

By Senator Harris

24-1114-98

1 A bill to be entitled
2 An act relating to the WAGES Program; amending
3 s. 414.026, F.S.; requiring that the WAGES
4 Program State Board of Directors approve the
5 directives initiated by the Workforce
6 Development Board of Enterprise Florida, Inc.,
7 in implementing the WAGES Program; creating s.
8 414.0262, F.S.; requiring that the Governor
9 designate the staff of the WAGES Program State
10 Board of Directors as a nonprofit corporation;
11 amending s. 414.028, F.S.; revising
12 requirements for a member of a local WAGES
13 coalition in the case of a conflict of
14 interest; providing requirements for disclosing
15 any such conflict; providing for certain
16 nonvoting members to be appointed to a local
17 coalition; authorizing a local coalition to
18 deliver certain services under the WAGES
19 Program; providing for staff support for local
20 coalitions; amending s. 414.065, F.S.; deleting
21 provisions that require an employer to repay
22 certain supplements or incentives under
23 specified circumstances; creating a WAGES
24 training bonus to be paid to an employer who
25 hires certain program participants; amending s.
26 414.105, F.S.; providing for eligibility for
27 extended temporary cash assistance under
28 specified circumstances; providing that an
29 individual who cares for a disabled family
30 member is exempt from certain time limitations;
31 providing an effective date.

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

2

3 Section 1. Present subsection (4) of section 414.026,
4 Florida Statutes, is redesignated as subsection (5), and a new
5 subsection (4) is added to that section, to read:

6 414.026 WAGES Program State Board of Directors.--

7 (4) The WAGES Program State Board of Directors shall
8 approve all programs, policies, proposed rules, requests for
9 proposals, and other WAGES directives initiated by the
10 Workforce Development Board of Enterprise Florida, Inc., or a
11 state agency charged by law to implement the WAGES Program.
12 The board of directors is responsible for communicating such
13 directives to the local WAGES coalitions.

14 Section 2. Section 414.0262, Florida Statutes, is
15 created to read:

16 414.0262 Staff of the WAGES Program State Board of
17 Directors.--

18 (1) The Governor, by executive order, shall designate
19 the staff of the WAGES Program State Board of Directors as a
20 nonprofit corporation for the purpose of receiving federal
21 funds and providing oversight and maintenance to the WAGES
22 Program State Board of Directors in administering the State
23 Plans for Aid and Services to Needy Families with Children
24 under 42 U.S.C. s. 602, as amended. The nonprofit corporation
25 shall be known as WAGES, Inc., and is the designated state
26 agency required by 42 U.S.C. s. 602(a)(3).

27 (2) The executive order designating the nonprofit
28 corporation must include provisions for the governance and
29 organizational structure of the corporation which are
30 consistent with 42 U.S.C. s. 602(a)(5).

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1 (3) The nonprofit corporation shall be organized under
2 chapter 617 and shall possess all the powers granted by that
3 chapter.

4 (4) The designated nonprofit corporation is eligible
5 to use the state communications system in accordance with s.
6 282.105(3).

7 (5) Pursuant to the applicable provisions of chapter
8 284, the Division of Risk Management of the Department of
9 Insurance may insure the nonprofit corporation under the same
10 general terms and conditions as other nonprofit, statutory
11 corporations.

12 (6) All departments, officers, agencies, coalitions,
13 and institutions of the state shall cooperate with the
14 designated nonprofit corporation in the performance of its
15 duties.

16 (7) The designated nonprofit corporation shall make
17 provisions for an annual postaudit of its financial accounts
18 by an independent certified public accountant. The annual
19 audit shall be submitted to the Executive Office of the
20 Governor for review.

21 (8) WAGES, Inc., shall make all arrangements and
22 fulfill all legal conditions to become a nonprofit corporation
23 by July 1, 1998.

24 (9) The nonprofit corporation shall make available to
25 the public, upon request, copies of 42 U.S.C. s. 602, as
26 amended; applicable state laws; and any executive orders
27 establishing WAGES, Inc.

