



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

6           ~~(a) Unless otherwise required by federal law, at least~~  
7 ~~90 percent of the Wagner Peyser funding must go into direct~~  
8 ~~customer service costs.~~

9           ~~(b) Employment services funded by the federal~~  
10 Wagner-Peyser Act ~~must be provided by through~~ the one-stop  
11 delivery system, under the guidance of the one-stop delivery  
12 system operators. Unless otherwise required by federal law, at  
13 least 90 percent of the Wagner-Peyser funding must go into  
14 direct customer service costs. ~~One stop delivery system~~  
15 ~~operators shall have overall authority for directing the staff~~  
16 ~~of the workforce system. Personnel matters shall remain under~~  
17 ~~the ultimate authority of the Agency for Workforce Innovation.~~  
18 ~~However, the one stop delivery system operator shall submit to~~  
19 ~~the agency information concerning the job performance of~~  
20 ~~agency employees who deliver employment services. The agency~~  
21 ~~shall consider any such information submitted by the one stop~~  
22 ~~delivery system operator in conducting performance appraisals~~  
23 ~~of the employees.~~

24           ~~(c) The agency shall retain fiscal responsibility and~~  
25 ~~accountability for the administration of funds allocated to~~  
26 ~~the state under the Wagner Peyser Act. An agency employee who~~  
27 ~~is providing services authorized under the Wagner Peyser Act~~  
28 ~~shall be paid using Wagner Peyser Act funds.~~

29           Section 2. Section 445.024, Florida Statutes, is  
30 amended to read:

31           445.024 Work requirements.--

1           (1) WORK ACTIVITIES.--The Agency for Workforce  
2 Innovation may develop activities under each of the following  
3 categories of work activities. The following categories of  
4 work activities, based on federal law and regulations, may be  
5 used individually or in combination to satisfy the work  
6 requirements for a participant in the temporary cash  
7 assistance program. The work activities must meet the  
8 respective federal definitions.+

9           (a) Unsubsidized employment;~~Unsubsidized employment~~  
10 ~~is full time employment or part time employment that is not~~  
11 ~~directly supplemented by federal or state funds. Paid~~  
12 ~~apprenticeship and cooperative education activities are~~  
13 ~~included in this activity.~~

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

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

31

1           ~~2. On the job training. On the job training is~~  
2 ~~full time, paid employment in which the employer or an~~  
3 ~~educational institution, in cooperation with the employer,~~  
4 ~~provides training needed for the participant to perform the~~  
5 ~~skills required for the position. The employer or the~~  
6 ~~educational institution on behalf of the employer receives a~~  
7 ~~subsidy to offset the cost of the training provided to the~~  
8 ~~participant. Upon satisfactory completion of the training, the~~  
9 ~~employer is expected to retain the participant as a regular~~  
10 ~~employee without receiving a subsidy. An on the job training~~  
11 ~~agreement may not be continued with any employer who exhibits~~  
12 ~~a pattern of failing to provide participants with continued~~  
13 ~~employment after the on the job training subsidy ends.~~

14           ~~3. Incentive payments. Regional workforce boards may~~  
15 ~~provide additional incentive payments to encourage employers~~  
16 ~~to employ program participants. Incentive payments may include~~  
17 ~~payments to encourage the employment of hard to place~~  
18 ~~participants, in which case the amount of the payment shall be~~  
19 ~~weighted proportionally to the extent to which the participant~~  
20 ~~has limitations associated with the long term receipt of~~  
21 ~~welfare and difficulty in sustaining employment. Incentive~~  
22 ~~payments may also include payments to encourage employers to~~  
23 ~~provide health care insurance benefits to current or former~~  
24 ~~program participants. In establishing incentive payments,~~  
25 ~~regional workforce boards shall consider the extent of prior~~  
26 ~~receipt of welfare, lack of employment experience, lack of~~  
27 ~~education, lack of job skills, and other appropriate factors.~~  
28 ~~A participant who has complied with program requirements and~~  
29 ~~who is approaching the time limit for receiving temporary cash~~  
30 ~~assistance may be defined as "hard to place." Incentive~~  
31 ~~payments may include payments in which an initial payment is~~

1 ~~made to the employer upon the employment of a participant, and~~  
2 ~~the majority of the incentive payment is made after the~~  
3 ~~employer retains the participant as a full time employee for~~  
4 ~~at least 12 months. An incentive agreement may not be~~  
5 ~~continued with any employer who exhibits a pattern of failing~~  
6 ~~to provide participants with continued employment after the~~  
7 ~~incentive payments cease.~~

