 N	Davis	Davis
4) Economic Affairs Committee		Willson <i>mw</i>	Pitts <i>TP</i>

SUMMARY ANALYSIS

The Central Florida Regional Transportation Authority (LYNX) is an agency of the state created pursuant to the Central Florida Regional Transportation Authority Act. Its governing board is composed of the following five members:

- The chair of the Orange County Board of County Commissioners or another member designated by the chair;
- The chair of the Osceola County Board of County Commissioners or another member designated by the chair;
- The chair of the Seminole County Board of County Commissioners or another member designated by the chair;
- The mayor of the City of Orlando or a member of the Orlando City Council designated by the mayor; and
- The Department of Transportation (DOT) district secretary, or his or her designee, for the district within which the area served by LYNX is located.

The bill increases the number of governing board members from five to nine and provides that the board is composed as follows:

- The mayor of the City of Orlando must serve for the full extent of his or her term;
- The chairs of the boards of county commissioners of Orange, Osceola, and Seminole Counties must each appoint one member of the respective board of county commissioners;
- The board of county commissioners of Orange County must appoint one member of the board additional to the member appointed by the chair;
- The Speaker of the House of Representatives and the President of the Senate must alternate the appointment of one legislator whose district includes at least a portion of Orange, Osceola, or Seminole County; and
- The Governor must appoint three citizen members, one from Orange County, one from Osceola County, and one from Seminole County.

The bill provides that the district secretary of DOT within the area served by LYNX will serve as a nonvoting advisor to LYNX's governing board.

The bill establishes the terms of the board members, provides for expiration of the terms of standing board members, and establishes quorum requirements.

The bill may have an indeterminate, but likely minimal fiscal impact on state travel expenditures, but does not appear to have a fiscal impact on local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0155e.EAC.DOCX

DATE: 2/5/2016

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Central Florida Regional Transportation Authority

In 1993, the Legislature created the Central Florida Regional Transportation Authority, which replaced the Central Florida Commuter Rail Authority, and gave it the right to own, operate, maintain, and manage a public transportation system in the area of Seminole, Orange, and Osceola Counties.¹ On October 1, 1994, the Orange-Seminole-Osceola Transportation Authority, which provided transportation services under the name "LYNX," merged with the Central Florida Regional Transportation Authority. The consolidated Central Florida Regional Transportation Authority continued the practice of providing transportation services under the name "LYNX."²

The Central Florida Regional Transportation Authority (LYNX) is established in Part III of Ch. 343, F.S. It is created and established as a body politic and corporate and an agency of the state.³ Its governing board consists of five members:

- The chair of the Seminole County Commission or another member designated by the chair;
- The chair of the Orange County Commission or another member designated by the chair;
- The chair of the Osceola County Commission or another member designated by the chair;
- The mayor of the City of Orlando or a member of the Orlando City Council designated by the mayor; and
- The Department of Transportation (DOT) district secretary, or his or her designee, for the district within which the area served by LYNX is located.⁴

LYNX provides public transportation services to the greater Orlando metropolitan area, which covers Orange, Seminole, and Osceola Counties. LYNX also offers some out-of-county express service to Lake and Volusia Counties and flexible and fixed-route service to Polk County. LYNX provides alternative transportation services in the form of fixed-route bus services, bus rapid transit, neighborhood circulators, paratransit services, and vanpool services.

LYNX has an operating budget for Fiscal Year 2016 of approximately \$127 million and operates a fleet of 300 air-conditioned coaches. In Fiscal Year 2014, LYNX provided 30.1 million passenger trips and traveled more than 16.5 million vehicle miles.⁵

Section 343.64, F.S., authorizes LYNX to employ a secretary, an executive director, professional staff, and other employees as it may require⁶ and to delegate its powers to these employees, subject to the supervision and control of the governing board.⁷

In 2014, LYNX employed 744 transportation staff, 200 maintenance staff, and 161 administrative and general staff, for a total of 1,105 employees.⁸ The LYNX chief executive officer is responsible for

¹ Ch. 93-103, Laws of Fla.

² CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY D/B/A/ LYNX, *Comprehensive Annual Financial Report for Years Ended Sept. 30, 2014 and 2013*, http://www.golynx.com/core/fileparse.php/143255/urlt/2014-cfcta-d_b_a-lynx.pdf (last visited Dec. 18, 2015).

³ s. 343.63(1), F.S.

⁴ s. 343.63(2), F.S.

⁵ *LYNX Facts at a Glance*, <http://www.golynx.com/corporate-info/facts-glance.stml> (last visited Dec. 18, 2015).

⁶ s. 343.64(4), F.S.

⁷ s. 343.64(5), F.S.

administration and operations, and is supported by a general manager, a government affairs officer, and a compliance manager, as well as nine directors who oversee the departments of Engineering and Construction, Human Resources, Information Technology, Communications, Planning, Procurement and Contracts, Risk Management and Safety, Transportation and Vehicle Maintenance including the Paratransit division, and Finance including the Accounting and Finance, Budgets, and Material Control divisions.⁹

Dual Officeholding

Article II, s. 5(a) of the State Constitution prohibits a state, county, or municipal officer from holding another state, county, or municipal office at the same time. In a 1994 advisory opinion, the Supreme Court of Florida concluded that an officer of a special district is not a state, county, or municipal officer within the meaning of Art. II, s. 5(a), and the dual officeholding prohibition therefore does not apply to such officer.¹⁰ In addition, the Attorney General's Office has consistently opined that the dual officeholding prohibition does not apply to officers of independent special districts.¹¹

Effect of Proposed Changes

The bill revises the membership of the governing board of LYNX. The number of voting members is increased from five to nine, and the board is composed as follows:

- The mayor of the City of Orlando must serve for the full extent of his or her term;
- The chairs of the boards of county commissioners of Orange, Osceola, and Seminole Counties must each appoint a member of the respective board of county commissioners;
- The board of county commissioners of Orange County must appoint one member of the board additional to the member appointed by the chair;
- The Speaker of the House of Representatives and the President of the Senate must alternate the appointment of one legislator whose district includes at least a portion of Orange, Osceola, or Seminole County; and
- The Governor must appoint three citizen members, one from Orange County, one from Osceola County, and one from Seminole County.

The bill requires the district secretary of DOT within the area served by LYNX to serve as a nonvoting advisor to LYNX's governing board.¹² The bill specifies that members appointed by the Governor will serve three-year terms and all other appointed members will serve two-year terms. The terms of standing board members expire on the effective date of the bill.

The bill requires the LYNX governing board to elect a chair, vice chair, and treasurer from among its membership. The bill provides that five members constitute a quorum, and that the vote of five members is required for any action taken by the board. A vacancy on the board will not impair the ability of the board to obtain a quorum.

B. SECTION DIRECTORY:

Section 1 Amends s. 343.63, F.S., relating to the governing body of the Central Florida Regional Transportation Authority.

⁸ CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY D/B/A/ LYNX, *Comprehensive Annual Financial Report for Years Ended Sept. 30, 2014 and 2013*, http://www.golynx.com/core/fileparse.php/143255/urlt/2014-cfrta-d_b_a-lynx.pdf (last visited Dec. 18, 2015).

⁹ *Id.*

¹⁰ See *In re Advisory Opinion to the Governor—Dual Office-holding*, 630 So. 2d 1055, 1058 (Fla. 1994).

¹¹ See, e.g., AGO 08-06 Fla. Op. Att'y Gen. (2008), available at <http://www.myfloridalegal.com/ago.nsf/Opinions/9FB5875C4283A845852573E90059C7C4>; 13-02 Fla. Op. Att'y Gen. (2013), available at <http://www.myfloridalegal.com/ago.nsf/Opinions/4E2D2F1DA93A8C5885257B03005C0F49>.

¹² District 5 includes Orange, Osceola, and Seminole Counties. FLORIDA DEPARTMENT OF TRANSPORTATION, *About District Five*, <http://www.dot.state.fl.us/publicinformationoffice/moreDOT/districts/dist5.shtm> (last visited Dec. 18, 2015).

Section 2 Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a minimal fiscal impact on state travel expenditures resulting from the addition of four members to the governing board.

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 of counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the Government Operations Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The proposed committee substitute:

- Revised the composition of LYNX's governing board by removing the mayor or designee of the largest municipalities in Osceola and Seminole Counties, adding an additional member of the Orange County Board of County Commissioners, and adding a member of the Legislature whose district includes at least a portion of Orange, Osceola, or Seminole County;
- Removed the requirement for LYNX to develop a request for proposals and negotiate a service contract for the management and supervision of LYNX; and
- Removed the requirement for OPPAGA to study the organizational structure and operational effectiveness of LYNX.

This analysis is drafted to the committee substitute as passed by the Government Operations Subcommittee.

1 A bill to be entitled
 2 An act relating to the Central Florida Regional
 3 Transportation Authority; amending s. 343.63, F.S.;
 4 revising membership and organization of the governing
 5 board of the authority; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Section 343.63, Florida Statutes, is amended to
 10 read:

11 343.63 Central Florida Regional Transportation Authority.—

12 (1) There is created and established a body politic and
 13 corporate, an agency of the state, to be known as the "Central
 14 Florida Regional Transportation Authority," hereinafter referred
 15 to as the "authority."

16 (2) The governing board of the authority shall consist of
 17 nine ~~five~~ voting members as follows:

18 ~~(a) The chairs of the county commissions of Seminole,~~
 19 ~~Orange, and Osceola Counties, or another member of the~~
 20 ~~commission designated by the county chair, shall each serve as a~~
 21 ~~representative on the board for the full extent of his or her~~
 22 ~~term.~~

23 (a) ~~(b)~~ The mayor of the City of Orlando, ~~or a member of~~
 24 ~~the Orlando City Council designated by the mayor,~~ shall serve as
 25 ~~a representative on the board~~ for the full extent of his or her
 26 term.

27 (b) The chairs of the boards of county commissioners of
 28 Orange, Osceola, and Seminole Counties shall each appoint
 29 himself or herself or another member of the respective board of
 30 county commissioners.

31 (c) The board of county commissioners of Orange County
 32 shall appoint one member of the board in addition to the member
 33 appointed pursuant to paragraph (b).

34 (d) The Speaker of the House of Representatives or the
 35 President of the Senate shall appoint one legislator whose
 36 district includes at least a portion of Orange, Osceola, or
 37 Seminole County. The Speaker of the House of Representatives
 38 shall appoint the first legislator to serve following the
 39 effective date of this act. The President of the Senate shall
 40 appoint the next legislator to serve at the expiration of the
 41 first legislator's term. Thereafter, the appointment of the
 42 legislator shall continue to alternate between the Speaker of
 43 the House of Representatives and the President of the Senate. A
 44 vacancy occurring during a term must be filled by appointment by
 45 the presiding officer who appointed the member whose vacancy is
 46 to be filled.

47 (e) The Governor shall appoint three citizen members, one
 48 of whom shall be a citizen of Orange County, one of whom shall
 49 be a citizen of Osceola County, and one of whom shall be a
 50 citizen of Seminole County.

51 (3) Appointed members shall serve for 2 years, except that
 52 each citizen member appointed by the Governor shall serve for 3

53 | years. An appointed member's term expires December 31 of his or
 54 | her last year of service. The terms of standing board members
 55 | expire on the effective date of this act. Each appointed member
 56 | shall hold office until his or her successor is appointed and
 57 | qualified. A vacancy occurring during a term must be filled for
 58 | only the balance of the unexpired term. Each appointed member of
 59 | the board shall be a person of outstanding reputation for
 60 | integrity, responsibility, and business ability. Except as
 61 | otherwise provided in subsection (2), a person who is an officer
 62 | or employee of a municipality or county may not be an appointed
 63 | member of the board. Any member of the board is eligible for
 64 | reappointment.

65 | (4) The district secretary of the Department of
 66 | Transportation district within the area served by the authority
 67 | shall serve as a nonvoting advisor to the governing board of the
 68 | authority.

69 | (5) The governing board of the authority shall elect a
 70 | chair, vice chair, and treasurer from among its membership, who
 71 | shall each hold his or her office at the pleasure of the board.
 72 | Five members of the board constitute a quorum, and the vote of
 73 | five members is necessary for any action taken by the board. A
 74 | vacancy on the board does not impair the right of a quorum to
 75 | exercise all rights and perform all duties of the authority.

76 | ~~(c) The Secretary of Transportation shall appoint the~~
 77 | ~~district secretary, or his or her designee, for the district~~
 78 | ~~within which the area served by the authority is located and~~

79 ~~this member shall be a voting member.~~

80 ~~(3) A vacancy during a term shall be filled in the same~~
81 ~~manner as the original appointment and only for the balance of~~
82 ~~the unexpired term.~~

83 (6)~~(4)~~ The members of the authority shall not be entitled
84 to compensation, but shall be reimbursed for travel expenses
85 actually incurred in their duties as provided by law.

86 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 703 Vessels
SPONSOR(S): Workman
TIED BILLS: IDEN./SIM. **BILLS:** SB 1454

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	10 Y, 3 N, As CS	Whittaker	Smith
2) Economic Affairs Committee		Whittaker ↗	Pitts 

SUMMARY ANALYSIS

It is unlawful to operate a vessel in a careless manner. A person operating a vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of any person. The failure to operate a vessel in this manner constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property. Any person in violation commits a noncriminal violation.

The bill revises the offense of careless operation of a vessel to pertain to operating a vessel so as not to endanger the life, limb, or property of *another person outside the vessel* or endanger the life, limb, or property of another person due to vessel *overloading or excessive speed*. A person in violation commits a noncriminal violation.

The bill also provides that the operator of a vessel, upon demonstrated compliance with safety equipment carriage and use requirements during a safety inspection initiated by a law enforcement officer, shall be issued a safety inspection decal signifying such compliance. The safety inspection decal, if displayed, must be located within 6 inches of the inspected vessel's properly displayed vessel registration decal and shall signify that the vessel has met the safety equipment carriage and use requirements at the time and location of the inspection. For non-motorized vessels which are not required to be registered, the safety inspection decal, if displayed, must be located on the forward half of the port side of the vessel above the waterline.

The bill further provides that law enforcement officers may not stop a vessel solely to inspect safety equipment carriage requirements when the vessel properly displays a valid safety inspection decal, created or approved by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, except when there is reasonable suspicion that a violation of a safety equipment carriage or use requirements has occurred or is occurring. Nothing in this bill is intended to restrict vessel stops for any other lawful purpose.

The bill may have a negative, but insignificant impact on state funds. (See fiscal comments)

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Careless Operation of a Vessel

Section 327.33(2), F.S., provides that any person operating a vessel upon the waters of this state shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of any person. The failure to operate a vessel in this manner constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property. Any person who violates the provisions of this subsection commits a noncriminal violation.¹

Enforcement

Section 327.70(1), F.S., provides that this chapter and Chapter 328 shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officer, all of whom may order the removal of vessels deemed to be an interference or a hazard to public safety, enforce the provisions of Chapters 327 – 328, Laws of Florida, or cause any inspections to be made of all vessels in accordance with Chapters 327 and 328, Laws of Florida.

The FWC or any other law enforcement agency may make any investigation necessary to secure information required to carry out and enforce the provisions of Chapter 327 and 328, Laws of Florida.²

Proposed Changes

Revising Careless Operation of a Vessel (Section 1)

The bill amends s. 327.33(2), F.S., revising the offense of careless operation of a vessel to pertain to operating a vessel so as not to endanger the life, limb, or property of *another person outside the vessel* or endanger the life, limb, or property of another person due to vessel *overloading* or *excessive speed*. A person in violation commits a noncriminal violation.

Vessel Inspections (Section 2)

The bill amends s. 327.70, F.S., providing that the operator of a vessel, upon demonstrated compliance with safety equipment carriage and use requirements during a safety inspection initiated by a law enforcement officer, shall be issued a safety inspection decal signifying such compliance. The safety inspection decal, if displayed, must be located within 6 inches of the inspected vessel's properly displayed vessel registration decal and shall signify that the vessel has met the safety equipment carriage and use requirements at the time and location of the inspection. For non-motorized vessels which are not required to be registered, the safety inspection decal, if displayed, must be located on the forward half of the port side of the vessel above the waterline.

The bill also provides that law enforcement officers may not stop a vessel solely to inspect safety equipment carriage requirements when the vessel properly displays a valid safety inspection decal, created or approved by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, except when there is reasonable suspicion that a violation of a safety equipment carriage or use requirements has occurred or is occurring. Nothing in this bill is intended to restrict vessel stops for any other lawful purpose.

¹ s. 327.33(2), F.S.

² s. 327.70(4), F.S.

B. SECTION DIRECTORY:

- Section 1** Amends s. 327.33, F.S., relating to the reckless or careless operation of a vessel; providing that vessel overloading or excessive speed constitutes careless operation of a vessel.
- Section 2** Amends s. 327.70, F.S., providing for issuance and display of vessel safety inspection decals; prohibiting law enforcement officers from stopping certain vessels solely to inspect for compliance with specified safety requirements; providing an exception; providing applicability.
- Section 3** Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill may have an insignificant, but indeterminate impact on FWC with the issuance of safety inspection decals.

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

On February 1, 2016, the Highway and Waterway Safety Subcommittee adopted a strike-all amendment to HB 703 and reported the bill favorably as a committee substitute. The strike-all amendment:

- Revises the offense of careless operation of a vessel to pertain to those persons or property outside the vessel but does allow for overloading and excessive speed to be considered as careless operation.
- Creates a safety inspection decal to be issued by FWC officers and others to vessels that indicates compliance with safety equipment carriage and use requirements.

This analysis is written to the Committee Substitute as it was reported out of the Highway & Waterway Safety Subcommittee.

1 A bill to be entitled
 2 An act relating to vessels; amending s. 327.33, F.S.,
 3 relating to the reckless or careless operation of a
 4 vessel; providing that vessel overloading or excessive
 5 speed constitutes careless operation of a vessel;
 6 amending s. 327.70, F.S.; providing for issuance and
 7 display of vessel safety inspection decals;
 8 prohibiting law enforcement officers from stopping
 9 certain vessels solely to inspect for compliance with
 10 specified safety requirements; providing an exception;
 11 providing applicability; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsections (1) and (2) of section 327.33,
 16 Florida Statutes, are amended to read:

17 327.33 Reckless or careless operation of vessel.—

18 (1) It is unlawful to operate a vessel in a reckless
 19 manner. A person ~~is guilty of reckless operation of a vessel~~ who
 20 operates any vessel, or manipulates any water skis, aquaplane,
 21 or similar device, in willful or wanton disregard for the safety
 22 of persons or property at a speed or in a manner as to endanger,
 23 or likely to endanger, life or limb, or damage the property of,
 24 or injure a ~~any~~ person is guilty of reckless operation of a
 25 vessel. Reckless operation of a vessel includes, but is not
 26 limited to, a violation of s. 327.331(6). A ~~Any~~ person who

27 | violates ~~a provision of~~ this subsection commits a misdemeanor of
 28 | the first degree, punishable as provided in s. 775.082 or s.
 29 | 775.083.

30 | (2) A ~~Any~~ person who operates any ~~operating a~~ vessel upon
 31 | the waters of this state shall operate the vessel in a
 32 | reasonable and prudent manner, having regard for other
 33 | waterborne traffic, posted speed and wake restrictions, and all
 34 | other attendant circumstances so as not to endanger the life,
 35 | limb, or property of another any person outside the vessel or to
 36 | endanger the life, limb, or property of another person due to
 37 | vessel overloading or excessive speed. The failure to operate a
 38 | vessel in a manner described in this subsection constitutes
 39 | careless operation. However, vessel wake and shoreline wash
 40 | resulting from the reasonable and prudent operation of a vessel
 41 | ~~shall~~, absent negligence, does not constitute damage or
 42 | endangerment to property. A ~~Any~~ person who violates ~~the~~
 43 | ~~provisions of~~ this subsection commits a noncriminal violation as
 44 | defined in s. 775.08.

45 | Section 2. Subsections (2), (3), and (4) of section
 46 | 327.70, Florida Statutes, are renumbered as subsections (3),
 47 | (4), and (5), respectively, and a new subsection (2) is added to
 48 | that section to read:

49 | 327.70 Enforcement of this chapter and chapter 328.—

50 | (2) (a) Upon demonstrated compliance with the safety
 51 | equipment carriage and use requirements of this chapter during a
 52 | safety inspection initiated by a law enforcement officer, the

53 operator of a vessel shall be issued a safety inspection decal
 54 signifying that the vessel is deemed to have met the safety
 55 equipment carriage and use requirements of this chapter at the
 56 time and location of such inspection. The safety inspection
 57 decal, if displayed, must be located within 6 inches of the
 58 inspected vessel's properly displayed vessel registration decal.
 59 For nonmotorized vessels that are not required to be registered,
 60 the safety inspection decal, if displayed, must be located above
 61 the waterline on the forward half of the port side of the
 62 vessel.

63 (b) If a vessel properly displays a valid safety
 64 inspection decal created or approved by the division, a law
 65 enforcement officer may not stop the vessel for the sole purpose
 66 of inspecting the vessel for compliance with the safety
 67 equipment carriage and use requirements of this chapter unless
 68 there is reasonable suspicion that a violation of a safety
 69 equipment carriage or use requirement has occurred or is
 70 occurring. This subsection does not restrict a law enforcement
 71 officer from stopping a vessel for any other unlawful purpose.

72 Section 3. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 961 Transportation
SPONSOR(S): Artiles
TIED BILLS: IDEN./SIM. BILLS: SB 1690

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	11 Y, 0 N	Willson	Vickers
2) Transportation & Economic Development Appropriations Subcommittee	11 Y, 0 N	Davis	Davis
3) Economic Affairs Committee		Willson <i>mw</i>	Pitts <i>TP</i>

SUMMARY ANALYSIS

HB 961 relates to the operations of various toll agencies and facilities. In summary, the bill:

- Provides for the application of specified requirements to the transportation and expressway authorities of the state, counties, and municipalities.
- Requires toll agencies to adopt a policy for removal of directors due to ethical violations or lack of attendance.
- Requires toll agencies to post audio and video records of certain meetings to their website within 30 days after the meeting is held.
- Requires toll agencies to provide an accounting for the disbursement of certain penalties.
- Directs the Florida Transportation Commission (FTC) to conduct a study relating to the potential for the display of estimated travel times in addition to toll rates.
- Authorizes the FTC to retain experts as necessary to complete the study and requires the Department of Transportation to pay for such experts.
- Directs the FTC to provide a written report of its findings to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committees of the Legislature by October 31, 2016.
- Provides that an electronic toll collection system must make information available to enrollees for a specified period of time.
- Provides that paper invoices and online statements for electronic toll collection systems must disclose applicable processing fees in a specified manner.

The bill does not appear to have a significant impact on state or local government.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Toll Agencies

In addition to the Department of Transportation (DOT), various authorities are currently operating toll facilities and collecting and reinvesting toll revenues. Aside from Florida's Turnpike Enterprise (which is part of DOT), most, but not all, of the toll authorities are established under ch. 348, F.S., entitled "Expressway and Bridge Authorities." Section 343.1002, F.S., defines "Transportation authorities" as the department and any entity created under chapter 343, chapter 348, or chapter 349.

Regional Transportation Authorities

The following regional transportation authorities are created in and governed by chapter 343, F.S.:

- Northeast Florida Regional Transportation Authority
- South Florida Regional Transportation Authority
- Central Florida Regional Transportation Authority
- Northwest Florida Transportation Corridor Authority
- Tampa Bay Area Regional Transportation Authority

The Regional Transportation Authorities were created to improve mobility, promote economic development, and implement transportation projects, including multimodal and public transit systems, within their respective jurisdictions. They are governed by boards composed of as few as 5 to as many as 16 voting members, who are drawn from both the public and private sector either as appointees or by virtue of their position.

Expressway and Bridge Authorities

Toll facilities have been used throughout Florida as a means of financing road and bridge construction for many years. Early in the state's history, most toll roads and bridges were constructed by private individuals or firms. Later, state governmental entities (DOT and the Florida Turnpike Authority) began constructing toll facilities.

More recently, toll facilities have been financed and constructed by specially created units of government operating primarily under local government control through boards or commissions. Those units under local government control, usually characterized as expressway or bridge authorities, arrange for construction of the facilities, including the required debt financing. Generally, toll facilities are designed to be self-supporting projects, i.e., the costs of construction, operation, and maintenance are recovered from toll revenues generated by users of the facility.

Chapter 348, F.S., creates various expressway and bridge authorities, and also contains the model expressway authority under which the Miami-Dade Expressway Authority is created. Each expressway authority act contains various provisions regarding the governance of the individual authority.

The expressway and bridge authorities governed by chapter 348, F.S. include:

- Miami-Dade Expressway Authority
- Tampa-Hillsborough Expressway Authority
- Central Florida Expressway Authority
- Santa Rosa Bay Bridge Authority
- Osceola County Expressway Authority

The Expressway and Bridge Authorities were created to construct, improve, maintain and operate the expressway systems and facilitate transportation for the benefit of the people within their respective jurisdictions. They are governed by boards composed of as few as 6 to as many as 13 voting members, who are drawn from both the public and private sector either as appointees or by virtue of their position.

Florida Turnpike Enterprise

Florida's Turnpike Enterprise (FTE), part of the Florida Department of Transportation, oversees a 483-mile system of limited-access toll highways: Florida's Turnpike, extending north from Homestead in Miami-Dade County to Wildwood in Sumter County, the Seminole Expressway and Southern Connector (Toll 417) in Seminole, Orange and Osceola counties, the Beachline Expressway West (Toll 528) in Orange County, the Polk Parkway (Toll 570) in Polk County, the Veterans Expressway and Suncoast Parkway in Hillsborough, Pasco and Hernando counties (Toll 589), the Sawgrass Expressway (Toll 869) in Broward County, and the Daniel Webster Western Beltway (Toll 429) in Orange and Osceola Counties and the I-4 Connector in Hillsborough County.¹ FTE also collects tolls for eight off-system facilities.

The members of each expressway authority, transportation authority, bridge authority, or toll authority must comply with the financial disclosure requirements of article II, section 8 of the Florida Constitution.² Many of the authorities are subject to additional ethical provisions as provided for in their respective statutory enacting sections.

Tolling

Transportation and expressway authorities provide limited access facilities for public use.³ Limited access facilities are designed to allow high-speed and high-volume traffic movements within the state.⁴ These authorities may exist at the state, county, or municipal level.⁵

Federal law generally prohibits the imposition of tolls on facilities constructed with federal funds; however, exemptions are provided. For example, 23 USC 129 permits the imposition of tolls on free non-Interstate highways, bridges, and tunnels and certain tolled facilities pursuant to the provisions of this section. In addition, 23 USC 166 permits the conversion of high occupancy vehicle lanes into high occupancy toll lanes. The federal authorization act passed in 2005 (SAFETEA-LU) also continued and established new exemptions to 23 USC 301 (e.g., Value Pricing Pilot Program, Express Lanes Demonstration Program).

Chapter 338, F.S., sets forth several provisions related to tolling. Section 338.155, F.S., requires the payment of tolls on toll facilities with some exceptions (e.g., any person operating a fire or rescue vehicle when on official business). Section 338.165, F.S., authorizes the collection of tolls on a revenue-producing project after the discharge of any bond indebtedness, and allows tolls to be increased. Except for high occupancy toll lanes or express lanes, no tolls may be charged for the use of an interstate highway where tolls were not charged as of July 1, 1997.⁶ DOT's toll rate schedule is published by rule.⁷

¹ See <http://www.dot.state.fl.us/contractsadministrationturnpike/> (last visited January 12, 2016)

² s 348.0003(4)(c), F.S.

³ s 338.01(2), F.S.

⁴ s 338.01(1), F.S.

⁵ s 338.01(2), F.S.

⁶ s. 338.165(5), F.S.

⁷ See Rule 14-15.0081, F.A.C. "Toll Facilities Description and Toll Rate Schedule" Facilities included in the schedule are as follows: Alligator Alley (Everglades Parkway), Sunshine Skyway Bridge, Pinellas Bayway, Florida Department of Transportation segment of Wekiva Parkway, Florida's Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida's Turnpike, and Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, Florida's Turnpike System segment of the Western Beltway Part C, I-4 Connector, Beachline East Expressway and First Coast Expressway.

In order to help offset project costs, the DOT may establish tolls on the following facilities:

- New limited access facilities on the State Highway System (SHS)
- Lanes added to existing limited access facilities on the SHS
- New major bridges over waterways on the SHS
- Replacements for existing major bridges on the SHS⁸

Section 338.151, F.S., prohibits DOT from establishing a new toll on an untolled lane that existed prior to July 1, 2012. However, high-occupancy vehicle lanes, express lanes, and the turnpike system are exempted from this prohibition.

Toll revenues collected on Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway may be used to secure bonds that fund transportation projects located within the county(s) where the facility is located.⁹

If toll revenues are collected on a county road system, any remaining tolls must be used for the construction, maintenance, or improvement of a state or county road in the same county(s) as the toll was collected.¹⁰ The Miami-Dade Expressway (MDX) is exempted from this requirement. Surplus revenues from tolls collected by MDX may be used for the following purposes:

- To finance or refinance the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of a public transportation facility or transportation facilities owned or operated by the county,
- An intermodal facility or facilities, multimodal corridor or corridors, including, but not limited to, bicycle facilities or greenways that will improve transportation services within the county, or
- Any programs or projects that will improve the levels of service on an expressway system, subject to approval of the governing body of such county after public hearing.¹¹

Nontoll Revenues

Section 338.161(3)(c), F.S., provides that if DOT finds that it can increase nontoll revenues or add convenience or other value to its customers, it is authorized to enter into agreements with private or public entities for DOT's use of its electronic toll collection and video billing systems to collect tolls, fares, administrative fees, or other applicable charges imposed in connection with transportation facilities of the private or public entities that become interoperable with DOT's electronic toll collection system. DOT may modify its rules regarding toll collection and procedures and the imposition of an administrative charge to be applicable to toll facilities that are not part of the turnpike system or otherwise owned by DOT.¹² This is not to be construed to limit the authority of DOT under any other provision of law or any agreement entered into prior to July 1, 2012.

Records

Section 338.231(3)(c), F.S., provides that notwithstanding any other provision of law to the contrary, any prepaid toll account of any kind which has remained inactive for three years is presumed unclaimed and its disposition is handled by the Department of Financial Services in accordance with the applicable statutory provisions regarding the disposition of unclaimed property and the prepaid toll account is closed.

Electronic Tolling Systems

Electronic Toll Collection (ETC) systems use vehicle-to-roadside communication technologies to perform an electronic monetary transaction between a vehicle passing through a toll station and the toll

⁸ s. 338.151, F.S.

⁹ s. 338.165(4), F.S.

¹⁰ s. 338.165(5), F.S.

¹¹ ss. 348.0004(2)(e), and 348.0004(7), F.S.

¹² See Rule Chapter 14-100, F.A.C., Toll Enforcement.

agency. ETC systems require onboard units (such as a transponder), vehicle detection and classification, as well as enforcement technologies. ETC equipment removes the need for manual collection of tolls at toll booths. ETC also allows transactions to be performed while vehicles travel at almost highway cruising speed. SunPass is an ETC system used by DOT. Florida motorists may purchase a SunPass transponder which can be used electronically to pay tolls on Florida's toll roads and most toll bridges.

Drivers passing through a SunPass toll station may encounter one or more of the following types of toll collection lane:¹³

- SunPass Only Lanes
- SunPass Express Lanes
- Exact Change/SunPass Lanes
- Change Provided/SunPass Lanes
- Change Provided Lanes
- Exact Change Lanes

“All-electronic tolling” refers to a toll station that uses open-road toll collection exclusively, without an option for cash payment. All-electronic tolling is expanding within the tolling industry in Florida, and many all-electronic locations already exist, including:

- Florida's Turnpike between Ft. Lauderdale and Miami/Homestead
- Sawgrass Expressway, west of Ft. Lauderdale
- Veteran's Expressway
- I-4 Connector
- Lee-Roy Selmon Expressway
- the MDX expressways¹⁴

When a motor vehicle passes through a toll collection facility and the toll payment is not made by either using cash or an electronic transponder, a photographic image of the vehicle's license plate will be captured at the toll lane.¹⁵ An invoice is mailed to the vehicle's registered owner for the monthly accumulated toll amounts and a \$2.50 administrative charge.

Express Lanes¹⁶

According to FTE, Turnpike express lanes are managed lanes that utilize a combination of driver choice and pricing to offer a transportation benefit to the traveling public while simultaneously improving traffic management efficiency in the corridor. Toll rates are based on traffic volume, operating speeds and level of service, and rates will be adjusted up or down based on the supply of free-flow traffic as well as driver demand.¹⁷

Section 338.166, F.S., authorizes DOT to request the issuance of bonds secured by revenues collected on high occupancy toll lanes or express lanes. DOT is authorized to implement variable rate tolls on these lanes, which run parallel to the general purpose lanes. Prior to reaching the entrance to the

¹³ SUNPASS, <https://www.sunpass.com/howLanesWork>, (last visited January 14, 2016)

¹⁴ The last remaining MDX cash plazas closed on November 14, 2014. MDX operates and maintains the: SR 924/Gratigny Parkway, SR 112/Airport Expressway, SR 836/Dolphin Expressway, SR 924/Don Shula Expressway and SR 878/Snapper Creek Expressway.

¹⁵ TOLL-BY-PLATE, <https://www.tollbyplate.com/faq>, (last visited January 14, 2016)

¹⁶ Section 316.0741(6) provides that “Vehicles having decals by virtue of compliance with the minimum fuel economy standards under 23 U.S.C. s. 166(f)(3)(B), and which are registered for use in high-occupancy-vehicle toll lanes or express lanes in accordance with Department of Transportation rule, shall be allowed to use any HOV lanes redesignated as high-occupancy-vehicle toll lanes or express lanes without requiring payment of a toll.”

¹⁷ Florida's Turnpike System, *Comprehensive Annual Financial Report for fiscal years 2015 and 2014*, at 10

express lane, dynamic message signs alert drivers to the current toll price from the point of entry to one or more exit locations.¹⁸

FTE operates variable rate express lanes on I-595 in Broward County and Interstate 95 in Broward and Miami-Dade Counties (95 Express). Express lane tolls must be paid electronically using a SunPass (or interoperable¹⁹ transponder) linked to a prepaid account.²⁰ If a driver uses an express lane in a vehicle that does not have prepaid SunPass account, the driver is charged \$25 per trip plus the applicable toll amount.²¹ Certain vehicle types may qualify for a toll exemption on the 95 Express system.²²

Once outstanding bonds are discharged, toll revenue must first be used to pay for the operation, maintenance and improvement costs of the high-occupancy toll or express lanes, or associated transportation system. Any remaining revenues are to be used by DOT for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected, or to support express bus service on the facility where the toll revenues were collected.

Florida Transportation Commission

The Florida Transportation Commission is created under s. 20.23, F.S., to serve as a citizen's oversight board for DOT, provide policy guidance on issues of statewide importance, maintain oversight and public accountability for DOT, and other statutorily specified transportation authorities. The Commission is assigned to DOT for administrative and fiscal purposes; otherwise, it functions independently of the control and direction of DOT.

Proposed Changes

The bill creates s. 338.162(1), F.S., requiring that each toll agency adopt a policy for the removal of directors due to ethical violations or lack of attendance. Comprehensive information concerning the policy must be posted on the toll agency's website.

The bill creates s. 338.162(2), F.S., providing that, within 30 days of a board meeting or a board committee meeting, a toll agency must post to its website both video and audio files of the meeting. The files must be in a format that can be viewed or listened to within the user's Internet browser.

The bill creates s. 338.162(3), F.S., providing that when a toll payer is assessed a penalty, the toll agency must provide an accounting of how the penalties are disbursed.

The bill creates s. 338.162(4), F.S., providing that s. 338.162, F.S., applies to the transportation and expressway authorities of the state, counties, and municipalities.

The bill creates s. 338.168(1), F.S., requiring the Florida Transportation Commission to study the potential for express toll lanes to display estimated travel times. The bill authorizes FTC to retain such experts as are reasonably necessary to complete the study, and provides that DOT must pay for the experts. A written report of the findings and conclusions of the study must be provided to the Governor, the president of the Senate, the Speaker of the House of Representatives, and the chairs of the respective Legislative appropriation committees by October 31, 2016.

¹⁸ Rule 14-100.003(6), F.A.C. establishes criteria for the display of toll amounts for express lane tolling by DOT.

¹⁹ Interoperable transponders include E-PASS and LeeWay transponders (Florida-based), as well as Peach Pass (GA) and NC Quick Pass transponders (NC).

²⁰ Rule 14-100.003, F.A.C.

