

By the Committee on Health and Human Services Appropriations;
and Senator Saunders

603-1673B-05

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A bill to be entitled
An act relating to the Department of Children
and Family Services; amending s. 414.065, F.S.;
revising the penalties imposed by the
department against a participant who is
receiving temporary cash assistance and who
fails to comply with work requirements;
eliminating provisions allowing the
continuation of temporary cash assistance for
children; amending s. 414.095, F.S.; revising
certain requirements for determining
eligibility for temporary cash assistance in
order to conform to federal requirements;
eliminating certain eligibility options for
stepparents; amending s. 414.105, F.S.;
providing for a lifetime cumulative period
during which a person may receive temporary
cash assistance; eliminating certain other time
limitations; revising the membership
requirements for regional workforce boards;
repealing s. 414.32(2), F.S., relating to
disqualification from the food stamp program
for an arrearage in child support payments;
amending ss. 409.2564 and 445.048, F.S.;
conforming cross-references; repealing s. 114,
ch. 2004-267, Laws of Florida, relating to
authorization for the department to contract
with private vendors for determining
eligibility for the Economic Self-Sufficiency
Services program; providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Section 414.065, Florida Statutes, is
4 amended to read:

5 414.065 Noncompliance with work requirements.--

6 (1) PENALTIES FOR NONPARTICIPATION IN WORK

7 REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE

8 REQUIREMENT PLANS.--~~The department shall establish procedures~~

9 ~~for administering penalties for nonparticipation in work~~

10 ~~requirements and failure to comply with the alternative~~

11 ~~requirement plan.~~ If an individual in a family receiving

12 temporary cash assistance fails to engage in work activities

13 required under in accordance with s. 445.024 or with an

14 alternative requirement plan as described in subsection (2),

15 the department shall administer sanctions consistent with

16 federal food stamp regulations as provided under 7 C.F.R. s.

17 273, including the option to disqualify the entire household

18 when the head of the household is noncompliant following

19 ~~penalties shall apply.~~ Prior to the imposition of a sanction,

20 the participant shall be notified orally or in writing that

21 the participant is subject to sanction and that action will be

22 taken to impose the sanction unless the participant complies

23 with the work activity requirements or the alternative

24 requirement plan. The participant shall be counseled as to the

25 consequences of noncompliance and, if appropriate, shall be

26 referred for services that could assist the participant to

27 fully comply with program requirements. If the participant has

28 good cause for noncompliance or demonstrates satisfactory

29 compliance, the sanction shall not be imposed. If the

30 participant has subsequently obtained employment, the

31 participant shall be counseled regarding the transitional

1 | benefits that may be available and provided information about
2 | how to access such benefits. The department shall administer
3 | sanctions related to food stamps consistent with federal
4 | regulations.

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

8 | ~~2. Second noncompliance: temporary cash assistance~~
9 | ~~shall be terminated for the family for 1 month or until the~~
10 | ~~individual who failed to comply does so, whichever is later.~~
11 | ~~Upon meeting this requirement, temporary cash assistance shall~~
12 | ~~be reinstated to the date of compliance or the first day of~~
13 | ~~the month following the penalty period, whichever is later.~~

14 | ~~3. Third noncompliance: temporary cash assistance~~
15 | ~~shall be terminated for the family for 3 months or until the~~
16 | ~~individual who failed to comply does so, whichever is later.~~
17 | ~~The individual shall be required to comply with the required~~
18 | ~~work activity upon completion of the 3 month penalty period,~~
19 | ~~before reinstatement of temporary cash assistance. Upon~~
20 | ~~meeting this requirement, temporary cash assistance shall be~~
21 | ~~reinstated to the date of compliance or the first day of the~~
22 | ~~month following the penalty period, whichever is later.~~

23 | ~~(b) If a participant receiving temporary cash~~
24 | ~~assistance who is otherwise exempted from noncompliance~~
25 | ~~penalties fails to comply with the alternative requirement~~
26 | ~~plan required in accordance with this section, the penalties~~
27 | ~~provided in paragraph (a) shall apply.~~

28 |
29 | ~~If a participant fully complies with work activity~~
30 | ~~requirements for at least 6 months, the participant shall be~~
31 | ~~reinstated as being in full compliance with program~~

