

By Senator Kurth

15-908-98

See HB 3391

1                                   A bill to be entitled  
2           An act relating to protection of victims who  
3           apply for or receive public assistance;  
4           amending s. 414.0252, F.S.; defining "battered  
5           or subject to extreme cruelty" and "domestic  
6           violence" with respect to specified provisions  
7           relating to temporary family assistance;  
8           amending s. 414.028, F.S.; requiring that the  
9           program and financial plan developed by a local  
10          WAGES coalition include provisions for  
11          providing services for victims of domestic  
12          violence; amending s. 414.065, F.S., relating  
13          to work requirements; providing an exception  
14          from the work requirements for certain  
15          individuals at risk of domestic violence;  
16          providing an exception for a specified period  
17          for certain individuals impaired by past  
18          incidents of domestic violence, under certain  
19          circumstances; reenacting s. 414.20, F.S.,  
20          relating to support services, to incorporate  
21          the amendment in a reference; amending s.  
22          414.095, F.S., relating to determination of  
23          eligibility for the WAGES program; providing  
24          that a person who has been battered or subject  
25          to extreme cruelty in the United States by a  
26          spouse or parent is a "qualified noncitizen"  
27          under specified circumstances; providing for  
28          program applicants or participants to receive  
29          certain information regarding services  
30          available from domestic violence centers or  
31          organizations and to request referrals thereto;

1 providing that risk of domestic violence  
2 constitutes good cause for failure by a parent  
3 or caretaker relative to cooperate with  
4 paternity establishment or establishment,  
5 modification, or enforcement of certain child  
6 support orders, under specified circumstances;  
7 amending s. 414.105, F.S., relating to time  
8 limitations on temporary cash assistance;  
9 permitting domestic violence victims to be  
10 granted hardship exemptions not subject to  
11 certain percentage limitations, under specified  
12 circumstances; amending s. 414.115, F.S.,  
13 relating to limited temporary cash assistance  
14 for children born to families receiving  
15 temporary cash assistance; providing for  
16 nonapplicability to domestic violence victims  
17 of specified provisions limiting such  
18 assistance under certain circumstances;  
19 providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Present subsections (3) and (4) through  
24 (10) of section 414.0252, Florida Statutes, are renumbered as  
25 subsections (4) and (6) through (12) of that section,  
26 respectively, and new subsections (3) and (5) are added to  
27 that section, to read:

28 414.0252 Definitions.--As used in ss. 414.015-414.45,  
29 the term:

30 (3) "Battered or subject to extreme cruelty" means  
31 having been subjected to:

1           (a) Physical acts that resulted in, or threatened to  
2 result in, physical injury to the individual;

3           (b) Sexual abuse;

4           (c) Sexual activity involving a dependent child;

5           (d) Being forced as the caretaker relative of a  
6 dependent child to engage in nonconsensual sexual acts or  
7 activities;

8           (e) Threats of, or attempts at, physical or sexual  
9 abuse;

10           (f) Mental abuse; or

11           (g) Neglect or deprivation of medical care,

12

13 or has the same meaning as otherwise defined in section  
14 408(a)(7)(C)(iii) of the Social Security Act, as amended.

15           (5) "Domestic violence" means acts by which a person  
16 is battered or subject to extreme cruelty.

17           Section 2. Paragraph (a) of subsection (4) of section  
18 414.028, Florida Statutes, is amended to read:

19           414.028 Local WAGES coalitions.--The WAGES Program  
20 State Board of Directors shall create and charter local WAGES  
21 coalitions to plan and coordinate the delivery of services  
22 under the WAGES Program at the local level. The boundaries of  
23 the service area for a local WAGES coalition shall conform to  
24 the boundaries of the service area for the regional workforce  
25 development board established under the Enterprise Florida  
26 workforce development board. The local delivery of services  
27 under the WAGES Program shall be coordinated, to the maximum  
28 extent possible, with the local services and activities of the  
29 local service providers designated by the regional workforce  
30 development boards.

31

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

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

13           Section 3. Subsection (7) of section 414.065, Florida  
14 Statutes, is amended to read:

15           414.065 Work requirements.--

16           (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--The  
17 situations listed in this subsection shall constitute  
18 exceptions to the penalties for noncompliance with  
19 participation requirements, except that these situations do  
20 not constitute exceptions to the applicable time limit for  
21 receipt of temporary cash assistance:

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

30           1. Unavailability of appropriate child care within a  
31 reasonable distance from the individual's home or worksite.

