

By Senator Baxley

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1 A bill to be entitled
2 An act relating to a TANF Pay-After-Performance
3 program; creating s. 414.56, F.S.; requiring the
4 Department of Children and Families, in consultation
5 with the Department of Economic Opportunity, to
6 implement a Temporary Assistance for Needy Families
7 Pay-After-Performance program to provide assistance to
8 certain eligible persons; requiring the Department of
9 Children and Families to determine eligibility for
10 participation in the program; requiring the department
11 to refer an applicant for temporary cash assistance to
12 the applicable regional workforce board for work
13 registration and orientation; requiring the regional
14 workforce board to provide certain information to an
15 applicant; providing program participation
16 requirements; requiring a regional workforce board to
17 assess an applicant's need for immediate support
18 services to assist with work activity requirements;
19 providing requirements for work activities, reporting
20 excused absences, and verification of work hours;
21 providing for a reduction of a program participant's
22 temporary cash assistance payment under certain
23 circumstances; authorizing a specified number of hours
24 of excused absences with good cause; authorizing a
25 person to request a deferral from participation in the
26 program; requiring a career advisor to assist such
27 person in developing an alternative responsibility
28 plan; requiring certain program applicants who are
29 medically deferred to apply for specified services and

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30 programs; providing requirements relating to the
31 assignment of work activities; providing for
32 termination of program participation for noncompliance
33 under certain circumstances; authorizing a participant
34 to reapply after termination under certain
35 circumstances; providing requirements relating to the
36 methodology for temporary cash assistance payments;
37 authorizing the Department of Children and Families to
38 adopt rules; amending s. 414.0252, F.S.; conforming a
39 cross-reference; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Section 414.56, Florida Statutes, is created to
44 read:

45 414.56 TANF Pay-After-Performance program.-

46 (1) PROGRAM CREATION.-The department, in consultation with
47 the Department of Economic Opportunity, shall implement a
48 Temporary Assistance for Needy Families (TANF) Pay-After-
49 Performance program for eligible persons who receive temporary
50 cash assistance pursuant to this chapter and who are referred to
51 a regional workforce board for participation in the welfare
52 transition program.

53 (2) ELIGIBILITY DETERMINATION.-The department shall
54 determine the eligibility of persons who may receive temporary
55 cash assistance. A person who is currently enrolled in the
56 welfare transition program on the effective date of this act is
57 not subject to the requirements of the TANF Pay-After-
58 Performance program.

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59 (3) REFERRAL AND ORIENTATION.—The department shall refer an
60 applicant for temporary cash assistance to the applicable
61 regional workforce board for work registration and orientation.
62 During orientation, the regional workforce board shall inform
63 the applicant in writing of the TANF Pay-After-Performance
64 program rules and guidelines and assign the number of hours of
65 work required per month for the applicant to receive full
66 benefits under the program. The number of hours of work required
67 by family type under the TANF Pay-After-Performance program are
68 the same as those required under the welfare transition program.

69 (a) An applicant who chooses to participate in the TANF
70 Pay-After-Performance program must acknowledge his or her
71 understanding of the program requirements in writing.

72 (b) An applicant who chooses not to participate in the TANF
73 Pay-After-Performance program has the opportunity to withdraw
74 his or her application for temporary cash assistance. Such
75 withdrawal does not affect the applicant's eligibility to
76 reapply for temporary cash assistance at any time.

77 (4) SUPPORT SERVICES.—Each regional workforce board shall
78 assess an applicant's need for immediate support services during
79 orientation as provided in subsection (3). The provision of
80 needed support services, as described in s. 445.025, to assist
81 participants with work activity requirements may only be
82 provided if such services are necessary for an applicant to
83 participate during the period before the applicant earns his or
84 her temporary cash assistance benefit.

85 (5) WORK ACTIVITIES AND WORK VERIFICATION.—A participant in
86 the TANF Pay-After-Performance program must be assigned to work
87 activities in accordance with s. 445.024 and provided with

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88 program instructions for reporting excused absences and the
89 number of completed work hours to his or her career advisor for
90 verification on a weekly basis.

91 (6) PROPORTIONAL REDUCTION OF TEMPORARY CASH ASSISTANCE.—A
92 participant in the TANF Pay-After-Performance program is subject
93 to a proportional reduction of temporary cash assistance for any
94 month during which the participant fails to meet the program
95 requirements without good cause. The amount of temporary cash
96 assistance otherwise payable to the participant shall be
97 prorated and proportional to the actual number of completed work
98 hours.

99 (7) EXCUSED ABSENCES.—A participant in the welfare
100 transition program is permitted 16 hours per month of excused
101 work activity hours for good cause, but no more than 80 hours of
102 excused absences within a 12-month period. Such excused absences
103 shall count as participation hours in the TANF Pay-After-
104 Performance program. A career advisor shall directly contact a
105 participant to determine and verify whether good cause exists
106 for such absences, and shall notify a participant if his or her
107 public assistance case is subject to termination for
108 noncompliance.

109 (8) DEFERRALS.—If a person meets an exception under s.
110 414.065, the person may request a deferral from participation in
111 the TANF Pay-After-Performance program and must provide evidence
112 to verify his or her need for such deferral. A career advisor
113 shall assist a participant who has received a deferral in
114 developing an alternative responsibility plan and shall maintain
115 contact with each participant to ensure the participant's
116 compliance with the plan. The participant shall receive his or

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117 her full monthly temporary cash assistance benefit until the
118 deferral has been reduced or eliminated or the participant has
119 met his or her work requirements.

