

Bill No. SB 408

Barcode 112420

Proposed Committee Substitute by the Committee on Health and
Human Services Appropriations

1 A bill to be entitled
2 An act relating to the Department of Children
3 and Family Services; amending s. 414.065, F.S.;
4 revising the penalties imposed by the
5 department against a participant who is
6 receiving temporary cash assistance and who
7 fails to comply with work requirements;
8 eliminating provisions allowing the
9 continuation of temporary cash assistance for
10 children; amending s. 414.095, F.S.; revising
11 certain requirements for determining
12 eligibility for temporary cash assistance in
13 order to conform to federal requirements;
14 eliminating certain eligibility options for
15 stepparents; amending s. 414.105, F.S.;
16 providing for a lifetime cumulative period
17 during which a person may receive temporary
18 cash assistance; eliminating certain other time
19 limitations; revising the membership
20 requirements for regional workforce boards;
21 repealing s. 414.32, F.S., relating to
22 disqualification from the food stamp program
23 for an arrearage in child support payments;
24 amending ss. 409.2564 and 445.048, F.S.;
25 conforming cross-references; repealing s. 114,
26 ch. 2004-267, Laws of Florida, relating to
27 authorization for the department to contract
28 with private vendors for determining
29 eligibility for the Economic Self-Sufficiency
30 Services program; providing an effective date.

31

Bill No. SB 408

Barcode 112420

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Section 414.065, Florida Statutes, is
4 amended to read:

5 414.065 Noncompliance with work requirements.--

6 (1) PENALTIES FOR NONPARTICIPATION IN WORK

7 REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE

8 REQUIREMENT PLANS.--~~The department shall establish procedures~~

9 ~~for administering penalties for nonparticipation in work~~

10 ~~requirements and failure to comply with the alternative~~

11 ~~requirement plan.~~ If an individual in a family receiving

12 temporary cash assistance fails to engage in work activities

13 required under in accordance with s. 445.024 or with an

14 alternative requirement plan as described in subsection (2),

15 the department shall administer sanctions consistent with

16 federal food stamp regulations as provided under 7 C.F.R. s.

17 273, including the option to disqualify the entire household

18 when the head of the household is noncompliant following

19 ~~penalties shall apply.~~ Prior to the imposition of a sanction,

20 the participant shall be notified orally or in writing that

21 the participant is subject to sanction and that action will be

22 taken to impose the sanction unless the participant complies

23 with the work activity requirements or the alternative

24 requirement plan. The participant shall be counseled as to the

25 consequences of noncompliance and, if appropriate, shall be

26 referred for services that could assist the participant to

27 fully comply with program requirements. If the participant has

28 good cause for noncompliance or demonstrates satisfactory

29 compliance, the sanction shall not be imposed. If the

30 participant has subsequently obtained employment, the

31 participant shall be counseled regarding the transitional

Bill No. SB 408

Barcode 112420

1 benefits that may be available and provided information about
2 how to access such benefits. The department shall administer
3 sanctions related to food stamps consistent with federal
4 regulations.

5 ~~(a)1. First noncompliance: temporary cash assistance~~
6 ~~shall be terminated for the family for a minimum of 10 days or~~
7 ~~until the individual who failed to comply does so.~~

8 ~~2. Second noncompliance: temporary cash assistance~~
9 ~~shall be terminated for the family for 1 month or until the~~
10 ~~individual who failed to comply does so, whichever is later.~~
11 ~~Upon meeting this requirement, temporary cash assistance shall~~
12 ~~be reinstated to the date of compliance or the first day of~~
13 ~~the month following the penalty period, whichever is later.~~

14 ~~3. Third noncompliance: temporary cash assistance~~
15 ~~shall be terminated for the family for 3 months or until the~~
16 ~~individual who failed to comply does so, whichever is later.~~
17 ~~The individual shall be required to comply with the required~~
18 ~~work activity upon completion of the 3-month penalty period,~~
19 ~~before reinstatement of temporary cash assistance. Upon~~
20 ~~meeting this requirement, temporary cash assistance shall be~~
21 ~~reinstated to the date of compliance or the first day of the~~
22 ~~month following the penalty period, whichever is later.~~

23 ~~(b) If a participant receiving temporary cash~~
24 ~~assistance who is otherwise exempted from noncompliance~~
25 ~~penalties fails to comply with the alternative requirement~~
26 ~~plan required in accordance with this section, the penalties~~
27 ~~provided in paragraph (a) shall apply.~~

28
29 ~~If a participant fully complies with work activity~~
30 ~~requirements for at least 6 months, the participant shall be~~
31 ~~reinstated as being in full compliance with program~~

Barcode 112420

1 ~~requirements for purpose of sanctions imposed under this~~
2 ~~section.~~

3 ~~(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR~~
4 ~~CHILDREN; PROTECTIVE PAYEES.--~~

5 ~~(a) Upon the second or third occurrence of~~
6 ~~noncompliance, temporary cash assistance and food stamps for~~
7 ~~the child or children in a family who are under age 16 may be~~
8 ~~continued. Any such payments must be made through a protective~~
9 ~~payee or, in the case of food stamps, through an authorized~~
10 ~~representative. Under no circumstances shall temporary cash~~
11 ~~assistance or food stamps be paid to an individual who has~~
12 ~~failed to comply with program requirements.~~

13 ~~(b) Protective payees shall be designated by the~~
14 ~~department and may include:~~

15 ~~1. A relative or other individual who is interested in~~
16 ~~or concerned with the welfare of the child or children and~~
17 ~~agrees in writing to utilize the assistance in the best~~
18 ~~interest of the child or children.~~

19 ~~2. A member of the community affiliated with a~~
20 ~~religious, community, neighborhood, or charitable organization~~
21 ~~who agrees in writing to utilize the assistance in the best~~
22 ~~interest of the child or children.~~

