

By the Committees on Fiscal Policy; Commerce and Economic Opportunities; and Senator Kirkpatrick

309-1992-99

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 Office of Tourism,
17 Trade, and Economic Development; 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 authorizing a local WAGES coalition to assign
22 certain additional educational activities as
23 work requirements; providing for an adjustment
24 in the regional-participation requirement;
25 requiring participants with medical limitations
26 to be assigned appropriate work activities;
27 providing for work activity exemption under
28 certain circumstances; deleting obsolete
29 provisions; amending s. 414.085, F.S.;
30 excluding certain payments from consideration
31 in determining grant amounts; amending s.

1 414.095, F.S.; deleting obsolete provisions;
2 authorizing shelter obligations under certain
3 circumstances; conforming organizational name
4 references; amending s. 414.105, F.S.; revising
5 limitations on extended eligibility for
6 temporary cash assistance; deleting obsolete
7 provisions; creating s. 414.151, F.S.;
8 establishing a diversion program for victims of
9 domestic violence; creating s. 414.1525, F.S.;
10 establishing an early exit incentive program;
11 amending s. 414.155, F.S.; conforming
12 organizational name references; revising
13 standards regarding the relocation assistance
14 program; amending s. 414.20, F.S.; conforming
15 organizational name references; amending s.
16 414.22, F.S.; conforming organizational name
17 references; creating s. 414.223, F.S.;
18 authorizing the development of a list of
19 post-secondary courses to promote job retention
20 and advancement; authorizing Retention
21 Incentive Training Accounts; prescribing
22 eligible expenditures through such accounts;
23 requiring performance monitoring and a report;
24 reserving funds; amending s. 414.225, F.S.;
25 revising provisions relating to transportation;
26 amending s. 414.23, F.S.; conforming
27 organizational name references; amending s.
28 414.37, F.S.; deleting obsolete reference;
29 amending s. 414.44, F.S.; conforming
30 organizational name reference; amending s.
31 414.45, F.S.; deleting obsolete language;

1 amending s. 414.70, F.S.; providing conditions
2 for inclusion in a demonstration project;
3 providing for work activity requirements and
4 penalties for failure to comply; amending s.
5 288.063, F.S.; providing for WAGES
6 transportation projects; authorizing the Office
7 of Tourism, Trade, and Economic Development to
8 develop an expedited process; amending s.
9 250.10, F.S.; requiring the Adjutant General to
10 administer a life preparation program and job
11 readiness services; providing an appropriation
12 of TANF funds; amending s. 414.085, F.S.;
13 requiring that income security payments be
14 excluded as income except as required by
15 federal law; repealing s. 414.25, F.S.,
16 relating to exemptions from leased real
17 property requirements; repealing s. 414.43,
18 F.S., relating to special needs allowances for
19 families with disabled members; repealing s.
20 414.55, F.S., relating to implementation of the
21 program; requiring compliance with s. 216.181,
22 F.S.; providing an effective date.

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

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

402.305 Licensing standards; child care facilities.--
(4) STAFF-TO-CHILDREN RATIO.--

1 (a) Minimum standards for the care of children in a
2 licensed child care facility as established by rule of the
3 department must include:

4 1. For children from birth through 1 year of age,
5 there must be one child care personnel for every four
6 children.

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

10 3. For children 2 years of age or older, but under 3
11 years of age, there must be one child care personnel for every
12 11 children.

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

16 5. For children 4 years of age or older, but under 5
17 years of age, there must be one child care personnel for every
18 20 children.

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

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

24 (b) This subsection does not apply to nonpublic
25 schools and their integral programs as defined in s.
26 402.3025(2)(d)1. In addition, an individual who is
27 participating in a community service work experience activity
28 under s. 414.065(1)(d) or (e)~~employee of a child care~~
29 ~~facility who receives subsidized wages under the WAGES Program~~
30 may not be considered in calculating the staff-to-children
31 ratio.

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

3 414.0265 Work and Gain Economic Self-sufficiency
4 (WAGES) fiscal agent.--

5 (1) The WAGES Program State Board of Directors is
6 authorized to contract with a fiscal agent to administer its
7 financial affairs.

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

11 (a) The fiscal agent must be a Florida for profit or
12 not-for-profit corporation approved by the Department of
13 State;

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

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

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

30 (e) The fiscal agent shall assist the WAGES Program
31 State Board of Directors to prepare and submit an annual

1 budget request by September 1 of each year and an annual
2 financial statement to the Governor, the Senate, and the House
3 of Representatives. The format for the annual budget and the
4 annual financial statement shall conform to the fiscal year of
5 the state.

6 Section 3. Section 414.0267, Florida Statutes, is
7 created to read:

8 414.0267 Matching grants for economic independence.--

9 (1) There is established a program of matching grants
10 for economic independence. The program shall provide an
11 incentive in the form of matching grants for donations and
12 expenditures by donors and charitable organizations for
13 transitional, diversion, and support programs that complement,
14 supplement, and further the goals of the Work and Gain
15 Economic Self-sufficiency Program.

16 (2) The WAGES Program State Board of Directors shall
17 specify the funds allocated for matching; the process for
18 submission, documentation, and approval of requests for
19 program funds and matching funds; accountability for funds and
20 proceeds of investments; allocations to programs and
21 coalitions; restrictions on the use of the funds; and criteria
22 used in determining the value of donations.

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

25 414.027 WAGES Program annual statewide program
26 implementation plan.--

27 (1) The WAGES Program State Board of Directors shall
28 submit to the Governor, the President of the Senate, and the
29 Speaker of the House of Representatives an annual a statewide
30 plan for ~~implementing~~ the WAGES Program established under this
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1 chapter. At a minimum, the annual statewide program
2 ~~implementation~~ plan must include:
3 (a) Performance standards, measurement criteria, and
4 contract guidelines for all services provided under the WAGES
5 Program whether by state employees or contract providers. The
6 plan must include performance standards and objectives,
7 measurement criteria, measures of performance, and contract
8 guidelines for all local WAGES coalitions related to the
9 following issues:
10 1. Work participation rates by type of activity;
11 2. Caseload trends;
12 3. Recidivism;
13 4. Participation in diversion and relocation programs;
14 5. Employment retention; and
15 6. Other issues identified by the WAGES Program State
16 Board of Directors.
17 (b) A description of:
18 1. Cooperative agreements and partnerships between
19 local WAGES coalitions and local community agencies and
20 not-for-profit organizations described in section 501(c)(3) of
21 the Internal Revenue Code;
22 2. Efforts by local WAGES coalitions to provide WAGES
23 applicants, recipients, and former recipients with information
24 on the services and programs available to them, including
25 diversion programs, relocation assistance, and other services
26 that may be obtained without receiving monthly cash
27 assistance;
28 3. Efforts by local WAGES coalitions to overcome
29 transportation barriers to employment; and
30 4. Other issues determined by the WAGES Program State
31 Board of Directors.

1 (c) An evaluation of the performance of each local
2 WAGES coalition based on the performance measures and
3 guidelines.

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

7 ~~(e)(c)~~ The approval of the implementation plans
8 submitted by local WAGES coalitions.

9 ~~(f)(d)~~ Recommendations for clarifying, or if
10 necessary, modifying the roles of the state agencies charged
11 with implementing the WAGES Program so that all unnecessary
12 duplication is eliminated.

13 ~~(g)(e)~~ Recommendations for modifying compensation and
14 incentive programs for state employees in order to achieve the
15 performance outcomes necessary for successful implementation
16 of the WAGES Program.

17 ~~(h)(f)~~ Criteria for allocating WAGES Program resources
18 to local WAGES coalitions. Such criteria must include
19 weighting factors that reflect the relative degree of
20 difficulty associated with securing employment placements for
21 specific subsets of the welfare transition caseload.

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

- 25 1. The degree of difficulty associated with placing a
26 WAGES Program participant in a job;
- 27 2. The quality of the placement with regard to salary,
28 benefits, and opportunities for advancement; and
- 29 3. The employee's retention of the placement.

