

By the Committee on Children, Families and Seniors and Senator Kurth

300-1924A-98

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

1 request referrals thereto; providing that risk
2 of domestic violence constitutes good cause for
3 failure by a parent or caretaker relative to
4 cooperate with paternity establishment or
5 establishment, modification, or enforcement of
6 certain child support orders, under specified
7 circumstances; amending s. 414.105, F.S.,
8 relating to time limitations on temporary cash
9 assistance; permitting domestic violence
10 victims to be granted hardship exemptions not
11 subject to certain percentage limitations,
12 under specified circumstances; amending s.
13 414.115, F.S., relating to limited temporary
14 cash assistance for children born to families
15 receiving temporary cash assistance; providing
16 for nonapplicability to domestic violence
17 victims 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 (4), (5), (6), (7),
24 (8), (9), and (10) of section 414.0252, Florida Statutes, are
25 renumbered as subsections (5), (7), (8), (9), (10), (11), and
26 (12) of that section, respectively, and new subsections (4)
27 and (6) are added to that section, to read:

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

30 (4) "Domestic violence" means any assault, aggravated
31 assault, battery, aggravated battery, sexual assault, sexual

1 battery, stalking, aggravated stalking, kidnapping, false
2 imprisonment, or any criminal offense that results in the
3 physical injury or death of one family or household member by
4 another.

5 (6) "Family or household member" means spouses, former
6 spouses, noncohabitating partners, persons related by blood or
7 marriage, persons who are presently residing together as if a
8 family or who have resided together in the past as if a
9 family, and persons who have a child in common regardless of
10 whether they have been married or have resided together at any
11 time.

12 Section 2. Paragraph (a) of subsection (4) of section
13 414.028, Florida Statutes, is amended, and paragraph (g) is
14 added to that subsection, to read:

15 414.028 Local WAGES coalitions.--The WAGES Program
16 State Board of Directors shall create and charter local WAGES
17 coalitions to plan and coordinate the delivery of services
18 under the WAGES Program at the local level. The boundaries of
19 the service area for a local WAGES coalition shall conform to
20 the boundaries of the service area for the regional workforce
21 development board established under the Enterprise Florida
22 workforce development board. The local delivery of services
23 under the WAGES Program shall be coordinated, to the maximum
24 extent possible, with the local services and activities of the
25 local service providers designated by the regional workforce
26 development boards.

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

31

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

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

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

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

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

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

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

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

1 a. Provisions for the local coalition to coordinate
2 with law enforcement agencies and social service agencies and
3 organizations that provide services and protection to victims
4 of domestic violence;

5 b. Provisions for allowing participants access to
6 domestic violence support services and ensuring that WAGES
7 participants are aware of domestic violence shelters,
8 hotlines, and other domestic violence services and policies;

9 c. Designation of the agency that is responsible for
10 determining eligibility for exceptions from program
11 requirements due to domestic violence;

12 d. Provisions that require each individual who is
13 granted an exemption from program requirements due to domestic
14 violence to participate in a program that prepares the
15 individual for self-sufficiency and safety; and

16 e. Where possible and necessary, provisions for job
17 assignments and transportation arrangements that take maximum
18 advantage of opportunities to preserve the safety of the
19 victim of domestic violence and the victim's dependents.

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

22 414.065 Work requirements.--

23 (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--The
24 situations listed in this subsection shall constitute
25 exceptions to the penalties for noncompliance with
26 participation requirements, except that these situations do
27 not constitute exceptions to the applicable time limit for
28 receipt of temporary cash assistance:

29 (a) Noncompliance related to child care.--Temporary
30 cash assistance may not be terminated for refusal to
31 participate in work activities if the individual is a single

1 custodial parent caring for a child who has not attained 6
2 years of age, and the adult proves to the department or to the
3 Department of Labor and Employment Security an inability to
4 obtain needed child care for one or more of the following
5 reasons:

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

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

10 3. Unavailability of appropriate and affordable formal
11 child care arrangements.

12 (b) Noncompliance related to domestic violence.--An
13 individual who is determined to be unable to comply with the
14 work requirements because such compliance would make it
15 probable that the individual would be unable to escape
16 domestic violence shall be exempt from work requirements
17 pursuant to s. 414.028(4)(g). However, the individual shall
18 comply with a plan that specifies alternative requirements
19 that prepare the individual for self-sufficiency while
20 providing for the safety of the individual and the
21 individual's dependents. An exception granted under this
22 paragraph does not constitute an exception to the time
23 limitations on benefits specified under s. 414.105.