8         4. ~~Tax credits. An employer who employs a program~~  
9 ~~participant may qualify for enterprise zone property tax~~  
10 ~~credits under s. 220.182, the tax refund program for qualified~~  
11 ~~target industry businesses under s. 288.106, or other federal~~  
12 ~~or state tax benefits. The regional workforce board shall~~  
13 ~~provide information and assistance, as appropriate, to use~~  
14 ~~such credits to accomplish program goals.~~

15         5. ~~Training bonus. An employer who hires a~~  
16 ~~participant in the welfare transition program and pays the~~  
17 ~~participant a wage that precludes the participant's~~  
18 ~~eligibility for temporary cash assistance may receive \$250 for~~  
19 ~~each full month of employment for a period that may not exceed~~  
20 ~~3 months. An employer who receives a training bonus for an~~  
21 ~~employee may not receive a work supplementation subsidy for~~  
22 ~~the same employee. "Employment" is defined as 35 hours per~~  
23 ~~week at a wage of no less than minimum wage.~~

24         (c) Subsidized public-sector ~~public sector~~  
25 ~~employment;.~~ ~~Subsidized public sector employment is~~  
26 ~~employment by an agency of the federal, state, or local~~  
27 ~~government which is directly supplemented by federal or state~~  
28 ~~funds. The applicable subsidies provided under paragraph (b)~~  
29 ~~may be used to subsidize employment in the public sector,~~  
30 ~~except that priority for subsidized employment shall be~~  
31 ~~employment in the private sector. Public sector employment is~~

1 ~~distinguished from work experience in that the participant is~~  
2 ~~paid wages and receives the same benefits as a nonsubsidized~~  
3 ~~employee who performs similar work. Work study activities~~  
4 ~~administered by educational institutions are included in this~~  
5 ~~activity.~~

6 (d) On-the-job training;

7 (e)(d) Community service programs work  
8 ~~experience;.~~ Community service work experience is job  
9 training experience at a supervised public or private  
10 not for profit agency. A participant shall receive temporary  
11 cash assistance in the form of wages, which, when combined  
12 with the value of food stamps awarded to the participant, is  
13 proportional to the amount of time worked. A participant in  
14 the welfare transition program or the Food Stamp Employment  
15 and Training program assigned to community service work  
16 experience shall be deemed an employee of the state for  
17 purposes of workers' compensation coverage and is subject to  
18 the requirements of the drug free workplace program. Community  
19 service work experience may be selected as an activity for a  
20 participant who needs to increase employability by improving  
21 his or her interpersonal skills, job retention skills, stress  
22 management, and job problem solving, and by learning to attain  
23 a balance between job and personal responsibilities. Community  
24 service is intended to:

25 1. ~~Assess compliance with requirements of the welfare~~  
26 ~~transition program before referral of the participant to~~  
27 ~~costly services such as career education;~~

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

30 3. ~~Fulfill a clinical practicum or internship~~  
31 ~~requirement related to employment; or~~

1           ~~4. Provide work based mentoring.~~

2  
3           ~~As used in this paragraph, the terms "community service~~  
4           ~~experience," "community work," and "workfare" are synonymous.~~

5           ~~(f)(e) Work experience;— Work experience is an~~  
6           ~~appropriate work activity for participants who lack~~  
7           ~~preparation for or experience in the workforce. It must~~  
8           ~~combine a job training activity in a public or private~~  
9           ~~not for profit agency with education and training related to~~  
10           ~~an employment goal. To qualify as a work activity, work~~  
11           ~~experience must include education and training in addition to~~  
12           ~~the time required by the work activity, and the work activity~~  
13           ~~must be intensively supervised and structured. Regional~~  
14           ~~workforce boards shall contract for any services provided for~~  
15           ~~clients who are assigned to this activity and shall require~~  
16           ~~performance benchmarks, goals, outcomes, and time limits~~  
17           ~~designed to assure that the participant moves toward full time~~  
18           ~~paid employment. A participant shall receive temporary cash~~  
19           ~~assistance proportional to the time worked. A participant~~  
20           ~~assigned to work experience is an employee of the state for~~  
21           ~~purposes of workers' compensation coverage and is subject to~~  
22           ~~the requirements of the drug free workplace program.~~

