

By the Committee on Children & Families and Representative  
Murman

1                                   A bill to be entitled  
2           An act relating to the WAGES Program; amending  
3           s. 402.305, F.S.; revising provisions excepting  
4           program participants working at a child care  
5           facility from calculation of the facility's  
6           staff-to-child ratio; creating s. 414.045,  
7           F.S.; providing cash assistance program  
8           reporting and oversight requirements; providing  
9           duties of the state board of directors, local  
10          coalitions, and Department of Children and  
11          Family Services; amending s. 414.065, F.S.;  
12          revising a limitation on the use of vocational  
13          education to fulfill work activity  
14          requirements; revising provisions relating to  
15          job skills training; providing for extended  
16          education and training; providing penalties for  
17          failure to comply with work activity  
18          alternative requirement plans; revising  
19          provisions relating to interview, counseling,  
20          and services for noncompliant participants;  
21          providing for limited work activity assignments  
22          for persons with medically verified  
23          limitations; providing for medical or  
24          vocational assessment; providing an exemption  
25          from work activity requirements for certain  
26          supplemental security income applicants;  
27          amending s. 414.085, F.S.; revising  
28          applicability of certain federal income to  
29          program income eligibility standards; providing  
30          that local coalition incentive payments not be  
31          considered income; amending s. 414.095, F.S.;

1           revising provisions relating to temporary cash  
2           assistance and a shelter obligation for teen  
3           parents; amending s. 414.105, F.S.; revising  
4           time limitations and exceptions for temporary  
5           cash assistance; providing for transitional  
6           benefits and services for families losing  
7           eligibility for temporary cash assistance;  
8           creating s. 414.127, F.S.; authorizing local  
9           WAGES coalitions to establish a plan for  
10          increasing WAGES participants' educational  
11          attainment and job skills; creating s.  
12          414.1525, F.S.; authorizing an early exit  
13          diversion program; providing criteria for  
14          one-time lump-sum payment in lieu of ongoing  
15          cash assistance; providing limitations;  
16          amending s. 414.155, F.S.; revising procedure  
17          for determination of relocation assistance and  
18          for receipt and repayment of emergency cash  
19          assistance thereafter; providing eligibility  
20          for transitional benefits and services;  
21          creating s. 414.157, F.S.; authorizing a  
22          diversion program for victims of domestic  
23          violence; providing eligibility; providing  
24          limitations; creating s. 414.159, F.S.;  
25          authorizing the teen parent and teen pregnancy  
26          diversion program; providing eligibility;  
27          providing limitations; amending s. 414.22,  
28          F.S.; revising eligibility for transitional  
29          education and training; amending s. 414.225,  
30          F.S.; revising purposes and requirements  
31          relating to transitional transportation;

1           amending s. 414.70, F.S.; providing drug  
2           testing and screening requirements for parents  
3           and caretaker relatives in a cash assistance  
4           group; providing exceptions; providing  
5           applicability of work requirements and  
6           penalties to persons who fail to comply with  
7           drug testing and screening requirements;  
8           repealing s. 414.29, F.S., relating to access  
9           to lists of temporary cash assistance  
10          recipients; repealing s. 414.43, F.S., relating  
11          to a special needs allowance for families with  
12          a disabled family member; providing an  
13          effective date.

14  
15   Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Paragraph (b) of subsection (4) of section  
18   402.305, Florida Statutes, 1998 Supplement, is amended to  
19   read:

20           402.305 Licensing standards; child care facilities.--

21           (4) STAFF-TO-CHILDREN RATIO.--

22           (a) Minimum standards for the care of children in a  
23   licensed child care facility as established by rule of the  
24   department must include:

25           1. For children from birth through 1 year of age,  
26   there must be one child care personnel for every four  
27   children.

28           2. For children 1 year of age or older, but under 2  
29   years of age, there must be one child care personnel for every  
30   six children.

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1           3. For children 2 years of age or older, but under 3  
2 years of age, there must be one child care personnel for every  
3 11 children.

4           4. For children 3 years of age or older, but under 4  
5 years of age, there must be one child care personnel for every  
6 15 children.

7           5. For children 4 years of age or older, but under 5  
8 years of age, there must be one child care personnel for every  
9 20 children.

10          6. For children 5 years of age or older, there must be  
11 one child care personnel for every 25 children.

12          7. When children 2 years of age and older are in care,  
13 the staff-to-children ratio shall be based on the age group  
14 with the largest number of children within the group.

15          (b) This subsection does not apply to nonpublic  
16 schools and their integral programs as defined in s.  
17 402.3025(2)(d)1. In addition, an individual participating in a  
18 community service work experience activity under s.  
19 414.065(1)(d), or a work experience activity under s.  
20 414.065(1)(e), at a child care facility ~~employee of a child~~  
21 ~~care facility who receives subsidized wages under the WAGES~~  
22 Program may not be considered in calculating the  
23 staff-to-children ratio.

