

By Representative Dawson-White

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          deleting obsolete provisions; amending s.  
11          414.027, F.S., relating to the WAGES Program  
12          statewide implementation plan; conforming  
13          terminology to reflect the redesignation of the  
14          Enterprise Florida Jobs and Education  
15          Partnership as the workforce development board;  
16          amending s. 414.028, F.S., relating to local  
17          WAGES coalitions; deleting a provision that  
18          allowed a member of a local coalition to  
19          benefit financially from transactions of the  
20          coalition under certain circumstances;  
21          requiring the local coalition to select an  
22          entity to administer the program and financial  
23          plan; amending s. 414.029, F.S.; specifying  
24          certain tax exemptions allowed to a business  
25          that provides jobs for program participants;  
26          amending s. 414.065, F.S., relating to work  
27          requirements; clarifying duties of the  
28          Department of Children and Family Services and  
29          the Department of Labor and Employment Security  
30          with respect to program implementation;  
31          deleting obsolete provisions for implementing

1 the program if the Federal Government failed to  
2 enact welfare-reform legislation; amending ss.  
3 414.075, 414.085, 414.095, F.S., relating to  
4 resource and income eligibility standards and  
5 the determination of eligibility; clarifying  
6 certain requirements under which a person is  
7 eligible to participate in the WAGES Program;  
8 amending s. 414.105, F.S., relating to time  
9 limitations for receiving temporary cash  
10 assistance under the WAGES Program; deleting a  
11 future repeal of such provisions; amending s.  
12 414.115, F.S.; clarifying circumstances under  
13 which assistance is limited if additional  
14 children are born to a family that receives  
15 temporary cash assistance; amending s. 414.122,  
16 F.S.; revising procedures for the department in  
17 withholding payments based on evidence of  
18 fraud; amending s. 414.125, F.S.; providing for  
19 sanctions to be imposed if a participant fails  
20 to attend a conference with a school official  
21 as required under the Learnfare Program;  
22 amending s. 414.15, F.S., relating to diversion  
23 assistance; clarifying provisions for  
24 determining eligibility; amending s. 414.16,  
25 F.S., relating to emergency assistance;  
26 correcting a cross-reference; amending s.  
27 414.175, F.S., relating to the review of  
28 waivers granted by the Federal Government;  
29 clarifying provisions; amending s. 414.20,  
30 F.S.; clarifying the duties of the Department  
31 of Labor and Employment Security with respect

1 to support services provided under the WAGES  
2 Program; amending ss. 414.21, 414.22, 414.23,  
3 414.24, F.S., relating to transitional  
4 benefits, evaluations, and the integrated  
5 delivery of services; clarifying the duties of  
6 the Department of Labor and Employment  
7 Security; amending s. 414.25, F.S., relating to  
8 an exemption from requirements for leasing real  
9 property; correcting provisions to reflect the  
10 creation of the Department of Children and  
11 Family Services; amending s. 414.27, F.S.;  
12 clarifying provisions for paying temporary cash  
13 assistance upon the death of the recipient;  
14 amending s. 414.28, F.S.; clarifying procedures  
15 for making a claim against the estate of a  
16 recipient of public assistance; amending s.  
17 414.29, F.S.; providing that lists of persons  
18 who have received temporary cash assistance are  
19 a public record; amending s. 414.32, F.S.;  
20 clarifying provisions under which a person's  
21 food stamp allotment is reduced or terminated;  
22 amending s. 414.35, F.S., relating to emergency  
23 relief; clarifying provisions; amending s.  
24 414.36, F.S.; clarifying requirements for the  
25 Department of Children and Family Services with  
26 respect to recovering overpayments of public  
27 assistance; amending s. 414.38, F.S.;  
28 clarifying duties of the department with  
29 respect to a pilot work experience and job  
30 training program for noncustodial parents;  
31 amending ss. 414.39, 414.40, F.S., relating to

1 penalties for fraudulently obtaining public  
2 assistance and the Stop Inmate Fraud Program;  
3 revising provisions to reflect changes in  
4 terminology and the transfer of responsibility  
5 for persons receiving temporary cash assistance  
6 to the Department of Children and Family  
7 Services; amending s. 414.41, F.S., relating to  
8 the recovery of payments; clarifying duties of  
9 the Agency for Health Care Administration with  
10 respect to collecting overpayments of Medicaid  
11 funds; amending s. 414.42, F.S.; revising  
12 provisions to reflect the responsibilities of  
13 the Department of Children and Family Services  
14 with respect to public assistance programs;  
15 amending ss. 414.44, 414.45, F.S.; authorizing  
16 the Department of Labor and Employment Security  
17 to collect data, make reports required under  
18 federal law, and adopt rules; amending s.  
19 414.55, F.S.; requiring that the Governor take  
20 certain actions with respect to implementing a  
21 community work program; providing requirements  
22 for determining eligibility for individuals  
23 assigned to an ongoing evaluation; providing  
24 for the evaluation agreement to continue  
25 regardless of federal waivers; amending s.  
26 402.313, F.S.; providing requirements for  
27 standards established for family day care homes  
28 that provide subsidized child care; providing  
29 an effective date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsections (3), (7), and (8) of section  
2 414.0252, Florida Statutes, 1996 Supplement, are amended, and  
3 subsection (10) is added to that section, to read:

4 414.0252 Definitions.--As used in ss. 414.015-414.45,  
5 the term:

6 (3) "Department" means the Department of Children and  
7 Family Health and Rehabilitative Services.

8 (7) "Participant" means an individual who has applied  
9 for or receives temporary assistance or services under the  
10 WAGES Program.

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

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

17 Section 2. Paragraph (a) of subsection (2) of section  
18 414.026, Florida Statutes, 1996 Supplement, is amended to  
19 read:

20 414.026 WAGES Program State Board of Directors.--

21 (2)(a) The board of directors shall be composed of the  
22 following members:

23 1. The Commissioner of Education, or the  
24 commissioner's designee.

25 2. The Secretary of Children and Family Health and  
26 Rehabilitative Services.

27 3. The Secretary of Health.

28 4.3. The Secretary of Labor and Employment Security.

29 5.4. The Secretary of Community Affairs.

30 6. The director of the Office of Tourism, Trade, and  
31 Economic Development.

1           ~~5. The Secretary of Commerce.~~

2           7.6. The president of Enterprise Florida Jobs and  
3 Education Partnership, established under s. 288.9620 ~~s.~~  
4 ~~288.0475~~.

5           8.7. Nine members appointed by the Governor, as  
6 follows:

7           a. Six members shall be appointed from a list of ten  
8 nominees, of which five must be submitted by the President of  
9 the Senate and five must be submitted by the Speaker of the  
10 House of Representatives. The list of five nominees submitted  
11 by the President of the Senate and the Speaker of the House of  
12 Representatives must each contain at least three individuals  
13 employed in the private sector, two of whom must have  
14 management experience. One of the five nominees submitted by  
15 the President of the Senate and one of the five nominees  
16 submitted by the Speaker of the House of Representatives must  
17 be an elected local government official who shall serve as an  
18 ex officio member.

19           b. Three members shall be at-large members appointed  
20 by the Governor.

