



Health Care Services Policy Committee

Meeting Packet

**Tuesday, March 9, 2010
10:00 - 11:00 AM
306 HOB**

**Larry Cretul
Speaker**

**Paige Kreegel
Chair**



The Florida House of Representatives

Health Care Services Policy Committee

Agenda

March 9, 2010

10:00 – 11:00 AM

306 HOB

- I. Call to Order/Roll Call**
- II. HB 1293 regarding Public Assistance by Coley.**
- III. HB 923 regarding Homelessness by Reed.**
- IV. Adjournment.**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1293

Public Assistance

SPONSOR(S): Coley

TIED BILLS:

IDEN./SIM. BILLS: SB 1306

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Health Care Services Policy Committee		Schoonover <i>aw</i>	Schoolfield <i>[Signature]</i>
2)	Health Care Appropriations Committee			
3)	Health & Family Services Policy Council			
4)				
5)				

SUMMARY ANALYSIS

HB 1293 makes several revisions to law relating to the food stamp program & WAGES Program to conform to current federal and state law. The bill replaces all references in statute using either "food stamp" or "food stamp program," and replaces with either the "Supplemental Nutrition Assistance Program" or "food assistance." The bill replaces all references in statute using either "WAGES" or "WAGES Program" with "temporary cash assistance" or "Temporary Cash Assistance Program."

The bill does not appear to have a fiscal impact on state or local governments.

The bill becomes effective on July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

In 2008 Congress passed the Food, Conservation and Energy Act, which changed the name of the federal Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP).¹ States retained flexibility to name the program but were encouraged to change the name to SNAP or another alternate name.² Food Stamps have not been issued in Florida since 1998 when the state converted to electronic benefit transfer cards.³

In 2000, the Florida Legislature passed the Workforce Innovation Act⁴ that defined temporary cash assistance as DCF's eligibility program for financial assistance to needy families with or expecting children.⁵ It also defined the welfare transition program as the state's program for providing work activities and providing parents with job presentation, work opportunities, and support services to enable them to leave the program and be self-sufficient.⁶ Prior to passage of the Workforce Innovation Act, the statute defined the Work and Gain Economic Self-sufficiency (WAGES) Program as the program providing these services.

Effect of Proposed Changes

The bill proposes several revisions to law relating to the food stamp program & WAGES Program to conform to current federal and state law.

The bill replaces all references in statute using either "food stamp" or "food stamp program," and replaces with either the "Supplemental Nutrition Assistance Program" or "food assistance". The effect of this change will conform to the current food assistance program under federal law.

¹ H.R. 2419 (2008).

² "A Short History of SNAP," Food and Nutrition Service, U.S. Department of Agriculture.

<http://www.fns.usda.gov/FSP/rules/Legislation/about.htm> (last visited March 4, 2010).

³ Staff Analysis (HB 1293), Department of Children and Family Services (On file with committee staff).

⁴ 2000-165, Laws of Florida.

⁵ Staff Analysis (HB 1293), Department of Children and Family Services (On file with committee staff).

⁶ Id.

The bill replaces all references in statute using either "WAGES" or "WAGES Program" with "temporary cash assistance" or "Temporary Cash Assistance Program." The effect of this change will align DCF's cash assistance program with the Workforce Innovation Act of 2000.

B. SECTION DIRECTORY:

- Section 1. Amends s. 97.021, F.S., relating to definitions.
- Section 2. Amends s. 163.2523, F.S., relating to grant program.
- Section 3. Amends s. 163.456, F.S., relating to Legislative findings and intent.
- Section 4. Amends s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations.
- Section 5. Amends s. 288.9618, F.S., relating to microenterprises.
- Section 6. Amends s. 341.041, F.S., relating to transit responsibilities of the department.
- Section 7. Amends s. 379.353, F.S., relating to recreational licenses and permits; exemptions from fees and requirements.
- Section 8. Amends s. 402.33, F.S., relating to department authority to charge fees for services provided.
- Section 9. Amends s. 409.2554, F.S., relating to definitions.
- Section 10. Amends s. 409.2576, F.S., relating to state directory of new hires.
- Section 11. Amends s. 409.903, F.S., relating to mandatory payments for eligible persons.
- Section 12. Amends s. 409.942, F.S., relating to electronic benefit transfer program.
- Section 13. Amends s. 411.0101, F.S., relating to child care and early childhood resource and referral.
- Section 14. Amends s. 414.0252, F.S., relating to definitions.
- Section 15. Amends s. 414.065, F.S., relating to noncompliance with work requirements.
- Section 16. Amends s. 414.0655, F.S., relating to medical incapacity due to substance abuse or mental health impairment.
- Section 17. Amends s. 414.075, F.S., relating to resource eligibility standards.
- Section 18. Amends s. 414.085, F.S., relating to income eligibility standards.
- Section 19. Amends s. 414.095, F.S., relating to determining eligibility for temporary cash assistance.
- Section 20. Amends s. 414.14, F.S., relating to public assistance policy simplification.
- Section 21. Amends s. 414.16, F.S., relating to emergency assistance program.
- Section 22. Amends s. 414.17, F.S., relating to audits.
- Section 23. Amends s. 414.175, F.S., relating to review of existing waivers.
- Section 24. Amends s. 414.31, F.S., relating to state agency for administering federal food stamp program.
- Section 25. Amends s. 414.32, F.S., relating to prohibitions and restrictions with respect to food stamps.
- Section 26. Amends s. 414.33, F.S., relating to violations of food stamp program.
- Section 27. Amends s. 414.34, F.S., relating to annual report concerning administrative complaints and disciplinary actions involving food stamp program violations.
- Section 28. Amends s. 414.35, F.S., relating to emergency relief.
- Section 29. Amends s. 414.36, F.S., relating to public assistance overpayment recovery program; contracts.
- Section 30. Amends s. 414.39, F.S., relating to fraud.
- Section 31. Amends s. 414.41, F.S., relating to recovery of payments made due to mistake or fraud.
- Section 32. Amends s. 414.45, F.S., relating to rulemaking.
- Section 33. Amends s. 420.624, F.S., relating to local homeless assistance continuum of care.
- Section 34. Amends s. 430.2053, F.S., relating to aging resource centers.
- Section 35. Amends s. 445.004, F.S., relating to Workforce Florida, Inc.
- Section 36. Amends s. 445.009, F.S., relating to one-stop delivery system.
- Section 37. Amends s. 445.024, F.S., relating to work requirements.
- Section 38. Amends s. 445.026, F.S., relating to cash assistance severance benefit.
- Section 39. Amends s. 445.048, F.S., relating to waivers.
- Section 40. Amends s. 718.115, F.S., relating to common expenses and common surplus.
- Section 41. Amends s. 817.568, F.S., relating to criminal use of personal identification information.
- Section 42. Amends s. 921.0022, F.S., relating to Criminal Punishment Code; offense severity ranking chart.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to public assistance; amending ss. 97.021, 163.2523, 163.456, 220.187, 288.9618, 341.041, 379.353, 402.33, 409.2554, 409.2576, 409.903, 409.942, 411.0101, 414.0252, 414.065, 414.0655, 414.075, 414.085, 414.095, 414.14, 414.16, 414.17, 414.175, 414.31, 414.32, 414.33, 414.34, 414.35, 414.36, 414.39, 414.41, 414.45, 420.624, 430.2053, 445.004, 445.009, 445.024, 445.026, 445.048, 718.115, 817.568, 921.0022, and 943.401, F.S.; revising terminology relating to the food stamp program and the WAGES Program to conform to current federal law; providing an effective date.

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

Section 1. Subsection (29) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(29) "Public assistance" means assistance provided through the food assistance ~~stamp~~ program under the federal Supplemental Nutrition Assistance Program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the Temporary Cash Assistance ~~WAGES~~ Program.

Section 2. Section 163.2523, Florida Statutes, is amended to read:

163.2523 Grant program.—An Urban Infill and Redevelopment Assistance Grant Program is created for local governments. A

29 local government may allocate grant money to special districts,
 30 including community redevelopment agencies, and nonprofit
 31 community development organizations to implement projects
 32 consistent with an adopted urban infill and redevelopment plan
 33 or plan employed in lieu thereof. Thirty percent of the general
 34 revenue appropriated for this program shall be available for
 35 planning grants to be used by local governments for the
 36 development of an urban infill and redevelopment plan, including
 37 community participation processes for the plan. Sixty percent of
 38 the general revenue appropriated for this program shall be
 39 available for fifty/fifty matching grants for implementing urban
 40 infill and redevelopment projects that further the objectives
 41 set forth in the local government's adopted urban infill and
 42 redevelopment plan or plan employed in lieu thereof. The
 43 remaining 10 percent of the revenue must be used for outright
 44 grants for implementing projects requiring an expenditure of
 45 under \$50,000. If the volume of fundable applications under any
 46 of the allocations specified in this section does not fully
 47 obligate the amount of the allocation, the Department of
 48 Community Affairs may transfer the unused balance to the
 49 category having the highest dollar value of applications
 50 eligible but unfunded. However, in no event may the percentage
 51 of dollars allocated to outright grants for implementing
 52 projects exceed 20 percent in any given fiscal year. Projects
 53 that provide employment opportunities to clients of the
 54 Temporary Cash Assistance ~~WAGES~~ program and projects within
 55 urban infill and redevelopment areas that include a community
 56 redevelopment area, Florida Main Street program, Front Porch

57 Florida Community, sustainable community, enterprise zone,
 58 federal enterprise zone, enterprise community, or neighborhood
 59 improvement district must be given an elevated priority in the
 60 scoring of competing grant applications. The Division of Housing
 61 and Community Development of the Department of Community Affairs
 62 shall administer the grant program. The Department of Community
 63 Affairs shall adopt rules establishing grant review criteria
 64 consistent with this section.

