

By Representatives Turnbull, Merchant, Boyd, Tamargo,
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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. 414.065, F.S., relating to work
9 requirements; providing an exception from the
10 work requirements for certain individuals at
11 risk of domestic violence; providing an
12 exception for a specified period for certain
13 individuals impaired by past incidents of
14 domestic violence, under certain circumstances;
15 reenacting s. 414.20, F.S., relating to support
16 services, to incorporate said amendment in a
17 reference; amending s. 414.095, F.S., relating
18 to determination of eligibility for the WAGES
19 program; providing that a person who has been
20 battered or subject to extreme cruelty in the
21 United States by a spouse or parent is a
22 "qualified noncitizen" under specified
23 circumstances; providing for program applicants
24 or participants to receive certain information
25 regarding services available from domestic
26 violence centers or organizations and to
27 request referrals thereto; providing that risk
28 of domestic violence constitutes good cause for
29 failure by a parent or caretaker relative to
30 cooperate with paternity establishment or
31 establishment, modification, or enforcement of

1 certain child support orders, under specified
2 circumstances; amending s. 414.105, F.S.,
3 relating to time limitations on temporary cash
4 assistance; permitting domestic violence
5 victims to be granted hardship exemptions not
6 subject to certain percentage limitations,
7 under specified circumstances; amending s.
8 414.115, F.S., relating to limited temporary
9 cash assistance for children born to families
10 receiving temporary cash assistance; providing
11 for nonapplicability to domestic violence
12 victims of specified provisions limiting such
13 assistance under certain circumstances;
14 providing an effective date.

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

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18 Section 1. Present subsections (3) and (4) through
19 (10) of section 414.0252, Florida Statutes, are renumbered as
20 subsections (4) and (6) through (12) of said section,
21 respectively, and new subsections (3) and (5) are added to
22 said section, to read:

23 414.0252 Definitions.--As used in ss. 414.015-414.45,
24 the term:

25 (3) "Battered or subject to extreme cruelty" means
26 having been subjected to:

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

29 (b) Sexual abuse;

30 (c) Sexual activity involving a dependent child;

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1 (d) Being forced as the caretaker relative of a
2 dependent child to engage in nonconsensual sexual acts or
3 activities;

4 (e) Threats of, or attempts at, physical or sexual
5 abuse;

6 (f) Mental abuse; or

7 (g) Neglect or deprivation of medical care,

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9 or has the same meaning as otherwise defined in section
10 408(a)(7)(C)(iii) of the Social Security Act, as amended.

11 (4) "Domestic violence" means acts by which a person
12 is battered or subject to extreme cruelty.

13 Section 2. 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. The need for
21 treatment and the expected duration of such treatment must be
22 verified by a physician, a licensed therapist, or a treatment
23 professional affiliated with a certified domestic violence
24 center or similar entity. Exceptions granted under this
25 paragraph do not constitute exceptions to the time limitations
26 on benefits under s. 414.105.

27 (d)~~(b)~~ Noncompliance related to medical
28 incapacity.--If an individual cannot participate in assigned
29 work activities due to a medical incapacity, the individual
30 may be excepted from the activity for a specific period,
31 except that the individual shall be required to comply with

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

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

16 Section 3. For the purpose of incorporating the
17 amendment to s. 414.065, Florida Statutes, in a reference
18 thereto, section 414.20, Florida Statutes, is reenacted to
19 read:

20 414.20 Other support services.--Support services shall
21 be provided, if resources permit, to assist participants in
22 complying with work activity requirements outlined in s.
23 414.065. If resources do not permit the provision of needed
24 support services, the department and the Department of Labor
25 and Employment Security may prioritize or otherwise limit
26 provision of support services. This section does not
27 constitute an entitlement to support services. Lack of
28 provision of support services may be considered as a factor in
29 determining whether good cause exists for failing to comply
30 with work activity requirements but does not automatically
31 constitute good cause for failing to comply with work activity

1 requirements, and does not affect any applicable time limit on
2 the receipt of temporary cash assistance or the provision of
3 services under this chapter. Support services shall include,
4 but need not be limited to:

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

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

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

23 (4) PERSONAL AND FAMILY COUNSELING AND
24 THERAPY.--Counseling may be provided to participants who have
25 a personal or family problem or problems caused by substance
26 abuse that is a barrier to compliance with work activity
27 requirements or employment requirements. In providing these
28 services, the department and the Department of Labor and
29 Employment Security shall use services that are available in
30 the community at no additional cost. If these services are not
31 available, the department and the Department of Labor and

1 Employment Security may use support services funds. Personal
2 or family counseling not available through Medicaid may not be
3 considered a medical service for purposes of the required
4 statewide implementation plan or use of federal funds.

5 Section 4. Paragraph (g) is added to subsection (10)
6 of section 414.095, Florida Statutes, and subsection (3) and
7 paragraph (d) of subsection (15) of said section are amended
8 to read:

9 414.095 Determining eligibility for the WAGES
10 Program.--

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

1 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 5. 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 said 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
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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 6. 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)~~(c)~~ 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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- 1 2. The incapacity of the child's parent or parents as
- 2 documented by a physician, such that the parent or parents are
- 3 unable to care for the child;
- 4 3. Legal transfer of the custody of the child to
- 5 another individual;
- 6 4. Incarceration of the child's parent or parents,
- 7 except that the child shall not receive temporary cash
- 8 assistance if a parent is subsequently released and reunited
- 9 with the child; or
- 10 5. A situation in which the child's parent's or
- 11 parents' institutionalization is expected to be for an
- 12 extended period, as defined by the department.

13 Section 7. This act shall take effect October 1 of the
14 year in which enacted.

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HOUSE SUMMARY

Defines "battered or subject to extreme cruelty" and
"domestic violence" with respect to specified provisions
relating to temporary family assistance. Provides an
exception from the work requirements for certain
individuals at risk of domestic violence. Provides an
exception for a specified period for certain individuals
impaired by past incidents of domestic violence.
Provides that a person who has been battered or subject
to extreme cruelty in the United States by a spouse or
parent is a "qualified noncitizen" under specified
circumstances. Provides for program applicants or
participants to receive certain information regarding
services available from domestic violence centers or
organizations and to request referrals thereto. Provides
that risk of domestic violence constitutes good cause for
failure by a parent or caretaker relative to cooperate
with paternity establishment or establishment,
modification, or enforcement of certain child support
orders, under specified circumstances. Permits domestic
violence victims to be granted certain hardship
exemptions from limitations on temporary cash assistance,
under specified circumstances. Provides for
nonapplicability to domestic violence victims of
specified provisions limiting temporary cash assistance
for children born to families receiving temporary cash
assistance.