

By the Committees on Ways and Means, Commerce and Economic Opportunities and Senators Harris and Turner

301-2078-98

1                                   A bill to be entitled  
2           An act relating to the WAGES Program; amending  
3           s. 414.026, F.S.; requiring that the WAGES  
4           Program State Board of Directors approve any  
5           WAGES-related proposed administrative rules;  
6           requiring collaboration with the WAGES State  
7           Board concerning other actions by the Workforce  
8           Development Board of Enterprise Florida, Inc.,  
9           and state agencies; extending the existence of  
10          the WAGES Program State Board of Directors;  
11          allowing the Governor to designate the WAGES  
12          Program State Board of Directors as a nonprofit  
13          corporation; providing requirements; amending  
14          s. 414.028, F.S.; revising requirements for a  
15          member of a local WAGES coalition in the case  
16          of a conflict of interest; providing  
17          requirements for disclosing any such conflict;  
18          providing for certain nonvoting members to be  
19          appointed to a local coalition; requiring a  
20          local coalition to deliver certain services  
21          under the WAGES Program; providing for staff  
22          support for local coalitions; requiring that  
23          the program and financial plan developed by a  
24          local WAGES coalition include provisions for  
25          providing services for victims of domestic  
26          violence and describing development of the  
27          plan; amending s. 414.065, F.S.; deleting  
28          provisions that require an employer to repay  
29          certain supplements or incentives under  
30          specified circumstances; creating a WAGES  
31          training bonus to be paid to an employer who

1 hires certain program participants; providing  
2 protection for current employees; providing an  
3 exception from the work requirements for  
4 certain individuals at risk of domestic  
5 violence; providing an exception for a  
6 specified period for certain individuals  
7 impaired by past incidents of domestic  
8 violence, under certain circumstances;  
9 reenacting s. 414.20, F.S., relating to support  
10 services, to incorporate the amendment in a  
11 reference; amending s. 414.105, F.S.; providing  
12 for eligibility for extended temporary cash  
13 assistance under specified circumstances;  
14 providing that an individual who cares for a  
15 disabled family member is exempt from certain  
16 time limitations; permitting domestic violence  
17 victims to be granted hardship exemptions not  
18 subject to certain percentage limitations,  
19 under specified circumstances; providing  
20 legislative intent; providing an effective  
21 date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Present subsection (4) of section 414.026,  
26 Florida Statutes, is redesignated as subsection (6) and  
27 amended, and new subsections (4) and (5) are added to that  
28 section, to read:

29 414.026 WAGES Program State Board of Directors.--  
30 (4) The WAGES Program State Board of Directors must  
31 approve the WAGES State Plan, the operating budget and any

1 amendments thereto, and any WAGES-related proposed  
2 administrative rules. In addition, state agencies charged by  
3 law with implementation of the WAGES Program and the Workforce  
4 Development Board of Enterprise Florida, Inc., shall  
5 collaborate with the staff of the WAGES Program State Board of  
6 Directors on all WAGES-related policies, requests for  
7 proposals, and related directives.

8 (5)(a) The Governor, by executive order, may designate  
9 the WAGES Program State Board of Directors as a nonprofit  
10 corporation for the purpose of receiving federal funds and  
11 providing oversight and maintenance to the WAGES Program and  
12 in administering the State Plans for Aid and Services to Needy  
13 Families with Children under 42 U.S.C. s. 602, as amended. The  
14 nonprofit corporation shall be known as WAGES, Inc., and may,  
15 by executive order, be designated as the state agency required  
16 by 42 U.S.C. s. 602(a)(3).

17 (b) The executive order designating the nonprofit  
18 corporation must include provisions for the governance and  
19 organizational structure of the corporation which are  
20 consistent with 42 U.S.C. s. 602(a)(5).

21 (c) The nonprofit corporation shall be organized under  
22 chapter 617 and shall possess all the powers granted by that  
23 chapter.

24 (d) The designated nonprofit corporation is eligible  
25 to use the state communications system in accordance with s.  
26 282.105(3).

27 (e) Pursuant to the applicable provisions of chapter  
28 284, the Division of Risk Management of the Department of  
29 Insurance may insure the nonprofit corporation under the same  
30 general terms and conditions as other nonprofit, statutory  
31 corporations.