23 ~~3. A volunteer or member of an organization who agrees~~
24 ~~in writing to fulfill the role of protective payee and to~~
25 ~~utilize the assistance in the best interest of the child or~~
26 ~~children.~~

27 ~~(c) The protective payee designated by the department~~
28 ~~shall be the authorized representative for purposes of~~
29 ~~receiving food stamps on behalf of a child or children under~~
30 ~~age 16. The authorized representative must agree in writing to~~
31 ~~use the food stamps in the best interest of the child or~~

Bill No. SB 408

Barcode 112420

1 ~~children.~~

2 ~~(d) If it is in the best interest of the child or~~
3 ~~children, as determined by the department, for the staff~~
4 ~~member of a private agency, a public agency, the department,~~
5 ~~or any other appropriate organization to serve as a protective~~
6 ~~payee or authorized representative, such designation may be~~
7 ~~made, except that a protective payee or authorized~~
8 ~~representative must not be any individual involved in~~
9 ~~determining eligibility for temporary cash assistance or food~~
10 ~~stamps for the family, staff handling any fiscal processes~~
11 ~~related to issuance of temporary cash assistance or food~~
12 ~~stamps, or landlords, grocers, or vendors of goods, services,~~
13 ~~or items dealing directly with the participant.~~

14 ~~(e) The department may pay incidental expenses or~~
15 ~~travel expenses for costs directly related to performance of~~
16 ~~the duties of a protective payee as necessary to implement the~~
17 ~~provisions of this subsection.~~

18 ~~(2)(3)~~ PROPORTIONAL REDUCTION OF TEMPORARY CASH
19 ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.--Notwithstanding
20 the provisions of subsection (1), if an individual is
21 receiving temporary cash assistance under a
22 pay-after-performance arrangement and the individual
23 participates, but fails to meet the full participation
24 requirement, then the temporary cash assistance received shall
25 be reduced and shall be proportional to the actual
26 participation. Food stamps may be included in a
27 pay-after-performance arrangement if permitted under federal
28 law.

29 ~~(3)(4)~~ EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
30 otherwise provided, the situations listed in this subsection
31 shall constitute exceptions to the penalties for noncompliance

Bill No. SB 408

Barcode 112420

1 with participation requirements, except that these situations
2 do not constitute exceptions to the applicable time limit for
3 receipt of temporary cash assistance:

4 (a) Noncompliance related to child care.--Temporary
5 cash assistance may not be terminated for refusal to
6 participate in work activities if the individual is a single
7 custodial parent caring for a child who has not attained 6
8 years of age, and the adult proves to the regional workforce
9 board an inability to obtain needed child care for one or more
10 of the following reasons, as defined in the Child Care and
11 Development Fund State Plan required by 45 C.F.R. part 98:

12 1. Unavailability of appropriate child care within a
13 reasonable distance from the individual's home or worksite.

14 2. Unavailability or unsuitability of informal child
15 care by a relative or under other arrangements.

16 3. Unavailability of appropriate and affordable formal
17 child care arrangements.

18 (b) Noncompliance related to domestic violence.--An
19 individual who is determined to be unable to comply with the
20 work requirements because such compliance would make it
21 probable that the individual would be unable to escape
22 domestic violence shall be exempt from work requirements.
23 However, the individual shall comply with a plan that
24 specifies alternative requirements that prepare the individual
25 for self-sufficiency while providing for the safety of the
26 individual and the individual's dependents. A participant who
27 is determined to be out of compliance with the alternative
28 requirement plan shall be subject to the penalties under
29 subsection (1). An exception granted under this paragraph
30 does not automatically constitute an exception to the time
31 limitations on benefits specified under s. 414.105.

Bill No. SB 408

Barcode 112420

1 (c) Noncompliance related to treatment or remediation
2 of past effects of domestic violence.--An individual who is
3 determined to be unable to comply with the work requirements
4 under this section due to mental or physical impairment
5 related to past incidents of domestic violence may be exempt
6 from work requirements, except that such individual shall
7 comply with a plan that specifies alternative requirements
8 that prepare the individual for self-sufficiency while
9 providing for the safety of the individual and the
10 individual's dependents. A participant who is determined to
11 be out of compliance with the alternative requirement plan
12 shall be subject to the penalties under subsection (1). The
13 plan must include counseling or a course of treatment
14 necessary for the individual to resume participation. The need
15 for treatment and the expected duration of such treatment must
16 be verified by a physician licensed under chapter 458 or
17 chapter 459; a psychologist licensed under s. 490.005(1), s.
18 490.006, or the provision identified as s. 490.013(2) in s. 1,
19 chapter 81-235, Laws of Florida; a therapist as defined in s.
20 491.003(2) or (6); or a treatment professional who is
21 registered under s. 39.905(1)(g), is authorized to maintain
22 confidentiality under s. 90.5036(1)(d), and has a minimum of 2
23 years experience at a certified domestic violence center. An
24 exception granted under this paragraph does not automatically
25 constitute an exception from the time limitations on benefits
26 specified under s. 414.105.

27 (d) Noncompliance related to medical incapacity.--If
28 an individual cannot participate in assigned work activities
29 due to a medical incapacity, the individual may be excepted
30 from the activity for a specific period, except that the
31 individual shall be required to comply with the course of

Bill No. SB 408

Barcode 112420

1 treatment necessary for the individual to resume
2 participation. A participant may not be excused from work
3 activity requirements unless the participant's medical
4 incapacity is verified by a physician licensed under chapter
5 458 or chapter 459, in accordance with procedures established
6 by rule of the department. An individual for whom there is
7 medical verification of limitation to participate in work
8 activities shall be assigned to work activities consistent
9 with such limitations. Evaluation of an individual's ability
10 to participate in work activities or development of a plan for
11 work activity assignment may include vocational assessment or
12 work evaluation. The department or a regional workforce board
13 may require an individual to cooperate in medical or
14 vocational assessment necessary to evaluate the individual's
15 ability to participate in a work activity.

