

1 A bill to be entitled
 2 An act relating to workforce services; amending s.
 3 445.009, F.S.; revising requirements for the one-stop
 4 delivery system of employment services; deleting a
 5 requirement that regional workforce boards enter into
 6 memoranda of understanding with the Agency for Workforce
 7 Innovation for the delivery of certain services; deleting
 8 a requirement that the agency have authority to direct the
 9 staff of the workforce system; deleting authority of the
 10 agency over personnel matters; amending s. 445.024, F.S.;
 11 revising definitions of work activities to conform to
 12 federal law and regulations governing work requirements
 13 for participants in the temporary cash assistance program;
 14 revising work activity requirements and exemptions from
 15 such requirements; revising certain requirements for and
 16 duties of regional workforce boards with respect to work
 17 requirements for program participants; amending s.
 18 445.032, F.S.; clarifying circumstances under which
 19 transitional child care is available to former
 20 participants in the welfare transition program and certain
 21 other individuals; amending s. 402.305, F.S.; correcting
 22 cross-references; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Subsection (3) of section 445.009, Florida
 27 Statutes, is amended to read:

28 445.009 One-stop delivery system.--

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29 ~~(3) Beginning October 1, 2000, regional workforce boards~~
30 ~~shall enter into a memorandum of understanding with the Agency~~
31 ~~for Workforce Innovation for the delivery of employment services~~
32 ~~authorized by the federal Wagner Peyser Act. This memorandum of~~
33 ~~understanding must be performance based.~~

34 (a) Employment services funded by the federal Wagner-
35 Peyser Act must be provided by the one-stop delivery system
36 under the guidance of the one-stop delivery system operators.
37 Unless otherwise required by federal law, at least 90 percent of
38 the Wagner-Peyser funding must go into direct customer service
39 costs.

40 (b) Employment services must be provided through the one-
41 stop delivery system, under the guidance of one-stop delivery
42 system operators. ~~One stop delivery system operators shall have~~
43 ~~overall authority for directing the staff of the workforce~~
44 ~~system. Personnel matters shall remain under the ultimate~~
45 ~~authority of the Agency for Workforce Innovation. However, the~~
46 ~~one stop delivery system operator shall submit to the agency~~
47 ~~information concerning the job performance of agency employees~~
48 ~~who deliver employment services. The agency shall consider any~~
49 ~~such information submitted by the one stop delivery system~~
50 ~~operator in conducting performance appraisals of the employees.~~

51 ~~(c) The agency shall retain fiscal responsibility and~~
52 ~~accountability for the administration of funds allocated to the~~
53 ~~state under the Wagner Peyser Act. An agency employee who is~~
54 ~~providing services authorized under the Wagner Peyser Act shall~~
55 ~~be paid using Wagner Peyser Act funds.~~

56 Section 2. Subsections (1) through (4) of section 445.024,
 57 Florida Statutes, are amended to read:

58 445.024 Work requirements.--

59 (1) WORK ACTIVITIES.--The Agency for Workforce Innovation
 60 may develop activities under each of the following categories of
 61 work activities. The following categories of work activities,
 62 based on federal law and regulations, may be used individually
 63 or in combination to satisfy the work requirements for a
 64 participant in the temporary cash assistance program:

- 65 (a) Unsubsidized employment.
- 66 (b) Subsidized private sector employment.
- 67 (c) Subsidized public sector employment.
- 68 (d) On-the-job training.
- 69 (e) Community service programs.
- 70 (f) Work experience.
- 71 (g) Job search and job readiness assistance.
- 72 (h) Vocational educational training.
- 73 (i) Job skills training directly related to employment.
- 74 (j) Education directly related to employment.
- 75 (k) Satisfactory attendance at a secondary school or in a
 76 course of study leading to a graduate equivalency diploma.
- 77 (l) Providing child care services.