1           (f) All departments, officers, agencies, coalitions,  
2 and institutions of the state shall cooperate with the  
3 designated nonprofit corporation in the performance of its  
4 duties.

5           (g) The designated nonprofit corporation shall make  
6 provisions for an annual postaudit of its financial accounts  
7 by an independent certified public accountant. The annual  
8 audit shall be submitted to the Executive Office of the  
9 Governor for review.

10           (h) WAGES, Inc., shall make all arrangements and  
11 fulfill all legal conditions to become a nonprofit  
12 corporation.

13           (i) The nonprofit corporation shall make available to  
14 the public, upon request, copies of 42 U.S.C. s. 602, as  
15 amended; applicable state laws; and any executive orders  
16 establishing WAGES, Inc.

17           (j) The nonprofit corporation is subject to the  
18 provisions of chapter 119, relating to public records, and  
19 those provisions of chapter 286 relating to public meetings  
20 and records.

21           (k) The nonprofit corporation is authorized to hire an  
22 executive director and appropriate staff. The nonprofit  
23 corporation shall annually, by February 1, provide the  
24 Legislature with a list of staff and salaries.

25           (6)(4) This section expires June 30, 2002 ~~1999~~, and  
26 shall be reviewed by the Legislature prior to that date. In  
27 its review, the Legislature shall assess the status of the  
28 WAGES Program and shall determine if the responsibility for  
29 administering the program should be transferred to other state  
30 agencies.

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1           Section 2. Section 414.028, Florida Statutes, is  
2 amended to read:

3           414.028 Local WAGES coalitions.--The WAGES Program  
4 State Board of Directors shall create and charter local WAGES  
5 coalitions to plan and coordinate the delivery of services  
6 under the WAGES Program at the local level. The boundaries of  
7 the service area for a local WAGES coalition shall conform to  
8 the boundaries of the service area for the regional workforce  
9 development board established under the Enterprise Florida  
10 workforce development board. The local delivery of services  
11 under the WAGES Program shall be coordinated, to the maximum  
12 extent possible, with the local services and activities of the  
13 local service providers designated by the regional workforce  
14 development boards.

15           (1)(a) Each local WAGES coalition must have a minimum  
16 of 11 members, of which at least one-half must be from the  
17 business community. The composition of the coalition  
18 membership must generally reflect the racial, gender, and  
19 ethnic diversity of the community as a whole. All members  
20 shall be appointed to 3-year terms. The membership of each  
21 coalition must include:

22           1. Representatives of the principal entities that  
23 provide funding for the employment, education, training, and  
24 social service programs that are operated in the service area,  
25 including, but not limited to, representatives of local  
26 government, the regional workforce development board, and the  
27 United Way.

28           2. A representative of the health and human services  
29 board.

30           3. A representative of a community development board.  
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1           4. Three representatives of the business community who  
2 represent a diversity of sizes of businesses.

3           5. Representatives of other local planning,  
4 coordinating, or service-delivery entities.

5           6. A representative of a grassroots community or  
6 economic development organization that serves the poor of the  
7 community.

8           (b) A person may be a member of a local WAGES  
9 coalition or a combined WAGES coalition as provided in  
10 subsection (2) regardless of whether the member, or an  
11 organization represented by a member, could benefit  
12 financially from transactions of the coalition. However, if  
13 the coalition enters into a contract with an organization or  
14 individual represented on the coalition, the contract must be  
15 approved by a two-thirds vote of the entire board, and the  
16 board member who could benefit financially from the  
17 transaction must abstain from voting. A board member must  
18 disclose any such conflict in a manner that is approved by the  
19 WAGES Program State Board of Directors and is consistent with  
20 the procedures outlined in s. 112.3143.~~A representative of an~~  
21 ~~agency or entity that could benefit financially from funds~~  
22 ~~appropriated under the WAGES Program may not be a member of a~~  
23 ~~local WAGES coalition.~~

24           (c) A member of the board of a public or private  
25 educational institution may not serve as a member of a local  
26 WAGES coalition.

27           (d) A representative of any county or municipal  
28 governing body that elects to provide services through the  
29 local WAGES coalition shall be an ex officio, nonvoting member  
30 of the coalition.

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1           (e) A representative of a county health department or  
2 a representative of a healthy start coalition shall serve as  
3 an ex officio, nonvoting member of the coalition.