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1 The payment structure shall provide not more than 50 ~~40~~
2 percent of the cost of services provided to a WAGES
3 participant prior to placement, 25 ~~50~~ percent upon employment
4 placement, and 25 ~~40~~ percent if employment is retained for at
5 least 6 months. The payment structure should provide bonus
6 payments to providers that experience notable success in
7 achieving long-term job retention with WAGES Program
8 participants. The board shall consult with the Workforce
9 Development Board ~~Enterprise Florida workforce development~~
10 ~~board~~ in developing the WAGES Program annual statewide program
11 implementation plan.

12 (j) Specifications for WAGES Program services that are
13 to be delivered through local WAGES coalitions, including the
14 following:

15 1. Referral of participants to diversion and
16 relocation programs;

17 2. Pre-placement services, including assessment,
18 staffing, career plan development, work orientation, and
19 employability skills enhancement;

20 3. Services necessary to secure employment for a WAGES
21 participant;

22 4. Services necessary to assist participants in
23 retaining employment, including, but not limited to, remedial
24 education, language skills, and personal and family
25 counseling;

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

28 6. Expectations regarding job retention;

29 7. Strategies to ensure that transition services are
30 provided to participants for the mandated period of
31 eligibility;

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

4 9. Services that must be delivered to WAGES
5 participants who have a deferral from work requirements but
6 wish to participate in activities that meet federal
7 participation requirements; and

8 10. Expectations regarding continued participant
9 awareness of available services and benefits.

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

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

26 (2) A local WAGES coalition and a regional workforce
27 development board may be combined into one board if the
28 membership complies with subsection (1), and if the membership
29 of the combined board meets the requirements of Pub. L. No.
30 105-220, s. 117(b)(2)97-300, the federal Job Training
31 Partnership Act, as amended, and with any law delineating the

1 membership requirements for the regional workforce development
2 boards.

3 (4) Each local WAGES coalition shall perform the
4 planning, coordination, and oversight functions specified in
5 the statewide implementation plan, including, but not limited
6 to:

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

15 (b) Developing a funding strategy to implement the
16 program and financial plan which incorporates resources from
17 all principal funding sources.

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

21 (d) In cooperation with the regional workforce
22 development board, coordinating the implementation of one-stop
23 career centers.

24 (e) Advising the Office of Tourism, Trade, and
25 Economic Development ~~Department of Children and Family~~
26 ~~Services and the Department of Labor and Employment Security~~
27 with respect to the competitive procurement of services under
28 the WAGES Program.

29 (f) Selecting an entity to administer the program and
30 financial plan, such as a unit of a political subdivision
31 within the service area, a not-for-profit private organization

1 or corporation, or any other entity agreed upon by the local
2 WAGES coalition.

3 (g) Developing a plan for services for victims of
4 domestic violence.

5 1. The WAGES Program State Board of Directors shall
6 specify requirements for the local plan, including:

7 a. Criteria for determining eligibility for exceptions
8 to state work requirements;

9 b. The programs and services to be offered to victims
10 of domestic violence;

11 c. Time limits for exceptions to program requirements,
12 which may not result in an adult participant exceeding the
13 federal time limit for exceptions or the state lifetime
14 benefit limit that the participant would otherwise be entitled
15 to receive; and

16 d. An annual report on domestic violence, including
17 the progress made in reducing domestic violence as a barrier
18 to self-sufficiency among WAGES participants, local policies
19 and procedures for granting exceptions and exemptions from
20 program requirements due to domestic violence, and the number
21 and percentage of cases in which such exceptions and
22 exemptions are granted.

23 2. Each local WAGES coalition plan must specify
24 provisions for coordinating and, where appropriate, delivering
25 services, including:

26 a. Provisions for the local coalition to coordinate
27 with law enforcement agencies and social service agencies and
28 organizations that provide services and protection to victims
29 of domestic violence;

30 b. Provisions for allowing participants access to
31 domestic violence support services and ensuring that WAGES

1 participants are aware of domestic violence shelters,
2 hotlines, and other domestic violence services and policies;

3 c. Designation of the agency that is responsible for
4 determining eligibility for exceptions from program
5 requirements due to domestic violence;

6 d. Provisions that require each individual who is
7 granted an exemption from program requirements due to domestic
8 violence to participate in a program that prepares the
9 individual for self-sufficiency and safety; and

10 e. Where possible and necessary, provisions for job
11 assignments and transportation arrangements that take maximum
12 advantage of opportunities to preserve the safety of the
13 victim of domestic violence and the victim's dependents.

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

1 ~~coalition's transition plan shall provide for the utilization~~
2 ~~of space leased by the Department of Labor and Employment~~
3 ~~Security for WAGES service functions. By October 1, 1998, the~~
4 ~~coalition may have negotiated and entered into new lease~~
5 ~~agreements or subleased for said space from the Department of~~
6 ~~Labor and Employment Security. In the event the coalition~~
7 ~~does not utilize the Department of Labor and Employment~~
8 ~~Security leased space, the Department of Labor and Employment~~
9 ~~Security shall not be obligated to pay under any lease~~
10 ~~agreement for WAGES services entered into by the department~~
11 ~~since July 1, 1996.~~

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

17 (9)(a) Effective October 1, 1999, funds for the
18 administrative and service delivery operations of the local
19 WAGES coalitions shall be provided to the coalitions by
20 contract with the Office of Tourism, Trade, and Economic
21 Development. The local WAGES coalitions are subject to the
22 provisions of the implementation plan approved for the
23 coalition by the WAGES Program State Board of Directors. Each
24 coalition's implementation plan shall be incorporated into the
25 coalition's contract with the Office of Tourism, Trade, and
26 Economic Development so that the coalition is contractually
27 committed to achieve the performance requirements contained in
28 the approved plan. The Office of Tourism, Trade, and Economic
29 Development shall advise the board of applicable federal and
30 state law related to the contract and of issues raised as a
31 result of oversight of the contracts.

1 (b) A local WAGES coalition that does not meet the
2 performance requirements set by the WAGES Program State Board
3 of Directors and contained in the contract executed pursuant
4 to this subsection must develop for approval by the WAGES
5 Program State Board of Directors an analysis of the problems
6 preventing the region from meeting the performance standards
7 and a plan of corrective action for meeting state performance
8 requirements. The analysis and plan of corrective action shall
9 be included as appendices to the annual plan submitted to the
10 Governor, the President of the Senate, and the Speaker of the
11 House of Representatives by the WAGES Program State Board of
12 Directors.

13 (c) The WAGES Program State Board of Directors may
14 direct the Office of Tourism, Trade, and Economic Development
15 to procure a portion of the duties of a local WAGES coalition
16 from another agency, coalition, or provider for good cause.
17 Good cause may include failure to meet performance
18 requirements.

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

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

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

8 414.030 WAGES Program Employment Projects.--

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

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

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

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

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

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

16 4. Areas with a low ratio of new jobs per WAGES
17 participant;

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

20 6. Areas with a high proportion of families subject to
21 the time limit who are either within 6 months of the time
22 limit or are receiving cash assistance under a period of
23 hardship extension to the time limit;

24 7. Areas with unusually high unemployment; and

25 8. Areas identified as labor surplus areas using the
26 criteria established by the United States Department of Labor
27 Employment and Training Administration.

28 (b) To the greatest extent possible, Enterprise
29 Florida, Inc., shall foster the development or completion of
30 the projects identified pursuant to paragraph (a) using
31 existing state and local resources under the control of

1 Enterprise Florida, Inc. To the extent that such projects
2 cannot be developed or completed from resources available, ~~to~~
3 Enterprise Florida, Inc., shall ~~may~~ identify and prioritize ~~no~~
4 ~~more than 10~~ projects, ~~of which no more than 3 may be located~~
5 ~~in Dade County~~, that need extraordinary state and local
6 assistance. Enterprise Florida, Inc., shall provide the list
7 of projects needing extraordinary assistance to the Governor
8 and each WAGES Program Employment Project Coordinator
9 designated pursuant to subsection (4) by September 1 of each
10 year.

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

28 (b) By designation, the WAGES Program Employment
29 Project Coordinators are empowered to commit and coordinate
30 those resources applicable to the organization that the
31 coordinator represents, including suspending program criteria,

1 agency requirements, procedures, practices, guidelines, rules,
2 fees, charges, and other ministerial requirements, to
3 successfully assist areas meeting the criteria in paragraph
4 (3)(a).