65 Section 3. Paragraph (c) of subsection (1) of section
 66 163.456, Florida Statutes, is amended to read:

67 163.456 Legislative findings and intent.—

68 (1) The Legislature finds that:

69 (c) The available means of eliminating or reducing these
 70 deteriorating economic conditions and encouraging local resident
 71 participation and support is to provide support assistance and
 72 resource investment to community-based development
 73 organizations. The Legislature also finds that community-based
 74 development organizations can contribute to the creation of jobs
 75 in response to federal welfare reform and state Temporary Cash
 76 Assistance ~~WAGES~~ Program legislation, and economic development
 77 activities related to urban and rural economic initiatives.

78 Section 4. Paragraph (b) of subsection (2) of section
 79 220.187, Florida Statutes, is amended to read:

80 220.187 Credits for contributions to nonprofit
 81 scholarship-funding organizations.—

82 (2) DEFINITIONS.—As used in this section, the term:

83 (b) "Direct certification list" means the certified list
 84 of children who qualify for the food assistance ~~Stamp~~ program,

HB 1293

2010

85 the Temporary Assistance to Needy Families Program, or the Food
 86 Distribution Program on Indian Reservations provided to the
 87 Department of Education by the Department of Children and Family
 88 Services.

89 Section 5. Paragraph (h) of subsection (1) of section
 90 288.9618, Florida Statutes, is amended to read:

91 288.9618 Microenterprises.—

92 (1) Subject to specific appropriations in the General
 93 Appropriations Act, the Office of Tourism, Trade, and Economic
 94 Development may contract with some appropriate not-for-profit or
 95 governmental organization for any action that the office deems
 96 necessary to foster the development of microenterprises in the
 97 state. As used within this section, microenterprises are
 98 extremely small business enterprises which enable low and
 99 moderate income individuals to achieve self-sufficiency through
 100 self-employment. Microenterprise programs are those which
 101 provide at least one of the following: small amounts of capital,
 102 business training, and technical assistance. Where feasible, the
 103 office or organizations under contract with the office shall
 104 work in cooperation with other organizations active in the study
 105 and support of microenterprises. Such actions may include, but
 106 are not limited to:

107 (h) Coordinating with other organizations to ensure that
 108 participants in the Temporary Cash Assistance ~~WAGES~~ Program are
 109 given opportunities to create microenterprises.

110 Section 6. Subsection (14) of section 341.041, Florida
 111 Statutes, is amended to read:

112 341.041 Transit responsibilities of the department.—The

HB 1293

2010

113 department shall, within the resources provided pursuant to
 114 chapter 216:

115 (14) Assist local governmental entities and other transit
 116 operators in the planning, development, and coordination of
 117 transit services for Temporary Cash Assistance ~~WAGES~~ Program
 118 participants as defined in s. 414.0252.

119 Section 7. Paragraph (h) of subsection (2) of section
 120 379.353, Florida Statutes, is amended to read:

121 379.353 Recreational licenses and permits; exemptions from
 122 fees and requirements.—

123 (2) A hunting, freshwater fishing, or saltwater fishing
 124 license or permit is not required for:

125 (h) Any resident saltwater fishing from land or from a
 126 structure fixed to the land who has been determined eligible by
 127 the Department of Children and Family Services for the food
 128 assistance ~~stamp~~ program, temporary cash assistance, or the
 129 Medicaid programs. A benefit issuance or program identification
 130 card issued by the Department of Children and Family Services or
 131 the Florida Medicaid program of the Agency for Health Care
 132 Administration shall serve as proof of program eligibility. The
 133 client must have in his or her possession the ID card and
 134 positive proof of identification when fishing.

135 Section 8. Paragraph (g) of subsection (1) of section
 136 402.33, Florida Statutes, is amended to read:

137 402.33 Department authority to charge fees for services
 138 provided.—

139 (1) As used in this section, the term:

140 (g) "State and federal aid" means cash assistance or cash

141 equivalent benefits based on an individual's proof of financial
 142 need, including, but not limited to, temporary cash assistance
 143 and food assistance ~~stamps~~.

144 Section 9. Subsection (8) of section 409.2554, Florida
 145 Statutes, is amended to read:

146 409.2554 Definitions; ss. 409.2551-409.2598.—As used in
 147 ss. 409.2551-409.2598, the term:

148 (8) "Public assistance" means money assistance paid on the
 149 basis of Title IV-E and Title XIX of the Social Security Act,
 150 temporary cash assistance, or food assistance benefits ~~stamps~~
 151 received on behalf of a child under 18 years of age who has an
 152 absent parent.

153 Section 10. Paragraph (a) of subsection (9) of section
 154 409.2576, Florida Statutes, is amended to read:

155 409.2576 State Directory of New Hires.—

156 (9) DISCLOSURE OF INFORMATION.—

157 (a) New hire information shall be disclosed to the state
 158 agency administering the following programs for the purposes of
 159 determining eligibility under those programs:

160 1. Any state program funded under part A of Title IV of
 161 the Social Security Act;

162 2. The Medicaid program under Title XIX of the Social
 163 Security Act;

164 3. The unemployment compensation program under s. 3304 of
 165 the Internal Revenue Code of 1954;

166 4. The food assistance ~~stamp~~ program under the Food and
 167 Nutrition Act of 2008 ~~Food Stamp Act of 1977~~; and

168 5. Any state program under a plan approved under Title I

169 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
 170 Title XIV (Aid to the Permanently and Totally Disabled), or
 171 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
 172 Security Income for the Aged, Blind, and Disabled) of the Social
 173 Security Act.

174 Section 11. Subsection (3) of section 409.903, Florida
 175 Statutes, is amended to read:

176 409.903 Mandatory payments for eligible persons.—The
 177 agency shall make payments for medical assistance and related
 178 services on behalf of the following persons who the department,
 179 or the Social Security Administration by contract with the
 180 Department of Children and Family Services, determines to be
 181 eligible, subject to the income, assets, and categorical
 182 eligibility tests set forth in federal and state law. Payment on
 183 behalf of these Medicaid eligible persons is subject to the
 184 availability of moneys and any limitations established by the
 185 General Appropriations Act or chapter 216.

186 (3) A child under age 21 living in a low-income, two-
 187 parent family, and a child under age 7 living with a
 188 nonrelative, if the income and assets of the family or child, as
 189 applicable, do not exceed the resource limits under the
 190 Temporary Cash Assistance ~~WAGES~~ Program.

191 Section 12. Subsection (1) of section 409.942, Florida
 192 Statutes, is amended to read:

193 409.942 Electronic benefit transfer program.—

194 (1) The Department of Children and Family Services shall
 195 establish an electronic benefit transfer program for the
 196 dissemination of food assistance ~~stamp~~ benefits and temporary

197 cash assistance payments, including refugee cash assistance
 198 payments, asylum applicant payments, and child support disregard
 199 payments. If the Federal Government does not enact legislation
 200 or regulations providing for dissemination of supplemental
 201 security income by electronic benefit transfer, the state may
 202 include supplemental security income in the electronic benefit
 203 transfer program.

204 Section 13. Subsection (1) of section 411.0101, Florida
 205 Statutes, is amended to read:

206 411.0101 Child care and early childhood resource and
 207 referral.—The Agency for Workforce Innovation shall establish a
 208 statewide child care resource and referral network. Preference
 209 shall be given to using the already established early learning
 210 coalitions as the child care resource and referral agency. If an
 211 early learning coalition cannot comply with the requirements to
 212 offer the resource information component or does not want to
 213 offer that service, the early learning coalition shall select
 214 the resource information agency based upon a request for
 215 proposal pursuant to s. 411.01(5)(e)1. At least one child care
 216 resource and referral agency must be established in each early
 217 learning coalition's county or multicounty region. Child care
 218 resource and referral agencies shall provide the following
 219 services:

220 (1) Identification of existing public and private child
 221 care and early childhood education services, including child
 222 care services by public and private employers, and the
 223 development of a resource file of those services. These services
 224 may include family day care, public and private child care

225 programs, head start, prekindergarten early intervention
 226 programs, special education programs for prekindergarten
 227 handicapped children, services for children with developmental
 228 disabilities, full-time and part-time programs, before-school
 229 and after-school programs, vacation care programs, parent
 230 education, the Temporary Cash Assistance ~~WAGES~~ Program, and
 231 related family support services. The resource file shall
 232 include, but not be limited to:

- 233 (a) Type of program.
- 234 (b) Hours of service.
- 235 (c) Ages of children served.
- 236 (d) Number of children served.
- 237 (e) Significant program information.
- 238 (f) Fees and eligibility for services.
- 239 (g) Availability of transportation.

240 Section 14. Subsection (10) of section 414.0252, Florida
 241 Statutes, is amended to read:

242 414.0252 Definitions.—As used in ss. 414.025-414.55, the
 243 term:

244 (10) "Public assistance" means benefits paid on the basis
 245 of the temporary cash assistance, food assistance ~~stamp~~,
 246 Medicaid, or optional state supplementation program.

