Florida Senate - 2007

CS for SB 1926

By the Committees on Children, Families, and Elder Affairs; and Commerce

	586-2576-07
1	A bill to be entitled
2	An act relating to workforce services; amending
3	s. 445.024, F.S., relating to work activities
4	for participants in the temporary cash
5	assistance program; revising definitions to
6	conform to the federal law governing work
7	requirements; revising certain requirements for
8	and duties of the regional workforce boards
9	with respect to work requirements for program
10	participants; amending s. 445.032, F.S.;
11	clarifying circumstances under which
12	transitional child care is available to former
13	participants in the welfare transition program
14	and certain other individuals; amending s.
15	402.305, F.S., relating to licensing standards;
16	conforming cross-references; providing an
17	effective date.
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19	Be It Enacted by the Legislature of the State of Florida:
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21	Section 1. Section 445.024, Florida Statutes, is
22	amended to read:
23	445.024 Work requirements
24	(1) WORK ACTIVITIES <u>The Agency for Workforce</u>
25	Innovation may develop activities under each of the following
26	categories of work activities. The following categories of
27	work activities, based on federal law and regulations, may be
28	used individually or in combination to satisfy the work
29	requirements for a participant in the temporary cash
30	assistance program <u>. The work activities must meet the</u>
31	respective federal definitions.+
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1 (a) Unsubsidized employment; - Unsubsidized employment 2 is full time employment or part time employment that is not directly supplemented by federal or state funds. Paid 3 apprenticeship and cooperative education activities are 4 included in this activity. 5 б (b) Subsidized private-sector private sector 7 employment : . Subsidized private sector employment is 8 employment in a private for profit enterprise or a private 9 not for profit enterprise which is directly supplemented by 10 federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph. 11 12 1. Work supplementation. A work supplementation 13 subsidy diverts a participant's temporary cash assistance under the program to the employer. The employer must pay the 14 15 participant wages that equal or exceed the applicable federal minimum wage. Work supplementation may not exceed 6 months. At 16 17 the end of the supplementation period, the employer is 18 expected to retain the participant as a regular employee without receiving a subsidy. A work supplementation agreement 19 may not be continued with any employer who exhibits a pattern 2.0 21 of failing to provide participants with continued employment 2.2 after the period of work supplementation ends. 23 2. On the job training. On the job training is full time, paid employment in which the employer or an 2.4 educational institution, in cooperation with the employer, 25 provides training needed for the participant to perform the 26 27 skills required for the position. The employer or the 2.8 educational institution on behalf of the employer receives a subsidy to offset the cost of the training provided to the 29 participant. Upon satisfactory completion of the training, the 30 31 employer is expected to retain the participant as a regular

1 employee without receiving a subsidy. An on the job training 2 agreement may not be continued with any employer who exhibits a pattern of failing to provide participants with continued 3 employment after the on the job training subsidy ends. 4 5 3 -Incentive payments. Regional workforce boards may 6 provide additional incentive payments to encourage employers 7 to employ program participants. Incentive payments may include 8 payments to encourage the employment of hard to place 9 participants, in which case the amount of the payment shall be 10 weighted proportionally to the extent to which the participant has limitations associated with the long term receipt of 11 12 welfare and difficulty in sustaining employment. Incentive 13 payments may also include payments to encourage employers to provide health care insurance benefits to current or former 14 program participants. In establishing incentive payments, 15 regional workforce boards shall consider the extent of prior 16 17 receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. 18 A participant who has complied with program requirements and 19 who is approaching the time limit for receiving temporary cash 2.0 21 assistance may be defined as "hard to place." Incentive 2.2 payments may include payments in which an initial payment is 23 made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the 2.4 25 employer retains the participant as a full time employee for at least 12 months. An incentive agreement may not be 26 27 continued with any employer who exhibits a pattern of failing 2.8 to provide participants with continued employment after the 29 incentive payments cease. 30 4. Tax credits. An employer who employs a program participant may qualify for enterprise zone property tax 31

