

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, an individual convicted on or after  
49 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. The department shall specify by rule

57 the criteria to determine satisfactory completion of a drug  
 58 treatment program. An individual who has a felony conviction for  
 59 drug trafficking, pursuant to s. 893.135, is not eligible for  
 60 temporary cash assistance or food assistance. If an individual  
 61 is deemed ineligible for temporary cash assistance or food  
 62 assistance as a result of a felony drug conviction, a protective  
 63 payee shall be designated to receive the assistance on behalf of  
 64 the other members of the assistance group.

65 (3)~~(2)~~ ADDITIONAL ELIGIBILITY REQUIREMENTS.—

66 (a) To be eligible for services or temporary cash  
 67 assistance and Medicaid:

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

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

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

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

82 5. Each family must have a minor child and meet the income  
 83 and resource requirements of the program. All minor children who  
 84 live in the family, as well as the parents of the minor

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85 children, shall be included in the eligibility determination  
86 unless specifically excluded.

87 (15) ~~(14)~~ PROHIBITIONS AND RESTRICTIONS.—

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

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

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

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

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113 supervised living and with a choice of living arrangements.

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

119 ~~(17)~~~~(16)~~ PROPORTIONAL REDUCTION.—If the Social Services  
120 Estimating Conference forecasts an increase in the temporary  
121 cash assistance caseload and there is insufficient funding, a  
122 proportional reduction as determined by the department shall be  
123 applied to the levels of temporary cash assistance in subsection  
124 (11) ~~(10)~~.

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

127 409.2564 Actions for support.—

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

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

141 409.902 Designated single state agency; payment  
 142 requirements; program title; release of medical records.—

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

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

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

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

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

167 (1) For reporting purposes, families receiving cash  
 168 assistance shall be grouped into the following categories. The

169 department may develop additional groupings in order to comply  
170 with federal reporting requirements, to comply with the data-  
171 reporting needs of the board of directors of Workforce Florida,  
172 Inc., or to better inform the public of program progress.

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

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

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

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

196 4. Families where the only parent in a single-parent

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

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



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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  
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.