120 (a) A regional workforce board may refer a participant who
121 is 100 percent medically deferred to a physician for a second
122 opinion. Such a participant must apply for vocational
123 rehabilitation services and benefits under the Social Security
124 Disability Insurance program.

125 (b) A participant who is not 100 percent medically deferred
126 shall be assigned work activities and hours as recommended by
127 the physician. To receive a full temporary cash assistance
128 payment, a participant must participate for the full number of
129 assigned work hours, or the benefit shall be reduced
130 proportional to the number of hours of nonparticipation.

131 (9) PROGRAM TERMINATION.—A participant in the welfare
132 transition program who does not participate in the TANF Pay-
133 After-Performance program for 3 consecutive days, without good
134 cause or without notifying his or her career advisor, unless
135 medically unable to participate, must be terminated for
136 noncompliance from the TANF Pay-After-Performance program and
137 will no longer be eligible to receive his or her temporary cash
138 assistance benefit. A participant may reapply for temporary cash
139 assistance after termination as follows:

140 (a) First incident of noncompliance, only after 30 days
141 after the termination date.

142 (b) Second incident of noncompliance, only after 90 days
143 after the termination date.

144 (c) Third incident of noncompliance, only after 180 days
145 after the termination date.

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146 (10) PAYMENT METHODOLOGY.—Upon completion of up-front work
147 registration and other eligibility requirements under the
148 temporary cash assistance program, a participant's public
149 assistance case shall be opened for \$10 per month. A participant
150 who meets his or her full participation requirement for the
151 month shall receive his or her monthly temporary cash assistance
152 payment. A participant who does not meet his or her full
153 participation requirement for the month shall have his or her
154 temporary cash assistance payment reduced proportional to the
155 number of hours that the participant failed to participate. The
156 methodology for calculating temporary cash assistance payments
157 is as follows:

158 (a) Divide the monthly temporary cash assistance payment by
159 the monthly scheduled work activity hours;

160 (b) Multiply the figure in paragraph (a) by the number of
161 hours missed without good cause during the month; and

162 (c) Reduce the temporary cash assistance payment by the
163 amount in paragraph (b), issuing payment for the amount in
164 excess of the \$10 for opening the participant's public
165 assistance case.

166 (11) RULEMAKING.—The department, in consultation with the
167 Department of Economic Opportunity, may adopt rules to implement
168 this section.

169 Section 2. Section 414.0252, Florida Statutes, is amended
170 to read:

171 414.0252 Definitions.—As used in ss. 414.025-414.56 ~~ss.~~
172 ~~414.025-414.55~~, the term:

173 (1) "Alternative payee" means an individual who receives
174 temporary assistance payments on behalf of a minor.

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175 (2) "Applicant" means an individual who applies to
176 participate in the temporary family assistance program and
177 submits a signed and dated application.

178 (3) "Department" means the Department of Children and
179 Families.

180 (4) "Domestic violence" means any assault, aggravated
181 assault, battery, aggravated battery, sexual assault, sexual
182 battery, stalking, aggravated stalking, kidnapping, false
183 imprisonment, or any criminal offense that results in the
184 physical injury or death of one family or household member by
185 another.

186 (5) "Family" means the assistance group or the individuals
187 whose needs, resources, and income are considered when
188 determining eligibility for temporary assistance. The family for
189 purposes of temporary assistance includes the minor child, a
190 parent, or caretaker relative who resides in the same house or
191 living unit. The family may also include individuals whose
192 income and resources are considered in whole or in part in
193 determining eligibility for temporary assistance but whose
194 needs, due to federal or state restrictions, are not considered.
195 These individuals include, but are not limited to, ineligible
196 noncitizens or sanctioned individuals.

197 (6) "Family or household member" means spouses, former
198 spouses, noncohabitating partners, persons related by blood or
199 marriage, persons who are presently residing together as if a
200 family or who have resided together in the past as if a family,
201 and persons who have a child in common regardless of whether
202 they have been married or have resided together at any time.

203 (7) "Homeless" means an individual who lacks a fixed,

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204 regular, and adequate nighttime residence or an individual who
205 has a primary nighttime residence that is:

206 (a) A supervised publicly or privately operated shelter
207 designed to provide temporary living accommodations, including
208 welfare hotels, congregate shelters, and transitional housing
209 for the mentally ill;

210 (b) An institution that provides a temporary residence for
211 individuals intended to be institutionalized; or

212 (c) A public or private place not designed for, or
213 ordinarily used as, a regular sleeping accommodation for human
214 beings.

215 (8) "Minor child" means a child under 18 years of age, or
216 under 19 years of age if the child is a full-time student in a
217 secondary school or at the equivalent level of career training,
218 and does not include anyone who is married or divorced.

219 (9) "Participant" means an individual who has applied for
220 or receives temporary cash assistance.

221 (10) "Public assistance" means benefits paid on the basis
222 of the temporary cash assistance, food assistance, Medicaid, or
223 optional state supplementation program.

224 (11) "Relative caretaker" or "caretaker relative" means an
225 adult who has assumed the primary responsibility of caring for a
226 child and who is related to the child by blood or marriage.

227 (12) "Temporary cash assistance" means cash assistance
228 provided under the state program certified under Title IV-A of
229 the Social Security Act, as amended.

230 Section 3. This act shall take effect July 1, 2019.