

CHAPTER 97-173

Committee Substitute for Committee Substitute for Senate Bill Nos. 566 and 626

An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; providing immunity from liability for board members, agents, and employees; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; prescribing grounds for removal of local coalition members; providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for non-custodial parents and providing work activities for noncustodial parents; authorizing local WAGES coalitions to fund certain community-based welfare prevention and reduction initiatives; providing immunity from liability for coalition members, agents, and employees; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying maximum work hours in community service activities; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; providing protections for participants; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; providing that benefits are not denied to individuals convicted of controlled substance felonies; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance; amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amend-

ing s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; providing a time limit for appeal; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending s. 414.43, F.S.; providing for a special needs allowance for high-cost disabilities; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending

s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; amending s. 409.2554, F.S.; redefining the term “public assistance” to conform; amending s. 409.2572, F.S.; conforming terminology to reflect the creation of the Department of Children and Family Services; making language concerning sanctions consistent with ch. 414, F.S.; providing for a study of kinship care; repealing s. 112 of ch. 96-175, Laws of Florida, that provides that certain authorized positions and funds may be transferred by the Executive Office of the Governor; providing an effective date.

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

Section 1. Subsections (3), (7), and (8) of section 414.0252, Florida Statutes, 1996 Supplement, are amended, and subsection (10) is added to that section, to read:

414.0252 Definitions.—As used in ss. 414.015-414.45, the term:

(3) “Department” means the Department of Children and Family Health and Rehabilitative Services.

(7) “Participant” means an individual who has applied for or receives temporary assistance or services under the WAGES Program.

(8) “Public assistance” means benefits paid on the basis of the temporary cash family assistance, food stamp, Medicaid, or optional state supplementation program.

(10) “Temporary cash assistance” means cash assistance provided under the state program certified under Title IV-A of the Social Security Act, as amended.

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 414.026, Florida Statutes, 1996 Supplement, are amended to read:

414.026 WAGES Program State Board of Directors.—

(1) There is created within the Executive Office of the Governor the WAGES Program State Board of Directors, which shall oversee the operation of the WAGES Program and shall advise and assist state agencies in implementing the WAGES Program. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the WAGES Program State Board of Directors or its employees or agents for any action taken by the board in the performance of its powers and duties under this chapter.

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner’s designee.
2. The Secretary of Children and Family Health and Rehabilitative Services.

3. The Secretary of Health.

~~4.3. The Secretary of Labor and Employment Security.~~

~~5.4. The Secretary of Community Affairs.~~

6. The director of the Office of Tourism, Trade, and Economic Development.

~~5.—The Secretary of Commerce.~~

7.6. The president of the Enterprise Florida workforce development board Jobs and Education Partnership, established under s. 288.9620 s. 288.0475.

8. The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.

9.7. Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio nonvoting member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole. ~~The list of initial five nominees shall be submitted by the President of the Senate and the Speaker of the House of Representatives by July 1, 1996, and the initial appointments by the Governor shall be made by September 1, 1996.~~

Section 3. Subsection (1) of section 414.027, Florida Statutes, 1996 Supplement, is amended to read:

414.027 WAGES Program statewide implementation plan.—

(1) ~~By December 31, 1996,~~ The WAGES Program State Board of Directors shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide plan for implementing the WAGES Program established under this chapter. At a minimum, the statewide implementation plan must include:

(a) Performance standards, measurement criteria, and contract guidelines for all services provided under the WAGES Program whether by state employees or contract providers.

(b) Directives for creating and chartering local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level.

(c) The approval of the implementation plans submitted by local WAGES coalitions.

(d) Recommendations for clarifying, or if necessary, modifying the roles of the state agencies charged with implementing the WAGES Program so that all unnecessary duplication is eliminated.

(e) Recommendations for modifying compensation and incentive programs for state employees in order to achieve the performance outcomes necessary for successful implementation of the WAGES Program.

(f) Criteria for allocating WAGES Program resources to local WAGES coalitions. Such criteria must include weighting factors that reflect the relative degree of difficulty associated with securing employment placements for specific subsets of the welfare transition caseload.

(g) The development of a performance-based payment structure to be used for all WAGES Program services, which takes into account the following:

1. The degree of difficulty associated with placing a WAGES Program participant in a job;
2. The quality of the placement with regard to salary, benefits, and opportunities for advancement; and
3. The employee's retention of the placement.

The payment structure shall provide not more than 40 percent of the cost of services provided to a WAGES participant prior to placement, 50 percent upon employment placement, and 10 percent if employment is retained for at least 6 months. The payment structure should provide bonus payments to providers that experience notable success in achieving long-term job retention with WAGES Program participants. The board shall consult with the Enterprise Florida workforce development board Jobs and Education Partnership in developing the WAGES Program statewide implementation plan.

Section 4. Section 414.028, Florida Statutes, 1996 Supplement, is amended to read:

414.028 Local WAGES coalitions.—The WAGES Program State Board of Directors shall create and charter local WAGES coalitions to plan and coordinate the delivery of services under the WAGES Program at the local level. The boundaries of the service area for a local WAGES coalition shall conform to the boundaries of the service area for the ~~jobs and education~~ regional workforce development board established under the Enterprise Florida ~~workforce development board~~ Jobs and Education Partnership. The local delivery of services under the WAGES Program shall be coordinated, to the maximum extent possible, with the local services and activities of the local service providers designated by the regional workforce development boards.

(1)(a) Each local WAGES coalition must have a minimum of 11 members, of which at least one-half must be from the business community. The composition of the coalition membership must generally reflect the racial, gender, and ethnic diversity of the community as a whole. All members shall be appointed to 3-year terms. The membership of each coalition must include:

1. Representatives of the principal entities that provide funding for the employment, education, training, and social service programs that are operated in the service area, including, but not limited to, representatives of local government, the regional workforce development board, and the United Way.

2. A representative of the health and human services board.

3. A representative of a community development board.

4. Three representatives of the business community who represent a diversity of sizes of businesses.

5. Representatives of other local planning, coordinating, or service-delivery entities.

6. A representative of a grassroots community or economic development organization that serves the poor of the community.

(b) A representative of an agency or entity that could benefit financially from funds appropriated under the WAGES Program may not be a member of a local WAGES coalition.

(c) A member of the board of a public or private educational institution may not serve as a member of a local WAGES coalition.

(d) A representative of any county or municipal governing body that elects to provide services through the local WAGES coalition shall be an ex officio, nonvoting member of the coalition.

(2) A local WAGES coalition and a ~~jobs and education~~ regional workforce development board may be combined into one board if the membership complies with subsection (1), and if the membership of the combined board meets the requirements of Pub. L. No. 97-300, the federal Job Training

Partnership Act, as amended, and with any law delineating the membership requirements for the regional workforce development boards. Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member's principal, could benefit financially from transactions of the coalition. However, members must recuse themselves from voting on all matters from which they or their principals could benefit financially. Failure to recuse on any such vote will constitute grounds for immediate removal from the local WAGES coalition.

(3) The statewide implementation plan prepared by the WAGES Program State Board of Directors shall prescribe and publish the process for chartering the local WAGES coalitions.

(4) Each local WAGES coalition shall perform the planning, coordination, and oversight functions specified in the statewide implementation plan, including, but not limited to:

(a) Developing a program and financial plan to achieve the performance outcomes specified by the WAGES Program State Board of Directors for current and potential program participants in the service area. The plan must reflect the needs of service areas for seed money to create programs that assist children of WAGES participants.

(b) Developing a funding strategy to implement the program and financial plan which incorporates resources from all principal funding sources.

(c) Identifying employment, service, and support resources in the community which may be used to fulfill the performance outcomes of the WAGES Program.

(d) In cooperation with the ~~jobs and education~~ regional workforce development board, coordinating the implementation of one-stop career centers.

(e) Advising the Department of ~~Children and Family Health and Rehabilitative Services~~ and the Department of Labor and Employment Security with respect to the competitive procurement of services under the WAGES Program.

(f) Selecting an entity to administer the program and financial plan, such as a unit of a political subdivision within the service area, a not-for-profit private organization or corporation, or any other entity agreed upon by the local WAGES coalition.

(5) The WAGES Program State Board of Directors may not approve the program and financial plan of a local coalition unless the plan provides a teen pregnancy prevention component that includes, but is not necessarily limited to, a plan for implementing the Florida Education Now and Babies Later (ENABL) program under s. 411.242 and the Teen Pregnancy Prevention Community Initiative within each segment of the service area in which the childhood birth rate is higher than the state average. Each local WAGES coalition is authorized to fund community-based welfare prevention and reduction initiatives that increase the support provided by noncustodial

parents to their welfare-dependent children and are consistent with program and financial guidelines developed by the WAGES Program State Board of Directors and the Commission on Responsible Fatherhood. These initiatives may include, but are not limited to, improved paternity establishment, work activities for noncustodial parents, and programs aimed at decreasing out-of-wedlock pregnancies, encouraging the involvement of fathers with their children, and increasing child-support payments.

(6) Local employees of the department and the Department of Labor and Employment Security shall provide staff support for the local WAGES coalitions. At the option of the local WAGES coalition, staff support may be provided by another agency or entity if it can be provided at no cost to the state and if the support is not provided by an agency or other entity that could benefit financially from funds appropriated to implement the WAGES Program.

(7) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of a local WAGES coalition or its employees or agents for any lawful action taken by them in the performance of their powers and duties under ss. 414.028-414.029.