247 Section 15. Subsection (1), paragraphs (a), (c), and (d)
 248 of subsection (2), and subsection (3) of section 414.065,
 249 Florida Statutes, are amended to read:

250 414.065 Noncompliance with work requirements.—

251 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
 252 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The

HB 1293

2010

253 department shall establish procedures for administering
254 penalties for nonparticipation in work requirements and failure
255 to comply with the alternative requirement plan. If an
256 individual in a family receiving temporary cash assistance fails
257 to engage in work activities required in accordance with s.
258 445.024, the following penalties shall apply. Prior to the
259 imposition of a sanction, the participant shall be notified
260 orally or in writing that the participant is subject to sanction
261 and that action will be taken to impose the sanction unless the
262 participant complies with the work activity requirements. The
263 participant shall be counseled as to the consequences of
264 noncompliance and, if appropriate, shall be referred for
265 services that could assist the participant to fully comply with
266 program requirements. If the participant has good cause for
267 noncompliance or demonstrates satisfactory compliance, the
268 sanction shall not be imposed. If the participant has
269 subsequently obtained employment, the participant shall be
270 counseled regarding the transitional benefits that may be
271 available and provided information about how to access such
272 benefits. The department shall administer sanctions related to
273 food assistance ~~stamps~~ consistent with federal regulations.

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

277 2. Second noncompliance: temporary cash assistance shall
278 be terminated for the family for 1 month or until the individual
279 who failed to comply does so, whichever is later. Upon meeting
280 this requirement, temporary cash assistance shall be reinstated

281 to the date of compliance or the first day of the month
 282 following the penalty period, whichever is later.

283 3. Third noncompliance: temporary cash assistance shall be
 284 terminated for the family for 3 months or until the individual
 285 who failed to comply does so, whichever is later. The individual
 286 shall be required to comply with the required work activity upon
 287 completion of the 3-month penalty period, before reinstatement
 288 of temporary cash assistance. Upon meeting this requirement,
 289 temporary cash assistance shall be reinstated to the date of
 290 compliance or the first day of the month following the penalty
 291 period, whichever is later.

292 (b) If a participant receiving temporary cash assistance
 293 who is otherwise exempted from noncompliance penalties fails to
 294 comply with the alternative requirement plan required in
 295 accordance with this section, the penalties provided in
 296 paragraph (a) shall apply.

297
 298 If a participant fully complies with work activity requirements
 299 for at least 6 months, the participant shall be reinstated as
 300 being in full compliance with program requirements for purpose
 301 of sanctions imposed under this section.

302 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
 303 CHILDREN; PROTECTIVE PAYEES.—

304 (a) Upon the second or third occurrence of noncompliance,
 305 temporary cash assistance and food assistance ~~stamps~~ for the
 306 child or children in a family who are under age 16 may be
 307 continued. Any such payments must be made through a protective
 308 payee or, in the case of food assistance ~~stamps~~, through an

309 authorized representative. Under no circumstances shall
 310 temporary cash assistance or food assistance ~~stamps~~ be paid to
 311 an individual who has failed to comply with program
 312 requirements.

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

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

331 (3) PROPORTIONAL REDUCTION OF TEMPORARY CASH ASSISTANCE
 332 RELATED TO PAY AFTER PERFORMANCE.—Notwithstanding the provisions
 333 of subsection (1), if an individual is receiving temporary cash
 334 assistance under a pay-after-performance arrangement and the
 335 individual participates, but fails to meet the full
 336 participation requirement, then the temporary cash assistance

HB 1293

2010

337 received shall be reduced and shall be proportional to the
 338 actual participation. Food assistance ~~stamps~~ may be included in
 339 a pay-after-performance arrangement if permitted under federal
 340 law.

341 Section 16. Subsection (1) of section 414.0655, Florida
 342 Statutes, is amended to read:

343 414.0655 Medical incapacity due to substance abuse or
 344 mental health impairment.—

345 (1) Notwithstanding the provisions of s. 414.065 to the
 346 contrary, any participant who requires out-of-home residential
 347 treatment for alcoholism, drug addiction, alcohol abuse, or a
 348 mental health disorder, as certified by a physician licensed
 349 under chapter 458 or chapter 459, shall be exempted from work
 350 activities while participating in treatment. The participant
 351 shall be required to comply with the course of treatment
 352 necessary for the individual to resume work activity
 353 participation. The treatment agency shall be required to notify
 354 the department with an initial estimate of when the participant
 355 will have completed the course of treatment and be ready to
 356 resume full participation in the Temporary Cash Assistance ~~WAGES~~
 357 Program. If the treatment will take longer than 60 days, the
 358 treatment agency shall provide to the department the conditions
 359 justifying extended treatment, and the department and the
 360 treatment agency shall negotiate a continued stay in treatment
 361 not to exceed an additional 90 days.

362 Section 17. Section 414.075, Florida Statutes, is amended
 363 to read:

364 414.075 Resource eligibility standards.—For purposes of

365 program simplification and effective program management, certain
 366 resource definitions, as outlined in the food assistance ~~stamp~~
 367 regulations at 7 C.F.R. s. 273.8, shall be applied to the
 368 Temporary Cash Assistance ~~WAGES~~ Program as determined by the
 369 department to be consistent with federal law regarding temporary
 370 cash assistance and Medicaid for needy families, except that:

371 (1) The maximum allowable resources, including liquid and
 372 nonliquid resources, of all members of the family may not exceed
 373 \$2,000.

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

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

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

391 (3) A vacation home that annually produces income
 392 consistent with its fair market value, and that is excluded as a

393 resource in determining eligibility for food assistance ~~stamps~~
 394 under federal regulations, may not be excluded as a resource in
 395 determining a family's eligibility for temporary cash
 396 assistance.

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

402 Section 18. Subsection (1) of section 414.085, Florida
 403 Statutes, is amended to read:

404 414.085 Income eligibility standards.—

405 (1) For purposes of program simplification and effective
 406 program management, certain income definitions, as outlined in
 407 the food assistance ~~stamp~~ regulations at 7 C.F.R. s. 273.9,
 408 shall be applied to the temporary cash assistance program as
 409 determined by the department to be consistent with federal law
 410 regarding temporary cash assistance and Medicaid for needy
 411 families, except as to the following:

412 (a) Participation in the temporary cash assistance program
 413 shall be limited to those families whose gross family income is
 414 equal to or less than 185 percent of the federal poverty level
 415 established in s. 673(2) of the Community Services Block Grant
 416 Act, 42 U.S.C. s. 9901(2).

417 (b) Income security payments, including payments funded
 418 under part B of Title IV of the Social Security Act, as amended;
 419 supplemental security income under Title XVI of the Social
 420 Security Act, as amended; or other income security payments as

421 defined by federal law shall be excluded as income unless
 422 required to be included by federal law.

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

427 (d) An incentive payment to a participant authorized by a
 428 regional workforce board shall not be considered income.

429 Section 19. Subsection (1), paragraphs (c) and (f) of
 430 subsection (9), and paragraph (f) of subsection (14) of section
 431 414.095, Florida Statutes, are amended to read:

432 414.095 Determining eligibility for temporary cash
 433 assistance.—

434 (1) ELIGIBILITY.—An applicant must meet eligibility
 435 requirements of this section before receiving services or
 436 temporary cash assistance under this chapter, except that an
 437 applicant shall be required to register for work and engage in
 438 work activities in accordance with s. 445.024, as designated by
 439 the regional workforce board, and may receive support services
 440 or child care assistance in conjunction with such requirement.
 441 The department shall make a determination of eligibility based
 442 on the criteria listed in this chapter. The department shall
 443 monitor continued eligibility for temporary cash assistance
 444 through periodic reviews consistent with the food assistance
 445 ~~stamp~~ eligibility process. Benefits shall not be denied to an
 446 individual solely based on a felony drug conviction, unless the
 447 conviction is for trafficking pursuant to s. 893.135. To be
 448 eligible under this section, an individual convicted of a drug

449 felony must be satisfactorily meeting the requirements of the
 450 temporary cash assistance program, including all substance abuse
 451 treatment requirements. Within the limits specified in this
 452 chapter, the state opts out of the provision of Pub. L. No. 104-
 453 193, s. 115, that eliminates eligibility for temporary cash
 454 assistance and food assistance ~~stamps~~ for any individual
 455 convicted of a controlled substance felony.

456 (9) OPPORTUNITIES AND OBLIGATIONS.—An applicant for
 457 temporary cash assistance has the following opportunities and
 458 obligations:

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

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

463 (14) PROHIBITIONS AND RESTRICTIONS.—

464 (f) An individual who is convicted in federal or state
 465 court of receiving benefits under this chapter, Title XIX, the
 466 Food and Nutrition Act of 2008 ~~Food Stamp Act of 1977~~, or Title
 467 XVI (Supplemental Security Income), in two or more states
 468 simultaneously may not receive temporary cash assistance or
 469 services under this chapter for 10 years following the date of
 470 conviction.