²¹ Rule 14-100.003(7), F.A.C. If a violator does not pay the invoice within 30 days, a second invoice will be sent. If the toll violations amounts are not paid within 30 days from the date of the second invoice, a Uniform Traffic Citation will be issued or the amounts owed by the violator will be pursued to collection.

²² Rule 14-100.004, F.A.C. Upon proper registration, exempt vehicles include carpools, vanpools, Inherently Low Emission Vehicles or Hybrid vehicles, certain transit and school buses, Over-the-Road buses, and motorcycles.

The bill creates s. 338.168(2), F.S., providing that an electronic tolling system must offer a minimum of 18 months of information to system enrollees in a simple search, including monthly and annual totals.²³

The bill creates s. 338.168(3), F.S., providing that paper invoices and online statements from electronic toll systems must disclose any applicable processing fees. Such fees must be expressed in both percentage and total dollar amounts.

B. SECTION DIRECTORY:

Section 1 Creates s. 338.162, F.S., relating to toll agencies and facilities.

Section 2 Creates s. 338.168, F.S., relating to toll facilities and collection systems.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has an indeterminate, but insignificant negative fiscal impact on state workload and expenditures. The FTC is required to study the display of travel times for express toll lanes and the DOT is further required to pay for such experts as are reasonably necessary to complete the study. Toll agencies may also incur additional workload and expenses associated with the provisions relating to posting files online, reporting the disbursement of penalties, and the recording of applicable fees and other tolling information. These costs will be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill has an indeterminate, but likely insignificant negative impact on local governments. Toll agencies may incur additional workload and expenses associated with the provisions relating to posting files online, reporting the disbursement of penalties, and the recording of applicable fees and other tolling information.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

²³ According to DOT, 18 months is the industry standard for such information.
STORAGE NAME: h0961d.EAC.DOCX
DATE: 2/3/2016

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 to the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 338.162(3), F.S. refers to "a penalty" and "penalties". It is unclear whether this term applies to administrative fees, variable rate pricing, the pricing difference between SunPass rates and Toll-By-Plate Rates, express lane violations, unpaid toll violations or other traffic infraction or noncriminal citation related to toll facilities, or another type of penalty not mentioned here.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to transportation; creating s.
 3 338.162, F.S.; requiring toll agencies to adopt a
 4 policy regarding removal of directors under certain
 5 circumstances; requiring toll agencies to post meeting
 6 recordings on the Internet within a specified time and
 7 in a format suitable for the user's browser; requiring
 8 toll agencies to provide an accounting of
 9 disbursements of penalty amounts; providing
 10 applicability; creating s. 338.168, F.S.; directing
 11 the Florida Transportation Commission to conduct a
 12 study of the potential for express toll lanes to
 13 display estimated travel times; directing the
 14 Department of Transportation to pay expenses of
 15 necessary experts; requiring a report to the Governor
 16 and the Legislature; providing requirements for
 17 certain toll collection systems; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 338.162, Florida Statutes, is created
 23 to read:

24 338.162 Toll agencies and facilities.—Notwithstanding any
 25 other provision of law:

26 (1) Each toll agency shall adopt a policy for removal of

27 directors due to ethical violations or lack of attendance and
 28 post comprehensive information about the policy on its website.

29 (2) Each toll agency shall post board meeting and board
 30 committee meeting video and audio files on its website within 30
 31 days after the meeting is held. Such files shall be in a format
 32 that can be viewed or listened to within the user's Internet
 33 browser.

34 (3) When a toll payer is assessed a penalty, the toll
 35 agency shall provide an accounting of how the penalties are
 36 disbursed.

37 (4) This section applies to the transportation and
 38 expressway authorities of the state, counties, and
 39 municipalities.

40 Section 2. Section 338.168, Florida Statutes, is created
 41 to read:

42 338.168 Toll facilities and collection systems.-

43 (1) The Florida Transportation Commission shall conduct a
 44 study of the potential for express toll lanes operated by the
 45 department or any transportation or expressway authority of the
 46 state, counties, or municipalities to display estimated travel
 47 times in addition to toll rates. The commission may retain such
 48 experts as are reasonably necessary to complete the study, and
 49 the department shall pay the expenses of such experts. The
 50 commission shall complete the study and provide a written report
 51 of its findings and conclusions to the Governor, the President
 52 of the Senate, the Speaker of the House of Representatives, and

53 | the chairs of each of the appropriations committees of the
 54 | Legislature by October 31, 2016.

55 | (2) An electronic toll collection system shall provide
 56 | enrollees a minimum of 18 months of information in a simple
 57 | search on its website, including, at a minimum, monthly and
 58 | annual totals.

59 | (3) Electronic toll collection system paper invoices and
 60 | online statements shall disclose any applicable processing fees,
 61 | each expressed as a percentage and as a total dollar amount.

62 | Section 3. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 1439 Hillsborough County Public Transportation Commission/Transportation Network Companies
SPONSOR(S): Local Government Affairs Subcommittee; Raulerson and Young
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	12 Y, 0 N, As CS	Darden	Miller
2) Economic Affairs Committee		Johnson 	Pitts 

SUMMARY ANALYSIS

The Hillsborough County Public Transportation Commission (PTC) was created by the Legislature in 1983 to regulate the operation of vehicles for-hire in Hillsborough County. Among its many duties, the PTC conducts safety inspections and sets rates, fares, zones, and charges for taxicabs, limousines, vans, wreckers, and basic life support ambulances.

The bill provides a streamlined regulatory framework for the PTC to regulate the operations of transportation network companies (TNC). The bill provides a permitting process for TNCs to operate in Hillsborough County, sets insurance requirements, requires background checks for drivers, and sets other requirements.

The bill is expected to have a positive fiscal impact on Hillsborough County due to an increase in the number of applications for public vehicle driver licenses.

The bill takes effect upon becoming law.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

State Law Concerning Taxi Companies

Chapter 316, F.S., is the Florida Uniform Traffic Control Law, the purpose of which is to make uniform the traffic laws throughout the state.¹ Provisions in Ch. 316, F.S., relate to, but are not limited to, traffic laws, traffic infraction detectors, parking regulations, and driving under the influence.

Currently, most regulation of taxis and limousines is controlled by local governments. Florida law currently provides the following requirements relating to limousines and taxis:

- Taxis and limousines must maintain a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, up to \$250,000 per incident for bodily injury, and \$50,000 for property damage;²
- An owner or lessee who is required to maintain insurance under s. 324.021(9)(b), F.S., and who operates at least 300 taxicabs, limousines, jitneys, or any other for-hire passenger vehicles is authorized to fulfill the requirement through self-insurance as provided by s. 324.171, F.S.;³
- With respect to workers' compensation, the driver of a taxicab, limousine, or other passenger vehicle-for-hire who operates the vehicles pursuant to a written agreement with a company providing any dispatch, marketing, insurance, communications, or other services and fees or charges pursuant to that agreement are not conditioned upon or expressed as a proportion of the driver's fare revenues is not an employee.⁴
- The child restraint requirements imposed by s. 316.613, F.S., do not apply to a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of persons for compensation;⁵ and
- To the extent not inconsistent with general or special law, the legislative and governing body of a county must have the power to carry on county government, including, but not restricted to, the power to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1), F.S.,⁶ must on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, must be issued by lottery among individuals with such experience as a taxi driver as the county may determine.⁷

While the Municipal Home Rule Powers Act⁸ does not expressly provide for regulation of taxis and limousines, municipalities have the authority to enact legislation concerning any subject matter upon which the Legislature may act, except:

¹ Section 316.002, F.S.

² Section 324.032(1), F.S.

³ Section 324.032(2), F.S.

⁴ Section 440.02(15)(d)10., F.S.

⁵ Section 316.613(6), F.S. The statute provides that it is the parent's or other caregiver's responsibility to meet the child restraint requirements.

⁶ Section 125.011(1), F.S., defines "county" as "any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions must include "board of county commissioners" of such county."

⁷ Section 125.01(1)(n), F.S.

⁸ Ch. 166, F.S.

- The subjects of annexation, merger, and exercise of extraterritorial power, which require general or special law pursuant to art. VIII, s. 2(c), of the Florida Constitution;
- Any subject expressly prohibited by the constitution;
- Any subject expressly preempted to state or county government by the constitution or by general law; and
- Any subject preempted to a county pursuant to a county charter adopted under the authority of art. VIII, ss. 1(g), 3, and 6(e), of the constitution.⁹

Since the regulation of taxis, limousines, and other for-hire vehicles has not been expressly preempted to the state or county government, municipalities may regulate these vehicles under their broad home rule powers.

For-hire vehicle services are undergoing changes with respect to models most often associated with the provision of transportation to individuals, such as by taxi. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, e-mail, and text messages. Some states and local governments have taken steps to recognize and regulate companies using these new technologies, which describe themselves as “transportation network companies” (TNCs) and not vehicles for hire. Currently, Florida law does not recognize TNCs, but some local governments are in various stages of imposing regulations on TNCs and the regulations vary by jurisdiction.

National Criminal Database

A National Criminal Database, or Multi-Jurisdictional Search, is a database of criminal records collected by a commercial entity from a patchwork of state, local, and other criminal records. These resources are generally created by large background screening firms and other data aggregators who have specialized in the collection of criminal data for resale purposes. The information collected by individual background screening firms is unique to the company hosting the database. Although many records are similar, providers use different mixes of sources and methods to match results. No National Criminal Database has all criminal records to date.¹⁰

The Dru Sjodin National Sex Offender Public Website (NSOPW)

The Dru Sjodin National Sex Offender Public Website contains public information regarding individuals who are required to register through a State Sex Offender Registry, and consists of the individual registries and public registry websites operated by all 50 States, the District of Columbia, four of the principal U.S. Territories, as well as over 70 federally-recognized Indian Tribes. The NSOPW contains information on those who have committed sexually violent offenses against adults and children, as well as certain sexual contact and other crimes against victims who are minors. Information about individuals who appear on these lists depends on the individual states’ registry requirements. The NSOPW, as well as more detailed databases for law enforcement, are administered through the United States Department of Justice.¹¹

Hillsborough County Public Transportation Commission

The Hillsborough County Public Transportation Commission (PTC) is an independent special district created in 1983.¹² The PTC regulates the operation of vehicles for-hire in Hillsborough County,

⁹ Section 166.021(3), F.S.

¹⁰ NATIONAL ASSOCIATION OF PROFESSIONAL BACKGROUND SCREENERS (NAPBS), http://portal.napbs.com/files/public/Consumer_education/Resources/standardization_of_common_industry_terms.pdf (last visited Jan. 26, 2016).

¹¹ UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING (SMART), <https://www.nsopw.gov/en/Home/About> (last visited Jan. 26, 2016).

¹² Ch. 2001-299, Laws of Fla., codifying ch. 83-423, Laws of Fla. and subsequent special acts.

including taxicabs, limousines, vans, basic life support ambulances, and wrecker services used by both public and private entities.¹³ The PTC conducts safety inspections, controls the number of taxicab permits issued, and sets rates, fares, zones, and charges for taxicabs and other vehicles for-hire.¹⁴

Each operator of a vehicle for-hire must receive a certificate from the PTC.¹⁵ The PTC is required to hold a public hearing on granting the certificate and other certificate holders may intervene in the process.¹⁶ When makes its determination on granting the certificate, the PTC considers the adequacy of existing service, the quality of service being offered by the applicant, the type of service the applicant intends to offer, the applicant's ability to manage the number of vehicles allowed under the certificate, as well as personal information about the applicant, such as criminal, traffic, and credit records.¹⁷

In addition to a certificate, each driver is required to have a public vehicle driver license (PVDL) issued by the PTC.¹⁸ Applicants for a PVDL must submit health information and answer questions about their traffic and criminal records.¹⁹ The PTC may not grant a PVDL to a person currently on probation, who doesn't have a Florida driver's license, or who has less than six months of driving experience.²⁰ The PTC may reject PVDL applicants who have multiple violations of motor vehicle laws or who have committed a felony, sexual offense, or other crimes involving moral turpitude.²¹ A PVDL is good for one year and may be renewed as long the driver has not committed criminal or traffic violations during the license period.²² A PVDL is revoked upon conviction or a plea of nolo contendere to a felony, sex offense, prostitution, any crime involved in narcotics, and any crime for which the penalty includes revocation of driver's license.²³ The PTC may suspend or revoke the PVDL of a driver who has repeated violated motor vehicle laws, is convicted of reckless driving, fails to report an accident, drives a vehicle known to not be in good order and repair, or who knowing makes a false statement on the PVDL application.²⁴

Applicants for a certificate or a PVDL are subject to a background check.²⁵

The PTC is governed by a seven member board.²⁶ The board consists of two members of the Tampa City Council, one member of the City Commission for Plant City, and one member of the Temple Terrace City Council, each selected by their respective governing boards, and three members selected by the board.²⁷ Members serve two-year terms and receive no compensation.²⁸

Proposed Changes

Definitions

The bill both adds and amends definitions in ch. 2001-299, Laws of Fla. These definitions include:

- "Transportation network company" (TNC) is a company which uses a digital network to connect TNC riders to TNC drivers who provide prearranged rides. Companies providing non-

¹³ Hillsborough County, Public Transportation Commission, <http://www.hillsboroughcounty.org/ptc> (last visited Jan. 25, 2016).

¹⁴ Ch. 2001-299, s. 5(1)-(2), Laws of Fla.

¹⁵ Ch. 2001-299, s. 7(1), Laws of Fla.

¹⁶ Ch. 2001-299, s. 7(2), Laws of Fla.

¹⁷ Ch. 2001-299, s. 7(2)(c), Laws of Fla.

¹⁸ Ch. 2001-299, s. 8, Laws of Fla.

¹⁹ Ch. 2001-299, s. 8, Laws of Fla.

²⁰ Ch. 2001-299, s. 8(4), Laws of Fla.

²¹ Ch. 2001-299, s. 8(3)(b), Laws of Fla.

²² Ch. 2001-299, s. 8(5), Laws of Fla.

²³ Ch. 2001-299, s. 8(6)(b), Laws of Fla.

²⁴ Ch. 2001-299, s. 8(6)(a), Laws of Fla.

²⁵ Ch. 2008-290, s. 1, Laws of Fla.

²⁶ Ch. 2001-299, s. 4, Laws of Fla.

²⁷ *Id.*

²⁸ *Id.*

emergency medical transportation to individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or an HMO are not included.

- “Transportation network company driver” is a person who receives connections to potential riders from a TNC in exchange for a fee to the TNC and who use a TNC driver vehicle to offer prearranged rides to riders.
- “Transportation network company driver vehicle” is a vehicle used by a TNC driver in connection with providing TNC service and that is owned, leased, or otherwise authorized for use by the TNC and is not a taxi, jitney, limousine, or any other type of public vehicle.
- “Digital network” is any online-enabled application, software, website or other digital system that enables or facilitates the prearrangement of rides with TNC drivers.
- “Prearranged ride” is any transportation arranged through a digital network controlled by a TNC starting from when a rider requests a ride through when the rider exits the vehicle. Prearranged rides do not include using a taxi, jitney, limousine, street hail service, carpool, or any other type of service in which the driver receives a fee that does not exceed the individual’s costs associated with providing the ride.
- “Transportation network company rider” is a person who uses a TNC digital network to connect with a TNC driver to provide transportation services in a TNC driver vehicle.
- “Trip” is the duration of TNC service from the point where the passenger enters the TNC driver vehicle to the point the passenger exits the vehicle.
- “Certificate” now includes the written authority granted by the PTC to the operator of a TNC.
- “Type of service” now includes TNC services.
- “Certified automobile mechanic” is an automobile mechanic certified by the National Association of Certified Mechanics or the National Institute for Automotive Service Excellence.
- “Liability insurance” includes insurance against legal liability for bodily injury, instead of only those incidents which result in disability.
- “Taximeter” does not include a mobile phone mounted in TNC driver vehicle.
- “Limousine” and “taxicab” do not include TNC driver vehicles and low speed vehicles operating within the Downtown Tampa Special District.
- “Public vehicle” does not include TNC driver vehicles, low speed vehicles operating within the Downtown Tampa Special District, sightseeing cars/buses, streetcars, and motor buses.
- “For hire” includes TNC driver vehicles and low speed vehicles operating within the Downtown Tampa Special District.

TNC Regulation

The bill authorizes the PTC to regulate the operation of TNCs in Hillsborough County, in accordance with the section added to the PTC’s charter by the bill.

The bill establishes a separate permitting system for TNCs. A TNC must apply to the PTC for a certificate, which the PTC must issue if the TNC pays an application fee of \$5,000 and shows proof of:

- Insurance meeting the requirements of the bill;
- Maintenance of a resident agent for service of process in Florida; and
- Registration to do business in Florida.

The bill requires a TNC driver, or a TNC on the driver's behalf, to maintain primary automobile insurance recognizing that the driver is a TNC driver or uses a TNC driver vehicle to transport riders for compensation. The insurance must cover the driver at all times, including when the driver is engaged in a prearranged ride. The level of required coverage depends on the driver's network status, as follows:

	Available to receive TNC requests, but not engaged in prearranged ride	During prearranged ride
Death and bodily injury per person	\$50,000	\$1,000,000
Death and bodily injury per incident	\$100,000	\$1,000,000
Property damage	\$25,000	\$50,000

The insurance policy must meet the minimum requirements of ss. 627.730-627.7405, F.S. during either period. These requirements may be met by a policy held by the TNC driver, the TNC, or any combination of the two. If the driver's policy lapses or does not provide the required coverage, the TNC is required to maintain insurance covering the full amount and requiring the insurer to defend the claim. Coverage under a policy maintained by the TNC may not depend on a personal automobile liability insurance policy first denying the claim.

The automobile insurance required by this section, notwithstanding any other provisions of law, may be purchased from an insurer authorized to do business in the state or placed with a surplus lines insurer eligible under the Surplus Lines Law.²⁹ Insurance satisfying the requirements of the bill is deemed to also satisfy the financial responsibility requirements for motor vehicles under ch. 324, F.S.

Before a driver may accept requests for prearranged rides on a TNC's digital network, the TNC must disclose, in writing, the insurance coverage and limit for each coverage the TNC provides for the driver using a TNC vehicle in connection with the TNC's digital network. The TNC must also disclose in writing that the driver's personal automobile policy may not provide coverage while the driver is logged into the TNC's digital network and is available to receive transportation requests or is engaged in TNC service.

Insurers are authorized to exclude from coverage any loss or injury that occurs while a TNC driver is logged into a TNC's digital network or while the driver is engaged in a prearranged ride. A TNC driver may be excluded in these circumstances notwithstanding any financial responsibility requirement under ch. 324, F.S. Insurers who exclude TNC drivers during these periods do not have a duty to defend or indemnify an excluded claim and have a right of contribution against other insurers that provide automobile insurance to the same driver if the insurer defends or indemnifies an excluded claim.

This right to exclude applies to any coverage, including but not limited to:

- Liability coverage for bodily injury and property damage;
- Personal injury protection coverage under s. 627.736, F.S.;
- Uninsured and underinsured motorist coverage;
- Medical payments coverage;
- Comprehensive physical damage coverage; and
- Collision physical damage coverage.

A TNC driver is required to carry proof of insurance meeting the legal requirements at all times while use a TNC driver vehicle in connection with the TNC's digital network. The bill requires a TNC driver

involved in an accident to provide insurance information and, upon request, disclose if the driver was logged into a TNC's digital network, to the other parties in the accident, insurance carriers, and investigating police officers.

The bill requires a TNC to cooperate in the insurer's claims investigation, including providing information about:

- The precise times the driver logged on and off the TNC's digital network during the twelve-hour period immediately before and after the accident; and
- A clear description of the coverage, any exclusions, and limitations provided under any automobile insurance maintained under this section.

The bill requires a TNC, before allowing a driver on its digital platform and at least once a year thereafter, to:

- Require the driver to submit an application containing the driver's address, date of birth, driver license number, driving history, motor vehicle registration, automobile liability insurance, and other information required by the company;
- Conduct, or have a third party conduct, a background check on the driver, including a Multi-State/Multi-Jurisdiction Criminal Records Locator, or similar commercial database with validation, and the Dru Sjodin National Sex Offender Public Website; and
- Obtain and review a driving history research report for the applicant.

A TNC must prohibit a driver from its digital network if the above checks reveal:

- The driver has had more than three moving violations or has been convicted of fleeing or attempting to elude a law enforcement officer, reckless driving, or driving with a suspended or revoked license in the preceding three-year period;
- The driver has been convicted of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage or theft, acts of violence, or acts of terror in the preceding seven-year period;
- The driver is a match in the Dru Sjodin National Sex Offender Public Website;
- The driver does not possess a valid driver license;
- The driver does not provide proof of registration for the vehicle used to provide TNC service;
- The driver does not provide proof of automobile liability insurance for the vehicle used to provide TNC service; or
- The driver is less than 19 years of age.

The bill also requires a TNC driver vehicle, within sixty days after beginning service, to be inspected by a certified automobile mechanic operating in Florida. The inspection shall verify a checklist of items to ensure safe operating conditions and a copy of the inspection form must be provided to the TNC within the sixty day time frame.

The bill prohibits TNCs from discriminating against drivers and passengers on the basis of race, color, national origin, religious belief or affiliation, sex, disability, age, or sexual orientation. The bill requires TNCs to adopt a policy to assist drivers who believe they have a negative rating from a passenger for one of these reasons. Drivers must comply with the non-discrimination policy and must comply with applicable laws relating to the accommodation of service animals. A TNC may not impose additional charges for providing service to persons with physical disabilities because of those disabilities.

The bill prohibits TNC drivers from accepting rides other than ones arranged through a digital network, soliciting or accepting street hails, or soliciting or accepting cash payments from passengers.

The bill requires payments for TNC service to be made electronically through the company's digital network. The TNC must disclose the fare calculation method on its website or software application and

given passengers the option to view an estimated fare before the passenger enters the driver's vehicle. The TNC must provide an electronic receipt within a reasonable time period. The receipt must include the origin and destination of the trip, the total time and distance of the trip, and an itemization of the total fare paid.

The bill requires the TNC service's website or software application to display a picture of the driver and the license plate number of the vehicle used to provide TNC service.

The bill requires TNCs to maintain records relating to TNC service as required by local, state, and federal laws.

The bill allows the PTC to request records necessary for investigating any violation of this section. The TNC is required to make the requested records available at a mutually agreeable location in the county. The PTC is also authorized to conduct an annual inspection of a TNCs records to ensure compliance with this section. The annual inspection shall be an audit, and not a comprehensive review.

The bill amends the requirement for safety and equipment marks and identifiers of public vehicles to exclude TNC driver vehicles.

The bill provides that the new section concerning TNCs shall be the exclusive expression of the PTC's authority over TNCs.

The bill provides that a TNC driver and vehicle authorized to operate in another jurisdiction of the state is authorized to operate in Hillsborough County.

The bill exempts handicab operators from the public convenience and necessity requirements that apply to other public vehicles. The PTC may establish reasonable financial, equipment, and safety requirements by rule.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

B. SECTION DIRECTORY:

- Section 1: Amends s. 3, ch. 2001-299, Laws of Fla., providing definitions for the PTC's charter.
- Section 2: Amends s. 5, ch. 2001-299, Laws of Fla., authorizing the PTC to adopt rules concerning safety and equipment requirements for all public vehicles.
- Section 3: Amends s. 7, ch. 2001-299, Laws of Fla., exempting transportation network companies and transportation network company drivers from the certificate requirements of the section.
- Section 4: Amends s. 9, ch. 2001-299, Laws of Fla., concerning safety and equipment marks and identification for public vehicles
- Section 5: Creates s. 10, ch. 2001-299, Laws of Fla., concerning transportation network companies.
- Section 6: Provides that the act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 24, 2015

WHERE? *The Tampa Tribune*, a daily newspaper published in Hillsborough County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 339-341 of the bill require a TNC driver engaged in a prearranged ride to carry primary automobile liability insurance of at least \$1 million for death and bodily injury, but does not specify if this amount is per person, per incident, or both. Lines 330-331, requiring a TNC driver to carry primary automobile liability insurance while connected to the TNC's digital network, but not engaged in a prearranged ride, provides separate levels of coverage for "per person" and "per incident."

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the Local Government Affairs Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment exempts handicab operators from the public convenience and necessity requirements that apply to other public vehicles. The amendment allows the PTC to establish reasonable financial, equipment, and safety requirements by rule.

This analysis is drawn to the bill as amended.

**HOUSE OF REPRESENTATIVES
2016 LOCAL BILL AMENDMENT FORM**

Prior to consideration of a substantive amendment to a local bill, the chair of the legislative delegation must certify, by signing this Amendment Form, that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive committee, subcommittee, and floor amendments must be accompanied by a completed original Amendment Form which has been provided to and reviewed by Local Government Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: HB 1439

SPONSOR(S): Raulerson, Young

RELATING TO: Hillsborough County Public Transportation Commission
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Young

AMENDMENT FOR: **Committee:** Local Government Affairs Subcommittee
(Check One) (Name of Committee or Subcommittee)

Floor

CONTACT PERSON: Sydney Ridley

PHONE NO: 813-407-0691 **E-MAIL:** sydney.ridley@myfloridahouse.gov

REVIEWED BY STAFF OF THE LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE
Must Be Checked

I. BRIEF DESCRIPTION OF AMENDMENT:
(Attach additional page(s) if necessary)

removed the COPCN process for handicabs

II. REASON/NEED FOR AMENDMENT:
(Attach additional page(s) if necessary)

this amendment was adopted by the delegation but was not included in the filed bill

III. NOTICE REQUIREMENTS

A. Is the amendment consistent with the published notice of intent to seek enactment of the local bill?

YES NO NOT APPLICABLE

B. If the amendment is not consistent with the published notice, does the amendment require voter approval in order for the bill to become effective?

YES NO NOT APPLICABLE

IV. DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES NO

NOTE: If the amendment alters the economic impact of the bill, a revised Economic Impact Statement describing the impact of the amendment must be submitted to the Local Government Affairs Subcommittee prior to consideration of the amendment.

If yes, was the Revised Economic Impact Statement submitted as follows?

Committee Amendment: EIS filed with staff of committee/subcommittee hearing the bill.

Floor Amendment: EIS filed with staff of Local Government Affairs Subcommittee.

YES NO

V. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?

YES NO UNANIMOUSLY APPROVED

For substantive amendments considered in committee or subcommittee, the properly-executed original of this form must be filed with the committee or subcommittee staff prior to the amendment being heard. [Note to committee staff: after receiving this form the original must be filed with the House Clerk.]

For substantive floor amendments, the properly-executed original of this form must be filed with the House Clerk prior to the amendment being heard.



Delegation Chair (*Original Signature*)

Rep. Ross Spang

Print Name of Delegation Chair

1/28/16

Date

Rep. Raulerson
HB 1439 LB

NOTICE OF INTENT TO SEEK LEGISLATION

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

TO WHOM IT MAY CONCERN:

Notice is hereby provided pursuant to Section 11.02, Fla. Stat. and Section 10, Art. III, Fla. Const. that the undersigned has requested the Florida Legislature enact legislation at its regular session held in the year 2016, or at a subsequent special session, amending Chapter 2001-299, Laws of Florida. The title of the proposed legislation reads substantially as follows:

An act relating to Hillsborough County Public Transportation Commission; amending chapter 2001-299, Laws of Florida; as amended; providing definitions; revising rulemaking authority for vehicle safety and equipment requirements; revising the types of vehicles subject to restrictions on marks or identification; providing certification, insurance, vehicle permitting, and recordkeeping requirements for transportation network companies; prohibiting certain acts by transportation network company drivers; providing and effective date.

Dated at Tampa, Florida, the 10th day of December, 2015.

Representative Dan Raulerson
Hillsborough County Legislative Delegation
110 West Reynolds St. Ste. 204
Plant City, FL 33563-3379

#5281 12/24/2015

State of Florida)
County of Hillsborough) SS.

Before the undersigned authority personally appeared P. Chapman, who on oath says that she is the Advertiser Accounting Analyst of The Tampa Tribune, a daily newspaper published in Hillsborough County and distributed to Pinellas, Pasco, Polk, Hernando & Highlands Counties, Florida; that the attached copy of the advertising being a

Legal Ads IN THE Tampa Tribune

In the matter of Legal Notices

was published in said newspaper in the issues of

12/24/2015

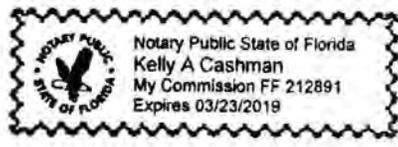
Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

P. Chapman

Sworn to and subscribed by me, this 24 day
of DEC, A.D. 2015

Personally Known or Produced Identification
Type of Identification Produced _____

Kelly A. Cashman



HOUSE OF REPRESENTATIVES

2016 LOCAL BILL CERTIFICATION FORM

BILL #: Local Bill 5 HB 1439

SPONSOR(S): Rep. Raulerson, Rep. Young

RELATING TO: Hillsborough County Public Transportation Commission
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Hillsborough County

CONTACT PERSON: Sydney Ridley, Amber Smith

PHONE NO.: (813) 407-0691(Sydney) E-Mail: sydney.ridley@myfloridahouse.gov

813-767-5306

amber.smith@myfloridahouse.gov

I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:

- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
- (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and
- (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting.
- (4) An Economic Impact Statement for local bills must be prepared at the local level and submitted to the Local Government Affairs Subcommittee. Under House policy, no local bill will be considered by a committee or subcommittee without an Economic Impact Statement.

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES NO

Date hearing held: December 8th, 2015

Location: Amalie Arena

(3) Was this bill formally approved by a majority of the delegation members?

YES NO

(4) Was an Economic Impact Statement prepared at the local level and submitted to the Local Government Affairs Subcommittee?

YES NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES NO DATE 12/24/15

Where? Tampa Tribune County Hillsborough

Referendum in lieu of publication: YES NO

Date of Referendum _____

iii. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES NO

Please submit this completed, original form to the Local Government Affairs Subcommittee.



Delegation Chair (Original Signature)

1/4/16

Date

Rep. Ross Spano

Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2016 ECONOMIC IMPACT STATEMENT FORM**

Read all instructions carefully.

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please submit this completed, original form to the Local Government Affairs Subcommittee as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #: HB 1439
SPONSOR(S): Representative Daniel D. Raulerson
RELATING TO: Hillsborough County Public Transportation Commission/Transportation Network Companies
[Indicate Area Affected (City, County or Special District) and Subject]

I. REVENUES:

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Revenue decrease due to bill:	\$ <u>None</u>	\$ <u>None</u>
Revenue increase due to bill:	\$ <u>None</u>	\$ <u>83,659.70*</u>

*FY 17-18 anticipated revenues are based on an expected 10% increase in fees for certificates, permits, and public vehicle driver's licenses and enforcement revenue.

II. COST:

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	<u>FY 16-17</u>	<u>FY 17-18</u>
	\$ <u>None</u>	\$ <u>83,659.70**</u>

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

**FY 17-18 estimates are based on a 10% increase from existing FY 16-17 expenditures to cover administrative processing and public safety enforcement.

III. FUNDING SOURCE(S):

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	<u>FY 16-17</u>	<u>FY 17-18</u>
Local:	\$ <u>None</u>	\$ <u>83,659.70***</u>
State:	\$ <u>None</u>	\$ <u>None</u>
Federal:	\$ <u>None</u>	\$ <u>None</u>

***FY 17-18 anticipated funding sources are based on an expected 10% increase in fees for certificates, permits, and public vehicle driver's licenses and enforcement revenue.

IV. ECONOMIC IMPACT:

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals: This bill would provide an economic advantage to the traveling public, to include persons with disabilities, by increased competition through the access of licensed Transportation Network Companies ("TNC"). This increased competition broadens consumer choice for transportation services, along with growth options for employment as TNC drivers. As costs go down, availability goes up. More of the public may choose to leave their personal vehicles for alternative modes of public transportation. This bill works to level the playing field and provide a free market driven process that opens the door to consumer choice; but, is based on a framework founded upon public safety and consumer protection.

The bill also provides for standardized and adequate automobile liability coverage, decreasing the public's exposure to liability. It is anticipated that the required Level II background checks will result in a decrease in costs associated with a reduction in crimes against people. In its totality, the bill should also result in a decrease in both public and private litigation costs. Although it is hard to quantify, the cost savings could be in the millions.

2. Advantages to Businesses: Estimated economic impact advantages include greater accessibility of transportation services to local businesses, thereby increasing their revenues.

3. Advantages to Government: In its totality, this bill should result in a decrease in public litigation costs.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals: None
2. Disadvantages to Businesses: Although TNC's would be required to pay fees for certificates and permits, such fees are minimal and should not pose an undue burden to their operations. It is unknown at this time whether TNC's would make the decision to pass such minimal costs through to consumers.
3. Disadvantages to Government: None

V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:

Although there will be an anticipated increase in administrative processing and public safety enforcement, the increase in revenues should cover these additional costs. This bill should also result in a decrease in public litigation costs.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

This data was derived from past and present budgets, information provided by the various affected industries, and working knowledge of current best practices.

VII. CERTIFICATION BY PREPARER

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:

Kyle Cockream
[Must be signed by Preparer]

Print preparer's name:

Kyle Cockream

Date

9/25/15

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

Executive Director

REPRESENTING:

Hillsborough County Public Transportation Commission

PHONE:

(813) 350-6878

E-MAIL ADDRESS:

cockreamk@hillsboroughcounty.org

1 A bill to be entitled
 2 An act relating to the Hillsborough County Public
 3 Transportation Commission; amending chapter 2001-299,
 4 Laws of Florida, as amended; providing and revising
 5 definitions; revising rulemaking authority for vehicle
 6 safety and equipment requirements; revising the
 7 application and certification requirements to engage
 8 in the business of operating handicabs in the county;
 9 revising the types of vehicles subject to restrictions
 10 on marks or identification; providing certain
 11 requirements for transportation network company
 12 services; providing applicability; prohibiting certain
 13 acts by transportation network company drivers;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 3 of chapter 2001-299, Laws of Florida,
 19 is amended to read:

20 Section 3. Definitions.—As used in this act, the term:

21 (1) "Basic life support ambulance" means any privately or
 22 publicly owned vehicle, except those operated by any
 23 municipality, that is designed, constructed, reconstructed,
 24 maintained, equipped, or operated for and is used for or
 25 intended to be used for transportation of a sick or injured
 26 person requiring or likely to require medical attention during

27 | transport by a qualified person through the use of techniques
 28 | such as patient assessment, cardiopulmonary resuscitation,
 29 | splinting, obstetrical assistance, bandaging, administration of
 30 | oxygen, application of medical anti-shock trousers,
 31 | administration of a subcutaneous injection using a premeasured
 32 | autoinjector of epinephrine to a person suffering an
 33 | anaphylactic reaction, and other techniques described in the
 34 | Emergency Medical Technician Basic Training Course Curriculum of
 35 | the United States Department of Transportation or the Florida
 36 | Department of Health and the requirements of chapter 401,
 37 | Florida Statutes.

38 | (2) "Benefits" means benefits offered by the commission,
 39 | which include a retirement plan and life and health insurance
 40 | plans and may include cafeteria-style options and making
 41 | available to employees one or more deferred income plans.

42 | (3) "Board" means the Hillsborough County Board of County
 43 | Commissioners.

44 | (4) "Capacity" means the maximum seating provided in a
 45 | motor vehicle at the time of original manufacture.

46 | (5) "Certificate" means the written authority granted by
 47 | the commission by its order to operate one or more public
 48 | vehicles or to operate a transportation network company in the
 49 | county and its municipalities.

50 | (6) "Certified automobile mechanic" means an automobile
 51 | mechanic certified by the National Association of Certified

52 Mechanics or the National Institute for Automotive Service
 53 Excellence.

54 ~~(7)~~~~(6)~~ "Citation" means a written notice, issued by the
 55 director, any interim director, or an inspector, that the
 56 director, any interim director, or inspector has reasonable
 57 cause to believe that the person has violated this act or the
 58 rules adopted in accordance with this act. The citation must
 59 contain:

60 (a)~~1.~~ The date and time of issuance.

61 (b)~~2.~~ The name and address of the person.

62 (c)~~3.~~ The date and time the violation was committed.

63 (d)~~4.~~ The facts constituting reasonable cause.

64 (e)~~5.~~ The section of the act or rule violated.

65 (f)~~6.~~ The name and authority of the director, any interim
 66 director, or inspector.

67 (g)~~7.~~ The procedure and time limits for the person to
 68 observe to contest the citation or to appear before the
 69 commission.

70 (h)~~8.~~ The applicable civil penalties that could be imposed
 71 if the person elects to contest the citation.

