

By the Committee on Children & Family Empowerment and
Representative Lacasa

1 A bill to be entitled
2 An act relating to the WAGES Program; amending
3 s. 414.0252, F.S.; revising definitions;
4 conforming terminology to reflect the
5 reorganization of the Department of Health and
6 Rehabilitative Services and the creation of the
7 Department of Children and Family Services;
8 amending s. 414.026, F.S.; revising membership
9 of the WAGES Program State Board of Directors;
10 providing immunity from liability for board
11 members, agents, and employees; deleting
12 obsolete provisions; amending s. 414.027, F.S.,
13 relating to the WAGES Program statewide
14 implementation plan; conforming terminology to
15 reflect the redesignation of the Enterprise
16 Florida Jobs and Education Partnership as the
17 workforce development board; amending s.
18 414.028, F.S., relating to local WAGES
19 coalitions; revising a provision that allows a
20 member of a local coalition to benefit
21 financially from transactions of the coalition
22 under certain circumstances; requiring the
23 local coalition to select an entity to
24 administer the program and financial plan;
25 providing additional duties for the local WAGES
26 coalitions with respect to improving the
27 process for establishing paternity for
28 noncustodial parents and providing work
29 activities for noncustodial parents; providing
30 immunity from liability for coalition members,
31 agents, and employees; amending s. 414.029,

1 F.S.; specifying certain tax exemptions allowed
2 to a business that provides jobs for program
3 participants; amending s. 414.065, F.S.,
4 relating to work requirements; clarifying
5 duties of the Department of Children and Family
6 Services and the Department of Labor and
7 Employment Security with respect to program
8 implementation; providing for calculation of
9 the maximum participation in community service
10 activities; specifying that a protective payee
11 shall be the authorized representative to
12 receive food stamps for children in
13 circumstances involving a family member's
14 repeated noncompliance with work requirements
15 of the act; deleting obsolete provisions for
16 implementing the program if the Federal
17 Government failed to enact welfare reform
18 legislation; providing protections for program
19 participants; providing requirements for
20 protecting current employees; amending ss.
21 414.075, 414.085, and 414.095, F.S., relating
22 to resource and income eligibility standards
23 and the determination of eligibility;
24 clarifying certain requirements under which a
25 person is eligible to participate in the WAGES
26 Program; providing that benefits shall not be
27 denied to persons convicted of controlled
28 substance felonies; amending s. 414.105, F.S.,
29 relating to time limitations for receiving
30 temporary cash assistance under the WAGES
31 Program; deleting a future repeal of such

1 provisions; amending s. 414.115, F.S.;
2 clarifying circumstances under which assistance
3 is limited if additional children are born to a
4 family that receives temporary cash assistance;
5 amending s. 414.122, F.S.; revising procedures
6 for the department in withholding payments
7 based on evidence of fraud; amending s.
8 414.125, F.S.; providing for sanctions to be
9 imposed if a participant fails to attend a
10 conference with a school official as required
11 under the Learnfare Program; reducing the time
12 limit for appeal; amending s. 414.15, F.S.,
13 relating to diversion assistance; clarifying
14 provisions for determining eligibility;
15 amending s. 414.16, F.S., relating to emergency
16 assistance; correcting a cross reference;
17 amending s. 414.175, F.S., relating to the
18 review of waivers granted by the Federal
19 Government; clarifying provisions; amending s.
20 414.20, F.S.; clarifying the duties of the
21 Department of Labor and Employment Security
22 with respect to support services provided under
23 the WAGES Program; amending ss. 414.21, 414.22,
24 414.23 and 414.24, F.S., relating to
25 transitional benefits, evaluations, and the
26 integrated delivery of services; clarifying the
27 duties of the Department of Labor and
28 Employment Security; amending s. 414.25, F.S.,
29 relating to an exemption from requirements for
30 leasing real property; correcting provisions to
31 reflect the creation of the Department of

1 Children and Family Services; amending s.
2 414.27, F.S.; clarifying provisions for paying
3 temporary cash assistance upon the death of the
4 recipient; amending s. 414.28, F.S.; clarifying
5 procedures for making a claim against the
6 estate of a recipient of public assistance;
7 amending s. 414.29, F.S.; providing that lists
8 of persons who have received temporary cash
9 assistance are a public record; amending s.
10 414.32, F.S.; clarifying provisions under which
11 a person's food stamp allotment is reduced or
12 terminated; amending s. 414.35, F.S., relating
13 to emergency relief; clarifying provisions;
14 amending s. 414.36, F.S.; clarifying
15 requirements for the Department of Children and
16 Family Services with respect to recovering
17 overpayments of public assistance; amending s.
18 414.38, F.S.; clarifying duties of the
19 department with respect to a pilot work
20 experience and job training program for
21 noncustodial parents; amending ss. 414.39 and
22 414.40, F.S., relating to penalties for
23 fraudulently obtaining public assistance and
24 the Stop Inmate Fraud Program; revising
25 provisions to reflect changes in terminology
26 and the transfer of responsibility for persons
27 receiving temporary cash assistance to the
28 Department of Children and Family Services;
29 amending s. 414.41, F.S., relating to the
30 recovery of payments; requiring the Department
31 of Children and Family Services to initiate an

1 administrative disqualification hearing in
2 certain instances; providing for a
3 disqualification period; clarifying duties of
4 the Agency for Health Care Administration with
5 respect to collecting overpayments of Medicaid
6 funds; amending s. 414.42, F.S.; revising
7 provisions to reflect the responsibilities of
8 the Department of Children and Family Services
9 with respect to public assistance programs;
10 amending s. 414.43, F.S.; providing for a
11 catastrophic special needs allowance; amending
12 ss. 414.44 and 414.45, F.S.; authorizing the
13 Department of Labor and Employment Security to
14 collect data, make reports required under
15 federal law, and adopt rules; amending s.
16 414.55, F.S.; requiring that the Governor take
17 certain actions with respect to implementing a
18 community work program; providing requirements
19 for determining eligibility for individuals
20 assigned to an ongoing evaluation; providing
21 for the evaluation agreement to continue
22 regardless of federal waivers; amending s.
23 402.302, F.S.; revising the definition of
24 "child care facility" to exempt from regulation
25 certain after school programs for disadvantaged
26 youth; amending s. 402.313, F.S.; providing
27 requirements for standards established for
28 family day care homes that provide subsidized
29 child care; amending s. 409.2554, F.S.;
30 redefining "public assistance" to conform to
31 the act; amending s. 409.2572, F.S.; conforming

1 terminology to reflect the creation of the
2 Department of Children and Family Services;
3 making language concerning sanctions consistent
4 with chapter 414, F.S.; requiring the
5 department to conduct a study of kinship care;
6 requiring a report; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Subsections (3), (7), and (8) of section
12 414.0252, Florida Statutes, 1996 Supplement, are amended, and
13 subsection (10) is added to that section, to read:

14 414.0252 Definitions.--As used in ss. 414.015-414.45,
15 the term:

16 (3) "Department" means the Department of Children and
17 Family Health and Rehabilitative Services.

18 (7) "Participant" means an individual who has applied
19 for or receives temporary assistance or services under the
20 WAGES Program.

21 (8) "Public assistance" means benefits paid on the
22 basis of the temporary cash family assistance, food stamp,
23 Medicaid, or optional state supplementation program.

24 (10) "Temporary cash assistance" means cash assistance
25 provided under the state program certified under Title IV-A of
26 the Social Security Act, as amended.

27 Section 2. Subsection (1) and paragraph (a) of
28 subsection (2) of section 414.026, Florida Statutes, 1996
29 Supplement, are amended to read:

30 414.026 WAGES Program State Board of Directors.--
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1 (1) There is created within the Executive Office of
2 the Governor the WAGES Program State Board of Directors, which
3 shall oversee the operation of the WAGES Program and shall
4 advise and assist state agencies in implementing the WAGES
5 Program. There shall be no liability on the part of, and no
6 cause of action of any nature shall arise against, any member
7 of the WAGES Program State Board of Directors or its employees
8 or agents for any action taken by the board in the performance
9 of its powers and duties under this chapter.

10 (2)(a) The board of directors shall be composed of the
11 following members:

12 1. The Commissioner of Education, or the
13 commissioner's designee.

14 2. The Secretary of Children and Family ~~Health and~~
15 ~~Rehabilitative~~ Services.

16 3. The Secretary of Health.

17 ~~4.3.~~ The Secretary of Labor and Employment Security.

18 ~~5.4.~~ The Secretary of Community Affairs.

19 6. The director of the Office of Tourism, Trade, and
20 Economic Development.

21 ~~5. The Secretary of Commerce.~~

22 ~~7.6.~~ The president of the Enterprise Florida workforce
23 development board ~~Jobs and Education Partnership~~, established
24 under s. 288.9620 ~~s. 288.0475~~.

25 8. The chief executive officer of the Florida Tourism
26 Industry Marketing Corporation, established under s. 288.1226.

27 ~~9.7.~~ Nine members appointed by the Governor, as
28 follows:

29 a. Six members shall be appointed from a list of ten
30 nominees, of which five must be submitted by the President of
31 the Senate and five must be submitted by the Speaker of the

1 House of Representatives. The list of five nominees submitted
2 by the President of the Senate and the Speaker of the House of
3 Representatives must each contain at least three individuals
4 employed in the private sector, two of whom must have
5 management experience. One of the five nominees submitted by
6 the President of the Senate and one of the five nominees
7 submitted by the Speaker of the House of Representatives must
8 be an elected local government official who shall serve as an
9 ex officio nonvoting member.

10 b. Three members shall be at-large members appointed
11 by the Governor.

12 c. Of the nine members appointed by the Governor, at
13 least six must be employed in the private sector and of these,
14 at least five must have management experience.

15
16 The members appointed by the Governor shall be appointed to
17 4-year, staggered terms. Within 60 days after a vacancy occurs
18 on the board, the Governor shall fill the vacancy of a member
19 appointed from the nominees submitted by the President of the
20 Senate and the Speaker of the House of Representatives for the
21 remainder of the unexpired term from one nominee submitted by
22 the President of the Senate and one nominee submitted by the
23 Speaker of the House of Representatives. Within 60 days after
24 a vacancy of a member appointed at-large by the Governor
25 occurs on the board, the Governor shall fill the vacancy for
26 the remainder of the unexpired term. The composition of the
27 board must generally reflect the racial, gender, and ethnic
28 diversity of the state as a whole. ~~The list of initial five~~
29 ~~nominees shall be submitted by the President of the Senate and~~
30 ~~the Speaker of the House of Representatives by July 1, 1996,~~

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1 ~~and the initial appointments by the Governor shall be made by~~
2 ~~September 1, 1996.~~

3 Section 3. Subsection (1) of section 414.027, Florida
4 Statutes, 1996 Supplement, is amended to read:

5 414.027 WAGES Program statewide implementation plan.--

6 (1) ~~By December 31, 1996,~~The WAGES Program State
7 Board of Directors shall submit to the Governor, the President
8 of the Senate, and the Speaker of the House of Representatives
9 a statewide plan for implementing the WAGES Program
10 established under this chapter. At a minimum, the statewide
11 implementation plan must include:

12 (a) Performance standards, measurement criteria, and
13 contract guidelines for all services provided under the WAGES
14 Program whether by state employees or contract providers.

15 (b) Directives for creating and chartering local WAGES
16 coalitions to plan and coordinate the delivery of services
17 under the WAGES Program at the local level.

18 (c) The approval of the implementation plans submitted
19 by local WAGES coalitions.

20 (d) Recommendations for clarifying, or if necessary,
21 modifying the roles of the state agencies charged with
22 implementing the WAGES Program so that all unnecessary
23 duplication is eliminated.

24 (e) Recommendations for modifying compensation and
25 incentive programs for state employees in order to achieve the
26 performance outcomes necessary for successful implementation
27 of the WAGES Program.

28 (f) Criteria for allocating WAGES Program resources to
29 local WAGES coalitions. Such criteria must include weighting
30 factors that reflect the relative degree of difficulty
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1 associated with securing employment placements for specific
2 subsets of the welfare transition caseload.

3 (g) The development of a performance-based payment
4 structure to be used for all WAGES Program services, which
5 takes into account the following:

6 1. The degree of difficulty associated with placing a
7 WAGES Program participant in a job;

8 2. The quality of the placement with regard to salary,
9 benefits, and opportunities for advancement; and

10 3. The employee's retention of the placement.

11

12 The payment structure shall provide not more than 40 percent
13 of the cost of services provided to a WAGES participant prior
14 to placement, 50 percent upon employment placement, and 10
15 percent if employment is retained for at least 6 months. The
16 payment structure should provide bonus payments to providers
17 that experience notable success in achieving long-term job
18 retention with WAGES Program participants. The board shall
19 consult with the Enterprise Florida workforce development
20 board ~~Jobs and Education Partnership~~ in developing the WAGES
21 Program statewide implementation plan.

22 Section 4. Section 414.028, Florida Statutes, 1996
23 Supplement, is amended to read:

24 414.028 Local WAGES coalitions.--The WAGES Program
25 State Board of Directors shall create and charter local WAGES
26 coalitions to plan and coordinate the delivery of services
27 under the WAGES Program at the local level. The boundaries of
28 the service area for a local WAGES coalition shall conform to
29 the boundaries of the service area for the ~~jobs and education~~
30 regional workforce development board established under the
31 Enterprise Florida workforce development board ~~Jobs and~~

1 ~~Education Partnership~~. The local delivery of services under
2 the WAGES Program shall be coordinated, to the maximum extent
3 possible, with the local services and activities of the local
4 service providers designated by the regional workforce
5 development boards.

