

CHAPTER 446

JOB TRAINING

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446.011 Declaration of legislative intent with respect to apprenticeship training.—

(1) It is the intent of the State of Florida to provide educational opportunities for its young people so that they can be trained for trades, occupations, and professions suited to their abilities. It is the intent of this act to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills. By broadening job training opportunities and providing for increased coordination between public school academic programs,

vocational programs, and registered apprenticeship programs, the young people of the state will benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences. This act is intended to develop the apparent potentials in apprenticeship training by assisting in the establishment of preapprenticeship programs in the public school system and elsewhere and by expanding presently registered programs as well as promoting new registered programs in jobs that lend themselves to apprenticeship training.

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the ¹Division of Applied Technology and Adult Education of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

(3) It is the further intent of this act that the Division of Jobs and Benefits ensure quality training through the adoption and enforcement of uniform minimum standards and that the Bureau of Apprenticeship of the Division of Jobs and Benefits promote, register, monitor, and service apprenticeship and training programs and ensure that such programs adhere to the standards.

(4) It is the intent of the Legislature that this act not require the use of apprentices on construction projects financed by the state or any county, municipality, town or township, public authority, special district, municipal service taxing unit, or other agency of state or local government. Notwithstanding this intent, whenever any government or agency of government employs, of its own choice, apprentices or employs contractors who employ apprentices, the behavior of the government and the contractors employed by the government shall be governed by the provisions of this act.

History.—s. 1, ch. 23934, 1947; s. 11, ch. 25035, 1949; s. 1, ch. 28037, 1953; s. 1, ch. 63-153; ss. 17, 35, ch. 69-106; s. 1, ch. 72-113; s. 53, ch. 73-338; s. 29, ch. 79-7; s. 1, ch. 79-397; s. 284, ch. 81-259; s. 1, ch. 82-52; s. 18, ch. 83-174; s. 4, ch. 85-75; s. 7, ch. 95-345.

Note.—The Division of Vocational, Adult, and Community Education was renamed as the Division of Applied Technology and Adult Education by s. 16, ch. 94-232.

Note.—Former s. 446.06.

446.021 Definitions of terms used in ss. 446.011-446.092.—As used in ss. 446.011-446.092, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Preapprentice" means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the Division of Jobs and Benefits of the Department of Labor and Employment Security.

(2) "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled

trade through actual work experience under the supervision of journeymen craftsmen, which training should be combined with properly coordinated studies of related technical and supplementary subjects, and who has entered into a written agreement, hereinafter called an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.

(3) "Trainee" means a person at least 16 years of age who is engaged in learning a specific skill, trade, or occupation within a formalized, on-the-job training program.

(4) "Journeyman" means a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.

(5) "Preapprenticeship program" means an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the Bureau of Apprenticeship of the Division of Jobs and Benefits and sponsored by a registered apprenticeship program.

(6) "Apprenticeship program" means an organized course of instruction, registered and approved by the division, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices including such matters as the requirements for a written apprenticeship agreement.

(7) "On-the-job training program" means a formalized system of job processes which may be augmented by related instruction that provides the experience and knowledge necessary to meet the training objective of learning a specific skill, trade, or occupation. Such training program shall be at least 6 months and not more than 2 years in duration and shall be registered with the division.

(8) "Uniform minimum preapprenticeship standards" means the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards of admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit that may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.

(9) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical subjects related to a specific trade or occupation.

(10) "Cancellation" means the deregistration of an apprenticeship program or the termination of an apprenticeship agreement.

(11) "Jurisdiction" means the specific geographical area for which a particular program is registered.

(12) "Division" means the Division of Jobs and Benefits of the Department of Labor and Employment Security.

(13) "Director" means the director of the Division of Jobs and Benefits.

History.—s. 2, ch. 23934, 1947; s. 1, ch. 63-153; s. 2, ch. 72-113; s. 54, ch. 73-338; s. 30, ch. 79-7; s. 2, ch. 79-397; s. 19, ch. 83-174; s. 8, ch. 95-345.

Note.—Former s. 446.07.

446.032 General duties of division with respect to apprenticeship training.—The Division of Jobs and Benefits shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. Such standards and policies shall govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice with respect to, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and on-the-job training; but such standards and policies shall not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The division may adopt rules as necessary to carry out such standards and policies.

(2) Establish by rule procedures to be utilized by the State Apprenticeship Council in accordance with the provisions of s. 446.045.

(3) Establish a Bureau of Apprenticeship pursuant to the instructions of the Secretary of Labor and Employment Security.

History.—s. 2, ch. 82-52; s. 1, ch. 82-55; s. 20, ch. 83-174; s. 9, ch. 95-345.

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(1) Administer the provisions of ss. 446.011-446.092.

(2) Administer the standards established by the division.

(3) Register in accordance with this chapter any apprenticeship or preapprenticeship program, regardless of affiliation, which meets standards established by the division.

(4) Investigate complaints concerning the failure of any registered program to meet the standards established by the division.

(5) Cancel the registration of any program which fails to comply with the standards and policies of the division or which unreasonably fails or refuses to cooperate with the division in monitoring and enforcing compliance with such standards.