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

24

25 The members appointed by the Governor shall be appointed to  
26 4-year, staggered terms. Within 60 days after a vacancy occurs  
27 on the board, the Governor shall fill the vacancy of a member  
28 appointed from the nominees submitted by the President of the  
29 Senate and the Speaker of the House of Representatives for the  
30 remainder of the unexpired term from one nominee submitted by  
31 the President of the Senate and one nominee submitted by the

1 Speaker of the House of Representatives. Within 60 days after  
2 a vacancy of a member appointed at-large by the Governor  
3 occurs on the board, the Governor shall fill the vacancy for  
4 the remainder of the unexpired term. The composition of the  
5 board must generally reflect the racial, gender, and ethnic  
6 diversity of the state as a whole. ~~The list of initial five~~  
7 ~~nominees shall be submitted by the President of the Senate and~~  
8 ~~the Speaker of the House of Representatives by July 1, 1996,~~  
9 ~~and the initial appointments by the Governor shall be made by~~  
10 ~~September 1, 1996.~~

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

13 414.027 WAGES Program statewide implementation plan.--

14 (1) ~~By December 31, 1996,~~The WAGES Program State  
15 Board of Directors shall submit to the Governor, the President  
16 of the Senate, and the Speaker of the House of Representatives  
17 a statewide plan for implementing the WAGES Program  
18 established under this chapter. At a minimum, the statewide  
19 implementation plan must include:

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

23 (b) Directives for creating and chartering local WAGES  
24 coalitions to plan and coordinate the delivery of services  
25 under the WAGES Program at the local level.

26 (c) The approval of the implementation plans submitted  
27 by local WAGES coalitions.

28 (d) Recommendations for clarifying, or if necessary,  
29 modifying the roles of the state agencies charged with  
30 implementing the WAGES Program so that all unnecessary  
31 duplication is eliminated.

1 (e) Recommendations for modifying compensation and  
2 incentive programs for state employees in order to achieve the  
3 performance outcomes necessary for successful implementation  
4 of the WAGES Program.

5 (f) Criteria for allocating WAGES Program resources to  
6 local WAGES coalitions. Such criteria must include weighting  
7 factors that reflect the relative degree of difficulty  
8 associated with securing employment placements for specific  
9 subsets of the welfare transition caseload.

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

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

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

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

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

29 Section 4. Section 414.028, Florida Statutes, 1996  
30 Supplement, is amended to read:

31



1           414.028 Local WAGES coalitions.--The WAGES Program  
2 State Board of Directors shall create and charter local WAGES  
3 coalitions to plan and coordinate the delivery of services  
4 under the WAGES Program at the local level. The boundaries of  
5 the service area for a local WAGES coalition shall conform to  
6 the boundaries of the service area for the jobs and education  
7 regional board established under the Enterprise Florida  
8 workforce development board ~~Jobs and Education Partnership~~.  
9 The local delivery of services under the WAGES Program shall  
10 be coordinated, to the maximum extent possible, with the local  
11 services and activities of the local service providers  
12 designated by the regional workforce development boards.

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

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

26           2. A representative of the health and human services  
27 board.

28           3. A representative of a community development board.

29           4. Three representatives of the business community who  
30 represent a diversity of sizes of businesses.

31

1           5. Representatives of other local planning,  
2 coordinating, or service-delivery entities.

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

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

9           (c) A member of the board of a public or private  
10 educational institution may not serve as a member of a local  
11 WAGES coalition.

12           (d) A representative of any county governing body that  
13 elects to provide services through the local WAGES coalition  
14 shall be an ex officio, nonvoting member of the coalition.

15           (2) A local WAGES coalition and a workforce  
16 development ~~jobs and education regional~~ board may be combined  
17 into one board if the membership complies with subsection (1),  
18 and if the membership of the combined board meets the  
19 requirements of Pub. L. No. 97-300, the federal Job Training  
20 Partnership Act, as amended, and with any law delineating the  
21 membership requirements for the regional workforce development  
22 boards. ~~Notwithstanding paragraph (1)(b), in a region in which~~  
23 ~~the duties of the two boards are combined, a person may be a~~  
24 ~~member of the WAGES coalition even if the member, or the~~  
25 ~~member's principal, could benefit financially from~~  
26 ~~transactions of the coalition.~~

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

30           (4) Each local WAGES coalition shall perform the  
31 planning, coordination, and oversight functions specified in

1 the statewide implementation plan, including, but not limited  
2 to:

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

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

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

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

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

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

27 (5) The WAGES Program State Board of Directors may not  
28 approve the program and financial plan of a local coalition  
29 unless the plan provides a teen pregnancy prevention component  
30 that includes, but is not necessarily limited to, a plan for  
31 implementing the Florida Education Now and Babies Later

1 (ENABL) program under s. 411.242 and the Teen Pregnancy  
2 Prevention Community Initiative within each segment of the  
3 service area in which the childhood birth rate is higher than  
4 the state average.

5 (6) Local employees of the department and the  
6 Department of Labor and Employment Security shall provide  
7 staff support for the local WAGES coalitions. At the option of  
8 the local WAGES coalition, staff support may be provided by  
9 another agency or entity if it can be provided at no cost to  
10 the state and if the support is not provided by an agency or  
11 other entity that could benefit financially from funds  
12 appropriated to implement the WAGES Program.

13 Section 5. Section 414.029, Florida Statutes, 1996  
14 Supplement, is amended to read:

15 414.029 WAGES Program Business Registry.--Each local  
16 WAGES coalition created pursuant to s. 414.028 must establish  
17 a business registry for business firms committed to assist in  
18 the effort of finding jobs for WAGES program participants.  
19 Registered businesses agree to work with the coalition and to  
20 hire WAGES program participants to the maximum extent possible  
21 consistent with the nature of their business. Each quarter,  
22 the coalition must publish a list of businesses registered as  
23 a prerequisite for receiving a tax exemption provided under s.  
24 212.08(5)(b) or s. 212.08(7)(ii) and the number of jobs each  
25 has provided for program participants.

26 Section 6. Paragraphs (b), (d), (e), (f), and (h) of  
27 subsection (1), and subsections (2), (3), (4), (5), (6), (7),  
28 (9), (10), and (11) of section 414.065, Florida Statutes, 1996  
29 Supplement, are amended to read:

30 414.065 Work requirements.--

31

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

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

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

24           2. On-the-job training.--On-the-job training is  
25 full-time, paid employment in which the employer provides  
26 training needed for the participant to perform the skills  
27 required for the position. The employer receives a subsidy to  
28 offset the cost of the training provided to the participant.  
29 Upon satisfactory completion of the training, the employer is  
30 expected to retain the participant as a regular employee  
31 without receiving a subsidy. The on-the-job training agreement

1 must provide that in the case of dismissal of a participant  
2 due to loss of the subsidy, the employer shall repay some or  
3 all of the subsidy previously provided by the department and  
4 the Department of Labor and Employment Security.

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

31

1           4. Tax credits.--An employer who employs a program  
2 participant may qualify for enterprise zone property tax  
3 credits under s. 220.182, the tax refund program for qualified  
4 target industry businesses under s. 288.106, or other federal  
5 or state tax benefits. The department and the Department of  
6 Labor and Employment Security shall provide information and  
7 assistance, as appropriate, to use such credits to accomplish  
8 program goals.

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

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

26           1. Orientation to the world of work and basic  
27 job-seeking and job retention skills.

28           2. Instruction in completing an application for  
29 employment and writing a resume.

30           3. Instruction in conducting oneself during a job  
31 interview, including appropriate dress.

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

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

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



1 Vocational education included in a program leading to a high  
2 school diploma shall not be considered vocational education  
3 for purposes of this section.

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

23           (h) Education services related to employment for  
24 participants 19 years of age or younger.--Education services  
25 provided under this paragraph are designed to prepare a  
26 participant for employment in an occupation. The department  
27 and the Department of Labor and Employment Security shall  
28 coordinate education services with the school-to-work  
29 activities provided under s. 229.595. Activities provided  
30 under this paragraph are restricted to participants 19 years  
31

1 of age or younger who have not completed high school or  
2 obtained a high school equivalency diploma.