24          Section 2. Section 414.045, Florida Statutes, is  
25 created to read:

26           414.045 Cash assistance program.--Cash assistance  
27 families include any families receiving cash assistance  
28 payments from the state program for temporary assistance for  
29 needy families as defined in federal law, whether such funds  
30 are from federal funds, state funds, or commingled federal and  
31 state funds. Cash assistance families may also include

1 families receiving cash assistance through a program defined  
2 as a separate state program for the purpose of limiting  
3 potential state liability for penalties under the federal  
4 program.  
5 (1) For reporting purposes, families receiving cash  
6 assistance shall be grouped in the following categories. The  
7 department may develop additional groupings in order to comply  
8 with federal reporting requirements, to comply with the  
9 data-reporting needs of the WAGES Program State Board of  
10 Directors, or to better inform the public of program progress.  
11 Program reporting data shall include, but not necessarily be  
12 limited to, the following groupings:  
13 (a) WAGES Cases.--WAGES cases shall include:  
14 1. Families containing an adult or a teen head of  
15 household, as defined by federal law. These cases are  
16 generally subject to the work activity requirements provided  
17 in s. 414.065 and the time limitations on benefits provided in  
18 s. 414.105.  
19 2. Families with a parent where the parent's needs  
20 have been removed from the case due to sanction or  
21 disqualification shall be considered WAGES cases to the extent  
22 that such cases are considered in the calculation of federal  
23 participation rates or would be counted in such calculation in  
24 future months.  
25 3. Families participating in transition assistance  
26 programs.  
27 4. Families otherwise eligible for the WAGES Program  
28 that receive a diversion or early exit payment or participate  
29 in the relocation program.  
30  
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1           (b) Child-only cases.--Child-only cases include cases  
2 that do not have an adult or teen head of household as defined  
3 in federal law. Such cases include:

4           1. Child-only families with children in the care of  
5 caretaker relatives where the caretaker relatives choose to  
6 have their needs excluded in the calculation of the amount of  
7 cash assistance.

8           2. Families in the Relative Caregiver Program as  
9 provided in s. 39.5085.

10           3. Families in which the only parent in a  
11 single-parent family or both parents in a two-parent family  
12 receive supplemental security income (SSI) benefits under  
13 Title XVI of the Social Security Act, as amended. To the  
14 extent permitted by federal law, individuals receiving SSI  
15 shall be excluded as household members in determining the  
16 amount of cash assistance, and such cases shall not be  
17 considered families containing an adult. Parents or caretaker  
18 relatives who are excluded from the cash assistance group due  
19 to receipt of SSI may choose to participate in WAGES work  
20 activities. An individual who volunteers to participate in  
21 WAGES work activity but whose ability to participate in work  
22 activities is limited shall be assigned to work activities  
23 consistent with such limitations. An individual who volunteers  
24 to participate in a WAGES work activity may receive  
25 WAGES-related child care or support services consistent with  
26 such participation.

27           4. Families where the only parent in a single-parent  
28 family or both parents in a two-parent family are not eligible  
29 for cash assistance due to immigration status or other  
30 requirements of federal law. To the extent required by federal  
31

1 law, such cases shall not be considered families containing an  
2 adult.

3  
4 Families described in subparagraph 1., subparagraph 2., or  
5 subparagraph 3. may receive child care assistance or other  
6 supports or services so that the children may continue to be  
7 cared for in their own homes or the homes of relatives. Such  
8 assistance or services may be funded from the temporary  
9 assistance for needy families block grant to the extent  
10 permitted under federal law and to the extent permitted by  
11 appropriation of funds.

12 (2) The oversight of the WAGES Program State Board of  
13 Directors and the service delivery and financial planning  
14 responsibilities of the local WAGES coalitions shall apply to  
15 the families defined as WAGES cases in paragraph (1)(a). The  
16 department shall be responsible for program administration  
17 related to families in groups defined in paragraph (1)(b) and  
18 the department shall coordinate such administration with the  
19 WAGES Program State Board of Directors to the extent needed  
20 for operation of the program.

21 Section 3. Paragraphs (g) and (h) of subsection (1)  
22 and subsections (2), (4), and (7) of section 414.065, Florida  
23 Statutes, 1998 Supplement, are amended, and paragraph (1) is  
24 added to subsection (1), to read:

25 414.065 Work requirements.--

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

29 (g) Vocational education or training.--Vocational  
30 education or training is education or training designed to  
31 provide participants with the skills and certification

1 necessary for employment in an occupational area. Vocational  
2 education or training may be used as a primary program  
3 activity for participants when it has been determined that the  
4 individual has demonstrated compliance with other phases of  
5 program participation and successful completion of the  
6 vocational education or training is likely to result in  
7 employment entry at a higher wage than the participant would  
8 have been likely to attain without completion of the  
9 vocational education or training. Vocational education or  
10 training may be combined with other program activities and  
11 also may be used to upgrade skills or prepare for a higher  
12 paying occupational area for a participant who is employed.

13       1. Unless otherwise provided in this section,  
14 vocational education shall not be used as the primary program  
15 activity for a period which exceeds 12 months. The 12-month  
16 restriction applies to instruction in a career education  
17 program and does not include remediation of basic skills  
18 through adult general education if remediation is necessary to  
19 enable a WAGES participant to benefit from a career education  
20 program. Any necessary remediation must be completed before a  
21 participant is referred to vocational education as the primary  
22 work activity. In addition, use of vocational education or  
23 training shall be restricted to the ~~not more than 20 percent~~  
24 ~~of adult participants in the WAGES region, or subject to other~~  
25 ~~limitation as~~ established in federal law. Vocational education  
26 included in a program leading to a high school diploma shall  
27 not be considered vocational education for purposes of this  
28 section.

