

By Representative Betancourt

1                                   A bill to be entitled  
2           An act relating to the Work and Gain Economic  
3           Self-Sufficiency Act; amending s. 414.025,  
4           F.S.; revising legislative intent; amending s.  
5           414.027, F.S.; including marketable skills  
6           within accountability criteria in the statewide  
7           implementation plan; amending s. 414.065, F.S.;  
8           revising criteria for using vocational  
9           education or training and education services  
10          related to employment; revising an exception to  
11          a penalty for noncompliance; revising  
12          prioritization of work requirements; revising  
13          use of contracts applications; amending s.  
14          414.105, F.S.; revising criteria for hardship  
15          exemptions to time limitations of temporary  
16          assistance; providing an effective date.

17

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

19

20           Section 1. Subsection (3) of section 414.025, Florida  
21 Statutes, is amended to read:

22           414.025 Legislative intent.--

23           (3) The WAGES Program shall emphasize work,  
24 self-sufficiency, and personal responsibility while meeting  
25 the transitional needs of program participants who need  
26 short-term assistance or skills acquisition toward achieving  
27 independent, productive lives and gaining the responsibility  
28 that comes with self-sufficiency.

29           Section 2. Paragraph (g) of subsection (1) of section  
30 414.027, Florida Statutes, is amended to read:

31           414.027 WAGES Program statewide implementation plan.--

1           (1) The WAGES Program State Board of Directors shall  
2 submit to the Governor, the President of the Senate, and the  
3 Speaker of the House of Representatives a statewide plan for  
4 implementing the WAGES Program established under this chapter.  
5 At a minimum, the statewide implementation plan must include:

6           (g) The development of a performance-based payment  
7 structure to be used for all WAGES Program services, which  
8 takes into account the following:

9           1. The degree of difficulty associated with placing a  
10 WAGES Program participant in a job;

11           2. The quality of the placement with regard to salary,  
12 benefits, marketable skills, and opportunities for  
13 advancement; and

14           3. The employee's retention of the placement.  
15

16 The payment structure shall provide not more than 40 percent  
17 of the cost of services provided to a WAGES participant prior  
18 to placement, 50 percent upon employment placement, and 10  
19 percent if employment is retained for at least 6 months. The  
20 payment structure should provide bonus payments to providers  
21 that experience notable success in achieving long-term job  
22 retention and measurable skills increases with WAGES Program  
23 participants. The board shall consult with the Enterprise  
24 Florida workforce development board in developing the WAGES  
25 Program statewide implementation plan.

26           Section 3. Paragraphs (g) and (i) of subsection (1),  
27 paragraph (a) of subsection (7), paragraph (c) of subsection  
28 (9), and paragraph (b) of subsection (10) of section 414.065,  
29 Florida Statutes, are amended to read:

30           414.065 Work requirements.--  
31

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

4           (g) Vocational education or training.--Vocational  
5 education or training is education or training designed to  
6 provide participants with the skills and certification  
7 necessary for employment in an occupational area. Vocational  
8 education or training may be used as a primary program  
9 activity for participants when it has been determined that the  
10 individual has demonstrated compliance with other phases of  
11 program participation and successful completion of the  
12 vocational education or training is likely to result in  
13 employment entry at a higher wage than the participant would  
14 have been likely to attain without completion of the  
15 vocational education or training. Vocational education or  
16 training may be combined with other program activities and  
17 also may be used to upgrade skills or prepare for a higher  
18 paying occupational area for a participant who is employed.

19           1. Vocational education shall not be used as the  
20 primary program activity for a period which exceeds 12 months.  
21 The 12-month restriction applies to instruction in a career  
22 education program and does not include remediation of basic  
23 skills through adult general education if remediation is  
24 necessary to enable a WAGES participant to benefit from a  
25 career education program. Any necessary remediation must be  
26 completed before a participant is referred to vocational  
27 education as the primary work activity. In addition, use of  
28 vocational education or training as a primary program activity  
29 shall be restricted to not more than 20 percent of adult  
30 participants in the WAGES region, or subject to other  
31 limitation as established in federal law. The use of

1 vocational education or training as a complementary program  
2 activity in combination with other program activities shall  
3 not be subject to the limitations in this paragraph.

