

## Council Substitute for House Bill No. 1301

An act relating to workforce services; amending s. 445.024, F.S.; revising definitions of work activities to conform to federal law and regulations governing work requirements for participants in the temporary cash assistance program; revising work activity requirements and exemptions from such requirements; revising certain requirements for and duties of regional workforce boards with respect to work requirements for program participants; amending s. 445.032, F.S.; clarifying circumstances under which transitional child care is available to former participants in the welfare transition program and certain other individuals; amending s. 402.305, F.S.; correcting cross-references; providing an effective date.

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

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

445.024 Work requirements.—

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

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment.
- (c) Subsidized public sector employment.
- (d) On-the-job training.
- (e) Community service programs.
- (f) Work experience.
- (g) Job search and job readiness assistance.
- (h) Vocational educational training.
- (i) Job skills training directly related to employment.
- (j) Education directly related to employment.
- (k) Satisfactory attendance at a secondary school or in a course of study leading to a graduate equivalency diploma.
- (l) Providing child care services.

~~(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) Career education or training.—Career education or training is education or training designed to provide participants with the skills and certification necessary for employment in an occupational area. Career 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 career 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 career education or training. Career 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, career 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 career education as the primary work activity. In addition, use of career education or training shall be restricted to the limitation established in federal law. Career education included in a program leading to a high school diploma shall not be considered career education for purposes of this section.~~

2. ~~When possible, a provider of career 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 career 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. 1006.02. 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 from work activity requirements must participate in a work activity, except for community service work experience, for the maximum number of hours allowable under federal law; however, a, provided that no participant may not 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 family participant may be required to participate in community service or work experience programs 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 applicable 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 service or work experience may not 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 ~~if, 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 other training programs ~~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.~~

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

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

~~(c)(d)~~ A single One custodial parent of 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.

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

(4) PRIORITIZATION OF WORK REQUIREMENTS.—Regional workforce 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 subsidized or unsubsidized ~~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, the provision of supportive services, or the work activity needs of the service area ~~district~~.

Section 2. Section 445.032, Florida Statutes, is amended 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 in obtaining employment, continuing to be employed, and improving their employment prospects, transitional child care is available for up to 2 years:

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

Section 3. 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 program work experience activity under s. 445.024(1)(~~e~~)(d), or a work experience activity under s. 445.024(1)(~~f~~)(e), at a child care facility may not be considered in calculating the staff-to-children ratio.

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

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.