29       2. When possible, a provider of vocational education  
30 or training shall use funds provided by funding sources other  
31 than the department or the Department of Labor and Employment



1 Security. Either department may provide additional funds to a  
2 vocational education or training provider only if payment is  
3 made pursuant to a performance-based contract. Under a  
4 performance-based contract, the provider may be partially paid  
5 when a participant completes education or training, but the  
6 majority of payment shall be made following the participant's  
7 employment at a specific wage or job retention for a specific  
8 duration. Performance-based payments made under this  
9 subparagraph are limited to education or training for targeted  
10 occupations identified by the Occupational Forecasting  
11 Conference under s. 216.136, or other programs identified by  
12 the Enterprise Florida workforce development board as  
13 beneficial to meet the needs of designated groups, such as  
14 WAGES participants, who are hard to place. If the contract  
15 pays the full cost of training, the community college or  
16 school district may not report the participants for other  
17 state funding, except that the college or school district may  
18 report WAGES clients for performance incentives or bonuses  
19 authorized for student enrollment, completion, and placement.

20 (h) ~~Job skills training directly related to~~  
21 ~~employment.--Job skills training directly related to~~  
22 ~~employment provides job skills training in a specific~~  
23 ~~occupation for which there is a written commitment by the~~  
24 ~~employer to offer employment to a participant who successfully~~  
25 ~~completes the training.~~ Job skills training includes  
26 customized training designed to meet the needs of a specific  
27 employer or a specific industry. Job skills training shall  
28 include literacy instruction, and may include English  
29 proficiency instruction or Spanish language or other language  
30 instruction if necessary to enable a participant to perform in  
31 a specific job or job training program or if the training

1 enhances employment opportunities in the local community.A  
2 participant may be required to complete an entrance assessment  
3 or test before entering into job skills training ~~if~~  
4 ~~assessments or tests are required for employment upon~~  
5 ~~completion of the training. Job skills training includes~~  
6 ~~literacy instruction in the workplace if necessary to enable a~~  
7 ~~participant to perform in a specific job or job training~~  
8 ~~program.~~

9       (1) Extended education and training.--Notwithstanding  
10 any other provisions of this section to the contrary, the  
11 WAGES Program State Board of Directors may approve a plan by a  
12 local WAGES coalition for assigning, as work requirements,  
13 educational activities that exceed or are not included in  
14 those provided elsewhere in this section and that do not  
15 comply with federal work participation requirement  
16 limitations. In order to be eligible to implement this  
17 provision, a coalition must continue to exceed the overall  
18 federal work participation rate requirements. For purposes of  
19 this paragraph, the WAGES Program State Board of Directors may  
20 adjust the regional participation requirement based on  
21 regional caseload decline. However, this adjustment is  
22 limited to no more than the adjustment produced by the  
23 calculation used to generate federal adjustments to the  
24 participation requirement due to caseload decline.

25       (2) WORK ACTIVITY REQUIREMENTS.--Each individual ~~adult~~  
26 ~~participant~~ who is not otherwise exempt must participate in a  
27 work activity, except for community service work experience,  
28 for the maximum number of hours allowable under federal law,  
29 provided that no participant be required to work more than 40  
30 hours per week or less than the minimum number of hours  
31 required by federal law. The maximum number of hours each

1 month that a participant may be required to participate in  
2 community service activities is the greater of: the number of  
3 hours that would result from dividing the family's monthly  
4 amount for temporary cash assistance and food stamps by the  
5 federal minimum wage and then dividing that result by the  
6 number of participants in the family who participate in  
7 community service activities; or the minimum required to meet  
8 federal participation requirements. However, in no case shall  
9 the maximum hours required per week for community work  
10 experience exceed 40 hours. An applicant shall be referred for  
11 employment at the time of application if the applicant is  
12 eligible to participate in the WAGES Program.

13 (a) A participant in a work activity may also be  
14 required to enroll in and attend a course of instruction  
15 designed to increase literacy skills to a level necessary for  
16 obtaining or retaining employment, provided that the  
17 instruction plus the work activity does not require more than  
18 40 hours per week.

19 (b) WAGES Program funds may be used, as available, to  
20 support the efforts of a participant who meets the work  
21 activity requirements and who wishes to enroll in or continue  
22 enrollment in an adult general education program or a career  
23 education program.

24 (4) PENALTIES FOR NONPARTICIPATION IN WORK  
25 REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE  
26 REQUIREMENT PLANS.--The department and the Department of Labor  
27 and Employment Security shall establish procedures for  
28 administering penalties for nonparticipation in work  
29 requirements and failure to comply with the alternative  
30 requirement plan. If an individual in a family receiving  
31 temporary cash assistance fails to engage in work activities

1 required in accordance with this section, the following  
2 penalties shall apply. A diligent effort shall be made to  
3 interview the participant to determine why full compliance has  
4 not been achieved. The participant shall be counseled  
5 regarding compliance and, if appropriate, shall be referred  
6 for services that could assist the participant to fully comply  
7 with program requirements.+

8 (a) 1. First noncompliance: temporary cash assistance  
9 shall be terminated for the family until the individual who  
10 failed to comply does so, and food stamp benefits shall not be  
11 increased as a result of the loss of temporary cash  
12 assistance.

13 ~~2.(b)~~ Second noncompliance: temporary cash assistance  
14 and food stamps shall be terminated for the family until the  
15 individual demonstrates compliance in the required work  
16 activity for a period of 30 days. Upon compliance, temporary  
17 cash assistance and food stamps shall be reinstated to the  
18 date of compliance. ~~Prior to the imposition of sanctions for~~  
19 ~~a second noncompliance, the participant shall be interviewed~~  
20 ~~to determine why full compliance has not been achieved. The~~  
21 ~~participant shall be counseled regarding compliance and, if~~  
22 ~~appropriate, shall be referred for services that could assist~~  
23 ~~the participant to fully comply with program requirements.~~

24 3.(c) Third noncompliance: temporary cash assistance  
25 and food stamps shall be terminated for the family for 3  
26 months. The individual shall be required to demonstrate  
27 compliance in the work activity upon completion of the 3-month  
28 penalty period, before reinstatement of temporary cash  
29 assistance and food stamps.