(6) Develop and encourage apprenticeship programs.

(7) Cooperate with and assist local apprenticeship sponsors in the development of their apprenticeship standards and training requirements.

(8) Cooperate with and assist the ¹Division of Applied Technology and Adult Education of the Department of Education and appropriate ²career education institutions in the development of viable apprenticeship and preapprenticeship programs.

(9) Encourage registered apprenticeship programs to grant consideration and credit to individuals completing registered preapprenticeship programs.

(10) Monitor registered apprenticeship programs to ensure that they are being operated in compliance with all applicable standards.

(11) Supervise all apprenticeship programs which are registered with the division.

(12) Adopt rules as required to implement the provisions of this act.

History.—s. 4, ch. 23934, 1947; s. 3, ch. 28037, 1953; s. 1, ch. 63-153; s. 19, ch. 63-400; ss. 17, 35, ch. 69-106; s. 168, ch. 71-377; s. 3, ch. 72-113; s. 1, ch. 73-283; s. 56, ch. 73-338; s. 1, ch. 77-174; s. 11, ch. 78-95; s. 32, ch. 79-7; s. 4, ch. 79-397; s. 21, ch. 83-174; s. 5, ch. 85-75; s. 10, ch. 95-345.

1Note.—The Division of Vocational, Adult, and Community Education was renamed as the Division of Applied Technology and Adult Education by s. 16, ch. 94-232.

2Note.—The term "career education" was substituted for the term "vocational education" by the editors pursuant to the directive of the Legislature in s. 16, ch. 94-232.

Note.—Former s. 446.09.

446.045 State Apprenticeship Council.—

(1) For the purposes of this section:

(a) "Joint employee organization" means an apprenticeship sponsor who participates in a collective bargaining agreement and represents employees.

(b) "Nonjoint employer organization" means an apprenticeship sponsor who does not participate in a collective bargaining agreement and who represents management.

(2)(a) There is created a State Apprenticeship Council to be composed of 13 members, which shall be advisory to the Division of Jobs and Benefits of the Department of Labor and Employment Security. The purpose of the council is to advise the division on matters relating to apprenticeship. The council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by the division or bureau. Only those matters contained in the notice of meeting provided by the division shall be considered by the council at council meetings.

(b) The division director or his designee shall be ex officio chairman of the State Apprenticeship Council, but he may not vote. The administrator of industrial education of the Department of Education and the state director of the Bureau of Apprenticeship and Training of the United States Department of Labor shall be appointed nonvoting members of the council. The Governor shall appoint two three-member committees for the purpose of nominating candidates for appointment to the council. One nominating committee shall be composed of joint employee organization representatives, and the other nominating committee shall be composed of nonjoint employer organization representatives. The joint employee organization nominating committee shall submit to the Governor the names of three persons for each vacancy occurring among the joint employee organization members on the council, and the nonjoint employer organization nominating committee likewise shall submit to the Governor the names of three persons for each vacancy occurring among the nonjoint employer organization members on the council. The Governor shall appoint to the council five members representing joint employee organizations and five members representing nonjoint employer organizations from the candidates nominated for each position by the respective nominating committees. Each member shall represent industries which have registered apprenticeship programs or in which a need for apprenticeship programs has been demonstrated. Initially, the Governor shall appoint four members for terms of 4 years, two

members for terms of 3 years, two members for terms of 2 years, and two members for terms of 1 year. Thereafter, members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term.

(c) The council shall meet at the call of the chairman or at the request of a majority of its membership, but at least twice a year. A majority of the voting members shall constitute a quorum, and the affirmative vote of a majority of a quorum is necessary to take action.

(d) The Governor may remove any member for cause.

(e) The council shall maintain minutes of each meeting. The division shall keep on file the minutes of each meeting and shall make such minutes available to any interested person.

(f) Members of the council shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

¹(3) The State Apprenticeship Council is repealed on October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to the Sundown Act.

History.—ss. 1, 2, ch. 82-55; s. 22, ch. 83-174; s. 69, ch. 85-81; s. 1, ch. 88-14; s. 5, ch. 91-429; s. 11, ch. 95-345.

1Note.—Section 5, ch. 91-429, repealed s. 11.611 and abrogated the October 1, 1998, repeal of s. 446.045 pursuant to s. 11.611.

446.051 Related instruction for apprentices.—

(1) The administration and supervision of related and supplemental instruction for apprentices, coordination of such instruction with job experiences, and selection and training of teachers and coordinators for such instruction, all as approved by the registered program sponsor, shall be the responsibility of the appropriate ¹career education institution.

(2) The appropriate ¹career education institution shall be encouraged to cooperate with and assist in providing to any registered program sponsor facilities, equipment and supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the registered program.

History.—s. 5, ch. 23934, 1947; s. 4, ch. 28037, 1953; s. 1, ch. 63-153; ss. 15, 17, 35, ch. 69-106; s. 5, ch. 79-397.

1Note.—The term "career education" was substituted for the term "vocational education" by the editors pursuant to the directive of the Legislature in s. 16, ch. 94-232.