4           (f) This subsection does not prevent a local WAGES  
5 coalition from extending regular, voting membership to not  
6 more than one representative of a county health department and  
7 not more than one representative of a healthy start coalition.

8           (2) A local WAGES coalition and a regional workforce  
9 development board may be combined into one board if the  
10 membership complies with subsection (1), and if the membership  
11 of the combined board meets the requirements of Pub. L. No.  
12 97-300, the federal Job Training Partnership Act, as amended,  
13 and with any law delineating the membership requirements for  
14 the regional workforce development boards. ~~Notwithstanding~~  
15 ~~paragraph (1)(b), in a region in which the duties of the two~~  
16 ~~boards are combined, a person may be a member of the WAGES~~  
17 ~~coalition even if the member, or the member's principal, could~~  
18 ~~benefit financially from transactions of the coalition.~~  
19 ~~However, members must recuse themselves from voting on all~~  
20 ~~matters from which they or their principals could benefit~~  
21 ~~financially. Failure to recuse on any such vote will~~  
22 ~~constitute grounds for immediate removal from the local WAGES~~  
23 ~~coalition.~~

24           (3) The statewide implementation plan prepared by the  
25 WAGES Program State Board of Directors shall prescribe and  
26 publish the process for chartering the local WAGES coalitions.

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:

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

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

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

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

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

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

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

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- 1           a. Criteria for determining eligibility for exceptions  
2 to state work requirements;
- 3           b. The programs and services to be offered to victims  
4 of domestic violence;
- 5           c. Time limits for exceptions to program requirements,  
6 which may not result in an adult participant exceeding the  
7 federal time limit for exceptions or the state lifetime  
8 benefit limit that the participant would otherwise be entitled  
9 to receive; and
- 10           d. An annual report on domestic violence, including  
11 the progress made in reducing domestic violence as a barrier  
12 to self-sufficiency among WAGES participants, local policies  
13 and procedures for granting exceptions and exemptions from  
14 program requirements due to domestic violence, and the number  
15 and percentage of cases in which such exceptions and  
16 exemptions are granted.
- 17           2. Each local WAGES coalition plan must specify  
18 provisions for coordinating and, where appropriate, delivering  
19 services, including:
- 20           a. Provisions for the local coalition to coordinate  
21 with law enforcement agencies and social service agencies and  
22 organizations that provide services and protection to victims  
23 of domestic violence;
- 24           b. Provisions for allowing participants access to  
25 domestic violence support services and ensuring that WAGES  
26 participants are aware of domestic violence shelters,  
27 hotlines, and other domestic violence services and policies;
- 28           c. Designation of the agency that is responsible for  
29 determining eligibility for exceptions from program  
30 requirements due to domestic violence;
- 31

1           d. Provisions that require each individual who is  
2 granted an exemption from program requirements due to domestic  
3 violence to participate in a program that prepares the  
4 individual for self-sufficiency and safety; and

5           e. Where possible and necessary, provisions for job  
6 assignments and transportation arrangements that take maximum  
7 advantage of opportunities to preserve the safety of the  
8 victim of domestic violence and the victim's dependents.

9           (5) By October 1, 1998, local WAGES coalitions shall  
10 deliver through one-stop career centers, the full continuum of  
11 services provided under the WAGES Program, including services  
12 that are provided at the point of application. The State WAGES  
13 Board may direct the Department of Labor and Employment  
14 Security to provide such services to WAGES participants if a  
15 local WAGES coalition is unable to provide services due to  
16 decertification. Local WAGES coalitions may not determine an  
17 individual's eligibility for temporary cash assistance and all  
18 education and training shall be provided through agreements  
19 with regional workforce development boards. The local WAGES  
20 coalitions shall develop a transition plan to be approved by  
21 the WAGES Program State Board of Directors.

22           ~~(6)~~~~(5)~~ The WAGES Program State Board of Directors may  
23 not approve the program and financial plan of a local  
24 coalition unless the plan provides a teen pregnancy prevention  
25 component that includes, but is not necessarily limited to, a  
26 plan for implementing the Florida Education Now and Babies  
27 Later (ENABL) program under s. 411.242 and the Teen Pregnancy  
28 Prevention Community Initiative within each county ~~segment~~ of  
29 the service area in which the teen ~~childhood~~ birth rate is  
30 higher than the state average. Each local WAGES coalition is  
31 authorized to fund community-based welfare prevention and

1 reduction initiatives that increase the support provided by  
2 noncustodial parents to their welfare-dependent children and  
3 are consistent with program and financial guidelines developed  
4 by the WAGES Program State Board of Directors and the  
5 Commission on Responsible Fatherhood. These initiatives may  
6 include, but are not limited to, improved paternity  
7 establishment, work activities for noncustodial parents, and  
8 programs aimed at decreasing out-of-wedlock pregnancies,  
9 encouraging the involvement of fathers with their children,  
10 and increasing child-support payments.