1 ~~requirements for purpose of sanctions imposed under this~~
2 ~~section.~~

3 ~~(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR~~
4 ~~CHILDREN; PROTECTIVE PAYEES.~~

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

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

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

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

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

27 ~~(c) The protective payee designated by the department~~
28 ~~shall be the authorized representative for purposes of~~
29 ~~receiving food stamps on behalf of a child or children under~~
30 ~~age 16. The authorized representative must agree in writing to~~

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

3 ~~(d) 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) 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 (2)~~(3)~~ PROPORTIONAL REDUCTION OF TEMPORARY CASH
20 ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.--Notwithstanding
21 the provisions of subsection (1), if an individual is
22 receiving temporary cash assistance under a
23 pay-after-performance arrangement and the individual
24 participates, but fails to meet the full participation
25 requirement, then the temporary cash assistance received shall
26 be reduced and shall be proportional to the actual
27 participation. Food stamps may be included in a
28 pay-after-performance arrangement if permitted under federal
29 law.

30 (3)~~(4)~~ EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
31 otherwise provided, the situations listed in this subsection

1 shall constitute exceptions to the penalties for noncompliance
2 with participation requirements, except that these situations
3 do not constitute exceptions to the applicable time limit for
4 receipt of temporary cash assistance:

5 (a) Noncompliance related to child care.--Temporary
6 cash assistance may not be terminated for refusal to
7 participate in work activities if the individual is a single
8 custodial parent caring for a child who has not attained 6
9 years of age, and the adult proves to the regional workforce
10 board an inability to obtain needed child care for one or more
11 of the following reasons, as defined in the Child Care and
12 Development Fund State Plan required by 45 C.F.R. part 98:

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

15 2. Unavailability or unsuitability of informal child
16 care by a relative or under other arrangements.

17 3. Unavailability of appropriate and affordable formal
18 child care arrangements.

19 (b) Noncompliance related to domestic violence.--An
20 individual who is determined to be unable to comply with the
21 work requirements because such compliance would make it
22 probable that the individual would be unable to escape
23 domestic violence shall be exempt from work requirements.
24 However, the individual shall comply with a plan that
25 specifies alternative requirements that prepare the individual
26 for self-sufficiency while providing for the safety of the
27 individual and the individual's dependents. A participant who
28 is determined to be out of compliance with the alternative
29 requirement plan shall be subject to the penalties under
30 subsection (1). An exception granted under this paragraph
31

1 does not automatically constitute an exception to the time
2 limitations on benefits specified under s. 414.105.

3 (c) Noncompliance related to treatment or remediation
4 of past effects of domestic violence.--An individual who is
5 determined to be unable to comply with the work requirements
6 under this section due to mental or physical impairment
7 related to past incidents of domestic violence may be exempt
8 from work requirements, except that such individual shall
9 comply with a plan that specifies alternative requirements
10 that prepare the individual for self-sufficiency while
11 providing for the safety of the individual and the
12 individual's dependents. A participant who is determined to
13 be out of compliance with the alternative requirement plan
14 shall be subject to the penalties under subsection (1). The
15 plan must include counseling or a course of treatment
16 necessary for the individual to resume participation. The need
17 for treatment and the expected duration of such treatment must
18 be verified by a physician licensed under chapter 458 or
19 chapter 459; a psychologist licensed under s. 490.005(1), s.
20 490.006, or the provision identified as s. 490.013(2) in s. 1,
21 chapter 81-235, Laws of Florida; a therapist as defined in s.
22 491.003(2) or (6); or a treatment professional who is
23 registered under s. 39.905(1)(g), is authorized to maintain
24 confidentiality under s. 90.5036(1)(d), and has a minimum of 2
25 years experience at a certified domestic violence center. An
26 exception granted under this paragraph does not automatically
27 constitute an exception from the time limitations on benefits
28 specified under s. 414.105.

