

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Bean offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (12) of section 409.2564, Florida
6 Statutes, is amended to read:

7 409.2564 Actions for support.--

8 (12) The Title IV-D agency shall review child support
9 orders in IV-D cases at least every 3 years upon request by
10 either party, or the agency in cases where there is an
11 assignment of support to the state under s. 414.095(7)(8), and
12 may seek adjustment of the order if appropriate under the
13 guidelines established in s. 61.30. Not less than once every 3
14 years the IV-D agency shall provide notice to the parties
15 subject to the order informing them of their right to request a

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16 review and, if appropriate, an adjustment of the child support
17 order. Said notice requirement may be met by including
18 appropriate language in the initial support order or any
19 subsequent orders.

20 Section 2. Subsections (3) through (5) of section 414.065,
21 Florida Statutes, are renumbered as subsections (2) through (4),
22 respectively, and present subsections (1) and (2) of said
23 section are amended to read:

24 414.065 Noncompliance with work requirements.--

25 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
26 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.--~~The~~
27 ~~department shall establish procedures for administering~~
28 ~~penalties for nonparticipation in work requirements and failure~~
29 ~~to comply with the alternative requirement plan.~~ If an
30 individual in a family receiving temporary cash assistance fails
31 to engage in work activities required under in accordance with
32 s. 445.024 or under an alternative requirement plan as described
33 in subsection (3), the department shall administer sanctions
34 consistent with federal food stamp regulations as provided under
35 7 C.F.R. part 273, including the state option to disqualify the
36 entire household when the head of the household is noncompliant
37 ~~following penalties shall apply.~~ Prior to the imposition of a
38 sanction, the participant shall be notified orally or in writing
39 that the participant is subject to sanction and that action will
40 be taken to impose the sanction unless the participant complies
41 with the work activity requirements or the alternative
42 requirement plan. The participant shall be counseled as to the

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43 consequences of noncompliance and, if appropriate, shall be
44 referred for services that could assist the participant to fully
45 comply with program requirements. If the participant has good
46 cause for noncompliance or demonstrates satisfactory compliance,
47 the sanction shall not be imposed. If the participant has
48 subsequently obtained employment, the participant shall be
49 counseled regarding the transitional benefits that may be
50 available and provided information about how to access such
51 benefits. The department shall administer sanctions related to
52 food stamps consistent with federal regulations.

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

56 ~~2. Second noncompliance: temporary cash assistance shall~~
57 ~~be terminated for the family for 1 month or until the individual~~
58 ~~who failed to comply does so, whichever is later. Upon meeting~~
59 ~~this requirement, temporary cash assistance shall be reinstated~~
60 ~~to the date of compliance or the first day of the month~~
61 ~~following the penalty period, whichever is later.~~

62 ~~3. Third noncompliance: temporary cash assistance shall be~~
63 ~~terminated for the family for 3 months or until the individual~~
64 ~~who failed to comply does so, whichever is later. The individual~~
65 ~~shall be required to comply with the required work activity upon~~
66 ~~completion of the 3-month penalty period, before reinstatement~~
67 ~~of temporary cash assistance. Upon meeting this requirement,~~
68 ~~temporary cash assistance shall be reinstated to the date of~~

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69 ~~compliance or the first day of the month following the penalty~~
70 ~~period, whichever is later.~~

71 ~~(b) If a participant receiving temporary cash assistance~~
72 ~~who is otherwise exempted from noncompliance penalties fails to~~
73 ~~comply with the alternative requirement plan required in~~
74 ~~accordance with this section, the penalties provided in~~
75 ~~paragraph (a) shall apply.~~

76
77 ~~If a participant fully complies with work activity requirements~~
78 ~~for at least 6 months, the participant shall be reinstated as~~
79 ~~being in full compliance with program requirements for purpose~~
80 ~~of sanctions imposed under this section.~~

81 ~~(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR~~
82 ~~CHILDREN; PROTECTIVE PAYEES.—~~

83 ~~(a) Upon the second or third occurrence of noncompliance,~~
84 ~~temporary cash assistance and food stamps for the child or~~
85 ~~children in a family who are under age 16 may be continued. Any~~
86 ~~such payments must be made through a protective payee or, in the~~
87 ~~ease of food stamps, through an authorized representative. Under~~
88 ~~no circumstances shall temporary cash assistance or food stamps~~
89 ~~be paid to an individual who has failed to comply with program~~
90 ~~requirements.~~

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

93 ~~1. A relative or other individual who is interested in or~~
94 ~~concerned with the welfare of the child or children and agrees~~

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95 ~~in writing to utilize the assistance in the best interest of the~~
96 ~~child or children.~~

97 ~~2. A member of the community affiliated with a religious,~~
98 ~~community, neighborhood, or charitable organization who agrees~~
99 ~~in writing to utilize the assistance in the best interest of the~~
100 ~~child or children.~~