30 (b) If a participant receiving temporary cash  
31 assistance who is otherwise exempted from noncompliance

1 penalties fails to comply with the alternative requirement  
2 plan required in accordance with this section, the penalties  
3 provided in paragraph (a) shall apply.

4  
5 If a participant fully complies with work activity  
6 requirements for at least 6 months, the participant shall be  
7 reinstated as being in full compliance with program  
8 requirements for purpose of sanctions imposed under this  
9 section.

10 (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless  
11 otherwise provided, the situations listed in this subsection  
12 shall constitute exceptions to the penalties for noncompliance  
13 with participation requirements, except that these situations  
14 do not constitute exceptions to the applicable time limit for  
15 receipt of temporary cash assistance:

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

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

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

28 3. Unavailability of appropriate and affordable formal  
29 child care arrangements.

30 (b) Noncompliance related to domestic violence.--An  
31 individual who is determined to be unable to comply with the

1 work requirements because such compliance would make it  
2 probable that the individual would be unable to escape  
3 domestic violence shall be exempt from work requirements  
4 pursuant to s. 414.028(4)(g). However, the individual shall  
5 comply with a plan that specifies alternative requirements  
6 that prepare the individual for self-sufficiency while  
7 providing for the safety of the individual and the  
8 individual's dependents. A participant who is determined to  
9 be out of compliance with the alternative requirement plan  
10 shall be subject to the penalties under subsection (4). An  
11 exception granted under this paragraph does not constitute an  
12 exception to the time limitations on benefits specified under  
13 s. 414.105.

14 (c) Noncompliance related to treatment or remediation  
15 of past effects of domestic violence.--An individual who is  
16 determined to be unable to comply with the work requirements  
17 under this section due to mental or physical impairment  
18 related to past incidents of domestic violence may be exempt  
19 from work requirements for a specified period pursuant to s.  
20 414.028(4)(g), except that such individual shall comply with a  
21 plan that specifies alternative requirements that prepare the  
22 individual for self-sufficiency while providing for the safety  
23 of the individual and the individual's dependents. A  
24 participant who is determined to be out of compliance with the  
25 alternative requirement plan shall be subject to the penalties  
26 under subsection (4).The plan must include counseling or a  
27 course of treatment necessary for the individual to resume  
28 participation. The need for treatment and the expected  
29 duration of such treatment must be verified by a physician  
30 licensed under chapter 458 or chapter 459; a psychologist  
31 licensed under s. 490.005(1), s. 490.006, or the provision

1 identified as s. 490.013(2) in s. 1, chapter 81-235, Laws of  
2 Florida; a therapist as defined in s. 491.003(2) or (6); or a  
3 treatment professional who is registered under s.  
4 415.605(1)(g), is authorized to maintain confidentiality under  
5 s. 90.5036(1)(d), and has a minimum of 2 years experience at a  
6 certified domestic violence center. An exception granted under  
7 this paragraph does not constitute an exception from the time  
8 limitations on benefits specified under s. 414.105.

9 (d) Noncompliance related to medical incapacity.--If  
10 an individual cannot participate in assigned work activities  
11 due to a medical incapacity, the individual may be excepted  
12 from the activity for a specific period, except that the  
13 individual shall be required to comply with the course of  
14 treatment necessary for the individual to resume  
15 participation. A participant may not be excused from work  
16 activity requirements unless the participant's medical  
17 incapacity is verified by a physician licensed under chapter  
18 458 or chapter 459, in accordance with procedures established  
19 by rule of the Department of Labor and Employment Security.  
20 If it has been medically verified that an individual's ability  
21 to participate in work activities is limited, the individual  
22 shall be assigned to work activities consistent with such  
23 limitations. Evaluation of an individual's ability to  
24 participate in work activities or development of a plan for  
25 work activity assignment shall include vocational assessment  
26 or work evaluation by the Division of Vocational  
27 Rehabilitation of the Department of Labor and Employment  
28 Security or by a community-based organization such as Goodwill  
29 Industries, as determined appropriate. The Department of Labor  
30 and Employment Security or the local WAGES coalition may  
31 require an individual to cooperate in medical assessment or

1 vocational assessment, as determined necessary to evaluate the  
2 individual's ability to participate in a work activity.

3 (e) Noncompliance due to medical incapacity by  
4 applicants for supplemental security income (SSI).--If an  
5 individual subject to work activity requirements provides  
6 information verifying that the individual has applied for SSI  
7 or has appealed a SSI determination and the available medical  
8 information indicates that the individual's application for  
9 SSI will ultimately be approved, according to criteria  
10 established in rule by the Department of Labor and Employment  
11 Security as approved by the WAGES Program State Board of  
12 Directors in consultation with the Office of Disability  
13 Determination and the Secretary of Health, such individual may  
14 be exempted from work activity requirements. Such criteria may  
15 include medical assessment and disability or incapacity  
16 determination by the Office of Disability Determination.

17 (f)~~(e)~~ Other good cause exceptions for  
18 noncompliance.--Individuals who are temporarily unable to  
19 participate due to circumstances beyond their control may be  
20 excepted from the noncompliance penalties. The Department of  
21 Labor and Employment Security may define by rule situations  
22 that would constitute good cause. These situations must  
23 include caring for a disabled family member when the need for  
24 the care has been verified and alternate care is not  
25 available.

