

Barcode 940320

CHAMBER ACTION

Senate

House

1	AD/2R	.	AD
2	05/06/2005 01:09 PM	.	05/06/2005 21:52:11
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11 The Conference Committee on CS for SB 408 recommended the  
 12 following amendment:

14 **Conference Committee Amendment (with title amendment)**

15 Delete everything after the enacting clause and insert:

18 Section 1. Subsection (12) of section  
 409.256, Florida Statutes, is amended to read:

<A NAME="Page1Line20">20 409.256 Actions for support.--  
 <A NAME="Page1Line21">21 (12) The Title IV-D agency shall  
 review child support  
 <A NAME="Page1Line22">22 orders in IV-D cases at least every 3 years  
 upon request by  
 <A NAME="Page1Line23">23 either party, or the agency in cases where  
 there is an  
 <A NAME="Page1Line24">24 assignment of support to the state under s.  
 414.095(7) ~~s.~~  
 <A NAME="Page1Line25">25 ~~414.095(8)~~, and may seek adjustment of the  
 order if  
 <A NAME="Page1Line26">26 appropriate under the guidelines established  
 in s. 61.30. Not  
 <A NAME="Page1Line27">27 less than once every 3 years the IV-D agency  
 shall provide  
 <A NAME="Page1Line28">28 notice to the parties subject to the order  
 informing them of  
 <A NAME="Page1Line29">29 their right to request a review and, if  
 appropriate, an

<A NAME="Page1Line30"></A>30 adjustment of the child support order. Said notice requirement

<A NAME="Page1Line31"></A>31 may be met by including appropriate language in the initial

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1 support order or any subsequent orders.

2 Section 2. Subsections (5) through (19) of section  
3 414.095, Florida Statutes, are renumbered as subsections (4)  
4 through (18), respectively, and paragraph (a) of subsection  
5 (2), present subsection (4), paragraphs (c) and (e) of present  
6 subsection (15), and present subsection (17) of that section  
7 are amended to read:

8 414.095 Determining eligibility for temporary cash  
9 assistance.--

10 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

11 (a) To be eligible for services or temporary cash  
12 assistance and Medicaid:

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

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

16 3. Each member of a family must provide to the  
17 department the member's social security number or shall  
18 provide proof of application for a social security number. An  
19 individual who fails to provide ~~to the department~~ a social  
20 security number, or proof of application for a social security  
21 number, is not eligible to participate in the program.

22 4. A minor child must reside with a custodial parent  
23 or parents, ~~or~~ with a relative caretaker who is within the  
24 specified degree of blood relationship as defined by 45 C.F.R.  
25 part 233 under this chapter, or, if the minor is a teen parent  
26 with a child, in a setting approved by the department as  
27 provided in subsection (14).

28 5. Each family must have a minor child and meet the  
29 income and resource requirements of the program. All minor  
30 children who live in the family, as well as the parents of the  
31 minor children, shall be included in the eligibility

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1 determination unless specifically excluded.

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

5 ~~(a) A family that does not contain a mutual minor~~  
6 ~~child has the option to include or exclude a stepparent in~~  
7 ~~determining eligibility if the stepparent's monthly gross~~  
8 ~~income is less than 185 percent of the federal poverty level~~  
9 ~~for a two-person family.~~

10 ~~1. If the stepparent chooses to be excluded from the~~  
11 ~~family, temporary cash assistance, without shelter expense,~~  
12 ~~shall be provided for the child. The parent of the child must~~  
13 ~~comply with work activity requirements as provided in s.~~  
14 ~~445.024. Income and resources from the stepparent may not be~~  
15 ~~included in determining eligibility; however, any income and~~  
16 ~~resources from the parent of the child shall be included in~~  
17 ~~determining eligibility.~~

