

By the Committee on Commerce and Economic Opportunities; and
Senator Kirkpatrick

310-1892A-99

1 A bill to be entitled
2 An act relating to the WAGES Program; amending
3 s. 402.305, F.S.; prohibiting the factoring of
4 specified individuals in calculating
5 staff-to-children ratio; creating s. 414.0265,
6 F.S.; providing for a Work and Gain Economic
7 Self-sufficiency fiscal agent; specifying
8 conditions; creating s. 414.0267, F.S.;
9 establishing a program for matching grants;
10 providing for administration; amending s.
11 414.027, F.S.; revising requirements for the
12 annual state plan; modifying payment structure;
13 amending s. 414.028, F.S.; conforming
14 cross-references; deleting obsolete provisions;
15 providing funding for local WAGES coalitions
16 through contract with the Department of
17 Children and Family Services; providing for
18 revocation of a local coalition charter;
19 providing for reassignment of duties;
20 specifying use of funds; amending s. 414.030,
21 F.S.; correcting an organizational name
22 reference; eliminating a cap on the number of
23 WAGES Program employment projects to be
24 identified; specifying that the role of the
25 WAGES Program Employment Project Coordinator
26 includes other WAGES employment opportunities;
27 authorizing the commitment and coordination of
28 resources; providing for suspension of certain
29 criteria and requirements; encouraging agency
30 resolution of barriers to such projects;
31 authorizing waiver of economic development

1 incentive criteria; specifying a limit to funds
2 allocated; authorizing the award of reasonable
3 administrative costs associated with such
4 projects; specifying contract terms; requiring
5 creation of a WAGES Program Employment
6 Implementation Team; authorizing the Governor
7 to declare a WAGES employment emergency;
8 providing for use of certain emergency
9 management powers and other powers; creating s.
10 414.035, F.S.; requiring expenditures of funds
11 under Temporary Assistance for Needy Families
12 to be in accordance with federal provisions;
13 requiring certification of fiscal controls;
14 creating s. 414.045, F.S.; establishing a cash
15 assistance program; designating applicable
16 groups; amending s. 414.055, F.S.; conforming
17 organizational name references; amending s.
18 414.065, F.S.; conforming organizational name
19 references; excluding English language
20 proficiency from education time limits;
21 requiring participants with medical limitations
22 to be assigned appropriate work activities;
23 providing for work activity exemption under
24 certain circumstances; deleting obsolete
25 provisions; amending s. 414.085, F.S.;
26 excluding certain payments from consideration
27 in determining grant amounts; amending s.
28 414.095, F.S.; deleting obsolete provisions;
29 authorizing shelter obligations under certain
30 circumstances; conforming organizational name
31 references; amending s. 414.105, F.S.; revising

1 limitations on extended eligibility for
2 temporary cash assistance; deleting obsolete
3 provisions; creating s. 414.151, F.S.;
4 establishing a diversion program for victims of
5 domestic violence; creating s. 414.1525, F.S.;
6 establishing an early exit incentive program;
7 amending s. 414.155, F.S.; conforming
8 organizational name references; revising
9 standards regarding the relocation assistance
10 program; amending s. 414.20, F.S.; conforming
11 organizational name references; amending s.
12 414.22, F.S.; conforming organizational name
13 references; creating s. 414.223, F.S.;
14 authorizing the development of a list of
15 post-secondary courses to promote job retention
16 and advancement; authorizing Retention
17 Incentive Training Accounts; prescribing
18 eligible expenditures through such accounts;
19 requiring performance monitoring and a report;
20 reserving funds; amending s. 414.225, F.S.;
21 revising provisions relating to transportation;
22 amending s. 414.23, F.S.; conforming
23 organizational name references; amending s.
24 414.37, F.S.; deleting obsolete reference;
25 amending s. 414.44, F.S.; conforming
26 organizational name reference; amending s.
27 414.45, F.S.; deleting obsolete language;
28 amending s. 414.70, F.S.; providing conditions
29 for inclusion in a demonstration project;
30 providing for work activity requirements and
31 penalties for failure to comply; amending s.

1 288.063, F.S.; providing for WAGES
2 transportation projects; authorizing the Office
3 of Tourism, Trade, and Economic Development to
4 develop an expedited process; providing an
5 appropriation of TANF funds; repealing s.
6 414.25, F.S., relating to exemptions from
7 leased real property requirements; repealing s.
8 414.43, F.S., relating to special needs
9 allowances for families with disabled members;
10 repealing s. 414.55, F.S., relating to
11 implementation of the program; requiring
12 compliance with s. 216.181, F.S.; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (4) of section 402.305, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 402.305 Licensing standards; child care facilities.--

20 (4) STAFF-TO-CHILDREN RATIO.--

21 (a) Minimum standards for the care of children in a
22 licensed child care facility as established by rule of the
23 department must include:

24 1. For children from birth through 1 year of age,
25 there must be one child care personnel for every four
26 children.

27 2. For children 1 year of age or older, but under 2
28 years of age, there must be one child care personnel for every
29 six children.

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1 3. For children 2 years of age or older, but under 3
2 years of age, there must be one child care personnel for every
3 11 children.

4 4. For children 3 years of age or older, but under 4
5 years of age, there must be one child care personnel for every
6 15 children.

7 5. For children 4 years of age or older, but under 5
8 years of age, there must be one child care personnel for every
9 20 children.

10 6. For children 5 years of age or older, there must be
11 one child care personnel for every 25 children.

12 7. When children 2 years of age and older are in care,
13 the staff-to-children ratio shall be based on the age group
14 with the largest number of children within the group.

15 (b) This subsection does not apply to nonpublic
16 schools and their integral programs as defined in s.
17 402.3025(2)(d)1. In addition, an individual who is
18 participating in a community service work experience activity
19 under s. 414.065(1)(d) or (e)~~employee of a child care~~
20 ~~facility who receives subsidized wages under the WAGES Program~~
21 may not be considered in calculating the staff-to-children
22 ratio.

23 Section 2. Section 414.0265, Florida Statutes, is
24 created to read:

25 414.0265 Work and Gain Economic Self-sufficiency
26 (WAGES) fiscal agent.--

27 (1) The WAGES Program State Board of Directors is
28 authorized to contract with a fiscal agent to administer its
29 financial affairs.

1 (2) If the WAGES Program State Board of Directors
2 elects to contract with a fiscal agent to administer its
3 financial affairs, the following conditions must be met:

4 (a) The fiscal agent must be a Florida for profit or
5 not-for-profit corporation approved by the Department of
6 State;

7 (b) The fiscal agent cannot be a provider of any
8 service under the WAGES Program;

9 (c) The fiscal agent shall provide financial and
10 administrative services pursuant to an annual contract or
11 agreement with the WAGES Program State Board of Directors. The
12 contract or agreement shall include a requirement for annual
13 audit by an independent public account certified to practice
14 in Florida. The audit must meet the requirements of chapter 75
15 of Title 31, United States Code. The annual audit report
16 shall include a management letter and shall be submitted to
17 the Auditor General and the WAGES Program State Board of
18 Directors for review;

19 (d) Costs associated with fiscal agent services shall
20 be specified in the agreement and may not exceed 5 percent of
21 the total funds provided to the WAGES Program State Board of
22 Directors; and

23 (e) The fiscal agent shall assist the WAGES Program
24 State Board of Directors to prepare and submit an annual
25 budget request by September 1 of each year and an annual
26 financial statement to the Governor, the Senate, and the House
27 of Representatives. The format for the annual budget and the
28 annual financial statement shall conform to the fiscal year of
29 the state.

30 Section 3. Section 414.0267, Florida Statutes, is
31 created to read:

1 414.0267 Matching grants for economic independence.--

2 (1) There is established a program of matching grants
3 for economic independence. The program shall provide an
4 incentive in the form of matching grants for donations and
5 expenditures by donors and charitable organizations for
6 transitional, diversion, and support programs that complement,
7 supplement, and further the goals of the Work and Gain
8 Economic Self-sufficiency Program.

9 (2) The WAGES Program State Board of Directors shall
10 specify the funds allocated for matching; the process for
11 submission, documentation, and approval of requests for
12 program funds and matching funds; accountability for funds and
13 proceeds of investments; allocations to programs and
14 coalitions; restrictions on the use of the funds; and criteria
15 used in determining the value of donations.

16 Section 4. Subsection (1) of section 414.027, Florida
17 Statutes, is amended to read:

18 414.027 WAGES Program annual statewide program
19 implementation plan.--

20 (1) The WAGES Program State Board of Directors shall
21 submit to the Governor, the President of the Senate, and the
22 Speaker of the House of Representatives an annual ~~a~~ statewide
23 plan for ~~implementing~~ the WAGES Program established under this
24 chapter. At a minimum, the annual statewide program
25 ~~implementation~~ plan must include:

26 (a) Performance standards, measurement criteria, and
27 contract guidelines for all services provided under the WAGES
28 Program whether by state employees or contract providers. The
29 plan must include performance standards and objectives,
30 measurement criteria, measures of performance, and contract
31

1 guidelines for all local WAGES coalitions related to the
2 following issues:

- 3 1. Work participation rates by type of activity;
- 4 2. Caseload trends;
- 5 3. Recidivism;
- 6 4. Participation in diversion and relocation programs;
- 7 5. Employment retention; and
- 8 6. Other issues identified by the WAGES Program State

9 Board of Directors.

10 (b) A description of:

11 1. Cooperative agreements and partnerships between
12 local WAGES coalitions and local community agencies and
13 not-for-profit organizations described in section 501(c)(3) of
14 the Internal Revenue Code;

15 2. Efforts by local WAGES coalitions to provide WAGES
16 applicants, recipients, and former recipients with information
17 on the services and programs available to them, including
18 diversion programs, relocation assistance, and other services
19 that may be obtained without receiving monthly cash
20 assistance;

21 3. Efforts by local WAGES coalitions to overcome
22 transportation barriers to employment; and

23 4. Other issues determined by the WAGES Program State
24 Board of Directors.

25 (c) An evaluation of the performance of each local
26 WAGES coalition based on the performance measures and
27 guidelines.

28 (d)~~(b)~~ Directives for creating and chartering local
29 WAGES coalitions to plan and coordinate the delivery of
30 services under the WAGES Program at the local level.

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1 (e)~~(e)~~ The approval of the implementation plans
2 submitted by local WAGES coalitions.

3 (f)~~(d)~~ Recommendations for clarifying, or if
4 necessary, modifying the roles of the state agencies charged
5 with implementing the WAGES Program so that all unnecessary
6 duplication is eliminated.

7 (g)~~(e)~~ Recommendations for modifying compensation and
8 incentive programs for state employees in order to achieve the
9 performance outcomes necessary for successful implementation
10 of the WAGES Program.