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1 credits under s. 220.182, the tax refund program for qualified 2 target industry businesses under s. 288.106, or other federal or state tax benefits. The regional workforce board shall 3 4 provide information and assistance, as appropriate, to use such credits to accomplish program goals. 5 б 5. Training bonus. An employer who hires a 7 participant in the welfare transition program and pays the 8 participant a wage that precludes the participant's 9 eligibility for temporary cash assistance may receive \$250 for 10 each full month of employment for a period that may not exceed 3 months. An employer who receives a training bonus for an 11 12 employee may not receive a work supplementation subsidy for 13 the same employee. "Employment" is defined as 35 hours per week at a wage of no less than minimum wage. 14 15 (c) Subsidized <u>public-sector</u> public sector employment; . Subsidized public sector employment is 16 17 employment by an agency of the federal, state, or local government which is directly supplemented by federal or state 18 funds. The applicable subsidies provided under paragraph (b) 19 may be used to subsidize employment in the public sector, 2.0 21 except that priority for subsidized employment shall be 2.2 employment in the private sector. Public sector employment is 23 distinguished from work experience in that the participant is paid wages and receives the same benefits as a nonsubsidized 2.4 employee who performs similar work. Work study activities 25 administered by educational institutions are included in this 26 27 activity. 28 (d) On-the-job training; (e)(d) Community service programs work 29 30 experience: Community service work experience is job training experience at a supervised public or private 31 4

1	not for profit agency. A participant shall receive temporary
2	cash assistance in the form of wages, which, when combined
3	with the value of food stamps awarded to the participant, is
4	proportional to the amount of time worked. A participant in
5	the welfare transition program or the Food Stamp Employment
б	and Training program assigned to community service work
7	experience shall be deemed an employee of the state for
8	purposes of workers' compensation coverage and is subject to
9	the requirements of the drug free workplace program. Community
10	service work experience may be selected as an activity for a
11	participant who needs to increase employability by improving
12	his or her interpersonal skills, job retention skills, stress
13	management, and job problem solving, and by learning to attain
14	a balance between job and personal responsibilities. Community
15	service is intended to:
16	1. Assess compliance with requirements of the welfare
17	transition program before referral of the participant to
18	costly services such as career education;
19	2. Maintain work activity status while the participant
20	awaits placement into paid employment or training;
21	3. Fulfill a clinical practicum or internship
22	requirement related to employment; or
23	4. Provide work based mentoring.
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25	As used in this paragraph, the terms "community service
26	experience," "community work," and "workfare" are synonymous.
27	<u>(f)(e)</u> Work experience <u>:. Work experience is an</u>
28	appropriate work activity for participants who lack
29	preparation for or experience in the workforce. It must
30	combine a job training activity in a public or private
31	not for profit agency with education and training related to
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1	an employment goal. To qualify as a work activity, work
2	experience must include education and training in addition to
3	the time required by the work activity, and the work activity
4	must be intensively supervised and structured. Regional
5	workforce boards shall contract for any services provided for
б	clients who are assigned to this activity and shall require
7	performance benchmarks, goals, outcomes, and time limits
8	designed to assure that the participant moves toward full time
9	paid employment. A participant shall receive temporary cash
10	assistance proportional to the time worked. A participant
11	assigned to work experience is an employee of the state for
12	purposes of workers' compensation coverage and is subject to
13	the requirements of the drug free workplace program.
14	<u>(q)(f)</u> Job search and job readiness assistance <u>;</u> . Job
15	search assistance may include supervised or unsupervised
16	job seeking activities. Job readiness assistance provides
17	support for job seeking activities, which may include:
18	1. Orientation to the world of work and basic
19	job seeking and job retention skills.
20	2. Instruction in completing an application for
21	employment and writing a resume.
22	3. Instruction in conducting oneself during a job
23	interview, including appropriate dress.
24	4. Instruction in how to retain a job, plan a career,
25	and perform successfully in the workplace.
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27	Job readiness assistance may also include providing a
28	participant with access to an employment resource center that
29	contains job listings, telephones, facsimile machines,
30	typewriters, and word processors. Job search and job readiness
31	activities may be used in conjunction with other program
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1	activities, such as work experience, but may not be the
2	primary work activity for longer than the length of time
3	permitted under federal law.
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4	(h)(g) Vocational educational career education or
5	training <u>; Career education or training is education or</u>
6	training designed to provide participants with the skills and
7	certification necessary for employment in an occupational
8	area. Career education or training may be used as a primary
9	program activity for participants when it has been determined
10	that the individual has demonstrated compliance with other
11	phases of program participation and successful completion of
12	the career education or training is likely to result in
13	employment entry at a higher wage than the participant would
14	have been likely to attain without completion of the career
15	education or training. Career education or training may be
16	combined with other program activities and also may be used to
17	upgrade skills or prepare for a higher paying occupational
18	area for a participant who is employed.
19	1. Unless otherwise provided in this section, career
20	education shall not be used as the primary program activity
21	for a period which exceeds 12 months. The 12 month restriction
22	applies to instruction in a career education program and does
23	not include remediation of basic skills, including English
24	language proficiency, if remediation is necessary to enable a
25	participant to benefit from a career education program. Any
26	necessary remediation must be completed before a participant
27	is referred to career education as the primary work activity.
28	In addition, use of career education or training shall be
29	restricted to the limitation established in federal law.
30	Career education included in a program leading to a high
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1 school diploma shall not be considered career education for 2 purposes of this section. 3 2. When possible, a provider of career education or 4 training shall use funds provided by funding sources other 5 than the regional workforce board. The regional workforce 6 board may provide additional funds to a career education or 7 training provider only if payment is made pursuant to a 8 performance based contract. Under a performance based contract, the provider may be partially paid when a 9 10 participant completes education or training, but the majority of payment shall be made following the participant's 11 12 employment at a specific wage or job retention for a specific 13 duration. Performance based payments made under this subparagraph are limited to education or training for targeted 14 occupations identified by the Workforce Estimating Conference 15 under s. 216.136, or other programs identified by Workforce 16 17 Florida, Inc., as beneficial to meet the needs of designated 18 groups who are hard to place. If the contract pays the full cost of training, the community college or school district may 19 not report the participants for other state funding. 20 21 (i) (h) Job skills training directly related to 2.2 employment;. Job skills training includes customized training 23 designed to meet the needs of a specific employer or a specific industry. Job skills training shall include literacy 2.4 instruction, and may include English proficiency instruction 25 or Spanish language or other language instruction if necessary 26 27 to enable a participant to perform in a specific job or job 2.8 training program or if the training enhances employment opportunities in the local community. A participant may be 29 30 required to complete an entrance assessment or test before entering into job skills training. 31