3 (2) WORK ACTIVITY REQUIREMENTS.--Each ~~adult~~  
4 participant who is not otherwise exempt must participate in a  
5 work activity for the maximum number of hours allowable under  
6 federal law provided that no participant be required to work  
7 more than 40 hours per week or less than the minimum number of  
8 hours required by federal law. An applicant shall be referred  
9 for employment at the time of application if the applicant is  
10 eligible to participate in the WAGES Program.

11 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The  
12 following individuals are exempt from work activity  
13 requirements:

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

17 (b) An individual who receives ~~is eligible for~~  
18 benefits under the Supplemental Social Security Income ~~(SSI)~~  
19 program or the Social Security Disability Insurance program  
20 ~~due to age or disability.~~

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

23 (d) One custodial parent with a child under 3 months  
24 of age, except that the parent may be required to attend  
25 parenting classes or other activities to better prepare for  
26 the responsibilities of raising a child. If the custodial  
27 parent is age 19 or younger and has not completed high school  
28 or the equivalent, he or she may be required to attend school  
29 or other appropriate educational activities.

30 (4) PENALTIES FOR NONPARTICIPATION IN WORK  
31 REQUIREMENTS.--The department and the Department of Labor and

1 Employment Security shall establish procedures for  
2 administering penalties for nonparticipation in work  
3 requirements. If an individual in a family receiving temporary  
4 cash assistance fails to engage in work activities required in  
5 accordance with this section, the following penalties shall  
6 apply:

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

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

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

29  
30 If a participant fully complies with work activity  
31 requirements for at least 6 months, the participant shall be

1 reinstated as being in full compliance with program  
2 requirements for purpose of sanctions imposed under this  
3 section.

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

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

14 (b) Protective payees shall be designated by the  
15 department and may include:

16 1. A relative or other individual who is interested in  
17 or concerned with the welfare of the child or children and  
18 agrees in writing to utilize the assistance in the best  
19 interest of the child or children.

20 2. A member of the community affiliated with a  
21 religious, community, neighborhood, or charitable organization  
22 who agrees in writing to utilize the assistance in the best  
23 interest of the child or children.

24 3. A volunteer or member of an organization who agrees  
25 in writing to fulfill the role of protective payee and to  
26 utilize the assistance in the best interest of the child or  
27 children.

28 (c) The protective payee designated by the department  
29 shall be the authorized representative for purposes of  
30 receiving food stamps on behalf of a child or children under  
31 age 12. The authorized representative must agree in writing to

1 use the food stamps in the best interest of the child or  
2 children.

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

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

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

23 (6) PROPORTIONAL REDUCTION OF TEMPORARY CASH  
24 ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.--Notwithstanding  
25 the provisions of subsection (4), if an individual is  
26 receiving temporary cash assistance under a  
27 pay-after-performance arrangement and the individual  
28 participates, but fails to meet the full participation  
29 requirement, then the temporary cash assistance ~~benefit~~  
30 received shall be reduced and shall be proportional to the  
31 actual participation. Food stamps may be included in a

1 pay-after-performance arrangement if permitted under federal  
2 law.

3 (7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--The  
4 situations listed in this subsection shall constitute  
5 exceptions to the penalties for noncompliance with  
6 participation requirements, except that these situations do  
7 not constitute exceptions to the applicable time limit for  
8 receipt of temporary cash assistance:

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

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

19 2. Unavailability or unsuitability of informal child  
20 care by a relative or under other arrangements.

21 3. Unavailability of appropriate and affordable formal  
22 child care arrangements.

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

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

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

12 (9) PRIORITIZATION OF WORK REQUIREMENTS.--The  
13 Department of Labor and Employment Security shall require  
14 participation in work activities to the maximum extent  
15 possible, subject to federal and state funding. If funds are  
16 projected to be insufficient to allow full-time work  
17 activities by all program participants who are required to  
18 participate in work activities, the Department of Labor and  
19 Employment Security shall screen participants and assign  
20 priority based on the following:

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

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

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

29 (d) Priority may be assigned based on the amount of  
30 time remaining until the participant reaches the applicable  
31

1 time limit for program participation or may be based on  
2 requirements of a case plan.

3  
4 The Department of Labor and Employment Security may limit a  
5 participant's weekly work requirement to the minimum required  
6 to meet federal work activity requirements in lieu of the  
7 level defined in subsection (2). The department and the  
8 Department of Labor and Employment Security may develop  
9 screening and prioritization procedures within service  
10 districts or within counties based on the allocation of  
11 resources, the availability of community resources, or the  
12 work activity needs of the service district.

13 (10) USE OF CONTRACTS.--The Department of Labor and  
14 Employment Security shall provide work activities, training,  
15 and other services, as appropriate, through contracts. In  
16 contracting for work activities, training, or services, the  
17 following applies:

18 (a) All education and training provided under the  
19 WAGES Program shall be provided through agreements with jobs  
20 and education regional boards or as otherwise authorized by  
21 the local WAGES coalition.

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

28 (c) A contract may include performance-based incentive  
29 payments that may vary according to the extent to which the  
30 participant is more difficult to place. Contract payments may  
31 be weighted proportionally to reflect the extent to which the



1 participant has limitations associated with the long-term  
2 receipt of welfare and difficulty in sustaining employment.  
3 The factors may include the extent of prior receipt of  
4 welfare, lack of employment experience, lack of education,  
5 lack of job skills, and other factors determined appropriate  
6 by the Department of Labor and Employment Security.

7 (d) Notwithstanding the exemption from the competitive  
8 sealed bid requirements provided in s. 287.057(3)(f) for  
9 certain contractual services, each contract awarded under this  
10 chapter must be awarded on the basis of a competitive sealed  
11 bid, except for a contract with a governmental entity as  
12 determined by the department or the Department of Labor and  
13 Employment Security.

14 (e) The department or the Department of Labor and  
15 Employment Security may contract with commercial, charitable,  
16 or religious organizations. A contract must comply with  
17 federal requirements with respect to nondiscrimination and  
18 other requirements that safeguard the rights of participants.  
19 Services may be provided under contract, certificate, voucher,  
20 or other form of disbursement.

21 (f) The administrative costs associated with a  
22 contract ~~of the department~~ for services provided under this  
23 section may not exceed the applicable administrative cost  
24 ceiling established in federal law. An agency or entity that  
25 is awarded a contract under this section may not charge more  
26 than 7 percent of the value of the contract for  
27 administration, unless an exception is approved by the local  
28 WAGES coalition. A list of any exceptions approved must be  
29 submitted to the WAGES Program State Board of Directors for  
30 review, and the board may rescind approval of the exception.  
31 The WAGES Program State Board of Directors may also approve

1 exceptions for any statewide contract for services provided  
2 under this section.

