

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children and Families Committee

BILL: SB 2154

INTRODUCER: Senator Bullard

SUBJECT: Temporary Cash Assistance/Emergency

DATE: March 20, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanford	Whiddon	CF	Pre-meeting
2.	_____	_____	DS	_____
3.	_____	_____	HA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires the Department of Children and Family Services (DCF or the department) to expedite the application process for temporary cash assistance to the extent permitted by federal law or regulation for persons who reside in an area damaged by a major disaster. It also directs the Governor to employ such measures and give directions as necessary to designated agencies to address the need for immediate cash, shelter, or food assistance for children, families, and the elderly and disabled during an emergency.

This bill substantially amends ss. 414.095 and 252.36, F.S.

II. Present Situation:

Section 414.095, F.S., provides eligibility criteria for the persons to receive temporary cash assistance. Section 414.095(1), F.S., provides that applicants must register for work and engage in work activities in accordance with s. 445.024, F.S.

Section 445.024, F.S., lists a series of qualifying work activities, and requires that each participant participate in a work activity for no more than 40 hours weekly.¹

Subsection 414.095(2), F.S., gives additional eligibility requirements for temporary cash assistance. These requirements include U.S. citizenship or status as a qualified non-citizen and legal residency in Florida. Additionally, this section requires that applicants provide to DCF the

¹ Section 445.024(2), F.S.

social security number or proof of application for a social security number of each family member. Each successful applicant family must contain at least one minor child.²

Subsection 414.095(6), F.S., requires that, as a condition of eligibility for public assistance, a family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative of the child. This subsection defines “cooperation” as:

- Assisting in identifying and locating a noncustodial parent and providing complete and accurate information on that parent;
- Assisting in establishing paternity; and
- Assisting in establishing, modifying, or enforcing a support order with respect to a child of a family member.

Federal regulations establish the time limit for state processing of applications for temporary cash assistance, providing that this processing cannot exceed 45 days from the date of application to notification to the applicant of eligibility or ineligibility.³

The department reports that, according to its records, temporary cash assistance applications were processed in an average of 15.3 days during calendar year 2005. Approximately 14.4 percent of temporary cash assistance applications are denied because of the failure of the applicant to comply with the child support enforcement and work registration requirements described above. The average temporary cash assistance award is \$234 monthly.

Section 414.095, F.S., does not provide exceptions to the work registration, child support enforcement, or other eligibility requirements during times of disastrous situations or conditions. The Department of Children and Family Services reports that the documentation related to these requirements currently adds approximately five days to the application approval process.

Section 252.36, F.S., describes the emergency management powers of the Governor during minor, major, or catastrophic disasters. These powers include, in addition to any other powers conferred upon the Governor by law, the authority to:

- Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- Utilize all available resources of the state government and of each political subdivision of the state, as reasonably necessary to cope with the emergency;
- Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

² A pregnant woman without another child is not eligible for assistance until the last month of pregnancy unless DCF determines that she is restricted from work activities by order of a physician, in which case temporary cash assistance is available during the last trimester of her pregnancy, s. 414.095(5), F.S.

³ 45 CFR 206.10(a)(3)(i).

- Subject to any applicable requirements for compensation under s. 252.43, F.S., commandeer or utilize any private property if the Governor finds doing so necessary to cope with the emergency;
- Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the Governor deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery;
- Prescribe routes, modes of transportation, and destinations in connection with evacuation;
- Control ingress and egress to and from an emergency area, the movement of persons within the area, and the occupancy of premises in the emergency area;
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles;
- Make provision for the availability and use of temporary emergency housing;
- Take effective measures for limiting or suspending lighting devices and appliances, gas and water mains, electric power distribution, and all other utility services in the general public interest;
- Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic prior to, during, and subsequent to drills and actual or threatened emergencies, the calling of public meetings and gatherings, and the evacuation and reception of civilian population, as provided in the emergency management plan of the state and political subdivisions of the state;
- Authorize the use of forces already mobilized as the result of an executive order, rule, or proclamation to assist the private citizens of the state in cleanup and recovery operations during emergencies when proper permission to enter onto or into private property has been obtained from the property owner;
- By executive order, authorize the operator of solid waste disposal facilities to extend operating hours to ensure the health, safety, and welfare of the general public.⁴

Section 252.34(1)(b), F.S., defines a “major disaster” as “a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.”⁵

III. Effect of Proposed Changes:

The bill requires the Department of Children and Family Services (DCF or the department) to expedite application procedures for temporary cash assistance for applicants who reside in an area damaged by a major disaster to the extent permitted by federal law or regulation. It requires that the department complete the processing of the application within 10 calendar days after receiving a completed application.

The bill directs DCF to train its employees who are responsible for determining eligibility for temporary cash assistance to expedite the process for victims of major disasters and to assist the

⁴ Subsection 252.36(5), F.S.

⁵ Subsection 252.34(1), F.S., defines “disaster” as “any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor, or the President of the United States...”

victims in contacting appropriate agencies that provide temporary shelter, food, food stamps, and other relief.

The bill adds to the emergency powers of the Governor a directive to employ such measures and give such direction as may be reasonably necessary to the Department of Children and Family Services, the Agency for Workforce Development, the Department of Elderly Affairs, and the Agency for Persons with Disabilities for the purpose of complying with the provisions of the emergency management sections of Florida Law or with the findings or recommendations of such agencies regarding the need for immediate cash, shelter, or food assistance during an emergency.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons in need of temporary cash assistance in the wake of a major disaster will be able to receive this assistance more quickly. However, the potential for fraud will be increased if the requirements for documentation of eligibility are waived.

C. Government Sector Impact:

The department projects a substantial but indeterminate cost associated with the bill. The expected expenses include faster approval with consequent earlier payments as well as the likelihood that recipients may under-represent their financial circumstances and receive benefits to which they are not entitled.

The department will be required to train employees who are responsible for determining temporary cash assistance eligibility to expedite the application process and to assist

victims to contact appropriate agencies that provide temporary shelter, food, food stamps, and other relief.

VI. Technical Deficiencies:

The bill does not contain exceptions to work registration, child support enforcement requirements, and other requirements for temporary cash assistance outlined in s. 414.095, F.S.

VII. Related Issues:

The department reports that if the work registration and child support enforcement cooperation requirements were waived, the expedited application process might be achieved with existing staff within the 10-day application process. Approval in less than 10 days will, however, require that the award of benefits be based on applicant statements of income and assets if verification cannot be obtained within 10 days. If actual income and assets are reported incorrectly, the benefit paid to the applicant may be less or more than that to which the applicant is entitled based upon correct information.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