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

104 ~~(c) The protective payee designated by the department~~
105 ~~shall be the authorized representative for purposes of receiving~~
106 ~~food stamps on behalf of a child or children under age 16. The~~
107 ~~authorized representative must agree in writing to use the food~~
108 ~~stamps in the best interest of the child or children.~~

109 ~~(d) If it is in the best interest of the child or~~
110 ~~children, as determined by the department, for the staff member~~
111 ~~of a private agency, a public agency, the department, or any~~
112 ~~other appropriate organization to serve as a protective payee or~~
113 ~~authorized representative, such designation may be made, except~~
114 ~~that a protective payee or authorized representative must not be~~
115 ~~any individual involved in determining eligibility for temporary~~
116 ~~cash assistance or food stamps for the family, staff handling~~
117 ~~any fiscal processes related to issuance of temporary cash~~
118 ~~assistance or food stamps, or landlords, grocers, or vendors of~~
119 ~~goods, services, or items dealing directly with the participant.~~

120 ~~(e) The department may pay incidental expenses or travel~~
121 ~~expenses for costs directly related to performance of the duties~~

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122 ~~of a protective payee as necessary to implement the provisions~~
123 ~~of this subsection.~~

124 Section 3. Subsections (5) through (19) of section
125 414.095, Florida Statutes, are renumbered as subsections (4)
126 through (18), respectively, and paragraph (a) of subsection (2),
127 present subsection (4), paragraphs (c) and (e) of present
128 subsection (15), and present subsection (17) of said section are
129 amended to read:

130 414.095 Determining eligibility for temporary cash
131 assistance.--

132 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

133 (a) To be eligible for services or temporary cash
134 assistance and Medicaid:

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

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

138 3. Each member of a family must provide to the department
139 the member's social security number or shall provide proof of
140 application for a social security number. An individual who
141 fails to provide ~~to the department~~ a social security number, or
142 proof of application for a social security number, is not
143 eligible to participate in the program.

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

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

150 5. Each family must have a minor child and meet the income
151 and resource requirements of the program. All minor children who
152 live in the family, as well as the parents of the minor
153 children, shall be included in the eligibility determination
154 unless specifically excluded.

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

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

163 ~~1.—If the stepparent chooses to be excluded from the~~
164 ~~family, temporary cash assistance, without shelter expense,~~
165 ~~shall be provided for the child. The parent of the child must~~
166 ~~comply with work activity requirements as provided in s.~~
167 ~~445.024. Income and resources from the stepparent may not be~~
168 ~~included in determining eligibility; however, any income and~~
169 ~~resources from the parent of the child shall be included in~~
170 ~~determining eligibility.~~

171 ~~2.—If a stepparent chooses to be included in the family,~~
172 ~~the department shall determine eligibility using the~~
173 ~~requirements for a nonstepparent family. A stepparent whose~~
174 ~~income is equal to or greater than 185 percent of the federal~~

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175 ~~poverty level for a two-person family does not have the option~~
176 ~~to be excluded from the family, and all income and resources of~~
177 ~~the stepparent shall be included in determining the family's~~
178 ~~eligibility.~~

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

183 ~~(c) A family that contains two stepparents, with or~~
184 ~~without a mutual minor child, does not have the option to~~
185 ~~exclude a stepparent from the family, and the income and~~
186 ~~resources from each stepparent must be included in determining~~
187 ~~eligibility.~~

188 ~~(14)(15)~~ PROHIBITIONS AND RESTRICTIONS.--

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

192 1. The teen parent has suffered or might suffer harm in
193 the home of the parent, legal guardian, or adult caretaker
194 relative.

195 2. The requirement is not in the best interest of the teen
196 parent or the child. If the department determines that it is not
197 in the best interest of the teen parent or child to reside with
198 a parent, legal guardian, or other adult caretaker relative, the
199 department shall provide or assist the teen parent in finding a
200 suitable home, a second-chance home, a maternity home, or other
201 appropriate adult-supervised supportive living arrangement. Such

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202 living arrangement may include a shelter obligation in
203 accordance with subsection (10)~~(11)~~.

204
205 The department may not delay providing temporary cash assistance
206 to the teen parent through the alternative payee designated by
207 the department pending a determination as to where the teen
208 parent should live and sufficient time for the move itself. A
209 teen parent determined to need placement that is unavailable
210 shall continue to be eligible for temporary cash assistance so
211 long as the teen parent cooperates with the department and the
212 Department of Health. The teen parent shall be provided with
213 counseling to make the transition from independence to
214 supervised living and with a choice of living arrangements.

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

220 ~~(16)~~~~(17)~~ PROPORTIONAL REDUCTION.--If the Social Services
221 Estimating Conference forecasts an increase in the temporary
222 cash assistance caseload and there is insufficient funding, a
223 proportional reduction as determined by the department shall be
224 applied to the levels of temporary cash assistance in subsection
225 (10)~~(11)~~.