16 (e) Noncompliance related to outpatient mental health
17 or substance abuse treatment.--If an individual cannot
18 participate in the required hours of work activity due to a
19 need to become or remain involved in outpatient mental health
20 or substance abuse counseling or treatment, the individual may
21 be exempted from the work activity for up to 5 hours per week,
22 not to exceed 100 hours per year. An individual may not be
23 excused from a work activity unless a mental health or
24 substance abuse professional recognized by the department or
25 regional workforce board certifies the treatment protocol and
26 provides verification of attendance at the counseling or
27 treatment sessions each week.

28 (f) Noncompliance due to medical incapacity by
29 applicants for Supplemental Security Income (SSI) or Social
30 Security Disability Income (SSDI).--An individual subject to
31 work activity requirements may be exempted from those

Bill No. SB 408

Barcode 112420

1 requirements if the individual provides information verifying
2 that he or she has filed an application for SSI disability
3 benefits or SSDI disability benefits and the decision is
4 pending development and evaluation under social security
5 disability law, rules, and regulations at the initial
6 reconsideration, administrative law judge, or Social Security
7 Administration Appeals Council levels.

8 (g) Other good cause exceptions for
9 noncompliance.--Individuals who are temporarily unable to
10 participate due to circumstances beyond their control may be
11 excepted from the noncompliance penalties. The department may
12 define by rule situations that would constitute good cause.
13 These situations must include caring for a disabled family
14 member when the need for the care has been verified and
15 alternate care is not available.

16 ~~(4)(5)~~ WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL
17 PARENTS.--

18 (a) The court may order a noncustodial parent who is
19 delinquent in support payments, as defined in s. 61.046, to
20 participate in work activities under this chapter so that the
21 parent may obtain employment and fulfill the obligation to
22 provide support payments. A noncustodial parent who fails to
23 satisfactorily engage in court-ordered work activities may be
24 held in contempt.

25 (b) The court may order a noncustodial parent to
26 participate in work activities under this chapter if the child
27 of the noncustodial parent has been placed with a relative, in
28 an emergency shelter, in foster care, or in other substitute
29 care, and:

30 1. The case plan requires the noncustodial parent to
31 participate in work activities; or

Barcode 112420

1 2. The noncustodial parent would be eligible to
 2 participate in work activities and subject to work activity
 3 requirements if the child were living with the parent.

4

5 If a noncustodial parent fails to comply with the case plan,
 6 the noncustodial parent may be removed from program
 7 participation.

8 Section 2. Section 414.095, Florida Statutes, is
 9 amended to read:

10 414.095 Determining eligibility for temporary cash
 11 assistance.--

12 (1) ELIGIBILITY.--An applicant must meet eligibility
 13 requirements of this section before receiving services or
 14 temporary cash assistance under this chapter, except that an
 15 applicant shall be required to register for work and engage in
 16 work activities in accordance with s. 445.024, as designated
 17 by the regional workforce board, and may receive support
 18 services or child care assistance in conjunction with such
 19 requirement. The department shall make a determination of
 20 eligibility based on the criteria listed in this chapter. The
 21 department shall monitor continued eligibility for temporary
 22 cash assistance through periodic reviews consistent with the
 23 food stamp eligibility process. Benefits shall not be denied
 24 to an individual solely based on a felony drug conviction,
 25 unless the conviction is for trafficking pursuant to s.
 26 893.135. To be eligible under this section, an individual
 27 convicted of a drug felony must be satisfactorily meeting the
 28 requirements of the temporary cash assistance program,
 29 including all substance abuse treatment requirements. Within
 30 the limits specified in this chapter, the state opts out of
 31 the provision of Pub. L. No. 104-193, s. 115, that eliminates

Bill No. SB 408

Barcode 112420

1 eligibility for temporary cash assistance and food stamps for
2 any individual convicted of a controlled substance felony.

3 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

4 (a) To be eligible for services or temporary cash
5 assistance and Medicaid:

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

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

9 3. Each member of a family must provide to the
10 department the member's social security number or shall
11 provide proof of application for a social security number. An
12 individual who fails to provide ~~to the department~~ a social
13 security number, or proof of application for a social security
14 number, is not eligible to participate in the program.

15 4. A minor child must reside with a custodial parent
16 or parents or with a relative caretaker who is within the
17 specified degree of blood relationship as defined by 45 C.F.R.
18 s. 233 under this chapter, or if the minor is a teen parent
19 with a child in a setting approved by the department as
20 provided in subsection (14).

21 5. Each family must have a minor child and meet the
22 income and resource requirements of the program. All minor
23 children who live in the family, as well as the parents of the
24 minor children, shall be included in the eligibility
25 determination unless specifically excluded.

26 (b) The following members of a family are eligible to
27 participate in the program if all eligibility requirements are
28 met:

29 1. A minor child who resides with a custodial parent
30 or other adult caretaker relative.

31 2. The parent of a minor child with whom the child

Bill No. SB 408

Barcode 112420

1 resides.

2 3. The caretaker relative with whom the minor child
3 resides who chooses to have her or his needs and income
4 included in the family.

5 4. Unwed minor children and their children if the
6 unwed minor child lives at home or in an adult-supervised
7 setting and if temporary cash assistance is paid to an
8 alternative payee.

9 5. A pregnant woman.