26 Section 4. Subsection (2) of section 414.085, Florida  
27 Statutes, is amended and subsection (4) is added to said  
28 section, to read:

29 414.085 Income eligibility standards.--For purposes of  
30 program simplification and effective program management,  
31 certain income definitions, as outlined in the food stamp



1 regulations at 7 C.F.R. s. 273.9, shall be applied to the  
2 WAGES Program as determined by the department to be consistent  
3 with federal law regarding temporary cash assistance and  
4 Medicaid for needy families, except as to the following:

5 (2) Income security payments, including payments  
6 funded under part B of Title IV of the Social Security Act, as  
7 amended; supplemental security income under Title XVI of the  
8 Social Security Act, as amended; or other income security  
9 payments as defined by federal law shall be excluded ~~included~~  
10 as income unless to the extent required to be included ~~or~~  
11 ~~permitted~~ by federal law.

12 (4) An incentive payment to a participant authorized  
13 by a local WAGES coalition shall not be considered income.

14 Section 5. Paragraphs (b) and (c) of subsection (15)  
15 of section 414.095, Florida Statutes, 1998 Supplement, are  
16 amended to read:

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

19 (15) PROHIBITIONS AND RESTRICTIONS.--

20 (b) Temporary cash assistance, without shelter  
21 expense, may be available for a teen parent who is a minor  
22 child less than 19 years of age and for the child. Temporary  
23 cash assistance may not be paid directly to the teen parent  
24 but must be paid, on behalf of the teen parent and child, to  
25 an alternative payee who is designated by the department. The  
26 alternative payee may not use the temporary cash assistance  
27 for any purpose other than paying for food, clothing, shelter,  
28 and medical care for the teen parent and child and for other  
29 necessities required to enable the teen parent to attend  
30 school or a training program. In order for the child of the  
31

1 teen parent and the teen parent to be eligible for temporary  
2 cash assistance, the teen parent must:

3 1. Attend school or an approved alternative training  
4 program, unless the child is less than 12 weeks of age or the  
5 teen parent has completed high school; and

6 2. Reside with a parent, legal guardian, or other  
7 adult caretaker relative. The income and resources of the  
8 parent shall be included in calculating the temporary cash  
9 assistance available to the teen parent since the parent is  
10 responsible for providing support and care for the child  
11 living in the home.

12 3. Attend parenting and family classes that provide a  
13 curriculum specified by the department, the Department of  
14 Labor and Employment Security, or the Department of Health, as  
15 available.

16 (c) The teen parent is not required to live with a  
17 parent, legal guardian, or other adult caretaker relative if  
18 the department determines that:

19 1. The teen parent has suffered or might suffer harm  
20 in the home of the parent, legal guardian, or adult caretaker  
21 relative.

22 2. The requirement is not in the best interest of the  
23 teen parent or the child. If the department determines that it  
24 is not in the best interest of the teen parent or child to  
25 reside with a parent, legal guardian, or other adult caretaker  
26 relative, the department shall provide or assist the teen  
27 parent in finding a suitable home, a second-chance home, a  
28 maternity home, or other appropriate adult-supervised  
29 supportive living arrangement. Such living arrangement may  
30 include a shelter obligation in accordance with subsection  
31 (11).

1  
2 The department may not delay providing temporary cash  
3 assistance to the teen parent through the alternative payee  
4 designated by the department pending a determination as to  
5 where the teen parent should live and sufficient time for the  
6 move itself. A teen parent determined to need placement that  
7 is unavailable shall continue to be eligible for temporary  
8 cash assistance so long as the teen parent cooperates with the  
9 department, the Department of Labor and Employment Security,  
10 and the Department of Health. The teen parent shall be  
11 provided with counseling to make the transition from  
12 independence to supervised living and with a choice of living  
13 arrangements.

14 Section 6. Subsections (2), (10), and (12) of section  
15 414.105, Florida Statutes, 1998 Supplement, are amended to  
16 read:

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

24 (2) A participant who is not exempt from work activity  
25 requirements may earn 1 month of eligibility for extended  
26 temporary cash assistance, up to maximum of 12 additional  
27 months, for each month in which the participant is fully  
28 complying with the work activities of the WAGES Program  
29 through subsidized or unsubsidized public or private sector  
30 employment. The period for which extended temporary cash  
31 assistance is granted shall be based upon compliance with

1 WAGES Program requirements beginning October 1, 1996. A  
2 participant may not receive temporary cash assistance under  
3 this subsection, in combination with other periods of  
4 temporary cash assistance for longer than a lifetime limit of  
5 48 months. Hardship exemptions to the time limitations of this  
6 chapter shall be limited to ~~10 percent of participants in the~~  
7 ~~first year of implementation of this chapter, 15 percent of~~  
8 ~~participants in the second year of implementation of this~~  
9 ~~chapter, and 20 percent of participants in all subsequent~~  
10 years, as determined by the department and approved by the  
11 WAGES Program State Board of Directors. Criteria for hardship  
12 exemptions include:

13 (a) Diligent participation in activities, combined  
14 with inability to obtain employment.

15 (b) Diligent participation in activities, combined  
16 with extraordinary barriers to employment, including the  
17 conditions which may result in an exemption to work  
18 requirements.

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

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

25 (e) A recommendation of extension for a minor child of  
26 a participating family that has reached the end of the  
27 eligibility period for temporary cash assistance. The  
28 recommendation must be the result of a review which determines  
29 that the termination of the child's temporary cash assistance  
30 would be likely to result in the child being placed into  
31 emergency shelter or foster care. Temporary cash assistance

1 shall be provided through a protective payee. Staff of the  
2 Children and Families Program Office of the department shall  
3 conduct all assessments in each case in which it appears a  
4 child may require continuation of temporary cash assistance  
5 through a protective payee.