18 ~~2. If a stepparent chooses to be included in the~~  
19 ~~family, the department shall determine eligibility using the~~  
20 ~~requirements for a nonstepparent family. A stepparent whose~~  
21 ~~income is equal to or greater than 185 percent of the federal~~  
22 ~~poverty level for a two-person family does not have the option~~  
23 ~~to be excluded from the family, and all income and resources~~  
24 ~~of the stepparent shall be included in determining the~~  
25 ~~family's eligibility.~~

26 ~~(b) A family that contains a mutual minor child does~~  
27 ~~not have the option to exclude a stepparent from the family,~~  
28 ~~and the income and resources from the stepparent shall be~~  
29 ~~included in determining eligibility.~~

30 ~~(c) A family that contains two stepparents, with or~~  
31 ~~without a mutual minor child, does not have the option to~~

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1 ~~exclude a stepparent from the family, and the income and~~  
2 ~~resources from each stepparent must be included in determining~~  
3 ~~eligibility.~~

4 ~~(14)(15)~~ PROHIBITIONS AND RESTRICTIONS.--

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

8 1. The teen parent has suffered or might suffer harm  
9 in the home of the parent, legal guardian, or adult caretaker  
10 relative.

11 2. The requirement is not in the best interest of the  
12 teen parent or the child. If the department determines that it  
13 is not in the best interest of the teen parent or child to  
14 reside with a parent, legal guardian, or other adult caretaker  
15 relative, the department shall provide or assist the teen  
16 parent in finding a suitable home, a second-chance home, a  
17 maternity home, or other appropriate adult-supervised  
18 supportive living arrangement. Such living arrangement may  
19 include a shelter obligation in accordance with subsection  
20 ~~(10)(11)~~.

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

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1 arrangements.

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

8 (16)(17) PROPORTIONAL REDUCTION.--If the Social  
9 Services Estimating Conference forecasts an increase in the  
10 temporary cash assistance caseload and there is insufficient  
11 funding, a proportional reduction as determined by the  
12 department shall be applied to the levels of temporary cash  
13 assistance in subsection(10)(11).

14 Section 3. Section 414.105, Florida Statutes, is  
15 amended to read:

16 414.105 Time limitations of temporary cash  
17 assistance.--Except as ~~Unless~~ otherwise ~~expressly~~ provided in  
18 this section ~~chapter~~, an applicant or current participant  
19 shall receive temporary cash assistance for no ~~episodes of not~~  
20 ~~more than 24 cumulative months in any consecutive 60-month~~  
21 ~~period that begins with the first month of participation and~~  
22 ~~for not more than a lifetime cumulative total of 48 months as~~  
23 ~~an adult, unless otherwise provided by law.~~

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

30 (a) ~~Has received aid to families with dependent~~  
31 ~~children or temporary cash assistance for any 36 months of the~~

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1 ~~preceding 60 months; or~~

2 ~~(b) Is a custodial parent under the age of 24 who:~~

3 ~~1. Has not completed a high school education or its~~  
4 ~~equivalent; or~~

5 ~~2. Had little or no work experience in the preceding~~  
6 ~~year.~~

7 ~~(2) A participant who is not exempt from work activity~~  
8 ~~requirements may earn 1 month of eligibility for extended~~  
9 ~~temporary cash assistance, up to a maximum of 12 additional~~  
10 ~~months, for each month in which the participant is fully~~  
11 ~~complying with the work activities of the WAGES Program~~  
12 ~~through subsidized or unsubsidized public or private sector~~  
13 ~~employment. The period for which extended temporary cash~~  
14 ~~assistance is granted shall be based upon compliance with~~  
15 ~~WAGES Program requirements beginning October 1, 1996.~~

16 ~~(3) A WAGES participant who is not exempt from work~~  
17 ~~activity requirements and who participates in a recommended~~  
18 ~~mental health or substance abuse treatment program may earn 1~~  
19 ~~month of eligibility for extended temporary cash assistance,~~  
20 ~~up to a maximum of 12 additional months, for each month in~~  
21 ~~which the individual fully complies with the requirements of~~  
22 ~~the treatment program. This treatment credit may be awarded~~  
23 ~~only upon the successful completion of the treatment program~~  
24 ~~and only once during the 48-month time limit.~~

