

1 A bill to be entitled
 2 An act relating to economic eligibility services; amending
 3 s. 409.2564, F.S.; correcting a cross reference; amending
 4 s. 414.065, F.S.; aligning food stamp sanctions with
 5 federal penalties; deleting provisions relating to
 6 continuation of temporary cash assistance for children
 7 through protective payees; amending s. 414.095, F.S.;
 8 clarifying eligibility for temporary cash assistance for
 9 teen parents; deleting additional eligibility options
 10 relating to families containing a stepparent; correcting
 11 cross references; amending s. 414.105, F.S.; aligning time
 12 limitations for temporary cash assistance with federal
 13 requirements; deleting provisions relating to review
 14 panels; amending s. 414.32, F.S.; deleting food stamp
 15 sanctions for persons who are delinquent on child support
 16 payments; amending s. 445.048, F.S.; correcting a cross
 17 reference; repealing s. 114 of ch. 2004-267, Laws of
 18 Florida, relating to the Economic Self-Sufficiency
 19 Services program eligibility determination functions;
 20 providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsection (12) of section 409.2564, Florida
 25 Statutes, is amended to read:

26 409.2564 Actions for support.--

27 (12) The Title IV-D agency shall review child support
 28 orders in IV-D cases at least every 3 years upon request by

29 | either party, or the agency in cases where there is an
 30 | assignment of support to the state under s. 414.095(7)(8), and
 31 | may seek adjustment of the order if appropriate under the
 32 | guidelines established in s. 61.30. Not less than once every 3
 33 | years the IV-D agency shall provide notice to the parties
 34 | subject to the order informing them of their right to request a
 35 | review and, if appropriate, an adjustment of the child support
 36 | order. Said notice requirement may be met by including
 37 | appropriate language in the initial support order or any
 38 | subsequent orders.

39 | Section 2. Subsections (3) through (5) of section 414.065,
 40 | Florida Statutes, are renumbered as subsections (2) through (4),
 41 | respectively, and present subsections (1) and (2) of said
 42 | section are amended to read:

43 | 414.065 Noncompliance with work requirements.--

44 | (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
 45 | AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.--~~The~~
 46 | ~~department shall establish procedures for administering~~
 47 | ~~penalties for nonparticipation in work requirements and failure~~
 48 | ~~to comply with the alternative requirement plan.~~ If an
 49 | individual in a family receiving temporary cash assistance fails
 50 | to engage in work activities required under ~~in accordance with~~
 51 | s. 445.024 or under an alternative requirement plan as described
 52 | in subsection (3), the department shall administer sanctions
 53 | consistent with federal food stamp regulations as provided under
 54 | 7 C.F.R. part 273, including the state option to disqualify the
 55 | entire household when the head of the household is noncompliant
 56 | ~~following penalties shall apply.~~ Prior to the imposition of a

57 | sanction, the participant shall be notified orally or in writing
58 | that the participant is subject to sanction and that action will
59 | be taken to impose the sanction unless the participant complies
60 | with the work activity requirements or the alternative
61 | requirement plan. The participant shall be counseled as to the
62 | consequences of noncompliance and, if appropriate, shall be
63 | referred for services that could assist the participant to fully
64 | comply with program requirements. If the participant has good
65 | cause for noncompliance or demonstrates satisfactory compliance,
66 | the sanction shall not be imposed. If the participant has
67 | subsequently obtained employment, the participant shall be
68 | counseled regarding the transitional benefits that may be
69 | available and provided information about how to access such
70 | benefits. The department shall administer sanctions related to
71 | food stamps consistent with federal regulations.

72 | ~~(a)1. First noncompliance: temporary cash assistance shall~~
73 | ~~be terminated for the family for a minimum of 10 days or until~~
74 | ~~the individual who failed to comply does so.~~

75 | ~~2. Second noncompliance: temporary cash assistance shall~~
76 | ~~be terminated for the family for 1 month or until the individual~~
77 | ~~who failed to comply does so, whichever is later. Upon meeting~~
78 | ~~this requirement, temporary cash assistance shall be reinstated~~
79 | ~~to the date of compliance or the first day of the month~~
80 | ~~following the penalty period, whichever is later.~~

