

## CHAPTER 99-241

### Committee Substitute for Committee Substitute for Senate Bill No. 256

An act relating to the WAGES Program; amending s. 402.305, F.S.; revising provisions excepting program participants working at a child care facility from calculation of the facility's staff-to-child ratio; amending s. 414.0252, F.S.; providing a definition; creating s. 414.0267, F.S.; establishing a program of matching grants for economic independence; amending s. 414.027, F.S.; revising requirements for the annual state plan; modifying payment structure for services to WAGES participants; amending s. 414.028, F.S.; eliminating references to certain duties of the Department of Labor and Employment Security; providing funding for local WAGES coalitions through contract with the Department of Management Services; providing for revocation of a local coalition charter; providing for reassignment of duties; specifying use of funds; amending s. 414.030, F.S.; eliminating a cap on the number of WAGES Program employment projects to be identified; specifying a limit to funds allocated; authorizing the award of reasonable administrative costs associated with such projects; specifying contract terms; requiring creation of a WAGES Program Employment Implementation Team; creating s. 414.035, F.S.; requiring expenditures of funds under Temporary Assistance for Needy Families to be in accordance with federal provisions; requiring certification of fiscal controls; creating s. 414.045, F.S.; providing cash assistance program reporting and oversight requirements; providing duties of the state board of directors, local coalitions, and Department of Children and Family Services; amending s. 414.055, F.S.; conforming references; amending s. 414.065, F.S.; revising restrictions on the use of vocational education to fulfill work activity requirements; revising provisions relating to job skills training; providing for extended education and training; providing penalties for failure to comply with work activity alternative requirement plans; revising provisions relating to interview, counseling, and services for noncompliant participants; directing the department to seek a federal waiver to administer certain sanctions; providing for limited work activity assignments for persons with medically verified limitations; providing for medical or vocational assessment; providing an exemption from work activity requirements for certain supplemental security income applicants; providing for contracts for vocational assessments and work evaluations; creating s. 414.0655, F.S.; providing an exception from work activities for participants who require out-of-home residential treatment for substance abuse or mental health impairment; providing time limitations; amending s. 414.085, F.S.; revising applicability of certain federal income to program income eligibility standards; providing that local coalition incentive payments not be considered income; amending s. 414.095, F.S.; revising provisions relating to temporary cash assistance and a shelter obligation for teen parents; providing for transitional benefits and services for families leaving

the temporary cash assistance program; amending s. 414.105, F.S.; revising time limitations and exceptions for temporary cash assistance; creating s. 414.1525, F.S.; authorizing an early exit diversion program; providing criteria for one-time lump-sum payment in lieu of ongoing cash assistance; providing limitations; amending s. 414.155, F.S.; revising procedure for determination of relocation assistance and for receipt and repayment of assistance thereafter; providing eligibility for transitional benefits and services; creating s. 414.157, F.S.; authorizing a diversion program for victims of domestic violence; providing eligibility; providing limitations; creating s. 414.158, F.S.; authorizing a diversion program to strengthen Florida's families; providing limitations and requirements; creating s. 414.1585, F.S.; authorizing a diversion program for families at risk of welfare dependency due to substance abuse or mental illness; providing limitations and requirements; creating s. 414.159, F.S.; authorizing the teen parent and teen pregnancy diversion program; providing eligibility; providing limitations; creating s. 414.1599, F.S.; providing for determination of need for diversion programs; creating s. 414.18, F.S.; creating a program for dependent care for families with children with special needs; providing requirements and limitations; amending ss. 414.20, 414.23, 414.37, 414.44, and 414.45, F.S.; conforming references; amending s. 414.22, F.S.; revising eligibility for transitional education and training; creating s. 414.223, F.S.; providing for development of lists of postsecondary programs and courses that promote job retention and advancement; authorizing establishment of Retention Incentive Training Accounts; providing for funding; providing eligible expenditures; requiring an annual report; amending s. 414.225, F.S.; revising provisions relating to transitional transportation; amending s. 414.70, F.S.; providing drug testing and screening requirements for parents and caretaker relatives in a cash assistance group; providing exceptions; providing applicability of work requirements and penalties to persons who fail to comply with drug testing and screening requirements; amending s. 239.249, F.S.; correcting a cross reference; amending s. 250.10, F.S.; requiring the Adjutant General to administer a life preparation program and job readiness services; repealing s. 414.29, F.S., relating to access to lists of temporary cash assistance recipients; repealing s. 414.43, F.S., relating to a special needs allowance for families with a disabled family member; providing for transfer of funds between appropriations categories; providing an effective date.

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

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

402.305 Licensing standards; child care facilities.—

(4) STAFF-TO-CHILDREN RATIO.—

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

1. For children from birth through 1 year of age, there must be one child care personnel for every four children.
2. For children 1 year of age or older, but under 2 years of age, there must be one child care personnel for every six children.
3. For children 2 years of age or older, but under 3 years of age, there must be one child care personnel for every 11 children.
4. For children 3 years of age or older, but under 4 years of age, there must be one child care personnel for every 15 children.
5. For children 4 years of age or older, but under 5 years of age, there must be one child care personnel for every 20 children.
6. For children 5 years of age or older, there must be one child care personnel for every 25 children.
7. When children 2 years of age and older are in care, the staff-to-children ratio shall be based on the age group with the largest number of children within the group.

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

Section 2. Subsection (12) of section 414.0252, Florida Statutes, 1998 Supplement, is renumbered as subsection (13), and a new subsection (12) is added to said section to read:

414.0252 Definitions.—As used in ss. 414.015-414.45, the term:

(12) “Services and one-time payments” or “services,” when used in reference to individuals who are not receiving temporary cash assistance, means nonrecurrent, short-term benefits designed to deal with a specific crisis situation or episode of need and other services; work subsidies; supportive services such as child care and transportation; services such as counseling, case management, peer support, and child care information and referral; transitional services, job retention, job advancement, and other employment-related services; nonmedical treatment for substance abuse or mental health problems; and any other services that are reasonably calculated to further the purposes of the WAGES Program and the federal Temporary Assistance for Needy Families program. Such terms do not include assistance as defined in federal regulations at 45 C.F.R. s. 260.31(a).