29 (d) Noncompliance related to medical incapacity.--If
30 an individual cannot participate in assigned work activities
31 due to a medical incapacity, the individual may be excepted

1 | from the activity for a specific period, except that the
2 | individual shall be required to comply with the course of
3 | treatment necessary for the individual to resume
4 | participation. A participant may not be excused from work
5 | activity requirements unless the participant's medical
6 | incapacity is verified by a physician licensed under chapter
7 | 458 or chapter 459, in accordance with procedures established
8 | by rule of the department. An individual for whom there is
9 | medical verification of limitation to participate in work
10 | activities shall be assigned to work activities consistent
11 | with such limitations. Evaluation of an individual's ability
12 | to participate in work activities or development of a plan for
13 | work activity assignment may include vocational assessment or
14 | work evaluation. The department or a regional workforce board
15 | may require an individual to cooperate in medical or
16 | vocational assessment necessary to evaluate the individual's
17 | ability to participate in a work activity.

18 | (e) Noncompliance related to outpatient mental health
19 | or substance abuse treatment.--If an individual cannot
20 | participate in the required hours of work activity due to a
21 | need to become or remain involved in outpatient mental health
22 | or substance abuse counseling or treatment, the individual may
23 | be exempted from the work activity for up to 5 hours per week,
24 | not to exceed 100 hours per year. An individual may not be
25 | excused from a work activity unless a mental health or
26 | substance abuse professional recognized by the department or
27 | regional workforce board certifies the treatment protocol and
28 | provides verification of attendance at the counseling or
29 | treatment sessions each week.

30 | (f) Noncompliance due to medical incapacity by
31 | applicants for Supplemental Security Income (SSI) or Social

1 Security Disability Income (SSDI).--An individual subject to
2 work activity requirements may be exempted from those
3 requirements if the individual provides information verifying
4 that he or she has filed an application for SSI disability
5 benefits or SSDI disability benefits and the decision is
6 pending development and evaluation under social security
7 disability law, rules, and regulations at the initial
8 reconsideration, administrative law judge, or Social Security
9 Administration Appeals Council levels.

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

18 ~~(4)(5)~~ WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL
19 PARENTS.--

20 (a) The court may order a noncustodial parent who is
21 delinquent in support payments, as defined in s. 61.046, to
22 participate in work activities under this chapter so that the
23 parent may obtain employment and fulfill the obligation to
24 provide support payments. A noncustodial parent who fails to
25 satisfactorily engage in court-ordered work activities may be
26 held in contempt.

27 (b) The court may order a noncustodial parent to
28 participate in work activities under this chapter if the child
29 of the noncustodial parent has been placed with a relative, in
30 an emergency shelter, in foster care, or in other substitute
31 care, and:

1 1. The case plan requires the noncustodial parent to
2 participate in work activities; or

3 2. The noncustodial parent would be eligible to
4 participate in work activities and subject to work activity
5 requirements if the child were living with the parent.
6

7 If a noncustodial parent fails to comply with the case plan,
8 the noncustodial parent may be removed from program
9 participation.

10 Section 2. Section 414.095, Florida Statutes, is
11 amended to read:

12 414.095 Determining eligibility for temporary cash
13 assistance.--

14 (1) ELIGIBILITY.--An applicant must meet eligibility
15 requirements of this section before receiving services or
16 temporary cash assistance under this chapter, except that an
17 applicant shall be required to register for work and engage in
18 work activities in accordance with s. 445.024, as designated
19 by the regional workforce board, and may receive support
20 services or child care assistance in conjunction with such
21 requirement. The department shall make a determination of
22 eligibility based on the criteria listed in this chapter. The
23 department shall monitor continued eligibility for temporary
24 cash assistance through periodic reviews consistent with the
25 food stamp eligibility process. Benefits shall not be denied
26 to an individual solely based on a felony drug conviction,
27 unless the conviction is for trafficking pursuant to s.
28 893.135. To be eligible under this section, an individual
29 convicted of a drug felony must be satisfactorily meeting the
30 requirements of the temporary cash assistance program,
31 including all substance abuse treatment requirements. Within

1 | the limits specified in this chapter, the state opts out of
2 | the provision of Pub. L. No. 104-193, s. 115, that eliminates
3 | eligibility for temporary cash assistance and food stamps for
4 | any individual convicted of a controlled substance felony.

5 | (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

6 | (a) To be eligible for services or temporary cash
7 | assistance and Medicaid:

8 | 1. An applicant must be a United States citizen, or a
9 | qualified noncitizen, as defined in this section.

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

11 | 3. Each member of a family must provide to the
12 | department the member's social security number or shall
13 | provide proof of application for a social security number. An
14 | individual who fails to provide ~~to the department~~ a social
15 | security number, or proof of application for a social security
16 | number, is not eligible to participate in the program.