6  
7 At the recommendation of the local WAGES coalition, temporary  
8 cash assistance under a hardship exemption for a participant  
9 who is eligible for work activities and who is not working  
10 shall be reduced by 10 percent. Upon the employment of the  
11 participant, full benefits shall be restored.

12 (10) An individual who receives benefits under the  
13 Supplemental Security Income program or the Social Security  
14 Disability Insurance program is not subject to time  
15 limitations. An individual who has applied for supplemental  
16 security income (SSI), but has not yet received a  
17 determination must be granted an extension of time limits  
18 until the individual receives a final determination on the SSI  
19 application. Determination shall be considered final once all  
20 appeals have been exhausted, benefits have been received, or  
21 denial has been accepted without any appeal. Such individual  
22 must continue to meet all program requirements assigned to the  
23 participant based on medical ability to comply. Extensions of  
24 time limits shall be within the recipient's 48-month lifetime  
25 limit. Hardship exemptions granted under this subsection shall  
26 not be subject to the percentage limitations in subsection  
27 (2).

28 (12) A member of the WAGES Program staff shall  
29 interview and assess the employment prospects and barriers of  
30 each participant who is within 6 months of reaching the  
31 24-month time limit. The staff member shall assist the

1 participant in identifying actions necessary to become  
2 employed prior to reaching the benefit time limit for  
3 temporary cash assistance and, if appropriate, shall refer the  
4 participant for services that could facilitate employment. The  
5 department shall develop procedures to ensure that families  
6 losing eligibility for temporary cash assistance receive  
7 transitional benefits and services that will assist the family  
8 in moving toward self-sufficiency. At a minimum, such  
9 procedures must include, but are not limited to, the  
10 following:

11 (a) Each WAGES participant who is determined  
12 ineligible for cash assistance for a reason other than a work  
13 activity sanction shall be contacted by the case manager and  
14 provided information about the availability of transitional  
15 benefits and services. Such contact shall be attempted prior  
16 to closure of the case management file.

17 (b) Each WAGES participant who is determined  
18 ineligible for cash assistance due to noncompliance with the  
19 work activity requirements shall be contacted and provided  
20 information in accordance with s. 414.065(4).

21 (c) The department and the WAGES Program State Board  
22 of Directors shall develop informational material, including  
23 posters and brochures, to better inform families about the  
24 availability of transitional benefits and services.

25 (d) The department shall review federal requirements  
26 related to transitional Medicaid and shall, to the extent  
27 permitted by federal law, develop procedures to maximize the  
28 utilization of transitional Medicaid by families who leave  
29 temporary cash assistance.

30 Section 7. Section 414.127, Florida Statutes, is  
31 created to read:

1           414.127 WAGES education for economic independence  
2 program.--The Legislature recognizes that educational and  
3 skill deficits play a major role in limiting the ability of  
4 WAGES participants to gain and maintain economic  
5 self-sufficiency and that parents in families dependent on  
6 cash assistance face formidable barriers to removing these  
7 deficits. Provided the region continues to meet federal work  
8 participation requirements, each local WAGES coalition may  
9 establish a plan for the achievement of long-term  
10 self-sufficiency by increasing the educational attainment and  
11 job skills of WAGES participants.  
12           (1) The program may include the following components:  
13           (a) Payment of educational costs.  
14           (b) Performance incentives for educational  
15 institutions providing high school, adult, general equivalency  
16 diploma (GED), and postsecondary education programs based on  
17 the enrollment, completion, and placement of students who are  
18 WAGES clients.  
19           (c) Assistance with transportation and child care  
20 costs associated with school attendance.  
21           (d) Provisions for career counseling.  
22           (e) Provisions to facilitate access to programs by  
23 providing educational opportunities during nontraditional  
24 hours or in the workplace.  
25           (f) Provisions for vocational programs designed to  
26 meet the needs of employers.  
27           (g) Provisions to assist disabled participants to  
28 develop their capacity for economic self-sufficiency.  
29           (h) Teen parent and pregnancy prevention programs.  
30           (2) A priority for participation in the program shall  
31 be given to WAGES participants who have diligently complied

1 with program requirements and who have been identified as  
2 having potential to improve their economic self-sufficiency  
3 through education.

4 Section 8. Section 414.1525, Florida Statutes, is  
5 created to read:

6 414.1525 WAGES early exit diversion program.--An  
7 individual who meets the criteria listed in this section may  
8 choose to receive a lump-sum payment in lieu of ongoing cash  
9 assistance payments, provided the individual:

10 (1) Is employed and is receiving earnings, and would  
11 be eligible to receive cash assistance in an amount less than  
12 \$100 per month given the WAGES earnings disregard.

13 (2) Has received cash assistance for at least 3  
14 consecutive months.

15 (3) Expects to remain employed for at least 6 months.

16 (4) Chooses to receive a one-time lump-sum payment in  
17 lieu of ongoing monthly payments.

18 (5) Provides employment and earnings information to  
19 the department, so that the department can ensure that the  
20 family's eligibility for transitional benefits can be  
21 evaluated.

22 (6) Signs an agreement not to apply for or accept cash  
23 assistance for 6 months after receipt of the one-time payment.  
24 In the event of an emergency, such agreement shall provide for  
25 an exception to this restriction, provided that the one-time  
26 payment shall be deducted from any cash assistance for which  
27 the family subsequently is approved. This deduction may be  
28 prorated over an 8 month period. The department shall adopt  
29 rules defining the conditions under which a family may receive  
30 cash assistance due to such emergency.