10 (3) ELIGIBILITY FOR NONCITIZENS.--A "qualified
11 noncitizen" is an individual who is admitted to the United
12 States as a refugee under s. 207 of the Immigration and
13 Nationality Act or who is granted asylum under s. 208 of the
14 Immigration and Nationality Act; a noncitizen whose
15 deportation is withheld under s. 243(h) or s. 241(b)(3) of the
16 Immigration and Nationality Act; a noncitizen who is paroled
17 into the United States under s. 212(d)(5) of the Immigration
18 and Nationality Act, for at least 1 year; a noncitizen who is
19 granted conditional entry pursuant to s. 203(a)(7) of the
20 Immigration and Nationality Act as in effect prior to April 1,
21 1980; a Cuban or Haitian entrant; or a noncitizen who has been
22 admitted as a permanent resident. In addition, a "qualified
23 noncitizen" includes an individual who, or an individual whose
24 child or parent, has been battered or subject to extreme
25 cruelty in the United States by a spouse, a parent, or other
26 household member under certain circumstances, and has applied
27 for or received protection under the federal Violence Against
28 Women Act of 1994, Pub. L. No. 103-322, if the need for
29 benefits is related to the abuse and the batterer no longer
30 lives in the household. A "nonqualified noncitizen" is a
31 nonimmigrant noncitizen, including a tourist, business

Bill No. SB 408

Barcode 112420

1 visitor, foreign student, exchange visitor, temporary worker,
2 or diplomat. In addition, a "nonqualified noncitizen" includes
3 an individual paroled into the United States for less than 1
4 year. A qualified noncitizen who is otherwise eligible may
5 receive temporary cash assistance to the extent permitted by
6 federal law. The income or resources of a sponsor and the
7 sponsor's spouse shall be included in determining eligibility
8 to the maximum extent permitted by federal law.

9 (a) A child who is a qualified noncitizen or who was
10 born in the United States to an illegal or ineligible
11 noncitizen is eligible for temporary cash assistance under
12 this chapter if the family meets all eligibility requirements.

13 (b) If the parent may legally work in this country,
14 the parent must participate in the work activity requirements
15 provided in s. 445.024, to the extent permitted under federal
16 law.

17 (c) The department shall participate in the Systematic
18 Alien Verification for Entitlements Program (SAVE) established
19 by the United States Bureau of Citizenship and Immigration
20 Services in order to verify the validity of documents provided
21 by noncitizens and to verify a noncitizen's eligibility.

22 (d) The income of an illegal noncitizen or ineligible
23 noncitizen who is a mandatory member of a family, less a pro
24 rata share for the illegal noncitizen or ineligible
25 noncitizen, counts in determining a family's eligibility to
26 participate in the program.

27 (e) The entire assets of an ineligible noncitizen or a
28 disqualified individual who is a mandatory member of a family
29 shall be included in determining the family's eligibility.

30 ~~(4) STEPPARENTS.-- A family that contains a stepparent~~
31 ~~has the following special eligibility options if the family~~

Bill No. SB 408

Barcode 112420

1 ~~meets all other eligibility requirements.~~

2 ~~(a) A family that does not contain a mutual minor~~
3 ~~child has the option to include or exclude a stepparent in~~
4 ~~determining eligibility if the stepparent's monthly gross~~
5 ~~income is less than 185 percent of the federal poverty level~~
6 ~~for a two-person family.~~

7 ~~1. If the stepparent chooses to be excluded from the~~
8 ~~family, temporary cash assistance, without shelter expense,~~
9 ~~shall be provided for the child. The parent of the child must~~
10 ~~comply with work activity requirements as provided in s.~~
11 ~~445.024. Income and resources from the stepparent may not be~~
12 ~~included in determining eligibility; however, any income and~~
13 ~~resources from the parent of the child shall be included in~~
14 ~~determining eligibility.~~

15 ~~2. If a stepparent chooses to be included in the~~
16 ~~family, the department shall determine eligibility using the~~
17 ~~requirements for a nonstepparent family. A stepparent whose~~
18 ~~income is equal to or greater than 185 percent of the federal~~
19 ~~poverty level for a two-person family does not have the option~~
20 ~~to be excluded from the family, and all income and resources~~
21 ~~of the stepparent shall be included in determining the~~
22 ~~family's eligibility.~~

23 ~~(b) A family that contains a mutual minor child does~~
24 ~~not have the option to exclude a stepparent from the family,~~
25 ~~and the income and resources from the stepparent shall be~~
26 ~~included in determining eligibility.~~

27 ~~(c) A family that contains two stepparents, with or~~
28 ~~without a mutual minor child, does not have the option to~~
29 ~~exclude a stepparent from the family, and the income and~~
30 ~~resources from each stepparent must be included in determining~~
31 ~~eligibility.~~

Bill No. SB 408

Barcode 112420

1 ~~(4)(5)~~ CARETAKER RELATIVES.--A family that contains a
2 caretaker relative of a minor child has the option to include
3 or exclude the caretaker relative in determining eligibility.
4 If the caretaker relative chooses to be included in the
5 family, the caretaker relative must meet all eligibility
6 requirements, including resource and income requirements, and
7 must comply with work activity requirements as provided in s.
8 445.024. If the caretaker relative chooses to be excluded from
9 the family, eligibility shall be determined for the minor
10 child based on the child's income and resources. The level of
11 temporary cash assistance for the minor child shall be based
12 on the shelter obligation paid to the caretaker relative.

13 ~~(5)(6)~~ PREGNANT WOMAN WITH NO OTHER CHILD.--Temporary
14 cash assistance for a pregnant woman is not available until
15 the last month of pregnancy. However, if the department
16 determines that a woman is restricted from work activities by
17 orders of a physician, temporary cash assistance shall be
18 available during the last trimester of pregnancy and the woman
19 may be required to attend parenting classes or other
20 activities to better prepare for the responsibilities of
21 raising a child.