1	(j)(i) Education <u>directly related to employment;</u>
2	services related to employment for participants 19 years of
3	age or younger. Education services provided under this
4	paragraph are designed to prepare a participant for employment
5	in an occupation. The agency shall coordinate education
б	services with the school to work activities provided under s.
7	1006.02. Activities provided under this paragraph are
8	restricted to participants 19 years of age or younger who have
9	not completed high school or obtained a high school
10	equivalency diploma.
11	(k) Satisfactory attendance at secondary school or in
12	a course of study leading to a graduate equivalency diploma;
13	or
14	(j) School attendance. Attendance at a high school or
15	attendance at a program designed to prepare the participant to
16	receive a high school equivalency diploma is a required
17	program activity for each participant 19 years of age or
18	younger who:
19	1. Has not completed high school or obtained a high
20	school equivalency diploma;
21	2. Is a dependent child or a head of household; and
22	3. For whom it has not been determined that another
23	program activity is more appropriate.
24	(k) Teen parent services. Participation in medical,
25	educational, counseling, and other services that are part of a
26	comprehensive program is a required activity for each teen
27	parent who participates in the welfare transition program.
28	(1) Extended education and training. Notwithstanding
29	any other provisions of this section to the contrary, the
30	board of directors of Workforce Florida, Inc., may approve a
31	plan by a regional workforce board for assigning, as work
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1	requirements, educational activities that exceed or are not
2	included in those provided elsewhere in this section and that
3	do not comply with federal work participation requirement
4	limitations. In order to be eligible to implement this
5	provision, a regional workforce board must continue to exceed
б	the overall federal work participation rate requirements. For
7	purposes of this paragraph, the board of directors of
8	Workforce Florida, Inc., may adjust the regional participation
9	requirement based on regional caseload decline. However, this
10	adjustment is limited to no more than the adjustment produced
11	by the calculation used to generate federal adjustments to the
12	participation requirement due to caseload decline.
13	(m) GED preparation and literacy
14	education. Satisfactory attendance at secondary school or in
15	a course of study leading to a graduate equivalency diploma,
16	if a participant has not completed secondary school or
17	received such a diploma. English language proficiency
18	training may be included as a part of the education if it is
19	deemed the individual requires such training to complete
20	secondary school or to attain a graduate equivalency diploma.
21	To calculate countable hours attributable to education, a
22	participant may earn study credits equal to the number of
23	actual hours spent in formal training per week, but the total
24	number of hours earned for actual hours spent in formal
25	training and studying may not exceed a one to one and one half
26	ratio for the week. Countable hours are subject to the
27	restrictions contained in 45 C.F.R. s. 261.31.
28	<pre>(1)(n) Providing child care servicesProviding child</pre>
29	care services to an individual who is participating in a
30	community service program pursuant to this section.
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1 (2) WORK ACTIVITY REQUIREMENTS. -- Each individual who 2 is not otherwise exempt from work activity requirements must participate in a work activity, except for community service 3 work experience, for the maximum number of hours allowable 4 under federal law; however, a, provided that no participant 5 6 may not be required to work more than 40 hours per week or 7 less than the minimum number of hours required by federal law. 8 The maximum number of hours each month that a family participant may be required to participate in community 9 10 service or work experience programs activities is the greater of: the number of hours that would result from dividing the 11 12 family's monthly amount for temporary cash assistance and food 13 stamps by the applicable federal minimum wage and then dividing that result by the number of participants in the 14 15 family who participate in community service activities, or the 16 minimum required to meet federal participation requirements. 17 However, in no case shall the maximum hours required per week 18 for community service or work experience may not exceed 40 hours. An applicant shall be referred for employment at the 19 time of application if the applicant is eligible to 20 21 participate in the welfare transition program. 22 (a) A participant in a work activity may also be 23 required to enroll in and attend a course of instruction designed to increase literacy skills to a level necessary for 2.4 obtaining or retaining employment if, provided that the 25 instruction plus the work activity does not require more than 26 27 40 hours per week. 2.8 (b) Program funds may be used, as available, to 29 support the efforts of a participant who meets the work 30 activity requirements and who wishes to enroll in or continue 31