28 Section 3. Section 414.028, Florida Statutes, is
29 amended to read:

30 414.028 Local WAGES coalitions.--The WAGES Program
31 State Board of Directors shall create and charter local WAGES

1 coalitions to plan and coordinate the delivery of services
2 under the WAGES Program at the local level. The boundaries of
3 the service area for a local WAGES coalition shall conform to
4 the boundaries of the service area for the regional workforce
5 development board established under the Enterprise Florida
6 workforce development board. The local delivery of services
7 under the WAGES Program shall be coordinated, to the maximum
8 extent possible, with the local services and activities of the
9 local service providers designated by the regional workforce
10 development boards.

11 (1)(a) Each local WAGES coalition must have a minimum
12 of 11 members, of which at least one-half must be from the
13 business community. The composition of the coalition
14 membership must generally reflect the racial, gender, and
15 ethnic diversity of the community as a whole. All members
16 shall be appointed to 3-year terms. The membership of each
17 coalition must include:

18 1. Representatives of the principal entities that
19 provide funding for the employment, education, training, and
20 social service programs that are operated in the service area,
21 including, but not limited to, representatives of local
22 government, the regional workforce development board, and the
23 United Way.

24 2. A representative of the health and human services
25 board.

26 3. A representative of a community development board.

27 4. Three representatives of the business community who
28 represent a diversity of sizes of businesses.

29 5. Representatives of other local planning,
30 coordinating, or service-delivery entities.

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1 6. A representative of a grassroots community or
2 economic development organization that serves the poor of the
3 community.

4 (b) A person may be a member of a local WAGES
5 coalition or a combined WAGES coalition as provided in
6 subsection (2) regardless of whether the member, or an
7 organization represented by a member, could benefit
8 financially from transactions of the coalition. However, if
9 the coalition enters into a contract with an organization or
10 individual represented on the coalition, the contract must be
11 approved by a two-thirds vote of the entire board, and the
12 board member who could benefit financially from the
13 transaction must abstain from voting. A board member must
14 disclose any such conflict in a manner that is approved by the
15 WAGES Program State Board of Directors and is consistent with
16 the procedures outlined in s. 112.3143.~~A representative of an~~
17 ~~agency or entity that could benefit financially from funds~~
18 ~~appropriated under the WAGES Program may not be a member of a~~
19 ~~local WAGES coalition.~~

20 (c) A member of the board of a public or private
21 educational institution may not serve as a member of a local
22 WAGES coalition.

23 (d) A representative of any county or municipal
24 governing body that elects to provide services through the
25 local WAGES coalition shall be an ex officio, nonvoting member
26 of the coalition.

27 (e) A representative of a county health department or
28 a representative of a healthy start coalition shall serve as
29 an ex officio, nonvoting member of the coalition.

30 (f) This subsection does not prevent a local WAGES
31 coalition from extending regular, voting membership to not

1 more than one representative of a county health department and
2 not more than one representative of a healthy start coalition.

3 (2) A local WAGES coalition and a regional workforce
4 development board may be combined into one board if the
5 membership complies with subsection (1), and if the membership
6 of the combined board meets the requirements of Pub. L. No.
7 97-300, the federal Job Training Partnership Act, as amended,
8 and with any law delineating the membership requirements for
9 the regional workforce development boards. ~~Notwithstanding~~
10 ~~paragraph (1)(b), in a region in which the duties of the two~~
11 ~~boards are combined, a person may be a member of the WAGES~~
12 ~~coalition even if the member, or the member's principal, could~~
13 ~~benefit financially from transactions of the coalition.~~

14 ~~However, members must recuse themselves from voting on all~~
15 ~~matters from which they or their principals could benefit~~
16 ~~financially. Failure to recuse on any such vote will~~
17 ~~constitute grounds for immediate removal from the local WAGES~~
18 ~~coalition.~~

19 (3) The statewide implementation plan prepared by the
20 WAGES Program State Board of Directors shall prescribe and
21 publish the process for chartering the local WAGES coalitions.

22 (4) Each local WAGES coalition shall perform the
23 planning, coordination, and oversight functions specified in
24 the statewide implementation plan, including, but not limited
25 to:

26 (a) Developing a program and financial plan to achieve
27 the performance outcomes specified by the WAGES Program State
28 Board of Directors for current and potential program
29 participants in the service area. The plan must reflect the
30 needs of service areas for seed money to create programs that
31 assist children of WAGES participants.

1 (b) Developing a funding strategy to implement the
2 program and financial plan which incorporates resources from
3 all principal funding sources.