72 (i)~~9.~~ The applicable civil penalty if the person elects
 73 not to contest the citation and the procedure for satisfying
 74 said civil penalty.

75 (j)~~10.~~ A conspicuous statement that if the person fails to
 76 contest the citation within the time allowed, the person shall
 77 be deemed to have waived his or her right to contest the

78 citation and that, in such case, the applicable civil penalty
 79 indicated in paragraph (i) ~~9.~~ will apply.

80 ~~(8)(7)~~ "Classifications" means arrangement into sub-groups
 81 or sub-categories within each type of service.

82 ~~(9)(8)~~ "Commission" means the Hillsborough County Public
 83 Transportation Commission.

84 ~~(10)(9)~~ "Contingency fund" means those moneys held by the
 85 district to pay a debt that is not currently fixed but may
 86 become so in the future with the occurrence of some uncertain
 87 event, which moneys may be carried forward from one year to the
 88 next.

89 ~~(11)(10)~~ "County" means Hillsborough County, Florida.

90 ~~(12)~~ "Digital network" means any online-enabled
 91 application, software, website, or other digital system that
 92 enables or facilitates the prearrangement of rides with
 93 transportation network company drivers.

94 ~~(13)(11)~~ "District" means the Hillsborough County Public
 95 Transportation Commission.

96 ~~(14)(12)~~ "For hire" means use of any motor vehicle in the
 97 county to transport ~~transporting~~ persons for compensation,
 98 including:

99 (a) A transportation network company driver vehicle; or

100 (b) A low-speed vehicle, as defined in s. 320.01, Florida
 101 Statutes, operating within the Downtown Tampa Special District
 102 created pursuant to Tampa City Council Resolution No. 93-123,
 103 August 19, 1993.

104 (15)~~(13)~~ "Handicab" means a vehicle designed, constructed,
 105 reconstructed, or operated for the transportation of a person
 106 with non-emergency conditions where no medical assistance is
 107 needed or anticipated; or for a person who is unable to
 108 comfortably use a standard means of conveyance; or a person who
 109 cannot enter, occupy or exit a vehicle without extensive
 110 assistance; or where specialized equipment is used for
 111 wheelchair or stretcher service; and where the chauffeur/driver
 112 serves as both a chauffeur/driver and attendant to assist in
 113 door-to-door or bed-to-bed service.

114 (16)~~(14)~~ "Hearing officer" means a person designated by
 115 the commission to perform the duties prescribed by this act and
 116 any rules adopted in accordance with this act who is licensed
 117 and in good standing with The Florida Bar and who has
 118 demonstrated experience of at least 5 years in administrative
 119 law in this state.

120 (17)~~(15)~~ "Inspector" means a person who is employed and
 121 trained by the commission and is supervised by its director or
 122 any interim director to provide day-to-day routine enforcement
 123 of this act and any rules adopted in accordance with this act.

124 (18)~~(16)~~ "Liability insurance" means insurance against
 125 legal liability for the death of, or bodily, injury to, a
 126 person, ~~or disability of any human being,~~ or for damage to
 127 ~~property, with provision for medical, hospital, and surgical~~
 128 ~~benefits to the injured person.~~

129 (19)~~(17)~~ "Limousine" means any motor vehicle for hire not
 130 equipped with a taximeter, with a capacity for 15 passengers or
 131 less, including the driver. The term does not include:

132 (a) A transportation network company driver vehicle; or

133 (b) A low-speed vehicle, as defined in s. 320.01, Florida
 134 Statutes, operating within the Downtown Tampa Special District
 135 created pursuant to Tampa City Council Resolution No. 93-123,
 136 August 19, 1993.

137 (20)~~(18)~~ "Municipality" means a municipality created
 138 pursuant to general or special law authorized or reorganized
 139 pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

140 (21)~~(19)~~ "Parties" means the applicant and any person
 141 permitted to intervene during the application for certificate
 142 process in accordance with this act and any rules adopted in
 143 accordance with this act.

144 (22)~~(20)~~ "Permit" means a license issued by the commission
 145 to allow the operation of a particular public vehicle for which
 146 a certificate has been issued.

147 (23)~~(21)~~ "Person" means an individual, firm, public or
 148 private corporation, partnership or limited partnership company,
 149 or joint venture.

150 (24) "Prearranged ride" means the provision of
 151 transportation by a driver to or on behalf of a rider, beginning
 152 when a driver accepts a ride requested by a rider through a
 153 digital network controlled by a transportation network company,
 154 continuing while the driver transports the rider, and ending

155 when the last rider departs from the transportation network
 156 company driver vehicle. The term does not include transportation
 157 provided using a taxi; jitney; limousine; street hail service;
 158 ridesharing, as defined in s. 341.031, Florida Statutes;
 159 carpool, as defined in s. 450.28, Florida Statutes; or any other
 160 type of service in which the driver receives a fee that does not
 161 exceed the individual's costs associated with providing the
 162 ride.

163 (25)-(22) "Public highway" means any of the public streets,
 164 boulevards, avenues, drives, or alleys within the county and its
 165 municipalities.

166 (26)-(23) "Public transportation" means any public vehicle
 167 under the jurisdiction of the commission.

168 (27)-(24) "Public vehicle" means a taxicab, van, limousine,
 169 handicab, basic life support ambulance, ~~and~~ wrecker. The term
 170 does not include sightseeing cars or buses, streetcars, motor
 171 buses operated pursuant to franchise, transportation network
 172 company driver vehicles, or low-speed vehicles as defined in s.
 173 320.01, Florida Statutes, operating within the Downtown Tampa
 174 Special District created pursuant to Tampa City Council
 175 Resolution No. 93-123, August 19, 1993.

176 (28)-(25) "Public vehicle driver ~~driver's~~ license" means a
 177 written document issued by the commission for a driver of a
 178 public vehicle, which is the property of the commission and is
 179 non-transferable to any other driver.

180 (29)~~(26)~~ "Repeated violations" means two or more
 181 violations that present an imminent danger to the health,
 182 safety, and welfare of the traveling public.

183 (30)~~(27)~~ "Revenues" means moneys acquired through fees for
 184 services provided, any moneys that are appropriated to the
 185 district by the county and any of its municipalities as provided
 186 by this act, or moneys from any other source and interest income
 187 thereon.

188 (31)~~(28)~~ "Rule" means the same as the term when used in
 189 describing administrative procedures required of any agency
 190 within the executive branch of state government which has been
 191 granted statutory rulemaking authority.

192 (32)~~(29)~~ "Surplus funds" means revenues of the district,
 193 less the contingency funds, which funds may be carried forward
 194 from one fiscal year to the next.

195 (33)~~(30)~~ "Taxicab" means any motor-driven vehicle,
 196 equipped with a taximeter, with a capacity for 9 or less
 197 passengers, including the driver, for the transportation of for
 198 hire passengers, which operates within Hillsborough County, but
 199 does not include sight-seeing cars or buses, transportation
 200 network company vehicles, streetcars, ~~or~~ motor buses operated
 201 pursuant to franchise, or low-speed vehicles as defined in s.
 202 320.01, Florida Statutes, operating within the Downtown Tampa
 203 Special District created pursuant to Tampa City Council
 204 Resolution No. 93-123, August 19, 1993.

205 (34)~~(31)~~ "Taximeter" means any internally mounted device
 206 that records and indicates a rate of fare measured by distance
 207 traveled, time traveled, waiting time, or extra passengers which
 208 has been inspected and sealed by the Florida Department of
 209 Agriculture and Consumer Services and which has been calibrated
 210 to the approved rates promulgated by the commission. A mobile
 211 telephone mounted in a transportation network company driver
 212 vehicle is not a taximeter.

213 (35) "Transportation network company" or "company" means a
 214 corporation, partnership, sole proprietorship, or other entity
 215 operating in the county which uses a digital network to connect
 216 transportation network company riders to transportation network
 217 company drivers who provide prearranged rides. The term does not
 218 include an individual, corporation, partnership, sole
 219 proprietorship, or other entity arranging nonemergency medical
 220 transportation for individuals qualifying for Medicaid or
 221 Medicare pursuant to a contract with the state or a managed care
 222 organization.

223 (36) "Transportation network company driver" or "driver"
 224 means an individual who:

225 (a) Receives connections to potential riders and related
 226 services from a transportation network company in exchange for
 227 payment of a fee to the transportation network company; and

228 (b) Uses a transportation network company driver vehicle
 229 to offer or provide a prearranged ride to riders upon connection

230 through a digital network controlled by a transportation network
 231 company in return for compensation, including payment of a fee.

232 (37) "Transportation network company driver vehicle" means
 233 a vehicle, however titled, which is used by a transportation
 234 network company driver in connection with providing
 235 transportation network company service and that:

236 (a) Is owned, leased, or otherwise authorized for use by
 237 the transportation network company driver; and

238 (b) Is not a taxi, jitney, limousine, or any other type of
 239 public vehicle.

240 (38) "Transportation network company rider" or "rider"
 241 means an individual who directly or indirectly uses a
 242 transportation network company digital network to connect with a
 243 transportation network company service that provides
 244 transportation services to such individual in a transportation
 245 network company driver vehicle.

246 (39) "Trip" means the duration of transportation network
 247 company service beginning at a point of origin where the
 248 passenger enters the driver's vehicle and ending at a point of
 249 destination where the passenger exits the vehicle.

250 (40) ~~(32)~~ "Type of service" means a taxicab, transportation
 251 network company service, ~~or~~ van, ~~or~~ limousine, ~~or~~ handicab, ~~or~~
 252 basic life support ambulance, or wrecker.

253 (41) ~~(33)~~ "Van" means any motor-driven vehicle with a
 254 capacity of 10 to 15 passengers, including the driver, for the
 255 transportation of for hire passengers, which operates within the

256 county but does not include sight-seeing cars and buses,
 257 streetcars, motor buses operated pursuant to franchise or
 258 courtesy vans, and limousines not for hire.

259 (42)~~(34)~~ "Wrecker" means any truck or other vehicle that
 260 is used to tow, carry, or otherwise transport motor vehicles or
 261 vessels upon the streets and highways of this state and that is
 262 equipped for that purpose with a boom, winch, car carrier, or
 263 other similar equipment and is contracted for use by, through,
 264 or for any unit of local, county, or state government, and not
 265 authorized to transport passengers for hire or any person
 266 regularly engaged in towing or storing vehicles or vessels in
 267 Hillsborough County pursuant to section 715.07, Florida
 268 Statutes.

269 Section 2. Paragraph (m) of subsection (1) of section 5 of
 270 chapter 2001-299, Laws of Florida, is amended to read:

271 Section 5. Commission powers, mandatory and
 272 discretionary.—

273 (1) The commission shall:

274 (m) Adopt rules for safety and equipment requirements for
 275 ~~taxicabs, limousine, vans, handicabs, and basic life support~~
 276 ~~ambulances and for voice communications equipment for all public~~
 277 vehicles.

278 Section 3. Subsection (2) of section 7 of chapter 2001-
 279 299, Laws of Florida, is amended, and subsection (6) is added to
 280 that section, to read:

281 Section 7. Application for certificate.—

282 (2) Any person desiring to engage in the business of
 283 operating any public vehicle in the county must first acquire a
 284 certificate from the commission and must first make written
 285 application to the commission on a form provided by the
 286 commission for that purpose. Upon receipt of such application,
 287 the commission shall investigate the facts stated in the
 288 application and fix a date, time, and place for a public hearing
 289 on the application. Wrecker applications are specifically
 290 excluded from the public hearing requirement of this section.
 291 Not less than 20 days before the public hearing, the commission
 292 shall provide notice of the date, time, and place of such public
 293 hearing, to each current certificate holder and notice that the
 294 pending application is available for inspection and copying at
 295 the office of the commission. Any certificate holder possessing
 296 a certificate to operate the same type of service being applied
 297 for by the applicant and any certificate holder who can
 298 demonstrate financial interest may intervene in the public
 299 hearing process by filing a notice of intervention not later
 300 than five business days prior to the date of the public hearing
 301 and in such form and manner as required by the commission.

302 (a) Such public hearings may be held by the commission as
 303 a whole, by a committee made up of its members appointed by the
 304 commission for that purpose, or by a hearing officer as further
 305 provided by this act and any rules adopted in accordance with
 306 this act. The committee or hearing officer shall report findings
 307 and recommendations to the commission for approval, disapproval,

308 or modification. The commission may conduct such further
 309 hearings and make such additional investigations as it deems
 310 necessary before taking final action. If the person applying for
 311 such certificate is not operating vehicles in the county at the
 312 time this act becomes law, or if such application is for a
 313 certificate to operate additional vehicles under a certificate
 314 previously issued, the commission shall determine, by the
 315 hearings and investigations whether or not public convenience
 316 and necessity will be promoted by the additional proposed
 317 service, and if the commission determines that public
 318 convenience and necessity will not be promoted by such
 319 additional proposed service, then a certificate shall not be
 320 granted. If the commission finds that public convenience and
 321 necessity requires such additional proposed service, then the
 322 certificate shall be granted, subject to the limitations imposed
 323 in other sections of this act and any rules adopted in
 324 accordance with this act.

325 (b) The applicant has the burden of establishing whether
 326 public convenience and necessity require the operation of public
 327 vehicles proposed in the application. Handicab applications are
 328 specifically excluded from the public convenience and necessity
 329 requirements of this section. The commission shall establish, by
 330 rule, reasonable financial, equipment, and safety requirements
 331 for an applicant to be granted a certificate of public need and
 332 necessity to operate a handicab in the county.

333 (c) In making a determination of public convenience and
 334 necessity, the commission must consider:

335 1. The adequacy of existing service and other forms of
 336 transportation for passengers.

337 2. The probable permanence and quality of the service
 338 offered by the applicant.

339 3. The character of service proposed by the applicant as
 340 demonstrated by the proposed use of any two-way voice
 341 communications, the proposed use of terminals and private and
 342 public hack stands, the time of day and night when service is to
 343 be offered, and the proposed number and character of vehicles.

344 4. The financial status, character, and responsibility of
 345 the applicant as demonstrated by the applicant's ability to
 346 provide, maintain, and operate the number of vehicles proposed
 347 to be operated in accordance with the type of service proposed
 348 in the application, the applicant's criminal and traffic record,
 349 and the applicant's credit record if any.

350 5. The experience of the applicant in the operation as an
 351 owner or manager or as a driver for the type of service
 352 proposed.

353 6. Any other facts or circumstances that would indicate
 354 whether the proposed service is in the public interest.

355 (6) This section does not apply to a transportation
 356 network company or a transportation network company driver.

357 Section 4. Subsection (2) of section 9 of chapter 2001-
 358 299, Laws of Florida, is amended to read:

359 Section 9. Additional safety and equipment requirements
 360 and prohibitions.

361 (2) All marks or identification of each taxicab, wrecker,
 362 handicab, and basic life support ambulance ~~public vehicle~~ shall
 363 be permanent and clearly legible at all times.

364 Section 5. Sections 10 through 19 of chapter 2001-299,
 365 Laws of Florida, as amended by chapter 2010-272, Laws of
 366 Florida, are renumbered as sections 11 through 20, respectively,
 367 and a new section 10 is added to that chapter, to read:

368 Section 10. Transportation network company service.-

369 (1) The commission is authorized to regulate the operation
 370 of transportation network company vehicles on the public
 371 highways of Hillsborough County and its municipalities in
 372 accordance with this section. The commission has exclusive
 373 jurisdiction in the exercise of authority provided by this
 374 section, and no other public entity within the county may
 375 require a person to pay a fee to exercise authority provided by
 376 this section. A transportation network company that desires to
 377 operate in the county must first acquire a certificate from the
 378 commission. The commission shall issue a certificate if a
 379 transportation network company:

380 (a) Submits evidence to the commission demonstrating the
 381 following:

382 1. Proof of insurance meeting the requirements of
 383 subsection (2);

384 2. Proof that the company maintains a resident agent for
 385 service of process in the state; and

386 3. Proof that the company is registered to do business in
 387 the state.

388 (b) Pays to the commission an application fee of \$5,000.

389 (2) A transportation network company driver, or a
 390 transportation network company on the driver's behalf, must
 391 comply with the following insurance requirements:

392 (a) A transportation network company driver, or a
 393 transportation network company on the driver's behalf, shall
 394 maintain primary automobile insurance that recognizes that the
 395 driver is a transportation network company driver or that the
 396 driver otherwise uses a transportation network company driver
 397 vehicle to transport riders for compensation. Such insurance
 398 must cover the driver as required under this section, including
 399 while the driver is logged onto the transportation network
 400 company's digital network and engaged in a prearranged ride.

401 (b) The following automobile insurance requirements apply
 402 while a participating transportation network company driver is
 403 logged onto the transportation network company's digital network
 404 and is available to receive transportation requests, but is not
 405 engaged in a prearranged ride:

406 1. Primary automobile insurance of at least \$50,000 for
 407 death and bodily injury per person, \$100,000 for death and
 408 bodily injury per incident, and \$25,000 for property damage; and

409 2. Primary automobile insurance that provides the minimum
 410 coverage requirements under ss. 627.730-627.7405, Florida
 411 Statutes.

412 (c) While a transportation network company driver is
 413 engaged in a prearranged ride, the following automobile
 414 insurance requirements apply:

415 1. Primary automobile liability insurance of at least \$1
 416 million for death and bodily injury and \$50,000 for property
 417 damage.

418 2. Primary automobile liability insurance that provides
 419 the minimum coverage requirements for a limousine under ss.
 420 627.730-627.7405, Florida Statutes.

421 (d) The coverage requirements of paragraphs (b) and (c)
 422 may be satisfied by any of the following:

423 1. Automobile insurance maintained by the transportation
 424 network company driver;

425 2. Automobile insurance maintained by the transportation
 426 network company; or

427 3. Any combination of subparagraphs 1. and 2.

428 (e) If automobile insurance maintained by a driver under
 429 paragraph (b) or paragraph (c) has lapsed or does not provide
 430 the required coverage, automobile insurance maintained by a
 431 transportation network company must provide the coverage
 432 required by this section beginning with the first dollar of a
 433 claim and must require that the insurer have the duty to defend
 434 such claim in the state.

435 (f) Coverage under an automobile insurance policy
 436 maintained by a transportation network company may not be
 437 dependent on a personal automobile liability insurance policy
 438 first denying a claim.

439 (g) Notwithstanding any other provision of law, automobile
 440 insurance required by this section may be placed with an insurer
 441 authorized to do business in the state or with a surplus lines
 442 insurer eligible under the Surplus Lines Law under ss. 626.913-
 443 626.937, Florida Statutes.

444 (h) Automobile insurance satisfying the requirements of
 445 this section is deemed to satisfy the financial responsibility
 446 requirements for a motor vehicle under chapter 324, Florida
 447 Statutes, and the security required under s. 627.733, Florida
 448 Statutes.

449 (i) A transportation network company driver shall carry
 450 proof of insurance coverage satisfying paragraphs (b) and (c) at
 451 all times during his or her use of a transportation network
 452 company driver vehicle in connection with a transportation
 453 network company's digital network. In the event of an accident:

454 1. The driver shall provide the insurance coverage
 455 information to the directly involved parties, automobile
 456 insurers, and investigating police officers. Proof of financial
 457 responsibility may be provided through a digital telephone
 458 application under s. 316.646, Florida Statutes, controlled by a
 459 transportation network company.

460 2. The driver, upon request, shall disclose to the
 461 directly involved parties, automobile insurers, and
 462 investigating police officers whether the driver, at the time of
 463 the accident, was logged onto the transportation network
 464 company's digital network or engaged in a prearranged ride.

465 (j) Before a driver may accept a request for a prearranged
 466 ride on the transportation network company's digital network,
 467 the transportation network company shall disclose in writing to
 468 each transportation network company driver each type of:

469 1. Insurance coverage and the limit for each coverage the
 470 transportation network company provides while the driver uses a
 471 transportation network company vehicle in connection with a
 472 transportation network company's digital network; and

473 2. That the driver's automobile insurance policy,
 474 depending on its terms, might not provide any coverage while the
 475 driver is logged onto the transportation network company's
 476 digital network and is available to receive transportation
 477 requests or is engaged in transportation network company
 478 service.

479 (k) An insurer that provided personal automobile insurance
 480 policies under part XI of chapter 627, Florida Statutes, may
 481 exclude from coverage under a policy issued to an owner or
 482 operator of a personal vehicle any loss or injury that occurs
 483 while a transportation network company driver is logged onto a
 484 transportation network company's digital network or while a
 485 driver is engaged in a prearranged ride. Such right to exclude

486 coverage applies to any coverage under an automobile insurance
 487 policy, including, but not limited to:

488 1. Liability coverage for bodily injury and property
 489 damage.

490 2. Personal injury protection coverage under s. 627.736,
 491 Florida Statutes.

492 3. Uninsured and underinsured motorist coverage.

493 4. Medical payments coverage.

494 5. Comprehensive physical damage coverage.

495 6. Collision physical damage coverage.

496 (1) The exclusions authorized under paragraph (k) apply
 497 notwithstanding any financial responsibility requirements under
 498 chapter 324, Florida Statutes. This section does not require or
 499 imply that a personal automobile insurance policy provide
 500 coverage while the driver is logged onto a transportation
 501 network company's digital network, while such driver is engaged
 502 in a prearranged ride, or while such driver uses a
 503 transportation network company vehicle to transport riders for
 504 compensation. This section does not preclude an insurer from
 505 providing coverage by contract or endorsement for such driver's
 506 vehicle.

507 (m) An insurer that excludes coverage, as authorized under
 508 paragraph (k):

509 1. Does not have a duty to defend or indemnify any claim
 510 excluded. This section does not invalidate or limit an exclusion

511 contained in a policy, including any policy in use or approved
 512 for use in the state before enactment of this section.

513 2. Has a right of contribution against other insurers that
 514 provide automobile insurance to the same driver in satisfaction
 515 of coverage requirements of this section at the time of loss if
 516 the insurer defends or indemnifies a claim against a driver
 517 which is excluded under the terms of its policy.

518 (n) In a claims investigation, a transportation network
 519 company and any insurer potentially providing coverage for such
 520 claim under this section shall cooperate to facilitate the
 521 exchange of relevant information with directly involved parties
 522 and insurers of the transportation network company driver, if
 523 applicable. Such information must provide:

524 1. The precise times that such driver logged on and off
 525 the transportation network company's digital network during the
 526 12-hour period immediately before and immediately after the
 527 accident.

528 2. A clear description of the coverage, any exclusions,
 529 and limits provided under any automobile insurance maintained
 530 under this section.

531 (3) Before allowing a person to act as a transportation
 532 network company driver on its digital platform, and at least
 533 once every year thereafter, a transportation network company
 534 shall:

535 (a) Require the person to submit an application to the
 536 company, including his or her address, date of birth, driver

537 license number, driving history, motor vehicle registration,
 538 automobile liability insurance, and other information required
 539 by the company.

540 (b) Conduct, or have a third party conduct, a criminal
 541 background check for the person, including:

542 1. A Multi-State/Multi-Jurisdiction Criminal Records
 543 Locator or other similar commercial national database with
 544 validation.

545 2. The Dru Sjodin National Sex Offender Public Website.

546 (c) Obtain and review a driving history research report
 547 for the person.

548 (4) A transportation network company shall prohibit a
 549 person from acting as a driver on its digital network if the
 550 background check conducted under subsection (3) reveals that the
 551 person:

552 (a) Has had more than three moving violations in the
 553 preceding 3-year period or one violation of the following in the
 554 preceding 3-year period:

555 1. Fleeing or attempting to elude a law enforcement
 556 officer;

557 2. Reckless driving; or

558 3. Driving with a suspended or revoked license;

559 (b) Has been convicted, within the previous 7 years, of
 560 driving under the influence of drugs or alcohol; fraud; a sexual
 561 offense; use of a motor vehicle to commit a felony; or a crime
 562 involving property damage or theft, an act of violence, or an

563 act of terror;
 564 (c) Is a match in the Dru Sjodin National Sex Offender
 565 Public Website;
 566 (d) Does not possess a valid driver license;
 567 (e) Does not possess proof of registration for the motor
 568 vehicle used to provide transportation network company service;
 569 (f) Does not possess proof of automobile liability
 570 insurance for the motor vehicle used to provide transportation
 571 network company service; or
 572 (g) Has not attained the age of 19 years.
 573 (5) (a) Within 60 days after beginning service as a
 574 transportation network company driver, a transportation network
 575 company driver vehicle shall be inspected by a certified
 576 automobile mechanic operating in the state. The inspection shall
 577 verify that the following components are in safe operating
 578 condition:
 579 1. Foot brakes.
 580 2. Emergency parking brake.
 581 3. Suspension/steering mechanism.
 582 4. Windshield.
 583 5. Rear window and other glass.
 584 6. Windshield wipers.
 585 7. Headlights.
 586 8. Taillights.
 587 9. Turn indicator lights.
 588 10. Brake lights.

- 589 11. Front seat adjustment mechanism.
 590 12. Doors (open/close/lock).
 591 13. Horn.
 592 14. Speedometer.
 593 15. Bumpers.
 594 16. Muffler and exhaust system.
 595 17. Condition of tires, including tread depth.
 596 18. Interior and exterior rear view mirrors.
 597 19. Safety belts for drivers and passengers.
 598 (b) Within 60 days after beginning service, a
 599 transportation network driver must submit to a transportation
 600 network company with whom the driver is affiliated an inspection
 601 form completed within the previous year by a certified mechanic
 602 showing that the vehicle has passed the inspection required
 603 under paragraph (a).
 604 (6) (a) A company may not discriminate against a driver on
 605 the basis of race, color, national origin, religious belief or
 606 affiliation, sex, disability, age, or sexual orientation. A
 607 company shall adopt a policy to assist a driver who reasonably
 608 believes that he or she has received a negative rating from a
 609 passenger because of his or her race, color, national origin,
 610 religious belief or affiliation, sex, disability, age, or sexual
 611 orientation.
 612 (b) A company shall adopt a policy of nondiscrimination on
 613 the basis of destination, race, color, national origin,
 614 religious belief or affiliation, sex, disability, age, or sexual

615 orientation with respect to passengers and potential passengers
 616 and shall notify drivers of the policy.

617 (c) A driver shall comply with the nondiscrimination
 618 policy.

619 (d) A driver shall comply with all applicable laws
 620 relating to the accommodation of service animals.

621 (e) A company may not impose additional charges for
 622 providing transportation network company service to persons with
 623 physical disabilities because of those disabilities.

624 (7) A transportation network company driver may not:

625 (a) Accept a ride other than a ride arranged through a
 626 digital network.

627 (b) Solicit or accept street hails.

628 (c) Solicit or accept cash payments from passengers. A
 629 company shall adopt a policy prohibiting solicitation or
 630 acceptance of cash payments from passengers and notify drivers
 631 of such policy. Such policy must require a payment for
 632 transportation network company service to be made electronically
 633 using the company's digital network or software application
 634 service.

635 (8) A transportation network company may collect a fare on
 636 behalf of a driver for service provided to a passenger. However,
 637 if a fare is collected from a passenger, the company shall
 638 disclose to the passenger the fare calculation method on its
 639 website or within its software application. The company shall
 640 also provide the passenger with the applicable rates being

641 charged and the option to receive an estimated fare before the
 642 passenger enters the driver's vehicle.

643 (9) A transportation network company's software
 644 application service or website shall display a picture of the
 645 driver and the license plate number of the motor vehicle used to
 646 provide transportation network company service before the
 647 passenger enters the driver's vehicle.

648 (10) Within a reasonable period of time, the company shall
 649 provide an electronic receipt to the passenger which lists:

- 650 (a) The origin and destination of the trip.
- 651 (b) The total time and distance of the trip.
- 652 (c) An itemization of the total fare paid.

653 (11) A transportation network company shall maintain
 654 records relating to transportation network company services in
 655 compliance with applicable local, state, and federal laws.

656 (12) (a) If the commission has reasonable cause to believe
 657 that a transportation network company driver or transportation
 658 network company has violated the requirements of this section,
 659 the commission may request records necessary to investigate and
 660 resolve the inquiry. The company shall, in a reasonable
 661 timeframe, make such records available for inspection at a
 662 mutually agreeable location in the county.

663 (b) No more than once a year, the commission is authorized
 664 to inspect the records of a transportation network company to
 665 verify that the company is in compliance with this section. The
 666 inspection shall be on an audit, rather than a comprehensive,

667 basis. The inspection shall consist of an onsite review of the
 668 records maintained by the company which are necessary to
 669 evaluate the company's compliance with this section and shall
 670 take place at a mutually agreeable location in the county.

671 (13) Notwithstanding section 5 and any other provision of
 672 law, transportation network companies, transportation network
 673 company drivers, and transportation network company driver
 674 vehicles subject to the jurisdiction of this act shall be
 675 governed exclusively by this section. The commission may enforce
 676 this section within the county, but may not adopt any rules or
 677 regulations related to transportation network companies,
 678 transportation network company drivers, and transportation
 679 network company driver vehicles.

680 (14) Notwithstanding any other provision of law, a
 681 transportation network company driver and transportation network
 682 company driver vehicle authorized to operate in any other
 683 jurisdiction of the state is authorized to operate in the
 684 county, including picking up a rider, dropping off a rider, or
 685 conducting a trip between two points within the county.

686 Section 11.10. Enforcement.—The commission and law
 687 enforcement agencies operating within the county are responsible
 688 for the enforcement of this act and any rules adopted in
 689 accordance with this act. Commission inspectors may call upon
 690 any law enforcement officer within an appropriate jurisdiction
 691 to assist in the enforcement of this act and any rules adopted
 692 in accordance with this act. The commission may, through any of

693 its inspectors obtain from the state attorney a warrant or
 694 capias for violation of this act or any rule adopted under this
 695 act.

696 Section ~~12.11~~. Violation of act; penalty.-

697 (1) In addition to any other civil penalties contained
 698 elsewhere in this act, any person who violates or fails to
 699 comply with or who procures, aids, or abets in the violation of
 700 any provision of this act or any rules adopted in accordance
 701 with this act is guilty of a criminal offense and misdemeanor in
 702 accordance with section 775.08, Florida Statutes, and is
 703 punishable as provided by law.

704 (2) Any person who operates a public vehicle upon the
 705 public highways without a certificate, permit, or public vehicle
 706 driver ~~driver's~~ license as provided by this act and any rules
 707 adopted in accordance with this act, or who operates a public
 708 vehicle using a canceled certificate, or who violates any of the
 709 provisions of this act or any rules adopted in accordance with
 710 this act may be enjoined by the courts of this state from any
 711 such violation.

712 Section ~~13.12~~. Citations; administrative hearings; persons
 713 aggrieved or substantially affected.

714 (1) (a) Whenever evidence has been obtained or received
 715 establishing reasonable cause that a violation of this act or
 716 rules adopted in accordance with this act is occurring or has
 717 occurred, the commission or director or any interim director may

718 issue a citation and serve the alleged violator by personal
 719 service or certified mail.

720 (b) The commission and, if authority has been delegated
 721 the director, interim director or hearing officer, may convene
 722 administrative hearings to abate, correct or assess civil
 723 penalties for a violation for which a citation has been served.

724 (c) Failure to request an administrative hearing by
 725 service of notice of appeal within 20 days after service of a
 726 citation shall constitute a waiver thereof, and any such
 727 unappealed citation shall become a final administrative decision
 728 of the commission by operation of law.

729 (2) Any person aggrieved by an action of commission staff,
 730 including the director, any interim director, an inspector, or a
 731 hearing officer may appeal to the commission for an
 732 administrative hearing by filing within 20 days after the date
 733 of the action, a written notice of appeal which shall concisely
 734 identify the matter contested and the reasons or grounds
 735 therefore. Any notice of appeal shall be filed at the business
 736 office of the commission, and an administrative hearing shall be
 737 held solely before the commission and in accordance with rules
 738 adopted by the commission for that purpose.

739 (3) Any person aggrieved by a final administrative
 740 decision of the commission or, when delegated, the director,
 741 interim director, or hearing officer, may seek judicial review
 742 in accordance with the Florida Administrative Procedure Act.

743 (4) Any person substantially affected by a rule or
 744 proposed rule of the commission may seek an administrative
 745 determination of the invalidity of the rule pursuant to section
 746 120.56, Florida Statutes.

747 Section ~~14.13~~. Variance and waiver.—

748 (1) A variance and waiver may only be granted at a public
 749 meeting upon affirmative vote of 5 members of the commission.
 750 Notice of the petition and notice of the disposition of the
 751 petition for variance or waiver need not be provided to the
 752 Department of State. A copy of the petition and the order
 753 granting or denying the petition for variance and waiver need
 754 not be filed with the Joint Administrative Procedures Committee.
 755 The commission need not file reports with the Governor,
 756 President of the Senate, and Speaker of the House of
 757 Representatives regarding the type and disposition of each
 758 petition for variance and waiver. The commission's decision to
 759 grant or deny the petition for variance and waiver is not
 760 subject to sections 120.569 and 120.57, Florida Statutes.

761 (2) Any person aggrieved by a commission decision to grant
 762 or deny a petition for a variance and waiver may seek judicial
 763 review in accordance with the Florida Administrative Procedure
 764 Act.

765 Section ~~15.14~~. County responsibility.—The commission and
 766 the board shall execute an interlocal agreement that must
 767 include the appropriation of a sum of money to the commission to

768 be negotiated and paid by the board to the commission for a
 769 period of 3 years beginning October 1, 2000.

770 Section ~~16.15.~~ Recodification.—Prior to July 1, 2011, and
 771 prior to July 1 every 10 years thereafter or as may otherwise be
 772 required by the Legislature or the Hillsborough County
 773 Legislative Delegation, the Hillsborough Delegation shall review
 774 this act and all acts that amend this act for the purpose of
 775 determining whether there is a need for consolidating,
 776 compiling, revising, and recodifying such acts. If it is
 777 determined there is such a need, the delegation may require the
 778 commission to prepare such legislation as may be necessary for
 779 that purpose.

780 Section ~~17.16.~~ Savings clause for rules.—The rules of the
 781 commission in effect on the effective date of this act shall
 782 remain in effect for a period not to exceed one year from that
 783 date to permit the commission sufficient time to revise or
 784 repeal its rules in conformance with this act.

785 Section ~~18.17.~~ Dissolution.—The district may be dissolved
 786 in accordance with the provisions of section 189.4042, Florida
 787 Statutes.

788 Section ~~19.18.~~ Severance clause.—If any provision of this
 789 act or its application is held invalid, it is the legislative
 790 intent that the invalidity shall not affect other provisions or
 791 applications of the act which can be given effect without the
 792 invalid provision or application, and to this end the provisions
 793 of this act are declared severable.

794 Section ~~20.19~~. Chapters 83-423, 87-496, 88-493, 95-490,
 795 and 2000-441, Laws of Florida, are repealed. Such repeal does
 796 not affect the prosecution of any cause of action that accrued
 797 before the effective date of the repeal and does not affect
 798 actions of the Commission prior to the effective date of the
 799 repeal.

800 Section 6. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7065 PCB EDTS 16-01 Workforce Development
SPONSOR(S): Economic Development & Tourism Subcommittee, Drake
TIED BILLS: **IDEN./SIM. BILLS:** SB 7040

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Development & Tourism Subcommittee	13 Y, 0 N, As CS	Lukis	Duncan
1) Appropriations Committee	26 Y, 0 N	Proctor	Leznoff
2) Economic Affairs Committee		Lukis <i>AL</i>	Pitts <i>TP</i>

SUMMARY ANALYSIS

The bill modifies Florida's workforce development system to begin the process of the state's implementation of the federal Workforce Innovation and Opportunity Act (WIOA). Specifically, the bill:

- replaces the name of the previous federal law, the Workforce Investment Act of 1998 (WIA), with that of the current law, WIOA, and amends other references and nomenclature throughout the Florida statutes to reflect the terminology and workforce assistance structure contemplated by WIOA;
- specifies that the Incumbent Worker Training Program administration should comply with WIOA;
- changes the state five year plan requirement required under WIA to a new four year state plan (to implement WIOA) and amends the process for creating and amending the state's workforce development strategy;
- requires a memorandum of understanding (MOU) between CareerSource Florida, Inc., and the Department of Education (DOE) to ensure requirements of WIOA are met in compliance with the state plan;
- requires local workforce development boards to enter into an MOU with each mandatory or optional partner that participates in the one-stop delivery system, which details the partner's required contribution to infrastructure costs as required in WIOA;
- requires the Department of Economic Opportunity to consult with DOE on the preparation of the "economic security report of employment and earning outcomes" for degrees or certificates earned at public postsecondary educational institutions;
- expands the CareerSource Board to include representation from Enterprise Florida, Inc., the Division of Career and Adult Education of DOE, and other entities as determined to be necessary;
- uses "performance accountability measures" established by contract between CareerSource and core program partners to assess performance of the state's workforce system strategy; and
- aligns the requirements of local workforce development board membership and structure to the requirements of WIOA.