17 | 4. A minor child must reside with a custodial parent
18 | or parents or with a relative caretaker who is within the
19 | specified degree of blood relationship as defined by 45 C.F.R.
20 | s. 233 under this chapter, or if the minor is a teen parent
21 | with a child in a setting approved by the department as
22 | provided in subsection (14).

23 | 5. Each family must have a minor child and meet the
24 | income and resource requirements of the program. All minor
25 | children who live in the family, as well as the parents of the
26 | minor children, shall be included in the eligibility
27 | determination unless specifically excluded.

28 | (b) The following members of a family are eligible to
29 | participate in the program if all eligibility requirements are
30 | met:

31 |

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

3 2. The parent of a minor child with whom the child
4 resides.

5 3. The caretaker relative with whom the minor child
6 resides who chooses to have her or his needs and income
7 included in the family.

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

12 5. A pregnant woman.

13 (3) ELIGIBILITY FOR NONCITIZENS.--A "qualified
14 noncitizen" is an individual who is admitted to the United
15 States as a refugee under s. 207 of the Immigration and
16 Nationality Act or who is granted asylum under s. 208 of the
17 Immigration and Nationality Act; a noncitizen whose
18 deportation is withheld under s. 243(h) or s. 241(b)(3) of the
19 Immigration and Nationality Act; a noncitizen who is paroled
20 into the United States under s. 212(d)(5) of the Immigration
21 and Nationality Act, for at least 1 year; a noncitizen who is
22 granted conditional entry pursuant to s. 203(a)(7) of the
23 Immigration and Nationality Act as in effect prior to April 1,
24 1980; a Cuban or Haitian entrant; or a noncitizen who has been
25 admitted as a permanent resident. In addition, a "qualified
26 noncitizen" includes an individual who, or an individual whose
27 child or parent, has been battered or subject to extreme
28 cruelty in the United States by a spouse, a parent, or other
29 household member under certain circumstances, and has applied
30 for or received protection under the federal Violence Against
31 Women Act of 1994, Pub. L. No. 103-322, if the need for

1 | benefits is related to the abuse and the batterer no longer
2 | lives in the household. A "nonqualified noncitizen" is a
3 | nonimmigrant noncitizen, including a tourist, business
4 | visitor, foreign student, exchange visitor, temporary worker,
5 | or diplomat. In addition, a "nonqualified noncitizen" includes
6 | an individual paroled into the United States for less than 1
7 | year. A qualified noncitizen who is otherwise eligible may
8 | receive temporary cash assistance to the extent permitted by
9 | federal law. The income or resources of a sponsor and the
10 | sponsor's spouse shall be included in determining eligibility
11 | to the maximum extent permitted by federal law.

12 | (a) A child who is a qualified noncitizen or who was
13 | born in the United States to an illegal or ineligible
14 | noncitizen is eligible for temporary cash assistance under
15 | this chapter if the family meets all eligibility requirements.

16 | (b) If the parent may legally work in this country,
17 | the parent must participate in the work activity requirements
18 | provided in s. 445.024, to the extent permitted under federal
19 | law.

20 | (c) The department shall participate in the Systematic
21 | Alien Verification for Entitlements Program (SAVE) established
22 | by the United States Bureau of Citizenship and Immigration
23 | Services in order to verify the validity of documents provided
24 | by noncitizens and to verify a noncitizen's eligibility.

25 | (d) The income of an illegal noncitizen or ineligible
26 | noncitizen who is a mandatory member of a family, less a pro
27 | rata share for the illegal noncitizen or ineligible
28 | noncitizen, counts in determining a family's eligibility to
29 | participate in the program.

30 |
31 |

1 (e) The entire assets of an ineligible noncitizen or a
2 disqualified individual who is a mandatory member of a family
3 shall be included in determining the family's eligibility.

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

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

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

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

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

1 ~~(c) A family that contains two stepparents, with or~~
2 ~~without a mutual minor child, does not have the option to~~
3 ~~exclude a stepparent from the family, and the income and~~
4 ~~resources from each stepparent must be included in determining~~
5 ~~eligibility.~~

6 (4)~~(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.
13 445.024. 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 for the minor child shall be based
17 on the shelter obligation paid to the caretaker relative.

