

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

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

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 25           Section 1. Subsection (12) of section 409.2564,  
 26 Florida Statutes, is amended to read:  
 27           409.2564 Actions for support.--  
 28           (12) The Title IV-D agency shall review child support  
 29 orders in IV-D cases at least every 3 years upon request by  
 30 either party, or the agency in cases where there is an  
 31 assignment of support to the state under s. 414.095(7) ~~s.~~

1 ~~414.095(8)~~, and may seek adjustment of the order if  
 2 appropriate under the guidelines established in s. 61.30. Not  
 3 less than once every 3 years the IV-D agency shall provide  
 4 notice to the parties subject to the order informing them of  
 5 their right to request a review and, if appropriate, an  
 6 adjustment of the child support order. Said notice requirement  
 7 may be met by including appropriate language in the initial  
 8 support order or any subsequent orders.

9 Section 2. Subsections (5) through (19) of section  
 10 414.095, Florida Statutes, are renumbered as subsections (4)  
 11 through (18), respectively, and paragraph (a) of subsection  
 12 (2), present subsection (4), paragraphs (c) and (e) of present  
 13 subsection (15), and present subsection (17) of that section  
 14 are amended to read:

15 414.095 Determining eligibility for temporary cash  
 16 assistance.--

17 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

18 (a) To be eligible for services or temporary cash  
 19 assistance and Medicaid:

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

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

23 3. Each member of a family must provide to the  
 24 department the member's social security number or shall  
 25 provide proof of application for a social security number. An  
 26 individual who fails to provide ~~to the department~~ a social  
 27 security number, or proof of application for a social security  
 28 number, is not eligible to participate in the program.

29 4. A minor child must reside with a custodial parent  
 30 or parents, ~~or~~ with a relative caretaker who is within the  
 31 specified degree of blood relationship as defined by 45 C.F.R.

1 part 233 under this chapter, or, if the minor is a teen parent  
2 with a child, in a setting approved by the department as  
3 provided in subsection (14).

4           5. Each family must have a minor child and meet the  
5 income and resource requirements of the program. All minor  
6 children who live in the family, as well as the parents of the  
7 minor children, shall be included in the eligibility  
8 determination unless specifically excluded.

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

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

17           ~~1. If the stepparent chooses to be excluded from the~~  
18 ~~family, temporary cash assistance, without shelter expense,~~  
19 ~~shall be provided for the child. The parent of the child must~~  
20 ~~comply with work activity requirements as provided in s.~~  
21 ~~445.024. Income and resources from the stepparent may not be~~  
22 ~~included in determining eligibility; however, any income and~~  
23 ~~resources from the parent of the child shall be included in~~  
24 ~~determining eligibility.~~

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

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1 ~~of the stepparent shall be included in determining the~~  
 2 ~~family's eligibility.~~

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

7 ~~(c) A family that contains two stepparents, with or~~  
 8 ~~without a mutual minor child, does not have the option to~~  
 9 ~~exclude a stepparent from the family, and the income and~~  
 10 ~~resources from each stepparent must be included in determining~~  
 11 ~~eligibility.~~

12 ~~(14)(15)~~ PROHIBITIONS AND RESTRICTIONS.--

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

16 1. The teen parent has suffered or might suffer harm  
 17 in the home of the parent, legal guardian, or adult caretaker  
 18 relative.

19 2. The requirement is not in the best interest of the  
 20 teen parent or the child. If the department determines that it  
 21 is not in the best interest of the teen parent or child to  
 22 reside with a parent, legal guardian, or other adult caretaker  
 23 relative, the department shall provide or assist the teen  
 24 parent in finding a suitable home, a second-chance home, a  
 25 maternity home, or other appropriate adult-supervised  
 26 supportive living arrangement. Such living arrangement may  
 27 include a shelter obligation in accordance with subsection  
 28 (10)(11).

29  
 30 The department may not delay providing temporary cash  
 31 assistance to the teen parent through the alternative payee

1 designated by the department pending a determination as to  
 2 where the teen parent should live and sufficient time for the  
 3 move itself. A teen parent determined to need placement that  
 4 is unavailable shall continue to be eligible for temporary  
 5 cash assistance so long as the teen parent cooperates with the  
 6 department and the Department of Health. The teen parent shall  
 7 be provided with counseling to make the transition from  
 8 independence to supervised living and with a choice of living  
 9 arrangements.

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

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

22 Section 3. Section 414.105, Florida Statutes, is  
 23 amended to read:

24 414.105 Time limitations of temporary cash  
 25 assistance.--~~Except as~~ Unless otherwise ~~expressly~~ provided in  
 26 this section ~~chapter~~, an applicant or current participant  
 27 shall receive temporary cash assistance for no ~~episodes of not~~  
 28 ~~more than 24 cumulative months in any consecutive 60 month~~  
 29 ~~period that begins with the first month of participation and~~  
 30 ~~for not~~ more than a lifetime cumulative total of 48 months ~~as~~  
 31 ~~an adult~~, unless otherwise provided by law.

