

Committee Substitute for Senate Bill No. 2050

An act relating to workforce innovation; creating s. 445.001, F.S.; designating chapter 445, F.S., as the "Workforce Innovation Act of 2000"; creating s. 445.002, F.S.; providing definitions; transferring, renumbering, and amending s. 288.9956, F.S.; revising provisions implementing the federal Workforce Investment Act of 1998 to conform to changes made by the act; revising the investment act principles; revising funding requirements; deleting obsolete provisions; transferring, renumbering, and amending s. 288.9952, F.S.; redesignating the Workforce Development Board as "Workforce Florida, Inc."; providing for Workforce Florida, Inc., to function as a not-for-profit corporation and be the principal workforce policy organization for the state; providing for a board of directors; providing for the appointment of a president of Workforce Florida, Inc.; providing duties of the board of directors; specifying programs to be under the oversight of Workforce Florida, Inc.; requiring reports and measures of outcomes; providing for Workforce Florida, Inc., to develop the state's workforce development strategy; authorizing the granting of charters to regional workforce boards; creating s. 445.005, F.S.; requiring the chairperson of Workforce Florida, Inc., to establish the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council; providing for council members; providing for the councils to advise the board of directors of Workforce Florida, Inc., and make recommendations for implementing workforce strategies; creating s. 445.006, F.S.; requiring Workforce Florida, Inc., to develop a strategic plan for workforce development; requiring updates of the plan; requiring a marketing plan as part of the strategic plan; providing for performance measures and contract guidelines; requiring that the plan include a teen pregnancy prevention component; transferring, renumbering, and amending s. 288.9953, F.S.; redesignating the regional workforce development boards as the "regional workforce boards"; providing requirements for contracts with an organization or individual represented on the board; requiring the fiscal agent or administrative entity to administer funds according to certain specifications; transferring duties for overseeing the regional workforce boards to Workforce Florida, Inc.; requiring the workforce boards to establish certain committees; specifying that regional workforce boards and their entities are not state agencies; providing for procurement procedures; creating s. 445.008, F.S.; authorizing Workforce Florida, Inc., to create the Workforce Training Institute; providing for the institute to include Internet-based modules; requiring Workforce Florida, Inc., to adopt policies for operating the institute; authorizing the acceptance of grants and donations; transferring, renumbering, and amending s. 288.9951, F.S.; redesignating one-stop career centers as the "one-stop delivery system"; providing for the system to be the state's primary strategy for providing workforce development services; providing a procedure for designating one-stop delivery system operators; requiring the Office of Program Policy Analysis and

Governmental Accountability to review the delivery of employment services and report to the Governor and Legislature; providing legislative intent with respect to the transfer of programs and administrative responsibilities for the state's workforce development system; providing for a transition period; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; providing for the transfer of records, balances of appropriations, and other funds; providing for the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to contract with Workforce Florida, Inc., as the state's principal workforce policy organization; transferring the records, appropriations, and other funds of the WAGES Program and the Workforce Development Board of Enterprise Florida, Inc., to Workforce Florida, Inc., as created by the act; transferring the employees of the Division of Jobs and Benefits to the Agency for Workforce Innovation; providing for a type two transfer of the Division of Unemployment Compensation to the Agency for Workforce Innovation; requiring a contract between the Agency for Workforce Innovation and the Department of Revenue for unemployment tax collection services by the Department of Revenue; providing a limitation on certain administrative support services positions; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study regarding the feasibility of privatizing unemployment tax collection services; transferring the programs and functions of the Division of Workforce and Employment Opportunities and the Office of Labor Market and Performance Information of the Department of Labor and Employment Security to the Agency for Workforce Innovation; providing certain exceptions; transferring certain vacant positions to the Agency for Workforce Innovation for allocation to regional workforce boards; authorizing Workforce Florida, Inc., to contract with the Agency for Workforce Innovation for the lease of employees; requiring the Department of Labor and Employment Security to develop a plan for certain purposes; creating s. 445.010, F.S.; providing principles for developing and managing information technology for the workforce system; requiring the sharing of information between agencies within the workforce system; creating s. 445.011, F.S.; requiring Workforce Florida, Inc., to implement a workforce information system, subject to legislative appropriation; specifying information systems to be included; providing requirements for procurement and validation services; requiring that the system be compatible with the state's information system; creating s. 445.013, F.S.; providing for challenge grants in support of welfare-to-work initiatives; requiring Workforce Florida, Inc., to establish the grant program, subject to legislative appropriation; specifying types of organizations that are eligible to receive a grant under the program; providing requirements for matching funds; providing requirements for administering and evaluating the grant program; transferring, renumbering, and amending s. 288.9955, F.S., relating to the Untried Worker Placement and Employment Incentive Act; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 414.15, F.S.; providing certain

diversion services under the one-stop delivery system; providing for regional workforce boards to determine eligibility for diversion services; deleting certain limitations on diversion payments; creating s. 445.018, F.S.; providing for a diversion program to strengthen families; specifying services that may be offered under the program; providing that such services are not assistance under federal law or guidelines; requiring families that receive services to agree not to apply for temporary cash assistance for a specified period unless an emergency arises; providing requirements for repaying the value of services provided; transferring, renumbering, and amending s. 414.159, F.S., relating to the teen parent and pregnancy prevention diversion program; conforming cross references to changes made by the act; creating s. 445.020, F.S.; providing for certain criteria for establishing eligibility for diversion programs; transferring, renumbering, and amending s. 414.155, F.S., relating to the relocation assistance program; providing duties of the regional workforce boards; revising eligibility requirements for services under the program; requiring the board of directors of Workforce Florida, Inc., to determine eligibility criteria and relocation plans; transferring, renumbering, and amending s. 414.223, F.S., relating to Retention Incentive Training Accounts; authorizing the board of directors of Workforce Florida, Inc., to establish such accounts; transferring, renumbering, and amending s. 414.18, F.S., relating to a program for dependent care for families with children with special needs; conforming provisions to changes made by the act; creating s. 445.024, F.S.; specifying the activities that satisfy the work requirements for a participant in the welfare transition program; providing for regional workforce boards to administer various subsidized employment programs formerly administered by the local WAGES coalitions; including GED preparation and literacy education within the activities that satisfy work requirements under the welfare transition program; providing requirements for participating in work activities; providing for certain individuals to be exempt from such requirements; requiring regional workforce boards to prioritize work requirements if funds are insufficient; requiring regional workforce boards to contract for work activities, training, and other services; transferring, renumbering, and amending s. 414.20, F.S.; authorizing the regional workforce boards to prioritize or limit certain support services; providing requirements for the boards in providing for counseling and therapy services; transferring, renumbering, and amending s. 414.1525, F.S.; providing for a severance benefit in lieu of cash assistance payments; requiring the regional workforce boards to determine eligibility for such a benefit; creating s. 445.028, F.S.; requiring the Department of Children and Family Services, in cooperation with Workforce Florida, Inc., to provide for certain transitional benefits and services for families leaving the temporary cash assistance program; transferring, renumbering, and amending s. 414.21, F.S., relating to transitional medical benefits; clarifying requirements for notification; transferring, renumbering, and amending s. 414.22, F.S.; authorizing the board of directors of Workforce Florida, Inc., to prioritize transitional education and training; providing for regional workforce boards to authorize child care or other

services; transferring, renumbering, and amending s. 414.225, F.S.; providing for transitional transportation services administered by regional workforce boards; expanding the period such services may be available; creating s. 445.032, F.S.; providing for transitional child care services; authorizing regional workforce boards to prioritize such services; transferring, renumbering, and amending s. 414.23, F.S.; providing for the evaluation of programs funded under Temporary Assistance for Needy Families; creating s. 445.034, F.S.; providing requirements for expenditures from the Temporary Assistance for Needy Families block grant; transferring, renumbering, and amending s. 414.44, F.S.; requiring the board of directors of Workforce Florida, Inc., to collect data and make reports; amending s. 414.025, F.S.; revising legislative intent with respect to the programs administered under chapter 414, F.S., to conform to changes made by the act; amending s. 414.0252, F.S.; revising definitions; amending s. 414.045, F.S., relating to the cash assistance program; specifying families that are considered to be work eligible cases; providing for the regional workforce boards to provide for service delivery for work eligible cases; amending s. 414.065, F.S.; deleting provisions governing work activities to conform to changes made by the act; providing an additional exception to certain non-compliance penalties; amending s. 414.085, F.S.; specifying eligibility standards for the temporary cash assistance program; amending s. 414.095, F.S.; revising requirements for determining eligibility for temporary cash assistance; conforming cross-references to changes made by the act; revising eligibility requirements for noncitizens; amending s. 414.105, F.S.; revising procedures for reviewing exemptions from the requirements for eligibility for temporary cash assistance; deleting certain limitations on the period of such exemptions; providing an extension of certain time limitations with respect to an applicant for supplemental security disability income (SSDI); providing for the regional workforce boards to review the prospects of certain participants for employment; amending s. 414.157, F.S., relating to the diversion program for victims of domestic violence; conforming provisions to changes made by the act; amending s. 414.158, F.S.; providing for a diversion program to prevent or reduce child abuse and neglect; providing for eligibility; amending ss. 414.35 and 414.36, F.S., relating to emergency relief and the recovery of overpayments; deleting obsolete provisions; amending ss. 414.39 and 414.41, F.S., relating to case screening and the recovery of certain payments; conforming provisions to changes made by the act; amending s. 414.55, F.S.; deleting provisions authorizing a delay in the implementation of certain programs; providing for Workforce Florida, Inc., to implement the community work program; amending s. 414.70, F.S.; revising certain provisions of a drug-testing and drug-screening program to conform to changes made by the act; deleting obsolete provisions; repealing ss. 239.249, 288.9950, 288.9954, 288.9957, 288.9958, 288.9959, 414.015, 414.026, 414.0267, 414.027, 414.028, 414.029, 414.030, 414.055, 414.125, 414.25, and 414.38, F.S., relating to funding for vocational and technical education programs, the Workforce Florida Act of 1996, the

Workforce Development Board, the WAGES Program State Board of Directors, the WAGES Program, matching grants, local WAGES coalitions, the WAGES Program business registry, WAGES Program Employment Projects, one-stop career centers, the Learnfare Program, exemptions from requirements for certain leases of real property, and certain pilot programs; conforming provisions to changes made by the act; amending s. 14.2015, F.S.; providing additional duties of the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor with respect to workforce development; requiring that the office cooperate and contract with Workforce Florida, Inc., in performing certain functions; amending s. 20.171, F.S.; revising duties of the Assistant Secretary for Programs and Operations within the Department of Labor and Employment Security; abolishing the Division of Workforce and Employment Opportunities within the department to conform to changes made by the act; creating s. 20.50, F.S.; creating the Agency for Workforce Innovation in the Department of Management Services; specifying duties of the agency; providing for the agency to administer the Office of Workforce Services, the Office of Workforce Support Services, the Office of Workforce Investment and Accountability, and the Office of Workforce Information Services; specifying the federal grants and other funds assigned to the agency for administration; amending s. 212.08, F.S., relating to sales tax exemptions; deleting a requirement that a business register with the WAGES Program Business Registry for purposes of qualifying for certain exemptions; amending s. 212.096, F.S.; redefining the term “new employee” to include participants in the welfare transition program for purposes of certain tax credits; amending ss. 212.097 and 212.098, F.S., relating to job tax credits; providing eligibility for tax credits to certain businesses that hire participants in the welfare transition program; amending s. 216.136, F.S.; redesignating the Occupational Forecasting Conference as the “Workforce Estimating Conference”; specifying additional duties of the conference with respect to developing forecasts for employment demands and occupational trends; amending s. 220.181, F.S., relating to the enterprise zone jobs credit; providing for businesses that hire participants in the welfare transition program to be eligible for the credit; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; providing eligibility for children whose parents participate in the welfare transition program; amending s. 232.17, F.S.; revising requirements for administering the Child Labor Law to conform to changes made by the act; amending s. 234.01, F.S.; providing for school boards to provide transportation services to participants in the welfare transition program; amending s. 234.211, F.S., relating to the use of school buses; conforming provisions to changes made by the act; amending s. 239.105, F.S.; redefining the term “degree vocational education program” for purposes of ch. 239, F.S.; amending s. 239.115, F.S.; providing for a program to be used to provide customized training for businesses; providing for remaining balances to carry over; providing for performance funds to be distributed to certain workforce programs; conforming provisions to

changes made by the act; amending s. 239.117, F.S.; providing for school districts or community colleges to pay the fees of students enrolled in a program under the welfare transition program; amending s. 239.229, F.S.; requiring the Department of Education to update certain vocational, adult, and community education programs and establishes restrictions on job training programs; amending s. 239.301, F.S.; providing for literacy assessments and other specialized services for participants in the welfare transition program; amending s. 239.514, F.S., relating to the Workforce Development Capitalization Incentive Grant Program; conforming provisions to changes made by the act; amending s. 240.209, F.S.; requiring that the Board of Regents consider industry-driven competencies in certain program reviews; amending s. 240.312, F.S.; revising requirements for reviewing certificate career education programs and certain degree programs; amending s. 240.35, F.S.; providing for students enrolled in employment and training programs under the welfare transition program to be exempt from certain fees; amending ss. 240.40207 and 240.40685, F.S., relating to the Florida Gold Seal Vocational Scholars award and the Certified Education Paraprofessional Welfare Transition Program; conforming provisions to changes made by the act; amending s. 240.61, F.S., relating to college reach-out programs; providing for including temporary cash assistance in determining eligibility; amending s. 246.50, F.S.; providing for recipients of temporary cash assistance to be eligible for the Teacher-Aide Welfare Transition Program; amending ss. 288.046, 288.047, and 288.0656, F.S., relating to quick-response training; deleting a reference to targeted industrial clusters; providing for the program to be administered by Workforce Florida, Inc., in conjunction with Enterprise Florida, Inc.; abolishing the advisory committee; revising requirements for the grant agreements; providing for a Quick-Response Training Program for participants in the welfare transition program; amending s. 288.901, F.S.; providing for the chair of Workforce Florida, Inc., to be a member of the board of directors of Enterprise Florida, Inc.; amending ss. 288.904, 288.905, and 288.906, F.S.; revising the duties and functions of Enterprise Florida, Inc., to conform to changes made by the act; amending s. 320.20, F.S.; providing for employing participants in the welfare transition program for certain projects of the Department of Transportation and the Florida Seaport Transportation and Economic Development Council; amending ss. 322.34 and 341.052, F.S., relating to proceeds from the sale of seized motor vehicles and a public transit block grant program; conforming provisions to changes made by the act; amending s. 402.3015, F.S.; including children who participate in certain diversion programs under ch. 445, F.S., in the subsidized child care program; providing for certain needy families to be eligible to participate in the subsidized child care program; amending s. 402.33, F.S.; defining the term "state and federal aid" to include temporary cash assistance; amending s. 402.40, F.S.; revising membership requirements of the Child Welfare Standards and Training Council to reflect changes made by the act; amending s. 402.45, F.S., relating to the community resource mother or father

program; providing for eligibility for recipients of temporary cash assistance; amending s. 403.973, F.S.; providing for expedited permitting of projects that employ participants in the welfare transition program; amending ss. 409.2554 and 409.259, F.S., relating to the child support enforcement program; conforming provisions to changes made by the act; amending s. 409.2564, F.S.; correcting a cross-reference, to conform; amending s. 409.903, F.S., relating to payments for medical assistance; conforming provisions; amending s. 409.942, F.S.; requiring Workforce Florida, Inc., to establish an electronic benefit transfer program; requiring that the program be compatible with the benefit transfer program of the Department of Children and Family Services; amending ss. 411.01, 411.232, and 411.242, F.S., relating to the Florida Partnership for School Readiness, the Children's Early Investment Program, and the Education Now and Babies Later Program; conforming provisions and revising eligibility for such programs; amending s. 413.82, F.S., relating to occupational access and opportunity; conforming a definition to changes made by the act; amending s. 421.10, F.S., relating to housing authorities; conforming income requirements; amending ss. 427.013, 427.0155, and 427.0157, F.S., relating to the Commission for the Transportation Disadvantaged and community transportation programs; providing for the Division of Workforce Development within the Department of Education to perform duties with respect to apprenticeship training which were formerly performed by the Division of Jobs and Benefits within the Department of Labor and Employment Security; providing for the Division of Workforce Development within the Department of Education to perform duties with respect to apprenticeship training which were formerly performed by the Division of Jobs and Benefits within the Department of Labor and Employment Security; redesignating the State Apprenticeship Council as the "State Apprenticeship Advisory Council"; revising the method of appointing members to the council; amending ss. 443.091, 443.151, 443.181, 443.211, 443.221, 443.231, 446.011, 446.021, 446.032, 446.041, 446.045, 446.052, 446.061, 446.071, and 446.075, F.S., to conform; amending ss. 446.40, 446.41, 446.42, 446.43, and 446.44, F.S.; redesignating the Rural Manpower Services Program as the "Rural Workforce Services Program"; providing for the Division of Workforce Administrative Support of the Department of Management Services to administer the program under the direction of Workforce Florida, Inc.; amending s. 446.50, F.S.; requiring the Agency for Workforce Innovation to administer services for displaced homemakers under the direction of Workforce Florida, Inc.; requiring Workforce Florida, Inc., to develop the plan for the program; amending ss. 447.02, 447.04, 447.041, 447.045, 447.06, 447.12, and 447.16, F.S.; providing for part I of ch. 447, F.S., relating to the regulation of labor organizations, to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for administration by the Department of Labor and Employment Security; amending ss. 450.012, 450.061, 450.081, 450.095, 450.121,

450.132, and 450.141, F.S.; providing for part I of ch. 450, F.S., relating to child labor, to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending ss. 450.28, 450.30, 450.31, 450.33, 450.35, 450.36, 450.37, and 450.38, F.S., relating to farm labor registration; providing for part III of ch. 450, F.S., to be administered by the Department of Labor and Employment Security; deleting references to the Division of Jobs and Benefits; amending s. 497.419, F.S., relating to preneed contracts; conforming provisions to changes made by the act; amending s. 240.3341, F.S.; encouraging community colleges to establish incubator facilities for digital media content and technology development; requiring the Workforce Development Board to reserve funds for digital media industry training; providing direction on training; creating s. 240.710, F.S.; requiring the Board of Regents to create a Digital Media Education Coordination Group; providing for membership; providing purposes; requiring the group to develop a plan and submit the plan to the Legislature; authorizing Workforce Florida, Inc., to use certain funds for certain purposes; creating s. 445.012, F.S.; establishing the Careers for Florida's Future Incentive Grant Program; providing for loans to encourage students to obtain degrees or certificates in advanced technology fields; requiring Workforce Florida, Inc., to manage the grant program, under contract with the Department of Education; providing for the allocation of funds; providing for regional workforce boards to determine award recipients; specifying the amount of the grants; providing for the transfer of a grant award; creating s. 445.0121, F.S.; providing eligibility requirements for an initial incentive grant award; creating s. 445.0122, F.S.; providing for renewal of grants; creating s. 445.0123, F.S.; specifying postsecondary education institutions that are eligible to enroll a student who receives an incentive grant; creating s. 445.0124, F.S.; specifying eligible programs; creating s. 445.0125, F.S.; providing a repayment schedule after termination of an incentive grant; creating s. 445.014, F.S.; providing for a small business workforce service initiative; requiring Workforce Florida, Inc., to establish a program for support services to small businesses, subject to legislative appropriation; specifying eligible uses of funds under the program; providing program criteria; defining the term "small business" for purposes of the program; providing that income earned as a temporary federal census worker shall be disregarded in determination of eligibility for certain public assistance programs; providing limitations; providing appropriations; amending s. 402.305, F.S., to conform certain cross-references; providing that no entitlement is created by the act; providing for expiration of specified sections; providing for severability; providing effective dates.

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

Section 1. Section 445.001, Florida Statutes, is created to read:

445.001 Short title.—This chapter may be cited as the “Workforce Innovation Act of 2000.”

Section 2. Section 445.002, Florida Statutes, is created to read:

445.002 Definitions.—As used in this chapter, the term:

(1) “Agency” means the Agency for Workforce Innovation.

(2) “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; teen pregnancy prevention; two-parent family support, including noncustodial parent employment; court-ordered supervised visitation, and responsible fatherhood services; and any other services that are reasonably calculated to further the purposes of the welfare transition program. Such terms do not include assistance as defined in federal regulations at 45 C.F.R. s. 260.31(a).

(3) “Welfare transition services” means those workforce services provided to current or former recipients of temporary cash assistance under chapter 414.

Section 3. Section 288.9956, Florida Statutes, is transferred, renumbered as section 445.003, Florida Statutes, and amended to read:

445.003 288.9956 Implementation of the federal Workforce Investment Act of 1998.—

(1) WORKFORCE INVESTMENT ACT PRINCIPLES.—The state’s approach to implementing the federal Workforce Investment Act of 1998, Pub. L. No. 105-220, should have six elements:

(a) Streamlining Services.—Florida’s employment and training programs must be coordinated and consolidated at locally managed one-stop delivery system ~~Career~~ centers.

(b) Empowering Individuals.—Eligible participants will make informed decisions, choosing the qualified training program that best meets their needs.

(c) Universal Access.—Through a one-stop delivery system ~~Career Centers~~, every Floridian will have access to employment services.

(d) Increased Accountability.—The state, localities, and training providers will be held accountable for their performance.

(e) Local Board and Private Sector Leadership.—Local boards will focus on strategic planning, policy development, and oversight of the local system,

choosing local managers to direct the operational details of their one-stop delivery system centers ~~Career Centers~~.

(f) Local Flexibility and Integration.—Localities will have exceptional flexibility to build on existing reforms. Unified planning will free local groups from conflicting micromanagement, while waivers and WorkFlex will allow local innovations.

(2) FIVE-YEAR PLAN.—~~The Workforce Florida, Inc., Development Board shall prepare and submit a 5-year plan, which includes secondary vocational education, to fulfill the early implementation requirements of Pub. L. No. 105-220 and applicable state statutes. Mandatory federal partners and optional federal partners, including the WAGES Program State Board of Directors, shall be fully involved in designing the plan's one-stop delivery Career Center system strategy. The plan shall detail a process to clearly define each program's statewide duties and role relating to the system. Any optional federal partner may immediately choose to fully integrate its program's plan with this plan, which shall, notwithstanding any other state provisions, fulfill all their state planning and reporting requirements as they relate to the one-stop delivery system Career Centers. The plan shall detail a process that would fully integrate all federally mandated and optional partners by the second year of the plan. All optional federal program partners in the planning process shall be mandatory participants in the second year of the plan.~~

(3) FUNDING.—

(a) Title I, Workforce Investment Act of 1998 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended based on the ~~Workforce Development Board's 5-year plan of Workforce Florida, Inc.~~ The plan shall outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies. The following provisions shall also apply to these funds:

1. At least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce ~~development~~ boards shall be allocated to Individual Training Accounts unless a regional workforce ~~development~~ board obtains a waiver from the ~~Workforce Florida, Inc. Development Board~~. Tuition, fees, and performance-based incentive awards paid in compliance with Florida's Performance-Based Incentive Fund Program qualify as an Individual Training Account expenditure, as do other programs developed by regional workforce ~~development~~ boards in compliance with the ~~Workforce Development Board's policies of Workforce Florida, Inc.~~

2. Fifteen percent of Title I funding shall be retained at the state level and shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Of such funds retained at the state level, \$2 million shall be reserved for the Incumbent Worker Training Program, created under subparagraph 3. Eligible state administration costs include the costs of: funding for ~~of the Workforce Development board and Workforce Development Board's staff of Workforce Florida, Inc.;~~ operating fiscal, compliance,

and management accountability systems through the Workforce Florida, Inc. Development Board; conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to regions at the direction of the Workforce Florida, Inc. Development Board. Notwithstanding s. ~~445.004 288.9952~~, such administrative costs shall not exceed 25 percent of these funds. An amount not to exceed 75 Seventy percent of these funds shall be allocated to Individual Training Accounts and other workforce development strategies for: the Minority Teacher Education Scholars program, the Certified Teacher-Aide program, the Self-Employment Institute, and other training Individual Training Accounts designed and tailored by the Workforce Florida, Inc. Development Board, including, but not limited to, programs for incumbent workers, displaced homemakers, nontraditional employment, empowerment zones, and enterprise zones. The Workforce Florida, Inc., Development Board shall design, adopt, and fund Individual Training Accounts for distressed urban and rural communities. The remaining 5 percent shall be reserved for the Incumbent Worker Training Program.

3. The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs.

a. The Incumbent Worker Training Program will be administered by a private business organization, known as the grant administrator, under contract with the Workforce Florida, Inc. Development Board. Workforce Florida, Inc., at its discretion, may contract with a private business organization to serve as grant administrator.

b. To be eligible for the program's grant funding, a business must have been in operation in Florida for a minimum of 1 year prior to the application for grant funding; have at least one full-time employee; demonstrate financial viability; and be current on all state tax obligations. Priority for funding shall be given to businesses with 25 employees or fewer, businesses in rural areas, businesses in distressed inner-city areas, businesses in a qualified targeted industry, or businesses whose grant proposals represent a significant upgrade in employee skills, or businesses whose grant proposals represent a significant layoff avoidance strategy.

c. All costs reimbursed by the program must be preapproved by Workforce Florida, Inc., or the grant administrator. The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition and fees; books and classroom materials; and overhead or indirect administrative costs not to exceed 5 percent of the grant amount.

d. A business that is selected to receive grant funding must provide a matching contribution to the training project, including, but not limited to, wages paid to trainees or the purchase of capital equipment used in the

training project; must sign an agreement with Workforce Florida, Inc., or the grant administrator to complete the training project as proposed in the application; must keep accurate records of the project's implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

e. All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention. Workforce Florida, Inc., or the grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved.

f. ~~The Workforce Florida, Inc., may Development Board is authorized to~~ establish guidelines necessary to implement the Incumbent Worker Training Program.

g. No more than 10 percent of the Incumbent Worker Training Program's total appropriation may be used for overhead or indirect administrative purposes.

h. Workforce Florida, Inc., shall ~~The grant administrator is required to~~ submit a report to ~~the Workforce Development Board and the Legislature~~ on the financial and general operations of the Incumbent Worker Training Program. Such report will be due before October ~~December~~ 1 of any fiscal year for which the program is funded by the Legislature.

4. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. ~~The Workforce Florida, Inc., Development Board~~ shall also maintain an Emergency Preparedness Fund from Rapid Response funds which will immediately issue Intensive Service Accounts and Individual Training Accounts as well as other federally authorized assistance to eligible victims of natural or other disasters. At the direction of the Governor, for events that qualify under federal law, these Rapid Response funds shall be released to regional workforce ~~development~~ boards for immediate use. Funding shall also be dedicated to maintain a unit at the state level to respond to Rapid Response emergencies around the state, to work with state emergency management officials, and to work with regional workforce ~~development~~ boards. All Rapid Response funds must be expended based on a plan developed by ~~the Workforce Florida, Inc., Development Board~~ and approved by the Governor.

(b) The administrative entity for Title I, Workforce Investment Act of 1998 funds, and Rapid Response activities, ~~shall will be the Agency for Workforce Innovation, which shall provide determined by the Workforce Development Board, except that the administrative entity for Rapid Response for fiscal year 1999-2000 must be the Department of Labor and Employment Security. The administrative entity will provide services through a contractual agreement with the Workforce Development Board. The terms and conditions of the agreement may include, but are not limited to, the following:~~

1.—~~All policy direction to regional workforce development boards regarding Title I programs and Rapid Response activities pursuant to the direction of shall emanate from the Workforce Florida, Inc Development Board.~~

2.—~~Any policies by a state agency acting as an administrative entity which may materially impact local workforce boards, local governments, or educational institutions must be promulgated under chapter 120.~~

3.—~~The administrative entity will operate under a procedures manual, approved by the Workforce Development Board, addressing: financial services including cash management, accounting, and auditing; procurement; management information system services; and federal and state compliance monitoring, including quality control.~~

4.—~~State Career Service employees in the Department of Labor and Employment Security may be leased or assigned to the administrative entity to provide administrative and professional functions.~~

(4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED MODIFICATIONS.—

(a) ~~The Workforce Florida, Inc., Development Board may provide indemnification from audit liabilities to regional workforce development boards that act in full compliance with state law and the board's policies.~~

(b) ~~The Workforce Florida, Inc., Development Board may negotiate and settle all outstanding issues with the United States Department of Labor relating to decisions made by the Workforce Florida, Inc., any predecessor workforce organization, Development Board and the Legislature with regard to the Job Training Partnership Act, making settlements and closing out all JTPA program year grants before the repeal of the act June 30, 2000.~~

(c) ~~The Workforce Florida, Inc., Development Board may make modifications to the state's plan, policies, and procedures to comply with federally mandated requirements that in its judgment must be complied with to maintain funding provided pursuant to Pub. L. No. 105-220. The board shall notify in writing the Governor, the President of the Senate, and the Speaker of the House of Representatives within 30 days after of any such changes or modifications.~~

(5) ~~The Department of Labor and Employment Security shall phase-down JTPA duties before the federal program is abolished July 1, 2000. Outstanding accounts and issues shall be completed prior to transfer to the Agency for Workforce Innovation promptly closed out after this date.~~

(6) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.—

(a) ~~The Workforce Florida, Inc., Development Board may recommend workforce-related divisions, bureaus, units, programs, duties, commissions, boards, and councils that can be eliminated, consolidated, or privatized.~~

(b) ~~By December 31, 1999, The Office of Program Policy Analysis and Government Accountability shall review the workforce development system,~~

as established by this act identifying divisions, bureaus, units, programs, duties, commissions, boards, and councils that could be eliminated, consolidated, or privatized. The office shall submit preliminary findings by December 31, 1999, and its final report and recommendations by December January 31, 2002 2000, to the President of the Senate and the Speaker of the House of Representatives. As part of the report, the Office of Program Policy Analysis and Government Accountability shall specifically identify, by funding stream, indirect, administrative, management information system, and overhead costs of the Department of Labor and Employment Security.

~~(7) TERMINATION OF SET-ASIDE.—For those state and federal set-asides terminated by the federal Workforce Investment Act of 1998, the Department of Education, the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor, and the Department of Elder Affairs shall keep all unexpended JTPA 123 (Education Coordination), JTPA III (Dislocated Workers), or JTPA IIA (Services for Older Adults) funds to closeout their education and coordination activities. The Workforce Development Board shall develop guidelines under which the departments may negotiate with the regional workforce development boards to provide continuation of activities and services currently conducted with the JTPA Section 123 or JTPA IIA funds.~~

Section 4. Section 288.9952, Florida Statutes, is transferred, renumbered as section 445.004, Florida Statutes, and amended to read:

445.004 288.9952 Workforce Florida, Inc.; creation; purpose; membership; duties and powers Development Board.—

(1) There is created within the not-for-profit corporate structure of Enterprise Florida, Inc., a not-for-profit corporation, to be known as "Workforce Florida, Inc.," which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which shall not be a unit or entity of state government. Workforce Florida, Inc., shall be administratively housed within the Agency for Workforce Innovation; however, Workforce Florida, Inc., shall not be subject to control, supervision, or direction by the Agency for Workforce Innovation in any manner. The Legislature determines, however, that public policy dictates that Workforce Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public meetings public-private Workforce Development Board.

(2) Workforce Florida, Inc., is the principal workforce policy organization for the state. The purpose of the Workforce Florida, Inc., Development Board is to design and implement strategies that help Floridians enter, remain in, and advance in the workplace, becoming more highly skilled and successful, benefiting these Floridians, Florida businesses, and the entire state, and to assist in developing the state's business climate.