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

11 (d) Coordinators, working with the Office of Tourism,
12 Trade, and Economic Development, may waive any criteria,
13 requirement, or similar provision of certain economic
14 development incentives, including the Qualified Target
15 Industry Tax Refund Program under s. 288.106; the
16 Quick-Response Training Program under s. 288.047; the WAGES
17 Quick-Response Training Program under s. 288.047; contracts
18 for transportation projects under s. 288.063; the Qualified
19 Defense Contractor Tax Refund Program under s. 288.1045; the
20 brownfield redevelopment bonus refunds under s. 288.107; and
21 the urban high-crime area and rural job tax credit programs
22 under ss. 212.097, 212.098, and 220.1895.

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

29 (5)(a) By October 15 of each year, the Governor may,
30 by executive order, designate these projects as WAGES Program
31 Employment Projects, and direct the agencies to use the

1 resources identified pursuant to subsection (4) to develop or
2 complete such projects. The order shall direct such agencies
3 to contract with the appropriate local WAGES coalition to
4 develop or complete such projects. Funds allocated to these
5 projects must not exceed \$5,000 per new job created.

6 (b) Notwithstanding the eligibility provisions of s.
7 403.973, the Governor may waive such eligibility requirements
8 by executive order for projects that have been identified as
9 needing expedited permitting.

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

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

22 (6) Each local WAGES coalition with jurisdiction over
23 an area where a WAGES Program Employment Project has been
24 designated by the Governor pursuant to subsection (5) shall
25 enter into a contract with the appropriate local, state, or
26 private entities to ensure that the project is developed and
27 completed. Such contracts may include, but are not limited
28 to, contracts with applicable state agencies and businesses to
29 provide training, education, and employment opportunities for
30 WAGES participants. Each local WAGES coalition may be awarded
31

1 reasonable administration costs from funds appropriated for
2 these projects.

3 (7) All contracts shall be performance-based and
4 fixed-unit price. Contracts must include provisions for
5 reporting employment performance outcomes, identified by the
6 participant's social security number, utilizing the Florida
7 Department of Labor and Employment Security's financial
8 reporting management information system. Contracts may provide
9 for expenditures that need to be made in advance of the hiring
10 of WAGES participants as provided by applicable federal and
11 state laws. Employment shall be committed to WAGES
12 participants for a period of at least 3 years and shall
13 provide health care benefits.

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

27 (9)(8)(a) The Auditor General may, pursuant to his or
28 her own authority or at the direction of the Legislature,
29 conduct a financial audit of the expenditure of resources
30 pursuant to this section.

31

1 (b) Prior to the 2000 Regular Session of the
2 Legislature, the Office of Program Policy Analysis and
3 Government Accountability shall conduct a review of the
4 projects developed or completed pursuant to this section. The
5 review shall be comprehensive in its scope, but, at a minimum,
6 must be conducted in a manner as to specifically determine:

7 1. The impact the provisions contained in this section
8 had on the development and completion of the projects
9 identified pursuant to this section.

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

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

24 Section 7. Section 414.035, Florida Statutes, is
25 created to read:

26 414.035 Authorized expenditures.--Any expenditures
27 from the Temporary Assistance for Needy Families block grant
28 shall be expended in accordance with the requirements and
29 limitations of part A of Title IV of the Social Security Act,
30 as amended, or any other applicable federal requirement or
31 limitation. Prior to any expenditure of such funds, the

1 Secretary of the Department of Children and Family Services,
2 or his or her designee, shall certify that controls are in
3 place to ensure such funds are expended in accordance with the
4 requirements and limitations of federal law and that any
5 reporting requirements of federal law are met. It shall be the
6 responsibility of any entity to which such funds are
7 appropriated to obtain the required certification prior to any
8 expenditure of funds.

9 Section 8. Section 414.045, Florida Statutes, is
10 created to read:

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

29 (1) WAGES cases include families that contain an adult
30 or a teen head of household as defined by federal law. WAGES
31 cases are generally subject to the work activity requirements

1 defined in s. 414.065 and the time limitations on cash
2 benefits established in s. 414.105. Families with an adult
3 where the adult's needs have been removed from the case due to
4 sanction or disqualification shall be considered WAGES cases
5 to the extent that such cases are considered in the
6 calculation of federal work participation rates or would be
7 counted in such calculation in future months.

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

10 Such cases include:

11 (a) Child only families with children in the care of
12 caretaker relatives where the caretaker relatives choose to
13 have their needs excluded in calculating the amount of cash
14 assistance.

15 (b) Families in the Relative Caregiver Program as
16 defined in s. 39.5085.

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

31

1 (d) Families described in paragraph (a), paragraph
2 (b), or paragraph (c) may receive child care assistance or
3 other support services so that the children may continue to be
4 cared for in their own homes or in the homes of relatives.
5 Such assistance or services may be funded from the Temporary
6 Assistance for Needy Families block grant to the extent
7 permitted under federal law and in accordance with specific
8 state appropriations.

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

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

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

28 414.055 One-stop career centers.--

29 (6) At the one-stop career centers, local WAGES
30 coalitions ~~staff of the Department of Labor and Employment~~

31

1 ~~Security~~ shall assign a participant in the WAGES Program to an
2 approved work activities activity.

3 Section 10. Paragraphs (b), (g), and (i) of subsection
4 (1) and subsections (2), (4), (7), (9), (10), and (11) of
5 section 414.065, Florida Statutes, 1998 Supplement, are
6 amended to read:

7 414.065 Work requirements.--

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

11 (b) Subsidized private sector employment.--Subsidized
12 private sector employment is employment in a private
13 for-profit enterprise or a private not-for-profit enterprise
14 which is directly supplemented by federal or state funds. A
15 subsidy may be provided in one or more of the forms listed in
16 this paragraph.

17 1. Work supplementation.--A work supplementation
18 subsidy diverts a participant's temporary cash assistance
19 under the program to the employer. The employer must pay the
20 participant wages that equal or exceed the applicable federal
21 minimum wage. Work supplementation may not exceed 6 months. At
22 the end of the supplementation period, the employer is
23 expected to retain the participant as a regular employee
24 without receiving a subsidy. A work supplementation agreement
25 may not be continued with any employer who exhibits a pattern
26 of failing to provide participants with continued employment
27 after the period of work supplementation ends.

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

1 skills required for the position. The employer or the
2 educational institution on behalf of the employer receives a
3 subsidy to offset the cost of the training provided to the
4 participant. Upon satisfactory completion of the training, the
5 employer is expected to retain the participant as a regular
6 employee without receiving a subsidy. An on-the-job training
7 agreement may not be continued with any employer who exhibits
8 a pattern of failing to provide participants with continued
9 employment after the on-the-job training subsidy ends.

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

1 continued with any employer who exhibits a pattern of failing
2 to provide participants with continued employment after the
3 incentive payments cease.

4 4. Tax credits.--An employer who employs a program
5 participant may qualify for enterprise zone property tax
6 credits under s. 220.182, the tax refund program for qualified
7 target industry businesses under s. 288.106, or other federal
8 or state tax benefits. The department and the Department of
9 Labor and Employment Security shall provide information and
10 assistance, as appropriate, to use such credits to accomplish
11 program goals.

12 5. WAGES training bonus.--An employer who hires a
13 WAGES participant who has less than 6 months of eligibility
14 for temporary cash assistance remaining and who pays the
15 participant a wage that precludes the participant's
16 eligibility for temporary cash assistance may receive \$240 for
17 each full month of employment for a period that may not exceed
18 3 months. An employer who receives a WAGES training bonus for
19 an employee may not receive a work supplementation subsidy for
20 the same employee. Employment is defined as 35 hours per week
21 at a wage of no less than minimum wage.

