

Committee Substitute for Senate Bill No. 408

An act relating to economic eligibility services; amending s. 409.2564, F.S.; correcting a cross-reference; amending s. 414.095, F.S.; clarifying eligibility for temporary cash assistance for teen parents; deleting additional eligibility options relating to families containing a stepparent; correcting cross-references; amending s. 414.105, F.S.; aligning time limitations for temporary cash assistance with federal requirements; deleting provisions relating to review panels; amending s. 414.32, F.S.; deleting food stamp sanctions for persons who are delinquent on child support payments; amending s. 445.048, F.S.; correcting a cross-reference; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the eligibility determination functions of the Economic Self-Sufficiency Services program; providing an effective date.

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

Section 1. Subsection (12) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(12) The Title IV-D agency shall review child support orders in IV-D cases at least every 3 years upon request by either party, or the agency in cases where there is an assignment of support to the state under s. 414.095(7) ~~s. 414.095(8)~~, and may seek adjustment of the order if appropriate under the guidelines established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the child support order. Said notice requirement may be met by including appropriate language in the initial support order or any subsequent orders.

Section 2. Subsections (5) through (19) of section 414.095, Florida Statutes, are renumbered as subsections (4) through (18), respectively, and paragraph (a) of subsection (2), present subsection (4), paragraphs (c) and (e) of present subsection (15), and present subsection (17) of that section are amended to read:

414.095 Determining eligibility for temporary cash assistance.—

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

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

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

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

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

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

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

~~(4) STEPPARENTS.—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:~~

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

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

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

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

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

(14)(15) PROHIBITIONS AND RESTRICTIONS.—

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

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.
2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Such living arrangement may include a shelter obligation in accordance with subsection (10) ~~(11)~~.

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

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

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

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

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

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

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

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

- ~~1. Has not completed a high school education or its equivalent; or~~
- ~~2. Had little or no work experience in the preceding year.~~

~~(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996.~~

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

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

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

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

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

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

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. ~~Temporary cash assistance shall be provided through a protective payee. Staff of the Child Care Services Program Office of the department~~

~~shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.~~

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

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

~~(4)(7)~~ For individuals who have moved from another state, the months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.

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

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

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

~~(8)(11)~~ An individual who receives benefits under the Supplemental Security Income (SSI) program or the Social Security Disability Insurance (SSDI) program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) or supplemental security disability income (SSDI), but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI or SSDI application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. While awaiting a final determination, the ~~such~~ individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI), any period during which the recipient received assistance under this section

chapter shall be counted in ~~count against~~ the recipient's 48-month lifetime limit.

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

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

Section 4. Subsections (3) through (5) of section 414.32, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsection (2) of that section is amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS.—An individual is ineligible to participate in the food stamp program as a member of a food stamp assistance group during any month in which the individual is delinquent in any payment due under a court order for the support of a child. This subsection does not apply if the court is allowing the individual to delay payment for the support of a child or if the individual is complying with a payment plan approved by the court or the state agency that administers the child support enforcement program.~~

Section 5. Subsection (3) of section 445.048, Florida Statutes, as amended by chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

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

Section 6. Section 114 of chapter 2004-267, Laws of Florida, is repealed.

Section 7. This act shall take effect July 1, 2005.

Approved by the Governor May 26, 2005.

Filed in Office Secretary of State May 26, 2005.