22 ~~(6)(7)~~ CHILD SUPPORT ENFORCEMENT.--As a condition of
23 eligibility for public assistance, the family must cooperate
24 with the state agency responsible for administering the child
25 support enforcement program in establishing the paternity of
26 the child, if the child is born out of wedlock, and in
27 obtaining support for the child or for the parent or caretaker
28 relative and the child. Cooperation is defined as:

29 (a) Assisting in identifying and locating a
30 noncustodial parent and providing complete and accurate
31 information on that parent;

Bill No. SB 408

Barcode 112420

1 (b) Assisting in establishing paternity; and

2 (c) Assisting in establishing, modifying, or enforcing
3 a support order with respect to a child of a family member.

4

5 This subsection does not apply if the state agency that
6 administers the child support enforcement program determines
7 that the parent or caretaker relative has good cause for
8 failing to cooperate.

9 ~~(7)(8)~~ ASSIGNMENT OF RIGHTS TO SUPPORT.--As a
10 condition of receiving temporary cash assistance, the family
11 must assign to the department any rights a member of a family
12 may have to support from any other person. This applies to any
13 family member; however, the assigned amounts must not exceed
14 the total amount of temporary cash assistance provided to the
15 family. The assignment of support does not apply if the family
16 leaves the program.

17 ~~(8)(9)~~ APPLICATIONS.--The date of application is the
18 date the department or authorized entity receives a signed and
19 dated request to participate in the temporary cash assistance
20 program. The request shall be denied 30 days after the initial
21 application if the applicant fails to respond to scheduled
22 appointments, including appointments with the state agency
23 responsible for administering the child support enforcement
24 program, and does not contact the department or authorized
25 entity regarding the application.

26 (a) The beginning date of eligibility for temporary
27 cash assistance is the date on which the application is
28 approved or 30 days after the date of application, whichever
29 is earlier.

30 (b) The add date for a newborn child is the date of
31 the child's birth.

Bill No. SB 408

Barcode 112420

1 (c) The add date for all other individuals is the date
2 on which the client contacts the department to request that
3 the individual be included in the grant for temporary cash
4 assistance.

5 (d) Medicaid coverage for a recipient of temporary
6 cash assistance begins on the first day of the first month of
7 eligibility for temporary cash assistance, and such coverage
8 shall include any eligibility required by federal law which is
9 prior to the month of application.

10 (9) ~~(10)~~ OPPORTUNITIES AND OBLIGATIONS.--An applicant
11 for temporary cash assistance has the following opportunities
12 and obligations:

13 (a) To participate in establishing eligibility by
14 providing facts with respect to circumstances that affect
15 eligibility and by obtaining, or authorizing the department to
16 obtain, documents or information from others in order to
17 establish eligibility.

18 (b) To have eligibility determined without
19 discrimination based on race, color, sex, age, marital status,
20 handicap, religion, national origin, or political beliefs.

21 (c) To be advised of any reduction or termination of
22 temporary cash assistance or food stamps.

23 (d) To provide correct and complete information about
24 the family's circumstances that relate to eligibility, at the
25 time of application and at subsequent intervals.

26 (e) To keep the department informed of any changes
27 that could affect eligibility.

28 (f) To use temporary cash assistance and food stamps
29 for the purpose for which the assistance is intended.

30 (g) To receive information regarding services
31 available from certified domestic violence centers or

Barcode 112420

1 organizations that provide counseling and supportive services
 2 to individuals who are past or present victims of domestic
 3 violence or who are at risk of domestic violence and, upon
 4 request, to be referred to such organizations in a manner
 5 which protects the individual's confidentiality.

6 ~~(10)~~ ~~(11)~~ DETERMINATION OF LEVEL OF TEMPORARY CASH
 7 ASSISTANCE.--Temporary cash assistance shall be based on a
 8 standard determined by the Legislature, subject to
 9 availability of funds. There shall be three assistance levels
 10 for a family that contains a specified number of eligible
 11 members, based on the following criteria:

12 (a) A family that does not have a shelter obligation.

13 (b) A family that has a shelter obligation greater
 14 than zero but less than or equal to \$50.

15 (c) A family that has a shelter obligation greater
 16 than \$50 or that is homeless.

17
 18 The following chart depicts the levels of temporary cash
 19 assistance for implementation purposes:

20
 21 THREE-TIER SHELTER PAYMENT STANDARD

22

23 Family	24 Zero Shelter	24 Greater than Zero	24 Greater than \$50
24 Size	24 Obligation	25 Less than or	25 Shelter
		25 Equal to \$50	25 Obligation
27 1	\$95	\$153	\$180
28 2	\$158	\$205	\$241
29 3	\$198	\$258	\$303
30 4	\$254	\$309	\$364
31 5	\$289	\$362	\$426

Bill No. SB 408

Barcode 112420

1	6	\$346	\$414	\$487
2	7	\$392	\$467	\$549
3	8	\$438	\$519	\$610
4	9	\$485	\$570	\$671
5	10	\$534	\$623	\$733
6	11	\$582	\$676	\$795
7	12	\$630	\$728	\$857
8	13	\$678	\$781	\$919

9

10 ~~(11)~~~~(12)~~ DISREGARDS.--

11 (a) As an incentive to employment, the first \$200 plus
 12 one-half of the remainder of earned income shall be
 13 disregarded. In order to be eligible for earned income to be
 14 disregarded, the individual must be:

- 15 1. A current participant in the program; or
- 16 2. Eligible for participation in the program without
 17 the earnings disregard.

18 (b) A child's earned income shall be disregarded if
 19 the child is a family member, attends high school or the
 20 equivalent, and is 19 years of age or younger.