22 (g) Vocational education or training.--Vocational
23 education or training is education or training designed to
24 provide participants with the skills and certification
25 necessary for employment in an occupational area. Vocational
26 education or training may be used as a primary program
27 activity for participants when it has been determined that the
28 individual has demonstrated compliance with other phases of
29 program participation and successful completion of the
30 vocational education or training is likely to result in
31 employment entry at a higher wage than the participant would

1 have been likely to attain without completion of the
2 vocational education or training. Vocational education or
3 training may be combined with other program activities and
4 also may be used to upgrade skills or prepare for a higher
5 paying occupational area for a participant who is employed.

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

22 2. The WAGES Program State Board of Directors may
23 approve a plan by a local WAGES coalition for assigning, as
24 work requirements, educational activities that exceed or are
25 not included in those provided elsewhere in this section and
26 that do not comply with federal work participation requirement
27 limitations. In order to be eligible to implement this
28 subparagraph, a coalition must continue to meet the overall
29 federal work participation rate requirements. For purposes of
30 this paragraph, the WAGES Program State Board of Directors may
31 adjust the regional participation requirement based on the

1 regional caseload decline. However, this adjustment is limited
2 to no more than the adjustment produced by the calculation
3 used to generate federal adjustments to the participation
4 requirement due to caseload decline.

5 ~~3.2.~~ When possible, a provider of vocational education
6 or training shall use funds provided by funding sources other
7 than the department or local WAGES coalition ~~the Department of~~
8 ~~Labor and Employment Security~~. Either department may provide
9 additional funds to a vocational education or training
10 provider only if payment is made pursuant to a
11 performance-based contract. Under a performance-based
12 contract, the provider may be partially paid when a
13 participant completes education or training, but the majority
14 of payment shall be made following the participant's
15 employment at a specific wage or job retention for a specific
16 duration. Performance-based payments made under this
17 subparagraph are limited to education or training for targeted
18 occupations identified by the Occupational Forecasting
19 Conference under s. 216.136, or other programs identified by
20 the Workforce Development Board ~~Enterprise Florida workforce~~
21 ~~development board~~ as beneficial to meet the needs of
22 designated groups, such as WAGES participants, who are hard to
23 place. If the contract pays the full cost of training, the
24 community college or school district may not report the
25 participants for other state funding, except that the college
26 or school district may report WAGES clients for performance
27 incentives or bonuses authorized for student enrollment,
28 completion, and placement.

29 (i) Education services related to employment for
30 participants 19 years of age or younger.--Education services
31 provided under this paragraph are designed to prepare a

1 participant for employment in an occupation. The department
2 ~~and the Department of Labor and Employment Security~~ shall
3 coordinate education services with the school-to-work
4 activities provided under s. 229.595. Activities provided
5 under this paragraph are restricted to participants 19 years
6 of age or younger who have not completed high school or
7 obtained a high school equivalency diploma.

8 (2) WORK ACTIVITY REQUIREMENTS.--Each individual adult
9 ~~participant~~ who is not otherwise exempt must participate in a
10 work activity, except for community service work experience,
11 for the maximum number of hours allowable under federal law
12 provided that no participant be required to work more than 40
13 hours per week or less than the minimum number of hours
14 required by federal law. The maximum number of hours each
15 month that a participant may be required to participate in
16 community service activities is the greater of: the number of
17 hours that would result from dividing the family's monthly
18 amount for temporary cash assistance and food stamps by the
19 federal minimum wage and then dividing that result by the
20 number of participants in the family who participate in
21 community service activities; or the minimum required to meet
22 federal participation requirements. However, in no case shall
23 the maximum hours required per week for community work
24 experience exceed 40 hours. An applicant shall be referred for
25 employment at the time of application if the applicant is
26 eligible to participate in the WAGES Program.

27 (a) A participant in a work activity may also be
28 required to enroll in and attend a course of instruction
29 designed to increase literacy skills to a level necessary for
30 obtaining or retaining employment, provided that the

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1 instruction plus the work activity does not require more than
2 40 hours per week.

3 (b) WAGES Program funds may be used, as available, to
4 support the efforts of a participant who meets the work
5 activity requirements and who wishes to enroll in or continue
6 enrollment in an adult general education program or a career
7 education program.

8 (4) PENALTIES FOR NONPARTICIPATION IN WORK
9 REQUIREMENTS.--~~The department and the Department of Labor and~~
10 ~~Employment Security~~ shall establish procedures for
11 administering penalties for nonparticipation in work
12 requirements. If an individual in a family receiving temporary
13 cash assistance fails to engage in work activities required in
14 accordance with this section, the following penalties shall
15 apply:

16 (a) First noncompliance: temporary cash assistance
17 shall be terminated for the family until the individual who
18 failed to comply does so, and food stamp benefits shall not be
19 increased as a result of the loss of temporary cash
20 assistance.

21 (b) Second noncompliance: temporary cash assistance
22 and food stamps shall be terminated for the family until the
23 individual demonstrates compliance in the required work
24 activity for a period of 30 days. Upon compliance, temporary
25 cash assistance and food stamps shall be reinstated to the
26 date of compliance. Prior to the imposition of sanctions for
27 a second noncompliance, the participant shall be interviewed
28 to determine why full compliance has not been achieved. The
29 participant shall be counseled regarding compliance and, if
30 appropriate, shall be referred for services that could assist
31 the participant to fully comply with program requirements.

1 (c) Third noncompliance: temporary cash assistance
2 and food stamps shall be terminated for the family for 3
3 months. The individual shall be required to demonstrate
4 compliance in the work activity upon completion of the 3-month
5 penalty period, before reinstatement of temporary cash
6 assistance and food stamps.

7
8 If a participant fully complies with work activity
9 requirements for at least 6 months, the participant shall be
10 reinstated as being in full compliance with program
11 requirements for purpose of sanctions imposed under this
12 section.

13 (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--The
14 situations listed in this subsection shall constitute
15 exceptions to the penalties for noncompliance with
16 participation requirements, except that these situations do
17 not constitute exceptions to the applicable time limit for
18 receipt of temporary cash assistance:

19 (a) Noncompliance related to child care.--Temporary
20 cash assistance may not be terminated for refusal to
21 participate in work activities if the individual is a single
22 custodial parent caring for a child who has not attained 6
23 years of age, and the adult proves to the department ~~or to the~~
24 ~~Department of Labor and Employment Security~~ an inability to
25 obtain needed child care for one or more of the following
26 reasons:

- 27 1. Unavailability of appropriate child care within a
28 reasonable distance from the individual's home or worksite.
29 2. Unavailability or unsuitability of informal child
30 care by a relative or under other arrangements.

31

1 3. Unavailability of appropriate and affordable formal
2 child care arrangements.

3 (b) Noncompliance related to domestic violence.--An
4 individual who is determined to be unable to comply with the
5 work requirements because such compliance would make it
6 probable that the individual would be unable to escape
7 domestic violence shall be exempt from work requirements
8 pursuant to s. 414.028(4)(g). However, the individual shall
9 comply with a plan that specifies alternative requirements
10 that prepare the individual for self-sufficiency while
11 providing for the safety of the individual and the
12 individual's dependents. An exception granted under this
13 paragraph does not constitute an exception to the time
14 limitations on benefits specified under s. 414.105.

15 (c) Noncompliance related to treatment or remediation
16 of past effects of domestic violence.--An individual who is
17 determined to be unable to comply with the work requirements
18 under this section due to mental or physical impairment
19 related to past incidents of domestic violence may be exempt
20 from work requirements for a specified period pursuant to s.
21 414.028(4)(g), except that such individual shall comply with a
22 plan that specifies alternative requirements that prepare the
23 individual for self-sufficiency while providing for the safety
24 of the individual and the individual's dependents. The plan
25 must include counseling or a course of treatment necessary for
26 the individual to resume participation. The need for treatment
27 and the expected duration of such treatment must be verified
28 by a physician licensed under chapter 458 or chapter 459; a
29 psychologist licensed under s. 490.005(1), s. 490.006, or the
30 provision identified as s. 490.013(2) in s. 1, chapter 81-235,
31 Laws of Florida; a therapist as defined in s. 491.003(2) or

1 (6); or a treatment professional who is registered under s.
2 415.605(1)(g), is authorized to maintain confidentiality under
3 s. 90.5036(1)(d), and has a minimum of 2 years experience at a
4 certified domestic violence center. An exception granted under
5 this paragraph does not constitute an exception from the time
6 limitations on benefits specified under s. 414.105.