471 Section 20. Section 414.14, Florida Statutes, is amended
 472 to read:

473 414.14 Public assistance policy simplification.—To the
 474 extent possible, the department shall align the requirements for
 475 eligibility under this chapter with the food assistance ~~stamp~~
 476 program and medical assistance eligibility policies and

477 procedures to simplify the budgeting process and reduce errors.
 478 If the department determines that s. 414.075, relating to
 479 resources, or s. 414.085, relating to income, is inconsistent
 480 with related provisions of federal law which govern the food
 481 assistance ~~stamp~~ program or medical assistance, and that
 482 conformance to federal law would simplify administration of the
 483 Temporary Cash Assistance ~~WAGES~~ Program or reduce errors without
 484 materially increasing the cost of the program to the state, the
 485 secretary of the department may propose a change in the resource
 486 or income requirements of the program by rule. The secretary
 487 shall provide written notice to the President of the Senate, the
 488 Speaker of the House of Representatives, and the chairpersons of
 489 the relevant committees of both houses of the Legislature
 490 summarizing the proposed modifications to be made by rule and
 491 changes necessary to conform state law to federal law. The
 492 proposed rule shall take effect 14 days after written notice is
 493 given unless the President of the Senate or the Speaker of the
 494 House of Representatives advises the secretary that the proposed
 495 rule exceeds the delegated authority of the Legislature.

496 Section 21. Paragraph (e) of subsection (3) of section
 497 414.16, Florida Statutes, is amended to read:

498 414.16 Emergency assistance program.—

499 (3) CRITERIA.—The department shall develop criteria for
 500 implementation of the program in accordance with the following
 501 guidelines:

502 (e) The family's adjusted gross income may not exceed the
 503 prevailing standard for participation in the Temporary Cash
 504 Assistance ~~WAGES~~ Program for the family's size.

505 Section 22. Section 414.17, Florida Statutes, is amended
 506 to read:

507 414.17 Audits.—The Temporary Cash Assistance ~~WAGES~~ Program
 508 is subject to the audit requirements of 31 U.S.C. ss. 5701 et
 509 seq.

510 Section 23. Subsection (2) of section 414.175, Florida
 511 Statutes, is amended to read:

512 414.175 Review of existing waivers.—

513 (2) The department shall review federal law, including
 514 revisions to federal food assistance program ~~stamp~~ requirements.
 515 If the department determines that federal food assistance ~~stamp~~
 516 waivers will further the goals of this chapter, including
 517 simplification of program policies or program administration,
 518 the department may obtain waivers if this can be accomplished
 519 within available resources.

520 Section 24. Section 414.31, Florida Statutes, is amended
 521 to read:

522 414.31 State agency for administering federal food
 523 assistance ~~stamp~~ program.—

524 (1) The department shall place into operation in each of
 525 the several counties of the state a food assistance ~~stamp~~
 526 program as authorized by the Congress of the United States. The
 527 department is designated as the state agency responsible for the
 528 administration and operation of such programs.

529 (2) The department shall provide for such instruction and
 530 counseling as will best assure that the recipients are able to
 531 provide a nutritionally adequate diet through the increased
 532 purchasing power received. This program shall be administered

533 and operated in such a way that the distribution of food
 534 assistance ~~stamps~~ shall be in locations reasonably accessible to
 535 those areas in which persons eligible for the benefit of this
 536 program are likely to be concentrated.

537 Section 25. Section 414.32, Florida Statutes, is amended
 538 to read:

539 414.32 Prohibitions and restrictions with respect to food
 540 assistance program ~~stamps~~.—

541 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT AGENCY.—

542 (a) A parent or caretaker relative who receives temporary
 543 cash assistance or food assistance ~~stamps~~ on behalf of a child
 544 under 18 years of age who has an absent parent is ineligible for
 545 food assistance ~~stamps~~ unless the parent or caretaker relative
 546 cooperates with the state agency that administers the child
 547 support enforcement program in establishing the paternity of the
 548 child, if the child is born out of wedlock, and in obtaining
 549 support for the child or for the parent or caretaker relative
 550 and the child. This paragraph does not apply if the state agency
 551 that administers the food assistance ~~stamp~~ program determines
 552 that the parent or caretaker relative has good cause for failing
 553 to cooperate. The Department of Revenue shall determine good
 554 cause for failure to cooperate if the Department of Children and
 555 Family Services obtains written authorization from the United
 556 States Department of Agriculture approving such arrangements.

557 (b) A putative or identified noncustodial parent of a
 558 child under 18 years of age is ineligible for food assistance
 559 ~~stamps~~ if the parent fails to cooperate with the state agency
 560 that administers the child support enforcement program in

561 establishing the paternity of the child, if the child is born
 562 out of wedlock, or fails to provide support for the child. This
 563 paragraph does not apply if the state agency that administers
 564 the child support enforcement program determines that the
 565 noncustodial parent has good cause for refusing to cooperate in
 566 establishing the paternity of the child.

567 (2) REDUCTION OR DENIAL OF TEMPORARY CASH ASSISTANCE.—The
 568 food assistance stamp allotment shall be reduced or terminated
 569 as otherwise provided in this chapter if ~~temporary cash~~
 570 assistance under the Temporary Cash Assistance ~~WAGES~~ Program is
 571 reduced or denied because an individual in the family fails to
 572 perform an action required under the program.

573 (3) DENIAL OF FOOD ASSISTANCE STAMP BENEFITS FOR RECEIPT
 574 OF MULTIPLE FOOD ASSISTANCE STAMP BENEFITS.—An individual is
 575 ineligible to participate in the food assistance stamp program
 576 individually, or as a member of any assistance group, for 10
 577 years following a conviction in federal or state court of having
 578 made a fraudulent statement or representation with respect to
 579 the identity or place of residence of the individual in order to
 580 receive multiple benefits simultaneously under the food
 581 assistance stamp program.

582 (4) DENIAL OF FOOD ASSISTANCE STAMP BENEFITS TO FLEEING
 583 FELONS.—An individual is ineligible to participate in the food
 584 assistance stamp program during any period when the individual
 585 is fleeing to avoid prosecution, custody, or confinement after
 586 committing a crime, attempting to commit a crime that is a
 587 felony under the laws of the place from which the individual
 588 flees or a high misdemeanor in the State of New Jersey, or

HB 1293

2010

589 violating a condition of probation or parole imposed under
590 federal or state law.

591 Section 26. Section 414.33, Florida Statutes, is amended
592 to read:

593 414.33 Violations of food assistance ~~stamp~~ program.-

594 (1) In accordance with federal law and regulations, the
595 department shall establish procedures for notifying the
596 appropriate federal and state agencies of any violation of
597 federal or state laws or rules governing the food assistance
598 ~~stamp~~ program.

599 (2) In addition, the department shall establish procedures
600 for referring to the Department of Law Enforcement any case that
601 involves a suspected violation of federal or state law or rules
602 governing the administration of the food assistance ~~stamp~~
603 program.

604 Section 27. Section 414.34, Florida Statutes, is amended
605 to read:

606 414.34 Annual report concerning administrative complaints
607 and disciplinary actions involving food assistance ~~stamp~~ program
608 violations.-The department shall prepare and submit a report to
609 the President of the Senate, the Speaker of the House of
610 Representatives, the chairs of the appropriate legislative
611 committees, and the Department of Law Enforcement by January 1
612 of each year. In addition to any other information the
613 Legislature may require, the report must include statistics and
614 relevant information detailing:

615 (1) The number of complaints received and investigated.

616 (2) The number of findings of probable cause made.

HB 1293

2010

- 617 (3) The number of findings of no probable cause made.
- 618 (4) The number of administrative complaints filed.
- 619 (5) The disposition of all administrative complaints.
- 620 (6) The number of criminal complaints brought under s.
- 621 414.39, and their disposition.

622 (7) The status of the development and implementation of
 623 rules governing the electronic benefits transfer program,
 624 including any recommendations for statutory changes.

625 Section 28. Subsections (1) and (3) of section 414.35,
 626 Florida Statutes, are amended to read:

627 414.35 Emergency relief.—

628 (1) The department shall adopt rules for the
 629 administration of emergency assistance programs delegated to the
 630 department either by executive order in accordance with the
 631 Disaster Relief Act of 1974 or pursuant to the Food and
 632 Nutrition Act of 2008 ~~Food Stamp Act of 1977~~.

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

637 Section 29. Subsections (1) and (2) of section 414.36,
 638 Florida Statutes, are amended to read:

639 414.36 Public assistance overpayment recovery program;
 640 contracts.—

641 (1) The department shall develop and implement a plan for
 642 the statewide privatization of activities relating to the
 643 recovery of public assistance overpayment claims. These
 644 activities shall include, at a minimum, voluntary cash

645 collections functions for recovery of fraudulent and
 646 nonfraudulent benefits paid to recipients of temporary cash
 647 assistance, food assistance ~~stamps~~, and aid to families with
 648 dependent children.

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

664 Section 30. Subsections (2) and (3), paragraph (c) of
 665 subsection (5), and subsection (10) of section 414.39, Florida
 666 Statutes, are amended to read:

667 414.39 Fraud.—

668 (2) Any person who knowingly:

669 (a) Uses, transfers, acquires, traffics, alters, forges,
 670 or possesses, or

671 (b) Attempts to use, transfer, acquire, traffic, alter,
 672 forge, or possess, or

673 (c) Aids and abets another person in the use, transfer,
 674 acquisition, traffic, alteration, forgery, or possession of,
 675
 676 ~~a food stamp,~~ a food assistance stamp identification card, an
 677 authorization, including, but not limited to, an electronic
 678 authorization, for the expenditure purchase of food assistance
 679 benefits stamps, a certificate of eligibility for medical
 680 services, or a Medicaid identification card in any manner not
 681 authorized by law commits is guilty of a crime and shall be
 682 punished as provided in subsection (5). ~~For the purposes of this~~
 683 ~~section, the value of an authorization to purchase food stamps~~
 684 ~~shall be the difference between the coupon allotment and the~~
 685 ~~amount paid by the recipient for that allotment.~~

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

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

701 (b) Knowingly misappropriates, attempts to misappropriate,
 702 or aids or abets in the misappropriation of, funds given in
 703 exchange for food assistance program benefits ~~stamps~~ or for any
 704 form of food assistance ~~stamp~~ benefits authorization,
 705
 706 commits ~~is guilty of~~ a crime and shall be punished as provided
 707 in subsection (5).