81 | ~~3. Third noncompliance: temporary cash assistance shall be~~
82 | ~~terminated for the family for 3 months or until the individual~~
83 | ~~who failed to comply does so, whichever is later. The individual~~
84 | ~~shall be required to comply with the required work activity upon~~

85 ~~completion of the 3-month penalty period, before reinstatement~~
 86 ~~of temporary cash assistance. Upon meeting this requirement,~~
 87 ~~temporary cash assistance shall be reinstated to the date of~~
 88 ~~compliance or the first day of the month following the penalty~~
 89 ~~period, whichever is later.~~

90 ~~(b) If a participant receiving temporary cash assistance~~
 91 ~~who is otherwise exempted from noncompliance penalties fails to~~
 92 ~~comply with the alternative requirement plan required in~~
 93 ~~accordance with this section, the penalties provided in~~
 94 ~~paragraph (a) shall apply.~~

95
 96 ~~If a participant fully complies with work activity requirements~~
 97 ~~for at least 6 months, the participant shall be reinstated as~~
 98 ~~being in full compliance with program requirements for purpose~~
 99 ~~of sanctions imposed under this section.~~

100 ~~(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR~~
 101 ~~CHILDREN; PROTECTIVE PAYEES.~~

102 ~~(a) Upon the second or third occurrence of noncompliance,~~
 103 ~~temporary cash assistance and food stamps for the child or~~
 104 ~~children in a family who are under age 16 may be continued. Any~~
 105 ~~such payments must be made through a protective payee or, in the~~
 106 ~~case of food stamps, through an authorized representative. Under~~
 107 ~~no circumstances shall temporary cash assistance or food stamps~~
 108 ~~be paid to an individual who has failed to comply with program~~
 109 ~~requirements.~~

110 ~~(b) Protective payees shall be designated by the~~
 111 ~~department and may include:~~

112 1. ~~A relative or other individual who is interested in or~~
 113 ~~concerned with the welfare of the child or children and agrees~~
 114 ~~in writing to utilize the assistance in the best interest of the~~
 115 ~~child or children.~~

116 2. ~~A member of the community affiliated with a religious,~~
 117 ~~community, neighborhood, or charitable organization who agrees~~
 118 ~~in writing to utilize the assistance in the best interest of the~~
 119 ~~child or children.~~

120 3. ~~A volunteer or member of an organization who agrees in~~
 121 ~~writing to fulfill the role of protective payee and to utilize~~
 122 ~~the assistance in the best interest of the child or children.~~

123 (c) ~~The protective payee designated by the department~~
 124 ~~shall be the authorized representative for purposes of receiving~~
 125 ~~food stamps on behalf of a child or children under age 16. The~~
 126 ~~authorized representative must agree in writing to use the food~~
 127 ~~stamps in the best interest of the child or children.~~

128 (d) ~~If it is in the best interest of the child or~~
 129 ~~children, as determined by the department, for the staff member~~
 130 ~~of a private agency, a public agency, the department, or any~~
 131 ~~other appropriate organization to serve as a protective payee or~~
 132 ~~authorized representative, such designation may be made, except~~
 133 ~~that a protective payee or authorized representative must not be~~
 134 ~~any individual involved in determining eligibility for temporary~~
 135 ~~cash assistance or food stamps for the family, staff handling~~
 136 ~~any fiscal processes related to issuance of temporary cash~~
 137 ~~assistance or food stamps, or landlords, grocers, or vendors of~~
 138 ~~goods, services, or items dealing directly with the participant.~~

139 ~~(e) The department may pay incidental expenses or travel~~
 140 ~~expenses for costs directly related to performance of the duties~~
 141 ~~of a protective payee as necessary to implement the provisions~~
 142 ~~of this subsection.~~

143 Section 3. Subsections (5) through (19) of section
 144 414.095, Florida Statutes, are renumbered as subsections (4)
 145 through (18), respectively, and paragraph (a) of subsection (2),
 146 present subsection (4), paragraphs (c) and (e) of present
 147 subsection (15), and present subsection (17) of said section are
 148 amended to read:

149 414.095 Determining eligibility for temporary cash
 150 assistance.--

151 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

152 (a) To be eligible for services or temporary cash
 153 assistance and Medicaid:

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

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

157 3. Each member of a family must provide to the department
 158 the member's social security number or shall provide proof of
 159 application for a social security number. An individual who
 160 fails to provide ~~to the department~~ a social security number, or
 161 proof of application for a social security number, is not
 162 eligible to participate in the program.