21 ~~(12)~~~~(13)~~ CALCULATION OF LEVELS OF TEMPORARY CASH
 22 ASSISTANCE.--

23 (a) Temporary cash assistance shall be calculated
 24 based on average monthly gross family income, earned and
 25 unearned, less any applicable disregards. The resulting
 26 monthly net income amount shall be subtracted from the
 27 applicable payment standard to determine the monthly amount of
 28 temporary cash assistance.

29 (b) A deduction may not be allowed for child care
 30 payments.

31 (c) The department may adopt rules governing the

Bill No. SB 408

Barcode 112420

1 administration of this subsection and may establish criteria
2 pertaining to types of budgeting, conversion factors,
3 verification of income, treatment of self-employment income,
4 treatment of child-support income, and treatment of other
5 sources of income.

6 ~~(13)~~~~(14)~~ METHODS OF PAYMENT OF TEMPORARY CASH
7 ASSISTANCE.--Temporary cash assistance may be paid as follows:

- 8 (a) Direct payment through state warrant, electronic
9 transfer of temporary cash assistance, or voucher.
- 10 (b) Payment to an alternative payee.
- 11 (c) Payment for subsidized employment.
- 12 (d) Pay-after-performance arrangements with public or
13 private not-for-profit agencies.

14 ~~(14)~~~~(15)~~ PROHIBITIONS AND RESTRICTIONS.--

15 (a) A family without a minor child living in the home
16 is not eligible to receive temporary cash assistance or
17 services under this chapter. However, a pregnant woman is
18 eligible for temporary cash assistance in the ninth month of
19 pregnancy if all eligibility requirements are otherwise
20 satisfied.

21 (b) Temporary cash assistance, without shelter
22 expense, may be available for a teen parent who is a minor
23 child and for the child. Temporary cash assistance may not be
24 paid directly to the teen parent but must be paid, on behalf
25 of the teen parent and child, to an alternative payee who is
26 designated by the department. The alternative payee may not
27 use the temporary cash assistance for any purpose other than
28 paying for food, clothing, shelter, and medical care for the
29 teen parent and child and for other necessities required to
30 enable the teen parent to attend school or a training program.
31 In order for the child of the teen parent and the teen parent

Barcode 112420

1 to be eligible for temporary cash assistance, the teen parent
2 must:

3 1. Attend school or an approved alternative training
4 program, unless the child is less than 12 weeks of age or the
5 teen parent has completed high school; and

6 2. Reside with a parent, legal guardian, or other
7 adult caretaker relative. The income and resources of the
8 parent shall be included in calculating the temporary cash
9 assistance available to the teen parent since the parent is
10 responsible for providing support and care for the child
11 living in the home.

12 3. Attend parenting and family classes that provide a
13 curriculum specified by the department or the Department of
14 Health, as available.

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

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

21 2. The requirement is not in the best interest of the
22 teen parent or the child. If the department determines that it
23 is not in the best interest of the teen parent or child to
24 reside with a parent, legal guardian, or other adult caretaker
25 relative, the department shall provide or assist the teen
26 parent in finding a suitable home, a second-chance home, a
27 maternity home, or other appropriate adult-supervised
28 supportive living arrangement. Such living arrangement may
29 include a shelter obligation in accordance with subsection
30 ~~(10)(11)~~.

31

Bill No. SB 408

Barcode 112420

1 The department may not delay providing temporary cash
2 assistance to the teen parent through the alternative payee
3 designated by the department pending a determination as to
4 where the teen parent should live and sufficient time for the
5 move itself. A teen parent determined to need placement that
6 is unavailable shall continue to be eligible for temporary
7 cash assistance so long as the teen parent cooperates with the
8 department and the Department of Health. The teen parent
9 shall be provided with counseling to make the transition from
10 independence to supervised living and with a choice of living
11 arrangements.

12 (d) Notwithstanding any law to the contrary, if a
13 parent or caretaker relative without good cause does not
14 cooperate with the state agency responsible for administering
15 the child support enforcement program in establishing,
16 modifying, or enforcing a support order with respect to a
17 child of a teen parent or other family member, or a child of a
18 family member who is in the care of an adult relative,
19 temporary cash assistance to the entire family shall be denied
20 until the state agency indicates that cooperation by the
21 parent or caretaker relative has been satisfactory. To the
22 extent permissible under federal law, a parent or caretaker
23 relative shall not be penalized for failure to cooperate with
24 paternity establishment or with the establishment,
25 modification, or enforcement of a support order when such
26 cooperation could subject an individual to a risk of domestic
27 violence. Such risk shall constitute good cause to the extent
28 permitted by Title IV-D of the Social Security Act, as
29 amended, or other federal law.

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

Bill No. SB 408

Barcode 112420

1 person as required by subsection (8), temporary cash
2 assistance to the entire family shall be denied until the
3 parent or caretaker relative assigns the rights to the
4 department.

5 (f) An individual who is convicted in federal or state
6 court of receiving benefits under this chapter, Title XIX, the
7 Food Stamp Act of 1977, or Title XVI (Supplemental Security
8 Income), in two or more states simultaneously may not receive
9 temporary cash assistance or services under this chapter for
10 10 years following the date of conviction.

11 (g) An individual is ineligible to receive temporary
12 cash assistance or services under this chapter during any
13 period when the individual is fleeing to avoid prosecution,
14 custody, or confinement after committing a crime, attempting
15 to commit a crime that is a felony under the laws of the place
16 from which the individual flees or a high misdemeanor in the
17 State of New Jersey, or violating a condition of probation or
18 parole imposed under federal or state law.

19 (h) The parent or other caretaker relative must report
20 to the department by the end of the 5-day period that begins
21 on the date it becomes clear to the parent or caretaker
22 relative that a minor child will be absent from the home for
23 30 or more consecutive days. A parent or caretaker relative
24 who fails to report this information to the department shall
25 be disqualified from receiving temporary cash assistance for
26 30 days for the first occurrence, 60 days for the second
27 occurrence, and 90 days for the third or subsequent
28 occurrence.