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

414.0267 Matching grants for economic independence.—

(1) There is established a program of matching grants for economic independence. The program shall provide an incentive in the form of matching grants for donations and expenditures by donors and charitable organizations for transitional, diversion, and support programs that complement, supplement, and further the goals of the WAGES Program.

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

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

414.027 WAGES Program annual statewide program implementation plan.—

(1) The WAGES Program State Board of Directors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual a statewide plan for implementing the WAGES Program established under this chapter. At a minimum, the annual statewide program implementation plan must include:

(a) Performance standards, measurement criteria, and contract guidelines for all services provided under the WAGES Program whether by state employees or contract providers. The plan must include performance standards and objectives, measurement criteria, measures of performance, and contract guidelines for all local WAGES coalitions related to the following issues:

1. Work participation rates by type of activity;
2. Caseload trends;
3. Recidivism;
4. Participation in diversion and relocation programs;
5. Employment retention; and
6. Other issues identified by the WAGES Program State Board of Directors.

(b) A description of:

1. Cooperative agreements and partnerships between local WAGES coalitions and local community agencies and not-for-profit organizations described in section 501(c)(3) of the Internal Revenue Code;

2. Efforts by local WAGES coalitions to provide WAGES applicants, recipients, and former recipients with information on the services and pro-

grams available to them, including diversion programs, relocation assistance, and other services that may be obtained without receiving monthly cash assistance;

3. Efforts by local WAGES coalitions to overcome transportation barriers to employment; and

4. Other issues determined by the WAGES Program State Board of Directors.

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

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

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

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

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

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

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

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

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

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

1. Referral of participants to diversion and relocation programs;
2. Pre-placement services, including assessment, staffing, career plan development, work orientation, and employability skills enhancement;
3. Services necessary to secure employment for a WAGES participant;
4. Services necessary to assist participants in retaining employment, including, but not limited to, remedial education, language skills, and personal and family counseling;
5. Desired quality of job placements with regard to salary, benefits, and opportunities for advancement;
6. Expectations regarding job retention;
7. Strategies to ensure that transition services are provided to participants for the mandated period of eligibility;
8. Services that must be provided to the participant throughout an education or training program, such as monitoring attendance and progress in the program;
9. Services that must be delivered to WAGES participants who have a deferral from work requirements but wish to participate in activities that meet federal participation requirements; and
10. Expectations regarding continued participant awareness of available services and benefits.

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

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the regional workforce development board established under the Enterprise Florida workforce development board. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

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

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

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

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

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

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

(e) Advising the Department of Children and Family Services ~~and the Department of Labor and Employment Security~~ with respect to the competitive procurement of services under the WAGES Program.

(f) Selecting an entity to administer the program and financial plan, such as a unit of a political subdivision within the service area, a not-for-profit private organization or corporation, or any other entity agreed upon by the local WAGES coalition.

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

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

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

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

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

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

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

- a. Provisions for the local coalition to coordinate with law enforcement agencies and social service agencies and organizations that provide services and protection to victims of domestic violence;
- b. Provisions for allowing participants access to domestic violence support services and ensuring that WAGES participants are aware of domestic violence shelters, hotlines, and other domestic violence services and policies;
- c. Designation of the agency that is responsible for determining eligibility for exceptions from program requirements due to domestic violence;
- d. Provisions that require each individual who is granted an exemption from program requirements due to domestic violence to participate in a program that prepares the individual for self-sufficiency and safety; and
- e. Where possible and necessary, provisions for job assignments and transportation arrangements that take maximum advantage of opportunities to preserve the safety of the victim of domestic violence and the victim's dependents.

(5) ~~By October 1, 1998, local WAGES coalitions shall deliver through one-stop career centers, the full continuum of services provided under the WAGES Program, including services that are provided at the point of application. The State WAGES Board may direct the Department of Labor and Employment Security to provide such services to WAGES participants if a local WAGES coalition is unable to provide services due to decertification. Local WAGES coalitions may not determine an individual's eligibility for temporary cash assistance, and all education and training shall be provided through agreements with regional workforce development boards. The local WAGES coalitions shall develop a transition plan to be approved by the WAGES Program State Board of Directors. Should career service employees of the Department of Labor and Employment Security be subject to layoff due to the local WAGES coalitions taking over the delivery of such services, such employees shall be given priority consideration for employment by the local WAGES coalitions. The local coalition's transition plan shall provide for the utilization of space leased by the Department of Labor and Employment Security for WAGES service functions. By October 1, 1998, the coalition may have negotiated and entered into new lease agreements or sub-leased for said space from the Department of Labor and Employment Security. In the event the coalition does not utilize the Department of Labor and Employment Security leased space, the Department of Labor and Employment Security shall not be obligated to pay under any lease agreement for WAGES services entered into by the department since July 1, 1996.~~

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

(9)(a) Effective October 1, 1999, funds for the administrative and service delivery operations of the local WAGES coalitions shall be provided to the coalitions by contract with the Department of Management Services. The local WAGES coalitions are subject to the provisions of the implementation



plan approved for the coalition by the WAGES Program State Board of Directors. Each coalition's implementation plan shall be incorporated into the coalition's contract with the Department of Management Services so that the coalition is contractually committed to achieve the performance requirements contained in the approved plan. The Department of Management Services shall advise the state board of directors of applicable federal and state law related to the contract and of issues raised as a result of oversight of the contracts.

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

(c) The WAGES Program State Board of Directors may direct the Department of Management Services to procure a portion of the duties of a local WAGES coalition from another agency, coalition, or provider for good cause. Good cause may include failure to meet performance requirements.

(d) The WAGES Program State Board of Directors may revoke the charter of a local WAGES coalition for good cause, which may include repeated failure to meet performance requirements. If the charter of a local WAGES coalition is revoked, the state board of directors may direct the Department of Management Services to procure a service provider or providers for any or all of the duties of a local WAGES coalition until a new coalition is established by the WAGES Program State Board of Directors and a contract is executed with the new coalition. The service provider may be a public or private agency or another local WAGES coalition.

(10) No less than 25 percent of funds provided to local WAGES coalitions must be used to contract with local public or private agencies that have elected or appointed boards of directors on which a majority of the members are residents of that local WAGES coalition's service area. Subcontracts with local public or private agencies shall be counted towards compliance with this requirement.