1           2. Unavailability or unsuitability of informal child  
2 care by a relative or under other arrangements.

3           3. Unavailability of appropriate and affordable formal  
4 child care arrangements.

5           (b) Noncompliance related to risk of domestic  
6 violence.--An individual who is unable to comply with the work  
7 requirements because such compliance would make it more  
8 difficult for the individual to escape domestic violence or  
9 subject such individual to further risk of domestic violence  
10 shall be excepted from such requirements as determined by the  
11 Department of Labor and Employment Security and the Department  
12 of Children and Family Services.

13           (c) Noncompliance related to treatment or remediation  
14 of past effects of domestic violence.--An individual who is  
15 unable to comply with the work requirements due to mental or  
16 physical impairment related to past incidents of domestic  
17 violence may be excepted from the activities for a specific  
18 period, except that such individual shall be required to  
19 cooperate with the counseling or course of treatment necessary  
20 for the individual to resume participation. An appropriate  
21 services plan shall be designed for such individual which will  
22 provide safety and lead to employment. The need for treatment  
23 and the expected duration of such treatment must be verified  
24 by a physician, a licensed therapist, or a treatment  
25 professional affiliated with a certified domestic violence  
26 center or similar entity. Exceptions granted under this  
27 paragraph do not constitute exceptions to the time limitations  
28 on benefits under s. 414.105.

29           (d)~~(b)~~ Noncompliance related to medical  
30 incapacity.--If an individual cannot participate in assigned  
31 work activities due to a medical incapacity, the individual

1 may be excepted from the activity for a specific period,  
2 except that the individual shall be required to comply with  
3 the course of treatment necessary for the individual to resume  
4 participation. A participant may not be excused from work  
5 activity requirements unless the participant's medical  
6 incapacity is verified by a physician licensed under chapter  
7 458 or chapter 459, in accordance with procedures established  
8 by rule of the Department of Labor and Employment Security.

9 (e)~~(c)~~ Other good cause exceptions for  
10 noncompliance.--Individuals who are temporarily unable to  
11 participate due to circumstances beyond their control may be  
12 excepted from the noncompliance penalties. The Department of  
13 Labor and Employment Security may define by rule situations  
14 that would constitute good cause. These situations must  
15 include caring for a disabled family member when the need for  
16 the care has been verified and alternate care is not  
17 available.

18 Section 4. For the purpose of incorporating the  
19 amendment to section 414.065, Florida Statutes, in a reference  
20 thereto, section 414.20, Florida Statutes, is reenacted to  
21 read:

22 414.20 Other support services.--Support services shall  
23 be provided, if resources permit, to assist participants in  
24 complying with work activity requirements outlined in s.  
25 414.065. If resources do not permit the provision of needed  
26 support services, the department and the Department of Labor  
27 and Employment Security may prioritize or otherwise limit  
28 provision of support services. This section does not  
29 constitute an entitlement to support services. Lack of  
30 provision of support services may be considered as a factor in  
31 determining whether good cause exists for failing to comply

1 with work activity requirements but does not automatically  
2 constitute good cause for failing to comply with work activity  
3 requirements, and does not affect any applicable time limit on  
4 the receipt of temporary cash assistance or the provision of  
5 services under this chapter. Support services shall include,  
6 but need not be limited to:

7 (1) TRANSPORTATION.--Transportation expenses may be  
8 provided to any participant when the assistance is needed to  
9 comply with work activity requirements or employment  
10 requirements, including transportation to and from a child  
11 care provider. Payment may be made in cash or tokens in  
12 advance or through reimbursement paid against receipts or  
13 invoices. Support services funds may also be used to develop  
14 transportation resources to expand transportation options  
15 available to participants. These services may include  
16 cooperative arrangements with local transit authorities or  
17 school districts and small enterprise development.

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

22 (3) MEDICAL SERVICES.--A family that meets the  
23 eligibility requirements for Medicaid shall receive medical  
24 services under the Medicaid program.