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1 enrollment in an adult general education program or other 2 training programs a career education program. (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS. -- The 3 4 following individuals are exempt from work activity 5 requirements: б (a) A minor child under 16 years of age. 7 (a)(b) An individual who receives benefits under the 8 Supplemental Security Income program or the Social Security 9 Disability Insurance program. 10 (b)(c) Adults who are not defined as work-eligible individuals under federal law included in the calculation of 11 12 temporary cash assistance in child only cases. 13 (c)(d) <u>A single</u> One custodial parent of with a child under 3 months of age, except that the parent may be required 14 to attend parenting classes or other activities to better 15 prepare for the responsibilities of raising a child. If the 16 17 custodial parent is 19 years of age or younger and has not 18 completed high school or the equivalent, he or she may required to attend school or other appropriate educational 19 activities. 2.0 21 (d)(e) An individual who is exempt from the time 2.2 period pursuant to s. 414.105. (4) PRIORITIZATION OF WORK REQUIREMENTS. -- Regional 23 workforce boards shall require participation in work 2.4 activities to the maximum extent possible, subject to federal 25 26 and state funding. If funds are projected to be insufficient 27 to allow full-time work activities by all program participants 2.8 who are required to participate in work activities, regional workforce boards shall screen participants and assign priority 29 30 based on the following: 31

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1 (a) In accordance with federal requirements, at least 2 one adult in each two-parent family shall be assigned priority for full-time work activities. 3 (b) Among single-parent families, a family that has 4 older preschool children or school-age children shall be 5 6 assigned priority for work activities. 7 (c) A participant who has access to subsidized or 8 unsubsidized nonsubsidized child care may be assigned priority for work activities. 9 10 (d) Priority may be assigned based on the amount of time remaining until the participant reaches the applicable 11 12 time limit for program participation or may be based on 13 requirements of a case plan. 14 Regional workforce boards may limit a participant's weekly 15 work requirement to the minimum required to meet federal work 16 17 activity requirements in lieu of the level defined in subsection (2). Regional workforce boards may develop 18 screening and prioritization procedures based on the 19 allocation of resources, the availability of community 20 21 resources, the provision of supportive services, or the work 22 activity needs of the service area district. 23 (5) USE OF CONTRACTS. -- Regional workforce boards shall provide work activities, training, and other services, as 2.4 25 appropriate, through contracts. In contracting for work 26 activities, training, or services, the following applies: 27 (a) A contract must be performance-based. Payment 2.8 shall be tied to performance outcomes that include factors such as, but not limited to, diversion from cash assistance, 29 30 job entry, job entry at a target wage, job retention, and connection to transition services rather than tied to 31