Section 5. Section 414.029, Florida Statutes, 1996 Supplement, is amended to read:

414.029 WAGES Program Business Registry.—Each local WAGES coalition created pursuant to s. 414.028 must establish a business registry for business firms committed to assist in the effort of finding jobs for WAGES program participants. Registered businesses agree to work with the coalition and to hire WAGES program participants to the maximum extent possible consistent with the nature of their business. Each quarter, the coalition must publish a list of businesses registered as a prerequisite for receiving a tax exemption provided under s. 212.08(5)(b) or s. 212.08(7)(ii) and the number of jobs each has provided for program participants.

Section 6. Paragraphs (b), (d), (e), (f), and (h) of subsection (1), and subsections (2), (3), (4), (5), (6), (7), (9), (10), and (11) of section 414.065, Florida Statutes, 1996 Supplement, are amended to read:

414.065 Work requirements.—

(1) WORK ACTIVITIES.—The following activities may be used individually or in combination to satisfy the work requirements for a participant in the WAGES Program:

(b) Subsidized private sector employment.—Subsidized private sector employment is employment in a private for-profit enterprise or a private not-for-profit enterprise which is directly supplemented by federal or state funds. A subsidy may be provided in one or more of the forms listed in this paragraph.

1. Work supplementation.—A work supplementation subsidy diverts a participant's temporary cash assistance under the program to the employer. The employer must pay the participant wages that equal or exceed the

applicable federal minimum wage. Work supplementation may not exceed 6 months. At the end of the supplementation period, the employer is expected to retain the participant as a regular employee without receiving a subsidy for at least 12 months. The work supplementation agreement must provide that if the employee is dismissed at any time within 12 months after termination of the supplementation period due in any part to loss of the supplement, the employer shall repay some or all of the supplement previously paid as a subsidy to the employer under the WAGES Program.

2. On-the-job training.—On-the-job training is full-time, paid employment in which the employer provides training needed for the participant to perform the skills required for the position. The employer receives a subsidy to offset the cost of the training provided to the participant. Upon satisfactory completion of the training, the employer is expected to retain the participant as a regular employee without receiving a subsidy. The on-the-job training agreement must provide that in the case of dismissal of a participant due to loss of the subsidy, the employer shall repay some or all of the subsidy previously provided by the department and the Department of Labor and Employment Security.

3. Incentive payments.—The department and the Department of Labor and Employment Security may provide additional incentive payments to encourage employers to employ program participants. Incentive payments may include payments to encourage the employment of hard-to-place participants, in which case the amount of the payment shall be weighted proportionally to the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. In establishing incentive payments, the department and the Department of Labor and Employment Security shall consider the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other appropriate factors. A participant who has complied with program requirements and who is approaching the time limit for receiving temporary cash assistance may be defined as “hard-to-place.” Incentive payments may include payments in which an initial payment is made to the employer upon the employment of a participant, and the majority of the incentive payment is made after the employer retains the participant as a full-time employee for at least 12 months. The incentive agreement must provide that if the employee is dismissed at any time within 12 months after termination of the incentive payment period due in any part to loss of the incentive, the employer shall repay some or all of the payment previously paid as an incentive to the employer under the WAGES Program.

4. Tax credits.—An employer who employs a program participant may qualify for enterprise zone property tax credits under s. 220.182, the tax refund program for qualified target industry businesses under s. 288.106, or other federal or state tax benefits. The department and the Department of Labor and Employment Security shall provide information and assistance, as appropriate, to use such credits to accomplish program goals.

(d) Community service work experience.—Community service work experience is job training experience at a supervised public or private not-for-profit agency. A participant shall receive temporary cash assistance in the

form of wages, which, when combined with the value of food stamps awarded to the participant, is that are proportional to the amount of time worked. A participant in the WAGES Program or the Food Stamp Employment and Training program assigned to community service work experience shall be deemed an employee of the state for purposes of workers' compensation coverage and is subject to the requirements of the drug-free workplace program. As used in this paragraph, the terms "community service experience," "community work," and "workfare" are synonymous.

(e) Job search and job readiness assistance.—Job search assistance may include supervised or unsupervised job-seeking activities. Job readiness assistance provides support for job-seeking activities, which may include:

1. Orientation to the world of work and basic job-seeking and job retention skills.
2. Instruction in completing an application for employment and writing a resume.
3. Instruction in conducting oneself during a job interview, including appropriate dress.

Job readiness assistance may also include providing a participant with access to an employment resource center that contains job listings, telephones, facsimile machines, typewriters, and word processors. Job search and job readiness activities may be used in conjunction with other program activities, such as work experience, but may not be the primary work activity ~~for,~~ ~~may not be used in conjunction with other program activities such as work experience, and may not continue~~ longer than the length of time permitted under federal law.

(f) Vocational education or training.—Vocational education or training is education or training designed to provide participants with the skills and certification necessary for employment in an occupational area. Vocational education or training may be used as a primary program activity for participants when it has been determined that the individual has demonstrated compliance with other phases of program participation and successful completion of the vocational education or training is likely to result in employment entry at a higher wage than the participant would have been likely to attain without completion of the vocational education or training. Vocational education or training may be combined with other program activities and also may be used to upgrade skills or prepare for a higher paying occupational area for a participant who is employed.

1. Vocational education shall not be used as the primary program activity for a period which exceeds 12 months. In addition, use of vocational education or training shall be restricted to not more than 20 percent of adult participants, or subject to other limitation as established in federal law. Vocational education included in a program leading to a high school diploma shall not be considered vocational education for purposes of this section.

2. To the maximum extent possible, a provider of vocational education or training shall use funds provided by funding sources other than the depart-

ment or the Department of Labor and Employment Security. Either The department may provide additional funds to a vocational education or training provider only if payment is made pursuant to a performance-based contract. Under a performance-based contract, the provider may be partially paid when a participant completes education or training, but the majority of payment shall be made following the participant's employment at a specific wage or job retention for a specific duration. Performance-based payments made under this subparagraph are limited to education or training for targeted occupations identified by the Occupational Forecasting Conference under s. 216.136, or other programs identified by the Enterprise Florida workforce development board Jobs and Education Partnership. A contract with a community college or school district must conform to the provisions of ss. 239.249 and 240.40685.

(h) Education services related to employment for participants 19 years of age or younger.—Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. The department and the Department of Labor and Employment Security shall coordinate education services with the school-to-work activities provided under s. 229.595. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

(2) WORK ACTIVITY REQUIREMENTS.—Each adult participant who is not otherwise exempt must participate in a work activity, except for community service work experience, for the maximum number of hours allowable under federal law provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. The maximum number of hours each month that a participant may be required to participate in community service activities is the greater of: the number of hours that would result from dividing the family's monthly amount for temporary cash assistance and food stamps by the federal minimum wage and then dividing that result by the number of participants in the family who participate in community service activities; or the minimum required to meet federal participation requirements. However, in no case shall the maximum hours required per week for community work experience exceed 40 hours. An applicant shall be referred for employment at the time of application if the applicant is eligible to participate in the WAGES Program.

(3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.—The following individuals are exempt from work activity requirements:

(a) A minor child under age 16, except that a child exempted from this provision shall be subject to the requirements of paragraph (1)(i) and s. 414.125.

(b) An individual who ~~receives is eligible for~~ benefits under the Supplemental Social Security Income (SSI) program or the Social Security Disability Insurance program due to age or disability.

(c) Adults who are not included in the calculation of temporary cash assistance benefits in child-only cases.

(d) One custodial parent with a child under 3 months of age, except that the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child. If the custodial parent is age 19 or younger and has not completed high school or the equivalent, he or she may be required to attend school or other appropriate educational activities.

(4) **PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS.**—The department and the Department of Labor and Employment Security shall establish procedures for administering penalties for nonparticipation in work requirements. If an individual in a family receiving temporary cash assistance fails to engage in work activities required in accordance with this section, the following penalties shall apply:

(a) First noncompliance: temporary cash assistance shall be terminated for the family until the individual who failed to comply does so, and food stamp benefits shall not be increased as a result of the loss of temporary cash assistance.

(b) Second noncompliance: temporary cash assistance and food stamps shall be terminated for the family until the individual demonstrates compliance in the required work activity for a period of 30 days. Upon compliance, temporary cash assistance and food stamps shall be reinstated to the date of compliance. Prior to the imposition of sanctions for a second noncompliance, the participant shall be interviewed to determine why full compliance has not been achieved. The participant shall be counseled regarding compliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements.

(c) Third noncompliance: temporary cash assistance and food stamps shall be terminated for the family for 3 months. The individual shall be required to demonstrate compliance in the work activity upon completion of the 3-month penalty period, before reinstatement of temporary cash assistance and food stamps.

If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.

(5) **CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.**—

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

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

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

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

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

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

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

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

(f)(e) If ~~In the event~~ the department is unable to designate a qualified protective payee or authorized representative, a referral shall be made under the provisions of chapter 415 for protective intervention.

(6) PROPORTIONAL REDUCTION OF TEMPORARY CASH ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.—Notwithstanding the provisions of subsection (4), if an individual is receiving temporary cash assistance under a pay-after-performance arrangement and the individual participates, but fails to meet the full participation requirement, then the temporary cash assistance benefit received shall be reduced and shall be proportional to the actual participation. Food stamps may be included in a pay-after-performance arrangement if permitted under federal law.