163 4. A minor child must reside with a custodial parent or
 164 parents, ~~or~~ with a relative caretaker who is within the
 165 specified degree of blood relationship as defined by 45 C.F.R.
 166 part 233 ~~under this chapter~~, or, if the minor is a teen parent

167 with a child, in a setting approved by the department as
168 provided in subsection (14).

169 5. Each family must have a minor child and meet the income
170 and resource requirements of the program. All minor children who
171 live in the family, as well as the parents of the minor
172 children, shall be included in the eligibility determination
173 unless specifically excluded.

174 ~~(4) STEPPARENTS.—A family that contains a stepparent has~~
175 ~~the following special eligibility options if the family meets~~
176 ~~all other eligibility requirements:~~

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

182 ~~1. If the stepparent chooses to be excluded from the~~
183 ~~family, temporary cash assistance, without shelter expense,~~
184 ~~shall be provided for the child. The parent of the child must~~
185 ~~comply with work activity requirements as provided in s.~~
186 ~~445.024. Income and resources from the stepparent may not be~~
187 ~~included in determining eligibility; however, any income and~~
188 ~~resources from the parent of the child shall be included in~~
189 ~~determining eligibility.~~

190 ~~2. If a stepparent chooses to be included in the family,~~
191 ~~the department shall determine eligibility using the~~
192 ~~requirements for a nonstepparent family. A stepparent whose~~
193 ~~income is equal to or greater than 185 percent of the federal~~
194 ~~poverty level for a two-person family does not have the option~~

195 ~~to be excluded from the family, and all income and resources of~~
 196 ~~the stepparent shall be included in determining the family's~~
 197 ~~eligibility.~~

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

202 ~~(c) A family that contains two stepparents, with or~~
 203 ~~without a mutual minor child, does not have the option to~~
 204 ~~exclude a stepparent from the family, and the income and~~
 205 ~~resources from each stepparent must be included in determining~~
 206 ~~eligibility.~~

207 ~~(14)(15)~~ PROHIBITIONS AND RESTRICTIONS.--

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

211 1. The teen parent has suffered or might suffer harm in
 212 the home of the parent, legal guardian, or adult caretaker
 213 relative.

214 2. The requirement is not in the best interest of the teen
 215 parent or the child. If the department determines that it is not
 216 in the best interest of the teen parent or child to reside with
 217 a parent, legal guardian, or other adult caretaker relative, the
 218 department shall provide or assist the teen parent in finding a
 219 suitable home, a second-chance home, a maternity home, or other
 220 appropriate adult-supervised supportive living arrangement. Such
 221 living arrangement may include a shelter obligation in
 222 accordance with subsection (10)~~(11)~~.

223
 224 The department may not delay providing temporary cash assistance
 225 to the teen parent through the alternative payee designated by
 226 the department pending a determination as to where the teen
 227 parent should live and sufficient time for the move itself. A
 228 teen parent determined to need placement that is unavailable
 229 shall continue to be eligible for temporary cash assistance so
 230 long as the teen parent cooperates with the department and the
 231 Department of Health. The teen parent shall be provided with
 232 counseling to make the transition from independence to
 233 supervised living and with a choice of living arrangements.

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

239 (16)~~(17)~~ PROPORTIONAL REDUCTION.--If the Social Services
 240 Estimating Conference forecasts an increase in the temporary
 241 cash assistance caseload and there is insufficient funding, a
 242 proportional reduction as determined by the department shall be
 243 applied to the levels of temporary cash assistance in subsection
 244 (10)~~(11)~~.