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1 completion of training or education or any other phase of the 2 program participation process. 3 (b) A contract may include performance-based incentive payments that may vary according to the extent to which the 4 participant is more difficult to place. Contract payments may 5 6 be weighted proportionally to reflect the extent to which the 7 participant has limitations associated with the long-term 8 receipt of welfare and difficulty in sustaining employment. The factors may include the extent of prior receipt of 9 welfare, lack of employment experience, lack of education, 10 lack of job skills, and other factors determined appropriate 11 12 by the regional workforce board. 13 (c) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(5)(f) for 14 certain contractual services, each contract awarded under this 15 chapter must be awarded on the basis of a competitive sealed 16 17 bid, except for a contract with a governmental entity as 18 determined by the regional workforce board. 19 (d) Regional workforce boards may contract with commercial, charitable, or religious organizations. A contract 20 21 must comply with federal requirements with respect to 22 nondiscrimination and other requirements that safeguard the 23 rights of participants. Services may be provided under contract, certificate, voucher, or other form of disbursement. 2.4 (e) The administrative costs associated with a 25 contract for services provided under this section may not 26 27 exceed the applicable administrative cost ceiling established 2.8 in federal law. An agency or entity that is awarded a contract 29 under this section may not charge more than 7 percent of the value of the contract for administration, unless an exception 30 is approved by the regional workforce board. A list of any 31

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1 exceptions approved must be submitted to the board of 2 directors of Workforce Florida, Inc., for review, and the board may rescind approval of the exception. 3 (f) Regional workforce boards may enter into contracts 4 5 to provide short-term work experience for the chronically 6 unemployed as provided in this section. 7 (g) A tax-exempt organization under s. 501(c) of the Internal Revenue Code of 1986 which receives funds under this 8 chapter must disclose receipt of federal funds on any 9 advertising, promotional, or other material in accordance with 10 federal requirements. 11 12 (6) PROTECTIONS FOR PARTICIPANTS. -- Each participant is 13 subject to the same health, safety, and nondiscrimination standards established under federal, state, or local laws that 14 otherwise apply to other individuals engaged in similar 15 16 activities who are not participants in the welfare transition 17 program. (7) PROTECTION FOR CURRENT EMPLOYEES. -- In establishing 18 and contracting for work experience and community service 19 activities, other work experience activities, on-the-job 20 training, subsidized employment, and work supplementation 21 22 under the welfare transition program, an employed worker may 23 not be displaced, either completely or partially. A participant may not be assigned to an activity or employed in 2.4 a position if the employer has created the vacancy or 25 26 terminated an existing employee without good cause in order to 27 fill that position with a program participant. 2.8 Section 2. Section 445.032, Florida Statutes, is amended to read: 29 445.032 Transitional child care.--In order to assist 30 former welfare transition program participants and individuals 31 15

1 who have been redirected through up-front diversion in 2 obtaining employment, continuing to be employed, and improving their employment prospects, transitional child care is 3 available for up to 2 years: 4 (1) To After a former program participant who is no 5 б longer receiving temporary cash assistance and who is employed 7 or actively seeking employment if his or her has left the 8 program due to employment and whose income does not exceed 200 percent of the federal poverty level at any time during that 9 10 2-year period. (2) To an individual who has been redirected through 11 12 up-front diversion and who is employed or actively seeking 13 employment if his or her whose income does not exceed 200 percent of the federal poverty level at any time during that 14 2-year period. 15 Section 3. Paragraph (b) of subsection (4) of section 16 17 402.305, Florida Statutes, is amended to read: 402.305 Licensing standards; child care facilities.--18 (4) STAFF-TO-CHILDREN RATIO.--19 20 (b) This subsection does not apply to nonpublic 21 schools and their integral programs as defined in s. 22 402.3025(2)(d)1. In addition, an individual participating in a 23 community service program work experience activity under s. 445.024(1)(e) s. 445.024(1)(d), or a work experience activity 2.4 under <u>s. 445.024(1)(f)</u> s. 445.024(1)(e), at a child care 25 26 facility may not be considered in calculating the 27 staff-to-children ratio. Section 4. This act shall take effect upon becoming a 2.8 29 law. 30 31

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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>Senate Bill 1926</u>
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4	The committee substitute deletes provisions from the bill which would have removed, in recognition of a proposed U.S.
5	Department of Labor rule change, a requirement that regional workforce boards enter into memoranda of understanding with
б	the Agency for Workforce Innovation regarding state merit-based employees.
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