The bill appears to have an indeterminate but likely minimal impact on state expenditures. Initial implementation costs will be absorbed through CareerSource's federal funding. See the FISCAL COMMENTS section of this analysis for additional detail.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

Florida's Workforce System

Background

Like all states, Florida's workforce system is organized pursuant to federal law.¹ Federal workforce laws provide structural requirements for workforce programs and partners, and investment and support in employment services, workforce development activities, job training, adult education, and vocational training throughout the country.²

Although there have been changes over the years, the law that formed the basis for Florida's current workforce system (and other states' workforce systems) is the Workforce Investment Act of 1998 (WIA), which Florida lawmakers largely implemented under the Workforce Innovation Act of 2000 (Act).³

Under the Act, four primary entities (or group of entities) are tasked with administering Florida's workforce system: CareerSource Florida, Inc. (CareerSource), the Department of Economic Opportunity (DEO), the state's 24 Regional Workforce Boards (RWBs), and the state's numerous "one-stop career centers."⁴ As discussed below, each works together and has overlapping responsibilities.⁵

CareerSource Florida, Inc.

CareerSource, a nonprofit corporation administratively housed within DEO, is the "principal workforce policy organization for the state."⁶ CareerSource works in conjunction with DEO and provides state-level workforce policy and planning, and evaluates the performance of various workforce related programs.⁷ CareerSource also oversees various activities implemented by the RWBs.⁸ CareerSource is governed by a board of directors, the majority of which must be representatives from the private sector appointed by the Governor.⁹

Department of Economic Opportunity

DEO assists CareerSource in developing and disseminating policies and provides technical assistance to CareerSource and the RWBs.¹⁰ 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.¹¹ DEO also serves as the administrative agency designated for receipt of federal workforce development grants.¹²

¹ See s. 445.003, F.S.

² Library of Congress, 113th Congress (2013-2014), H.R. 803 Section 102 – Workforce Innovation and Opportunity Act, Congress.gov, available at <https://www.congress.gov/bill/113th-congress/house-bill/803/text> (last visited Dec. 8, 2015).

³ Ch. 445, F.S.

⁴ See *id.*

⁵ See *id.*

⁶ Section 445.004(1)-(2), F.S.

⁷ See s. 445.004, F.S.

⁸ See s. 445.004(4)-(11), F.S.

⁹ Section 445.004(3), F.S.

¹⁰ See *id.*; see also DEO's workforce tab on its website at: <http://floridajobs.org/workforce-board-resources> (last visited Feb. 5, 2015).

¹¹ Section 20.60(5)-(6), F.S.

¹² Section 20.60(6), F.S.

Regional Workforce Boards and One-Stop Career Centers

The RWBs, which take policy directives from CareerSource and program and fiscal directives from DEO¹³, develop local workforce plans and directly oversee workforce development activities within the RWBs' regions.¹⁴ The RWBs also may designate within their jurisdictions "one-stop delivery system" operators.¹⁵ One-stop delivery systems, which contain one-stop career centers, serve as the state's primary structures for customer-service strategy to offer every Floridian workforce services.¹⁶ Any public or private entity that is eligible to provide services under any state or federal workforce program approved by CareerSource may be designated as a one-stop delivery system operator.¹⁷

The one-stop career centers directly deliver employment services to job seekers and employers and carry-out certain state and federal workforce programs.¹⁸ Services may include, but are not limited to the following:

- job search, referral, and placement assistance;
- career counseling and educational planning;
- child care and transportation assistance;
- adult education and basic skills training;
- technical training leading to a certification or degree;
- claim filing for reemployment assistance; and
- temporary income, health, nutritional, and housing assistance.¹⁹

There are nearly 100 one-stop career centers throughout the state.²⁰

In addition to and in concert with CareerSource, DEO, the RWBs and one-stop career centers, many partner organizations, programs, and entities, both state and federal, play a major role in the day to day assistance and development of Florida's workforce system.²¹

State Plan

All of the entities and partners that participate in Florida's workforce system currently do so according to a five-year strategic plan developed by CareerSource in conjunction with such entities and partners.²² The strategic plan must be updated by January 1 of each year, must include criteria for allocating workforce resources to RWBs,²³ and must include strategies for the following:

- fulfilling the workforce system goals and strategies prescribed by law²⁴;

¹³ Section 20.60(5)(c), F.S.

¹⁴ See s. 445.007, F.S.

¹⁵ Section 445.009(2), F.S.

¹⁶ See s. 445.009, F.S.

¹⁷ Section 445.009(2), F.S.

¹⁸ Section 445.009, F.S.

¹⁹ Section 445.009(1), F.S.

²⁰ CareerSource Service Center Directory at: <http://www.floridajobs.org/onestop/onestopdir/> (last visited on Dec. 22, 2015).

²¹ See Workforce Florida, Inc., Five Year Strategic Plan (2010-2015), p. 8 #7. (Strategic plan is on file with House staff.) See also: CareerSource Workforce Programs at: <http://www.floridajobs.org/office-directory/division-of-workforce-services/workforce-programs>. Last visited, Dec. 22, 2015.

²² Section 445.003(2), F.S.

²³ Section 445.006(4), F.S.

²⁴ Section. 445.004(10), F.S.: "The workforce development strategy for the state shall be designed by CareerSource Florida, Inc. The strategy must include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace. The strategy must also assist employers in upgrading or updating the skills of their employees and assisting workers to acquire the education or training needed to secure a better job with better wages. The strategy must assist the state's efforts to attract and expand job-creating businesses offering high-paying, high-demand occupations."

- aggregating, integrating, and leveraging workforce system resources;
- coordinating the activities of federal, state, and local workforce system partners;
- addressing the workforce needs of small businesses; and
- fostering the participation of rural communities and distressed urban cores in the workforce system.²⁵

Further, CareerSource must establish an *operational* plan to implement the state strategic plan.²⁶ CareerSource must submit the operational plan to the Governor and the Legislature along with the strategic plan and reflect the allocation of resources as appropriated by the Legislature.

As a component of the operational plan, CareerSource must develop a workforce marketing plan, with the goal of educating individuals inside and outside the state about Florida's employment market conditions.²⁷ The operational plan must also include performance measures, measurement criteria, and contract guidelines with respect to participants in the welfare transition program²⁸ and strategies that are designed to prevent or reduce the need for a person to receive public assistance.²⁹

Performance Review

Florida law requires CareerSource to establish, in collaboration with the RWBs and in consultation with the Office of Program Policy Analysis and Government Accountability (OPPAGA), uniform measures and standards to gauge the performance of the state's workforce development strategy. The measures and standards must be organized into three "outcome tiers".³⁰

- The first tier "must be organized to provide benchmarks for system-wide outcomes."³¹
- The second tier "must be organized to provide a set of benchmark outcomes for the strategic components of the workforce development strategy."³²
- The third tier "must be the operational output measures to be used by the agency implementing programs, which may be specific to federal requirements."³³

By December 1 of each year, CareerSource has to provide the Legislature with a report detailing the performance of Florida's workforce development system, as reflected in the three-tier system.³⁴ The report also must benchmark Florida outcomes for all tiers as compared with other states that collect data similarly.³⁵

In addition, the Auditor General may conduct an audit of CareerSource, or the programs or entities created by CareerSource.³⁶ OPPAGA may also review the systems and controls related to performance outcomes and quality of services offered by CareerSource and its partners.³⁷

²⁵ Section 445.006(1), F.S.

²⁶ Section 445.006(2), F.S.

²⁷ *Id.*

²⁸ Section 445.006(3), F.S.

²⁹ Section 445.006(6), F.S.

³⁰ Section 445.004(9), F.S.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Section 445.004(8).

³⁷ *Id.*

Economic Security Report

In tune with requiring an organized performance review of Florida's workforce system, Florida law also requires DEO to prepare, or contract with an entity to prepare, an annual economic security report of employment and earning outcomes for degrees or certificates earned at public post-secondary educational institutions.³⁸ The report must be clear and accessible to the public, available online, and include the following:

- data on the employment of graduates of a degree or certificate program from a public postsecondary educational institution the year after and five years after the degree or certificate is earned by number and percentage; and
- data on the earnings of graduates of a degree or certificate program from a public postsecondary educational institution the year after earning the degree or certificate.³⁹

The Workforce Innovation and Opportunity Act (2014)⁴⁰

Background

On July 22, 2014, the President of the United States signed into law a new federal workforce law to replace WIA: the Workforce Innovation and Opportunity Act (WIOA).⁴¹

WIOA maintains the broad framework of WIA (i.e., it maintains a centralized structure of power with a statewide workforce board and a form of regional boards and one-stop centers), but includes provisions aimed at unifying workforce system partners and providers, streamlining programs, easing reporting requirements, and reducing administrative barriers.

The Federal Register Online lays out the major changes in WIOA:⁴²

- WIOA requires a single state four-year plan that governs workforce programs as one system and connects strategic needs with service strategies.
- WIOA streamlines the governing bodies that establish state, regional and local workforce investment priorities by reducing the size of state and local workforce boards and assigning them additional responsibilities.
- WIOA creates a common performance accountability system and information system for job seekers and the public. WIOA also ensures that Federal investments in employment, education, and training programs are evidence-based and data-driven, and accountable to participants and the public.
- WIOA promotes alignment of workforce development programs with regional economic development strategies to meet the needs of local and regional employers.
- WIOA helps jobseekers and employers acquire the services they need in one-stop centers and online by clarifying the roles and responsibilities of the one-stop partner programs, adding the Temporary Assistance for Needy Families "TANF" program as a required one-stop partner

³⁸ Section 445.07(1), F.S.

³⁹ Section 445.07(2), F.S.

⁴⁰ As used here and throughout this analysis, information related to WIOA stems from both the text of the law as well as the proposed rules, through which the United States Department of Labor will implement WIOA. The proposed rules are available at <https://www.federalregister.gov/articles/2015/04/16/2015-05530/workforce-innovation-and-opportunity-act-notice-of-proposed-rulemaking#h-13>. Last visited December 29, 2015.

⁴¹ 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 Dec 8, 2015).

⁴² Federal Register, Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking. Supplementary Information: III. B. Major Changes From Current Workforce Investment Act of 1998. Available at: <https://www.federalregister.gov/articles/2015/04/16/2015-05530/workforce-innovation-and-opportunity-act-notice-of-proposed-rulemaking#h-13>. Last visited, December 21, 2015.

(unless the Governor objects), requiring competitive selection of one-stop operators, and requiring the use by the one-stop system of a common one-stop delivery identifier or brand.

- WIOA stresses physical and programmatic accessibility, including the use of accessible technology to increase individuals with disabilities' access to high quality workforce services.
- WIOA emphasizes services to disconnected youth to prepare them for successful employment by increasing required spending on out-of-school youth programs and work-based training activities at the local level including on-the-job training and summer jobs. WIOA also increases out-of-school youths' access to WIOA services, including pre-apprenticeship programs that result in registered apprenticeships.
- WIOA ensures the workforce system is job-driven—matching employers with skilled individuals. In doing so, WIOA requires local boards (discussed below) to promote the use of industry and sector partnerships that include key stakeholders in an industry cluster or sector that work with public entities to identify and address the workforce needs of multiple employers.

Additionally, WIOA requires robust relationships across programs and with businesses, economic development, education and training institutions, including community colleges and career and technical education, local entities, and supportive services agencies.⁴³

Planning Regions, Local Workforce Development Areas, One-Stop Centers, and the State Plan

WIOA's "planning regions", "local workforce development areas", one-stop centers, and the four-year state plan warrant additional review.

WIOA Planning Regions and Local Workforce Development Areas

WIOA requires states to identify planning regions that consist of one or more local workforce development areas.⁴⁴ Local workforce development areas, governed by a local board, serve as jurisdictions for the administration of workforce development activities and execution of federal workforce programs.⁴⁵

According to the proposed WIOA regulations, the purpose of planning regions is to "align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers."⁴⁶ The regulations also recognize that regional cooperation may lower cost and increase the effectiveness of service delivery to businesses and/or industries that span more than one local workforce development area or that cross state borders.⁴⁷

According to WIOA, states should consider the following factors in determining planning regions:

- consistency with labor market areas in the state;
- consistency with regional economic development areas in the state;
- availability of federal and non-federal resources necessary to effectively administer activities under subtitle B and other applicable WIOA provisions, including whether the areas have the appropriate institutions of higher education and area career and technical education schools; and

⁴³ *Id.*

⁴⁴ Federal Register, Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking, Section by Section Analysis, Subpart B, Section 679.200, Published April 16, 2015, available at: <https://www.federalregister.gov/articles/2015/04/16/2015-05530/workforce-innovation-and-opportunity-act-notice-of-proposed-rulemaking>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ CareerSource Florida, Inc., Florida Workforce Innovation and Opportunity Act, Implementation Recommendations, page 7. Available at: http://careersourceflorida.com/wp-content/uploads/2015/11/151120_CombinedAttachments.pdf. Last visited: December 29, 2015.

- input from local elected officials.⁴⁸

Once the state determines its planning regions, local workforce development boards and local elected officials in those regions will use regional economic data to form a regional plan that results in the establishment of regional strategies for service delivery and sector strategies for in-demand industry sectors or occupations for the region.⁴⁹ The plan should identify ways in which the region will coordinate services and the establishment of administrative cost arrangements, including the pooling of funds for administrative costs as appropriate.⁵⁰

Changes to the structure and operation of one-stop centers

WIOA identifies “one-stop required partner programs” that include a variety of federally funded employment and training programs administered by a number of federal agencies including the United States Department of Labor, United States Department of Education and the United States Department of Health and Human Services.⁵¹ Some required programs are also “core” programs, which must be part of the state plan.⁵²

According to WIOA, the required partner programs should be delivered through the one-stop system and contribute to the costs of one-stop infrastructure.⁵³ The required one-stop career center partner programs identified under WIOA are the following:

- WIOA Adult, Dislocated Worker and Youth programs (core);
- Wagner-Peyser Employment Service (core);
- Adult Education and Literacy (core);
- Vocational Rehabilitation (core);
- Title V of Older Americans Act (Senior Community Service Employment Program);
- Perkins Career and Technical Educational (CTE) programs;
- Trade Adjustment Assistance (TAA);
- Veterans Employment and Training;
- Community Services Block Grant (CSBG) employment programs;
- HUD employment programs;
- Unemployment Insurance;
- Second Chance Act; and
- Temporary Assistance to Needy Families (TANF).⁵⁴

WIOA also identifies various additional partner programs that may be part of a local one-stop delivery system.⁵⁵ These include the following:

- Social Security Administration employment and training programs;
- Florida Small Business Development Center Network;
- Supplemental Nutrition Assistance Program (SNAP) employment and training programs;

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* at 8.

⁵² *Id.* at 11.

⁵³ *Id.* at 8.

⁵⁴ *Id.*

⁵⁵ *Id.*

- Vocational Rehabilitation special projects and demonstrations;
- National and Community Service Act programs; and
- other federal, state or local programs.⁵⁶

The WIOA one-stop career center required programs provide the funding and authorization for delivery of a host of employment and training services.⁵⁷ Each program has its own rules and regulations; however, WIOA's vision is that these required programs have a coordinated and integrated service delivery structure to facilitate improved outcomes and customer experiences for both employers and job seekers.⁵⁸ To that end, WIOA specifically identifies the following roles and responsibilities of required partner programs:

- 1) provide access through the one-stop delivery system to such program or activities, including career services;
- 2) use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers;
- 3) enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop system;
- 4) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding and legal requirements; and
- 5) provide representation on the state board to the extent provided under WIOA.⁵⁹

One-stop center cost sharing under WIOA

WIOA Section 121 outlines the requirements for the establishment of one-stop delivery systems.⁶⁰ This section states that infrastructure costs must be shared by all of the required partners in the system.⁶¹ Infrastructure costs are defined as non-personnel costs that are necessary for the general operation of the one-stop career center, including:

- rental costs of facilities;
- costs of utilities and maintenance;
- equipment, including assessment related products and assistive technology for individuals with disabilities; and
- technology to facilitate access to the one-stop career center, including one-stop planning and outreach activities.⁶²

In each local workforce development area, the local workforce development board, chief elected officials and one-stop career center partners are charged with agreeing on a methodology for determining the infrastructure cost contributions.⁶³ These agreements will be captured in memorandums of understanding among the local board and the one-stop career center partners.⁶⁴

⁵⁶ *Id.* at 8-9.

⁵⁷ *Id.* at 9.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.* at 9-10.

⁶² CareerSource Florida, Inc., Florida Workforce Innovation and Opportunity Act, Implementation Recommendations, page 10.

Available at: http://careersourceflorida.com/wp-content/uploads/2015/11/151120_CombinedAttachments.pdf. Last visited: December 29, 2015.

⁶³ *Id.*

⁶⁴ *Id.*

To be eligible for infrastructure funds, one-stop career centers must be certified by local boards as meeting criteria regarding the effectiveness and the physical and programmatic accessibility of the center in accordance with the Americans with Disabilities Act of 1990, and continuous improvement of one-stop career centers and the one-stop delivery system. This certification must occur every three years.⁶⁵

WIOA leaves the negotiation of infrastructure cost sharing to the local workforce development area.⁶⁶ If local officials are unable to reach consensus, an infrastructure funding methodology determined by the Governor that is based upon the following WIOA guidelines must be used.⁶⁷

- Adult, Dislocated Worker and Youth shall not exceed 3 percent of the federal funds provided to the state.⁶⁸
- Vocational Rehabilitation shall not exceed the following:
 - .75 percent of the federal funds provided to the state in the second full program year;
 - 1 percent of the federal funds provided to the state in the third full program year;
 - 1.25 percent of the federal funds provided to the state in the fourth full program year; and
 - 1.5 percent of the federal funds provided to the state in the fifth full program year and in each succeeding year.⁶⁹
- Other partners shall not exceed 1.5 percent of the federal funds provided to the state.⁷⁰

State four year plan: "Combined" vs. "Unified"

WIOA requires a single, "Unified State Plan" covering all core programs authorized under the law, which include the following:

- Adult, Dislocated Worker and Youth workforce investment activities in title I, subtitle B;
- Adult Education and Literacy activities in title II;
- employment service activities authorized by the Wagner-Peyser Act and title III; and
- vocational rehabilitation services in title IV and title I of the Rehabilitation Act of 1973.⁷¹

WIOA also provides an option for states to submit a "Combined Plan" that includes the core programs listed above in addition to plans for one or more of the following workforce programs:

- Career and technical education programs authorized by the Perkins Act Temporary Assistance for Needy Families programs authorized under part A of title IV of the Social Security Act;
- employment and training programs authorized under section 6(d)(4) of the Food and Nutrition Act;
- work programs authorized under section 6(o) of the Food and Nutrition Act;
- trade adjustment assistance activities and NAFTA-TAA;
- veterans' activities authorized under Chapter 41 of title 38 United States Code;
- programs authorized under state unemployment compensation laws;
- Senior Community Service Employment Programs under title V of the Older Americans Act;

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.* at 11.

- employment and training activities carried out by the Department of Housing and Urban Development;
- employment and training activities carried out under the Community Services Block Grant Act; and
- reintegration of offenders programs authorized under section 212 of the Second Chance Act.⁷²

Under WIOA, states are required to submit unified or combined plans by March 2016.⁷³ The plan must describe the state's overall strategy for workforce development and how the strategy meets identified needs for workers, job seekers and employers.⁷⁴ In turn, local plans must describe how services provided at the local level are aligned to regional market needs.⁷⁵

Florida's Workforce Innovation and Opportunity Task Force

Chapter 2015-98, Laws of Florida, created the Workforce Innovation and Opportunity Task Force (Task Force) to "develop recommendations for the state's implementation of the federal Workforce Innovation and Opportunity Act."

The Task Force consisted of the following 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;
- the Chancellor of the State University System or his or her designee;
- 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., and two of his or her designees from regional workforce boards, one of whom must be a representative of a rural regional workforce board;
- the statewide director of the Florida Small Business Development Center Network or his or her designee;

⁷² *Id.* at 11-12.

⁷³ *Id.* at 12.

⁷⁴ *Id.*

⁷⁵ *Id.*

- 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.⁷⁶

The members of the Task Force met six times⁷⁷ over several months to learn about WIOA, deliberate on how best to implement WIOA in Florida, and ultimately develop recommendations, which were submitted to CareerSource's board of directors (Board).⁷⁸ The Board considered and approved the Task Force's recommendations at its November 4, 2015 meeting.⁷⁹ CareerSource subsequently submitted a report, which included the approved recommendations to the Governor, Senate President, and the Speaker of the House of Representatives on November 24, 2015. The following questions and bullet points lay out the Task Force's recommendations as set forth in the report.⁸⁰

*How should Florida's Workforce Innovation and Opportunity Act planning regions be organized?*⁸¹

- The Task Force members presented a variety of regional structures that are currently utilized to serve customers throughout Florida. Because regional planning has the greatest implications for the CareerSource Florida network, much discussion surrounded the impact on the existing local workforce development areas (currently known as regional workforce boards or workforce regions).
- Recommendations submitted through the Task Force process encouraged continuing conversations within the CareerSource Florida Network after the Task Force completed its work. At the September 21, 2015 CareerSource board meeting, the Florida Workforce Development Association (FWDA) and CareerSource proposed a joint recommendation to designate the existing 24 local workforce development areas as WIOA regional planning areas in the first WIOA state plan submitted in March 2016. This plan will specify that the 24 local boards would engage chief elected officials, community and business leaders, economic developers and others in public meetings and hearings leading to recommended regional planning areas for endorsement by the CareerSource Florida board of directors to the Governor for inclusion within the March 2018 update to the March 2016 State Workforce Development Strategic Plan.⁸²

*What should be included in a comprehensive one-stop career center?*⁸³

- One-stop career centers should be inclusive while providing flexibility as it relates to the levels of participation from required partners. The Task Force proposed that CareerSource Florida work with DEO and the core partners to develop a certification tool that provides for a uniform expectation of the levels of service for career centers. The first draft of this tool will be reviewed with the CareerSource Florida Strategic Policy Council in October, while also receiving input from required partners.

⁷⁶ Chapter 2015-98, s. 60(2), L.O.F. 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. Such per diem and travel expenses incurred by a member of the Task Force must be paid from funds budgeted to the state agency or entity that the member represents.

⁷⁷ Two webinars and four in-person meetings: April 29 Webinar, May 14 Meeting, June 11 Meeting, July 16 Meeting, August 6 Meeting, August 27 Webinar

⁷⁸ CareerSource Florida, Inc., Florida Workforce Innovation and Opportunity Act, Implementation Recommendations, available at: http://careersourceflorida.com/wp-content/uploads/2015/11/151120_CombinedAttachments.pdf. Last visited: December 29, 2015.

⁷⁹ By law, the recommendations had to be presented to and approved by the board of directors of CareerSource and ultimately sent in a report to the Governor, the President of the Florida Senate, and the Speaker of the Florida House of Representatives by December 1, 2015. Chapter 2015-98, s. 60(2), L.O.F.

⁸⁰ *Id.* at 7-15.

⁸¹ *Id.* at 7-8.

⁸² *Id.*

⁸³ *Id.* at 8-9. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

*How should WIOA-required one-stop career center partners share infrastructure costs?*⁸⁴

- Task Force members representing the Department of Education Divisions of Blind Services and Vocational Rehabilitation recommended that infrastructure cost sharing be determined by the Department of Education at the state level pursuant to WIOA requirements. For the core program of Adult Education, it was recommended that infrastructure cost negotiations should occur at the local level, where appropriations are made via school districts, and be responsive to the needs of the local workforce development area. Pursuant to requirements set forth in WIOA, CareerSource can assist in local negotiations when an agreement cannot otherwise be reached.
- It was also recommended that Perkins Act funding, although a required career center partner and subject to cost sharing, would not contribute toward infrastructure cost at this time based on the pending federal reauthorization of the program and the need for additional time to explore partnerships with the CareerSource Florida network. Chancellor Rod Duckworth remarked during the Task Force's July 16 meeting that the goal would be to integrate the program, its functions, and infrastructure cost sharing into a combined workforce plan in the future. This was the only required career center partner who submitted a recommendation to delay infrastructure cost sharing.

*Which programs and entities should be included in Florida's workforce development system (combined or unified planning)?*⁸⁵

- Optional combined planning partners should be able to voluntarily participate in workforce development planning as part of Florida's WIOA strategic state plan if they choose. This approach would not require any program or entity to participate in workforce planning other than the required core programs.
- During the Task Force meetings, there were no recommendations to include optional planning partners. Instead, the Task Force discussed submitting an initial unified plan that provides a timeline to incorporate combined planning partners in outlying years. The initial plan would recognize Florida's intention to move toward a combined plan with a staged approach. This would allow for alignment of current planning timeframes, cross training on program collaboration opportunities, and better integration of reporting mechanisms necessary in a combined plan.

*Since WIOA requires common measurement and planning for the core programs, what governance or organizational structure would lead to the best outcomes?*⁸⁶

- While WIOA contemplates state and local workforce development board membership participation from the core programs, additional career center partners and potential combined planning partners should be encouraged to participate. Specifically, the Florida Agency for Persons with Disabilities, the Florida Department of Corrections and the Florida Small Business Development Center Network should serve on the CareerSource Florida Board.
- This recommendation seeks to examine and refine state and local workforce development board makeup to include partners that will lead Florida to a more comprehensive workforce development system.
- Board participation also would provide for those core programs to report their performance accountability measures to the CareerSource Board and to local workforce development boards. Utilizing a mechanism similar to that employed between CareerSource and DEO,

⁸⁴ *Id.* at 9-11. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

⁸⁵ *Id.* at 11-12. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

⁸⁶ *Id.* at 12-13. Materials related to recommendations regarding this topic are included in Attachments 4 and 5 of the Implementation Recommendations.

performance expectations could be set via a memorandum of understanding and reported quarterly to the CareerSource Board through the programs' board representatives.

*How can Florida's workforce development system better share information, systems and/or customers?*⁸⁷

- Resources can best be utilized by integrating existing systems to provide for a common intake and reporting system. Each core program partner and optional partner uses a technology system unique to its constituency, in which all information may not be necessary for intake and reporting for Florida's workforce development system. It follows that Florida's approach should be to align current systems for WIOA compliance, rather than advocating a new information system for all partners.
- Furthermore, some Task Force members recommended that the Employ Florida Marketplace, Florida's job-matching system, should be integrated, as a requirement, into career services available through state college and state university career centers. The Florida College System supports career services utilizing all tools available, including Employ Florida Marketplace.

*What can Florida's workforce development system do to best serve individuals with obstacles to employment?*⁸⁸

- The Task Force recommended that career centers employ universal design principles in their operations, including such requirements in a career center certification tool. It emphasized the importance of universal design for online or technology-oriented resources. It was also suggested that maintaining the integrity of systems for unique constituent populations would be important to be sure job seekers with disabilities are provided every opportunity to be successful. Enhanced board membership that would include the partner programs serving these populations would allow more opportunities for those with specialized needs to be considered in decision making.

*What resources or relationships do you need to implement WIOA?*⁸⁹

- Most Task Force recommendations on this topic centered on process-oriented needs such as memorandums of understanding developed and negotiated at the state level that outline roles and responsibilities. State-level memorandums of understanding could be explored for Department of Education programs as necessary.
- The Task Force recognized that special provisions for lease arrangements in which opportunities for co-location are explored may need to be included in state law along with appropriate partner decision-making processes.
- Enhanced data-sharing arrangements between partners should be explored as necessary to facilitate reporting.

*Other Recommendations.*⁹⁰

- Change state law references from regional workforce board to local workforce development board.
- Utilize WIOA resources to promote registered apprenticeships.
- Cross-train individuals who interface with job seekers on core programs.

⁸⁷ *Id.* at 13. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

⁸⁸ *Id.* at 14. Materials related to recommendations regarding this topic are included in Attachments 3, 4, and 5 of the Implementation Recommendations.

⁸⁹ *Id.* at 14-15. Materials related to recommendations regarding this topic are included in Attachments 4 and 5 of the Implementation Recommendations.

⁹⁰ *Id.* at 15.

- Provide after-hours access to job seekers through expanded career center hours.
- Align state law governing local workforce development board structure to WIOA.

Upon completion of its work, the WIOA Task Force disbanded on September 8, 2015.⁹¹ However, CareerSource must incorporate the Task Force's recommendations into the state's plan required by WIOA.⁹²

Next Steps in WIOA Implementation

CareerSource continues to utilize information and data gathered from its workforce development partners and the Task Force's recommendations to finalize Florida's four-year state plan, which must be submitted to the United States Department of Labor by March 2016.⁹³ As the state's implementation of WIOA proceeds, additional modifications to the state workforce development system may be requested for consideration by the Legislature.

Effect of Proposed Changes

The bill updates and amends the Florida statutes to reflect the federal change in law from WIA to WIOA and the Task Force's recommendations. Specifically, the bill:

- replaces the name of the old federal law (WIA) with that of the new law (WIOA), and amends other references and nomenclature throughout the Florida statutes to reflect the new terminology and workforce assistance structure contemplated by WIOA;⁹⁴
- specifies that the Incumbent Worker Training Program administration should comply with WIOA;
- changes the current state five year plan requirement (used to implement WIA) to a new four year state plan (to implement WIOA);
- requires a memorandum of understanding (MOU) between CareerSource and the Department of Education (DOE) to ensure requirements of WIOA are met in compliance with the state plan;
- removes language that relates to optional federal partners' integration with the state plan to comply with WIOA;
- adopts a Task Force recommendation to expand CareerSource's board to include the vice chairperson of the board of directors of Enterprise Florida, Inc., and one member representing each of the WIOA partners, including the Division of Career and Adult Education, and other entities representing programs identified in WIOA as determined necessary;
- adopts a Task Force recommendation to replace the current "tiers" system used to gauge performance of the state's workforce system strategy, in favor of "performance accountability measures" that are set by contract between CareerSource and core program partners and are reported on by one-stop partners to the Board;
- amends the process for creating and modifying the state's workforce development strategy;
- adopts a Task Force recommendation to align the requirements of local workforce development board membership and structure to the requirements of WIOA;

⁹¹ E-mail from April Money, Director of Government Relations for CareerSource Florida, Inc., to House Staff on Monday, December 7, 2015 at 4:52 pm. E-mail on file with House Staff. Chapter 2015-98, s. 60(5), L.O.F., provides that the Task Force: "is abolished June 30, 2016, or at an earlier date as provided by the task force." (Emphasis added.)

⁹² Chapter 2015-98, s. 60(4), L.O.F.

⁹³ Library of Congress, 113th Congress (2013-2014), H.R. 803 Section 102 – Workforce Innovation and Opportunity Act, Congress.gov, available at <https://www.congress.gov/bill/113th-congress/house-bill/803/text> (last visited Dec. 8, 2015).

⁹⁴ For example, "regional workforce board" is changed to "local workforce development board."

- requires local workforce development boards to enter into an MOU with each mandatory or optional partner that participates in the one-stop delivery system, which details the partner's required contribution to infrastructure costs as required in WIOA;
- updates a reference to the public assistance information system used by the Department of Children and Families; and
- requires DEO to consult with DOE on the preparation of the "economic security report of employment and earning outcomes" for degrees or certificates earned at public postsecondary educational institutions.

B. SECTION DIRECTORY:

- Section 1: Amends s. 20.60, F.S., changing "regional workforce board" to "local workforce development board."
- Section 2: Amends s. 212.08, F.S., changing "regional workforce board" to "local workforce development board."
- Section 3: Amends s. 220.183, F.S., changing "regional workforce board" to "local workforce development board."
- Section 4: Amends s. 250.10, F.S., changing "regional workforce board" to "local workforce development board."
- Section 5: Amends s. 288.047, F.S., changing "regional workforce board" to "local workforce development board."
- Section 6: Amends s. 290.0056, F.S., changing "regional workforce board" to "local workforce development board."
- Section 7: Amends s. 322.34, F.S., changing "regional workforce board" to "local workforce development board."
- Section 8: Amends s. 341.052, F.S., changing "regional workforce board" to "local workforce development board."
- Section 9: Amends s. 414.045, F.S., changing "regional workforce board" to "local workforce development board."
- Section 10: Amends s. 414.065, F.S., changing "regional workforce board" to "local workforce development board."
- Section 11: Amends s. 414.085, F.S., changing "regional workforce board" to "local workforce development board."
- Section 12: Amends s. 414.095, F.S., changing "regional workforce board" to "local workforce development board."
- Section 13: Amends s. 414.105, F.S., changing "regional workforce board" to "local workforce development board."
- Section 14: Amends s. 414.106, F.S., changing "regional workforce board" to "local workforce development board."

- Section 15: Amends s. 414.295, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 16: Amends s. 420.623, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 17: Amends s. 420.624, F.S., changing “Workforce Investment Act” to “Workforce Innovation and Opportunity Act.”
- Section 18: Amends s. 427.013, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 19: Amends s. 427.0155, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 20: Amends s. 427.0157, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 21: Amends s. 443.091, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 22: Amends s. 443.1116, F.S., changing “Workforce Investment Act” to “Workforce Innovation and Opportunity Act.”
- Section 23: Amends s. 445.003, F.S., providing for the implementation of the federal Workforce Innovation and Opportunity Act through a 4-year plan; removing language relating to optional federal partners integration with the state plan; clarifying that Incumbent Worker Training program administration should comply with WIOA; removing language related to the negotiation and settlement of issues with the United States Department of Labor; requiring an MOU between CareerSource Florida, Inc., and the Department of Education to ensure requirements of WIOA are met in compliance with the state plan; and conforming provisions to changes made by WIOA.
- Section 24: Amends s. 445.004, F.S., specifying new membership requirements for the CareerSource Florida, Inc., board of directors; changing the method by which the state will gauge its workforce performance; and conforming provisions to WIOA nomenclature.
- Section 25: Amends s. 445.006, F.S., updating the structure and requirements of the state plan to comply with WIOA and conforming provisions to changes made by WIOA.
- Section 26: Amends s. 445.007, F.S., requiring local workforce development board structure and membership to comply with WIOA; establishing regional planning areas to comply with WIOA; and conforming provisions to WIOA nomenclature.
- Section 27: Amends s. 445.0071, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 28: Amends s. 445.009, F.S., directing the one-stop system to comply with WIOA; requiring local workforce development boards to enter into a memorandum of understanding with each mandatory or optional partner detailing each partner’s required contribution to infrastructure costs; updating a reference to the public assistance information system used by the Department of Children and Families; and conforming provisions to WIOA nomenclature.

- Section 29: Amends s. 445.014, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 30: Amends s. 445.016, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 31: Amends s. 445.017, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 32: Amends s. 445.021, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 33: Amends s. 445.022, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 34: Amends s. 445.024, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 35: Amends s. 445.025, F.S., changing “regional workforce board” to “local workforce development board” and “Workforce Investment Act” to “Workforce Innovation and Opportunity Act.”
- Section 36: Amends s. 445.026, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 37: Amends s. 445.030, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 38: Amends s. 445.031, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 39: Amends s. 445.048, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 40: Amends s. 445.051, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 41: Amends s. 445.07, F.S., requiring DEO to consult with DOE on the preparation of a certain report.
- Section 42: Amends s. 985.622, F.S., changing “Workforce Investment Act” to “Workforce Innovation and Opportunity Act.”
- Section 43: Amends s. 1002.83, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 44: Amends s. 1003.491, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 45: Amends s. 1003.492, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 46: Amends s. 1003.493, F.S., changing “regional workforce board” to “local workforce development board.”

- Section 47: Amends s. 1003.4935, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 48: Amends s. 1003.52, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 49: Amends s. 1004.93, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 50: Amends s. 1006.261, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 51: Amends s. 1009.25, F.S., changing “regional workforce board” to “local workforce development board.”
- Section 52: Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to CareerSource, costs for the first year of WIOA implementation (FY 2016-17) will be absorbed through the state’s federal funding. Costs to participating agencies, which are projected to be minimal will be managed within the respective agency budgets.⁹⁵

As the state’s implementation of WIOA proceeds, additional indeterminate costs may be incurred in future years for data sharing and information technology projects in order to improve the collaboration amongst the various workforce development system partners.⁹⁶

⁹⁵ E-mail correspondence from April Money, Director of Governmental Relations, CareerSource Florida, Inc. E-mail received January 8, 2016 at 9:03 am. E-mail on file with House staff.