(3)(2)(a) The Workforce Florida, Inc., Development Board shall be governed by a 25-voting-member board of directors, the number of directors to

be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, and five three representatives of organized labor who shall be appointed by the Governor. Notwithstanding s. 114.05(1)(f) s. 114.05(f), the Governor may appoint remaining members to Workforce Florida, Inc., from of the current Workforce Development Board and the WAGES Program State Board of Directors, established pursuant to chapter 96-175, Laws of Florida, to serve on the reconstituted board as required by this section. By July 1, 2000 ~~June 1, 1999~~, the Workforce Development Board will provide to the Governor a transition plan to incorporate the changes required by this act and Pub. L. No. 105-220, specifying the ~~timeframe and~~ manner of changes to the board. This plan shall govern the transition, unless otherwise notified by the Governor. The importance of minority, ~~and gender, and geographic~~ representation shall be considered when making appointments to the board. ~~Additional members may be appointed when necessary to conform to the requirements of Pub. L. No. 105-220.~~

(b) The board of directors of the Workforce Florida, Inc., Development Board shall be chaired by a board member designated by the Governor pursuant to Pub. L. No. 105-220.

(c) ~~Private-sector~~ Members appointed by the Governor must be appointed for ~~2-year~~ 4-year, staggered terms. ~~Public-sector members appointed by the Governor must be appointed to 4-year terms.~~ Private sector representatives of businesses, appointed by the Governor pursuant to Pub. L. No. 105-220, shall constitute a majority of the membership of the board. Private sector representatives shall be appointed from nominations received by the Governor from any member of the Legislature. A member of the Legislature may submit more than one board nomination to the Governor through his respective presiding officer. Private sector appointments to the board shall be representative of the business community of this state and no less than one-half of the appointments to the board must be representative of small businesses. Members appointed by the Governor serve at the pleasure of the Governor and are eligible for reappointment.

(d) The Governor shall appoint members to the board of directors of the Workforce Florida, Inc., Development Board within 30 days after the receipt of a sufficient number of nominations.

(e) A member of the board of directors of the Workforce Florida, Inc., Development Board may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal. The chair of the Workforce Florida, Inc., Development Board shall notify the Governor of such absences.

(f) Representatives of businesses appointed to the board of directors may not include providers of workforce services.

(4)(3)(a) The president of the Workforce Florida, Inc., Development Board shall be hired by the board of directors of Workforce ~~president of~~

Enterprise Florida, Inc., and shall serve at the pleasure of the Governor in the capacity of an executive director and secretary of the Workforce Florida, Inc. Development Board.

(b) The board of directors of ~~the Workforce Florida, Inc., Development Board~~ shall meet at least quarterly and at other times upon call of its chair.

(c) A majority of the total current membership of the board of directors of ~~the Workforce Florida, Inc., Development Board~~ comprises a quorum of the board.

(d) A majority of those voting is required to organize and conduct the business of the ~~Workforce Development board~~, except that a majority of the entire board of directors of ~~the Workforce Development Board~~ is required to adopt or amend the operational plan.

(e) Except as delegated or authorized by the board of directors of ~~the Workforce Florida, Inc. Development Board~~, individual members have no authority to control or direct the operations of ~~the Workforce Florida, Inc., Development Board~~ or the actions of its officers and employees, including the president.

~~(f) The board of directors of the Workforce Development Board may delegate to its president those powers and responsibilities it deems appropriate.~~

~~(f)(g) Members of the board of directors of the Workforce Florida, Inc., Development Board and its committees shall serve without compensation, but these members, the president, and all employees of the Workforce Florida, Inc., Development Board may be reimbursed for all reasonable, necessary, and actual expenses pursuant to s. 112.061, as determined by the board of directors of Enterprise Florida, Inc.~~

~~(g)(h) The board of directors of the Workforce Florida, Inc., Development Board may establish an executive committee consisting of the chair and at least six ~~two~~ additional board members selected by the board of directors, one of whom must be a representative of organized labor. The executive committee and the president shall have such authority as the board of directors of ~~the Workforce Development Board~~ delegates to it, except that the board of directors may not delegate to the executive committee authority to take action that requires approval by a majority of the entire board of directors.~~

~~(h)(i) The chair board of directors of the Workforce Development Board may appoint committees to fulfill its responsibilities, to comply with federal requirements, or to obtain technical assistance, and must incorporate members of regional workforce development boards into its structure. At a minimum, the chair shall establish the following standing councils: the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council. For purposes of Pub. L. No. 105-220, the First Jobs/First Wages Council shall serve as the state's youth council.~~

~~(i)(j) Each member of the board of directors of ~~the Workforce Development Board~~ who is not otherwise required to file a financial disclosure~~

pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must file disclosure of financial interests pursuant to s. 112.3145.

(5)(4) The Workforce Florida, Inc., Development Board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(a) Serving as the state's Workforce Investment Board pursuant to Pub. L. No. 105-220. Unless otherwise required by federal law, at least 90 percent of the workforce development funding must go into direct customer service costs. ~~Of the allowable administrative overhead, appropriate amounts shall be expended to procure independent job-placement evaluations.~~

(b) Providing oversight and policy direction to ensure that the following programs are administered by the Agency for Workforce Innovation in compliance with approved plans and under contract with Workforce Florida, Inc.:

1. Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, with the exception of programs funded directly by the United States Department of Labor under Title I, s. 167.

2. Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

3. Welfare-to-work grants administered by the United States Department of Labor under Title IV, s. 403, of the Social Security Act, as amended.

4. Activities authorized under Title II of the Trade Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the Trade Adjustment Assistance Program.

5. Activities authorized under 38 U.S.C., chapter 41, including job counseling, training, and placement for veterans.

6. Employment and training activities carried out under the Community Services Block Grant Act, 42 U.S.C. ss. 9901 et seq.

7. Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

8. Welfare transition services funded by the Temporary Assistance for Needy Families Program, created under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403, of the Social Security Act, as amended.

9. Displaced homemaker programs, provided under s. 446.50.

10. The Florida Bonding Program, provided under Pub. L. No. 97-300, s. 164(a)(1).

11. The Food Stamp Employment and Training Program, provided under the Food Stamp Act of 1977, U.S.C. ss. 2011-2032, the Food Security Act of 1988, Pub. L. No. 99-198, and the Hunger Prevention Act, Pub. L. No. 100-435.

12. The Quick-Response Training Program, provided under ss. 288.046-288.047. Matching funds and in-kind contributions that are provided by clients of the Quick-Response Training Program shall count toward the requirements of s. 288.90151(5)(d), pertaining to the return on investment from activities of Enterprise Florida, Inc.

13. The Work Opportunity Tax Credit, provided under the Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and the Taxpayer Relief Act of 1997, Pub. L. 105-34.

14. Offender placement services, provided under ss. 944.707-944.708.

15. Programs authorized under the National and Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the Service-America programs, the National Service Trust programs, the Civilian Community Corps, the Corporation for National and Community Service, the American Conservation and Youth Service Corps, and the Points of Light Foundation programs, if such programs are awarded to the state.

~~(c)(b) Contracting with public and private entities as necessary to further the directives of this section. All contracts executed by Workforce Florida, Inc., must include specific performance expectations and deliverables., except that any contract made with an organization represented on the board of directors of Enterprise Florida, Inc., or on the board of directors of the Workforce Development Board must be approved by a two-thirds vote of the entire board of directors of the Workforce Development Board, and, if applicable, the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the board of directors of Enterprise Florida, Inc., or the board of directors of the Workforce Development Board. An organization represented on the board of directors of the Workforce Development Board or on the board of directors of Enterprise Florida, Inc., may not enter into a contract to receive a state-funded economic development incentive or similar grant unless such incentive award is specifically endorsed by a two-thirds vote of the entire board of directors of the Workforce Development Board. The member of the board of directors of the Workforce Development Board representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with members of the board of directors of the Workforce Development Board.~~

~~(c) Providing an annual report to the board of directors of Enterprise Florida, Inc., by November 1 that includes a copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.~~

(d) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by the Agency for Workforce Innovation or other agencies or obstruction of the board's efforts by such agencies. Upon such notification, the Executive Office of the Governor shall assist agencies to bring them into compliance with board objectives.

(e) Ensuring that the state does not waste valuable training resources. Thus, the board shall direct that all resources, including equipment purchased for training Workforce Investment Act clients, be available for use at all times by eligible populations as first priority users. At times when eligible populations are not available, such resources shall be used for any other state authorized education and training purpose.

(f) Archiving records with the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State.

~~(5) Notwithstanding s. 216.351, to allow time for documenting program performance, funds allocated for the incentives in s. 239.249 must be carried forward to the next fiscal year and must be awarded for the current year's performance, unless federal law requires the funds to revert at the year's end.~~

~~(6) The Workforce Florida, Inc., Development Board may take action that it deems necessary to achieve the purposes of this section, including, but not limited to: and consistent with the policies of the board of directors of Enterprise Florida, Inc., in partnership with private enterprises, public agencies, and other organizations. The Workforce Development Board shall advise and make recommendations to the board of directors of Enterprise Florida, Inc., and through that board of directors to the State Board of Education and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:~~

~~(a) Creating a state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of Enterprise Florida, Inc.~~

~~(b) Establishing policy direction for a funding system that provides incentives to improve the outcomes of vocational education programs, and of registered apprenticeship and work-based learning programs, and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.~~

~~(c) Establishing a comprehensive policy related approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.~~

~~(d) Designating The designation of Institutes of Applied Technology composed of public and private postsecondary institutions working together~~

with business and industry to ensure that technical and vocational education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry. ~~Of the funds reserved for activities of the Workforce Investment Act at the state level, \$500,000 shall be reserved for an institute of applied technology in construction excellence, which shall be a demonstration project on the development of such institutes. The institute, once established, shall contract with the Workforce Development Board to provide a coordinated approach to workforce development in this industry.~~

(e) Providing policy direction for a system to project and evaluate labor market supply and demand using the results of the Workforce Estimating Occupational Forecasting Conference created in s. 216.136 and the career education performance standards identified under s. 239.233.

(f) ~~Reviewing~~ A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs.

(g) Expanding the occupations identified by the Workforce Estimating Conference to meet needs created by local emergencies or plant closings or to capture occupations within emerging industries.

(7) By December 1 of each year, ~~Workforce Enterprise~~ Florida, Inc., shall submit to 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 annual report ~~by the Workforce Development Board~~ setting forth:

(a) All audits, including the audit in subsection (8), if conducted.

(b) The operations and accomplishments of the partnership including the programs or entities listed in subsection (6).

(8) The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of ~~the Workforce Florida, Inc., Development Board~~ or the programs or entities created by the Workforce Florida, Inc. Development Board. The Office of Program Policy Analysis and Government Accountability, pursuant to its authority or at the direction of the Legislative Auditing Committee, may review the systems and controls related to performance outcomes and quality of services of Workforce Florida, Inc.

(9) ~~The Workforce Florida, Inc. Development Board~~, in collaboration with the regional workforce ~~development~~ boards and appropriate state agencies and local public and private service providers, and in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish uniform measures and standards to gauge the performance of the workforce development strategy. These measures and standards must be organized into three outcome tiers.

(a) The first tier of measures must be organized to provide benchmarks for systemwide outcomes. ~~The Workforce Florida, Inc., Development Board~~

must, in collaboration with the Office of Program Policy Analysis and Government Accountability, establish goals for the tier-one outcomes. System-wide outcomes may include employment in occupations demonstrating continued growth in wages; continued employment after 3, 6, 12, and 24 months; reduction in and elimination of public assistance reliance; job placement; employer satisfaction; and positive return on investment of public resources.

(b) The second tier of measures must be organized to provide a set of benchmark outcomes for the initiatives of the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council ~~one-stop Career Centers and for~~ each of the strategic components of the workforce development strategy. ~~A set of standards and measures must be developed for one-stop Career Centers, youth employment activities, WAGES, and High Skills/High Wages, targeting the specific goals of each particular strategic component.~~ Cost per entered employment, earnings at placement, retention in employment, job placement, and entered employment rate must be included among the performance outcome measures.

1. ~~Appropriate measures for one-stop Career Centers may include direct job placements at minimum wage, at a wage level established by the Occupational Forecasting Conference, and at a wage level above the level established by the Occupational Forecasting Conference.~~

2. ~~Appropriate measures for youth employment activities may include the number of students enrolling in and completing work-based programs, including apprenticeship programs; job placement rate; job retention rate; wage at placement; and wage growth.~~

3. ~~WAGES measures may include job placement rate, job retention rate, wage at placement, wage growth, reduction and elimination of reliance on public assistance, and savings resulting from reduced reliance on public assistance.~~

4. ~~High Skills/High Wages measures may include job placement rate, job retention rate, wage at placement, and wage growth.~~

(c) The third tier of measures must be the operational output measures to be used by the agency implementing programs, and it may be specific to federal requirements. The tier-three measures must be developed by the agencies implementing programs, and the Workforce Florida, Inc., Development Board ~~may be consulted in this effort.~~ Such measures must be reported to the Workforce Florida, Inc., Development Board by the appropriate implementing agency.

(d) Regional differences must be reflected in the establishment of performance goals and may include job availability, unemployment rates, average worker wage, and available employable population. ~~All performance goals must be derived from the goals, principles, and strategies established in the Workforce Florida Act of 1996.~~

(e) Job placement must be reported pursuant to s. 229.8075. Positive outcomes for providers of education and training must be consistent with ss. 239.233 and 239.245.

(f) ~~The uniform measures of success that are adopted by the Workforce Florida, Inc., Development Board or the regional workforce development boards must be developed in a manner that provides for an equitable comparison of the relative success or failure of any service provider in terms of positive outcomes.~~

(g) ~~By December 1 October 15 of each year, the Workforce Florida, Inc., Development Board shall provide the Legislature with a report detailing the performance of Florida's workforce development system, as reflected in the three-tier measurement system. Additionally, this report must benchmark Florida outcomes, at all tiers, against other states that collect data similarly.~~

(10) The workforce development strategy for the state shall be designed by Workforce Florida, Inc., and shall be centered around the strategies of First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages.

(a) First Jobs/First Wages is the state's strategy to promote successful entry into the workforce through education and workplace experience that lead to self-sufficiency and career advancement. The components of the strategy include efforts that enlist business, education, and community support for students to achieve long-term career goals, ensuring that young people have the academic and occupational skills required to succeed in the workplace.

(b) Better Jobs/Better Wages is the state's strategy for assisting employers in upgrading or updating the skills of their employees and for assisting incumbent workers in improving their performance in their current jobs or acquiring the education or training needed to secure a better job with better wages.

(c) High Skills/High Wages is the state's strategy for aligning education and training programs with high-paying, high-demand occupations that advance individuals' careers, build a more skilled workforce, and enhance Florida's efforts to attract and expand job-creating businesses.

(11) The workforce development system shall use a charter-process approach aimed at encouraging local design and control of service delivery and targeted activities. Workforce Florida, Inc., shall be responsible for granting charters to regional workforce boards that have a membership consistent with the requirements of federal and state law and that have developed a plan consistent with the state's workforce development strategy. The plan must specify methods for allocating the resources and programs in a manner that eliminates unwarranted duplication, minimizes administrative costs, meets the existing job market demands and the job market demands resulting from successful economic development activities, ensures access to quality workforce development services for all Floridians, allows for pro rata or partial distribution of benefits and services, prohibits the creation of a waiting list or other indication of an unserved population, serves as many indi-

viduals as possible within available resources, and maximizes successful outcomes. As part of the charter process, Workforce Florida, Inc., shall establish incentives for effective coordination of federal and state programs, outline rewards for successful job placements, and institute collaborative approaches among local service providers. Local decisionmaking and control shall be important components for inclusion in this charter application.

Section 5. Section 445.005, Florida Statutes, is created to read:

445.005 First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc.—

(1) The chair of Workforce Florida, Inc., shall establish by October 1, 2000, three standing councils, which shall be known as the First Jobs/First Wages Council, the Better Jobs/Better Wages Council, and the High Skills/High Wages Council.

(a) The chair of Workforce Florida, Inc., shall determine the number of members to serve on each council.

(b) Each council shall be composed of individuals appointed by the chair of Workforce Florida, Inc., from the membership of the board of directors and individuals from outside Workforce Florida, Inc., who possess relevant experience or expertise in the subject area of the council. A majority of the membership of each council must be members of the board of directors of Workforce Florida, Inc.

(c) The chair of Workforce Florida, Inc., shall name a chair for each council from among the members of the council who are also members of the board of directors.

(d) Each council may meet at the call of its chair or at the direction of the board of directors of Workforce Florida, Inc., but shall meet at least quarterly.

(2) The First Jobs/First Wages Council shall develop strategies for approval by the board of directors of Workforce Florida, Inc., which promote the successful entry of individuals, including young people and adults working for the first time, into the workforce. The council shall advise the board of directors and make recommendations on implementing programs and expending funds in support of the First Jobs/First Wages Program's strategies. The council shall serve as the state's youth council for purposes of Pub. L. No. 105-220.

(3) The Better Jobs/Better Wages Council shall develop strategies for approval by the board of directors of Workforce Florida, Inc., which promote the ability of adult workers to build careers by obtaining and retaining jobs with potential for advancement. The mission of the council includes developing strategies that promote the ability of participants in the welfare transition program to succeed in the workforce and avoid a return to dependence upon cash assistance from the government. The council shall advise the board of directors and make recommendations on implementing programs and expending funds in support of the Better Jobs/Better Wages Program's strategies.

(4) The High Skills/High Wages Council shall develop strategies for approval by the board of directors of Workforce Florida, Inc., which align the education and training programs with high-paying, high-demand occupations that advance individuals' careers, build a more skilled workforce, and enhance the state's efforts to attract and expand job-creating businesses. The council shall advise the board of directors and make recommendations on implementing programs and expending funds in support of the High-Skills/High-Wages Program's strategies.

Section 6. Section 445.006, Florida Statutes, is created to read:

445.006 Strategic plan for workforce development.—

(1) Workforce Florida, Inc., in conjunction with state and local partners in the workforce system, shall develop a strategic plan for workforce, with the goal of producing skilled employees for employers in the state. The strategic plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2001. The strategic plan shall be updated or modified by January 1 of each year thereafter. The plan must include, but need not be limited to, strategies for:

(a) Fulfilling the workforce system goals and strategies prescribed in s. 445.004;

(b) Aggregating, integrating, and leveraging workforce system resources;

(c) Coordinating the activities of federal, state, and local workforce system partners;

(d) Addressing the workforce needs of small businesses; and

(e) Fostering the participation of rural communities and distressed urban cores in the workforce system.

(2) As a component of the strategic plan required under this section, Workforce Florida, Inc., shall develop a workforce marketing plan, with the goal of educating individuals inside and outside the state about the employment market and employment conditions in the state. The marketing plan must include, but need not be limited to, strategies for:

(a) Distributing information to secondary and postsecondary education institutions about the diversity of businesses in the state, specific clusters of businesses or business sectors in the state, and occupations by industry which are in demand by employers in the state;

(b) Distributing information about and promoting use of the Internet-based job matching and labor market information system authorized under s. 445.011; and

(c) Coordinating with Enterprise Florida, Inc., to ensure that workforce marketing efforts complement the economic development marketing efforts of the state.

(3) The strategic plan must include performance measures, standards, measurement criteria, and contract guidelines in the following areas with respect to participants in the welfare transition program:

- (a) Work participation rates, by type of activity;
- (b) Caseload trends;
- (c) Recidivism;
- (d) Participation in diversion and relocation assistance programs;
- (e) Employment retention;
- (f) Wage growth; and
- (g) Other issues identified by the board of directors of Workforce Florida, Inc.

(4) The strategic plan must include criteria for allocating workforce resources to regional workforce boards. With respect to allocating funds to serve customers of the welfare transition program, such criteria may include weighting factors that indicate the relative degree of difficulty associated with securing and retaining employment placements for specific subsets of the welfare transition caseload.

(5)(a) The strategic plan must include a performance-based payment structure to be used for all welfare transition program customers which takes into account:

- 1. The degree of difficulty associated with placement and retention;
- 2. The quality of the placement with respect to salary, benefits, and opportunities for advancement; and
- 3. The employee's retention in the placement.

(b) The payment structure must provide for bonus payments of up to 10 percent of the contract amount to providers that achieve notable success in achieving contract objectives, including, but not limited to, success in diverting families in which there is an adult who is subject to work requirements from receiving cash assistance and in achieving long-term job retention and wage growth with respect to welfare transition program customers. A service provider shall be paid a maximum of one payment per service for each participant during any given 6-month period.

(6)(a) The strategic plan must include strategies that are designed to prevent or reduce the need for a person to receive public assistance. These strategies must include:

- 1. A teen pregnancy prevention component that includes, but is not limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each county of the services area in which the teen birth rate is higher than the state average;

2. A component that encourages creation of community-based welfare prevention and reduction initiatives that increase support provided by non-custodial parents to their welfare-dependent children and are consistent with program and financial guidelines developed by Workforce Florida, Inc., and the Commission on Responsible Fatherhood. These initiatives may include, but are not limited to, improved paternity establishment, work activities for noncustodial parents, programs aimed at decreasing out-of-wedlock pregnancies, encouraging involvement of fathers with their children including court-ordered supervised visitation, and increasing child support payments;

3. A component that encourages formation and maintenance of two-parent families through, among other things, court-ordered supervised visitation;

4. A component that fosters responsible fatherhood in families receiving assistance; and

5. A component that fosters provision of services that reduce the incidence and effects of domestic violence on women and children in families receiving assistance.

(b) Specifications for welfare transition program services that are to be delivered include, but are not limited to:

1. Initial assessment services prior to an individual being placed in an employment service, to determine whether the individual should be referred for relocation, up-front diversion, education, or employment placement. Assessment services shall be paid on a fixed unit rate and may not provide educational or employment placement services.

2. Referral of participants to diversion and relocation programs.

3. Preplacement services, including assessment, staffing, career plan development, work orientation, and employability skills enhancement.

4. Services necessary to secure employment for a welfare transition program participant.

5. Services necessary to assist participants in retaining employment, including, but not limited to, remedial education, language skills, and personal and family counseling.

6. Desired quality of job placements with regard to salary, benefits, and opportunities for advancement.

7. Expectations regarding job retention.

8. Strategies to ensure that transition services are provided to participants for the mandated period of eligibility.

9. Services that must be provided to the participant throughout an education or training program, such as monitoring attendance and progress in the program.

10. Services that must be delivered to welfare transition program participants who have a deferral from work requirements but wish to participate in activities that meet federal participation requirements.

11. Expectations regarding continued participant awareness of available services and benefits.

Section 7. Section 288.9953, Florida Statutes, is transferred, renumbered as section 445.007, Florida Statutes, and amended to read:

445.007 ~~288.9953~~ Regional Workforce Development Boards.—

(1) ~~One regional workforce development board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. Individuals serving as members of regional workforce development boards or local WAGES coalitions, as of June 30, 2000, are eligible for appointment to regional workforce boards, pursuant to this section. The importance of minority and gender representation shall be considered when making appointments to the board. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143. A member of a regional workforce development board may not vote on a matter under consideration by the board regarding the provision of services by such member, or by an entity that such member represents; vote on a matter that would provide direct financial benefit to such member or the immediate family of such member; or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the state plan.~~

(2) ~~The Workforce Florida, Inc., Development Board will determine the timeframe and manner of changes to the regional workforce development boards as required by this chapter act and Pub. L. No. 105-220.~~

(3) ~~The Workforce Florida, Inc., Development Board shall assign staff to meet with each regional workforce development board annually to review the board's performance and to certify that the board is in compliance with applicable state and federal law.~~

(4) ~~In addition to the duties and functions specified by the Workforce Florida, Inc., Development Board and by the interlocal agreement approved by the local county or city governing bodies, the regional workforce development board shall have the following responsibilities:~~

(a) Develop, submit, ratify, or amend the local plan pursuant to Pub. L. No. 105-220, Title I, s. 118 and the provisions of this act.

(b) Conclude agreements necessary to designate the fiscal agent and administrative entity. A public or private entity, including an entity established pursuant to s. 163.01, which makes a majority of the appointments to a regional workforce board may serve as the board's administrative entity if approved by Workforce Florida, Inc., based upon a showing that a fair and competitive process was used to select the administrative entity.

(c) Complete assurances required for the ~~Workforce Development Board~~ charter process of Workforce Florida, Inc., and provide ongoing oversight related to administrative costs, duplicated services, career counseling, economic development, equal access, compliance and accountability, and performance outcomes.

(d) Oversee the one-stop delivery system Career Centers in its local area.

(5) The ~~Workforce Florida, Inc., Development Board~~ shall implement a training program for the regional workforce ~~development~~ boards to familiarize board members with the state's workforce development goals and strategies. The regional workforce ~~development~~ board shall designate all local service providers and shall not transfer this authority to a third party. In order to exercise independent oversight, the regional workforce ~~development~~ board shall not be a direct provider of intake, assessment, eligibility determinations, or other direct provider services.

(6) Regional workforce ~~development~~ boards may appoint local committees to obtain technical assistance on issues of importance, including those issues affecting older workers.

(7) Each regional workforce ~~development~~ board shall establish by October 1, 2000, a High Skills/High Wages committee consisting of at least five private-sector business representatives appointed in consultation with local chambers of commerce by the primary county economic development organization within the region, as identified by Enterprise Florida, Inc.; a representative of each primary county economic development organization within the region; ~~including the regional workforce development board chair;~~ the presidents of all community colleges within the board's region; those district school superintendents with authority for conducting postsecondary educational programs within the region; and two representatives a representative from a nonpublic postsecondary educational institutions institution that are is an authorized individual training account providers provider within the region, appointed by the chair of the regional workforce board. If possible, one of the nonpublic educational institutions represented must be accredited by the Southern Association of Colleges and Schools. The business representatives appointed by the primary county economic development organizations other than the board chair need not be members of the regional workforce ~~development~~ board and shall represent those industries that are primary importance to the region's current and future economy. In a multi-county region, each primary county economic development organization within the region shall appoint at least one business representative and

shall consult with the other primary county economic development organizations within the region to make joint appointments when necessary.

(a) At least annually ~~During fiscal year 1999-2000~~, each High Skills/High Wages committee shall submit, ~~quarterly~~, recommendations to the Workforce Florida, Inc., Development Board related to:

1. Policies to enhance the responsiveness of High Skills/High Wages programs in its region to business and economic development opportunities.
2. Integrated use of state education and federal workforce development funds to enhance the training and placement of designated population individuals with local businesses and industries.

(b) The committees shall also make reports to Workforce Florida, Inc., annually, on dates specified by Workforce Florida, Inc., that identify occupations in the region deemed critical to business retention, expansion, and recruitment activities, based on guidelines set by Workforce Florida, Inc. Such guidelines shall include research of the workforce needs of private employers in the region, in consultation with local chambers of commerce and economic development organizations. Occupations identified pursuant to this paragraph shall be considered by Workforce Florida, Inc., for inclusion in the region's targeted occupation list. After fiscal year 1999-2000, the Workforce Development Board has the discretion to decrease the frequency of reporting by the High Skills/High Wages committees, but the committees shall meet and submit any recommendations at least annually.

~~(c) Annually, the Workforce Development Board shall compile all the recommendations of the High Skills/High Wages committees, research their feasibility, and make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

(8) Each regional workforce board shall establish a Better Jobs/Better Wages committee consisting of at least five members. Initial appointments to this committee shall include at least three members of the local WAGES coalition, established pursuant to chapter 96-175, Laws of Florida.

(9) Each regional workforce board shall establish a First Jobs/First Wages committee consisting of at least five members. This committee shall serve as the youth council for purposes of Pub. L. No. 105-220.

(10) The importance of minority and gender representation shall be considered when appointments are made to any committee established by the regional workforce board.

(11) For purposes of procurement, regional workforce boards and their administrative entities are not state agencies, but the boards and their administrative entities must comply with state procurement laws and procedures until Workforce Florida, Inc., adopts the provisions or alternative procurement procedures that meet the requirements of federal law. All contracts executed by regional workforce boards must include specific performance expectations and deliverables.

Section 8. Section 445.008, Florida Statutes, is created to read:

445.008 Workforce Training Institute.—

(1) Workforce Florida, Inc., may create the Workforce Training Institute, which shall be a comprehensive program of workforce training courses designed to meet the unique needs of and shall include Internet-based training modules suitable for, and made available to, professionals integral to the workforce system, including advisors and counselors in educational institutions.

(2) Workforce Florida, Inc., may enter into a contract for the provision of administrative support services for the institute. Workforce Florida, Inc., shall adopt policies for the administration and operation of the institute and establish admission fees in an amount which, in the aggregate, does not exceed the cost of the program. Workforce Florida, Inc., may accept donations or grants of any type for any function or purpose of the institute.

(3) All moneys, fees, donations, or grants collected by Workforce Florida, Inc., under this section shall be applied to cover all costs incurred in establishing and conducting the workforce training programs authorized under this section, including, but not limited to, salaries for instructors and costs of materials connected to such programs.

Section 9. Section 288.9951, Florida Statutes, is transferred, renumbered as section 445.009, Florida Statutes, and amended to read:

445.009 ~~288.9951~~ One-stop delivery system Career Centers.—

(1) The one-stop ~~delivery system is Career Centers~~ ~~comprise~~ the state's ~~primary initial~~ customer-service ~~strategy~~ ~~delivery system~~ for offering every Floridian access, through service sites or telephone or computer networks, to the following services:

- (a) Job search, referral, and placement assistance.
- (b) Career counseling and educational planning.
- (c) Consumer reports on service providers.
- (d) Recruitment and eligibility determination.
- (e) Support services, including child care and transportation assistance to gain employment.
- (f) Employability skills training.
- (g) Adult education and basic skills training.
- (h) Technical training leading to a certification and degree.
- (i) Claim filing for unemployment compensation services.
- (j) Temporary income, health, nutritional, and housing assistance.

(k) Other appropriate and available workforce development services.

~~(2) In addition to the mandatory partners identified in Pub. L. No. 105-220, Food Stamp Employment and Training, Food Stamp work programs, and WAGES/TANF programs shall, upon approval by the Governor of a transition plan prepared by the Workforce Development Board in collaboration with the WAGES Program State Board of Directors, participate as partners in each one-stop Career Center. Based on this plan, each partner is prohibited from operating independently from a One-Stop Career Center unless approved by the regional workforce development board. Services provided by partners who are not physically located in a One-Stop Career Center must be approved by the regional workforce development board.~~

~~(2)(a)(3) Subject to a process designed by the Workforce Florida, Inc. Development Board, and in compliance with Pub. L. No. 105-220, regional workforce development boards shall designate one-stop delivery system Career Center operators.~~

~~(b) A regional workforce board may designate as its one-stop delivery system operator any public or private entity that is eligible to provide services under any state or federal workforce program that is a mandatory or discretionary partner in the region's one-stop delivery system if approved by Workforce Florida, Inc., upon a showing by the regional workforce board that a fair and competitive process was used in the selection. As a condition of authorizing a regional workforce board to designate such an entity as its one-stop delivery system operator, Workforce Florida, Inc., must require the regional workforce board to demonstrate that safeguards are in place to ensure that the one-stop delivery system operator will not exercise an unfair competitive advantage or unfairly refer or direct customers of the one-stop delivery system to services provided by that one-stop delivery system operator. A regional workforce development board may retain its current One-Stop Career Center operator without further procurement action where the board has established a One-Stop Career Center that has complied with federal and state law.~~

~~(3)(4) Notwithstanding any other provision of law, any memorandum of understanding in effect on June 30, 2000, between a regional workforce board and the Department of Labor and Employment Security governing the delivery of workforce services shall remain in effect until September 30, 2000. Beginning October 1, 2000, regional workforce boards shall enter into a memorandum of understanding with the Agency for Workforce Innovation for the delivery of employment services authorized by the federal Wagner-Peyser Act. This memorandum of understanding must be performance based. effective July 1, 1999, regional workforce development boards shall enter into a memorandum of understanding with the Department of Labor and Employment Security for the delivery of employment services authorized by Wagner-Peyser. For fiscal year 1999-2000, the memorandum of understanding with the Department of Labor and Employment Security must be performance-based, dedicating 15 percent of the funds to performance payments. Performance payments shall be based on performance measures developed by the Workforce Development Board.~~

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

(b) Employment services must be provided through the one-stop delivery system Career Centers, under the guidance of one-stop delivery system Career Center operators. One-stop delivery system operators shall have overall authority for directing the staff of the workforce system. Personnel matters shall remain under the ultimate authority of the Agency for Workforce Innovation. However, the one-stop delivery system operator shall submit to the agency information concerning the job performance of agency employees who deliver employment services. The agency shall consider any such information submitted by the one-stop delivery system operator in conducting performance appraisals of the employees.