24 (c) Noncompliance related to treatment or remediation
25 of past effects of domestic violence.--An individual who is
26 determined to be unable to comply with the work requirements
27 under this section due to mental or physical impairment
28 related to past incidents of domestic violence may be exempt
29 from work requirements for a specified period pursuant to s.
30 414.028(4)(g), except that such individual shall comply with a
31 plan that specifies alternative requirements that prepare the

1 individual for self-sufficiency while providing for the safety
2 of the individual and the individual's dependents. The plan
3 must include counseling or a course of treatment necessary for
4 the individual to resume participation. The need for treatment
5 and the expected duration of such treatment must be verified
6 by a physician licensed under chapter 458 or chapter 459; a
7 psychologist licensed under s. 490.005(1), s. 490.006, or the
8 provision identified as s. 490.013(2) in s. 1, chapter 81-235,
9 Laws of Florida; a therapist as defined in s. 491.003(2) or
10 (6); or a treatment professional who is registered under s.
11 415.605(1)(g), is authorized to maintain confidentiality under
12 s. 90.5036(1)(d), and has a minimum of 2 years experience at a
13 certified domestic violence center. An exception granted under
14 this paragraph does not constitute an exception from the time
15 limitations on benefits specified under s. 414.105.

16 (d)(b) Noncompliance related to medical
17 incapacity.--If an individual cannot participate in assigned
18 work activities due to a medical incapacity, the individual
19 may be excepted from the activity for a specific period,
20 except that the individual shall be required to comply with
21 the course of treatment necessary for the individual to resume
22 participation. A participant may not be excused from work
23 activity requirements unless the participant's medical
24 incapacity is verified by a physician licensed under chapter
25 458 or chapter 459, in accordance with procedures established
26 by rule of the Department of Labor and Employment Security.

27 (e)(c) Other good cause exceptions for
28 noncompliance.--Individuals who are temporarily unable to
29 participate due to circumstances beyond their control may be
30 excepted from the noncompliance penalties. The Department of
31 Labor and Employment Security may define by rule situations

1 that would constitute good cause. These situations must
2 include caring for a disabled family member when the need for
3 the care has been verified and alternate care is not
4 available.

5 Section 4. For the purpose of incorporating the
6 amendment to section 414.065, Florida Statutes, in a reference
7 thereto, section 414.20, Florida Statutes, is reenacted to
8 read:

9 414.20 Other support services.--Support services shall
10 be provided, if resources permit, to assist participants in
11 complying with work activity requirements outlined in s.
12 414.065. If resources do not permit the provision of needed
13 support services, the department and the Department of Labor
14 and Employment Security may prioritize or otherwise limit
15 provision of support services. This section does not
16 constitute an entitlement to support services. Lack of
17 provision of support services may be considered as a factor in
18 determining whether good cause exists for failing to comply
19 with work activity requirements but does not automatically
20 constitute good cause for failing to comply with work activity
21 requirements, and does not affect any applicable time limit on
22 the receipt of temporary cash assistance or the provision of
23 services under this chapter. Support services shall include,
24 but need not be limited to:

25 (1) TRANSPORTATION.--Transportation expenses may be
26 provided to any participant when the assistance is needed to
27 comply with work activity requirements or employment
28 requirements, including transportation to and from a child
29 care provider. Payment may be made in cash or tokens in
30 advance or through reimbursement paid against receipts or
31 invoices. Support services funds may also be used to develop

1 transportation resources to expand transportation options
2 available to participants. These services may include
3 cooperative arrangements with local transit authorities or
4 school districts and small enterprise development.

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

9 (3) MEDICAL SERVICES.--A family that meets the
10 eligibility requirements for Medicaid shall receive medical
11 services under the Medicaid program.

12 (4) PERSONAL AND FAMILY COUNSELING AND
13 THERAPY.--Counseling may be provided to participants who have
14 a personal or family problem or problems caused by substance
15 abuse that is a barrier to compliance with work activity
16 requirements or employment requirements. In providing these
17 services, the department and the Department of Labor and
18 Employment Security shall use services that are available in
19 the community at no additional cost. If these services are not
20 available, the department and the Department of Labor and
21 Employment Security may use support services funds. Personal
22 or family counseling not available through Medicaid may not be
23 considered a medical service for purposes of the required
24 statewide implementation plan or use of federal funds.

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

29 414.095 Determining eligibility for the WAGES
30 Program.--

31

1 (3) ELIGIBILITY FOR NONCITIZENS.--A"qualified
2 noncitizen" is an individual who is lawfully present in the
3 United States as a refugee or who is granted asylum under ss.
4 207 and 208 of the Immigration and Nationality Act, an alien
5 whose deportation is withheld under s. 243(h) of the
6 Immigration and Nationality Act, or an alien who has been
7 admitted as a permanent resident and meets specific criteria
8 under federal law. In addition, a "qualified noncitizen"
9 includes an individual who has been battered or subject to
10 extreme cruelty in the United States by a spouse or a parent,
11 and has applied for or received protection under the federal
12 Violence Against Women Act of 1994, Pub. L. No. 103-322, if
13 the need for benefits is related to the abuse.A"nonqualified
14 noncitizen" is a nonimmigrant alien, including a tourist,
15 business visitor, foreign student, exchange visitor, temporary
16 worker, or diplomat. In addition, a"nonqualified noncitizen"
17 includes an individual paroled into the United States for less
18 than 1 year. A qualified noncitizen who is otherwise eligible
19 may receive temporary cash assistance to the extent permitted
20 by federal law. The income or resources of a sponsor and the
21 sponsor's spouse shall be included in determining eligibility
22 to the maximum extent permitted by federal law.