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

414.030 WAGES Program Employment Projects.—

(1) The Legislature finds that the success of the WAGES Program depends upon the existence of sufficient employment opportunities compatible with the education and skill levels of participants in the WAGES Program. The Legislature further finds that extraordinary assistance may need to be granted for certain economic development projects that can have a great impact on the employment of WAGES participants. It is the intent of the

Legislature to authorize the Governor and local governments to marshal state and local resources in a coordinated and timely manner to foster the development and completion of economic development projects that have been identified as having a great impact on the employment of WAGES participants.

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

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

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

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

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

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

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

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

7. Areas with unusually high unemployment; and

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

(b) To the greatest extent possible, Enterprise Florida, Inc., shall foster the development or completion of the projects identified pursuant to paragraph (a) using existing state and local resources under the control of Enterprise Florida, Inc. To the extent that such projects cannot be developed or completed from resources available, to Enterprise Florida, Inc., shall ~~may~~ identify and prioritize ~~no more than 10 projects, of which no more than 3 may be located in Dade County,~~ that need extraordinary state and local

assistance. Enterprise Florida, Inc., shall provide the list of projects needing extraordinary assistance to the Governor and each WAGES Program Employment Project Coordinator designated pursuant to subsection (4) by September 1 of each year.

(4)(a) By July 1, 1998, the heads of the Departments of Agriculture and Consumer Services, Labor and Employment Security, Community Affairs, Children and Family Services, Revenue, Business and Professional Regulation, Management Services, Military Affairs, Transportation, and Environmental Protection, and the Comptroller; the Auditor General; the executive director of each water management district; and the heads of the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., Institute of Food and Agricultural Sciences, the State Board of Community Colleges, the Division of Workforce Development of the Department of Education, State University System, and the Office of Planning and Budgeting shall select from within such organizations a person to be designated as the WAGES Program Employment Project Coordinator.

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

(5)(a) By October 15 of each year, the Governor may, by executive order, designate these projects as WAGES Program Employment Projects, and direct the agencies to use the resources identified pursuant to subsection (4) to develop or complete such projects. The order shall direct such agencies to contract with the appropriate local WAGES coalition to develop or complete such projects. Funds allocated to these projects must not exceed \$5,000 per new job created.

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

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

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

(6) Each local WAGES coalition with jurisdiction over an area where a WAGES Program Employment Project has been designated by the Governor pursuant to subsection (5) shall enter into a contract with the appropriate local, state, or private entities to ensure that the project is developed and completed. Such contracts may include, but are not limited to, contracts with

applicable state agencies and businesses to provide training, education, and employment opportunities for WAGES participants. Each local WAGES coalition may be awarded reasonable administration costs from funds appropriated for these projects.

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

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

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

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

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

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

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

414.035 Authorized expenditures.—Any expenditures from the Temporary Assistance for Needy Families block grant shall be expended in accordance with the requirements and limitations of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Prior to any expenditure of such funds, the Secretary of Children and Family Services, or his or her designee, shall certify that controls are

in place to ensure such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

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

414.045 Cash assistance program.—Cash assistance families include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped in the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the WAGES Program State Board of Directors, or to better inform the public of program progress. Program reporting data shall include, but not necessarily be limited to, the following groupings:

(a) WAGES Cases.—WAGES cases shall include:

1. Families containing an adult or a teen head of household, as defined by federal law. These cases are generally subject to the work activity requirements provided in s. 414.065 and the time limitations on benefits provided in s. 414.105.

2. Families with a parent where the parent's needs have been removed from the case due to sanction or disqualification shall be considered WAGES cases to the extent that such cases are considered in the calculation of federal participation rates or would be counted in such calculation in future months.

3. Families participating in transition assistance programs.

4. Families otherwise eligible for the WAGES Program that receive a diversion or early exit payment or participate in the relocation program.

(b) Child-only cases.—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. Child-only families with children in the care of caretaker relatives where the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Families in the Relative Caregiver Program as provided in s. 39.5085.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as household members in determining the amount of cash assistance, and

such cases shall not be considered families containing an adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in WAGES work activities. An individual who volunteers to participate in WAGES work activity but whose ability to participate in work activities is limited shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a WAGES work activity may receive WAGES-related child care or support services consistent with such participation.

4. Families where the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other requirements of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be cared for in their own homes or the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent permitted by appropriation of funds.

(2) The oversight of the WAGES Program State Board of Directors and the service delivery and financial planning responsibilities of the local WAGES coalitions shall apply to the families defined as WAGES cases in paragraph (1)(a). The department shall be responsible for program administration related to families in groups defined in paragraph (1)(b) and the department shall coordinate such administration with the WAGES Program State Board of Directors to the extent needed for operation of the program.

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

414.055 One-stop career centers.—

(6) At the one-stop career centers, local WAGES coalitions staff of the Department of Labor and Employment Security shall assign a participant in the WAGES Program to an approved work activities activity.

Section 10. Paragraphs (b), (g), (h), and (i) of subsection (1) and subsections (2), (4), (7), (9), (10), and (11) of section 414.065, Florida Statutes, 1998 Supplement, are amended, paragraph (l) is added to subsection (1), and subsection (13) is added to said section, to read:

414.065 Work requirements.—

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

(b) Subsidized private sector employment.—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state

funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

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

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

3. **Incentive payments.**—The department and local WAGES coalitions ~~the Department of Labor and Employment Security~~ may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department and local WAGES coalitions ~~the Department of Labor and Employment Security~~ shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary cash assistance may be defined as "hard-to-place." Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. An incentive agreement may not be continued with any employer who exhibits a pattern of failing to provide participants with continued employment after the incentive payments cease.

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

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

(g) Vocational education or training.—Vocational education or training is education or training designed to provide participants with the skills and certification necessary for employment in an occupational area. Vocational education or training may be used as a primary program activity for participants when it has been determined that the individual has demonstrated compliance with other phases of program participation and successful completion of the vocational education or training is likely to result in employment entry at a higher wage than the participant would have been likely to attain without completion of the vocational education or training. Vocational education or training may be combined with other program activities and also may be used to upgrade skills or prepare for a higher paying occupational area for a participant who is employed.

