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LEGISLATIVE ACTION

Senate

House

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04/23/2010 02:30 PM

Senator Storms moved the following:

Senate Amendment

Delete lines 574 - 839

and insert:

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

(g) An individual is ineligible to receive temporary cash assistance or services under this chapter during any period when



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14 the individual is fleeing to avoid prosecution, custody, or
15 confinement after committing a crime, attempting to commit a
16 crime that is a felony under the laws of the place from which
17 the individual flees or a high misdemeanor in the State of New
18 Jersey, or violating a condition of probation or parole imposed
19 under federal or state law.

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

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

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

39 Section 20. Section 414.14, Florida Statutes, is amended to
40 read:

41 414.14 Public assistance policy simplification.—To the
42 extent possible, the department shall align the requirements for



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43 eligibility under this chapter with the food assistance ~~stamp~~
44 program and medical assistance eligibility policies and
45 procedures to simplify the budgeting process and reduce errors.
46 If the department determines that s. 414.075, relating to
47 resources, or s. 414.085, relating to income, is inconsistent
48 with related provisions of federal law which govern the food
49 assistance ~~stamp~~ program or medical assistance, and that
50 conformance to federal law would simplify administration of the
51 Temporary Cash Assistance ~~WAGES~~ Program or reduce errors without
52 materially increasing the cost of the program to the state, the
53 secretary of the department may propose a change in the resource
54 or income requirements of the program by rule. The secretary
55 shall provide written notice to the President of the Senate, the
56 Speaker of the House of Representatives, and the chairpersons of
57 the relevant committees of both houses of the Legislature
58 summarizing the proposed modifications to be made by rule and
59 changes necessary to conform state law to federal law. The
60 proposed rule shall take effect 14 days after written notice is
61 given unless the President of the Senate or the Speaker of the
62 House of Representatives advises the secretary that the proposed
63 rule exceeds the delegated authority of the Legislature.

64 Section 21. Paragraph (e) of subsection (3) of section
65 414.16, Florida Statutes, is amended to read:

66 414.16 Emergency assistance program.—

67 (3) CRITERIA.—The department shall develop criteria for
68 implementation of the program in accordance with the following
69 guidelines:

70 (e) The family's adjusted gross income may not exceed the
71 prevailing standard for participation in the Temporary Cash



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72 Assistance ~~WAGES~~ Program for the family's size.

73 Section 22. Section 414.17, Florida Statutes, is amended to
74 read:

75 414.17 Audits.—The Temporary Cash Assistance ~~WAGES~~ Program
76 is subject to the audit requirements of 31 U.S.C. ss. 5701 et
77 seq.

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

80 414.175 Review of existing waivers.—

81 (2) The department shall review federal law, including
82 revisions to federal food assistance program ~~stamp~~ requirements.
83 If the department determines that federal food assistance ~~stamp~~
84 waivers will further the goals of this chapter, including
85 simplification of program policies or program administration,
86 the department may obtain waivers if this can be accomplished
87 within available resources.

88 Section 24. Section 414.31, Florida Statutes, is amended to
89 read:

90 414.31 State agency for administering federal food
91 assistance ~~stamp~~ program.—

92 (1) The department shall place into operation in each of
93 the several counties of the state a food assistance ~~stamp~~
94 program as authorized by the Congress of the United States. The
95 department is designated as the state agency responsible for the
96 administration and operation of such programs.

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



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101 and operated in such a way that the distribution of food
102 assistance stamps shall be in locations reasonably accessible to
103 those areas in which persons eligible for the benefit of this
104 program are likely to be concentrated.

105 Section 25. Section 414.32, Florida Statutes, is amended to
106 read:

107 414.32 Prohibitions and restrictions with respect to food
108 assistance program stamps.—

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

110 (a) A parent or caretaker relative who receives temporary
111 cash assistance or food assistance stamps on behalf of a child
112 under 18 years of age who has an absent parent is ineligible for
113 food assistance stamps unless the parent or caretaker relative
114 cooperates with the state agency that administers the child
115 support enforcement program in establishing the paternity of the
116 child, if the child is born out of wedlock, and in obtaining
117 support for the child or for the parent or caretaker relative
118 and the child. This paragraph does not apply if the state agency
119 that administers the food assistance stamp program determines
120 that the parent or caretaker relative has good cause for failing
121 to cooperate. The Department of Revenue shall determine good
122 cause for failure to cooperate if the Department of Children and
123 Family Services obtains written authorization from the United
124 States Department of Agriculture approving such arrangements.

125 (b) A putative or identified noncustodial parent of a child
126 under 18 years of age is ineligible for food assistance stamps
127 if the parent fails to cooperate with the state agency that
128 administers the child support enforcement program in
129 establishing the paternity of the child, if the child is born



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130 out of wedlock, or fails to provide support for the child. This
131 paragraph does not apply if the state agency that administers
132 the child support enforcement program determines that the
133 noncustodial parent has good cause for refusing to cooperate in
134 establishing the paternity of the child.

