

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

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

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19 Section 1. Present subsections (3) through (10) of
20 section 414.0252, Florida Statutes, are renumbered as
21 subsections (4) through (11) of said section, respectively,
22 and new subsection (3) is added to said section, to read:

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

25 (3) "Domestic violence" means acts as defined in s.
26 741.28(1) by one "family or household member" as defined in s.
27 741.28(2), upon another.

28 Section 2. Paragraph (g) is added to subsection (4) of
29 section 414.028, Florida Statutes, to read:

30 414.028 Local WAGES coalitions.--The WAGES Program
31 State Board of Directors shall create and charter local WAGES

1 coalitions to plan and coordinate the delivery of services
2 under the WAGES Program at the local level. The boundaries of
3 the service area for a local WAGES coalition shall conform to
4 the boundaries of the service area for the regional workforce
5 development board established under the Enterprise Florida
6 workforce development board. The local delivery of services
7 under the WAGES Program shall be coordinated, to the maximum
8 extent possible, with the local services and activities of the
9 local service providers designated by the regional workforce
10 development boards.

11 (4) Each local WAGES coalition shall perform the
12 planning, coordination, and oversight functions specified in
13 the statewide implementation plan, including, but not limited
14 to:

15 (g) Developing a plan for services for victims of
16 domestic violence.

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

19 a. The criteria for determining eligibility for
20 exceptions to state work requirements;

21 b. The programs and services to be offered to victims
22 of domestic violence;

23 c. The time limits of exceptions, which shall in no
24 case result in an adult exceeding the federal time limit for
25 exceptions or the state lifetime benefit limit that the adult
26 would otherwise be entitled to receive; and

27 d. Annual reports on domestic violence, including
28 progress in reducing domestic violence as a barrier to
29 self-sufficiency among WAGES recipients, local policies and
30 procedures for granting exceptions and exemptions due to
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1 domestic violence, and the number and percentage of cases in
2 which exceptions and exemptions are granted.

3 2. The local WAGES coalition plan shall specify
4 provisions for coordination and, where appropriate, delivery
5 of services, including:

6 a. Provisions for coordination with criminal justice
7 and social services agencies and organizations that provide
8 services and protection to victims of domestic violence;

9 b. Provisions for access to domestic violence support
10 services, including provisions ensuring that WAGES
11 participants are aware of domestic violence shelters,
12 hotlines, and other domestic violence services and policies;

13 c. Designation of the agency responsible for
14 determining eligibility for exceptions due to domestic
15 violence;

16 d. Provisions requiring that each individual who
17 receives an exception for domestic violence participates in a
18 program which prepares for self-sufficiency, while requiring
19 the victim and dependents to remove themselves from
20 cohabitation with an abuser within a period not to exceed 120
21 days from the first receipt of benefits after the passage of
22 this act; and

23 e. Where possible and necessary, job assignments and
24 transportation arrangements which take maximum advantage of
25 opportunities to preserve the safety of a victim of domestic
26 violence and dependents.

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

29 414.065 Work requirements.--

30 (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--The
31 situations listed in this subsection shall constitute

1 exceptions to the penalties for noncompliance with
2 participation requirements, except that these situations do
3 not constitute exceptions to the applicable time limit for
4 receipt of temporary cash assistance:

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

13 1. Unavailability of appropriate child care within a
14 reasonable distance from the individual's home or worksite.
15 2. Unavailability or unsuitability of informal child
16 care by a relative or under other arrangements.
17 3. Unavailability of appropriate and affordable formal
18 child care arrangements.

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

30 (c) Noncompliance related to treatment or remediation
31 of past effects of domestic violence.--An individual who is

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

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

1 458 or chapter 459, in accordance with procedures established
2 by rule of the Department of Labor and Employment Security.

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

12 Section 4. For the purpose of incorporating the
13 amendment to s. 414.065, Florida Statutes, in a reference
14 thereto, section 414.20, Florida Statutes, is reenacted to
15 read:

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

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

12 (2) ANCILLARY EXPENSES.--Ancillary expenses such as
13 books, tools, clothing, fees, and costs necessary to comply
14 with work activity requirements or employment requirements may
15 be provided.

16 (3) MEDICAL SERVICES.--A family that meets the
17 eligibility requirements for Medicaid shall receive medical
18 services under the Medicaid program.

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

1 Section 5. Paragraph (g) is added to subsection (10)
2 of section 414.095, Florida Statutes, and subsection (3) of
3 said section is amended to read:

4 414.095 Determining eligibility for the WAGES
5 Program.--

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

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

1 (b) If the parent may legally work in this country,
2 the parent must participate in the work activity requirements
3 provided in s. 414.065, to the extent permitted under federal
4 law.

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

10 (d) The income of an illegal alien or ineligible
11 alien, less a pro rata share for the illegal alien or
12 ineligible alien, counts in determining a family's eligibility
13 to participate in the program.

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

17 (10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.--An
18 applicant or participant in the WAGES Program has the
19 following opportunities and obligations:

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

27 Section 6. Subsections (3) through (10) of section
28 414.105, Florida Statutes, are renumbered as subsections (4)
29 through (11), respectively, and a new subsection (3) is added
30 to said section, to read:

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1 414.105 Time limitations of temporary cash
2 assistance.--Unless otherwise expressly provided in this
3 chapter, an applicant or current participant shall receive
4 temporary cash assistance for episodes of not more than 24
5 cumulative months in any consecutive 60-month period that
6 begins with the first month of participation and for not more
7 than a lifetime cumulative total of 48 months as an adult.

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

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

17 414.115 Limited temporary cash assistance for children
18 born to families receiving temporary cash assistance.--

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

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

23 (b) To a program participant who is confirmed by the
24 Title IV-D agency as having been granted an exemption to child
25 support enforcement participation for circumstances consistent
26 with the conception of the child as a result of rape, incest,
27 or sexual exploitation. A child for whom an exemption is
28 claimed under this provision and for whom an application for a
29 good cause exemption from s. 414.095 has been made shall
30 receive temporary benefits until a determination is reached on
31 the application for a good cause exemption from s. 414.095.

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

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

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

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

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

13 3. Legal transfer of the custody of the child to
14 another individual;

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

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

22 Section 8. This act shall take effect October 1 of the
23 year in which enacted.

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