Note.—Former s. 446.10.

446.052 Preapprenticeship program.—

(1) There is created and established a preapprenticeship education program, as defined in s. 446.021.

(2) The ¹Division of Applied Technology and Adult Education of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of Applied Technology and Adult Education, the district school boards, the community college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

(4) Veterans who have received discharges other than dishonorable discharges shall, if qualified, receive the same priorities given to registered preapprentices.

History.—s. 4, ch. 72-113; s. 57, ch. 73-338; s. 6, ch. 79-397; s. 285, ch. 81-259; s. 23, ch. 83-174; s. 19, ch. 84-114; s. 6, ch. 85-75; s. 12, ch. 95-345.

Note.—The Division of Vocational, Adult, and Community Education was renamed as the Division of Applied Technology and Adult Education by s. 16, ch. 94-232.

446.061 Expenditures.—The Division of Jobs and Benefits shall make necessary expenditures from the appropriation provided by law for personal services, travel, printing, equipment, office space, and supplies as provided by law.

History.—s. 6, ch. 23934, 1947; s. 24, ch. 57-1; s. 1, ch. 63-153; ss. 17, 35, ch. 69-106; s. 1, ch. 73-283; s. 1, ch. 77-174; s. 24, ch. 83-174; s. 13, ch. 95-345.

Note.—Former s. 446.11.

446.071 Apprenticeship sponsors.—

(1) One or more local apprenticeship sponsors shall be approved in any trade or group of trades by the Division of Jobs and Benefits, upon a determination of need, provided the apprenticeship sponsor meets all of the standards established by the division. "Need" refers to the need of state residents for apprenticeship training. In the absence of proof to the contrary, it shall be presumed that there is need for apprenticeship and preapprenticeship training in each county in this state.

(2) A local apprenticeship sponsor may be a committee, a group of employers, an employer, or a group of employees, or any combination thereof.

(3) The division has authority to grant a variance from the standards upon a showing of good cause for such variance by program sponsors in nonconstruction trades. The purpose of this provision is to recognize the unique and varying training requirements in nontraditional apprenticeable occupations and to authorize the division and bureau to adapt the standards to the needs of such programs.

History.—s. 7, ch. 23934, 1947; s. 1, ch. 63-153; ss. 17, 35, ch. 69-106; s. 5, ch. 72-113; s. 58, ch. 73-338; s. 1, ch. 77-183; s. 7, ch. 79-397; s. 25, ch. 83-174; s. 14, ch. 95-345.

Note.—Former s. 446.12.

446.075 Federal and state cooperation.—The Division of Jobs and Benefits of the Department of Labor and Employment Security is authorized to make and enter into contracts with the United States Department of Labor, and to assume such other functions and duties as are necessary for the division to serve as registration agent for federal apprenticeship registration purposes, except that the division shall not enforce any federal apprenticeship requirement unless the division first adopts such requirement as a rule. All rules promulgated and administrative hearings afforded by the division because of this section shall be in accordance with the requirements of chapter 120.

History.—s. 1, ch. 77-182; s. 33, ch. 79-7; s. 8, ch. 79-397; s. 26, ch. 83-174; s. 15, ch. 95-345.

446.081 Limitation.—

(1) Nothing in ss. 446.011-446.092 or in any apprentice agreement approved under those sections shall operate to invalidate any apprenticeship provision in any collective agreement between employers and employees setting up higher apprenticeship standards.

(2) No person shall institute any action for the enforcement of any apprentice agreement, or for damages for the breach of any apprentice agreement, made under ss. 446.011-446.092, unless he has first exhausted all administrative remedies provided by this section.

(3) Any person aggrieved by any determination or act of the division shall have the right to an administrative hearing.

History.—s. 8, ch. 23934, 1947; s. 5, ch. 28037, 1953; s. 1, ch. 63-153; s. 1, ch. 69-267; s. 1, ch. 73-283; s. 120, ch. 73-333; s. 1, ch. 77-174; s. 11, ch. 78-95; s. 27, ch. 83-174.

Note.—Former s. 446.13.

446.091 On-the-job training program.—All provisions of ss. 446.011-446.092 relating to apprenticeship and preapprenticeship, including, but not limited to, programs, agreements, standards, administration, procedures, definitions, expenditures, local committees, powers and duties, limitations, grievances; ratios of apprentices and job trainees to journeymen on state, county, and municipal contracts; and functions of the Division of Jobs and Benefits shall be appropriately adapted and made applicable to a program of on-the-job training hereby authorized for persons other than apprentices.

History.—s. 2, ch. 63-153; ss. 17, 35, ch. 69-106; s. 1, ch. 73-283; s. 59, ch. 73-338; s. 1, ch. 77-174; s. 28, ch. 83-174; s. 76, ch. 83-218; s. 16, ch. 95-345.

446.092 Criteria for apprenticeship occupations.—

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

(1) It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.

(2) It is commonly recognized throughout the industry or recognized with a positive view towards changing technology.

(3) It involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction.

(4) It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom or through correspondence courses.

(5) It involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.