4 (c) Identifying employment, service, and support
5 resources in the community which may be used to fulfill the
6 performance outcomes of the WAGES Program.

7 (d) In cooperation with the regional workforce
8 development board, coordinating the implementation of one-stop
9 career centers.

10 (e) Advising the Department of Children and Family
11 Services and the Department of Labor and Employment Security
12 with respect to the competitive procurement of services under
13 the WAGES Program.

14 (f) Selecting an entity to administer the program and
15 financial plan, such as a unit of a political subdivision
16 within the service area, a not-for-profit private organization
17 or corporation, or any other entity agreed upon by the local
18 WAGES coalition.

19 (5) A local WAGES coalition may deliver the full
20 continuum of services provided under the WAGES Program,
21 including services that are provided at the point of
22 application. However, a local WAGES coalition may not
23 determine an individual's eligibility for temporary cash
24 assistance. Before assuming responsibility for providing
25 services, the local WAGES coalition must receive approval by
26 the WAGES Program State Board of Directors.

27 (6)~~(5)~~ The WAGES Program State Board of Directors may
28 not approve the program and financial plan of a local
29 coalition unless the plan provides a teen pregnancy prevention
30 component that includes, but is not necessarily limited to, a
31 plan for implementing the Florida Education Now and Babies

1 Later (ENABL) program under s. 411.242 and the Teen Pregnancy
2 Prevention Community Initiative within each county segment of
3 the service area in which the teenage pregnancy childhood
4 ~~birth~~ rate is higher than the state average. Each local WAGES
5 coalition is authorized to fund community-based welfare
6 prevention and reduction initiatives that increase the support
7 provided by noncustodial parents to their welfare-dependent
8 children and are consistent with program and financial
9 guidelines developed by the WAGES Program State Board of
10 Directors and the Commission on Responsible Fatherhood. These
11 initiatives may include, but are not limited to, improved
12 paternity establishment, work activities for noncustodial
13 parents, and programs aimed at decreasing out-of-wedlock
14 pregnancies, encouraging the involvement of fathers with their
15 children, and increasing child-support payments.

16 (7)(6) At the option of the local Wages coalition,
17 local employees of the department and the Department of Labor
18 and Employment Security shall provide staff support for the
19 local WAGES coalitions. ~~At the option of the local WAGES~~
20 ~~coalition, Staff support may be provided by another agency, or~~
21 ~~entity, or by contract if it can be provided at no cost to the~~
22 ~~state and if the support is not provided by an agency or other~~
23 ~~entity that could benefit financially from funds appropriated~~
24 ~~to implement the WAGES Program.~~

25 (8)(7) There shall be no liability on the part of, and
26 no cause of action of any nature shall arise against, any
27 member of a local WAGES coalition or its employees or agents
28 for any lawful action taken by them in the performance of
29 their powers and duties under this section and s. 414.029.

30 Section 4. Paragraph (b) of subsection (1) of section
31 414.065, Florida Statutes, is amended to read:

1 414.065 Work requirements.--

2 (1) WORK ACTIVITIES.--The following activities may be
3 used individually or in combination to satisfy the work
4 requirements for a participant in the WAGES Program:

5 (b) Subsidized private sector employment.--Subsidized
6 private sector employment is employment in a private
7 for-profit enterprise or a private not-for-profit enterprise
8 which is directly supplemented by federal or state funds. A
9 subsidy may be provided in one or more of the forms listed in
10 this paragraph.

11 1. Work supplementation.--A work supplementation
12 subsidy diverts a participant's temporary cash assistance
13 under the program to the employer. The employer must pay the
14 participant wages that equal or exceed the applicable federal
15 minimum wage. Work supplementation may not exceed 6 months. At
16 the end of the supplementation period, the employer is
17 expected to retain the participant as a regular employee
18 without receiving a subsidy ~~for at least 12 months.~~ A The work
19 supplementation agreement may not be continued with any
20 employer who exhibits a pattern of failing to provide
21 participants with continued employment after the period of
22 work supplementation ends ~~must provide that if the employee is~~
23 ~~dismissed at any time within 12 months after termination of~~
24 ~~the supplementation period due in any part to loss of the~~
25 ~~supplement, the employer shall repay some or all of the~~
26 ~~supplement previously paid as a subsidy to the employer under~~
27 ~~the WAGES Program.~~

