

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
 24 food assistance.—

25 (1) ELIGIBILITY FOR TEMPORARY CASH ASSISTANCE.—An
 26 applicant must meet eligibility requirements of this section
 27 before receiving services or temporary cash assistance under
 28 this chapter, except that an applicant shall be required to

29 register for work and engage in work activities in accordance
 30 with s. 445.024, as designated by the regional workforce board,
 31 and may receive support services or child care assistance in
 32 conjunction with such requirement. The department shall make a
 33 determination of eligibility based on the criteria listed in
 34 this chapter. The department shall monitor continued eligibility
 35 for temporary cash assistance through periodic reviews
 36 consistent with the food assistance eligibility process.

37 ~~Benefits shall not be denied to an individual solely based on a~~
 38 ~~felony drug conviction, unless the conviction is for trafficking~~
 39 ~~pursuant to s. 893.135. To be eligible under this section, an~~
 40 ~~individual convicted of a drug felony must be satisfactorily~~
 41 ~~meeting the requirements of the temporary cash assistance~~
 42 ~~program, including all substance abuse treatment requirements.~~
 43 ~~Within the limits specified in this chapter, the state opts out~~
 44 ~~of the provision of Pub. L. No. 104-193, s. 115, that eliminates~~
 45 ~~eligibility for temporary cash assistance and food assistance~~
 46 ~~for any individual 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
 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,
 76 with a relative caretaker who is within the specified degree of
 77 blood relationship as defined by 45 C.F.R. part 233, or, if the
 78 minor is a teen parent with a child, in a setting approved by
 79 the 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
88 department determines that:

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

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

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

112 (e) If a parent or caretaker relative does not assign any

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113 rights a family member may have to support from any other person
114 as required by subsection (8) ~~(7)~~, temporary cash assistance to
115 the entire family shall be denied until the parent or caretaker
116 relative assigns the rights to the department.

117 (17) ~~(16)~~ PROPORTIONAL REDUCTION.—If the Social Services
118 Estimating Conference forecasts an increase in the temporary
119 cash assistance caseload and there is insufficient funding, a
120 proportional reduction as determined by the department shall be
121 applied to the levels of temporary cash assistance in subsection
122 (11) ~~(10)~~.

123 Section 2. Paragraph (a) of subsection (11) of section
124 409.2564, Florida Statutes, is amended to read:

125 409.2564 Actions for support.—

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

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

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

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

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

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

155 Section 4. Paragraph (b) of subsection (1) of section
 156 414.045, Florida Statutes, is amended to read:

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

165 (1) For reporting purposes, families receiving cash
 166 assistance shall be grouped into the following categories. The
 167 department may develop additional groupings in order to comply
 168 with federal reporting requirements, to comply with the data-

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169 reporting needs of the board of directors of Workforce Florida,
 170 Inc., or to better inform the public of program progress.

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

174 1. Children in the care of caretaker relatives where the
 175 caretaker relatives choose to have their needs excluded in the
 176 calculation of the amount of cash assistance.

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

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

194 4. Families where the only parent in a single-parent
 195 family or both parents in a two-parent family are not eligible
 196 for cash assistance due to immigration status or other

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197 limitation of federal law. To the extent required by federal
198 law, such cases shall not be considered families containing an
199 adult.

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

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

209 b. The family meets the requirements of s. 414.095(3) and
210 (4) ~~414.095(2) and (3)~~ related to residence, citizenship, or
211 eligible noncitizen status; and

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

215

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

224 Section 5. Paragraph (c) of subsection (2) of section

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225 414.0652, Florida Statutes, is amended to read:

226 414.0652 Drug screening for applicants for Temporary
 227 Assistance for Needy Families.—

228 (2) The department shall:

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

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

235 414.0655 Medical incapacity due to substance abuse or
 236 mental health impairment.—

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

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