7 (d) Noncompliance related to medical incapacity.--If
8 an individual cannot participate in assigned work activities
9 due to a medical incapacity, the individual may be excepted
10 from the activity for a specific period, except that the
11 individual shall be required to comply with the course of
12 treatment necessary for the individual to resume
13 participation. A participant may not be excused from work
14 activity requirements unless the participant's medical
15 incapacity is verified by a physician licensed under chapter
16 458 or chapter 459, in accordance with procedures established
17 by rule of the ~~department~~ Department of Labor and Employment
18 Security. An individual for whom there is medical verification
19 of limitation to participate in work activities shall be
20 assigned to work activities consistent with such limitations.
21 Evaluation of an individual's ability to participate in work
22 activities or development of a plan for work activity
23 assignment may include vocational assessment or work
24 evaluation. The department or a local WAGES coalition may
25 require an individual to cooperate in medical or vocational
26 assessment necessary to evaluate the individual's ability to
27 participate in a work activity.

28 (e) Noncompliance due to medical incapacity by
29 applicants for Supplemental Security Income (SSI).--An
30 individual subject to work activity requirements may be
31 exempted from those requirements if the individual provides

1 information verifying that he or she has filed an application
2 for SSI disability benefits and the decision is pending
3 development and evaluation under social security disability
4 law, rules, and regulations at the initial reconsideration,
5 administrative law judge, or SSA Appeals Council levels.

6 (f)~~(e)~~ Other good cause exceptions for
7 noncompliance.--Individuals who are temporarily unable to
8 participate due to circumstances beyond their control may be
9 excepted from the noncompliance penalties. The department
10 ~~Department of Labor and Employment Security~~ may define by rule
11 situations that would constitute good cause. These situations
12 must include caring for a disabled family member when the need
13 for the care has been verified and alternate care is not
14 available.

15 (9) PRIORITIZATION OF WORK REQUIREMENTS.--Local WAGES
16 coalitions ~~The Department of Labor and Employment Security~~
17 shall require participation in work activities to the maximum
18 extent possible, subject to federal and state funding. If
19 funds are projected to be insufficient to allow full-time work
20 activities by all program participants who are required to
21 participate in work activities, local WAGES coalitions ~~the~~
22 ~~Department of Labor and Employment Security~~ shall screen
23 participants and assign priority based on the following:

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

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

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

1 (d) Priority may be assigned based on the amount of
2 time remaining until the participant reaches the applicable
3 time limit for program participation or may be based on
4 requirements of a case plan.

5
6 Local WAGES coalitions ~~The Department of Labor and Employment~~
7 ~~Security~~ may limit a participant's weekly work requirement to
8 the minimum required to meet federal work activity
9 requirements in lieu of the level defined in subsection (2).
10 The department and local WAGES Coalitions ~~the Department of~~
11 ~~Labor and Employment Security~~ may develop screening and
12 prioritization procedures within service districts or within
13 counties based on the allocation of resources, the
14 availability of community resources, or the work activity
15 needs of the service district.

16 (10) USE OF CONTRACTS.--Local WAGES coalitions ~~The~~
17 ~~Department of Labor and Employment Security~~ shall provide work
18 activities, training, and other services, as appropriate,
19 through contracts. In contracting for work activities,
20 training, or services, the following applies:

21 (a) All education and training provided under the
22 WAGES Program shall be provided through agreements with
23 regional workforce development boards.

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

30 (c) A contract may include performance-based incentive
31 payments that may vary according to the extent to which the

1 participant is more difficult to place. Contract payments may
2 be weighted proportionally to reflect the extent to which the
3 participant has limitations associated with the long-term
4 receipt of welfare and difficulty in sustaining employment.
5 The factors may include the extent of prior receipt of
6 welfare, lack of employment experience, lack of education, and
7 ~~lack of job skills, and other factors determined appropriate~~
8 ~~by the Department of Labor and Employment Security.~~

9 (d) Notwithstanding the exemption from the competitive
10 sealed bid requirements provided in s. 287.057(3)(f) for
11 certain contractual services, each contract awarded under this
12 chapter must be awarded on the basis of a competitive sealed
13 bid, except for a contract with a governmental entity as
14 determined by the department ~~or the Department of Labor and~~
15 ~~Employment Security.~~

16 (e) Local WAGES coalitions ~~The department or the~~
17 ~~Department of Labor and Employment Security~~ may contract with
18 commercial, charitable, or religious organizations. A contract
19 must comply with federal requirements with respect to
20 nondiscrimination and other requirements that safeguard the
21 rights of participants. Services may be provided under
22 contract, certificate, voucher, or other form of disbursement.

23 (f) The administrative costs associated with a
24 contract for services provided under this section may not
25 exceed the applicable administrative cost ceiling established
26 in federal law. An agency or entity that is awarded a contract
27 under this section may not charge more than 7 percent of the
28 value of the contract for administration, unless an exception
29 is approved by the local WAGES coalition. A list of any
30 exceptions approved must be submitted to the WAGES Program
31 State Board of Directors for review, and the board may rescind

1 approval of the exception. The WAGES Program State Board of
2 Directors may also approve exceptions for any statewide
3 contract for services provided under this section.

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

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

13 (11) PROTECTIONS FOR PARTICIPANTS.--

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

19 ~~(b) The Department of Labor and Employment Security~~
20 ~~shall recommend to the Legislature by December 30, 1997,~~
21 ~~policies to protect participants from discrimination,~~
22 ~~unreasonable risk, and unreasonable expectations related to~~
23 ~~work experience and community service requirements.~~

24 Section 11. Subsection (4) is added to section
25 414.085, Florida Statutes, to read:

26 414.085 Income eligibility standards.--For purposes of
27 program simplification and effective program management,
28 certain income definitions, as outlined in the food stamp
29 regulations at 7 C.F.R. s. 273.9, shall be applied to the
30 WAGES Program as determined by the department to be consistent
31

1 with federal law regarding temporary cash assistance and
2 Medicaid for needy families, except as to the following:

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

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

10 414.095 Determining eligibility for the WAGES
11 Program.--

12 (15) PROHIBITIONS AND RESTRICTIONS.--

13 (b) Temporary cash assistance, without shelter
14 expense, may be available for a teen parent who is less than
15 19 years of age and for the child. Temporary cash assistance
16 may not be paid directly to the teen parent but must be paid,
17 on behalf of the teen parent and child, to an alternative
18 payee who is designated by the department. The alternative
19 payee may not use the temporary cash assistance for any
20 purpose other than paying for food, clothing, shelter, and
21 medical care for the teen parent and child and for other
22 necessities required to enable the teen parent to attend
23 school or a training program. In order for the child of the
24 teen parent and the teen parent to be eligible for temporary
25 cash assistance, the teen parent must:

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

29 2. Reside with a parent, legal guardian, or other
30 adult caretaker relative. The income and resources of the
31 parent shall be included in calculating the temporary cash

1 assistance available to the teen parent since the parent is
2 responsible for providing support and care for the child
3 living in the home.

4 3. Attend parenting and family classes that provide a
5 curriculum specified by the department, ~~the Department of~~
6 ~~Labor and Employment Security~~, or the Department of Health, as
7 available.

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

11 1. The teen parent has suffered or might suffer harm
12 in the home of the parent, legal guardian, or adult caretaker
13 relative.

14 2. The requirement is not in the best interest of the
15 teen parent or the child. If the department determines that it
16 is not in the best interest of the teen parent or child to
17 reside with a parent, legal guardian, or other adult caretaker
18 relative, the department shall provide or assist the teen
19 parent in finding a suitable home, a second-chance home, a
20 maternity home, or other appropriate adult-supervised
21 supportive living arrangement. Such living conditions may
22 include a shelter obligation in accordance with subsection
23 (11).

24
25 The department may not delay providing temporary cash
26 assistance to the teen parent through the alternative payee
27 designated by the department pending a determination as to
28 where the teen parent should live and sufficient time for the
29 move itself. A teen parent determined to need placement that
30 is unavailable shall continue to be eligible for temporary
31 cash assistance so long as the teen parent cooperates with the

1 department, the local WAGES coalition ~~Department of Labor and~~
2 ~~Employment Security~~, and the Department of Health. The teen
3 parent shall be provided with counseling to make the
4 transition from independence to supervised living and with a
5 choice of living arrangements.