78 ~~(a) Unsubsidized employment. Unsubsidized employment is~~
 79 ~~full-time employment or part-time employment that is not~~
 80 ~~directly supplemented by federal or state funds. Paid~~
 81 ~~apprenticeship and cooperative education activities are included~~
 82 ~~in this activity.~~

83 ~~(b) Subsidized private sector employment. Subsidized~~
84 ~~private sector employment is employment in a private for-profit~~
85 ~~enterprise or a private not-for-profit enterprise which is~~
86 ~~directly supplemented by federal or state funds. A subsidy may~~
87 ~~be provided in one or more of the forms listed in this~~
88 ~~paragraph.~~

89 ~~1. Work supplementation. A work supplementation subsidy~~
90 ~~diverts a participant's temporary cash assistance under the~~
91 ~~program to the employer. The employer must pay the participant~~
92 ~~wages that equal or exceed the applicable federal minimum wage.~~
93 ~~Work supplementation may not exceed 6 months. At the end of the~~
94 ~~supplementation period, the employer is expected to retain the~~
95 ~~participant as a regular employee without receiving a subsidy. A~~
96 ~~work supplementation agreement may not be continued with any~~
97 ~~employer who exhibits a pattern of failing to provide~~
98 ~~participants with continued employment after the period of work~~
99 ~~supplementation ends.~~

100 ~~2. On the job training. On the job training is full-time,~~
101 ~~paid employment in which the employer or an educational~~
102 ~~institution, in cooperation with the employer, provides training~~
103 ~~needed for the participant to perform the skills required for~~
104 ~~the position. The employer or the educational institution on~~
105 ~~behalf of the employer receives a subsidy to offset the cost of~~
106 ~~the training provided to the participant. Upon satisfactory~~
107 ~~completion of the training, the employer is expected to retain~~
108 ~~the participant as a regular employee without receiving a~~
109 ~~subsidy. An on-the-job training agreement may not be continued~~
110 ~~with any employer who exhibits a pattern of failing to provide~~

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111 ~~participants with continued employment after the on the job~~
112 ~~training subsidy ends.~~

113 ~~3. Incentive payments. Regional workforce boards may~~
114 ~~provide additional incentive payments to encourage employers to~~
115 ~~employ program participants. Incentive payments may include~~
116 ~~payments to encourage the employment of hard to place~~
117 ~~participants, in which case the amount of the payment shall be~~
118 ~~weighted proportionally to the extent to which the participant~~
119 ~~has limitations associated with the long term receipt of welfare~~
120 ~~and difficulty in sustaining employment. Incentive payments may~~
121 ~~also include payments to encourage employers to provide health~~
122 ~~care insurance benefits to current or former program~~
123 ~~participants. In establishing incentive payments, regional~~
124 ~~workforce boards shall consider the extent of prior receipt of~~
125 ~~welfare, lack of employment experience, lack of education, lack~~
126 ~~of job skills, and other appropriate factors. A participant who~~
127 ~~has complied with program requirements and who is approaching~~
128 ~~the time limit for receiving temporary cash assistance may be~~
129 ~~defined as "hard to place." Incentive payments may include~~
130 ~~payments in which an initial payment is made to the employer~~
131 ~~upon the employment of a participant, and the majority of the~~
132 ~~incentive payment is made after the employer retains the~~
133 ~~participant as a full time employee for at least 12 months. An~~
134 ~~incentive agreement may not be continued with any employer who~~
135 ~~exhibits a pattern of failing to provide participants with~~
136 ~~continued employment after the incentive payments cease.~~

137 ~~4. Tax credits. An employer who employs a program~~
138 ~~participant may qualify for enterprise zone property tax credits~~

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139 ~~under s. 220.182, the tax refund program for qualified target~~
140 ~~industry businesses under s. 288.106, or other federal or state~~
141 ~~tax benefits. The regional workforce board shall provide~~
142 ~~information and assistance, as appropriate, to use such credits~~
143 ~~to accomplish program goals.~~

144 ~~5. Training bonus. An employer who hires a participant in~~
145 ~~the welfare transition program and pays the participant a wage~~
146 ~~that precludes the participant's eligibility for temporary cash~~
147 ~~assistance may receive \$250 for each full month of employment~~
148 ~~for a period that may not exceed 3 months. An employer who~~
149 ~~receives a training bonus for an employee may not receive a work~~
150 ~~supplementation subsidy for the same employee. "Employment" is~~
151 ~~defined as 35 hours per week at a wage of no less than minimum~~
152 ~~wage.~~