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

2. When possible, a provider of vocational education or training shall use funds provided by funding sources other than the department or the local WAGES coalition ~~Department of Labor and Employment Security~~. Either department may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Occupational Forecasting Conference under s. 216.136, or other programs identified by the ~~Enterprise Florida~~ Enterprise Florida Workforce Development Board as beneficial to meet the needs of designated groups, such as WAGES participants, who are hard to place. If the contract pays the full cost of training, the community college or school



district may not report the participants for other state funding, except that the college or school district may report WAGES clients for performance incentives or bonuses authorized for student enrollment, completion, and placement.

(h) ~~Job skills training directly related to employment.—Job skills training directly related to employment provides job skills training in a specific occupation for which there is a written commitment by the employer to offer employment to a participant who successfully completes the training. Job skills training includes customized training designed to meet the needs of a specific employer or a specific industry. Job skills training shall include literacy instruction, and may include English proficiency instruction or Spanish language or other language instruction if necessary to enable a participant to perform in a specific job or job training program or if the training enhances employment opportunities in the local community. A participant may be required to complete an entrance assessment or test before entering into job skills training if assessments or tests are required for employment upon completion of the training. Job skills training includes literacy instruction in the workplace if necessary to enable a participant to perform in a specific job or job training program.~~

(i) Education services related to employment for participants 19 years of age or younger.—Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. The department and the Department of Labor and Employment Security shall coordinate education services with the school-to-work activities provided under s. 229.595. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

(l) Extended education and training.—Notwithstanding any other provisions of this section to the contrary, the WAGES Program State Board of Directors may approve a plan by a local WAGES coalition for assigning, as work requirements, educational activities that exceed or are not included in those provided elsewhere in this section and that do not comply with federal work participation requirement limitations. In order to be eligible to implement this provision, a coalition must continue to exceed the overall federal work participation rate requirements. For purposes of this paragraph, the WAGES Program State Board of Directors may adjust the regional participation requirement based on regional caseload decline. However, this adjustment is limited to no more than the adjustment produced by the calculation used to generate federal adjustments to the participation requirement due to caseload decline.

(2) WORK ACTIVITY REQUIREMENTS.—Each individual adult participant who is not otherwise exempt must participate in a work activity, except for community service work experience, for the maximum number of hours allowable under federal law, provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. The maximum number of hours each month that a participant may be required to participate in community service activities is the greater of: the number of hours that would result from

dividing the family's monthly amount for temporary cash assistance and food stamps by the federal minimum wage and then dividing that result by the number of participants in the family who participate in community service activities; or the minimum required to meet federal participation requirements. However, in no case shall the maximum hours required per week for community work experience exceed 40 hours. An applicant shall be referred for employment at the time of application if the applicant is eligible to participate in the WAGES Program.

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

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

(4) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—~~The department and the Department of Labor and Employment Security shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan. If an individual in a family receiving temporary cash assistance fails to engage in work activities required in accordance with this section, the following penalties shall apply. Prior to the imposition of a sanction, the participant shall be notified orally or in writing that the participant is subject to sanction and that action will be taken to impose the sanction unless the participant complies with the work activity requirements. The participant shall be counseled as to the consequences of noncompliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements. If the participant has good cause for noncompliance or demonstrates satisfactory compliance, the sanction shall not be imposed. If the participant has subsequently obtained employment, the participant shall be counseled regarding the transitional benefits that may be available and provided information about how to access such benefits. Notwithstanding provisions of this section to the contrary, if the Federal Government does not allow food stamps to be treated under sanction as provided in this section, the department shall attempt to secure a waiver that provides for procedures as similar as possible to those provided in this section and shall administer sanctions related to food stamps consistent with federal regulations.:~~

(a) 1. First noncompliance: temporary cash assistance shall be terminated for the family until the individual who failed to comply does so, and food stamp benefits shall not be increased as a result of the loss of temporary cash assistance.

2.(b) Second noncompliance: temporary cash assistance and food stamps shall be terminated for the family until the individual demonstrates compliance in the required work activity for a period of 30 days. Upon compliance,

temporary cash assistance and food stamps shall be reinstated to the date of compliance. ~~Prior to the imposition of sanctions for a second noncompliance, the participant shall be interviewed to determine why full compliance has not been achieved. The participant shall be counseled regarding compliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements.~~

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

(b) If a participant receiving temporary cash assistance who is otherwise exempted from noncompliance penalties fails to comply with the alternative requirement plan required in accordance with this section, the penalties provided in paragraph (a) shall apply.

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

(7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless otherwise provided, the situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of temporary cash assistance:

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

1. Unavailability of appropriate child care within a reasonable distance from the individual's home or worksite.
2. Unavailability or unsuitability of informal child care by a relative or under other arrangements.
3. Unavailability of appropriate and affordable formal child care arrangements.

(b) Noncompliance related to domestic violence.—An individual who is determined to be unable to comply with the work requirements because such compliance would make it probable that the individual would be unable to escape domestic violence shall be exempt from work requirements pursuant to s. 414.028(4)(g). However, the individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. A participant who is determined to be out of compliance with the alternative requirement plan shall be subject to the penalties under

subsection (4). An exception granted under this paragraph does not constitute an exception to the time limitations on benefits specified under s. 414.105.

(c) Noncompliance related to treatment or remediation of past effects of domestic violence.—An individual who is determined to be unable to comply with the work requirements under this section due to mental or physical impairment related to past incidents of domestic violence may be exempt from work requirements for a specified period pursuant to s. 414.028(4)(g), except that such individual shall comply with a plan that specifies alternative requirements that prepare the individual for self-sufficiency while providing for the safety of the individual and the individual's dependents. A participant who is determined to be out of compliance with the alternative requirement plan shall be subject to the penalties under subsection (4). The plan must include counseling or a course of treatment necessary for the individual to resume participation. The need for treatment and the expected duration of such treatment must be verified by a physician licensed under chapter 458 or chapter 459; a psychologist licensed under s. 490.005(1), s. 490.006, or the provision identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida; a therapist as defined in s. 491.003(2) or (6); or a treatment professional who is registered under s. 415.605(1)(g), is authorized to maintain confidentiality under s. 90.5036(1)(d), and has a minimum of 2 years experience at a certified domestic violence center. An exception granted under this paragraph does not constitute an exception from the time limitations on benefits specified under s. 414.105.

