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CS/HB 1301

2007 Legislature

1 A bill to be entitled
2 An act relating to workforce services; amending s.
3 445.024, F.S.; revising definitions of work activities to
4 conform to federal law and regulations governing work
5 requirements for participants in the temporary cash
6 assistance program; revising work activity requirements
7 and exemptions from such requirements; revising certain
8 requirements for and duties of regional workforce boards
9 with respect to work requirements for program
10 participants; amending s. 445.032, F.S.; clarifying
11 circumstances under which transitional child care is
12 available to former participants in the welfare transition
13 program and certain other individuals; amending s.
14 402.305, F.S.; correcting cross-references; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsections (1) through (4) of section 445.024,
20 Florida Statutes, are amended to read:

21 445.024 Work requirements.--

22 (1) WORK ACTIVITIES.--The Agency for Workforce Innovation
23 may develop activities under each of the following categories of
24 work activities. The following categories of work activities,
25 based on federal law and regulations, may be used individually
26 or in combination to satisfy the work requirements for a
27 participant in the temporary cash assistance program:

28 (a) Unsubsidized employment.

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- 29 (b) Subsidized private sector employment.
 30 (c) Subsidized public sector employment.
 31 (d) On-the-job training.
 32 (e) Community service programs.
 33 (f) Work experience.
 34 (g) Job search and job readiness assistance.
 35 (h) Vocational educational training.
 36 (i) Job skills training directly related to employment.
 37 (j) Education directly related to employment.
 38 (k) Satisfactory attendance at a secondary school or in a
 39 course of study leading to a graduate equivalency diploma.
 40 (l) Providing child care services.
 41 ~~(a) Unsubsidized employment. Unsubsidized employment is~~
 42 ~~full time employment or part time employment that is not~~
 43 ~~directly supplemented by federal or state funds. Paid~~
 44 ~~apprenticeship and cooperative education activities are included~~
 45 ~~in this activity.~~
 46 ~~(b) Subsidized private sector employment. Subsidized~~
 47 ~~private sector employment is employment in a private for profit~~
 48 ~~enterprise or a private not for profit enterprise which is~~
 49 ~~directly supplemented by federal or state funds. A subsidy may~~
 50 ~~be provided in one or more of the forms listed in this~~
 51 ~~paragraph.~~
 52 ~~1. Work supplementation. A work supplementation subsidy~~
 53 ~~diverts a participant's temporary cash assistance under the~~
 54 ~~program to the employer. The employer must pay the participant~~
 55 ~~wages that equal or exceed the applicable federal minimum wage.~~
 56 ~~Work supplementation may not exceed 6 months. At the end of the~~

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57 ~~supplementation period, the employer is expected to retain the~~
58 ~~participant as a regular employee without receiving a subsidy. A~~
59 ~~work supplementation agreement may not be continued with any~~
60 ~~employer who exhibits a pattern of failing to provide~~
61 ~~participants with continued employment after the period of work~~
62 ~~supplementation ends.~~

63 ~~2. On the job training. On the job training is full time,~~
64 ~~paid employment in which the employer or an educational~~
65 ~~institution, in cooperation with the employer, provides training~~
66 ~~needed for the participant to perform the skills required for~~
67 ~~the position. The employer or the educational institution on~~
68 ~~behalf of the employer receives a subsidy to offset the cost of~~
69 ~~the training provided to the participant. Upon satisfactory~~
70 ~~completion of the training, the employer is expected to retain~~
71 ~~the participant as a regular employee without receiving a~~
72 ~~subsidy. An on the job training agreement may not be continued~~
73 ~~with any employer who exhibits a pattern of failing to provide~~
74 ~~participants with continued employment after the on the job~~
75 ~~training subsidy ends.~~