11 (7)(6) At the option of the local WAGES coalition,  
12 local employees of the department and the Department of Labor  
13 and Employment Security shall provide staff support for the  
14 local WAGES coalitions. ~~At the option of the local WAGES~~  
15 ~~coalition, Staff support may be provided by another agency, or~~  
16 ~~entity, or by contract if it can be provided at no cost to the~~  
17 ~~state and if the support is not provided by an agency or other~~  
18 ~~entity that could benefit financially from funds appropriated~~  
19 ~~to implement the WAGES Program.~~

20 (8)(7) There shall be no liability on the part of, and  
21 no cause of action of any nature shall arise against, any  
22 member of a local WAGES coalition or its employees or agents  
23 for any lawful action taken by them in the performance of  
24 their powers and duties under this section and s. 414.029.

25 Section 3. Paragraph (b) of subsection (1) and  
26 subsection (7) of section 414.065, Florida Statutes, are  
27 amended and subsection (12) is added to that section to read:

28 414.065 Work requirements.--

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

1 (b) Subsidized private sector employment.--Subsidized  
2 private sector employment is employment in a private  
3 for-profit enterprise or a private not-for-profit enterprise  
4 which is directly supplemented by federal or state funds. A  
5 subsidy may be provided in one or more of the forms listed in  
6 this paragraph.

7 1. Work supplementation.--A work supplementation  
8 subsidy diverts a participant's temporary cash assistance  
9 under the program to the employer. The employer must pay the  
10 participant wages that equal or exceed the applicable federal  
11 minimum wage. Work supplementation may not exceed 6 months. At  
12 the end of the supplementation period, the employer is  
13 expected to retain the participant as a regular employee  
14 without receiving a subsidy ~~for at least 12 months.~~ A The work  
15 supplementation agreement may not be continued with any  
16 employer who exhibits a pattern of failing to provide  
17 participants with continued employment after the period of  
18 work supplementation ends ~~must provide that if the employee is~~  
19 ~~dismissed at any time within 12 months after termination of~~  
20 ~~the supplementation period due in any part to loss of the~~  
21 ~~supplement, the employer shall repay some or all of the~~  
22 ~~supplement previously paid as a subsidy to the employer under~~  
23 ~~the WAGES Program.~~

24 2. On-the-job training.--On-the-job training is  
25 full-time, paid employment in which the employer or an  
26 educational institution in cooperation with the employer  
27 provides training needed for the participant to perform the  
28 skills required for the position. The employer or the  
29 educational institution on behalf of the employer receives a  
30 subsidy to offset the cost of the training provided to the  
31 participant. Upon satisfactory completion of the training, the

1 employer is expected to retain the participant as a regular  
2 employee without receiving a subsidy. An ~~The~~ on-the-job  
3 training agreement may not be continued with any employer who  
4 exhibits a pattern of failing to provide participants with  
5 continued employment after the on-the-job training subsidy  
6 ends ~~must provide that in the case of dismissal of a~~  
7 ~~participant due to loss of the subsidy, the employer shall~~  
8 ~~repay some or all of the subsidy previously provided by the~~  
9 ~~department and the Department of Labor and Employment~~  
10 ~~Security.~~

11           3. Incentive payments.--The department and the  
12 Department of Labor and Employment Security may provide  
13 additional incentive payments to encourage employers to employ  
14 program participants. Incentive payments may include payments  
15 to encourage the employment of hard-to-place participants, in  
16 which case the amount of the payment shall be weighted  
17 proportionally to the extent to which the participant has  
18 limitations associated with the long-term receipt of welfare  
19 and difficulty in sustaining employment. In establishing  
20 incentive payments, the department and the Department of Labor  
21 and Employment Security shall consider the extent of prior  
22 receipt of welfare, lack of employment experience, lack of  
23 education, lack of job skills, and other appropriate factors.  
24 A participant who has complied with program requirements and  
25 who is approaching the time limit for receiving temporary cash  
26 assistance may be defined as "hard-to-place." Incentive  
27 payments may include payments in which an initial payment is  
28 made to the employer upon the employment of a participant, and  
29 the majority of the incentive payment is made after the  
30 employer retains the participant as a full-time employee for  
31 at least 12 months. An ~~The~~ incentive agreement may not be