11 (h)~~(f)~~ Criteria for allocating WAGES Program resources
12 to local WAGES coalitions. Such criteria must include
13 weighting factors that reflect the relative degree of
14 difficulty associated with securing employment placements for
15 specific subsets of the welfare transition caseload.

16 (i)~~(g)~~ The development of a performance-based payment
17 structure to be used for all WAGES Program services, which
18 takes into account the following:

- 19 1. The degree of difficulty associated with placing a
20 WAGES Program participant in a job;
21 2. The quality of the placement with regard to salary,
22 benefits, and opportunities for advancement; and
23 3. The employee's retention of the placement.

24
25 The payment structure shall provide not more than 50 ~~40~~
26 percent of the cost of services provided to a WAGES
27 participant prior to placement, 25 ~~50~~ percent upon employment
28 placement, and 25 ~~10~~ percent if employment is retained for at
29 least 6 months. The payment structure should provide bonus
30 payments to providers that experience notable success in
31 achieving long-term job retention with WAGES Program

1 participants. The board shall consult with the Workforce
2 Development Board ~~Enterprise Florida workforce development~~
3 ~~board~~ in developing the WAGES Program annual statewide program
4 implementation plan.

5 (j) Specifications for WAGES Program services that are
6 to be delivered through local WAGES coalitions, including the
7 following:

8 1. Referral of participants to diversion and
9 relocation programs;

10 2. Pre-placement services, including assessment,
11 staffing, career plan development, work orientation, and
12 employability skills enhancement;

13 3. Services necessary to secure employment for a WAGES
14 participant;

15 4. Services necessary to assist participants in
16 retaining employment, including, but not limited to, remedial
17 education, language skills, and personal and family
18 counseling;

19 5. Desired quality of job placements with regard to
20 salary, benefits, and opportunities for advancement;

21 6. Expectations regarding job retention;

22 7. Strategies to ensure that transition services are
23 provided to participants for the mandated period of
24 eligibility;

25 8. Services that must be provided to the participant
26 throughout an education or training program, such as
27 monitoring attendance and progress in the program;

28 9. Services that must be delivered to WAGES
29 participants who have a deferral from work requirements but
30 wish to participate in activities that meet federal
31 participation requirements; and

1 10. Expectations regarding continued participant
2 awareness of available services and benefits.

3 Section 5. Subsections (2), (4), (5), and (7) of
4 section 414.028, Florida Statutes, 1998 Supplement, are
5 amended, and subsections (9) and (10) are added to that
6 section to read:

7 414.028 Local WAGES coalitions.--The WAGES Program
8 State Board of Directors shall create and charter local WAGES
9 coalitions to plan and coordinate the delivery of services
10 under the WAGES Program at the local level. The boundaries of
11 the service area for a local WAGES coalition shall conform to
12 the boundaries of the service area for the regional workforce
13 development board established under the Enterprise Florida
14 workforce development board. The local delivery of services
15 under the WAGES Program shall be coordinated, to the maximum
16 extent possible, with the local services and activities of the
17 local service providers designated by the regional workforce
18 development boards.

19 (2) A local WAGES coalition and a regional workforce
20 development board may be combined into one board if the
21 membership complies with subsection (1), and if the membership
22 of the combined board meets the requirements of Pub. L. No.
23 105-220, s. 117(b)(2)~~97-300, the federal Job Training~~
24 ~~Partnership Act, as amended~~, and with any law delineating the
25 membership requirements for the regional workforce development
26 boards.

27 (4) Each local WAGES coalition shall perform the
28 planning, coordination, and oversight functions specified in
29 the statewide implementation plan, including, but not limited
30 to:

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1 (a) Developing a program and financial plan to achieve
2 the performance outcomes specified by the WAGES Program State
3 Board of Directors for current and potential program
4 participants in the service area. The plan must reflect the
5 needs of service areas for seed money to create programs that
6 assist children of WAGES participants. The plan must also
7 include provisions for providing services for victims of
8 domestic violence.

9 (b) Developing a funding strategy to implement the
10 program and financial plan which incorporates resources from
11 all principal funding sources.

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

15 (d) In cooperation with the regional workforce
16 development board, coordinating the implementation of one-stop
17 career centers.

18 (e) Advising the Department of Children and Family
19 Services ~~and the Department of Labor and Employment Security~~
20 with respect to the competitive procurement of services under
21 the WAGES Program.

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

27 (g) Developing a plan for services for victims of
28 domestic violence.

29 1. The WAGES Program State Board of Directors shall
30 specify requirements for the local plan, including:
31

- 1 a. Criteria for determining eligibility for exceptions
2 to state work requirements;
- 3 b. The programs and services to be offered to victims
4 of domestic violence;
- 5 c. Time limits for exceptions to program requirements,
6 which may not result in an adult participant exceeding the
7 federal time limit for exceptions or the state lifetime
8 benefit limit that the participant would otherwise be entitled
9 to receive; and
- 10 d. An annual report on domestic violence, including
11 the progress made in reducing domestic violence as a barrier
12 to self-sufficiency among WAGES participants, local policies
13 and procedures for granting exceptions and exemptions from
14 program requirements due to domestic violence, and the number
15 and percentage of cases in which such exceptions and
16 exemptions are granted.
- 17 2. Each local WAGES coalition plan must specify
18 provisions for coordinating and, where appropriate, delivering
19 services, including:
- 20 a. Provisions for the local coalition to coordinate
21 with law enforcement agencies and social service agencies and
22 organizations that provide services and protection to victims
23 of domestic violence;
- 24 b. Provisions for allowing participants access to
25 domestic violence support services and ensuring that WAGES
26 participants are aware of domestic violence shelters,
27 hotlines, and other domestic violence services and policies;
- 28 c. Designation of the agency that is responsible for
29 determining eligibility for exceptions from program
30 requirements due to domestic violence;
- 31

1 d. Provisions that require each individual who is
2 granted an exemption from program requirements due to domestic
3 violence to participate in a program that prepares the
4 individual for self-sufficiency and safety; and

5 e. Where possible and necessary, provisions for job
6 assignments and transportation arrangements that take maximum
7 advantage of opportunities to preserve the safety of the
8 victim of domestic violence and the victim's dependents.

9 (5) By October 1, 1998, local WAGES coalitions shall
10 deliver through one-stop career centers, the full continuum of
11 services provided under the WAGES Program, including services
12 that are provided at the point of application. ~~The State WAGES~~
13 ~~Board may direct the Department of Labor and Employment~~
14 ~~Security to provide such services to WAGES participants if a~~
15 ~~local WAGES coalition is unable to provide services due to~~
16 ~~decertification.~~ Local WAGES coalitions may not determine an
17 individual's eligibility for temporary cash assistance, and
18 all education and training shall be provided through
19 agreements with regional workforce development boards. ~~The~~
20 ~~local WAGES coalitions shall develop a transition plan to be~~
21 ~~approved by the WAGES Program State Board of Directors. Should~~
22 ~~career service employees of the Department of Labor and~~
23 ~~Employment Security be subject to layoff due to the local~~
24 ~~WAGES coalitions taking over the delivery of such services,~~
25 ~~such employees shall be given priority consideration for~~
26 ~~employment by the local WAGES coalitions. The local~~
27 ~~coalition's transition plan shall provide for the utilization~~
28 ~~of space leased by the Department of Labor and Employment~~
29 ~~Security for WAGES service functions. By October 1, 1998, the~~
30 ~~coalition may have negotiated and entered into new lease~~
31 ~~agreements or subleased for said space from the Department of~~

1 ~~Labor and Employment Security. In the event the coalition~~
2 ~~does not utilize the Department of Labor and Employment~~
3 ~~Security leased space, the Department of Labor and Employment~~
4 ~~Security shall not be obligated to pay under any lease~~
5 ~~agreement for WAGES services entered into by the department~~
6 ~~since July 1, 1996.~~

7 (7) At the option of the local WAGES coalition, local
8 employees of the department ~~and the Department of Labor and~~
9 ~~Employment Security~~ shall provide staff support for the local
10 WAGES coalitions. Staff support may be provided by another
11 agency, entity, or by contract.

12 (9)(a) Effective October 1, 1999, funds for the
13 administrative and service delivery operations of the local
14 WAGES coalitions shall be provided to the coalitions by
15 contract with the department. The local WAGES coalitions are
16 subject to the provisions of the implementation plan approved
17 for the coalition by the WAGES Program State Board of
18 Directors. Each coalition's implementation plan shall be
19 incorporated into the coalition's contract with the department
20 so that the coalition is contractually committed to achieve
21 the performance requirements contained in the approved plan.
22 Contract development, administration, and payment shall be
23 managed by the department from its headquarters office. The
24 department shall advise the board of applicable federal and
25 state law related to the contract and of issues raised as a
26 result of oversight of the contracts. Contracts executed
27 pursuant to this subsection are not subject to the provisions
28 of s. 20.19(17).

29 (b) A local WAGES coalition that does not meet the
30 performance requirements set by the WAGES Program State Board
31 of Directors and contained in the contract executed pursuant

1 to this subsection must develop for approval by the WAGES
2 Program State Board of Directors an analysis of the problems
3 preventing the region from meeting the performance standards
4 and a plan of corrective action for meeting state performance
5 requirements. The analysis and plan of corrective action shall
6 be included as appendices to the annual plan submitted to the
7 Governor, the President of the Senate, and the Speaker of the
8 House of Representatives by the WAGES Program State Board of
9 Directors.

10 (c) The WAGES Program State Board of Directors may
11 direct the department to procure a portion of the duties of a
12 local WAGES coalition from another agency, coalition, or
13 provider for good cause. Good cause may include failure to
14 meet performance requirements.

15 (d) The WAGES Program State Board of Directors may
16 revoke the charter of a local WAGES coalition for good cause,
17 which may include repeated failure to meet performance
18 requirements. If the charter of a local WAGES coalition is
19 revoked, the WAGES Program State Board of Directors may direct
20 the department to procure a service provider or providers for
21 any or all of the duties of a local WAGES coalition until a
22 new coalition is established by the WAGES Program State Board
23 of Directors and a contract is executed with the new
24 coalition. The service provider may be a public or private
25 agency or another local WAGES coalition.

26 (10) No less than 25 percent of funds provided to
27 local WAGES coalitions must be used to contract with local
28 public or private agencies that have elected or appointed
29 boards of directors on which a majority of the members are
30 residents of that local WAGES coalition's service area.