⁹⁶ *Id.*

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. 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 January 13, 2016, the Economic Development and Tourism Subcommittee adopted one amendment to the bill. The technical amendment replaced the term "regional" with "local" as it pertains to workforce development boards.

This analysis has been updated to reflect the amendment.

1 A bill to be entitled
 2 An act relating to workforce development; amending ss.
 3 20.60, 212.08, 220.183, 250.10, 288.047, 290.0056,
 4 322.34, 341.052, 414.045, 414.065, 414.085, 414.095,
 5 414.105, 414.106, 414.295, 420.623, 420.624, 427.013,
 6 427.0155, 427.0157, 443.091 and 443.1116, F.S.;
 7 conforming provisions to changes made by the act;
 8 amending s. 445.003, F.S.; revising provisions related
 9 to the federal Workforce Investment Act of 1998;
 10 providing for implementation of the federal Workforce
 11 Innovation and Opportunity Act; providing and revising
 12 plan requirements; deleting the authority of
 13 CareerSource Florida, Inc., to negotiate and settle
 14 certain issues with the United States Department of
 15 Labor; requiring CareerSource Florida, Inc., to enter
 16 into a memorandum of understanding with the Department
 17 of Education for certain purposes; conforming
 18 provisions to changes made by the act; amending s.
 19 445.004, F.S.; providing membership requirements for
 20 the board of directors of CareerSource Florida, Inc.;
 21 requiring CareerSource Florida, Inc., in collaboration
 22 with specified boards, agencies, and providers, to
 23 establish certain uniform performance accountability
 24 measures; conforming provisions to changes made by the
 25 act; amending s. 445.006, F.S.; requiring CareerSource
 26 Florida, Inc., in collaboration with specified

27 partners, to develop a state plan for workforce
 28 development; requiring the state plan to include a
 29 strategic plan and an operational plan; revising
 30 requirements related to the plans; conforming
 31 provisions to changes made by the act; amending s.
 32 445.007, F.S.; revising local workforce development
 33 board membership requirements; requiring CareerSource
 34 Florida, Inc., to establish regional planning areas
 35 subject to certain requirements; requiring local
 36 workforce development boards and specified officials
 37 to prepare a regional workforce development plan;
 38 conforming provisions to changes made by the act;
 39 amending s. 445.0071, F.S.; conforming provisions to
 40 changes made by the act; amending s. 445.009, F.S.;
 41 requiring a local workforce development board to enter
 42 into a memorandum of understanding with each mandatory
 43 or optional partner for certain purposes; providing
 44 that costs will be allocated pursuant to a policy
 45 established by the Governor under certain conditions;
 46 revising the systems that may be accessed with the
 47 one-stop delivery system; conforming provisions to
 48 changes made by the act; amending ss. 445.014,
 49 445.016, 445.017, 445.021, 445.022, 445.024, 445.025,
 50 445.026, 445.030, 445.031, 445.048, and 445.051, F.S.;
 51 conforming provisions to changes made by the act;
 52 amending s. 445.07, F.S.; requiring the Department of

53 Education to consult with the Department of Economic
 54 Opportunity in preparing, or contracting with an
 55 entity to prepare, certain economic security reports;
 56 amending ss. 985.622, 1002.83, 1003.491, 1003.492,
 57 1003.493, 1003.4935, 1003.52, 1004.93, 1006.261, and
 58 1009.25, F.S.; conforming provisions to changes made
 59 by the act; providing an effective date.

60

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

62

63 Section 1. Paragraph (c) of subsection (5) of section
 64 20.60, Florida Statutes, is amended to read:

65 20.60 Department of Economic Opportunity; creation; powers
 66 and duties.—

67 (5) The divisions within the department have specific
 68 responsibilities to achieve the duties, responsibilities, and
 69 goals of the department. Specifically:

70 (c) The Division of Workforce Services shall:

71 1. Prepare and submit a unified budget request for
 72 workforce development in accordance with chapter 216 for, and in
 73 conjunction with, CareerSource Florida, Inc., and its board.

74 2. Ensure that the state appropriately administers federal
 75 and state workforce funding by administering plans and policies
 76 of CareerSource Florida, Inc., under contract with CareerSource
 77 Florida, Inc. The operating budget and midyear amendments
 78 thereto must be part of such contract.

79 a. All program and fiscal instructions to local ~~regional~~
 80 workforce development boards shall emanate from the Department
 81 of Economic Opportunity pursuant to plans and policies of
 82 CareerSource Florida, Inc., which shall be responsible for all
 83 policy directions to the local ~~regional~~ workforce development
 84 boards.

85 b. Unless otherwise provided by agreement with
 86 CareerSource Florida, Inc., administrative and personnel
 87 policies of the Department of Economic Opportunity apply.

88 3. Implement the state's reemployment assistance program.
 89 The Department of Economic Opportunity shall ensure that the
 90 state appropriately administers the reemployment assistance
 91 program pursuant to state and federal law.

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

94 Section 2. Paragraph (p) of subsection (5) of section
 95 212.08, Florida Statutes, is amended to read:

96 212.08 Sales, rental, use, consumption, distribution, and
 97 storage tax; specified exemptions.—The sale at retail, the
 98 rental, the use, the consumption, the distribution, and the
 99 storage to be used or consumed in this state of the following
 100 are hereby specifically exempt from the tax imposed by this
 101 chapter.

102 (5) EXEMPTIONS; ACCOUNT OF USE.—

103 (p) Community contribution tax credit for donations.—

104 1. Authorization.—Persons who are registered with the

105 department under s. 212.18 to collect or remit sales or use tax
 106 and who make donations to eligible sponsors are eligible for tax
 107 credits against their state sales and use tax liabilities as
 108 provided in this paragraph:

109 a. The credit shall be computed as 50 percent of the
 110 person's approved annual community contribution.

111 b. The credit shall be granted as a refund against state
 112 sales and use taxes reported on returns and remitted in the 12
 113 months preceding the date of application to the department for
 114 the credit as required in sub-subparagraph 3.c. If the annual
 115 credit is not fully used through such refund because of
 116 insufficient tax payments during the applicable 12-month period,
 117 the unused amount may be included in an application for a refund
 118 made pursuant to sub-subparagraph 3.c. in subsequent years
 119 against the total tax payments made for such year. Carryover
 120 credits may be applied for a 3-year period without regard to any
 121 time limitation that would otherwise apply under s. 215.26.

122 c. A person may not receive more than \$200,000 in annual
 123 tax credits for all approved community contributions made in any
 124 one year.

125 d. All proposals for the granting of the tax credit
 126 require the prior approval of the Department of Economic
 127 Opportunity.

128 e. The total amount of tax credits which may be granted
 129 for all programs approved under this paragraph, s. 220.183, and
 130 s. 624.5105 is \$18.4 million in the 2015-2016 fiscal year, \$21.4

131 million in the 2016-2017 fiscal year, and \$21.4 million in the
 132 2017-2018 fiscal year for projects that provide housing
 133 opportunities for persons with special needs or homeownership
 134 opportunities for low-income households or very-low-income
 135 households and \$3.5 million annually for all other projects. As
 136 used in this paragraph, the term "person with special needs" has
 137 the same meaning as in s. 420.0004 and the terms "low-income
 138 person," "low-income household," "very-low-income person," and
 139 "very-low-income household" have the same meanings as in s.
 140 420.9071.

141 f. A person who is eligible to receive the credit provided
 142 in this paragraph, s. 220.183, or s. 624.5105 may receive the
 143 credit only under one section of the person's choice.

144 2. Eligibility requirements.--

145 a. A community contribution by a person must be in the
 146 following form:

- 147 (I) Cash or other liquid assets;
- 148 (II) Real property;
- 149 (III) Goods or inventory; or
- 150 (IV) Other physical resources identified by the Department
 151 of Economic Opportunity.

152 b. All community contributions must be reserved
 153 exclusively for use in a project. As used in this sub-
 154 subparagraph, the term "project" means activity undertaken by an
 155 eligible sponsor which is designed to construct, improve, or
 156 substantially rehabilitate housing that is affordable to low-

157 income households or very-low-income households; designed to
 158 provide housing opportunities for persons with special needs;
 159 designed to provide commercial, industrial, or public resources
 160 and facilities; or designed to improve entrepreneurial and job-
 161 development opportunities for low-income persons. A project may
 162 be the investment necessary to increase access to high-speed
 163 broadband capability in a rural community that had an enterprise
 164 zone designated pursuant to chapter 290 as of May 1, 2015,
 165 including projects that result in improvements to communications
 166 assets that are owned by a business. A project may include the
 167 provision of museum educational programs and materials that are
 168 directly related to a project approved between January 1, 1996,
 169 and December 31, 1999, and located in an area which was in an
 170 enterprise zone designated pursuant to s. 290.0065 as of May 1,
 171 2015. This paragraph does not preclude projects that propose to
 172 construct or rehabilitate housing for low-income households or
 173 very-low-income households on scattered sites or housing
 174 opportunities for persons with special needs. With respect to
 175 housing, contributions may be used to pay the following eligible
 176 special needs, low-income, and very-low-income housing-related
 177 activities:

- 178 (I) Project development impact and management fees for
 179 special needs, low-income, or very-low-income housing projects;
- 180 (II) Down payment and closing costs for persons with
 181 special needs, low-income persons, and very-low-income persons;
- 182 (III) Administrative costs, including housing counseling

183 and marketing fees, not to exceed 10 percent of the community
 184 contribution, directly related to special needs, low-income, or
 185 very-low-income projects; and

186 (IV) Removal of liens recorded against residential
 187 property by municipal, county, or special district local
 188 governments if satisfaction of the lien is a necessary precedent
 189 to the transfer of the property to a low-income person or very-
 190 low-income person for the purpose of promoting home ownership.
 191 Contributions for lien removal must be received from a
 192 nonrelated third party.

193 c. The project must be undertaken by an "eligible
 194 sponsor," which includes:

195 (I) A community action program;

196 (II) A nonprofit community-based development organization
 197 whose mission is the provision of housing for persons with
 198 special needs, low-income households, or very-low-income
 199 households or increasing entrepreneurial and job-development
 200 opportunities for low-income persons;

201 (III) A neighborhood housing services corporation;

202 (IV) A local housing authority created under chapter 421;

203 (V) A community redevelopment agency created under s.
 204 163.356;

205 (VI) A historic preservation district agency or
 206 organization;

207 (VII) A local ~~regional~~ workforce development board;

208 (VIII) A direct-support organization as provided in s.

209 1009.983;

210 (IX) An enterprise zone development agency created under
211 s. 290.0056;

212 (X) A community-based organization incorporated under
213 chapter 617 which is recognized as educational, charitable, or
214 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
215 and whose bylaws and articles of incorporation include
216 affordable housing, economic development, or community
217 development as the primary mission of the corporation;

218 (XI) Units of local government;

219 (XII) Units of state government; or

220 (XIII) Any other agency that the Department of Economic
221 Opportunity designates by rule.

222

223 A contributing person may not have a financial interest in the
224 eligible sponsor.

225 d. The project must be located in an area which was in an
226 enterprise zone designated pursuant to chapter 290 as of May 1,
227 2015, or a Front Porch Florida Community, unless the project
228 increases access to high-speed broadband capability in a rural
229 community that had an enterprise zone designated pursuant to
230 chapter 290 as of May 1, 2015, but is physically located outside
231 the designated rural zone boundaries. Any project designed to
232 construct or rehabilitate housing for low-income households or
233 very-low-income households or housing opportunities for persons
234 with special needs is exempt from the area requirement of this

235 sub-subparagraph.

236 e.(I) If, during the first 10 business days of the state
 237 fiscal year, eligible tax credit applications for projects that
 238 provide housing opportunities for persons with special needs or
 239 homeownership opportunities for low-income households or very-
 240 low-income households are received for less than the annual tax
 241 credits available for those projects, the Department of Economic
 242 Opportunity shall grant tax credits for those applications and
 243 grant remaining tax credits on a first-come, first-served basis
 244 for subsequent eligible applications received before the end of
 245 the state fiscal year. If, during the first 10 business days of
 246 the state fiscal year, eligible tax credit applications for
 247 projects that provide housing opportunities for persons with
 248 special needs or homeownership opportunities for low-income
 249 households or very-low-income households are received for more
 250 than the annual tax credits available for those projects, the
 251 Department of Economic Opportunity shall grant the tax credits
 252 for those applications as follows:

253 (A) If tax credit applications submitted for approved
 254 projects of an eligible sponsor do not exceed \$200,000 in total,
 255 the credits shall be granted in full if the tax credit
 256 applications are approved.

257 (B) If tax credit applications submitted for approved
 258 projects of an eligible sponsor exceed \$200,000 in total, the
 259 amount of tax credits granted pursuant to sub-sub-sub-
 260 subparagraph (A) shall be subtracted from the amount of

261 available tax credits, and the remaining credits shall be
 262 granted to each approved tax credit application on a pro rata
 263 basis.

264 (II) If, during the first 10 business days of the state
 265 fiscal year, eligible tax credit applications for projects other
 266 than those that provide housing opportunities for persons with
 267 special needs or homeownership opportunities for low-income
 268 households or very-low-income households are received for less
 269 than the annual tax credits available for those projects, the
 270 Department of Economic Opportunity shall grant tax credits for
 271 those applications and shall grant remaining tax credits on a
 272 first-come, first-served basis for subsequent eligible
 273 applications received before the end of the state fiscal year.
 274 If, during the first 10 business days of the state fiscal year,
 275 eligible tax credit applications for projects other than those
 276 that provide housing opportunities for persons with special
 277 needs or homeownership opportunities for low-income households
 278 or very-low-income households are received for more than the
 279 annual tax credits available for those projects, the Department
 280 of Economic Opportunity shall grant the tax credits for those
 281 applications on a pro rata basis.

282 3. Application requirements.—

283 a. An eligible sponsor seeking to participate in this
 284 program must submit a proposal to the Department of Economic
 285 Opportunity which sets forth the name of the sponsor, a
 286 description of the project, and the area in which the project is

287 | located, together with such supporting information as is
 288 | prescribed by rule. The proposal must also contain a resolution
 289 | from the local governmental unit in which the project is located
 290 | certifying that the project is consistent with local plans and
 291 | regulations.

292 | b. A person seeking to participate in this program must
 293 | submit an application for tax credit to the Department of
 294 | Economic Opportunity which sets forth the name of the sponsor, a
 295 | description of the project, and the type, value, and purpose of
 296 | the contribution. The sponsor shall verify, in writing, the
 297 | terms of the application and indicate its receipt of the
 298 | contribution, and such verification must accompany the
 299 | application for tax credit. The person must submit a separate
 300 | tax credit application to the Department of Economic Opportunity
 301 | for each individual contribution that it makes to each
 302 | individual project.

303 | c. A person who has received notification from the
 304 | Department of Economic Opportunity that a tax credit has been
 305 | approved must apply to the department to receive the refund.
 306 | Application must be made on the form prescribed for claiming
 307 | refunds of sales and use taxes and be accompanied by a copy of
 308 | the notification. A person may submit only one application for
 309 | refund to the department within a 12-month period.

310 | 4. Administration.—

311 | a. The Department of Economic Opportunity may adopt rules
 312 | necessary to administer this paragraph, including rules for the

313 approval or disapproval of proposals by a person.

314 b. The decision of the Department of Economic Opportunity
 315 must be in writing, and, if approved, the notification shall
 316 state the maximum credit allowable to the person. Upon approval,
 317 the Department of Economic Opportunity shall transmit a copy of
 318 the decision to the department.

319 c. The Department of Economic Opportunity shall
 320 periodically monitor all projects in a manner consistent with
 321 available resources to ensure that resources are used in
 322 accordance with this paragraph; however, each project must be
 323 reviewed at least once every 2 years.

324 d. The Department of Economic Opportunity shall, in
 325 consultation with the statewide and regional housing and
 326 financial intermediaries, market the availability of the
 327 community contribution tax credit program to community-based
 328 organizations.

329 5. Expiration.—This paragraph expires June 30, 2018;
 330 however, any accrued credit carryover that is unused on that
 331 date may be used until the expiration of the 3-year carryover
 332 period for such credit.

333 Section 3. Paragraph (c) of subsection (2) of section
 334 220.183, Florida Statutes, is amended to read:

335 220.183 Community contribution tax credit.—

336 (2) ELIGIBILITY REQUIREMENTS.—

337 (c) The project must be undertaken by an "eligible
 338 sponsor," defined here as:

- 339 1. A community action program;
- 340 2. A nonprofit community-based development organization
- 341 whose mission is the provision of housing for persons with
- 342 special needs or low-income or very-low-income households or
- 343 increasing entrepreneurial and job-development opportunities for
- 344 low-income persons;
- 345 3. A neighborhood housing services corporation;
- 346 4. A local housing authority, created pursuant to chapter
- 347 421;
- 348 5. A community redevelopment agency, created pursuant to
- 349 s. 163.356;
- 350 6. A historic preservation district agency or
- 351 organization;
- 352 7. A local ~~regional~~ workforce development board;
- 353 8. A direct-support organization as provided in s.
- 354 1009.983;
- 355 9. An enterprise zone development agency created pursuant
- 356 to s. 290.0056;
- 357 10. A community-based organization incorporated under
- 358 chapter 617 which is recognized as educational, charitable, or
- 359 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
- 360 and whose bylaws and articles of incorporation include
- 361 affordable housing, economic development, or community
- 362 development as the primary mission of the corporation;
- 363 11. Units of local government;
- 364 12. Units of state government; or

365 13. Such other agency as the Department of Economic
366 Opportunity may, from time to time, designate by rule.

367
368 In no event shall a contributing business firm have a financial
369 interest in the eligible sponsor.

370 Section 4. Paragraph (1) of subsection (2) of section
371 250.10, Florida Statutes, is amended to read:

372 250.10 Appointment and duties of the Adjutant General.—

373 (2) The Adjutant General shall:

374 (1) Subject to annual appropriations, administer youth
375 About Face programs and adult Forward March programs at sites to
376 be selected by the Adjutant General. Both programs must provide
377 schoolwork assistance, focusing on the skills needed to master
378 basic high school competencies and functional life skills,
379 including teaching students to work effectively in groups;
380 providing basic instruction in computer skills; teaching basic
381 problem-solving, decisionmaking, and reasoning skills; teaching
382 how the business world and free enterprise work through computer
383 simulations; and teaching home finance and budgeting and other
384 daily living skills.

385 1. About Face is a summer and year-round after-school
386 life-preparation program for economically disadvantaged and at-
387 risk youths from 13 through 17 years of age. The program must
388 provide training in academic study skills, and the basic skills
389 that businesses require for employment consideration.

390 2. Forward March is a job-readiness program for

391 economically disadvantaged participants who are directed to
 392 Forward March by the local ~~regional~~ workforce development
 393 boards. The Forward March program shall provide training on
 394 topics that directly relate to the skills required for real-
 395 world success. The program shall emphasize functional life
 396 skills, computer literacy, interpersonal relationships,
 397 critical-thinking skills, business skills, preemployment and
 398 work maturity skills, job-search skills, exploring careers
 399 activities, how to be a successful and effective employee, and
 400 some job-specific skills. The program also shall provide
 401 extensive opportunities for participants to practice generic job
 402 skills in a supervised work setting. Upon completion of the
 403 program, Forward March shall return participants to the local
 404 ~~regional~~ workforce development boards for placement in a job
 405 placement pool.

406 Section 5. Subsection (8) of section 288.047, Florida
 407 Statutes, is amended to read:

408 288.047 Quick-response training for economic development.—

409 (8) The Quick-Response Training Program is created to
 410 provide assistance to participants in the welfare transition
 411 program. CareerSource Florida, Inc., may award quick-response
 412 training grants and develop applicable guidelines for the
 413 training of participants in the welfare transition program. In
 414 addition to a local economic development organization, grants
 415 must be endorsed by the applicable local ~~regional~~ workforce
 416 development board.

417 (a) Training funded pursuant to this subsection may not
 418 exceed 12 months, and may be provided by the local community
 419 college, school district, local ~~regional~~ workforce development
 420 board, or the business employing the participant, including on-
 421 the-job training. Training will provide entry-level skills to
 422 new workers, including those employed in retail, who are
 423 participants in the welfare transition program.

424 (b) Participants trained pursuant to this subsection must
 425 be employed at a job paying at least \$6 per hour.

426 (c) Funds made available pursuant to this subsection may
 427 be expended in connection with the relocation of a business from
 428 one community to another if approved by CareerSource Florida,
 429 Inc.

430 Section 6. Subsection (2) of section 290.0056, Florida
 431 Statutes, is amended to read:

432 290.0056 Enterprise zone development agency.—

433 (2) When the governing body creates an enterprise zone
 434 development agency, that body shall appoint a board of
 435 commissioners of the agency, which shall consist of not fewer
 436 than 8 or more than 13 commissioners. The governing body may
 437 appoint at least one representative from each of the following:
 438 the local chamber of commerce; local financial or insurance
 439 entities; local businesses and, where possible, businesses
 440 operating within the nominated area; the residents residing
 441 within the nominated area; nonprofit community-based
 442 organizations operating within the nominated area; the local

443 ~~regional~~ workforce development board; the local code enforcement
 444 agency; and the local law enforcement agency. The terms of
 445 office of the commissioners shall be for 4 years, except that,
 446 in making the initial appointments, the governing body shall
 447 appoint two members for terms of 3 years, two members for terms
 448 of 2 years, and one member for a term of 1 year; the remaining
 449 initial members shall serve for terms of 4 years. A vacancy
 450 occurring during a term shall be filled for the unexpired term.
 451 The importance of including individuals from the nominated area
 452 shall be considered in making appointments. Further, the
 453 importance of minority representation on the agency shall be
 454 considered in making appointments so that the agency generally
 455 reflects the gender and ethnic composition of the community as a
 456 whole.

457 Section 7. Paragraph (c) of subsection (9) of section
 458 322.34, Florida Statutes, is amended to read:

459 322.34 Driving while license suspended, revoked, canceled,
 460 or disqualified.-

461 (9)

462 (c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when
 463 the seizing agency obtains a final judgment granting forfeiture
 464 of the motor vehicle under this section, 30 percent of the net
 465 proceeds from the sale of the motor vehicle shall be retained by
 466 the seizing law enforcement agency and 70 percent shall be
 467 deposited in the General Revenue Fund for use by local ~~regional~~
 468 workforce development boards in providing transportation

469 services for participants of the welfare transition program. In
 470 a forfeiture proceeding under this section, the court may
 471 consider the extent that the family of the owner has other
 472 public or private means of transportation.

473 Section 8. Subsection (1) of section 341.052, Florida
 474 Statutes, is amended to read:

475 341.052 Public transit block grant program;
 476 administration; eligible projects; limitation.—

477 (1) There is created a public transit block grant program
 478 which shall be administered by the department. Block grant funds
 479 shall only be provided to "Section 9" providers and "Section 18"
 480 providers designated by the United States Department of
 481 Transportation and community transportation coordinators as
 482 defined in chapter 427. Eligible providers must establish public
 483 transportation development plans consistent, to the maximum
 484 extent feasible, with approved local government comprehensive
 485 plans of the units of local government in which the provider is
 486 located. In developing public transportation development plans,
 487 eligible providers must solicit comments from local ~~regional~~
 488 workforce development boards established under chapter 445. The
 489 development plans must address how the public transit provider
 490 will work with the appropriate local ~~regional~~ workforce
 491 development board to provide services to participants in the
 492 welfare transition program. Eligible providers must provide
 493 information to the local ~~regional~~ workforce development board
 494 serving the county in which the provider is located regarding

495 the availability of transportation services to assist program
 496 participants.

497 Section 9. Subsection (2) of section 414.045, Florida
 498 Statutes, is amended to read:

499 414.045 Cash assistance program.—Cash assistance families
 500 include any families receiving cash assistance payments from the
 501 state program for temporary assistance for needy families as
 502 defined in federal law, whether such funds are from federal
 503 funds, state funds, or commingled federal and state funds. Cash
 504 assistance families may also include families receiving cash
 505 assistance through a program defined as a separate state
 506 program.

507 (2) Oversight by the board of directors of CareerSource
 508 Florida, Inc., and the service delivery and financial planning
 509 responsibilities of the local ~~regional~~ workforce development
 510 boards apply to the families defined as work-eligible cases in
 511 paragraph (1)(a). The department shall be responsible for
 512 program administration related to families in groups defined in
 513 paragraph (1)(b), and the department shall coordinate such
 514 administration with the board of directors of CareerSource
 515 Florida, Inc., to the extent needed for operation of the
 516 program.

517 Section 10. Paragraphs (a), (d), and (e) of subsection (4)
 518 of section 414.065, Florida Statutes, are amended to read:

519 414.065 Noncompliance with work requirements.—

520 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless

521 otherwise provided, the situations listed in this subsection
 522 shall constitute exceptions to the penalties for noncompliance
 523 with participation requirements, except that these situations do
 524 not constitute exceptions to the applicable time limit for
 525 receipt of temporary cash assistance:

526 (a) Noncompliance related to child care.—Temporary cash
 527 assistance may not be terminated for refusal to participate in
 528 work activities if the individual is a single parent caring for
 529 a child who has not attained 6 years of age, and the adult
 530 proves to the local ~~regional~~ workforce development board an
 531 inability to obtain needed child care for one or more of the
 532 following reasons, as defined in the Child Care and Development
 533 Fund State Plan required by 45 C.F.R. part 98:

534 1. Unavailability of appropriate child care within a
 535 reasonable distance from the individual's home or worksite.

536 2. Unavailability or unsuitability of informal child care
 537 by a relative or under other arrangements.

538 3. Unavailability of appropriate and affordable formal
 539 child care arrangements.

540 (d) Noncompliance related to medical incapacity.—If an
 541 individual cannot participate in assigned work activities due to
 542 a medical incapacity, the individual may be excepted from the
 543 activity for a specific period, except that the individual shall
 544 be required to comply with the course of treatment necessary for
 545 the individual to resume participation. A participant may not be
 546 excused from work activity requirements unless the participant's

547 medical incapacity is verified by a physician licensed under
 548 chapter 458 or chapter 459, in accordance with procedures
 549 established by rule of the department. An individual for whom
 550 there is medical verification of limitation to participate in
 551 work activities shall be assigned to work activities consistent
 552 with such limitations. Evaluation of an individual's ability to
 553 participate in work activities or development of a plan for work
 554 activity assignment may include vocational assessment or work
 555 evaluation. The department or a local ~~regional~~ workforce
 556 development board may require an individual to cooperate in
 557 medical or vocational assessment necessary to evaluate the
 558 individual's ability to participate in a work activity.

559 (e) Noncompliance related to outpatient mental health or
 560 substance abuse treatment.—If an individual cannot participate
 561 in the required hours of work activity due to a need to become
 562 or remain involved in outpatient mental health or substance
 563 abuse counseling or treatment, the individual may be exempted
 564 from the work activity for up to 5 hours per week, not to exceed
 565 100 hours per year. An individual may not be excused from a work
 566 activity unless a mental health or substance abuse professional
 567 recognized by the department or local ~~regional~~ workforce
 568 development board certifies the treatment protocol and provides
 569 verification of attendance at the counseling or treatment
 570 sessions each week.

571 Section 11. Paragraph (d) of subsection (1) of section
 572 414.085, Florida Statutes, is amended to read:

573 414.085 Income eligibility standards.—

574 (1) For purposes of program simplification and effective
 575 program management, certain income definitions, as outlined in
 576 the food assistance regulations at 7 C.F.R. s. 273.9, shall be
 577 applied to the temporary cash assistance program as determined
 578 by the department to be consistent with federal law regarding
 579 temporary cash assistance and Medicaid for needy families,
 580 except as to the following:

581 (d) An incentive payment to a participant authorized by a
 582 local ~~regional~~ workforce development board shall not be
 583 considered income.

584 Section 12. Subsection (1) of section 414.095, Florida
 585 Statutes, is amended to read:

586 414.095 Determining eligibility for temporary cash
 587 assistance.—

588 (1) ELIGIBILITY.—An applicant must meet eligibility
 589 requirements of this section before receiving services or
 590 temporary cash assistance under this chapter, except that an
 591 applicant shall be required to register for work and engage in
 592 work activities in accordance with s. 445.024, as designated by
 593 the local ~~regional~~ workforce development board, and may receive
 594 support services or child care assistance in conjunction with
 595 such requirement. The department shall make a determination of
 596 eligibility based on the criteria listed in this chapter. The
 597 department shall monitor continued eligibility for temporary
 598 cash assistance through periodic reviews consistent with the

599 food assistance eligibility process. Benefits may ~~shall~~ not be
 600 denied to an individual solely based on a felony drug
 601 conviction, unless the conviction is for trafficking pursuant to
 602 s. 893.135. To be eligible under this section, an individual
 603 convicted of a drug felony must be satisfactorily meeting the
 604 requirements of the temporary cash assistance program, including
 605 all substance abuse treatment requirements. Within the limits
 606 specified in this chapter, the state opts out of the provision
 607 of s. 115, Pub. L. No. 104-193, ~~s. 115~~, that eliminates
 608 eligibility for temporary cash assistance and food assistance
 609 for any individual convicted of a controlled substance felony.

610 Section 13. Subsections (3) and (10) of section 414.105,
 611 Florida Statutes, are amended to read:

612 414.105 Time limitations of temporary cash assistance.—
 613 Except as otherwise provided in this section, an applicant or
 614 current participant shall receive temporary cash assistance for
 615 no more than a lifetime cumulative total of 48 months, unless
 616 otherwise provided by law.

617 (3) The department, in cooperation with CareerSource
 618 Florida, Inc., shall establish a procedure for approving
 619 hardship exemptions and for reviewing hardship cases at least
 620 once every 2 years. Local ~~Regional~~ workforce development boards
 621 may assist in making these determinations.

622 (10) A member of the staff of the local ~~regional~~ workforce
 623 development board shall interview and assess the employment
 624 prospects and barriers of each participant who is within 6

625 months of reaching the 48-month time limit. The staff member
 626 shall assist the participant in identifying actions necessary to
 627 become employed prior to reaching the benefit time limit for
 628 temporary cash assistance and, if appropriate, shall refer the
 629 participant for services that could facilitate employment.

630 Section 14. Section 414.106, Florida Statutes, is amended
 631 to read:

632 414.106 Exemption from public meetings law.—That portion
 633 of a meeting held by the department, CareerSource Florida, Inc.,
 634 or a local ~~regional~~ workforce development board or local
 635 committee created pursuant to s. 445.007 at which personal
 636 identifying information contained in records relating to
 637 temporary cash assistance is discussed is exempt from s. 286.011
 638 and s. 24(b), Art. I of the State Constitution if the
 639 information identifies a participant, a participant's family, or
 640 a participant's family or household member.

641 Section 15. Subsection (1) of section 414.295, Florida
 642 Statutes, is amended to read:

643 414.295 Temporary cash assistance programs; public records
 644 exemption.—

645 (1) Personal identifying information of a temporary cash
 646 assistance program participant, a participant's family, or a
 647 participant's family or household member, except for information
 648 identifying a parent who does not live in the same home as the
 649 child, which is held by the department, the Office of Early
 650 Learning, CareerSource Florida, Inc., the Department of Health,

651 the Department of Revenue, the Department of Education, or a
 652 local ~~regional~~ workforce development board or local committee
 653 created pursuant to s. 445.007 is confidential and exempt from
 654 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 655 Such confidential and exempt information may be released for
 656 purposes directly connected with:

657 (a) The administration of the temporary assistance for
 658 needy families plan under Title IV-A of the Social Security Act,
 659 as amended, by the department, the Office of Early Learning,
 660 CareerSource Florida, Inc., the Department of Military Affairs,
 661 the Department of Health, the Department of Revenue, the
 662 Department of Education, a local ~~regional~~ workforce development
 663 board or local committee created pursuant to s. 445.007, or a
 664 school district.

665 (b) The administration of the state's plan or program
 666 approved under Title IV-B, Title IV-D, or Title IV-E of the
 667 Social Security Act, as amended, or under Title I, Title X,
 668 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
 669 Social Security Act, as amended.

670 (c) An investigation, prosecution, or criminal, civil, or
 671 administrative proceeding conducted in connection with the
 672 administration of any of the plans or programs specified in
 673 paragraph (a) or paragraph (b) by a federal, state, or local
 674 governmental entity, upon request by that entity, if such
 675 request is made pursuant to the proper exercise of that entity's
 676 duties and responsibilities.

677 (d) The administration of any other state, federal, or
 678 federally assisted program that provides assistance or services
 679 on the basis of need, in cash or in kind, directly to a
 680 participant.

681 (e) An audit or similar activity, such as a review of
 682 expenditure reports or financial review, conducted in connection
 683 with the administration of plans or programs specified in
 684 paragraph (a) or paragraph (b) by a governmental entity
 685 authorized by law to conduct such audit or activity.

686 (f) The administration of the reemployment assistance
 687 program.

688 (g) The reporting to the appropriate agency or official of
 689 information about known or suspected instances of physical or
 690 mental injury, sexual abuse or exploitation, or negligent
 691 treatment or maltreatment of a child or elderly person receiving
 692 assistance, if circumstances indicate that the health or welfare
 693 of the child or elderly person is threatened.

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

696 Section 16. Paragraph (e) of subsection (1) of section
 697 420.623, Florida Statutes, is amended to read:

698 420.623 Local coalitions for the homeless.—

699 (1) ESTABLISHMENT.—The department shall establish local
 700 coalitions to plan, network, coordinate, and monitor the
 701 delivery of services to the homeless. Appropriate local groups
 702 and organizations involved in providing services for the

703 homeless and interested business groups and associations shall
 704 be given an opportunity to participate in such coalitions,
 705 including, but not limited to:

706 (e) Local ~~Regional~~ workforce development boards.

707 Section 17. Subsection (8) of section 420.624, Florida
 708 Statutes, is amended to read:

709 420.624 Local homeless assistance continuum of care.—

710 (8) Continuum of care plans must promote participation by
 711 all interested individuals and organizations and may not exclude
 712 individuals and organizations on the basis of race, color,
 713 national origin, sex, handicap, familial status, or religion.
 714 Faith-based organizations must be encouraged to participate. To
 715 the extent possible, these components should be coordinated and
 716 integrated with other mainstream health, social services, and
 717 employment programs for which homeless populations may be
 718 eligible, including Medicaid, State Children's Health Insurance
 719 Program, Temporary Assistance for Needy Families, Food
 720 Assistance Program, and services funded through the Mental
 721 Health and Substance Abuse Block Grant, the Workforce Innovation
 722 and Opportunity Investment Act, and the welfare-to-work grant
 723 program.

724 Section 18. Subsection (27) of section 427.013, Florida
 725 Statutes, is amended to read:

726 427.013 The Commission for the Transportation
 727 Disadvantaged; purpose and responsibilities.—The purpose of the
 728 commission is to accomplish the coordination of transportation

729 services provided to the transportation disadvantaged. The goal
 730 of this coordination is to assure the cost-effective provision
 731 of transportation by qualified community transportation
 732 coordinators or transportation operators for the transportation
 733 disadvantaged without any bias or presumption in favor of
 734 multioperator systems or not-for-profit transportation operators
 735 over single operator systems or for-profit transportation
 736 operators. In carrying out this purpose, the commission shall:

737 (27) Ensure that local community transportation
 738 coordinators work cooperatively with local ~~regional~~ workforce
 739 development boards established in chapter 445 to provide
 740 assistance in the development of innovative transportation
 741 services for participants in the welfare transition program.

742 Section 19. Subsection (9) of section 427.0155, Florida
 743 Statutes, is amended to read:

744 427.0155 Community transportation coordinators; powers and
 745 duties.—Community transportation coordinators shall have the
 746 following powers and duties:

747 (9) Work cooperatively with local ~~regional~~ workforce
 748 development boards established in chapter 445 to provide
 749 assistance in the development of innovative transportation
 750 services for participants in the welfare transition program.

751 Section 20. Subsection (7) of section 427.0157, Florida
 752 Statutes, is amended to read:

753 427.0157 Coordinating boards; powers and duties.—The
 754 purpose of each coordinating board is to develop local service

755 needs and to provide information, advice, and direction to the
 756 community transportation coordinators on the coordination of
 757 services to be provided to the transportation disadvantaged. The
 758 commission shall, by rule, establish the membership of
 759 coordinating boards. The members of each board shall be
 760 appointed by the metropolitan planning organization or
 761 designated official planning agency. The appointing authority
 762 shall provide each board with sufficient staff support and
 763 resources to enable the board to fulfill its responsibilities
 764 under this section. Each board shall meet at least quarterly and
 765 shall:

766 (7) Work cooperatively with local ~~regional~~ workforce
 767 development boards established in chapter 445 to provide
 768 assistance in the development of innovative transportation
 769 services for participants in the welfare transition program.