1 continued with any employer who exhibits a pattern of failing  
2 to provide participants with continued employment after the  
3 incentive payments cease ~~must provide that if the employee is~~  
4 ~~dismissed at any time within 12 months after termination of~~  
5 ~~the incentive payment period due in any part to loss of the~~  
6 ~~incentive, the employer shall repay some or all of the payment~~  
7 ~~previously paid as an incentive to the employer under the~~  
8 ~~WAGES Program.~~

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

17           5. WAGES training bonus.--An employer who hires a  
18 WAGES participant who has less than 6 months of eligibility  
19 for temporary cash assistance remaining and who pays the  
20 participant a wage that precludes the participant's  
21 eligibility for temporary cash assistance may receive \$240 for  
22 each full month of employment for a period that may not exceed  
23 3 months. An employer who receives a WAGES training bonus for  
24 an employee may not receive a work supplementation subsidy for  
25 the same employee. Employment is defined as 35 hours per week  
26 at a wage of no less than \$6 per hour.

27           (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--The  
28 situations listed in this subsection shall constitute  
29 exceptions to the penalties for noncompliance with  
30 participation requirements, except that these situations do  
31

1 not constitute exceptions to the applicable time limit for  
2 receipt of temporary cash assistance:

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

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

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

15 3. Unavailability of appropriate and affordable formal  
16 child care arrangements.

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

29 (c) Noncompliance related to treatment or remediation  
30 of past effects of domestic violence.--An individual who is  
31 determined to be unable to comply with the work requirements

1 under this section due to mental or physical impairment  
2 related to past incidents of domestic violence may be exempt  
3 from work requirements for a specified period pursuant to s.  
4 414.028(4)(g), except that such individual shall comply with a  
5 plan that specifies alternative requirements that prepare the  
6 individual for self-sufficiency while providing for the safety  
7 of the individual and the individual's dependents. The plan  
8 must include counseling or a course of treatment necessary for  
9 the individual to resume participation. The need for treatment  
10 and the expected duration of such treatment must be verified  
11 by a physician licensed under chapter 458 or chapter 459; a  
12 psychologist licensed under s. 490.005(1), s. 490.006, or the  
13 provision identified as s. 490.013(2) in s. 1, chapter 81-235,  
14 Laws of Florida; a therapist as defined in s. 491.003(2) or  
15 (6); or a treatment professional who is registered under s.  
16 415.605(1)(g), is authorized to maintain confidentiality under  
17 s. 90.5036(1)(d), and has a minimum of 2 years experience at a  
18 certified domestic violence center. An exception granted under  
19 this paragraph does not constitute an exception from the time  
20 limitations on benefits specified under s. 414.105.

21 (d)(b) Noncompliance related to medical  
22 incapacity.--If an individual cannot participate in assigned  
23 work activities due to a medical incapacity, the individual  
24 may be excepted from the activity for a specific period,  
25 except that the individual shall be required to comply with  
26 the course of treatment necessary for the individual to resume  
27 participation. A participant may not be excused from work  
28 activity requirements unless the participant's medical  
29 incapacity is verified by a physician licensed under chapter  
30 458 or chapter 459, in accordance with procedures established  
31 by rule of the Department of Labor and Employment Security.



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

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

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

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

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

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

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

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

27 (4) PERSONAL AND FAMILY COUNSELING AND  
28 THERAPY.--Counseling may be provided to participants who have  
29 a personal or family problem or problems caused by substance  
30 abuse that is a barrier to compliance with work activity  
31 requirements or employment requirements. In providing these

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

9 Section 5. Section 414.105, Florida Statutes, is  
10 amended to read:

11 414.105 Time limitations of temporary cash  
12 assistance.--Unless otherwise expressly provided in this  
13 chapter, an applicant or current participant shall receive  
14 temporary cash assistance for episodes of not more than 24  
15 cumulative months in any consecutive 60-month period that  
16 begins with the first month of participation and for not more  
17 than a lifetime cumulative total of 48 months as an adult.