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1 Section 6. Section 414.030, Florida Statutes, 1998
2 Supplement, is amended to read:

3 414.030 WAGES Program Employment Projects.--

4 (1) The Legislature finds that the success of the
5 WAGES Program depends upon the existence of sufficient
6 employment opportunities compatible with the education and
7 skill levels of participants in the WAGES Program. The
8 Legislature further finds that extraordinary assistance may
9 need to be granted for certain economic development projects
10 that can have a great impact on the employment of WAGES
11 participants. It is the intent of the Legislature to
12 authorize the Governor and local governments to marshal state
13 and local resources in a coordinated and timely manner to
14 foster the development and completion of economic development
15 projects that have been identified as having a great impact on
16 the employment of WAGES participants.

17 (2) By August 1 of each year, each local city and
18 county economic development organization, in consultation with
19 local WAGES coalitions, shall identify economic development
20 projects that can have the greatest impact on employing WAGES
21 participants in their areas. Each local economic development
22 organization shall provide a prioritized list of no more than
23 five such projects to Enterprise Florida, Inc., by August 1 of
24 each year. The organizations shall identify local resources
25 that are available to foster the development and completion of
26 each project.

27 (3)(a) By September 1 of each year, Enterprise
28 Florida, Inc., in consultation with the ~~state~~ WAGES Program
29 State Board of Directors, shall review and prioritize the list
30 of projects identified pursuant to subsection (2) using the
31 following criteria:

1 1. Areas with a high proportion of families who had
2 already received cash assistance in 3 out of the previous 5
3 years at the time their time limit was established;

4 2. Areas with a high proportion of families subject to
5 the WAGES time limit headed by a parent who was under age 24
6 at the time the time limit was established and who lacked high
7 school or GED completion;

8 3. Areas with a high proportion of families subject to
9 the time limit who have used all of the available months of
10 cash assistance since October 1996;

11 4. Areas with a low ratio of new jobs per WAGES
12 participant;

13 5. Areas with a low ratio of job openings requiring
14 less than a high school degree per WAGES participant;

15 6. Areas with a high proportion of families subject to
16 the time limit who are either within 6 months of the time
17 limit or are receiving cash assistance under a period of
18 hardship extension to the time limit;

19 7. Areas with unusually high unemployment; and

20 8. Areas identified as labor surplus areas using the
21 criteria established by the United States Department of Labor
22 Employment and Training Administration.

23 (b) To the greatest extent possible, Enterprise
24 Florida, Inc., shall foster the development or completion of
25 the projects identified pursuant to paragraph (a) using
26 existing state and local resources under the control of
27 Enterprise Florida, Inc. To the extent that such projects
28 cannot be developed or completed from resources available, to
29 Enterprise Florida, Inc., shall ~~may~~ identify and prioritize ~~no~~
30 ~~more than 10~~ projects, ~~of which no more than 3 may be located~~
31 ~~in Dade County,~~ that need extraordinary state and local

1 assistance. Enterprise Florida, Inc., shall provide the list
2 of projects needing extraordinary assistance to the Governor
3 and each WAGES Program Employment Project Coordinator
4 designated pursuant to subsection (4) by September 1 of each
5 year.

6 (4)(a) By July 1, 1998, the heads of the Departments
7 of Agriculture and Consumer Services, Labor and Employment
8 Security, Community Affairs, Children and Family Services,
9 Revenue, Business and Professional Regulation, Management
10 Services, Military Affairs, Transportation, and Environmental
11 Protection, and the Comptroller; the Auditor General; the
12 executive director of each water management district; and the
13 heads of the Office of Tourism, Trade, and Economic
14 Development, Enterprise Florida, Inc., Institute of Food and
15 Agricultural Sciences, the State Board of Community Colleges,
16 the Division of Workforce Development of the Department of
17 Education, State University System, and the Office of Planning
18 and Budgeting shall select from within such organizations a
19 person to be designated as the WAGES Program Employment
20 Project Coordinator, for the purposes of projects under this
21 section as well as for other WAGES employment opportunities
22 that may be identified apart from this section.

23 (b) By designation, the WAGES Program Employment
24 Project Coordinators are empowered to commit and coordinate
25 those resources applicable to the organization that the
26 coordinator represents, including suspending program criteria,
27 agency requirements, procedures, practices, guidelines, rules,
28 fees, charges, and other ministerial requirements, to
29 successfully assist areas meeting the criteria in paragraph
30 (3)(a).

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1 (c) Coordinators, working with the Office of Tourism,
2 Trade, and Economic Development, must encourage state and
3 local agencies to cooperatively solve all barriers for
4 attracting and committing potential employers to locate in the
5 state and to facilitate expansion of existing businesses in
6 the state.

7 (d) Coordinators, working with the Office of Tourism,
8 Trade, and Economic Development, may waive any criteria,
9 requirement, or similar provision of any economic development
10 incentive. Such incentives shall include, but not be limited
11 to: the Qualified Target Industry Tax Refund Program under s.
12 288.106; the Quick-Response Training Program under s. 288.047;
13 the WAGES Quick-Response Training Program under s. 288.047;
14 contracts for transportation projects under s. 288.063; the
15 Qualified Defense Contractor Tax Refund Program under s.
16 288.1045; the brownfield redevelopment bonus refunds under s.
17 288.107; and the urban high-crime area and rural job tax
18 credit programs under ss. 212.097, 212.098, and 220.1895.

19 (e)~~(b)~~ By October 1 of each year, each WAGES Program
20 Employment Project Coordinator shall determine what resources
21 are available at the organization to foster the development
22 and completion of the economic development projects received
23 pursuant to subsection (3). Each coordinator shall provide
24 this determination to the Governor by October 1 of each year.

25 (5)(a) By October 15 of each year, the Governor may,
26 by executive order, designate these projects as WAGES Program
27 Employment Projects, and direct the agencies to use the
28 resources identified pursuant to subsection (4) to develop or
29 complete such projects. The order shall direct such agencies
30 to contract with the appropriate local WAGES coalition to

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1 develop or complete such projects. Funds allocated to these
2 projects must not exceed \$5,000 per new job created.

3 (b) Notwithstanding the eligibility provisions of s.
4 403.973, the Governor may waive such eligibility requirements
5 by executive order for projects that have been identified as
6 needing expedited permitting.

7 (c) To the extent that resources identified pursuant
8 to subsection (4) have been appropriated by the Legislature
9 for a specific purpose that does not allow for the expenditure
10 of such resources on the projects, the Governor may use the
11 budget amendment process in chapter 216 to request that these
12 resources be released to the Governor's Office to accomplish
13 the development or completion of the project.

14 (d) Any executive order issued by the Governor
15 pursuant to this section shall expire within 90 days, unless
16 renewed for an additional 60 days by the Governor. However,
17 no executive order may be issued by the Governor pursuant to
18 this section for a period in excess of 150 days.

19 (6) Each local WAGES coalition with jurisdiction over
20 an area where a WAGES Program Employment Project has been
21 designated by the Governor pursuant to subsection (5) shall
22 enter into a contract with the appropriate local, state, or
23 private entities to ensure that the project is developed and
24 completed. Such contracts may include, but are not limited
25 to, contracts with applicable state agencies and businesses to
26 provide training, education, and employment opportunities for
27 WAGES participants. Each local WAGES coalition may be awarded
28 reasonable administration costs from funds appropriated for
29 these projects.

30 (7) All contracts shall be performance-based and
31 fixed-unit price. Contracts must include provisions for

1 reporting employment performance outcomes, identified by the
2 participant's social security number, utilizing the Florida
3 Department of Labor and Employment Security's financial
4 reporting management information system. Contracts may provide
5 for expenditures that need to be made in advance of the hiring
6 of WAGES participants as provided by applicable federal and
7 state laws. Employment shall be committed to WAGES
8 participants for a period of at least 3 years and shall
9 provide health care benefits.

10 (8)(7) The Office of Tourism, Trade, and Economic
11 Development shall convene a WAGES Program Employment
12 Implementation Team to ensure the timely and effective
13 implementation of these projects.By March 15 of each year,
14 this team Enterprise Florida, Inc., shall submit to the state
15 WAGES Program State Board of Directors, the Governor, the
16 President of the Senate, the Speaker of the House of
17 Representatives, the Senate Minority Leader, and the House
18 Minority Leader a complete and detailed report that includes,
19 but is not limited to, a description of the activities,
20 expenditures, and projects undertaken pursuant to this section
21 and a description of what, if any, legislative action that may
22 be necessary.

23 (9)(8)(a) The Auditor General may, pursuant to his or
24 her own authority or at the direction of the Legislature,
25 conduct a financial audit of the expenditure of resources
26 pursuant to this section.

27 (b) Prior to the 2000 Regular Session of the
28 Legislature, the Office of Program Policy Analysis and
29 Government Accountability shall conduct a review of the
30 projects developed or completed pursuant to this section. The
31

1 review shall be comprehensive in its scope, but, at a minimum,
2 must be conducted in a manner as to specifically determine:

3 1. The impact the provisions contained in this section
4 had on the development and completion of the projects
5 identified pursuant to this section.

6 2. Whether it would be sound public policy to continue
7 or discontinue to foster the development or completion of
8 projects using the processes provided in this section. The
9 report shall be submitted by January 1, 2000, to the President
10 of the Senate, the Speaker of the House of Representatives,
11 the Senate Minority Leader, and the House Minority Leader.

12 (10) If the Governor finds that the provisions of this
13 section will be inadequate to address a community's impending
14 or existing employment crisis, the Governor may, by executive
15 order, declare a WAGES employment emergency and may use only
16 the necessary powers enumerated under s. 252.36, as well as
17 all other powers of the Governor under law, to coordinate,
18 focus, intensify, and maximize successful WAGES employment
19 efforts.

20 Section 7. Section 414.035, Florida Statutes, is
21 created to read:

22 414.035 Authorized expenditures.--Any expenditures
23 from the Temporary Assistance for Needy Families block grant
24 shall be expended in accordance with the requirements and
25 limitations of part A of Title IV of the Social Security Act,
26 as amended, or any other applicable federal requirement or
27 limitation. Prior to any expenditure of such funds, the
28 Secretary of the Department of Children and Family Services,
29 or his or her designee, shall certify that controls are in
30 place to ensure such funds are expended in accordance with the
31 requirements and limitations of federal law and that any

1 reporting requirements of federal law are met. It shall be the
2 responsibility of any entity to which such funds are
3 appropriated to obtain the required certification prior to any
4 expenditure of funds.