6 (1)(a) Each local WAGES coalition must have a minimum
7 of 11 members, of which at least one-half must be from the
8 business community. The composition of the coalition
9 membership must generally reflect the racial, gender, and
10 ethnic diversity of the community as a whole. All members
11 shall be appointed to 3-year terms. The membership of each
12 coalition must include:

13 1. Representatives of the principal entities that
14 provide funding for the employment, education, training, and
15 social service programs that are operated in the service area,
16 including, but not limited to, representatives of local
17 government, the regional workforce development board, and the
18 United Way.

19 2. A representative of the health and human services
20 board.

21 3. A representative of a community development board.

22 4. Three representatives of the business community who
23 represent a diversity of sizes of businesses.

24 5. Representatives of other local planning,
25 coordinating, or service-delivery entities.

26 6. A representative of a grassroots community or
27 economic development organization that serves the poor of the
28 community.

29 (b) A representative of an agency or entity that could
30 benefit financially from funds appropriated under the WAGES
31 Program may not be a member of a local WAGES coalition.

1 (c) A member of the board of a public or private
2 educational institution may not serve as a member of a local
3 WAGES coalition.

4 (d) A representative of any county or municipal
5 governing body that elects to provide services through the
6 local WAGES coalition shall be an ex officio, nonvoting member
7 of the coalition.

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

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

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

31

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

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

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

13 (d) In cooperation with the ~~jobs and education~~
14 regional workforce development board, coordinating the
15 implementation of one-stop career centers.

16 (e) Advising the Department of Children and Family
17 ~~Health and Rehabilitative Services~~ and the Department of Labor
18 and Employment Security with respect to the competitive
19 procurement of services under the WAGES Program.

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

25 (5) The WAGES Program State Board of Directors may not
26 approve the program and financial plan of a local coalition
27 unless the plan provides a teen pregnancy prevention component
28 that includes, but is not necessarily limited to, a plan for
29 implementing the Florida Education Now and Babies Later
30 (ENABL) program under s. 411.242 and the Teen Pregnancy
31 Prevention Community Initiative within each segment of the

1 service area in which the childhood birth rate is higher than
2 the state average. In developing and coordinating the program
3 and financial plan, the local coalition shall consider issues
4 related to the responsibility of noncustodial parents to
5 support their children. Such consideration shall include, but
6 need not be limited to:

7 (a) Activities that will improve the process for
8 establishing paternity, which shall be developed in
9 cooperation with the Division of Child Support Enforcement of
10 the Department of Revenue, the Healthy Start Coalitions, the
11 Department of Health, the Florida Coalition Against Domestic
12 Violence, and the Commission on Responsible Fatherhood.

13 (b) Work activities for noncustodial parents described
14 in s. 414.065(8). In addition to court-ordered activities,
15 the plan may include work activities that facilitate
16 employment of noncustodial parents from whom a court order has
17 not been issued. To the extent permitted by federal law and
18 determined appropriate by the local coalition, WAGES Program
19 resources may be used for activities that are designed to
20 encourage noncustodial parents to provide support for their
21 children and that are consistent with program and financial
22 guidelines established by the WAGES Program State Board of
23 Directors. A local coalition is encouraged to use funding
24 approaches that leverage other federal, state, or local funds,
25 including, but not limited to, funds provided under workforce
26 development programs, teen parent programs, and the Healthy
27 Start program.

28 (6) Local employees of the department and the
29 Department of Labor and Employment Security shall provide
30 staff support for the local WAGES coalitions. At the option of
31 the local WAGES coalition, staff support may be provided by

1 another agency or entity if it can be provided at no cost to
2 the state and if the support is not provided by an agency or
3 other entity that could benefit financially from funds
4 appropriated to implement the WAGES Program.

5 (7) There shall be no liability on the part of, and no
6 cause of action of any nature shall arise against, any member
7 of a local WAGES coalition or its employees or agents for any
8 lawful action taken by them in the performance of their powers
9 and duties under ss. 414.028 and 414.029.

10 Section 5. Section 414.029, Florida Statutes, 1996
11 Supplement, is amended to read:

12 414.029 WAGES Program Business Registry.--Each local
13 WAGES coalition created pursuant to s. 414.028 must establish
14 a business registry for business firms committed to assist in
15 the effort of finding jobs for WAGES program participants.
16 Registered businesses agree to work with the coalition and to
17 hire WAGES program participants to the maximum extent possible
18 consistent with the nature of their business. Each quarter,
19 the coalition must publish a list of businesses registered as
20 a prerequisite for receiving a tax exemption provided under s.
21 212.08(5)(b) or s. 212.08(7)(ii)and the number of jobs each
22 has provided for program participants.

23 Section 6. Paragraphs (b), (d), (e), (f), and (h) of
24 subsection (1), and present subsections (2), (3), (4), (5),
25 (6), (7), (9), (10), and (11) of section 414.065, Florida
26 Statutes, 1996 Supplement, are amended, and new subsections
27 (10) and (12) are added to said section, to read:

28 414.065 Work requirements.--

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

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

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

21 2. On-the-job training.--On-the-job training is
22 full-time, paid employment in which the employer provides
23 training needed for the participant to perform the skills
24 required for the position. The employer receives a subsidy to
25 offset the cost of the training provided to the participant.
26 Upon satisfactory completion of the training, the employer is
27 expected to retain the participant as a regular employee
28 without receiving a subsidy. The on-the-job training agreement
29 must provide that in the case of dismissal of a participant
30 due to loss of the subsidy, the employer shall repay some or
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1 all of the subsidy previously provided by the department and
2 the Department of Labor and Employment Security.

3 3. Incentive payments.--The department and the
4 Department of Labor and Employment Security may provide
5 additional incentive payments to encourage employers to employ
6 program participants. Incentive payments may include payments
7 to encourage the employment of hard-to-place participants, in
8 which case the amount of the payment shall be weighted
9 proportionally to the extent to which the participant has
10 limitations associated with the long-term receipt of welfare
11 and difficulty in sustaining employment. In establishing
12 incentive payments, the department and the Department of Labor
13 and Employment Security shall consider the extent of prior
14 receipt of welfare, lack of employment experience, lack of
15 education, lack of job skills, and other appropriate factors.
16 A participant who has complied with program requirements and
17 who is approaching the time limit for receiving temporary cash
18 assistance may be defined as "hard-to-place." Incentive
19 payments may include payments in which an initial payment is
20 made to the employer upon the employment of a participant, and
21 the majority of the incentive payment is made after the
22 employer retains the participant as a full-time employee for
23 at least 12 months. The incentive agreement must provide that
24 if the employee is dismissed at any time within 12 months
25 after termination of the incentive payment period due in any
26 part to loss of the incentive, the employer shall repay some
27 or all of the payment previously paid as an incentive to the
28 employer under the WAGES Program.

29 4. Tax credits.--An employer who employs a program
30 participant may qualify for enterprise zone property tax
31 credits under s. 220.182, the tax refund program for qualified

1 target industry businesses under s. 288.106, or other federal
2 or state tax benefits. The department and the Department of
3 Labor and Employment Security shall provide information and
4 assistance, as appropriate, to use such credits to accomplish
5 program goals.

6 (d) Community service work experience.--Community
7 service work experience is job training experience at a
8 supervised public or private not-for-profit agency. A
9 participant shall receive temporary cash assistance in the
10 form of wages, which, when combined with the value of food
11 stamps awarded to the participant in the WAGES Program or the
12 Food Stamp Employment and Training program, is that are
13 proportional to the amount of time worked. A participant
14 assigned to community service work experience shall be deemed
15 an employee of the state for purposes of workers' compensation
16 coverage and is subject to the requirements of the drug-free
17 workplace program. As used in this paragraph, the terms
18 "community service experience," "community work," and
19 "workfare" are synonymous.

20 (e) Job search and job readiness assistance.--Job
21 search assistance may include supervised or unsupervised
22 job-seeking activities. Job readiness assistance provides
23 support for job-seeking activities, which may include:

- 24 1. Orientation to the world of work and basic
25 job-seeking and job retention skills.
- 26 2. Instruction in completing an application for
27 employment and writing a resume.
- 28 3. Instruction in conducting oneself during a job
29 interview, including appropriate dress.

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1 Job readiness assistance may also include providing a
2 participant with access to an employment resource center that
3 contains job listings, telephones, facsimile machines,
4 typewriters, and word processors. Job search and job readiness
5 activities may be used in conjunction with other program
6 activities, such as work experience, but may not be the
7 primary work activity for, ~~may not be used in conjunction with~~
8 ~~other program activities such as work experience, and may not~~
9 ~~continue~~ longer than the length of time permitted under
10 federal law.

11 (f) Vocational education or training.--Vocational
12 education or training is education or training designed to
13 provide participants with the skills and certification
14 necessary for employment in an occupational area. Vocational
15 education or training may be used as a primary program
16 activity for participants when it has been determined that the
17 individual has demonstrated compliance with other phases of
18 program participation and successful completion of the
19 vocational education or training is likely to result in
20 employment entry at a higher wage than the participant would
21 have been likely to attain without completion of the
22 vocational education or training. Vocational education or
23 training may be combined with other program activities and
24 also may be used to upgrade skills or prepare for a higher
25 paying occupational area for a participant who is employed.

26 1. Vocational education shall not be used as the
27 primary program activity for a period which exceeds 12 months.
28 In addition, use of vocational education or training shall be
29 restricted to not more than 20 percent of adult participants,
30 or subject to other limitation as established in federal law.
31 Vocational education included in a program leading to a high

1 school diploma shall not be considered vocational education
2 for purposes of this section.

3 2. To the maximum extent possible, a provider of
4 vocational education or training shall use funds provided by
5 funding sources other than the department or the Department of
6 Labor and Employment Security. Either ~~The~~ department may
7 provide additional funds to a vocational education or training
8 provider only if payment is made pursuant to a
9 performance-based contract. Under a performance-based
10 contract, the provider may be partially paid when a
11 participant completes education or training, but the majority
12 of payment shall be made following the participant's
13 employment at a specific wage or job retention for a specific
14 duration. Performance-based payments made under this
15 subparagraph are limited to education or training for targeted
16 occupations identified by the Occupational Forecasting
17 Conference under s. 216.136, or other programs identified by
18 the Enterprise Florida workforce development board ~~Jobs and~~
19 ~~Education Partnership~~. A contract with a community college or
20 school district must conform to the provisions of ss. 239.249
21 and 240.40685.

22 (h) Education services related to employment for
23 participants 19 years of age or younger.--Education services
24 provided under this paragraph are designed to prepare a
25 participant for employment in an occupation. The department
26 and the Department of Labor and Employment Security shall
27 coordinate education services with the school-to-work
28 activities provided under s. 229.595. Activities provided
29 under this paragraph are restricted to participants 19 years
30 of age or younger who have not completed high school or
31 obtained a high school equivalency diploma.

1 (2) WORK ACTIVITY REQUIREMENTS.--Each adult
2 participant who is not otherwise exempt must participate in a
3 work activity, except for community service work experience,
4 for the maximum number of hours allowable under federal law
5 provided that no participant be required to work more than 40
6 hours per week or less than the minimum number of hours
7 required by federal law. The maximum number of hours each
8 month that a participant may be required to participate in
9 community service activities is the greater of: the number of
10 hours that would result from dividing the family's monthly
11 cash assistance amount by the federal minimum wage and then
12 dividing that result by the number of participants in the
13 family who participate in community service activities; or the
14 minimum required to meet federal participation requirements.
15 An applicant shall be referred for employment at the time of
16 application if the applicant is eligible to participate in the
17 WAGES Program.

18 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
19 following individuals are exempt from work activity
20 requirements:

21 (a) A minor child under age 16, except that a child
22 exempted from this provision shall be subject to the
23 requirements of paragraph (1)(h) and s. 414.125.

24 (b) An individual who receives ~~is eligible for~~
25 benefits under the Supplemental Social Security Income (SSI)
26 program or the Social Security Disability Insurance program
27 ~~due to age or disability.~~

28 (c) Adults who are not included in the calculation of
29 temporary cash assistance benefits in child-only cases.

30 (d) One custodial parent with a child under 3 months
31 of age, except that the parent may be required to attend

1 parenting classes or other activities to better prepare for
2 the responsibilities of raising a child. If the custodial
3 parent is age 19 or younger and has not completed high school
4 or the equivalent, he or she may be required to attend school
5 or other appropriate educational activities.

6 (4) PENALTIES FOR NONPARTICIPATION IN WORK
7 REQUIREMENTS.--The department and the Department of Labor and
8 Employment Security shall establish procedures for
9 administering penalties for nonparticipation in work
10 requirements. If an individual in a family receiving temporary
11 cash assistance fails to engage in work activities required in
12 accordance with this section, the following penalties shall
13 apply:

14 (a) First noncompliance: temporary cash assistance
15 shall be terminated for the family until the individual who
16 failed to comply does so, and food stamp benefits shall not be
17 increased as a result of the loss of temporary cash
18 assistance.

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

30 (c) Third noncompliance: temporary cash assistance
31 and food stamps shall be terminated for the family for 3

1 months. The individual shall be required to demonstrate
2 compliance in the work activity upon completion of the 3-month
3 penalty period, before reinstatement of temporary cash
4 assistance and food stamps.

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

11 (5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
12 CHILDREN; PROTECTIVE PAYEES.--

13 (a) Upon the second or third occurrence of
14 noncompliance, temporary cash assistance and food stamps for
15 the child or children in a family who are under age 12 may be
16 continued. Any such payments must be made through a protective
17 payee or, in the case of food stamps, through an authorized
18 representative. Under no circumstances shall temporary cash
19 ~~such~~ assistance or food stamps be paid to an individual who
20 has failed to comply with program requirements.