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

141 (3) DENIAL OF FOOD ASSISTANCE ~~STAMP~~ BENEFITS FOR RECEIPT OF
142 MULTIPLE FOOD ASSISTANCE ~~STAMP~~ BENEFITS.—An individual is
143 ineligible to participate in the food assistance stamp program
144 individually, or as a member of any assistance group, for 10
145 years following a conviction in federal or state court of having
146 made a fraudulent statement or representation with respect to
147 the identity or place of residence of the individual in order to
148 receive multiple benefits simultaneously under the food
149 assistance stamp program.

150 (4) DENIAL OF FOOD ASSISTANCE ~~STAMP~~ BENEFITS TO FLEEING
151 FELONS.—An individual is ineligible to participate in the food
152 assistance stamp program during any period when the individual
153 is fleeing to avoid prosecution, custody, or confinement after
154 committing a crime, attempting to commit a crime that is a
155 felony under the laws of the place from which the individual
156 flees or a high misdemeanor in the State of New Jersey, or
157 violating a condition of probation or parole imposed under
158 federal or state law.



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159 Section 26. Section 414.33, Florida Statutes, is amended to
160 read:

161 414.33 Violations of food assistance ~~stamp~~ program.—

162 (1) In accordance with federal law and regulations, the
163 department shall establish procedures for notifying the
164 appropriate federal and state agencies of any violation of
165 federal or state laws or rules governing the food assistance
166 ~~stamp~~ program.

167 (2) In addition, the department shall establish procedures
168 for referring to the Department of Law Enforcement any case that
169 involves a suspected violation of federal or state law or rules
170 governing the administration of the food assistance ~~stamp~~
171 program.

172 Section 27. Section 414.34, Florida Statutes, is amended to
173 read:

174 414.34 Annual report concerning administrative complaints
175 and disciplinary actions involving food assistance ~~stamp~~ program
176 violations.—The department shall prepare and submit a report to
177 the President of the Senate, the Speaker of the House of
178 Representatives, the chairs of the appropriate legislative
179 committees, and the Department of Law Enforcement by January 1
180 of each year. In addition to any other information the
181 Legislature may require, the report must include statistics and
182 relevant information detailing:

- 183 (1) The number of complaints received and investigated.
184 (2) The number of findings of probable cause made.
185 (3) The number of findings of no probable cause made.
186 (4) The number of administrative complaints filed.
187 (5) The disposition of all administrative complaints.



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188 (6) The number of criminal complaints brought under s.
189 414.39, and their disposition.

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

193 Section 28. Section 414.35, Florida Statutes, is amended to
194 read:

195 414.35 Emergency relief.—

196 (1) The department shall adopt rules for the administration
197 of emergency assistance programs delegated to the department
198 either by executive order in accordance with the Disaster Relief
199 Act of 1974 or pursuant to the Food and Nutrition Act of 2008
200 ~~Food Stamp Act of 1977~~.

201 (2) In promulgating the rules required in this section, the
202 department shall give particular consideration to the prevention
203 of fraud in emergency assistance programs. Such rules shall, at
204 a minimum, provide for:

205 (a) Verification of an applicant's identity and address.

206 (b) Determination of an applicant's need for assistance and
207 verification of an applicant's need in accordance with
208 appropriate federal law and regulations.

209 (c) The timely and adequate dissemination of accurate
210 certification information to local emergency management
211 agencies.

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

216 Section 29. Section 414.36, Florida Statutes, is amended to



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217 read:

218 414.36 Public assistance overpayment recovery program;
219 contracts.—

220 (1) The department shall develop and implement a plan for
221 the statewide privatization of activities relating to the
222 recovery of public assistance overpayment claims. These
223 activities shall include, at a minimum, voluntary cash
224 collections functions for recovery of fraudulent and
225 nonfraudulent benefits paid to recipients of temporary cash
226 assistance, food assistance ~~stamps~~, and aid to families with
227 dependent children.

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

243 (3) The Economic Self-sufficiency Services Program Office
244 of the department shall have responsibility for contract
245 management and for monitoring and policy development functions



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246 relating to privatization of the public assistance overpayment
247 recovery program.

248 Section 30. Subsections (2), (3), (5), and (10) of section
249 414.39, Florida Statutes, are amended to read:

250 414.39 Fraud.—

251 (2) Any person who knowingly:

252 (a) Uses, transfers, acquires, traffics, alters, forges, or
253 possesses, or

254 (b) Attempts to use, transfer, acquire, traffic, alter,
255 forge, or possess, or

256 (c) Aids and abets another person in the use, transfer,
257 acquisition, traffic, alteration, forgery, or possession of,

258
259 ~~a food stamp~~, a food assistance stamp identification card, an
260 authorization, including, but not limited to, an electronic
261 authorization, for the expenditure purchase of food assistance
262 benefits stamps, a certificate of eligibility for medical
263 services, or a Medicaid identification card in any manner not
264 authorized by law commits is guilty of a crime and shall be
265 punished as provided in subsection (5). ~~For the purposes of this~~
266 ~~section, the value of an authorization to purchase food stamps~~
267 ~~shall be the difference between the coupon allotment and the~~
268 ~~amount paid by the recipient for that allotment.~~