(7) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—The situations listed in this subsection shall constitute exceptions to the penalties for noncompliance with participation requirements, except that these situations do not constitute exceptions to the applicable time limit for receipt of temporary cash assistance:

(a) Noncompliance related to child care.—Temporary cash assistance may shall not be terminated for refusal to participate in work activities if the individual is a single custodial parent caring for a child who has not

attained 6 years of age, and the adult proves to the department or to the Department of Labor and Employment Security an inability to obtain needed child care for one or more of the following reasons:

1. Unavailability of appropriate child care within a reasonable distance from the individual's home or worksite.
2. Unavailability or unsuitability of informal child care by a relative or under other arrangements.
3. Unavailability of appropriate and affordable formal child care arrangements.

(b) Noncompliance related to medical incapacity.—If an individual cannot participate in assigned work activities due to a medical incapacity, the individual may be excepted from the activity for a specific period, except that the individual shall be required to comply with the course of treatment necessary for the individual to resume participation. A participant may not be excused from work activity requirements unless the participant's medical incapacity is verified by a physician licensed under chapter 458 or chapter 459, in accordance with procedures established by rule of the Department of Labor and Employment Security.

(c) Other good cause exceptions for noncompliance.—Individuals who are temporarily unable to participate due to circumstances beyond their control may be excepted from the noncompliance penalties. The Department of Labor and Employment Security may define by rule situations that would constitute good cause. These situations must shall include caring for a disabled family member when the need for the care has been verified and alternate care is not available.

(9) PRIORITIZATION OF WORK REQUIREMENTS.—The Department of Labor and Employment Security shall require participation in work activities to the maximum extent possible, subject to federal and state funding. If funds are projected to be insufficient to allow full-time work activities by all program participants who are required to participate in work activities, the Department of Labor and Employment Security shall screen participants and assign priority based on the following:

(a) In accordance with federal requirements, at least one adult in each two-parent family shall be assigned priority for full-time work activities.

(b) Among single-parent families, a family that has older preschool children or school-age children shall be assigned priority for work activities.

(c) A participant who has access to nonsubsidized child care may be assigned priority for work activities.

(d) Priority may be assigned based on the amount of time remaining until the participant reaches the applicable time limit for program participation or may be based on requirements of a case plan.

The Department of Labor and Employment Security may limit a participant's weekly work requirement to the minimum required to meet federal

work activity requirements in lieu of the level defined in subsection (2). The department and the Department of Labor and Employment Security may develop screening and prioritization procedures within service districts or within counties based on the allocation of resources, the availability of community resources, or the work activity needs of the service district.

(10) USE OF CONTRACTS.—The Department of Labor and Employment Security shall provide work activities, training, and other services, as appropriate, through contracts. In contracting for work activities, training, or services, the following applies:

(a) All education and training provided under the WAGES Program shall be provided through agreements with ~~jobs and education~~ regional workforce development boards.

(b) A contract must be performance-based. Wherever possible, payment shall be tied to performance outcomes that include factors such as, but not limited to, job entry, job entry at a target wage, and job retention, rather than tied to completion of training or education or any other phase of the program participation process.

(c) A contract may include performance-based incentive payments that may vary according to the extent to which the participant is more difficult to place. Contract payments may be weighted proportionally to reflect the extent to which the participant has limitations associated with the long-term receipt of welfare and difficulty in sustaining employment. The factors may include the extent of prior receipt of welfare, lack of employment experience, lack of education, lack of job skills, and other factors determined appropriate by the Department of Labor and Employment Security.

(d) Notwithstanding the exemption from the competitive sealed bid requirements provided in s. 287.057(3)(f) for certain contractual services, each contract awarded under this chapter must be awarded on the basis of a competitive sealed bid, except for a contract with a governmental entity as determined by the department or the Department of Labor and Employment Security.

(e) The department or the Department of Labor and Employment Security may contract with commercial, charitable, or religious organizations. A contract must comply with federal requirements with respect to nondiscrimination and other requirements that safeguard the rights of participants. Services may be provided under contract, certificate, voucher, or other form of disbursement.

(f) The administrative costs associated with a contract ~~of the department~~ for services provided under this section may not exceed the applicable administrative cost ceiling established in federal law. An agency or entity that is awarded a contract under this section may not charge more than 7 percent of the value of the contract for administration, unless an exception is approved by the local WAGES coalition. A list of any exceptions approved must be submitted to the WAGES Program State Board of Directors for review, and the board may rescind approval of the exception. The WAGES Program

State Board of Directors may also approve exceptions for any statewide contract for services provided under this section.

(g) The Department of Labor and Employment Security may enter into contracts to provide short-term work experience for the chronically unemployed as provided in this section.

(h) A tax-exempt organization under s. 501(c) of the Internal Revenue Code of 1986 which receives funds under this chapter must disclose receipt of federal funds on any advertising, promotional, or other material in accordance with federal requirements.

(11) PROTECTIONS FOR PARTICIPANTS IMPLEMENTATION.—

(a) Each participant is subject to the same health, safety, and nondiscrimination standards established under federal, state, or local laws that otherwise apply to other individuals engaged in similar activities who are not participants in the WAGES Program.

~~(b) The Department of Labor and Employment Security shall recommend to the Legislature by December 30, 1997, policies to protect participants from discrimination, unreasonable risk, and unreasonable expectations related to work experience and community service requirements. If federal welfare reform legislation as described in this chapter is not enacted by the Congress, the department shall revise the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan to conform to the provisions of this section and s. 414.15 to the extent permissible under federal law.~~

~~(a) Notwithstanding any provisions of s. 409.029 to the contrary, in areas of the state not covered by a federal waiver which includes waiver of Job Opportunities and Basic Skills Training (JOBS) Plan requirements, the department shall implement changes made to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan upon approval by the federal agency.~~

~~(b) Notwithstanding any provisions of ss. 409.921-409.943 to the contrary, in areas of the state covered by federal waivers which include waiver of Job Opportunities and Basic Skills Training (JOBS) Plan provisions, the department shall request amendment of such waivers to conform to the provisions of this section which are beyond those which are permitted by change to the state AFDC program and the Job Opportunities and Basic Skills Training (JOBS) Plan.~~

~~(c) In pursuing such waiver, the department may agree to modifications to the waiver terms and conditions that include penalties for noncompliance that begin with removal of the noncompliant individual's benefits upon first occurrence and include incremented penalties upon subsequent occurrences of noncompliance if the department determines that the penalties as specified in this section will not be approved by the federal agency.~~

~~(d) This subsection shall be effective not later than July 1, 1996, and shall be implemented in accordance with changes to the state AFDC pro-~~

~~gram and the Job Opportunities and Basic Skills Training (JOBS) Plan and changes to federal waivers as specified in this section.~~

Section 7. Section 414.075, Florida Statutes, 1996 Supplement, is amended to read:

414.075 Resource eligibility standards.—For purposes of program simplification and effective program management, certain resource definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.8, shall be applied to the WAGES Program as determined by the department to be consistent with federal law regarding temporary cash assistance and Medicaid for needy families, except that ~~as to the following~~:

(1) The maximum allowable resources, including liquid and nonliquid resources, of all members of the family may not exceed \$2,000.

(2) In determining the resources of a family, the following shall be excluded:

(a) Licensed vehicles needed for individuals ~~adults~~ subject to the work participation requirement, not to exceed a combined value of \$8,500, and needed for training, employment, or education purposes. For any family without an individual ~~adult~~ subject to the work participation requirement, one vehicle valued at not more than \$8,500 shall be excluded. Any vehicle that is necessary to transport a physically disabled family member shall be excluded. A vehicle shall be considered necessary for the transportation of a physically disabled family member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle and makes it possible to transport the disabled person.

(b) Funds paid to a homeless shelter which are being held for the family to enable the family to pay deposits or other costs associated with moving to a new shelter arrangement.

(3) A vacation home that annually produces income consistent with its fair market value, and that is excluded as a resource in determining eligibility for food stamps under federal regulations, may not be excluded as a resource in determining a family's eligibility for temporary cash assistance.

(4) An individual and the assistance group in which the individual is a current member will be ineligible for a period of 2 years from the original date of a transfer of an asset made for the purpose of qualifying for or maintaining eligibility for temporary cash assistance.

Section 8. Section 414.085, Florida Statutes, 1996 Supplement, is amended to read:

414.085 Income eligibility standards.—For purposes of program simplification and effective program management, certain income definitions, as outlined in the food stamp regulations at 7 C.F.R. s. 273.9, shall be applied to the WAGES Program as determined by the department to be consistent with federal law regarding temporary cash assistance and Medicaid for needy families, except as to the following:

(1) Participation in the WAGES Program shall be limited to those families whose gross family income is equal to or less than 130 percent of the federal poverty level established in s. 673(2) of the Community Services Block Grant Act, 42 U.S.C. s. 9901(2).

(2) Income security payments, including payments funded under part B of Title IV of the Social Security Act, as amended; supplemental security income under Title XVI ~~XCI~~ of the Social Security Act, as amended; or other income security payments as defined by federal law shall be included as income to the extent required or permitted by federal law.

(3) The first \$50 of child support paid to a ~~custodial~~ noncustodial parent receiving temporary cash assistance may not be disregarded in calculating the amount of temporary cash assistance for the family, unless such exclusion is required by federal law.