21 (b) Protective payees shall be designated by the
22 department and may include:

23 1. A relative or other individual who is interested in
24 or concerned with the welfare of the child or children and
25 agrees in writing to utilize the assistance in the best
26 interest of the child or children.

27 2. A member of the community affiliated with a
28 religious, community, neighborhood, or charitable organization
29 who agrees in writing to utilize the assistance in the best
30 interest of the child or children.

31

1 3. A volunteer or member of an organization who agrees
2 in writing to fulfill the role of protective payee and to
3 utilize the assistance in the best interest of the child or
4 children.

5 (c) The protective payee designated by the department
6 shall be the authorized representative for purposes of
7 receiving food stamps on behalf of a child or children under
8 age 12. The authorized representative must agree in writing to
9 use the food stamps in the best interest of the child or
10 children.

11 ~~(d)(c)~~ If it is in the best interest of the child or
12 children, as determined by the department, for the staff
13 member of a private agency, a public agency, the department,
14 or any other appropriate organization to serve as a protective
15 payee or authorized representative, such designation may be
16 made, except that a protective payee or authorized
17 representative must not be any individual involved in
18 determining eligibility for temporary cash assistance or food
19 stamps for the family, staff handling any fiscal processes
20 related to issuance of temporary cash assistance or food
21 stamps, or landlords, grocers, or vendors of goods, services,
22 or items dealing directly with the participant.

23 ~~(e)(d)~~ The department may pay incidental expenses or
24 travel expenses for costs directly related to performance of
25 the duties of a protective payee as necessary to implement the
26 provisions of this subsection.

27 ~~(f)(e)~~ ~~If in the event~~ the department is unable to
28 designate a qualified protective payee or authorized
29 representative, a referral shall be made under the provisions
30 of chapter 415 for protective intervention.

31

1 (6) PROPORTIONAL REDUCTION OF TEMPORARY CASH
2 ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.--Notwithstanding
3 the provisions of subsection (4), if an individual is
4 receiving temporary cash assistance under a
5 pay-after-performance arrangement and the individual
6 participates, but fails to meet the full participation
7 requirement, then the temporary cash assistance ~~benefit~~
8 received shall be reduced and shall be proportional to the
9 actual participation. Food stamps may be included in a
10 pay-after-performance arrangement if permitted under federal
11 law.

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

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

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

28 2. Unavailability or unsuitability of informal child
29 care by a relative or under other arrangements.

30 3. Unavailability of appropriate and affordable formal
31 child care arrangements.

1 (b) Noncompliance related to medical incapacity.--If
2 an individual cannot participate in assigned work activities
3 due to a medical incapacity, the individual may be excepted
4 from the activity for a specific period, except that the
5 individual shall be required to comply with the course of
6 treatment necessary for the individual to resume
7 participation. A participant may not be excused from work
8 activity requirements unless the participant's medical
9 incapacity is verified by a physician licensed under chapter
10 458 or chapter 459, in accordance with procedures established
11 by rule of the Department of Labor and Employment Security.

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

21 (9) PRIORITIZATION OF WORK REQUIREMENTS.--The
22 Department of Labor and Employment Security shall require
23 participation in work activities to the maximum extent
24 possible, subject to federal and state funding. If funds are
25 projected to be insufficient to allow full-time work
26 activities by all program participants who are required to
27 participate in work activities, the Department of Labor and
28 Employment Security shall screen participants and assign
29 priority based on the following:

30
31

1 (a) In accordance with federal requirements, at least
2 one adult in each two-parent family shall be assigned priority
3 for full-time work activities.

4 (b) Among single-parent families, a family that has
5 older preschool children or school-age children shall be
6 assigned priority for work activities.

7 (c) A participant who has access to nonsubsidized
8 child care may be assigned priority for work activities.

9 (d) Priority may be assigned based on the amount of
10 time remaining until the participant reaches the applicable
11 time limit for program participation or may be based on
12 requirements of a case plan.

13

14 The Department of Labor and Employment Security may limit a
15 participant's weekly work requirement to the minimum required
16 to meet federal work activity requirements in lieu of the
17 level defined in subsection (2). The department and the
18 Department of Labor and Employment Security may develop
19 screening and prioritization procedures within service
20 districts or within counties based on the allocation of
21 resources, the availability of community resources, or the
22 work activity needs of the service district.

23 (10) PROTECTIONS FOR PARTICIPANTS.--

24 (a) Each participant is subject to the same health,
25 safety, and nondiscrimination standards established under
26 federal, state, or local laws that otherwise apply to other
27 individuals engaged in similar activities who are not
28 participants in the WAGES Program.

29 (b) The Department of Labor and Employment Security
30 shall recommend to the Legislature by December 30, 1997,
31 policies to protect participants from discrimination,

1 unreasonable risk, and unreasonable expectations related to
2 work experience and community service requirements.

3 (11)(10) USE OF CONTRACTS.--The Department of Labor
4 and Employment Security shall provide work activities,
5 training, and other services, as appropriate, through
6 contracts. In contracting for work activities, training, or
7 services, the following applies:

8 (a) All education and training provided under the
9 WAGES Program shall be provided through agreements with ~~jobs~~
10 ~~and education~~ regional workforce development boards.

11 (b) A contract must be performance-based. Wherever
12 possible, payment shall be tied to performance outcomes that
13 include factors such as, but not limited to, job entry, job
14 entry at a target wage, and job retention, rather than tied to
15 completion of training or education or any other phase of the
16 program participation process.

17 (c) A contract may include performance-based incentive
18 payments that may vary according to the extent to which the
19 participant is more difficult to place. Contract payments may
20 be weighted proportionally to reflect the extent to which the
21 participant has limitations associated with the long-term
22 receipt of welfare and difficulty in sustaining employment.
23 The factors may include the extent of prior receipt of
24 welfare, lack of employment experience, lack of education,
25 lack of job skills, and other factors determined appropriate
26 by the Department of Labor and Employment Security.

27 (d) Notwithstanding the exemption from the competitive
28 sealed bid requirements provided in s. 287.057(3)(f) for
29 certain contractual services, each contract awarded under this
30 chapter must be awarded on the basis of a competitive sealed
31 bid, except for a contract with a governmental entity as

1 determined by the department or the Department of Labor and
2 Employment Security.

3 (e) The department or the Department of Labor and
4 Employment Security may contract with commercial, charitable,
5 or religious organizations. A contract must comply with
6 federal requirements with respect to nondiscrimination and
7 other requirements that safeguard the rights of participants.
8 Services may be provided under contract, certificate, voucher,
9 or other form of disbursement.

10 (f) The administrative costs associated with a
11 contract ~~of the department~~ for services provided under this
12 section may not exceed the applicable administrative cost
13 ceiling established in federal law. An agency or entity that
14 is awarded a contract under this section may not charge more
15 than 7 percent of the value of the contract for
16 administration, unless an exception is approved by the local
17 WAGES coalition. A list of any exceptions approved must be
18 submitted to the WAGES Program State Board of Directors for
19 review, and the board may rescind approval of the exception.
20 The WAGES Program State Board of Directors may also approve
21 exceptions for any statewide contract for services provided
22 under this section.

23 (g) The Department of Labor and Employment Security
24 may enter into contracts to provide short-term work experience
25 for the chronically unemployed as provided in this section.

26 (h) A tax-exempt organization under s. 501(c) of the
27 Internal Revenue Code of 1986 which receives funds under this
28 chapter must disclose receipt of federal funds on any
29 advertising, promotional, or other material in accordance with
30 federal requirements.

31

1 ~~(11) IMPLEMENTATION.--If federal welfare reform~~
2 ~~legislation as described in this chapter is not enacted by the~~
3 ~~Congress, the department shall revise the state AFDC program~~
4 ~~and the Job Opportunities and Basic Skills Training (JOBS)~~
5 ~~Plan to conform to the provisions of this section and s.~~
6 ~~414.15 to the extent permissible under federal law.~~

7 ~~(a) Notwithstanding any provisions of s. 409.029 to~~
8 ~~the contrary, in areas of the state not covered by a federal~~
9 ~~waiver which includes waiver of Job Opportunities and Basic~~
10 ~~Skills Training (JOBS) Plan requirements, the department shall~~
11 ~~implement changes made to the state AFDC program and the Job~~
12 ~~Opportunities and Basic Skills Training (JOBS) Plan upon~~
13 ~~approval by the federal agency.~~

14 ~~(b) Notwithstanding any provisions of ss.~~
15 ~~409.921-409.943 to the contrary, in areas of the state covered~~
16 ~~by federal waivers which include waiver of Job Opportunities~~
17 ~~and Basic Skills Training (JOBS) Plan provisions, the~~
18 ~~department shall request amendment of such waivers to conform~~
19 ~~to the provisions of this section which are beyond those which~~
20 ~~are permitted by change to the state AFDC program and the Job~~
21 ~~Opportunities and Basic Skills Training (JOBS) Plan.~~

22 ~~(c) In pursuing such waiver, the department may agree~~
23 ~~to modifications to the waiver terms and conditions that~~
24 ~~include penalties for noncompliance that begin with removal of~~
25 ~~the noncompliant individual's benefits upon first occurrence~~
26 ~~and include incremented penalties upon subsequent occurrences~~
27 ~~of noncompliance if the department determines that the~~
28 ~~penalties as specified in this section will not be approved by~~
29 ~~the federal agency.~~

30 ~~(d) This subsection shall be effective not later than~~
31 ~~July 1, 1996, and shall be implemented in accordance with~~

1 ~~changes to the state AFDC program and the Job Opportunities~~
2 ~~and Basic Skills Training (JOBS) Plan and changes to federal~~
3 ~~waivers as specified in this section.~~

4 (12) PROTECTION FOR CURRENT EMPLOYEES.--In
5 establishing and contracting for work experience and community
6 service activities, other work experience activities,
7 on-the-job training, subsidized employment, and work
8 supplementation under the WAGES Program, the following
9 conditions apply:

10 (a) A currently employed worker may not be displaced,
11 completely or partially; current conditions of a person's
12 employment may not be changed; and hours of nonovertime work,
13 wages, and benefits may not be reduced, by the employment of a
14 WAGES participant.

15 (b) Existing contracts for services and collective
16 bargaining agreements may not be impaired.

17 (c) A participant may not be assigned to an activity
18 or employed in a position if:

19 1. Another person is laid off from the same or a
20 substantially equivalent job within the same organizational
21 unit.

22 2. The position is vacant as a result of a strike,
23 lockout, or any other labor dispute.

24 3. An employer is replacing an existing worker with,
25 or creating a vacancy to be filled by, a WAGES participant.

26 4. The assignment or employment infringes in any way
27 upon promotional opportunities of any currently employed
28 individual.

29 Section 7. Section 414.075, Florida Statutes, 1996
30 Supplement, is amended to read:

31

1 414.075 Resource eligibility standards.--For purposes
2 of program simplification and effective program management,
3 certain resource definitions, as outlined in the food stamp
4 regulations at 7 C.F.R. s. 273.8, shall be applied to the
5 WAGES Program as determined by the department to be consistent
6 with federal law regarding temporary cash assistance and
7 Medicaid for needy families, except that ~~as to the following:~~

8 (1) The maximum allowable resources, including liquid
9 and nonliquid resources, of all members of the family may not
10 exceed \$2,000.

11 (2) In determining the resources of a family, the
12 following shall be excluded:

13 (a) Licensed vehicles needed for individuals ~~adults~~
14 subject to the work participation requirement, not to exceed a
15 combined value of \$8,500, and needed for training, employment,
16 or education purposes. For any family without an individual
17 ~~adult~~ subject to the work participation requirement, one
18 vehicle valued at not more than \$8,500 shall be excluded. Any
19 vehicle that is necessary to transport a physically disabled
20 family member shall be excluded. A vehicle shall be considered
21 necessary for the transportation of a physically disabled
22 family member if the vehicle is specially equipped to meet the
23 specific needs of the disabled person or if the vehicle is a
24 special type of vehicle and makes it possible to transport the
25 disabled person.

26 (b) Funds paid to a homeless shelter which are being
27 held for the family to enable the family to pay deposits or
28 other costs associated with moving to a new shelter
29 arrangement.

30 (3) A vacation home that annually produces income
31 consistent with its fair market value, and that is excluded as

1 a resource in determining eligibility for food stamps under
2 federal regulations, may not be excluded as a resource in
3 determining a family's eligibility for temporary cash
4 assistance.

5 (4) An individual and the assistance group in which
6 the individual is a current member will be ineligible for a
7 period of 2 years from the original date of a transfer of an
8 asset made for the purpose of qualifying for or maintaining
9 eligibility for temporary cash assistance.

10 Section 8. Section 414.085, Florida Statutes, 1996
11 Supplement, is amended to read:

12 414.085 Income eligibility standards.--For purposes of
13 program simplification and effective program management,
14 certain income definitions, as outlined in the food stamp
15 regulations at 7 C.F.R. s. 273.9, shall be applied to the
16 WAGES Program as determined by the department to be consistent
17 with federal law regarding temporary cash assistance and
18 Medicaid for needy families, except as to the following:

19 (1) Participation in the WAGES Program shall be
20 limited to those families whose gross family income is equal
21 to or less than 130 percent of the federal poverty level
22 established in s. 673(2) of the Community Services Block Grant
23 Act, 42 U.S.C. s. 9901(2).

24 (2) Income security payments, including payments
25 funded under part B of Title IV of the Social Security Act, as
26 amended; supplemental security income under Title XVI ~~XCF~~ of
27 the Social Security Act, as amended; or other income security
28 payments as defined by federal law shall be included as income
29 to the extent required or permitted by federal law.