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

(d) The Office of Program Policy Analysis and Government Accountability, in consultation with Workforce Florida, Inc., shall review the delivery of employment services under the Wagner-Peyser Act and the integration of those services with other activities performed through the one-stop delivery system and shall provide recommendations to the Legislature for improving the effectiveness of the delivery of employment services in this state. The Office of Program Policy Analysis and Government Accountability shall submit a report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2002.

~~(4)(5)~~ One-stop delivery system Career Center partners identified in subsection (2) shall enter into a memorandum of understanding pursuant to Pub. L. No. 105-220, Title I, s. 121, with the regional workforce development board. Failure of a local partner to participate cannot unilaterally block the majority of partners from moving forward with their one-stop delivery system Career Centers, and the Workforce Florida, Inc. Development Board, pursuant to s. 445.004(5)(d) s. 288.9952(4)(d), may make notification of a local partner that fails to participate.

~~(5)(a)(6)~~ To the extent possible, core services, as defined by Pub. L. No. 105-220, shall be provided electronically, using utilizing existing systems and public libraries. These electronic systems shall be linked and integrated into a comprehensive service system to simplify access to core services by:

1. Maintaining staff to serve as the first point of contact with the public seeking access to employment services who are knowledgeable about each program located in each one-stop delivery system center as well as related services. An initial determination of the programs for which a customer is likely to be eligible and any referral for a more thorough eligibility determination must be made at this first point of contact; and

2. Establishing an automated, integrated intake screening and eligibility process where customers will provide information through a self-service

intake process that may be accessed by staff from any participating program.

(b) ~~To expand electronic capabilities, the Workforce Florida, Inc. Development Board, working with regional workforce development boards, shall develop a centralized help center to assist regional workforce development boards in fulfilling core services, minimizing the need for fixed-site one-stop delivery system Career centers.~~

(c) To the extent feasible, core services shall be accessible through the Internet. Through this technology, core services shall be made available at public libraries, public and private educational institutions, community centers, kiosks, neighborhood facilities, and satellite one-stop delivery system sites. Each regional workforce board's web page shall serve as a portal for contacting potential employees by integrating the placement efforts of universities and private companies, including staffing services firms, into the existing one-stop delivery system.

~~(6)(7) Intensive services and training provided pursuant to Pub. L. No. 105-220, shall be provided to individuals through Intensive Service Accounts and Individual Training Accounts. The Workforce Florida, Inc., Development Board shall develop, by July 1, 1999, an implementation plan, including identification of initially eligible training providers, transition guidelines, and criteria for use of these accounts. Individual Training Accounts must be compatible with Individual Development Accounts for education allowed in federal and state welfare reform statutes.~~

~~(7)(8)(a) Individual Training Accounts must be expended on programs that prepare people to enter high-wage occupations identified by the Workforce Estimating Occupational Forecasting Conference created by s. 216.136, and on other programs as approved by the Workforce Florida, Inc. Development Board.~~

(b) For each approved training program, regional workforce development boards, in consultation with training providers, shall establish a fair-market purchase price to be paid through an Individual Training Account. The purchase price must be based on prevailing costs and reflect local economic factors, program complexity, and program benefits, including time to beginning of training and time to completion. The price shall ensure the fair participation of public and nonpublic postsecondary educational institutions as authorized service providers and shall prohibit the use of unlawful remuneration to the student in return for attending an institution. Unlawful remuneration does not include student financial assistance programs.

(c) ~~The Workforce Florida, Inc., Development Board shall periodically review Individual Training Account pricing schedules developed by regional workforce development boards and present findings and recommendations for process improvement to the President of the Senate and the Speaker of the House of Representatives by January 1, 2000.~~

(d) To the maximum extent possible, training providers shall use funding sources other than the funding provided under Pub. L. No. 105-220. A

performance outcome related to alternative financing obtained by the training provider shall be established by ~~the Workforce Florida, Inc., Development Board~~ and used for performance evaluation purposes. The performance evaluation must take into consideration the number of alternative funding sources.

(e) Training services provided through Individual Training Accounts must be performance-based, with successful job placement triggering full payment.

(f) The accountability measures to be used in documenting competencies acquired by the participant during training shall be literacy completion points and occupational completion points. Literacy completion points refers to the academic or workforce readiness competencies that qualify a person for further basic education, vocational education, or for employment. Occupational completion points refers to the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

~~(8)(9)(a) Workforce Florida, Inc. The Department of Management Services, working with the Agency for Workforce Innovation Workforce Development Board, shall coordinate among the agencies a plan for a One-Stop Career Center Electronic Network made up of one-stop delivery system Career centers and other partner agencies that are operated by authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support this electronic network for service delivery that includes Government Services Direct. If necessary, the plan shall identify additional funding needed to achieve the provisions of this subsection.~~

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system ~~Career Centers~~:

1. The Unemployment Compensation System of the Department of Labor and Employment Security.
2. The Job Service System of the Department of Labor and Employment Security.
3. The FLORIDA System and the components related to WAGES, food stamps, and Medicaid eligibility.
4. The Workers' Compensation System of the Department of Labor and Employment Security.
5. The Student Financial Assistance System of the Department of Education.
6. Enrollment in the public postsecondary education system.

7. Other information systems determined appropriate by Workforce Florida, Inc.

The systems shall be fully coordinated at both the state and local levels by July January 1, 2001 2000.

(9) To the maximum extent feasible, the one-stop delivery system may use private sector staffing services firms in the provision of workforce services to individuals and employers in the state. Regional workforce boards may collaborate with staffing services firms in order to facilitate the provision of workforce services. Regional workforce boards may contract with private sector staffing services firms to design programs that meet the employment needs of the region. All such contracts must be performance-based and require a specific period of job tenure prior to payment.

Section 10. (1) It is the intent of the Legislature that the changes to the workforce system made by this act, including, but not limited to, the transfer of any workforce policy, program, or administrative responsibility to Workforce Florida, Inc., or to the Agency for Workforce Innovation, be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization in the workforce system. To that end, the Legislature directs all applicable units of state government to contribute to the successful implementation of this act, and the Legislature believes that a transition period between the effective date of this act and October 1, 2000, is appropriate and warranted.

(2) Workforce Florida, Inc., shall coordinate the development and implementation of a transition plan that supports the implementation of this act. The Department of Management Services, the Department of Labor and Employment Security, and all other state agencies identified by Workforce Florida, Inc., shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary to implement the plan.

(3) The Governor shall designate a staff member of the Office of Planning and Budgeting to serve as the Governor's primary representative on matters related to implementing this act and the transition plan required under this section. The representative shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress being made in implementing this act and the transition plan, including, but not limited to, the adverse impact on workforce services provided to the public, or any other negative consequence, of meeting any deadline imposed by this act, any difficulties experienced by Workforce Florida, Inc., in securing the full participation and cooperation of applicable state agencies. The representative shall also coordinate the submission of any budget amendments, in accordance with chapter 216, Florida Statutes, that may be necessary to implement this act.

(4) Upon the recommendation and guidance from Workforce Florida, Inc., in order to carry out the changes made by this act to the workforce system, the Governor shall submit in a timely manner to the applicable departments or agencies of the Federal Government any necessary amend-

ments or supplemental information concerning plans that the state is required to submit to the Federal Government in connection with any federal or state workforce program. The Governor shall seek any waivers from the requirements of federal law or rules which may be necessary to administer the provisions of this act.

(5) The transfer of any program, activity, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, or function. Unless otherwise provided, the successor organization to any program, activity, or function transferred under this act shall become the custodian of any property of the organization that was responsible for the program, activity, or function immediately prior to the transfer.

(6) Workforce Florida, Inc., may contract with the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to take any necessary initial steps in preparing to become the state's principal workforce policy organization on October 1, 2000, consistent with the provisions of this act.

Section 11. (1) Effective July 1, 2000, the following programs and functions are assigned and transferred to Workforce Florida, Inc.:

(a) The WAGES Program State Board of Directors data, records, property, support staff, contract personnel, and unexpended balances of appropriations, allocations, and other funds from the Executive Office of the Governor.

(b) The programs, activities, and functions of the Workforce Development Board of Enterprise Florida, Inc., including records, personnel, property, and unexpended balances of funds. To reduce administrative costs, Workforce Florida, Inc., may contract with Enterprise Florida, Inc., for the provision of personnel, property management, and other support services.

(2) Effective July 1, 2000, the Bureau of Apprenticeship of the Division of Jobs and Benefits is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Division of Workforce Development in the Department of Education.

(3) Effective October 1, 2000, employees of the Workforce Development Board of Enterprise Florida, Inc., who are leased from the Department of Management Services are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Agency for Workforce Innovation. State employees leased to the Workforce Development Board as of June 30, 2000, may be leased to Workforce Florida, Inc., as of the same date to perform administrative and professional services. Additional state employees in the Agency for Workforce Innovation may be assigned to Workforce Florida, Inc.

(4) Effective October 1, 2000, the following programs and functions are transferred to the Agency for Workforce Innovation:

(a) The Division of Workforce and Employment Opportunities and the Office of Labor Market Statistics are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security. Employees who are responsible for information technology within the Division of Workforce and Employment Opportunities, employees who are responsible for licensing and permitting business agents and labor organizations under chapter 447, Florida Statutes, and employees who are responsible for regulations relating to minority labor groups under chapter 450, Florida Statutes, are not included in this transfer. The Agency for Workforce Innovation, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed for administrative support of the programs within the Division of Workforce and Employment Opportunities as transferred to the agency. The number of administrative support positions the agency determines are needed shall not exceed the number of administrative support positions that prior to the transfer were authorized to the Department of Labor and Employment Security for this purpose. Upon transfer of the Division of Workforce and Employment Opportunities, the number of required administrative support positions as determined by the agency shall be authorized within the agency.

(b) The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other division, office, bureau, or unit within the Department of Labor and Employment Security that support the Division of Workforce and Employment Opportunities are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security.

(c) Staff of the displaced homemaker program are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Education.

(d) The Agency for Workforce Innovation, in consultation with the Department of Management Services, shall determine the number of positions needed to perform the WAGES contracting function within the agency. The number of positions the agency determines are needed shall not exceed the number of positions that prior to the transfer were authorized to the WAGES Contracting Division within the Department of Management Services for this purpose. Upon transfer of the WAGES Contracting Division, the number of required positions as determined by the agency shall be authorized within the agency.

(e) The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the WAGES Contracting Division are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Management Services to the Agency for Workforce Innovation.

(f) The Division of Unemployment Compensation is transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Workforce

Innovation. The resources, data, records, property, and unexpended balances of appropriations, allocations, and other funds within the Office of the Secretary or any other division, office, bureau, or unit within the Department of Labor and Employment Security that support the Division of Unemployment Compensation are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security. By January 1, 2001, the Agency for Workforce Innovation shall enter into a contract with the Department of Revenue which shall provide for the Department of Revenue to provide unemployment tax collection services. The Department of Revenue, in consultation with the Department of Labor and Employment Security, shall determine the number of positions needed to provide unemployment tax collection services within the Department of Revenue. The number of unemployment tax collection service positions the Department of Revenue determines are needed shall not exceed the number of positions that, prior to the contract, were authorized to the Department of Labor and Employment Security for this purpose. Upon entering into the contract with the Agency for Workforce Innovation to provide unemployment tax collection services, the number of required positions, as determined by the Department of Revenue, shall be authorized within the Department of Revenue. Beginning January 1, 2002, the Office of Program Policy Analysis and Government Accountability shall conduct a feasibility study regarding privatization of unemployment tax collection services. A report on the conclusions of this study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) Unless already met or exceeded by reductions required by the General Appropriations Act to division positions authorized on June 30, 2000, prior to effecting the transfer of staff required by paragraph (4)(a), the Department of Labor and Employment Security shall reduce by 25 percent within the Division of Workforce and Employment Opportunities the number of positions not engaged in directly providing workforce development services to customers or in supervising the direct provision of workforce development services. Prior to January 1, 2001, Workforce Florida, Inc., in cooperation with the Agency for Workforce Innovation, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for reorganizing and further reducing the number of staff members transferred pursuant to paragraph (4)(a).

(6) The Department of Labor and Employment Security shall develop a plan to reduce the department's existing full-time positions to reflect the remaining mission of the department. The department shall submit a budget amendment for legislative notice and review under section 216.177, Florida Statutes, to implement the plan by October 1, 2000.

Section 12. Section 445.010, Florida Statutes, is created to read:

445.010 Workforce system information technology; principles and information sharing.—

(1) The following principles shall guide the development and management of workforce system information resources:

(a) Workforce system entities should be committed to information sharing.

(b) Cooperative planning by workforce system entities is a prerequisite for the effective development of systems to enable the sharing of data.

(c) Workforce system entities should maximize public access to data, while complying with legitimate security, privacy, and confidentiality requirements.

(d) When the capture of data for the mutual benefit of workforce system entities can be accomplished, the costs for capturing, managing, and disseminating those data should be shared.

(e) The redundant capture of data should, insofar as possible, be eliminated.

(f) Only data that are auditable, or that otherwise can be determined to be accurate, valid, and reliable, should be maintained in workforce information systems.

(g) The design of workforce information systems should support technological flexibility for users without compromising system integration or data integrity, be based upon open standards, and use platform-independent technologies to the fullest extent possible.

(2) Information that is essential to the integrated delivery of services through the one-stop delivery system must be shared between partner agencies within the workforce system to the full extent permitted under state and federal law. In order to enable the full integration of services for a specific workforce system customer, that customer must be offered the opportunity to provide written consent prior to sharing any information concerning that customer between the workforce system partners which is subject to confidentiality under state or federal law.

Section 13. Section 445.011, Florida Statutes, is created to read:

445.011 Workforce information systems.—

(1) Workforce Florida, Inc., shall implement, subject to legislative appropriation, automated information systems that are necessary for the efficient and effective operation and management of the workforce development system. These information systems shall include, but need not be limited to, the following:

(a) An integrated management system for the one-stop service delivery system, which includes, at a minimum, common registration and intake, screening for needs and benefits, case planning and tracking, training benefits management, service and training provider management, performance reporting, executive information and reporting, and customer-satisfaction tracking and reporting.

1. The system should report current budgeting, expenditure, and performance information for assessing performance related to outcomes, service

delivery, and financial administration for workforce programs pursuant to s. 445.004(5) and (9).

2. The information system should include auditable systems and controls to ensure financial integrity and valid and reliable performance information.

3. The system should support service integration and case management by providing for case tracking for participants in welfare transition programs.

(b) An automated job-matching information system that is accessible to employers, job seekers, and other users via the Internet, and that includes, at a minimum:

1. Skill match information, including skill gap analysis; resume creation; job order creation; skill tests; job search by area, employer type, and employer name; and training provider linkage;

2. Job market information based on surveys, including local, state, regional, national, and international occupational and job availability information; and

3. Service provider information, including education and training providers, child care facilities and related information, health and social service agencies, and other providers of services that would be useful to job seekers.

(2) In procuring workforce information systems, Workforce Florida, Inc., shall employ competitive processes, including requests for proposals, competitive negotiation, and other competitive processes to ensure that the procurement results in the most cost-effective investment of state funds.

(3) Workforce Florida, Inc., may procure independent verification and validation services associated with developing and implementing any workforce information system.

(4) Workforce Florida, Inc., shall coordinate development and implementation of workforce information systems with the state's Chief Information Officer in the State Technology Office to ensure compatibility with the state's information system strategy and enterprise architecture.

Section 14. (1) By December 15, 2000, the Postsecondary Education Planning Commission, in close consultation with Workforce Florida, Inc., and in consultation with the Division of Community Colleges and the Division of Workforce Development in the Department of Education, the State Board of Independent Colleges and Universities, and the State Board of Nonpublic Career Education, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, recommending strategies to expand access to and production of certificates and degrees in programs that provide the skilled workforce needed for Florida's economy.

(2) The report shall address the following issues and options:

- (a) New and innovative targeted financial aid programs.
- (b) Initiatives to encourage the restructuring of curriculum to provide a better response to the needs of Florida's businesses and industries.
- (c) Performance-based incentive funding to state universities for increased production of graduates from targeted programs.
- (d) Performance-based incentive funding to state universities and other initiatives for providing accelerated articulation options to students awarded an Associate of Science degree.
- (e) Innovative uses of federal Workforce Investment Act and Welfare to Work funds to provide the broadest eligibility for and promote access to targeted high priority educational programs.

Section 15. Section 445.013, Florida Statutes, is created to read:

445.013 Challenge grants in support of welfare-to-work initiatives.—

(1) Workforce Florida, Inc., shall establish a "Step-Up Challenge Grant Program" designed to maximize the use of federal welfare-to-work funds that are available to the state. The purpose of this challenge grant program is to ensure that needy Floridians obtain training and education to support retention of employment and achievement of self-sufficiency through career advancement.

(2) Workforce Florida, Inc., shall solicit the participation of not-for-profit organizations, for-profit organizations, educational institutions, and units of government in this program. Eligible organizations include, but are not limited to:

(a) Public and private educational institutions, as well as their associations and scholarship funds;

(b) Faith-based organizations;

(c) Community development or community improvement organizations;

(d) College or university alumni organizations or fraternities or sororities;

(e) Community-based organizations dedicated to addressing the challenges of inner city, rural, or minority youth;

(f) Chambers of commerce or similar business or civic organizations;

(g) Neighborhood groups or associations, including communities receiving a "Front Porch Florida" designation;

(h) Municipalities, counties, or other units of government;

(i) Private businesses; and

(j) Other organizations deemed appropriate by Workforce Florida, Inc.

(3) If an eligible organization pledges to sponsor an individual in postemployment education or training approved by Workforce Florida, Inc., by providing the match of nonfederal funds required under the federal welfare-to-work grant program, Workforce Florida, Inc., shall earmark welfare-to-work funds in support of the sponsored individual and the designated training or education project. Workforce Florida, Inc., and the eligible organization shall enter into an agreement governing the disbursement of funds which specifies the services to be provided for the benefit of the eligible participant. Individuals receiving training or education under this program must meet the eligibility criteria of the federal welfare-to-work grant program, and Workforce Florida, Inc., must disperse funds in compliance with regulations or other requirements of the federal welfare-to-work grant program.

(4) Workforce Florida, Inc., shall establish guidelines governing the administration of the program provided under this section and shall establish criteria to be used in evaluating funding proposals. One of the evaluation criteria must be a determination that the education or training provided under the grant will enhance the ability of the individual to retain employment and achieve self-sufficiency through career advancement.

(5) Federal welfare-to-work funds appropriated by the Legislature which are not fully expended in support of this program may be used by Workforce Florida, Inc., in support of other activities authorized under the welfare-to-work grant.

Section 16. Section 288.9955, Florida Statutes, is transferred, renumbered as section 445.016, Florida Statutes, and amended to read:

445.016 288.9955 Untried Worker Placement and Employment Incentive Act.—

(1) This section may be cited as the “Untried Worker Placement and Employment Incentive Act.”

(2) For purposes of this section, the term “untried worker” means a person who is a hard-to-place participant in the welfare transition program ~~Work and Gain Economic Self-sufficiency Program (WAGES)~~ because he or she has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment, particularly because of physical or mental disabilities.

(3) Incentive payments may be made to for-profit or not-for-profit agents selected by regional workforce boards ~~local WAGES coalitions~~ who successfully place untried workers in full-time employment for 6 months with an employer after the employee successfully completes a probationary placement of no more than 6 months with that employer. Full-time employment that includes health care benefits will receive an additional incentive payment.

(4) The for-profit and not-for-profit agents shall contract to provide services for no more than 1 year. Contracts may be renewed upon successful review by the contracting agent.

(5) Incentives must be paid according to the incentive schedule developed by Workforce Florida, Inc., the Agency for Workforce Development, the Department of Labor and Employment Security and the Department of Children and Family Services which costs the state less per placement than the state's 12-month expenditure on a welfare recipient.

(6) During an untried worker's probationary placement, the for-profit or not-for-profit agent shall be the employer of record of that untried worker, and shall provide workers' compensation and unemployment compensation coverage as provided by law. The business employing the untried worker through the agent may be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee that are authorized in law or by agreement with the employer. After satisfactory completion of such a probationary period, an untried worker shall not be considered an untried worker.

(7) This section shall not be used for the purpose of displacing or replacing an employer's regular employees, and shall not interfere with executed collective bargaining agreements. Untried workers shall be paid by the employer at the same rate as similarly situated and assessed workers in the same place of employment.

(8) An employer that demonstrates a pattern of unsuccessful placements shall be disqualified from participation in these pilots because of poor return on the public's investment.

(9) Any employer that chooses to employ untried workers is eligible to receive such incentives and benefits that are available and provided in law, as long as the long-term, cost savings can be quantified with each such additional inducement.

Section 17. Section 414.15, Florida Statutes, is transferred, renumbered as section 445.017, Florida Statutes, and amended to read:

445.017 ~~414.15~~ Diversion.—

(1) Many customers of the one-stop delivery system ~~A segment of applicants~~ do not need ongoing temporary cash assistance, but, due to an unexpected circumstance or emergency situation, require some immediate assistance to secure or retain in meeting a financial obligation while they are securing employment or child support. ~~These immediate obligations may include a shelter or utility payment, a car repair to continue employment, or other services that assistance which~~ will alleviate the applicant's emergency financial need and allow the person to focus on obtaining or continuing employment.

(2) Up-front diversion shall involve four steps:

(a) Linking applicants with job opportunities as the first option ~~to meet the assistance group's need.~~

(b) ~~Where possible, Offering services, such as child care or transportation, one-time help as an alternative to welfare.~~

(c) Screening applicants to respond to emergency needs.

(d) ~~Offering a one-time payment of up to \$1,000 per family. Performing up-front fraud prevention investigations, if appropriate.~~

(3) Before finding an applicant family eligible for up-front diversion services funds, the regional workforce board department must determine that all requirements of eligibility for diversion services would likely be met.

(4) The regional workforce board department shall screen each applicant family on a case-by-case basis for barriers to obtaining or retaining employment. The screening shall identify barriers that, if corrected, may prevent the family from receiving temporary cash assistance on a regular basis. Assistance to overcome a barrier to employment is not limited to cash, but may include vouchers or other in-kind benefits.

(5) ~~The diversion payment shall be limited to an amount not to exceed 2 months' temporary cash assistance, based on family size.~~

(5)(6) The family receiving up-front diversion must sign an agreement restricting the family from applying for temporary cash assistance for 3 months, unless an emergency is demonstrated to the regional workforce board department. If a demonstrated emergency forces the family to reapply for temporary cash assistance within 3 months after receiving a diversion payment, the diversion payment shall be prorated over an 8-month ~~the 2-month~~ period and deducted ~~subtracted~~ from any regular payment of temporary cash assistance for which the family is applicant ~~may be~~ eligible.

Section 18. Section 445.018, Florida Statutes, is created to read:

445.018 Diversion program to strengthen Florida's families.—

(1) The diversion program to strengthen families in this state is intended to provide services that assist families in avoiding welfare dependency by gaining and retaining employment.

(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 is at risk of welfare dependency because the family's income does not exceed 200 percent of the federal poverty level.

(c) The provision of services related to employment, including assessment, service planning and coordination, job placement, employment-related education or training, child care services, transportation services, relocation services, workplace employment support services, individual or family counseling, or a Retention Incentive Training Account (RITA), are likely to prevent the family from becoming dependent on welfare by enabling

employable adults in the family to become employed, remain employed, or pursue career advancement.

(3) The services provided under this section are not considered assistance under federal law or guidelines.

(4) Each family that receives services under this section must sign an agreement not to apply for temporary cash assistance for 6 months following the receipt of services, unless an unanticipated emergency situation arises. If a family applies for temporary cash assistance without a documented emergency, the family must repay the value of the diversion services provided. Repayment may be prorated over 8 months and shall be paid through a reduction in the amount of any monthly temporary cash assistance payment received by the family.

(5) Notwithstanding any provision to the contrary, a family that meets the requirements of subsection (2) is considered a needy family and is eligible for services under this section.

Section 19. Section 414.159, Florida Statutes, is transferred, renumbered as section 445.019, Florida Statutes, and amended to read:

445.019 ~~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 ~~does~~ shall not preclude eligibility for, or receipt of, other assistance or services under ~~this chapter~~ chapter 414.

Section 20. Section 445.020, Florida Statutes, is created to read:

445.020 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 of Children and Family Services 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 21. Section 414.155, Florida Statutes, is transferred, renumbered as section 445.021, Florida Statutes, and amended to read:

445.021 ~~414.155~~ Relocation assistance program.—

(1) The Legislature recognizes that the need for public assistance may arise because a family is located in an area with limited employment opportunities, because of geographic isolation, because of formidable transportation barriers, because of isolation from their extended family, or because domestic violence interferes with the ability of a parent to maintain self-sufficiency. Accordingly, there is established a program to assist families in relocating to communities with greater opportunities for self-sufficiency.

(2) The relocation assistance program shall involve five steps by the regional workforce board, in cooperation with the Department of Children and Family Services ~~or a local WAGES coalition~~:

(a) A determination that the family is receiving temporary cash assistance ~~a WAGES Program participant~~ or that all requirements of eligibility for diversion services ~~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 economic self-sufficiency independence at the current community of residence;

2. Has secured a job that provides an increased salary or improved benefits and that requires relocation to another community;

3. Has a family support network that will contribute to job retention in another community; ~~or~~

4. Is determined, pursuant to criteria or procedures established by the ~~WAGES Program State~~ board of directors of Workforce Florida, Inc., to be a victim of domestic violence who would experience reduced probability of further incidents through relocation; ~~or~~.

5. Must relocate in order to receive education or training that is directly related to the applicant's employment or career advancement.

(c) Establishment of a relocation plan ~~that which~~ includes such requirements as are necessary to prevent abuse of the benefit and 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 ~~criteria a rule~~ approved by the ~~WAGES Program State~~ board of directors of Workforce Florida, Inc. and adopted by the department. Participants in the relocation program shall be eligible for diversion or transitional benefits.

(d) A determination, pursuant to criteria adopted by the ~~WAGES Program State~~ board of directors of Workforce Florida, Inc., 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 of 6 months specified in a rule approved by the ~~WAGES Program State Board of Directors~~ and adopted by the department, unless an emergency is demonstrated to the regional workforce board department. If a demonstrated emergency forces the family to reapply for temporary cash assistance within such period, after receiving a relocation assistance payment, repayment must be made on a prorated basis 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 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.~~

~~(4)(5) The board of directors of Workforce Florida, Inc., may establish criteria for developing and implementing department shall have authority to adopt rules pursuant to the Administrative Procedure Act to develop and implement relocation plans and for drafting agreements to restrict to draft an agreement restricting a family from applying for temporary cash assistance for a specified period after receiving a relocation assistance payment.~~

Section 22. Section 414.223, Florida Statutes, is transferred, renumbered as section 445.022, Florida Statutes, and amended to read:

445.022 ~~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 of Workforce Florida, Inc., ~~and, the 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 of Workforce Florida, Inc., ~~and the Workforce Development Board~~ may jointly establish Retention Incentive Training Accounts (RITAs). RITAs shall utilize Temporary Assistance to Needy Families (TANF) 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 23. Section 414.18, Florida Statutes, is transferred, renumbered as section 445.023, Florida Statutes, and amended to read:

~~445.023~~ 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 temporary cash ~~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 24. Section 445.024, Florida Statutes, is created to read:

445.024 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 temporary cash assistance program:

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

(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.—Regional workforce boards 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. Incentive payments may also include

payments to encourage employers to provide health care insurance benefits to current or former program participants. In establishing incentive payments, regional workforce boards 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 regional workforce board shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

5. Training bonus.—An employer who hires a participant in the welfare transition program and pays the participant a wage that precludes the participant's eligibility for temporary cash assistance may receive \$250 for each full month of employment for a period that may not exceed 3 months. An employer who receives a 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.

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

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

interpersonal skills, job-retention skills, stress management, and job problem solving, and by learning to attain a balance between job and personal responsibilities. Community service is intended to:

1. Assess compliance with requirements of the welfare transition program before referral of the participant to costly services such as career education;
2. Maintain work activity status while the participant awaits placement into paid employment or training;
3. Fulfill a clinical practicum or internship requirement related to employment; or
4. Provide work-based mentoring.

As used in this paragraph, the terms “community service experience,” “community work,” and “workfare” are synonymous.

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

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

1. Orientation to the world of work and basic job-seeking and job retention skills.
2. Instruction in completing an application for employment and writing a resume.
3. Instruction in conducting oneself during a job interview, including appropriate dress.
4. Instruction in how to retain a job, plan a career, and perform successfully in the workplace.

Job readiness assistance may also include providing a participant with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors. Job search and job

readiness activities may be used in conjunction with other program activities, such as work experience, but may not be the primary work activity for longer than the length of time permitted under federal law.

(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, if remediation is necessary to enable a 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 limitation 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 regional workforce board. The regional workforce board 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 Workforce Estimating Conference under s. 216.136, or other programs identified by Workforce Florida, Inc., as beneficial to meet the needs of designated groups 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.

(h) Job skills 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.

(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 agency 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.

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

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

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

(l) Extended education and training.—Notwithstanding any other provisions of this section to the contrary, the board of directors of Workforce Florida, Inc., may approve a plan by a regional workforce board 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 regional workforce board must continue to exceed the overall federal work participation rate requirements. For purposes of this paragraph, the board of directors of Workforce Florida, Inc., 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.

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

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

(2) WORK ACTIVITY REQUIREMENTS.—Each individual 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 welfare transition 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) 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.

(3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.—The following individuals are exempt from work activity requirements:

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

(b) An individual who receives benefits under the Supplemental Security Income program or the Social Security Disability Insurance program.

(c) Adults who are not included in the calculation of temporary cash assistance in child-only cases.

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

(e) An individual who is exempt from the time period pursuant to s. 415.015.

(4) PRIORITIZATION OF WORK REQUIREMENTS.—Regional work-force boards 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, regional workforce boards 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.

Regional workforce boards 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). Regional workforce boards may develop screening and prioritization procedures based on the allocation of resources, the availability of community resources, or the work activity needs of the service district.

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

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

(b) 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 regional workforce board.

(c) 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 regional workforce board.

(d) Regional workforce boards may contract with commercial, charitable, or religious organizations. A contract must comply with federal require-

ments 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.

(e) 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 regional workforce board. A list of any exceptions approved must be submitted to the board of directors of Workforce Florida, Inc., for review, and the board may rescind approval of the exception.

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

(g) 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.

(6) PROTECTIONS FOR PARTICIPANTS.—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 welfare transition program.

(7) PROTECTION FOR CURRENT EMPLOYEES.—In establishing and contracting for work experience and community service activities, other work experience activities, on-the-job training, subsidized employment, and work supplementation under the welfare transition program, an employed worker may not be displaced, either completely or partially. A participant may not be assigned to an activity or employed in a position if the employer has created the vacancy or terminated an existing employee without good cause in order to fill that position with a program participant.