76 ~~3. Incentive payments. Regional workforce boards may~~
77 ~~provide additional incentive payments to encourage employers to~~
78 ~~employ program participants. Incentive payments may include~~
79 ~~payments to encourage the employment of hard to place~~
80 ~~participants, in which case the amount of the payment shall be~~
81 ~~weighted proportionally to the extent to which the participant~~
82 ~~has limitations associated with the long term receipt of welfare~~
83 ~~and difficulty in sustaining employment. Incentive payments may~~
84 ~~also include payments to encourage employers to provide health~~

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85 ~~care insurance benefits to current or former program~~
86 ~~participants. In establishing incentive payments, regional~~
87 ~~workforce boards shall consider the extent of prior receipt of~~
88 ~~welfare, lack of employment experience, lack of education, lack~~
89 ~~of job skills, and other appropriate factors. A participant who~~
90 ~~has complied with program requirements and who is approaching~~
91 ~~the time limit for receiving temporary cash assistance may be~~
92 ~~defined as "hard to place." Incentive payments may include~~
93 ~~payments in which an initial payment is made to the employer~~
94 ~~upon the employment of a participant, and the majority of the~~
95 ~~incentive payment is made after the employer retains the~~
96 ~~participant as a full time employee for at least 12 months. An~~
97 ~~incentive agreement may not be continued with any employer who~~
98 ~~exhibits a pattern of failing to provide participants with~~
99 ~~continued employment after the incentive payments cease.~~

100 ~~4. Tax credits. An employer who employs a program~~
101 ~~participant may qualify for enterprise zone property tax credits~~
102 ~~under s. 220.182, the tax refund program for qualified target~~
103 ~~industry businesses under s. 288.106, or other federal or state~~
104 ~~tax benefits. The regional workforce board shall provide~~
105 ~~information and assistance, as appropriate, to use such credits~~
106 ~~to accomplish program goals.~~

107 ~~5. Training bonus. An employer who hires a participant in~~
108 ~~the welfare transition program and pays the participant a wage~~
109 ~~that precludes the participant's eligibility for temporary cash~~
110 ~~assistance may receive \$250 for each full month of employment~~
111 ~~for a period that may not exceed 3 months. An employer who~~
112 ~~receives a training bonus for an employee may not receive a work~~

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113 ~~supplementation subsidy for the same employee. "Employment" is~~
114 ~~defined as 35 hours per week at a wage of no less than minimum~~
115 ~~wage.~~

116 ~~(c) Subsidized public sector employment. Subsidized~~
117 ~~public sector employment is employment by an agency of the~~
118 ~~federal, state, or local government which is directly~~
119 ~~supplemented by federal or state funds. The applicable subsidies~~
120 ~~provided under paragraph (b) may be used to subsidize employment~~
121 ~~in the public sector, except that priority for subsidized~~
122 ~~employment shall be employment in the private sector. Public~~
123 ~~sector employment is distinguished from work experience in that~~
124 ~~the participant is paid wages and receives the same benefits as~~
125 ~~a nonsubsidized employee who performs similar work. Work study~~
126 ~~activities administered by educational institutions are included~~
127 ~~in this activity.~~

128 ~~(d) Community service work experience. Community service~~
129 ~~work experience is job training experience at a supervised~~
130 ~~public or private not for profit agency. A participant shall~~
131 ~~receive temporary cash assistance in the form of wages, which,~~
132 ~~when combined with the value of food stamps awarded to the~~
133 ~~participant, is proportional to the amount of time worked. A~~
134 ~~participant in the welfare transition program or the Food Stamp~~
135 ~~Employment and Training program assigned to community service~~
136 ~~work experience shall be deemed an employee of the state for~~
137 ~~purposes of workers' compensation coverage and is subject to the~~
138 ~~requirements of the drug free workplace program. Community~~
139 ~~service work experience may be selected as an activity for a~~
140 ~~participant who needs to increase employability by improving his~~

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141 ~~or her interpersonal skills, job retention skills, stress~~
142 ~~management, and job problem solving, and by learning to attain a~~
143 ~~balance between job and personal responsibilities. Community~~
144 ~~service is intended to:~~

145 ~~1. Assess compliance with requirements of the welfare~~
146 ~~transition program before referral of the participant to costly~~
147 ~~services such as career education;~~