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

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

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

28 1. Has not completed a high school education or its  
29 equivalent; or

30 2. Had little or no work experience in the preceding  
31 year.

1           (2) A participant who is not exempt from work activity  
2 requirements may earn 1 month of eligibility for extended  
3 temporary cash assistance, up to a maximum of 12 additional  
4 months, for each month in which the participant is fully  
5 complying with all the requirements of the WAGES Program and  
6 is employed parttime or fulltime. The period for which  
7 extended temporary cash assistance is granted shall be based  
8 upon compliance with WAGES Program requirements beginning  
9 October 1, 1997. A participant may not receive temporary cash  
10 assistance under this subsection, in combination with other  
11 periods of temporary cash assistance, for longer than 48  
12 months.

13           ~~(3)~~(2) Hardship exemptions to the time limitations of  
14 this chapter shall be limited to 10 percent of participants in  
15 the first year of implementation of this chapter, 15 percent  
16 of participants in the second year of implementation of this  
17 chapter, and 20 percent of participants in all subsequent  
18 years. Criteria for hardship exemptions include:

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

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

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

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

31

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

13

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

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

26           (5)~~(3)~~ The department shall establish a procedure for  
27 reviewing and approving hardship exemptions, and the local  
28 WAGES coalitions may assist in making these determinations.  
29 The composition of any review panel must generally reflect the  
30 racial, gender, and ethnic diversity of the community as a  
31 whole. Members of a review panel shall serve without

1 compensation, but are entitled to receive reimbursement for  
2 per diem and travel expenses as provided in s. 112.016.

3 (6)~~(4)~~ The cumulative total of all hardship exemptions  
4 may not exceed 12 months, may include reduced benefits at the  
5 option of the community review panel, and shall, in  
6 combination with other periods of temporary cash assistance as  
7 an adult, total no more than 48 months of temporary cash  
8 assistance. If an individual fails to comply with program  
9 requirements during a hardship exemption period, the hardship  
10 exemption shall be removed.

11 (7)~~(5)~~ For individuals who have moved from another  
12 state and have legally resided in this state for less than 12  
13 months, the time limitation for temporary cash assistance  
14 shall be the shorter of the respective time limitations used  
15 in the two states, and months in which temporary cash  
16 assistance was received under a block grant program that  
17 provided temporary assistance for needy families in any state  
18 shall count towards the cumulative 48-month benefit limit for  
19 temporary cash assistance.

20 (8)~~(6)~~ For individuals subject to a time limitation  
21 under the Family Transition Act of 1993, that time limitation  
22 shall continue to apply. Months in which temporary cash  
23 assistance was received through the family transition program  
24 shall count towards the time limitations under this chapter.

25 (9)~~(7)~~ Except when temporary cash assistance was  
26 received through the family transition program, the  
27 calculation of the time limitation for temporary cash  
28 assistance shall begin with the first month of receipt of  
29 temporary cash assistance after the effective date of this  
30 act.

31

1           ~~(10)(8)~~ Child-only cases are not subject to time  
2 limitations, and temporary cash assistance received while an  
3 individual is a minor child shall not count towards time  
4 limitations.

5           ~~(11)(9)~~ An individual who receives benefits under the  
6 Supplemental Security Income program or the Social Security  
7 Disability Insurance program is not subject to time  
8 limitations.

9           (12) A person who is totally responsible for the  
10 personal care of a disabled family member is not subject to  
11 time limitations if the need for the care is verified and  
12 alternative care is not available for the family member. The  
13 department shall annually evaluate an individual's  
14 qualifications for this exemption.

15           ~~(13)(10)~~ A member of the WAGES Program staff shall  
16 interview and assess the employment prospects and barriers of  
17 each participant who is within 6 months of reaching the  
18 24-month time limit. The staff member shall assist the  
19 participant in identifying actions necessary to become  
20 employed prior to reaching the benefit time limit for  
21 temporary cash assistance and, if appropriate, shall refer the  
22 participant for services that could facilitate employment.