(d) Noncompliance related to medical incapacity.—If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be excepted from the activity for a specific period, except that the individual shall be required to comply with the course of treatment necessary for the individual to resume participation. A participant may not be excused from work activity requirements unless the participant's medical incapacity is verified by a physician licensed under chapter 458 or chapter 459, in accordance with procedures established by rule of the department of ~~Labor and Employment Security~~. An individual for whom there is medical verification of limitation to participate in work activities shall be assigned to work activities consistent with such limitations. Evaluation of an individual's ability to participate in work activities or development of a plan for work activity assignment may include vocational assessment or work evaluation. The department or a local WAGES coalition may require an individual to cooperate in medical or vocational assessment necessary to evaluate the individual's ability to participate in a work activity.

(e) Noncompliance due to medical incapacity by applicants for Supplemental Security Income (SSI).—An individual subject to work activity requirements may be exempted from those requirements if the individual provides information verifying that he or she has filed an application for SSI disability benefits and the decision is pending development and evaluation under social security disability law, rules, and regulations at the initial reconsideration, administrative law judge, or Social Security Administration Appeals Council levels.

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

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

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

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

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

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

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

(10) USE OF CONTRACTS.—The department and local WAGES coalitions ~~Department of Labor and Employment Security~~ shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

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

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

(c) A contract may include performance-based incentive payments that may vary according to the extent to which the participant is more difficult to place. Contract payments may be weighted proportionally to reflect the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. The factors may include the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other factors determined appropriate by the department ~~Department of Labor and Employment Security~~.

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

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

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

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

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

#### (11) PROTECTIONS FOR PARTICIPANTS.—

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

~~(b) The Department of Labor and Employment Security shall recommend to the Legislature by December 30, 1997, policies to protect participants~~

from discrimination, unreasonable risk, and unreasonable expectations related to work experience and community service requirements.

(13) CONTRACTS FOR VOCATIONAL ASSESSMENTS AND WORK EVALUATIONS.—Vocational assessments or work evaluations by the Division of Vocational Rehabilitation pursuant to this section shall be performed under contract with the local WAGES coalitions.

Section 11. Section 414.0655, Florida Statutes, is created to read:

414.0655 Medical incapacity due to substance abuse or mental health impairment.—

(1) Notwithstanding the provisions of s. 414.065 to the contrary, any participant who requires out-of-home residential treatment for alcoholism, drug addiction, alcohol abuse, or a mental health disorder, as certified by a physician licensed under chapter 458 or chapter 459, shall be exempted from work activities while participating in treatment. The participant shall be required to comply with the course of treatment necessary for the individual to resume work activity participation. The treatment agency shall be required to notify the department with an initial estimate of when the participant will have completed the course of treatment and be ready to resume full participation in the WAGES program. If the treatment will take longer than 60 days, the treatment agency shall provide to the department the conditions justifying extended treatment and the department and the treatment agency shall negotiate a continued stay in treatment not to exceed an additional 90 days.

(2) Notwithstanding any provision of s. 414.095(2)(a)4. or 5. to the contrary, a participant who is absent from the home due to out-of-home residential treatment for not more than 150 days shall continue to be a member of the assistance group whether or not the child or children for whom the participant is the parent or caretaker relative are living in the residential treatment center.

Section 12. Subsection (2) of section 414.085, Florida Statutes, is amended and subsection (4) is added to said section, to read:

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

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

(4) An incentive payment to a participant authorized by a local WAGES coalition shall not be considered income.

Section 13. Paragraphs (b) and (c) of subsection (15) of section 414.095, Florida Statutes, 1998 Supplement, are amended, subsections (16), (17), and (18) are renumbered as subsections (17), (18), and (19), respectively, and a new subsection (16) is added to said section, to read:

414.095 Determining eligibility for the WAGES Program.—

(15) PROHIBITIONS AND RESTRICTIONS.—

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

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

2. Reside with a parent, legal guardian, or other adult caretaker relative. The income and resources of the parent shall be included in calculating the temporary cash assistance available to the teen parent since the parent is responsible for providing support and care for the child living in the home.

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

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

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

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

The department may not delay providing temporary cash assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement



that is unavailable shall continue to be eligible for temporary cash assistance so long as the teen parent cooperates with the department, the local WAGES coalition ~~Department of Labor and Employment Security~~, and the Department of Health. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(16) TRANSITIONAL BENEFITS AND SERVICES.—The department shall develop procedures to ensure that families leaving the temporary cash assistance program receive transitional benefits and services that will assist the family in moving toward self-sufficiency. At a minimum, such procedures must include, but are not limited to, the following:

(a) Each WAGES participant who is determined ineligible for cash assistance for a reason other than a work activity sanction shall be contacted by the case manager and provided information about the availability of transitional benefits and services. Such contact shall be attempted prior to closure of the case management file.

(b) Each WAGES participant who is determined ineligible for cash assistance due to noncompliance with the work activity requirements shall be contacted and provided information in accordance with s. 414.065(4).

(c) The department, in consultation with the WAGES Program State Board of Directors, shall develop informational material, including posters and brochures, to better inform families about the availability of transitional benefits and services.

(d) The department shall review federal requirements related to transitional Medicaid and shall, to the extent permitted by federal law, develop procedures to maximize the utilization of transitional Medicaid by families who leave the temporary cash assistance program.

Section 14. Subsections (2), (3), (10), and (12) of section 414.105, Florida Statutes, 1998 Supplement, are amended to read:

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

(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996. A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months. Hardship exemptions to the

time limitations of this chapter shall be limited to ~~10 percent of participants in the first year of implementation of this chapter, 15 percent of participants in the second year of implementation of this chapter, and 20 percent of participants in all subsequent years, as determined by the department and approved by the WAGES Program State Board of Directors.~~ Criteria for hardship exemptions include:

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

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

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

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

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

At the recommendation of the local WAGES coalition, temporary cash assistance under a hardship exemption for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

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

(10) An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program is not subject to time limitations. An individual who has applied for supplemental security income (SSI), but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. Such individual must continue

to meet all program requirements assigned to the participant based on medical ability to comply. Extensions of time limits shall be within the recipient's 48-month lifetime limit. Hardship exemptions granted under this subsection shall not be subject to the percentage limitations in subsection (2).