(6) It does not fall into any of the following categories:

(a) Selling, retailing, or similar occupations in the distributive field.

(b) Managerial occupations.

(c) Professional and scientific vocations for which entrance requirements customarily require an academic degree.

History.—s. 9, ch. 79-397; s. 77, ch. 83-218.

446.20 Administration of responsibilities under the federal Job Training Partnership Act.—

(1) The Department of Labor and Employment Security is responsible for carrying out the duties and responsibilities assigned by the Governor under the Job Training Partnership Act, Pub. L. No. 97-300.

(2) The State Job Training Coordinating Council, which is hereby created, as provided by Pub. L. No. 97-300, shall have the responsibilities as assigned by the Governor, who shall appoint members for 4-year staggered terms, pursuant to the Job Training Partnership Act. Such responsibilities shall include reviewing the duties and responsibilities of the Department of Labor and Employment Security pursuant to this section.

(3) To ensure the participation and representation of women and minorities, the State Job Training Coordinating Council shall adhere to provisions of s. 110.112, relating to affirmative action as administered by the Department of Labor and Employment Security.

(4) The director of the Division of Jobs and Benefits may, upon delegation from the Secretary of Labor and Employment Security, sign contracts, grants, and other instruments on behalf of the Governor as necessary to execute the functions assigned to the Governor under the Job Training Partnership Act.

(5) The director of the Division of Jobs and Benefits shall be the authority, upon delegation from the Secretary of Labor and Employment Security, to make rules for the administration of this act.

(6) The Division of Jobs and Benefits may assume such duties as are delegated to it by the United States Government and its agencies for the purpose of obtaining federal funding to carry out the purposes of the Job Training Partnership Act in this state.

(7) The assignment of powers and duties to the Division of Jobs and Benefits shall not be construed to limit the authority and responsibility of the Secretary of Labor and Employment Security as provided in s. 20.05(1)(a).

History.—ss. 44, 46, ch. 83-174; s. 70, ch. 85-81; ss. 1, 4, 5, ch. 90-235; s. 5, ch. 91-429; s. 17, ch. 95-345.

446.205 Job Training Partnership Act family dropout prevention program.—

(1) The purpose of this section is to provide a dropout prevention program for youth and families who are participants in services provided under the Job Training Partnership Act.

(2) Each local private industry council shall develop and establish a program to provide dropout prevention services to eligible youth and families who are enrolled in a program provided under the Job Training Partnership Act.

(3) Local school boards and district Department of Health and Rehabilitative Services' offices shall coordinate with the local private industry council in the development and implementation of a dropout prevention program. Moneys may be allocated to this program from the funds received by each local private industry council.

(4) A parent or guardian of a family who is a participant in the services provided under the Job Training Partnership Act and the youth of such parent or guardian between the ages of 14 and 21 who are in school and making progress toward the completion of high school or general education development diplomas and who

are participants in the services provided under the Job Training Partnership Act are eligible to participate in the dropout prevention program. A youth participant whose parent or guardian is not a Job Training Partnership Act participant and who is between the ages of 14 and 21 years is also eligible for dropout prevention services.

History.—s. 21, ch. 90-273; s. 1, ch. 91-147.

446.21 Short title.—This act may be cited as the "Florida Youth-at-Risk 2000 Pilot Program."

History.—s. 11, ch. 90-273.

446.22 Definitions.—As used in this act, the following words and phrases shall have the meanings set forth herein, except where the context otherwise requires:

(1) "Advisory council" means the State Job Training Coordinating Council, as created and described by s. 446.20(2).

(2) "Participating business" means the employer of the youth participant in the program, which may or may not be the employer of the mentor.

(3) "Department" means the Department of Labor and Employment Security.

(4) "Dropout" means a person who is neither attending school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate from a program of equivalency for such diploma.

(5) "Educational facility" means any secondary school, community college, university, or vocational school participating in the program.

(6) The "Job Training Partnership Act" means the federal act as the same may hereafter be amended.

(7) "Mentor" means an individual 25 years of age or older who agrees through a written agreement with the private industry council to provide support and encouragement to an enrollee in the program during his or her training.

(8) "Program" means the Florida Youth-at-Risk 2000 Pilot Program, as created, organized, and operated consistent with the provisions of this act.

(9) "Private industry council" means an organization comprised of private businesses, local government, education, welfare agencies, organized labor, and community-based organizations designated by the State Job Training Coordinating Council under the federal Job Training Partnership Act to deliver training and educational services to youth and unemployed persons.

(10) "Youth participant" or "enrollee" means an individual at least 14 years of age and under 22 years of age at the time of enrolling in the program and who meets at least one of the following eligibility criteria:

(a) He or she has dropped out of school;

(b) He or she is a teenage parent;

(c) He or she is a status offender or runaway, or has entered the juvenile justice system; or

(d) He or she is a minimum of 3 years below grade level in reading skills or 5 years below grade level in math skills, as measured by tests approved for this purpose by the State Board of Education. For purposes of this paragraph, "grade level" means that grade level which the student should have attained based upon age had he or she progressed normally through the school

system upon entry, which may or may not be the grade level in which the student is currently enrolled.