(8) CONTRACTS FOR VOCATIONAL ASSESSMENTS AND WORK EVALUATIONS.—Vocational assessments or work evaluations by the Occupational Access and Opportunity Commission pursuant to this section shall be performed under contract with the regional workforce boards.

Section 25. Section 414.20, Florida Statutes, is transferred, renumbered as section 445.025, Florida Statutes, and amended to read:

445.025 414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 445.024 s. 414.065. If resources do not permit the provision of needed support services, the regional workforce board department and the local WAGES coalition 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 414. 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) Regional workforce boards may 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 problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, regional workforce boards the department and local WAGES coalitions shall use services that are available in the community at no

additional cost. If these services are not available, regional workforce boards ~~the department and local WAGES coalitions~~ 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 26. Section 414.1525, Florida Statutes, is transferred, renumbered as section 445.026, Florida Statutes, and amended to read:

445.026 ~~414.1525~~ Cash assistance severance benefit ~~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 6 ~~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 regional workforce board ~~department~~, so that the regional workforce board ~~department~~ can ensure that the family's eligibility for severance ~~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 board of directors of Workforce Florida, Inc., ~~department~~ shall adopt criteria ~~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 27. Section 445.028, Florida Statutes, is created to read:

445.028 Transitional benefits and services.—In cooperation with Workforce Florida, Inc., the Department of Children and Family Services 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:

(1) Each recipient of cash assistance who is determined ineligible for cash assistance for a reason other than a work activity sanction shall be contacted by the workforce system 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.

(2) Each recipient of temporary cash assistance 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(1).

(3) The department, in consultation with the board of directors of Workforce Florida, Inc., shall develop informational material, including posters and brochures, to better inform families about the availability of transitional benefits and services.

(4) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services 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 28. Section 414.21, Florida Statutes, is transferred, renumbered as section 445.029, Florida Statutes, and amended to read:

445.029 ~~414.21~~ Transitional medical benefits.—

(1) A family that loses its temporary cash assistance due to earnings shall remain eligible for Medicaid without reapplication during the immediately succeeding 12-month period if private medical insurance is unavailable from the employer or is unaffordable.

(a) The family shall be denied Medicaid during the 12-month period for any month in which the family does not include a dependent child.

(b) The family shall be denied Medicaid if, during the second 6 months of the 12-month period, the family's average gross monthly earnings during the preceding month exceed 185 percent of the federal poverty level.

(2) The family shall be informed of transitional Medicaid when the family is notified by the Department of Children and Family Services of the termination of temporary cash assistance. The notice must include a description of the circumstances in which the transitional Medicaid may be terminated.

Section 29. Section 414.22, Florida Statutes, is transferred, renumbered as section 445.030, Florida Statutes, and amended to read:

445.030 ~~414.22~~ Transitional education and training.—In order to assist ~~current and former recipients of temporary cash assistance 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 family participant is no

longer receiving temporary cash assistance 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 of Workforce Florida, Inc., 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~~ shall be used whenever possible.

(2) Regional workforce boards ~~The local WAGES coalitions~~ 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 regional workforce board ~~local WAGES coalition~~ 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, a regional workforce board ~~local WAGES coalitions~~ may agree to provide support services such as transportation or a wage subsidy in conjunction with training opportunities provided by the employer.

Section 30. Section 414.225, Florida Statutes, is transferred, renumbered as section 445.031, Florida Statutes, and amended to read:

445.031 414.225 Transitional transportation.—In order to assist former recipients of temporary cash assistance ~~WAGES participants~~ in maintaining and sustaining employment or educational opportunities, transportation may be provided, if funds are available, for up to 2 years ~~1 year~~ after the participant is no longer in the program. This does not constitute an entitlement to transitional transportation. If funds are not sufficient to provide services under this section, regional workforce boards ~~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. 445.025 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 31. Section 445.032, Florida Statutes, is created to read:

445.032 Transitional child care.—In order to assist former welfare transition program participants and individuals who have been redirected through up-front diversion, transitional child care is available for up to 2 years:

(1) After a participant has left the program due to employment and whose income does not exceed 200 percent of the federal poverty level at any time during that 2-year period.

(2) To an individual who has been redirected through up-front diversion and whose income does not exceed 200 percent of the federal poverty level at any time during that 2-year period.

Section 32. Section 414.23, Florida Statutes, is transferred, renumbered as section 445.033, Florida Statutes, and amended to read:

445.033 414.23 Evaluation.—~~The department and the WAGES Program State board of directors of Workforce Florida, Inc., and the Department of Children and Family Services~~ shall arrange for evaluation of TANF-funded 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 of Workforce Florida, Inc., and the department~~ may provide for evaluation according to these requirements.

(2) ~~The department and the WAGES Program State board of directors of Workforce Florida, Inc., and the department~~ 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 of Workforce Florida, Inc., and the department~~ 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 of Workforce Florida, Inc., and the department~~ 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 of Workforce Florida, Inc., and the department~~ 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 may use~~ Evaluation methodologies may be used which 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 of Workforce Florida, Inc., and the department~~ 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 33. Section 445.034, Florida Statutes, is created to read:

445.034 Authorized expenditures.—Any expenditures from the Temporary Assistance for Needy Families block grant shall be made 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 34. Section 414.44, Florida Statutes, is transferred, renumbered as section 445.035, Florida Statutes, and amended to read:

445.035 414.44 Data collection and reporting.—The Department of Children and Family Services department and the WAGES Program State board of directors of Workforce Florida, Inc., 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 35. Section 414.025, Florida Statutes, is amended to read:

414.025 Legislative intent.—

(1) It is the intent of the Legislature that families in this state be strong and economically self-sufficient so as to require minimal involvement by an efficient government.

(2) ~~The purpose of this act is to develop opportunities for families which provide for their needs, enhance their well-being, and preserve the integrity of the family free of impediments to self-reliance.~~

(3) ~~The WAGES Program shall emphasize work, self-sufficiency, and personal responsibility while meeting the transitional needs of program participants who need short-term assistance toward achieving independent, productive lives and gaining the responsibility that comes with self-sufficiency.~~

~~(4) The WAGES Program shall take full advantage of the flexibility provided under federal law, which allows for efficiency through a simplified program and encourages a program designed to focus on results rather than process.~~

~~(2)(5) This chapter does not entitle any individual or family to assistance under the WAGES Program or Title IV-A of the Social Security Act, as amended.~~

Section 36. Section 414.0252, Florida Statutes, is amended to read:

414.0252 Definitions.—As used in ss. 414.025-414.55 ~~ss. 414.015-414.45~~, the term:

(1) “Alternative payee” means an individual who receives temporary assistance payments on behalf of a minor.

(2) “Applicant” means an individual who applies to participate in the temporary family assistance program and submits a signed and dated application.

(3) “Department” means the Department of Children and Family Services.

(4) “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense that results in the physical injury or death of one family or household member by another.

(5) “Family” means the assistance group or the individuals whose needs, resources, and income are considered when determining eligibility for temporary assistance. The family for purposes of temporary assistance includes the minor child, custodial parent, or caretaker relative who resides in the same house or living unit. The family may also include individuals whose income and resources are considered in whole or in part in determining eligibility for temporary assistance but whose needs, due to federal or state restrictions, are not considered. These individuals include, but are not limited to, ineligible noncitizens or sanctioned individuals.

(6) “Family or household member” means spouses, former spouses, non-cohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

(7) “Homeless” means an individual who lacks a fixed, regular, and adequate nighttime residence or an individual who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(8) “Minor child” means a child under 18 years of age, or under 19 years of age if the child is a full-time student in a secondary school or at the equivalent level of vocational or technical training, and does not include anyone who is married or divorced.

(9) “Participant” means an individual who has applied for or receives temporary cash assistance ~~or services under the WAGES Program~~.

(10) “Public assistance” means benefits paid on the basis of the temporary cash assistance, food stamp, Medicaid, or optional state supplementation program.

(11) “Relative caretaker” or “caretaker relative” means an adult who has assumed the primary responsibility of caring for a child and who is related to the child by blood or marriage.

~~(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).~~

~~(12)~~(13) “Temporary cash assistance” means cash assistance provided under the state program certified under Title IV-A of the Social Security Act, as amended.

Section 37. Section 414.045, Florida Statutes, is amended 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 of Workforce Florida, Inc., or to better inform the public of program

progress. Program reporting data shall include, but not necessarily be limited to, the following groupings:

(a) Work-eligible WAGES cases.—~~Work-eligible 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. 445.024 ~~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 work-eligible 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 temporary cash assistance ~~the WAGES Program~~ that receive a diversion services, a severance 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 by of the WAGES Program State board of directors of Workforce Florida, Inc., and the service delivery and financial planning responsibilities of the regional workforce boards local WAGES coalitions shall apply to the families defined as work-eligible 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 of Workforce Florida, Inc., to the extent needed for operation of the program.~~

Section 38. Section 414.065, Florida Statutes, is amended to read:

414.065 Noncompliance with 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:~~

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

~~(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 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 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.~~

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

~~(d) Community service work experience.—Community service work experience is job training experience at a supervised public or private not-for-~~

profit agency. A participant shall receive temporary cash assistance in the form of wages, which, when combined with the value of food stamps awarded to the participant, is proportional to the amount of time worked. A participant in the WAGES Program or the Food Stamp Employment and Training program assigned to community service work experience shall be deemed an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program. Community service work experience may be selected as an activity for a participant who needs to increase employability by improving his or her interpersonal skills, job-retention skills, stress management, and job problem solving, and by learning to attain a balance between job and personal responsibilities. Community service is intended to:

- 1.— Assess WAGES Program compliance before referral of the participant to costly services such as career education;
- 2.— Maintain work activity status while the participant awaits placement into paid employment or training;
- 3.— Fulfill a clinical practicum or internship requirement related to employment; or
- 4.— Provide work-based mentoring.

As used in this paragraph, the terms “community service experience,” “community work,” and “workfare” are synonymous.

(e) ~~Work experience.~~—~~Work experience is an appropriate work activity for participants who lack preparation for or experience in the workforce. It must combine a job training activity in a public or private not-for-profit agency with education and training related to an employment goal. To qualify as a work activity, work experience must include education and training in addition to the time required by the work activity, and the work activity must be intensively supervised and structured. The WAGES Program shall contract for any services provided for clients who are assigned to this activity and shall require performance benchmarks, goals, outcomes, and time limits designed to assure that the participant moves toward full-time paid employment. A participant shall receive temporary cash assistance proportional to the time worked. A participant assigned to work experience is an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program.~~

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

- 1.— ~~Orientation to the world of work and basic job-seeking and job retention skills.~~
- 2.— ~~Instruction in completing an application for employment and writing a resume.~~

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

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

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

~~(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, 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 limitation 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. 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 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.—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.~~

~~(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 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.~~

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

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

~~(k) Teen parent services.—Participation in medical, educational, counseling, and other services that are part of a comprehensive program is a required activity for each teen parent who participates in the WAGES Program.~~

~~(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 calcula-~~

tion used to generate federal adjustments to the participation requirement due to caseload decline.

~~(2) WORK ACTIVITY REQUIREMENTS.—~~ Each individual 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.

~~(3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.—~~The following individuals are exempt from work activity requirements:

~~(a)~~ A minor child under age 16, except that a child exempted from this provision shall be subject to the requirements of paragraph (1)(i) and s. 414.125.

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

~~(c)~~ Adults who are not included in the calculation of temporary cash assistance in child-only cases.

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

~~(1)(4) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—~~The department shall establish procedures for administer-

ing 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 s. 445.024 ~~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 for a minimum of 10 days or 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. Second noncompliance: temporary cash assistance ~~and food stamps~~ shall be terminated for the family for 1 month or until the individual who failed to comply does so, whichever is later demonstrates compliance in the required work activity for a period of 30 days. Upon meeting this requirement compliance, temporary cash assistance and food stamps shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.

3. Third noncompliance: temporary cash assistance ~~and food stamps~~ shall be terminated for the family for 3 months or until the individual who failed to comply does so, whichever is later. The individual shall be required to comply with the required demonstrate compliance in the work activity upon completion of the 3-month penalty period, before reinstatement of temporary cash assistance ~~and food stamps~~. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.

(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.

(2)(5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—

(a) Upon the second or third occurrence of noncompliance, temporary cash assistance and food stamps for the child or children in a family who are under age 16 may be continued. Any such payments must be made through a protective payee or, in the case of food stamps, through an authorized representative. Under no circumstances shall temporary cash assistance or food stamps be paid to an individual who has failed to comply with program requirements.

(b) Protective payees shall be designated by the department and may include:

1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.

2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interest of the child or children.

3. A volunteer or member of an organization who agrees in writing to fulfill the role of protective payee and to utilize the assistance in the best interest of the child or children.

(c) The protective payee designated by the department shall be the authorized representative for purposes of receiving food stamps on behalf of a child or children under age 16. The authorized representative must agree in writing to use the food stamps in the best interest of the child or children.

(d) If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee or authorized representative, such designation may be made, except that a protective payee or authorized representative must not be any individual involved in determining eligibility for temporary cash assistance or food stamps for the family, staff handling any fiscal processes related to issuance of temporary cash assistance or food stamps, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.

(e) The department may pay incidental expenses or travel expenses for costs directly related to performance of the duties of a protective payee as necessary to implement the provisions of this subsection.

(f) If the department is unable to designate a qualified protective payee or authorized representative, a referral shall be made under the provisions of chapter 39 for protective intervention.

(3)(6) PROPORTIONAL REDUCTION OF TEMPORARY CASH ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.—Notwithstanding the provisions of subsection (1) (4), if an individual is receiving temporary cash assistance under a pay-after-performance arrangement and the

individual participates, but fails to meet the full participation requirement, then the temporary cash assistance received shall be reduced and shall be proportional to the actual participation. Food stamps may be included in a pay-after-performance arrangement if permitted under federal law.

(4)(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 regional workforce board department an inability to obtain needed child care for one or more of the following reasons, as defined in the Child Care and Development Fund State Plan required by part 98 of 45 C.F.R.:

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 (1) (4). An exception granted under this paragraph does not automatically 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 (1) (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. 39.905(1)(g) 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 automatically 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 excused 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. 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 regional workforce board ~~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 related to outpatient mental health or substance abuse treatment.—If an individual cannot participate in the required hours of work activity due to a need to become or remain involved in outpatient mental health or substance abuse counseling or treatment, the individual may be exempted from the work activity for up to 5 hours per week, not to exceed 100 hours per year. An individual may not be excused from a work activity unless a mental health or substance abuse professional recognized by the department or regional workforce board certifies the treatment protocol and provides verification of attendance at the counseling or treatment sessions each week.

(f)(e) Noncompliance due to medical incapacity by applicants for Supplemental Security Income (SSI) or Social Security Disability Income (SSDI).—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 or SSDI 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.

(g)(f) Other good cause exceptions for noncompliance.—Individuals who are temporarily unable to participate due to circumstances beyond their control may be excused from the noncompliance penalties. The department

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.

~~(5)~~⁽⁸⁾ WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL PARENTS.—

(a) The court may order a noncustodial parent who is delinquent in child support payments to participate in work activities under this chapter so that the parent may obtain employment and fulfill the obligation to provide support payments. A noncustodial parent who fails to satisfactorily engage in court-ordered work activities may be held in contempt.

(b) The court may order a noncustodial parent to participate in work activities under this chapter if the child of the noncustodial parent has been placed with a relative, in an emergency shelter, in foster care, or in other substitute care, and:

1. The case plan requires the noncustodial parent to participate in work activities; or

2. The noncustodial parent would be eligible to participate in work activities the WAGES Program and subject to work activity requirements if the child were living with the parent.

If a noncustodial parent fails to comply with the case plan, the noncustodial parent may be removed from program participation.

~~(9) PRIORITIZATION OF WORK REQUIREMENTS.—The department and local WAGES coalitions 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 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 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 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 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.~~

~~(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.~~

~~(e) The department and the local WAGES coalitions 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 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.—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.~~

~~(12) PROTECTION FOR CURRENT EMPLOYEES.—In establishing and contracting for work experience and community service activities, other work experience activities, on-the-job training, subsidized employment, and work supplementation under the WAGES Program, an employed worker may not be displaced, either completely or partially. A WAGES participant may not be assigned to an activity or employed in a position if the employer has created the vacancy or terminated an existing employee without good cause in order to fill that position with a WAGES Program participant.~~

~~(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 39. Section 414.085, Florida Statutes, is amended 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 temporary cash assistance 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:

(1) Participation in the temporary cash assistance WAGES program shall be limited to those families whose gross family income is equal to or less than 185 ~~130~~ percent of the federal poverty level established in s. 673(2) of the Community Services Block Grant Act, 42 U.S.C. s. 9901(2).

(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 as income unless required to be included by federal law.

(3) The first \$50 of child support paid to a custodial parent receiving temporary cash assistance may not be disregarded in calculating the amount of temporary cash assistance for the family, unless such exclusion is required by federal law.

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

Section 40. Section 414.095, Florida Statutes, is amended to read:

414.095 Determining eligibility for temporary cash assistance the WAGES Program.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary cash assistance under this chapter, except that an applicant shall be required to register for work and engage in work activities in accordance with s. 445.024, as designated by the regional workforce board, s. 414.065 and may receive support services or child care assistance in conjunction with such requirement. The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary cash assistance through periodic reviews consistent with the food stamp eligibility process. Benefits shall not be denied to an individual solely based on a felony drug conviction, unless the conviction is for trafficking pursuant to s. 893.135. To be eligible under this section, an individual convicted of a drug felony must be satisfactorily meeting the requirements of the temporary cash assistance WAGES program, including all substance abuse treatment requirements. Within the limits specified in this chapter, the state opts out of the provision of Pub. L. No. 104-193, s. 115, that eliminates eligibility for temporary cash assistance and food stamps for any individual convicted of a controlled substance felony.

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary cash assistance and Medicaid under the WAGES Program:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship as defined under this chapter the WAGES Program, or in a setting approved by the department.

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

(b) The following members of a family are eligible to participate in the program if all eligibility requirements are met:

1. A minor child who resides with a custodial parent or other adult caretaker relative.
2. The parent of a minor child with whom the child resides.
3. The caretaker relative with whom the minor child resides who chooses to have her or his needs and income included in the family.
4. Unwed minor children and their children if the unwed minor child lives at home or in an adult-supervised setting and if temporary cash assistance is paid to an alternative payee.
5. A pregnant woman.

(3) **ELIGIBILITY FOR NONCITIZENS.**—A “qualified noncitizen” is an individual who is admitted to lawfully present in the United States as a refugee under s. 207 of the Immigration and Nationality Act or who is granted asylum under s. ss. 207 and 208 of the Immigration and Nationality Act; a noncitizen, an alien whose deportation is withheld under s. 243(h) or s. 241(b)(3) of the Immigration and Nationality Act; a noncitizen, or an alien who is paroled into the United States under s. 212(d)(5) of the Immigration and Nationality Act, for at least 1 year, a noncitizen who is granted conditional entry pursuant to s. 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980; a Cuban or Haitian entrant; or a noncitizen who has been admitted as a permanent resident and meets specific criteria under federal law. In addition, a “qualified noncitizen” includes an individual who, or an individual whose child or parent, has been battered or subject to extreme cruelty in the United States by a spouse, or a parent, or other household member under certain circumstances, and has applied for or received protection under the federal Violence Against Women Act of 1994, Pub. L. No. 103-322, if the need for benefits is related to the abuse and the batterer no longer lives in the household. A “nonqualified noncitizen” is a nonimmigrant noncitizen alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a “nonqualified noncitizen” includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary cash assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor’s spouse shall be included in determining eligibility to the maximum extent permitted by federal law.

(a) A child who is a qualified noncitizen or who was born in the United States to an illegal or ineligible noncitizen alien is eligible for temporary cash assistance under this chapter if the family meets all eligibility requirements.

(b) If the parent may legally work in this country, the parent must participate in the work activity requirements provided in s. 445.024 s. 414.065, to the extent permitted under federal law.

(c) The department shall participate in the Systematic Alien Verification for Entitlements Program (SAVE) established by the United States Immigration and Naturalization Service in order to verify the validity of documents provided by noncitizens ~~aliens~~ and to verify a noncitizen's an alien's eligibility.

(d) The income of an illegal noncitizen ~~alien~~ or ineligible noncitizen who is a mandatory member of a family ~~alien~~, less a pro rata share for the illegal noncitizen ~~alien~~ or ineligible noncitizen ~~alien~~, counts in determining a family's eligibility to participate in the program.

(e) The entire assets of an ineligible noncitizen ~~alien~~ or a disqualified individual who is a mandatory member of a family shall be included in determining the family's eligibility.

(4) STEPPARENTS.—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:

(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.

1. If the stepparent chooses to be excluded from the family, temporary cash assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 445.024 s. 414.065. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.

2. If a stepparent chooses to be included in the family, the department shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two-person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.

(b) A family that contains a mutual minor child does not have the option to exclude a stepparent from the family, and the income and resources from the stepparent shall be included in determining eligibility.

(c) A family that contains two stepparents, with or without a mutual minor child, does not have the option to exclude a stepparent from the family, and the income and resources from each stepparent must be included in determining eligibility.

(5) CARETAKER RELATIVES.—A family that contains a caretaker relative of a minor child has the option to include or exclude the caretaker relative in determining eligibility. If the caretaker relative chooses to be included in the family, the caretaker relative must meet all eligibility requirements, including resource and income requirements, and must comply with work activity requirements as provided in s. 445.024 s. 414.065. If the

caretaker relative chooses to be excluded from the family, eligibility shall be determined for the minor child based on the child's income and resources. The level of temporary cash assistance for the minor child shall be based on the shelter obligation paid to the caretaker relative.

(6) **PREGNANT WOMAN WITH NO OTHER CHILD.**—Temporary cash assistance for a pregnant woman is not available until the last month of pregnancy. However, if the department determines that a woman is restricted from work activities by orders of a physician, temporary cash assistance shall be available during the last trimester of pregnancy and the woman may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child.

(7) **CHILD SUPPORT ENFORCEMENT.**—As a condition of eligibility for public assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. Cooperation is defined as:

- (a) Assisting in identifying and locating a noncustodial parent and providing complete and accurate information on that parent;
- (b) Assisting in establishing paternity; and
- (c) Assisting in establishing, modifying, or enforcing a support order with respect to a child of a family member.

This subsection does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate.

(8) **ASSIGNMENT OF RIGHTS TO SUPPORT.**—As a condition of receiving temporary cash assistance, the family must assign to the department any rights a member of a family may have to support from any other person. This applies to any family member; however, the assigned amounts must not exceed the total amount of temporary cash assistance provided to the family. The assignment of child support does not apply if the family leaves the program.

(9) **APPLICATIONS.**—The date of application is the date the department or authorized entity receives a signed and dated request to participate in the temporary cash assistance ~~WAGES~~ program. The request shall be denied 30 days after the initial application if the applicant fails to respond to scheduled appointments, including appointments with the state agency responsible for administering the child support enforcement program, and does not contact the department or authorized entity regarding the application.

(a) The beginning date of eligibility for temporary cash assistance is the date on which the application is approved or 30 days after the date of application, whichever is earlier.

(b) The add date for a newborn child is the date of the child's birth.

(c) The add date for all other individuals is the date on which the client contacts the department to request that the individual be included in the grant for temporary cash assistance.

(d) Medicaid coverage for a recipient of temporary cash assistance begins on the first day of the first month of eligibility for temporary cash assistance, and such coverage shall include any eligibility required by federal law which is prior to the month of application.

(10) ~~PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.~~—An applicant for temporary cash assistance ~~or participant in the WAGES Program~~ has the following opportunities and obligations:

(a) To participate in establishing eligibility by providing facts with respect to circumstances that affect eligibility and by obtaining, or authorizing the department ~~and the Department of Labor and Employment Security~~ to obtain, documents or information from others in order to establish eligibility.

(b) To have eligibility determined without discrimination based on race, color, sex, age, marital status, handicap, religion, national origin, or political beliefs.

(c) To be advised of any reduction or termination of temporary cash assistance or food stamps.

(d) To provide correct and complete information about the family's circumstances that relate to eligibility, at the time of application and at subsequent intervals.

(e) To keep the department ~~and the Department of Labor and Employment Security~~ informed of any changes that could affect eligibility.

(f) To use temporary cash assistance and food stamps for the purpose for which the assistance is intended.

(g) To receive information regarding services available from certified domestic violence centers or organizations that provide counseling and supportive services to individuals who are past or present victims of domestic violence or who are at risk of domestic violence and, upon request, to be referred to such organizations in a manner which protects the individual's confidentiality.

(11) DETERMINATION OF LEVEL OF TEMPORARY CASH ASSISTANCE.—Temporary cash assistance shall be based on a standard determined by the Legislature, subject to availability of funds. There shall be three assistance levels for a family that contains a specified number of eligible members, based on the following criteria:

(a) A family that does not have a shelter obligation.

(b) A family that has a shelter obligation greater than zero but less than or equal to \$50.

(c) A family that has a shelter obligation greater than \$50 or that is homeless.

The following chart depicts the levels of temporary cash assistance for implementation purposes:

THREE-TIER SHELTER PAYMENT STANDARD

Family Size	Zero Shelter Obligation	Greater than Zero Less than or Equal to \$50	Greater than \$50 Shelter Obligation
1	\$95	\$153	\$180
2	\$158	\$205	\$241
3	\$198	\$258	\$303
4	\$254	\$309	\$364
5	\$289	\$362	\$426
6	\$346	\$414	\$487
7	\$392	\$467	\$549
8	\$438	\$519	\$610
9	\$485	\$570	\$671
10	\$534	\$623	\$733
11	\$582	\$676	\$795
12	\$630	\$728	\$857
13	\$678	\$781	\$919

(12) DISREGARDS.—

(a) As an incentive to employment, the first \$200 plus one-half of the remainder of earned income shall be disregarded. In order to be eligible for earned income to be disregarded, the individual must be:

1. A current participant in the program; or
2. Eligible for participation in the program without the earnings disregard.

(b) A child's earned income shall be disregarded if the child is a family member, attends high school or the equivalent, and is 19 years of age or younger.

(13) CALCULATION OF LEVELS OF TEMPORARY CASH ASSISTANCE.—

(a) Temporary cash assistance shall be calculated based on average monthly gross family income, earned and unearned, less any applicable disregards. The resulting monthly net income amount shall be subtracted from the applicable payment standard to determine the monthly amount of temporary cash assistance.

(b) A deduction may not be allowed for child care payments.

(14) METHODS OF PAYMENT OF TEMPORARY CASH ASSISTANCE.—Temporary cash assistance may be paid as follows:

- (a) Direct payment through state warrant, electronic transfer of temporary cash assistance, or voucher.
- (b) Payment to an alternative payee.
- (c) Payment for subsidized employment.
- (d) Pay-after-performance arrangements with public or private not-for-profit agencies.

(15) PROHIBITIONS AND RESTRICTIONS.—

(a) A family without a minor child living in the home is not eligible to receive temporary cash assistance or services under this chapter. However, a pregnant woman is eligible for temporary cash assistance in the ninth month of pregnancy if all eligibility requirements are otherwise satisfied.

(b) Temporary cash assistance, without shelter expense, may be available for a teen parent who is a minor child 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 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,~~ 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.

(d) Notwithstanding any law to the contrary, if a parent or caretaker relative without good cause does not cooperate with the state agency responsible for administering the child support enforcement program in establishing, modifying, or enforcing a support order with respect to a child of a teen parent or other family member, or a child of a family member who is in the care of an adult relative, temporary cash assistance to the entire family shall be denied until the state agency indicates that cooperation by the parent or caretaker relative has been satisfactory. To the extent permissible under federal law, a parent or caretaker relative shall not be penalized for failure to cooperate with paternity establishment or with the establishment, modification, or enforcement of a support order when such cooperation could subject an individual to a risk of domestic violence. Such risk shall constitute good cause to the extent permitted by Title IV-D of the Social Security Act, as amended, or other federal law.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection (8), temporary cash assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(f) An individual who is convicted in federal or state court of receiving benefits under this chapter, Title XIX, the Food Stamp Act of 1977, or Title XVI (Supplemental Security Income), in two or more states simultaneously may not receive temporary cash assistance or services under this chapter for 10 years following the date of conviction.

(g) An individual is ineligible to receive temporary cash assistance or services under this chapter during any period when the individual is fleeing to avoid prosecution, custody, or confinement after committing a crime, attempting to commit a crime that is a felony under the laws of the place from which the individual flees or a high misdemeanor in the State of New Jersey, or violating a condition of probation or parole imposed under federal or state law.

(h) The parent or other caretaker relative must report to the department by the end of the 5-day period that begins on the date it becomes clear to the parent or caretaker relative that a minor child will be absent from the home for 30 or more consecutive days. A parent or caretaker relative who fails to

report this information to the department shall be disqualified from receiving temporary cash assistance for 30 days for the first occurrence, 60 days for the second occurrence, and 90 days for the third or subsequent occurrence.

(i) If the parents of a minor child live apart and equally share custody and control of the child, a parent is ineligible for temporary cash assistance unless the parent clearly demonstrates to the department that the parent provides primary day-to-day custody.

(j) The payee of the temporary cash assistance payment is the caretaker relative with whom a minor child resides and who assumes primary responsibility for the child's daily supervision, care, and control, except in cases where a protective payee is established.

~~(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.~~

~~(16)(17) PREELIGIBILITY FRAUD SCREENING.—An applicant who meets an error-prone profile, as determined by the department, is subject to preeligibility fraud screening as a means of reducing misspent funds and preventing fraud. The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for temporary cash assistance the WAGES Program against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.~~

~~(17)(18) PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary cash assistance caseload and there is insufficient funding, a proportional reduction as deter-~~

mined by the department shall be applied to the levels of temporary cash assistance in subsection (11).

~~(18)~~(19) **ADDITIONAL FUNDING.**—When warranted by economic circumstances, the department, in consultation with the Social Services Estimating Conference, shall apply for additional federal funding available from the Contingency Fund for State Welfare Programs.

Section 41. Section 414.105, Florida Statutes, is 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, unless otherwise provided by law.

(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:

(a) Has received aid to families with dependent children or temporary cash assistance for any 36 months of the preceding 60 months; or

(b) Is a custodial parent under the age of 24 who:

1. Has not completed a high school education or its equivalent; or
2. Had little or no work experience in the preceding year.

(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.

(3) A WAGES participant who is not exempt from work activity requirements and who participates in a recommended mental health or substance abuse treatment program may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the individual fully complies with the requirements of the treatment program. This treatment credit may be awarded only upon the successful completion of the treatment program and only once during the 48-month time limit.

(4) 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 20 percent of the average monthly caseload participants in all subsequent years, as determined by the department in cooperation with Workforce Florida, Inc. 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.~~

~~(5)(3) In addition to the exemptions listed in subsection (3) (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).~~

~~(6)(4) The department, in cooperation with Workforce Florida, Inc., shall establish a procedure for reviewing and approving hardship exemptions and for reviewing hardship cases at least once every 2 years. Regional workforce boards, and the local WAGES coalitions may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.016.~~

~~(5) The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary cash assistance as an adult, total no more than 48 months of temporary cash assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.~~

~~(7)(6) For individuals who have moved from another state, the and have legally resided in this state for less than 12 months, the time limitation for temporary cash assistance shall be the shorter of the respective time limitations used in the two states, and months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.~~

~~(8)(7) For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this chapter.~~

~~(9)(8) Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.~~

~~(10)(9) Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.~~

~~(11)(40) An individual who receives benefits under the Supplemental Security Income (SSI) program or the Social Security Disability Insurance (SSDI) program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) or supplemental security disability income (SSDI), 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. While awaiting a final determination, such individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI), any period during which the recipient received assistance under this chapter shall count against 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)(41) A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.~~

(13)12 A member of the ~~WAGES Program~~ staff of the regional workforce board 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 42. Section 414.157, Florida Statutes, is amended 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 is 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 \$1,000 ~~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 does ~~shall~~ not preclude eligibility for, or receipt of, other assistance or services under this chapter.