30 (3) The first \$50 of child support paid to a custodial
31 ~~noncustodial~~ parent receiving temporary cash assistance may

1 not be disregarded in calculating the amount of temporary cash
2 assistance for the family, unless such exclusion is required
3 by federal law.

4 Section 9. Subsections (1), (2), and (3), paragraph
5 (a) of subsection (4), subsections (5), (6), (7), and (8),
6 paragraphs (a), (c), (e), and (f) of subsection (10), and
7 subsections (11), (13), (14), (15), and (17) of section
8 414.095, Florida Statutes, are amended to read:

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

11 (1) ELIGIBILITY.--

12 (a) An applicant must meet eligibility requirements of
13 this section before receiving services or temporary cash
14 assistance under this chapter, except that an applicant shall
15 be required to engage in work activities in accordance with s.
16 414.065 and may receive support services or child care
17 assistance in conjunction with such requirement. The
18 department shall make a determination of eligibility based on
19 the criteria listed in this chapter. The department shall
20 monitor continued eligibility for temporary cash assistance
21 through periodic reviews consistent with the food stamp
22 eligibility process.

23 (b) Benefits shall not be denied to an individual
24 based solely on a felony drug conviction, unless the
25 conviction is for trafficking pursuant to s. 893.135. To
26 qualify under this provision, an individual must be
27 satisfactorily meeting the requirements of the WAGES Program,
28 including all substance abuse treatment requirements. Within
29 the limits specified in this chapter, the state opts out of
30 the provision of s. 115 of Pub. L. No. 104-193 that eliminates
31

1 eligibility for temporary cash assistance and food stamps for
2 any individual convicted of a controlled substance felony.
3 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--
4 (a) To be eligible for services or temporary cash
5 assistance and Medicaid under the WAGES Program:
6 1. An applicant must be a United States citizen, or a
7 qualified noncitizen, as defined in this section.
8 2. An applicant must be a legal resident of the state.
9 3. Each member of a family must provide to the
10 department the member's social security number or shall
11 provide proof of application for a social security number. An
12 individual who fails to provide to the department a social
13 security number, or proof of application for a social security
14 number, is not eligible to participate in the program.
15 4. A minor child must reside with a custodial parent
16 or parents or with a relative caretaker who is within the
17 specified degree of blood relationship as defined under the
18 WAGES Program, or in a setting approved by the department.
19 5. Each family must have a minor child and meet the
20 income and resource requirements of the program. All minor
21 children who live in the family, as well as the parents of the
22 minor children, shall be included in the eligibility
23 determination unless specifically excluded.
24 (b) The following members of a family are eligible to
25 participate in the program if all eligibility requirements are
26 met:
27 1. A minor child who resides with a custodial parent
28 or other adult caretaker relative.
29 2. The parent of a minor child with whom the child
30 resides.
31

1 3. The caretaker relative with whom the minor child
2 resides who chooses to have his needs and income included in
3 the family.

4 4. Unwed minor children and their children if the
5 unwed minor child lives at home or in an adult-supervised
6 setting and if temporary cash assistance is paid to an
7 alternative payee.

8 5. A pregnant woman.

9 (3) ELIGIBILITY FOR NONCITIZENS.--A qualified
10 noncitizen is an individual who is lawfully present in the
11 United States as a refugee or who is granted asylum under ss.
12 207 and 208 of the Immigration and Nationality Act, an alien
13 whose deportation is withheld under s. 243(h) of the
14 Immigration and Nationality Act, or an alien who has been
15 admitted as a permanent resident and meets specific criteria
16 under federal law. A nonqualified noncitizen is a nonimmigrant
17 alien, including a tourist, business visitor, foreign student,
18 exchange visitor, temporary worker, or diplomat. In addition,
19 a nonqualified noncitizen includes an individual paroled into
20 the United States for less than 1 year. A qualified noncitizen
21 who is otherwise eligible may receive temporary cash
22 assistance to the extent permitted by federal law. The income
23 or resources of a sponsor and the sponsor's spouse shall be
24 included in determining eligibility to the maximum extent
25 permitted by federal law.

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

30 (b) If the parent may legally work in this country,
31 the parent must participate in the work activity requirements

1 provided in s. 414.065, to the extent permitted under federal
2 law.

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

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

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

15 (4) STEPPARENTS.--A family that contains a stepparent
16 has the following special eligibility options if the family
17 meets all other eligibility requirements:

18 (a) A family that does not contain a mutual minor
19 child has the option to include or exclude a stepparent in
20 determining eligibility if the stepparent's monthly gross
21 income is less than 185 percent of the federal poverty level
22 for a two-person family.

23 1. If the stepparent chooses to be excluded from the
24 family, temporary cash assistance, without shelter expense,
25 shall be provided for the child. The parent of the child must
26 comply with work activity requirements as provided in s.
27 414.065. Income and resources from the stepparent may not be
28 included in determining eligibility; however, any income and
29 resources from the parent of the child shall be included in
30 determining eligibility.

31

1 2. If a stepparent chooses to be included in the
2 family, the department ~~of Health and Rehabilitative Services~~
3 shall determine eligibility using the requirements for a
4 nonstepparent family. A stepparent whose income is equal to or
5 greater than 185 percent of the federal poverty level for a
6 two-person family does not have the option to be excluded from
7 the family, and all income and resources of the stepparent
8 shall be included in determining the family's eligibility.

9 (5) CARETAKER RELATIVES.--A family that contains a
10 caretaker relative of a minor child has the option to include
11 or exclude the caretaker relative in determining eligibility.
12 If the caretaker relative chooses to be included in the
13 family, the caretaker relative must meet all eligibility
14 requirements, including resource and income requirements, and
15 must comply with work activity requirements as provided in s.
16 414.065. If the caretaker relative chooses to be excluded from
17 the family, eligibility shall be determined for the minor
18 child based on the child's income and resources. The level of
19 temporary cash assistance ~~level~~ for the minor child shall be
20 based on the shelter obligation paid to ~~of~~ the caretaker
21 relative.

22 (6) PREGNANT WOMAN WITH NO OTHER CHILD.--Temporary
23 cash assistance for a pregnant woman is not available until
24 the last month of pregnancy. However, if the department
25 determines that a woman is restricted from work activities by
26 orders of a physician, temporary cash assistance shall be
27 available during the last trimester of pregnancy.

28 (7) CHILD SUPPORT ENFORCEMENT.--As a condition of
29 eligibility for temporary cash assistance, the family must
30 cooperate with the state agency responsible for administering
31 the child support enforcement program in establishing the

1 paternity of the child, if the child is born out of wedlock,
2 and in obtaining support for the child or for the parent or
3 caretaker relative and the child. Cooperation is defined as:
4 (a) Assisting in identifying and locating a
5 noncustodial parent and providing complete and accurate
6 information on that parent;
7 (b) Assisting in establishing paternity; and
8 (c) Assisting in establishing, modifying, or enforcing
9 a support order with respect to a child of a family member.
10 (8) ASSIGNMENT OF RIGHTS TO SUPPORT.--As a condition
11 of receiving temporary cash assistance, the family must assign
12 to the department any rights a member of a family may have to
13 support from any other person. This applies to any family
14 member; however, the assigned amounts must not exceed the
15 total amount of temporary cash assistance provided to the
16 family. The assignment of child support does not apply if the
17 family leaves the program.
18 (10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.--An
19 applicant or participant in the WAGES Program has the
20 following opportunities and obligations:
21 (a) To participate in establishing eligibility by
22 providing facts with respect to circumstances that affect
23 eligibility and by obtaining, or authorizing the department
24 and the Department of Labor and Employment Security to obtain,
25 documents or information from others in order to establish
26 eligibility.
27 (c) To be advised of any reduction or termination of
28 temporary cash assistance, support services, or food stamps
29 benefits.
30
31

1 (e) To keep the department and the Department of Labor
2 and Employment Security informed of any changes that could
3 affect eligibility.

4 (f) To use temporary cash assistance and food stamps
5 for the purpose for which the assistance is intended.

6 (11) DETERMINATION OF LEVEL OF TEMPORARY CASH
7 ASSISTANCE.--Temporary cash assistance shall be based on a
8 standard determined by the Legislature, subject to
9 availability of funds. There shall be three assistance levels
10 for a family that contains a specified number of eligible
11 members, based on the following criteria:

12 (a) A family that does not have a shelter obligation.

13 (b) A family that has a shelter obligation greater
14 than zero but less than or equal to \$50.

15 (c) A family that has a shelter obligation greater
16 than \$50 or that is homeless.

17

18 The following chart depicts the levels of temporary cash
19 ~~assistance levels~~ for implementation purposes:

20

21

THREE-TIER SHELTER PAYMENT STANDARD

22

23 Family	24 Zero Shelter	24 Greater than Zero	24 Greater than \$50
25 Size	25 Obligation	25 Less than or	25 Shelter
		25 Equal to \$50	25 Obligation

26

27 1	\$95	\$153	\$180
------	------	-------	-------

28 2	\$158	\$205	\$241
------	-------	-------	-------

29 3	\$198	\$258	\$303
------	-------	-------	-------

30 4	\$254	\$309	\$364
------	-------	-------	-------

31 5	\$289	\$362	\$426
------	-------	-------	-------

1	6	\$346	\$414	\$487
2	7	\$392	\$467	\$549
3	8	\$438	\$519	\$610
4	9	\$485	\$570	\$671
5	10	\$534	\$623	\$733
6	11	\$582	\$676	\$795
7	12	\$630	\$728	\$857
8	13	\$678	\$781	\$919

9

10 (13) CALCULATION OF LEVELS OF TEMPORARY CASH

11 ASSISTANCE ~~LEVELS~~.--

12 (a) Temporary cash assistance shall be calculated
13 based on average monthly gross family income, earned and
14 unearned, less any applicable disregards. The resulting
15 monthly net income amount shall be subtracted from the
16 applicable payment standard to determine the monthly ~~benefit~~
17 amount of temporary cash assistance.

18 (b) A deduction may not be allowed for child care
19 payments.

20 (14) METHODS OF PAYMENT OF TEMPORARY CASH

21 ASSISTANCE.--Temporary cash assistance may be paid as follows:

22 (a) Direct payment through state warrant, electronic
23 ~~assistance~~ transfer of temporary cash assistance, or voucher.

24 (b) Payment to an alternative payee.

25 (c) Payment for subsidized employment.

26 (d) Pay-after-performance arrangements with public or
27 private not-for-profit agencies.

28 (15) PROHIBITIONS AND RESTRICTIONS.--

29 (a) A family without a minor child living in the home
30 is not eligible to receive temporary cash assistance or
31 services under this chapter. However, a pregnant woman is

1 eligible for temporary cash assistance in the ninth month of
2 pregnancy if all eligibility requirements are otherwise
3 satisfied.

4 (b) Temporary cash assistance, without shelter
5 expense, may be available for a teen parent who is less than
6 19 years of age and for the child. Temporary cash assistance
7 may not be paid directly to the teen parent but must be paid,
8 on behalf of the teen parent and child, to an alternative
9 payee who is designated by the department. The alternative
10 payee may not use the temporary cash assistance for any
11 purpose other than paying for food, clothing, shelter, and
12 medical care for the teen parent and child and for other
13 necessities required to enable the teen parent to attend
14 school or a training program. In order for the child of the
15 teen parent and the teen parent to be eligible for temporary
16 cash assistance, the teen parent must:

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

20 2. Reside with a parent, legal guardian, or other
21 adult caretaker relative. The income and resources of the
22 parent shall be included in calculating the temporary cash
23 assistance available to the teen parent since the parent is
24 responsible for providing support and care for the child
25 living in the home.

26 3. Attend parenting and family classes that provide a
27 curriculum specified by the department, the Department of
28 Labor and Employment Security, or the Department of Health, as
29 available.

30
31

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

4 1. The teen parent has suffered or might suffer harm
5 in the home of the parent, legal guardian, or adult caretaker
6 relative.

7 2. The requirement is not in the best interest of the
8 teen parent or the child. If the department determines that it
9 is not in the best interest of the teen parent or child to
10 reside with a parent, legal guardian, or other adult caretaker
11 relative, the department shall provide or assist the teen
12 parent in finding a suitable home, a second-chance home, a
13 maternity home, or other appropriate adult-supervised
14 supportive living arrangement.

15
16 The department may not delay providing temporary cash
17 assistance to the teen parent through the alternative payee
18 designated by the department pending a determination as to
19 where the teen parent should live and sufficient time for the
20 move itself. A teen parent determined to need placement that
21 is unavailable shall continue to be eligible for temporary
22 cash assistance so long as the teen parent cooperates with the
23 department, the Department of Labor and Employment Security,
24 and the Department of Health. The teen parent shall be
25 provided with counseling to make the transition from
26 independence to supervised living and with a choice of living
27 arrangements.

28 (d) Notwithstanding any law to the contrary, if a
29 parent or caretaker relative without good cause does not
30 cooperate with the state agency responsible for administering
31 the child support enforcement program in establishing,

1 modifying, or enforcing a support order with respect to a
2 child of a teen parent or other family member, or a child of a
3 family member who is in the care of an adult relative,
4 temporary cash assistance to the entire family shall be denied
5 until the state agency indicates that cooperation by the
6 parent or caretaker relative has been satisfactory.

7 (e) If a parent or caretaker relative does not assign
8 any rights a family member may have to support from any other
9 person as required by subsection (8), temporary cash
10 assistance to the entire family shall be denied until the
11 parent or caretaker relative assigns the rights to the
12 department.

13 (f) An individual who is convicted in federal or state
14 court of receiving benefits under this chapter, Title XIX, the
15 Food Stamp Act of 1977, or Title XVI (Supplemental Security
16 Income), in two or more states simultaneously may not receive
17 temporary cash assistance or services under this chapter for
18 10 years following the date of conviction.