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

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

11 ~~(11) IMPLEMENTATION.--If federal welfare reform~~  
12 ~~legislation as described in this chapter is not enacted by the~~  
13 ~~Congress, the department shall revise the state AFDC program~~  
14 ~~and the Job Opportunities and Basic Skills Training (JOBS)~~  
15 ~~Plan to conform to the provisions of this section and s.~~  
16 ~~414.15 to the extent permissible under federal law.~~

17 ~~(a) Notwithstanding any provisions of s. 409.029 to~~  
18 ~~the contrary, in areas of the state not covered by a federal~~  
19 ~~waiver which includes waiver of Job Opportunities and Basic~~  
20 ~~Skills Training (JOBS) Plan requirements, the department shall~~  
21 ~~implement changes made to the state AFDC program and the Job~~  
22 ~~Opportunities and Basic Skills Training (JOBS) Plan upon~~  
23 ~~approval by the federal agency.~~

24 ~~(b) Notwithstanding any provisions of ss.~~  
25 ~~409.921-409.943 to the contrary, in areas of the state covered~~  
26 ~~by federal waivers which include waiver of Job Opportunities~~  
27 ~~and Basic Skills Training (JOBS) Plan provisions, the~~  
28 ~~department shall request amendment of such waivers to conform~~  
29 ~~to the provisions of this section which are beyond those which~~  
30 ~~are permitted by change to the state AFDC program and the Job~~  
31 ~~Opportunities and Basic Skills Training (JOBS) Plan.~~

1           ~~(c) In pursuing such waiver, the department may agree~~  
2 ~~to modifications to the waiver terms and conditions that~~  
3 ~~include penalties for noncompliance that begin with removal of~~  
4 ~~the noncompliant individual's benefits upon first occurrence~~  
5 ~~and include incremented penalties upon subsequent occurrences~~  
6 ~~of noncompliance if the department determines that the~~  
7 ~~penalties as specified in this section will not be approved by~~  
8 ~~the federal agency.~~

9           ~~(d) This subsection shall be effective not later than~~  
10 ~~July 1, 1996, and shall be implemented in accordance with~~  
11 ~~changes to the state AFDC program and the Job Opportunities~~  
12 ~~and Basic Skills Training (JOBS) Plan and changes to federal~~  
13 ~~waivers as specified in this section.~~

14           Section 7. Section 414.075, Florida Statutes, 1996  
15 Supplement, is amended to read:

16           414.075 Resource eligibility standards.--For purposes  
17 of program simplification and effective program management,  
18 certain resource definitions, as outlined in the food stamp  
19 regulations at 7 C.F.R. s. 273.8, shall be applied to the  
20 WAGES Program as determined by the department to be consistent  
21 with federal law regarding temporary cash assistance and  
22 Medicaid for needy families, except as to the following:

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

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

28           (a) Licensed vehicles needed for individuals ~~adults~~  
29 subject to the work participation requirement, not to exceed a  
30 combined value of \$8,500, and needed for training, employment,  
31 or education purposes. For any family without an individual

1 ~~adult~~ subject to the work participation requirement, one  
2 vehicle valued at not more than \$8,500 shall be excluded. Any  
3 vehicle that is necessary to transport a physically disabled  
4 family member shall be excluded. A vehicle shall be considered  
5 necessary for the transportation of a physically disabled  
6 family member if the vehicle is specially equipped to meet the  
7 specific needs of the disabled person or if the vehicle is a  
8 special type of vehicle and makes it possible to transport the  
9 disabled person.

10 (b) Funds paid to a homeless shelter which are being  
11 held for the family to enable the family to pay deposits or  
12 other costs associated with moving to a new shelter  
13 arrangement.

14 (3) A vacation home that annually produces income  
15 consistent with its fair market value, and that is excluded as  
16 a resource in determining eligibility for food stamps under  
17 federal regulations, may not be excluded as a resource in  
18 determining a family's eligibility for temporary cash  
19 assistance.

20 Section 8. Section 414.085, Florida Statutes, 1996  
21 Supplement, is amended to read:

22 414.085 Income eligibility standards.--For purposes of  
23 program simplification and effective program management,  
24 certain income definitions, as outlined in the food stamp  
25 regulations at 7 C.F.R. s. 273.9, shall be applied to the  
26 WAGES Program as determined by the department to be consistent  
27 with federal law regarding temporary cash assistance and  
28 Medicaid for needy families, except as to the following:

29 (1) Participation in the WAGES Program shall be  
30 limited to those families whose gross family income is equal  
31 to or less than 130 percent of the federal poverty level

1 established in s. 673(2) of the Community Services Block Grant  
2 Act, 42 U.S.C. s. 9901(2).

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

9 (3) The first \$50 of child support paid to a custodial  
10 ~~noncustodial~~ parent receiving temporary cash assistance may  
11 not be disregarded in calculating the amount of temporary cash  
12 assistance for the family, unless such exclusion is required  
13 by federal law.

14 Section 9. Subsections (1), (2), and (3), paragraph  
15 (a) of subsection (4), subsections (5), (6), (7), and (8),  
16 paragraphs (a), (c), (e), and (f) of subsection (10), and  
17 subsections (11), (13), (14), (15), and (17) of section  
18 414.095, Florida Statutes, are amended to read:

19 414.095 Determining eligibility for the WAGES  
20 Program.--

21 (1) ELIGIBILITY.--An applicant must meet eligibility  
22 requirements of this section before receiving services or  
23 temporary cash assistance under this chapter, except that an  
24 applicant shall be required to engage in work activities in  
25 accordance with s. 414.065 and may receive support services or  
26 child care assistance in conjunction with such requirement.  
27 The department shall make a determination of eligibility based  
28 on the criteria listed in this chapter. The department shall  
29 monitor continued eligibility for temporary cash assistance  
30 through periodic reviews consistent with the food stamp  
31 eligibility process.

1           (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

2           (a) To be eligible for services or temporary cash  
3 assistance and Medicaid under the WAGES Program:

4           1. An applicant must be a United States citizen, or a  
5 qualified noncitizen, as defined in this section.

6           2. An applicant must be a legal resident of the state.

7           3. Each member of a family must provide to the  
8 department the member's social security number or shall  
9 provide proof of application for a social security number. An  
10 individual who fails to provide to the department a social  
11 security number, or proof of application for a social security  
12 number, is not eligible to participate in the program.

13           4. A minor child must reside with a custodial parent  
14 or parents or with a relative caretaker who is within the  
15 specified degree of blood relationship as defined under the  
16 WAGES Program, or in a setting approved by the department.

17           5. Each family must have a minor child and meet the  
18 income and resource requirements of the program. All minor  
19 children who live in the family, as well as the parents of the  
20 minor children, shall be included in the eligibility  
21 determination unless specifically excluded.

22           (b) The following members of a family are eligible to  
23 participate in the program if all eligibility requirements are  
24 met:

25           1. A minor child who resides with a custodial parent  
26 or other adult caretaker relative.

27           2. The parent of a minor child with whom the child  
28 resides.

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

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

5           5. A pregnant woman.

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

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

27           (b) If the parent may legally work in this country,  
28 the parent must participate in the work activity requirements  
29 provided in s. 414.065, to the extent permitted under federal  
30 law.

31

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

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

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

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

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

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

29 2. If a stepparent chooses to be included in the  
30 family, the department ~~of Health and Rehabilitative Services~~  
31 shall determine eligibility using the requirements for a



1 nonstepparent family. A stepparent whose income is equal to or  
2 greater than 185 percent of the federal poverty level for a  
3 two-person family does not have the option to be excluded from  
4 the family, and all income and resources of the stepparent  
5 shall be included in determining the family's eligibility.

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

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

25 (7) CHILD SUPPORT ENFORCEMENT.--As a condition of  
26 eligibility for temporary cash assistance, the family must  
27 cooperate with the state agency responsible for administering  
28 the child support enforcement program in establishing the  
29 paternity of the child, if the child is born out of wedlock,  
30 and in obtaining support for the child or for the parent or  
31 caretaker relative and the child. Cooperation is defined as:

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

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

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

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

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

12

13 The following chart depicts the levels of temporary cash  
14 ~~assistance levels~~ for implementation purposes:

15

16

THREE-TIER SHELTER PAYMENT STANDARD

17

18 Family	18 Zero Shelter	18 Greater than Zero	18 Greater than \$50
19 Size	19 Obligation	19 Less than or	19 Shelter
		20 Equal to \$50	20 Obligation

21

22 1	\$95	\$153	\$180
------	------	-------	-------

23 2	\$158	\$205	\$241
------	-------	-------	-------

24 3	\$198	\$258	\$303
------	-------	-------	-------

25 4	\$254	\$309	\$364
------	-------	-------	-------

26 5	\$289	\$362	\$426
------	-------	-------	-------

27 6	\$346	\$414	\$487
------	-------	-------	-------

28 7	\$392	\$467	\$549
------	-------	-------	-------

29 8	\$438	\$519	\$610
------	-------	-------	-------

30 9	\$485	\$570	\$671
------	-------	-------	-------

31 10	\$534	\$623	\$733
-------	-------	-------	-------

1	11	\$582	\$676	\$795
2	12	\$630	\$728	\$857
3	13	\$678	\$781	\$919

4  
5 (13) CALCULATION OF LEVELS OF TEMPORARY CASH  
6 ASSISTANCE ~~LEVELS~~.--

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

13 (b) A deduction may not be allowed for child care  
14 payments.