Section 9. Subsections (1), (2), and (3), paragraph (a) of subsection (4), subsections (5), (6), (7), and (8), paragraphs (a), (c), (e), and (f) of subsection (10), and subsections (11), (13), (14), (15), and (17) of section 414.095, Florida Statutes, are amended to read:

414.095 Determining eligibility for the WAGES Program.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary cash assistance under this chapter, except that an applicant shall be required to engage in work activities in accordance with s. 414.065 and may receive support services or child care assistance in conjunction with such requirement. The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary cash assistance through periodic reviews consistent with the food stamp eligibility process. Benefits shall not be denied to an individual solely based on a felony drug conviction, unless the conviction is for trafficking pursuant to s. 893.135. To be eligible under this section, an individual convicted of a drug felony must be satisfactorily meeting the requirements of the WAGES Program, including all substance abuse treatment requirements. Within the limits specified in this chapter, the state opts out of the provision of s. 115 of Pub. L. No. 104-193 that eliminates eligibility for temporary cash assistance and food stamps for any individual convicted of a controlled substance felony.

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary cash assistance and Medicaid under the WAGES Program:

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 under the WAGES Program, or in a setting approved by the department.

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.

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

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

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

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

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

5. A pregnant woman.

(3) **ELIGIBILITY FOR NONCITIZENS.**—A qualified noncitizen is an individual who is lawfully present in the United States as a refugee or who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. A nonqualified noncitizen is a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a nonqualified noncitizen includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary cash assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor's spouse shall be included in determining eligibility to the maximum extent permitted by federal law.

(a) A child born in the United States to an illegal or ineligible alien is eligible for temporary cash assistance under this chapter if the family meets all eligibility requirements.

(b) If the parent may legally work in this country, the parent must participate in the work activity requirements provided in s. 414.065, to the extent permitted under federal law.

(c) The department shall participate in the Systematic Alien Verification for Entitlements Program (SAVE) established by the United States Immigration and Naturalization Service in order to verify the validity of documents provided by aliens and to verify an alien's eligibility.

(d) The income of an illegal alien or ineligible alien, less a pro rata share for the illegal alien or ineligible alien, counts in determining a family's eligibility to participate in the program.

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

(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. 414.065. 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 of ~~Health and Rehabilitative Services~~ 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.

(5) CARETAKER RELATIVES.—A family that contains a caretaker relative of a minor child has the option to include or exclude the caretaker relative in determining eligibility. If the caretaker relative chooses to be included in the family, the caretaker relative must meet all eligibility requirements, including resource and income requirements, and must comply with work activity requirements as provided in s. 414.065. If the caretaker relative chooses to be excluded from the family, eligibility shall be determined for the minor child based on the child's income and resources. The level of temporary cash assistance level for the minor child shall be based on the shelter obligation ~~paid to~~ of the caretaker relative.

(6) PREGNANT WOMAN WITH NO OTHER CHILD.—Temporary cash assistance for a pregnant woman is not available until the last month of pregnancy. However, if the department determines that a woman is restricted from work activities by orders of a physician, temporary cash assistance shall be available during the last trimester of pregnancy.

(7) CHILD SUPPORT ENFORCEMENT.—As a condition of eligibility for temporary cash assistance, the family must cooperate with the state agency responsible for administering the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. Cooperation is defined as:

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

(b) Assisting in establishing paternity; and

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

(8) ASSIGNMENT OF RIGHTS TO SUPPORT.—As a condition of receiving temporary cash assistance, the family must assign to the department any rights a member of a family may have to support from any other person. This applies to any family member; however, the assigned amounts must not exceed the total amount of temporary cash assistance provided to the family. The assignment of child support does not apply if the family leaves the program.

(10) PARTICIPANT OPPORTUNITIES AND OBLIGATIONS.—An applicant or participant in the WAGES Program has the following opportunities and obligations:

(a) To participate in establishing eligibility by providing facts with respect to circumstances that affect eligibility and by obtaining, or authorizing the department and the Department of Labor and Employment Security to obtain, documents or information from others in order to establish eligibility.

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

(e) To keep the department and the Department of Labor and Employment Security informed of any changes that could affect eligibility.

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

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

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

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

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

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

THREE-TIER SHELTER PAYMENT STANDARD

Family Size	Zero Shelter Obligation	Greater than Zero Less than or Equal to \$50	Greater than \$50 Shelter Obligation
1	\$95	\$153	\$180
2	\$158	\$205	\$241
3	\$198	\$258	\$303
4	\$254	\$309	\$364
5	\$289	\$362	\$426
6	\$346	\$414	\$487
7	\$392	\$467	\$549
8	\$438	\$519	\$610
9	\$485	\$570	\$671
10	\$534	\$623	\$733
11	\$582	\$676	\$795
12	\$630	\$728	\$857
13	\$678	\$781	\$919

(13) CALCULATION OF LEVELS OF TEMPORARY CASH ASSISTANCE LEVELS.—

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

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

(14) METHODS OF PAYMENT OF TEMPORARY CASH ASSISTANCE.—Temporary cash assistance may be paid as follows:

(a) Direct payment through state warrant, electronic ~~assistance~~ transfer of temporary cash assistance, or voucher.

(b) Payment to an alternative payee.

(c) Payment for subsidized employment.

(d) Pay-after-performance arrangements with public or private not-for-profit agencies.

(15) PROHIBITIONS AND RESTRICTIONS.—

(a) A family without a minor child living in the home is not eligible to receive temporary cash assistance or services under this chapter. However,

a pregnant woman is eligible for temporary cash assistance in the ninth month of pregnancy if all eligibility requirements are otherwise satisfied.

(b) Temporary cash assistance, without shelter expense, may be available for a teen parent who is less than 19 years of age and for the child. Temporary cash assistance may not be paid directly to the teen parent but must be paid, on behalf of the teen parent and child, to an alternative payee who is designated by the department. The alternative payee may not use the temporary cash assistance for any purpose other than paying for food, clothing, shelter, and medical care for the teen parent and child and for other necessities required to enable the teen parent to attend school or a training program. In order for the child of the teen parent and the teen parent to be eligible for temporary cash assistance, the teen parent must:

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

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

3. Attend parenting and family classes that provide a curriculum specified by the department, the Department of Labor and Employment Security, or the Department of Health, as available.

(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.

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, the Department of Labor and Employment Security, 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.

(d) Notwithstanding any law to the contrary, if a parent or caretaker relative without good cause does not cooperate with the state agency respon-

sible for administering the child support enforcement program in establishing, modifying, or enforcing a support order with respect to a child of a teen parent or other family member, or a child of a family member who is in the care of an adult relative, temporary cash assistance to the entire family shall be denied until the state agency indicates that cooperation by the parent or caretaker relative has been satisfactory.

(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 (8), temporary cash assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

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

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

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

(i) If the parents of a minor child live apart and equally share custody and control of the child, a parent is ineligible for temporary cash assistance unless the parent clearly demonstrates to the department that the parent provides primary day-to-day custody.

(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 levels in subsection (11).

Section 10. Section 414.105, Florida Statutes, 1996 Supplement, is amended to read:

414.105 Time limitations of temporary cash assistance.—Unless otherwise expressly provided in this chapter, an applicant or current participant shall receive temporary cash assistance for 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.

(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 benefits, 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) Hardship exemptions to the time limitations of this chapter shall be limited to 10 percent of participants in the first year of implementation of this chapter, 15 percent of participants in the second year of implementation of this chapter, and 20 percent of participants in all subsequent years. 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 benefit 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 Children and Family 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.

Temporary cash assistance under a hardship exemption benefits for a participant who is eligible for work activities and who is not working shall be reduced by 10 percent. Upon the employment of the participant, full benefits shall be restored.

(3) The department shall establish a procedure for reviewing and approving hardship exemptions, and the local WAGES coalitions 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. 112.016.

(4) The cumulative total of all hardship exemptions may not exceed 12 months, may include reduced benefits at the option of the community review panel, and shall, in combination with other periods of temporary cash assistance as an adult, total no more than 48 months of temporary cash assistance. If an individual fails to comply with program requirements during a hardship exemption period, the hardship exemption shall be removed.

(5) For individuals who have moved from another state and have legally resided in this state for less than 12 months, the time limitation for temporary cash assistance shall be the shorter of the respective time limitations used in the two states, and 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.

(6) 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 chapter.

(7) 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.

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

(9) An individual who ~~receives is eligible for~~ benefits under the Supplemental Social Security Income (SSI) program or the Social Security Disability Insurance program due to age or disability is not subject to time limitations.

(10) A member of the WAGES Program staff shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the 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.

~~(11) This section shall be repealed on July 1, 2001, unless reenacted by the Legislature.~~

Section 11. Section 414.115, Florida Statutes, 1996 Supplement, is amended to read:

414.115 Limited temporary cash assistance for children born to families receiving temporary cash assistance.—

(1) The department shall provide limited additional temporary cash assistance to:

(a) An existing ~~temporary-cash-assistance temporary-assistance~~ case due to the birth of a child when the birth occurs more than 10 months after August 1, 1996 ~~the implementation date of this act~~; or

(b) A new ~~temporary-cash-assistance temporary-assistance~~ case when the birth occurs more than 10 months after August 1, 1996, ~~both the implementation date of this act and the application or reapplication for temporary cash~~ assistance.