19 (g) An individual is ineligible to receive temporary
20 cash assistance or services under this chapter during any
21 period when the individual is fleeing to avoid prosecution,
22 custody, or confinement after committing a crime, attempting
23 to commit a crime that is a felony under the laws of the place
24 from which the individual flees or a high misdemeanor in the
25 State of New Jersey, or violating a condition of probation or
26 parole imposed under federal or state law.

27 (h) The parent or other caretaker relative must report
28 to the department by the end of the 5-day period that begins
29 on the date it becomes clear to the parent or caretaker
30 relative that a minor child will be absent from the home for
31 30 or more consecutive days. A parent or caretaker relative

1 who fails to report this information to the department shall
2 be disqualified from receiving temporary cash assistance for
3 30 days for the first occurrence, 60 days for the second
4 occurrence, and 90 days for the third or subsequent
5 occurrence.

6 (i) If the parents of a minor child live apart and
7 equally share custody and control of the child, a parent is
8 ineligible for temporary cash assistance unless the parent
9 clearly demonstrates to the department that the parent
10 provides primary day-to-day custody.

11 (17) PROPORTIONAL REDUCTION.--If the Social Services
12 Estimating Conference forecasts an increase in the temporary
13 cash assistance caseload and there is insufficient funding, a
14 proportional reduction as determined by the department shall
15 be applied to the levels of temporary cash assistance ~~levels~~
16 in subsection (11).

17 Section 10. Section 414.105, Florida Statutes, 1996
18 Supplement, is amended to read:

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

26 (1) The time limitation for episodes of temporary cash
27 assistance may not exceed 36 cumulative months in any
28 consecutive 72-month period that begins with the first month
29 of participation and may not exceed a lifetime cumulative
30 total of 48 months of temporary cash assistance as an adult
31 ~~benefits~~, for cases in which the participant:

1 (a) Has received aid to families with dependent
2 children or temporary cash assistance for any 36 months of the
3 preceding 60 months; or
4 (b) Is a custodial parent under the age of 24 who:
5 1. Has not completed a high school education or its
6 equivalent; or
7 2. Had little or no work experience in the preceding
8 year.
9 (2) Hardship exemptions to the time limitations of
10 this chapter shall be limited to 10 percent of participants in
11 the first year of implementation of this chapter, 15 percent
12 of participants in the second year of implementation of this
13 chapter, and 20 percent of participants in all subsequent
14 years. Criteria for hardship exemptions include:
15 (a) Diligent participation in activities, combined
16 with inability to obtain employment.
17 (b) Diligent participation in activities, combined
18 with extraordinary barriers to employment, including the
19 conditions which may result in an exemption to work
20 requirements.
21 (c) Significant barriers to employment, combined with
22 a need for additional time.
23 (d) Diligent participation in activities and a need by
24 teen parents for an exemption in order to have 24 months of
25 eligibility beyond receipt of the high school diploma or
26 equivalent.
27 (e) A recommendation of extension for a minor child of
28 a participating family that has reached the end of the ~~benefit~~
29 eligibility period for temporary cash assistance. The
30 recommendation must be the result of a review which determines
31 that the termination of the child's temporary cash assistance

1 would be likely to result in the child being placed into
2 emergency shelter or foster care. Temporary cash assistance
3 shall be provided through a protective payee. Staff of the
4 Children and Family Services Program Office of the department
5 shall conduct all assessments in each case in which it appears
6 a child may require continuation of temporary cash assistance
7 through a protective payee.

8
9 Temporary cash assistance under a hardship exemption ~~benefits~~
10 for a participant who is eligible for work activities and who
11 is not working shall be reduced by 10 percent. Upon the
12 employment of the participant, full benefits shall be
13 restored.

14 (3) The department shall establish a procedure for
15 reviewing and approving hardship exemptions, and the local
16 WAGES coalitions may assist in making these determinations.
17 The composition of any review panel must generally reflect the
18 racial, gender, and ethnic diversity of the community as a
19 whole. Members of a review panel shall serve without
20 compensation, but are entitled to receive reimbursement for
21 per diem and travel expenses as provided in s. 112.016.

22 (4) The cumulative total of all hardship exemptions
23 may not exceed 12 months, may include reduced benefits at the
24 option of the community review panel, and shall, in
25 combination with other periods of temporary cash assistance as
26 an adult, total no more than 48 months of temporary cash
27 assistance. If an individual fails to comply with program
28 requirements during a hardship exemption period, the hardship
29 exemption shall be removed.

30 (5) For individuals who have moved from another state
31 and have legally resided in this state for less than 12

1 months, the time limitation for temporary cash assistance
2 shall be the shorter of the respective time limitations used
3 in the two states, and months in which temporary cash
4 assistance was received under a block grant program that
5 provided temporary assistance for needy families in any state
6 shall count towards the cumulative 48-month benefit limit for
7 temporary cash assistance.

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

13 (7) Except when temporary cash assistance was received
14 through the family transition program, the calculation of the
15 time limitation for temporary cash assistance shall begin with
16 the first month of receipt of temporary cash assistance after
17 the effective date of this act.

18 (8) Child-only cases are ~~shall not be~~ subject to time
19 limitations, and temporary cash assistance ~~benefits~~ received
20 while an individual is a minor child shall not count towards
21 time limitations.

22 (9) An individual who receives ~~is eligible for~~
23 benefits under the Supplemental Social Security Income (SSI)
24 program or the Social Security Disability Insurance program
25 ~~due to age or disability~~ is not subject to time limitations.

26 (10) A member of the WAGES Program staff shall
27 interview and assess the employment prospects and barriers of
28 each participant who is within 6 months of reaching the
29 24-month time limit. The staff member shall assist the
30 participant in identifying actions necessary to become
31 employed prior to reaching the benefit time limit for

1 temporary cash assistance and, if appropriate, shall refer the
2 participant for services that could facilitate employment.

3 ~~(11) This section shall be repealed on July 1, 2001,~~
4 ~~unless reenacted by the Legislature.~~

5 Section 11. Section 414.115, Florida Statutes, 1996
6 Supplement, is amended to read:

7 414.115 Limited temporary cash assistance for children
8 born to families receiving temporary cash assistance.--

9 (1) The department shall provide limited additional
10 temporary cash assistance to:

11 (a) An existing temporary-cash-assistance
12 ~~temporary-assistance~~ case due to the birth of a child when the
13 birth occurs more than 10 months after August 1, 1996 ~~the~~
14 ~~implementation date of this act~~; or

15 (b) A new temporary-cash-assistance
16 ~~temporary-assistance~~ case when the birth occurs more than 10
17 months after August 1, 1996, ~~both the implementation date of~~
18 ~~this act~~ and the application or reapplication for temporary
19 cash assistance.

20
21 For purposes of this subsection, "an existing
22 temporary-cash-assistance ~~temporary-assistance~~ case" means a
23 case that is receiving temporary assistance on August 1, 1996,
24 ~~the implementation date of this act~~ and, if it closes any time
25 after August 1, 1996 ~~the implementation date~~, is closed for
26 less than 6 continuous months; "a new
27 temporary-cash-assistance ~~temporary-assistance~~ case" means a
28 case that was not receiving benefits on August 1, 1996 ~~the~~
29 ~~implementation date of this act~~; "reapplication" means a new
30 application by a parent or other caretaker relative who has
31 previously received temporary cash assistance in a case that

1 has been closed for 6 continuous months or more prior to the
2 new application.

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

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

7 (b) To children who are the firstborn, including all
8 children in the case of multiple birth, of minors included in
9 a temporary cash assistance group who as minors become
10 first-time parents;

11 (c) To a child when parental custody has been legally
12 transferred; or

13 (d) To a child who is no longer able to live with his
14 or her parents as a result of:

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

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

19 3. Legal transfer of the custody of the child to
20 another individual;

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

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

28 (3) A child born subject to this section shall be
29 considered a ~~temporary-assistance~~ recipient of temporary cash
30 assistance for all purposes, including Medicaid eligibility.
31

1 (4) For the first child born to a recipient under
2 subsection (1), the department shall provide temporary cash
3 assistance equal to 50 percent of the maximum allowable amount
4 for an individual. This provision does ~~shall~~ not apply to a
5 child who is born into a family that does not include other
6 children.

7 (5) For a second or subsequent child born to a
8 recipient under subsection (1), the department shall provide
9 no additional temporary cash assistance.

10 Section 12. Section 414.122, Florida Statutes, 1996
11 Supplement, is amended to read:

12 414.122 Withholding of payments based on evidence of
13 fraud.--The department shall withhold payment from a ~~financial~~
14 ~~assistance~~ recipient of temporary cash assistance when, after
15 redetermination of eligibility or at any other time, the
16 department obtains evidence that may indicate fraud on the
17 part of the recipient. When evidence of such fraud is
18 obtained, the recipient shall be notified, ~~by a statement~~
19 ~~accompanying the recipient's next financial assistance~~
20 ~~payment,~~ that because of such evidence of fraud the following
21 payment will be withheld unless the recipient meets with a
22 representative of the department financial assistance program
23 ~~supervisor~~ by a specified date, which must ~~shall~~ be within 10
24 days after the date of the notice, to discuss and resolve the
25 matter. The department shall make every effort to resolve the
26 matter within a timeframe that will not cause payment to be
27 withheld from an eligible ~~financial assistance~~ recipient of
28 temporary cash assistance.

29 Section 13. Section 414.125, Florida Statutes, 1996
30 Supplement, is amended to read:

31 414.125 Learnfare program.--

1 (1) The department shall reduce the temporary cash
2 assistance for a participant's eligible dependent child or for
3 an eligible teenage participant who has not been exempted from
4 education participation requirements during a grading period
5 in which the child or teenage participant has accumulated a
6 number of unexcused absences from school that is sufficient to
7 jeopardize the student's academic progress, in accordance with
8 rules adopted by the department with input from the Department
9 of Education. The temporary cash assistance must be
10 reinstated after a subsequent grading period in which the
11 child has substantially improved the child's attendance. Good
12 cause exemptions from the rule of unexcused absences include
13 the following:

14 (a) The student is expelled from school and
15 alternative schooling is not available.

16 ~~(b) The teen has a child under 6 months of age.~~

17 (b)~~(c)~~ No licensed day care is available for a child
18 of teen parents subject to Learnfare.

19 (c)~~(d)~~ Prohibitive transportation problems exist
20 (e.g., to and from day care).

21 (d)~~(e)~~ The teen is over 16 years of age and not
22 expected to graduate from high school by age 20.

23

24 Within 10 ~~Fifteen~~ days after sanction notification, the
25 participant parent of a dependent child or the teenage
26 participant may file an internal fair hearings process review
27 procedure appeal, and no sanction shall be imposed until the
28 appeal is resolved.

29 (2) Each participant ~~recipient~~ with a school-age child
30 is required to have a conference with an appropriate school
31 official of the child's school during each grading period to

1 assure that the participant ~~recipient~~ is involved in the
2 child's educational progress and is aware of any existing
3 attendance or academic problems. A participant who without
4 good cause fails to attend a conference with a school official
5 is subject to the sanction provided in subsection (1).

6 Section 14. Subsections (1), (3), (4), (5), and (6) of
7 section 414.15, Florida Statutes, 1996 Supplement, are amended
8 to read:

9 414.15 Diversion.--

10 (1) A segment of applicants do not need ongoing
11 temporary cash ~~financial~~ assistance, but, due to an unexpected
12 circumstance or emergency situation, require some immediate
13 assistance in meeting a financial obligation while they are
14 securing employment or child support. These immediate
15 obligations may include a shelter or utility payment, a car
16 repair to continue employment, or other assistance which will
17 alleviate the applicant's emergency financial need and allow
18 the person to focus on obtaining or continuing employment.

19 (3) Before finding an applicant family ~~To be~~ eligible
20 for up-front diversion funds, the department must determine
21 that all requirements of eligibility would likely ~~shall~~ be
22 met.

23 (4) The department shall screen each applicant family
24 on a case-by-case basis for barriers to obtaining or retaining
25 employment. The screening shall identify barriers that, if
26 corrected, may prevent the family from receiving temporary
27 cash assistance on a regular basis. Assistance to overcome a
28 barrier to employment is not limited to cash, but may include
29 vouchers or other in-kind benefits.

30
31

1 (5) The diversion payment shall be limited to an
2 amount not to exceed 2 months' temporary cash assistance,
3 based on family size.

4 (6) The family receiving up-front diversion must ~~shall~~
5 sign an agreement restricting the family from applying for
6 temporary cash assistance for 3 months, unless an emergency is
7 demonstrated to the department. If a demonstrated emergency
8 forces the family to reapply for temporary cash assistance
9 with in 3 months after receiving a diversion payment, the
10 diversion payment shall be prorated over the 2-month period
11 and subtracted from any regular ~~assistance~~ payment of
12 temporary cash assistance for which the applicant may be
13 eligible.

14 Section 15. Paragraph (a) of subsection (4) of section
15 414.16, Florida Statutes, 1996 Supplement, is amended to read:

16 414.16 Emergency assistance program.--

17 (4) RENTAL SECURITY DEPOSIT ASSISTANCE.--

18 (a) The department shall develop criteria necessary to
19 implement a recoupment program related to security deposit
20 assistance provided under paragraph(3)(d)(2)(d). Assistance
21 shall be in the form of direct payment of security deposits to
22 landlords of families eligible for emergency assistance. When
23 the family vacates the rental unit, the landlord shall refund
24 to the department the amount of the deposit remaining after
25 subtracting any amount retained for damages pursuant to the
26 lease. The family shall repay to the department the cost of
27 any damages assessed which exceed normal wear and tear. The
28 total amount owed to the department shall be prorated and
29 subtracted from any temporary cash assistance for which the
30 family may be eligible.