5 Section 8. Section 414.045, Florida Statutes, is
6 created to read:

7 414.045 Cash Assistance Program.--Cash assistance
8 families include any families receiving cash assistance from
9 the state program for Temporary Assistance for Needy Families
10 as defined in federal law, whether such cash assistance is
11 supported by federal funds, state funds, or a combination of
12 federal and state funds. Cash assistance families may also
13 include families receiving cash assistance through a program
14 defined as a separate state program for the purpose of
15 limiting potential state liability for penalties under the
16 federal program. For reporting purposes, families receiving
17 cash assistance shall be designated as being in one of the
18 following groups. The department may develop additional
19 groupings in order to comply with federal reporting
20 requirements, to comply with the data needs of the WAGES
21 Program State Board of Directors, or to better inform the
22 public of program progress. Program reporting data shall
23 include, but is not necessarily limited to, the following
24 groups:

25 (1) WAGES cases include families that contain an adult
26 or a teen head of household as defined by federal law. WAGES
27 cases are generally subject to the work activity requirements
28 defined in s. 414.065 and the time limitations on cash
29 benefits established in s. 414.105. Families with an adult
30 where the adult's needs have been removed from the case due to
31 sanction or disqualification shall be considered WAGES cases

1 to the extent that such cases are considered in the
2 calculation of federal work participation rates or would be
3 counted in such calculation in future months.

4 (2) Child only cases include cases that do not include
5 an adult or teen head of household as defined in federal law.

6 Such cases include:

7 (a) Child only families with children in the care of
8 caretaker relatives where the caretaker relatives choose to
9 have their needs excluded in calculating the amount of cash
10 assistance.

11 (b) Families in the Relative Caregiver Program as
12 defined in s. 39.5085.

13 (c) Families in which the only parent in a
14 single-parent family or both parents in a two-parent family
15 receive Supplemental Security Income (SSI) benefits under
16 Title XVI of the Social Security Act, as amended. To the
17 extent permitted by federal law, individuals receiving SSI
18 shall be excluded as household members in determining the
19 amount of cash assistance, and such cases shall not be
20 considered as families that contain an adult. Parents or
21 caretaker relatives who are excluded as members of the cash
22 assistance group due to receiving SSI benefits may voluntarily
23 participate in WAGES work activities. An individual who
24 volunteers to participate in a WAGES work activity may receive
25 WAGES-related child care or support services consistent with
26 such participation.

27 (d) Families described in paragraph (a), paragraph
28 (b), or paragraph (c) may receive child care assistance or
29 other support services so that the children may continue to be
30 cared for in their own homes or in the homes of relatives.
31 Such assistance or services may be funded from the Temporary

1 Assistance for Needy Families block grant to the extent
2 permitted under federal law and in accordance with specific
3 state appropriations.

4 (e) Families in which the only parent in a
5 single-parent family or both parents in a two-parent family
6 are not eligible for cash assistance due to immigration status
7 or other requirements of federal law. To the extent required
8 by federal law, such cases shall not be considered families
9 that contain an adult.

10
11 The purview of the WAGES Program State Board of Directors and
12 the service delivery and financial planning responsibilities
13 of the local WAGES coalitions shall apply to the families
14 defined as WAGES cases in subsection (1). The department
15 shall be responsible for program administration and service
16 delivery related to families in groups defined in subsection
17 (2) and shall coordinate such administration and service
18 delivery with the WAGES Program State Board of Directors to
19 the extent required for effective operations of the WAGES
20 Program.

21 Section 9. Subsection (6) of section 414.055, Florida
22 Statutes, is amended to read:

23 414.055 One-stop career centers.--

24 (6) At the one-stop career centers, local WAGES
25 coalitions ~~staff of the Department of Labor and Employment~~
26 ~~Security~~ shall assign a participant in the WAGES Program to ~~an~~
27 approved work activities ~~activity~~.

28 Section 10. Paragraphs (b), (g), and (i) of subsection
29 (1) and subsections (2), (4), (7), (9), (10), and (11) of
30 section 414.065, Florida Statutes, 1998 Supplement, are
31 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. A work supplementation agreement
19 may not be continued with any employer who exhibits a pattern
20 of failing to provide participants with continued employment
21 after the period of work supplementation ends.

22 2. On-the-job training.--On-the-job training is
23 full-time, paid employment in which the employer or an
24 educational institution in cooperation with the employer
25 provides training needed for the participant to perform the
26 skills required for the position. The employer or the
27 educational institution on behalf of the employer receives a
28 subsidy to offset the cost of the training provided to the
29 participant. Upon satisfactory completion of the training, the
30 employer is expected to retain the participant as a regular
31 employee without receiving a subsidy. An on-the-job training

1 agreement may not be continued with any employer who exhibits
2 a pattern of failing to provide participants with continued
3 employment after the on-the-job training subsidy ends.

4 3. Incentive payments.--The department and local WAGES
5 coalitions ~~the Department of Labor and Employment Security~~ may
6 provide additional incentive payments to encourage employers
7 to employ program participants. Incentive payments may include
8 payments to encourage the employment of hard-to-place
9 participants, in which case the amount of the payment shall be
10 weighted proportionally to the extent to which the participant
11 has limitations associated with the long-term receipt of
12 welfare and difficulty in sustaining employment. In
13 establishing incentive payments, the department and local
14 WAGES coalitions ~~the Department of Labor and Employment~~
15 ~~Security~~ shall consider the extent of prior receipt of
16 welfare, lack of employment experience, lack of education,
17 lack of job skills, and other appropriate factors. A
18 participant who has complied with program requirements and who
19 is approaching the time limit for receiving temporary cash
20 assistance may be defined as "hard-to-place." Incentive
21 payments may include payments in which an initial payment is
22 made to the employer upon the employment of a participant, and
23 the majority of the incentive payment is made after the
24 employer retains the participant as a full-time employee for
25 at least 12 months. An incentive agreement may not be
26 continued with any employer who exhibits a pattern of failing
27 to provide participants with continued employment after the
28 incentive payments cease.

29 4. Tax credits.--An employer who employs a program
30 participant may qualify for enterprise zone property tax
31 credits under s. 220.182, the tax refund program for qualified

1 target industry businesses under s. 288.106, or other federal
2 or state tax benefits. The department and the Department of
3 Labor and Employment Security shall provide information and
4 assistance, as appropriate, to use such credits to accomplish
5 program goals.

6 5. WAGES training bonus.--An employer who hires a
7 WAGES participant who has less than 6 months of eligibility
8 for temporary cash assistance remaining and who pays the
9 participant a wage that precludes the participant's
10 eligibility for temporary cash assistance may receive \$240 for
11 each full month of employment for a period that may not exceed
12 3 months. An employer who receives a WAGES training bonus for
13 an employee may not receive a work supplementation subsidy for
14 the same employee. Employment is defined as 35 hours per week
15 at a wage of no less than minimum wage.

16 (g) Vocational education or training.--Vocational
17 education or training is education or training designed to
18 provide participants with the skills and certification
19 necessary for employment in an occupational area. Vocational
20 education or training may be used as a primary program
21 activity for participants when it has been determined that the
22 individual has demonstrated compliance with other phases of
23 program participation and successful completion of the
24 vocational education or training is likely to result in
25 employment entry at a higher wage than the participant would
26 have been likely to attain without completion of the
27 vocational education or training. Vocational education or
28 training may be combined with other program activities and
29 also may be used to upgrade skills or prepare for a higher
30 paying occupational area for a participant who is employed.

31

1 1. Vocational education shall not be used as the
2 primary program activity for a period which exceeds 12 months.
3 The 12-month restriction applies to instruction in a career
4 education program and does not include remediation of basic
5 skills, including English language proficiency,~~through adult~~
6 ~~general education~~ if remediation is necessary to enable a
7 WAGES participant to benefit from a career education program.
8 Any necessary remediation must be completed before a
9 participant is referred to vocational education as the primary
10 work activity. In addition, use of vocational education or
11 training shall be restricted to not more than 20 percent of
12 adult participants in the WAGES region, or subject to other
13 limitation as established in federal law. Vocational education
14 included in a program leading to a high school diploma shall
15 not be considered vocational education for purposes of this
16 section.

17 2. When possible, a provider of vocational education
18 or training shall use funds provided by funding sources other
19 than the department or local WAGES coalition ~~the Department of~~
20 ~~Labor and Employment Security~~. Either department may provide
21 additional funds to a vocational education or training
22 provider only if payment is made pursuant to a
23 performance-based contract. Under a performance-based
24 contract, the provider may be partially paid when a
25 participant completes education or training, but the majority
26 of payment shall be made following the participant's
27 employment at a specific wage or job retention for a specific
28 duration. Performance-based payments made under this
29 subparagraph are limited to education or training for targeted
30 occupations identified by the Occupational Forecasting
31 Conference under s. 216.136, or other programs identified by

1 the Workforce Development Board ~~Enterprise Florida workforce~~
2 ~~development board~~ as beneficial to meet the needs of
3 designated groups, such as WAGES participants, who are hard to
4 place. If the contract pays the full cost of training, the
5 community college or school district may not report the
6 participants for other state funding, except that the college
7 or school district may report WAGES clients for performance
8 incentives or bonuses authorized for student enrollment,
9 completion, and placement.

10 (i) Education services related to employment for
11 participants 19 years of age or younger.--Education services
12 provided under this paragraph are designed to prepare a
13 participant for employment in an occupation. The department
14 ~~and the Department of Labor and Employment Security~~ shall
15 coordinate education services with the school-to-work
16 activities provided under s. 229.595. Activities provided
17 under this paragraph are restricted to participants 19 years
18 of age or younger who have not completed high school or
19 obtained a high school equivalency diploma.

20 (2) WORK ACTIVITY REQUIREMENTS.--Each individual adult
21 ~~participant~~ who is not otherwise exempt must participate in a
22 work activity, except for community service work experience,
23 for the maximum number of hours allowable under federal law
24 provided that no participant be required to work more than 40
25 hours per week or less than the minimum number of hours
26 required by federal law. The maximum number of hours each
27 month that a participant may be required to participate in
28 community service activities is the greater of: the number of
29 hours that would result from dividing the family's monthly
30 amount for temporary cash assistance and food stamps by the
31 federal minimum wage and then dividing that result by the

1 number of participants in the family who participate in
2 community service activities; or the minimum required to meet
3 federal participation requirements. However, in no case shall
4 the maximum hours required per week for community work
5 experience exceed 40 hours. An applicant shall be referred for
6 employment at the time of application if the applicant is
7 eligible to participate in the WAGES Program.

8 (a) A participant in a work activity may also be
9 required to enroll in and attend a course of instruction
10 designed to increase literacy skills to a level necessary for
11 obtaining or retaining employment, provided that the
12 instruction plus the work activity does not require more than
13 40 hours per week.

14 (b) WAGES Program funds may be used, as available, to
15 support the efforts of a participant who meets the work
16 activity requirements and who wishes to enroll in or continue
17 enrollment in an adult general education program or a career
18 education program.

19 (4) PENALTIES FOR NONPARTICIPATION IN WORK
20 REQUIREMENTS.--~~The department and the Department of Labor and~~
21 ~~Employment Security~~ shall establish procedures for
22 administering penalties for nonparticipation in work
23 requirements. If an individual in a family receiving temporary
24 cash assistance fails to engage in work activities required in
25 accordance with this section, the following penalties shall
26 apply:

27 (a) First noncompliance: temporary cash assistance
28 shall be terminated for the family until the individual who
29 failed to comply does so, and food stamp benefits shall not be
30 increased as a result of the loss of temporary cash
31 assistance.