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

150 ~~3. Fulfill a clinical practicum or internship requirement~~
151 ~~related to employment; or~~

152 ~~4. Provide work based mentoring.~~

153

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

156 ~~(e) Work experience. Work experience is an appropriate~~
157 ~~work activity for participants who lack preparation for or~~
158 ~~experience in the workforce. It must combine a job training~~
159 ~~activity in a public or private not for profit agency with~~
160 ~~education and training related to an employment goal. To qualify~~
161 ~~as a work activity, work experience must include education and~~
162 ~~training in addition to the time required by the work activity,~~
163 ~~and the work activity must be intensively supervised and~~
164 ~~structured. Regional workforce boards shall contract for any~~
165 ~~services provided for clients who are assigned to this activity~~
166 ~~and shall require performance benchmarks, goals, outcomes, and~~
167 ~~time limits designed to assure that the participant moves toward~~
168 ~~full time paid employment. A participant shall receive temporary~~

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169 ~~cash assistance proportional to the time worked. A participant~~
170 ~~assigned to work experience is an employee of the state for~~
171 ~~purposes of workers' compensation coverage and is subject to the~~
172 ~~requirements of the drug free workplace program.~~

173 ~~(f) Job search and job readiness assistance. Job search~~
174 ~~assistance may include supervised or unsupervised job seeking~~
175 ~~activities. Job readiness assistance provides support for job~~
176 ~~seeking activities, which may include:~~

177 ~~1. Orientation to the world of work and basic job seeking~~
178 ~~and job retention skills.~~

179 ~~2. Instruction in completing an application for employment~~
180 ~~and writing a resume.~~

181 ~~3. Instruction in conducting oneself during a job~~
182 ~~interview, including appropriate dress.~~

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

185
186 ~~Job readiness assistance may also include providing a~~
187 ~~participant with access to an employment resource center that~~
188 ~~contains job listings, telephones, facsimile machines,~~
189 ~~typewriters, and word processors. Job search and job readiness~~
190 ~~activities may be used in conjunction with other program~~
191 ~~activities, such as work experience, but may not be the primary~~
192 ~~work activity for longer than the length of time permitted under~~
193 ~~federal law.~~

194 ~~(g) Career education or training. Career education or~~
195 ~~training is education or training designed to provide~~
196 ~~participants with the skills and certification necessary for~~

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197 ~~employment in an occupational area. Career education or training~~
198 ~~may be used as a primary program activity for participants when~~
199 ~~it has been determined that the individual has demonstrated~~
200 ~~compliance with other phases of program participation and~~
201 ~~successful completion of the career education or training is~~
202 ~~likely to result in employment entry at a higher wage than the~~
203 ~~participant would have been likely to attain without completion~~
204 ~~of the career education or training. Career education or~~
205 ~~training may be combined with other program activities and also~~
206 ~~may be used to upgrade skills or prepare for a higher paying~~
207 ~~occupational area for a participant who is employed.~~

208 ~~1. Unless otherwise provided in this section, career~~
209 ~~education shall not be used as the primary program activity for~~
210 ~~a period which exceeds 12 months. The 12 month restriction~~
211 ~~applies to instruction in a career education program and does~~
212 ~~not include remediation of basic skills, including English~~
213 ~~language proficiency, if remediation is necessary to enable a~~
214 ~~participant to benefit from a career education program. Any~~
215 ~~necessary remediation must be completed before a participant is~~
216 ~~referred to career education as the primary work activity. In~~
217 ~~addition, use of career education or training shall be~~
218 ~~restricted to the limitation established in federal law. Career~~
219 ~~education included in a program leading to a high school diploma~~
220 ~~shall not be considered career education for purposes of this~~
221 ~~section.~~

222 ~~2. When possible, a provider of career education or~~
223 ~~training shall use funds provided by funding sources other than~~
224 ~~the regional workforce board. The regional workforce board may~~