153 ~~(c) Subsidized public sector employment. Subsidized~~
154 ~~public sector employment is employment by an agency of the~~
155 ~~federal, state, or local government which is directly~~
156 ~~supplemented by federal or state funds. The applicable subsidies~~
157 ~~provided under paragraph (b) may be used to subsidize employment~~
158 ~~in the public sector, except that priority for subsidized~~
159 ~~employment shall be employment in the private sector. Public~~
160 ~~sector employment is distinguished from work experience in that~~
161 ~~the participant is paid wages and receives the same benefits as~~
162 ~~a nonsubsidized employee who performs similar work. Work study~~
163 ~~activities administered by educational institutions are included~~
164 ~~in this activity.~~

165 ~~(d) Community service work experience. Community service~~
166 ~~work experience is job training experience at a supervised~~

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167 ~~public or private not for profit agency. A participant shall~~
168 ~~receive temporary cash assistance in the form of wages, which,~~
169 ~~when combined with the value of food stamps awarded to the~~
170 ~~participant, is proportional to the amount of time worked. A~~
171 ~~participant in the welfare transition program or the Food Stamp~~
172 ~~Employment and Training program assigned to community service~~
173 ~~work experience shall be deemed an employee of the state for~~
174 ~~purposes of workers' compensation coverage and is subject to the~~
175 ~~requirements of the drug free workplace program. Community~~
176 ~~service work experience may be selected as an activity for a~~
177 ~~participant who needs to increase employability by improving his~~
178 ~~or her interpersonal skills, job retention skills, stress~~
179 ~~management, and job problem solving, and by learning to attain a~~
180 ~~balance between job and personal responsibilities. Community~~
181 ~~service is intended to:~~

182 ~~1. Assess compliance with requirements of the welfare~~
183 ~~transition program before referral of the participant to costly~~
184 ~~services such as career education;~~

185 ~~2. Maintain work activity status while the participant~~
186 ~~awaits placement into paid employment or training;~~

187 ~~3. Fulfill a clinical practicum or internship requirement~~
188 ~~related to employment; or~~

189 ~~4. Provide work based mentoring.~~

190

191 ~~As used in this paragraph, the terms "community service~~
192 ~~experience," "community work," and "workfare" are synonymous.~~

193 ~~(c) Work experience. Work experience is an appropriate~~
194 ~~work activity for participants who lack preparation for or~~

195 ~~experience in the workforce. It must combine a job training~~
196 ~~activity in a public or private not-for-profit agency with~~
197 ~~education and training related to an employment goal. To qualify~~
198 ~~as a work activity, work experience must include education and~~
199 ~~training in addition to the time required by the work activity,~~
200 ~~and the work activity must be intensively supervised and~~
201 ~~structured. Regional workforce boards shall contract for any~~
202 ~~services provided for clients who are assigned to this activity~~
203 ~~and shall require performance benchmarks, goals, outcomes, and~~
204 ~~time limits designed to assure that the participant moves toward~~
205 ~~full-time paid employment. A participant shall receive temporary~~
206 ~~cash assistance proportional to the time worked. A participant~~
207 ~~assigned to work experience is an employee of the state for~~
208 ~~purposes of workers' compensation coverage and is subject to the~~
209 ~~requirements of the drug-free workplace program.~~

210 ~~(f) Job search and job readiness assistance. Job search~~
211 ~~assistance may include supervised or unsupervised job seeking~~
212 ~~activities. Job readiness assistance provides support for job-~~
213 ~~seeking activities, which may include:~~

214 ~~1. Orientation to the world of work and basic job seeking~~
215 ~~and job retention skills.~~

216 ~~2. Instruction in completing an application for employment~~
217 ~~and writing a resume.~~

218 ~~3. Instruction in conducting oneself during a job~~
219 ~~interview, including appropriate dress.~~

220 ~~4. Instruction in how to retain a job, plan a career, and~~
221 ~~perform successfully in the workplace.~~

