

By the Committee on Criminal Justice; and Senator Oelrich

591-03793-12

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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, an individual convicted, on or
49 after July 1, 2012, 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), is not eligible
52 for temporary cash assistance or food assistance unless the
53 department receives verification that the individual has
54 satisfactorily completed a drug treatment program offered by a
55 provider that meets the requirements of s. 397.401 and is
56 licensed by the department.

57 (a) The department shall specify through rule, the criteria
58 to determine satisfactory completion of a drug treatment

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59 program. An individual who has a felony conviction for drug
60 trafficking, pursuant to s. 893.135, is not eligible for
61 temporary cash assistance or food assistance.

62 (b) If an individual is deemed ineligible for temporary
63 cash assistance or food assistance as a result of a felony drug
64 conviction, a protective payee shall be designated to receive
65 the assistance on behalf of the other members of the assistance
66 group.

67 (3) ~~(2)~~ ADDITIONAL ELIGIBILITY REQUIREMENTS.—

68 (a) To be eligible for services or temporary cash
69 assistance and Medicaid:

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

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

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

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

84 5. Each family must have a minor child and meet the income
85 and resource requirements of the program. All minor children who
86 live in the family, as well as the parents of the minor
87 children, shall be included in the eligibility determination

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88 unless specifically excluded.

89 (15)~~(14)~~ PROHIBITIONS AND RESTRICTIONS.—

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

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

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

104

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

115 (e) If a parent or caretaker relative does not assign any
116 rights a family member may have to support from any other person

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117 as required by subsection (8) ~~(7)~~, temporary cash assistance to
118 the entire family shall be denied until the parent or caretaker
119 relative assigns the rights to the department.

120 (17) ~~(16)~~ PROPORTIONAL REDUCTION.—If the Social Services
121 Estimating Conference forecasts an increase in the temporary
122 cash assistance caseload and there is insufficient funding, a
123 proportional reduction as determined by the department shall be
124 applied to the levels of temporary cash assistance in subsection
125 (11) ~~(10)~~.

126 Section 2. Paragraph (a) of subsection (11) of section
127 409.2564, Florida Statutes, is amended to read:

128 409.2564 Actions for support.—

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

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

142 409.902 Designated single state agency; payment
143 requirements; program title; release of medical records.—

144 (2) Eligibility is restricted to United States citizens and
145 to lawfully admitted noncitizens who meet the criteria provided

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146 in s. 414.095(4) ~~414.095(3)~~.

147 (a) Citizenship or immigration status must be verified. For
148 noncitizens, this includes verification of the validity of
149 documents with the United States Citizenship and Immigration
150 Services using the federal SAVE verification process.

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

158 Section 4. Paragraph (b) of subsection (1) of section
159 414.045, Florida Statutes, is amended to read:

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

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

174 (b) *Child-only cases*.—Child-only cases include cases that

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175 do not have an adult or teen head of household as defined in
176 federal law. Such cases include:

177 1. Children in the care of caretaker relatives where the
178 caretaker relatives choose to have their needs excluded in the
179 calculation of the amount of cash assistance.

180 2. Families in the Relative Caregiver Program as provided
181 in s. 39.5085.

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

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

202 5. To the extent permitted by federal law and subject to
203 appropriations, special needs children who have been adopted

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204 pursuant to s. 409.166 and whose adopting family qualifies as a
205 needy family under the state program for temporary assistance
206 for needy families. Notwithstanding any provision to the
207 contrary in s. 414.075, s. 414.085, or s. 414.095, a family
208 shall be considered a needy family if:

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

211 b. The family meets the requirements of s. 414.095(3) and
212 (4) ~~414.095(2) and (3)~~ related to residence, citizenship, or
213 eligible noncitizen status; and

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

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

226 Section 5. Paragraph (c) of subsection (2) of section
227 414.0652, Florida Statutes, is amended to read:

228 414.0652 Drug screening for applicants for Temporary
229 Assistance for Needy Families.—

230 (2) The department shall:

231 (c) Require that any teen parent who is not required to
232 live with a parent, legal guardian, or other adult caretaker

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233 relative in accordance with s. 414.095(15)(c) ~~414.095(14)(e)~~
234 must comply with the drug-testing requirement.

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

237 414.0655 Medical incapacity due to substance abuse or
238 mental health impairment.—

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

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