770 Section 21. Paragraphs (b) and (c) of subsection (1) of
 771 section 443.091, Florida Statutes, are amended to read:

772 443.091 Benefit eligibility conditions.—

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

776 (b) She or he has completed the department's online work
 777 registration and subsequently reports to the one-stop career
 778 center as directed by the local ~~regional~~ workforce development
 779 board for reemployment services. This requirement does not apply
 780 to persons who are:

- 781 1. Non-Florida residents;
 782 2. On a temporary layoff;
 783 3. Union members who customarily obtain employment through
 784 a union hiring hall;
 785 4. Claiming benefits under an approved short-time
 786 compensation plan as provided in s. 443.1116; or
 787 5. Unable to complete the online work registration due to
 788 illiteracy, physical or mental impairment, a legal prohibition
 789 from using a computer, or a language impediment. If a person is
 790 exempted from the online work registration under this
 791 subparagraph, then the filing of his or her claim constitutes
 792 registration for work.

793 (c) To make continued claims for benefits, she or he is
 794 reporting to the department in accordance with this paragraph
 795 and department rules. Department rules may not conflict with s.
 796 443.111(1)(b), which requires that each claimant continue to
 797 report regardless of any pending appeal relating to her or his
 798 eligibility or disqualification for benefits.

799 1. For each week of unemployment claimed, each report
 800 must, at a minimum, include the name, address, and telephone
 801 number of each prospective employer contacted, or the date the
 802 claimant reported to a one-stop career center, pursuant to
 803 paragraph (d).

804 2. The department shall offer an online assessment aimed
 805 at identifying an individual's skills, abilities, and career
 806 aptitude. The skills assessment must be voluntary, and the

807 department shall allow a claimant to choose whether to take the
 808 skills assessment. The online assessment shall be made available
 809 to any person seeking services from a local ~~regional~~ workforce
 810 development board or a one-stop career center.

811 a. If the claimant chooses to take the online assessment,
 812 the outcome of the assessment shall be made available to the
 813 claimant, local ~~regional~~ workforce development board, and one-
 814 stop career center. The department, local workforce development
 815 board, or one-stop career center shall use the assessment to
 816 develop a plan for referring individuals to training and
 817 employment opportunities. Aggregate data on assessment outcomes
 818 may be made available to CareerSource Florida, Inc., and
 819 Enterprise Florida, Inc., for use in the development of policies
 820 related to education and training programs that will ensure that
 821 businesses in this state have access to a skilled and competent
 822 workforce.

823 b. Individuals shall be informed of and offered services
 824 through the one-stop delivery system, including career
 825 counseling, the provision of skill match and job market
 826 information, and skills upgrade and other training
 827 opportunities, and shall be encouraged to participate in such
 828 services at no cost to the individuals. The department shall
 829 coordinate with CareerSource Florida, Inc., the local workforce
 830 development boards, and the one-stop career centers to identify,
 831 develop, and use best practices for improving the skills of
 832 individuals who choose to participate in skills upgrade and

833 other training opportunities. The department may contract with
 834 an entity to create the online assessment in accordance with the
 835 competitive bidding requirements in s. 287.057. The online
 836 assessment must work seamlessly with the Reemployment Assistance
 837 Claims and Benefits Information System.

838 Section 22. Paragraph (c) of subsection (5) of section
 839 443.1116, Florida Statutes, is amended to read:

840 443.1116 Short-time compensation.—

841 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
 842 BENEFITS.—

843 (c) The department may not deny short-time compensation
 844 benefits to an individual who is otherwise eligible for these
 845 benefits for any week because such individual is participating
 846 in an employer-sponsored training or a training under the
 847 Workforce Innovation and Opportunity Investment Act to improve
 848 job skills when the training is approved by the department.

849 Section 23. Section 445.003, Florida Statutes, is amended
 850 to read:

851 445.003 Implementation of the federal Workforce Innovation
 852 and Opportunity Investment Act ~~of 1998~~.—

853 (1) WORKFORCE INNOVATION AND OPPORTUNITY INVESTMENT ACT
 854 PRINCIPLES.—The state's approach to implementing the federal
 855 Workforce Innovation and Opportunity Investment Act ~~of 1998~~,
 856 Pub. L. No. 113-128 ~~105-220~~, should have six elements:

857 (a) Streamlining services.—Florida's employment and
 858 training programs must be coordinated and consolidated at

859 locally managed one-stop delivery system centers.

860 (b) Empowering individuals.—Eligible participants will
861 make informed decisions, choosing the qualified training program
862 that best meets their needs.

863 (c) Universal access.—Through a one-stop delivery system,
864 every Floridian will have access to employment services.

865 (d) Increased accountability.—The state, localities, and
866 training providers will be held accountable for their
867 performance.

868 (e) Local board and private sector leadership.—Local
869 workforce development boards will focus on strategic planning,
870 policy development, and oversight of the local system, choosing
871 local managers to direct the operational details of their one-
872 stop delivery system centers.

873 (f) Local flexibility and integration.—Localities will
874 have exceptional flexibility to build on existing reforms.
875 Unified planning will free local groups from conflicting
876 micromanagement, while waivers and WorkFlex will allow local
877 innovations.

878 (2) FOUR-YEAR ~~FIVE-YEAR~~ PLAN.—CareerSource Florida, Inc.,
879 shall prepare and submit a 4-year ~~5-year~~ plan, consistent with
880 the requirements of the Workforce Innovation and Opportunity Act
881 ~~which must include secondary career education, to fulfill the~~
882 ~~early implementation requirements of Pub. L. No. 105-220 and~~
883 ~~applicable state statutes.~~ Mandatory and optional federal
884 partners shall be fully involved in designing the plan's one-

885 stop delivery system strategy. The plan must ~~shall~~ clearly
 886 define each program's statewide duties and role relating to the
 887 system. ~~Any optional federal partner may immediately choose to~~
 888 ~~fully integrate its program's plan with this plan, which shall,~~
 889 ~~notwithstanding any other state provisions, fulfill all their~~
 890 ~~state planning and reporting requirements as they relate to the~~
 891 ~~one-stop delivery system.~~ The plan must detail a process that
 892 would fully integrate all federally mandated and optional
 893 partners ~~by the second year of the plan.~~ All optional federal
 894 program partners in the planning process shall be mandatory
 895 participants in the second year of the plan.

896 (3) FUNDING.—

897 (a) Title I, Workforce Innovation and Opportunity
 898 ~~Investment Act of 1998~~ funds; Wagner-Peyser funds; and
 899 NAFTA/Trade Act funds will be expended based on the 4-year ~~5-~~
 900 ~~year~~ plan of CareerSource Florida, Inc. The plan must ~~shall~~
 901 outline and direct the method used to administer and coordinate
 902 various funds and programs that are operated by various
 903 agencies. The following provisions apply to these funds:

904 1. At least 50 percent of the Title I funds for Adults and
 905 Dislocated Workers which are passed through to local ~~regional~~
 906 workforce development boards shall be allocated to and expended
 907 on Individual Training Accounts unless a local ~~regional~~
 908 workforce development board obtains a waiver from CareerSource
 909 Florida, Inc. Tuition, books, and fees of training providers and
 910 other training services prescribed and authorized by the

911 Workforce Innovation and Opportunity Investment ~~Act of 1998~~
 912 qualify as Individual Training Account expenditures.

913 2. Fifteen percent of Title I funding shall be retained at
 914 the state level and dedicated to state administration and shall
 915 be used to design, develop, induce, and fund innovative
 916 Individual Training Account pilots, demonstrations, and
 917 programs. Of such funds retained at the state level, \$2 million
 918 shall be reserved for the Incumbent Worker Training Program
 919 created under subparagraph 3. Eligible state administration
 920 costs include the costs of+ funding for the board and staff of
 921 CareerSource Florida, Inc.; operating fiscal, compliance, and
 922 management accountability systems through CareerSource Florida,
 923 Inc.; conducting evaluation and research on workforce
 924 development activities; and providing technical and capacity
 925 building assistance to local workforce development areas ~~regions~~
 926 at the direction of CareerSource Florida, Inc. Notwithstanding
 927 s. 445.004, such administrative costs may not exceed 25 percent
 928 of these funds. An amount not to exceed 75 percent of these
 929 funds shall be allocated to Individual Training Accounts and
 930 other workforce development strategies for other training
 931 designed and tailored by CareerSource Florida, Inc., including,
 932 but not limited to, programs for incumbent workers, displaced
 933 homemakers, nontraditional employment, and enterprise zones.
 934 CareerSource Florida, Inc., shall design, adopt, and fund
 935 Individual Training Accounts for distressed urban and rural
 936 communities.

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

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

947 b. The program shall be administered pursuant to s.
 948 134(d)(4) of the Workforce Innovation and Opportunity Act ~~To be~~
 949 ~~eligible for the program's grant funding, a business must have~~
 950 ~~been in operation in Florida for a minimum of 1 year prior to~~
 951 ~~the application for grant funding; have at least one full-time~~
 952 ~~employee; demonstrate financial viability; and be current on all~~
 953 ~~state tax obligations.~~ Priority for funding shall be given to
 954 businesses with 25 employees or fewer, businesses in rural
 955 areas, businesses in distressed inner-city areas, businesses in
 956 a qualified targeted industry, businesses whose grant proposals
 957 represent a significant upgrade in employee skills, or
 958 businesses whose grant proposals represent a significant layoff
 959 avoidance strategy.

960 c. All costs reimbursed by the program must be preapproved
 961 by CareerSource Florida, Inc., or the grant administrator. The
 962 program may not reimburse businesses for trainee wages, the

963 purchase of capital equipment, or the purchase of any item or
964 service that may possibly be used outside the training project.
965 A business approved for a grant may be reimbursed for
966 preapproved, direct, training-related costs including tuition,
967 fees, books and training materials, and overhead or indirect
968 costs not to exceed 5 percent of the grant amount.

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

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

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

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

989 or indirect purposes.

990 4. At least 50 percent of Rapid Response funding shall be
 991 dedicated to Intensive Services Accounts and Individual Training
 992 Accounts for dislocated workers and incumbent workers who are at
 993 risk of dislocation. CareerSource Florida, Inc., shall also
 994 maintain an Emergency Preparedness Fund from Rapid Response
 995 funds, which will immediately issue Intensive Service Accounts,
 996 Individual Training Accounts, and other federally authorized
 997 assistance to eligible victims of natural or other disasters. At
 998 the direction of the Governor, these Rapid Response funds shall
 999 be released to local ~~regional~~ workforce development boards for
 1000 immediate use after events that qualify under federal law.
 1001 Funding shall also be dedicated to maintain a unit at the state
 1002 level to respond to Rapid Response emergencies and to work with
 1003 state emergency management officials and local ~~regional~~
 1004 workforce development boards. All Rapid Response funds must be
 1005 expended based on a plan developed by CareerSource Florida,
 1006 Inc., and approved by the Governor.

1007 (b) The administrative entity for Title I, Workforce
 1008 Innovation and Opportunity Investment Act of 1998 funds, and
 1009 Rapid Response activities is the Department of Economic
 1010 Opportunity, which shall provide direction to local ~~regional~~
 1011 workforce development boards regarding Title I programs and
 1012 Rapid Response activities pursuant to the direction of
 1013 CareerSource Florida, Inc.

1014 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED

1015 MODIFICATIONS.—

1016 (a) CareerSource Florida, Inc., may provide
 1017 indemnification from audit liabilities to local regional
 1018 workforce development boards that act in full compliance with
 1019 state law and board policy.

1020 ~~(b) CareerSource Florida, Inc., may negotiate and settle~~
 1021 ~~all outstanding issues with the United States Department of~~
 1022 ~~Labor relating to decisions made by CareerSource Florida, Inc.,~~
 1023 ~~any predecessor workforce organization, and the Legislature with~~
 1024 ~~regard to the Job Training Partnership Act, making settlements~~
 1025 ~~and closing out all JTPA program year grants.~~

1026 (b)~~(c)~~ CareerSource Florida, Inc., may make modifications
 1027 to the state's plan, policies, and procedures to comply with
 1028 federally mandated requirements that in its judgment must be
 1029 complied with to maintain funding provided pursuant to Pub. L.
 1030 No. 113-128 ~~105-220~~. The board shall provide written notice to
 1031 the Governor, the President of the Senate, and the Speaker of
 1032 the House of Representatives within 30 days after any such
 1033 changes or modifications.

1034 (c) CareerSource Florida, Inc., shall enter into a
 1035 memorandum of understanding with the Department of Education to
 1036 ensure that federally mandated requirements of Pub. L. No. 113-
 1037 128 are met and comply with the state plan for workforce
 1038 development.

1039 (5) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.—
 1040 CareerSource Florida, Inc., may recommend workforce-related

1041 divisions, bureaus, units, programs, duties, commissions,
 1042 boards, and councils for elimination, consolidation, or
 1043 privatization.

1044 Section 24. Subsections (3), (4), (5), (9), (11), and (12)
 1045 of section 445.004, Florida Statutes, are amended to read:

1046 445.004 CareerSource Florida, Inc.; creation; purpose;
 1047 membership; duties and powers.—

1048 (3)(a) CareerSource Florida, Inc., shall be governed by a
 1049 board of directors, whose membership and appointment must be
 1050 consistent with Title I, s. 101(b), Pub. L. No. 113-128 ~~105-220~~,
 1051 ~~Title I, s. 111(b)~~. Members described in Title I, s.
 1052 101(b)(1)(C)(iii)(I)(aa), Pub. L. No. 113-128 ~~105-220~~, ~~Title I,~~
 1053 ~~s. 111(b)(1)(C)(vi)~~ shall be nonvoting members. The number of
 1054 directors shall be determined by the Governor, who shall
 1055 consider the importance of minority, gender, and geographic
 1056 representation in making appointments to the board. When the
 1057 Governor is in attendance, he or she shall preside at all
 1058 meetings of the board of directors.

1059 (b) The board of directors of CareerSource Florida, Inc.,
 1060 shall be chaired by a board member designated by the Governor
 1061 pursuant to Pub. L. No. 113-128 ~~105-220~~. A member may not serve
 1062 more than two terms.

1063 (c) Members appointed by the Governor may serve no more
 1064 than two terms and must be appointed for 3-year terms. However,
 1065 in order to establish staggered terms for board members, the
 1066 Governor shall appoint or reappoint one-third of the board

1067 members for 1-year terms, one-third of the board members for 2-
 1068 year terms, and one-third of the board members for 3-year terms
 1069 beginning July 1, 2016 ~~2005~~. Subsequent appointments or
 1070 reappointments shall be for 3-year terms, except that a member
 1071 appointed to fill a vacancy on the board shall be appointed to
 1072 serve only the remainder of the term of the member whom he or
 1073 she is replacing, and may be appointed for a subsequent 3-year
 1074 term. Private sector representatives of businesses, appointed by
 1075 the Governor pursuant to Pub. L. No. 113-128 ~~105-220~~, shall
 1076 constitute a majority of the membership of the board. Private
 1077 sector representatives shall be appointed from nominations
 1078 received by the Governor, including, but not limited to, those
 1079 nominations made by the President of the Senate and the Speaker
 1080 of the House of Representatives. Private sector appointments to
 1081 the board must be representative of the business community of
 1082 this state; no fewer than one-half of the appointments must be
 1083 representative of small businesses, and at least five members
 1084 must have economic development experience. Members appointed by
 1085 the Governor serve at the pleasure of the Governor and are
 1086 eligible for reappointment.

1087 (d) The board shall include the vice chair of the board of
 1088 directors of Enterprise Florida, Inc., one member representing
 1089 each of the Workforce Innovation and Opportunity Act partners,
 1090 including the Division of Career and Adult Education of the
 1091 Department of Education, and other entities representing
 1092 programs identified and determined necessary in the federal

1093 Workforce Innovation and Opportunity Act.

1094 (e)~~(d)~~ A member of the board of directors of CareerSource
 1095 Florida, Inc., may be removed by the Governor for cause. Absence
 1096 from three consecutive meetings results in automatic removal.
 1097 The chair of CareerSource Florida, Inc., shall notify the
 1098 Governor of such absences.

1099 (f)~~(e)~~ Representatives of businesses appointed to the
 1100 board of directors may not include providers of workforce
 1101 services.

1102 (4) (a) The president of CareerSource Florida, Inc., shall
 1103 be hired by the board of directors of CareerSource Florida,
 1104 Inc., and shall serve at the pleasure of the Governor in the
 1105 capacity of an executive director and secretary of CareerSource
 1106 Florida, Inc.

1107 (b) The board of directors of CareerSource Florida, Inc.,
 1108 shall meet at least quarterly and at other times upon the call
 1109 of its chair. The board and its committees, subcommittees, or
 1110 other subdivisions may use any method of telecommunications to
 1111 conduct meetings, including establishing a quorum through
 1112 telecommunications, if the public is given proper notice of the
 1113 telecommunications meeting and is given reasonable access to
 1114 observe and, if appropriate, participate.

1115 (c) A majority of the total current membership of the
 1116 board of directors of CareerSource Florida, Inc., constitutes a
 1117 quorum.

1118 (d) A majority of those voting is required to organize and

1119 | conduct the business of the board, except that a majority of the
 1120 | entire board of directors is required to adopt or amend the
 1121 | bylaws.

1122 | (e) Except as delegated or authorized by the board of
 1123 | directors of CareerSource Florida, Inc., individual members have
 1124 | no authority to control or direct the operations of CareerSource
 1125 | Florida, Inc., or the actions of its officers and employees,
 1126 | including the president.

1127 | (f) Members of the board of directors of CareerSource
 1128 | Florida, Inc., and its committees serve without compensation,
 1129 | but these members, the president, and the employees of
 1130 | CareerSource Florida, Inc., may be reimbursed for all
 1131 | reasonable, necessary, and actual expenses pursuant to s.
 1132 | 112.061.

1133 | (g) The board of directors of CareerSource Florida, Inc.,
 1134 | may establish an executive committee consisting of the chair and
 1135 | at least six additional board members selected by the chair, one
 1136 | of whom must be a representative of organized labor. The
 1137 | executive committee and the president have such authority as the
 1138 | board delegates to them, except that the board of directors may
 1139 | not delegate to the executive committee authority to take action
 1140 | that requires approval by a majority of the entire board of
 1141 | directors.

1142 | (h) The chair may appoint committees to fulfill the
 1143 | board's responsibilities, to comply with federal requirements,
 1144 | or to obtain technical assistance, and must incorporate members

1145 of local ~~regional~~ workforce development boards into its
 1146 structure.

1147 (i) Each member of the board of directors who is not
 1148 otherwise required to file a financial disclosure pursuant to s.
 1149 8, Art. II of the State Constitution or s. 112.3144 must file
 1150 disclosure of financial interests pursuant to s. 112.3145.

1151 (5) CareerSource Florida, Inc., shall have all the powers
 1152 and authority not explicitly prohibited by statute which are
 1153 necessary or convenient to carry out and effectuate its purposes
 1154 as determined by statute, Pub. L. No. 113-128 ~~105-220~~, and the
 1155 Governor, as well as its functions, duties, and
 1156 responsibilities, including, but not limited to, the following:

1157 (a) Serving as the state's Workforce Development
 1158 ~~Investment~~ Board pursuant to Pub. L. No. 113-128 ~~105-220~~. Unless
 1159 otherwise required by federal law, at least 90 percent of
 1160 workforce development funding must go toward direct customer
 1161 service.

1162 (b) Providing oversight and policy direction to ensure
 1163 that the following programs are administered by the department
 1164 in compliance with approved plans and under contract with
 1165 CareerSource Florida, Inc.:

1166 1. Programs authorized under Title I of the Workforce
 1167 Innovation and Opportunity Investment Act ~~of 1998~~, Pub. L. No.
 1168 113-128 ~~105-220~~, with the exception of programs funded directly
 1169 by the United States Department of Labor under Title I, s. 167.

1170 2. Programs authorized under the Wagner-Peyser Act of

1171 1933, as amended, 29 U.S.C. ss. 49 et seq.

1172 3. Activities authorized under Title II of the Trade Act
1173 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
1174 Adjustment Assistance Program.

1175 4. Activities authorized under 38 U.S.C. chapter 41,
1176 including job counseling, training, and placement for veterans.

1177 5. Employment and training activities carried out under
1178 funds awarded to this state by the United States Department of
1179 Housing and Urban Development.

1180 6. Welfare transition services funded by the Temporary
1181 Assistance for Needy Families Program, created under the
1182 Personal Responsibility and Work Opportunity Reconciliation Act
1183 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
1184 of the Social Security Act, as amended.

1185 7. Displaced homemaker programs, provided under s. 446.50.

1186 8. The Florida Bonding Program, provided under s.
1187 164(a)(1), Pub. L. No. 97-300, ~~s. 164(a)(1)~~.

1188 9. The Food Assistance Employment and Training Program,
1189 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
1190 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
1191 and the Hunger Prevention Act, Pub. L. No. 100-435.

1192 10. The Quick-Response Training Program, provided under
1193 ss. 288.046-288.047. Matching funds and in-kind contributions
1194 that are provided by clients of the Quick-Response Training
1195 Program shall count toward the requirements of s. 288.904,
1196 pertaining to the return on investment from activities of

1197 Enterprise Florida, Inc.

1198 11. The Work Opportunity Tax Credit, provided under the
 1199 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,
 1200 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

1201 12. Offender placement services, provided under ss.
 1202 944.707-944.708.

1203 (c) The department may adopt rules necessary to administer
 1204 the provisions of this chapter which relate to implementing and
 1205 administering the programs listed in paragraph (b) as well as
 1206 rules related to eligible training providers and auditing and
 1207 monitoring subrecipients of the workforce system grant funds.

1208 (d) Contracting with public and private entities as
 1209 necessary to further the directives of this section. All
 1210 contracts executed by CareerSource Florida, Inc., must include
 1211 specific performance expectations and deliverables. All
 1212 CareerSource Florida, Inc., contracts, including those
 1213 solicited, managed, or paid by the department pursuant to s.
 1214 20.60(5)(c) are exempt from s. 112.061, but shall be governed by
 1215 subsection (1).

1216 (e) Notifying the Governor, the President of the Senate,
 1217 and the Speaker of the House of Representatives of noncompliance
 1218 by the department or other agencies or obstruction of the
 1219 board's efforts by such agencies. Upon such notification, the
 1220 Executive Office of the Governor shall assist agencies to bring
 1221 them into compliance with board objectives.

1222 (f) Ensuring that the state does not waste valuable

1223 training resources. The board shall direct that all resources,
 1224 including equipment purchased for training Workforce Innovation
 1225 and Opportunity Investment Act clients, be available for use at
 1226 all times by eligible populations as first priority users. At
 1227 times when eligible populations are not available, such
 1228 resources shall be used for any other state-authorized education
 1229 and training purpose. CareerSource Florida, Inc., may authorize
 1230 expenditures to award suitable framed certificates, pins, or
 1231 other tokens of recognition for performance by a local ~~regional~~
 1232 workforce development board, its committees and subdivisions,
 1233 and other units of the workforce system. CareerSource Florida,
 1234 Inc., may also authorize expenditures for promotional items,
 1235 such as t-shirts, hats, or pens printed with messages promoting
 1236 the state's workforce system to employers, job seekers, and
 1237 program participants. However, such expenditures are subject to
 1238 federal regulations applicable to the expenditure of federal
 1239 funds.

1240 (g) Establishing a dispute resolution process for all
 1241 memoranda of understanding or other contracts or agreements
 1242 entered into between the department and local ~~regional~~ workforce
 1243 development boards.

1244 (h) Archiving records with the Bureau of Archives and
 1245 Records Management of the Division of Library and Information
 1246 Services of the Department of State.

1247 (9) CareerSource Florida, Inc., in collaboration with the
 1248 local ~~regional~~ workforce development boards and appropriate

1249 state agencies and local public and private service providers
 1250 ~~and in consultation with the Office of Program Policy Analysis~~
 1251 ~~and Government Accountability~~, shall establish uniform
 1252 performance accountability measures that apply across the core
 1253 programs and standards to gauge the performance of the state and
 1254 local workforce development areas in achieving the workforce
 1255 development strategy. These measures and standards must be
 1256 organized into three outcome tiers.

1257 (a) The performance accountability measures for the core
 1258 programs shall consist of the primary indicators of performance,
 1259 any additional indicators of performance, and a state adjusted
 1260 level of performance for each indicator pursuant to Title I, s.
 1261 116(b), Pub. L. No. 113-128.

1262 (b) The performance accountability measures for each local
 1263 workforce development area shall consist of the primary
 1264 indicators of performance, any additional indicators of
 1265 performance, and a local level of performance for each indicator
 1266 pursuant to Pub. L. No. 113-128. The local level of performance
 1267 shall be determined by the local workforce development board,
 1268 the chief elected official, and the Governor pursuant to Title
 1269 I, s. 116(c), Pub. L. No. 113-128.

1270 (c) Performance accountability measures shall be used to
 1271 generate performance reports pursuant to Title I, s. 116(d),
 1272 Pub. L. No. 113-128.

1273 ~~(a) The first tier of measures must be organized to~~
 1274 ~~provide benchmarks for systemwide outcomes. CareerSource~~

1275 ~~Florida, Inc., shall, in collaboration with the Office of~~
 1276 ~~Program Policy Analysis and Government Accountability, establish~~
 1277 ~~goals for the tier one outcomes. Systemwide outcomes may include~~
 1278 ~~employment in occupations demonstrating continued growth in~~
 1279 ~~wages; continued employment after 3, 6, 12, and 24 months;~~
 1280 ~~reduction in and elimination of public assistance reliance; job~~
 1281 ~~placement; employer satisfaction; and positive return on~~
 1282 ~~investment of public resources.~~

1283 ~~(b) The second tier of measures must be organized to~~
 1284 ~~provide a set of benchmark outcomes for the strategic components~~
 1285 ~~of the workforce development strategy. Cost per entered~~
 1286 ~~employment, earnings at placement, retention in employment, job~~
 1287 ~~placement, and entered employment rate must be included among~~
 1288 ~~the performance outcome measures.~~

1289 ~~(c) The third tier of measures must be the operational~~
 1290 ~~output measures to be used by the agency implementing programs,~~
 1291 ~~which may be specific to federal requirements. The tier three~~
 1292 ~~measures must be developed by the agencies implementing~~
 1293 ~~programs, which may consult with CareerSource Florida, Inc., in~~
 1294 ~~this effort. Such measures must be reported to CareerSource~~
 1295 ~~Florida, Inc., by the appropriate implementing agency.~~

1296 ~~(d) Regional differences must be reflected in the~~
 1297 ~~establishment of performance goals and may include job~~
 1298 ~~availability, unemployment rates, average worker wage, and~~
 1299 ~~available employable population.~~

1300 ~~(e) Job placement must be reported pursuant to s. 1008.39.~~

1301 ~~Positive outcomes for providers of education and training must~~
 1302 ~~be consistent with ss. 1008.42 and 1008.43.~~

1303 ~~(d)~~(f) The performance accountability ~~uniform~~ measures of
 1304 success that are adopted by CareerSource Florida, Inc., or the
 1305 local regional workforce development boards must be developed in
 1306 a manner that provides for an equitable comparison of the
 1307 relative success or failure of any service provider in terms of
 1308 positive outcomes.

1309 ~~(g) By December 1 of each year, CareerSource Florida,~~
 1310 ~~Inc., shall provide the Legislature with a report detailing the~~
 1311 ~~performance of Florida's workforce development system, as~~
 1312 ~~reflected in the three-tier measurement system. The report also~~
 1313 ~~must benchmark Florida outcomes for all tiers as compared with~~
 1314 ~~other states that collect data similarly.~~

1315 (11) The workforce development system must use a charter-
 1316 process approach aimed at encouraging local design and control
 1317 of service delivery and targeted activities. CareerSource
 1318 Florida, Inc., shall be responsible for granting charters to
 1319 local regional workforce development boards that have a
 1320 membership consistent with the requirements of federal and state
 1321 law and have developed a plan consistent with the state's
 1322 workforce development strategy. The plan must specify methods
 1323 for allocating the resources and programs in a manner that
 1324 eliminates unwarranted duplication, minimizes administrative
 1325 costs, meets the existing job market demands and the job market
 1326 demands resulting from successful economic development

1327 activities, ensures access to quality workforce development
 1328 services for all Floridians, allows for pro rata or partial
 1329 distribution of benefits and services, prohibits the creation of
 1330 a waiting list or other indication of an unserved population,
 1331 serves as many individuals as possible within available
 1332 resources, and maximizes successful outcomes. As part of the
 1333 charter process, CareerSource Florida, Inc., shall establish
 1334 incentives for effective coordination of federal and state
 1335 programs, outline rewards for successful job placements, and
 1336 institute collaborative approaches among local service
 1337 providers. Local decisionmaking and control shall be important
 1338 components for inclusion in this charter application.

1339 (12) CareerSource Florida, Inc., shall enter into
 1340 agreement with Space Florida and collaborate with vocational
 1341 institutes, community colleges, colleges, and universities in
 1342 this state, to develop a workforce development strategy to
 1343 implement the workforce provisions of s. 331.3051.

1344 Section 25. Section 445.006, Florida Statutes, is amended
 1345 to read:

1346 445.006 State plan ~~Strategic and operational plans~~ for
 1347 workforce development.-

1348 (1) CareerSource Florida, Inc., in conjunction with state
 1349 and local partners in the workforce system, shall develop a
 1350 state strategic plan ~~that produces skilled employees for~~
 1351 ~~employers in the state.~~ The state strategic plan shall be used
 1352 to implement the strategic goals for preparing an educated and

1353 skilled workforce. The state plan shall consist of a strategic
 1354 plan and an operational plan ~~updated or modified by January 1 of~~
 1355 ~~each year.~~

1356 (2) CareerSource Florida, Inc., shall establish a
 1357 strategic plan, which must be updated or modified by January 1
 1358 every 2 years.

1359 (a) The strategic plan shall include strategic planning
 1360 elements pursuant to Title I, s. 102, Pub. L. No. 113-128. The
 1361 strategic plan must include, but need not be limited to,
 1362 strategies for:

1363 1.(a) Fulfilling the workforce system goals and strategies
 1364 prescribed in s. 445.004;

1365 2.(b) Aggregating, integrating, and leveraging workforce
 1366 system resources;

1367 3.(c) Coordinating the activities of federal, state, and
 1368 local workforce system partners;

1369 4.(d) Addressing the workforce needs of small businesses;
 1370 and

1371 5.(e) Fostering the participation of rural communities and
 1372 distressed urban cores in the workforce system.

1373 (b)(4) The strategic plan must include criteria for
 1374 allocating workforce resources to local ~~regional~~ workforce
 1375 development boards. With respect to allocating funds to serve
 1376 customers of the welfare transition program, such criteria may
 1377 include weighting factors that indicate the relative degree of
 1378 difficulty associated with securing and retaining employment

1379 placements for specific subsets of the welfare transition
 1380 caseload.

1381 (3)~~(2)~~ CareerSource Florida, Inc., shall establish an
 1382 operational plan to implement the state strategic goals for
 1383 preparing an educated and skilled workforce plan. The
 1384 operational plan shall be submitted to the Governor and the
 1385 Legislature along with the strategic plan. The operational plan
 1386 shall include operational planning elements pursuant to Title I,
 1387 s. 102, Pub. L. No. 113-128. ~~and must reflect the allocation of~~
 1388 ~~resources as appropriated by the Legislature to specific~~
 1389 ~~responsibilities enumerated in law. As a component of the~~
 1390 ~~operational plan required under this section, CareerSource~~
 1391 ~~Florida, Inc., shall develop a workforce marketing plan, with~~
 1392 ~~the goal of educating individuals inside and outside the state~~
 1393 ~~about the employment market and employment conditions in the~~
 1394 ~~state. The marketing plan must include, but need not be limited~~
 1395 ~~to, strategies for:~~

1396 ~~(a) Distributing information to secondary and~~
 1397 ~~postsecondary education institutions about the diversity of~~
 1398 ~~businesses in the state, specific clusters of businesses or~~
 1399 ~~business sectors in the state, and occupations by industry which~~
 1400 ~~are in demand by employers in the state;~~

1401 ~~(b) Distributing information about and promoting use of~~
 1402 ~~the Internet-based job matching and labor market information~~
 1403 ~~system authorized under s. 445.011; and~~

1404 ~~(c) Coordinating with Enterprise Florida, Inc., to ensure~~

1405 ~~that workforce marketing efforts complement the economic~~
 1406 ~~development marketing efforts of the state.~~

1407 ~~(3) The operational plan must include performance~~
 1408 ~~measures, standards, measurement criteria, and contract~~
 1409 ~~guidelines in the following areas with respect to participants~~
 1410 ~~in the welfare transition program:~~

- 1411 ~~(a) Work participation rates, by type of activity;~~
- 1412 ~~(b) Caseload trends;~~
- 1413 ~~(c) Recidivism;~~
- 1414 ~~(d) Participation in diversion and relocation assistance~~
 1415 ~~programs;~~
- 1416 ~~(e) Employment retention;~~
- 1417 ~~(f) Wage growth; and~~
- 1418 ~~(g) Other issues identified by the board of directors of~~
 1419 ~~CareerSource Florida, Inc.~~

1420 ~~(5) (a) The operational plan may include a performance-~~
 1421 ~~based payment structure to be used for all welfare transition~~
 1422 ~~program customers which takes into account:~~

- 1423 ~~1. The degree of difficulty associated with placement and~~
 1424 ~~retention;~~
- 1425 ~~2. The quality of the placement with respect to salary,~~
 1426 ~~benefits, and opportunities for advancement; and~~
- 1427 ~~3. The employee's retention in the placement.~~

1428 ~~(b) The payment structure may provide for bonus payments~~
 1429 ~~of up to 10 percent of the contract amount to providers that~~
 1430 ~~achieve notable success in achieving contract objectives,~~

1431 ~~including, but not limited to, success in diverting families in~~
 1432 ~~which there is an adult who is subject to work requirements from~~
 1433 ~~receiving cash assistance and in achieving long-term job~~
 1434 ~~retention and wage growth with respect to welfare transition~~
 1435 ~~program customers. A service provider shall be paid a maximum of~~
 1436 ~~one payment per service for each participant during any given 6-~~
 1437 ~~month period.~~

1438 ~~(6)(a) The operational plan must include strategies that~~
 1439 ~~are designed to prevent or reduce the need for a person to~~
 1440 ~~receive public assistance, including:~~

1441 ~~1. A teen pregnancy prevention component that includes,~~
 1442 ~~but is not limited to, a plan for implementing the Teen~~
 1443 ~~Pregnancy Prevention Community Initiative within each county of~~
 1444 ~~the services area in which the teen birth rate is higher than~~
 1445 ~~the state average;~~

1446 ~~2. A component that encourages community-based welfare~~
 1447 ~~prevention and reduction initiatives that increase support~~
 1448 ~~provided by noncustodial parents to their welfare-dependent~~
 1449 ~~children and are consistent with program and financial~~
 1450 ~~guidelines developed by CareerSource Florida, Inc., and the~~
 1451 ~~Commission on Responsible Fatherhood. These initiatives may~~
 1452 ~~include improved paternity establishment, work activities for~~
 1453 ~~noncustodial parents, programs aimed at decreasing out-of-~~
 1454 ~~wedlock pregnancies, encouraging involvement of fathers with~~
 1455 ~~their children which includes court-ordered supervised~~
 1456 ~~visitation, and increasing child support payments;~~

1457 ~~3. A component that encourages formation and maintenance~~
 1458 ~~of two-parent families through, among other things, court-~~
 1459 ~~ordered supervised visitation;~~

1460 ~~4. A component that fosters responsible fatherhood in~~
 1461 ~~families receiving assistance; and~~

1462 ~~5. A component that fosters the provision of services that~~
 1463 ~~reduce the incidence and effects of domestic violence on women~~
 1464 ~~and children in families receiving assistance.~~

1465 ~~(b) Specifications for welfare transition program services~~
 1466 ~~that are to be delivered include, but are not limited to:~~

1467 ~~1. Initial assessment services prior to an individual~~
 1468 ~~being placed in an employment service, to determine whether the~~
 1469 ~~individual should be referred for relocation, up-front~~
 1470 ~~diversion, education, or employment placement. Assessment~~
 1471 ~~services shall be paid on a fixed unit rate and may not provide~~
 1472 ~~educational or employment placement services.~~

1473 ~~2. Referral of participants to diversion and relocation~~
 1474 ~~programs.~~

1475 ~~3. Preplacement services, including assessment, staffing,~~
 1476 ~~career plan development, work orientation, and employability~~
 1477 ~~skills enhancement.~~

1478 ~~4. Services necessary to secure employment for a welfare~~
 1479 ~~transition program participant.~~

1480 ~~5. Services necessary to assist participants in retaining~~
 1481 ~~employment, including, but not limited to, remedial education,~~
 1482 ~~language skills, and personal and family counseling.~~

- 1483 ~~6. Desired quality of job placements with regard to~~
 1484 ~~salary, benefits, and opportunities for advancement.~~
- 1485 ~~7. Expectations regarding job retention.~~
- 1486 ~~8. Strategies to ensure that transition services are~~
 1487 ~~provided to participants for the mandated period of eligibility.~~
- 1488 ~~9. Services that must be provided to the participant~~
 1489 ~~throughout an education or training program, such as monitoring~~
 1490 ~~attendance and progress in the program.~~
- 1491 ~~10. Services that must be delivered to welfare transition~~
 1492 ~~program participants who have a deferral from work requirements~~
 1493 ~~but wish to participate in activities that meet federal~~
 1494 ~~participation requirements.~~
- 1495 ~~11. Expectations regarding continued participant awareness~~
 1496 ~~of available services and benefits.~~

1497 Section 26. Section 445.007, Florida Statutes, is amended
 1498 to read:

1499 445.007 Local Regional workforce development boards.-

1500 (1) One local ~~regional~~ workforce development board shall
 1501 be appointed in each designated service delivery area and shall
 1502 serve as the local workforce development ~~investment~~ board
 1503 pursuant to Pub. L. No. 113-128 ~~105-220~~. The membership of the
 1504 board shall be consistent with Pub. L. No. 113-128 ~~105-220~~,
 1505 Title I, s. 107(b) ~~117(b)~~ but may not exceed the minimum
 1506 ~~membership required in Pub. L. No. 105-220, Title I, s.~~
 1507 ~~117(b)(2)(A) and in this subsection. Upon approval by the~~
 1508 ~~Governor, the chief elected official may appoint additional~~

1509 ~~members above the limit set by this subsection. If a public~~
 1510 ~~education or training provider is represented on the board, a~~
 1511 ~~representative of a private nonprofit provider and a~~
 1512 ~~representative of a private for-profit provider must also be~~
 1513 ~~appointed to the board. The board shall include one nonvoting~~
 1514 ~~representative from a military installation if a military~~
 1515 ~~installation is located within the region and the appropriate~~
 1516 ~~military command or organization authorizes such representation.~~
 1517 ~~It is the intent of the Legislature that membership of a~~
 1518 ~~regional workforce board include persons who are current or~~
 1519 ~~former recipients of welfare transition assistance as defined in~~
 1520 ~~s. 445.002(2) or workforce services as provided in s. 445.009(1)~~
 1521 ~~or that such persons be included as ex officio members of the~~
 1522 ~~board or of committees organized by the board. The importance of~~
 1523 ~~minority and gender representation shall be considered when~~
 1524 ~~making appointments to the board. The board, its committees,~~
 1525 ~~subcommittees, and subdivisions, and other units of the~~
 1526 ~~workforce system, including units that may consist in whole or~~
 1527 ~~in part of local governmental units, may use any method of~~
 1528 ~~telecommunications to conduct meetings, including establishing a~~
 1529 ~~quorum through telecommunications, provided that the public is~~
 1530 ~~given proper notice of the telecommunications meeting and~~
 1531 ~~reasonable access to observe and, when appropriate, participate.~~
 1532 Local ~~Regional~~ workforce development boards are subject to
 1533 chapters 119 and 286 and s. 24, Art. I of the State
 1534 Constitution. If the local ~~regional~~ workforce development board

1535 enters into a contract with an organization or individual
 1536 represented on the board of directors, the contract must be
 1537 approved by a two-thirds vote of the board, a quorum having been
 1538 established, and the board member who could benefit financially
 1539 from the transaction must abstain from voting on the contract. A
 1540 board member must disclose any such conflict in a manner that is
 1541 consistent with the procedures outlined in s. 112.3143. Each
 1542 member of a local ~~regional~~ workforce development board who is
 1543 not otherwise required to file a full and public disclosure of
 1544 financial interests pursuant to s. 8, Art. II of the State
 1545 Constitution or s. 112.3144 shall file a statement of financial
 1546 interests pursuant to s. 112.3145. The executive director or
 1547 designated person responsible for the operational and
 1548 administrative functions of the local ~~regional~~ workforce
 1549 development board who is not otherwise required to file a full
 1550 and public disclosure of financial interests pursuant to s. 8,
 1551 Art. II of the State Constitution or s. 112.3144 shall file a
 1552 statement of financial interests pursuant to s. 112.3145.