31



1 Such individual may choose to accept a one-time lump-sum  
2 payment of \$600 in lieu of receiving ongoing cash assistance.  
3 Such payment shall only count toward the time limitation for  
4 the month in which the payment is made in lieu of cash  
5 assistance. A participant choosing to accept such payment  
6 shall be terminated from cash assistance. However,  
7 eligibility for Medicaid, food stamps, or child care shall  
8 continue, subject to the eligibility requirements of those  
9 programs.

10 Section 9. Paragraph (c) of subsection (2) and  
11 subsection (3) of section 414.155, Florida Statutes, 1998  
12 Supplement, are amended to read:

13 414.155 Relocation assistance program.--

14 (2) The relocation assistance program shall involve  
15 five steps by the Department of Children and Family Services  
16 or the Department of Labor and Employment Security:

17 (c) Establishment of a relocation plan which includes,  
18 ~~including a budget and~~ such requirements as are necessary to  
19 prevent abuse of the benefit and ~~to provide an assurance that~~  
20 ~~the applicant will relocate. The plan may require that~~  
21 ~~expenditures be made on behalf of the recipient. However, the~~  
22 ~~plan must include~~ provisions to protect the safety of victims  
23 of domestic violence and avoid provisions that place them in  
24 anticipated danger. The payment to defray relocation expenses  
25 shall be determined based on a rule approved by the WAGES  
26 Program State Board of Directors and adopted by the  
27 department. Participants in the relocation program shall be  
28 eligible for transitional benefits limited to an amount not to  
29 ~~exceed 4 months' temporary cash assistance, based on family~~  
30 ~~size.~~

31

1           (3) A family receiving relocation assistance for  
2 reasons other than domestic violence must sign an agreement  
3 restricting the family from applying for temporary cash  
4 assistance for a period specified in a rule approved by the  
5 WAGES Program State Board of Directors and adopted by the  
6 department ~~6 months~~, unless an emergency is demonstrated to  
7 the department. If a demonstrated emergency forces the family  
8 to reapply for temporary cash assistance within such period,~~6~~  
9 ~~months~~ after receiving a relocation assistance payment,  
10 repayment must be made on a prorated basis ~~over an 8-month~~  
11 ~~period~~ and subtracted from any regular payment of temporary  
12 cash assistance for which the applicant may be eligible, as  
13 specified in a rule approved by the WAGES Program State Board  
14 of Directors and adopted by the department.

15           Section 10. Section 414.157, Florida Statutes, is  
16 created to read:

17           414.157 Diversion program for victims of domestic  
18 violence.--

19           (1) The diversion program for victims of domestic  
20 violence is intended to provide services and one-time payments  
21 to assist victims of domestic violence and their children in  
22 making the transition to independence.

23           (2) Before finding an applicant family eligible for  
24 the diversion program created under this section, a  
25 determination must be made that:

26           (a) The applicant family includes a pregnant woman or  
27 a parent with one or more minor children or a caretaker  
28 relative with one or more minor children.

29           (b) The services or one-time payment provided are not  
30 considered assistance under federal law or guidelines.

31

1           (3) Notwithstanding any provision to the contrary in  
2 ss. 414.075, 414.085, and 414.095, a family meeting the  
3 criteria of subsection (2) who is determined by the domestic  
4 violence program to be in need of services or one-time payment  
5 due to domestic violence shall be considered a needy family  
6 and shall be deemed eligible under this section for services  
7 through a certified domestic violence shelter.

8           (4) One-time payments provided under this section  
9 shall not exceed an amount recommended by the WAGES Program  
10 State Board of Directors and adopted by the department in  
11 rule.

12           (5) Receipt of services or a one-time payment under  
13 this section shall not preclude eligibility for, or receipt  
14 of, other assistance or services under this chapter.

15           Section 11. Section 414.159, Florida Statutes, is  
16 created to read:

17           414.159 Teen parent and pregnancy prevention diversion  
18 program; eligibility for services.--The Legislature recognizes  
19 that teen pregnancy is a major cause of dependency on  
20 government assistance that often extends through more than one  
21 generation. The purpose of the teen parent and pregnancy  
22 prevention diversion program is to provide services to reduce  
23 and avoid welfare dependency by reducing teen pregnancy,  
24 reducing the incidence of multiple pregnancies to teens, and  
25 by assisting teens in completing educational programs.

26           (1) Notwithstanding any provision to the contrary in  
27 ss. 414.075, 414.085, and 414.095, a teen who is determined to  
28 be at-risk of teen pregnancy or who already has a child shall  
29 be deemed eligible to receive services under this program.

30  
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1           (2) Services provided under this program shall be  
2 limited to services that are not considered assistance under  
3 federal law or guidelines.

4           (3) Receipt of services under this section shall not  
5 preclude eligibility for, or receipt of, other assistance or  
6 services under this chapter.

7           Section 12. Section 414.22, Florida Statutes, is  
8 amended to read:

9           414.22 Transitional education and training.--In order  
10 to assist current and former participants who are working or  
11 actively seeking employment in continuing their training and  
12 upgrading their skills, education, or training, support  
13 services may be provided to a participant for up to 2 years  
14 after the participant is no longer ~~eligible to participate~~ in  
15 the program. This section does not constitute an entitlement  
16 to transitional education and training. If funds are not  
17 sufficient to provide services under this section, the  
18 Department of Labor and Employment Security may limit or  
19 otherwise prioritize transitional education and training.