708 (5)

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

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

720 Section 31. Section 414.41, Florida Statutes, is amended
 721 to read:

722 414.41 Recovery of payments made due to mistake or fraud.—

723 (1) Whenever it becomes apparent that any person or
 724 provider has received any public assistance under this chapter
 725 to which she or he is not entitled, through either simple
 726 mistake or fraud on the part of the department or on the part of
 727 the recipient or participant, the department shall take all
 728 necessary steps to recover the overpayment. Recovery may include

729 Federal Income Tax Refund Offset Program collections activities
 730 in conjunction with Food and Nutrition ~~Consumer~~ Service and the
 731 Internal Revenue Service to intercept income tax refunds due to
 732 clients who owe food assistance ~~stamp~~ or temporary cash
 733 assistance ~~WAGES~~ debt to the state. The department will follow
 734 the guidelines in accordance with federal rules and regulations
 735 and consistent with the Food Assistance ~~Stamp~~ Program. The
 736 department may make appropriate settlements and shall establish
 737 a policy and cost-effective rules to be used in the computation
 738 and recovery of such overpayments.

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

743 (b) When the intentional program violation or case facts
 744 do not warrant criminal prosecution for fraud as defined in s.
 745 414.39, the department will initiate an administrative
 746 disqualification hearing. The administrative disqualification
 747 hearing will be initiated regardless of the individual's current
 748 eligibility.

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

754 (2) The department shall determine if recovery of an
 755 overpayment as a result of department error regarding ~~temporary~~
 756 cash assistance provided under the Temporary Cash Assistance

757 ~~WAGES~~ Program or benefits provided to a recipient of aid to
 758 families with dependent children would create extreme hardship.
 759 The department shall provide by rule the circumstances that
 760 constitute an extreme hardship. The department may reduce the
 761 amount of repayment if a recipient or participant demonstrates
 762 to the satisfaction of the department that repayment of the
 763 entire overpayment would result in extreme hardship, but the
 764 department may not excuse repayment. A determination of extreme
 765 hardship is not grounds for a waiver of repayment in whole or in
 766 part.

767 (3) The department, or its designee, shall enforce an
 768 order of income deduction by the court against the liable adult
 769 recipient or participant, including the head of a family, for
 770 overpayment received as an adult under the temporary cash
 771 assistance program, the AFDC program, the food assistance ~~stamp~~
 772 program, or the Medicaid program.

773 Section 32. Section 414.45, Florida Statutes, is amended
 774 to read:

775 414.45 Rulemaking.—The department has authority to adopt
 776 rules pursuant to ss. 120.536(1) and 120.54 to implement and
 777 enforce the provisions of this chapter. The rules must provide
 778 protection against discrimination and the opportunity for a
 779 participant to request a review by a supervisor or administrator
 780 of any decision made by a panel or board of the department or
 781 the Temporary Cash Assistance ~~WAGES~~ Program.

782 Section 33. Subsection (8) of section 420.624, Florida
 783 Statutes, is amended to read:

784 420.624 Local homeless assistance continuum of care.—

785 (8) Continuum of care plans must promote participation by
 786 all interested individuals and organizations and may not exclude
 787 individuals and organizations on the basis of race, color,
 788 national origin, sex, handicap, familial status, or religion.
 789 Faith-based organizations must be encouraged to participate. To
 790 the extent possible, these components should be coordinated and
 791 integrated with other mainstream health, social services, and
 792 employment programs for which homeless populations may be
 793 eligible, including Medicaid, State Children's Health Insurance
 794 Program, Temporary Assistance for Needy Families, Food
 795 Assistance Program Stamps, and services funded through the
 796 Mental Health and Substance Abuse Block Grant, the Workforce
 797 Investment Act, and the welfare-to-work grant program.

798 Section 34. Paragraph (g) of subsection (5) of section
 799 430.2053, Florida Statutes, is amended to read:

800 430.2053 Aging resource centers.—

801 (5) The duties of an aging resource center are to:

802 (g) Enhance the existing area agency on aging in each
 803 planning and service area by integrating, either physically or
 804 virtually, the staff and services of the area agency on aging
 805 with the staff of the department's local CARES Medicaid nursing
 806 home preadmission screening unit and a sufficient number of
 807 staff from the Department of Children and Family Services'
 808 Economic Self-Sufficiency Unit necessary to determine the
 809 financial eligibility for all persons age 60 and older residing
 810 within the area served by the aging resource center that are
 811 seeking Medicaid services, Supplemental Security Income, and
 812 food assistance stamps.

813 Section 35. Paragraph (b) of subsection (5) of section
 814 445.004, Florida Statutes, is amended to read:

815 445.004 Workforce Florida, Inc.; creation; purpose;
 816 membership; duties and powers.—

817 (5) Workforce Florida, Inc., shall have all the powers and
 818 authority, not explicitly prohibited by statute, necessary or
 819 convenient to carry out and effectuate the purposes as
 820 determined by statute, Pub. L. No. 105-220, and the Governor, as
 821 well as its functions, duties, and responsibilities, including,
 822 but not limited to, the following:

823 (b) Providing oversight and policy direction to ensure
 824 that the following programs are administered by the Agency for
 825 Workforce Innovation in compliance with approved plans and under
 826 contract with Workforce Florida, Inc.:

827 1. Programs authorized under Title I of the Workforce
 828 Investment Act of 1998, Pub. L. No. 105-220, with the exception
 829 of programs funded directly by the United States Department of
 830 Labor under Title I, s. 167.

831 2. Programs authorized under the Wagner-Peyser Act of
 832 1933, as amended, 29 U.S.C. ss. 49 et seq.

833 3. Activities authorized under Title II of the Trade Act
 834 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
 835 Adjustment Assistance Program.

836 4. Activities authorized under 38 U.S.C., chapter 41,
 837 including job counseling, training, and placement for veterans.

838 5. Employment and training activities carried out under
 839 funds awarded to this state by the United States Department of
 840 Housing and Urban Development.

841 6. Welfare transition services funded by the Temporary
 842 Assistance for Needy Families Program, created under the
 843 Personal Responsibility and Work Opportunity Reconciliation Act
 844 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
 845 of the Social Security Act, as amended.

846 7. Displaced homemaker programs, provided under s. 446.50.

847 8. The Florida Bonding Program, provided under Pub. L. No.
 848 97-300, s. 164(a)(1).

849 9. The Food Assistance ~~Stamp~~ Employment and Training
 850 Program, provided under the Food and Nutrition Act of 2008 ~~Stamp~~
 851 ~~Act of 1977~~, 7 U.S.C. ss. 2011-2032; the Food Security Act of
 852 1988, Pub. L. No. 99-198; and the Hunger Prevention Act, Pub. L.
 853 No. 100-435.

854 10. The Quick-Response Training Program, provided under
 855 ss. 288.046-288.047. Matching funds and in-kind contributions
 856 that are provided by clients of the Quick-Response Training
 857 Program shall count toward the requirements of s.
 858 288.90151(5)(d), pertaining to the return on investment from
 859 activities of Enterprise Florida, Inc.

860 11. The Work Opportunity Tax Credit, provided under the
 861 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,
 862 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

863 12. Offender placement services, provided under ss.
 864 944.707-944.708.

865 Section 36. Paragraph (b) of subsection (9) of section
 866 445.009, Florida Statutes, is amended to read:

867 445.009 One-stop delivery system.-

868 (9)

869 (b) The network shall assure that a uniform method is used
870 to determine eligibility for and management of services provided
871 by agencies that conduct workforce development activities. The
872 Department of Management Services shall develop strategies to
873 allow access to the databases and information management systems
874 of the following systems in order to link information in those
875 databases with the one-stop delivery system:

876 1. The Unemployment Compensation Program of the Agency for
877 Workforce Innovation.

878 2. The public employment service described in s. 443.181.

879 3. The FLORIDA System and the components related to
880 temporary cash assistance ~~WAGES~~, food assistance ~~stamps~~, and
881 Medicaid eligibility.

882 4. The Student Financial Assistance System of the
883 Department of Education.

884 5. Enrollment in the public postsecondary education
885 system.

886 6. Other information systems determined appropriate by
887 Workforce Florida, Inc.

888 Section 37. Subsection (2) of section 445.024, Florida
889 Statutes, is amended to read:

890 445.024 Work requirements.—

891 (2) WORK ACTIVITY REQUIREMENTS.—Each individual who is not
892 otherwise exempt from work activity requirements must
893 participate in a work activity for the maximum number of hours
894 allowable under federal law; however, a participant may not be
895 required to work more than 40 hours per week. The maximum number
896 of hours each month that a family may be required to participate

897 in community service or work experience programs is the number
 898 of hours that would result from dividing the family's monthly
 899 amount for temporary cash assistance and food assistance ~~stamps~~
 900 by the applicable minimum wage. However, the maximum hours
 901 required per week for community service or work experience may
 902 not exceed 40 hours.

903 (a) A participant in a work activity may also be required
 904 to enroll in and attend a course of instruction designed to
 905 increase literacy skills to a level necessary for obtaining or
 906 retaining employment if the instruction plus the work activity
 907 does not require more than 40 hours per week.