For purposes of this subsection, “an existing ~~temporary-cash-assistance temporary-assistance~~ case” means a case that is receiving temporary assistance on August 1, 1996, ~~the implementation date of this act~~ and, if it closes any time after August 1, 1996 ~~the implementation date~~, is closed for less than 6 continuous months; “a new ~~temporary-cash-assistance temporary-assistance~~ case” means a case that was not receiving benefits on August 1, 1996 ~~the implementation date of this act~~; “reapplication” means a new application by a parent or other caretaker relative who has previously received temporary cash assistance in a case that has been closed for 6 continuous months or more prior to the new application.

(2) Subsection (1) ~~does shall~~ not apply:

(a) To a program participant who is a victim of rape or incest if she files a police report on the rape or incest within 30 days after the incident;

(b) To children who are the firstborn, including all children in the case of multiple birth, of minors included in a temporary cash assistance group who as minors become first-time parents;

(c) To a child when parental custody has been legally transferred; or

(d) To a child who is no longer able to live with his or her parents as a result of:

1. The death of the child’s parent or parents;
2. The incapacity of the child’s parent or parents as documented by a physician, such that the parent or parents are unable to care for the child;
3. Legal transfer of the custody of the child to another individual;
4. Incarceration of the child’s parent or parents, except that the child shall not receive temporary cash assistance if a parent is subsequently released and reunited with the child; or

5. A situation in which the child's parent's or parents' institutionalization is expected to be for an extended period, as defined by the department.

(3) A child born subject to this section shall be considered a ~~temporary-assistance~~ recipient of temporary cash assistance for all purposes, including Medicaid eligibility.

(4) For the first child born to a recipient under subsection (1), the department shall provide temporary cash assistance equal to 50 percent of the maximum allowable amount for an individual. This provision does shall not apply to a child who is born into a family that does not include other children.

(5) For a second or subsequent child born to a recipient under subsection (1), the department shall provide no additional temporary cash assistance.

Section 12. Section 414.122, Florida Statutes, 1996 Supplement, is amended to read:

414.122 Withholding of payments based on evidence of fraud.—The department shall withhold payment from a ~~financial-assistance~~ recipient of temporary cash assistance when, after redetermination of eligibility or at any other time, the department obtains evidence that may indicate fraud on the part of the recipient. When evidence of such fraud is obtained, the recipient shall be notified, ~~by a statement accompanying the recipient's next financial-assistance payment~~, that because of such evidence of fraud the following payment will be withheld unless the recipient meets with a representative of the department financial-assistance program supervisor by a specified date, which ~~must~~ shall be within 10 days after the date of the notice, to discuss and resolve the matter. The department shall make every effort to resolve the matter within a timeframe that will not cause payment to be withheld from an eligible ~~financial-assistance~~ recipient of temporary cash assistance.

Section 13. Section 414.125, Florida Statutes, 1996 Supplement, is amended to read:

414.125 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements during a grading period in which the child or teenage participant has accumulated a number of unexcused absences from school that is sufficient to jeopardize the student's academic progress, in accordance with rules adopted by the department with input from the Department of Education. The temporary cash assistance must be reinstated after a subsequent grading period in which the child has substantially improved the child's attendance. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

~~(b) The teen has a child under 6 months of age.~~

~~(b)(e)~~ No licensed day care is available for a child of teen parents subject to Learnfare.

~~(c)(d)~~ Prohibitive transportation problems exist (e.g., to and from day care).

~~(d)(e)~~ The teen is over 16 years of age and not expected to graduate from high school by age 20.

Within 10 Fifteen days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

(2) Each ~~participant recipient~~ with a school-age child is required to have a conference with an appropriate school official of the child's school during each grading period to assure that the ~~participant recipient~~ is involved in the child's educational progress and is aware of any existing attendance or academic problems. A participant who without good cause fails to attend a conference with a school official is subject to the sanction provided in subsection (1).

Section 14. Subsections (1), (3), (4), (5), and (6) of section 414.15, Florida Statutes, 1996 Supplement, are amended to read:

414.15 Diversion.—

(1) A segment of applicants do not need ongoing ~~temporary cash financial~~ assistance, but, due to an unexpected circumstance or emergency situation, require some immediate assistance in meeting a financial obligation while they are securing employment or child support. These immediate obligations may include a shelter or utility payment, a car repair to continue employment, or other assistance which will alleviate the applicant's emergency financial need and allow the person to focus on obtaining or continuing employment.

(3) Before finding an applicant family To be eligible for up-front diversion funds, the department must determine that all requirements of eligibility would likely shall be met.

(4) The department shall screen each applicant family on a case-by-case basis for barriers to obtaining or retaining employment. The screening shall identify barriers that, if corrected, may prevent the family from receiving temporary cash assistance on a regular basis. Assistance to overcome a barrier to employment is not limited to cash, but may include vouchers or other in-kind benefits.

(5) The diversion payment shall be limited to an amount not to exceed 2 months' temporary cash assistance, based on family size.

(6) The family receiving up-front diversion ~~must shall~~ sign an agreement restricting the family from applying for temporary cash assistance for 3

months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for temporary cash assistance within 3 months after receiving a diversion payment, the diversion payment shall be prorated over the 2-month period and subtracted from any regular assistance payment of temporary cash assistance for which the applicant may be eligible.

Section 15. Paragraph (a) of subsection (4) of section 414.16, Florida Statutes, 1996 Supplement, is amended to read:

414.16 Emergency assistance program.—

(4) RENTAL SECURITY DEPOSIT ASSISTANCE.—

(a) The department shall develop criteria necessary to implement a recoupment program related to security deposit assistance provided under paragraph ~~(3)(d)~~ ~~(2)(d)~~. Assistance shall be in the form of direct payment of security deposits to landlords of families eligible for emergency assistance. When the family vacates the rental unit, the landlord shall refund to the department the amount of the deposit remaining after subtracting any amount retained for damages pursuant to the lease. The family shall repay to the department the cost of any damages assessed which exceed normal wear and tear. The total amount owed to the department shall be prorated and subtracted from any temporary cash assistance for which the family may be eligible.

Section 16. Subsection (1) of section 414.175, Florida Statutes, 1996 Supplement, is amended to read:

414.175 Review of existing waivers.—

(1) The Department of Children and Family Health and Rehabilitative Services shall review existing waivers granted to the department by the Federal Government and determine if such waivers continue to be necessary based on the flexibility granted to states by federal law. ~~If it is determined the department determines~~ that termination of the waivers would reduce or eliminate potential federal cost neutrality liability, the department may take action in accordance with federal requirements. In taking such action, the department may continue research initiated in conjunction with such waivers if the department determines that continuation will provide program findings that will be useful in assessing future welfare reform alternatives.

Section 17. Section 414.20, Florida Statutes, 1996 Supplement, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department and the Department of Labor and Employment Security may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor

in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) **TRANSPORTATION.**—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small enterprise development.

(2) **ANCILLARY EXPENSES.**—Ancillary expenses such as books, tools, clothing, fees, and costs necessary to comply with work activity requirements or employment requirements may be provided.

(3) **MEDICAL SERVICES.**—A family that meets the eligibility requirements for Medicaid assistance shall receive medical services under the Medicaid program.

(4) **PERSONAL AND FAMILY COUNSELING AND THERAPY.**—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department and the Department of Labor and Employment Security shall use services that are available in the community at no additional cost. If these services are not available, the department and the Department of Labor and Employment Security may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

Section 18. Section 414.21, Florida Statutes, 1996 Supplement, is amended to read:

414.21 Transitional medical benefits.—

(1) A family that loses its temporary cash ~~family~~ assistance due to earnings shall remain eligible for Medicaid without reapplication during the immediately succeeding 12-month period if private medical insurance is unavailable from the employer or is unaffordable.

(a) The family shall be denied Medicaid during the 12-month period for any month in which the family does not include a dependent child.

(b) The family shall be denied Medicaid if, during the second 6 months of the 12-month period, the family's average gross monthly earnings during the preceding month exceed 185 percent of the federal poverty level.

(2) The family shall be informed of transitional Medicaid when the family is notified of the termination of temporary ~~cash~~ assistance. The notice must include a description of the circumstances in which the transitional Medicaid may be terminated.

Section 19. Section 414.22, Florida Statutes, 1996 Supplement, is amended to read:

414.22 Transitional education and training.—In order to assist current and former participants in continuing their training and upgrading their skills, education, or training, support services may be provided to a participant for up to 2 years after the participant is no longer eligible to participate in the program. This section does not constitute an entitlement to transitional education and training. If funds are not sufficient to provide services under this section, the Department of Labor and Employment Security may limit or otherwise prioritize transitional education and training.

(1) Education or training resources available in the community at no additional cost to the Department of Labor and Employment Security shall be used whenever possible.

(2) The Department of Labor and Employment Security may authorize child care or other support services in addition to services provided in conjunction with employment. For example, a participant who is employed full time may receive subsidized child care ~~assistance~~ related to that employment and may also receive additional subsidized child care ~~assistance~~ in conjunction with training to upgrade the participant's skills.

(3) Transitional education or training must be job-related, but may include training to improve job skills in a participant's existing area of employment or may include training to prepare a participant for employment in another occupation.

(4) The Department of Labor and Employment Security may enter into an agreement with an employer to share the costs relating to upgrading the skills of participants hired by the employer. For example, the department may agree to provide support services such as transportation or a wage subsidy in conjunction with training opportunities provided by the employer.