25 (4) PERSONAL AND FAMILY COUNSELING AND  
26 THERAPY.--Counseling may be provided to participants who have  
27 a personal or family problem or problems caused by substance  
28 abuse that is a barrier to compliance with work activity  
29 requirements or employment requirements. In providing these  
30 services, the department and the Department of Labor and  
31 Employment Security shall use services that are available in

1 the community at no additional cost. If these services are not  
2 available, the department and the Department of Labor and  
3 Employment Security may use support services funds. Personal  
4 or family counseling not available through Medicaid may not be  
5 considered a medical service for purposes of the required  
6 statewide implementation plan or use of federal funds.

7 Section 5. Paragraph (g) is added to subsection (10)  
8 of section 414.095, Florida Statutes, and subsection (3) and  
9 paragraph (d) of subsection (15) of said section are amended  
10 to read:

11 414.095 Determining eligibility for the WAGES  
12 Program.--

13 (3) ELIGIBILITY FOR NONCITIZENS.--A"qualified  
14 noncitizen" is an individual who is lawfully present in the  
15 United States as a refugee or who is granted asylum under ss.  
16 207 and 208 of the Immigration and Nationality Act, an alien  
17 whose deportation is withheld under s. 243(h) of the  
18 Immigration and Nationality Act, or an alien who has been  
19 admitted as a permanent resident and meets specific criteria  
20 under federal law. In addition, a "qualified noncitizen"  
21 includes an individual who has been battered or subject to  
22 extreme cruelty in the United States by a spouse or a parent,  
23 and has applied for or received protection under the federal  
24 Violence Against Women Act of 1994, Pub. L. No. 103-322, if  
25 the need for benefits is related to the abuse.A"nonqualified  
26 noncitizen" is a nonimmigrant alien, including a tourist,  
27 business visitor, foreign student, exchange visitor, temporary  
28 worker, or diplomat. In addition, a"nonqualified noncitizen"  
29 includes an individual paroled into the United States for less  
30 than 1 year. A qualified noncitizen who is otherwise eligible  
31 may receive temporary cash assistance to the extent permitted

1 by federal law. The income or resources of a sponsor and the  
2 sponsor's spouse shall be included in determining eligibility  
3 to the maximum extent permitted by federal law.

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

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

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

17 (d) The income of an illegal alien or ineligible  
18 alien, less a pro rata share for the illegal alien or  
19 ineligible alien, counts in determining a family's eligibility  
20 to participate in the program.

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

24 (10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.--An  
25 applicant or participant in the WAGES Program has the  
26 following opportunities and obligations:

27 (g) To receive information regarding services  
28 available from certified domestic violence centers or  
29 organizations that provide counseling and supportive services  
30 to individuals who are past or present victims of domestic  
31 violence or who are at risk of domestic violence and, upon

1 request, to be referred to such organizations in a manner  
2 which protects the individual's confidentiality.

3 (15) PROHIBITIONS AND RESTRICTIONS.--

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

22 Section 6. Present subsections (3) through (10) of  
23 section 414.105, Florida Statutes, are renumbered as  
24 subsections (4) through (11), respectively, and a new  
25 subsection (3) is added to that section, to read:

26 414.105 Time limitations of temporary cash  
27 assistance.--Unless otherwise expressly provided in this  
28 chapter, an applicant or current participant shall receive  
29 temporary cash assistance for episodes of not more than 24  
30 cumulative months in any consecutive 60-month period that  
31

1 begins with the first month of participation and for not more  
2 than a lifetime cumulative total of 48 months as an adult.

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

10 Section 7. Subsection (2) of section 414.115, Florida  
11 Statutes, is amended to read:

12 414.115 Limited temporary cash assistance for children  
13 born to families receiving temporary cash assistance.--

14 (2) Subsection (1) does not apply:

15 (a) To a program participant who is a victim of rape  
16 or incest if the victim files a police report on the rape or  
17 incest within 30 days after the incident;

18 (b) To a program participant who is a past or present  
19 victim of domestic violence and who does not report an  
20 incident of rape, incest, or sexual exploitation due to the  
21 risk of further domestic violence;

22 (c)(b) To children who are the firstborn, including  
23 all children in the case of multiple birth, of minors included  
24 in a temporary cash assistance group who as minors become  
25 first-time parents;

26 (d)(e) To a child when parental custody has been  
27 legally transferred; or

28 (e)(d) To a child who is no longer able to live with  
29 his or her parents as a result of:

30 1. The death of the child's parent or parents;

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