15 (14) METHODS OF PAYMENT OF TEMPORARY CASH  
16 ASSISTANCE.--Temporary cash assistance may be paid as follows:

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

19 (b) Payment to an alternative payee.

20 (c) Payment for subsidized employment.

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

23 (15) PROHIBITIONS AND RESTRICTIONS.--

24 (a) A family without a minor child living in the home  
25 is not eligible to receive temporary cash assistance or  
26 services under this chapter. However, a pregnant woman is  
27 eligible for temporary cash assistance in the ninth month of  
28 pregnancy if all eligibility requirements are otherwise  
29 satisfied.

30 (b) Temporary cash assistance, without shelter  
31 expense, may be available for a teen parent who is less than

1 19 years of age and for the child. Temporary cash assistance  
2 may not be paid directly to the teen parent but must be paid,  
3 on behalf of the teen parent and child, to an alternative  
4 payee who is designated by the department. The alternative  
5 payee may not use the temporary cash assistance for any  
6 purpose other than paying for food, clothing, shelter, and  
7 medical care for the teen parent and child and for other  
8 necessities required to enable the teen parent to attend  
9 school or a training program. In order for the child of the  
10 teen parent and the teen parent to be eligible for temporary  
11 cash assistance, the teen parent must:

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

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

21 3. Attend parenting and family classes that provide a  
22 curriculum specified by the department, the Department of  
23 Labor and Employment Security, or the Department of Health, as  
24 available.

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

28 1. The teen parent has suffered or might suffer harm  
29 in the home of the parent, legal guardian, or adult caretaker  
30 relative.

31

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

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

22           (d) Notwithstanding any law to the contrary, if a  
23 parent or caretaker relative does not cooperate with the state  
24 agency responsible for administering the child support  
25 enforcement program in establishing, modifying, or enforcing a  
26 support order with respect to a child of a teen parent or  
27 other family member, or a child of a family member who is in  
28 the care of an adult relative, temporary cash assistance to  
29 the entire family shall be denied until the state agency  
30 indicates that cooperation by the parent or caretaker relative  
31 has been satisfactory.

1           (e) If a parent or caretaker relative does not assign  
2 any rights a family member may have to support from any other  
3 person as required by subsection (8), temporary cash  
4 assistance to the entire family shall be denied until the  
5 parent or caretaker relative assigns the rights to the  
6 department.

7           (f) An individual who is convicted in federal or state  
8 court of receiving benefits under this chapter, Title XIX, the  
9 Food Stamp Act of 1977, or Title XVI (Supplemental Security  
10 Income), in two or more states simultaneously may not receive  
11 temporary cash assistance or services under this chapter for  
12 10 years following the date of conviction.

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

21           (h) The parent or other caretaker relative must report  
22 to the department by the end of the 5-day period that begins  
23 on the date it becomes clear to the parent or caretaker  
24 relative that a minor child will be absent from the home for  
25 30 or more consecutive days. A parent or caretaker relative  
26 who fails to report this information to the department shall  
27 be disqualified from receiving temporary cash assistance for  
28 30 days for the first occurrence, 60 days for the second  
29 occurrence, and 90 days for the third or subsequent  
30 occurrence.

31

1 (i) If the parents of a minor child live apart and  
2 equally share custody and control of the child, a parent is  
3 ineligible for temporary cash assistance unless the parent  
4 clearly demonstrates to the department that the parent  
5 provides primary day-to-day custody.

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

12 Section 10. Section 414.105, Florida Statutes, 1996  
13 Supplement, is amended to read:

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

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

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

30 (b) Is a custodial parent under the age of 24 who:  
31



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

3           2. Had little or no work experience in the preceding  
4 year.

5           (2) Hardship exemptions to the time limitations of  
6 this chapter shall be limited to 10 percent of participants in  
7 the first year of implementation of this chapter, 15 percent  
8 of participants in the second year of implementation of this  
9 chapter, and 20 percent of participants in all subsequent  
10 years. Criteria for hardship exemptions include:

11           (a) Diligent participation in activities, combined  
12 with inability to obtain employment.

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

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

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

23           (e) A recommendation of extension for a minor child of  
24 a participating family that has reached the end of the ~~benefit~~  
25 eligibility period for temporary cash assistance. The  
26 recommendation must be the result of a review which determines  
27 that the termination of the child's temporary cash assistance  
28 would be likely to result in the child being placed into  
29 emergency shelter or foster care. Temporary cash assistance  
30 shall be provided through a protective payee. Staff of the  
31 Children and Family Services Program Office of the department

1 shall conduct all assessments in each case in which it appears  
2 a child may require continuation of temporary cash assistance  
3 through a protective payee.

4  
5 Temporary cash assistance under a hardship exemption ~~benefits~~  
6 for a participant who is eligible for work activities and who  
7 is not working shall be reduced by 10 percent. Upon the  
8 employment of the participant, full benefits shall be  
9 restored.

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

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

26 (5) For individuals who have moved from another state  
27 and have legally resided in this state for less than 12  
28 months, the time limitation for temporary cash assistance  
29 shall be the shorter of the respective time limitations used  
30 in the two states, and months in which temporary cash  
31 assistance was received under a block grant program that

1 provided temporary assistance for needy families in any state  
2 shall count towards the cumulative 48-month benefit limit for  
3 temporary cash assistance.

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

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

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

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

22 (10) A member of the WAGES Program staff shall  
23 interview and assess the employment prospects and barriers of  
24 each participant who is within 6 months of reaching the  
25 24-month time limit. The staff member shall assist the  
26 participant in identifying actions necessary to become  
27 employed prior to reaching the benefit time limit for  
28 temporary cash assistance and, if appropriate, shall refer the  
29 participant for services that could facilitate employment.

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

1 Section 11. Section 414.115, Florida Statutes, 1996  
2 Supplement, is amended to read:

3 414.115 Limited temporary cash assistance for children  
4 born to families receiving temporary cash assistance.--

5 (1) The department shall provide limited additional  
6 temporary cash assistance to:

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

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

16  
17 For purposes of this subsection, "an existing  
18 temporary-cash-assistance ~~temporary-assistance~~ case" means a  
19 case that is receiving temporary assistance on August 1, 1996,  
20 ~~the implementation date of this act~~ and, if it closes any time  
21 after August 1, 1996 ~~the implementation date~~, is closed for  
22 less than 6 continuous months; "a new  
23 temporary-cash-assistance ~~temporary-assistance~~ case" means a  
24 case that was not receiving benefits on August 1, 1996 ~~the~~  
25 ~~implementation date of this act~~; "reapplication" means a new  
26 application by a parent or other caretaker relative who has  
27 previously received temporary cash assistance in a case that  
28 has been closed for 6 continuous months or more prior to the  
29 new application.