1 (b) Second noncompliance: temporary cash assistance
2 and food stamps shall be terminated for the family until the
3 individual demonstrates compliance in the required work
4 activity for a period of 30 days. Upon compliance, temporary
5 cash assistance and food stamps shall be reinstated to the
6 date of compliance. Prior to the imposition of sanctions for
7 a second noncompliance, the participant shall be interviewed
8 to determine why full compliance has not been achieved. The
9 participant shall be counseled regarding compliance and, if
10 appropriate, shall be referred for services that could assist
11 the participant to fully comply with program requirements.

12 (c) Third noncompliance: temporary cash assistance
13 and food stamps shall be terminated for the family for 3
14 months. The individual shall be required to demonstrate
15 compliance in the work activity upon completion of the 3-month
16 penalty period, before reinstatement of temporary cash
17 assistance and food stamps.

18
19 If a participant fully complies with work activity
20 requirements for at least 6 months, the participant shall be
21 reinstated as being in full compliance with program
22 requirements for purpose of sanctions imposed under this
23 section.

24 (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--The
25 situations listed in this subsection shall constitute
26 exceptions to the penalties for noncompliance with
27 participation requirements, except that these situations do
28 not constitute exceptions to the applicable time limit for
29 receipt of temporary cash assistance:

30 (a) Noncompliance related to child care.--Temporary
31 cash assistance may not be terminated for refusal to

1 participate in work activities if the individual is a single
2 custodial parent caring for a child who has not attained 6
3 years of age, and the adult proves to the department ~~or to the~~
4 ~~Department of Labor and Employment Security~~ an inability to
5 obtain needed child care for one or more of the following
6 reasons:

7 1. Unavailability of appropriate child care within a
8 reasonable distance from the individual's home or worksite.

9 2. Unavailability or unsuitability of informal child
10 care by a relative or under other arrangements.

11 3. Unavailability of appropriate and affordable formal
12 child care arrangements.

13 (b) Noncompliance related to domestic violence.--An
14 individual who is determined to be unable to comply with the
15 work requirements because such compliance would make it
16 probable that the individual would be unable to escape
17 domestic violence shall be exempt from work requirements
18 pursuant to s. 414.028(4)(g). However, the individual shall
19 comply with a plan that specifies alternative requirements
20 that prepare the individual for self-sufficiency while
21 providing for the safety of the individual and the
22 individual's dependents. An exception granted under this
23 paragraph does not constitute an exception to the time
24 limitations on benefits specified under s. 414.105.

25 (c) Noncompliance related to treatment or remediation
26 of past effects of domestic violence.--An individual who is
27 determined to be unable to comply with the work requirements
28 under this section due to mental or physical impairment
29 related to past incidents of domestic violence may be exempt
30 from work requirements for a specified period pursuant to s.
31 414.028(4)(g), except that such individual shall comply with a

1 plan that specifies alternative requirements that prepare the
2 individual for self-sufficiency while providing for the safety
3 of the individual and the individual's dependents. The plan
4 must include counseling or a course of treatment necessary for
5 the individual to resume participation. The need for treatment
6 and the expected duration of such treatment must be verified
7 by a physician licensed under chapter 458 or chapter 459; a
8 psychologist licensed under s. 490.005(1), s. 490.006, or the
9 provision identified as s. 490.013(2) in s. 1, chapter 81-235,
10 Laws of Florida; a therapist as defined in s. 491.003(2) or
11 (6); or a treatment professional who is registered under s.
12 415.605(1)(g), is authorized to maintain confidentiality under
13 s. 90.5036(1)(d), and has a minimum of 2 years experience at a
14 certified domestic violence center. An exception granted under
15 this paragraph does not constitute an exception from the time
16 limitations on benefits specified under s. 414.105.

17 (d) Noncompliance related to medical incapacity.--If
18 an individual cannot participate in assigned work activities
19 due to a medical incapacity, the individual may be excepted
20 from the activity for a specific period, except that the
21 individual shall be required to comply with the course of
22 treatment necessary for the individual to resume
23 participation. A participant may not be excused from work
24 activity requirements unless the participant's medical
25 incapacity is verified by a physician licensed under chapter
26 458 or chapter 459, in accordance with procedures established
27 by rule of the department ~~Department of Labor and Employment~~
28 Security. An individual for whom there is medical verification
29 of limitation to participate in work activities shall be
30 assigned to work activities consistent with such limitations.
31 Evaluation of an individual's ability to participate in work

1 activities or development of a plan for work activity
2 assignment may include vocational assessment or work
3 evaluation. The department or a local WAGES coalition may
4 require an individual to cooperate in medical or vocational
5 assessment necessary to evaluate the individual's ability to
6 participate in a work activity.

7 (e) Noncompliance due to medical incapacity by
8 applicants for Supplemental Security Income (SSI).--An
9 individual subject to work activity requirements may be
10 exempted from those requirements if the individual provides
11 information verifying that he or she has applied for SSI or
12 has appealed an SSI determination, and provides medical
13 documentation that indicates that the application for SSI is
14 likely to be approved, according to criteria established in
15 rule by the department, in consultation with the Office of
16 Disability Determinations.

17 (f)(e) Other good cause exceptions for
18 noncompliance.--Individuals who are temporarily unable to
19 participate due to circumstances beyond their control may be
20 excepted from the noncompliance penalties. The department
21 Department of Labor and Employment Security may define by rule
22 situations that would constitute good cause. These situations
23 must include caring for a disabled family member when the need
24 for the care has been verified and alternate care is not
25 available.

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

1 who are required to participate in work activities, local
2 WAGES coalitions ~~the Department of Labor and Employment~~
3 ~~Security~~ shall screen participants and assign priority based
4 on the following:

5 (a) In accordance with federal requirements, at least
6 one adult in each two-parent family shall be assigned priority
7 for full-time work activities.

8 (b) Among single-parent families, a family that has
9 older preschool children or school-age children shall be
10 assigned priority for work activities.

11 (c) A participant who has access to nonsubsidized
12 child care may be assigned priority for work activities.

13 (d) Priority may be assigned based on the amount of
14 time remaining until the participant reaches the applicable
15 time limit for program participation or may be based on
16 requirements of a case plan.

17
18 Local WAGES coalitions ~~The Department of Labor and Employment~~
19 ~~Security~~ may limit a participant's weekly work requirement to
20 the minimum required to meet federal work activity
21 requirements in lieu of the level defined in subsection (2).
22 The department and local WAGES coalitions ~~the Department of~~
23 ~~Labor and Employment Security~~ may develop screening and
24 prioritization procedures within service districts or within
25 counties based on the allocation of resources, the
26 availability of community resources, or the work activity
27 needs of the service district.

28 (10) USE OF CONTRACTS.--The department and local WAGES
29 coalitions ~~Department of Labor and Employment Security~~ shall
30 provide work activities, training, and other services, as
31

1 appropriate, through contracts. In contracting for work
2 activities, training, or services, the following applies:

3 (a) All education and training provided under the
4 WAGES Program shall be provided through agreements with
5 regional workforce development boards.

6 (b) A contract must be performance-based. Wherever
7 possible, payment shall be tied to performance outcomes that
8 include factors such as, but not limited to, job entry, job
9 entry at a target wage, and job retention, rather than tied to
10 completion of training or education or any other phase of the
11 program participation process.

12 (c) A contract may include performance-based incentive
13 payments that may vary according to the extent to which the
14 participant is more difficult to place. Contract payments may
15 be weighted proportionally to reflect the extent to which the
16 participant has limitations associated with the long-term
17 receipt of welfare and difficulty in sustaining employment.
18 The factors may include the extent of prior receipt of
19 welfare, lack of employment experience, lack of education,
20 lack of job skills, and other factors determined appropriate
21 by the department ~~Department of Labor and Employment Security~~.

22 (d) Notwithstanding the exemption from the competitive
23 sealed bid requirements provided in s. 287.057(3)(f) for
24 certain contractual services, each contract awarded under this
25 chapter must be awarded on the basis of a competitive sealed
26 bid, except for a contract with a governmental entity as
27 determined by the department ~~or the Department of Labor and~~
28 ~~Employment Security~~.

29 (e) The department and the local WAGES coalitions ~~or~~
30 ~~the Department of Labor and Employment Security~~ may contract
31 with commercial, charitable, or religious organizations. A

1 contract must comply with federal requirements with respect to
2 nondiscrimination and other requirements that safeguard the
3 rights of participants. Services may be provided under
4 contract, certificate, voucher, or other form of disbursement.

5 (f) The administrative costs associated with a
6 contract for services provided under this section may not
7 exceed the applicable administrative cost ceiling established
8 in federal law. An agency or entity that is awarded a contract
9 under this section may not charge more than 7 percent of the
10 value of the contract for administration, unless an exception
11 is approved by the local WAGES coalition. A list of any
12 exceptions approved must be submitted to the WAGES Program
13 State Board of Directors for review, and the board may rescind
14 approval of the exception. The WAGES Program State Board of
15 Directors may also approve exceptions for any statewide
16 contract for services provided under this section.

17 (g) Local WAGES coalitions ~~The Department of Labor and~~
18 ~~Employment Security~~ may enter into contracts to provide
19 short-term work experience for the chronically unemployed as
20 provided in this section.

21 (h) A tax-exempt organization under s. 501(c) of the
22 Internal Revenue Code of 1986 which receives funds under this
23 chapter must disclose receipt of federal funds on any
24 advertising, promotional, or other material in accordance with
25 federal requirements.

26 (11) PROTECTIONS FOR PARTICIPANTS.--

27 ~~(a)~~ Each participant is subject to the same health,
28 safety, and nondiscrimination standards established under
29 federal, state, or local laws that otherwise apply to other
30 individuals engaged in similar activities who are not
31 participants in the WAGES Program.

1 ~~(b) The Department of Labor and Employment Security~~
2 ~~shall recommend to the Legislature by December 30, 1997,~~
3 ~~policies to protect participants from discrimination,~~
4 ~~unreasonable risk, and unreasonable expectations related to~~
5 ~~work experience and community service requirements.~~

6 Section 11. Subsection (4) is added to section
7 414.085, Florida Statutes, to read:

8 414.085 Income eligibility standards.--For purposes of
9 program simplification and effective program management,
10 certain income definitions, as outlined in the food stamp
11 regulations at 7 C.F.R. s. 273.9, shall be applied to the
12 WAGES Program as determined by the department to be consistent
13 with federal law regarding temporary cash assistance and
14 Medicaid for needy families, except as to the following:

15 (4) An incentive payment to a participant authorized
16 by a local WAGES coalition shall not be considered income for
17 the purpose of determining the cash assistance grant amount
18 for the assistance group.