245 Section 4. Section 414.105, Florida Statutes, is amended
 246 to read:

247 414.105 Time limitations of temporary cash
 248 assistance.--Except as ~~Unless~~ otherwise ~~expressly~~ provided in
 249 this section ~~chapter~~, an applicant or current participant shall
 250 receive temporary cash assistance for no ~~episodes of not more~~

251 ~~than 24 cumulative months in any consecutive 60-month period~~
 252 ~~that begins with the first month of participation and for not~~
 253 ~~more than a lifetime cumulative total of 48 months as an adult,~~
 254 ~~unless otherwise provided by law.~~

255 ~~(1) The time limitation for episodes of temporary cash~~
 256 ~~assistance may not exceed 36 cumulative months in any~~
 257 ~~consecutive 72-month period that begins with the first month of~~
 258 ~~participation and may not exceed a lifetime cumulative total of~~
 259 ~~48 months of temporary cash assistance as an adult, for cases in~~
 260 ~~which the participant:~~

261 ~~(a) Has received aid to families with dependent children~~
 262 ~~or temporary cash assistance for any 36 months of the preceding~~
 263 ~~60 months; or~~

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

265 ~~1. Has not completed a high school education or its~~
 266 ~~equivalent; or~~

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

268 ~~(2) A participant who is not exempt from work activity~~
 269 ~~requirements may earn 1 month of eligibility for extended~~
 270 ~~temporary cash assistance, up to a maximum of 12 additional~~
 271 ~~months, for each month in which the participant is fully~~
 272 ~~complying with the work activities of the WAGES Program through~~
 273 ~~subsidized or unsubsidized public or private sector employment.~~
 274 ~~The period for which extended temporary cash assistance is~~
 275 ~~granted shall be based upon compliance with WAGES Program~~
 276 ~~requirements beginning October 1, 1996.~~

277 ~~(3) A WAGES participant who is not exempt from work~~
 278 ~~activity requirements and who participates in a recommended~~

279 ~~mental health or substance abuse treatment program may earn 1~~
280 ~~month of eligibility for extended temporary cash assistance, up~~
281 ~~to a maximum of 12 additional months, for each month in which~~
282 ~~the individual fully complies with the requirements of the~~
283 ~~treatment program. This treatment credit may be awarded only~~
284 ~~upon the successful completion of the treatment program and only~~
285 ~~once during the 48-month time limit.~~

286 ~~(1)(4) A participant may not receive temporary cash~~
287 ~~assistance under this subsection, in combination with other~~
288 ~~periods of temporary cash assistance for longer than a lifetime~~
289 ~~limit of 48 months. Hardship exemptions to the time limitations~~
290 ~~provided in this section of this chapter shall be limited to 20~~
291 ~~percent of the average monthly caseload, as determined by the~~
292 ~~department in cooperation with Workforce Florida, Inc. Criteria~~
293 ~~for hardship exemptions include:~~

294 (a) Diligent participation in activities, combined with
295 inability to obtain employment.

296 (b) Diligent participation in activities, combined with
297 extraordinary barriers to employment, including the conditions
298 which may result in an exemption to work requirements.

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

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

305 (e) A recommendation of extension for a minor child of a
306 participating family that has reached the end of the eligibility

307 period for temporary cash assistance. The recommendation must be
308 the result of a review which determines that the termination of
309 the child's temporary cash assistance would be likely to result
310 in the child being placed into emergency shelter or foster care.
311 ~~Temporary cash assistance shall be provided through a protective~~
312 ~~payee. Staff of the Child Care Services Program Office of the~~
313 ~~department shall conduct all assessments in each case in which~~
314 ~~it appears a child may require continuation of temporary cash~~
315 ~~assistance through a protective payee.~~

316 (2)~~(5)~~ ~~In addition to the exemptions listed in subsection~~
317 ~~(3),~~ A victim of domestic violence may be granted a hardship
318 exemption if the effects of such domestic violence delay or
319 otherwise interrupt or adversely affect the individual's
320 participation in the program.

321 (3)~~(6)~~ The department, in cooperation with Workforce
322 Florida, Inc., shall establish a procedure for approving
323 hardship exemptions and for reviewing hardship cases at least
324 once every 2 years. Regional workforce boards may assist in
325 making these determinations. ~~The composition of any review panel~~
326 ~~must generally reflect the racial, gender, and ethnic diversity~~
327 ~~of the community as a whole. Members of a review panel shall~~
328 ~~serve without compensation but are entitled to receive~~
329 ~~reimbursement for per diem and travel expenses as provided in s.~~
330 ~~112.061.~~

331 (4)~~(7)~~ For individuals who have moved from another state,
332 the months in which temporary cash assistance was received under
333 a block grant program that provided temporary assistance for

334 needy families in any state shall count towards the cumulative
 335 48-month benefit limit for temporary cash assistance.