Section 43. Section 414.158, Florida Statutes, is amended to read:

414.158 Diversion program to prevent or reduce child abuse and neglect ~~strengthen Florida's families.~~—

(1) The diversion program to prevent or reduce child abuse and neglect ~~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 44. Subsection (1) of section 414.35, Florida Statutes, is amended to read:

414.35 Emergency relief.—

(1) The department shall, ~~by October 1, 1978,~~ adopt rules for the administration of emergency assistance programs delegated to the department either by executive order in accordance with the Disaster Relief Act of 1974 or pursuant to the Food Stamp Act of 1977.

Section 45. Subsection (1) of section 414.36, Florida Statutes, is amended to read:

414.36 Public assistance overpayment recovery program; contracts.—

(1) The department shall develop and implement a plan for the statewide privatization of activities relating to the recovery of public assistance overpayment claims. These activities shall include, at a minimum, voluntary cash collections functions for recovery of fraudulent and nonfraudulent benefits paid to recipients of temporary cash assistance ~~under the WAGES Program~~, food stamps, and aid to families with dependent children.

Section 46. Subsection (10) of section 414.39, Florida Statutes, is amended to read:

414.39 Fraud.—

(10) The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each

application for public assistance, including food stamps, Medicaid, and temporary cash assistance under the ~~WAGES Program~~, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.

Section 47. Subsection (3) of section 414.41, Florida Statutes, is amended to read:

414.41 Recovery of payments made due to mistake or fraud.—

(3) The department, or its designee, shall enforce an order of income deduction by the court against the liable adult recipient or participant, including the head of a family, for overpayment received as an adult under the temporary cash assistance WAGES program, the AFDC program, the food stamp program, or the Medicaid program.

Section 48. Section 414.55, Florida Statutes, is amended to read:

414.55 Implementation of ~~ss. 414.015-414.55~~.—Following the effective date of ~~ss. 414.015-414.55~~:

~~(1)(a) The Governor may delay implementation of ss. 414.015-414.55 in order to provide the department, the Department of Labor and Employment Security, the Department of Revenue, and the Department of Health with the time necessary to prepare to implement new programs.~~

~~(b) The Governor may also delay implementation of portions of ss. 414.015-414.55 in order to allow savings resulting from the enactment of ss. 414.015-414.55 to pay for provisions implemented later. If the Governor determines that portions of ss. 414.015-414.55 should be delayed, the priority in implementing ss. 414.015-414.55 shall be, in order of priority:~~

- ~~1. Provisions that provide savings in the first year of implementation.~~
- ~~2. Provisions necessary to the implementation of work activity requirements, time limits, and sanctions.~~
- ~~3. Provisions related to removing marriage penalties and expanding temporary cash assistance to stepparent and two-parent families.~~
- ~~4. Provisions related to the reduction of teen pregnancy and out-of-wedlock births.~~
- ~~5. Other provisions.~~

~~(2) The programs affected by ss. 414.015-414.55 shall continue to operate under the provisions of law that would be in effect in the absence of ss. 414.015-414.55, until such time as the Governor informs the Speaker of the House of Representatives and the President of the Senate of his or her intention to implement provisions of ss. 414.015-414.55. Notice of intent to implement ss. 414.015-414.55 shall be given to the Speaker of the House of Representatives and the President of the Senate in writing and shall be delivered at least 14 consecutive days prior to such action.~~

~~(3) Any changes to a program, activity, or function taken pursuant to this section shall be considered a type two transfer pursuant to the provisions of s. 20.06(2).~~

~~(4) In implementing ss. 414.015-414.55, The Governor shall minimize the liability of the state by opting out of the special provision related to community work, as described in s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by Pub. L. No. 104-193. The department and Workforce Florida, Inc., the Department of Labor and Employment Security shall implement the community work program in accordance with s. 445.024 ss. 414.015-414.55.~~

Section 49. Section 414.70, Florida Statutes, is 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 ~~the regional workforce boards in service areas~~ local WAGES coalitions 3 and 8, shall develop and, ~~as soon as possible after January 1, 1999~~, implement a demonstration project in service areas 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 section ~~aet~~, the term “applicant” means an individual who first applies for temporary cash assistance or services under this chapter ~~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 exempted from work activity requirements under s. 414.065(4) ~~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:

(a) Provide notice of drug screening and the potential for possible drug testing to each applicant at the time of application. The notice must advise the applicant that drug screening and possibly drug testing will be conducted as a condition for receiving temporary assistance ~~or services~~ under this chapter, and shall specify the assistance ~~or services~~ that are subject to

this requirement. The notice must also advise the applicant that a prospective employer may require the applicant to submit to a preemployment drug test. The applicant shall be advised that the required drug screening and possible drug testing may be avoided if the applicant does not apply for or receive assistance ~~or services~~. The drug-screening and drug-testing program is not applicable in child-only cases.

(b) Develop a procedure for drug screening and conducting drug testing of applicants for temporary ~~cash~~ 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.

(c) Provide a procedure to advise each person to be tested, before the test is conducted, that he or she may, but is not required to, advise the agent administering the test of any prescription or over-the-counter medication he or she is taking.

(d) Require each person to be tested to sign a written acknowledgment that he or she has received and understood the notice and advice provided under paragraphs (a) and (c).

(e) Provide a procedure to assure each person being tested a reasonable degree of dignity while producing and submitting a sample for drug testing, consistent with the state's need to ensure the reliability of the sample.

(f) Specify circumstances under which a person who fails a drug test has the right to take one or more additional tests.

(g) Provide a procedure for appealing the results of a drug test by a person who fails a test and for advising the appellant that he or she may, but is not required to, advise appropriate staff of any prescription or over-the-counter medication he or she has been taking.

(h) Notify each person who fails a drug test of the local substance abuse treatment programs that may be available to such person.

(3) CHILDREN.—

(a) If a parent is deemed ineligible for cash assistance due to refusal to comply with the provisions of this section, 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. 445.024~~ s. 414.065, and shall be subject to the penalties under ~~s. 414.065(1)~~ s. 414.065(4) upon failure to comply with such requirements.

(b) If a parent is deemed ineligible for cash assistance due to the failure of a drug test, an appropriate protective payee will be established for the benefit of the child.

(c) If the parent refuses to cooperate in establishing an appropriate protective payee for the child, the Department of Children and Family Services will appoint one.

(4) TREATMENT.—

(a) Subject to the availability of funding, the Department of Children and Family Services shall provide a substance abuse treatment program for a person who fails a drug test conducted under this section ~~act~~ and is eligible to receive temporary cash ~~assistance or services~~ under this chapter ~~the WAGES Program~~. The department shall provide for a retest at the end of the treatment period. Failure to pass the retest will result in the termination of temporary cash ~~assistance or services~~ provided under this chapter and of any right to appeal the termination.

(b) The Department of Children and Family Services shall develop rules regarding the disclosure of information concerning applicants who enter treatment, including the requirement that applicants sign a consent to release information to the Department of Children and Family Services ~~or the Department of Labor and Employment Security, as necessary~~, as a condition of entering the treatment program.

(c) The Department of Children and Family Services may develop rules for assessing the status of persons formerly treated under this section ~~act~~ who reapply for assistance ~~or services~~ under ~~the WAGES act~~ as well as the need for drug testing as a part of the reapplication process.

(5) EVALUATIONS AND RECOMMENDATIONS.—

(a) The Department of Children and Family Services, in conjunction with the regional workforce boards ~~local WAGES coalitions~~ in service areas 3 and 8, shall conduct a comprehensive evaluation of the demonstration projects operated under this section ~~act~~. ~~By January 1, 2000, the department, in conjunction with the local WAGES coalitions involved, shall report to the WAGES Program State Board of Directors and to the Legislature on the status of the initial implementation of the demonstration projects and shall specifically describe the problems encountered and the funds expended during the first year of operation.~~

(b) By January 1, 2001, the department, in conjunction with the regional workforce boards ~~local WAGES coalitions~~ involved, shall provide a comprehensive evaluation to the ~~WAGES Program State Board of Directors~~ and to the Legislature, which must include:

1. The impact of the drug-screening and drug-testing program on employability, job placement, job retention, and salary levels of program participants.

2. Recommendations, based in part on a cost and benefit analysis, as to the feasibility of expanding the program to other ~~local WAGES~~ service areas, including specific recommendations for implementing such expansion of the program.

(6) CONFLICTS.—In the event of a conflict between the implementation procedures described in this program and federal requirements and regulations, federal requirements and regulations shall control.

Section 50. Sections 239.249, 288.9950, 288.9954, 288.9957, 288.9958, 288.9959, 414.015, 414.026, 414.0267, 414.027, 414.028, 414.029, 414.030, 414.055, 414.125, 414.25, and 414.38, Florida Statutes, are repealed.

Section 51. Subsection (2) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(a) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state, to promote the participation of Florida's citizens in amateur athletic competition, and to promote Florida as a host for national and international amateur athletic competitions.

(b) Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; workforce development; minority and small business development; and rural community development. As part of its responsibilities under this paragraph, the office shall work with Enterprise Florida, Inc., and Workforce Florida, Inc., to ensure that, to the maximum extent possible, there are direct linkages between the economic development and workforce development goals and strategies of the state.

(c) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business, as well as in other job-creating efforts.

(d) Assist the Governor, in cooperation with Enterprise Florida, Inc., Workforce Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(e) Plan and conduct at least one meeting per calendar year of leaders in business, government, education, workforce development, and economic de-

velopment called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(f)1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, the tax-refund program for qualified defense contractors under s. 288.1045, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, the Rural Economic Development Initiative, and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor. Notwithstanding any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the Economic Development Trust Fund, the Grants and Donations Trust Fund, the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, and the Economic Development Transportation Trust Fund to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

(g) Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year.

(h) Provide administrative oversight for the Office of the Film Commissioner, created under s. 288.1251, to develop, promote, and provide services to the state's entertainment industry and to administratively house the Florida Film Advisory Council created under s. 288.1252.

(i) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, the Office of the Film Commissioner, and the direct-support organization created to promote the sports industry.

(j) Adopt rules, as necessary, to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Certified Capital Company Act, the Enterprise Zone program, and the Florida First Business Bond pool.

Section 52. Effective October 1, 2000, subsections (4) and (5) of section 20.171, Florida Statutes, are amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security. The department shall operate its programs in a decentralized fashion.

(4)(a) The Assistant Secretary for Programs and Operations must possess a broad knowledge of the administrative, financial, and technical aspects of the divisions within the department.

(b) The assistant secretary is responsible for developing, monitoring, and enforcing policy and managing major technical programs and supervising the Bureau of Appeals of the Division of Unemployment Compensation. The responsibilities and duties of the position include, but are not limited to, the following functional areas:

1. Workers' compensation management and policy implementation.
- ~~2. Jobs and benefits management and policy information.~~
- 2.3. Unemployment compensation management and policy implementation.
- 3.4. Blind services management and policy implementation.
- ~~4.5.~~ Oversight of the five field offices and any local offices.

(5) The following divisions are established and shall be headed by division directors who shall be supervised by and shall be responsible to the Assistant Secretary for Programs and Operations:

~~(a) Division of Workforce and Employment Opportunities.~~

(a)(b) Division of Unemployment Compensation.

(b)(c) Division of Workers' Compensation.

(c)(d) Division of Blind Services.

(d)(e) Division of Safety, which is repealed July 1, 2000.

(e)(f) Division of Vocational Rehabilitation.

Section 53. Section 20.50, Florida Statutes, is created to read:

20.50 Agency for Workforce Innovation.—There is created the Agency for Workforce Innovation within the Department of Management Services. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(1) The Agency for Workforce Innovation shall ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and mid-year amendments thereto must be part of such contract.

(a) All program and fiscal instructions to regional workforce boards shall emanate from the agency pursuant to plans and policies of Workforce Florida, Inc. Workforce Florida, Inc., shall be responsible for all policy directions to the regional boards.

(b) Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of the Agency for Workforce Innovation shall apply.

(2) The Agency for Workforce Innovation shall be the designated administrative agency for receipt of federal workforce development grants and other federal funds, and shall carry out the duties and responsibilities assigned by the Governor under each federal grant assigned to the agency. The agency shall be a separate budget entity and shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The agency shall prepare and submit as a separate budget entity a unified budget request for workforce development, in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board. The head of the agency is the Director of Workforce Innovation, who shall be appointed by the Governor. Within the agency's overall organizational structure, the agency shall include the following offices which shall have the specified responsibilities:

(a) The Office of Workforce Services shall administer state merit system program staff within the workforce service delivery system, pursuant to policies of Workforce Florida, Inc. The office shall be responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including subsidized child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.

(b) The Office of Workforce Investment and Accountability shall be responsible for procurement, contracting, financial management, accounting, audits, and verification. The office shall be directed by the Deputy Director for Workforce Investment and Accountability, who shall be appointed by and serve at the pleasure of the director. The office shall be responsible for:

1. Establishing standards and controls for reporting budgeting, expenditure, and performance information for assessing outcomes, service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9).

2. Establishing monitoring, quality assurance, and quality improvement systems that routinely assess the quality and effectiveness of contracted programs and services.

3. Annual review of each regional workforce board and administrative entity to ensure adequate systems of reporting and control are in place, and monitoring, quality assurance, and quality improvement activities are conducted routinely, and corrective action is taken to eliminate deficiencies.

(c) The Office of Workforce Information Services shall deliver information on labor markets, employment, occupations, and performance, and shall implement and maintain information systems that are required for the effective operation of the one-stop delivery system, including, but not limited to, those systems described in s. 445.009. The office will be under the direction of the Deputy Director for Workforce Information Services, who shall be appointed by and serve at the pleasure of the director. The office shall be responsible for establishing:

1. Information systems and controls that report reliable, timely and accurate fiscal and performance data for assessing outcomes, service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9).

2. Information systems that support service integration and case management by providing for case tracking for participants in welfare transition programs.

(3) The Agency for Workforce Innovation shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The agency shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The agency shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it, and shall disperse such grants pursuant to the plans and policies of Workforce Florida, Inc. The director may, upon delegation from the Governor and pursuant to agreement with Workforce Florida, Inc., sign contracts, grants, and other instruments as necessary to execute functions assigned to the agency. Notwithstanding other provisions of law, the following federal grants and other funds are assigned for administration to the Agency for Workforce Innovation:

(a) Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, except for programs funded directly by the United States Department of Labor under Title I, s. 167.

(b) Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

(c) Welfare-to-work grants administered by the United States Department of Labor under Title IV, s. 403, of the Social Security Act, as amended.

(d) Activities authorized under Title II of the Trade Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the Trade Adjustment Assistance Program.

(e) Activities authorized under chapter 41 of Title 38 U.S.C., including job counseling, training, and placement for veterans.

(f) Employment and training activities carried out under the Community Services Block Grant Act, 42 U.S.C. ss. 9901 et seq.

(g) Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

(h) Designated state and local program expenditures under part A of Title IV of the Social Security Act for welfare transition workforce services associated with the Temporary Assistance for Needy Families Program.

(i) Programs authorized under the National and Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the Service-America programs, the National Service Trust programs, the Civilian Community Corps, the Corporation for National and Community Service, the American Conservation and Youth Service Corps, and the Points of Light Foundation programs, if such programs are awarded to the state.

(j) Other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or by law.

(4) The Agency for Workforce Innovation shall provide or contract for training for employees of administrative entities and case managers of any contracted providers to ensure they have the necessary competencies and skills to provide adequate administrative oversight and delivery of the full array of client services pursuant to s. 445.006(5)(f). Training requirements include, but are not limited to:

(a) Minimum skills, knowledge, and abilities required for each classification of program personnel utilized in the regional workforce boards' service delivery plans.

(b) Minimum requirements for development of a regional workforce board supported personnel training plan to include preservice and inservice components.

(c) Specifications or criteria under which any regional workforce board may award bonus points or otherwise give preference to competitive service provider applications that provide minimum criteria for assuring competent case management, including, but not limited to, maximum caseload per case manager, current staff turnover rate, minimum educational or work experience requirements, and a differentiated compensation plan based on the competency levels of personnel.

(d) Minimum skills, knowledge, and abilities required for contract management, including budgeting, expenditure, and performance information related to service delivery and financial administration, monitoring, quality assurance and improvement, and standards of conduct for employees of regional workforce boards and administrative entities specifically related to carrying out contracting responsibilities.

Section 54. Paragraph (b) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of \$50,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an

affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property or which does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid

minerals severance, mining, or processing operations only by way of a prospective credit against taxes due under chapter 211 for taxes paid under this chapter on such machinery and equipment.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

~~7. Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business.~~

Section 55. Subsections (1) and (3) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(a) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business, located in an enterprise zone. An eligible business does not include any busi-

ness which has claimed the credit permitted under s. 220.181 for any new business employee first beginning employment with the business after July 1, 1995.

(b) "Month" means either a calendar month or the time period from any day of any month to the corresponding day of the next succeeding month or, if there is no corresponding day in the next succeeding month, the last day of the succeeding month.

(c) "New employee" means a person residing in an enterprise zone, a qualified Job Training Partnership Act classroom training participant, or a welfare transition WAGES program participant who begins employment with an eligible business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed by this section.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the enterprise zone.

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a welfare transition WAGES program participant.

(b) If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

(c) The name and address of the eligible business.

(d) The starting salary or hourly wages paid to the new employee.

(e) The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

(f) Whether the business is a small business as defined by s. 288.703(1).

(g) Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to

determine if it contains all the information required pursuant to this subsection and meets the criteria set out in this section. The governing body or agency shall certify all applications that contain the information required pursuant to this subsection and meet the criteria set out in this section as eligible to receive a credit. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in paragraph (h).

(h) All applications for a credit pursuant to this section must be submitted to the department within 4 months after the new employee is hired.

Section 56. Subsection (5) of section 212.097, Florida Statutes, is amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(5) For any new eligible business receiving a credit pursuant to subsection (3), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition WAGES program participant pursuant to ~~chapter 414~~. For any existing eligible business receiving a credit pursuant to subsection (4), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition WAGES program participant pursuant to ~~chapter 414~~. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the high-crime area. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

Section 57. Subsection (5) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

(5) For any new eligible business receiving a credit pursuant to subsection (3), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition WAGES program participant pursuant to ~~chapter 414~~. For any existing eligible business receiving a credit pursuant to subsection (4), an additional \$500 credit shall be provided for any qualified employee who is a welfare transition WAGES program participant pursuant to ~~chapter 414~~. Such employee must be employed on the application date and have been employed less than 1 year. This credit shall be in addition to other credits pursuant to this section regardless of the tier-level of the county. Appropriate documentation concerning the eligibility of an employee for this credit must be submitted as determined by the department.

Section 58. Subsection (10) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(10) WORKFORCE ESTIMATING OCCUPATIONAL FORECASTING CONFERENCE.—

(a) Duties.—

1. The Workforce Estimating Occupational Forecasting Conference shall develop such official information on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries as the conference determines is needed by the state planning and budgeting system. Such information, using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for high-skills/high-wage jobs by occupation and industry; entry and average relative wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.

2. The Workforce Estimating Conference shall review data concerning the local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider such data in developing its forecasts for statewide employment demand, including reviewing the local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to Workforce Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by Workforce Florida, Inc.

3. During each legislative session, and at other times if necessary, the Workforce Estimating Conference shall meet as the Workforce Impact Conference for the purpose of determining the effects of legislation related to the state's workforce and economic development efforts introduced prior to and during such legislative session. In addition to the designated principals of the impact conference, nonprincipal participants of the impact conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The impact conference shall use both quantitative and qualitative research methods to determine the impact of introduced legislation related to workforce and economic development issues.

4. Notwithstanding subparagraph 3., the Workforce Estimating Conference, for the purposes described in subparagraph 1., shall meet no less than 2 times in a calendar year. The first meeting shall be held in February and the second meeting shall be held in August. Other meetings may be scheduled as needed.

(b) Principals.—The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the director of the Agency for Workforce Innovation ~~Secretary of Labor~~, the Chancellor of the State University System, the Executive Director of the State Board of Community Colleges, the Chair of the State Board of Nonpublic Career Education, the Chair of the Workforce Florida, Inc., and the coordinator of the Office of Economic and Demographic Research, or their designees, and professional staff from the Senate and the House of Representatives who have forecasting and substantive expertise, are the principals of the Workforce Estimating Occupational Forecasting Conference. In addition to the designated principals of the conference, non-principal participants of the conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The principal representing the Executive Office of the Governor ~~Commissioner of Education~~, or the ~~commissioner's~~ designee, shall preside over the sessions of the conference.

Section 59. Subsections (1) and (2) of section 220.181, Florida Statutes, are amended to read:

220.181 Enterprise zone jobs credit.—

(1)(a) Beginning July 1, 1995, there shall be allowed a credit against the tax imposed by this chapter to any business located in an enterprise zone which employs one or more new employees. The credit shall be computed as follows:

1. Ten percent of the actual monthly wages paid in this state to each new employee whose wages do not exceed \$1,500 a month. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 15 percent of the actual monthly wages paid in this state to each new employee, for a period of up to 12 consecutive months;

2. Five percent of the first \$1,500 of actual monthly wages paid in this state for each new employee whose wages exceed \$1,500 a month; or

3. Fifteen percent of the first \$1,500 of actual monthly wages paid in this state for each new employee who is a welfare transition WAGES program participant ~~pursuant to chapter 414~~.

(b) This credit applies only with respect to wages subject to unemployment tax and does not apply for any new employee who is employed for any period less than 3 full months.

(c) If this credit is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10).

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development agency

having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence during the taxable year, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the new employee resides if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a welfare transition WAGES program participant.

(b) If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

(c) The name and address of the business.

(d) The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the eligible business is located.

(e) The salary or hourly wages paid to each new employee claimed.

(f) Whether the business is a small business as defined by s. 288.703(1).

Section 60. Subsection (2) and paragraph (k) of subsection (3) of section 230.2305, Florida Statutes, are amended to read:

230.2305 Prekindergarten early intervention program.—

(2) ELIGIBILITY.—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (6). Each public school district shall make reasonable efforts to accommodate the needs of children for extended day and extended year services without compromising the quality of the 6-hour, 180-day program. The school district shall report on such efforts. School district participation in the prekindergarten early intervention program shall be at the discretion of each school district.

(a) At least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children of working parents, including migrant children or children whose parents participate in the welfare transition WAGES program. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

1. Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are abused, prenatally exposed to alcohol or harmful drugs, or from foster homes, or who are marginal in terms of Exceptional Student Education placement.

2. Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in an exceptional student education program with required special services, aids, or equipment and who are reported for partial funding in the K-12 Florida Education Finance Program. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the K-12 Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These students with disabilities shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, 3-year-old or 4-year-old eligible students with disabilities who are reported for funding in the K-12 Florida Education Finance Program in an exceptional student education program as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan; if required special services, aids, or equipment are provided; and if there is no operational cost to prekindergarten early intervention program funds. Exceptional education students who are reported for maximum K-12 Florida Education Finance Program funding and who are not reported for early intervention funding shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children.

4. Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to age four, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

5. Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged" as defined in paragraph (b), who shall not pay a fee.

6. After the groups listed in subparagraphs 1., 2., 3., and 4. have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

(b) An "economically disadvantaged" child shall be defined as a child eligible to participate in the free lunch program. Notwithstanding any change in a family's economic status or in the federal eligibility requirements for free lunch, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age. In order to assist the school district in establishing the priority in which children shall be served, and to increase the efficiency in the provision of child care services in each district, the district shall enter into a written collaborative agreement with other publicly funded early education and child care programs within the district. Such agreement shall be facilitated by the interagency coordinating council and shall set forth, among other provisions, the measures to be undertaken to ensure the programs' achievement and compliance with the performance standards established in subsection (3) and for maximizing the public re-

sources available to each program. In addition, the central agency for state-subsidized child care or the local service district of the Department of Children and Family Services shall provide the school district with an updated list of 3-year-old and 4-year-old children residing in the school district who are on the waiting list for state-subsidized child care.

(3) STANDARDS.—

(k) The school district must coordinate with the central agency for state-subsidized child care or the local service district of the Department of Children and Family Services to verify family participation in the welfare transition WAGES program, thus ensuring accurate reporting and full utilization of federal funds available through the Family Support Act, and for the agency's or service district's sharing of the waiting list for state-subsidized child care under paragraph (a).

Section 61. Subsections (4) and (5) of section 232.17, Florida Statutes, are amended to read:

232.17 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving the performance of many students. It is the policy of the state that the superintendent of each school district be responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the school district. The responsibility includes recommending to the school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence, or absence for which the reason is unknown, of students enrolled in the schools. School board policies must require each parent or guardian of a student to justify each absence of the student, and that justification will be evaluated based on adopted school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to enforce regular school attendance:

(4) REPORT TO THE DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY DIVISION OF JOBS AND BENEFITS.—A designated school representative shall report to ~~the Division of Jobs and Benefits of the~~ Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Department of Labor and Employment Security ~~Division of Jobs and Benefits~~ only for the

purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Department of Labor and Employment Security Division of Jobs and Benefits or its agents.

Section 62. Paragraph (g) of subsection (1) of section 234.01, Florida Statutes, is amended to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(g) May provide transportation for welfare transition WAGES program participants as defined in s. 414.0252.

Section 63. Paragraph (b) of subsection (1) of section 234.211, Florida Statutes, is amended to read:

234.211 Use of school buses for public purposes.—

(1)

(b) Each school district may enter into agreements with regional workforce boards ~~local WAGES coalitions~~ for the provision of transportation services to WAGES program participants in the welfare transition program as defined in s. 414.0252. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of buses in accordance with the agreement.

Section 64. Subsection (15) of section 239.105, Florida Statutes, is amended to read:

239.105 Definitions.—As used in this chapter, the term:

(15) “Degree vocational education program” means a course of study that leads to an associate in applied science degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates or diplomas within the course of study. The term is interchangeable with the term “degree career education program.” For licensure purposes, the term “associate in science degree” is interchangeable with “associate in applied science degree.”

Section 65. Paragraph (c) of subsection (4) and subsections (7) and (9) of section 239.115, Florida Statutes, are amended to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development pro-

grams, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures. This subsection takes effect July 1, 1999.

(c) The performance outcome measures for programs funded through the Workforce Development Education Fund are associated with placement and retention of students after reaching a completion point or completing a program of study. These measures include placement or retention in employment that is related to the program of study; placement into or retention in employment in an occupation on the Workforce Estimating Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings, or other High Wage/High Skill Program occupations as determined by Workforce Florida, Inc.; and placement and retention of participants ~~WAGES clients~~ or former participants in the welfare transition program ~~WAGES clients~~ in employment. Continuing postsecondary education at a level that will further enhance employment is a performance outcome for adult general education programs. Placement and retention must be reported pursuant to ss. 229.8075 and 239.233.

(7)(a) Beginning in fiscal year 1999-2000, a school district or a community college that provides workforce development education funded through the Workforce Development Education Fund shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act, pursuant to the following conditions:

1.(a) Base funding shall not exceed 85 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on a maximum of 85 percent of the institution's prior year total allocation from base and performance funds.

2.(b) Performance funding shall be at least 15 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (9). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. For fiscal year 1999-2000, school districts and community colleges shall be awarded funds pursuant to this paragraph based on performance output data generated for fiscal year 1998-1999 and performance outcome data available in that year.

3.(c) If a local educational agency achieves a level of performance sufficient to generate a full allocation as authorized by the workforce development funding formula, the agency may earn performance incentive funds as appropriated for that purpose in a General Appropriations Act. If performance incentive funds are funded and awarded, these funds must be added to the local educational agency's prior year total allocation from the Work-

force Development Education Fund and shall be used to calculate the following year's base funding.

(b) A program is established to assist school districts and community colleges in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. A school district or community college may expend funds under the program without regard to performance criteria set forth in subparagraph (a)2. The district or community college shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.

(9) The Department of Education, the State Board of Community Colleges, and Workforce Florida, Inc., ~~the Jobs and Education Partnership~~ shall provide the Legislature with recommended formulas, criteria, timeframes, and mechanisms for distributing performance funds. The commissioner shall consolidate the recommendations and develop a consensus proposal for funding. The Legislature shall adopt a formula and distribute the performance funds to the Division of Community Colleges and the Division of Workforce Development through the General Appropriations Act. These recommendations shall be based on formulas that would discourage low-performing or low-demand programs and encourage through performance-funding awards:

(a) Programs that prepare people to enter high-wage occupations identified by the Workforce Estimating Occupational Forecasting Conference created by s. 216.136 and other programs as approved by Workforce Florida, Inc ~~the Jobs and Education Partnership~~. At a minimum, performance incentives shall be calculated for adults who reach completion points or complete programs that lead to specified high-wage employment and to their placement in that employment.

(b) Programs that successfully prepare adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated at an enhanced value for the completion of adults identified in this paragraph and job placement of such adults upon completion. In addition, adjustments may be made in payments for job placements for areas of high unemployment.

(c) Programs that are specifically designed to be consistent with the workforce needs of private enterprise and regional economic development strategies, as defined in guidelines set by Workforce Florida, Inc. Workforce Florida, Inc., shall develop guidelines to identify such needs and strategies based on localized research of private employers and economic development practitioners.

(d)(e) Programs identified by Workforce Florida, Inc., the Jobs and Education Partnership as increasing the effectiveness and cost efficiency of education.

Section 66. Paragraph (d) of subsection (4) of section 239.117, Florida Statutes, is amended to read:

239.117 Workforce development postsecondary student fees.—

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(d) A student enrolled in an employment and training program under the welfare transition WAGES program. The regional workforce board local WAGES coalition shall pay the community college or school district for costs incurred for welfare transition program participants WAGES clients.

Section 67. Paragraph (c) of subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)

(c) Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. The development of program standards and industry-driven benchmarks for vocational, adult, and community education programs, which must be updated every 3 years. The standards must include technical, academic, and workplace skills; viability of distance learning for instruction; and work/learn cycles that are responsive to business and industry.

5. Overseeing school district and community college compliance with the provisions of this chapter.

6. Ensuring that the educational outcomes for the technical component of workforce development programs and secondary vocational job-preparatory programs are uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

7. No school board or public school shall require a student to participate in any school-to-work or job training program. A school board or school shall

not require a student to meet occupational standards for grade level promotion or graduation unless the student is voluntarily enrolled in a job training program.

Section 68. Paragraph (a) of subsection (3) and paragraph (e) of subsection (4) of section 239.301, Florida Statutes, are amended to read:

239.301 Adult general education.—

(3)(a) Each school board or community college board of trustees shall negotiate with the regional workforce board ~~local personnel of the Department of Children and Family Services~~ for basic and functional literacy skills assessments for participants in the welfare transition employment and training programs under the WAGES Program. Such assessments shall be conducted at a site mutually acceptable to the school board or community college board of trustees and the regional workforce board ~~Department of Children and Family Services~~.

(4)

(e) A district school board or a community college board of trustees may negotiate a contract with the regional workforce board ~~local WAGES coalition~~ for specialized services for participants in the welfare transition program ~~WAGES clients~~, beyond what is routinely provided for the general public, to be funded by the regional workforce board ~~WAGES coalition pursuant to s. 414.065~~.

Section 69. Subsection (3) of section 239.514, Florida Statutes, is amended to read:

239.514 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts and community colleges to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and community colleges on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs.