19 Section 12. Paragraphs (b) and (c) of subsection (15)
20 of section 414.095, Florida Statutes, 1998 Supplement, are
21 amended to read:

22 414.095 Determining eligibility for the WAGES
23 Program.--

24 (15) PROHIBITIONS AND RESTRICTIONS.--

25 (b) Temporary cash assistance, without shelter
26 expense, may be available for a teen parent who is less than
27 19 years of age and for the child. Temporary cash assistance
28 may not be paid directly to the teen parent but must be paid,
29 on behalf of the teen parent and child, to an alternative
30 payee who is designated by the department. The alternative
31 payee may not use the temporary cash assistance for any

1 purpose other than paying for food, clothing, shelter, and
2 medical care for the teen parent and child and for other
3 necessities required to enable the teen parent to attend
4 school or a training program. In order for the child of the
5 teen parent and the teen parent to be eligible for temporary
6 cash assistance, the teen parent must:

7 1. Attend school or an approved alternative training
8 program, unless the child is less than 12 weeks of age or the
9 teen parent has completed high school; and

10 2. Reside with a parent, legal guardian, or other
11 adult caretaker relative. The income and resources of the
12 parent shall be included in calculating the temporary cash
13 assistance available to the teen parent since the parent is
14 responsible for providing support and care for the child
15 living in the home.

16 3. Attend parenting and family classes that provide a
17 curriculum specified by the department, ~~the Department of~~
18 ~~Labor and Employment Security,~~ or the Department of Health, as
19 available.

20 (c) The teen parent is not required to live with a
21 parent, legal guardian, or other adult caretaker relative if
22 the department determines that:

23 1. The teen parent has suffered or might suffer harm
24 in the home of the parent, legal guardian, or adult caretaker
25 relative.

26 2. The requirement is not in the best interest of the
27 teen parent or the child. If the department determines that it
28 is not in the best interest of the teen parent or child to
29 reside with a parent, legal guardian, or other adult caretaker
30 relative, the department shall provide or assist the teen
31 parent in finding a suitable home, a second-chance home, a

1 maternity home, or other appropriate adult-supervised
2 supportive living arrangement. Such living conditions may
3 include a shelter obligation in accordance with subsection
4 (11).

5
6 The department may not delay providing temporary cash
7 assistance to the teen parent through the alternative payee
8 designated by the department pending a determination as to
9 where the teen parent should live and sufficient time for the
10 move itself. A teen parent determined to need placement that
11 is unavailable shall continue to be eligible for temporary
12 cash assistance so long as the teen parent cooperates with the
13 department, the local WAGES coalition ~~Department of Labor and~~
14 ~~Employment Security~~, and the Department of Health. The teen
15 parent shall be provided with counseling to make the
16 transition from independence to supervised living and with a
17 choice of living arrangements.

18 Section 13. Subsections (2) and (3) of section
19 414.105, Florida Statutes, 1998 Supplement, are amended to
20 read:

21 414.105 Time limitations of temporary cash
22 assistance.--Unless otherwise expressly provided in this
23 chapter, an applicant or current participant shall receive
24 temporary cash assistance for episodes of not more than 24
25 cumulative months in any consecutive 60-month period that
26 begins with the first month of participation and for not more
27 than a lifetime cumulative total of 48 months as an adult.

28 (2) A participant who is not exempt from work activity
29 requirements may earn 1 month of eligibility for extended
30 temporary cash assistance, up to maximum of 12 additional
31 months, for each month in which the participant is fully

1 complying with the work activities of the WAGES Program
2 through subsidized or unsubsidized public or private sector
3 employment. The period for which extended temporary cash
4 assistance is granted shall be based upon compliance with
5 WAGES Program requirements beginning October 1, 1996. A
6 participant may not receive temporary cash assistance under
7 this subsection, in combination with other periods of
8 temporary cash assistance for longer than a lifetime limit of
9 48 months. Hardship exemptions to the time limitations of this
10 chapter shall be limited to ~~10 percent of participants in the~~
11 ~~first year of implementation of this chapter, 15 percent of~~
12 ~~participants in the second year of implementation of this~~
13 ~~chapter, and 20 percent of participants in any given year all~~
14 ~~subsequent years~~. Criteria for hardship exemptions include:
15 (a) Diligent participation in activities, combined
16 with inability to obtain employment.
17 (b) Diligent participation in activities, combined
18 with extraordinary barriers to employment, including the
19 conditions which may result in an exemption to work
20 requirements.
21 (c) Significant barriers to employment, combined with
22 a need for additional time.
23 (d) Diligent participation in activities and a need by
24 teen parents for an exemption in order to have 24 months of
25 eligibility beyond receipt of the high school diploma or
26 equivalent.
27 (e) A recommendation of extension for a minor child of
28 a participating family that has reached the end of the
29 eligibility period for temporary cash assistance. The
30 recommendation must be the result of a review which determines
31 that the termination of the child's temporary cash assistance

1 would be likely to result in the child being placed into
2 emergency shelter or foster care. Temporary cash assistance
3 shall be provided through a protective payee. Staff of the
4 Children and Families Program Office of the department shall
5 conduct all assessments in each case in which it appears a
6 child may require continuation of temporary cash assistance
7 through a protective payee.

8
9 At the recommendation of the local WAGES coalition, temporary
10 cash assistance under a hardship exemption for a participant
11 who is eligible for work activities and who is not working
12 shall be reduced by 10 percent. Upon the employment of the
13 participant, full benefits shall be restored.

14 (3) In addition to the exemptions listed in subsection
15 (2), a victim of domestic violence may be granted a hardship
16 exemption if the effects of such domestic violence delay or
17 otherwise interrupt or adversely affect the individual's
18 participation in the program. Hardship exemptions granted
19 under this subsection shall not be subject to the percentage
20 limitations in subsection~~(2)~~~~(3)~~.

21 Section 14. Section 414.151, Florida Statutes, is
22 created to read:

23 414.151 Diversion program for victims of domestic
24 violence.--

25 (1) The diversion program for victims of domestic
26 violence is intended to provide services to assist victims of
27 domestic violence and their children in making the transition
28 to independence without payment of temporary cash assistance.

29 Services to be provided by the program may include:

30 (a) Assessment and case management.

31 (b) Access to domestic violence shelters.

1 (c) Intervention programs designed to address the
2 effects of domestic violence.

3 (d) Financial and employment counseling.

4 (e) Referral to other needed programs.

5 (f) Child care.

6 (g) Job placement and followup services.

7 (2) Notwithstanding the provisions of s. 414.15,
8 eligibility for the diversion program for victims of domestic
9 violence shall be based on the resources and assets directly
10 accessible by the custodial parent and children and shall not
11 include resources controlled by the noncustodial parent. The
12 department shall specify appropriate reporting concerning the
13 implementation of this program.

14 Section 15. Section 414.1525, Florida Statutes, is
15 created to read:

16 414.1525 WAGES early-exit incentive.--

17 (1) An individual who meets the following criteria may
18 choose to receive a one-time lump-sum payment of \$500 in lieu
19 of continued temporary cash-assistance payments:

20 (a) The individual is employed and is receiving
21 earnings such that the individual would be eligible for cash
22 assistance and the amount of cash assistance would be less
23 than \$100 per month, given the WAGES earnings disregard.

24 (b) The individual has received cash assistance for at
25 least 3 consecutive months.

26 (c) The individual can reasonably expect to remain
27 employed for at least 6 months.

28 (d) The individual provides employment and earnings
29 information necessary for the department to evaluate the
30 family's eligibility for transitional benefits.

31

1 (e) The individual signs an agreement not to apply for
2 or accept temporary cash assistance for the assistance group
3 for 6 months after receipt of the one-time payment. The
4 agreement shall provide for an exception in the event of an
5 emergency. If the individual or assistance group receives
6 temporary cash assistance within 6 months, the amount of the
7 one-time payment shall be deducted from the amount of the cash
8 assistance provided to the assistance group. This deduction
9 may be prorated over a 6-month period. The department shall
10 adopt rules defining the term "emergency" and prescribing the
11 circumstances under which exceptions may be granted.

12 (2) A lump-sum payment made under this section only
13 counts toward the time limitation for the month in which the
14 payment is made in lieu of cash assistance. A participant
15 choosing to accept such payment shall be terminated from cash
16 assistance; however, eligibility for Medicaid, food stamps, or
17 child care shall continue subject to the eligibility
18 requirements of those programs.

19 Section 16. Subsections (2), (4), and (5) of section
20 414.155, Florida Statutes, 1998 Supplement, are amended to
21 read:

22 414.155 Relocation assistance program.--

23 (2) The relocation assistance program shall involve
24 five steps by the Department of Children and Family Services
25 or a local WAGES coalition ~~the Department of Labor and~~
26 ~~Employment Security:~~

27 (a) A determination that the family is a WAGES Program
28 participant or that all requirements of eligibility for the
29 WAGES Program would likely be met.

30 (b) A determination that there is a basis for
31 believing that relocation will contribute to the ability of

1 the applicant to achieve self-sufficiency. For example, the
2 applicant:

3 1. Is unlikely to achieve independence at the current
4 community of residence;

5 2. Has secured a job that requires relocation to
6 another community;

7 3. Has a family support network in another community;
8 or

9 4. Is determined, pursuant to criteria or procedures
10 established by the WAGES Program State Board of Directors, to
11 be a victim of domestic violence who would experience reduced
12 probability of further incidents through relocation.

13 (c) Establishment of a relocation plan, ~~including a~~
14 ~~budget and such requirements as are necessary to prevent abuse~~
15 ~~of the benefit and to provide an assurance that the applicant~~
16 ~~will relocate. The plan may require that expenditures be made~~
17 ~~on behalf of the recipient. However,~~The plan must include
18 provisions to protect the safety of victims of domestic
19 violence and avoid provisions that place them in anticipated
20 danger. The payment to defray relocation expenses shall be
21 limited to an amount not to exceed 4 months' temporary cash
22 assistance, based on family size. To simplify administration
23 of the program, the department may establish standard payment
24 amounts for relocation assistance based on maximum cash
25 assistance grant levels and family size.

26 (d) A determination, pursuant to criteria adopted by
27 the WAGES Program State Board of Directors, that a Florida
28 community receiving a relocated family has the capacity to
29 provide needed services and employment opportunities.

30 (e) Monitoring the relocation.

31

1 (4) The department ~~Department of Labor and Employment~~
2 ~~Security~~ shall have authority to adopt rules pursuant to the
3 Administrative Procedure Act to determine that a community has
4 the capacity to provide services and employment opportunities
5 for a relocated family.