4 Vocational education included in a program leading to a high  
5 school diploma shall not be considered vocational education  
6 for purposes of this section.

7         2. When possible, a provider of vocational education  
8 or training shall use funds provided by funding sources other  
9 than the department or the Department of Labor and Employment  
10 Security. Either department may provide additional funds to a  
11 vocational education or training provider only if payment is  
12 made pursuant to a performance-based contract. Under a  
13 performance-based contract, the provider may be partially paid  
14 when a participant completes measurable stages of education or  
15 training, but the majority of payment shall be made following  
16 the participant's employment at a specific wage or job  
17 retention for a specific duration. Performance-based payments  
18 made under this subparagraph are limited to education or  
19 training for targeted occupations identified by the  
20 Occupational Forecasting Conference under s. 216.136, or other  
21 programs identified by the Enterprise Florida workforce  
22 development board as beneficial to meet the needs of  
23 designated groups, such as WAGES participants, who are hard to  
24 place. If the contract pays the full cost of training, the  
25 community college or school district may not report the  
26 participants for other state funding, except that the college  
27 or school district may report WAGES clients for performance  
28 incentives or bonuses authorized for student enrollment,  
29 completion, and placement.

30         (i) Education services related to employment ~~for~~  
31 ~~participants 19 years of age or younger.~~--Education services

1 provided under this paragraph are designed to prepare a  
2 participant for employment in an occupation. For participants  
3 19 years of age or younger,the department and the Department  
4 of Labor and Employment Security shall coordinate education  
5 services with the school-to-work activities provided under s.  
6 229.595. The use of education services as the primary program  
7 activity shall be ~~Activities provided under this paragraph are~~  
8 restricted to participants 19 years of age or younger who have  
9 not completed high school or obtained a high school  
10 equivalency diploma. Education services may be used as a  
11 complementary program activity in combination with other  
12 program activities for participants regardless of age when it  
13 has been determined that the individual has demonstrated  
14 compliance with other phases of program participation and  
15 successful completion of the education services is likely to  
16 result in employment entry at a higher wage than the  
17 participant would have been likely to attain without  
18 completion of the education services. Qualifying education  
19 services may be determined by the local WAGES coalition and  
20 shall include certified basic skills remediation for any  
21 participant testing below an 8.0 literacy level using a  
22 testing instrument approved by the Department of Education.  
23 Education services may be combined with other program  
24 activities and also may be used to upgrade skills or prepare  
25 for a higher paying occupational area for a participant who is  
26 employed.

27 (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--The  
28 situations listed in this subsection shall constitute  
29 exceptions to the penalties for noncompliance with  
30 participation requirements, except that these situations do  
31

1 not constitute exceptions to the applicable time limit for  
2 receipt of temporary cash assistance:

3 (a) Noncompliance related to child care.--Temporary  
4 cash assistance may not be terminated for refusal to  
5 participate in work activities if the individual is a single  
6 custodial parent caring for a child who has not attained 6  
7 years of age, and the adult proves to the department or to the  
8 Department of Labor and Employment Security an inability to  
9 obtain needed child care for one or more of the following  
10 reasons:

11 1. Unavailability of appropriate child care within a  
12 reasonable distance from the individual's home, or worksite,  
13 or training site. If appropriate child care is not available  
14 within a reasonable distance from the individual's home,  
15 worksite, or training site, vocational or educational services  
16 may be used as a primary program activity without regard to  
17 the limitations under subsection (2) if successful completion  
18 of such services is likely to result in employment entry at a  
19 higher wage than the participant would have been likely to  
20 attain without completion of the services.