1553 (2)(a) The local ~~regional~~ workforce development board
 1554 shall elect a chair from among the representatives described in
 1555 Title I, s. 107(b)(2)(A), Pub. L. No. 113-128 105-220, Title I,
 1556 ~~s. 117(b)(2)(A)(i)~~ to serve for a term of no more than 2 years
 1557 and shall serve no more than two terms.

1558 (b) The Governor may remove a member of the board, the
 1559 executive director of the board, or the designated person
 1560 responsible for the operational and administrative functions of

1561 the board for cause. As used in this paragraph, the term "cause"
 1562 includes, but is not limited to, engaging in fraud or other
 1563 criminal acts, incapacity, unfitness, neglect of duty, official
 1564 incompetence and irresponsibility, misfeasance, malfeasance,
 1565 nonfeasance, or lack of performance.

1566 (3) The Department of Economic Opportunity, under the
 1567 direction of CareerSource Florida, Inc., shall assign staff to
 1568 meet with each local ~~regional~~ workforce development board
 1569 annually to review the board's performance and to certify that
 1570 the board is in compliance with applicable state and federal
 1571 law.

1572 (4) In addition to the duties and functions specified by
 1573 CareerSource Florida, Inc., and by the interlocal agreement
 1574 approved by the local county or city governing bodies, the local
 1575 ~~regional~~ workforce development board shall have the following
 1576 responsibilities:

1577 (a) Develop, submit, ratify, or amend the local plan
 1578 pursuant to Title I, s. 108, Pub. L. No. 113-128 ~~105-220~~, Title
 1579 ~~I, s. 118~~, and the provisions of this act.

1580 (b) Conclude agreements necessary to designate the fiscal
 1581 agent and administrative entity. A public or private entity,
 1582 including an entity established pursuant to s. 163.01, which
 1583 makes a majority of the appointments to a local ~~regional~~
 1584 workforce development board may serve as the board's
 1585 administrative entity if approved by CareerSource Florida, Inc.,
 1586 based upon a showing that a fair and competitive process was

1587 used to select the administrative entity.

1588 (c) Complete assurances required for the charter process
 1589 of CareerSource Florida, Inc., and provide ongoing oversight
 1590 related to administrative costs, duplicated services, career
 1591 counseling, economic development, equal access, compliance and
 1592 accountability, and performance outcomes.

1593 (d) Oversee the one-stop delivery system in its local
 1594 area.

1595 (5) CareerSource Florida, Inc., shall implement a training
 1596 program for the local ~~regional~~ workforce development boards to
 1597 familiarize board members with the state's workforce development
 1598 goals and strategies.

1599 (6) The local ~~regional~~ workforce development board shall
 1600 designate all local service providers and may not transfer this
 1601 authority to a third party. Consistent with the intent of the
 1602 Workforce Innovation and Opportunity ~~Investment~~ Act, local
 1603 ~~regional~~ workforce development boards should provide the
 1604 greatest possible choice of training providers to those who
 1605 qualify for training services. A local ~~regional~~ workforce
 1606 development board may not restrict the choice of training
 1607 providers based upon cost, location, or historical training
 1608 arrangements. However, a board may restrict the amount of
 1609 training resources available to any one client. Such
 1610 restrictions may vary based upon the cost of training in the
 1611 client's chosen occupational area. The local ~~regional~~ workforce
 1612 development board may be designated as a one-stop operator and

1613 direct provider of intake, assessment, eligibility
 1614 determinations, or other direct provider services except
 1615 training services. Such designation may occur only with the
 1616 agreement of the chief elected official and the Governor as
 1617 specified in 29 U.S.C. s. 2832(f)(2). CareerSource Florida,
 1618 Inc., shall establish procedures by which a local ~~regional~~
 1619 workforce development board may request permission to operate
 1620 under this section and the criteria under which such permission
 1621 may be granted. The criteria shall include, but need not be
 1622 limited to, a reduction in the cost of providing the permitted
 1623 services. Such permission shall be granted for a period not to
 1624 exceed 3 years for any single request submitted by the local
 1625 ~~regional~~ workforce development board.

1626 (7) Local ~~Regional~~ workforce development boards shall
 1627 adopt a committee structure consistent with applicable federal
 1628 law and state policies established by CareerSource Florida, Inc.

1629 (8) The importance of minority and gender representation
 1630 shall be considered when appointments are made to any committee
 1631 established by the local ~~regional~~ workforce development board.

1632 (9) For purposes of procurement, local ~~regional~~ workforce
 1633 development boards and their administrative entities are not
 1634 state agencies and are exempt from chapters 120 and 287. The
 1635 local ~~regional~~ workforce development boards shall apply the
 1636 procurement and expenditure procedures required by federal law
 1637 and policies of the Department of Economic Opportunity and
 1638 CareerSource Florida, Inc., for the expenditure of federal,

1639 state, and nonpass-through funds. The making or approval of
 1640 smaller, multiple payments for a single purchase with the intent
 1641 to avoid or evade the monetary thresholds and procedures
 1642 established by federal law and policies of the Department of
 1643 Economic Opportunity and CareerSource Florida, Inc., is grounds
 1644 for removal for cause. Local ~~Regional~~ workforce development
 1645 boards, their administrative entities, committees, and
 1646 subcommittees, and other workforce units may authorize
 1647 expenditures to award suitable framed certificates, pins, or
 1648 other tokens of recognition for performance by units of the
 1649 workforce system. Local ~~Regional~~ workforce development boards;
 1650 their administrative entities, committees, and subcommittees;
 1651 and other workforce units may authorize expenditures for
 1652 promotional items, such as t-shirts, hats, or pens printed with
 1653 messages promoting Florida's workforce system to employers, job
 1654 seekers, and program participants. However, such expenditures
 1655 are subject to federal regulations applicable to the expenditure
 1656 of federal funds. All contracts executed by local ~~regional~~
 1657 workforce development boards must include specific performance
 1658 expectations and deliverables.

1659 (10) State and federal funds provided to the local
 1660 ~~regional~~ workforce development boards may not be used directly
 1661 or indirectly to pay for meals, food, or beverages for board
 1662 members, staff, or employees of local ~~regional~~ workforce
 1663 development boards, CareerSource Florida, Inc., or the
 1664 Department of Economic Opportunity except as expressly

1665 authorized by state law. Preapproved, reasonable, and necessary
 1666 per diem allowances and travel expenses may be reimbursed. Such
 1667 reimbursement shall be at the standard travel reimbursement
 1668 rates established in s. 112.061 and shall be in compliance with
 1669 all applicable federal and state requirements. CareerSource
 1670 Florida, Inc., shall develop a statewide fiscal policy
 1671 applicable to the state board and all local ~~regional~~ workforce
 1672 development boards, to hold both the state and local ~~regional~~
 1673 workforce development boards strictly accountable for adherence
 1674 to the policy and subject to regular and periodic monitoring by
 1675 the Department of Economic Opportunity, the administrative
 1676 entity for CareerSource Florida, Inc. Boards are prohibited from
 1677 expending state or federal funds for entertainment costs and
 1678 recreational activities for board members and employees as these
 1679 terms are defined by 2 C.F.R. part 230.

1680 (11) To increase transparency and accountability, a local
 1681 ~~regional~~ workforce development board must comply with the
 1682 requirements of this section before contracting with a member of
 1683 the board or a relative, as defined in s. 112.3143(1)(c), of a
 1684 board member or of an employee of the board. Such contracts may
 1685 not be executed before or without the approval of CareerSource
 1686 Florida, Inc. Such contracts, as well as documentation
 1687 demonstrating adherence to this section as specified by
 1688 CareerSource Florida, Inc., must be submitted to the Department
 1689 of Economic Opportunity for review and recommendation according
 1690 to criteria to be determined by CareerSource Florida, Inc. Such

1691 a contract must be approved by a two-thirds vote of the board, a
 1692 quorum having been established; all conflicts of interest must
 1693 be disclosed before the vote; and any member who may benefit
 1694 from the contract, or whose relative may benefit from the
 1695 contract, must abstain from the vote. A contract under \$25,000
 1696 between a local ~~regional~~ workforce development board and a
 1697 member of that board or between a relative, as defined in s.
 1698 112.3143(1)(c), of a board member or of an employee of the board
 1699 is not required to have the prior approval of CareerSource
 1700 Florida, Inc., but must be approved by a two-thirds vote of the
 1701 board, a quorum having been established, and must be reported to
 1702 the Department of Economic Opportunity and CareerSource Florida,
 1703 Inc., within 30 days after approval. If a contract cannot be
 1704 approved by CareerSource Florida, Inc., a review of the decision
 1705 to disapprove the contract may be requested by the local
 1706 ~~regional~~ workforce development board or other parties to the
 1707 disapproved contract.

1708 (12) Each local ~~regional~~ workforce development board shall
 1709 develop a budget for the purpose of carrying out the duties of
 1710 the board under this section, subject to the approval of the
 1711 chief elected official. Each local ~~regional~~ workforce
 1712 development board shall submit its annual budget for review to
 1713 CareerSource Florida, Inc., no later than 2 weeks after the
 1714 chair approves the budget.

1715 (13) CareerSource Florida, Inc., shall establish regional
 1716 planning areas in accordance with Title I, s. 106(a)(2), Pub. L.

1717 No. 113-128, by March 1, 2018. Local workforce development
 1718 boards and chief elected officials within an identified regional
 1719 planning area shall prepare a regional workforce development
 1720 plan as required under Title I, s. 106(c)(2), Pub. L. No. 113-
 1721 128.

1722 Section 27. Subsections (4) and (5) of section 445.0071,
 1723 Florida Statutes, are amended to read:

1724 445.0071 Florida Youth Summer Jobs Pilot Program.—

1725 (4) GOVERNANCE.—

1726 (a) The pilot program shall be administered by the local
 1727 ~~regional~~ workforce development board in consultation with
 1728 CareerSource Florida, Inc.

1729 (b) The local ~~regional~~ workforce development board shall
 1730 report to CareerSource Florida, Inc., the number of at-risk and
 1731 disadvantaged children who enter the program, the types of work
 1732 activities they participate in, and the number of children who
 1733 return to school, go on to postsecondary school, or enter the
 1734 workforce full time at the end of the program. CareerSource
 1735 Florida, Inc., shall report to the Legislature by November 1 of
 1736 each year on the performance of the program.

1737 (5) FUNDING.—

1738 (a) The local ~~regional~~ workforce development board shall,
 1739 consistent with state and federal laws, use funds appropriated
 1740 specifically for the pilot program to provide youth wage
 1741 payments and educational enrichment activities. The local
 1742 ~~regional~~ workforce development board and local communities may

1743 obtain private or state and federal grants or other sources of
 1744 funds in addition to any appropriated funds.

1745 (b) Program funds shall be used as follows:

1746 1. No less than 85 percent of the funds shall be used for
 1747 youth wage payments or educational enrichment activities. These
 1748 funds shall be matched on a one-to-one basis by each local
 1749 community that participates in the program.

1750 2. No more than 2 percent of the funds may be used for
 1751 administrative purposes.

1752 3. The remainder of the funds may be used for
 1753 transportation assistance, child care assistance, or other
 1754 assistance to enable a program participant to enter or remain in
 1755 the program.

1756 (c) The local ~~regional~~ workforce development board shall
 1757 pay a participating employer an amount equal to one-half of the
 1758 wages paid to a youth participating in the program. Payments
 1759 shall be made monthly for the duration that the youth
 1760 participant is employed as documented by the employer and
 1761 confirmed by the local ~~regional~~ workforce development board.

1762 Section 28. Subsections (2) through (7), paragraphs (b),
 1763 (c), and (d) of subsection (8), paragraph (b) of subsection (9),
 1764 and subsection (10) of section 445.009, Florida Statutes, are
 1765 amended to read:

1766 445.009 One-stop delivery system.—

1767 (2)(a) Subject to a process designed by CareerSource
 1768 Florida, Inc., and in compliance with Pub. L. No. 113-128 ~~105~~

1769 220, local ~~regional~~ workforce development boards shall designate
 1770 one-stop delivery system operators.

1771 (b) A local ~~regional~~ workforce development board may
 1772 designate as its one-stop delivery system operator any public or
 1773 private entity that is eligible to provide services under any
 1774 state or federal workforce program that is a mandatory or
 1775 discretionary partner in the local workforce development area's
 1776 ~~region's~~ one-stop delivery system if approved by CareerSource
 1777 Florida, Inc., upon a showing by the local ~~regional~~ workforce
 1778 development board that a fair and competitive process was used
 1779 in the selection. As a condition of authorizing a local ~~regional~~
 1780 workforce development board to designate such an entity as its
 1781 one-stop delivery system operator, CareerSource Florida, Inc.,
 1782 must require the local ~~regional~~ workforce development board to
 1783 demonstrate that safeguards are in place to ensure that the one-
 1784 stop delivery system operator will not exercise an unfair
 1785 competitive advantage or unfairly refer or direct customers of
 1786 the one-stop delivery system to services provided by that one-
 1787 stop delivery system operator. A local ~~regional~~ workforce
 1788 development board may retain its current one-stop career center
 1789 operator without further procurement action if the board has an
 1790 established one-stop career center that has complied with
 1791 federal and state law.

1792 (c) The local workforce development board must enter into
 1793 a memorandum of understanding with each mandatory or optional
 1794 partner participating in the one-stop delivery system which

1795 details the partner's required contribution to infrastructure
 1796 costs, as required by s. 121(h), Pub. L. No. 113-128. If the
 1797 local workforce development board and the one-stop partner are
 1798 unable to come to an agreement regarding infrastructure costs by
 1799 July 1, 2016, the costs shall be allocated pursuant to a policy
 1800 established by the Governor.

1801 (3) Local ~~Regional~~ workforce development boards shall
 1802 enter into a memorandum of understanding with the Department of
 1803 Economic Opportunity for the delivery of employment services
 1804 authorized by the federal Wagner-Peyser Act. This memorandum of
 1805 understanding must be performance based.

1806 (a) Unless otherwise required by federal law, at least 90
 1807 percent of the Wagner-Peyser funding must go into direct
 1808 customer service costs.

1809 (b) Employment services must be provided through the one-
 1810 stop delivery system, under the guidance of one-stop delivery
 1811 system operators. One-stop delivery system operators shall have
 1812 overall authority for directing the staff of the workforce
 1813 system. Personnel matters shall remain under the ultimate
 1814 authority of the department. However, the one-stop delivery
 1815 system operator shall submit to the department information
 1816 concerning the job performance of employees of the department
 1817 who deliver employment services. The department shall consider
 1818 any such information submitted by the one-stop delivery system
 1819 operator in conducting performance appraisals of the employees.

1820 (c) The department shall retain fiscal responsibility and

1821 | accountability for the administration of funds allocated to the
 1822 | state under the Wagner-Peyser Act. An employee of the department
 1823 | who is providing services authorized under the Wagner-Peyser Act
 1824 | shall be paid using Wagner-Peyser Act funds.

1825 | (4) One-stop delivery system partners shall enter into a
 1826 | memorandum of understanding pursuant to Title I, s. 121, Pub. L.
 1827 | No. 113-128 ~~105-220~~, ~~Title I, s. 121~~, with the local ~~regional~~
 1828 | workforce development board. Failure of a local partner to
 1829 | participate cannot unilaterally block the majority of partners
 1830 | from moving forward with their one-stop delivery system, and
 1831 | CareerSource Florida, Inc., pursuant to s. 445.004(5)(e), may
 1832 | make notification of a local partner that fails to participate.

1833 | (5) To the extent possible, local ~~regional~~ workforce
 1834 | development boards shall include as partners in the local one-
 1835 | stop delivery system entities that provide programs or
 1836 | activities designed to meet the needs of homeless persons.

1837 | (6)(a) To the extent possible, core services, as defined
 1838 | by Pub. L. No. 113-128 ~~105-220~~, shall be provided
 1839 | electronically, using existing systems. These electronic systems
 1840 | shall be linked and integrated into a comprehensive service
 1841 | system to simplify access to core services by:

1842 | 1. Maintaining staff to serve as the first point of
 1843 | contact with the public seeking access to employment services
 1844 | who are knowledgeable about each program located in each one-
 1845 | stop delivery system center as well as related services. An
 1846 | initial determination of the programs for which a customer is

1847 likely to be eligible and any referral for a more thorough
 1848 eligibility determination must be made at this first point of
 1849 contact; and

1850 2. Establishing an automated, integrated intake screening
 1851 and eligibility process where customers will provide information
 1852 through a self-service intake process that may be accessed by
 1853 staff from any participating program.

1854 (b) To expand electronic capabilities, CareerSource
 1855 Florida, Inc., working with local ~~regional~~ workforce development
 1856 boards, shall develop a centralized help center to assist local
 1857 ~~regional~~ workforce development boards in fulfilling core
 1858 services, minimizing the need for fixed-site one-stop delivery
 1859 system centers.

1860 (c) To the extent feasible, core services shall be
 1861 accessible through the Internet. Through this technology, core
 1862 services shall be made available at public libraries, public and
 1863 private educational institutions, community centers, kiosks,
 1864 neighborhood facilities, and satellite one-stop delivery system
 1865 sites. Each local ~~regional~~ workforce development board's web
 1866 page shall serve as a portal for contacting potential employees
 1867 by integrating the placement efforts of universities and private
 1868 companies, including staffing services firms, into the existing
 1869 one-stop delivery system.

1870 (7) Intensive services and training provided pursuant to
 1871 Pub. L. No. 113-128 ~~105-220~~, shall be provided to individuals
 1872 through Intensive Service Accounts and Individual Training

1873 Accounts. CareerSource Florida, Inc., shall develop an
 1874 implementation plan, including identification of initially
 1875 eligible training providers, transition guidelines, and criteria
 1876 for use of these accounts. Individual Training Accounts must be
 1877 compatible with Individual Development Accounts for education
 1878 allowed in federal and state welfare reform statutes.

1879 (8)

1880 (b) For each approved training program, local ~~regional~~
 1881 workforce development boards, in consultation with training
 1882 providers, shall establish a fair-market purchase price to be
 1883 paid through an Individual Training Account. The purchase price
 1884 must be based on prevailing costs and reflect local economic
 1885 factors, program complexity, and program benefits, including
 1886 time to beginning of training and time to completion. The price
 1887 shall ensure the fair participation of public and nonpublic
 1888 postsecondary educational institutions as authorized service
 1889 providers and shall prohibit the use of unlawful remuneration to
 1890 the student in return for attending an institution. Unlawful
 1891 remuneration does not include student financial assistance
 1892 programs.

1893 (c) CareerSource Florida, Inc., shall periodically review
 1894 Individual Training Account pricing schedules developed by local
 1895 ~~regional~~ workforce development boards and present findings and
 1896 recommendations for process improvement to the President of the
 1897 Senate and the Speaker of the House of Representatives.

1898 (d) To the maximum extent possible, training providers

1899 shall use funding sources other than the funding provided under
 1900 Pub. L. No. 113-128 ~~105-220~~. CareerSource Florida, Inc., shall
 1901 develop a system to encourage the leveraging of appropriated
 1902 resources for the workforce system and shall report on such
 1903 efforts as part of the required annual report.

1904 (9)

1905 (b) The network shall assure that a uniform method is used
 1906 to determine eligibility for and management of services provided
 1907 by agencies that conduct workforce development activities. The
 1908 Department of Management Services shall develop strategies to
 1909 allow access to the databases and information management systems
 1910 of the following systems in order to link information in those
 1911 databases with the one-stop delivery system:

1912 1. The Reemployment Assistance Program under chapter 443.

1913 2. The public employment service described in s. 443.181.

1914 3. The public assistance information system used by the
 1915 Department of Children and Families ~~FLORIDA System~~ and the
 1916 components related to temporary cash assistance, food
 1917 assistance, and Medicaid eligibility.

1918 4. The Student Financial Assistance System of the
 1919 Department of Education.

1920 5. Enrollment in the public postsecondary education
 1921 system.

1922 6. Other information systems determined appropriate by
 1923 CareerSource Florida, Inc.

1924 (10) To the maximum extent feasible, the one-stop delivery

1925 system may use private sector staffing services firms in the
 1926 provision of workforce services to individuals and employers in
 1927 the state. Local ~~Regional~~ workforce development boards may
 1928 collaborate with staffing services firms in order to facilitate
 1929 the provision of workforce services. Local ~~Regional~~ workforce
 1930 development boards may contract with private sector staffing
 1931 services firms to design programs that meet the employment needs
 1932 of the local workforce development area ~~region~~. All such
 1933 contracts must be performance-based and require a specific
 1934 period of job tenure prior to payment.

1935 Section 29. Subsections (1) and (3) of section 445.014,
 1936 Florida Statutes, are amended to read:

1937 445.014 Small business workforce service initiative.—

1938 (1) Subject to legislative appropriation, CareerSource
 1939 Florida, Inc., shall establish a program to encourage local
 1940 ~~regional~~ workforce development boards to establish one-stop
 1941 delivery systems that maximize the provision of workforce and
 1942 human-resource support services to small businesses. Under the
 1943 program, a local ~~regional~~ workforce development board may apply,
 1944 on a competitive basis, for funds to support the provision of
 1945 such services to small businesses through the local workforce
 1946 development area's ~~region's~~ one-stop delivery system.

1947 (3) CareerSource Florida, Inc., shall establish guidelines
 1948 governing the administration of this program and shall establish
 1949 criteria to be used in evaluating applications for funding. Such
 1950 criteria must include, but need not be limited to, a showing

1951 that the local workforce development ~~regional~~ board has in place
 1952 a detailed plan for establishing a one-stop delivery system
 1953 designed to meet the workforce needs of small businesses and for
 1954 leveraging other funding sources in support of such activities.

1955 Section 30. Subsection (3) of section 445.016, Florida
 1956 Statutes, is amended to read:

1957 445.016 Untried Worker Placement and Employment Incentive
 1958 Act.—

1959 (3) Incentive payments may be made to for-profit or not-
 1960 for-profit agents selected by local ~~regional~~ workforce
 1961 development boards who successfully place untried workers in
 1962 full-time employment for 6 months with an employer after the
 1963 employee successfully completes a probationary placement of no
 1964 more than 6 months with that employer. Full-time employment that
 1965 includes health care benefits will receive an additional
 1966 incentive payment.

1967 Section 31. Subsections (3), (4), and (5) of section
 1968 445.017, Florida Statutes, are amended to read:

1969 445.017 Diversion.—

1970 (3) Before finding an applicant family eligible for up-
 1971 front diversion services, the local ~~regional~~ workforce
 1972 development board must determine that all requirements of
 1973 eligibility for diversion services would likely be met.

1974 (4) The local ~~regional~~ workforce development board shall
 1975 screen each family on a case-by-case basis for barriers to
 1976 obtaining or retaining employment. The screening shall identify

1977 | barriers that, if corrected, may prevent the family from
 1978 | receiving temporary cash assistance on a regular basis.
 1979 | Assistance to overcome a barrier to employment is not limited to
 1980 | cash, but may include vouchers or other in-kind benefits.

1981 | (5) The family receiving up-front diversion must sign an
 1982 | agreement restricting the family from applying for temporary
 1983 | cash assistance for 3 months, unless an emergency is
 1984 | demonstrated to the local ~~regional~~ workforce development board.
 1985 | If a demonstrated emergency forces the family to reapply for
 1986 | temporary cash assistance within 3 months after receiving a
 1987 | diversion payment, the diversion payment shall be prorated over
 1988 | an 8-month period and deducted from any temporary assistance for
 1989 | which the family is eligible.

1990 | Section 32. Subsections (2) and (3) of section 445.021,
 1991 | Florida Statutes, are amended to read:

1992 | 445.021 Relocation assistance program.—

1993 | (2) The relocation assistance program shall involve five
 1994 | steps by the local ~~regional~~ workforce development board, in
 1995 | cooperation with the Department of Children and Families:

1996 | (a) A determination that the family is receiving temporary
 1997 | cash assistance or that all requirements of eligibility for
 1998 | diversion services would likely be met.

1999 | (b) A determination that there is a basis for believing
 2000 | that relocation will contribute to the ability of the applicant
 2001 | to achieve self-sufficiency. For example, the applicant:

2002 | 1. Is unlikely to achieve economic self-sufficiency at the

2003 current community of residence;

2004 2. Has secured a job that provides an increased salary or

2005 improved benefits and that requires relocation to another

2006 community;

2007 3. Has a family support network that will contribute to

2008 job retention in another community;

2009 4. Is determined, pursuant to criteria or procedures

2010 established by the board of directors of CareerSource Florida,

2011 Inc., to be a victim of domestic violence who would experience

2012 reduced probability of further incidents through relocation; or

2013 5. Must relocate in order to receive education or training

2014 that is directly related to the applicant's employment or career

2015 advancement.

2016 (c) Establishment of a relocation plan that includes such

2017 requirements as are necessary to prevent abuse of the benefit

2018 and provisions to protect the safety of victims of domestic

2019 violence and avoid provisions that place them in anticipated

2020 danger. The payment to defray relocation expenses shall be

2021 determined based on criteria approved by the board of directors

2022 of CareerSource Florida, Inc. Participants in the relocation

2023 program shall be eligible for diversion or transitional

2024 benefits.

2025 (d) A determination, pursuant to criteria adopted by the

2026 board of directors of CareerSource Florida, Inc., that a

2027 community receiving a relocated family has the capacity to

2028 provide needed services and employment opportunities.

2029 (e) Monitoring the relocation.

2030 (3) A family receiving relocation assistance for reasons
 2031 other than domestic violence must sign an agreement restricting
 2032 the family from applying for temporary cash assistance for a
 2033 period of 6 months, unless an emergency is demonstrated to the
 2034 local ~~regional~~ workforce development board. If a demonstrated
 2035 emergency forces the family to reapply for temporary cash
 2036 assistance within such period, after receiving a relocation
 2037 assistance payment, repayment must be made on a prorated basis
 2038 and subtracted from any regular payment of temporary cash
 2039 assistance for which the applicant may be eligible.

2040 Section 33. Section 445.022, Florida Statutes, is amended
 2041 to read:

2042 445.022 Retention Incentive Training Accounts.—To promote
 2043 job retention and to enable upward job advancement into higher
 2044 skilled, higher paying employment, the board of directors of
 2045 CareerSource Florida, Inc., and the local ~~regional~~ workforce
 2046 development boards may assemble a list of programs and courses
 2047 offered by postsecondary educational institutions which may be
 2048 available to participants who have become employed to promote
 2049 job retention and advancement.

2050 (1) The board of directors of CareerSource Florida, Inc.,
 2051 may establish Retention Incentive Training Accounts (RITAs) to
 2052 use Temporary Assistance to Needy Families (TANF) block grant
 2053 funds specifically appropriated for this purpose. RITAs must
 2054 complement the Individual Training Account required by the

2055 federal Workforce Innovation and Opportunity Investment Act of
 2056 ~~1998~~, Pub. L. No. 113-128 ~~105-220~~.

2057 (2) RITAs may pay for tuition, fees, educational
 2058 materials, coaching and mentoring, performance incentives,
 2059 transportation to and from courses, child care costs during
 2060 education courses, and other such costs as the local ~~regional~~
 2061 workforce development boards determine are necessary to effect
 2062 successful job retention and advancement.

2063 (3) Local ~~Regional~~ workforce development boards shall
 2064 retain only those courses that continue to meet their
 2065 performance standards as established in their local plan.

2066 (4) Local ~~Regional~~ workforce development boards shall
 2067 report annually to the Legislature on the measurable retention
 2068 and advancement success of each program provider and the
 2069 effectiveness of RITAs, making recommendations for any needed
 2070 changes or modifications.

2071 Section 34. Subsections (4) and (5) of section 445.024,
 2072 Florida Statutes, are amended to read:

2073 445.024 Work requirements.—

2074 (4) PRIORITIZATION OF WORK REQUIREMENTS.—Local ~~Regional~~
 2075 workforce development boards shall require participation in work
 2076 activities to the maximum extent possible, subject to federal
 2077 and state funding. If funds are projected to be insufficient to
 2078 allow full-time work activities by all program participants who
 2079 are required to participate in work activities, local ~~regional~~
 2080 workforce development boards shall screen participants and

2081 assign priority based on the following:

2082 (a) In accordance with federal requirements, at least one
 2083 adult in each two-parent family shall be assigned priority for
 2084 full-time work activities.

2085 (b) Among single-parent families, a family that has older
 2086 preschool children or school-age children shall be assigned
 2087 priority for work activities.

2088 (c) A participant who has access to child care services
 2089 may be assigned priority for work activities.

2090 (d) Priority may be assigned based on the amount of time
 2091 remaining until the participant reaches the applicable time
 2092 limit for program participation or may be based on requirements
 2093 of a case plan.

2094
 2095 Local ~~Regional~~ workforce development boards may limit a
 2096 participant's weekly work requirement to the minimum required to
 2097 meet federal work activity requirements. Local ~~Regional~~
 2098 workforce development boards may develop screening and
 2099 prioritization procedures based on the allocation of resources,
 2100 the availability of community resources, the provision of
 2101 supportive services, or the work activity needs of the service
 2102 area.

2103 (5) USE OF CONTRACTS.—Local ~~Regional~~ workforce development
 2104 boards shall provide work activities, training, and other
 2105 services, as appropriate, through contracts. In contracting for
 2106 work activities, training, or services, the following applies:

2107 (a) A contract must be performance-based. Payment shall be
 2108 tied to performance outcomes that include factors such as, but
 2109 not limited to, diversion from cash assistance, job entry, job
 2110 entry at a target wage, job retention, and connection to
 2111 transition services rather than tied to completion of training
 2112 or education or any other phase of the program participation
 2113 process.

2114 (b) A contract may include performance-based incentive
 2115 payments that may vary according to the extent to which the
 2116 participant is more difficult to place. Contract payments may be
 2117 weighted proportionally to reflect the extent to which the
 2118 participant has limitations associated with the long-term
 2119 receipt of welfare and difficulty in sustaining employment. The
 2120 factors may include the extent of prior receipt of welfare, lack
 2121 of employment experience, lack of education, lack of job skills,
 2122 and other factors determined appropriate by the local ~~regional~~
 2123 workforce development board.

2124 (c) Notwithstanding the exemption from the competitive
 2125 sealed bid requirements provided in s. 287.057(3)(e) for certain
 2126 contractual services, each contract awarded under this chapter
 2127 must be awarded on the basis of a competitive sealed bid, except
 2128 for a contract with a governmental entity as determined by the
 2129 local ~~regional~~ workforce development board.

2130 (d) Local ~~Regional~~ workforce development boards may
 2131 contract with commercial, charitable, or religious
 2132 organizations. A contract must comply with federal requirements

2133 with respect to nondiscrimination and other requirements that
 2134 safeguard the rights of participants. Services may be provided
 2135 under contract, certificate, voucher, or other form of
 2136 disbursement.

2137 (e) The administrative costs associated with a contract
 2138 for services provided under this section may not exceed the
 2139 applicable administrative cost ceiling established in federal
 2140 law. An agency or entity that is awarded a contract under this
 2141 section may not charge more than 7 percent of the value of the
 2142 contract for administration unless an exception is approved by
 2143 the local ~~regional~~ workforce development board. A list of any
 2144 exceptions approved must be submitted to the board of directors
 2145 of CareerSource Florida, Inc., for review, and the board may
 2146 rescind approval of the exception.

2147 (f) Local ~~Regional~~ workforce development boards may enter
 2148 into contracts to provide short-term work experience for the
 2149 chronically unemployed as provided in this section.

2150 (g) A tax-exempt organization under s. 501(c) of the
 2151 Internal Revenue Code of 1986 which receives funds under this
 2152 chapter must disclose receipt of federal funds on any
 2153 advertising, promotional, or other material in accordance with
 2154 federal requirements.