25 ~~(1)(4) A participant may not receive temporary cash~~  
26 ~~assistance under this subsection, in combination with other~~  
27 ~~periods of temporary cash assistance for longer than a~~  
28 ~~lifetime limit of 48 months. Hardship exemptions to the time~~  
29 ~~limitations provided in this section of this chapter shall be~~  
30 ~~limited to 20 percent of the average monthly caseload, as~~  
31 ~~determined by the department in cooperation with Workforce~~

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1 Florida, Inc. Criteria for hardship exemptions include:

2 (a) Diligent participation in activities, combined  
3 with inability to obtain employment.

4 (b) Diligent participation in activities, combined  
5 with extraordinary barriers to employment, including the  
6 conditions which may result in an exemption to work  
7 requirements.

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

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

14 (e) A recommendation of extension for a minor child of  
15 a participating family that has reached the end of the  
16 eligibility period for temporary cash assistance. The  
17 recommendation must be the result of a review which determines  
18 that the termination of the child's temporary cash assistance  
19 would be likely to result in the child being placed into  
20 emergency shelter or foster care. ~~Temporary cash assistance  
21 shall be provided through a protective payee. Staff of the  
22 Child Care Services Program Office of the department shall  
23 conduct all assessments in each case in which it appears a  
24 child may require continuation of temporary cash assistance  
25 through a protective payee.~~

26 ~~(2)(5)~~ In addition to the exemptions listed in  
27 ~~subsection (3)~~, A victim of domestic violence may be granted a  
28 hardship exemption if the effects of such domestic violence  
29 delay or otherwise interrupt or adversely affect the  
30 individual's participation in the program.

31 ~~(3)(6)~~ The department, in cooperation with Workforce



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1 Florida, Inc., shall establish a procedure for approving  
 2 hardship exemptions and for reviewing hardship cases at least  
 3 once every 2 years. Regional workforce boards may assist in  
 4 making these determinations. ~~The composition of any review~~  
 5 ~~panel must generally reflect the racial, gender, and ethnic~~  
 6 ~~diversity of the community as a whole. Members of a review~~  
 7 ~~panel shall serve without compensation but are entitled to~~  
 8 ~~receive reimbursement for per diem and travel expenses as~~  
 9 ~~provided in s. 112.061.~~

10       ~~(4)(7)~~ For individuals who have moved from another  
 11 state, the months in which temporary cash assistance was  
 12 received under a block grant program that provided temporary  
 13 assistance for needy families in any state shall count towards  
 14 the cumulative 48-month benefit limit for temporary cash  
 15 assistance.

16       ~~(5)(8)~~ For individuals subject to a time limitation  
 17 under the Family Transition Act of 1993, that time limitation  
 18 shall continue to apply. Months in which temporary cash  
 19 assistance was received through the family transition program  
 20 shall count towards the time limitations under this section  
 21 ~~chapter~~.

22       ~~(6)(9)~~ Except when temporary cash assistance was  
 23 received through the family transition program, the  
 24 calculation of the time limitation for temporary cash  
 25 assistance shall begin with the first month of receipt of  
 26 temporary cash assistance after the effective date of this  
 27 act.

28       ~~(7)(10)~~ Child-only cases are not subject to time  
 29 limitations, and temporary cash assistance received while an  
 30 individual is a minor child shall not count towards time  
 31 limitations.

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1           ~~(8)(11)~~ An individual who receives benefits under the  
 2 Supplemental Security Income (SSI) program or the Social  
 3 Security Disability Insurance (SSDI) program is not subject to  
 4 time limitations. An individual who has applied for  
 5 supplemental security income (SSI) or supplemental security  
 6 disability income (SSDI), but has not yet received a  
 7 determination must be granted an extension of time limits  
 8 until the individual receives a final determination on the SSI  
 9 or SSDI application. Determination shall be considered final  
 10 once all appeals have been exhausted, benefits have been  
 11 received, or denial has been accepted without any appeal.  
 12 While awaiting a final determination, ~~the~~ such individual must  
 13 continue to meet all program requirements assigned to the  
 14 participant based on medical ability to comply. If a final  
 15 determination results in the denial of benefits for  
 16 supplemental security income (SSI) or supplemental security  
 17 disability income (SSDI), any period during which the  
 18 recipient received assistance under this ~~section~~ chapter shall  
 19 be counted in ~~count against~~ the recipient's 48-month lifetime  
 20 limit.