6 Section 13. Subsections (2) and (3) of section
7 414.105, Florida Statutes, 1998 Supplement, are amended to
8 read:

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

16 (2) A participant who is not exempt from work activity
17 requirements may earn 1 month of eligibility for extended
18 temporary cash assistance, up to maximum of 12 additional
19 months, for each month in which the participant is fully
20 complying with the work activities of the WAGES Program
21 through subsidized or unsubsidized public or private sector
22 employment. The period for which extended temporary cash
23 assistance is granted shall be based upon compliance with
24 WAGES Program requirements beginning October 1, 1996. A
25 participant may not receive temporary cash assistance under
26 this subsection, in combination with other periods of
27 temporary cash assistance for longer than a lifetime limit of
28 48 months. Hardship exemptions to the time limitations of this
29 chapter shall be limited to ~~10 percent of participants in the~~
30 ~~first year of implementation of this chapter, 15 percent of~~
31 ~~participants in the second year of implementation of this~~

1 ~~chapter,~~ and 20 percent of participants in any given year ~~all~~
2 ~~subsequent years~~. Criteria for hardship exemptions include:

3 (a) Diligent participation in activities, combined
4 with inability to obtain employment.

5 (b) Diligent participation in activities, combined
6 with extraordinary barriers to employment, including the
7 conditions which may result in an exemption to work
8 requirements.

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

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

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

27

28 At the recommendation of the local WAGES coalition, temporary
29 cash assistance under a hardship exemption for a participant
30 who is eligible for work activities and who is not working

31

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

3 (3) In addition to the exemptions listed in subsection
4 (2), a victim of domestic violence may be granted a hardship
5 exemption if the effects of such domestic violence delay or
6 otherwise interrupt or adversely affect the individual's
7 participation in the program. Hardship exemptions granted
8 under this subsection shall not be subject to the percentage
9 limitations in subsection~~(2)~~~~(3)~~.

10 Section 14. Section 414.151, Florida Statutes, is
11 created to read:

12 414.151 Diversion program for victims of domestic
13 violence.--

14 (1) The diversion program for victims of domestic
15 violence is intended to provide services to assist victims of
16 domestic violence and their children in making the transition
17 to independence without payment of temporary cash assistance.
18 Services to be provided by the program may include:

19 (a) Assessment and case management.

20 (b) Access to domestic violence shelters.

21 (c) Intervention programs designed to address the
22 effects of domestic violence.

23 (d) Financial and employment counseling.

24 (e) Referral to other needed programs.

25 (f) Child care.

26 (g) Job placement and followup services.

27 (2) Notwithstanding the provisions of s. 414.15,
28 eligibility for the diversion program for victims of domestic
29 violence shall be based on the resources and assets directly
30 accessible by the custodial parent and children and shall not
31 include resources controlled by the noncustodial parent. The

1 department shall specify appropriate reporting concerning the
2 implementation of this program.

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

5 414.1525 WAGES early-exit incentive.--

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

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

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

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

17 (d) The individual provides employment and earnings
18 information necessary for the department to evaluate the
19 family's eligibility for transitional benefits.

20 (e) The individual signs an agreement not to apply for
21 or accept temporary cash assistance for the assistance group
22 for 6 months after receipt of the one-time payment. The
23 agreement shall provide for an exception in the event of an
24 emergency. If the individual or assistance group receives
25 temporary cash assistance within 6 months, the amount of the
26 one-time payment shall be deducted from the amount of the cash
27 assistance provided to the assistance group. This deduction
28 may be prorated over a 6-month period. The department shall
29 adopt rules defining the term "emergency" and prescribing the
30 circumstances under which exceptions may be granted.

31

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

8 Section 16. Subsections (2), (4), and (5) of section
9 414.155, Florida Statutes, 1998 Supplement, are amended to
10 read:

11 414.155 Relocation assistance program.--

12 (2) The relocation assistance program shall involve
13 five steps by the Department of Children and Family Services
14 or a local WAGES coalition ~~the Department of Labor and~~
15 ~~Employment Security:~~

16 (a) A determination that the family is a WAGES Program
17 participant or that all requirements of eligibility for the
18 WAGES Program would likely be met.

19 (b) A determination that there is a basis for
20 believing that relocation will contribute to the ability of
21 the applicant to achieve self-sufficiency. For example, the
22 applicant:

23 1. Is unlikely to achieve independence at the current
24 community of residence;

25 2. Has secured a job that requires relocation to
26 another community;

27 3. Has a family support network in another community;
28 or

29 4. Is determined, pursuant to criteria or procedures
30 established by the WAGES Program State Board of Directors, to
31

1 be a victim of domestic violence who would experience reduced
2 probability of further incidents through relocation.

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

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

20 (e) Monitoring the relocation.

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

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

1 Section 17. Section 414.20, Florida Statutes, 1998
2 Supplement, is amended to read:

3 414.20 Other support services.--Support services shall
4 be provided, if resources permit, to assist participants in
5 complying with work activity requirements outlined in s.
6 414.065. If resources do not permit the provision of needed
7 support services, the department and the local WAGES coalition
8 ~~Department of Labor and Employment Security~~ may prioritize or
9 otherwise limit provision of support services. This section
10 does not constitute an entitlement to support services. Lack
11 of provision of support services may be considered as a factor
12 in determining whether good cause exists for failing to comply
13 with work activity requirements but does not automatically
14 constitute good cause for failing to comply with work activity
15 requirements, and does not affect any applicable time limit on
16 the receipt of temporary cash assistance or the provision of
17 services under this chapter. Support services shall include,
18 but need not be limited to:

19 (1) TRANSPORTATION.--Transportation expenses may be
20 provided to any participant when the assistance is needed to
21 comply with work activity requirements or employment
22 requirements, including transportation to and from a child
23 care provider. Payment may be made in cash or tokens in
24 advance or through reimbursement paid against receipts or
25 invoices. Transportation services may include, but are not
26 limited to, cooperative arrangements with the following:
27 public transit providers; community transportation
28 coordinators designated under chapter 427; school districts;
29 churches and community centers; donated motor vehicle
30 programs, van pools, and ridesharing programs; small
31 enterprise developments and entrepreneurial programs that

1 encourage WAGES participants to become transportation
2 providers; public and private transportation partnerships; and
3 other innovative strategies to expand transportation options
4 available to program participants.

5 (a) Local WAGES coalitions are authorized to provide
6 payment for vehicle operational and repair expenses, including
7 repair expenditures necessary to make a vehicle functional;
8 vehicle registration fees; driver's license fees; and
9 liability insurance for the vehicle for a period of up to 6
10 months. Request for vehicle repairs must be accompanied by an
11 estimate of the cost prepared by a repair facility registered
12 under s. 559.904.

13 (b) Transportation disadvantaged funds as defined in
14 chapter 427 do not include WAGES support services funds or
15 funds appropriated to assist persons eligible under the Job
16 Training Partnership Act. It is the intent of the Legislature
17 that local WAGES coalitions and regional workforce development
18 boards consult with local community transportation
19 coordinators designated under chapter 427 regarding the
20 availability and cost of transportation services through the
21 coordinated transportation system prior to contracting for
22 comparable transportation services outside the coordinated
23 system.

24 (2) ANCILLARY EXPENSES.--Ancillary expenses such as
25 books, tools, clothing, fees, and costs necessary to comply
26 with work activity requirements or employment requirements may
27 be provided.

28 (3) MEDICAL SERVICES.--A family that meets the
29 eligibility requirements for Medicaid shall receive medical
30 services under the Medicaid program.

31

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

15 Section 18. Section 414.22, Florida Statutes, is
16 amended to read:

17 414.22 Transitional education and training.--In order
18 to assist current and former participants who are employed in
19 continuing their training and upgrading their skills,
20 education, or training, support services may be provided ~~to a~~
21 ~~participant~~ for up to 2 years after the participant is no
22 longer eligible to participate in the program. This section
23 does not constitute an entitlement to transitional education
24 and training. If funds are not sufficient to provide services
25 under this section, the WAGES Program State Board of Directors
26 ~~Department of Labor and Employment Security~~ may limit or
27 otherwise prioritize transitional education and training.