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

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

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

6 (d) The income of an illegal alien or ineligible
7 alien, less a pro rata share for the illegal alien or
8 ineligible alien, counts in determining a family's eligibility
9 to participate in the program.

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

13 (10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.--An
14 applicant or participant in the WAGES Program has the
15 following opportunities and obligations:

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

23 (15) PROHIBITIONS AND RESTRICTIONS.--

24 (d) Notwithstanding any law to the contrary, if a
25 parent or caretaker relative without good cause does not
26 cooperate with the state agency responsible for administering
27 the child support enforcement program in establishing,
28 modifying, or enforcing a support order with respect to a
29 child of a teen parent or other family member, or a child of a
30 family member who is in the care of an adult relative,
31 temporary cash assistance to the entire family shall be denied

1 until the state agency indicates that cooperation by the
2 parent or caretaker relative has been satisfactory. To the
3 extent permissible under federal law, a parent or caretaker
4 relative shall not be penalized for failure to cooperate with
5 paternity establishment or with the establishment,
6 modification, or enforcement of a support order when such
7 cooperation could subject an individual to a risk of domestic
8 violence. Such risk shall constitute good cause to the extent
9 permitted by Title IV-D of the Social Security Act, as
10 amended, or other federal law.

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

15 414.105 Time limitations of temporary cash
16 assistance.--Unless otherwise expressly provided in this
17 chapter, an applicant or current participant shall receive
18 temporary cash assistance for episodes of not more than 24
19 cumulative months in any consecutive 60-month period that
20 begins with the first month of participation and for not more
21 than a lifetime cumulative total of 48 months as an adult.

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

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

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1 414.115 Limited temporary cash assistance for children
2 born to families receiving temporary cash assistance.--

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

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

7 **(b) To a program participant who is confirmed by the**
8 **Title IV-D child support agency as having been granted an**
9 **exemption from participating in requirements for the**
10 **enforcement of child support due to circumstances consistent**
11 **with the conception of the child as a result of rape, incest,**
12 **or sexual exploitation. A child for whom an exemption is**
13 **claimed under this paragraph and for whom an application has**
14 **been made for a good-cause exemption from the requirements of**
15 **s. 414.095 shall receive temporary benefits until a**
16 **determination is made on the application for a good-cause**
17 **exemption from the requirements of s. 414.095;**

18 ~~(c)~~**(b)** To children who are the firstborn, including
19 all children in the case of multiple birth, of minors included
20 in a temporary cash assistance group who as minors become
21 first-time parents;

22 ~~(d)~~**(e)** To a child when parental custody has been
23 legally transferred; or

24 ~~(e)~~**(d)** To a child who is no longer able to live with
25 his or her parents as a result of:

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

27 2. The incapacity of the child's parent or parents as
28 documented by a physician, such that the parent or parents are
29 unable to care for the child;

30 3. Legal transfer of the custody of the child to
31 another individual;

1 4. Incarceration of the child's parent or parents,
2 except that the child shall not receive temporary cash
3 assistance if a parent is subsequently released and reunited
4 with the child; or

5 5. A situation in which the child's parent's or
6 parents' institutionalization is expected to be for an
7 extended period, as defined by the department.

8 Section 8. This act shall take effect October 1, 1998.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1984

- 13
14 - Amends the definition of domestic violence, adds a
15 definition of "family or household member," and deletes
16 the definition of "battered or subject to extreme
17 cruelty."
18 - Gives guidance and specifies requirements for the WAGES
19 local plans to determine criteria for determining
20 eligibility for exceptions to state work requirements,
21 determining programs and services to victims of domestic
22 violence, specifying time limitations exceptions,
23 provides an annual report on domestic violence; provides
24 additional direction on the coordination and delivery of
25 services.
26 - Specifies that noncompliance related to domestic violence
27 does not constitute an exception to the time limitations
28 under the WAGES law and requires that domestic violence
29 victims must comply with a self-sufficiency and safety
30 plan.
31 - Specifies who will verify the need for and the expected
duration of treatment for persons in noncompliance
related to treatment or remediation of past effects of
domestic violence and requires that these persons must
comply with a self-sufficiency and safety plan.
- Clarifies that the family cap exemption does not apply to
a program participant who is a victim of domestic
violence who is confirmed by the Title IV-D child support
agency as having been granted an exemption from
participating in requirements for child support due to
circumstances consistent with the conception of a child
as a result of rape, incest, or sexual exploitation.