30 (2) Subsection (1) does ~~shall~~ not apply:  
31

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

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

8 (c) To a child when parental custody has been legally  
9 transferred; or

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

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

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

16 3. Legal transfer of the custody of the child to  
17 another individual;

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

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

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

28 (4) For the first child born to a recipient under  
29 subsection (1), the department shall provide temporary cash  
30 assistance equal to 50 percent of the maximum allowable amount  
31 for an individual. This provision does ~~shall~~ not apply to a

1 child who is born into a family that does not include other  
2 children.

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

6 Section 12. Section 414.122, Florida Statutes, 1996  
7 Supplement, is amended to read:

8 414.122 Withholding of payments based on evidence of  
9 fraud.--The department shall withhold payment from a ~~financial~~  
10 ~~assistance~~ recipient of temporary cash assistance when, after  
11 redetermination of eligibility or at any other time, the  
12 department obtains evidence that may indicate fraud on the  
13 part of the recipient. When evidence of such fraud is  
14 obtained, the recipient shall be notified, ~~by a statement~~  
15 ~~accompanying the recipient's next financial assistance~~  
16 ~~payment,~~ that because of such evidence of fraud the following  
17 payment will be withheld unless the recipient meets with a  
18 representative of the department financial assistance program  
19 ~~supervisor~~ by a specified date, which must ~~shall~~ be within 10  
20 days after the date of the notice, to discuss and resolve the  
21 matter. The department shall make every effort to resolve the  
22 matter within a timeframe that will not cause payment to be  
23 withheld from an eligible ~~financial assistance~~ recipient of  
24 temporary cash assistance.

25 Section 13. Section 414.125, Florida Statutes, 1996  
26 Supplement, is amended to read:

27 414.125 Learnfare program.--

28 (1) The department shall reduce the temporary cash  
29 assistance for a participant's eligible dependent child or for  
30 an eligible teenage participant who has not been exempted from  
31 education participation requirements during a grading period

1 in which the child or teenage participant has accumulated a  
2 number of unexcused absences from school that is sufficient to  
3 jeopardize the student's academic progress, in accordance with  
4 rules adopted by the department with input from the Department  
5 of Education. The temporary cash assistance must be  
6 reinstated after a subsequent grading period in which the  
7 child has substantially improved the child's attendance. Good  
8 cause exemptions from the rule of unexcused absences include  
9 the following:

10 (a) The student is expelled from school and  
11 alternative schooling is not available.

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

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

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

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

19  
20 Upon ~~Fifteen days after~~ sanction notification, the participant  
21 parent of a dependent child or the teenage participant may  
22 file an internal fair hearings process review procedure  
23 appeal, and no sanction shall be imposed until the appeal is  
24 resolved.

25 (2) Each participant ~~recipient~~ with a school-age child  
26 is required to have a conference with an appropriate school  
27 official of the child's school during each grading period to  
28 assure that the participant ~~recipient~~ is involved in the  
29 child's educational progress and is aware of any existing  
30 attendance or academic problems. A recipient who fails to

31

1 attend a conference with a school official is subject to the  
2 sanction provided in subsection (1).

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

6 414.15 Diversion.--

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

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

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

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

30 (6) The family receiving up-front diversion must ~~shall~~  
31 sign an agreement restricting the family from applying for



1 temporary cash assistance for 3 months, unless an emergency is  
2 demonstrated to the department. If a demonstrated emergency  
3 forces the family to reapply for temporary cash assistance  
4 with in 3 months after receiving a diversion payment, the  
5 diversion payment shall be prorated over the 2-month period  
6 and subtracted from any regular ~~assistance~~ payment of  
7 temporary cash assistance for which the applicant may be  
8 eligible.

9 Section 15. Paragraph (a) of subsection (4) of section  
10 414.16, Florida Statutes, 1996 Supplement, is amended to read:

11 414.16 Emergency assistance program.--

12 (4) RENTAL SECURITY DEPOSIT ASSISTANCE.--

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

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

28 414.175 Review of existing waivers.--

29 (1) The Department of Children and Family Health and  
30 ~~Rehabilitative~~ Services shall review existing waivers granted  
31 to the department by the Federal Government and determine if

1 such waivers continue to be necessary based on the flexibility  
2 granted to states by federal law. If it is determined ~~the~~  
3 ~~department determines~~ that termination of the waivers would  
4 reduce or eliminate potential federal cost neutrality  
5 liability, the department may take action in accordance with  
6 federal requirements. In taking such action, the department  
7 may continue research initiated in conjunction with such  
8 waivers if the department determines that continuation will  
9 provide program findings that will be useful in assessing  
10 future welfare reform alternatives.

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

13 414.20 Other support services.--Support services shall  
14 be provided, if resources permit, to assist participants in  
15 complying with work activity requirements outlined in s.  
16 414.065. If resources do not permit the provision of needed  
17 support services, the department and the Department of Labor  
18 and Employment Security may prioritize or otherwise limit  
19 provision of support services. This section does not  
20 constitute an entitlement to support services. Lack of  
21 provision of support services may be considered as a factor in  
22 determining whether good cause exists for failing to comply  
23 with work activity requirements but does not automatically  
24 constitute good cause for failing to comply with work activity  
25 requirements, and does not affect any applicable time limit on  
26 the receipt of temporary cash assistance or the provision of  
27 services under this chapter. Support services shall include,  
28 but need not be limited to:

29 (1) TRANSPORTATION.--Transportation expenses may be  
30 provided to any participant when the assistance is needed to  
31 comply with work activity requirements or employment

1 requirements, including transportation to and from a child  
2 care provider. Payment may be made in cash or tokens in  
3 advance or through reimbursement paid against receipts or  
4 invoices. Support services funds may also be used to develop  
5 transportation resources to expand transportation options  
6 available to participants. These services may include  
7 cooperative arrangements with local transit authorities or  
8 school districts and small enterprise development.

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

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

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

29 Section 18. Section 414.21, Florida Statutes, 1996  
30 Supplement, is amended to read:

31 414.21 Transitional medical benefits.--

1           (1) A family that loses its temporary cash family  
2 assistance due to earnings shall remain eligible for Medicaid  
3 without reapplication during the immediately succeeding  
4 12-month period if private medical insurance is unavailable  
5 from the employer or is unaffordable.

6           (a) The family shall be denied Medicaid during the  
7 12-month period for any month in which the family does not  
8 include a dependent child.

9           (b) The family shall be denied Medicaid if the  
10 family's average gross monthly earnings during the preceding  
11 month exceed 185 percent of the federal poverty level.

12           (2) The family shall be informed of transitional  
13 Medicaid when the family is notified of the termination of  
14 temporary cash assistance. The notice must include a  
15 description of the circumstances in which the transitional  
16 Medicaid may be terminated.

17           Section 19. Section 414.22, Florida Statutes, 1996  
18 Supplement, is amended to read:

19           414.22 Transitional education and training.--In order  
20 to assist current and former participants in continuing their  
21 training and upgrading their skills, education, or training,  
22 support services may be provided to a participant for up to 2  
23 years after the participant is no longer eligible to  
24 participate in the program. This section does not constitute  
25 an entitlement to transitional education and training. If  
26 funds are not sufficient to provide services under this  
27 section, the Department of Labor and Employment Security may  
28 limit or otherwise prioritize transitional education and  
29 training.

30  
31

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

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

12           (3) Transitional education or training must be  
13 job-related, but may include training to improve job skills in  
14 a participant's existing area of employment or may include  
15 training to prepare a participant for employment in another  
16 occupation.

