

By Senator Oelrich

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1 A bill to be entitled
2 An act relating to eligibility for temporary cash
3 assistance and food assistance; amending s. 414.095,
4 F.S.; prohibiting an individual convicted of a felony
5 offense from receiving temporary cash assistance or
6 food assistance under certain conditions; providing
7 conditions under which a person with a felony
8 conviction may resume receiving such assistance;
9 providing for designation of an alternative payee
10 under certain circumstances; amending ss. 409.2564,
11 409.902, 414.045, 414.0652, and 414.0655, F.S.;
12 conforming cross-references; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Present subsections (2) through (18) of section
18 414.095, Florida Statutes, are renumbered as subsections (3)
19 through (19), respectively, subsection (1), paragraph (a) of
20 present subsection (2), paragraphs (c) and (e) of present
21 subsection (14), and present subsection (17) are amended, and a
22 new subsection (2) is added to that section, to read:

23 414.095 Determining eligibility for temporary cash and food
24 assistance.—

25 (1) ELIGIBILITY FOR TEMPORARY CASH ASSISTANCE.—An applicant
26 must meet eligibility requirements of this section before
27 receiving services or temporary cash assistance under this
28 chapter, except that an applicant shall be required to register
29 for work and engage in work activities in accordance with s.

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30 445.024, as designated by the regional workforce board, and may
31 receive support services or child care assistance in conjunction
32 with such requirement. The department shall make a determination
33 of eligibility based on the criteria listed in this chapter. The
34 department shall monitor continued eligibility for temporary
35 cash assistance through periodic reviews consistent with the
36 food assistance eligibility process. ~~Benefits shall not be
37 denied to an individual solely based on a felony drug
38 conviction, unless the conviction is for trafficking pursuant to
39 s. 893.135. To be eligible under this section, an individual
40 convicted of a drug felony must be satisfactorily meeting the
41 requirements of the temporary cash assistance program, including
42 all substance abuse treatment requirements. Within the limits
43 specified in this chapter, the state opts out of the provision
44 of Pub. L. No. 104-193, s. 115, that eliminates eligibility for
45 temporary cash assistance and food assistance for any individual
46 convicted of a controlled substance felony.~~

47 (2) INELIGIBILITY DUE TO FELONY CONVICTION.—Pursuant to
48 Pub. L. No. 104-193, s. 115, on or after July 1, 2012, an
49 individual convicted of an offense classified as a felony for
50 possession of a controlled substance, as defined in the
51 Controlled Substances Act, 21 U.S.C., s. 802(6), or pursuant to
52 s. 893.135, is not eligible for temporary cash assistance or
53 food assistance unless the department receives verification that
54 the individual has satisfactorily completed a treatment program
55 or regimen for drug addiction or drug abuse. An individual who
56 has a felony conviction for drug trafficking is not eligible for
57 temporary cash assistance or food assistance. If the individual
58 is deemed ineligible for temporary cash assistance or food

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59 assistance as a result of a felony drug conviction, an
60 appropriate alternate payee shall be designated to receive the
61 assistance on behalf of the other members of the assistance
62 group.

63 (3)~~(2)~~ ADDITIONAL ELIGIBILITY REQUIREMENTS.—

64 (a) To be eligible for services or temporary cash
65 assistance and Medicaid:

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

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

69 3. Each member of a family must provide to the department
70 the member's social security number or shall provide proof of
71 application for a social security number. An individual who
72 fails to provide a social security number, or proof of
73 application for a social security number, is not eligible to
74 participate in the program.

75 4. A minor child must reside with a parent or parents, with
76 a relative caretaker who is within the specified degree of blood
77 relationship as defined by 45 C.F.R. part 233, or, if the minor
78 is a teen parent with a child, in a setting approved by the
79 department as provided in subsection (15) ~~(14)~~.

80 5. Each family must have a minor child and meet the income
81 and resource requirements of the program. All minor children who
82 live in the family, as well as the parents of the minor
83 children, shall be included in the eligibility determination
84 unless specifically excluded.

85 (15)~~(14)~~ PROHIBITIONS AND RESTRICTIONS.—

86 (c) The teen parent is not required to live with a parent,
87 legal guardian, or other adult caretaker relative if the

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88 department determines that:

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

91 2. The requirement is not in the best interest of the teen
92 parent or the child. If the department determines that it is not
93 in the best interest of the teen parent or child to reside with
94 a parent, legal guardian, or other adult caretaker relative, the
95 department shall provide or assist the teen parent in finding a
96 suitable home, a second-chance home, a maternity home, or other
97 appropriate adult-supervised supportive living arrangement. Such
98 living arrangement may include a shelter obligation in
99 accordance with subsection (11) ~~(10)~~.

100

101 The department may not delay providing temporary cash assistance
102 to the teen parent through the alternative payee designated by
103 the department pending a determination as to where the teen
104 parent should live and sufficient time for the move itself. A
105 teen parent determined to need placement that is unavailable
106 shall continue to be eligible for temporary cash assistance so
107 long as the teen parent cooperates with the department and the
108 Department of Health. The teen parent shall be provided with
109 counseling to make the transition from independence to
110 supervised living and with a choice of living arrangements.

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

116 (17) ~~(16)~~ PROPORTIONAL REDUCTION.—If the Social Services

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117 Estimating Conference forecasts an increase in the temporary
118 cash assistance caseload and there is insufficient funding, a
119 proportional reduction as determined by the department shall be
120 applied to the levels of temporary cash assistance in subsection
121 (11) ~~(10)~~.