20           (1) Education or training resources available in the  
21 community at no additional cost to the Department of Labor and  
22 Employment Security shall be used whenever possible.

23           (2) The Department of Labor and Employment Security  
24 may authorize child care or other support services in addition  
25 to services provided in conjunction with employment. For  
26 example, a participant who is employed full time may receive  
27 subsidized child care related to that employment and may also  
28 receive additional subsidized child care in conjunction with  
29 training to upgrade the participant's skills.

30           (3) Transitional education or training must be  
31 job-related, but may include training to improve job skills in

1 a participant's existing area of employment or may include  
2 training to prepare a participant for employment in another  
3 occupation.

4 (4) The Department of Labor and Employment Security  
5 may enter into an agreement with an employer to share the  
6 costs relating to upgrading the skills of participants hired  
7 by the employer. For example, the department may agree to  
8 provide support services such as transportation or a wage  
9 subsidy in conjunction with training opportunities provided by  
10 the employer.

11 Section 13. Section 414.225, Florida Statutes, 1998  
12 Supplement, is amended to read:

13 414.225 Transitional transportation.--In order to  
14 assist former WAGES participants in maintaining and sustaining  
15 employment or educational opportunities, transportation may be  
16 provided, if funds are available, for up to 1 year after the  
17 participant is no longer ~~eligible to participate~~ in the  
18 program ~~due to earnings~~. This does not constitute an  
19 entitlement to transitional transportation. If funds are not  
20 sufficient to provide services under this section, the  
21 department may limit or otherwise prioritize transportation  
22 services.

23 (1) Transitional transportation must be job or  
24 education related.

25 (2) Transitional transportation may include expenses  
26 identified in s. 414.20.

27 Section 14. Subsection (1), paragraph (b) of  
28 subsection (2), and paragraph (a) of subsection (3) of section  
29 414.70, Florida Statutes, 1998 Supplement, are amended to  
30 read:

31

1           414.70 Drug-testing and drug-screening program;  
2 procedures.--

3           (1) DEMONSTRATION PROJECT.--The Department of Children  
4 and Family Services, in consultation with local WAGES  
5 coalitions 3 and 8, shall develop and, as soon as possible  
6 after January 1, 1999, implement a demonstration project in  
7 WAGES regions 3 and 8 to screen each applicant and test  
8 applicants for temporary cash assistance provided under this  
9 chapter, who the department has reasonable cause to believe,  
10 based on the screening, engage in illegal use of controlled  
11 substances. Unless reauthorized by the Legislature, this  
12 demonstration project expires June 30, 2001. As used in this  
13 act, the term "applicant" means an individual who first  
14 applies for assistance or services under the WAGES Program.  
15 Screening and testing for the illegal use of controlled  
16 substances is not required if the individual reapplies during  
17 any continuous period in which the individual receives  
18 assistance or services. However, an individual may volunteer  
19 for drug testing and treatment if funding is available.

20           (a) Applicants subject to the requirements of this  
21 section include any parent or caretaker relative who is  
22 included in the cash assistance group, including individuals  
23 who may be exempt from work activity requirements due to the  
24 age of the youngest child or who may be excepted from work  
25 activity requirements under s. 414.065(7).

26           (b) Applicants not subject to the requirements of this  
27 section include applicants for food stamps or Medicaid who are  
28 not applying for cash assistance, applicants who, if eligible,  
29 would be exempt from the time limitation and work activity  
30 requirements due to receipt of social security disability  
31 income, and applicants who, if eligible, would be excluded

1 from the assistance group due to receipt of supplemental  
2 security income.

3 (2) PROCEDURES.--Under the demonstration project, the  
4 Department of Children and Family Services shall:

5 (b) Develop a procedure for drug screening and  
6 conducting drug testing of applicants for temporary assistance  
7 or services under the WAGES Program. For two-parent families,  
8 both parents must comply with the drug screening and testing  
9 requirements of this section.

10 (3) CHILDREN.--

11 (a) If a parent is deemed ineligible for cash  
12 assistance due to refusal to comply with the provisions of  
13 this section ~~the failure of a drug test under this act~~, his or  
14 her dependent child's eligibility for cash assistance is not  
15 affected. A parent who is ineligible for cash assistance due  
16 to refusal or failure to comply with the provisions of this  
17 section shall be subject to the work activity requirements of  
18 s. 414.065, and shall be subject to the penalties under s.  
19 414.065(4) upon failure to comply with such requirements.

20 Section 15. Sections 414.29 and 414.43, Florida  
21 Statutes, are repealed.

22 Section 16. This act shall take effect upon becoming a  
23 law.

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HOUSE SUMMARY

Revises provisions relating to the Work and Gain Economic Self-sufficiency (WAGES) Program. Specifies reporting and oversight duties of the state board of directors, local coalitions, and Department of Children and Family Services. Revises provisions relating to work activity requirements, income eligibility standards, assistance to teen parents, temporary cash assistance limitations and exceptions, and relocation assistance. Provides for transitional benefits for families losing eligibility for temporary cash assistance. Authorizes local WAGES coalitions to establish a plan for increasing WAGES participants' educational attainment and job skills to promote economic independence. Provides an early exit diversion program, a teen parent and teen pregnancy diversion program, and a diversion program for victims of domestic violence. Revises requirements relating to transitional education and training and transitional transportation. Extends drug testing and screening requirements to certain parents and caretaker relatives, and provides applicability of work requirements and penalties to persons who fail to comply with drug testing and screening requirements. See bill for details.