18 (5)~~(6)~~ PREGNANT WOMAN WITH NO OTHER CHILD.--Temporary
19 cash assistance for a pregnant woman is not available until
20 the last month of pregnancy. However, if the department
21 determines that a woman is restricted from work activities by
22 orders of a physician, temporary cash assistance shall be
23 available during the last trimester of pregnancy and the woman
24 may be required to attend parenting classes or other
25 activities to better prepare for the responsibilities of
26 raising a child.

27 (6)~~(7)~~ CHILD SUPPORT ENFORCEMENT.--As a condition of
28 eligibility for public assistance, the family must cooperate
29 with the state agency responsible for administering the child
30 support enforcement program in establishing the paternity of
31 the child, if the child is born out of wedlock, and in

1 obtaining support for the child or for the parent or caretaker
2 relative and the child. Cooperation is defined as:

3 (a) Assisting in identifying and locating a
4 noncustodial parent and providing complete and accurate
5 information on that parent;

6 (b) Assisting in establishing paternity; and

7 (c) Assisting in establishing, modifying, or enforcing
8 a support order with respect to a child of a family member.

9
10 This subsection does not apply if the state agency that
11 administers the child support enforcement program determines
12 that the parent or caretaker relative has good cause for
13 failing to cooperate.

14 ~~(7)~~(8) ASSIGNMENT OF RIGHTS TO SUPPORT.--As a
15 condition of receiving temporary cash assistance, the family
16 must assign to the department any rights a member of a family
17 may have to support from any other person. This applies to any
18 family member; however, the assigned amounts must not exceed
19 the total amount of temporary cash assistance provided to the
20 family. The assignment of support does not apply if the family
21 leaves the program.

22 ~~(8)~~(9) APPLICATIONS.--The date of application is the
23 date the department or authorized entity receives a signed and
24 dated request to participate in the temporary cash assistance
25 program. The request shall be denied 30 days after the initial
26 application if the applicant fails to respond to scheduled
27 appointments, including appointments with the state agency
28 responsible for administering the child support enforcement
29 program, and does not contact the department or authorized
30 entity regarding the application.

31

1 (a) The beginning date of eligibility for temporary
2 cash assistance is the date on which the application is
3 approved or 30 days after the date of application, whichever
4 is earlier.

5 (b) The add date for a newborn child is the date of
6 the child's birth.

7 (c) The add date for all other individuals is the date
8 on which the client contacts the department to request that
9 the individual be included in the grant for temporary cash
10 assistance.

11 (d) Medicaid coverage for a recipient of temporary
12 cash assistance begins on the first day of the first month of
13 eligibility for temporary cash assistance, and such coverage
14 shall include any eligibility required by federal law which is
15 prior to the month of application.

16 (9)~~(10)~~ OPPORTUNITIES AND OBLIGATIONS.--An applicant
17 for temporary cash assistance has the following opportunities
18 and obligations:

19 (a) To participate in establishing eligibility by
20 providing facts with respect to circumstances that affect
21 eligibility and by obtaining, or authorizing the department to
22 obtain, documents or information from others in order to
23 establish eligibility.

24 (b) To have eligibility determined without
25 discrimination based on race, color, sex, age, marital status,
26 handicap, religion, national origin, or political beliefs.

27 (c) To be advised of any reduction or termination of
28 temporary cash assistance or food stamps.

29 (d) To provide correct and complete information about
30 the family's circumstances that relate to eligibility, at the
31 time of application and at subsequent intervals.

1 (e) To keep the department informed of any changes
2 that could affect eligibility.

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

5 (g) To receive information regarding services
6 available from certified domestic violence centers or
7 organizations that provide counseling and supportive services
8 to individuals who are past or present victims of domestic
9 violence or who are at risk of domestic violence and, upon
10 request, to be referred to such organizations in a manner
11 which protects the individual's confidentiality.