226 Section 4. Section 414.105, Florida Statutes, is amended
227 to read:

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228 414.105 Time limitations of temporary cash
229 assistance.--~~Except as~~ Unless otherwise expressly provided in
230 this ~~section~~ chapter, an applicant or current participant shall
231 receive temporary cash assistance for ~~no episodes of not more~~
232 ~~than 24 cumulative months in any consecutive 60-month period~~
233 ~~that begins with the first month of participation and for not~~
234 more than a lifetime cumulative total of 48 months as an adult,
235 unless otherwise provided by law.

236 ~~(1) The time limitation for episodes of temporary cash~~
237 ~~assistance may not exceed 36 cumulative months in any~~
238 ~~consecutive 72-month period that begins with the first month of~~
239 ~~participation and may not exceed a lifetime cumulative total of~~
240 ~~48 months of temporary cash assistance as an adult, for cases in~~
241 ~~which the participant:~~

242 ~~(a) Has received aid to families with dependent children~~
243 ~~or temporary cash assistance for any 36 months of the preceding~~
244 ~~60 months; or~~

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

246 ~~1. Has not completed a high school education or its~~
247 ~~equivalent; or~~

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

249 ~~(2) A participant who is not exempt from work activity~~
250 ~~requirements may earn 1 month of eligibility for extended~~
251 ~~temporary cash assistance, up to a maximum of 12 additional~~
252 ~~months, for each month in which the participant is fully~~
253 ~~complying with the work activities of the WAGES Program through~~
254 ~~subsidized or unsubsidized public or private sector employment.~~

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255 ~~The period for which extended temporary cash assistance is~~
256 ~~granted shall be based upon compliance with WAGES Program~~
257 ~~requirements beginning October 1, 1996.~~

258 ~~(3) A WAGES participant who is not exempt from work~~
259 ~~activity requirements and who participates in a recommended~~
260 ~~mental health or substance abuse treatment program may earn 1~~
261 ~~month of eligibility for extended temporary cash assistance, up~~
262 ~~to a maximum of 12 additional months, for each month in which~~
263 ~~the individual fully complies with the requirements of the~~
264 ~~treatment program. This treatment credit may be awarded only~~
265 ~~upon the successful completion of the treatment program and only~~
266 ~~once during the 48 month time limit.~~

267 ~~(1)(4) A participant may not receive temporary cash~~
268 ~~assistance under this subsection, in combination with other~~
269 ~~periods of temporary cash assistance for longer than a lifetime~~
270 ~~limit of 48 months. Hardship exemptions to the time limitations~~
271 ~~provided in this section of this chapter shall be limited to 20~~
272 ~~percent of the average monthly caseload, as determined by the~~
273 ~~department in cooperation with Workforce Florida, Inc. Criteria~~
274 ~~for hardship exemptions include:~~

275 (a) Diligent participation in activities, combined with
276 inability to obtain employment.

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

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

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

286 (e) A recommendation of extension for a minor child of a
287 participating family that has reached the end of the eligibility
288 period for temporary cash assistance. The recommendation must be
289 the result of a review which determines that the termination of
290 the child's temporary cash assistance would be likely to result
291 in the child being placed into emergency shelter or foster care.
292 ~~Temporary cash assistance shall be provided through a protective~~
293 ~~payee. Staff of the Child Care Services Program Office of the~~
294 ~~department shall conduct all assessments in each case in which~~
295 ~~it appears a child may require continuation of temporary cash~~
296 ~~assistance through a protective payee.~~

297 ~~(2)(5) In addition to the exemptions listed in subsection~~
298 ~~(3),~~ A victim of domestic violence may be granted a hardship
299 exemption if the effects of such domestic violence delay or
300 otherwise interrupt or adversely affect the individual's
301 participation in the program.

302 ~~(3)(6)~~ The department, in cooperation with Workforce
303 Florida, Inc., shall establish a procedure for approving
304 hardship exemptions and for reviewing hardship cases at least
305 once every 2 years. Regional workforce boards may assist in
306 making these determinations. ~~The composition of any review panel~~
307 ~~must generally reflect the racial, gender, and ethnic diversity~~
308 ~~of the community as a whole. Members of a review panel shall~~

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309 ~~serve without compensation but are entitled to receive~~
310 ~~reimbursement for per diem and travel expenses as provided in s.~~
311 ~~112.061.~~

312 ~~(4)(7)~~ For individuals who have moved from another state,
313 the months in which temporary cash assistance was received under
314 a block grant program that provided temporary assistance for
315 needy families in any state shall count towards the cumulative
316 48-month benefit limit for temporary cash assistance.