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

24           Section 20. Section 414.23, Florida Statutes, 1996  
25 Supplement, is amended to read:

26           414.23 Evaluation.--The department and the Department  
27 of Labor and Employment Security shall arrange for evaluation  
28 of programs operated under this chapter, as follows:

29           (1) If required by federal waivers or other federal  
30 requirements, the department and the Department of Labor and  
31

1 Employment Security may provide for evaluation according to  
2 these requirements.

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

20       (3) The department and the Department of Labor and  
21 Employment Security may share information with and develop  
22 protocols for information exchange with the Florida Education  
23 and Training Placement Information Program.

24       (4) The department and the Department of Labor and  
25 Employment Security may initiate or participate in additional  
26 evaluation or assessment activities that will further the  
27 systematic study of issues related to program goals and  
28 outcomes.

29       (5) In providing for evaluation activities, the  
30 department and the Department of Labor and Employment Security  
31 shall safeguard the use or disclosure of information obtained

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

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

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

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

17 414.24 Integrated welfare reform and child welfare  
18 services.--The department shall develop integrated service  
19 delivery strategies to better meet the needs of families  
20 subject to work activity requirements who are involved in the  
21 child welfare system or are at high risk of involvement in the  
22 child welfare system. To the extent that resources are  
23 available, the department and the Department of Labor and  
24 Employment Security shall provide funds to one or more service  
25 districts to promote development of integrated, nonduplicative  
26 case management within the department, the Department of Labor  
27 and Employment Security, other participating government  
28 agencies, and community partners. Alternative delivery systems  
29 shall be encouraged which include well-defined, pertinent  
30 outcome measures. Other factors to be considered shall include  
31 innovation regarding training, enhancement of existing

1 resources, and increased private sector and business sector  
2 participation.

3 Section 22. Section 414.25, Florida Statutes, 1996  
4 Supplement, is amended to read:

5 414.25 Exemption from leased real property  
6 requirements.--In order to facilitate implementation of this  
7 chapter with respect to establishing jobs and benefits  
8 offices, the Department of Labor and Employment Security and  
9 the Department of Children and Family Health and  
10 ~~Rehabilitative Services~~ are ~~is~~ exempt from the requirements of  
11 s. 255.25 which relate to the procurement of leased real  
12 property. This exemption expires June 30, 1998.

13 Section 23. Section 414.27, Florida Statutes, 1996  
14 Supplement, is amended to read:

15 414.27 Temporary cash ~~Public~~ assistance; payment on  
16 death.--

17 (1) Upon the death of any person receiving temporary  
18 cash ~~public~~ assistance through the Department of Children and  
19 Family Health and Rehabilitative Services, all temporary cash  
20 ~~public assistance~~ accrued to such person from the date of last  
21 payment to the date of death shall be paid to the person who  
22 shall have been designated by him on a form prescribed by the  
23 department and filed with the department during the lifetime  
24 of the person making such designation. If ~~in the event~~ no  
25 designation is made, or the person so designated is no longer  
26 living or cannot be found, then payment shall be made to such  
27 person as may be designated by the circuit judge of the county  
28 where the ~~public assistance~~ recipient of temporary cash  
29 assistance resided. Designation by the circuit judge may be  
30 made on a form provided by the department or by letter or  
31 memorandum to the Comptroller. No filing or recording of the



1 designation shall be required, and the circuit judge shall  
2 receive no compensation for such service. If a warrant has  
3 not been issued and forwarded prior to notice by the  
4 department of the recipient's death, upon notice thereof, the  
5 department shall promptly requisition the Comptroller to issue  
6 a warrant in the amount of the accrued temporary cash  
7 assistance payable to the person designated to receive it and  
8 shall attach to the requisition the original designation of  
9 the deceased recipient, or if none, the designation made by  
10 the circuit judge, as well as a notice of death. The  
11 Comptroller shall issue a warrant in the amount payable.

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

1 to make the designations as soon as conveniently may be, and  
2 shall preserve such designations in a safe place for use.

3 Section 24. Subsections (8) and (10) of section  
4 414.28, Florida Statutes, 1996 Supplement, are amended to  
5 read:

6 414.28 Public assistance payments to constitute debt  
7 of recipient.--

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

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

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

23 414.29 Lists of recipients of temporary cash ~~Public~~  
24 ~~assistance rolls~~ open.--

25 (1) The lists of names of all persons who have  
26 received ~~public assistance~~ payments of temporary cash  
27 assistance and the amounts of such payments are a matter of  
28 public record. They are available for inspection, subject to  
29 the limitations specified in subsection (2), at the local  
30 offices in the counties wherein the recipients of such  
31 payments reside.

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

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

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

15           414.32 Prohibitions and restrictions with respect to  
16 food stamps.--

17           (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT  
18 AGENCY.--

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

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

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

9           414.35 Emergency relief.--

10           (3) In administering emergency food stamp and other  
11 emergency assistance programs, the department shall cooperate  
12 fully with the United States Government and with other  
13 departments, instrumentalities, and agencies of this state.

14           Section 28. Section 414.36, Florida Statutes, 1996  
15 Supplement, is amended to read:

16           414.36 Public assistance overpayment recovery program;  
17 contracts.--

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

27           (2) For purposes of privatization of public assistance  
28 overpayment recovery, the department shall enter into  
29 contracts consistent with federal law with for-profit  
30 corporations, not-for-profit corporations, or other entities  
31 capable of providing the ~~benefit recovery~~ services for

1 recovering public assistance required under this section. The  
2 department shall issue requests for proposals, enter into a  
3 competitive bidding process, and negotiate contracts for such  
4 services. Contracts for such services may be funded on a  
5 contingency fee basis, per fiscal year, based on a percentage  
6 of the state-retained share of collections, for claims for  
7 food stamps, stamp and aid to families with dependent  
8 children, and temporary cash assistance ~~claims~~. This section  
9 does not prohibit districts from entering into contracts to  
10 carry out the provisions of this section, if that is a  
11 cost-effective use of resources.

12 (3) The Economic Self-sufficiency ~~Services~~ Program  
13 Office of the department shall have responsibility for  
14 contract management and for monitoring and policy development  
15 functions relating to privatization of the public assistance  
16 overpayment recovery program.

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

21 414.38 Pilot work experience and job training for  
22 noncustodial parents program.--

23 (1) There is established in two judicial circuits a  
24 work experience and job training pilot program for  
25 noncustodial parents, of which one circuit must be in a  
26 circuit with a mandatory family transition program in  
27 operation. The program shall be administered by the  
28 department ~~of Health and Rehabilitative Services~~.

29 (9) The department ~~of Health and Rehabilitative~~  
30 ~~Services~~ shall contract with a private service provider for  
31 job training, placement, and support services. The department

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

1 ~~The department of Health and Rehabilitative Services~~ shall  
2 report results of the initial evaluation within 18 months  
3 after the demonstration projects begin.

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

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

25 (d)(e) A copy of the evaluation report shall be  
26 submitted to the Governor, the President of the Senate, the  
27 Speaker of the House of Representatives, and appropriate  
28 substantive committees of the Legislature by June 30, 1999.

29 ~~(11) The Department of Health and Rehabilitative~~  
30 ~~Services shall obtain the necessary waivers from the United~~

31

1 ~~States Department of Health and Human Services in order to~~  
2 ~~implement this section.~~

3 (11)~~(12)~~ The department of ~~Health and Rehabilitative~~  
4 ~~Services~~, in consultation with the Department of Revenue and  
5 the Department of Labor and Employment Security, shall adopt  
6 rules to implement this section.

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

10 414.39 Fraud.--

11 (1) Any person who knowingly:

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

18 (b) Fails to disclose a change in circumstances in  
19 order to obtain or continue to receive ~~under~~ any such public  
20 assistance ~~program aid or benefits~~ to which he is not entitled  
21 or in an amount larger than that to which he is entitled; ~~or,~~

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

24  
25 is guilty of a crime and shall be punished as provided in  
26 subsection (5).