History.—s. 13, ch. 90-273; s. 2, ch. 91-147; s. 28, ch. 91-201; s. 5, ch. 91-429.

446.23 Obligations of a mentor.—It shall be the duty of each mentor, pursuant to a written agreement with the youth participant, the contracting entity, and the local service delivery area, to:

(1) Participate in mentorship coaching/training sessions provided under the direction of the private industry council.

(2) Identify and support needed educational services for the youth participant through the service delivery area and local educational facilities, such as basic skills training in reading, mathematics, and high school completion courses and examinations.

(3) Identify and support needed social, health care, and transportation services for the youth participant through the appropriate local program offices of the Department of Health and Rehabilitative Services, the local vocational rehabilitation agency, or other appropriate agency.

(4) Assist with on-the-job training for the youth participant and report his or her progress to the service delivery area office, based upon guidelines generally established by the private industry council and mutually agreed upon by the mentor, the youth participant, the participating business, and the service delivery area.

(5) Assist the youth participant in money management and other activities designed to develop life-coping skills, as needed.

(6) Provide such information throughout the period of participation and for at least 1 year following completion of the program as may be required to permit program monitoring and evaluation.

(7) Meet such other obligations as may be required by the department or established by mutual agreement of the mentor, the youth participant, the participating business, and the service delivery area.

History.—s. 14, ch. 90-273; s. 3, ch. 91-147.

446.24 Obligations of a youth participant.—Each youth participant in the program shall:

(1) Enter into an on-the-job training program of not less than 15 hours per week.

(2) Undertake basic skills training, as needed, to work toward occupational remedial goals, or to work toward a general education development degree or other high school completion curriculum.

(3) Participate in money management and life-coping skills training, counseling, or other social or health care services, as needed.

(4) Provide such information throughout the period of participation and for at least 1 year following completion of the program as may be required to permit program monitoring and evaluation.

(5) Meet such other obligations as may be required by the department or established by mutual agreement of the mentor, the youth participant, the participating business, and the private industry council.

History.—s. 15, ch. 90-273; s. 4, ch. 91-147.

446.25 Implementation.—

(1) The program shall begin in eight selected service delivery areas as demonstration sites to be coordinated through the Florida Employment and Training Association.

(2) Primary responsibility for the development and coordination of the program shall rest with the Department of Labor and Employment Security, which shall promulgate rules to establish program guidelines. The service delivery areas shall coordinate services such as basic skills training, medical and social services, and transportation for the disadvantaged with the Department of Education, State Board of Community Colleges, Department of Health and Rehabilitative Services, Transportation Disadvantaged Commission of the Department of Transportation, and other agencies as needed.

(3) The State Job Training Coordinating Council shall review proposed operational policies and rules associated with the program and shall act as advisory council to this program for the purpose of:

(a) Establishing general performance standards in conjunction with the department guidelines.

(b) Making recommendations to the department with regard to the establishment of program criteria.

(c) Assisting in the development of linkages with potential public and private sector participants in the program.

(d) Advising the department of changes to the federal Job Training Partnership Act which may impact this program.

(e) Providing for followup studies and evaluating the program in conjunction with the Department of Labor and Employment Security.

History.—s. 16, ch. 90-273; s. 5, ch. 91-147; s. 28, ch. 91-201; s. 5, ch. 91-429.

Note.—The "Transportation Disadvantaged Commission" was renamed the "Commission for the Transportation Disadvantaged" by s. 64, ch. 94-237.

446.26 Funding.—The program may be financed through federal Job Training Partnership Act funds and other public and private funds as appropriate.

(1) The funds to provide educational services may be expended in accordance with general performance standards established by the advisory council and specific objectives mutually agreed upon by the mentor, the youth participant, and the local private industry council. Nothing in this act shall be construed to mandate that educational services must be conducted through traditional instructional means.

(2) Private industry councils in the designated demonstration areas shall enter into written agreements to provide for mentor services with participating businesses.

History.—s. 17, ch. 90-273; s. 6, ch. 91-147.

446.27 Annual report.—The department shall develop reporting and evaluation formats and instructions for use by the pilot sites and shall provide an annual report to the President of the Senate, Speaker of the House of Representatives, Senate Minority Leader, and Minority Leader of the House, providing charts or graphs where deemed appropriate, including, but not limited to, the following:

(1) PARTICIPANTS.—

(a) The number of youth participants, in total, as well as by eligibility category.

(b) The age and range of ages of youth participants, as well as numbers of youth participants at each age level.

(c) The race and sex of youth participants.

(d) The grade level of youth participants at the time of enrollment, or the last grade completed if no longer enrolled in school, as well as numbers of youth participants at each grade level.

(e) The beginning reading level of youth participants, as compared to the grade level when enrolled, as well as numbers of youth participants at each reading and grade level.

(f) The reading level after 6 months and 1 year in the program, as well as numbers of youth participants at each reading and grade level.

(g) The number of dropout participants either reentering school or taking the general education development test while participating in the program or within 6 months of program completion, and the number passing said test.