6 (5) The department ~~Department of Children and Family~~
7 ~~Services~~ shall have authority to adopt rules pursuant to the
8 Administrative Procedure Act to develop and implement
9 relocation plans and to draft an agreement restricting a
10 family from applying for temporary cash assistance within 6
11 months after receiving a relocation assistance payment.

12 Section 17. Section 414.20, Florida Statutes, 1998
13 Supplement, is amended to read:

14 414.20 Other support services.--Support services shall
15 be provided, if resources permit, to assist participants in
16 complying with work activity requirements outlined in s.
17 414.065. If resources do not permit the provision of needed
18 support services, the department and the local WAGES coalition
19 ~~Department of Labor and Employment Security~~ may prioritize or
20 otherwise limit provision of support services. This section
21 does not constitute an entitlement to support services. Lack
22 of provision of support services may be considered as a factor
23 in determining whether good cause exists for failing to comply
24 with work activity requirements but does not automatically
25 constitute good cause for failing to comply with work activity
26 requirements, and does not affect any applicable time limit on
27 the receipt of temporary cash assistance or the provision of
28 services under this chapter. Support services shall include,
29 but need not be limited to:

30 (1) TRANSPORTATION.--Transportation expenses may be
31 provided to any participant when the assistance is needed to

1 comply with work activity requirements or employment
2 requirements, including transportation to and from a child
3 care provider. Payment may be made in cash or tokens in
4 advance or through reimbursement paid against receipts or
5 invoices. Transportation services may include, but are not
6 limited to, cooperative arrangements with the following:
7 public transit providers; community transportation
8 coordinators designated under chapter 427; school districts;
9 churches and community centers; donated motor vehicle
10 programs, van pools, and ridesharing programs; small
11 enterprise developments and entrepreneurial programs that
12 encourage WAGES participants to become transportation
13 providers; public and private transportation partnerships; and
14 other innovative strategies to expand transportation options
15 available to program participants.

16 (a) Local WAGES coalitions are authorized to provide
17 payment for vehicle operational and repair expenses, including
18 repair expenditures necessary to make a vehicle functional;
19 vehicle registration fees; driver's license fees; and
20 liability insurance for the vehicle for a period of up to 6
21 months. Request for vehicle repairs must be accompanied by an
22 estimate of the cost prepared by a repair facility registered
23 under s. 559.904.

24 (b) Transportation disadvantaged funds as defined in
25 chapter 427 do not include WAGES support services funds or
26 funds appropriated to assist persons eligible under the Job
27 Training Partnership Act. It is the intent of the Legislature
28 that local WAGES coalitions and regional workforce development
29 boards consult with local community transportation
30 coordinators designated under chapter 427 regarding the
31 availability and cost of transportation services through the

1 coordinated transportation system prior to contracting for
2 comparable transportation services outside the coordinated
3 system.

4 (2) ANCILLARY EXPENSES.--Ancillary expenses such as
5 books, tools, clothing, fees, and costs necessary to comply
6 with work activity requirements or employment requirements may
7 be provided.

8 (3) MEDICAL SERVICES.--A family that meets the
9 eligibility requirements for Medicaid shall receive medical
10 services under the Medicaid program.

11 (4) PERSONAL AND FAMILY COUNSELING AND
12 THERAPY.--Counseling may be provided to participants who have
13 a personal or family problem or problems caused by substance
14 abuse that is a barrier to compliance with work activity
15 requirements or employment requirements. In providing these
16 services, the department and local WAGES coalitions ~~the~~
17 ~~Department of Labor and Employment Security~~ shall use services
18 that are available in the community at no additional cost. If
19 these services are not available, the department and local
20 WAGES coalitions ~~the Department of Labor and Employment~~
21 ~~Security~~ may use support services funds. Personal or family
22 counseling not available through Medicaid may not be
23 considered a medical service for purposes of the required
24 statewide implementation plan or use of federal funds.

25 Section 18. Section 414.22, Florida Statutes, is
26 amended to read:

27 414.22 Transitional education and training.--In order
28 to assist current and former participants who are employed in
29 continuing their training and upgrading their skills,
30 education, or training, support services may be provided ~~to a~~
31 ~~participant~~ for up to 2 years after the participant is no

1 longer eligible to participate in the program. This section
2 does not constitute an entitlement to transitional education
3 and training. If funds are not sufficient to provide services
4 under this section, the WAGES Program State Board of Directors
5 ~~Department of Labor and Employment Security~~ may limit or
6 otherwise prioritize transitional education and training.

7 (1) Education or training resources available in the
8 community at no additional cost to the WAGES Program
9 ~~Department of Labor and Employment Security~~ shall be used
10 whenever possible.

11 (2) Local WAGES coalitions ~~the Department of Labor and~~
12 ~~Employment Security~~ may authorize child care or other support
13 services in addition to services provided in conjunction with
14 employment. For example, a participant who is employed full
15 time may receive subsidized child care related to that
16 employment and may also receive additional subsidized child
17 care in conjunction with training to upgrade the participant's
18 skills.

19 (3) Transitional education or training must be
20 job-related, but may include training to improve job skills in
21 a participant's existing area of employment or may include
22 training to prepare a participant for employment in another
23 occupation.

24 (4) A local WAGES coalition ~~The Department of Labor~~
25 ~~and Employment Security~~ may enter into an agreement with an
26 employer to share the costs relating to upgrading the skills
27 of participants hired by the employer. For example, local
28 WAGES coalitions ~~the department~~ may agree to provide support
29 services such as transportation or a wage subsidy in
30 conjunction with training opportunities provided by the
31 employer.

1 Section 19. Section 414.223, Florida Statutes, is
2 created to read:

3 414.223 Retention Incentive Training Accounts.--To
4 promote job retention and to enable upward job advancement
5 into higher skilled, higher paying employment, the WAGES
6 Program State Board of Directors, Workforce Development Board,
7 regional workforce development boards, and local WAGES
8 coalitions may jointly assemble, from post-secondary education
9 institutions, a list of courses for WAGES participants who
10 have become employed which promote job retention and
11 advancement.

12 (1) The WAGES Program State Board of Directors and the
13 Workforce Development Board may jointly establish Retention
14 Incentive Training Accounts (RITAs). RITAs shall utilize TANF
15 funds specifically appropriated for this purpose. RITAs must
16 be compatible with the Individual Training Account required by
17 the federal Workforce Investment Act of 1998, Pub. L. No.
18 105-220.

19 (2) RITAs may pay for tuition, fees, educational
20 materials, coaching and mentoring, performance incentives,
21 transportation to and from courses, childcare costs during
22 education courses, and other such costs as the regional
23 workforce development boards determine are necessary to effect
24 successful job retention and advancement.

25 (3) Regional workforce development boards shall retain
26 only those courses that continue to meet their performance
27 standards as established in their local plan.

28 (4) Regional workforce development boards shall report
29 annually to the Legislature on the measurable retention and
30 advancement success of each program provider and the

31

1 effectiveness of RITAs, making recommendations for any needed
2 changes or modifications.

3 (5) Funds associated with future Welfare-to-Work
4 grants from the U.S. Department of Labor are to be reserved
5 for RITAs if the participating educational institutions
6 provide the required state match for that federal grant
7 program.

8 Section 20. Section 414.225, Florida Statutes, 1998
9 Supplement, is amended to read:

10 414.225 Transitional transportation.--In order to
11 assist former WAGES participants in maintaining and sustaining
12 employment, transportation may be provided, if funds are
13 available, for up to 1 year after the participant is no longer
14 eligible to participate in the program due to earnings. This
15 does not constitute an entitlement to transitional
16 transportation. If funds are not sufficient to provide
17 services under this section, the department may limit or
18 otherwise prioritize transportation services.

19 (1) Transitional transportation must be job related.

20 (2) Transitional transportation may include expenses
21 identified in s. 414.20, paid directly or by voucher, as well
22 as a vehicle valued at not more than \$8,500 if the vehicle is
23 needed for training, employment, or educational purposes.

24 Section 21. Section 414.23, Florida Statutes, is
25 amended to read:

26 414.23 Evaluation.--The department and the WAGES
27 Program State Board of Directors ~~Department of Labor and~~
28 ~~Employment Security~~ shall arrange for evaluation of programs
29 operated under this chapter, as follows:

30 (1) If required by federal waivers or other federal
31 requirements, the department and the WAGES Program State Board

1 ~~of Directors Department of Labor and Employment Security~~ may
2 provide for evaluation according to these requirements.

3 (2) The department and the WAGES Program State Board
4 ~~of Directors Department of Labor and Employment Security~~ shall
5 participate in the evaluation of this program in conjunction
6 with evaluation of the state's workforce development programs
7 or similar activities aimed at evaluating program outcomes,
8 cost-effectiveness, or return on investment, and the impact of
9 time limits, sanctions, and other welfare reform measures set
10 out in this chapter. Evaluation shall also contain information
11 on the number of participants in work experience assignments
12 who obtain unsubsidized employment, including, but not limited
13 to, the length of time the unsubsidized job is retained,
14 wages, and the public benefits, if any, received by such
15 families while in unsubsidized employment. The evaluation
16 shall solicit the input of consumers, community-based
17 organizations, service providers, employers, and the general
18 public, and shall publicize, especially in low-income
19 communities, the process for submitting comments.

20 (3) The department and the WAGES Program State Board
21 ~~of Directors Department of Labor and Employment Security~~ may
22 share information with and develop protocols for information
23 exchange with the Florida Education and Training Placement
24 Information Program.

25 (4) The department and the WAGES Program State Board
26 ~~of Directors Department of Labor and Employment Security~~ may
27 initiate or participate in additional evaluation or assessment
28 activities that will further the systematic study of issues
29 related to program goals and outcomes.

30 (5) In providing for evaluation activities, the
31 department and the WAGES Program State Board of Directors

1 ~~Department of Labor and Employment Security~~ shall safeguard
2 the use or disclosure of information obtained from program
3 participants consistent with federal or state requirements.
4 The department and the WAGES Program State Board of Directors
5 ~~Department of Labor and Employment Security~~ may use evaluation
6 methodologies that are appropriate for evaluation of program
7 activities, including random assignment of recipients or
8 participants into program groups or control groups. To the
9 extent necessary or appropriate, evaluation data shall provide
10 information with respect to the state, district, or county, or
11 other substate area.

12 (6) The department and the WAGES Program State Board
13 of Directors ~~Department of Labor and Employment Security~~ may
14 contract with a qualified organization for evaluations
15 conducted under this section.

16 (7) Evaluations described in this section are exempt
17 from the provisions of s. 381.85.

