

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

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

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Prepared By: Children, Families, and Elder Affairs Committee

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BILL: SB 10

INTRODUCER: Senator Bullard

SUBJECT: Emergency Management

DATE: April 17, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ray	Jameson	CF	<b>Favorable</b>
2.			MS	
3.			HA	
4.				
5.				
6.				

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**I. Summary:**

The 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.

The bill 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 is a reaffirmation of the Governor's current emergency management authority.

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

**II. Present Situation:**

The Temporary Cash Assistance program (TCA) provides cash assistance to families with children under the age of 18, or under the age of 19 if full-time secondary school students, that meet the technical, income, and asset requirements. The program helps families become self-supporting while allowing children to remain in their own homes. Pregnant women may also receive TCA, either in the sixth month if unable to work, or in the ninth month of pregnancy. Parents, children and minor siblings who live together must apply together.<sup>1</sup>

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<sup>1</sup> Florida Department of Children and Family Services Website, <http://www.dcf.state.fl.us/ess/tanf.shtml> (Last visited, April 16, 2007).

Cash assistance under the TCA program is limited to a lifetime cumulative total of 48 months as an adult (except for child only cases which have no time limit).<sup>2</sup>

### **Temporary Cash Assistance Eligibility**

To be eligible for TCA a person must meet the following eligibility criteria:<sup>3</sup>

- Individuals must be United States citizens or qualified non-citizens;
- Individuals must be residents of Florida;
- Everyone applying for TCA must have a social security number or submit an application for one;
- A family's countable assets must be equal to or less than \$2,000;
- Licensed vehicles needed for individuals subject to the work requirement may not exceed a combined value of \$8,500;
- A child must be living in the home maintained by a parent or a relative who is a blood relative of the child;
- The parent or the caretaker relative of the children must cooperate<sup>4</sup> with child support enforcement to identify and locate the non-custodial parent(s), assist in establishing the paternity of the child, and assist in establishing support payments for the child;
- Children under age 5 must be current with childhood immunizations; and
- Children age 6 to 18 must attend school and parents/caretakers must attend school conferences.

Almost all types of income are counted to determine if a household is eligible. Some deductions are allowed. Countable income cannot exceed the payment standard for the family size. (Example: \$303 monthly for a family of three).<sup>5</sup>

As an additional eligibility requirement, s. 414.095, F.S., requires persons to register for work and engage in work activities in accordance with s. 445.024, F.S. Section 445.024, F.S., provides a list of activities that can be used individually or in combination to meet the requirement to participate in a temporary cash assistance program. That list includes:

- Unsubsidized employment;<sup>6</sup>
- Subsidized private sector employment;<sup>7</sup>
- Subsidized public sector employment;<sup>8</sup>

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<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> The term "cooperate" is defined 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. 414.095(6), F.S.,

<sup>5</sup> Id.

<sup>6</sup> Unsubsidized employment is full-time employment or part-time employment that is not directly supplemented by federal or state funds. Paid apprenticeship and cooperative education activities are included in this activity, s. 445.024(1)(a), F.S.

<sup>7</sup> Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds, s. 445.024(1)(b), F.S.

<sup>8</sup> Subsidized public sector employment is employment by an agency of the federal, state, or local government which is directly supplemented by federal or state funds, s. 445.024(1)(c), F.S.

- Community service work experience;<sup>9</sup>
- Work experience;<sup>10</sup>
- Job search and job readiness assistance;<sup>11</sup>
- Career education or training;<sup>12</sup>
- Job skills training;<sup>13</sup>
- Education services related to employment for participants 19 years of age or younger;<sup>14</sup>
- School attendance;<sup>15</sup>
- Teen parent services;<sup>16</sup>
- Extended education and training;<sup>17</sup>
- GED preparation and literacy education;<sup>18</sup> or
- Providing child care services.<sup>19</sup>

Each applicant is required to participate in a work activity for no more than 40 hours weekly<sup>20</sup> and no less than 20 hours weekly.<sup>21</sup>