(h) The occupations for which youth participants are being trained, positions held upon enrollment, and the wage, and range of wages, earned after 6 months' participation in the program.

(i) The number of participants who are gainfully employed in the occupation for which training was received, or in a related field, at 6 months and 1 year following completion of the program, the positions held, and the wage, and range of wages, earned thereby.

(j) The number of participants who are gainfully employed in a different and unrelated occupation than the one for which training was received at 6 months and 1 year following completion of the program, the positions held, and the wage, and range of wages, earned thereby.

(k) The number of participants who are unemployed at 6 months and 1 year following completion of the program, the average length of the period of unemployment, and the typical reasons given for termination of employment.

(2) PARTICIPATING BUSINESS AND MENTORS.—

(a) The number of participating businesses in the program, in total and by demonstration area, and the professions and industries represented thereby.

(b) The number of mentors participating in the program, in total, as well as by demonstration area and by participating business.

(c) The number of youth participants per mentor.

(d) The age and range of ages of mentors.

(e) The race and sex of mentors.

(3) PROGRAM COSTS.—

(a) The cost per participant and the range of per-participant costs.

(b) Total program costs by demonstration area, broken down into the following cost categories:

1. Salaries and benefits provided to youth participants and additional salaries and benefits or other stipends provided to mentors for participation in the program.

2. Cost of training materials and other capital outlay costs.

3. Cost of transportation and other miscellaneous costs.

4. Administrative costs.

(4) RECOMMENDATIONS.—Information derived by the department from evaluations by service delivery areas, mentors, and participants of the program and its effectiveness.

History.—s. 18, ch. 90-273; s. 7, ch. 91-147; s. 25, ch. 95-144.

446.31 Florida Human Resource Development Commission.—

(1) There is created the Florida Human Resource Development Commission. The commission shall be administratively housed within the Executive Office of the Governor, but it shall exercise independently the duties and responsibilities assigned herein or delegated by the Cabinet or Legislature.

(2)(a) The commission shall be composed of the Governor, the Speaker of the House of Representatives, the President of the Senate, the Commissioner of Education, the Secretary of Labor and Employment Security, the Secretary of Health and Rehabilitative Services, and the Secretary of Commerce, or their respective designees, and five other members who shall be appointed by the Governor as follows:

1. One member of the Florida Chamber of Commerce.

2. One member of Associated Industries of Florida.

3. Two members of the American Federation of Labor and Congress of Industrial Organizations.

4. The chairman of the board of directors of Enterprise Florida, Jobs and Education Partnership.

(b) Appointed members of the commission shall serve 4-year terms. Initial appointments to the commission shall be staggered in a manner such that one member's appointment expires each year. Any appointed member of the commission may be reappointed for consecutive terms. The Governor shall replace any appointed member of the commission who fails to attend three consecutive commission meetings. The commission shall meet no fewer than four times per year.

(c) The commission shall appoint an executive director to serve at its pleasure, who shall perform the duties assigned to him by the commission. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing any technical or support staff necessary to assist the commission in carrying out its duties. The commission shall also be staffed by one employee each of the Department of Education, Department of Labor and Employment Security, Department of Health and Rehabilitative Services, and Department of Commerce. Staff assigned from each of these departments shall remain on the payroll of the respective department, shall be physically housed within the commission office, and shall carry out responsibilities associated with the duties of the commission on a full-time basis.

(d) Commission members may be paid travel and per diem expenses as provided in s. 112.061 while performing their duties under the provisions of this section.

(3) The commission shall serve in an advisory capacity to the Cabinet and Legislature on all matters related

to human resource development in Florida. The commission shall oversee policy and practice related to the provision of social service, education, rehabilitation, and economic development programs to develop policies that foster program coordination and cooperation while eliminating unwarranted program duplication. In this capacity, the commission shall request waivers of state or federal policies that inhibit the provision of coordinated human resource development services. The commission shall prepare an annual report that delineates current human resource development efforts, evaluates the effectiveness of these efforts in general, and recommends policy modifications that may improve the effectiveness of these efforts. The first annual report shall be submitted to each member of the Cabinet and Legislature no later than November 1, 1995.

History.—s. 6, ch. 94-319.

446.40 Rural Manpower Services Act; short title.—

Sections 446.40-446.44 shall be cited as the "Rural Manpower Services Act."

History.—s. 1, ch. 72-398.

Note.—Former s. 450.40.

446.41 Legislative intent with respect to rural manpower training and development; establishment of Rural Manpower Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural manpower training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those services needed to assist individuals and communities in rural areas to improve their quality of life. It is with a great sense of urgency that a Rural Manpower Services Program is established within the Division of Jobs and Benefits of the Department of Labor and Employment Security to provide equal access to all manpower training programs available to rural as well as urban areas.

History.—s. 2, ch. 72-398; s. 1, ch. 73-283; s. 1, ch. 77-174; s. 45, ch. 79-7; s. 42, ch. 83-174; s. 18, ch. 95-345.

Note.—Former s. 450.41.