18 Section 22. Section 414.37, Florida Statutes, is
19 amended to read:

20 414.37 Public assistance overpayment recovery
21 privatization; reemployment of laid-off career service
22 employees.--Should career service employees of the Department
23 of Children and Family Services be subject to layoff after
24 July 1, 1995, due to the privatization of public assistance
25 overpayment recovery functions, the privatization contract
26 shall require the contracting firm to give priority
27 consideration to employment of such employees. In addition, a
28 task force composed of representatives from the Department of
29 Children and Family Services, ~~the Department of Labor and~~
30 ~~Employment Security~~, and the Department of Management Services
31

1 shall be established to provide reemployment assistance to
2 such employees.

3 Section 23. Section 414.44, Florida Statutes, is
4 amended to read:

5 414.44 Data collection and reporting.--The department
6 and the WAGES Program State Board of Directors ~~Department of~~
7 ~~Labor and Employment Security~~ shall collect data necessary to
8 administer this chapter and make the reports required under
9 federal law to the United States Department of Health and
10 Human Services and the United States Department of
11 Agriculture.

12 Section 24. Section 414.45, Florida Statutes, 1998
13 Supplement, is amended to read:

14 414.45 Rulemaking.--The department has authority to
15 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
16 and enforce the provisions of this chapter. ~~The Department of~~
17 ~~Labor and Employment Security may adopt rules pursuant to ss.~~
18 ~~120.536(1) and 120.54, to implement and enforce the provisions~~
19 ~~of this chapter.~~The rules must provide protection against
20 discrimination and the opportunity for a participant to
21 request a review by a supervisor or administrator of any
22 decision made by a panel or board of the department, ~~the~~
23 ~~Department of Labor and Employment Security,~~ or the WAGES
24 Program.

25 Section 25. Subsections (1), (2), and (3) of section
26 414.70, Florida Statutes, 1998 Supplement, are amended to
27 read:

28 414.70 Drug-testing and drug-screening program;
29 procedures.--

30 (1) DEMONSTRATION PROJECT.--The Department of Children
31 and Family Services, in consultation with local WAGES

1 coalitions 3 and 8, shall develop and, as soon as possible
2 after January 1, 1999, implement a demonstration project in
3 WAGES regions 3 and 8 to screen each applicant and test
4 applicants for temporary cash assistance provided under this
5 chapter, who the department has reasonable cause to believe,
6 based on the screening, engage in illegal use of controlled
7 substances. Unless reauthorized by the Legislature, this
8 demonstration project expires June 30, 2001. As used in this
9 act, the term "applicant" means an individual who first
10 applies for assistance or services under the WAGES Program.
11 Screening and testing for the illegal use of controlled
12 substances is not required if the individual reapplies during
13 any continuous period in which the individual receives
14 assistance or services. However, an individual may volunteer
15 for drug testing and treatment if funding is available.

16 (a) Applicants subject to the requirements of this
17 section include any parent or caretaker relative who is
18 included in the cash assistance group, including individuals
19 who may be exempt from work activity requirements due to the
20 age of the youngest child or who may be exempt from the work
21 activity requirement pursuant to s. 414.065(7).

22 (b) Applicants not subject to the requirements of this
23 section include:

24 1. Applicants for food stamps or Medicaid who are not
25 applying for cash assistance;

26 2. Applicants who, if eligible, would be exempt from
27 the time limitation and work activity requirement due to
28 receipt of Social Security Disability; and

29 3. Applicants who, if eligible, would be excluded from
30 the assistance group due to receipt of Supplemental Security
31 Income (SSI).

1 (2) PROCEDURES.--Under the demonstration project, the
2 Department of Children and Family Services shall:

3 (a) Provide notice of drug screening and the potential
4 for possible drug testing to each applicant at the time of
5 application. The notice must advise the applicant that drug
6 screening and possibly drug testing will be conducted as a
7 condition for receiving temporary assistance or services under
8 this chapter, and shall specify the assistance or services
9 that are subject to this requirement. The notice must also
10 advise the applicant that a prospective employer may require
11 the applicant to submit to a preemployment drug test. The
12 applicant shall be advised that the required drug screening
13 and possible drug testing may be avoided if the applicant does
14 not apply for or receive assistance or services. The
15 drug-screening and drug-testing program is not applicable in
16 child-only cases.

17 (b) Develop a procedure for drug screening and
18 conducting drug testing of applicants for temporary assistance
19 or services under the WAGES Program. For two-parent families,
20 both parents must comply with the drug screening and testing
21 requirements of this section.

22 (c) Provide a procedure to advise each person to be
23 tested, before the test is conducted, that he or she may, but
24 is not required to, advise the agent administering the test of
25 any prescription or over-the-counter medication he or she is
26 taking.

27 (d) Require each person to be tested to sign a written
28 acknowledgment that he or she has received and understood the
29 notice and advice provided under paragraphs (a) and (c).

30 (e) Provide a procedure to assure each person being
31 tested a reasonable degree of dignity while producing and

1 submitting a sample for drug testing, consistent with the
2 state's need to ensure the reliability of the sample.

3 (f) Specify circumstances under which a person who
4 fails a drug test has the right to take one or more additional
5 tests.

6 (g) Provide a procedure for appealing the results of a
7 drug test by a person who fails a test and for advising the
8 appellant that he or she may, but is not required to, advise
9 appropriate staff of any prescription or over-the-counter
10 medication he or she has been taking.

11 (h) Notify each person who fails a drug test of the
12 local substance abuse treatment programs that may be available
13 to such person.

14 (3) CHILDREN.--

15 (a) If a parent is deemed ineligible for cash
16 assistance due to refusal or failure to comply with provisions
17 of this section ~~the failure of a drug test under this act~~, his
18 or her dependent child's eligibility for cash assistance is
19 not affected. A parent who is ineligible for cash assistance
20 due to refusal or failure to comply with provisions of this
21 section shall be subject to the work activity requirements of
22 s. 414.065, and shall be subject to penalties under s.
23 414.065(4), upon failure to comply with these requirements.

24 (b) If a parent is deemed ineligible for cash
25 assistance due to the failure of a drug test, an appropriate
26 protective payee will be established for the benefit of the
27 child.

28 (c) If the parent refuses to cooperate in establishing
29 an appropriate protective payee for the child, the Department
30 of Children and Family Services will appoint one.

31

1 Section 26. Section (10) is added to section 288.063,
2 Florida Statutes, 1998 Supplement, to read:

3 288.063 Contracts for transportation projects.--

4 (10) The Office of Tourism, Trade, and Economic
5 Development is authorized to make, and based on
6 recommendations from Enterprise Florida, Inc., to approve,
7 expenditures and enter into contracts with the appropriate
8 governmental body for direct costs of transportation projects
9 for new and expanding businesses which employ WAGES
10 participants. The Office of Tourism, Trade, and Economic
11 Development shall develop by July 30, 1999, an expedited
12 process for the award of these projects. Approved projects
13 must utilize such funds as the Legislature specifically
14 appropriates for transportation projects related to WAGES
15 employment. Transportation projects shall involve magnet
16 employers who individually or collectively will employ 3,000
17 individuals, or 300 employees in rural counties. Funds
18 provided under this subsection for a single transportation
19 infrastructure project shall not exceed \$5,000 for each new
20 WAGES job created within 12 months of completion of such
21 project, and \$2,500 for each new WAGES job created within the
22 following 2 years.

23 Section 27. For Fiscal Year 1999-2000, \$25 million
24 designated for WAGES under Temporary Assistance for Needy
25 Families funding is appropriated for Retention Incentive
26 Training Accounts authorized under this act. No more than 5
27 percent of such funds may be expended for administrative and
28 marketing costs related to Retention Incentive Training
29 Accounts.

1 Section 28. Section 414.25, Florida Statutes, as
2 amended by section 15 of chapter 98-57, Laws of Florida, and
3 sections 414.43 and 414.55, Florida Statutes, are repealed.

4 Section 29. If the Governor elects to exercise the
5 emergency powers provided in section 414.030, Florida
6 Statutes, the process established in section 216.181, Florida
7 Statutes, must be followed.

8 Section 30. Unless otherwise specified in this act,
9 this act shall take effect July 1, 1999.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 256

4 This committee substitute makes various revisions to the Work
5 and Gain Economic Self-sufficiency (WAGES) Program. The major
6 provisions of the committee substitute include:

6 Authorizing the WAGES Program State Board of Directors
7 to contract with a fiscal agent to administer its
8 financial affairs.

8 Authorizing a matching grants program for donations and
9 expenditures that further the goals of the WAGES
10 Program.

10 Transferring the funds for the administrative and
11 service delivery operations of the local WAGES
12 coalitions to the Department of Children and Family
13 Services.

13 Authorizing WAGES Program Employment Project
14 Coordinators to commit and coordinate those resources
15 applicable to the organization that the coordinator
16 represents, including suspending program criteria,
17 agency requirements, procedures, practices, guidelines,
18 rules, fees, charges, and other ministerial requirements
19 to successfully assist distressed areas. Working with
20 the Office of Tourism, Trade, and Economic Development,
21 coordinators are further authorized to waive any
22 criteria, requirement, or similar provision of any
23 economic development incentive.

19 Providing that under certain circumstances, the Governor
20 may, by executive order, declare a WAGES employment
21 emergency and may use only the necessary powers
22 enumerated under s. 252.36, F.S., as well as all other
23 powers of the Governor in law, to coordinate, focus,
24 intensify, and maximize successful WAGES employment
25 efforts.

23 Providing an early exit incentive to employed WAGES
24 participants in the form of a one-time, lump-sum payment
25 of \$500 to terminate from cash assistance.

25 Creating Retention Incentive Training Accounts (RITAs)
26 for employed WAGES participants to promote job retention
27 and enable upward job advancement into higher skilled,
28 higher paying employment. Funds associated with future
29 Welfare-to-Work grants from the U.S. Department of Labor
30 are reserved for RITAs if the participating educational
31 institutions provide the required state match for that
32 federal grant program.

29 Appropriating for Fiscal Year 1999-2000, \$25 million for
30 RITAs from funds designated for WAGES under Temporary
31 Assistance for Needy Families.

31 Creating a "road fund" for WAGES, by authorizing the
32 Office of Tourism, Trade, and Economic Development to

1 contract with governmental bodies for transportation
2 projects for new and expanding businesses that employ
WAGES participants.

3 This committee substitute amends sections 402.305, 414.027,
4 414.028, 414.030, 414.055, 414.065, 414.085, 414.095, 414.105,
5 414.155, 414.20, 414.22, 414.225, 414.23, 414.37, 414.44,
6 414.45, 414.70, and 288.063, Florida Statutes; creates
7 sections 414.0265, 414.0267, 414.035, 414.045, 414.151,
8 414.1525, and 414.223, Florida Statutes; and repeals sections
9 414.25, 414.43, and 414.55, Florida Statutes.

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