12 ~~(10)~~~~(11)~~ DETERMINATION OF LEVEL OF TEMPORARY CASH
13 ASSISTANCE.--Temporary cash assistance shall be based on a
14 standard determined by the Legislature, subject to
15 availability of funds. There shall be three assistance levels
16 for a family that contains a specified number of eligible
17 members, based on the following criteria:

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

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

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

23
24 The following chart depicts the levels of temporary cash
25 assistance for implementation purposes:

26
27 THREE-TIER SHELTER PAYMENT STANDARD

28				
29	Family	Zero Shelter	Greater than Zero	Greater than \$50
30	Size	Obligation	Less than or	Shelter
31			Equal to \$50	Obligation

1				
2	1	\$95	\$153	\$180
3	2	\$158	\$205	\$241
4	3	\$198	\$258	\$303
5	4	\$254	\$309	\$364
6	5	\$289	\$362	\$426
7	6	\$346	\$414	\$487
8	7	\$392	\$467	\$549
9	8	\$438	\$519	\$610
10	9	\$485	\$570	\$671
11	10	\$534	\$623	\$733
12	11	\$582	\$676	\$795
13	12	\$630	\$728	\$857
14	13	\$678	\$781	\$919

15

16 ~~(11)~~~~(12)~~ DISREGARDS.--

17 (a) As an incentive to employment, the first \$200 plus
18 one-half of the remainder of earned income shall be
19 disregarded. In order to be eligible for earned income to be
20 disregarded, the individual must be:

- 21 1. A current participant in the program; or
- 22 2. Eligible for participation in the program without
23 the earnings disregard.

24 (b) A child's earned income shall be disregarded if
25 the child is a family member, attends high school or the
26 equivalent, and is 19 years of age or younger.

27 ~~(12)~~~~(13)~~ CALCULATION OF LEVELS OF TEMPORARY CASH
28 ASSISTANCE.--

29 (a) Temporary cash assistance shall be calculated
30 based on average monthly gross family income, earned and
31 unearned, less any applicable disregards. The resulting

1 monthly net income amount shall be subtracted from the
2 applicable payment standard to determine the monthly amount of
3 temporary cash assistance.

4 (b) A deduction may not be allowed for child care
5 payments.

6 (c) The department may adopt rules governing the
7 administration of this subsection and may establish criteria
8 pertaining to types of budgeting, conversion factors,
9 verification of income, treatment of self-employment income,
10 treatment of child-support income, and treatment of other
11 sources of income.

12 ~~(13)~~~~(14)~~ METHODS OF PAYMENT OF TEMPORARY CASH
13 ASSISTANCE.--Temporary cash assistance may be paid as follows:

14 (a) Direct payment through state warrant, electronic
15 transfer of temporary cash assistance, or voucher.

16 (b) Payment to an alternative payee.

17 (c) Payment for subsidized employment.

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

20 ~~(14)~~~~(15)~~ PROHIBITIONS AND RESTRICTIONS.--

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

27 (b) Temporary cash assistance, without shelter
28 expense, may be available for a teen parent who is a minor
29 child and for the child. Temporary cash assistance may not be
30 paid directly to the teen parent but must be paid, on behalf
31 of the teen parent and child, to an alternative payee who is

1 designated by the department. The alternative payee may not
2 use the temporary cash assistance for any purpose other than
3 paying for food, clothing, shelter, and medical care for the
4 teen parent and child and for other necessities required to
5 enable the teen parent to attend school or a training program.
6 In order for the child of the teen parent and the teen parent
7 to be eligible for temporary cash assistance, the teen parent
8 must:

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

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

18 3. Attend parenting and family classes that provide a
19 curriculum specified by the department or the Department of
20 Health, as available.

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

24 1. The teen parent has suffered or might suffer harm
25 in the home of the parent, legal guardian, or adult caretaker
26 relative.

27 2. The requirement is not in the best interest of the
28 teen parent or the child. If the department determines that it
29 is not in the best interest of the teen parent or child to
30 reside with a parent, legal guardian, or other adult caretaker
31 relative, the department shall provide or assist the teen

1 | parent in finding a suitable home, a second-chance home, a
2 | maternity home, or other appropriate adult-supervised
3 | supportive living arrangement. Such living arrangement may
4 | include a shelter obligation in accordance with subsection
5 | (10)~~(11)~~.

6 |
7 | The department may not delay providing temporary cash
8 | assistance to the teen parent through the alternative payee
9 | designated by the department pending a determination as to
10 | where the teen parent should live and sufficient time for the
11 | move itself. A teen parent determined to need placement that
12 | is unavailable shall continue to be eligible for temporary
13 | cash assistance so long as the teen parent cooperates with the
14 | department and the Department of Health. The teen parent
15 | shall be provided with counseling to make the transition from
16 | independence to supervised living and with a choice of living
17 | arrangements.