(3) The commission shall give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the Workforce Estimating occupational forecasting ~~Conference~~ and other programs approved by Workforce Florida, Inc. ~~the Jobs and Education Partnership~~; programs that train people to enter occupations under the welfare transition program on the WAGES list; or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The commission shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

Section 70. Paragraph (b) of subsection (5) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(5) The Board of Regents is responsible for:

(b) Coordinating with the Postsecondary Education Planning Commission the programs, including doctoral programs, to be reviewed every 5 years or whenever the board determines that the effectiveness or efficiency of a program is jeopardized. The board shall define the indicators of quality and the criteria for program review for every program. Such indicators shall include need, student demand, industry-driven competencies for advanced technology and related programs, and resources available to support continuation. The results of the program reviews shall be tied to the university budget requests.

Section 71. Section 240.312, Florida Statutes, is amended to read:

240.312 Community colleges; program review.—Program reviews for the community college system shall be coordinated with the Postsecondary Education Planning Commission every year. Every major program shall be reviewed every 5 years or whenever the effectiveness or efficiency of a program is jeopardized, except that certificate career education programs and programs leading to an associate in science degree shall be reviewed every 3 years. Indicators of quality and criteria for the program reviews shall be defined. The results of these program reviews shall be tied to the budget request for the community college system.

Section 72. Subsection (3) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(3) Students enrolled in dual enrollment and early admission programs under s. 240.116 and students enrolled in employment and training programs under the welfare transition WAGES program are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. The regional workforce board local WAGES coalition shall pay the community college for costs incurred by that WAGES participant related to that person's classes or program. Other fee-exempt instruction provided under this subsection generates an additional one-fourth full-time equivalent enrollment.

Section 73. Paragraph (a) of subsection (1) of section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright

Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Completes the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits taken over at least 2 academic years, and is continued in a planned, related post-secondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Workforce Estimating Occupational Forecasting Conference or the Workforce Florida, Inc., Development Board of Enterprise Florida for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. On-the-job training may not be substituted for any of the three required vocational credits.

Section 74. Section 240.40685, Florida Statutes, is amended to read:

240.40685 Certified Education Paraprofessional Welfare Transition Program.—

(1) There is created the Certified Education Paraprofessional Welfare Transition Program to provide education and employment for recipients of public assistance who are certified to work in schools that, because of the high proportion of economically disadvantaged children enrolled, are at risk of poor performance on traditional measures of achievement. The program is designed to enable such schools to increase the number of adults working with the school children. However, the increase in personnel working at certain schools is intended to supplement and not to supplant the school staff and should not affect current school board employment and staffing policies, including those contained in collective bargaining agreements. The program is intended to be supported by local, state, and federal program funds for which the participants may be eligible. Further, the program is designed to provide its participants not only with entry-level employment but also with a marketable credential, a career option, and encouragement to advance.

(2) The Commissioner of Education, the Executive Director of the State Board of Community Colleges, the secretary of the Department of Children and Family Services, and the director of the Agency for Workforce Innovation Secretary of Labor and Employment Security have joint responsibility for planning and conducting the program.

(3) The agencies responsible may make recommendations to the State Board of Education and the Legislature if they find that implementation or operation of the program would benefit from the adoption or waiver of state or federal policy, rule, or law, including recommendations regarding program budgeting.

(4) The agencies shall complete an implementation plan that addresses at least the following recommended components of the program:

(a) A method of selecting participants. The method must not duplicate services provided by those assigned to screen participants of the welfare transition WAGES program, but must assure that screening personnel are trained to identify recipients of public assistance whose personal aptitudes and motivation make them most likely to succeed in the program and advance in a career related to the school community.

(b) A budget for use of incentive funding to provide motivation to participants to succeed and excel. The budget for incentive funding includes:

1. Funds allocated by the Legislature directly for the program.
2. Funds that may be made available from the federal Workforce Investment Job Training Partnership Act based on client eligibility or requested waivers to make the clients eligible.
3. Funds made available by implementation strategies that would make maximum use of work supplementation funds authorized by federal law.
4. Funds authorized by strategies to lengthen participants' eligibility for federal programs such as Medicaid, subsidized child care, and transportation.

Incentives may include a stipend during periods of college classroom training, a bonus and recognition for a high grade-point average, child care and prekindergarten services for children of participants, and services to increase a participant's ability to advance to higher levels of employment. Nonfinancial incentives should include providing a mentor or tutor, and service incentives should continue and increase for any participant who plans to complete the baccalaureate degree and become a certified teacher. Services may be provided in accordance with family choice by community colleges and school district technical centers, through family service centers and full-service schools, or under contract with providers through central agencies.

(5) The agencies shall select Department of Children and Family Services districts to participate in the program. A district that wishes to participate must demonstrate that a district school board, a community college board of trustees, an economic services program administrator, and a regional workforce board private industry council are willing to coordinate to provide the educational program, support services, employment opportunities, and incentives required to fulfill the intent of this section.

(6)(a) A community college or school district technical center is eligible to participate if it provides a technical certificate program in Child Development Early Intervention as approved by Workforce Florida, Inc., the Jobs and Education Partnership and ~~it is participating in the Performance Based Incentive Funding program authorized in s. 239.249.~~ Priority programs provide an option and incentives to articulate with an associate in science degree program or a baccalaureate degree program.

(b) A participating educational agency may earn funds appropriated for performance-based incentive funding for successful outcomes of enrollment and placement of recipients of public assistance who are in the program. In addition, an educational agency is eligible for an incentive award determined by Workforce Florida, Inc., the Jobs and Education Partnership for each recipient of public assistance who successfully completes a program leading to the award of a General Education Development credential.

(c) Historically black colleges or universities that have established programs that serve participants in the welfare transition of the WAGES program are eligible to participate in the Performance Based Incentive Funding Program and may earn an incentive award determined by Workforce Florida, Inc., the Jobs and Education Partnership for successful placement of program completers in jobs as education paraprofessionals in at-risk schools.

(7)(a) A participating school district shall identify at-risk schools in which the program participants will work during the practicum part of their education. For purposes of this act, an at-risk school is a school with grades K-3 in which 50 percent or more of the students enrolled at the school are eligible for free lunches or reduced-price lunches. Priority schools are schools whose service zones include the participants' own communities.

(b) A participating school district may use funds appropriated by the Legislature from Job Training Partnership Act service delivery area allotments to provide at least 6 months of on-the-job training to participants in the Certified Education Paraprofessional Welfare Transition Program. Participating school districts may also use funds provided by grant diversion of funds from the welfare transition WAGES program for the participants during the practicum portion of their training to earn the certificate required for their employment.

(8) The agencies shall give priority for funding to those programs that provide maximum security for the long-range employment and career opportunities of the program participants. Security is enhanced if employment is provided through a governmental or nongovernmental agency other than the school board, or if the plans assure in another way that the participants will supplement, rather than supplant, the workforce available to the school board. It is the intent of the Legislature that, when a program participant succeeds in becoming a certified education paraprofessional after working successfully in a school during the practicum or on-the-job training supported by the program, the participant shall have the opportunity to continue in full-time employment at the school that provided the training or at another school in the district.

Section 75. Subsection (2) of section 240.61, Florida Statutes, is amended to read:

240.61 College reach-out program.—

(2) In developing the definition for “low-income educationally disadvantaged student,” the State Board of Education shall include such factors as: the family’s taxable income; family receipt of temporary cash assistance

under the WAGES Program in the preceding year; family receipt of public assistance in the preceding year; the student's cumulative grade point average; the student's promotion and attendance patterns; the student's performance on state standardized tests; the student's enrollment in mathematics and science courses; and the student's participation in a dropout prevention program.

Section 76. Section 246.50, Florida Statutes, is amended to read:

246.50 Certified Teacher-Aide Welfare Transition Program; participation by independent postsecondary schools.—An independent postsecondary school may participate in the Certified Teacher-Aide Welfare Transition Program and may receive incentives for successful performance from the Performance Based Incentive Funding Program if:

(1) The school is accredited by the Southern Association of Colleges and Schools and licensed by the State Board of Nonpublic Career Education;

(2) The school serves recipients of temporary cash assistance ~~under the WAGES Program~~ in a certified teacher-aide program;

(3) A participating school district recommends the school to Workforce Florida, Inc. ~~the Jobs and Education Partnership~~; and

(4) Workforce Florida, Inc., ~~The Jobs and Education Partnership~~ approves.

Section 77. Section 288.046, Florida Statutes, is amended to read:

288.046 Quick-response training; legislative intent.—The Legislature recognizes the importance of providing a skilled workforce for attracting new industries and retaining and expanding existing businesses and industries in this state. It is the intent of the Legislature that a program exist to meet the short-term, immediate, workforce-skill needs of such businesses and industries. It is further the intent of the Legislature that funds provided for the purposes of s. 288.047 be expended on businesses and industries that support the state's economic development goals, particularly high value-added businesses in ~~Florida's Targeted Industrial Clusters~~ or businesses that locate in and provide jobs in the state's distressed urban and rural areas, and that instruction funded pursuant to s. 288.047 lead to permanent, quality employment opportunities.

Section 78. Section 288.047, Florida Statutes, is amended to read:

288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created to meet the workforce-skill needs of existing, new, and expanding industries. The program shall be administered by Workforce Enterprise Florida, Inc., in conjunction with Enterprise Florida, Inc., and the Department of Education. ~~Workforce Enterprise Florida, Inc.~~, shall adopt guidelines for the administration of this program. Workforce Enterprise Florida, Inc., shall provide technical services and shall identify businesses that seek services through the program.

Workforce Florida, Inc. may contract with Enterprise Florida, Inc., or administer this program directly, if it is determined that such an arrangement maximizes the amount of the Quick Response grant going to direct services. The Department of Education shall provide services related to the development and implementation of instructional programs.

~~(2)(a) A Quick Response Advisory Committee, composed of the director of the Division of Workforce Development of the Department of Education; the director of the Division of Community Colleges of the Department of Education; and the director of the Division of Jobs and Benefits of the Department of Labor and Employment Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to Enterprise Florida, Inc., in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.~~

~~(b) The four private sector members appointed to the Quick Response Advisory Committee must be selected from a slate of nominees submitted by the board of directors of Enterprise Florida, Inc. The president of Enterprise Florida, Inc., shall appoint private sector members from this slate for terms of 4 years, except that in making the initial appointments, the president shall appoint members for staggered terms, one for 1 year, 2 years, 3 years, and 4 years, respectively. To the maximum extent possible, the president shall select private sector members who are representative of diverse industries and regions of the state. The importance of minority representation must be considered when making appointments for each private sector position. Private sector members may be removed for cause. Absence from three consecutive meetings results in the automatic removal of a private sector member.~~

~~(c) The Quick Response Advisory Committee shall meet at the call of its chair, at the request of a majority of the membership, at the request of Enterprise Florida, Inc., or at times prescribed by its rules. The committee shall serve to advise Enterprise Florida, Inc., regarding the administration of the Quick Response Training Program.~~

~~(2)(3) Workforce Enterprise Florida, Inc., shall ensure that instruction funded pursuant to this section is not available through the local community college or, school district, or private industry council and that the instruction promotes economic development by providing specialized training entry-level skills to new workers or retraining for supplemental skills to current employees to meet changing skill requirements caused by new technology or new product lines and to prevent potential layoffs whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses or to reimburse businesses for trainee wages. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Workforce Enterprise Florida, Inc., determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.~~

(3)(4) Requests for funding through the Quick-Response Training Program may be produced through inquiries from a specific business or industry, inquiries from a school district director of career education or community college occupational dean on behalf of a business or industry, or through official state or local economic development efforts. In allocating funds for the purposes of the program, Workforce Enterprise Florida, Inc., shall establish criteria for approval of requests for funding and shall select the entity that provides the most efficient, cost-effective instruction meeting such criteria. Program funds may be allocated to any area technical center, community college, or state university. Program funds may be allocated to private postsecondary institutions only upon a review that includes, but is not limited to, accreditation and licensure documentation and prior approval by Workforce Florida, Inc. ~~a majority of the advisory committee~~. Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, the grant term instruction may not exceed ~~24~~ 18 months. Costs and expenditures for the Quick-Response Training Program must be documented and separated from those incurred by the training provider.

(4)(5) For the first 6 months of each fiscal year, Workforce Enterprise Florida, Inc., shall set aside 30 percent of the amount appropriated for the Quick-Response Training Program by the Legislature to fund instructional programs for businesses located in an enterprise zone or brownfield area ~~to instruct residents of an enterprise zone~~. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding pursuant to this section.

(5)(6) Prior to the allocation of funds for any request pursuant to this section, Workforce Enterprise Florida, Inc., shall prepare a grant agreement between the business or industry requesting funds, the educational institution receiving funding through the program, and Workforce Enterprise Florida, Inc. Such agreement must include, but is not limited to:

~~(a) An identification of the facility in which the instruction will be conducted and the respective responsibilities of the parties for paying costs associated with facility use.~~

~~(b) An identification of the equipment necessary to conduct the program, the respective responsibilities of the parties for paying costs associated with equipment purchase, maintenance, and repair, as well as an identification of which party owns the equipment upon completion of the instruction.~~

(a)(c) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(b)(d) An identification of the estimated length of the instructional program. Such program may not exceed ~~12 months of full-time instruction or 18 months of total instruction.~~

(c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs, not to exceed 5 percent of the grant amount.

~~(d)(e)~~ An identification of special program requirements that are not addressed otherwise in the agreement.

~~(e)(f)~~ Permission to access information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. Information which, if released, would disclose the identity of the person to whom the information pertains or disclose the identity of the person's employer is confidential and exempt from the provisions of s. 119.07(1). The agreement must specify that any evaluations published subsequent to the instruction may not identify the employer or any individual participant.

~~(6)(7)~~ For the purposes of this section, Workforce Enterprise Florida, Inc., may accept grants of money, materials, services, or property of any kind from any agency, corporation, or individual.

~~(8)~~ ~~Enterprise Florida, Inc., may procure equipment as necessary to meet the purposes of this section. Title to and control of such equipment is vested in the Department of Education. Upon the conclusion of instruction, the Department of Education may transfer title to the district school board, community college district board of trustees, or Board of Regents on behalf of a specific state university, where the equipment is physically located. The department may also lease such equipment to the district school board, community college district board of trustees, or Board of Regents for a maximum of 1 year. Such lease may provide for automatic renewal. Either party to a lease has the right to cancel the lease upon a 60-day notice in writing. Any equipment for which no title transfer or lease exists must be returned to a warehouse reserve and be available for use by an instructional program in any area of the state.~~

~~(9)(9)~~ In providing instruction pursuant to this section, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, produced, ascertained, or discovered by employees of the respective departments, district school boards, community college district boards of trustees, or other personnel employed for the purposes of this section is confidential and exempt from the provisions of s. 119.07(1). The state may seek copyright protection for all instructional materials and ancillary written documents developed wholly or partially with state funds as a result of instruction provided pursuant to this section, except for materials that are confidential and exempt from the provisions of s. 119.07(1).

~~(8)(10)~~ There is created a Quick-Response Training Program for ~~Work and Gain Economic Self-sufficiency (WAGES) participants in the welfare transition program.~~ Workforce Enterprise Florida, Inc., may, at the discretion of the State WAGES Emergency Response Team, award quick-response training grants and develop applicable guidelines for the training of participants in the welfare transition WAGES program. In addition to a local

economic development organization, grants must be endorsed by the applicable ~~local WAGES coalition and regional workforce development board.~~

(a) Training funded pursuant to this subsection may not exceed 12 months, and may be provided by the local community college, school district, regional workforce development board, or the business employing the participant, including on-the-job training. Training will provide entry-level skills to new workers, including those employed in retail, who are participants in the welfare transition WAGES program.

(b) ~~WAGES~~ Participants trained pursuant to this subsection must be employed at a wage not less than ~~\$6~~ \$6.00 per hour.

(c) Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another community if approved by Workforce Florida, Inc. ~~the State WAGES Emergency Response Team.~~

(9) Notwithstanding any other provision of law, eligible matching contributions received under the Quick-Response Training Program under this section may be counted toward the private-sector support of Enterprise Florida, Inc., under s. 288.90151(5)(d).

(10) Workforce Florida, Inc., and Enterprise Florida, Inc., shall ensure maximum coordination and cooperation in administering this section, in such a manner that any division of responsibility between the two organizations which relates to marketing or administering the Quick-Response Training Program is not apparent to a business that inquires about or applies for funding under this section. The organizations shall provide such a business with a single point of contact for information and assistance.

Section 79. Subsection (7) of section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(7) REDI may recommend to the Governor up to three rural areas of critical economic concern. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development opportunity of regional impact that will create more than 1,000 jobs over a 5-year period. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the ~~WAGES Quick Response Training Program for participants in the welfare transition program under s. 288.047(8) s. 288.047(10),~~ transportation projects under s. 288.063, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895. Designation as a rural area of critical

economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Office of Tourism, Trade, and Economic Development; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

Section 80. Paragraph (f) of subsection (3) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(3) Enterprise Florida, Inc., shall be governed by a board of directors. The board of directors shall consist of the following members:

(f) The chairperson of the board of directors of ~~the Workforce Florida, Inc. Development Board.~~

Section 81. Paragraph (i) of subsection (1) of section 288.904, Florida Statutes, is amended to read:

288.904 Powers of the board of directors of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall have the power to:

(i) Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, to establish that Enterprise Florida, Inc., is the principal economic, ~~workforce,~~ and trade development organization for the state, and for other standard corporate identity applications. Use of the state seal is not to replace use of a corporate seal as provided in this section.

Section 82. Subsections (1) and (3) of section 288.905, Florida Statutes, are amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish, implement, and manage policies, strategies, and programs for Enterprise Florida, Inc., and its boards. These policies, strategies, and programs shall promote business formation, expansion, recruitment, and retention through aggressive marketing and; international development and export assistance; ~~and workforce development~~, which together lead to more and better jobs with higher wages for all geographic regions and communities of the state, including rural areas and urban core areas, and for all residents, including minorities. In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards, any advisory committees or similar groups created by Enterprise Florida, Inc., and local and regional partners.

(3)(a) The strategic plan required under this section shall include, but is not limited to, strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, international development, and export assistance, and ~~workforce development programs~~ which lead to more and better jobs and higher wages for all geographic regions and disadvantaged communities and populations of the state, including rural areas, minority businesses, and urban core areas. Further, the strategic plan shall give consideration to the economic diversity of the state and its regions and their associated industrial clusters and develop realistic policies and programs to further their development.

(b)1. The strategic plan required under this section shall include specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state.

2. Enterprise Florida, Inc., shall involve local governments, local and regional economic development organizations, and other local, state, and federal economic, international, and workforce development entities, both public and private, in developing and carrying out policies, strategies, and programs, seeking to partner and collaborate to produce enhanced public benefit at a lesser cost.

3. Enterprise Florida, Inc., shall involve rural, urban, small-business, and minority-business development agencies and organizations, both public and private, in developing and carrying out policies, strategies, and programs.

~~(c) The strategic plan required under this section shall include the creation of workforce training programs that lead to better employment opportunities and higher wages.~~

(c)(d) The strategic plan required under this section shall include the promotion of the successful long-term economic development of the state with increased emphasis in market research and information to local economic development entities and generation of foreign investment in the state that creates jobs with above-average wages, internationalization of this state, with strong emphasis in reverse investment that creates high wage jobs for the state and its many regions, including programs that establish viable overseas markets, generate foreign investment, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs which will assure requisite skills and competencies necessary to compete successfully in the global marketplace.

(d)(e) The strategic plan required under this section shall include the identification of business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and development of specific strategies to promote the development of such sectors.

Section 83. Paragraph (f) of subsection (1) of section 288.906, Florida Statutes, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to 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 including, but not limited to:

(f) An assessment of ~~employee training and job creation~~ that directly benefits participants in the welfare transition WAGES program.

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-(g), if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

Section 84. Subsection (4) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 1999, and annually thereafter, \$10 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects that are identified in the 1997-1998 Tentative Work Program of the Department of Transportation, up to the amounts needed to offset the funding requirements of this section; ~~and~~

(b) For seaport intermodal access projects as described in s. 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds; ~~or~~

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b); ~~or~~

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures. Funding for such projects shall require a 25 percent match of the funds received pursuant to this subsection.

Matching funds shall come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the state. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects that have been approved pursuant to s. 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants in the welfare transition program. The goal for employment of WAGES participants in the welfare transition program is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council demonstrates can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, Workforce Florida, Inc., the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants in the welfare transition program. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.

Section 85. Paragraph (c) of subsection (9) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(9)

(c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when the seizing agency obtains a final judgment granting forfeiture of the motor vehicle under this section, 30 percent of the net proceeds from the sale of the motor vehicle shall be retained by the seizing law enforcement agency and 70 percent shall be deposited in the General Revenue Fund for use by regional workforce boards local WAGES coalitions in providing transportation services for participants of the welfare transition WAGES program. In a forfeiture proceeding under this section, the court may consider the extent that the family of the owner has other public or private means of transportation.

Section 86. Subsection (1) of section 341.052, Florida Statutes, is amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to “Section 9” providers and “Section 18” providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located. In developing public transportation development plans, eligible providers must solicit comments from regional workforce boards local WAGES coalitions established under chapter ~~445~~ 414. The development plans must address how the public transit provider will work with the appropriate regional workforce board local WAGES coalition to provide services to WAGES participants in the welfare transition program. Eligible providers must ~~review program and financial plans established under s. 414.028 and~~ provide information to the regional workforce board local WAGES coalition serving the county in which the provider is located regarding the availability of transportation services to assist WAGES program participants.

Section 87. Subsections (1) and (8) of section 402.3015, Florida Statutes, are amended, and subsection (10) is added to said section, to read:

402.3015 Subsidized child care program; purpose; fees; contracts.—

(1) The purpose of the subsidized child care program is to provide quality child care to enhance the development, including language, cognitive, motor, social, and self-help skills of children who are at risk of abuse or neglect and children of low-income families, and to promote financial self-sufficiency and life skills for the families of these children, unless prohibited by federal law. Priority for participation in the subsidized child care program shall be accorded to children under 13 years of age who are:

(a) Determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the department’s Children and Families Program Office;

(b) Children at risk of welfare dependency, including children of participants in the welfare transition WAGES program, children of migrant farmworkers, children of teen parents, and children from other families at risk of welfare dependency due to a family income of less than 100 percent of the federal poverty level;

(c) Children of working families whose family income is equal to or greater than 100 percent, but does not exceed 150 percent, of the federal poverty level; ~~and~~

(d) Children of working families enrolled in the Child Care Executive Partnership Program whose family income does not exceed 200 percent of the federal poverty level; ~~and~~—

(e) Children of working families who participate in the diversion program to strengthen Florida's families under s. 445.018.

(8) The community child care coordinating agencies shall assist participants in the welfare transition WAGES program and former participants of the program who are eligible for subsidized child care in developing cooperative child care arrangements whereby participants support and assist one another in meeting child care needs at minimal cost to the individual participant.

(10) A family that is eligible to participate in the subsidized child care program shall be considered a needy family for purposes of the program funded through the federal Temporary Assistance for Needy Families (TANF) block grant, to the extent permitted by the appropriation of funds.

Section 88. Paragraph (g) of subsection (1) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.—

(1) As used in this section, the term:

(g) “State and federal aid” means cash assistance or cash equivalent benefits based on an individual’s proof of financial need, including, but not limited to, temporary cash assistance ~~under the WAGES Program~~ and food stamps.

Section 89. Paragraph (a) of subsection (3) of section 402.40, Florida Statutes, is amended to read:

402.40 Child welfare training academies established; Child Welfare Standards and Training Council created; responsibilities of council; Child Welfare Training Trust Fund created.—

(3) CHILD WELFARE STANDARDS AND TRAINING COUNCIL.—

(a) There is created within the Department of Children and Family Services the Child Welfare Training Council, hereinafter referred to as the council. The 21-member council shall consist of the Commissioner of Education or his or her designee; a member of the judiciary who has experience

in the area of dependency and has served at least 3 years in the Juvenile Division of the circuit court, to be appointed by the Chief Justice of the Supreme Court; and 19 members to be appointed by the Secretary of Children and Family Services as follows:

1. Nine members shall be dependency program staff:

a. An intake supervisor or counselor, a protective services supervisor or counselor, a foster care supervisor or counselor, and an adoption and related services supervisor or counselor. Each such member shall have at least 5 years' experience working with children and families, at least two members shall each have a master's degree in social work, and any member not having a master's degree in social work shall have at least a bachelor's degree in social work, child development, behavioral psychology, or any other discipline directly related to providing care or counseling for families.

b. A representative from a licensed, residential child-caring agency contracted with by the state; a representative from a runaway shelter or similar program primarily serving adolescents, which shelter or program must be contracted with by the state; and a representative from a licensed child-placing agency contracted with by the state. At least two of these members shall each have a master's degree in social work, and any member not having a master's degree in social work shall have a degree as cited in subparagraph a. All three members shall have at least 5 years' experience working with children and families.

c. A family foster home parent and an emergency shelter home parent, both of whom shall have been providing such care for at least 5 years and shall have participated in training for foster parents or shelter parents on an ongoing basis.

2. One member shall be a supervisor or counselor from the temporary cash assistance WAGES program.

3. Two members shall be educators from the state's university and community college programs of social work, child development, psychology, sociology, or other field of study pertinent to the training of dependency program staff.

4. One member shall be a pediatrician with expertise in the area of child abuse and neglect.

5. One member shall be a psychiatrist or licensed clinical psychologist with extensive experience in counseling children and families.

6. One member shall be an attorney with extensive experience in the practice of family law.

7. One member shall be a guardian ad litem or a child welfare attorney, either of whom shall have extensive experience in the representation of children.

8. One member shall be a state attorney with experience and expertise in the area of dependency and family law.

9. One member shall be a representative from a local law enforcement unit specializing in child abuse and neglect.

10. One member shall be a lay citizen who is a member of a child advocacy organization.

The initial members of the council shall be appointed within 30 days of the effective date of this section. Of the initial appointments, the member appointed by the Chief Justice of the Supreme Court, three members appointed pursuant to subparagraph 1., one member appointed pursuant to subparagraph 3., and the members specified in subparagraphs 4. and 5. shall be appointed to terms of 3 years each; three members appointed pursuant to subparagraph 1., one of the members appointed pursuant to subparagraph 3., and the members specified in subparagraphs 2., 6., and 7. shall be appointed for terms of 2 years each; and three members appointed pursuant to subparagraph 1., and the members specified in subparagraphs 8., 9., and 10. shall be appointed to terms of 1 year each. Thereafter, all appointed members shall serve terms of 3 years each. No person shall serve more than two consecutive terms.

Section 90. Subsection (4) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(4) A community resource mother or father shall be an individual who by residence and resources is able to identify with the target population, and meets the following minimum criteria:

- (a) Is at least 25 years of age.
- (b) Is a mother or father.
- (c) Is a recipient of temporary cash assistance ~~under the WAGES Program~~ or a person with an income below the federal poverty level, or has an income equivalent to community clients.

Section 91. Subsection (3) of section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; comprehensive plan amendments.—

(3)(a) The Governor, through the office, shall direct the creation of regional permit action teams, for the purpose of expediting review of permit applications and local comprehensive plan amendments submitted by:

1. Businesses creating at least 100 jobs, or
2. Businesses creating at least 50 jobs if the project is located in an enterprise zone, or in a county having a population of less than 75,000 or in a county having a population of less than 100,000 which is contiguous to a county having a population of less than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county, or

(b) On a case-by-case basis and at the request of a county or municipal government, the office may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for the office to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation thresholds but that are recommended by the governing body in which the project may be located, the office shall consider economic impact factors that include, but are not limited to:

1. The proposed wage and skill levels relative to those existing in the area in which the project may be located;
2. The project's potential to diversify and strengthen the area's economy;
3. The amount of capital investment; and
4. The number of jobs that will be made available for persons served by the welfare transition WAGES program.

(c) At the request of a county or municipal government, the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per participant in the welfare transition program WAGES client, as determined by the Workforce Florida, Inc. Development Board of Enterprise Florida, is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of this subsection, but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

Section 92. Subsection (7) of section 409.2554, Florida Statutes, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2598, the term:

(7) “Public assistance” means food stamps, money assistance paid on the basis of Title IV-E and Title XIX of the Social Security Act, or temporary cash assistance paid under the WAGES Program.

Section 93. Subsection (7) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(7) In a judicial circuit with a work experience and job training pilot project, if the obligor is a noncustodial parent of a child receiving public assistance as defined in this chapter, is unemployed or underemployed or has no income, then the court shall order the obligor to seek employment, if the obligor is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of \$500 or more. If the obligor is still unemployed 30 days after any order for support, the court shall order the obligor to enroll in a work experience, job placement, and job training program for noncustodial parents as established in s. 414.38.

Section 94. Subsection (1) of section 409.259, Florida Statutes, is amended to read:

409.259 Partial payment of filing fees.—

(1) Notwithstanding s. 28.241, each clerk of the circuit court shall only be reimbursed at the prevailing rate of federal financial participation on the amount of \$40 for each civil action, suit, or proceeding for support instituted in the circuit court in which the parent is not receiving temporary cash assistance under the WAGES Program. The prevailing rate of the state match shall be paid by the local government in the form of a certified public expenditure. The clerk of the circuit court shall bill the department monthly. The clerk of the circuit court and the department shall maintain a monthly log of the number of civil actions, suits, or proceedings filed in which the parent does not receive temporary assistance. These monthly logs will be used to determine the number of \$40 filings the clerk of court may submit for reimbursement at the prevailing rate of federal financial participation.

Section 95. Paragraph (c) of subsection (1) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the agency determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) Low-income families with children are eligible for Medicaid provided they meet the following requirements:

(c) The family's countable income and resources do not exceed the applicable Aid to Families with Dependent Children (AFDC) income and resource standards under the AFDC state plan in effect in July 1996, except as amended in the Medicaid state plan to conform as closely as possible to the requirements of the welfare transition WAGES program ~~as created in s. 414.015~~, to the extent permitted by federal law.

Section 96. Section 409.942, Florida Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

(1) The Department of Children and Family Services shall establish an electronic benefit transfer program for the dissemination of food stamp benefits and temporary assistance payments, including refugee cash assistance payments, asylum applicant payments, and child support disregard payments. If the Federal Government does not enact legislation or regulations providing for dissemination of supplemental security income by electronic benefit transfer, the state may include supplemental security income in the electronic benefit transfer program.

(2) The department shall, in accordance with applicable federal laws and regulations, develop minimum program requirements and other policy ini-

tiatives for the electronic benefit transfer program and shall have at least one operational pilot program in place by July 1, 1996.

(3) The department shall enter into public-private contracts for all provisions of electronic transfer of public assistance benefits, including, but not limited to, the necessary electronic equipment and technical support for the electronic benefit transfer pilot program.

(4) Workforce Florida, Inc., through the Agency for Workforce Innovation, shall establish an electronic benefit transfer program for the use and management of education, training, childcare, transportation, and other program benefits under its direction. The workforce electronic benefit transfer program shall fulfill all federal and state requirements for Individual Training Accounts, Retention Incentive Training Accounts, Individual Development Accounts, and Individual Services Accounts. The workforce electronic benefit transfer program shall be designed to enable an individual who receives an electronic benefit transfer card under subsection (1) to use that card for purposes of benefits provided under the workforce development system as well. The Department of Children and Family Services shall assist Workforce Florida, Inc., in developing an electronic benefit transfer program for the workforce development system that is fully compatible with the department's electronic benefit transfer program. The agency shall reimburse the department for all costs incurred in providing such assistance and shall pay all costs for the development of the workforce electronic benefit transfer program.