28 2. On-the-job training.--On-the-job training is
29 full-time, paid employment in which the employer or an
30 educational institution in cooperation with the employer
31 provides training needed for the participant to perform the

1 skills required for the position. The employer or the
2 educational institution on behalf of the employer receives a
3 subsidy to offset the cost of the training provided to the
4 participant. Upon satisfactory completion of the training, the
5 employer is expected to retain the participant as a regular
6 employee without receiving a subsidy. An ~~The~~ on-the-job
7 training agreement may not be continued with any employer who
8 exhibits a pattern of failing to provide participants with
9 continued employment after the on-the-job training subsidy
10 ends ~~must provide that in the case of dismissal of a~~
11 ~~participant due to loss of the subsidy, the employer shall~~
12 ~~repay some or all of the subsidy previously provided by the~~
13 ~~department and the Department of Labor and Employment~~
14 ~~Security.~~

15 3. Incentive payments.--The department and the
16 Department of Labor and Employment Security may provide
17 additional incentive payments to encourage employers to employ
18 program participants. Incentive payments may include payments
19 to encourage the employment of hard-to-place participants, in
20 which case the amount of the payment shall be weighted
21 proportionally to the extent to which the participant has
22 limitations associated with the long-term receipt of welfare
23 and difficulty in sustaining employment. In establishing
24 incentive payments, the department and the Department of Labor
25 and Employment Security shall consider the extent of prior
26 receipt of welfare, lack of employment experience, lack of
27 education, lack of job skills, and other appropriate factors.
28 A participant who has complied with program requirements and
29 who is approaching the time limit for receiving temporary cash
30 assistance may be defined as "hard-to-place." Incentive
31 payments may include payments in which an initial payment is

1 made to the employer upon the employment of a participant, and
2 the majority of the incentive payment is made after the
3 employer retains the participant as a full-time employee for
4 at least 12 months. ~~An~~ The incentive agreement may not be
5 continued with any employer who exhibits a pattern of failing
6 to provide participants with continued employment after the
7 incentive payments cease ~~must provide that if the employee is~~
8 ~~dismissed at any time within 12 months after termination of~~
9 ~~the incentive payment period due in any part to loss of the~~
10 ~~incentive, the employer shall repay some or all of the payment~~
11 ~~previously paid as an incentive to the employer under the~~
12 ~~WAGES Program.~~

13 4. Tax credits.--An employer who employs a program
14 participant may qualify for enterprise zone property tax
15 credits under s. 220.182, the tax refund program for qualified
16 target industry businesses under s. 288.106, or other federal
17 or state tax benefits. The department and the Department of
18 Labor and Employment Security shall provide information and
19 assistance, as appropriate, to use such credits to accomplish
20 program goals.

21 5. WAGES training bonus.--An employer who hires a
22 WAGES participant who has less than 6 months of eligibility
23 for temporary cash assistance remaining and who pays the
24 participant a wage that precludes the participant's
25 eligibility for temporary cash assistance may receive \$240 for
26 each full month of employment for a period that may not exceed
27 3 months. An employer who receives a WAGES training bonus for
28 an employee may not receive a work supplementation subsidy for
29 the same employee.

30 Section 5. Section 414.105, Florida Statutes, is
31 amended to read:

1 414.105 Time limitations of temporary cash
2 assistance.--Unless otherwise expressly provided in this
3 chapter, an applicant or current participant shall receive
4 temporary cash assistance for episodes of not more than 24
5 cumulative months in any consecutive 60-month period that
6 begins with the first month of participation and for not more
7 than a lifetime cumulative total of 48 months as an adult.

8 (1) The time limitation for episodes of temporary cash
9 assistance may not exceed 36 cumulative months in any
10 consecutive 72-month period that begins with the first month
11 of participation and may not exceed a lifetime cumulative
12 total of 48 months of temporary cash assistance as an adult,
13 for cases in which the participant:

14 (a) Has received aid to families with dependent
15 children or temporary cash assistance for any 36 months of the
16 preceding 60 months; or

17 (b) Is a custodial parent under the age of 24 who:

18 1. Has not completed a high school education or its
19 equivalent; or

20 2. Had little or no work experience in the preceding
21 year.