(12) A member of the WAGES Program staff shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 24-month time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

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

414.1525 WAGES early exit diversion program.—An individual who meets the criteria listed in this section may choose to receive a lump-sum payment in lieu of ongoing cash assistance payments, provided the individual:

(1) Is employed and is receiving earnings, and would be eligible to receive cash assistance in an amount less than \$100 per month given the WAGES earnings disregard.

(2) Has received cash assistance for at least 3 consecutive months.

(3) Expects to remain employed for at least 6 months.

(4) Chooses to receive a one-time lump-sum payment in lieu of ongoing monthly payments.

(5) Provides employment and earnings information to the department, so that the department can ensure that the family's eligibility for transitional benefits can be evaluated.

(6) Signs an agreement not to apply for or accept cash assistance for 6 months after receipt of the one-time payment. In the event of an emergency, such agreement shall provide for an exception to this restriction, provided that the one-time payment shall be deducted from any cash assistance for which the family subsequently is approved. This deduction may be prorated over an 8 month period. The department shall adopt rules defining the conditions under which a family may receive cash assistance due to such emergency.

Such individual may choose to accept a one-time lump-sum payment of \$1,000 in lieu of receiving ongoing cash assistance. Such payment shall only count toward the time limitation for the month in which the payment is made in lieu of cash assistance. A participant choosing to accept such payment shall be terminated from cash assistance. However, eligibility for Medicaid, food stamps, or child care shall continue, subject to the eligibility requirements of those programs.

Section 16. Subsections (2), (3), (4), and (5) of section 414.155, Florida Statutes, 1998 Supplement, are amended to read:

414.155 Relocation assistance program.—

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

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

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

1. Is unlikely to achieve independence at the current community of residence;
2. Has secured a job that requires relocation to another community;
3. Has a family support network in another community; or
4. Is determined, pursuant to criteria or procedures established by the WAGES Program State Board of Directors, to be a victim of domestic violence who would experience reduced probability of further incidents through relocation.

(c) Establishment of a relocation plan ~~which includes, including a budget and such requirements as are necessary to prevent abuse of the benefit and to provide an assurance that the applicant will relocate. The plan may require that expenditures be made on behalf of the recipient. However, the plan must include~~ provisions to protect the safety of victims of domestic violence and avoid provisions that place them in anticipated danger. The payment to defray relocation expenses shall be determined based on a rule approved by the WAGES Program State Board of Directors and adopted by the department. Participants in the relocation program shall be eligible for transitional benefits limited to an amount not to exceed 4 months' temporary cash assistance, based on family size.

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

(e) Monitoring the relocation.

(3) A family receiving relocation assistance for reasons other than domestic violence must sign an agreement restricting the family from applying for temporary cash assistance for a period specified in a rule approved by the WAGES Program State Board of Directors and adopted by the department ~~6 months~~, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for temporary cash

assistance within such period, ~~6 months~~ after receiving a relocation assistance payment, repayment must be made on a prorated basis ~~over an 8-month period~~ and subtracted from any regular payment of temporary cash assistance for which the applicant may be eligible, as specified in a rule approved by the WAGES Program State Board of Directors and adopted by the department.

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

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

Section 17. Section 414.157, Florida Statutes, is created to read:

414.157 Diversion program for victims of domestic violence.—

(1) The diversion program for victims of domestic violence is intended to provide services and one-time payments to assist victims of domestic violence and their children in making the transition to independence.

(2) Before finding an applicant family eligible for the diversion program created under this section, a determination must be made that:

(a) The applicant family includes a pregnant woman or a parent with one or more minor children or a caretaker relative with one or more minor children.

(b) The services or one-time payment provided are not considered assistance under federal law or guidelines.

(3) Notwithstanding any provision to the contrary in ss. 414.075, 414.085, and 414.095, a family meeting the criteria of subsection (2) who is determined by the domestic violence program to be in need of services or one-time payment due to domestic violence shall be considered a needy family and shall be deemed eligible under this section for services through a certified domestic violence shelter.

(4) One-time payments provided under this section shall not exceed an amount recommended by the WAGES Program State Board of Directors and adopted by the department in rule.

(5) Receipt of services or a one-time payment under this section shall not preclude eligibility for, or receipt of, other assistance or services under this chapter.

Section 18. Section 414.158, Florida Statutes, is created to read:

414.158 Diversion program to strengthen Florida's families.—

(1) The diversion program to strengthen Florida's families is intended to provide services and one-time payments to assist families in avoiding welfare dependency and to strengthen families so that children can be cared for in their own homes or in the homes of relatives and so that families can be self-sufficient.

(2) Before finding a family eligible for the diversion program created under this section, a determination must be made that:

(a) The family includes a pregnant woman or a parent with one or more minor children or a caretaker relative with one or more minor children.

(b) The family meets the criteria of a voluntary assessment performed by Healthy Families Florida; the family meets the criteria established by the department for determining that one or more children in the family are at risk of abuse, neglect, or threatened harm; or the family is homeless or living in a facility that provides shelter to homeless families.

(c) The services or one-time payment provided are not considered assistance under federal law or guidelines.

(3) Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family meeting the requirements of subsection (2) shall be considered a needy family and shall be deemed eligible under this section.

(4) The department, in consultation with Healthy Families Florida, may establish additional requirements related to services or one-time payments, and the department is authorized to adopt rules relating to maximum amounts of such one-time payments.

(5) Receipt of services or a one-time payment under this section shall not preclude eligibility for, or receipt of, other assistance or services under this chapter.

Section 19. Section 414.1585, Florida Statutes, is created to read:

414.1585 Diversion program for families at risk of welfare dependency due to substance abuse or mental illness.

(1) The diversion program for families at risk of welfare dependency due to substance abuse or mental illness is intended to provide services and one-time payments to assist families in avoiding welfare dependency and to stabilize families, so that children can be cared for in their own homes or in the homes of relatives and so that families can be self-sufficient.

(2) Before finding a family eligible for the diversion program created under this section, a determination must be made that:

(a) The family includes a pregnant woman or a parent with one or more minor children or a caretaker relative with one or more minor children.