29 (i) If the parents of a minor child live apart and
30 equally share custody and control of the child, a parent is
31 ineligible for temporary cash assistance unless the parent

Bill No. SB 408

Barcode 112420

1 clearly demonstrates to the department that the parent
2 provides primary day-to-day custody.

3 (j) The payee of the temporary cash assistance payment
4 is the caretaker relative with whom a minor child resides and
5 who assumes primary responsibility for the child's daily
6 supervision, care, and control, except in cases where a
7 protective payee is established.

8 ~~(15)~~~~(16)~~ PREELIGIBILITY FRAUD SCREENING.--An applicant
9 who meets an error-prone profile, as determined by the
10 department, is subject to preeligibility fraud screening as a
11 means of reducing misspent funds and preventing fraud. The
12 department shall create an error-prone or fraud-prone case
13 profile within its public assistance information system and
14 shall screen each application for temporary cash assistance
15 against the profile to identify cases that have a potential
16 for error or fraud. Each case so identified shall be
17 subjected to preeligibility fraud screening.

18 ~~(16)~~~~(17)~~ PROPORTIONAL REDUCTION.--If the Social
19 Services Estimating Conference forecasts an increase in the
20 temporary cash assistance caseload and there is insufficient
21 funding, a proportional reduction as determined by the
22 department shall be applied to the levels of temporary cash
23 assistance in subsection ~~(10)~~~~(11)~~.

24 ~~(17)~~~~(18)~~ ADDITIONAL FUNDING.--When warranted by
25 economic circumstances, the department, in consultation with
26 the Social Services Estimating Conference, shall apply for
27 additional federal funding available from the Contingency Fund
28 for State Welfare Programs.

29 ~~(18)~~~~(19)~~ RULES.--The department may adopt rules
30 governing the administration of this section and may establish
31 criteria regarding verification requirements and limitations

Barcode 112420

1 on eligibility.

2 Section 3. Section 414.105, Florida Statutes, is
3 amended to read:

4 414.105 Time limitations of temporary cash
5 assistance.--~~Except as~~ ~~Unless~~ otherwise expressly provided in
6 this section ~~chapter~~, an applicant or current participant
7 shall receive temporary cash assistance for no ~~episodes of not~~
8 ~~more than 24 cumulative months in any consecutive 60-month~~
9 ~~period that begins with the first month of participation and~~
10 ~~for not more than a lifetime cumulative total of 48 months as~~
11 ~~an adult~~, unless otherwise provided by law.

12 ~~(1) The time limitation for episodes of temporary cash~~
13 ~~assistance may not exceed 36 cumulative months in any~~
14 ~~consecutive 72-month period that begins with the first month~~
15 ~~of participation and may not exceed a lifetime cumulative~~
16 ~~total of 48 months of temporary cash assistance as an adult,~~
17 ~~for cases in which the participant:~~

18 ~~(a) Has received aid to families with dependent~~
19 ~~children or temporary cash assistance for any 36 months of the~~
20 ~~preceding 60 months; or~~

21 ~~(b) Is a custodial parent under the age of 24 who:~~

22 ~~1. Has not completed a high school education or its~~
23 ~~equivalent; or~~

24 ~~2. Had little or no work experience in the preceding~~
25 ~~year.~~

26 ~~(2) A participant who is not exempt from work activity~~
27 ~~requirements may earn 1 month of eligibility for extended~~
28 ~~temporary cash assistance, up to a maximum of 12 additional~~
29 ~~months, for each month in which the participant is fully~~
30 ~~complying with the work activities of the WAGES Program~~
31 ~~through subsidized or unsubsidized public or private sector~~

Bill No. SB 408

Barcode 112420

1 ~~employment. The period for which extended temporary cash~~
2 ~~assistance is granted shall be based upon compliance with~~
3 ~~WAGES Program requirements beginning October 1, 1996.~~

4 ~~(3) A WAGES participant who is not exempt from work~~
5 ~~activity requirements and who participates in a recommended~~
6 ~~mental health or substance abuse treatment program may earn 1~~
7 ~~month of eligibility for extended temporary cash assistance,~~
8 ~~up to a maximum of 12 additional months, for each month in~~
9 ~~which the individual fully complies with the requirements of~~
10 ~~the treatment program. This treatment credit may be awarded~~
11 ~~only upon the successful completion of the treatment program~~
12 ~~and only once during the 48-month time limit.~~

13 ~~(1)(4) A participant may not receive temporary cash~~
14 ~~assistance under this subsection, in combination with other~~
15 ~~periods of temporary cash assistance for longer than a~~
16 ~~lifetime limit of 48 months. Hardship exemptions to the time~~
17 ~~limitations provided in this section of this chapter shall be~~
18 ~~limited to 20 percent of the average monthly caseload, as~~
19 ~~determined by the department in cooperation with Workforce~~
20 ~~Florida, Inc. Criteria for hardship exemptions include:~~

21 (a) Diligent participation in activities, combined
22 with inability to obtain employment.

23 (b) Diligent participation in activities, combined
24 with extraordinary barriers to employment, including the
25 conditions which may result in an exemption to work
26 requirements.

27 (c) Significant barriers to employment, combined with
28 a need for additional time.

29 (d) Diligent participation in activities and a need by
30 teen parents for an exemption in order to have 24 months of
31 eligibility beyond receipt of the high school diploma or

Barcode 112420

1 equivalent.