2155 Section 35. Section 445.025, Florida Statutes, is amended
 2156 to read:

2157 445.025 Other support services.—Support services shall be
 2158 provided, if resources permit, to assist participants in

2159 | complying with work activity requirements outlined in s.
 2160 | 445.024. If resources do not permit the provision of needed
 2161 | support services, the local ~~regional~~ workforce development board
 2162 | may prioritize or otherwise limit provision of support services.
 2163 | This section does not constitute an entitlement to support
 2164 | services. Lack of provision of support services may be
 2165 | considered as a factor in determining whether good cause exists
 2166 | for failing to comply with work activity requirements but does
 2167 | not automatically constitute good cause for failing to comply
 2168 | with work activity requirements, and does not affect any
 2169 | applicable time limit on the receipt of temporary cash
 2170 | assistance or the provision of services under chapter 414.
 2171 | Support services shall include, but need not be limited to:
 2172 | (1) TRANSPORTATION.—Transportation expenses may be
 2173 | provided to any participant when the assistance is needed to
 2174 | comply with work activity requirements or employment
 2175 | requirements, including transportation to and from a child care
 2176 | provider. Payment may be made in cash or tokens in advance or
 2177 | through reimbursement paid against receipts or invoices.
 2178 | Transportation services may include, but are not limited to,
 2179 | cooperative arrangements with the following: public transit
 2180 | providers; community transportation coordinators designated
 2181 | under chapter 427; school districts; churches and community
 2182 | centers; donated motor vehicle programs, van pools, and
 2183 | ridesharing programs; small enterprise developments and
 2184 | entrepreneurial programs that encourage participants to become

2185 transportation providers; public and private transportation
 2186 partnerships; and other innovative strategies to expand
 2187 transportation options available to program participants.

2188 (a) Local ~~Regional~~ workforce development boards may
 2189 provide payment for vehicle operational and repair expenses,
 2190 including repair expenditures necessary to make a vehicle
 2191 functional; vehicle registration fees; driver license fees; and
 2192 liability insurance for the vehicle for a period of up to 6
 2193 months. Request for vehicle repairs must be accompanied by an
 2194 estimate of the cost prepared by a repair facility registered
 2195 under s. 559.904.

2196 (b) Transportation disadvantaged funds as defined in
 2197 chapter 427 do not include support services funds or funds
 2198 appropriated to assist persons eligible under the Workforce
 2199 Innovation and Opportunity Act ~~Job Training Partnership Act~~. It
 2200 is the intent of the Legislature that local ~~regional~~ workforce
 2201 development boards consult with local community transportation
 2202 coordinators designated under chapter 427 regarding the
 2203 availability and cost of transportation services through the
 2204 coordinated transportation system prior to contracting for
 2205 comparable transportation services outside the coordinated
 2206 system.

2207 (2) ANCILLARY EXPENSES.—Ancillary expenses such as books,
 2208 tools, clothing, fees, and costs necessary to comply with work
 2209 activity requirements or employment requirements may be
 2210 provided.

2211 (3) MEDICAL SERVICES.—A family that meets the eligibility
 2212 requirements for Medicaid shall receive medical services under
 2213 the Medicaid program.

2214 (4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling
 2215 may be provided to participants who have a personal or family
 2216 problem or problems caused by substance abuse that is a barrier
 2217 to compliance with work activity requirements or employment
 2218 requirements. In providing these services, local ~~regional~~
 2219 workforce development boards shall use services that are
 2220 available in the community at no additional cost. If these
 2221 services are not available, local ~~regional~~ workforce development
 2222 boards may use support services funds. Personal or family
 2223 counseling not available through Medicaid may not be considered
 2224 a medical service for purposes of the required statewide
 2225 implementation plan or use of federal funds.

2226 Section 36. Subsection (5) of section 445.026, Florida
 2227 Statutes, is amended to read:

2228 445.026 Cash assistance severance benefit.—An individual
 2229 who meets the criteria listed in this section may choose to
 2230 receive a lump-sum payment in lieu of ongoing cash assistance
 2231 payments, provided the individual:

2232 (5) Provides employment and earnings information to the
 2233 local ~~regional~~ workforce development board, so that the local
 2234 ~~regional~~ workforce development board can ensure that the
 2235 family's eligibility for severance benefits can be evaluated.
 2236

2237 Such individual may choose to accept a one-time, lump-sum
 2238 payment of \$1,000 in lieu of receiving ongoing cash assistance.
 2239 Such payment shall only count toward the time limitation for the
 2240 month in which the payment is made in lieu of cash assistance. A
 2241 participant choosing to accept such payment shall be terminated
 2242 from cash assistance. However, eligibility for Medicaid, food
 2243 assistance, or child care shall continue, subject to the
 2244 eligibility requirements of those programs.

2245 Section 37. Subsections (2) and (4) of section 445.030,
 2246 Florida Statutes, are amended to read:

2247 445.030 Transitional education and training.—In order to
 2248 assist former recipients of temporary cash assistance who are
 2249 working or actively seeking employment in continuing their
 2250 training and upgrading their skills, education, or training,
 2251 support services may be provided for up to 2 years after the
 2252 family is no longer receiving temporary cash assistance. This
 2253 section does not constitute an entitlement to transitional
 2254 education and training. If funds are not sufficient to provide
 2255 services under this section, the board of directors of
 2256 CareerSource Florida, Inc., may limit or otherwise prioritize
 2257 transitional education and training.

2258 (2) Local ~~Regional~~ workforce development boards may
 2259 authorize child care or other support services in addition to
 2260 services provided in conjunction with employment. For example, a
 2261 participant who is employed full time may receive child care
 2262 services related to that employment and may also receive

2263 additional child care services in conjunction with training to
 2264 upgrade the participant's skills.

2265 (4) A local ~~Regional~~ workforce development board may enter
 2266 into an agreement with an employer to share the costs relating
 2267 to upgrading the skills of participants hired by the employer.
 2268 For example, a local ~~regional~~ workforce development board may
 2269 agree to provide support services such as transportation or a
 2270 wage subsidy in conjunction with training opportunities provided
 2271 by the employer.

2272 Section 38. Section 445.031, Florida Statutes, is amended
 2273 to read:

2274 445.031 Transitional transportation.—In order to assist
 2275 former recipients of temporary cash assistance in maintaining
 2276 and sustaining employment or educational opportunities,
 2277 transportation may be provided, if funds are available, for up
 2278 to 2 years after the participant is no longer in the program.
 2279 This does not constitute an entitlement to transitional
 2280 transportation. If funds are not sufficient to provide services
 2281 under this section, local ~~regional~~ workforce development boards
 2282 may limit or otherwise prioritize transportation services.

2283 (1) Transitional transportation must be job or education
 2284 related.

2285 (2) Transitional transportation may include expenses
 2286 identified in s. 445.025, paid directly or by voucher, as well
 2287 as a vehicle valued at not more than \$8,500 if the vehicle is
 2288 needed for training, employment, or educational purposes.

2289 Section 39. Subsection (1), paragraph (b) of subsection
 2290 (4), and subsection (5) of section 445.048, Florida Statutes,
 2291 are amended to read:

2292 445.048 Passport to Economic Progress program.—

2293 (1) AUTHORIZATION.—Notwithstanding any law to the
 2294 contrary, CareerSource Florida, Inc., in conjunction with the
 2295 Department of Children and Families and the Department of
 2296 Economic Opportunity, shall implement a Passport to Economic
 2297 Progress program consistent with the provisions of this section.
 2298 CareerSource Florida, Inc., may designate local ~~regional~~
 2299 workforce development boards to participate in the program.
 2300 Expenses for the program may come from appropriated revenues or
 2301 from funds otherwise available to a local ~~regional~~ workforce
 2302 development board which may be legally used for such purposes.
 2303 CareerSource Florida, Inc., must consult with the applicable
 2304 local ~~regional~~ workforce development boards and the applicable
 2305 local offices of the Department of Children and Families which
 2306 serve the program areas and must encourage community input into
 2307 the implementation process.

2308 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

2309 (b) CareerSource Florida, Inc., in cooperation with the
 2310 Department of Children and Families and the Department of
 2311 Economic Opportunity, shall offer performance-based incentive
 2312 bonuses as a component of the Passport to Economic Progress
 2313 program. The bonuses do not represent a program entitlement and
 2314 are contingent on achieving specific benchmarks prescribed in

2315 the self-sufficiency plan. If the funds appropriated for this
 2316 purpose are insufficient to provide this financial incentive,
 2317 the board of directors of CareerSource Florida, Inc., may reduce
 2318 or suspend the bonuses in order not to exceed the appropriation
 2319 or may direct the local workforce development ~~regional~~ boards to
 2320 use resources otherwise given to the local workforce development
 2321 board ~~regional workforce~~ to pay such bonuses if such payments
 2322 comply with applicable state and federal laws.

2323 (5) EVALUATIONS AND RECOMMENDATIONS.—CareerSource Florida,
 2324 Inc., in conjunction with the Department of Children and
 2325 Families, the Department of Economic Opportunity, and the local
 2326 ~~regional~~ workforce development boards, shall conduct a
 2327 comprehensive evaluation of the effectiveness of the program
 2328 operated under this section. Evaluations and recommendations for
 2329 the program shall be submitted by CareerSource Florida, Inc., as
 2330 part of its annual report to the Legislature.

2331 Section 40. Paragraph (b) of subsection (2), paragraph (d)
 2332 of subsection (4), and subsections (6) and (7) of section
 2333 445.051, Florida Statutes, are amended to read:

2334 445.051 Individual development accounts.—

2335 (2) As used in this section, the term:

2336 (b) "Qualified entity" means:

2337 1. A not-for-profit organization described in s. 501(c)(3)
 2338 of the Internal Revenue Code of 1986, as amended, and exempt
 2339 from taxation under s. 501(a) of such code; or

2340 2. A state or local government agency acting in

2341 cooperation with an organization described in subparagraph 1.
 2342 For purposes of this section, a local ~~regional~~ workforce
 2343 development board is a government agency.

2344 (4)

2345 (d) Eligible participants may receive matching funds for
 2346 contributions to the individual development account, pursuant to
 2347 the strategic plan for workforce development. When not
 2348 restricted to the contrary, matching funds may be paid from
 2349 state and federal funds under the control of the local ~~regional~~
 2350 workforce development board, from local agencies, or from
 2351 private donations.

2352 (6) CareerSource Florida, Inc., shall establish procedures
 2353 for local ~~regional~~ workforce development boards to include in
 2354 their annual program and financial plan an application to offer
 2355 an individual development account program as part of their TANF
 2356 allocation. These procedures must include, but need not be
 2357 limited to, administrative costs permitted for the fiduciary
 2358 organization and policies relative to identifying the match
 2359 ratio and limits on the deposits for which the match will be
 2360 provided in the application process. CareerSource Florida, Inc.,
 2361 shall establish policies and procedures necessary to ensure that
 2362 funds held in an individual development account are not
 2363 withdrawn except for one or more of the qualified purposes
 2364 described in this section.

2365 (7) Fiduciary organizations shall be the local ~~regional~~
 2366 workforce development board or other community-based

2367 organizations designated by the local ~~regional~~ workforce
 2368 development board to serve as intermediaries between individual
 2369 account holders and financial institutions holding accounts.
 2370 Responsibilities of such fiduciary organizations may include
 2371 marketing participation, soliciting matching contributions,
 2372 counseling program participants, and conducting verification and
 2373 compliance activities.

2374 Section 41. Subsection (1) of section 445.07, Florida
 2375 Statutes, is amended to read:

2376 445.07 Economic security report of employment and earning
 2377 outcomes.—

2378 (1) Beginning December 31, 2013, and annually thereafter,
 2379 the Department of Economic Opportunity, in consultation with the
 2380 Department of Education, shall prepare, or contract with an
 2381 entity to prepare, an economic security report of employment and
 2382 earning outcomes for degrees or certificates earned at public
 2383 postsecondary educational institutions.

2384 Section 42. Paragraph (a) of subsection (1) of section
 2385 985.622, Florida Statutes, is amended to read:

2386 985.622 Multiagency plan for career and professional
 2387 education (CAPE).—

2388 (1) The Department of Juvenile Justice and the Department
 2389 of Education shall, in consultation with the statewide Workforce
 2390 Development Youth Council, school districts, providers, and
 2391 others, jointly develop a multiagency plan for career and
 2392 professional education (CAPE) that establishes the curriculum,

2393 goals, and outcome measures for CAPE programs in juvenile
 2394 justice education programs. The plan must be reviewed annually,
 2395 revised as appropriate, and include:

2396 (a) Provisions for maximizing appropriate state and
 2397 federal funding sources, including funds under the Workforce
 2398 Innovation and Opportunity Act ~~Workforce Investment Act~~ and the
 2399 Perkins Act.

2400 Section 43. Paragraph (c) of subsection (4) of section
 2401 1002.83, Florida Statutes, is amended to read:

2402 1002.83 Early learning coalitions.—

2403 (4) Each early learning coalition must include the
 2404 following member positions; however, in a multicounty coalition,
 2405 each ex officio member position may be filled by multiple
 2406 nonvoting members but no more than one voting member shall be
 2407 seated per member position. If an early learning coalition has
 2408 more than one member representing the same entity, only one of
 2409 such members may serve as a voting member:

2410 (c) A local ~~regional~~ workforce development board executive
 2411 director or his or her permanent designee.

2412 Section 44. Subsections (2) and (3) and paragraph (b) of
 2413 subsection (4) of section 1003.491, Florida Statutes, are
 2414 amended to read:

2415 1003.491 Florida Career and Professional Education Act.—
 2416 The Florida Career and Professional Education Act is created to
 2417 provide a statewide planning partnership between the business
 2418 and education communities in order to attract, expand, and

2419 retain targeted, high-value industry and to sustain a strong,
 2420 knowledge-based economy.

2421 (2) Each district school board shall develop, in
 2422 collaboration with local ~~regional~~ workforce development boards,
 2423 economic development agencies, and postsecondary institutions
 2424 approved to operate in the state, a strategic 3-year plan to
 2425 address and meet local ~~and regional~~ workforce demands. If
 2426 involvement of a local ~~regional~~ workforce development board or
 2427 an economic development agency in the strategic plan development
 2428 is not feasible, the local school board, with the approval of
 2429 the Department of Economic Opportunity, shall collaborate with
 2430 the most appropriate local ~~regional~~ business leadership board.
 2431 Two or more school districts may collaborate in the development
 2432 of the strategic plan and offer career-themed courses, as
 2433 defined in s. 1003.493(1)(b), or a career and professional
 2434 academy as a joint venture. The strategic plan must describe in
 2435 detail provisions for the efficient transportation of students,
 2436 the maximum use of shared resources, access to courses aligned
 2437 to state curriculum standards through virtual education
 2438 providers legislatively authorized to provide part-time
 2439 instruction to middle school students, and an objective review
 2440 of proposed career and professional academy courses and other
 2441 career-themed courses to determine if the courses will lead to
 2442 the attainment of industry certifications included on the
 2443 Industry Certified Funding List pursuant to rules adopted by the
 2444 State Board of Education. Each strategic plan shall be reviewed,

2445 updated, and jointly approved every 3 years by the local school
 2446 district, local ~~regional~~ workforce development boards, economic
 2447 development agencies, and state-approved postsecondary
 2448 institutions.

2449 (3) The strategic 3-year plan developed jointly by the
 2450 local school district, local ~~regional~~ workforce development
 2451 boards, economic development agencies, and state-approved
 2452 postsecondary institutions shall be constructed and based on:

2453 (a) Research conducted to objectively determine local ~~and~~
 2454 ~~regional~~ workforce needs for the ensuing 3 years, using labor
 2455 projections of the United States Department of Labor and the
 2456 Department of Economic Opportunity;

2457 (b) Strategies to develop and implement career academies
 2458 or career-themed courses based on those careers determined to be
 2459 high-wage, high-skill, and high-demand;

2460 (c) Strategies to provide shared, maximum use of private
 2461 sector facilities and personnel;

2462 (d) Strategies that ensure instruction by industry-
 2463 certified faculty and standards and strategies to maintain
 2464 current industry credentials and for recruiting and retaining
 2465 faculty to meet those standards;

2466 (e) Strategies to provide personalized student advisement,
 2467 including a parent-participation component, and coordination
 2468 with middle grades to promote and support career-themed courses
 2469 and education planning as required under s. 1003.4156;

2470 (f) Alignment of requirements for middle school career

2471 planning under s. 1003.4156(1)(e), middle and high school career
 2472 and professional academies or career-themed courses leading to
 2473 industry certification or postsecondary credit, and high school
 2474 graduation requirements;

2475 (g) Provisions to ensure that career-themed courses and
 2476 courses offered through career and professional academies are
 2477 academically rigorous, meet or exceed appropriate state-adopted
 2478 subject area standards, result in attainment of industry
 2479 certification, and, when appropriate, result in postsecondary
 2480 credit;

2481 (h) Plans to sustain and improve career-themed courses and
 2482 career and professional academies;

2483 (i) Strategies to improve the passage rate for industry
 2484 certification examinations if the rate falls below 50 percent;

2485 (j) Strategies to recruit students into career-themed
 2486 courses and career and professional academies which include
 2487 opportunities for students who have been unsuccessful in
 2488 traditional classrooms but who are interested in enrolling in
 2489 career-themed courses or a career and professional academy.
 2490 School boards shall provide opportunities for students who may
 2491 be deemed as potential dropouts to enroll in career-themed
 2492 courses or participate in career and professional academies;

2493 (k) Strategies to provide sufficient space within
 2494 academies to meet workforce needs and to provide access to all
 2495 interested and qualified students;

2496 (l) Strategies to implement career-themed courses or

2497 career and professional academy training that lead to industry
 2498 certification in juvenile justice education programs;

2499 (m) Opportunities for high school students to earn
 2500 weighted or dual enrollment credit for higher-level career and
 2501 technical courses;

2502 (n) Promotion of the benefits of the Gold Seal Bright
 2503 Futures Scholarship;

2504 (o) Strategies to ensure the review of district pupil-
 2505 progression plans and to amend such plans to include career-
 2506 themed courses and career and professional academy courses and
 2507 to include courses that may qualify as substitute courses for
 2508 core graduation requirements and those that may be counted as
 2509 elective courses;

2510 (p) Strategies to provide professional development for
 2511 secondary certified school counselors on the benefits of career
 2512 and professional academies and career-themed courses that lead
 2513 to industry certification; and

2514 (q) Strategies to redirect appropriated career funding in
 2515 secondary and postsecondary institutions to support career
 2516 academies and career-themed courses that lead to industry
 2517 certification.

2518 (4) The State Board of Education shall establish a process
 2519 for the continual and uninterrupted review of newly proposed
 2520 core secondary courses and existing courses requested to be
 2521 considered as core courses to ensure that sufficient rigor and
 2522 relevance is provided for workforce skills and postsecondary

2523 education and aligned to state curriculum standards.

2524 (b) The curriculum review committee shall review newly
 2525 proposed core courses electronically. Each proposed core course
 2526 shall be approved or denied within 30 days after submission by a
 2527 district school board or local ~~regional~~ workforce development
 2528 board. All courses approved as core courses for purposes of
 2529 middle school promotion and high school graduation shall be
 2530 immediately added to the Course Code Directory. Approved core
 2531 courses shall also be reviewed and considered for approval for
 2532 dual enrollment credit. The Board of Governors and the
 2533 Commissioner of Education shall jointly recommend an annual
 2534 deadline for approval of new core courses to be included for
 2535 purposes of postsecondary admissions and dual enrollment credit
 2536 the following academic year. The State Board of Education shall
 2537 establish an appeals process in the event that a proposed course
 2538 is denied which shall require a consensus ruling by the
 2539 Department of Economic Opportunity and the Commissioner of
 2540 Education within 15 days.

2541 Section 45. Paragraph (a) of subsection (3) of section
 2542 1003.492, Florida Statutes, is amended to read:

2543 1003.492 Industry-certified career education programs.—

2544 (3) The State Board of Education shall use the expertise
 2545 of CareerSource Florida, Inc., and the Department of Agriculture
 2546 and Consumer Services to develop and adopt rules pursuant to ss.
 2547 120.536(1) and 120.54 for implementing an industry certification
 2548 process.

2549 (a) For nonfarm occupations, industry certification must
 2550 be based upon the highest available national standards for
 2551 specific industry certification to ensure student skill
 2552 proficiency and to address emerging labor market and industry
 2553 trends. A local ~~regional~~ workforce development board or a school
 2554 principal may apply to CareerSource Florida, Inc., to request
 2555 additions to the approved list of industry certifications based
 2556 on high-skill, high-wage, and high-demand job requirements in
 2557 the local ~~regional~~ economy.

2558 Section 46. Subsection (1) and paragraph (d) of subsection
 2559 (4) of section 1003.493, Florida Statutes, are amended to read:

2560 1003.493 Career and professional academies and career-
 2561 themed courses.-

2562 (1)(a) A "career and professional academy" is a research-
 2563 based program that integrates a rigorous academic curriculum
 2564 with an industry-specific curriculum aligned directly to
 2565 priority workforce needs established by the local ~~regional~~
 2566 workforce development board or the Department of Economic
 2567 Opportunity. Career and professional academies shall be offered
 2568 by public schools and school districts. The Florida Virtual
 2569 School is encouraged to develop and offer rigorous career and
 2570 professional courses as appropriate. Students completing career
 2571 and professional academy programs must receive a standard high
 2572 school diploma, the highest available industry certification,
 2573 and opportunities to earn postsecondary credit if the academy
 2574 partners with a postsecondary institution approved to operate in

2575 | the state.

2576 | (b) A "career-themed course" is a course, or a course in a
 2577 | series of courses, that leads to an industry certification
 2578 | identified in the CAPE Industry Certification Funding List
 2579 | pursuant to rules adopted by the State Board of Education.
 2580 | Career-themed courses have industry-specific curriculum aligned
 2581 | directly to priority workforce needs established by the local
 2582 | ~~regional~~ workforce development board or the Department of
 2583 | Economic Opportunity. School districts shall offer at least two
 2584 | career-themed courses, and each secondary school is encouraged
 2585 | to offer at least one career-themed course. The Florida Virtual
 2586 | School is encouraged to develop and offer rigorous career-themed
 2587 | courses as appropriate. Students completing a career-themed
 2588 | course must be provided opportunities to earn postsecondary
 2589 | credit if the credit for the career-themed course can be
 2590 | articulated to a postsecondary institution approved to operate
 2591 | in the state.

2592 | (4) Each career and professional academy and secondary
 2593 | school providing a career-themed course must:

2594 | (d) Provide instruction in careers designated as high-
 2595 | skill, high-wage, and high-demand by the local ~~regional~~
 2596 | workforce development board, the chamber of commerce, economic
 2597 | development agencies, or the Department of Economic Opportunity.

2598 | Section 47. Subsection (1) of section 1003.4935, Florida
 2599 | Statutes, is amended to read:

2600 | 1003.4935 Middle grades career and professional academy

2601 courses and career-themed courses.—

2602 (1) Beginning with the 2011-2012 school year, each
 2603 district school board, in collaboration with local ~~regional~~
 2604 workforce development boards, economic development agencies, and
 2605 state-approved postsecondary institutions, shall include plans
 2606 to implement a career and professional academy or a career-
 2607 themed course, as defined in s. 1003.493(1)(b), in at least one
 2608 middle school in the district as part of the strategic 3-year
 2609 plan pursuant to s. 1003.491(2). The strategic plan must provide
 2610 students the opportunity to transfer from a middle school career
 2611 and professional academy or a career-themed course to a high
 2612 school career and professional academy or a career-themed course
 2613 currently operating within the school district. Students who
 2614 complete a middle school career and professional academy or a
 2615 career-themed course must have the opportunity to earn an
 2616 industry certificate and high school credit and participate in
 2617 career planning, job shadowing, and business leadership
 2618 development activities.

2619 Section 48. Paragraph (a) of subsection (1) of section
 2620 1003.52, Florida Statutes, is amended to read:

2621 1003.52 Educational services in Department of Juvenile
 2622 Justice programs.—

2623 (1) The Department of Education shall serve as the lead
 2624 agency for juvenile justice education programs, curriculum,
 2625 support services, and resources. To this end, the Department of
 2626 Education and the Department of Juvenile Justice shall each

2627 designate a Coordinator for Juvenile Justice Education Programs
 2628 to serve as the point of contact for resolving issues not
 2629 addressed by district school boards and to provide each
 2630 department's participation in the following activities:

2631 (a) Training, collaborating, and coordinating with
 2632 district school boards, local ~~regional~~ workforce development
 2633 boards, and local youth councils, educational contract
 2634 providers, and juvenile justice providers, whether state
 2635 operated or contracted.

2636
 2637 Annually, a cooperative agreement and plan for juvenile justice
 2638 education service enhancement shall be developed between the
 2639 Department of Juvenile Justice and the Department of Education
 2640 and submitted to the Secretary of Juvenile Justice and the
 2641 Commissioner of Education by June 30. The plan shall include, at
 2642 a minimum, each agency's role regarding educational program
 2643 accountability, technical assistance, training, and coordination
 2644 of services.

2645 Section 49. Paragraph (a) of subsection (3) and paragraph
 2646 (e) of subsection (4) of section 1004.93, Florida Statutes, are
 2647 amended to read:

2648 1004.93 Adult general education.—

2649 (3)(a) Each district school board or Florida College
 2650 System institution board of trustees shall negotiate with the
 2651 local ~~regional~~ workforce development board for basic and
 2652 functional literacy skills assessments for participants in the

2653 welfare transition employment and training programs. Such
 2654 assessments shall be conducted at a site mutually acceptable to
 2655 the district school board or Florida College System institution
 2656 board of trustees and the local ~~regional~~ workforce development
 2657 board.

2658 (4)

2659 (e) A district school board or a Florida College System
 2660 institution board of trustees may negotiate a contract with the
 2661 local ~~regional~~ workforce development board for specialized
 2662 services for participants in the welfare transition program,
 2663 beyond what is routinely provided for the general public, to be
 2664 funded by the local ~~regional~~ workforce development board.

2665 Section 50. Paragraph (b) of subsection (1) of section
 2666 1006.261, Florida Statutes, is amended to read:

2667 1006.261 Use of school buses for public purposes.—

2668 (1)

2669 (b) Each district school board may enter into agreements
 2670 with local ~~regional~~ workforce development boards for the
 2671 provision of transportation services to participants in the
 2672 welfare transition program. Agreements must provide for
 2673 reimbursement in full or in part for the proportionate share of
 2674 fixed and operating costs incurred by the district school board
 2675 attributable to the use of buses in accordance with the
 2676 agreement.

2677 Section 51. Paragraph (e) of subsection (1) of section
 2678 1009.25, Florida Statutes, is amended to read:

2679 | 1009.25 Fee exemptions.—

2680 | (1) The following students are exempt from the payment of
 2681 | tuition and fees, including lab fees, at a school district that
 2682 | provides workforce education programs, Florida College System
 2683 | institution, or state university:

2684 | (e) A student enrolled in an employment and training
 2685 | program under the welfare transition program. The local ~~regional~~
 2686 | workforce development board shall pay the state university,
 2687 | Florida College System institution, or school district for costs
 2688 | incurred for welfare transition program participants.

2689 | Section 52. This act shall take effect July 1, 2016.



Amendment No. 1

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: Economic Affairs Committee
2 Representative Drake offered the following:

Amendment

Remove lines 1348-1496 and insert:

6 (1) STATE PLAN.—CareerSource Florida, Inc., in conjunction
7 with state and local partners in the workforce system, shall
8 develop a state plan that produces an educated and skilled
9 workforce. The state plan must consist of strategic and
10 operational planning elements. The state plan shall be submitted
11 by the Governor to the United States Department of Labor
12 pursuant to the requirements of Pub. L. No. 113-128 ~~strategie~~
13 ~~plan that produces skilled employees for employers in the state.~~
14 ~~The strategic plan shall be updated or modified by January 1 of~~
15 ~~each year.~~

16 (2) STRATEGIC PLANNING ELEMENTS.—CareerSource Florida,
17 Inc., in conjunction with state and local partners in the



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18 workforce system, shall develop strategic planning elements,
19 pursuant to Pub. L. No. 113-128, Title I, s. 102, for the state
20 plan.

21 (a) The strategic planning elements of the state plan must
22 include, but need not be limited to, strategies for:

23 1.(a) Fulfilling the workforce system goals and strategies
24 prescribed in s. 445.004;

25 2.(b) Aggregating, integrating, and leveraging workforce
26 system resources;

27 3.(c) Coordinating the activities of federal, state, and
28 local workforce system partners;

29 4.(d) Addressing the workforce needs of small businesses;
30 and

31 5.(e) Fostering the participation of rural communities and
32 distressed urban cores in the workforce system.

33 ~~(2) CareerSource Florida, Inc., shall establish an~~
34 ~~operational plan to implement the state strategic plan. The~~
35 ~~operational plan shall be submitted to the Governor and the~~
36 ~~Legislature along with the strategic plan and must reflect the~~
37 ~~allocation of resources as appropriated by the Legislature to~~
38 ~~specific responsibilities enumerated in law. As a component of~~
39 ~~the operational plan required under this section, CareerSource~~
40 ~~Florida, Inc., shall develop a workforce marketing plan, with~~
41 ~~the goal of educating individuals inside and outside the state~~
42 ~~about the employment market and employment conditions in the~~



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43 ~~state. The marketing plan must include, but need not be limited~~
44 ~~to, strategies for:~~

45 ~~(a) Distributing information to secondary and~~
46 ~~postsecondary education institutions about the diversity of~~
47 ~~businesses in the state, specific clusters of businesses or~~
48 ~~business sectors in the state, and occupations by industry which~~
49 ~~are in demand by employers in the state;~~

50 ~~(b) Distributing information about and promoting use of~~
51 ~~the Internet-based job matching and labor market information~~
52 ~~system authorized under s. 445.011; and~~

53 ~~(c) Coordinating with Enterprise Florida, Inc., to ensure~~
54 ~~that workforce marketing efforts complement the economic~~
55 ~~development marketing efforts of the state.~~

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

60 ~~(a) Work participation rates, by type of activity;~~

61 ~~(b) Caseload trends;~~

62 ~~(c) Recidivism;~~

63 ~~(d) Participation in diversion and relocation assistance~~
64 ~~programs;~~

65 ~~(e) Employment retention;~~

66 ~~(f) Wage growth; and~~

67 ~~(g) Other issues identified by the board of directors of~~
68 ~~CareerSource Florida, Inc.~~



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69 ~~(b)(4)~~ The strategic planning elements ~~plan~~ must include
70 criteria for allocating workforce resources to local ~~regional~~
71 workforce development boards. With respect to allocating funds
72 to serve customers of the welfare transition program, such
73 criteria may include weighting factors that indicate the
74 relative degree of difficulty associated with securing and
75 retaining employment placements for specific subsets of the
76 welfare transition caseload.

77 (3) OPERATIONAL PLANNING ELEMENTS.—CareerSource Florida,
78 Inc., in conjunction with state and local partners in the
79 workforce system, shall develop operational planning elements,
80 pursuant to Pub. L. No. 113-128, Title I, s. 102, for the state
81 plan.

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

85 1. ~~The degree of difficulty associated with placement and~~
86 ~~retention;~~

87 2. ~~The quality of the placement with respect to salary,~~
88 ~~benefits, and opportunities for advancement; and~~

89 3. ~~The employee's retention in the placement.~~

90 ~~(b) The payment structure may provide for bonus payments~~
91 ~~of up to 10 percent of the contract amount to providers that~~
92 ~~achieve notable success in achieving contract objectives,~~
93 ~~including, but not limited to, success in diverting families in~~
94 ~~which there is an adult who is subject to work requirements from~~



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95 ~~receiving cash assistance and in achieving long term job~~
96 ~~retention and wage growth with respect to welfare transition~~
97 ~~program customers. A service provider shall be paid a maximum of~~
98 ~~one payment per service for each participant during any given 6-~~
99 ~~month period.~~

100 ~~(6) (a) The operational plan must include strategies that~~
101 ~~are designed to prevent or reduce the need for a person to~~
102 ~~receive public assistance, including:~~

103 ~~1. A teen pregnancy prevention component that includes,~~
104 ~~but is not limited to, a plan for implementing the Teen~~
105 ~~Pregnancy Prevention Community Initiative within each county of~~
106 ~~the services area in which the teen birth rate is higher than~~
107 ~~the state average;~~

108 ~~2. A component that encourages community-based welfare~~
109 ~~prevention and reduction initiatives that increase support~~
110 ~~provided by noncustodial parents to their welfare-dependent~~
111 ~~children and are consistent with program and financial~~
112 ~~guidelines developed by CareerSource Florida, Inc., and the~~
113 ~~Commission on Responsible Fatherhood. These initiatives may~~
114 ~~include improved paternity establishment, work activities for~~
115 ~~noncustodial parents, programs aimed at decreasing out-of-~~
116 ~~wedlock pregnancies, encouraging involvement of fathers with~~
117 ~~their children which includes court-ordered supervised~~
118 ~~visitation, and increasing child support payments;~~



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

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

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

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

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

135 ~~2. Referral of participants to diversion and relocation~~
136 ~~programs.~~

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

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

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



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- 145 ~~6. Desired quality of job placements with regard to~~
146 ~~salary, benefits, and opportunities for advancement.~~
- 147 ~~7. Expectations regarding job retention.~~
- 148 ~~8. Strategies to ensure that transition services are~~
149 ~~provided to participants for the mandated period of eligibility.~~
- 150 ~~9. Services that must be provided to the participant~~
151 ~~throughout an education or training program, such as monitoring~~
152 ~~attendance and progress in the program.~~
- 153 ~~10. Services that must be delivered to welfare transition~~
154 ~~program participants who have a deferral from work requirements~~
155 ~~but wish to participate in activities that meet federal~~
156 ~~participation requirements.~~
- 157 ~~11. Expectations regarding continued participant awareness~~
158 ~~of available services and benefits.~~
- 159 Remove line 1799 and insert:
160 July 1, 2017, the costs shall be allocated pursuant to a policy
161 Remove line 2430 and insert:
162 the most appropriate regional business leadership board.



Amendment No. 2

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: Economic Affairs Committee
 2 Representative Drake offered the following:

Amendment (with title amendment)

Between lines 93 and 94, insert:

Section 2. Section 115.01, Florida Statutes, is amended to read:

115.01 Leave of absence for military service.—Any county
 or state official of the state, subject to the provisions and
 conditions hereinafter set forth, may be granted leave of
 absence from his or her office, to serve in the volunteer forces
 of the United States, or in the National Guard of any ~~the~~ state,
 or in the regular Army or Navy of the United States, when the
 same shall be called into active service of the United States
 during war between the United States and a foreign government.

Between lines 405 and 406, insert:



Amendment No. 2

17 Section 6. Subsection (1) of section 250.482, Florida
18 Statutes, is amended to read:

19 250.482 Troops ordered into state active service; not to
20 be penalized by employers and postsecondary institutions.—

21 (1) If a member of the National Guard is ordered into
22 state active duty pursuant to this chapter or into active duty
23 as defined by the law of any other state, a private or public
24 employer, or an employing or appointing authority of this state,
25 its counties, school districts, municipalities, political
26 subdivisions, career centers, community colleges, or
27 universities, may not discharge, reprimand, or in any other way
28 penalize such member because of his or her absence by reason of
29 state active duty.

30 Section 7. Section 250.81, Florida Statutes, is amended to
31 read:

32 250.81 Legislative intent.—It is the intent of the
33 Legislature that men and women who serve in the National Guard
34 of any state ~~Florida National Guard~~, the United States Armed
35 Forces, and Armed Forces Reserves understand their rights under
36 applicable state and federal laws. Further, it is the intent of
37 the Legislature that Florida residents and businesses understand
38 the rights afforded to the men and women who volunteer their
39 time and sacrifice their lives to protect the freedoms granted
40 by the Constitutions of the United States and the State of
41 Florida.

42



Amendment No. 2

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T I T L E A M E N D M E N T

Between lines 7 and 8, insert:
amending s. 115.01, F.S.; expanding certain leave of absence
provisions for members of the Florida National Guard to apply to
members of the National Guard of any state; amending s. 250.482,
F.S.; providing that certain employment protections for members
of the National Guard applies to those members called to active
duty by the state of Florida and any other state; amending s.
250.81, F.S.; revising legislative intent;



Amendment No. 3

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: Economic Affairs Committee
 2 Representative Drake offered the following:

Amendment

5 Remove lines 1509-1513 and insert:

6 ~~members above the limit set by this subsection.~~ If a public
 7 education or training provider is represented on the board, a
 8 representative of a private education nonprofit provider and a
 9 ~~representative of a private for profit provider~~ must also be
 10 appointed to the board. CareerSource Florida may waive this
 11 requirement if requested by a local workforce development board
 12 if it is demonstrated that such representatives do not exist in
 13 the region. ~~The board shall include one nonvoting~~