Section 97. Paragraph (b) of subsection (4) and paragraph (a) of subsection (6) of section 411.01, Florida Statutes, are amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.—

(b)1. The Florida Partnership for School Readiness shall include the Lieutenant Governor or his or her designee, the Commissioner of Education, the Secretary of Children and Family Services, the Secretary of Health, the chair of the Child Care Executive Partnership Board, and the chairperson of the ~~WAGES Program State~~ board of directors of Workforce Florida, Inc.

2. The partnership shall also include 10 members of the public who shall be business, community, and civic leaders in the state who are not elected to public office. These members and their families must not be providers in the early education and child care industry. The members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor. Eight of the members shall be appointed from a list of 10 nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. Members shall be appointed to 4-year terms of office. However, of the initial appointees, two shall be appointed to 1-year terms, two shall be appointed to 2-year terms, three shall be appointed to 3-year terms, and three shall be appointed to 4-year terms. The members of the partnership shall elect a chairperson annually from the nongovernmental members

of the partnership. Any vacancy on the partnership shall be filled in the same manner as the original appointment.

To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.

(6) PROGRAM ELIGIBILITY.—The school readiness program shall be established for children under the age of kindergarten eligibility. Priority for participation in the school readiness program shall be given to children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

1. Children determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Children and Family Services Program Office of the Department of Children and Family Services.

2. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition ~~WAGES~~ program, children of migrant farmworkers, and children of teen parents.

3. Children of working families whose family income does not exceed 150 percent of the federal poverty level.

An “economically disadvantaged” child means a child whose family income is below 150 percent of the federal poverty level. Notwithstanding any change in a family’s economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age.

Section 98. Paragraph (a) of subsection (3) of section 411.232, Florida Statutes, is amended to read:

411.232 Children’s Early Investment Program.—

(3) ESSENTIAL ELEMENTS.—

(a) Initially, the program shall be directed to geographic areas where at-risk young children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of teenage pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of single mothers who receive temporary cash assistance ~~participate in the WAGES Program~~, children of teenage parents, low birthweight babies, and very young foster

children. To receive funding under this section, an agency, board, council, or provider must demonstrate:

1. Its capacity to administer and coordinate the programs and services in a comprehensive manner and provide a flexible range of services;
2. Its capacity to identify and serve those children least able to access existing programs and case management services;
3. Its capacity to administer and coordinate the programs and services in an intensive and continuous manner;
4. The proximity of its facilities to young children, parents, and other family members to be served by the program, or its ability to provide offsite services;
5. Its ability to use existing federal, state, and local governmental programs and services in implementing the investment program;
6. Its ability to coordinate activities and services with existing public and private, state and local agencies and programs such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all the foregoing intended to assist children and families at risk;
7. How its plan will involve project participants and community representatives in the planning and operation of the investment program;
8. Its ability to participate in the evaluation component required in this section; and
9. Its consistency with the strategic plan pursuant to s. 411.221.

Section 99. Paragraph (a) of subsection (3) of section 411.242, Florida Statutes, is amended to read:

411.242 Florida Education Now and Babies Later (ENABL) program.—

(3) ESSENTIAL ELEMENTS.—

(a) The ENABL program should be directed to geographic areas in the state where the childhood birth rate is higher than the state average and where the children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of childhood pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of single mothers who receive temporary cash assistance ~~participate in the WAGES Program~~, children of teenage parents, low birthweight babies, and very young foster

children. To receive funding under this section, a community-based local contractor must demonstrate:

1. Its capacity to administer and coordinate the ENABL pregnancy prevention public education program and services for children and their families in a comprehensive manner and to provide a flexible range of age-appropriate educational services.

2. Its capacity to identify and serve those children least able to access existing pregnancy prevention public education programs.

3. Its capacity to administer and coordinate the ENABL programs and services in an intensive and continuous manner.

4. The proximity of its program to young children, parents, and other family members to be served by the ENABL program, or its ability to provide offsite educational services.

5. Its ability to incorporate existing federal, state, and local governmental educational programs and services in implementing the ENABL program.

6. Its ability to coordinate its activities and educational services with existing public and private state and local agencies and programs, such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all of the foregoing intended to assist children and families at risk.

7. How its plan will involve project participants and community representatives in the planning and operation of the ENABL program.

8. Its ability to participate in the evaluation component required in this section.

9. Its consistency with the strategic plan pursuant to s. 411.221.

10. Its capacity to match state funding for the ENABL program at the rate of \$1 in cash or in matching services for each dollar funded by the state.

Section 100. Subsection (6) of section 413.82, Florida Statutes, is amended to read:

413.82 Definitions.—As used in ss. 413.81-413.93, the term:

(6) “Region” means a service area for a regional workforce development board established by the Workforce Florida Inc. Development Board.

Section 101. Paragraph (d) of subsection (1) of section 421.10, Florida Statutes, is amended to read:

421.10 Rentals and tenant selection.—

(1) In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenants selection:

(d) The Department of Children and Family Services, pursuant to 45 C.F.R. s. 233.20(a)(3)(vii)(c), may not consider as income for recipients of temporary cash assistance any participants in the WAGES Program assistance received by recipients from other agencies or organizations such as public housing authorities.

Section 102. Subsection (27) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(27) Ensure that local community transportation coordinators work cooperatively with regional workforce boards ~~local WAGES coalitions~~ established in chapter ~~445~~ 414 to provide assistance in the development of innovative transportation services for ~~WAGES~~ participants in the welfare transition program.

Section 103. Subsection (9) of section 427.0155, Florida Statutes, is amended to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(9) Work cooperatively with regional workforce boards ~~local WAGES coalitions~~ established in chapter ~~445~~ 414 to provide assistance in the development of innovative transportation services for ~~WAGES~~ participants in the welfare transition program.

Section 104. Subsection (7) of section 427.0157, Florida Statutes, is amended to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and

resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(7) Work cooperatively with ~~regional workforce boards~~ local WAGES coalitions established in chapter ~~445~~ 414 to provide assistance in the development of innovative transportation services for ~~WAGES~~ participants in the welfare transition program.

Section 105. Paragraph (b) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual shall be eligible to receive benefits with respect to any week only if the division finds that:

(b) She or he has registered for work at, and thereafter continued to report at, the division, which shall be responsible for notification of the Agency for Workforce Innovation ~~Division of Jobs and Benefits~~ in accordance with such rules as the division may prescribe; except that the division may, by rule not inconsistent with the purposes of this law, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs; but no such rule shall conflict with s. 443.111(1).

Section 106. Subsection (8) of section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

(8) BILINGUAL REQUIREMENTS.—

(a) Based on the estimated total number of households in a county which speak the same non-English language, a single-language minority, the division shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or more of the households in the county are classified as a single-language minority.

(b) The division shall ensure that ~~one-stop career centers jobs and benefits offices~~ and appeals bureaus in counties subject to the requirements of paragraph (c) prominently post notices in the appropriate languages that translators are available in those centers ~~offices~~ and bureaus.

(c) Single-language minority refers to households which speak the same non-English language and which do not contain an adult fluent in English. The division shall develop estimates of the percentages of single-language minority households for each county by using data made available by the United States Bureau of the Census.

Section 107. Section 443.181, Florida Statutes, is amended to read:

443.181 State Employment Service.—

(1) A state public employment service is ~~hereby~~ established in the Agency for Workforce Innovation, under policy direction from Workforce Florida,

~~Inc. Division of Jobs and Benefits.~~ The agency division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purposes of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes," approved June 6, 1933 (48 Stat. 113; 29 U.S.C. s. 49(c)), as amended. Notwithstanding any provisions in this section to the contrary, the one-stop delivery system shall be the primary method for delivering services under this section, consistent with Pub. L. No. 105-220 and chapter 445. It shall be the duty of the agency division to cooperate with any official or agency of the United States having power or duties under the provisions of the Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this state, in conformity with s. 4 of that act, and this state will observe and comply with the requirements thereof. ~~The Agency for Workforce Innovation Division of Jobs and Benefits of the Department of Labor and Employment Security is hereby designated and constituted the agency of this state for the purpose of that act.~~ The agency division is authorized and directed to appoint sufficient employees to carry out the purposes of this section. The agency division may cooperate with or enter into agreements with the Railroad Retirement Board with respect to the establishment, maintenance, and use of free employment service facilities.

(2) FINANCING.—All moneys received by this state under the said Act of Congress, as amended, shall be paid into the Employment Security Administration Trust Fund, and such moneys are hereby made available to the agency division to be expended as provided by this chapter and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the agency division is authorized to enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, non-profit organization, and as a part of any such agreement the agency division may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

(3) References to "the agency division" in this section mean the Agency for Workforce Innovation ~~Division of Jobs and Benefits.~~

Section 108. Subsections (2) and (5) of section 443.211, Florida Statutes, are amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is created in the State Treasury a special fund, to be known as the "Special Employment Security Administration Trust Fund," into

which shall be deposited or transferred all interest on contributions, penalties, and fines or fees collected under this chapter. Interest on contributions, penalties, and fines or fees deposited during any calendar quarter in the clearing account in the Unemployment Compensation Trust Fund shall, as soon as practicable after the close of such calendar quarter and upon certification of the division, be transferred to the Special Employment Security Administration Trust Fund. However, there shall be withheld from any such transfer the amount certified by the division to be required under this chapter to pay refunds of interest on contributions, penalties, and fines or fees collected and erroneously deposited into the clearing account in the Unemployment Compensation Trust Fund. Such amounts of interest and penalties so certified for transfer shall be deemed to have been erroneously deposited in the clearing account, and the transfer thereof to the Special Employment Security Administration Trust Fund shall be deemed to be a refund of such erroneous deposits. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury. These moneys shall not be expended or be available for expenditure in any manner which would permit their substitution for, or permit a corresponding reduction in, federal funds which would, in the absence of these moneys, be available to finance expenditures for the administration of the Unemployment Compensation Law. But nothing in this section shall prevent these moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund, with the approval of the Executive Office of the Governor, shall be used by the Division of Unemployment Compensation and the Agency for Workforce Innovation ~~Division of Jobs and Benefits~~ for the payment of costs of administration which are found not to have been properly and validly chargeable against funds obtained from federal sources. All moneys in the Special Employment Security Administration Trust Fund shall be continuously available to the division for expenditure in accordance with the provisions of this chapter and shall not lapse at any time. All payments from the Special Employment Security Administration Trust Fund shall be approved by the division or by a duly authorized agent thereof and shall be made by the Treasurer upon warrants issued by the Comptroller. The moneys in this fund are hereby specifically made available to replace, as contemplated by subsection (3), expenditures from the Employment Security Administration Trust Fund, established by subsection (1), which have been found by the Bureau of Employment Security, or other authorized federal agency or authority, because of any action or contingency, to have been lost or improperly expended. The Treasurer shall be liable on her or his official bond for the faithful performance of her or his duties in connection with the Special Employment Security Administration Trust Fund.

(5) In connection with its duties under s. 443.181, the Agency for Workforce Innovation ~~Division of Jobs and Benefits~~ shall have several authority and responsibility for deposit, requisition, expenditure, approval of payment, reimbursement, and reporting in regard to the trust funds established by this section.

Section 109. Subsection (3) of section 443.221, Florida Statutes, is amended to read:

443.221 Reciprocal arrangements.—

(3) The administration of this chapter and of other state and federal unemployment compensation and public employment service laws will be promoted by cooperation between this state and such other states and the appropriate federal agencies and therefore the division is authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or the Federal Government or both in exchanging services, determining and enforcing payment obligations, and making available facilities and information. The Division of Unemployment Compensation and ~~the Agency for Workforce Innovation~~ Division of Jobs and Benefits are each, therefore, authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided herein with respect to the administration of this chapter as each deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law and, in like manner, to accept and utilize information, services, and facilities made available to this state by the agency charged with the administration of any such other unemployment compensation or public employment service law.

Section 110. Subsection (6) of section 443.231, Florida Statutes, is amended to read:

443.231 Florida Training Investment Program.—The Florida Training Investment Program is designed to extend additional benefit eligibility to dislocated workers throughout Florida who have lost their jobs, have limited marketable skills, and enroll in vocational training intended to lead to employment in a recognized occupation for which there is labor market demand. Pursuant thereto:

(6) PROCEDURE.—

(a) Any dislocated worker may apply to receive benefits under this section while enrolled in an approved course of training pursuant to this section.

(b) Upon approval of an application the division shall notify both the applicant and the training institution by mail of the applicant's status under this section and shall request the training institution to promptly notify the regular claims reporting office in writing if the participant's attendance or progress should become unsatisfactory.

(c) The division is required to notify applicants of the determination of eligibility by mail at the claimant's last known address. In addition to the initial approval or denial of the applicant, the division shall make any further determinations pursuant to s. 443.151(3) and rules 38B-3.016 and 38B-3.017, Florida Administrative Code.

(d) A determination or redetermination will become final unless the claimant files, by mail or in person at the local one-stop career center jobs

and benefits office, an appeal of a determination or redetermination within 20 calendar days after the mailing of the Notice of Determination or Redetermination to the claimant's last known address, or if such notice is not mailed, within 20 calendar days after the date of delivery of such notice. Appeals by mail shall be considered filed when postmarked by the United States Postal Service.

Section 111. Subsections (2) and (3) of section 446.011, Florida Statutes, are amended to read:

446.011 Legislative intent regarding apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Workforce Development Jobs and Benefits of the Department of Education Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of Workforce Development of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing pre-apprenticeship programs ~~in compliance with the standards established by the Division of Jobs and Benefits.~~

(3) It is the further intent of ~~ss. 446.011-446.092~~ this act that the Division of Workforce Development Jobs and Benefits ensure quality training through the adoption and enforcement of uniform minimum standards and that the Bureau of Apprenticeship ~~of the division of Jobs and Benefits~~ promote, register, monitor, and service apprenticeship and training programs and ensure that such programs adhere to the standards.

Section 112. The Office of Program Policy Analysis and Government Accountability, in cooperation with Workforce Florida, Inc., and the Department of Education, shall submit a report to the Legislature by January 1, 2002, regarding joint programs, nonjoint programs, and other programs that provide formalized on-the-job training for skilled trades. The report must include recommendations for improving the efficiency of the programs, decreasing the cost of the programs, improving or retaining current practices regarding admission requirements, reducing the duration of the programs, and increasing the number of persons who successfully complete the programs.

Section 113. Subsections (1), (5), (12), and (13) of section 446.021, Florida Statutes, are amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—As used in ss. 446.011-446.092, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Preapprentice" means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the Division of Workforce Development Jobs and Benefits of the Department of Education Labor and Employment Security.

(5) “Preapprenticeship program” means an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the Bureau of Apprenticeship of the Division of Workforce Development Jobs and Benefits and sponsored by a registered apprenticeship program.

(12) “Division” means the Division of Workforce Development Jobs and Benefits of the Department of Education Labor and Employment Security.

(13) “Director” means the director of the Division of Workforce Development Jobs and Benefits.

Section 114. Section 446.032, Florida Statutes, is amended to read:

446.032 General duties of division with respect to apprenticeship training.—The Division of Workforce Development Jobs and Benefits shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. Such standards and policies shall govern the terms and conditions of the apprentice’s employment and training, including the quality training of the apprentice with respect to, but not limited to, such matters as ratios of apprentices to journeymen, safety, related instruction, and on-the-job training; but such standards and policies shall not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The division may adopt rules as necessary to carry out such standards and policies.

(2) Establish ~~by rule~~ procedures to be used ~~utilized~~ by the State Apprenticeship Advisory Council ~~in accordance with the provisions of s. 446.045~~.

(3) Establish a Bureau of Apprenticeship pursuant to the instructions of the Commissioner of Education ~~Secretary of Labor and Employment Security~~.

Section 115. Section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Workforce Development Jobs and Benefits shall:

(1) Administer the provisions of ss. 446.011-446.092.

(2) Administer the standards established by the division.

(3) Register in accordance with this chapter any apprenticeship or preapprenticeship program, regardless of affiliation, which meets standards established by the division.

(4) Investigate complaints concerning the failure of any registered program to meet the standards established by the division.

(5) Cancel the registration of any program that ~~which~~ fails to comply with the standards and policies of the division or that ~~which~~ unreasonably

fails or refuses to cooperate with the division in monitoring and enforcing compliance with such standards.

(6) Develop and encourage apprenticeship programs.

(7) Cooperate with and assist local apprenticeship sponsors in the development of their apprenticeship standards and training requirements.

~~(8) Cooperate with and assist the Division of Workforce Development of the Department of Education and appropriate education institutions in the development of viable apprenticeship and preapprenticeship programs.~~

~~(8)(9)~~ Encourage registered apprenticeship programs to grant consideration and credit to individuals completing registered preapprenticeship programs.

~~(9)(10)~~ Monitor registered apprenticeship programs to ensure that they are being operated in compliance with all applicable standards.

~~(10)(11)~~ Supervise all apprenticeship programs which are registered with the division.

(11) Ensure that minority and gender diversity are considered in administering this program.

~~(12) Adopt rules as required to implement ss. 446.011-446.092 the provisions of this act.~~

Section 116. Section 446.045, Florida Statutes, is amended to read:

446.045 State Apprenticeship Advisory Council.—

(1) For the purposes of this section, the term:

(a) “Joint employee organization” means an apprenticeship sponsor who participates in a collective bargaining agreement and represents employees.

(b) “Nonjoint employer organization” means an apprenticeship sponsor who does not participate in a collective bargaining agreement and who represents management.

(2)(a) There is created a State Apprenticeship Advisory Council to be composed of 13 members, which shall be advisory to the Division of Workforce Development, Jobs and Benefits of the Department of Labor and Employment Security. The purpose of the advisory council is to advise the division and the council on matters relating to apprenticeship. The advisory council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by the division or bureau. ~~Only those matters contained in the notice of meeting provided by the division shall be considered by the council at council meetings.~~

(b) The division director or the division director’s designee shall be ex officio chair of the State Apprenticeship Advisory Council, but may not vote. ~~The administrator of industrial education of the Department of Education~~

~~and the~~ state director of the Bureau of Apprenticeship and Training of the United States Department of Labor shall be appointed a nonvoting member ~~members~~ of the council. The Governor shall appoint two three-member committees for the purpose of nominating candidates for appointment to the council. One nominating committee shall be composed of joint employee organization representatives, and the other nominating committee shall be composed of nonjoint employer organization representatives. The joint employee organization nominating committee shall submit to the Governor the names of three persons for each vacancy occurring among the joint employee organization members on the council, and the nonjoint employer organization nominating committee likewise shall submit to the Governor the names of three persons for each vacancy occurring among the nonjoint employer organization members on the council. The Governor shall appoint to the council five members representing joint employee organizations and five members representing nonjoint employer organizations from the candidates nominated for each position by the respective nominating committees. Each member shall represent industries which have registered apprenticeship programs or in which a need for apprenticeship programs has been demonstrated. Initially, the Governor shall appoint four members for terms of 4 years, two members for terms of 3 years, two members for terms of 2 years, and two members for terms of 1 year. Thereafter, members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term.

(c) The council shall meet at the call of the chair or at the request of a majority of its membership, but at least twice a year. A majority of the voting members shall constitute a quorum, and the affirmative vote of a majority of a quorum is necessary to take action.

(d) The Governor may remove any member for cause.

(e) The council shall maintain minutes of each meeting. The division shall keep on file the minutes of each meeting and shall make such minutes available to any interested person.

(f) Members of the council shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 117. Subsection (3) of section 446.052, Florida Statutes, is amended to read:

446.052 Preapprenticeship program.—

(3) The Division of Workforce Development, the district school boards, and the community college district boards of trustees, ~~and the Division of Jobs and Benefits~~ shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 118. Section 446.061, Florida Statutes, is amended to read:

446.061 Expenditures.—The Division of Workforce Development of the Department of Education Jobs and Benefits shall make necessary expenditures from the appropriation provided by law for personal services, travel, printing, equipment, office space, and supplies as provided by law.

Section 119. Subsection (1) of section 446.071, Florida Statutes, is amended to read:

446.071 Apprenticeship sponsors.—

(1) One or more local apprenticeship sponsors shall be approved in any trade or group of trades by the Division of Workforce Development of the Department of Education Jobs and Benefits, upon a determination of need, provided the apprenticeship sponsor meets all of the standards established by the division. “Need” refers to the need of state residents for apprenticeship training. In the absence of proof to the contrary, it shall be presumed that there is need for apprenticeship and preapprenticeship training in each county in this state.

Section 120. Section 446.075, Florida Statutes, is amended to read:

446.075 Federal and state cooperation.—The Division of Workforce Development of the Department of Education ~~may Jobs and Benefits of the Department of Labor and Employment Security~~ is authorized to make and enter into contracts with the United States Department of Labor, and may ~~to~~ assume such other functions and duties as are necessary for the division to serve as registration agent for federal apprenticeship registration purposes, except that the division may ~~shall~~ not enforce any federal apprenticeship requirement unless the division first adopts such requirement as a rule. All rules adopted ~~promulgated~~ and administrative hearings afforded by the division under ~~because of~~ this section must ~~shall~~ be in accordance with the requirements of chapter 120.

Section 121. Section 446.40, Florida Statutes, is amended to read:

446.40 Rural Workforce Manpower Services Act; short title.—Sections 446.40-446.44 may ~~shall~~ be cited as the “Rural Workforce Manpower Services Act.”

Section 122. Section 446.41, Florida Statutes, is amended to read:

446.41 Legislative intent with respect to rural workforce manpower training and development; establishment of Rural Workforce Manpower Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural workforce manpower training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those services needed to assist individuals and communities in rural areas to improve their quality of life. It is with a great sense of urgency that a Rural Workforce Manpower Services Program is established within the Agency for Workforce Innovation, under the direction of Workforce Florida, Inc., Division of Jobs and Benefits of the Department of Labor and Employment

Security to provide equal access to all manpower training programs available to rural as well as urban areas.

Section 123. Section 446.42, Florida Statutes, is amended to read:

446.42 General purpose of Rural Workforce Manpower Services Program.—A trained labor force is an essential ingredient for industrial as well as agricultural growth. Therefore, it shall be the general responsibility of the Rural Workforce Manpower Services Program to provide rural business and potential rural businesses with the employment and workforce manpower training services and resources necessary to train and retain Florida's rural workforce.

Section 124. Section 446.43, Florida Statutes, is amended to read:

446.43 Scope and coverage of Rural Workforce Manpower Services Program.—The scope of the area to be covered by the Rural Workforce Manpower Services Program will include all counties of the state not classified as standard metropolitan statistical areas (SMSA) by the United States Department of Labor Manpower Administration. Florida's designated SMSA labor areas include: Broward, Dade, Duval, Escambia, Hillsborough, Pinellas, Leon, Orange, and Palm Beach Counties.

Section 125. Section 446.44, Florida Statutes, is amended to read:

446.44 Duties of Rural Workforce Manpower Services Program.—It shall be the direct responsibility of the Rural Workforce Manpower Services Program to promote and deliver all employment and workforce manpower services and resources to the rural undeveloped and underdeveloped counties of the state in an effort to:

(1) Slow down out-migration of untrained rural residents to the state's overcrowded large metropolitan centers.

(2) Assist Enterprise Florida, Inc., ~~the department's Economic Development Division~~ in attracting light, pollution-free industry to the rural counties.

(3) Improve the economic status of the impoverished rural residents.

(4) Provide present and new industry with the workforce manpower training resources necessary for them to train the untrained rural workforce toward gainful employment.

(5) Develop rural workforce manpower programs ~~that~~ which will be evaluated, planned, and implemented through communications and planning with appropriate:

(a) Departments of state and federal governments.

(b) Units of Enterprise Florida, Inc. ~~Divisions, bureaus, or sections of the Department of Commerce.~~

(c) Agencies and organizations of the public and private sectors at the state, regional, and local levels.

Section 126. Section 446.50, Florida Statutes, is amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(1) INTENT.—It is the intent of the Legislature to require the Agency for Workforce Innovation ~~Division of Community Colleges of the Department of Education~~ to enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

(2) DEFINITIONS.—For the purposes of this section act:

(a) “Displaced homemaker” means an individual who:

1. Is 35 years of age or older;
2. Has worked in the home, providing unpaid household services for family members;
3. Is not adequately employed, as defined by rule of the division;
4. Has had, or would have, difficulty in securing adequate employment; and
5. Has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on federal assistance.

(b) “Agency Division” means the Agency for Workforce Innovation ~~Division of Community Colleges of the Department of Education~~.

(3) AGENCY DIVISION POWERS AND DUTIES.—

(a) The agency division, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.
2. Job training and placement services, including:
 - a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.
 - b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.
 - c. Utilization of the services of the state employment service, ~~which shall cooperate with the division~~ in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as the agency division determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs which the division determines would be of interest and benefit to displaced homemakers.

(b)1. The agency division shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this section aet. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. The agency division shall designate catchment areas which together shall comprise the entire state, and, to the extent possible from revenues in the Displaced Homemaker Trust Fund, the agency division shall contract with, and make grants to, entities which will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas shall be coterminous with the state's workforce development regions. The agency division may give priority to existing displaced homemaker programs when evaluating bid responses to the agency's division's request for proposals.

2. In order to receive funds under this section, and unless specifically prohibited by law from doing so, an entity that provides displaced homemaker service programs must, ~~by the 1991-1992 fiscal year,~~ receive at least 25 percent of its funding from one or more local, municipal, or county sources or nonprofit private sources. In-kind contributions may be evaluated by the agency division and counted as part of the required local fundi ng.

3. The agency division shall require an entity that receives funds under this section to maintain appropriate data to be compiled in an annual report to the agency division. Such data shall include, but shall not be limited to, the number of clients served, the units of services provided, designated client-specific information including intake and outcome information specific to each client, costs associated with specific services and program administration, total program revenues by source and other appropriate financial data, and client followup information at specified intervals after the placement of a displaced home maker in a job.

(c) The agency division shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as the agency division considers appropriate to facilitate the coordination of multipurpose service programs established under this section aet with existing programs of a similar nature.

(d) Supervisory, technical, and administrative positions relating to programs established under this section ~~æ~~ shall, to the maximum extent practicable, be filled by displaced homemakers.

(e) The ~~agency division~~ shall adopt rules establishing minimum standards necessary for entities that provide displaced homemaker service programs to receive funds from the agency division and any other rules necessary to administer this section.

(4) STATE PLAN.—

(a) The Agency for Workforce Innovation ~~division~~ shall develop a 3-year state plan for the displaced homemaker program which shall be updated annually. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

(b) Each annual update must address any changes in the components of the 3-year state plan and a report which must include, but need not be limited to, the following:

1. The scope of the incidence of displaced homemakers;
2. A compilation and report, by program, of data submitted to the agency division pursuant to subparagraph 3. by funded displaced homemaker service programs;
3. An identification and description of the programs in the state that receive funding from the agency division, including funding information; and
4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of the agency division.

(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 2001 ~~1989~~, and annual updates of the plan must be submitted by January 1 of each subsequent year.

(5) DISPLACED HOMEMAKER TRUST FUND.—

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by the agency division for its administration of the displaced homemaker program and to fund displaced homemaker service programs according to criteria established under this section.

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as speci-

fied in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

(c) Funds that are not expended by the agency division at the end of the budget cycle or through a supplemental budget approved by the agency division shall revert to the trust fund.

Section 127. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(3) The term “department” ~~“division”~~ means ~~the Division of Jobs and Benefits of the Department of Labor and Employment Security.~~

Section 128. Subsections (2), (3), and (4) of section 447.04, Florida Statutes, are amended to read:

447.04 Business agents; licenses, permits.—

(2)(a) Every person desiring to act as a business agent in this state shall, before doing so, obtain a license or permit by filing an application under oath therefor with ~~the Division of Jobs and Benefits of the department of Labor and Employment Security,~~ accompanied by a fee of \$25 and a full set of fingerprints of the applicant taken by a law enforcement agency qualified to take fingerprints. There shall accompany the application a statement signed by the president and the secretary of the labor organization for which he or she proposes to act as agent, showing his or her authority to do so. The department division shall hold such application on file for a period of 30 days, during which time any person may file objections to the issuing of such license or permit.

(b) The department division may also conduct an independent investigation of the applicant; and, if objections are filed, it may hold, or cause to be held, a hearing in accordance with the requirements of chapter 120. The objectors and the applicant shall be permitted to attend such hearing and present evidence.

(3) After the expiration of the 30-day period, regardless of whether or not any objections have been filed, the department division shall review the application, together with all information that it may have, including, but not limited to, any objections that may have been filed to such application, any information that may have been obtained pursuant to an independent investigation, and the results of any hearing on the application. If the department division, from a review of the information, finds that the applicant is qualified, pursuant to the terms of this chapter, it shall issue such license or permit; and such license or permit shall run for the calendar year for which issued, unless sooner surrendered, suspended, or revoked.

(4) Licenses and permits shall expire at midnight, December 31, but may be renewed by the department division on a form prescribed by it; however, if any such license or permit has been surrendered, suspended, or revoked

during the year, then such applicant must go through the same formalities as a new applicant.

Section 129. Section 447.041, Florida Statutes, is amended to read:

447.041 Hearings.—

(1) Any person or labor organization denied a license, permit, or registration shall be afforded the opportunity for a hearing by the department division in accordance with the requirements of chapter 120.

(2) The department division may, pursuant to the requirements of chapter 120, suspend or revoke the license or permit of any business agent or the registration of any labor organization for the violation of any provision of this chapter.

Section 130. Section 447.045, Florida Statutes, is amended to read:

447.045 Information confidential.—Neither the department division nor any investigator or employee of the department division shall divulge in any manner the information obtained pursuant to the processing of applicant fingerprint cards, and such information is confidential and exempt from the provisions of s. 119.07(1).

Section 131. Section 447.06, Florida Statutes, is amended to read:

447.06 Registration of labor organizations required.—

(1) Every labor organization operating in the state shall make a report under oath, in writing, to ~~the Division of Jobs and Benefits of the department of Labor and Employment Security~~ annually, on or before December 31. Such report shall be filed by the secretary or business agent of such labor organization, shall be in such form as the department prescribes division ~~may prescribe~~, and shall show the following facts:

- (a) The name of the labor organization;
- (b) The location of its office; and
- (c) The name and address of the president, secretary, treasurer, and business agent.

(2) At the time of filing such report, it shall be the duty of every such labor organization to pay the department division an annual fee therefor in the sum of \$1.

Section 132. Section 447.12, Florida Statutes, is amended to read:

447.12 Fees for registration.—All fees collected by ~~the Division of Jobs and Benefits of the department under this part of Labor and Employment Security hereunder~~ shall be paid to the Treasurer and credited to the General Revenue Fund.

Section 133. Section 447.16, Florida Statutes, is amended to read:

447.16 Applicability of chapter ~~when effective~~.—Any labor business agent licensed on July 1, 1965, may renew such license each year on forms provided by ~~the Division of Jobs and Benefits of the department of Labor and Employment Security~~ without submitting fingerprints so long as such license or permit has not expired or has not been surrendered, suspended, or revoked. The fingerprinting requirements of this act shall become effective for a new applicant for a labor business agent license immediately upon this act becoming a law.

Section 134. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to ~~the Division of Jobs and Benefits of the Department of Labor and Employment Security~~.

Section 135. Subsection (4) of section 450.012, Florida Statutes, is amended to read:

450.012 Definitions.—For the purpose of this chapter, the word, phrase, or term:

(4) “Department” ~~“Division”~~ means ~~the Division of Jobs and Benefits of the Department of Labor and Employment Security~~.

Section 136. Subsection (3) of section 450.061, Florida Statutes, is amended to read:

450.061 Hazardous occupations prohibited; exemptions.—

(3) No minor under 18 years of age, whether such person's disabilities of nonage have been removed by marriage or otherwise, shall be employed or permitted or suffered to work in any place of employment or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such places of employment or occupations may be determined and declared by ~~the Division of Jobs and Benefits of the department of Labor and Employment Security~~ to be hazardous and injurious to the life, health, safety, or welfare of such minor.