31

1 Section 16. Subsection (1) of section 414.175, Florida
2 Statutes, 1996 Supplement, is amended to read:

3 414.175 Review of existing waivers.--

4 (1) The Department of Children and Family Health and
5 ~~Rehabilitative~~ Services shall review existing waivers granted
6 to the department by the Federal Government and determine if
7 such waivers continue to be necessary based on the flexibility
8 granted to states by federal law. If it is determined ~~the~~
9 ~~department determines~~ that termination of the waivers would
10 reduce or eliminate potential federal cost neutrality
11 liability, the department may take action in accordance with
12 federal requirements. In taking such action, the department
13 may continue research initiated in conjunction with such
14 waivers if the department determines that continuation will
15 provide program findings that will be useful in assessing
16 future welfare reform alternatives.

17 Section 17. Section 414.20, Florida Statutes, 1996
18 Supplement, is amended to read:

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

1 the receipt of temporary cash assistance or the provision of
2 services under this chapter. Support services shall include,
3 but need not be limited to:

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

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

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

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

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

4 Section 18. Section 414.21, Florida Statutes, 1996
5 Supplement, is amended to read:

6 414.21 Transitional medical benefits.--

7 (1) A family that loses its temporary cash ~~family~~
8 assistance due to earnings shall remain eligible for Medicaid
9 without reapplication during the immediately succeeding
10 12-month period if private medical insurance is unavailable
11 from the employer or is unaffordable.

12 (a) The family shall be denied Medicaid during the
13 12-month period for any month in which the family does not
14 include a dependent child.

15 (b) The family shall be denied Medicaid if, during the
16 second 6 months of the 12-month period, the family's average
17 gross monthly earnings during the preceding month exceed 185
18 percent of the federal poverty level.

19 (2) The family shall be informed of transitional
20 Medicaid when the family is notified of the termination of
21 temporary cash assistance. The notice must include a
22 description of the circumstances in which the transitional
23 Medicaid may be terminated.

24 Section 19. Section 414.22, Florida Statutes, 1996
25 Supplement, is amended to read:

26 414.22 Transitional education and training.--In order
27 to assist current and former participants in continuing their
28 training and upgrading their skills, education, or training,
29 support services may be provided to a participant for up to 2
30 years after the participant is no longer eligible to
31 participate in the program. This section does not constitute

1 an entitlement to transitional education and training. If
2 funds are not sufficient to provide services under this
3 section, the Department of Labor and Employment Security may
4 limit or otherwise prioritize transitional education and
5 training.

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

9 (2) The Department of Labor and Employment Security
10 may authorize child care or other support services in addition
11 to services provided in conjunction with employment. For
12 example, a participant who is employed full time may receive
13 subsidized child care ~~assistance~~ related to that employment
14 and may also receive additional subsidized child care
15 ~~assistance~~ in conjunction with training to upgrade the
16 participant's skills.

17 (3) Transitional education or training must be
18 job-related, but may include training to improve job skills in
19 a participant's existing area of employment or may include
20 training to prepare a participant for employment in another
21 occupation.

22 (4) The Department of Labor and Employment Security
23 may enter into an agreement with an employer to share the
24 costs relating to upgrading the skills of participants hired
25 by the employer. For example, the department may agree to
26 provide support services such as transportation or a wage
27 subsidy in conjunction with training opportunities provided by
28 the employer.

29 Section 20. Section 414.23, Florida Statutes, 1996
30 Supplement, is amended to read:

31

1 414.23 Evaluation.--The department and the Department
2 of Labor and Employment Security shall arrange for evaluation
3 of programs operated under this chapter, as follows:

4 (1) If required by federal waivers or other federal
5 requirements, the department and the Department of Labor and
6 Employment Security may provide for evaluation according to
7 these requirements.

8 (2) The department and the Department of Labor and
9 Employment Security shall participate in the evaluation of
10 this program in conjunction with evaluation of the state's
11 workforce development programs or similar activities aimed at
12 evaluating program outcomes, cost-effectiveness, or return on
13 investment, and the impact of time limits, sanctions, and
14 other welfare reform measures set out in this chapter.
15 Evaluation shall also contain information on the number of
16 participants in work experience assignments who obtain
17 unsubsidized employment, including, but not limited to, the
18 length of time the unsubsidized job is retained, wages, and
19 the public benefits, if any, received by such families while
20 in unsubsidized employment. The evaluation shall solicit the
21 input of consumers, community-based organizations, service
22 providers, employers, and the general public, and shall
23 publicize, especially in low-income communities, the process
24 for submitting comments.

25 (3) The department and the Department of Labor and
26 Employment Security may share information with and develop
27 protocols for information exchange with the Florida Education
28 and Training Placement Information Program.

29 (4) The department and the Department of Labor and
30 Employment Security may initiate or participate in additional
31 evaluation or assessment activities that will further the

1 systematic study of issues related to program goals and
2 outcomes.

3 (5) In providing for evaluation activities, the
4 department and the Department of Labor and Employment Security
5 shall safeguard the use or disclosure of information obtained
6 from program participants consistent with federal or state
7 requirements. The department and the Department of Labor and
8 Employment Security may use evaluation methodologies that are
9 appropriate for evaluation of program activities, including
10 random assignment of recipients or participants into program
11 groups or control groups. To the extent necessary or
12 appropriate, evaluation data shall provide information with
13 respect to the state, district, or county, or other substate
14 area.

15 (6) The department and the Department of Labor and
16 Employment Security may contract with a qualified organization
17 for evaluations conducted under this section.

18 (7) Evaluations described in this section are exempt
19 from the provisions of s. 402.105.

20 Section 21. Section 414.24, Florida Statutes, 1996
21 Supplement, is amended to read:

22 414.24 Integrated welfare reform and child welfare
23 services.--The department shall develop integrated service
24 delivery strategies to better meet the needs of families
25 subject to work activity requirements who are involved in the
26 child welfare system or are at high risk of involvement in the
27 child welfare system. To the extent that resources are
28 available, the department and the Department of Labor and
29 Employment Security shall provide funds to one or more service
30 districts to promote development of integrated, nonduplicative
31 case management within the department, the Department of Labor

1 and Employment Security, other participating government
2 agencies, and community partners. Alternative delivery systems
3 shall be encouraged which include well-defined, pertinent
4 outcome measures. Other factors to be considered shall include
5 innovation regarding training, enhancement of existing
6 resources, and increased private sector and business sector
7 participation.

8 Section 22. Section 414.25, Florida Statutes, 1996
9 Supplement, is amended to read:

10 414.25 Exemption from leased real property
11 requirements.--In order to facilitate implementation of this
12 chapter with respect to establishing jobs and benefits
13 offices, the Department of Labor and Employment Security and
14 the Department of Children and Family ~~Health and~~
15 ~~Rehabilitative~~ Services are ~~is~~ exempt from the requirements of
16 s. 255.25 which relate to the procurement of leased real
17 property. This exemption expires June 30, 1998.

18 Section 23. Section 414.27, Florida Statutes, 1996
19 Supplement, is amended to read:

20 414.27 Temporary cash ~~Public~~ assistance; payment on
21 death.--

22 (1) Upon the death of any person receiving temporary
23 cash ~~public~~ assistance through the Department of Children and
24 Family ~~Health and Rehabilitative~~ Services, all temporary cash
25 ~~public~~ assistance accrued to such person from the date of last
26 payment to the date of death shall be paid to the person who
27 shall have been designated by him on a form prescribed by the
28 department and filed with the department during the lifetime
29 of the person making such designation. If ~~In the event~~ no
30 designation is made, or the person so designated is no longer
31 living or cannot be found, then payment shall be made to such

1 person as may be designated by the circuit judge of the county
2 where the ~~public assistance~~ recipient of temporary cash
3 assistance resided. Designation by the circuit judge may be
4 made on a form provided by the department or by letter or
5 memorandum to the Comptroller. No filing or recording of the
6 designation shall be required, and the circuit judge shall
7 receive no compensation for such service. If a warrant has
8 not been issued and forwarded prior to notice by the
9 department of the recipient's death, upon notice thereof, the
10 department shall promptly requisition the Comptroller to issue
11 a warrant in the amount of the accrued temporary cash
12 assistance payable to the person designated to receive it and
13 shall attach to the requisition the original designation of
14 the deceased recipient, or if none, the designation made by
15 the circuit judge, as well as a notice of death. The
16 Comptroller shall issue a warrant in the amount payable.

17 (2) If a warrant has been issued and not cashed by the
18 recipient payee prior to his death, such warrant shall be
19 promptly returned to the department, together with notice of
20 the death of the recipient. The original warrant shall be
21 endorsed on the back by an authorized employee of the
22 department. The endorsement must ~~shall~~ be on a form prescribed
23 by the department and approved by the Comptroller which must
24 ~~shall~~ contain the name of the deceased recipient, a statement
25 of his death, and the date thereof and state that it is
26 payable to the order of the designated beneficiary, without
27 recourse. The form shall be signed by the authorized employee
28 or employees of the department, and thereupon such warrant
29 shall be payable to the designated beneficiary as fully and
30 completely as if made payable to him when issued. The
31 department shall furnish to the Comptroller each month a list

1 of such deceased recipients, the designated beneficiaries or
2 persons to whom such warrants are endorsed, and a description
3 of such warrants as herein provided. The department shall
4 cause all persons receiving temporary cash ~~public~~ assistance
5 to make the designations as soon as conveniently may be, and
6 shall preserve such designations in a safe place for use.

7 Section 24. Subsections (8) and (10) of section
8 414.28, Florida Statutes, 1996 Supplement, are amended to
9 read:

10 414.28 Public assistance payments to constitute debt
11 of recipient.--

12 (8) DISPOSITION OF FUNDS RECOVERED.--All funds
13 collected under this section shall be deposited with the
14 Department of Banking and Finance and a report of such deposit
15 made to the department ~~of Health and Rehabilitative Services~~.
16 After payment of costs the sums so collected shall be credited
17 to the department ~~of Health and Rehabilitative Services~~ and
18 used by it.

19 (10) PUBLIC ASSISTANCE.--For the purposes of this
20 section, the term "public assistance" includes all money
21 payments made to or on behalf of a recipient, including, but
22 not limited to, temporary cash assistance received under this
23 chapter, the Medicaid program, and mandatory and optional
24 supplement payments under the Social Security Act.

25 Section 25. Section 414.29, Florida Statutes, 1996
26 Supplement, is amended to read:

27 414.29 Lists of recipients of temporary cash ~~Public~~
28 assistance ~~rolls~~ open.--

29 (1) The lists of names of all persons who have
30 received ~~public assistance~~ payments of temporary cash
31 assistance and the amounts of such payments are a matter of

1 public record. They are available for inspection, subject to
2 the limitations specified in subsection (2), at the local
3 offices in the counties wherein the recipients of such
4 payments reside.

5 (2)(a) It is unlawful for any person, for himself, or
6 for any other person, body, association, firm, corporation,
7 group, or agency, to solicit, disclose, receive, or make use
8 of, or to authorize, knowingly permit, participate in or
9 acquiesce in the use of, any of the lists or parts of such
10 lists of names of ~~public assistance~~ recipients of temporary
11 cash assistance ~~herein required to be filed~~ for commercial or
12 political purposes of any nature.

13 (b) Any person who violates any provision of this
14 section is guilty of a misdemeanor of the second degree,
15 punishable as provided in s. 775.082 or s. 775.083.

16 Section 26. Paragraph (a) of subsection (1) and
17 subsection (3) of section 414.32, Florida Statutes, 1996
18 Supplement, are amended to read:

19 414.32 Prohibitions and restrictions with respect to
20 food stamps.--

21 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT
22 AGENCY.--

23 (a) A parent or caretaker relative who receives
24 temporary cash assistance or food stamps on behalf of a child
25 under 18 years of age who has an absent parent is ineligible
26 for food stamps unless the parent or caretaker relative
27 cooperates with the state agency that administers the child
28 support enforcement program in establishing the paternity of
29 the child, if the child is born out of wedlock, and in
30 obtaining support for the child or for the parent or caretaker
31 relative and the child. This paragraph does not apply if the

1 state agency that administers the child support enforcement
2 program determines that the parent or caretaker relative has
3 good cause for failing to cooperate in establishing the
4 paternity of the child.

5 (3) REDUCTION OR DENIAL OF TEMPORARY CASH ASSISTANCE
6 ~~BENEFITS~~.--The food stamp allotment shall be reduced or
7 terminated as otherwise provided in this chapter if temporary
8 cash assistance under the WAGES Program is reduced or denied
9 because an individual in the family fails to perform an action
10 required under the program.

11 Section 27. Subsection (3) of section 414.35, Florida
12 Statutes, 1996 Supplement, is amended to read:

13 414.35 Emergency relief.--

14 (3) In administering emergency food stamp and other
15 emergency assistance programs, the department shall cooperate
16 fully with the United States Government and with other
17 departments, instrumentalities, and agencies of this state.

18 Section 28. Section 414.36, Florida Statutes, 1996
19 Supplement, is amended to read:

20 414.36 Public assistance overpayment recovery program;
21 contracts.--

22 (1) The department ~~of Health and Rehabilitative~~
23 ~~Services~~ shall develop and implement a plan for the statewide
24 privatization of activities relating to the recovery of public
25 assistance overpayment claims. These activities shall include,
26 at a minimum, voluntary cash collections functions for
27 recovery of fraudulent and nonfraudulent benefits paid to
28 recipients of temporary cash assistance under the WAGES
29 Program, food stamps, and aid to families with dependent
30 children.