Section 20. Section 414.23, Florida Statutes, 1996 Supplement, is amended to read:

414.23 Evaluation.—The department and the Department of Labor and Employment Security shall arrange for evaluation of programs operated under this chapter, as follows:

(1) If required by federal waivers or other federal requirements, the department and the Department of Labor and Employment Security may provide for evaluation according to these requirements.

(2) The department and the Department of Labor and Employment Security shall participate in the evaluation of this program in conjunction with

evaluation of the state's workforce development programs or similar activities aimed at evaluating program outcomes, cost-effectiveness, or return on investment, and the impact of time limits, sanctions, and other welfare reform measures set out in this chapter. Evaluation shall also contain information on the number of participants in work experience assignments who obtain unsubsidized employment, including, but not limited to, the length of time the unsubsidized job is retained, wages, and the public benefits, if any, received by such families while in unsubsidized employment. The evaluation shall solicit the input of consumers, community-based organizations, service providers, employers, and the general public, and shall publicize, especially in low-income communities, the process for submitting comments.

(3) The department and the Department of Labor and Employment Security may share information with and develop protocols for information exchange with the Florida Education and Training Placement Information Program.

(4) The department and the Department of Labor and Employment Security may initiate or participate in additional evaluation or assessment activities that will further the systematic study of issues related to program goals and outcomes.

(5) In providing for evaluation activities, the department and the Department of Labor and Employment Security shall safeguard the use or disclosure of information obtained from program participants consistent with federal or state requirements. The department and the Department of Labor and Employment Security may use evaluation methodologies that are appropriate for evaluation of program activities, including random assignment of recipients or participants into program groups or control groups. To the extent necessary or appropriate, evaluation data shall provide information with respect to the state, district, or county, or other substate area.

(6) The department and the Department of Labor and Employment Security may contract with a qualified organization for evaluations conducted under this section.

(7) Evaluations described in this section are exempt from the provisions of s. 402.105.

Section 21. Section 414.24, Florida Statutes, 1996 Supplement, is amended to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department and the Department of Labor and Employment Security shall provide funds to one or more service districts to promote development of integrated, non-duplicative case management within the department, the Department of Labor and Employment Security, other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined, pertinent outcome measures. Other factors to be

considered shall include innovation regarding training, enhancement of existing resources, and increased private sector and business sector participation.

Section 22. Section 414.25, Florida Statutes, 1996 Supplement, is amended to read:

414.25 Exemption from leased real property requirements.—In order to facilitate implementation of this chapter with respect to establishing jobs and benefits offices, the Department of Labor and Employment Security and the Department of Children and Family Health and Rehabilitative Services ~~are~~ is exempt from the requirements of s. 255.25 which relate to the procurement of leased real property. This exemption expires June 30, 1998.

Section 23. Section 414.27, Florida Statutes, 1996 Supplement, is amended to read:

414.27 Temporary cash ~~Public~~ assistance; payment on death.—

(1) Upon the death of any person receiving temporary cash ~~public~~ assistance through the Department of Children and Family Health and Rehabilitative Services, all temporary cash ~~public~~ assistance accrued to such person from the date of last payment to the date of death shall be paid to the person who shall have been designated by him on a form prescribed by the department and filed with the department during the lifetime of the person making such designation. ~~If~~ ~~In the event~~ no designation is made, or the person so designated is no longer living or cannot be found, then payment shall be made to such person as may be designated by the circuit judge of the county where the ~~public assistance~~ recipient of temporary cash assistance resided. Designation by the circuit judge may be made on a form provided by the department or by letter or memorandum to the Comptroller. No filing or recording of the designation shall be required, and the circuit judge shall receive no compensation for such service. If a warrant has not been issued and forwarded prior to notice by the department of the recipient's death, upon notice thereof, the department shall promptly requisition the Comptroller to issue a warrant in the amount of the accrued temporary cash assistance payable to the person designated to receive it and shall attach to the requisition the original designation of the deceased recipient, or if none, the designation made by the circuit judge, as well as a notice of death. The Comptroller shall issue a warrant in the amount payable.

(2) If a warrant has been issued and not cashed by the recipient payee prior to his death, such warrant shall be promptly returned to the department, together with notice of the death of the recipient. The original warrant shall be endorsed on the back by an authorized employee of the department. The endorsement ~~must~~ ~~shall~~ be on a form prescribed by the department and approved by the Comptroller which ~~must~~ ~~shall~~ contain the name of the deceased recipient, a statement of his death, and the date thereof and state that it is payable to the order of the designated beneficiary, without recourse. The form shall be signed by the authorized employee or employees of the department, and thereupon such warrant shall be payable to the designated beneficiary as fully and completely as if made payable to him when issued. The department shall furnish to the Comptroller each month

a list of such deceased recipients, the designated beneficiaries or persons to whom such warrants are endorsed, and a description of such warrants as herein provided. The department shall cause all persons receiving temporary cash public assistance to make the designations as soon as conveniently may be, and shall preserve such designations in a safe place for use.

Section 24. Subsections (8) and (10) of section 414.28, Florida Statutes, 1996 Supplement, are amended to read:

414.28 Public assistance payments to constitute debt of recipient.—

(8) DISPOSITION OF FUNDS RECOVERED.—All funds collected under this section shall be deposited with the Department of Banking and Finance and a report of such deposit made to the department of ~~Health and Rehabilitative Services~~. After payment of costs the sums so collected shall be credited to the department of ~~Health and Rehabilitative Services~~ and used by it.

(10) PUBLIC ASSISTANCE.—For the purposes of this section, the term “public assistance” includes all money payments made to or on behalf of a recipient, including, but not limited to, temporary cash assistance received under this chapter, the Medicaid program, and mandatory and optional supplement payments under the Social Security Act.

Section 25. Section 414.29, Florida Statutes, 1996 Supplement, is amended to read:

414.29 Lists of recipients of temporary cash ~~Public assistance rolls~~ open.—

(1) The lists of names of all persons who have received ~~public assistance~~ payments of temporary cash assistance and the amounts of such payments are a matter of public record. They are available for inspection, subject to the limitations specified in subsection (2), at the local offices in the counties wherein the recipients of such payments reside.

(2)(a) It is unlawful for any person, for himself, or for any other person, body, association, firm, corporation, group, or agency, to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of, any of the lists or parts of such lists of ~~public assistance~~ recipients of temporary cash assistance ~~herein required to be filed~~ for commercial or political purposes of any nature.

(b) Any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 26. Paragraph (a) of subsection (1) and subsection (3) of section 414.32, Florida Statutes, 1996 Supplement, are amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

(1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

(a) A parent or caretaker relative who receives temporary cash assistance or food stamps on behalf of a child under 18 years of age who has an absent parent is ineligible for food stamps unless the parent or caretaker relative cooperates with the state agency that administers the child support enforcement program in establishing the paternity of the child, if the child is born out of wedlock, and in obtaining support for the child or for the parent or caretaker relative and the child. This paragraph does not apply if the state agency that administers the child support enforcement program determines that the parent or caretaker relative has good cause for failing to cooperate in establishing the paternity of the child.

(3) **REDUCTION OR DENIAL OF TEMPORARY CASH ASSISTANCE BENEFITS.**—The food stamp allotment shall be reduced or terminated as otherwise provided in this chapter if temporary cash assistance under the WAGES Program is reduced or denied because an individual in the family fails to perform an action required under the program.

Section 27. Subsection (3) of section 414.35, Florida Statutes, 1996 Supplement, is amended to read:

414.35 Emergency relief.—

(3) In administering emergency food stamp and other emergency assistance programs, the department shall cooperate fully with the United States Government and with other departments, instrumentalities, and agencies of this state.

Section 28. Section 414.36, Florida Statutes, 1996 Supplement, is amended to read:

414.36 Public assistance overpayment recovery program; contracts.—

(1) The department of ~~Health and Rehabilitative Services~~ shall develop and implement a plan for the statewide privatization of activities relating to the recovery of public assistance overpayment claims. These activities shall include, at a minimum, voluntary cash collections functions for recovery of fraudulent and nonfraudulent benefits paid to recipients of temporary cash assistance under the WAGES Program, food stamps, and aid to families with dependent children.

(2) For purposes of privatization of public assistance overpayment recovery, the department shall enter into contracts consistent with federal law with for-profit corporations, not-for-profit corporations, or other entities capable of providing the ~~benefit recovery services~~ for recovering public assistance required under this section. The department shall issue requests for proposals, enter into a competitive bidding process, and negotiate contracts for such services. Contracts for such services may be funded on a contingency fee basis, per fiscal year, based on a percentage of the state-retained share of collections, for claims for food stamps, stamp and aid to families with dependent children, and temporary cash assistance claims. This section does not prohibit districts from entering into contracts to carry out the provisions of this section, if that is a cost-effective use of resources.

(3) The Economic Self-sufficiency Services Program Office of the department shall have responsibility for contract management and for monitoring and policy development functions relating to privatization of the public assistance overpayment recovery program.

Section 29. Subsections (1) and (9), paragraphs (a), (c), (d), and (e) of subsection (10), and subsections (11) and (12) of section 414.38, Florida Statutes, 1996 Supplement, are amended to read:

414.38 Pilot work experience and job training for noncustodial parents program.—

(1) There is established in two judicial circuits a work experience and job training pilot program for noncustodial parents, of which one circuit must be in a circuit with a mandatory family transition program in operation. The program shall be administered by the department of ~~Health and Rehabilitative Services~~.