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

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

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

11           ~~1. Has not completed a high school education or its~~  
12 ~~equivalent; or~~

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

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

24          ~~(3) A WAGES participant who is not exempt from work~~  
25 ~~activity requirements and who participates in a recommended~~  
26 ~~mental health or substance abuse treatment program may earn 1~~  
27 ~~month of eligibility for extended temporary cash assistance,~~  
28 ~~up to a maximum of 12 additional months, for each month in~~  
29 ~~which the individual fully complies with the requirements of~~  
30 ~~the treatment program. This treatment credit may be awarded~~

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1 ~~only upon the successful completion of the treatment program~~  
2 ~~and only once during the 48 month time limit.~~

3 ~~(1)(4) A participant may not receive temporary cash~~  
4 ~~assistance under this subsection, in combination with other~~  
5 ~~periods of temporary cash assistance for longer than a~~  
6 ~~lifetime limit of 48 months.~~ Hardship exemptions to the time  
7 limitations provided in this section ~~of this chapter~~ shall be  
8 limited to 20 percent of the average monthly caseload, as  
9 determined by the department in cooperation with Workforce  
10 Florida, Inc. Criteria for hardship exemptions include:

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

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

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

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

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

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

4 ~~(2)(5) In addition to the exemptions listed in~~  
5 ~~subsection (3),~~ A victim of domestic violence may be granted a  
6 hardship exemption if the effects of such domestic violence  
7 delay or otherwise interrupt or adversely affect the  
8 individual's participation in the program.

9 ~~(3)(6) The department, in cooperation with Workforce~~  
10 Florida, Inc., shall establish a procedure for approving  
11 hardship exemptions and for reviewing hardship cases at least  
12 once every 2 years. Regional workforce boards may assist in  
13 making these determinations. ~~The composition of any review~~  
14 ~~panel must generally reflect the racial, gender, and ethnic~~  
15 ~~diversity of the community as a whole. Members of a review~~  
16 ~~panel shall serve without compensation but are entitled to~~  
17 ~~receive reimbursement for per diem and travel expenses as~~  
18 ~~provided in s. 112.061.~~

19 ~~(4)(7) For individuals who have moved from another~~  
20 state, the months in which temporary cash assistance was  
21 received under a block grant program that provided temporary  
22 assistance for needy families in any state shall count towards  
23 the cumulative 48-month benefit limit for temporary cash  
24 assistance.

25 ~~(5)(8) For individuals subject to a time limitation~~  
26 under the Family Transition Act of 1993, that time limitation  
27 shall continue to apply. Months in which temporary cash  
28 assistance was received through the family transition program  
29 shall count towards the time limitations under this section  
30 ~~chapter.~~

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1        ~~(6)(9)~~ Except when temporary cash assistance was  
2 received through the family transition program, the  
3 calculation of the time limitation for temporary cash  
4 assistance shall begin with the first month of receipt of  
5 temporary cash assistance after the effective date of this  
6 act.

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

11        ~~(8)(11)~~ An individual who receives benefits under the  
12 Supplemental Security Income (SSI) program or the Social  
13 Security Disability Insurance (SSDI) program is not subject to  
14 time limitations. An individual who has applied for  
15 supplemental security income (SSI) or supplemental security  
16 disability income (SSDI), but has not yet received a  
17 determination must be granted an extension of time limits  
18 until the individual receives a final determination on the SSI  
19 or SSDI application. Determination shall be considered final  
20 once all appeals have been exhausted, benefits have been  
21 received, or denial has been accepted without any appeal.  
22 While awaiting a final determination, ~~the such~~ individual must  
23 continue to meet all program requirements assigned to the  
24 participant based on medical ability to comply. If a final  
25 determination results in the denial of benefits for  
26 supplemental security income (SSI) or supplemental security  
27 disability income (SSDI), any period during which the  
28 recipient received assistance under this section ~~chapter~~ shall  
29 be counted in ~~count against~~ the recipient's 48-month lifetime  
30 limit.  
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1           ~~(9)(12)~~ A person who is totally responsible for the  
2 personal care of a disabled family member is not subject to  
3 time limitations if the need for the care is verified and  
4 alternative care is not available for the family member. The  
5 department shall annually evaluate an individual's  
6 qualifications for this exemption.

7           ~~(10)(13)~~ A member of the staff of the regional  
8 workforce board shall interview and assess the employment  
9 prospects and barriers of each participant who is within 6  
10 months of reaching the 48-month ~~24-month~~ time limit. The staff  
11 member shall assist the participant in identifying actions  
12 necessary to become employed prior to reaching the benefit  
13 time limit for temporary cash assistance and, if appropriate,  
14 shall refer the participant for services that could facilitate  
15 employment.

16           Section 4. Subsections (3) through (5) of section  
17 414.32, Florida Statutes, are renumbered as subsections (2)  
18 through (4), respectively, and present subsection (2) of that  
19 section is amended to read:

20           414.32 Prohibitions and restrictions with respect to  
21 food stamps.--

22           ~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS. An~~  
23 ~~individual is ineligible to participate in the food stamp~~  
24 ~~program as a member of a food stamp assistance group during~~  
25 ~~any month in which the individual is delinquent in any payment~~  
26 ~~due under a court order for the support of a child. This~~  
27 ~~subsection does not apply if the court is allowing the~~  
28 ~~individual to delay payment for the support of a child or if~~  
29 ~~the individual is complying with a payment plan approved by~~  
30 ~~the court or the state agency that administers the child~~  
31 ~~support enforcement program.~~

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

4           445.048 Passport to Economic Progress demonstration  
5 program.--

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

15           Section 6. Section 114 of chapter 2004-267, Laws of  
16 Florida, is repealed.

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

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