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223 ~~Job readiness assistance may also include providing a~~
224 ~~participant with access to an employment resource center that~~
225 ~~contains job listings, telephones, facsimile machines,~~
226 ~~typewriters, and word processors. Job search and job readiness~~
227 ~~activities may be used in conjunction with other program~~
228 ~~activities, such as work experience, but may not be the primary~~
229 ~~work activity for longer than the length of time permitted under~~
230 ~~federal law.~~

231 ~~(g) Career education or training. Career education or~~
232 ~~training is education or training designed to provide~~
233 ~~participants with the skills and certification necessary for~~
234 ~~employment in an occupational area. Career education or training~~
235 ~~may be used as a primary program activity for participants when~~
236 ~~it has been determined that the individual has demonstrated~~
237 ~~compliance with other phases of program participation and~~
238 ~~successful completion of the career education or training is~~
239 ~~likely to result in employment entry at a higher wage than the~~
240 ~~participant would have been likely to attain without completion~~
241 ~~of the career education or training. Career education or~~
242 ~~training may be combined with other program activities and also~~
243 ~~may be used to upgrade skills or prepare for a higher paying~~
244 ~~occupational area for a participant who is employed.~~

245 ~~1. Unless otherwise provided in this section, career~~
246 ~~education shall not be used as the primary program activity for~~
247 ~~a period which exceeds 12 months. The 12 month restriction~~
248 ~~applies to instruction in a career education program and does~~
249 ~~not include remediation of basic skills, including English~~
250 ~~language proficiency, if remediation is necessary to enable a~~

251 ~~participant to benefit from a career education program. Any~~
252 ~~necessary remediation must be completed before a participant is~~
253 ~~referred to career education as the primary work activity. In~~
254 ~~addition, use of career education or training shall be~~
255 ~~restricted to the limitation established in federal law. Career~~
256 ~~education included in a program leading to a high school diploma~~
257 ~~shall not be considered career education for purposes of this~~
258 ~~section.~~

259 ~~2. When possible, a provider of career education or~~
260 ~~training shall use funds provided by funding sources other than~~
261 ~~the regional workforce board. The regional workforce board may~~
262 ~~provide additional funds to a career education or training~~
263 ~~provider only if payment is made pursuant to a performance-based~~
264 ~~contract. Under a performance based contract, the provider may~~
265 ~~be partially paid when a participant completes education or~~
266 ~~training, but the majority of payment shall be made following~~
267 ~~the participant's employment at a specific wage or job retention~~
268 ~~for a specific duration. Performance based payments made under~~
269 ~~this subparagraph are limited to education or training for~~
270 ~~targeted occupations identified by the Workforce Estimating~~
271 ~~Conference under s. 216.136, or other programs identified by~~
272 ~~Workforce Florida, Inc., as beneficial to meet the needs of~~
273 ~~designated groups who are hard to place. If the contract pays~~
274 ~~the full cost of training, the community college or school~~
275 ~~district may not report the participants for other state~~
276 ~~funding.~~

277 ~~(h) Job skills training. Job skills training includes~~
278 ~~customized training designed to meet the needs of a specific~~

279 ~~employer or a specific industry. Job skills training shall~~
 280 ~~include literacy instruction, and may include English~~
 281 ~~proficiency instruction or Spanish language or other language~~
 282 ~~instruction if necessary to enable a participant to perform in a~~
 283 ~~specific job or job training program or if the training enhances~~
 284 ~~employment opportunities in the local community. A participant~~
 285 ~~may be required to complete an entrance assessment or test~~
 286 ~~before entering into job skills training.~~

287 ~~(i) Education services related to employment for~~
 288 ~~participants 19 years of age or younger. Education services~~
 289 ~~provided under this paragraph are designed to prepare a~~
 290 ~~participant for employment in an occupation. The agency shall~~
 291 ~~coordinate education services with the school-to-work activities~~
 292 ~~provided under s. 1006.02. Activities provided under this~~
 293 ~~paragraph are restricted to participants 19 years of age or~~
 294 ~~younger who have not completed high school or obtained a high~~
 295 ~~school equivalency diploma.~~