23           ~~(g)(f) Job search and job readiness assistance;— Job~~  
24           ~~search assistance may include supervised or unsupervised~~  
25           ~~job seeking activities. Job readiness assistance provides~~  
26           ~~support for job seeking activities, which may include:~~

27                   ~~1. Orientation to the world of work and basic~~  
28                   ~~job seeking and job retention skills.~~

29                   ~~2. Instruction in completing an application for~~  
30                   ~~employment and writing a resume.~~

31

1           ~~3. Instruction in conducting oneself during a job~~  
2 ~~interview, including appropriate dress.~~

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

5  
6 ~~Job readiness assistance may also include providing a~~  
7 ~~participant with access to an employment resource center that~~  
8 ~~contains job listings, telephones, facsimile machines,~~  
9 ~~typewriters, and word processors. Job search and job readiness~~  
10 ~~activities may be used in conjunction with other program~~  
11 ~~activities, such as work experience, but may not be the~~  
12 ~~primary work activity for longer than the length of time~~  
13 ~~permitted under federal law.~~

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

29           ~~1. Unless otherwise provided in this section, career~~  
30 ~~education shall not be used as the primary program activity~~  
31 ~~for a period which exceeds 12 months. The 12 month restriction~~

1 ~~applies to instruction in a career education program and does~~  
2 ~~not include remediation of basic skills, including English~~  
3 ~~language proficiency, if remediation is necessary to enable a~~  
4 ~~participant to benefit from a career education program. Any~~  
5 ~~necessary remediation must be completed before a participant~~  
6 ~~is referred to career education as the primary work activity.~~  
7 ~~In addition, use of career education or training shall be~~  
8 ~~restricted to the limitation established in federal law.~~  
9 ~~Career education included in a program leading to a high~~  
10 ~~school diploma shall not be considered career education for~~  
11 ~~purposes of this section.~~

12         ~~2. When possible, a provider of career education or~~  
13 ~~training shall use funds provided by funding sources other~~  
14 ~~than the regional workforce board. The regional workforce~~  
15 ~~board may provide additional funds to a career education or~~  
16 ~~training provider only if payment is made pursuant to a~~  
17 ~~performance based contract. Under a performance based~~  
18 ~~contract, the provider may be partially paid when a~~  
19 ~~participant completes education or training, but the majority~~  
20 ~~of payment shall be made following the participant's~~  
21 ~~employment at a specific wage or job retention for a specific~~  
22 ~~duration. Performance based payments made under this~~  
23 ~~subparagraph are limited to education or training for targeted~~  
24 ~~occupations identified by the Workforce Estimating Conference~~  
25 ~~under s. 216.136, or other programs identified by Workforce~~  
26 ~~Florida, Inc., as beneficial to meet the needs of designated~~  
27 ~~groups who are hard to place. If the contract pays the full~~  
28 ~~cost of training, the community college or school district may~~  
29 ~~not report the participants for other state funding.~~

30         ~~(i)(h)~~ Job skills training directly related to  
31 employment; ~~— Job skills training includes customized training~~

1 ~~designed to meet the needs of a specific employer or a~~  
2 ~~specific industry. Job skills training shall include literacy~~  
3 ~~instruction, and may include English proficiency instruction~~  
4 ~~or Spanish language or other language instruction if necessary~~  
5 ~~to enable a participant to perform in a specific job or job~~  
6 ~~training program or if the training enhances employment~~  
7 ~~opportunities in the local community. A participant may be~~  
8 ~~required to complete an entrance assessment or test before~~  
9 ~~entering into job skills training.~~

10 (j)(i) Education directly related to employment;  
11 ~~services related to employment for participants 19 years of~~  
12 ~~age or younger. Education services provided under this~~  
13 ~~paragraph are designed to prepare a participant for employment~~  
14 ~~in an occupation. The agency shall coordinate education~~  
15 ~~services with the school to work activities provided under s.~~  
16 ~~1006.02. Activities provided under this paragraph are~~  
17 ~~restricted to participants 19 years of age or younger who have~~  
18 ~~not completed high school or obtained a high school~~  
19 ~~equivalency diploma.~~

20 (k) Satisfactory attendance at secondary school or in  
21 a course of study leading to a graduate equivalency diploma;  
22 or