446.42 General purpose of Rural Manpower Services Program.—A trained labor force is an essential ingredient for industrial as well as agricultural growth. Therefore, it shall be the general responsibility of the Rural Manpower Services Program to provide rural business and potential rural businesses with the employment and manpower training services and resources necessary to train and retain Florida's rural workforce.

History.—s. 3, ch. 72-398.

Note.—Former s. 450.42.

446.43 Scope and coverage of Rural Manpower Services Program.—The scope of the area to be covered by the Rural Manpower Services Program will include all counties of the state not classified as standard metropolitan statistical areas (SMSA) by the United States Department of Labor Manpower Administration. Florida's designated SMSA labor areas include: Broward, Dade, Duval, Escambia, Hillsborough, Pinellas, Leon, Orange, and Palm Beach Counties.

History.—s. 4, ch. 72-398.

Note.—Former s. 450.43.

446.44 Duties of Rural Manpower Services Program.—It shall be the direct responsibility of the Rural Manpower Services Program to promote and deliver all employment and manpower services and resources to the rural undeveloped and underdeveloped counties of the state in an effort to:

(1) Slow down out-migration of untrained rural residents to the state's overcrowded large metropolitan centers.

(2) Assist the department's Economic Development Division in attracting light, pollution-free industry to the rural counties.

(3) Improve the economic status of the impoverished rural residents.

(4) Provide present and new industry with the manpower training resources necessary for them to train the untrained rural workforce toward gainful employment.

(5) Develop rural manpower programs which will be evaluated, planned, and implemented through communications and planning with appropriate:

(a) Departments of state and federal governments.

(b) Divisions, bureaus, or sections of the Department of Commerce.

(c) Agencies and organizations of the public and private sectors at the state, regional, and local levels.

History.—s. 5, ch. 72-398; s. 1, ch. 73-283; s. 1, ch. 77-174.

Note.—Former s. 450.44.

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

(1) **INTENT.**—It is the intent of the Legislature to require the Division of Community Colleges of the Department of Education to enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

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

(a) "Displaced homemaker" means an individual who:

1. Is 35 years of age or older;

2. Has worked in the home, providing unpaid household services for family members;

3. Is not adequately employed, as defined by rule of the division;

4. Has had, or would have, difficulty in securing adequate employment; and

5. Has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on federal assistance.

(b) "Division" means the Division of Community Colleges of the Department of Education.

(3) **DIVISION POWERS AND DUTIES.**—

(a) The division shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

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

2. Job training and placement services, including:

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

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

c. Utilization of the services of the state employment service, which shall cooperate with the division in locating employment opportunities.

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

4. Educational services, including high school equivalency degree and such other courses as the division determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs which the division determines would be of interest and benefit to displaced homemakers.

(b)1. The division shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this act. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. The division shall designate catchment areas which together shall comprise the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the division shall contract with, and make grants to, entities which will serve entire catchment areas so that displaced homemaker service programs are available statewide. The division may give priority to existing displaced homemaker programs when evaluating bid responses to the division's request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must, by the 1991-1992 fiscal year, receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by the division and counted as part of the required local funding.

3. The division shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the division. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced homemaker in a job.

(c) The division shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as the division considers appropriate to facilitate the coordination of multipurpose service programs established under this act with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this act shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) The division shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds from the division and any other rules necessary to administer this section.

(4) STATE PLAN.—

(a) The division shall develop a 3-year state plan for the displaced homemaker program which shall be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

(b) Each annual update must address any changes in the components of the 3-year state plan and a report which must include, but need not be limited to, the following:

1. The scope of the incidence of displaced homemakers;

2. A compilation and report, by program, of data submitted to the division pursuant to subparagraph 3. by funded displaced homemaker service programs;

3. An identification and description of the programs in the state that receive funding from the division, including funding information; and

4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of the division.

(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 1989, and annual updates of the plan must be submitted by January 1 of each subsequent year.

(5) DISPLACED HOMEMAKER TRUST FUND.—

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by the division for its administration of the displaced homemaker program and to fund displaced homemaker service programs according to criteria established under this section.

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as specified in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

(c) Funds that are not expended by the division at the end of the budget cycle or through a supplemental

budget approved by the division shall revert to the trust fund.

History.—ss. 1, 2, 3, 4, 5, 6, 7, 8, 10, ch. 76-271; s. 18, ch. 78-433; s. 1, ch. 88-181; s. 13, ch. 94-134; s. 13, ch. 94-135; s. 7, ch. 95-394; s. 89, ch. 95-418.

1Note.—As amended by s. 7, ch. 95-394. This version is published as the last expression of legislative will (see Journal of the Senate 1995, p. 1396, and Journal of the House of Representatives 1995, p. 1807). This section was also amended by s. 89, ch. 95-418, and that version reads:

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

(1) **INTENT.**—It is the intent of the Legislature to require the Department of Education to enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

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

(a) "Displaced homemaker" means an individual who:

1. Is 35 years of age or older;
2. Has worked in the home, providing unpaid household services for family members;
3. Is not adequately employed, as defined by rule of the department;
4. Has had, or would have, difficulty in securing adequate employment; and
5. Has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on federal assistance.

(b) "Department" means the Department of Education.