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225 ~~provide additional funds to a career education or training~~
226 ~~provider only if payment is made pursuant to a performance based~~
227 ~~contract. Under a performance based contract, the provider may~~
228 ~~be partially paid when a participant completes education or~~
229 ~~training, but the majority of payment shall be made following~~
230 ~~the participant's employment at a specific wage or job retention~~
231 ~~for a specific duration. Performance based payments made under~~
232 ~~this subparagraph are limited to education or training for~~
233 ~~targeted occupations identified by the Workforce Estimating~~
234 ~~Conference under s. 216.136, or other programs identified by~~
235 ~~Workforce Florida, Inc., as beneficial to meet the needs of~~
236 ~~designated groups who are hard to place. If the contract pays~~
237 ~~the full cost of training, the community college or school~~
238 ~~district may not report the participants for other state~~
239 ~~funding.~~

240 ~~(h) Job skills training. Job skills training includes~~
241 ~~customized training designed to meet the needs of a specific~~
242 ~~employer or a specific industry. Job skills training shall~~
243 ~~include literacy instruction, and may include English~~
244 ~~proficiency instruction or Spanish language or other language~~
245 ~~instruction if necessary to enable a participant to perform in a~~
246 ~~specific job or job training program or if the training enhances~~
247 ~~employment opportunities in the local community. A participant~~
248 ~~may be required to complete an entrance assessment or test~~
249 ~~before entering into job skills training.~~

250 ~~(i) Education services related to employment for~~
251 ~~participants 19 years of age or younger. Education services~~
252 ~~provided under this paragraph are designed to prepare a~~

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253 ~~participant for employment in an occupation. The agency shall~~
 254 ~~coordinate education services with the school-to-work activities~~
 255 ~~provided under s. 1006.02. Activities provided under this~~
 256 ~~paragraph are restricted to participants 19 years of age or~~
 257 ~~younger who have not completed high school or obtained a high~~
 258 ~~school equivalency diploma.~~

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

263 ~~1. Has not completed high school or obtained a high school~~
 264 ~~equivalency diploma;~~

265 ~~2. Is a dependent child or a head of household; and~~

266 ~~3. For whom it has not been determined that another~~
 267 ~~program activity is more appropriate.~~

268 ~~(k) Teen parent services. Participation in medical,~~
 269 ~~educational, counseling, and other services that are part of a~~
 270 ~~comprehensive program is a required activity for each teen~~
 271 ~~parent who participates in the welfare transition program.~~

272 ~~(l) Extended education and training. Notwithstanding any~~
 273 ~~other provisions of this section to the contrary, the board of~~
 274 ~~directors of Workforce Florida, Inc., may approve a plan by a~~
 275 ~~regional workforce board for assigning, as work requirements,~~
 276 ~~educational activities that exceed or are not included in those~~
 277 ~~provided elsewhere in this section and that do not comply with~~
 278 ~~federal work participation requirement limitations. In order to~~
 279 ~~be eligible to implement this provision, a regional workforce~~
 280 ~~board must continue to exceed the overall federal work~~

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281 ~~participation rate requirements. For purposes of this paragraph,~~
 282 ~~the board of directors of Workforce Florida, Inc., may adjust~~
 283 ~~the regional participation requirement based on regional~~
 284 ~~easeload decline. However, this adjustment is limited to no more~~
 285 ~~than the adjustment produced by the calculation used to generate~~
 286 ~~federal adjustments to the participation requirement due to~~
 287 ~~easeload decline.~~

288 ~~(m) GED preparation and literacy education. Satisfactory~~
 289 ~~attendance at secondary school or in a course of study leading~~
 290 ~~to a graduate equivalency diploma, if a participant has not~~
 291 ~~completed secondary school or received such a diploma. English~~
 292 ~~language proficiency training may be included as a part of the~~
 293 ~~education if it is deemed the individual requires such training~~
 294 ~~to complete secondary school or to attain a graduate equivalency~~
 295 ~~diploma. To calculate countable hours attributable to education,~~
 296 ~~a participant may earn study credits equal to the number of~~
 297 ~~actual hours spent in formal training per week, but the total~~
 298 ~~number of hours earned for actual hours spent in formal training~~
 299 ~~and studying may not exceed a one to one and one half ratio for~~
 300 ~~the week. Countable hours are subject to the restrictions~~
 301 ~~contained in 45 C.F.R. s. 261.31.~~