23 ~~(j) School attendance. Attendance at a high school or~~  
24 ~~attendance at a program designed to prepare the participant to~~  
25 ~~receive a high school equivalency diploma is a required~~  
26 ~~program activity for each participant 19 years of age or~~  
27 ~~younger who:~~

28 ~~1. Has not completed high school or obtained a high~~  
29 ~~school equivalency diploma;~~

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

31

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

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

7           ~~(l) Extended education and training. Notwithstanding~~  
8 ~~any other provisions of this section to the contrary, the~~  
9 ~~board of directors of Workforce Florida, Inc., may approve a~~  
10 ~~plan by a regional workforce board for assigning, as work~~  
11 ~~requirements, educational activities that exceed or are not~~  
12 ~~included in those provided elsewhere in this section and that~~  
13 ~~do not comply with federal work participation requirement~~  
14 ~~limitations. In order to be eligible to implement this~~  
15 ~~provision, a regional workforce board must continue to exceed~~  
16 ~~the overall federal work participation rate requirements. For~~  
17 ~~purposes of this paragraph, the board of directors of~~  
18 ~~Workforce Florida, Inc., may adjust the regional participation~~  
19 ~~requirement based on regional caseload decline. However, this~~  
20 ~~adjustment is limited to no more than the adjustment produced~~  
21 ~~by the calculation used to generate federal adjustments to the~~  
22 ~~participation requirement due to caseload decline.~~

23           ~~(m) GED preparation and literacy~~  
24 ~~education. Satisfactory attendance at secondary school or in~~  
25 ~~a course of study leading to a graduate equivalency diploma,~~  
26 ~~if a participant has not completed secondary school or~~  
27 ~~received such a diploma. English language proficiency~~  
28 ~~training may be included as a part of the education if it is~~  
29 ~~deemed the individual requires such training to complete~~  
30 ~~secondary school or to attain a graduate equivalency diploma.~~  
31 ~~To calculate countable hours attributable to education, a~~

1 ~~participant may earn study credits equal to the number of~~  
2 ~~actual hours spent in formal training per week, but the total~~  
3 ~~number of hours earned for actual hours spent in formal~~  
4 ~~training and studying may not exceed a one to one and one half~~  
5 ~~ratio for the week. Countable hours are subject to the~~  
6 ~~restrictions contained in 45 C.F.R. s. 261.31.~~

7 ~~(1)(n) Providing child care services.--Providing child~~  
8 ~~care services to an individual who is participating in a~~  
9 ~~community service program pursuant to this section.~~

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

31

1 (a) A participant in a work activity may also be  
2 required to enroll in and attend a course of instruction  
3 designed to increase literacy skills to a level necessary for  
4 obtaining or retaining employment ~~if, provided that~~ the  
5 instruction plus the work activity does not require more than  
6 40 hours per week.

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

12 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The  
13 following individuals are exempt from work activity  
14 requirements:

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

16 ~~(a)(b)~~ An individual who receives benefits under the  
17 Supplemental Security Income program or the Social Security  
18 Disability Insurance program.

19 ~~(b)(c)~~ Adults who are not defined as work-eligible  
20 individuals under federal law included in the calculation of  
21 temporary cash assistance in child only cases.

22 ~~(c)(d)~~ A single ~~one~~ custodial parent of ~~with~~ a child  
23 under 3 months of age, except that the parent may be required  
24 to attend parenting classes or other activities to better  
25 prepare for the responsibilities of raising a child. ~~If the~~  
26 ~~custodial parent is 19 years of age or younger and has not~~  
27 ~~completed high school or the equivalent, he or she may be~~  
28 ~~required to attend school or other appropriate educational~~  
29 ~~activities.~~

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

1 (4) PRIORITIZATION OF WORK REQUIREMENTS.--Regional  
2 workforce boards shall require participation in work  
3 activities to the maximum extent possible, subject to federal  
4 and state funding. If funds are projected to be insufficient  
5 to allow full-time work activities by all program participants  
6 who are required to participate in work activities, regional  
7 workforce boards shall screen participants and assign priority  
8 based on the following:

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

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

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

18 (d) Priority may be assigned based on the amount of  
19 time remaining until the participant reaches the applicable  
20 time limit for program participation or may be based on  
21 requirements of a case plan.