Section 137. Paragraph (c) of subsection (5) of section 450.081, Florida Statutes, is amended to read:

450.081 Hours of work in certain occupations.—

(5) The provisions of subsections (1) through (4) shall not apply to:

(c) Minors enrolled in a public educational institution who qualify on a hardship basis such as economic necessity or family emergency. Such determination shall be made by the school superintendent or his or her designee, and a waiver of hours shall be issued to the minor and the employer. The form and contents thereof shall be prescribed by the department division.

Section 138. Section 450.095, Florida Statutes, is amended to read:

450.095 Waivers.—In extenuating circumstances when it clearly appears to be in the best interest of the child, the ~~department~~ division may grant a waiver of the restrictions imposed by the Child Labor Law on the employment of a child. Such waivers shall be granted upon a case-by-case basis and shall be based upon such factors as the ~~department~~ division, by rule, establishes as determinative of whether such waiver is in the best interest of a child.

Section 139. Subsections (1), (2), and (5) of section 450.121, Florida Statutes, are amended to read:

450.121 Enforcement of Child Labor Law.—

(1) The ~~department~~ Division of Jobs and Benefits shall administer this chapter. It shall employ such help as is necessary to effectuate the purposes of this chapter. Other agencies of the state may cooperate with the ~~department~~ division in the administration and enforcement of this part. To accomplish this joint, cooperative effort, the ~~department~~ division may enter into intergovernmental agreements with other agencies of the state whereby the other agencies may assist the ~~department~~ division in the administration and enforcement of this part. Any action taken by an agency pursuant to an intergovernmental agreement entered into pursuant to this section shall be considered to have been taken by the ~~department~~ division.

(2) It is the duty of the ~~department~~ division and its agents and all sheriffs or other law enforcement officers of the state or of any municipality of the state to enforce the provisions of this law, to make complaints against persons violating its provisions, and to prosecute violations of the same. The ~~department~~ division and its agents have authority to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and such other records as may aid in the enforcement of this law. A designated school representative acting in accordance with s. 232.17 shall report to the ~~department~~ division all violations of the Child Labor Law that may come to his or her knowledge.

(5) The ~~department~~ division may adopt rules:

(a) Defining words, phrases, or terms used in the child labor rule or in this part, as long as the word, phrase, or term is not a word, phrase, or term defined in s. 450.012.

(b) Prescribing additional documents that may be used to prove the age of a minor and the procedure to be followed before a person who claims his or her disability of nonage has been removed by a court of competent jurisdiction may be employed.

(c) Requiring certain safety equipment and a safe workplace environment for employees who are minors.

(d) Prescribing the deadlines applicable to a response to a request for records under subsection (2).

(e) Providing an official address from which child labor forms, rules, laws, and posters may be requested and prescribing the forms to be used in connection with this part.

Section 140. Subsections (1), (2), (3), (4), and (5) of section 450.132, Florida Statutes, are amended to read:

450.132 Employment of children by the entertainment industry; rules; procedures.—

(1) Children within the protection of our child labor statutes may, notwithstanding such statutes, be employed by the entertainment industry in the production of motion pictures, legitimate plays, television shows, still photography, recording, publicity, musical and live performances, circuses, and rodeos, in any work not determined by the department ~~Division of Jobs and Benefits~~ to be hazardous, or detrimental to their health, morals, education, or welfare.

(2) The department ~~Division of Jobs and Benefits~~ shall, as soon as convenient, and after such investigation as to the department ~~division~~ may seem necessary or advisable, determine what work in connection with the entertainment industry is not hazardous or detrimental to the health, morals, education, or welfare of minors within the purview and protection of our child labor laws. When so adopted, such rules shall have the force and effect of law in this state.

(3) Entertainment industry employers or agents wishing to qualify for the employment of minors in work not hazardous or detrimental to their health, morals, or education shall make application to the department ~~division~~ for a permit qualifying them to employ minors in the entertainment industry. The form and contents thereof shall be prescribed by the department ~~division~~.

(4) Any duly qualified entertainment industry employer may employ any minor. However, if any entertainment industry employer employing a minor causes, permits, or suffers such minor to be placed under conditions which are dangerous to the life or limb or injurious or detrimental to the health or morals or education of the minor, the right of that entertainment industry employer and its representatives and agents to employ minors as provided herein shall stand revoked, unless otherwise ordered by the department ~~division~~, and the person responsible for such unlawful employment is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Any entertainment industry employer and its agents employing minors hereunder are required to notify the department ~~division~~, showing the date of the commencement of work, the number of days worked, the location of the work, and the date of termination.

Section 141. Subsections (2) and (3) of section 450.141, Florida Statutes, are amended to read:

450.141 Employing minor children in violation of law; penalties.—

(2) Any person, firm, corporation, or governmental agency, or agent thereof, that has employed minors in violation of this part, or any rule adopted pursuant thereto, may be subject by the ~~department division~~ to fines not to exceed \$2,500 per offense. The ~~department division~~ shall adopt, by rule, disciplinary guidelines specifying a meaningful range of designated penalties based upon the severity and repetition of the offenses, and which distinguish minor violations from those which endanger a minor's health and safety.

(3) If the ~~department division~~ has reasonable grounds for believing there has been a violation of this part or any rule adopted pursuant thereto, it shall give written notice to the person alleged to be in violation. Such notice shall include the provision or rule alleged to be violated, the facts alleged to constitute such violation, and requirements for remedial action within a time specified in the notice. No fine may be levied unless the person alleged to be in violation fails to take remedial action within the time specified in the notice.

Section 142. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with the farm labor office of the Department of Labor and Employment Security Florida State Employment Service in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 143. Subsection (2) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.—

(2) "Department" "~~Division~~" means ~~the Division of Jobs and Benefits of~~ the Department of Labor and Employment Security.

Section 144. Section 450.30, Florida Statutes, is amended to read:

450.30 Requirement of certificate of registration; education and examination program.—

(1) No person may act as a farm labor contractor until a certificate of registration has been issued to him or her by the ~~department division~~ and unless such certificate is in full force and effect and is in his or her possession.

(2) No certificate of registration may be transferred or assigned.

(3) Unless sooner revoked, each certificate of registration, regardless of the date of issuance, shall be renewed on the last day of the birth month following the date of issuance and, thereafter, each year on the last day of the birth month of the registrant. The date of incorporation shall be used in

lieu of birthdate for registrants that are corporations. Applications for certificates of registration and renewal thereof shall be on a form prescribed by the department division.

(4) The department division shall provide a program of education and examination for applicants under this part. The program may be provided by the department division or through a contracted agent. The program shall be designed to ensure the competency of those persons to whom the department division issues certificates of registration.

(5) The department division shall require each applicant to demonstrate competence by a written or oral examination in the language of the applicant, evidencing that he or she is knowledgeable concerning the duties and responsibilities of a farm labor contractor. The examination shall be prepared, administered, and evaluated by the department division or through a contracted agent.

(6) The department division shall require an applicant for renewal of a certificate of registration to retake the examination only if:

(a) During the prior certification period, the department division issued a final order assessing a civil monetary penalty or revoked or refused to renew or issue a certificate of registration; or

(b) The department division determines that new requirements related to the duties and responsibilities of a farm labor contractor necessitate a new examination.

(7) The department division shall charge each applicant a \$35 fee for the education and examination program. Such fees shall be deposited in the Crew Chief Registration Trust Fund.

(8) The department division may adopt rules prescribing the procedures to be followed to register as a farm labor contractor.

Section 145. Subsections (1), (2), and (4) of section 450.31, Florida Statutes, are amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(1) The department division shall not issue to any person a certificate of registration as a farm labor contractor, nor shall it renew such certificate, until:

(a) Such person has executed a written application therefor in a form and pursuant to regulations prescribed by the department division and has submitted such information as the department division may prescribe.

(b) Such person has obtained and holds a valid federal certificate of registration as a farm labor contractor, or a farm labor contractor employee, unless exempt by federal law.

(c) Such person pays to the department division, in cash, certified check, or money order, a nonrefundable application fee of \$75. Fees collected by the department division under this subsection shall be deposited in the State Treasury into the Crew Chief Registration Trust Fund, which is hereby created, and shall be utilized for administration of this part.

(d) Such person has successfully taken and passed the farm labor contractor examination.

(2) The department division may revoke, suspend, or refuse to renew any certificate of registration when it is shown that the farm labor contractor has:

(a) Violated or failed to comply with any provision of this part or the rules adopted pursuant to s. 450.36.

(b) Made any misrepresentation or false statement in his or her application for a certificate of registration.

(c) Given false or misleading information concerning terms, conditions, or existence of employment to persons who are recruited or hired to work on a farm.

(4) The department division may refuse to issue or renew, or may suspend or revoke, a certificate of registration if the applicant or holder is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify under this section for a certificate.

Section 146. Subsections (1), (4), (5), (6), (8), (9), and (10) of section 450.33, Florida Statutes, are amended to read:

450.33 Duties of farm labor contractor.—Every farm labor contractor must:

(1) Carry his or her certificate of registration with him or her at all times and exhibit it to all persons with whom the farm labor contractor intends to deal in his or her capacity as a farm labor contractor prior to so dealing and, upon request, to persons designated by the department division.

(4) Display prominently, at the site where the work is to be performed and on all vehicles used by the registrant for the transportation of employees, a single posting containing a written statement in English and in the language of the majority of the non-English-speaking employees disclosing the terms and conditions of employment in a form prescribed by the department division or by the United States Department of Labor for this purpose.

(5) Take out a policy of insurance with any insurance carrier which policy insures such registrant against liability for damage to persons or property arising out of the operation or ownership of any vehicle or vehicles for the transportation of individuals in connection with his or her business, activities, or operations as a farm labor contractor. In no event may the amount

of such liability insurance be less than that required by the provisions of the financial responsibility law of this state. Any insurance carrier that is licensed to operate in this state and that has issued a policy of liability insurance to operate a vehicle used to transport farm workers shall notify the department ~~division~~ when it intends to cancel such policy.

(6) Maintain such records as may be designated by the department ~~division~~.

(8) File, within such time as the department ~~division~~ may prescribe, a set of his or her fingerprints.

(9) Produce evidence to the department ~~division~~ that each vehicle he or she uses for the transportation of employees complies with the requirements and specifications established in chapter 316, s. 316.620, or Pub. L. No. 93-518 as amended by Pub. L. No. 97-470 meeting Department of Transportation requirements or, in lieu thereof, bears a valid inspection sticker showing that the vehicle has passed the inspection in the state in which the vehicle is registered.

(10) Comply with all applicable statutes, rules, and regulations of the United States and of the State of Florida for the protection or benefit of labor, including, but not limited to, those providing for wages, hours, fair labor standards, social security, workers' compensation, unemployment compensation, child labor, and transportation. The department ~~division~~ shall not suspend or revoke a certificate of registration pursuant to this subsection unless:

(a) A court or agency of competent jurisdiction renders a judgment or other final decision that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted;

(b) An administrative hearing pursuant to ss. 120.569 and 120.57 is held on the suspension or revocation and the administrative law judge finds that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted; or

(c) The holder of a certificate of registration stipulates that a violation has occurred or defaults in the administrative proceedings brought to suspend or revoke his or her registration.

Section 147. Section 450.35, Florida Statutes, is amended to read:

450.35 Certain contracts prohibited.—It is unlawful for any person to contract for the employment of farm workers with any farm labor contractor as defined in this act until the labor contractor displays to him or her a current certificate of registration issued by the department ~~division~~ pursuant to the requirements of this part.

Section 148. Section 450.36, Florida Statutes, is amended to read:

450.36 Rules and regulations.—The department ~~division~~ may adopt rules necessary to enforce and administer this part.

Section 149. Section 450.37, Florida Statutes, is amended to read:

450.37 Cooperation with federal agencies.—The department ~~division~~ shall, whenever appropriate, cooperate with any federal agency.

Section 150. Subsections (2), (3), and (4) of section 450.38, Florida Statutes, are amended to read:

450.38 Enforcement of farm labor contractor laws.—

(2) Any person who, on or after June 19, 1985, commits a violation of this part or of any rule adopted thereunder may be assessed a civil penalty of not more than \$1,000 for each such violation. Such assessed penalties shall be paid in cash, certified check, or money order and shall be deposited into the General Revenue Fund. The department ~~division~~ shall not institute or maintain any administrative proceeding to assess a civil penalty under this subsection when the violation is the subject of a criminal indictment or information under this section which results in a criminal penalty being imposed, or of a criminal, civil, or administrative proceeding by the United States government or an agency thereof which results in a criminal or civil penalty being imposed. The department ~~division~~ may adopt rules prescribing the criteria to be used to determine the amount of the civil penalty and to provide notification to persons assessed a civil penalty under this section.

(3) Upon a complaint of the department ~~division~~ being filed in the circuit court of the county in which the farm labor contractor may be doing business, any farm labor contractor who fails to obtain a certificate of registration as required by this part may, in addition to such penalties, be enjoined from engaging in any activity which requires the farm labor contractor to possess a certificate of registration.

(4) For the purpose of any investigation or proceeding conducted by the department ~~division~~, the secretary of the department or the secretary's designee shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The secretary of the department or the secretary's designee shall exercise this power on the secretary's own initiative.

Section 151. Subsection (7) of section 497.419, Florida Statutes, is amended to read:

497.419 Cancellation of, or default on, preneed contracts.—

(7) All preneed contracts are cancelable and revocable as provided in this section, provided that a preneed contract does not restrict any contract purchaser who is a qualified applicant for, or a recipient of, supplemental security income, temporary cash ~~assistance under the WAGES Program~~, or Medicaid from making her or his contract irrevocable.

Section 152. Subsection (3) of section 240.3341, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

240.3341 Incubator facilities for small business concerns.—

(3)(a) The incubator facility and any improvements to the facility shall be owned by or leased the community college. The community college may charge residents of the facility all or part of the cost for facilities, utilities, and support personnel and equipment. No small business concern shall reside in the incubator facility for more than 5 calendar years. The state shall not be liable for any act or failure to act of any small business concern residing in an incubator facility pursuant to this section or of any such concern benefiting from the incubator facilities program.

~~(b) Notwithstanding any provision of paragraph (a) to the contrary, and for the 1999-2000 fiscal year only, the incubator facility may be leased by the community college. This paragraph is repealed on July 1, 2000.~~

(5) Community colleges are encouraged to establish incubator facilities through which emerging small businesses supportive of development of content and technology for digital broadband media and digital broadcasting may be served.

Section 153. Section 240.710, Florida Statutes, is created to read:

240.710 Digital Media Education Coordination Group.—

(1) The Board of Regents shall create a Digital Media Education Coordination Group composed of representatives of the universities within the State University System that shall work in conjunction with the Department of Education, the State Board of Community Colleges, and the Articulation Coordinating Committee on the development of a plan to enhance Florida's ability to meet the current and future workforce needs of the digital media industry. The following purposes of the group shall be included in its plan development process:

(a) Coordination of the use of existing academic programs and research and faculty resources to promote the development of a digital media industry in this state.

(b) Address strategies to improve opportunities for interdisciplinary study and research within the emerging field of digital media through the development of tracts in existing degree programs, new interdisciplinary degree programs, and interdisciplinary research centers.

(c) Address the sharing of resources among universities in such a way as to allow a student to take courses from multiple departments or multiple educational institutions in pursuit of competency, certification, and degrees in digital information and media technology.

(2) Where practical, private accredited institutions of higher learning in this state should be encouraged to participate.

(3) In addition to the elements of the plan governed by the purposes described in subsection (1), the plan shall include, to the maximum extent practical, the coordination of educational resources to be provided by dis-

tance learning and shall facilitate to the maximum extent possible articulation and transfer of credits between community colleges and the state universities. The plan shall address student enrollment in affected programs with emphasis on enrollment beginning as early as fall term, 2001.

(4) The Digital Media Education Coordination Group shall submit its plan to the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2001.

Section 154. Workforce Florida, Inc., through the Agency for Workforce Innovation, may use funds dedicated for Incumbent Worker Training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the targeted occupations list developed by the Workforce Estimating Conference or Workforce Florida Inc. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.

Section 155. Section 445.012, Florida Statutes, is created to read:

445.012 Careers for Florida's Future Incentive Grant Program.—

(1) The Careers for Florida's Future Incentive Grant Program is created to encourage students in this state to obtain degrees or certificates in post-secondary programs that produce graduates with job skills in advanced technology which are critical to the economic future of this state. The program shall provide for a forgivable loan that requires a student to enroll in and complete an eligible program and then to maintain employment in an eligible occupation in this state for 1 year for each year of grant receipt. The recipient must begin repayment of the grant 1 year after the recipient is no longer enrolled in an eligible institution or completes the program, unless the recipient obtains employment in an eligible occupation.

(2) Workforce Florida, Inc., shall manage the Careers for Florida's Future Incentive Grant Program in accordance with rules and procedures established for this purpose. Workforce Florida, Inc., shall contract with the Office of Student Financial Assistance in the Department of Education to administer the incentive grant program for students pursuing baccalaureate degrees or degree career education programs that articulate into baccalaureate degree programs. The office shall advertise the availability of the grant program and collect all delinquent incentive grant repayments.

(a) The Office of Student Financial Assistance of the Department of Education shall issue awards from the incentive grant program each semester. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or make refunds to the department as required in this section.

(b) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility

status of each student who receives an award. After the end of the drop-and-add period, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.

(c) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section.

(3) Workforce Florida, Inc., shall allocate to each regional workforce board its share of funds available for incentive grants in eligible diploma, certificate, and degree career education programs that do not articulate into baccalaureate programs. Each regional workforce board shall administer the program, including determining award recipients within funds available to it for that purpose. Workforce Florida, Inc., shall contract with the Office of Student Financial Assistance in the Department of Education for collecting delinquent incentive grant repayments.

(a) Workforce Florida, Inc., shall reallocate any funds not encumbered by the regional workforce boards by January 31 of each year to other regional workforce boards for additional awards, in accordance with rules and procedures established for this purpose.

(b) Within 30 days after the student begins classes, the educational institution shall certify to the regional workforce board the eligibility status of each student who receives an award. After this report, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the regional workforce board if a student who receives an award disbursement terminates enrollment for any reason during the period that would permit a refund by the institution's refund policy.

(c) Regional workforce boards shall ensure that each recipient receives maximum funding possible by coordinating career education awards with Individual Training Accounts funded by the federal Workforce Investment Act, Retention Incentive Training Accounts funded by the federal Temporary Assistance for Needy Families Act, the federal Welfare-to-Work program, and other programs intended to assist incumbent workers in upgrading their skills.

(4) If funds appropriated are not adequate to provide the maximum allowable award to each eligible applicant, full awards must be provided in the order of priority established by Workforce Florida, Inc. Awards must not be reduced to increase the number of recipients.

(5) A recipient who is pursuing a baccalaureate degree shall receive \$100 for each lower-division credit hour in which the student is enrolled at an eligible college or university, up to a maximum of \$1,500 per semester, and \$200 for each upper-division credit hour in which the student is enrolled at

an eligible college or university, up to a maximum of \$3,000 per semester. For purposes of this section, a student is pursuing a baccalaureate degree if he or she is in a program that articulates into a baccalaureate degree program by agreement of the Articulation Coordinating Committee. A student in an applied technology diploma program, a certificate career education program, or a degree career education program that does not articulate into a baccalaureate degree program shall receive \$2 for each vocational contact hour, or the equivalent, for certificate programs, or \$60 for each credit hour, or the equivalent, for degree career education programs and applied technology programs for which the student is enrolled at an eligible college, technical center, or nonpublic career education school.

(6) If a recipient who is enrolled in a diploma, certificate, or degree career education program that does not articulate into a baccalaureate degree program transfers from one eligible institution to another within the same workforce region and continues to meet eligibility requirements, the award shall be transferred with the student.

(7) If a recipient who is enrolled in a baccalaureate degree or a degree career education program that articulates into a baccalaureate degree program transfers from one eligible institution to another and continues to meet eligibility requirements, the award shall be transferred with the student.

(8) An award recipient may use an award for enrollment in a summer term if funds are available.

(9) Funds may not be used to pay for remedial, college-preparatory, or vocational-preparatory coursework.

Section 156. Section 445.0121, Florida Statutes, is created to read:

445.0121 Student eligibility requirements for initial awards.—

(1) To be eligible for an initial award for lower division college credit courses that lead to a baccalaureate degree, as defined in s. 445.0122(5), a student must:

(a)1. Have been a resident of this state for no less than 3 years for purposes other than to obtain an education; or

2. Have received a standard Florida high school diploma, as provided in s. 232.246, or its equivalent, as described in s. 229.814, unless:

a. The student is enrolled full-time in the early-admission program of an eligible postsecondary education institution or completes a home-education program in accordance with s. 232.0201; or

b. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment outside this state.

(b) In addition to the residency requirements in paragraph (a), an eligible lower-division, baccalaureate degree-seeking student must:

1. Have earned a cumulative grade point average of at least 2.75 on a 4.0 scale in postsecondary coursework.

2. Have earned at least 18 credit hours at the postsecondary level.

3. Be enrolled in an eligible public or independent postsecondary educational institution in this state for at least 6 semester credit hours or the equivalent.

(2) To be eligible for an initial award for upper-division courses, a student must:

(a) Have been a resident of this state for the previous 3 years for purposes other than to obtain an education.

(b) Be enrolled in an eligible baccalaureate degree program, as specified in s. 445.0124, for at least 6 semester credit hours or the equivalent.

(c) Have earned a cumulative grade point average of at least 2.75 on a 4.0 scale in all postsecondary coursework.

(3) To be eligible for an initial award for an applied technology diploma program or a certificate or degree career education program that does not articulate into a baccalaureate degree program, a student must:

(a) Have been a resident of this state for not less than 3 years for noneducational purposes.

(b) Be enrolled in an eligible diploma, certificate, or degree career education program, as specified in s. 445.0124.

Section 157. Section 445.0122, Florida Statutes, is created to read:

445.0122 Student eligibility requirements for renewal awards.—

(1) To be eligible to renew an incentive grant for a degree program, a student must:

(a) Complete at least 12 semester credit hours or the equivalent of program requirements in the previous academic year, including summer school.

(b) Maintain the equivalent of a grade point average of at least 2.75 on a 4.0 scale for all postsecondary education work.

(2) A student who is enrolled in a program that terminates in a baccalaureate degree or who is enrolled in an associate degree program that articulates into a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program.

(3) To be eligible to renew an incentive grant for an applied technology diploma program or a certificate or degree career education program that does not articulate into a baccalaureate degree program, a student must have successfully attained the last occupational completion point attempted. If an occupational completion point requires more than one term to com-

plete, a student may receive grants for the additional terms if the institution reports that the student is making adequate progress toward completion.

(4) A student who is enrolled in a program that terminates in an applied technology diploma or a certificate or degree career education program that does not articulate into a baccalaureate degree program may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program, up to 90 semester credit hours or the equivalent in quarter or clock hours.

(5) A student maintains eligibility for an award for 4 years following receipt of the initial award for courses in the lower division and 4 years following receipt of the initial award for courses in the upper division. For purposes of this subsection, lower-division courses include courses in an eligible applied technology diploma program or a certificate or degree career education program that does not articulate into a baccalaureate degree program by agreement of the Articulation Coordinating Committee, as well as courses in associate in arts and associate in science degree programs that articulate into a baccalaureate degree program.

Section 158. Section 445.0123, Florida Statutes, is created to read:

445.0123 Eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Careers for Florida's Future Incentive Grant Program if the student meets the requirements for the program as described in ss. 445.012-445.0125 and is enrolled in a postsecondary education institution that meets the description of any one of the following:

(1) A public university, community college, or technical center in this state.

(2) An independent college or university in this state which is recognized by the United States Department of Education and has operated in this state for at least 3 years.

(3) An independent postsecondary education institution in this state which is chartered in Florida and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(4) An independent postsecondary education institution in this state which is licensed by the State Board of Independent Colleges and Universities and which:

(a) Shows evidence of sound financial condition; and

(b) Has operated in this state for at least 3 years without having its approval, accreditation, or license placed on probation.

(5) An independent postsecondary education institution in this state which is licensed by the State Board of Nonpublic Career Education and which:

(a) Has a program-completion and placement rate of at least the rate required by current state law, the Florida Administrative Code, or the Department of Education for an institution at its level;

(b) Shows evidence of sound financial condition; and

(c)1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in this state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in this state for 5 years during which there has been no complaint for which probable cause has been found.

Section 159. Section 445.0124, Florida Statutes, is created to read:

445.0124 Eligible programs.—

(1) A student must enroll in a program determined eligible by Workforce Florida, Inc.

(2) Eligible lower-division programs are those programs that prepare a student for admission to a degree program that prepares students for employment in targeted career occupations listed in subsection (3). These programs include any associate in science degree program that articulates into a baccalaureate degree program by agreement of the Articulation Coordinating Committee.

(3) Eligible upper-division programs are those programs that prepare students for employment in targeted career occupations in one of the following business sectors: information technology/telecommunications, biomedical technology, manufacturing-electronics, and aviation/transportation. Workforce Florida, Inc., must determine eligible programs within these sectors annually in cooperation with the Board of Regents.

(4) Eligible career education programs are those programs in the following business sectors: information technology/telecommunications, biomedical technology, manufacturing-electronics, aviation/transportation, and skilled building trades. Workforce Florida, Inc., must determine eligible programs within these sectors annually in cooperation with the State Board of Community Colleges and the Department of Education.

Section 160. Section 445.0125, Florida Statutes, is created to read:

445.0125 Repayment schedule.—

(1) A recipient must repay an incentive grant from the Careers for Florida's Future Incentive Grant Program within 10 years after termination of the grant.

(a) Repayment must begin:

1. One year after completion of the program of studies, unless the recipient is employed in an eligible occupation; or

2. One year after the student is no longer enrolled in an eligible institution.

(b) Workforce Florida, Inc., shall determine whether a grant recipient is employed in an eligible occupation. For repayment purposes, an occupation determined to be eligible remains eligible for the duration of the repayment period.

(c) The State Board of Education shall adopt by rule repayment schedules.

(2) Credit for repayment of an incentive grant shall be as follows:

(a) To repay an incentive grant for upper-division or lower-division courses that lead to a baccalaureate degree, a student must earn the baccalaureate degree and then maintain employment in an eligible occupation in this state for 1 year for each year in which the grant was received for full-time enrollment. If the student's actual enrollment was part-time, the grant repayment shall be calculated as the length of time required to complete the program based on full-time enrollment.

(b) For an incentive grant for a program that generates credit toward an occupational completion point, a certificate, or a career education degree that does not articulate into a baccalaureate degree, a student must complete the program and maintain employment in an eligible occupation in this state for 6 months for every semester of full-time enrollment in the program. If the student's actual enrollment in the program was part-time, the grant repayment shall be calculated as the length of time required to complete the program based on full-time enrollment, based on 6 months for each semester.

(3) Any incentive grant recipient who does not remain employed in an eligible occupation in this state must repay the loan plus accrued annual interest at the rate of the 3-month United States Treasury Bill, plus 2.3 percent.

(4) An incentive grant recipient may receive repayment credit for eligible employment rendered at any time during the scheduled repayment period. However, this repayment credit is applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. An incentive grant recipient may not be reimbursed for previous cash payments of principal and interest.

Section 161. Section 445.014, Florida Statutes, is created to read:

445.014 Small business workforce service initiative.—

(1) Subject to legislative appropriation, Workforce Florida, Inc., shall establish a program to encourage regional workforce development boards to establish one-stop delivery systems that maximize the provision of workforce and human-resource support services to small businesses. Under the program, a regional workforce board may apply, on a competitive basis, for funds to support the provision of such services to small businesses through the region's one-stop delivery system.

(2) Eligible uses of funds under this program include, but are not limited to:

- (a) Identifying common training needs among small businesses;
- (b) Developing curriculum to address common training needs among small businesses;
- (c) Facilitating the provision of training services for such small businesses through eligible training providers;
- (d) Assisting small businesses to identify incentives and complete applications or other paperwork associated with such incentives; and
- (e) Establishing a single point of contact for the provision of preemployment and postemployment services to small businesses.

(3) Workforce Florida, Inc., shall establish guidelines governing the administration of this program and shall establish criteria to be used in evaluating applications for funding. Such criteria must include, but need not be limited to, a showing that the regional board has in place a detailed plan for establishing a one-stop delivery system designed to meet the workforce needs of small businesses and for leveraging other funding sources in support of such activities.

(4) For purposes of this section, the term "small business" means an independently owned and operated business concern that employs 30 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$3 million and an average net income, after federal income taxes and excluding any carryover losses, of not more than \$2 million for the preceding 2 years.

Section 162. Temporary decennial census employment.—Notwithstanding any provision of state law, and within the procedures, requirements, and limitations of federal law and regulation, income earned through temporary decennial census employment shall be disregarded when determining eligibility or continued eligibility for participation in programs requiring a financial determination for receipt of benefits, payments, or services, including the WAGES Program under chapter 414, Florida Statutes, subsidized child care under section 402.3015, Florida Statutes, and any other social or economic assistance funded through the state share of Temporary Assistance for Needy Families (TANF) block grant funds. For purposes of this section, "temporary decennial census employment" means employment for 120 days or less, within the period January 1, 2000, to December 31, 2000, with the United States Department of Commerce as a census-taker or block canvasser.

Section 163. (1) For the purchase of workforce marketing materials required by section 445.006, Florida Statutes, the sum of \$250,000 in nonrecurring general revenue is appropriated to the Agency for Workforce Innovation.

(2) For the workforce training institute established pursuant to section 445.008, Florida Statutes, the sum of \$200,000 is appropriated from nonre-

curring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

(3) For diversion services for needy families authorized by section 445.018, Florida Statutes, the sum of \$8 million is appropriated from recurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

(4) For the workforce information systems required by section 445.011, Florida Statutes, the sum of \$10 million is appropriated from nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation. Workforce Florida, Inc., shall develop implementation plans for workforce information systems in consultation with the State Technology Office. The plans shall ensure optimal delivery of workforce services to all clients of the workforce system, provide the best long-term solution, and ensure that previous investments and current appropriations made by the state for workforce information systems are maximized. All automated workforce information systems shall be compatible with the WAGES information system provided for in Specific Appropriation 1817 of Chapter 99-226, Laws of Florida.

(5) For the Careers for Florida's Future Incentive Grant Program established pursuant to sections 445.012-445.0125, Florida Statutes, the sum of \$12 million in recurring General Revenue is appropriated to the Agency for Workforce Innovation.

(6) For the Small Business Workforce Service Initiative established pursuant to section 445.014, Florida Statutes, the sum of \$500,000 in nonrecurring General Revenue is appropriated to the Agency for Workforce Innovation.

(7) For grants to support local economic development projects that lead to jobs for needy Florida families authorized by section 445.015, Florida Statutes, the sum of \$5 million is appropriated from nonrecurring Temporary Assistance for Needy Families funds to the Agency for Workforce Innovation.

[Subsections (3), (5), (6), and (7) of s. 163, ch. 2000-165, were vetoed by the Governor.]

Section 164. Paragraph (b) of subsection (4) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(4) STAFF-TO-CHILDREN RATIO.—

(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. 445.024(1)(d) ~~414.065(1)(d)~~, or a work experience activity under s. 445.024(1)(e) ~~414.065(1)(e)~~, at a child care facility may not be considered in calculating the staff-to-children ratio.

Section 165. Nothing in this act shall be construed as creating an entitlement to services or benefits authorized by any section of the act.

Section 166. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 167. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2000.

Approved by the Governor May 30, 2000.

Filed in Office Secretary of State May 30, 2000.