Section 414.095(3), F.S., provides a list of eligibility criteria for persons who are noncitizens to receive temporary cash assistance. This list includes:

- A child who is a qualified noncitizen or who was born in the United States to an illegal or ineligible noncitizen is eligible for temporary cash assistance under ch. 414, F.S., if the family meets all eligibility requirements.
- If the parent may legally work in the United States, the parent must participate in the work activity requirements provided above, to the extent permitted under federal law.
- The income of an illegal noncitizen or ineligible noncitizen who is a mandatory member of a family, less a pro rata share for the illegal noncitizen or ineligible noncitizen, counts in determining a family's eligibility to participate in the program.
- The entire assets of an ineligible noncitizen or a disqualified individual who is a mandatory member of a family shall be included in determining the family's eligibility.

The department shall participate in the Systematic Alien Verification for Entitlements Program (SAVE) established by the United States Bureau of Citizenship and Immigration Services in

<sup>9</sup> s. 445.024(1)(d), F.S.

<sup>10</sup> Work experience is an appropriate work activity for participants who lack preparation for or experience in the workforce. It must combine a job training activity in a public or private not-for-profit agency with education and training related to an employment goal, s. 445.024(1)(e), F.S.

<sup>11</sup> Job search assistance may include supervised or unsupervised job-seeking activities. Job readiness assistance provides support for job-seeking activities, s. 445.024(1)(f), F.S.

<sup>12</sup> s. 445.024(1)(g), F.S.

<sup>13</sup> s. 445.024(1)(h), F.S.

<sup>14</sup> s. 445.024(1)(i), F.S.

<sup>15</sup> s. 445.024(1)(j), F.S.

<sup>16</sup> Participation in medical, educational, counseling, and other services that are part of a comprehensive programs, s. 445.024(1)(k), F.S.

<sup>17</sup> 445.024(1)(l), F.S.

<sup>18</sup> s. 445.024(1)(m), F.S.

<sup>19</sup> s. 445.024(1)(n), F.S.

<sup>20</sup> s. 445.024(2), F.S.

<sup>21</sup> 45 C.F.R. s. 261.31

order to verify the validity of documents provided by noncitizens and to verify a noncitizen's eligibility.

### **Temporary Cash Assistance Processing**

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.<sup>22</sup>

The department reports that, according to its records, temporary cash assistance applications were processed in an average of 18 days during calendar year 2006. Approximately 13.5 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. According to DCF, the average monthly temporary cash assistance payout per household is 234 dollars.

Section 414.095, F.S., does not provide exceptions to the work registration, child support enforcement, or other eligibility requirements during times of natural disasters. According to DCF, the processing and verification of the documentation related to these requirements currently adds approximately five days to the application approval process.

### **Emergency Management Powers of the Governor**

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:<sup>23</sup>

- 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;
- 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;

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<sup>22</sup> 45 CFR 206.10(a)(3)(i).

<sup>23</sup> s. 252.36(5), F.S.

- 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.

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.”<sup>24</sup>

### **III. Effect of Proposed Changes:**

The bill requires DCF 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 ten 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 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. This is a reaffirmation of the current emergency management powers of the Governor.

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<sup>24</sup> s. 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...”

**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 may receive this assistance more quickly.

## C. Government Sector Impact:

The department projects a substantial but indeterminate fiscal impact 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:**

None.

**VII. Related Issues:**

The department reports that the work registration and child support enforcement cooperation requirements add approximately five days to the application approval process. If these requirements were waived, the expedited application process might be achieved with existing staff within the ten day period.

By waiving the work registration and child support enforcement cooperation requirements, however the 13.5 percent of applications that are normally denied would be approved at an average monthly cost of 234 dollars per family.

Approval in less than ten days will also require that the award of benefits be based on applicant statements of income and assets if verification cannot be obtained within ten 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 actually entitled.

The bill amends s. 252.36, F.S. This change reaffirms the current emergency management powers assigned to the Governor by current law.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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