31

1 (2) For purposes of privatization of public assistance
2 overpayment recovery, the department shall enter into
3 contracts consistent with federal law with for-profit
4 corporations, not-for-profit corporations, or other entities
5 capable of providing the ~~benefit recovery~~ services for
6 recovering public assistance required under this section. The
7 department shall issue requests for proposals, enter into a
8 competitive bidding process, and negotiate contracts for such
9 services. Contracts for such services may be funded on a
10 contingency fee basis, per fiscal year, based on a percentage
11 of the state-retained share of collections, for claims for
12 food stamps, stamp and aid to families with dependent
13 children, and temporary cash assistance ~~claims~~. This section
14 does not prohibit districts from entering into contracts to
15 carry out the provisions of this section, if that is a
16 cost-effective use of resources.

17 (3) The Economic Self-sufficiency ~~Services~~ Program
18 Office of the department shall have responsibility for
19 contract management and for monitoring and policy development
20 functions relating to privatization of the public assistance
21 overpayment recovery program.

22 Section 29. Subsections (1) and (9), paragraphs (a),
23 (c), (d), and (e) of subsection (10), and subsections (11) and
24 (12) of section 414.38, Florida Statutes, 1996 Supplement, are
25 amended to read:

26 414.38 Pilot work experience and job training for
27 noncustodial parents program.--

28 (1) There is established in two judicial circuits a
29 work experience and job training pilot program for
30 noncustodial parents, of which one circuit must be in a
31 circuit with a mandatory family transition program in

1 operation. The program shall be administered by the
2 department ~~of Health and Rehabilitative Services~~.
3 (9) The department ~~of Health and Rehabilitative~~
4 ~~Services~~ shall contract with a private service provider for
5 job training, placement, and support services. The department
6 ~~of Health and Rehabilitative Services~~ shall develop a request
7 for proposal to include procedures and criteria for the
8 competitive acceptance of proposals from interested service
9 providers. Each interested service provider seeking a pilot
10 program pursuant to this section must be able to demonstrate:
11 (a) Experience in executing large-scale social
12 experiments;
13 (b) Experience in doing research involving waivers of
14 federal AFDC, JOBS, and child support enforcement policies;
15 (c) An understanding of the demographics and
16 experiences of economically disadvantaged noncustodial
17 parents; and
18 (d) Experience in working directly with state programs
19 designed to assist disadvantaged noncustodial parents.
20 (10)(a) The department ~~of Health and Rehabilitative~~
21 ~~Services~~, in consultation with the Department of Revenue and
22 the Department of Labor and Employment Security, shall
23 conduct, or shall contract with one or more entities to
24 conduct, a comprehensive evaluation of the program or programs
25 funded through this section. An initial phase of such
26 evaluation must be designed to monitor the extent to which the
27 local work experience and job training pilot program is being
28 implemented and to make recommendations on how best to expand
29 the local work experience and job training pilot program to
30 other sites, including validation of estimated program costs
31 and savings related to factors such as support services, child

1 support paid, job training and placement, peer support
2 components, staffing ratios, and service integration. The
3 initial phase of the evaluation must provide information on
4 the preliminary outcomes of the program, including rates of
5 job placement and job retention and participant salary levels.
6 The department ~~of Health and Rehabilitative Services~~ shall
7 report results of the initial evaluation within 18 months
8 after the demonstration projects begin.

9 (c) In order to provide evaluation findings with the
10 highest feasible level of scientific validity, the department
11 ~~of Health and Rehabilitative Services~~ may contract for an
12 evaluation design that includes random assignment of program
13 participants to program groups and control groups. Under such
14 design, members of control groups must be given the level of
15 job training and placement services generally available to
16 noncustodial parents who are not included in the local work
17 experience and job training pilot program areas. The
18 provisions of s. 402.105 or similar provisions of federal or
19 state law do not apply under this section.

20 ~~(d) If the secretary determines that procurement~~
21 ~~procedures for the evaluation will delay the application or~~
22 ~~approval of any required federal waivers or would otherwise~~
23 ~~delay initial implementation of local work experience and job~~
24 ~~training pilot program beyond January 1, 1996, the secretary~~
25 ~~may proceed with such procurement, notwithstanding any~~
26 ~~provisions of chapter 287. However, the professional standards~~
27 ~~of any contractor selected must be consistent with the~~
28 ~~provisions of this section, and the amount of the contract~~
29 ~~must not exceed the funds provided for this purpose.~~

30 (d)(e) A copy of the evaluation report shall be
31 submitted to the Governor, the President of the Senate, the

1 Speaker of the House of Representatives, and appropriate
2 substantive committees of the Legislature by June 30, 1999.

3 ~~(11) The Department of Health and Rehabilitative~~
4 ~~Services shall obtain the necessary waivers from the United~~
5 ~~States Department of Health and Human Services in order to~~
6 ~~implement this section.~~

7 (11)~~(12)~~ The department of ~~Health and Rehabilitative~~
8 ~~Services~~, in consultation with the Department of Revenue and
9 the Department of Labor and Employment Security, shall adopt
10 rules to implement this section.

11 Section 30. Subsections (1), (3), (4), (5), (6), (7),
12 (8), (9), and (10) of section 414.39, Florida Statutes, 1996
13 Supplement, are amended to read:

14 414.39 Fraud.--

15 (1) Any person who knowingly:

16 (a) Fails, by false statement, misrepresentation,
17 impersonation, or other fraudulent means, to disclose a
18 material fact used in making a determination as to such
19 person's qualification to receive public assistance ~~aid or~~
20 ~~benefits~~ under any state or federally funded assistance
21 program; ~~or~~

22 (b) Fails to disclose a change in circumstances in
23 order to obtain or continue to receive ~~under~~ any such public
24 assistance ~~program aid or benefits~~ to which he is not entitled
25 or in an amount larger than that to which he is entitled; ~~or~~

26 ~~(c) or who knowingly~~ Aids and abets another person in
27 the commission of any such act,

28
29 is guilty of a crime and shall be punished as provided in
30 subsection (5).

31

1 (3) Any person having duties in the administration of
2 a state or federally funded public assistance program or in
3 the distribution of public assistance ~~benefits~~, or
4 authorizations or identifications to obtain public assistance
5 ~~benefits~~, under a state or federally funded public assistance
6 program and who:
7 (a) Fraudulently misappropriates, attempts to
8 misappropriate, or aids and abets in the misappropriation of,
9 a food stamp, an authorization for food stamps, a food stamp
10 identification card, a certificate of eligibility for
11 prescribed medicine, a Medicaid identification card, or public
12 assistance from any other state or federally funded program
13 with which he has been entrusted or of which he has gained
14 possession by virtue of his position, or who knowingly fails
15 to disclose any such fraudulent activity; ~~or~~
16 (b) Knowingly misappropriates, attempts to
17 misappropriate, or aids or abets in the misappropriation of,
18 funds given in exchange for food stamps or for any form of
19 food stamp benefits authorization,
20
21 is guilty of a crime and shall be punished as provided in
22 subsection (5).
23 (4) Any person who:
24 (a) Knowingly files, attempts to file, or aids and
25 abets in the filing of, a claim for services to a recipient of
26 public assistance ~~benefits~~ under any state or federally funded
27 public assistance program for services that ~~which~~ were not
28 rendered; knowingly files a false claim or a claim for
29 nonauthorized items or services under such a program; or
30 knowingly bills the recipient of public assistance ~~benefits~~
31

1 under such a program, or his family, for an amount in excess
2 of that provided for by law or regulation; ~~or~~

3 (b) Knowingly fails to credit the state or its agent
4 for payments received from social security, insurance, or
5 other sources; ~~or~~

6 (c) In any way knowingly receives, attempts to
7 receive, or aids and abets in the receipt of, unauthorized
8 payment or other unauthorized public assistance benefit or
9 authorization or identification to obtain public assistance
10 ~~benefits~~ as provided herein,

11
12 is guilty of a crime and shall be punished as provided in
13 subsection (5).

14 (5)(a) If the value of the public assistance or
15 identification wrongfully received, retained, misappropriated,
16 sought, or used is less than an aggregate value of \$200 in any
17 12 consecutive months, such person commits ~~is guilty of~~ a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083.

20 (b) If the value of the public assistance or
21 identification wrongfully received, retained, misappropriated,
22 sought, or used is of an aggregate value of \$200 or more in
23 any 12 consecutive months, such person commits ~~is guilty of~~ a
24 felony of the third degree, punishable as provided in s.
25 775.082, s. 775.083, or s. 775.084.

26 (c) As used in this subsection, the value of a food
27 stamp authorization benefit is the cash or exchange value
28 unlawfully obtained by the fraudulent act committed in
29 violation of this section.

30 (d) As used in this section, "fraud" includes the
31 introduction of fraudulent records into a computer system, the

1 unauthorized use of computer facilities, the intentional or
2 deliberate alteration or destruction of computerized
3 information or files, and the stealing of financial
4 instruments, data, and other assets.

5 (6) Any person providing service for which
6 compensation is paid under any state or federally funded
7 public assistance program who solicits, requests, or receives,
8 either actually or constructively, any payment or contribution
9 through a payment, assessment, gift, devise, bequest or other
10 means, whether directly or indirectly, from ~~either~~ a recipient
11 of public assistance from such public assistance program, or
12 from the family of such a recipient, shall notify the
13 Department of Children and Family ~~Health and Rehabilitative~~
14 Services, on a form provided by the department, of the amount
15 of such payment or contribution and of such other information
16 as specified by the department, within 10 days after the
17 receipt of such payment or contribution or, if said payment or
18 contribution is to become effective at some time in the
19 future, within 10 days of the consummation of the agreement to
20 make such payment or contribution. Failure to notify the
21 department within the time prescribed is a misdemeanor of the
22 first degree, punishable as provided in s. 775.082 or s.
23 775.083.

24 (7) Repayment of public assistance benefits or
25 services or return of authorization or identification
26 wrongfully obtained is ~~shall~~ not ~~constitute~~ a defense to, or
27 ground for dismissal of, criminal charges brought under this
28 section.

29 (8)(a) The introduction into evidence of a paid state
30 warrant made to the order of the defendant is ~~shall be~~ prima
31

1 facie evidence that the defendant did receive public
2 assistance from the state.

3 (b) The introduction into evidence of a transaction
4 history generated by a Personal Identification Number (PIN)
5 establishing a purchase or withdrawal by electronic benefit
6 transfer is prima facie evidence that the identified recipient
7 received public assistance from the state.

8 (9) All records relating to investigations of public
9 assistance fraud in the custody of the department ~~of Health~~
10 ~~and Rehabilitative Services~~ and the Agency for Health Care
11 Administration are available for examination by the Division
12 of Public Assistance Fraud of the office of the Auditor
13 General pursuant to s. 11.50 and are admissible into evidence
14 in proceedings brought under this section as business records
15 within the meaning of s. 90.803(6).

16 (10) The department shall create an error-prone or
17 fraud-prone case profile within its public assistance
18 information system and shall screen each application for
19 public assistance, including food stamps, Medicaid, and
20 temporary cash assistance under the WAGES Program, against the
21 profile to identify cases that have a potential for error or
22 fraud. Each case so identified shall be subjected to
23 preeligibility fraud screening.

24 Section 31. Paragraph (d) of subsection (2) of section
25 414.40, Florida Statutes, 1996 Supplement, is amended to read:

26 414.40 Stop Inmate Fraud Program established;
27 guidelines.--

28 (2) The division is directed to implement the Stop
29 Inmate Fraud Program in accordance with the following
30 guidelines:

31

1 (d) Data obtained from correctional institutions or
2 other detention facilities shall be compared with the client
3 files of the Department of Children and Family ~~Health and~~
4 ~~Rehabilitative~~ Services, the Department of Labor and
5 Employment Security, and other state or local agencies as
6 needed to identify persons wrongfully obtaining benefits.
7 Data comparisons shall be accomplished during periods of low
8 information demand by agency personnel to minimize
9 inconvenience to the agency.

10 Section 32. Subsections (1), (2), (4), and (5) of
11 section 414.41, Florida Statutes, 1996 Supplement, are amended
12 to read:

13 414.41 Recovery of payments made due to mistake or
14 fraud.--

15 (1) Whenever it becomes apparent that any person or
16 provider has received any public assistance ~~or benefits~~ under
17 this chapter to which he is not entitled, through either
18 simple mistake or fraud on the part of the department or on
19 the part of the recipient or participant, the department shall
20 take all necessary steps to recover the overpayment. Recovery
21 may include Federal Income Tax Refund Offset Program
22 collections activities in conjunction with Food and Consumer
23 Service and the Internal Revenue Service to intercept income
24 tax refunds due to clients who owe food stamp or WAGES debt to
25 the state. The department will follow the guidelines in
26 accordance with federal rules and regulations and consistent
27 with the Food Stamp Program.The department may make
28 appropriate settlements and shall establish a policy and
29 cost-effective rules to be used in the computation and
30 recovery of such overpayments.

31

1 (a) The department will consider an individual who has
2 willfully provided false information or omitted information to
3 become or remain eligible for temporary cash assistance to
4 have committed an intentional program violation.

5 (b) When the intentional program violation or case
6 facts do not warrant criminal prosecution for fraud as defined
7 in s. 414.39, the department will initiate an administrative
8 disqualification hearing. The administrative disqualification
9 hearing will be initiated regardless of the individual's
10 current eligibility.

11 (c) Upon a finding through the administrative
12 disqualification hearing process that the individual did
13 commit an intentional program violation, the department will
14 impose a disqualification period consistent with those
15 established for food stamp program purposes.