21 2. Unavailability or unsuitability of informal child  
22 care by a relative or under other arrangements.

23 3. Unavailability of appropriate and affordable formal  
24 child care arrangements.

25 (9) PRIORITIZATION OF WORK REQUIREMENTS.--The  
26 Department of Labor and Employment Security shall require  
27 participation in work activities to the maximum extent  
28 possible, subject to federal and state funding. If funds are  
29 projected to be insufficient to allow full-time work  
30 activities by all program participants who are required to  
31 participate in work activities, the Department of Labor and

1 Employment Security shall screen participants and assign  
2 priority based on the following:

3 (c) A participant who has access to nonsubsidized  
4 child care may be assigned priority for work activities. When  
5 nonsubsidized child care is provided through vocational or  
6 educational services, a participant may be assigned to  
7 vocational or educational services without regard to the  
8 limitations under subsection (2) if successful completion of  
9 such services is likely to result in employment entry at a  
10 higher wage than the participant would have been likely to  
11 attain without completion of the services.

12

13 The Department of Labor and Employment Security may limit a  
14 participant's weekly work requirement to the minimum required  
15 to meet federal work activity requirements in lieu of the  
16 level defined in subsection (2), giving priority to  
17 participants who voluntarily elect to pursue educational  
18 services in addition to the minimum federal work activity  
19 requirements. The department and the Department of Labor and  
20 Employment Security may develop screening and prioritization  
21 procedures within service districts or within counties based  
22 on the allocation of resources, the availability of community  
23 resources, or the work activity needs of the service district.

24 (10) USE OF CONTRACTS.--The Department of Labor and  
25 Employment Security shall provide work activities, training,  
26 and other services, as appropriate, through contracts. In  
27 contracting for work activities, training, or services, the  
28 following applies:

29 (b) A contract must be performance-based. Wherever  
30 possible, payment shall be tied to performance outcomes that  
31 include factors such as, but not limited to, job entry, job

1 entry at a target wage, and job retention, in combination with  
2 factors such as increased literacy levels or vocational skills  
3 certification, rather than tied primarily to completion of  
4 training or education or any other phase of the program  
5 participation process.

6 Section 4. Paragraphs (a) and (c) of subsection (2) of  
7 section 414.105, Florida Statutes, are amended to read:

8 414.105 Time limitations of temporary cash  
9 assistance.--Unless otherwise expressly provided in this  
10 chapter, an applicant or current participant shall receive  
11 temporary cash assistance for episodes of not more than 24  
12 cumulative months in any consecutive 60-month period that  
13 begins with the first month of participation and for not more  
14 than a lifetime cumulative total of 48 months as an adult.

15 (2) Hardship exemptions to the time limitations of  
16 this chapter shall be limited to 10 percent of participants in  
17 the first year of implementation of this chapter, 15 percent  
18 of participants in the second year of implementation of this  
19 chapter, and 20 percent of participants in all subsequent  
20 years. Criteria for hardship exemptions include:

21 (a) Diligent participation in activities, combined  
22 with inability to obtain employment. Participation in approved  
23 education or community service activities beyond the minimum  
24 weekly requirements shall be considered as a ensure of  
25 diligent participation within this chapter.

26 (c) Significant barriers to employment, combined with  
27 measurable increases in marketable skills and a need for  
28 additional time.

29  
30 Temporary cash assistance under a hardship exemption for a  
31 participant who is eligible for work activities and who is not



1 working shall be reduced by 10 percent. Upon the employment of  
2 the participant, full benefits shall be restored.

3 Section 5. This act shall take effect October 1 of the  
4 year in which enacted.

5  
6 \*\*\*\*\*

7 HOUSE SUMMARY

8 Revises criteria and requirements for the statewide  
9 implementation plan, work requirements, and hardship  
10 exemptions to time limitations of temporary assistance  
11 under the Work and Gain Economic Self-Sufficiency (WAGES)  
12 program. See bill for details.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31