296 ~~(j) School attendance. Attendance at a high school or~~
 297 ~~attendance at a program designed to prepare the participant to~~
 298 ~~receive a high school equivalency diploma is a required program~~
 299 ~~activity for each participant 19 years of age or younger who:~~

- 300 ~~1. Has not completed high school or obtained a high school~~
- 301 ~~equivalency diploma;~~
- 302 ~~2. Is a dependent child or a head of household; and~~
- 303 ~~3. For whom it has not been determined that another~~
- 304 ~~program activity is more appropriate.~~

305 ~~(k) Teen parent services. Participation in medical,~~
 306 ~~educational, counseling, and other services that are part of a~~

307 ~~comprehensive program is a required activity for each teen~~
 308 ~~parent who participates in the welfare transition program.~~

309 ~~(l) Extended education and training. Notwithstanding any~~
 310 ~~other provisions of this section to the contrary, the board of~~
 311 ~~directors of Workforce Florida, Inc., may approve a plan by a~~
 312 ~~regional workforce board for assigning, as work requirements,~~
 313 ~~educational activities that exceed or are not included in those~~
 314 ~~provided elsewhere in this section and that do not comply with~~
 315 ~~federal work participation requirement limitations. In order to~~
 316 ~~be eligible to implement this provision, a regional workforce~~
 317 ~~board must continue to exceed the overall federal work~~
 318 ~~participation rate requirements. For purposes of this paragraph,~~
 319 ~~the board of directors of Workforce Florida, Inc., may adjust~~
 320 ~~the regional participation requirement based on regional~~
 321 ~~easeload decline. However, this adjustment is limited to no more~~
 322 ~~than the adjustment produced by the calculation used to generate~~
 323 ~~federal adjustments to the participation requirement due to~~
 324 ~~easeload decline.~~

325 ~~(m) GED preparation and literacy education. Satisfactory~~
 326 ~~attendance at secondary school or in a course of study leading~~
 327 ~~to a graduate equivalency diploma, if a participant has not~~
 328 ~~completed secondary school or received such a diploma. English~~
 329 ~~language proficiency training may be included as a part of the~~
 330 ~~education if it is deemed the individual requires such training~~
 331 ~~to complete secondary school or to attain a graduate equivalency~~
 332 ~~diploma. To calculate countable hours attributable to education,~~
 333 ~~a participant may earn study credits equal to the number of~~
 334 ~~actual hours spent in formal training per week, but the total~~

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335 ~~number of hours earned for actual hours spent in formal training~~
336 ~~and studying may not exceed a one to one and one half ratio for~~
337 ~~the week. Countable hours are subject to the restrictions~~
338 ~~contained in 45 C.F.R. s. 261.31.~~

339 ~~(n) Providing child care services. Providing child care~~
340 ~~services to an individual who is participating in a community~~
341 ~~service program pursuant to this section.~~

342 (2) WORK ACTIVITY REQUIREMENTS.--Each individual who is
343 not otherwise exempt from work activity requirements must
344 participate in a work activity, ~~except for community service~~
345 ~~work experience~~, for the maximum number of hours allowable under
346 federal law; however, a, provided that no participant may not be
347 required to work more than 40 hours per week ~~or less than the~~
348 ~~minimum number of hours required by federal law.~~ The maximum
349 number of hours each month that a family participant may be
350 required to participate in community service or work experience
351 programs activities is the ~~greater of:~~ the number of hours that
352 would result from dividing the family's monthly amount for
353 temporary cash assistance and food stamps by the applicable
354 federal minimum wage ~~and then dividing that result by the number~~
355 ~~of participants in the family who participate in community~~
356 ~~service activities, or the minimum required to meet federal~~
357 ~~participation requirements.~~ However, ~~in no case shall the~~
358 maximum hours required per week for community service or work
359 experience may not exceed 40 hours. ~~An applicant shall be~~
360 ~~referred for employment at the time of application if the~~
361 ~~applicant is eligible to participate in the welfare transition~~
362 ~~program.~~

363 (a) A participant in a work activity may also be required
 364 to enroll in and attend a course of instruction designed to
 365 increase literacy skills to a level necessary for obtaining or
 366 retaining employment ~~if, provided that~~ the instruction plus the
 367 work activity does not require more than 40 hours per week.