(9) The department of ~~Health and Rehabilitative Services~~ shall contract with a private service provider for job training, placement, and support services. The department of ~~Health and Rehabilitative Services~~ shall develop a request for proposal to include procedures and criteria for the competitive acceptance of proposals from interested service providers. Each interested service provider seeking a pilot program pursuant to this section must be able to demonstrate:

- (a) Experience in executing large-scale social experiments;
- (b) Experience in doing research involving waivers of federal AFDC, JOBS, and child support enforcement policies;
- (c) An understanding of the demographics and experiences of economically disadvantaged noncustodial parents; and
- (d) Experience in working directly with state programs designed to assist disadvantaged noncustodial parents.

(10)(a) The department of ~~Health and Rehabilitative Services~~, in consultation with the Department of Revenue and the Department of Labor and Employment Security, shall conduct, or shall contract with one or more entities to conduct, a comprehensive evaluation of the program or programs funded through this section. An initial phase of such evaluation must be designed to monitor the extent to which the local work experience and job training pilot program is being implemented and to make recommendations on how best to expand the local work experience and job training pilot program to other sites, including validation of estimated program costs and savings related to factors such as support services, child support paid, job training and placement, peer support components, staffing ratios, and service integration. The initial phase of the evaluation must provide information on the preliminary outcomes of the program, including rates of job placement and job retention and participant salary levels. The department of ~~Health and Rehabilitative Services~~ shall report results of the initial evaluation within 18 months after the demonstration projects begin.

(c) In order to provide evaluation findings with the highest feasible level of scientific validity, the department of Health and Rehabilitative Services may contract for an evaluation design that includes random assignment of program participants to program groups and control groups. Under such design, members of control groups must be given the level of job training and placement services generally available to noncustodial parents who are not included in the local work experience and job training pilot program areas. The provisions of s. 402.105 or similar provisions of federal or state law do not apply under this section.

~~(d) If the secretary determines that procurement procedures for the evaluation will delay the application or approval of any required federal waivers or would otherwise delay initial implementation of local work experience and job training pilot program beyond January 1, 1996, the secretary may proceed with such procurement, notwithstanding any provisions of chapter 287. However, the professional standards of any contractor selected must be consistent with the provisions of this section, and the amount of the contract must not exceed the funds provided for this purpose.~~

(d)(e) A copy of the evaluation report shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate substantive committees of the Legislature by June 30, 1999.

~~(11) The Department of Health and Rehabilitative Services shall obtain the necessary waivers from the United States Department of Health and Human Services in order to implement this section.~~

(11)(12) The department of Health and Rehabilitative Services, in consultation with the Department of Revenue and the Department of Labor and Employment Security, shall adopt rules to implement this section.

Section 30. Subsections (1), (3), (4), (5), (6), (7), (8), (9), and (10) of section 414.39, Florida Statutes, 1996 Supplement, are amended to read:

414.39 Fraud.—

(1) Any person who knowingly:

(a) Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive public assistance aid or benefits under any state or federally funded assistance program; ~~or~~

(b) Fails to disclose a change in circumstances in order to obtain or continue to receive under any such public assistance program aid or benefits to which he is not entitled or in an amount larger than that to which he is entitled; ~~or;~~

~~(c) or who knowingly~~ Aids and abets another person in the commission of any such act,

is guilty of a crime and shall be punished as provided in subsection (5).

(3) Any person having duties in the administration of a state or federally funded public assistance program or in the distribution of public assistance benefits, or authorizations or identifications to obtain public assistance benefits, under a state or federally funded public assistance program and who:

(a) Fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, a food stamp, an authorization for food stamps, a food stamp identification card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or public assistance from any other state or federally funded program with which he has been entrusted or of which he has gained possession by virtue of his position, or who knowingly fails to disclose any such fraudulent activity; or

(b) Knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of, funds given in exchange for food stamps or for any form of food stamp benefits authorization,

is guilty of a crime and shall be punished as provided in subsection (5).

(4) Any person who:

(a) Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of public assistance benefits under any state or federally funded public assistance program for services ~~that~~ which were not rendered; knowingly files a false claim or a claim for nonauthorized items or services under such a program; or knowingly bills the recipient of public assistance benefits under such a program, or his family, for an amount in excess of that provided for by law or regulation; or

(b) Knowingly fails to credit the state or its agent for payments received from social security, insurance, or other sources; or

(c) In any way knowingly receives, attempts to receive, or aids and abets in the receipt of, unauthorized payment or other unauthorized public assistance benefit or authorization or identification to obtain public assistance benefits as provided herein,

is guilty of a crime and shall be punished as provided in subsection (5).

(5)(a) If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is less than an aggregate value of \$200 in any 12 consecutive months, such person commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$200 or more in any 12 consecutive months, such person commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) As used in this subsection, the value of a food stamp authorization benefit is the cash or exchange value unlawfully obtained by the fraudulent act committed in violation of this section.

(d) As used in this section, "fraud" includes the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the intentional or deliberate alteration or destruction of computerized information or files, and the stealing of financial instruments, data, and other assets.

(6) Any person providing service for which compensation is paid under any state or federally funded public assistance program who solicits, requests, or receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest or other means, whether directly or indirectly, from ~~either~~ a recipient of public assistance from such public assistance program, or from the family of such a recipient, shall notify the Department of ~~Children and Family Health and Rehabilitative Services~~, on a form provided by the department, of the amount of such payment or contribution and of such other information as specified by the department, within 10 days after the receipt of such payment or contribution or, if said payment or contribution is to become effective at some time in the future, within 10 days of the consummation of the agreement to make such payment or contribution. Failure to notify the department within the time prescribed is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) Repayment of public assistance benefits or services or return of authorization or identification wrongfully obtained ~~is shall~~ not constitute a defense to, or ground for dismissal of, criminal charges brought under this section.

(8)(a) The introduction into evidence of a paid state warrant made to the order of the defendant ~~is shall be~~ prima facie evidence that the defendant did receive public assistance from the state.

(b) The introduction into evidence of a transaction history generated by a Personal Identification Number (PIN) establishing a purchase or withdrawal by electronic benefit transfer is prima facie evidence that the identified recipient received public assistance from the state.

(9) All records relating to investigations of public assistance fraud in the custody of the department of ~~Health and Rehabilitative Services~~ and the Agency for Health Care Administration are available for examination by the Division of Public Assistance Fraud of the office of the Auditor General pursuant to s. 11.50 and are admissible into evidence in proceedings brought under this section as business records within the meaning of s. 90.803(6).

(10) The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for public assistance, including food stamps, Medicaid, and temporary cash assistance under the WAGES Program, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.

Section 31. Paragraph (d) of subsection (2) of section 414.40, Florida Statutes, 1996 Supplement, is amended to read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(2) The division is directed to implement the Stop Inmate Fraud Program in accordance with the following guidelines:

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of ~~Children and Family Health and Rehabilitative~~ Services, the Department of Labor and Employment Security, and other state or local agencies as needed to identify persons wrongfully obtaining benefits. Data comparisons shall be accomplished during periods of low information demand by agency personnel to minimize inconvenience to the agency.

Section 32. Subsections (1), (2), (4), and (5) of section 414.41, Florida Statutes, 1996 Supplement, are amended to read:

414.41 Recovery of payments made due to mistake or fraud.—

(1) Whenever it becomes apparent that any person or provider has received any public assistance or benefits under this chapter to which he is not entitled, through either simple mistake or fraud on the part of the department or on the part of the recipient or participant, the department shall take all necessary steps to recover the overpayment. Recovery may include Federal Income Tax Refund Offset Program collections activities in conjunction with Food and Consumer Service and the Internal Revenue Service to intercept income tax refunds due to clients who owe food stamp or WAGES debt to the state. The department will follow the guidelines in accordance with federal rules and regulations and consistent with the Food Stamp Program. The department may make appropriate settlements and shall establish a policy and cost-effective rules to be used in the computation and recovery of such overpayments.

(a) The department will consider an individual who has willfully provided false information or omitted information to become or remain eligible for temporary cash assistance to have committed an intentional program violation.

(b) When the intentional program violation or case facts do not warrant criminal prosecution for fraud as defined in s. 414.39, the department will initiate an administrative disqualification hearing. The administrative disqualification hearing will be initiated regardless of the individual's current eligibility.

(c) Upon a finding through the administrative disqualification hearing process that the individual did commit an intentional program violation, the department will impose a disqualification period consistent with those established for food stamp program purposes.

(2) The department shall determine if recovery of an overpayment as a result of department error regarding temporary cash assistance provided under the WAGES Program or benefits provided to a recipient of aid to families with dependent children would create extreme hardship. The department shall provide by rule the circumstances that constitute an extreme

hardship. The department may reduce the amount of repayment if a recipient or participant demonstrates to the satisfaction of the department that repayment of the entire overpayment would result in extreme hardship, but the department may not excuse repayment. A determination of extreme hardship is not grounds for a waiver of repayment in whole or in part.

(4) When the Agency for Health Care Administration department has made a probable cause determination and alleged that an overpayment to a Medicaid provider has occurred, the agency department, after notice to the provider, may:

(a) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, any medical assistance reimbursement payments until such time as the overpayment is recovered, unless within 30 days after receiving notice thereof the provider:

1. Makes repayment in full; or
2. Establishes a repayment plan that is satisfactory to the Agency for Health Care Administration department.