(b) The family meets criteria established by the department that one or more individuals in the family are at risk of or are impaired due to substance abuse or mental illness.

(c) The services or one-time payment provided are not considered assistance under federal law or guidelines.

(3) Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family meeting the criteria of subsection (2) shall be considered a needy family and shall be deemed eligible under this section.

(4) The department is authorized to adopt rules governing the administration of this section and may establish additional criteria related to services, client need, or one-time payments. The department may establish maximum amounts of one-time payments in rule.

(5) Receipt of services or a one-time payment under this section shall not preclude eligibility for, or receipt of, other assistance or services under this chapter.

Section 20. Section 414.159, Florida Statutes, is created to read:

414.159 Teen parent and pregnancy prevention diversion program; eligibility for services.—The Legislature recognizes that teen pregnancy is a major cause of dependency on government assistance that often extends through more than one generation. The purpose of the teen parent and pregnancy prevention diversion program is to provide services to reduce and avoid welfare dependency by reducing teen pregnancy, reducing the incidence of multiple pregnancies to teens, and by assisting teens in completing educational programs.

(1) Notwithstanding any provision to the contrary in ss. 414.075, 414.085, and 414.095, a teen who is determined to be at-risk of teen pregnancy or who already has a child shall be deemed eligible to receive services under this program.

(2) Services provided under this program shall be limited to services that are not considered assistance under federal law or guidelines.

(3) Receipt of services under this section shall not preclude eligibility for, or receipt of, other assistance or services under this chapter.

Section 21. Section 414.1599, Florida Statutes, is created to read:

414.1599 Diversion programs; determination of need.—If federal regulations require a determination of needy families or needy parents to be based on financial criteria, such as income or resources, for individuals or families who are receiving services, one-time payments, or nonrecurring short-term benefits, the department shall adopt rules to define such criteria. In such rules, the department shall use the income level established for Temporary Assistance for Needy Families funds which are transferred for use under Title XX of the Social Security Act. If federal regulations do not require a

financial determination for receipt of such benefits, payments, or services, the criteria otherwise established in this chapter shall be used.

Section 22. Section 414.18, Florida Statutes, is created to read:

414.18 Program for dependent care for families with children with special needs.—

(1) There is created the program for dependent care for families with children with special needs. This program is intended to provide assistance to families with children who meet the following requirements:

(a) The child or children are between the ages of 13 and 17 years, inclusive.

(b) The child or children are considered to be children with special needs as defined by the subsidized child care program authorized under s. 402.3015.

(c) The family meets the income guidelines established under s. 402.3015. Financial eligibility for this program shall be based solely on the guidelines used for subsidized child care, notwithstanding any financial eligibility criteria to the contrary in s. 414.075, s. 414.085, or s. 414.095.

(2) Implementation of this program shall be subject to appropriation of funds for this purpose.

(3) If federal funds under the Temporary Assistance for Needy Families block grant provided under Title IV-A of the Social Security Act, as amended, are used for this program, the family must be informed about the federal requirements on receipt of such assistance and must sign a written statement acknowledging, and agreeing to comply with, all federal requirements.

(4) In addition to child care services provided under s. 402.3015, dependent care may be provided for children age 13 years and older who are in need of care due to disability and where such care is needed for the parent to accept or continue employment or otherwise participate in work activities. The amount of subsidy shall be consistent with the rates for special needs child care established by the department. Dependent care needed for employment may be provided as transitional services for up to 2 years after eligibility for WAGES assistance ends.

(5) Notwithstanding any provision of s. 414.105 to the contrary, the time limitation on receipt of assistance under this section shall be the limit established pursuant to s. 408(a)(7) of the Social Security Act, as amended, 42 U.S.C. s. 608(a)(7).

Section 23. Section 414.20, Florida Statutes, 1998 Supplement, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision



of needed support services, the department and the local WAGES coalition ~~Department of Labor and Employment Security~~ may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) **TRANSPORTATION.**—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts; churches and community centers; donated motor vehicle programs, van pools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage WAGES participants to become transportation providers; public and private transportation partnerships; and other innovative strategies to expand transportation options available to program participants.

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

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

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

(3) **MEDICAL SERVICES.**—A family that meets the eligibility requirements for Medicaid shall receive medical services under the Medicaid program.

(4) **PERSONAL AND FAMILY COUNSELING AND THERAPY.**—Counseling may be provided to participants who have a personal or family prob-

lem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department and local WAGES coalitions ~~the Department of Labor and Employment Security~~ shall use services that are available in the community at no additional cost. If these services are not available, the department and local WAGES coalitions ~~the Department of Labor and Employment Security~~ may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

Section 24. Section 414.22, Florida Statutes, is amended to read:

414.22 Transitional education and training.—In order to assist current and former participants who are working or actively seeking employment in continuing their training and upgrading their skills, education, or training, support services may be provided to a participant for up to 2 years after the participant is no longer eligible to participate in the program. This section does not constitute an entitlement to transitional education and training. If funds are not sufficient to provide services under this section, the WAGES Program State Board of Directors ~~Department of Labor and Employment Security~~ may limit or otherwise prioritize transitional education and training.

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

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

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

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

Section 25. Section 414.223, Florida Statutes, is created to read:

414.223 Retention Incentive Training Accounts.—To promote job retention and to enable upward job advancement into higher skilled, higher paying employment, the WAGES Program State Board of Directors, Workforce Development Board, regional workforce development boards, and local

WAGES coalitions may jointly assemble, from postsecondary education institutions, a list of programs and courses for WAGES participants who have become employed which promote job retention and advancement.

(1) The WAGES Program State Board of Directors and the Workforce Development Board may jointly establish Retention Incentive Training Accounts (RITAs). RITAs shall utilize Temporary Assistance to Needy Families block grant funds specifically appropriated for this purpose. RITAs must complement the Individual Training Account required by the federal Workforce Investment Act of 1998, Pub. L. No. 105-220.

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

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

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

Section 26. Section 414.225, Florida Statutes, 1998 Supplement, is amended to read:

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

(1) Transitional transportation must be job or education related.

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

Section 27. Section 414.23, Florida Statutes, is amended to read:

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

(1) If required by federal waivers or other federal requirements, the department and the WAGES Program State Board of Directors ~~Department~~

of ~~Labor and Employment Security~~ may provide for evaluation according to these requirements.