21           ~~(9)(12)~~ A person who is totally responsible for the  
 22 personal care of a disabled family member is not subject to  
 23 time limitations if the need for the care is verified and  
 24 alternative care is not available for the family member. The  
 25 department shall annually evaluate an individual's  
 26 qualifications for this exemption.

27           ~~(10)(13)~~ A member of the staff of the regional  
 28 workforce board shall interview and assess the employment  
 29 prospects and barriers of each participant who is within 6  
 30 months of reaching the ~~48-month~~ 24-month time limit. The staff  
 31 member shall assist the participant in identifying actions

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1 necessary to become employed prior to reaching the benefit  
2 time limit for temporary cash assistance and, if appropriate,  
3 shall refer the participant for services that could facilitate  
4 employment.

5 Section 4. Subsections (3) through (5) of section  
6 414.32, Florida Statutes, are renumbered as subsections (2)  
7 through (4), respectively, and present subsection (2) of that  
8 section is amended to read:

9 414.32 Prohibitions and restrictions with respect to  
10 food stamps.--

11 ~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS. An~~  
12 ~~individual is ineligible to participate in the food stamp~~  
13 ~~program as a member of a food stamp assistance group during~~  
14 ~~any month in which the individual is delinquent in any payment~~  
15 ~~due under a court order for the support of a child. This~~  
16 ~~subsection does not apply if the court is allowing the~~  
17 ~~individual to delay payment for the support of a child or if~~  
18 ~~the individual is complying with a payment plan approved by~~  
19 ~~the court or the state agency that administers the child~~  
20 ~~support enforcement program.~~

21 Section 5. Subsection (3) of section 445.048, Florida  
22 Statutes, as amended by chapter 2004-269, Laws of Florida, is  
23 amended to read:

24 445.048 Passport to Economic Progress demonstration  
25 program.--

26 (3) INCOME DISREGARD.--In order to provide an  
27 additional incentive for employment, and notwithstanding the  
28 amount specified in s. 414.095(11) ~~s. 414.095(12)~~, for  
29 individuals residing in the areas designated for this  
30 demonstration program, the first \$300 plus one-half of the  
31 remainder of earned income shall be disregarded in determining

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1 eligibility for temporary cash assistance. All other  
2 conditions and requirements of s. 414.095(11) ~~s. 414.095(12)~~  
3 shall continue to apply to such individuals.

4 Section 6. Section 114 of chapter 2004-267, Laws of  
5 Florida, is repealed.

6 Section 7. This act shall take effect July 1, 2005.

7  
8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause

12

13 and insert:

14

A bill to be entitled

15

An act relating to economic eligibility  
16 services; amending s. 409.2564, F.S.;

17

correcting a cross-reference; amending s.

18

414.095, F.S.; clarifying eligibility for

19

temporary cash assistance for teen parents;

20

deleting additional eligibility options

21

relating to families containing a stepparent;

22

correcting cross-references; amending s.

23

414.105, F.S.; aligning time limitations for

24

temporary cash assistance with federal

25

requirements; deleting provisions relating to

26

review panels; amending s. 414.32, F.S.;

27

deleting food stamp sanctions for persons who

28

are delinquent on child support payments;

29

amending s. 445.048, F.S.; correcting a

30

cross-reference; repealing s. 114 of ch.

31

2004-267, Laws of Florida, relating to the

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1           eligibility determination functions of the  
2           Economic Self-Sufficiency Services program;  
3           providing an effective date  
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