908 (b) Program funds may be used, as available, to support
 909 the efforts of a participant who meets the work activity
 910 requirements and who wishes to enroll in or continue enrollment
 911 in an adult general education program or other training
 912 programs.

913 Section 38. Section 445.026, Florida Statutes, is amended
 914 to read:

915 445.026 Cash assistance severance benefit.—An individual
 916 who meets the criteria listed in this section may choose to
 917 receive a lump-sum payment in lieu of ongoing cash assistance
 918 payments, provided the individual:

- 919 (1) Is employed and is receiving earnings.
- 920 (2) Has received cash assistance for at least 6
 921 consecutive months.
- 922 (3) Expects to remain employed for at least 6 months.
- 923 (4) Chooses to receive a one-time, lump-sum payment in
 924 lieu of ongoing monthly payments.

925 (5) Provides employment and earnings information to the
 926 regional workforce board, so that the regional workforce board
 927 can ensure that the family's eligibility for severance benefits
 928 can be evaluated.

929 (6) Signs an agreement not to apply for or accept cash
 930 assistance for 6 months after receipt of the one-time payment.
 931 In the event of an emergency, such agreement shall provide for
 932 an exception to this restriction, provided that the one-time
 933 payment shall be deducted from any cash assistance for which the
 934 family subsequently is approved. This deduction may be prorated
 935 over an 8-month period. The board of directors of Workforce
 936 Florida, Inc., shall adopt criteria defining the conditions
 937 under which a family may receive cash assistance due to such
 938 emergency.

939
 940 Such individual may choose to accept a one-time, lump-sum
 941 payment of \$1,000 in lieu of receiving ongoing cash assistance.
 942 Such payment shall only count toward the time limitation for the
 943 month in which the payment is made in lieu of cash assistance. A
 944 participant choosing to accept such payment shall be terminated
 945 from cash assistance. However, eligibility for Medicaid, food
 946 assistance ~~stamps~~, or child care shall continue, subject to the
 947 eligibility requirements of those programs.

948 Section 39. Subsection (2) of section 445.048, Florida
 949 Statutes, is amended to read:

950 445.048 Passport to Economic Progress program.—

951 (2) WAIVERS.—If Workforce Florida, Inc., in consultation
 952 with the Department of Children and Family Services, finds that

953 federal waivers would facilitate implementation of the program,
 954 the department shall immediately request such waivers, and
 955 Workforce Florida, Inc., shall report to the Governor, the
 956 President of the Senate, and the Speaker of the House of
 957 Representatives if any refusal of the federal government to
 958 grant such waivers prevents the implementation of the program.
 959 If Workforce Florida, Inc., finds that federal waivers to
 960 provisions of the Food Assistance ~~Stamp~~ Program would facilitate
 961 implementation of the program, the Department of Children and
 962 Family Services shall immediately request such waivers in
 963 accordance with s. 414.175.

964 Section 40. Paragraph (d) of subsection (1) of section
 965 718.115, Florida Statutes, is amended to read:

966 718.115 Common expenses and common surplus.—

967 (1)

968 (d) If so provided in the declaration, the cost of a
 969 master antenna television system or duly franchised cable
 970 television service obtained pursuant to a bulk contract shall be
 971 deemed a common expense. If the declaration does not provide for
 972 the cost of a master antenna television system or duly
 973 franchised cable television service obtained under a bulk
 974 contract as a common expense, the board may enter into such a
 975 contract, and the cost of the service will be a common expense
 976 but allocated on a per-unit basis rather than a percentage basis
 977 if the declaration provides for other than an equal sharing of
 978 common expenses, and any contract entered into before July 1,
 979 1998, in which the cost of the service is not equally divided
 980 among all unit owners, may be changed by vote of a majority of

HB 1293

2010

981 the voting interests present at a regular or special meeting of
982 the association, to allocate the cost equally among all units.
983 The contract shall be for a term of not less than 2 years.

984 1. Any contract made by the board after the effective date
985 hereof for a community antenna system or duly franchised cable
986 television service may be canceled by a majority of the voting
987 interests present at the next regular or special meeting of the
988 association. Any member may make a motion to cancel said
989 contract, but if no motion is made or if such motion fails to
990 obtain the required majority at the next regular or special
991 meeting, whichever is sooner, following the making of the
992 contract, then such contract shall be deemed ratified for the
993 term therein expressed.

994 2. Any such contract shall provide, and shall be deemed to
995 provide if not expressly set forth, that any hearing-impaired or
996 legally blind unit owner who does not occupy the unit with a
997 non-hearing-impaired or sighted person, or any unit owner
998 receiving supplemental security income under Title XVI of the
999 Social Security Act or food assistance ~~stamps~~ as administered by
1000 the Department of Children and Family Services pursuant to s.
1001 414.31, may discontinue the service without incurring disconnect
1002 fees, penalties, or subsequent service charges, and, as to such
1003 units, the owners shall not be required to pay any common
1004 expenses charge related to such service. If less than all
1005 members of an association share the expenses of cable
1006 television, the expense shall be shared equally by all
1007 participating unit owners. The association may use the
1008 provisions of s. 718.116 to enforce payment of the shares of

HB 1293

2010

1009 such costs by the unit owners receiving cable television..
 1010 Section 41. Paragraph (f) of subsection (1) of section
 1011 817.568, Florida Statutes, is amended to read:
 1012 817.568 Criminal use of personal identification
 1013 information.-
 1014 (1) As used in this section, the term:
 1015 (f) "Personal identification information" means any name
 1016 or number that may be used, alone or in conjunction with any
 1017 other information, to identify a specific individual, including
 1018 any:
 1019 1. Name, postal or electronic mail address, telephone
 1020 number, social security number, date of birth, mother's maiden
 1021 name, official state-issued or United States-issued driver's
 1022 license or identification number, alien registration number,
 1023 government passport number, employer or taxpayer identification
 1024 number, Medicaid or food assistance ~~stamp~~ account number, bank
 1025 account number, credit or debit card number, or personal
 1026 identification number or code assigned to the holder of a debit
 1027 card by the issuer to permit authorized electronic use of such
 1028 card;
 1029 2. Unique biometric data, such as fingerprint, voice
 1030 print, retina or iris image, or other unique physical
 1031 representation;
 1032 3. Unique electronic identification number, address, or
 1033 routing code;
 1034 4. Medical records;
 1035 5. Telecommunication identifying information or access
 1036 device; or

HB 1293

2010

1037 6. Other number or information that can be used to access
 1038 a person's financial resources.

1039 Section 42. Paragraph (a) of subsection (3) of section
 1040 921.0022, Florida Statutes, is amended to read:

1041 921.0022 Criminal Punishment Code; offense severity
 1042 ranking chart.—

1043 (3) OFFENSE SEVERITY RANKING CHART

1044 (a) LEVEL 1

1045

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away

1046

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1050

			certificate of title or identification number plate.
1051			
	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
1052			
	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
1053			
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
1054			
	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
1055			
	322.212 (5) (a)	3rd	False application for driver's license or identification card.
1056			
	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food <u>assistance stamps</u> , Medicaid ID, value greater than \$200.
1057			

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 1293

2010

1058	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
1059	443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
1060	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
1061	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
1062	562.27(1)	3rd	Possess still or still apparatus.
1063	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 1293

2010

			specified in subsection (2).
1064	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
1065	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
1066	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
1067	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
1068	826.01	3rd	Bigamy.
1069	828.122(3)	3rd	Fighting or baiting animals.
1070	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
1071			

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 1293

2010

1072	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
1073	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
1074	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
1075	838.15(2)	3rd	Commercial bribe receiving.
1076	838.16	3rd	Commercial bribery.
1077	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
1078	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
1079	849.01	3rd	Keeping gambling house.

HB 1293

2010

1080	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
1081	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
1082	849.25(2)	3rd	Engaging in bookmaking.
1083	860.08	3rd	Interfere with a railroad signal.
1084	860.13(1)(a)	3rd	Operate aircraft while under the influence.
1085	893.13(2)(a)2.	3rd	Purchase of cannabis.
1086	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
1087	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

HB 1293

2010

1088 Section 43. Paragraph (a) of subsection (1) of section
 1089 943.401, Florida Statutes, is amended to read:

1090 943.401 Public assistance fraud.—

1091 (1) (a) The Department of Law Enforcement shall investigate
 1092 all public assistance provided to residents of the state or
 1093 provided to others by the state. In the course of such
 1094 investigation the Department of Law Enforcement shall examine
 1095 all records, including electronic benefits transfer records and
 1096 make inquiry of all persons who may have knowledge as to any
 1097 irregularity incidental to the disbursement of public moneys,
 1098 food assistance ~~stamps~~, or other items or benefits
 1099 authorizations to recipients.

1100 Section 44. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 923

Homelessness

SPONSOR(S): Reed

TIED BILLS:

IDEN./SIM. BILLS: SB 2654

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Health Care Services Policy Committee		Schoonover <i>aw</i>	Schoolfield <i>[Signature]</i>
2)	Roads, Bridges & Ports Policy Committee			
3)	Health & Family Services Policy Council			
4)				
5)				

SUMMARY ANALYSIS

The bill creates and revises multiple sections of the Florida Statutes relating to homelessness. These changes include:

- Authorizing the collection of voluntary contributions in the amount of \$1 to be added to the issuance and renewal of motor vehicle registrations and drivers licenses to aid the homeless.
- Replaces the existing Emergency Financial Assistance for Housing program with a homeless prevention grant program to be administered by local homeless continuums of care to provide emergency financial assistance to families facing the loss of their current home due to financial or other crises.
- Limits the amount a lead agency may spend on administrative costs under a Challenge Grant.
- Directs funding for homeless housing assistance grants to be appropriated as a fixed capital outlay item.
- Eliminates statute enacted in 2009 relating to Housing First.