23           Section 6. 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 7. Paragraph (g) is added to subsection (10)  
13 of section 414.095, Florida Statutes, and subsection (3) and  
14 paragraph (d) of subsection (15) of that section are amended  
15 to read:

16 414.095 Determining eligibility for the WAGES  
17 Program.--

18 (3) ELIGIBILITY FOR NONCITIZENS.--A"qualified  
19 noncitizen" is an individual who is lawfully present in the  
20 United States as a refugee or who is granted asylum under ss.  
21 207 and 208 of the Immigration and Nationality Act, an alien  
22 whose deportation is withheld under s. 243(h) of the  
23 Immigration and Nationality Act, or an alien who has been  
24 admitted as a permanent resident and meets specific criteria  
25 under federal law. In addition, a "qualified noncitizen"  
26 includes an individual who has been battered or subject to  
27 extreme cruelty in the United States by a spouse or a parent,  
28 and has applied for or received protection under the federal  
29 Violence Against Women Act of 1994, Pub. L. No. 103-322, if  
30 the need for benefits is related to the abuse.A"nonqualified  
31 noncitizen" is a nonimmigrant alien, including a tourist,



1 business visitor, foreign student, exchange visitor, temporary  
2 worker, or diplomat. In addition, a "nonqualified noncitizen"  
3 includes an individual paroled into the United States for less  
4 than 1 year. A qualified noncitizen who is otherwise eligible  
5 may receive temporary cash assistance to the extent permitted  
6 by federal law. The income or resources of a sponsor and the  
7 sponsor's spouse shall be included in determining eligibility  
8 to the maximum extent permitted by federal law.

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

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

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

22 (d) The income of an illegal alien or ineligible  
23 alien, less a pro rata share for the illegal alien or  
24 ineligible alien, counts in determining a family's eligibility  
25 to participate in the program.

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

29 (10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.--An  
30 applicant or participant in the WAGES Program has the  
31 following opportunities and obligations:

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

8           (15) PROHIBITIONS AND RESTRICTIONS.--

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

27           Section 8. Subsection (2) of section 414.115, Florida  
28 Statutes, is amended to read:

29           414.115 Limited temporary cash assistance for children  
30 born to families receiving temporary cash assistance.--

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

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

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

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

19 (d)~~(c)~~ To a child when parental custody has been  
20 legally transferred; or

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

- 23 1. The death of the child's parent or parents;
- 24 2. The incapacity of the child's parent or parents as  
25 documented by a physician, such that the parent or parents are  
26 unable to care for the child;
- 27 3. Legal transfer of the custody of the child to  
28 another individual;
- 29 4. Incarceration of the child's parent or parents,  
30 except that the child shall not receive temporary cash

31

1 assistance if a parent is subsequently released and reunited  
2 with the child; or

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

6 Section 9. This act shall take effect upon becoming a  
7 law.

8

9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10 COMMITTEE SUBSTITUTE FOR  
11 CS for SB 2524

11

12 Allows local WAGES coalitions to provide services through  
13 One-Stop Career Centers, and empowers the State WAGES Board to  
14 direct the Department of Labor to provide services to WAGES  
15 participants if a local WAGES coalition is unable to provide  
16 services due to decertification. The committee substitute  
17 also provides that all education and training shall be  
18 provided through agreements with regional workforce  
19 development boards.

16

17 For the purpose of authorizing "WAGES training bonus," it  
18 defines employment as thirty-five (35) hours per week at a  
19 wage of no less than six dollars per hour.

18

19 Repeals section 561.501, F.S., relating to the surcharge on  
20 the sale of alcoholic beverages.

20

21 Provides that each local WAGES coalition shall plan for the  
22 provision of services for victims of domestic violence, and  
23 specifies the provisions which must be included in the plan.  
24 In addition, the committee substitute creates a new exemption  
25 from non-compliance with the WAGES program for participants  
26 who are also victims of domestic violence.

23

24 Exempts persons who are totally responsible for the personal  
25 care of a disabled family member from the provisions of the  
26 WAGES time limits, and provides for annual re-evaluation of  
27 eligibility criteria.

26

27 Extends WAGES eligibility criteria for "qualified non-citizen"  
28 status to include individuals who have been battered or  
29 subject to extreme cruelty in the U.S. and has applied for and  
30 received protection under the federal Violence Against Women  
31 Act of 1994.

29

30 Allows temporary cash assistance for children of a WAGES  
31 participant who has been exempted from the Child Support  
Enforcement program as a result of rape, incest, or sexual  
exploitation.

31