22  
23 Regional workforce boards may limit a participant's weekly  
24 work requirement to the minimum required to meet federal work  
25 activity requirements ~~in lieu of the level defined in~~  
26 ~~subsection (2)~~. Regional workforce boards may develop  
27 screening and prioritization procedures based on the  
28 allocation of resources, the availability of community  
29 resources, the provision of supportive services, or the work  
30 activity needs of the service area ~~district~~.

31

1           (5) USE OF CONTRACTS.--Regional workforce boards shall  
2 provide work activities, training, and other services, as  
3 appropriate, through contracts. In contracting for work  
4 activities, training, or services, the following applies:

5           (a) A contract must be performance-based. Payment  
6 shall be tied to performance outcomes that include factors  
7 such as, but not limited to, diversion from cash assistance,  
8 job entry, job entry at a target wage, job retention, and  
9 connection to transition services rather than tied to  
10 completion of training or education or any other phase of the  
11 program participation process.

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

22           (c) Notwithstanding the exemption from the competitive  
23 sealed bid requirements provided in s. 287.057(5)(f) for  
24 certain contractual services, each contract awarded under this  
25 chapter must be awarded on the basis of a competitive sealed  
26 bid, except for a contract with a governmental entity as  
27 determined by the regional workforce board.

28           (d) Regional workforce boards may contract with  
29 commercial, charitable, or religious organizations. A contract  
30 must comply with federal requirements with respect to  
31 nondiscrimination and other requirements that safeguard the

1 | rights of participants. Services may be provided under  
2 | contract, certificate, voucher, or other form of disbursement.

3 |       (e) The administrative costs associated with a  
4 | contract for services provided under this section may not  
5 | exceed the applicable administrative cost ceiling established  
6 | in federal law. An agency or entity that is awarded a contract  
7 | under this section may not charge more than 7 percent of the  
8 | value of the contract for administration, unless an exception  
9 | is approved by the regional workforce board. A list of any  
10 | exceptions approved must be submitted to the board of  
11 | directors of Workforce Florida, Inc., for review, and the  
12 | board may rescind approval of the exception.

13 |       (f) Regional workforce boards may enter into contracts  
14 | to provide short-term work experience for the chronically  
15 | unemployed as provided in this section.

16 |       (g) A tax-exempt organization under s. 501(c) of the  
17 | Internal Revenue Code of 1986 which receives funds under this  
18 | chapter must disclose receipt of federal funds on any  
19 | advertising, promotional, or other material in accordance with  
20 | federal requirements.

21 |       (6) PROTECTIONS FOR PARTICIPANTS.--Each participant is  
22 | subject to the same health, safety, and nondiscrimination  
23 | standards established under federal, state, or local laws that  
24 | otherwise apply to other individuals engaged in similar  
25 | activities who are not participants in the welfare transition  
26 | program.

27 |       (7) PROTECTION FOR CURRENT EMPLOYEES.--In establishing  
28 | and contracting for work experience and community service  
29 | activities, other work experience activities, on-the-job  
30 | training, subsidized employment, and work supplementation  
31 | under the welfare transition program, an employed worker may

1 not be displaced, either completely or partially. A  
2 participant may not be assigned to an activity or employed in  
3 a position if the employer has created the vacancy or  
4 terminated an existing employee without good cause in order to  
5 fill that position with a program participant.

6 Section 3. Section 445.032, Florida Statutes, is  
7 amended to read:

8 445.032 Transitional child care.--In order to assist  
9 former welfare transition program participants and individuals  
10 who have been redirected through up-front diversion in  
11 obtaining employment, continuing to be employed, and improving  
12 their employment prospects, transitional child care is  
13 available for up to 2 years:

14 (1) To ~~After~~ a former program participant who is no  
15 longer receiving temporary cash assistance and who is employed  
16 or actively seeking employment if his or her ~~has left the~~  
17 ~~program due to employment and whose~~ income does not exceed 200  
18 percent of the federal poverty level at any time during that  
19 2-year period.

20 (2) To an individual who has been redirected through  
21 up-front diversion and who is employed or actively seeking  
22 employment if his or her ~~whose~~ income does not exceed 200  
23 percent of the federal poverty level at any time during that  
24 2-year period.

25 Section 4. Paragraph (b) of subsection (4) of section  
26 402.305, Florida Statutes, is amended to read:

27 402.305 Licensing standards; child care facilities.--

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

29 (b) This subsection does not apply to nonpublic  
30 schools and their integral programs as defined in s.  
31 402.3025(2)(d)1. In addition, an individual participating in a