The bill is expected to result in a savings of approximately \$200,000 in administrative costs for the Office on Homelessness from the elimination of temporary staff. The bill may generate an indeterminate amount of revenue from voluntary donations for grant programs to help the homeless.

The bill is effective July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The Council on Homelessness (council) and the State Office on Homelessness (office) were created in 2001 within the Department of Children and Family Services (DCF).¹ The office coordinates state agency responses to homelessness, serves as a single point of contact on homeless issues in the state, and administers state-funded grant programs that support the activities of the 27 local homeless coalitions.² The 17 members of the council represent state agencies, counties, homeless advocacy organizations, and volunteers.³ The council's duties include developing policy and advising the office.⁴

Emergency Financial Assistance Program

DCF administers this program and provides support to families with at least one minor child that are totally without shelter or face the loss of shelter because of the following:⁵

- Nonpayment of rent or mortgage resulting in eviction or notice of eviction;
- Household disaster, which renders the home uninhabitable;
- Other emergency situations defined in rule.⁶

Families may receive up to \$400 during 1 period of 30 consecutive days in any 12 consecutive months.⁷ DCF serves approximately 4,000 families a year under this program and utilizes seven temporary employees to assess eligibility and process payments.⁸

Challenge Grant

The Office on Homelessness may award grants of up to \$500,000 to lead agencies who have developed and implemented a local homeless assistance continuum of care plan for its area to provide services including outreach, emergency shelter, support services, and permanent shelter.⁹ Current law does not limit administrative costs under this grant.

¹ Chapter 2001-98, L.O.F.

² s. 420.622(3), F.S.

³ s. 420.622(2), F.S.

⁴ Id.

⁵ s. 414.16(1), F.S.

⁶ 65A-33.004, F.A.C.

⁷ 65A-33.011, F.A.C.

⁸ Staff Analysis (HB 923), Department of Children and Families. (On file with committee staff).

⁹ s. 420.622(4), F.S.

Homeless Housing Assistance Grant

The Office on Homelessness may administer moneys appropriated to it to provide homeless housing assistance grants up to \$750,000 annually to lead agencies to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons.¹⁰ Administrative costs are capped at 5% of the funds awarded.¹¹

Housing First

Solutions to homelessness in both the public and private sectors have primarily been focused on providing individuals and families experiencing homelessness with housing.¹² While emergency shelter may provide access to services for individuals and families in crisis, it often fails to address long-term needs.¹³ The approach is premised on the belief that vulnerable and at-risk individuals and families who are homeless are more responsive to interventions and social services support after they are in their own housing, rather than while living in temporary/transitional facilities or housing programs.¹⁴ In 2009, the Governor signed the Housing First model into law with the intention to address the long term needs of homeless individuals and families.¹⁵

Voluntary Checkoffs

Section 320.023, F.S., provides the procedures which an organization must follow prior to seeking Legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application.

Section 322.081, F.S., provides the procedures an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a driver's license application.

The Department of Highway Safety and Motor Vehicles must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent 5-year period.¹⁶

Effect of Proposed Changes

The bill authorizes the collection of voluntary contributions in the amount of \$1.00 to be added to the issuance and renewal of motor vehicle registrations or drivers licenses. Additionally, the bill does not require the voluntary contributions be subject to the checkoff procedures and limitations of s. 320.023, F.S., and s. 322.081, F.S. The funds would be placed in a grants and donations trust fund for use by the Office on Homelessness to supplement Challenge Grants and homeless housing assistance grants and to also provide information on homelessness to the public. The effect of this change could potentially raise an indeterminate amount of money.

The bill replaces the existing Emergency Financial Assistance for Housing program with a homelessness prevention grant program. The program will be administered by local homeless assistance continuums of care to provide financial assistance to families facing the loss of their current home due to financial or other crises. The grants, which would be capped at \$300,000, may be used to pay past due rent and mortgage payments, past due utility costs and bills, and case management. Program administrative costs are limited to 3% of the grant award. While the Office on Homelessness will administer the grant to the local prevention programs, tracking and reporting on progress will be the responsibility of those local programs. DCF estimates that this change in grant programs will result in a

¹⁰ s. 420.622(5), F.S.

¹¹ s. 420.622(5)(f), F.S.

¹² s. 420.6275(1)(b), F.S.

¹³ Id.

¹⁴ Beyond Shelter. Founded in 1988. The mission of Beyond Shelter is to develop systemic approaches to combat poverty and homelessness among families with children and enhance family economic security and well-being.

¹⁵ HB 597 (2009)

¹⁶ s. 320.023(4)(a), F.S.; s. 322.081(4)(a), F.S.

savings of about \$200,000 in administrative costs for the Office on Homelessness since the seven OPS employees would no longer be needed.

The bill sets a maximum of 8% a lead agency may spend of its Challenge Grant funding on administrative costs. Challenge Grants may be awarded up to \$500,000 per lead agency.¹⁷ The effect of this change will permit lead agencies using Challenge Grants to spend more money on administrative costs compared to other homelessness assistance grants. In comparison, the homeless prevention grants, created by this bill, are capped at \$300,000 and limit administrative costs at 3%. The homeless housing assistance grants, which exist in current statute and are capped at \$750,000, have administrative costs limited to 5%. A question arises as to why there is a difference in administrative for the three grant programs.

The bill also directs all funding for homeless housing assistance grants to be appropriated as a fixed capital outlay item. The use of homeless housing assistance grants are limited by statute to acquire, construct, or rehabilitate transitional or permanent housing units for housing persons. Currently, funding for these grants is classified as a grant in aid under general revenue, which must be used by the end of the fiscal year. The effect of this change to fixed capital outlay will permit the use of grants for construction and housing purposes beyond the limitations of one fiscal year.

The bill also eliminates from the Housing First Methodology a provision that mandates background checks and addiction rehabilitation as a condition for an effective program. The effect of this change eliminates a statute enacted in 2009.

B. SECTION DIRECTORY:

Section 1. Amends s. 320.02, F.S., relating to registration required; application for registration; forms

Section 2. Amends s. 322.08, F.S., relating to application for license.

Section 3. Amends s. 322.18, F.S., relating to original applications, licenses, and renewals; expiration of licenses; delinquent licenses.

Section 4. Creates s. 414.161, F.S., relating to homelessness prevention grants.

Section 5. Amends s. 420.622, F.S., relating to State Office on Homelessness; Council on Homelessness.

Section 6. Amends s. 420.625, F.S., relating to grant-in-aid program.

Section 7. Amends s. 420.6275, F.S., relating to Housing First.

Section 8. Repeals s. 414.16, F.S., relating to emergency assistance program.

Section 9. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

DCF reported that the voluntary contributions authorized by the bill could provide new revenue for the Challenge Grants and Homeless Housing Assistance Grants. Based on other voluntary contributions on motor vehicle registrations and driver's license applications and renewals, a

¹⁷ s. 420.622(4), F.S.

conservative estimate would be a minimum of \$20,000. In fiscal year 2008-09, a total of \$1.5M was received in the voluntary contributions for the existing 24 entities in statute.¹⁸

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Consider making the administrative cost percentage caps the same for the Challenge Grant, homelessness prevention grant, and the homeless housing assistance program.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹⁸ Staff Analysis, Economic Development & Community Affairs Policy Council, HB 263 (2010).

1 A bill to be entitled
 2 An act relating to homelessness; amending ss. 320.02,
 3 322.08, and 322.18, F.S.; requiring the motor vehicle
 4 registration form and registration renewal form, the
 5 driver license application form, and the driver license
 6 application form for renewal issuance or renewal extension
 7 to include an option to make a voluntary contribution to
 8 aid the homeless; providing for such contributions to be
 9 deposited into the Grants and Donations Trust Fund of the
 10 Department of Children and Family Services and used by the
 11 State Office on Homelessness for certain purposes;
 12 providing that voluntary contributions for the homeless
 13 are not income of a revenue nature for the purpose of
 14 applying certain service charges; creating s. 414.161,
 15 F.S.; establishing a homelessness prevention grant
 16 program; requiring grant applicants to be ranked
 17 competitively; providing preference for certain grant
 18 applicants; providing eligibility requirements; providing
 19 grant limitations and restrictions; requiring lead
 20 agencies for local homeless assistance continuums of care
 21 to track, monitor, and report on assisted families for a
 22 specified period of time; amending s. 420.622, F.S.;
 23 limiting the percentage of funding that lead agencies may
 24 spend on administrative costs; providing that funding
 25 shall be appropriated as a fixed capital outlay item;
 26 amending s. 420.625, F.S.; deleting a cross-reference to
 27 conform; amending s. 420.6275, F.S.; revising legislative
 28 findings relating to the Housing First approach to

29 homeless; repealing s. 414.16, F.S., relating to the
 30 emergency assistance program for families with children
 31 that have lost shelter or face loss of shelter due to an
 32 emergency; providing an effective date.