28 (1) Education or training resources available in the
29 community at no additional cost to the WAGES Program
30 ~~Department of Labor and Employment Security~~ shall be used
31 whenever possible.

1 (2) Local WAGES coalitions ~~the Department of Labor and~~
2 ~~Employment Security~~ may authorize child care or other support
3 services in addition to services provided in conjunction with
4 employment. For example, a participant who is employed full
5 time may receive subsidized child care related to that
6 employment and may also receive additional subsidized child
7 care in conjunction with training to upgrade the participant's
8 skills.

9 (3) Transitional education or training must be
10 job-related, but may include training to improve job skills in
11 a participant's existing area of employment or may include
12 training to prepare a participant for employment in another
13 occupation.

14 (4) A local WAGES coalition ~~The Department of Labor~~
15 ~~and Employment Security~~ may enter into an agreement with an
16 employer to share the costs relating to upgrading the skills
17 of participants hired by the employer. For example, local
18 WAGES coalitions ~~the department~~ may agree to provide support
19 services such as transportation or a wage subsidy in
20 conjunction with training opportunities provided by the
21 employer.

22 Section 19. Section 414.223, Florida Statutes, is
23 created to read:

24 414.223 Retention Incentive Training Accounts.--To
25 promote job retention and to enable upward job advancement
26 into higher skilled, higher paying employment, the WAGES
27 Program State Board of Directors, Workforce Development Board,
28 regional workforce development boards, and local WAGES
29 coalitions may jointly assemble, from post-secondary education
30 institutions, a list of courses for WAGES participants who
31

1 have become employed which promote job retention and
2 advancement.

3 (1) The WAGES Program State Board of Directors and the
4 Workforce Development Board may jointly establish Retention
5 Incentive Training Accounts (RITAs). RITAs shall utilize TANF
6 funds specifically appropriated for this purpose. RITAs must
7 be compatible with the Individual Training Account required by
8 the federal Workforce Investment Act of 1998, Pub. L. No.
9 105-220.

10 (2) RITAs may pay for tuition, fees, educational
11 materials, coaching and mentoring, performance incentives,
12 transportation to and from courses, childcare costs during
13 education courses, and other such costs as the regional
14 workforce development boards determine are necessary to effect
15 successful job retention and advancement.

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

19 (4) Regional workforce development boards shall report
20 annually to the Legislature on the measurable retention and
21 advancement success of each program provider and the
22 effectiveness of RITAs, making recommendations for any needed
23 changes or modifications.

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

29 Section 20. Section 414.225, Florida Statutes, 1998
30 Supplement, is amended to read:

31

1 414.225 Transitional transportation.--In order to
2 assist former WAGES participants in maintaining and sustaining
3 employment, transportation may be provided, if funds are
4 available, for up to 1 year after the participant is no longer
5 eligible to participate in the program due to earnings. This
6 does not constitute an entitlement to transitional
7 transportation. If funds are not sufficient to provide
8 services under this section, the department may limit or
9 otherwise prioritize transportation services.

10 (1) Transitional transportation must be job related.

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

15 Section 21. Section 414.23, Florida Statutes, is
16 amended to read:

17 414.23 Evaluation.--The department and the WAGES
18 Program State Board of Directors ~~Department of Labor and~~
19 ~~Employment Security~~ shall arrange for evaluation of programs
20 operated under this chapter, as follows:

21 (1) If required by federal waivers or other federal
22 requirements, the department and the WAGES Program State Board
23 of Directors ~~Department of Labor and Employment Security~~ may
24 provide for evaluation according to these requirements.

25 (2) The department and the WAGES Program State Board
26 of Directors ~~Department of Labor and Employment Security~~ shall
27 participate in the evaluation of this program in conjunction
28 with evaluation of the state's workforce development programs
29 or similar activities aimed at evaluating program outcomes,
30 cost-effectiveness, or return on investment, and the impact of
31 time limits, sanctions, and other welfare reform measures set

1 out in this chapter. Evaluation shall also contain information
2 on the number of participants in work experience assignments
3 who obtain unsubsidized employment, including, but not limited
4 to, the length of time the unsubsidized job is retained,
5 wages, and the public benefits, if any, received by such
6 families while in unsubsidized employment. The evaluation
7 shall solicit the input of consumers, community-based
8 organizations, service providers, employers, and the general
9 public, and shall publicize, especially in low-income
10 communities, the process for submitting comments.

11 (3) The department and the WAGES Program State Board
12 of Directors ~~Department of Labor and Employment Security~~ may
13 share information with and develop protocols for information
14 exchange with the Florida Education and Training Placement
15 Information Program.

16 (4) The department and the WAGES Program State Board
17 of Directors ~~Department of Labor and Employment Security~~ may
18 initiate or participate in additional evaluation or assessment
19 activities that will further the systematic study of issues
20 related to program goals and outcomes.

21 (5) In providing for evaluation activities, the
22 department and the WAGES Program State Board of Directors
23 ~~Department of Labor and Employment Security~~ shall safeguard
24 the use or disclosure of information obtained from program
25 participants consistent with federal or state requirements.
26 The department and the WAGES Program State Board of Directors
27 ~~Department of Labor and Employment Security~~ may use evaluation
28 methodologies that are appropriate for evaluation of program
29 activities, including random assignment of recipients or
30 participants into program groups or control groups. To the
31 extent necessary or appropriate, evaluation data shall provide

1 information with respect to the state, district, or county, or
2 other substate area.

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

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

9 Section 22. Section 414.37, Florida Statutes, is
10 amended to read:

11 414.37 Public assistance overpayment recovery
12 privatization; reemployment of laid-off career service
13 employees.--Should career service employees of the Department
14 of Children and Family Services be subject to layoff after
15 July 1, 1995, due to the privatization of public assistance
16 overpayment recovery functions, the privatization contract
17 shall require the contracting firm to give priority
18 consideration to employment of such employees. In addition, a
19 task force composed of representatives from the Department of
20 Children and Family Services, ~~the Department of Labor and~~
21 ~~Employment Security~~, and the Department of Management Services
22 shall be established to provide reemployment assistance to
23 such employees.

24 Section 23. Section 414.44, Florida Statutes, is
25 amended to read:

26 414.44 Data collection and reporting.--The department
27 and the WAGES Program State Board of Directors ~~Department of~~
28 ~~Labor and Employment Security~~ shall collect data necessary to
29 administer this chapter and make the reports required under
30 federal law to the United States Department of Health and
31

1 Human Services and the United States Department of
2 Agriculture.

3 Section 24. Section 414.45, Florida Statutes, 1998
4 Supplement, is amended to read:

5 414.45 Rulemaking.--The department has authority to
6 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
7 and enforce the provisions of this chapter. ~~The Department of~~
8 ~~Labor and Employment Security may adopt rules pursuant to ss.~~
9 ~~120.536(1) and 120.54, to implement and enforce the provisions~~
10 ~~of this chapter.~~The rules must provide protection against
11 discrimination and the opportunity for a participant to
12 request a review by a supervisor or administrator of any
13 decision made by a panel or board of the department, ~~the~~
14 ~~Department of Labor and Employment Security,~~ or the WAGES
15 Program.

16 Section 25. Subsections (1), (2), and (3) of section
17 414.70, Florida Statutes, 1998 Supplement, are amended to
18 read:

19 414.70 Drug-testing and drug-screening program;
20 procedures.--

21 (1) DEMONSTRATION PROJECT.--The Department of Children
22 and Family Services, in consultation with local WAGES
23 coalitions 3 and 8, shall develop and, as soon as possible
24 after January 1, 1999, implement a demonstration project in
25 WAGES regions 3 and 8 to screen each applicant and test
26 applicants for temporary cash assistance provided under this
27 chapter, who the department has reasonable cause to believe,
28 based on the screening, engage in illegal use of controlled
29 substances. Unless reauthorized by the Legislature, this
30 demonstration project expires June 30, 2001. As used in this
31 act, the term "applicant" means an individual who first

1 applies for assistance or services under the WAGES Program.
2 Screening and testing for the illegal use of controlled
3 substances is not required if the individual reapplies during
4 any continuous period in which the individual receives
5 assistance or services. However, an individual may volunteer
6 for drug testing and treatment if funding is available.