122 Section 2. Paragraph (a) of subsection (11) of section
123 409.2564, Florida Statutes, is amended to read:

124 409.2564 Actions for support.—

125 (11) (a) The Department of Revenue shall review child
126 support orders in IV-D cases at least once every 3 years when
127 requested by either party, or when support rights are assigned
128 to the state under s. 414.095(8) ~~414.095(7)~~, and may seek
129 modification of the order if appropriate under the child support
130 guidelines in s. 61.30. Not less than once every 3 years the
131 department shall provide notice to the parties subject to the
132 order informing them of their right to request a review and, if
133 appropriate, a modification of the child support order. The
134 notice requirement may be met by including appropriate language
135 in the initial support order or any subsequent orders.

136 Section 3. Subsection (2) of section 409.902, Florida
137 Statutes, is amended to read:

138 409.902 Designated single state agency; payment
139 requirements; program title; release of medical records.—

140 (2) Eligibility is restricted to United States citizens and
141 to lawfully admitted noncitizens who meet the criteria provided
142 in s. 414.095(4) ~~414.095(3)~~.

143 (a) Citizenship or immigration status must be verified. For
144 noncitizens, this includes verification of the validity of
145 documents with the United States Citizenship and Immigration

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146 Services using the federal SAVE verification process.

147 (b) State funds may not be used to provide medical services
148 to individuals who do not meet the requirements of this
149 subsection unless the services are necessary to treat an
150 emergency medical condition or are for pregnant women. Such
151 services are authorized only to the extent provided under
152 federal law and in accordance with federal regulations as
153 provided in 42 C.F.R. s. 440.255.

154 Section 4. Paragraph (b) of subsection (1) of section
155 414.045, Florida Statutes, is amended to read:

156 414.045 Cash assistance program.—Cash assistance families
157 include any families receiving cash assistance payments from the
158 state program for temporary assistance for needy families as
159 defined in federal law, whether such funds are from federal
160 funds, state funds, or commingled federal and state funds. Cash
161 assistance families may also include families receiving cash
162 assistance through a program defined as a separate state
163 program.

164 (1) For reporting purposes, families receiving cash
165 assistance shall be grouped into the following categories. The
166 department may develop additional groupings in order to comply
167 with federal reporting requirements, to comply with the data-
168 reporting needs of the board of directors of Workforce Florida,
169 Inc., or to better inform the public of program progress.

170 (b) *Child-only cases.*—Child-only cases include cases that
171 do not have an adult or teen head of household as defined in
172 federal law. Such cases include:

173 1. Children in the care of caretaker relatives where the
174 caretaker relatives choose to have their needs excluded in the

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175 calculation of the amount of cash assistance.

176 2. Families in the Relative Caregiver Program as provided
177 in s. 39.5085.

178 3. Families in which the only parent in a single-parent
179 family or both parents in a two-parent family receive
180 supplemental security income (SSI) benefits under Title XVI of
181 the Social Security Act, as amended. To the extent permitted by
182 federal law, individuals receiving SSI shall be excluded as
183 household members in determining the amount of cash assistance,
184 and such cases shall not be considered families containing an
185 adult. Parents or caretaker relatives who are excluded from the
186 cash assistance group due to receipt of SSI may choose to
187 participate in work activities. An individual who volunteers to
188 participate in work activity but whose ability to participate in
189 work activities is limited shall be assigned to work activities
190 consistent with such limitations. An individual who volunteers
191 to participate in a work activity may receive child care or
192 support services consistent with such participation.

193 4. Families where the only parent in a single-parent family
194 or both parents in a two-parent family are not eligible for cash
195 assistance due to immigration status or other limitation of
196 federal law. To the extent required by federal law, such cases
197 shall not be considered families containing an adult.

198 5. To the extent permitted by federal law and subject to
199 appropriations, special needs children who have been adopted
200 pursuant to s. 409.166 and whose adopting family qualifies as a
201 needy family under the state program for temporary assistance
202 for needy families. Notwithstanding any provision to the
203 contrary in s. 414.075, s. 414.085, or s. 414.095, a family

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204 shall be considered a needy family if:

205 a. The family is determined by the department to have an
206 income below 200 percent of the federal poverty level;

207 b. The family meets the requirements of s. 414.095(3) and
208 (4) ~~414.095(2) and (3)~~ related to residence, citizenship, or
209 eligible noncitizen status; and

210 c. The family provides any information that may be
211 necessary to meet federal reporting requirements specified under
212 Part A of Title IV of the Social Security Act.

213

214 Families described in subparagraph 1., subparagraph 2., or
215 subparagraph 3. may receive child care assistance or other
216 supports or services so that the children may continue to be
217 cared for in their own homes or the homes of relatives. Such
218 assistance or services may be funded from the temporary
219 assistance for needy families block grant to the extent
220 permitted under federal law and to the extent funds have been
221 provided in the General Appropriations Act.

222 Section 5. Paragraph (c) of subsection (2) of section
223 414.0652, Florida Statutes, is amended to read:

224 414.0652 Drug screening for applicants for Temporary
225 Assistance for Needy Families.—

226 (2) The department shall:

227 (c) Require that any teen parent who is not required to
228 live with a parent, legal guardian, or other adult caretaker
229 relative in accordance with s. 414.095(15)(c) ~~414.095(14)(e)~~
230 must comply with the drug-testing requirement.

231 Section 6. Subsection (2) of section 414.0655, Florida
232 Statutes, is amended to read:

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233 414.0655 Medical incapacity due to substance abuse or
234 mental health impairment.-

235 (2) Notwithstanding any provision of s. 414.095(3)(a)4. or
236 5. 414.095(2)(a)4. or 5. to the contrary, a participant who is
237 absent from the home due to out-of-home residential treatment
238 for not more than 150 days shall continue to be a member of the
239 assistance group whether or not the child or children for whom
240 the participant is the parent or caretaker relative are living
241 in the residential treatment center.

242 Section 7. This act shall take effect July 1, 2012.