317 ~~(5)(8)~~ For individuals subject to a time limitation under
318 the Family Transition Act of 1993, that time limitation shall
319 continue to apply. Months in which temporary cash assistance was
320 received through the family transition program shall count
321 towards the time limitations under this section ~~chapter~~.

322 ~~(6)(9)~~ Except when temporary cash assistance was received
323 through the family transition program, the calculation of the
324 time limitation for temporary cash assistance shall begin with
325 the first month of receipt of temporary cash assistance after
326 the effective date of this act.

327 ~~(7)(10)~~ Child-only cases are not subject to time
328 limitations, and temporary cash assistance received while an
329 individual is a minor child shall not count towards time
330 limitations.

331 ~~(8)(11)~~ An individual who receives benefits under the
332 Supplemental Security Income (SSI) program or the Social
333 Security Disability Insurance (SSDI) program is not subject to
334 time limitations. An individual who has applied for supplemental
335 security income (SSI) or supplemental security disability income

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336 (SSDI) ~~7~~ but has not yet received a determination must be granted
337 an extension of time limits until the individual receives a
338 final determination on the SSI or SSDI application.
339 Determination shall be considered final once all appeals have
340 been exhausted, benefits have been received, or denial has been
341 accepted without any appeal. While awaiting a final
342 determination, the ~~such~~ individual must continue to meet all
343 program requirements assigned to the participant based on
344 medical ability to comply. If a final determination results in
345 the denial of benefits for supplemental security income (SSI) or
346 supplemental security disability income (SSDI), any period
347 during which the recipient received assistance under this
348 section ~~chapter~~ shall be counted in ~~count against~~ the
349 recipient's 48-month lifetime limit.

350 (9)~~(12)~~ A person who is totally responsible for the
351 personal care of a disabled family member is not subject to time
352 limitations if the need for the care is verified and alternative
353 care is not available for the family member. The department
354 shall annually evaluate an individual's qualifications for this
355 exemption.

356 (10)~~(13)~~ A member of the staff of the regional workforce
357 board shall interview and assess the employment prospects and
358 barriers of each participant who is within 6 months of reaching
359 the 48-month ~~24-month~~ time limit. The staff member shall assist
360 the participant in identifying actions necessary to become
361 employed prior to reaching the benefit time limit for temporary

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362 cash assistance and, if appropriate, shall refer the participant
363 for services that could facilitate employment.

364 Section 5. Subsections (3) through (5) of section 414.32,
365 Florida Statutes, are renumbered as subsections (2) through (4),
366 respectively, and present subsection (2) of said section is
367 amended to read:

368 414.32 Prohibitions and restrictions with respect to food
369 stamps.--

370 ~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS.--An~~
371 ~~individual is ineligible to participate in the food stamp~~
372 ~~program as a member of a food stamp assistance group during any~~
373 ~~month in which the individual is delinquent in any payment due~~
374 ~~under a court order for the support of a child. This subsection~~
375 ~~does not apply if the court is allowing the individual to delay~~
376 ~~payment for the support of a child or if the individual is~~
377 ~~complying with a payment plan approved by the court or the state~~
378 ~~agency that administers the child support enforcement program.~~

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

382 445.048 Passport to Economic Progress demonstration
383 program.--

384 (3) INCOME DISREGARD.--In order to provide an additional
385 incentive for employment, and notwithstanding the amount
386 specified in s. 414.095(11)(12), for individuals residing in the
387 areas designated for this demonstration program, the first \$300
388 plus one-half of the remainder of earned income shall be

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389 disregarded in determining eligibility for temporary cash
390 assistance. All other conditions and requirements of s.
391 414.095(11)(12) shall continue to apply to such individuals.

392 Section 7. Section 114 of chapter 2004-267, Laws of
393 Florida, is repealed.

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

395

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

397 Remove the entire title and insert:

398 A bill to be entitled

399 An act relating to economic eligibility services; amending
400 s. 409.2564, F.S.; correcting a cross reference; amending
401 s. 414.065, F.S.; aligning food stamp sanctions with
402 federal penalties; deleting provisions relating to
403 continuation of temporary cash assistance for children
404 through protective payees; amending s. 414.095, F.S.;
405 clarifying eligibility for temporary cash assistance for
406 teen parents; deleting additional eligibility options
407 relating to families containing a stepparent; correcting
408 cross references; amending s. 414.105, F.S.; aligning time
409 limitations for temporary cash assistance with federal
410 requirements; deleting provisions relating to review
411 panels; amending s. 414.32, F.S.; deleting food stamp
412 sanctions for persons who are delinquent on child support
413 payments; amending s. 445.048, F.S.; correcting a cross
414 reference; repealing s. 114 of ch. 2004-267, Laws of
415 Florida, relating to the Economic Self-Sufficiency

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416 | Services program eligibility determination functions;
417 | providing an effective date.

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