336 ~~(5)(8)~~ For individuals subject to a time limitation under
 337 the Family Transition Act of 1993, that time limitation shall
 338 continue to apply. Months in which temporary cash assistance was
 339 received through the family transition program shall count
 340 towards the time limitations under this section ~~chapter~~.

341 ~~(6)(9)~~ Except when temporary cash assistance was received
 342 through the family transition program, the calculation of the
 343 time limitation for temporary cash assistance shall begin with
 344 the first month of receipt of temporary cash assistance after
 345 the effective date of this act.

346 ~~(7)(10)~~ Child-only cases are not subject to time
 347 limitations, and temporary cash assistance received while an
 348 individual is a minor child shall not count towards time
 349 limitations.

350 ~~(8)(11)~~ An individual who receives benefits under the
 351 Supplemental Security Income (SSI) program or the Social
 352 Security Disability Insurance (SSDI) program is not subject to
 353 time limitations. An individual who has applied for supplemental
 354 security income (SSI) or supplemental security disability income
 355 (SSDI), but has not yet received a determination must be granted
 356 an extension of time limits until the individual receives a
 357 final determination on the SSI or SSDI application.

358 Determination shall be considered final once all appeals have
 359 been exhausted, benefits have been received, or denial has been
 360 accepted without any appeal. While awaiting a final
 361 determination, the ~~such~~ individual must continue to meet all

362 program requirements assigned to the participant based on
 363 medical ability to comply. If a final determination results in
 364 the denial of benefits for supplemental security income (SSI) or
 365 supplemental security disability income (SSDI), any period
 366 during which the recipient received assistance under this
 367 section ~~chapter~~ shall be counted in ~~count against~~ the
 368 recipient's 48-month lifetime limit.

369 (9)~~(12)~~ A person who is totally responsible for the
 370 personal care of a disabled family member is not subject to time
 371 limitations if the need for the care is verified and alternative
 372 care is not available for the family member. The department
 373 shall annually evaluate an individual's qualifications for this
 374 exemption.

375 (10)~~(13)~~ A member of the staff of the regional workforce
 376 board shall interview and assess the employment prospects and
 377 barriers of each participant who is within 6 months of reaching
 378 the 48-month ~~24-month~~ time limit. The staff member shall assist
 379 the participant in identifying actions necessary to become
 380 employed prior to reaching the benefit time limit for temporary
 381 cash assistance and, if appropriate, shall refer the participant
 382 for services that could facilitate employment.

383 Section 5. Subsections (3) through (5) of section 414.32,
 384 Florida Statutes, are renumbered as subsections (2) through (4),
 385 respectively, and present subsection (2) of said section is
 386 amended to read:

387 414.32 Prohibitions and restrictions with respect to food
 388 stamps.--

389 ~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS.--An~~
 390 ~~individual is ineligible to participate in the food stamp~~
 391 ~~program as a member of a food stamp assistance group during any~~
 392 ~~month in which the individual is delinquent in any payment due~~
 393 ~~under a court order for the support of a child. This subsection~~
 394 ~~does not apply if the court is allowing the individual to delay~~
 395 ~~payment for the support of a child or if the individual is~~
 396 ~~complying with a payment plan approved by the court or the state~~
 397 ~~agency that administers the child support enforcement program.~~

398 Section 6. Subsection (3) of section 445.048, Florida
 399 Statutes, as amended by chapter 2004-269, Laws of Florida, is
 400 amended to read:

401 445.048 Passport to Economic Progress demonstration
 402 program.--

403 (3) INCOME DISREGARD.--In order to provide an additional
 404 incentive for employment, and notwithstanding the amount
 405 specified in s. 414.095~~(11)(12)~~, for individuals residing in the
 406 areas designated for this demonstration program, the first \$300
 407 plus one-half of the remainder of earned income shall be
 408 disregarded in determining eligibility for temporary cash
 409 assistance. All other conditions and requirements of s.
 410 414.095~~(11)(12)~~ shall continue to apply to such individuals.

411 Section 7. Section 114 of chapter 2004-267, Laws of
 412 Florida, is repealed.

413 Section 8. This act shall take effect July 1, 2005.