(3) **DEPARTMENT POWERS AND DUTIES.**—

(a) The department shall establish, or contract for the establishment of, programs for displaced homemakers which must include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.
2. Job training and placement services, including:
 - a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.
 - b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.
 - c. Utilization of the services of the state employment service, which shall cooperate with the department in locating employment opportunities.
3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.
4. Educational services, including high school equivalency degree and such other courses as the department determines would be of interest and benefit to displaced homemakers.
5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs which the department determines would be of interest and benefit to displaced homemakers.

(b1) The department shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this act. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. The department shall designate catchment areas which together shall comprise the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the department shall contract with, and make grants to, entities which will serve entire catchment areas so that displaced homemaker service programs are available statewide. The department may give priority to existing displaced homemaker programs when evaluating bid responses to the department's request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by the department and counted as part of the required local funding.

3. The department shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the department. Such data must include, but is not limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced homemaker in a job.

(c) The department shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as the department considers appropriate to facilitate the coordination of multipurpose service programs established under this act with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this act shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) The department shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds from the department and any other rules necessary to administer this section.

(4) **STATE PLAN.**—

(a) The department shall develop a 3-year state plan for the displaced homemaker program which must be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to

address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

(b) Each annual update must address any changes in the components of the 3-year state plan and a report which must include, but need not be limited to, the following:

1. The scope of the incidence of displaced homemakers;
2. A compilation and report, by program, of data submitted to the department pursuant to subparagraph 3. by funded displaced homemaker service programs;
3. An identification and description of the programs in the state that receive funding from the department, including funding information; and
4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of the department.

(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 1996, and annual updates of the plan must be submitted by January 1 of each subsequent year.

(5) **DISPLACED HOMEMAKER TRUST FUND.**—

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by the Department of Education for its administration of the displaced homemaker program and to fund displaced homemaker service programs according to criteria established under this section.

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as specified in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

(c) Funds that are not expended by the department at the end of the budget cycle or through a supplemental budget approved by the department shall revert to the trust fund.

Note.—Former s. 409.511; s. 410.30.

446.51 Displaced homemaker programs; discrimination prohibited.—No person in this state shall, on the basis of sex, age, race, color, religion, or national origin, be excluded from participating in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available for displaced homemakers.

History.—s. 9, ch. 76-271; s. 18, ch. 78-433; s. 90, ch. 95-418.

Note.—Former s. 409.514; s. 410.301.

446.52 Confidentiality of information.—Information about displaced homemakers who receive services under ss. ²410.30 and ³410.301 which is received through files, reports, inspections, or otherwise, by the division or by authorized employees of the division, by persons who volunteer services, or by persons who provide services to displaced homemakers under ss. ²410.30 and ³410.301 through contracts with the division is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a displaced homemaker, unless such person or her legal guardian provides written consent. This exemption is subject to the Open Government Sunset Review Act in accordance with ⁴s. 119.14.

History.—s. 11, ch. 91-71; s. 8, ch. 95-394; s. 91, ch. 95-418.

1Note.—As amended by s. 8, ch. 95-394. This version is published as the last expression of legislative will (see Journal of the Senate 1995, p. 1396, and Journal of the House of Representatives 1995, p. 1807). This section was also amended by s. 91, ch. 95-418, and that version reads:

446.52 Confidentiality of information.—Information about displaced homemakers who receive services under ss. 446.50 and 446.51 which is received through files, reports, inspections, or otherwise, by the Department of Education or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to displaced homemakers under ss. 446.50 and 446.51 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a displaced homemaker, unless such person or her legal guardian provides written consent. This exemption is subject to the Open Government Sunset Review Act in accordance with ⁴s. 119.14.

2Note.—Transferred to s. 446.50 by s. 7, ch. 95-394.

3Note.—Transferred to s. 446.51 by s. 90, ch. 95-418.

4Note.—

A. Repealed by s. 1, ch. 95-217.

B. Section 4, ch. 95-217, provides that "[n]otwithstanding any provision of law to the contrary, exemptions from chapter 119, Florida Statutes, or chapter 286, Florida Statutes, which are prescribed by law and are specifically made subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes, are not subject to review under that act, and are not abrogated by the operation of that act, after October 1, 1995."

Note.—Former s. 410.302.

446.60 Displaced local exchange telecommunications company workers; assistance.—The Department of Labor and Employment Security shall provide assistance, pursuant to any applicable state or federal program within its jurisdiction, to any individual employed in Florida by a local exchange telecommunications company on June 30, 1995, who is displaced, dislocated, severed, or retired from employment as a result of the introduction of competition under this act. This assistance shall include maintaining a database of such work-

ers to assist the industry in recruiting a trained workforce, if so requested by the worker. In addition, the Department of Labor and Employment Security shall coordinate with the Enterprise Florida Jobs and Education Partnership, the Department of Commerce, and the Department of Education to assist new, existing, or expanding telecommunications businesses in Florida to apply for training grants under the guidelines and criteria of the Quick-Response Training Program pursuant to s. 288.047.

History.—s. 34, ch. 95-403.