2 (e) A recommendation of extension for a minor child of
3 a participating family that has reached the end of the
4 eligibility period for temporary cash assistance. The
5 recommendation must be the result of a review which determines
6 that the termination of the child's temporary cash assistance
7 would be likely to result in the child being placed into
8 emergency shelter or foster care. ~~Temporary cash assistance~~
9 ~~shall be provided through a protective payee. Staff of the~~
10 ~~Child Care Services Program Office of the department shall~~
11 ~~conduct all assessments in each case in which it appears a~~
12 ~~child may require continuation of temporary cash assistance~~
13 ~~through a protective payee.~~

14 ~~(2)(5) In addition to the exemptions listed in~~
15 ~~subsection (3),~~ A victim of domestic violence may be granted a
16 hardship exemption if the effects of such domestic violence
17 delay or otherwise interrupt or adversely affect the
18 individual's participation in the program.

19 ~~(3)(6) The department, in cooperation with Workforce~~
20 ~~Florida, Inc., shall establish a procedure for approving~~
21 ~~hardship exemptions and for reviewing hardship cases at least~~
22 ~~once every 2 years. Regional workforce boards may assist in~~
23 ~~making these determinations. The composition of any review~~
24 ~~panel must generally reflect the racial, gender, and ethnic~~
25 ~~diversity of the community as a whole. Members of a review~~
26 ~~panel shall serve without compensation but are entitled to~~
27 ~~receive reimbursement for per diem and travel expenses as~~
28 ~~provided in s. 112.061.~~

29 ~~(4)(7) For individuals who have moved from another~~
30 ~~state, the months in which temporary cash assistance was~~
31 ~~received under a block grant program that provided temporary~~

Bill No. SB 408

Barcode 112420

1 assistance for needy families in any state shall count towards
2 the cumulative 48-month benefit limit for temporary cash
3 assistance.

4 ~~(5)(8)~~ For individuals subject to a time limitation
5 under the Family Transition Act of 1993, ~~the that~~ time
6 limitation under the act shall continue to apply. Months in
7 which temporary cash assistance was received through the
8 family transition program shall count towards the time
9 limitations under this section ~~chapter~~.

10 ~~(6)(9)~~ Except when temporary cash assistance was
11 received through the family transition program, the
12 calculation of the time limitation for temporary cash
13 assistance shall begin with the first month of receipt of
14 temporary cash assistance after the effective date of this
15 act.

16 ~~(7)(10)~~ Child-only cases are not subject to time
17 limitations, and temporary cash assistance received while an
18 individual is a minor child shall not count towards time
19 limitations.

20 ~~(8)(11)~~ An individual who receives benefits under the
21 Supplemental Security Income (SSI) program or the Social
22 Security Disability Insurance (SSDI) program is not subject to
23 time limitations. An individual who has applied for
24 supplemental security income (SSI) or supplemental security
25 disability income (SSDI), but has not yet received a
26 determination must be granted an extension of time limits
27 until the individual receives a final determination on the SSI
28 or SSDI application. Determination shall be considered final
29 once all appeals have been exhausted, benefits have been
30 received, or denial has been accepted without any appeal.
31 While awaiting a final determination, ~~the such~~ individual must

Bill No. SB 408

Barcode 112420

1 continue to meet all program requirements assigned to the
2 participant based on medical ability to comply. If a final
3 determination results in the denial of benefits for
4 supplemental security income (SSI) or supplemental security
5 disability income (SSDI), any period during which the
6 recipient received assistance under this section ~~chapter~~ shall
7 be counted in ~~count against~~ the recipient's 48-month lifetime
8 limit.

9 (9) ~~(12)~~ A person who is totally responsible for the
10 personal care of a disabled family member is not subject to
11 time limitations if the need for the care is verified and
12 alternative care is not available for the family member. The
13 department shall annually evaluate an individual's
14 qualifications for this exemption.

15 (10) ~~(13)~~ A member of the staff of the regional
16 workforce board shall interview and assess the employment
17 prospects and barriers of each participant who is within 6
18 months of reaching the 48-month ~~24-month~~ time limit. The
19 staff member shall assist the participant in identifying
20 actions necessary to become employed prior to reaching the
21 benefit time limit for temporary cash assistance and, if
22 appropriate, shall refer the participant for services that
23 could facilitate employment.

24 Section 4. Subsection (2) of section 414.32, Florida
25 Statutes, is repealed.

26 Section 5. Subsection (12) of section 409.2564,
27 Florida Statutes, is amended to read:

28 409.2564 Actions for support.--

29 (12) The Title IV-D agency shall review child support
30 orders in IV-D cases at least every 3 years upon request by
31 either party, or the agency in cases where there is an

Bill No. SB 408

Barcode 112420

1 assignment of support to the state under s. 414.095(7) ~~s.~~
2 ~~414.095(8)~~, and may seek adjustment of the order if
3 appropriate under the guidelines established in s. 61.30. Not
4 less than once every 3 years the IV-D agency shall provide
5 notice to the parties subject to the order informing them of
6 their right to request a review and, if appropriate, an
7 adjustment of the child support order. Said notice requirement
8 may be met by including appropriate language in the initial
9 support order or any subsequent orders.

10 Section 6. Subsection (3) of section 445.048, Florida
11 Statutes, as amended by section 53 of chapter 2004-269, Laws
12 of Florida, is amended to read:

13 445.048 Passport to Economic Progress demonstration
14 program.--

15 (3) INCOME DISREGARD.--In order to provide an
16 additional incentive for employment, and notwithstanding the
17 amount specified in s. 414.095(11) ~~s. 414.095(12)~~, for
18 individuals residing in the areas designated for this
19 demonstration program, the first \$300 plus one-half of the
20 remainder of earned income shall be disregarded in determining
21 eligibility for temporary cash assistance. All other
22 conditions and requirements of s. 414.095(11) ~~s. 414.095(12)~~
23 shall continue to apply to such individuals.

24 Section 7. Section 114 of chapter 2004-267, Laws of
25 Florida, is repealed.

26 Section 8. This act shall take effect July 1, 2005.

27

28

29

30

31