18 | (d) Notwithstanding any law to the contrary, if a
19 | parent or caretaker relative without good cause does not
20 | cooperate with the state agency responsible for administering
21 | the child support enforcement program in establishing,
22 | modifying, or enforcing a support order with respect to a
23 | child of a teen parent or other family member, or a child of a
24 | family member who is in the care of an adult relative,
25 | temporary cash assistance to the entire family shall be denied
26 | until the state agency indicates that cooperation by the
27 | parent or caretaker relative has been satisfactory. To the
28 | extent permissible under federal law, a parent or caretaker
29 | relative shall not be penalized for failure to cooperate with
30 | paternity establishment or with the establishment,
31 | modification, or enforcement of a support order when such

1 cooperation could subject an individual to a risk of domestic
2 violence. Such risk shall constitute good cause to the extent
3 permitted by Title IV-D of the Social Security Act, as
4 amended, or other federal law.

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

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

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

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

1 30 days for the first occurrence, 60 days for the second
2 occurrence, and 90 days for the third or subsequent
3 occurrence.

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

9 (j) The payee of the temporary cash assistance payment
10 is the caretaker relative with whom a minor child resides and
11 who assumes primary responsibility for the child's daily
12 supervision, care, and control, except in cases where a
13 protective payee is established.

14 ~~(15)(16)~~ PREELIGIBILITY FRAUD SCREENING.--An applicant
15 who meets an error-prone profile, as determined by the
16 department, is subject to preeligibility fraud screening as a
17 means of reducing misspent funds and preventing fraud. The
18 department shall create an error-prone or fraud-prone case
19 profile within its public assistance information system and
20 shall screen each application for temporary cash assistance
21 against the profile to identify cases that have a potential
22 for error or fraud. Each case so identified shall be
23 subjected to preeligibility fraud screening.

24 ~~(16)(17)~~ PROPORTIONAL REDUCTION.--If the Social
25 Services Estimating Conference forecasts an increase in the
26 temporary cash assistance caseload and there is insufficient
27 funding, a proportional reduction as determined by the
28 department shall be applied to the levels of temporary cash
29 assistance in subsection ~~(10)(11)~~.

30 ~~(17)(18)~~ ADDITIONAL FUNDING.--When warranted by
31 economic circumstances, the department, in consultation with

1 the Social Services Estimating Conference, shall apply for
2 additional federal funding available from the Contingency Fund
3 for State Welfare Programs.

4 ~~(18)(19)~~ RULES.--The department may adopt rules
5 governing the administration of this section and may establish
6 criteria regarding verification requirements and limitations
7 on eligibility.

8 Section 3. Section 414.105, Florida Statutes, is
9 amended to read:

10 414.105 Time limitations of temporary cash
11 assistance.--Except as ~~Unless~~ otherwise ~~expressly~~ provided in
12 this section ~~chapter~~, an applicant or current participant
13 shall receive temporary cash assistance for no ~~episodes of not~~
14 ~~more than 24 cumulative months in any consecutive 60 month~~
15 ~~period that begins with the first month of participation and~~
16 ~~for not~~ more than a lifetime cumulative total of 48 months ~~as~~
17 ~~an adult~~, unless otherwise provided by law.

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

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

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

28 1. ~~Has not completed a high school education or its~~
29 ~~equivalent; or~~

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

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

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

19 ~~(1)(4) A participant may not receive temporary cash~~
20 ~~assistance under this subsection, in combination with other~~
21 ~~periods of temporary cash assistance for longer than a~~
22 ~~lifetime limit of 48 months. Hardship exemptions to the time~~
23 ~~limitations provided in this section of this chapter shall be~~
24 ~~limited to 20 percent of the average monthly caseload, as~~
25 ~~determined by the department in cooperation with Workforce~~
26 ~~Florida, Inc. Criteria for hardship exemptions include:~~

27 (a) Diligent participation in activities, combined
28 with inability to obtain employment.

29 (b) Diligent participation in activities, combined
30 with extraordinary barriers to employment, including the
31

1 conditions which may result in an exemption to work
2 requirements.