33
 34 Be It Enacted by the Legislature of the State of Florida:

35
 36 Section 1. Paragraph (i) is added to subsection (15) of
 37 section 320.02, Florida Statutes, to read:

38 320.02 Registration required; application for
 39 registration; forms.—

40 (15)

41 (i) Notwithstanding s. 320.023, the application form for
 42 motor vehicle registration and renewal of registration must
 43 include language permitting a voluntary contribution of \$1 per
 44 applicant to aid the homeless. Contributions made pursuant to
 45 this paragraph shall be deposited into the Grants and Donations
 46 Trust Fund of the Department of Children and Family Services and
 47 used by the State Office on Homelessness to supplement grants
 48 made under s. 420.622(4) and (5), provide information to the
 49 public about homelessness in the state, and provide literature
 50 for homeless persons seeking assistance.

51
 52 For the purpose of applying the service charge provided in s.
 53 215.20, contributions received under this subsection are not
 54 income of a revenue nature.

55 Section 2. Subsection (7) of section 322.08, Florida
 56 Statutes, is amended to read:

HB 923

2010

57 322.08 Application for license.—

58 (7) The application form for a driver's license or
 59 duplicate thereof shall include language permitting the
 60 following:

61 (a) A voluntary contribution of \$1 per applicant, which
 62 contribution shall be deposited into the Health Care Trust Fund
 63 for organ and tissue donor education and for maintaining the
 64 organ and tissue donor registry.

65 (b) A voluntary contribution of \$1 per applicant, which
 66 contribution shall be distributed to the Florida Council of the
 67 Blind.

68 (c) A voluntary contribution of \$2 per applicant, which
 69 shall be distributed to the Hearing Research Institute,
 70 Incorporated.

71 (d) A voluntary contribution of \$1 per applicant, which
 72 shall be distributed to the Juvenile Diabetes Foundation
 73 International.

74 (e) A voluntary contribution of \$1 per applicant, which
 75 shall be distributed to the Children's Hearing Help Fund.

76 (f) A voluntary contribution of \$1 per applicant, which
 77 shall be distributed to Family First, a nonprofit organization.

78 (g) A voluntary contribution of \$1 per applicant, to Stop
 79 Heart Disease, which shall be distributed to the Florida Heart
 80 Research Institute, a nonprofit organization.

81 (h) Notwithstanding s. 322.081, a voluntary contribution
 82 of \$1 per applicant to aid the homeless. Contributions made
 83 pursuant to this paragraph shall be deposited into the Grants
 84 and Donations Trust Fund of the Department of Children and

HB 923

2010

85 Family Services and used by the State Office on Homelessness to
 86 supplement grants made under s. 420.622(4) and (5), provide
 87 information to the public about homelessness in the state, and
 88 provide literature for homeless persons seeking assistance.

89
 90 A statement providing an explanation of the purpose of the trust
 91 funds shall also be included. For the purpose of applying the
 92 service charge provided in s. 215.20, contributions received
 93 under paragraphs (b), (c), (d), (e), (f), and (g), and (h) and
 94 under s. 322.18(9) are not income of a revenue nature.

95 Section 3. Paragraph (c) is added to subsection (9) of
 96 section 322.18, Florida Statutes, to read:

97 322.18 Original applications, licenses, and renewals;
 98 expiration of licenses; delinquent licenses.--

99 (9)

100 (c) The application form for a renewal issuance or renewal
 101 extension shall include language permitting a voluntary
 102 contribution of \$1 per applicant to aid the homeless.
 103 Contributions made pursuant to this paragraph shall be deposited
 104 into the Grants and Donations Trust Fund of the Department of
 105 Children and Family Services and used by the State Office on
 106 Homelessness to supplement grants made under s. 420.622(4) and
 107 (5), provide information to the public about homelessness in the
 108 state, and provide literature for homeless persons seeking
 109 assistance. For the purpose of applying the service charge
 110 provided in s. 215.20, contributions received under this
 111 paragraph are not income of a revenue nature.

112 Section 4. Section 414.161, Florida Statutes, is created
 113 to read:

114 414.161 Homelessness prevention grants.—

115 (1) ESTABLISHMENT OF PROGRAM.—There is created a grant
 116 program to provide emergency financial assistance to families
 117 facing the loss of their current home due to a financial or
 118 other crisis. The State Office on Homelessness, with the
 119 concurrence of the Council on Homelessness, may accept and
 120 administer moneys appropriated to it to provide homelessness
 121 prevention grants annually to lead agencies for local homeless
 122 assistance continuums of care, as recognized by the State Office
 123 on Homelessness. These moneys shall consist of any sums that the
 124 state may appropriate, as well as money received from donations,
 125 gifts, bequests, or otherwise from any public or private source
 126 that is intended to assist families to prevent them from
 127 becoming homeless.

128 (2) GRANT APPLICATIONS.—Grant applicants shall be ranked
 129 competitively. Preference shall be given to applicants who
 130 leverage additional private funds and public funds, who
 131 demonstrate the effectiveness of their homelessness prevention
 132 programs in keeping families housed, and who demonstrate the
 133 commitment of other assistance and services to address family
 134 health, employment, and education needs.

135 (3) ELIGIBILITY.—In order to qualify for a grant, a lead
 136 agency must develop and implement a local homeless assistance
 137 continuum of care plan for its designated catchment area. The
 138 homelessness prevention program must be included in the
 139 continuum of care plan.

140 (4) GRANT LIMITS.—The maximum grant amount per lead agency
 141 may not exceed \$300,000. The grant assistance may be used to pay
 142 past due rent or mortgage payments, past due utility costs,
 143 other past due bills creating a family's financial crisis,
 144 provision of case management services, and program
 145 administration costs not to exceed 3 percent of the grant award.
 146 The homelessness prevention program must develop a case plan for
 147 each family to be assisted setting forth what costs will be
 148 covered and the maximum level of assistance to be offered.

149 (5) PERFORMANCE.—The lead agency shall be required to
 150 track, monitor, and report on each family assisted for at least
 151 12 months after the last assistance provided to the family. The
 152 goal for the homelessness prevention program shall be to enable
 153 at least 85 percent of the families assisted to remain in their
 154 homes and avoid becoming homeless during the ensuing year.

155 Section 5. Paragraph (d) is added to subsection (4) of
 156 section 420.622, Florida Statutes, and paragraph (g) is added to
 157 subsection (5) of that section, to read:

158 420.622 State Office on Homelessness; Council on
 159 Homelessness.—

160 (4) Not less than 120 days after the effective date of
 161 this act, the State Office on Homelessness, with the concurrence
 162 of the Council on Homelessness, may accept and administer moneys
 163 appropriated to it to provide "Challenge Grants" annually to
 164 lead agencies for homeless assistance continuums of care
 165 designated by the State Office on Homelessness. A lead agency
 166 may be a local homeless coalition, municipal or county

167 government, or other public agency or private, not-for-profit
 168 corporation. Such grants may be up to \$500,000 per lead agency.

169 (d) A lead agency may spend a maximum of 8 percent of its
 170 funding on administrative costs.

171 (5) The State Office on Homelessness, with the concurrence
 172 of the Council on Homelessness, may administer moneys
 173 appropriated to it to provide homeless housing assistance grants
 174 annually to lead agencies for local homeless assistance
 175 continuum of care, as recognized by the State Office on
 176 Homelessness, to acquire, construct, or rehabilitate
 177 transitional or permanent housing units for homeless persons.
 178 These moneys shall consist of any sums that the state may
 179 appropriate, as well as money received from donations, gifts,
 180 bequests, or otherwise from any public or private source, which
 181 are intended to acquire, construct, or rehabilitate transitional
 182 or permanent housing units for homeless persons.

183 (g) Funding shall be appropriated as a fixed capital
 184 outlay item.

185 Section 6. Paragraph (d) of subsection (3) of section
 186 420.625, Florida Statutes, is amended to read:

187 420.625 Grant-in-aid program.—

188 (3) ESTABLISHMENT.—There is hereby established a grant-in-
 189 aid program to help local communities in serving the needs of
 190 the homeless through a variety of supportive services, which may
 191 include, but are not limited to:

192 (d) Emergency financial assistance for persons who are
 193 totally without shelter or facing loss of shelter, ~~but who are~~
 194 ~~not eligible for such assistance under s. 414.16.~~

195 Section 7. Paragraph (a) of subsection (2) of section
 196 420.6275, Florida Statutes, is amended to read:

197 420.6275 Housing First.—

198 (2) HOUSING FIRST METHODOLOGY.—

199 (a) The Housing First approach to homelessness differs
 200 from traditional approaches by providing housing assistance,
 201 case management, and support services responsive to individual
 202 or family needs after housing is obtained. By using this
 203 approach when appropriate, communities can significantly reduce
 204 the amount of time that individuals and families are homeless
 205 and prevent further episodes of homelessness. Housing First
 206 emphasizes that social services provided to enhance individual
 207 and family well-being can be more effective when people are in
 208 their own home, and:

209 1. The housing is not time-limited.

210 2. The housing is not contingent on compliance with
 211 services. Instead, participants must comply with a standard
 212 lease agreement and are provided with the services and support
 213 that are necessary to help them do so successfully.

214 ~~3. A background check and any rehabilitation necessary to~~
 215 ~~combat an addiction related to alcoholism or substance abuse has~~
 216 ~~been completed by the individual for whom assistance or support~~
 217 ~~services are provided.~~

218 Section 8. Section 414.16, Florida Statutes, is repealed.

219 Section 9. This act shall take effect July 1, 2010.