302 ~~(n) Providing child care services. Providing child care~~
 303 ~~services to an individual who is participating in a community~~
 304 ~~service program pursuant to this section.~~

305 (2) WORK ACTIVITY REQUIREMENTS.--Each individual who is
 306 not otherwise exempt from work activity requirements must
 307 participate in a work activity, ~~except for community service~~
 308 ~~work experience,~~ for the maximum number of hours allowable under

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309 federal law; however, a, ~~provided that no~~ participant may not be
 310 required to work more than 40 hours per week ~~or less than the~~
 311 ~~minimum number of hours required by federal law.~~ The maximum
 312 number of hours each month that a family participant may be
 313 required to participate in community service or work experience
 314 programs activities is the ~~greater of: the~~ number of hours that
 315 would result from dividing the family's monthly amount for
 316 temporary cash assistance and food stamps by the applicable
 317 ~~federal minimum wage and then dividing that result by the number~~
 318 ~~of participants in the family who participate in community~~
 319 ~~service activities, or the minimum required to meet federal~~
 320 ~~participation requirements.~~ However, ~~in no case shall the~~
 321 maximum hours required per week for community service or work
 322 experience may not exceed 40 hours. ~~An applicant shall be~~
 323 ~~referred for employment at the time of application if the~~
 324 ~~applicant is eligible to participate in the welfare transition~~
 325 ~~program.~~

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

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

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336 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
337 following individuals are exempt from work activity
338 requirements:

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

340 (a)~~(b)~~ An individual who receives benefits under the
341 Supplemental Security Income program or the Social Security
342 Disability Insurance program.

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

346 (c)~~(d)~~ A single ~~One~~ custodial parent of ~~with~~ a child under
347 3 months of age, except that the parent may be required to
348 attend parenting classes or other activities to better prepare
349 for the responsibilities of raising a child. ~~If the custodial~~
350 ~~parent is 19 years of age or younger and has not completed high~~
351 ~~school or the equivalent, he or she may be required to attend~~
352 ~~school or other appropriate educational activities.~~

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

355 (4) PRIORITIZATION OF WORK REQUIREMENTS.--Regional
356 workforce boards shall require participation in work activities
357 to the maximum extent possible, subject to federal and state
358 funding. If funds are projected to be insufficient to allow
359 full-time work activities by all program participants who are
360 required to participate in work activities, regional workforce
361 boards shall screen participants and assign priority based on
362 the following:

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

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

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

372 (d) Priority may be assigned based on the amount of time
373 remaining until the participant reaches the applicable time
374 limit for program participation or may be based on requirements
375 of a case plan.

376
377 Regional workforce boards may limit a participant's weekly work
378 requirement to the minimum required to meet federal work
379 activity requirements ~~in lieu of the level defined in subsection~~
380 ~~(2)~~. Regional workforce boards may develop screening and
381 prioritization procedures based on the allocation of resources,
382 the availability of community resources, the provision of
383 supportive services, or the work activity needs of the service
384 area district.

385 Section 2. Section 445.032, Florida Statutes, is amended
386 to read:

387 445.032 Transitional child care.--In order to assist
388 former welfare transition program participants and individuals
389 who have been redirected through up-front diversion in obtaining
390 employment, continuing to be employed, and improving their

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391 employment prospects, transitional child care is available for
392 up to 2 years:

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

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

404 Section 3. Paragraph (b) of subsection (4) of section
405 402.305, Florida Statutes, is amended to read:

406 402.305 Licensing standards; child care facilities.--

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

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

415 Section 4. This act shall take effect upon becoming a law.