16 (2) The department shall determine if recovery of an
17 overpayment as a result of department error regarding
18 temporary cash assistance provided under the WAGES Program or
19 benefits provided to a recipient of aid to families with
20 dependent children would create extreme hardship. The
21 department shall provide by rule the circumstances that
22 constitute an extreme hardship. The department may reduce the
23 amount of repayment if a recipient or participant demonstrates
24 to the satisfaction of the department that repayment of the
25 entire overpayment would result in extreme hardship, but the
26 department may not excuse repayment. A determination of
27 extreme hardship is not grounds for a waiver of repayment in
28 whole or in part.

29 (4) When the Agency for Health Care Administration
30 ~~department~~ has made a probable cause determination and alleged
31

1 that an overpayment to a Medicaid provider has occurred, the
2 agency ~~department~~, after notice to the provider, may:

3 (a) Withhold, and continue to withhold during the
4 pendency of an administrative hearing pursuant to chapter 120,
5 any medical assistance reimbursement payments until such time
6 as the overpayment is recovered, unless within 30 days after
7 receiving notice thereof the provider:

8 1. Makes repayment in full; or
9 2. Establishes a repayment plan that is satisfactory
10 to the Agency for Health Care Administration ~~department~~.

11 (b) Withhold, and continue to withhold during the
12 pendency of an administrative hearing pursuant to chapter 120,
13 medical assistance reimbursement payments if the terms of a
14 repayment plan are not adhered to by the provider.
15

16 If ~~Should~~ a provider requests ~~request~~ an administrative
17 hearing pursuant to chapter 120, such hearing must ~~shall~~ be
18 conducted within 90 days following receipt by the provider of
19 the final audit report, absent exceptionally good cause shown
20 as determined by the administrative law judge or hearing
21 officer. Upon issuance of a final order, the balance
22 outstanding of the amount determined to constitute the
23 overpayment shall become due. Any withholding of payments by
24 the Agency for Health Care Administration ~~department~~ pursuant
25 to this section shall be limited so that the monthly medical
26 assistance payment is not reduced by more than 10 percent.

27 (5) In all final agency actions and orders issued by
28 administrative law judges or hearing officers that relate to
29 recovery of medical assistance overpayments made due to a
30 mistake of the provider or fraud, the Agency for Health Care
31 Administration ~~department~~ shall make a motion to impose an

1 interest penalty at 10 percent per year from the date of final
2 agency action or order by an administrative law judge or a
3 hearing officer until the overpayment is recovered by the
4 Agency for Health Care Administration ~~department~~. When the
5 administrative law judge's or hearing officer's decision is
6 that an overpayment was not made in an amount as great as
7 identified by the Agency for Health Care Administration
8 ~~department~~, any collections made by the agency ~~department~~
9 pursuant to subsection (4) shall be reimbursed within 60 days
10 to the provider by the agency ~~department~~ with interest at 10
11 percent per year.

12 Section 33. Section 414.42, Florida Statutes, 1996
13 Supplement, is amended to read:

14 414.42 Cause for employee dismissal.--It is cause for
15 dismissal of an employee of the Department of Children and
16 Family ~~Health and Rehabilitative~~ Services if the employee
17 knowingly and willfully allows an ineligible person to obtain
18 public assistance.

19 Section 34. Subsection (1) of section 414.43, Florida
20 Statutes, 1996 Supplement, is amended to read:

21 414.43 Special needs allowance for families with a
22 disabled family member.--

23 (1) The department shall establish a special needs
24 allowance which shall be deducted from the calculation of
25 family income in determining the net monthly income for the
26 family in the case of families as described in this section.
27 The department shall also establish a category of catastrophic
28 special needs allowance which shall be deducted from a
29 catastrophic payment standard. The department shall establish
30 eligibility criteria for the catastrophic payment standard,
31 which criteria shall:

1 (a) Include a required minimum amount of
2 disability-related expenses which shall be at least 125
3 percent of the maximum supplemental security income grant for
4 an individual.

5 (b) Provide that no more than 10 percent of families
6 eligible for the special needs allowance are eligible for the
7 catastrophic special needs allowance.

8 Section 35. Section 414.44, Florida Statutes, 1996
9 Supplement, is amended to read:

10 414.44 Data collection and reporting.--The department
11 and the Department of Labor and Employment Security shall
12 collect data necessary to administer this chapter and make the
13 reports required under federal law to the United States
14 Department of Health and Human Services and the United States
15 Department of Agriculture.

16 Section 36. Section 414.45, Florida Statutes, 1996
17 Supplement, is amended to read:

18 414.45 Rulemaking.--The department may adopt, amend,
19 or repeal rules, as provided in chapter 120, to implement,
20 enforce, and interpret to administer the programs provided for
21 in this chapter. The Department of Labor and Employment
22 Security may adopt, amend, or repeal rules, as provided in
23 chapter 120, to implement, enforce, and interpret this
24 chapter. The ~~shall adopt~~ rules must that provide protection
25 against discrimination and the opportunity for a participant
26 to request a review by a supervisor or administrator of any
27 decision made by a panel or board of the department, the
28 Department of Labor and Employment Security, or the WAGES
29 Program.

30 Section 37. Section 414.55, Florida Statutes, 1996
31 Supplement, is amended to read:

1 414.55 Implementation of ss. 414.015-414.55 ~~ch.~~
2 ~~96-175.~~ --Following the effective date of ss. 414.015-414.55
3 ~~this act~~:

4 (1)(a) The Governor may delay implementation of ss.
5 414.015-414.55 ~~this act~~ in order to provide the department,
6 the Department of Labor and Employment Security, the
7 Department of Revenue, and the Department of Health with the
8 time necessary to prepare to implement new programs.

9 (b) The Governor may also delay implementation of
10 portions of ss. 414.015-414.55 ~~this act~~, in order to allow
11 savings resulting from the enactment of ss. 414.015-414.55 ~~act~~
12 to pay for provisions implemented later. If the Governor
13 determines that portions of ss. 414.015-414.55 ~~this act~~ should
14 be delayed, the priority in implementing ss. 414.015-414.55
15 ~~this act~~ shall be, in order of priority:

16 1. Provisions that provide savings in the first year
17 of implementation.

18 2. Provisions necessary to the implementation of work
19 activity requirements, time limits, and sanctions.

20 3. Provisions related to removing marriage penalties
21 and expanding temporary cash assistance ~~benefits~~ to stepparent
22 and two-parent families.

23 4. Provisions related to the reduction of teen
24 pregnancy and out-of-wedlock births.

25 5. Other provisions.

26 (2) The programs affected by ss. 414.015-414.55 ~~this~~
27 ~~act~~ shall continue to operate under the provisions of law that
28 would be in effect in the absence of ss. 414.015-414.55 ~~this~~
29 ~~act~~, until such time as the Governor informs the Speaker of
30 the House of Representatives and the President of the Senate
31 of his intention to implement provisions of ss. 414.015-414.55

1 ~~this act.~~ Notice of intent to implement ss. 414.015-414.55
2 ~~provisions of this act~~ shall be given to the Speaker of the
3 House of Representatives and the President of the Senate in
4 writing and shall be delivered at least 14 consecutive days
5 prior to such action.

6 (3) Any changes to a program, activity, or function
7 taken pursuant to this section ~~subsection~~ shall be considered
8 a type two transfer pursuant to the provisions of s. 20.06(2).

9 (4) In implementing ss. 414.015-414.55, the Governor
10 shall minimize the liability of the state by opting out of the
11 special provision related to community work, as described in
12 s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by
13 Pub. L. No. 104-193. The department and the Department of
14 Labor and Employment Security shall implement the community
15 work program in accordance with ss. 414.015-414.55.

16 Section 38. Eligibility for assistance for individuals
17 assigned to the ongoing welfare reform evaluation in Escambia
18 County shall be determined in accordance with the terms and
19 conditions of the evaluation agreement between the Department
20 of Children and Family Services and the United States
21 Department of Health and Human Services. The evaluation
22 agreement may continue in effect regardless of the status of
23 federal waivers, and the terms and conditions of the
24 evaluation may be modified, as determined by the Department of
25 Children and Family Services, to accomplish the goals of the
26 evaluation.

27 Section 39. Subsection (4) of section 402.302, Florida
28 Statutes, 1996 Supplement, is amended to read:

29 402.302 Definitions.--As used in ss. 402.301-402.319:

30 (4) "Child care facility" includes any child care
31 center or child care arrangement which provides child care for

1 more than five children unrelated to the operator and which
2 receives a payment, fee, or grant for any of the children
3 receiving care, wherever operated, and whether or not operated
4 for profit. The following are not included:

5 (a) Public schools and nonpublic schools and their
6 integral programs, except as provided in s. 402.3025;

7 (b) Summer camps having children in full-time
8 residence;

9 (c) Summer day camps; ~~and~~

10 (d) Bible schools normally conducted during vacation
11 periods; ~~and-~~

12 (e) After school programs for disadvantaged youth,
13 sponsored by counties, municipalities, towns, and villages.

14 Section 40. Subsection (3) of section 402.313, Florida
15 Statutes, 1996 Supplement, is amended, and subsection (10) is
16 added to that section, to read:

17 402.313 Family day care homes.--

18 (3) Child care personnel in family day care homes
19 shall be subject to the applicable screening provisions
20 contained in ss. 402.305(2)~~402.305(1)~~and 402.3055. For
21 purposes of screening in family day care homes, the term
22 includes any member over the age of 12 years of a family day
23 care home operator's family, or persons over the age of 12
24 years residing with the operator in the family day care home.
25 Members of the operator's family, or persons residing with the
26 operator, who are between the ages of 12 years and 18 years
27 shall not be required to be fingerprinted, but shall be
28 screened for delinquency records.

29 (10) The department shall, by rule, establish minimum
30 standards for family day care homes that are required to be
31 licensed by county licensing ordinance or county licensing

1 resolution or that voluntarily choose to be licensed. The
2 standards should include requirements for staffing,
3 maintenance of immunization records, minimum health standards,
4 reduced standards for the regulation of child care during
5 evening hours by municipalities and counties, and enforcement
6 of standards.

7 Section 41. Subsection (7) of section 409.2554,
8 Florida Statutes, 1996 Supplement, is amended to read:

9 409.2554 Definitions.--As used in ss.
10 409.2551-409.2597, the term:

11 (7) "Public assistance" means food stamps, cash ~~money~~
12 assistance paid on the basis of Title IV-E and Title XIX of
13 the Social Security Act, or temporary cash assistance paid
14 under the WAGES Program.

15 Section 42. Subsection (3) of section 409.2572,
16 Florida Statutes, 1996 Supplement, is amended to read:

17 409.2572 Cooperation.--

18 (3) The Title IV-D staff of the department shall be
19 responsible for determining and reporting to the Title IV-A
20 staff of the Department of Children and Family ~~Health and~~
21 ~~Rehabilitative~~ Services acts of noncooperation by applicants
22 or recipients of cash or medical assistance. Any person who
23 applies for or is receiving public assistance for, or who has
24 the care, custody, or control of, a dependent child and who
25 without good cause fails or refuses to cooperate with the
26 department, a program attorney, or a prosecuting attorney in
27 the course of administering this chapter shall be sanctioned
28 by the Department of Children and Family ~~Health and~~
29 ~~Rehabilitative~~ Services pursuant to chapter 414 and is
30 ineligible to receive public assistance until such time as the
31 department determines cooperation has been satisfactory. ~~The~~

1 ~~imposition of sanctions by the Department of Health and~~
2 ~~Rehabilitative Services shall result in the removal of the~~
3 ~~financial needs of the applicant or recipient from the public~~
4 ~~assistance grant. Sanctions shall remain imposed until the~~
5 ~~Department of Revenue determines that the applicant or~~
6 ~~recipient has cooperated sufficiently to enable it to be able~~
7 ~~to take the next necessary action to locate the alleged father~~
8 ~~or noncustodial parent, to establish paternity or support, or~~
9 ~~to enforce or modify an existing support obligation. The~~
10 ~~Department of Health and Rehabilitative Services shall appoint~~
11 ~~a protective payee to receive the public assistance grant for~~
12 ~~the dependent child and to use it to purchase the necessities~~
13 ~~required by the dependent child. The protective payee shall~~
14 ~~maintain written records of the public assistance receipts and~~
15 ~~disbursements for review by the department.~~

16 Section 43. The Department of Children and Family
17 Services shall conduct a study of the issues related to
18 kinship care and submit recommendations to the Speaker of the
19 House of Representatives, the President of the Senate, and the
20 chairs of the relevant substantive committees by January 1,
21 1998. Issues addressed in this study shall include, but not
22 necessarily be limited to:

23 (1) The adequacy of financial support and other
24 supports provided to grandparents and other caretaker
25 relatives who are raising children and receiving cash
26 assistance through the WAGES Program.

27 (2) The impact of WAGES Program policies on families
28 and the extent to which such policies best meet the needs of
29 families.

30 (3) The extent to which grandparents or other
31 caretaker relatives should be provided cash assistance or

1 services through the WAGES Program or through programs
2 providing assistance to families providing substitute care for
3 children who are at risk of abuse or neglect.

4 (4) The extent to which the needs of grandparents or
5 other caretaker relatives should be addressed through the
6 creation of a program other than the WAGES Program, and the
7 extent to which WAGES requirements should be met as part of a
8 program.

9
10 In studying the issues and formulating the recommendations
11 required by this section, the department shall invite the
12 participation of organizations and individuals with expertise
13 and interest in issues related to kinship care.

14 Section 44. This act shall take effect upon becoming a
15 law.

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18 HOUSE SUMMARY

19 Revises, updates, and clarifies various provisions
20 relating to the WAGES Program. See bill for details.

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