27 (3) Any person having duties in the administration of  
28 a state or federally funded public assistance program or in  
29 the distribution of public assistance ~~benefits~~, or  
30 authorizations or identifications to obtain public assistance  
31



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

1           (c) In any way knowingly receives, attempts to  
2 receive, or aids and abets in the receipt of, unauthorized  
3 payment or other unauthorized public assistance benefit or  
4 authorization or identification to obtain public assistance  
5 ~~benefits~~ as provided herein,

6  
7 is guilty of a crime and shall be punished as provided in  
8 subsection (5).

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

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

21           (c) As used in this subsection, the value of a food  
22 stamp authorization benefit is the cash or exchange value  
23 unlawfully obtained by the fraudulent act committed in  
24 violation of this section.

25           (d) As used in this section, "fraud" includes the  
26 introduction of fraudulent records into a computer system, the  
27 unauthorized use of computer facilities, the intentional or  
28 deliberate alteration or destruction of computerized  
29 information or files, and the stealing of financial  
30 instruments, data, and other assets.

31

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

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

25           (8)(a) The introduction into evidence of a paid state  
26 warrant made to the order of the defendant ~~is shall be~~ prima  
27 facie evidence that the defendant did receive public  
28 assistance from the state.

29           (b) The introduction into evidence of a transaction  
30 history generated by a Personal Identification Number (PIN)  
31 establishing a purchase or withdrawal by electronic benefit

1 transfer is prima facie evidence that the identified recipient  
2 received public assistance from the state.

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

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

19 Section 31. Paragraph (d) of subsection (2) of section  
20 414.40, Florida Statutes, 1996 Supplement, is amended to read:

21 414.40 Stop Inmate Fraud Program established;  
22 guidelines.--

23 (2) The division is directed to implement the Stop  
24 Inmate Fraud Program in accordance with the following  
25 guidelines:

26 (d) Data obtained from correctional institutions or  
27 other detention facilities shall be compared with the client  
28 files of the Department of Children and Family ~~Health and~~  
29 ~~Rehabilitative~~ Services, the Department of Labor and  
30 Employment Security, and other state or local agencies as  
31 needed to identify persons wrongfully obtaining benefits.

1 Data comparisons shall be accomplished during periods of low  
2 information demand by agency personnel to minimize  
3 inconvenience to the agency.

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

7 414.41 Recovery of payments made due to mistake or  
8 fraud.--

9 (1) Whenever it becomes apparent that any person or  
10 provider has received any public assistance ~~or benefits~~ under  
11 this chapter to which he is not entitled, through either  
12 simple mistake or fraud, the department shall take all  
13 necessary steps to recover the overpayment. The department  
14 may make appropriate settlements and shall establish a policy  
15 and cost-effective rules to be used in the recovery of such  
16 overpayments.

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

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

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. Section 414.44, Florida Statutes, 1996  
20 Supplement, is amended to read:

21 414.44 Data collection and reporting.--The department  
22 and the Department of Labor and Employment Security shall  
23 collect data necessary to administer this chapter and make the  
24 reports required under federal law to the United States  
25 Department of Health and Human Services and the United States  
26 Department of Agriculture.

27 Section 35. Section 414.45, Florida Statutes, 1996  
28 Supplement, is amended to read:

29 414.45 Rulemaking.--The department may adopt, amend,  
30 or repeal rules, as provided in chapter 120, to implement,  
31 enforce, and interpret ~~to administer the programs provided for~~

1 ~~in~~ this chapter. The Department of Labor and Employment  
2 Security may adopt, amend, or repeal rules, as provided in  
3 chapter 120, to implement, enforce, and interpret this  
4 chapter. The ~~shall adopt~~ rules must that provide protection  
5 against discrimination and the opportunity for a participant  
6 to request a review by a supervisor or administrator of any  
7 decision made by a panel or board of the department, the  
8 Department of Labor and Employment Security, or the WAGES  
9 Program.

10 Section 36. Section 414.55, Florida Statutes, 1996  
11 Supplement, is amended to read:

12 414.55 Implementation of ss. 414.015-414.55 ~~ch.~~  
13 ~~96-175.~~--Following the effective date of ss. 414.015-414.55  
14 ~~this act~~:

15 (1)(a) The Governor may delay implementation of ss.  
16 414.015-414.55 ~~this act~~ in order to provide the department,  
17 the Department of Labor and Employment Security, the  
18 Department of Revenue, and the Department of Health with the  
19 time necessary to prepare to implement new programs.

20 (b) The Governor may also delay implementation of  
21 portions of ss. 414.015-414.55 ~~this act~~, in order to allow  
22 savings resulting from the enactment of ss. 414.015-414.55 ~~act~~  
23 to pay for provisions implemented later. If the Governor  
24 determines that portions of ss. 414.015-414.55 ~~this act~~ should  
25 be delayed, the priority in implementing ss. 414.015-414.55  
26 ~~this act~~ shall be, in order of priority:

27 1. Provisions that provide savings in the first year  
28 of implementation.

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

31



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

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

6           5. Other provisions.

7           (2) The programs affected by ss. 414.015-414.55 ~~this~~  
8 ~~act~~ shall continue to operate under the provisions of law that  
9 would be in effect in the absence of ss. 414.015-414.55 ~~this~~  
10 ~~act~~, until such time as the Governor informs the Speaker of  
11 the House of Representatives and the President of the Senate  
12 of his intention to implement provisions of ss. 414.015-414.55  
13 ~~this act~~. Notice of intent to implement ss. 414.015-414.55  
14 ~~provisions of this act~~ shall be given to the Speaker of the  
15 House of Representatives and the President of the Senate in  
16 writing and shall be delivered at least 14 consecutive days  
17 prior to such action.

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

21           (4) In implementing ss. 414.015-414.55, the Governor  
22 shall minimize the liability of the state by opting out of the  
23 special provision related to community work, as described in  
24 s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by  
25 P.L. 104-193. The department and the Department of Labor and  
26 Employment Security shall implement the community work program  
27 in accordance with ss. 414.015-414.55.

28           Section 37. Eligibility for assistance for individuals  
29 assigned to the ongoing welfare reform evaluation in Escambia  
30 County shall be determined in accordance with the terms and  
31 conditions of the evaluation agreement between the Department

1 of Children and Family Services and the United States  
2 Department of Health and Human Services. The evaluation  
3 agreement may continue in effect regardless of the status of  
4 federal waivers, and the terms and conditions of the  
5 evaluation may be modified, as determined by the Department of  
6 Children and Family Services, to accomplish the goals of the  
7 evaluation.

8 Section 38. Subsection (3) of section 402.313, Florida  
9 Statutes, 1996 Supplement, is amended, and subsection (10) is  
10 added to that section, to read:

11 402.313 Family day care homes.--

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

23 (10) The department shall, by rule, establish minimum  
24 standards for licensed family day care homes. The standards  
25 must include, but need not be limited to, requirements for  
26 personnel qualifications and training, the physical facility,  
27 admissions, recordkeeping, the enforcement of standards,  
28 nutrition, discipline, and child care for children during  
29 evening hours.

30 Section 39. This act shall take effect upon becoming a  
31 law.

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SENATE SUMMARY

Revises various provisions of ch. 414, F.S., which created the Work and Gain Economic Self-sufficiency (WAGES) Act. Revises terminology to reflect the reorganization of the former Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services. Clarifies the duties of the Department of Labor and Employment Security with respect to administering certain requirements of the WAGES Program. Provides for determining eligibility for individuals who are assigned to an evaluation program. (See bill for details.)