(b) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, medical assistance reimbursement payments if the terms of a repayment plan are not adhered to by the provider.

If Should a provider requests request an administrative hearing pursuant to chapter 120, such hearing must shall be conducted within 90 days following receipt by the provider of the final audit report, absent exceptionally good cause shown as determined by the administrative law judge or hearing officer. Upon issuance of a final order, the balance outstanding of the amount determined to constitute the overpayment shall become due. Any withholding of payments by the Agency for Health Care Administration department pursuant to this section shall be limited so that the monthly medical assistance payment is not reduced by more than 10 percent.

(5) In all final agency actions and orders issued by administrative law judges or hearing officers that relate to recovery of medical assistance overpayments made due to a mistake of the provider or fraud, the Agency for Health Care Administration department shall make a motion to impose an interest penalty at 10 percent per year from the date of final agency action or order by an administrative law judge or a hearing officer until the overpayment is recovered by the Agency for Health Care Administration department. When the administrative law judge's or hearing officer's decision is that an overpayment was not made in an amount as great as identified by the Agency for Health Care Administration department, any collections made by the agency department pursuant to subsection (4) shall be reimbursed within 60 days to the provider by the agency department with interest at 10 percent per year.

Section 33. Section 414.42, Florida Statutes, 1996 Supplement, is amended to read:

414.42 Cause for employee dismissal.—It is cause for dismissal of an employee of the Department of Children and Family Health and Rehabilitative Services if the employee knowingly and willfully allows an ineligible person to obtain public assistance.

Section 34. Subsection (1) of section 414.43, Florida Statutes, 1996 Supplement, is amended to read:

414.43 Special needs allowance for families with a disabled family member.—

(1) The department shall establish a special needs allowance which shall be deducted from the calculation of family income in determining the net monthly income for the family in the case of families as described in this section. The department shall also establish by rule a special needs allowance which shall apply to families with unusually high out-of-pocket expenses related to the disability of a family member. Families with unusually high out-of-pocket expenses related to the disability of a family member may receive a total monthly payment in excess of the payment standard as specified in s. 414.095(11). An additional special needs allowance for families with unusually high out-of-pocket expenses related to the disability of a family member shall be provided subject to the following restrictions:

(a) Families must have out-of-pocket disability-related expenses which exceed 125 percent of the maximum supplemental security income grant for an individual; and

(b) Not more than 10 percent of the families eligible for the special needs allowance described in this section may be eligible for the additional special needs allowance for families with unusually high out-of-pocket expenses.

Section 35. Section 414.44, Florida Statutes, 1996 Supplement, is amended to read:

414.44 Data collection and reporting.—The department and the Department of Labor and Employment Security shall collect data necessary to administer this chapter and make the reports required under federal law to the United States Department of Health and Human Services and the United States Department of Agriculture.

Section 36. Section 414.45, Florida Statutes, 1996 Supplement, is amended to read:

414.45 Rulemaking.—The department may adopt, amend, or repeal rules, as provided in chapter 120, to implement, enforce, and interpret to administer the programs provided for in this chapter. The Department of Labor and Employment Security may adopt, amend, or repeal rules, as provided in chapter 120, to implement, enforce, and interpret this chapter. The shall adopt rules must that provide protection against discrimination and the opportunity for a participant to request a review by a supervisor or administrator of any decision made by a panel or board of the department, the Department of Labor and Employment Security, or the WAGES Program.

Section 37. Section 414.55, Florida Statutes, 1996 Supplement, is amended to read:

414.55 Implementation of ss. 414.015-414.55 ~~ch. 96-175.~~—Following the effective date of ss. 414.015-414.55 ~~this act~~:

(1)(a) The Governor may delay implementation of ss. 414.015-414.55 ~~this act~~ in order to provide the department, the Department of Labor and Employment Security, the Department of Revenue, and the Department of Health with the time necessary to prepare to implement new programs.

(b) The Governor may also delay implementation of portions of ss. 414.015-414.55 ~~this act~~, in order to allow savings resulting from the enactment of ss. 414.015-414.55 ~~act~~ to pay for provisions implemented later. If the Governor determines that portions of ss. 414.015-414.55 ~~this act~~ should be delayed, the priority in implementing ss. 414.015-414.55 ~~this act~~ shall be, in order of priority:

1. Provisions that provide savings in the first year of implementation.
2. Provisions necessary to the implementation of work activity requirements, time limits, and sanctions.
3. Provisions related to removing marriage penalties and expanding temporary cash assistance ~~benefits~~ to stepparent and two-parent families.
4. Provisions related to the reduction of teen pregnancy and out-of-wedlock births.
5. Other provisions.

(2) The programs affected by ss. 414.015-414.55 ~~this act~~ shall continue to operate under the provisions of law that would be in effect in the absence of ss. 414.015-414.55 ~~this act~~, until such time as the Governor informs the Speaker of the House of Representatives and the President of the Senate of his intention to implement provisions of ss. 414.015-414.55 ~~this act~~. Notice of intent to implement ss. 414.015-414.55 ~~provisions of this act~~ shall be given to the Speaker of the House of Representatives and the President of the Senate in writing and shall be delivered at least 14 consecutive days prior to such action.

(3) Any changes to a program, activity, or function taken pursuant to this section ~~subsection~~ shall be considered a type two transfer pursuant to the provisions of s. 20.06(2).

(4) In implementing ss. 414.015-414.55, the Governor shall minimize the liability of the state by opting out of the special provision related to community work, as described in s. 402(a)(1)(B)(iv) of the Social Security Act, as amended by P.L. 104-193. The department and the Department of Labor and Employment Security shall implement the community work program in accordance with ss. 414.015-414.55.

Section 38. Eligibility for assistance for individuals assigned to the ongoing welfare reform evaluation in Escambia County shall be determined in

accordance with the terms and conditions of the evaluation agreement between the Department of Children and Family Services and the United States Department of Health and Human Services. The evaluation agreement may continue in effect regardless of the status of federal waivers, and the terms and conditions of the evaluation may be modified, as determined by the Department of Children and Family Services, to accomplish the goals of the evaluation.

Section 39. Subsection (3) of section 402.313, Florida Statutes, 1996 Supplement, is amended, and subsection (10) is added to that section, to read:

402.313 Family day care homes.—

(3) Child care personnel in family day care homes shall be subject to the applicable screening provisions contained in ss. ~~402.305(2)~~ ~~402.305(1)~~ and 402.3055. For purposes of screening in family day care homes, the term includes any member over the age of 12 years of a family day care home operator's family, or persons over the age of 12 years residing with the operator in the family day care home. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records.

(10) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, maintenance of immunization records, minimum health standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

Section 40. Subsection (7) of section 409.2554, Florida Statutes, 1996 Supplement, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2597, the term:

(7) "Public assistance" means food stamps, money assistance paid on the basis of Title IV-E and Title XIX of the Social Security Act, or temporary cash assistance paid under the WAGES Program.

Section 41. Subsection (3) of section 409.2572, Florida Statutes, 1996 Supplement, is amended to read:

409.2572 Cooperation.—

(3) The Title IV-D staff of the department shall be responsible for determining and reporting to the Title IV-A staff of the Department of ~~Children and Family Health and Rehabilitative~~ Services acts of noncooperation by applicants or recipients of cash or medical assistance. Any person who applies for or is receiving public assistance for, or who has the care, custody, or control of, a dependent child and who without good cause fails or refuses to cooperate with the department, a program attorney, or a prosecuting attorney in the course of administering this chapter shall be sanctioned by

~~the Department of Children and Family Health and Rehabilitative Services pursuant to chapter 414 and is ineligible to receive public assistance until such time as the department determines cooperation has been satisfactory. The imposition of sanctions by the Department of Health and Rehabilitative Services shall result in the removal of the financial needs of the applicant or recipient from the public assistance grant. Sanctions shall remain imposed until the Department of Revenue determines that the applicant or recipient has cooperated sufficiently to enable it to be able to take the next necessary action to locate the alleged father or noncustodial parent, to establish paternity or support, or to enforce or modify an existing support obligation. The Department of Health and Rehabilitative Services shall appoint a protective payee to receive the public assistance grant for the dependent child and to use it to purchase the necessities required by the dependent child. The protective payee shall maintain written records of the public assistance receipts and disbursements for review by the department.~~

Section 42. The Department of Children and Family Services shall conduct a study of the issues related to kinship care and submit recommendations to the Speaker of the House of Representatives, the President of the Senate, and the chairs of the relevant substantive committees by January 1, 1998. Issues addressed in this study shall include, but not necessarily be limited to:

(1) The adequacy of financial support and other supports provided to grandparents and other caretaker relatives who are raising children and receiving cash assistance through the WAGES Program.

(2) The impact of WAGES Program policies on families and the extent to which such policies best meet the needs of families.

(3) The extent to which grandparents or other caretaker relatives should be provided cash assistance or services through the WAGES Program or through programs providing assistance to families providing substitute care for children who are at risk of abuse or neglect.

(4) The extent to which the needs of grandparents or other caretaker relatives should be addressed through the creation of a program other than the WAGES Program, and the extent to which WAGES requirements should be met as part of such other program.

In studying the issues and formulating the recommendations required by this section, the department shall invite the participation of organizations and individuals with expertise and interest in issues related to kinship care.

Section 43. Section 112 of chapter 96-175, Laws of Florida, is repealed.

Section 44. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.