368 (b) Program funds may be used, as available, to support
 369 the efforts of a participant who meets the work activity
 370 requirements and who wishes to enroll in or continue enrollment
 371 in an adult general education program or other training programs
 372 ~~a career education program.~~

373 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
 374 following individuals are exempt from work activity
 375 requirements:

376 ~~(a) A minor child under 16 years of age.~~

377 ~~(a)(b)~~ (a) An individual who receives benefits under the
 378 Supplemental Security Income program or the Social Security
 379 Disability Insurance program.

380 ~~(b)(e)~~ (b) An adult ~~Adults~~ who is ~~are~~ not defined as a work-
 381 eligible individual under federal law ~~included in the~~
 382 ~~calculation of temporary cash assistance in child only cases.~~

383 ~~(c)(d)~~ (c) A single ~~One~~ custodial parent of ~~with~~ a child under
 384 3 months of age, except that the parent may be required to
 385 attend parenting classes or other activities to better prepare
 386 for the responsibilities of raising a child. ~~If the custodial~~
 387 ~~parent is 19 years of age or younger and has not completed high~~
 388 ~~school or the equivalent, he or she may be required to attend~~
 389 ~~school or other appropriate educational activities.~~

390 (d)~~(e)~~ An individual who is exempt from the time period
 391 pursuant to s. 414.105.

392 (4) PRIORITIZATION OF WORK REQUIREMENTS.--Regional
 393 workforce boards shall require participation in work activities
 394 to the maximum extent possible, subject to federal and state
 395 funding. If funds are projected to be insufficient to allow
 396 full-time work activities by all program participants who are
 397 required to participate in work activities, regional workforce
 398 boards shall screen participants and assign priority based on
 399 the following:

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

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

406 (c) A participant who has access to subsidized or
 407 unsubsidized ~~nonsubsidized~~ child care may be assigned priority
 408 for work activities.

409 (d) Priority may be assigned based on the amount of time
 410 remaining until the participant reaches the applicable time
 411 limit for program participation or may be based on requirements
 412 of a case plan.

413
 414 Regional workforce boards may limit a participant's weekly work
 415 requirement to the minimum required to meet federal work
 416 activity requirements ~~in lieu of the level defined in subsection~~
 417 ~~(2)~~. Regional workforce boards may develop screening and

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418 prioritization procedures based on the allocation of resources,
419 the availability of community resources, the provision of
420 supportive services, or the work activity needs of the service
421 area district.

422 Section 3. Section 445.032, Florida Statutes, is amended
423 to read:

424 445.032 Transitional child care.--In order to assist
425 former welfare transition program participants and individuals
426 who have been redirected through up-front diversion in obtaining
427 employment, continuing to be employed, and improving their
428 employment prospects, transitional child care is available for
429 up to 2 years:

430 (1) To ~~After~~ a former program participant who is no longer
431 receiving temporary cash assistance and who is employed or is
432 actively seeking employment if his or her ~~has left the program~~
433 ~~due to employment and whose~~ income does not exceed 200 percent
434 of the federal poverty level at any time during that 2-year
435 period.

436 (2) To an individual who has been redirected through up-
437 front diversion and who is employed or is actively seeking
438 employment if his or her ~~whose~~ income does not exceed 200
439 percent of the federal poverty level at any time during that 2-
440 year period.

441 Section 4. Paragraph (b) of subsection (4) of section
442 402.305, Florida Statutes, is amended to read:

443 402.305 Licensing standards; child care facilities.--

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

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445 (b) This subsection does not apply to nonpublic schools
446 and their integral programs as defined in s. 402.3025(2)(d)1. In
447 addition, an individual participating in a community service
448 program ~~work experience~~ activity under s. 445.024(1) (e) ~~(d)~~, or a
449 work experience activity under s. 445.024(1) (f) ~~(e)~~, at a child
450 care facility may not be considered in calculating the staff-to-
451 children ratio.

452 Section 5. This act shall take effect upon becoming a law.