22 (2) A participant who is not exempt from work activity
23 requirements may earn 1 month of eligibility for extended
24 temporary cash assistance, up to a maximum of 12 additional
25 months, for each month in which the participant is fully
26 complying with all the requirements of the WAGES Program and
27 is employed part-time or full-time. A participant may not
28 receive temporary cash assistance under this subsection, in
29 combination with other periods of temporary cash assistance,
30 for longer than 48 months.

31

1 (3)~~(2)~~ Hardship exemptions to the time limitations of
2 this chapter shall be limited to 10 percent of participants in
3 the first year of implementation of this chapter, 15 percent
4 of participants in the second year of implementation of this
5 chapter, and 20 percent of participants in all subsequent
6 years. Criteria for hardship exemptions include:

7 (a) Diligent participation in activities, combined
8 with inability to obtain employment.

9 (b) Diligent participation in activities, combined
10 with extraordinary barriers to employment, including the
11 conditions which may result in an exemption to work
12 requirements.

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

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

19 (e) A recommendation of extension for a minor child of
20 a participating family that has reached the end of the
21 eligibility period for temporary cash assistance. The
22 recommendation must be the result of a review which determines
23 that the termination of the child's temporary cash assistance
24 would be likely to result in the child being placed into
25 emergency shelter or foster care. Temporary cash assistance
26 shall be provided through a protective payee. Staff of the
27 Children and Families ~~Family Services~~ Program Office of the
28 department shall conduct all assessments in each case in which
29 it appears a child may require continuation of temporary cash
30 assistance through a protective payee.

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1 At the recommendation of the local WAGES coalition, temporary
2 cash assistance under a hardship exemption for a participant
3 who is eligible for work activities and who is not working
4 shall be reduced by 10 percent. Upon the employment of the
5 participant, full benefits shall be restored.

6 (4)~~(3)~~ The department shall establish a procedure for
7 reviewing and approving hardship exemptions, and the local
8 WAGES coalitions may assist in making these determinations.
9 The composition of any review panel must generally reflect the
10 racial, gender, and ethnic diversity of the community as a
11 whole. Members of a review panel shall serve without
12 compensation, but are entitled to receive reimbursement for
13 per diem and travel expenses as provided in s. 112.016.

14 (5)~~(4)~~ The cumulative total of all hardship exemptions
15 may not exceed 12 months, may include reduced benefits at the
16 option of the community review panel, and shall, in
17 combination with other periods of temporary cash assistance as
18 an adult, total no more than 48 months of temporary cash
19 assistance. If an individual fails to comply with program
20 requirements during a hardship exemption period, the hardship
21 exemption shall be removed.

22 (6)~~(5)~~ For individuals who have moved from another
23 state and have legally resided in this state for less than 12
24 months, the time limitation for temporary cash assistance
25 shall be the shorter of the respective time limitations used
26 in the two states, and months in which temporary cash
27 assistance was received under a block grant program that
28 provided temporary assistance for needy families in any state
29 shall count towards the cumulative 48-month benefit limit for
30 temporary cash assistance.

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1 ~~(7)(6)~~ For individuals subject to a time limitation
2 under the Family Transition Act of 1993, that time limitation
3 shall continue to apply. Months in which temporary cash
4 assistance was received through the family transition program
5 shall count towards the time limitations under this chapter.

6 ~~(8)(7)~~ Except when temporary cash assistance was
7 received through the family transition program, the
8 calculation of the time limitation for temporary cash
9 assistance shall begin with the first month of receipt of
10 temporary cash assistance after the effective date of this
11 act.

12 ~~(9)(8)~~ Child-only cases are not subject to time
13 limitations, and temporary cash assistance received while an
14 individual is a minor child shall not count towards time
15 limitations.

16 ~~(10)(9)~~ An individual who receives benefits under the
17 Supplemental Security Income program or the Social Security
18 Disability Insurance program is not subject to time
19 limitations.

20 (11) An individual who cares for a disabled family
21 member is not subject to time limitations if the need for the
22 care is verified and alternative care is not available for the
23 family member.

24 ~~(12)(10)~~ A member of the WAGES Program staff shall
25 interview and assess the employment prospects and barriers of
26 each participant who is within 6 months of reaching the
27 24-month time limit. The staff member shall assist the
28 participant in identifying actions necessary to become
29 employed prior to reaching the benefit time limit for
30 temporary cash assistance and, if appropriate, shall refer the
31 participant for services that could facilitate employment.