7 (a) Applicants subject to the requirements of this
8 section include any parent or caretaker relative who is
9 included in the cash assistance group, including individuals
10 who may be exempt from work activity requirements due to the
11 age of the youngest child or who may be exempt from the work
12 activity requirement pursuant to s. 414.065(7).

13 (b) Applicants not subject to the requirements of this
14 section include:

15 1. Applicants for food stamps or Medicaid who are not
16 applying for cash assistance;

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

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

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

25 (a) Provide notice of drug screening and the potential
26 for possible drug testing to each applicant at the time of
27 application. The notice must advise the applicant that drug
28 screening and possibly drug testing will be conducted as a
29 condition for receiving temporary assistance or services under
30 this chapter, and shall specify the assistance or services
31 that are subject to this requirement. The notice must also

1 advise the applicant that a prospective employer may require
2 the applicant to submit to a preemployment drug test. The
3 applicant shall be advised that the required drug screening
4 and possible drug testing may be avoided if the applicant does
5 not apply for or receive assistance or services. The
6 drug-screening and drug-testing program is not applicable in
7 child-only cases.

8 (b) Develop a procedure for drug screening and
9 conducting drug testing of applicants for temporary assistance
10 or services under the WAGES Program. For two-parent families,
11 both parents must comply with the drug screening and testing
12 requirements of this section.

13 (c) Provide a procedure to advise each person to be
14 tested, before the test is conducted, that he or she may, but
15 is not required to, advise the agent administering the test of
16 any prescription or over-the-counter medication he or she is
17 taking.

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

21 (e) Provide a procedure to assure each person being
22 tested a reasonable degree of dignity while producing and
23 submitting a sample for drug testing, consistent with the
24 state's need to ensure the reliability of the sample.

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

28 (g) Provide a procedure for appealing the results of a
29 drug test by a person who fails a test and for advising the
30 appellant that he or she may, but is not required to, advise
31

1 appropriate staff of any prescription or over-the-counter
2 medication he or she has been taking.

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

6 (3) CHILDREN.--

7 (a) If a parent is deemed ineligible for cash
8 assistance due to refusal or failure to comply with provisions
9 of this section ~~the failure of a drug test under this act~~, his
10 or her dependent child's eligibility for cash assistance is
11 not affected. A parent who is ineligible for cash assistance
12 due to refusal or failure to comply with provisions of this
13 section shall be subject to the work activity requirements of
14 s. 414.065, and shall be subject to penalties under s.
15 414.065(4), upon failure to comply with these requirements.

16 (b) If a parent is deemed ineligible for cash
17 assistance due to the failure of a drug test, an appropriate
18 protective payee will be established for the benefit of the
19 child.

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

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

25 288.063 Contracts for transportation projects.--

26 (10) The Office of Tourism, Trade, and Economic
27 Development is authorized to make, and based on
28 recommendations from Enterprise Florida, Inc., to approve,
29 expenditures and enter into contracts with the appropriate
30 governmental body for direct costs of transportation projects
31 for new and expanding businesses which employ WAGES

1 participants. The Office of Tourism, Trade, and Economic
2 Development shall develop by July 30, 1999, an expedited
3 process for the award of these projects. Approved projects
4 must utilize such funds as the Legislature specifically
5 appropriates for transportation projects related to WAGES
6 employment. Transportation projects shall involve magnet
7 employers who individually or collectively will employ 3,000
8 individuals, or 300 employees in rural counties. Funds
9 provided under this subsection for a single transportation
10 infrastructure project shall not exceed \$5,000 for each new
11 WAGES job created within 12 months of completion of such
12 project, and \$2,500 for each new WAGES job created within the
13 following 2 years.

14 Section 27. Paragraph (m) is added to subsection (2)
15 of section 250.10, Florida Statutes, 1998 Supplement, to read:

16 250.10 Appointment and duties of the Adjutant
17 General.--

18 (2) The Adjutant General of the state shall be the
19 Chief of the Department of Military Affairs. He or she shall:

20 (m) Subject to annual appropriations, administer youth
21 About Face programs and adult Forward March programs at sites
22 to be selected by the Adjutant General.

23 1. About Face shall establish a summer and a
24 year-round afterschool life-preparation program for
25 economically disadvantaged and at-risk youths from 13 through
26 17 years of age. Both programs must provide schoolwork
27 assistance, focusing on the skills needed to pass the high
28 school competency test, and also focus on functional life
29 skills, including teaching students to work effectively in
30 groups; providing basic instruction in computer skills;
31 teaching basic problem solving, decisionmaking, and reasoning

1 skills; teaching how the business world and free enterprise
2 work through computer simulations; and teaching home finance
3 and budgeting and other daily living skills. In the
4 afterschool program, students must train in academic study
5 skills, and the basic skills that businesses require for
6 employment consideration.

7 2. The Adjutant General shall provide job-readiness
8 services in the Forward March program for WAGES program
9 participants who are directed to Forward March by local WAGES
10 coalitions. The Forward March program shall provide training
11 on topics that directly relate to the skills required for
12 real-world success. The program shall emphasize functional
13 life skills, computer literacy, interpersonal relationships,
14 critical-thinking skills, business skills, preemployment and
15 work maturity skills, job-search skills, exploring careers
16 activities, how to be a successful and effective employee, and
17 some job-specific skills. The program also shall provide
18 extensive opportunities for participants to practice generic
19 job skills in a supervised work setting. Upon completion of
20 the program, Forward March shall return participants to the
21 local WAGES coalition for placement in a job-placement pool.

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

29 Section 29. Subsection (2) of section 414.085, Florida
30 Statutes, is amended to read:

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1 414.085 Income eligibility standards.--For purposes of
2 program simplification and effective program management,
3 certain income definitions, as outlined in the food stamp
4 regulations at 7 C.F.R. s. 273.9, shall be applied to the
5 WAGES Program as determined by the department to be consistent
6 with federal law regarding temporary cash assistance and
7 Medicaid for needy families, except as to the following:

8 (2) Income security payments, including payments
9 funded under part B of Title IV of the Social Security Act, as
10 amended; supplemental security income under Title XVI of the
11 Social Security Act, as amended; or other income security
12 payments as defined by federal law shall be excluded ~~included~~
13 as income unless to the extent required to be included ~~or~~
14 ~~permitted~~ by federal law.

15 Section 30. Section 414.25, Florida Statutes, as
16 amended by section 15 of chapter 98-57, Laws of Florida, and
17 sections 414.43 and 414.55, Florida Statutes, are repealed.

18 Section 31. If the Governor elects to exercise the
19 emergency powers provided in section 414.030, Florida
20 Statutes, the process established in section 216.181, Florida
21 Statutes, must be followed.

22 Section 32. Unless otherwise specified in this act,
23 this act shall take effect July 1, 1999.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 256
4 Changes the organizational placement for financial
5 administration of funding for Local WAGES Coalitions from the
6 Department of Children and Family Services to the Office of
7 Tourism, Trade and Economic Development in the Executive
8 Office of the Governor.
9 Limits waiver of certain economic development incentives to
10 prevent excessive reduction of revenue.
11 Provides that local WAGES Coalitions may exceed the current
12 statutory limitation of 20 percent of participants in
13 full-time education programs, if the coalition continues to
14 meet federal work participation requirements.
15 Provides that applicants for Supplemental Security Income
16 maybe exempt from the work activity requirements if certain
17 information is provided to verify that an application for SSI
18 disability benefits has been filed and a decision is pending.
19 Provides that the Adjutant General shall administer youth
20 About Face programs and adult Forward March programs that
21 provide life preparation and job readiness services to WAGES
22 participants at sites selected by the Adjutant General,
23 subject to annual appropriations.
24 Provides that income security payments are excluded as income
25 unless required to be included for eligibility determination
26 under the WAGES program.
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