(2) The department and the WAGES Program State Board of Directors ~~Department of Labor and Employment Security~~ shall participate in the evaluation of this program in conjunction with evaluation of the state's workforce development programs or similar activities aimed at evaluating program outcomes, cost-effectiveness, or return on investment, and the impact of time limits, sanctions, and other welfare reform measures set out in this chapter. Evaluation shall also contain information on the number of participants in work experience assignments who obtain unsubsidized employment, including, but not limited to, the length of time the unsubsidized job is retained, wages, and the public benefits, if any, received by such families while in unsubsidized employment. The evaluation shall solicit the input of consumers, community-based organizations, service providers, employers, and the general public, and shall publicize, especially in low-income communities, the process for submitting comments.

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

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

(5) In providing for evaluation activities, the department and the WAGES Program State Board of Directors ~~Department of Labor and Employment Security~~ shall safeguard the use or disclosure of information obtained from program participants consistent with federal or state requirements. The department and the WAGES Program State Board of Directors ~~Department of Labor and Employment Security~~ may use evaluation methodologies that are appropriate for evaluation of program activities, including random assignment of recipients or participants into program groups or control groups. To the extent necessary or appropriate, evaluation data shall provide information with respect to the state, district, or county, or other substate area.

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

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

Section 28. Section 414.37, Florida Statutes, is amended to read:

414.37 Public assistance overpayment recovery privatization; reemployment of laid-off career service employees.—Should career service employees of the Department of Children and Family Services be subject to layoff after July 1, 1995, due to the privatization of public assistance overpayment

recovery functions, the privatization contract shall require the contracting firm to give priority consideration to employment of such employees. In addition, a task force composed of representatives from the Department of Children and Family Services, the Department of Labor and Employment Security, and the Department of Management Services shall be established to provide reemployment assistance to such employees.

Section 29. Section 414.44, Florida Statutes, is amended to read:

414.44 Data collection and reporting.—The department and the WAGES Program State Board of Directors ~~Department of Labor and Employment Security~~ shall collect data necessary to administer this chapter and make the reports required under federal law to the United States Department of Health and Human Services and the United States Department of Agriculture.

Section 30. Section 414.45, Florida Statutes, 1998 Supplement, is amended to read:

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

Section 31. Subsection (1), paragraph (b) of subsection (2), and paragraph (a) of subsection (3) of section 414.70, Florida Statutes, 1998 Supplement, are amended to read:

414.70 Drug-testing and drug-screening program; procedures.—

(1) DEMONSTRATION PROJECT.—The Department of Children and Family Services, in consultation with local WAGES coalitions 3 and 8, shall develop and, as soon as possible after January 1, 1999, implement a demonstration project in WAGES regions 3 and 8 to screen each applicant and test applicants for temporary cash assistance provided under this chapter, who the department has reasonable cause to believe, based on the screening, engage in illegal use of controlled substances. Unless reauthorized by the Legislature, this demonstration project expires June 30, 2001. As used in this act, the term “applicant” means an individual who first applies for assistance or services under the WAGES Program. Screening and testing for the illegal use of controlled substances is not required if the individual reapplies during any continuous period in which the individual receives assistance or services. However, an individual may volunteer for drug testing and treatment if funding is available.

(a) Applicants subject to the requirements of this section include any parent or caretaker relative who is included in the cash assistance group, including individuals who may be exempt from work activity requirements

due to the age of the youngest child or who may be excepted from work activity requirements under s. 414.065(7).

(b) Applicants not subject to the requirements of this section include applicants for food stamps or Medicaid who are not applying for cash assistance, applicants who, if eligible, would be exempt from the time limitation and work activity requirements due to receipt of social security disability income, and applicants who, if eligible, would be excluded from the assistance group due to receipt of supplemental security income.

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

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

(3) CHILDREN.—

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

Section 32. Subsection (13) of section 239.249, Florida Statutes, is amended to read:

239.249 Market-driven, performance-based incentive funding for vocational and technical education programs.—

(13) Payment for vocational and technical education and training provided to WAGES Program participants shall be in accordance with the payment structure established by the WAGES Program State Board of Directors under s. 414.027(1)(i)~~(g)~~.

Section 33. Paragraph (m) is added to subsection (2) of section 250.10, Florida Statutes, 1998 Supplement, to read:

250.10 Appointment and duties of the Adjutant General.—

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

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

1. About Face shall establish a summer and a year-round afterschool life-preparation program for economically disadvantaged and at-risk youths from 13 through 17 years of age. Both programs must provide schoolwork

assistance, focusing on the skills needed to pass the high school competency test, and also focus on functional life skills, including teaching students to work effectively in groups; providing basic instruction in computer skills; teaching basic problem solving, decisionmaking, and reasoning skills; teaching how the business world and free enterprise work through computer simulations; and teaching home finance and budgeting and other daily living skills. In the afterschool program, students must train in academic study skills, and the basic skills that businesses require for employment consideration.

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

Section 34. Sections 414.29 and 414.43, Florida Statutes, are repealed.

Section 35. (1) Notwithstanding the provisions of ss. 216.031, 216.0181, 216.251, and 216.262, Florida Statutes, to the contrary and pursuant to the provisions of s. 216.351, Florida Statutes, funds and authorized positions for the operation of programs affected by this act may be transferred by the Executive Office of the Governor between appropriation categories, budget entities, and departments as necessary to implement the act. The affected departments shall develop and publish annual operating budgets that reflect any reallocations. Any program, activity, or function transferred under the provisions of this subsection shall be considered a type two transfer under the provisions of s. 20.06, Florida Statutes.

(2) Notwithstanding the provisions of s. 216.181, Florida Statutes, and pursuant to the provisions of s. 216.351, Florida Statutes, but subject to any requirements imposed in the General Appropriations Act, the Comptroller, upon the request of the Executive Office of the Governor, shall transfer or reallocate funds to or among accounts established for disbursement purposes as necessary to implement this act. The departments shall maintain records to account for the original appropriation and shall submit legislative budget requests which reflect the transfer of funds between expenditure categories which have been made in order to implement this act.

(3) This section shall take effect upon this act becoming a law.

Section 36. This act shall take effect upon becoming a law.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.