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

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

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

21 ~~(2)(5) In addition to the exemptions listed in~~
22 ~~subsection (3),~~ A victim of domestic violence may be granted a
23 hardship exemption if the effects of such domestic violence
24 delay or otherwise interrupt or adversely affect the
25 individual's participation in the program.

26 ~~(3)(6)~~ The department, in cooperation with Workforce
27 Florida, Inc., shall establish a procedure for approving
28 hardship exemptions and for reviewing hardship cases at least
29 once every 2 years. Regional workforce boards may assist in
30 making these determinations. ~~The composition of any review~~
31 ~~panel must generally reflect the racial, gender, and ethnic~~

1 ~~diversity of the community as a whole. Members of a review~~
2 ~~panel shall serve without compensation but are entitled to~~
3 ~~receive reimbursement for per diem and travel expenses as~~
4 ~~provided in s. 112.061.~~

5 ~~(4)(7)~~ For individuals who have moved from another
6 state, the months in which temporary cash assistance was
7 received under a block grant program that provided temporary
8 assistance for needy families in any state shall count towards
9 the cumulative 48-month benefit limit for temporary cash
10 assistance.

11 ~~(5)(8)~~ For individuals subject to a time limitation
12 under the Family Transition Act of 1993, ~~the that~~ time
13 limitation under the act shall continue to apply. Months in
14 which temporary cash assistance was received through the
15 family transition program shall count towards the time
16 limitations under this section ~~chapter~~.

17 ~~(6)(9)~~ Except when temporary cash assistance was
18 received through the family transition program, the
19 calculation of the time limitation for temporary cash
20 assistance shall begin with the first month of receipt of
21 temporary cash assistance after the effective date of this
22 act.

23 ~~(7)(10)~~ Child-only cases are not subject to time
24 limitations, and temporary cash assistance received while an
25 individual is a minor child shall not count towards time
26 limitations.

27 ~~(8)(11)~~ An individual who receives benefits under the
28 Supplemental Security Income (SSI) program or the Social
29 Security Disability Insurance (SSDI) program is not subject to
30 time limitations. An individual who has applied for
31 supplemental security income (SSI) or supplemental security

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

16 ~~(9)(12)~~ A person who is totally responsible for the
17 personal care of a disabled family member is not subject to
18 time limitations if the need for the care is verified and
19 alternative care is not available for the family member. The
20 department shall annually evaluate an individual's
21 qualifications for this exemption.

22 ~~(10)(13)~~ A member of the staff of the regional
23 workforce board shall interview and assess the employment
24 prospects and barriers of each participant who is within 6
25 months of reaching the 48-month ~~24-month~~ time limit. The
26 staff member shall assist the participant in identifying
27 actions necessary to become employed prior to reaching the
28 benefit time limit for temporary cash assistance and, if
29 appropriate, shall refer the participant for services that
30 could facilitate employment.

31

1 Section 4. Subsection (2) of section 414.32, Florida
2 Statutes, is repealed.

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

5 409.2564 Actions for support.--

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

18 Section 6. Subsection (3) of section 445.048, Florida
19 Statutes, as amended by section 53 of chapter 2004-269, Laws
20 of Florida, is amended to read:

21 445.048 Passport to Economic Progress demonstration
22 program.--

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

1 Section 7. Section 114 of chapter 2004-267, Laws of
2 Florida, is repealed.

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

4
5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 408

- 8
9 - Amends the temporary cash assistance sanction
10 requirements to conform to those required by the federal
11 Food Stamp Program regulations.
12 - Amends the temporary cash assistance eligibility
13 requirements for minor children to match the federal
14 program requirements.
15 - Deletes current statute authorizing stepparents to
16 receive temporary cash assistance.
17 - Removes current statute authorizing interim cash
18 assistance time limits.
19 - Standardizes a maximum lifetime limit of forty-eight
20 months, with limited hardship extensions.
21 - Removes current statute authorizing a protective payee to
22 receive cash assistance.
23 - Removes current statute mandating the composition of
24 volunteer panels that review hardship exemptions.
25 - Removes current statute disqualifying individuals from
26 receiving food stamps for any month in which the
27 individual is delinquent in court-ordered child support
28 payments.
29 - Repeals Section 114 of Chapter 2004-267, Laws of Florida,
30 authorizing the department to privatize the Economic Self
31 Sufficiency eligibility determination program within
 certain limitations.