

## February 20, 2013 Summary of Changes

<b>Chapter</b>	<b>Passage</b>	<b>Summary</b>
<b>1600</b>	<b>1610.0520, 1620.0520, 1630.0520 1610.0593, 1620.0593, 1630.0593, 1640.0593, 1650.0593, 1660.0593</b>	Updated the passages to indicate a permanent exclusion of federal tax refunds and credits as income and assets.
<b>1800</b>	<b>1820.0800, 1830.0800, 1840.0800</b>	Updated the passages to indicate a permanent exclusion of federal tax refunds and credits as income and assets.
<b>2600</b>	<b>2610.0403.01, 2620.0403.01, 2660.0403.01</b>	Updated the passages to indicate a permanent exclusion of federal tax refunds and credits as income and assets.

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Technical changes and changes in non-substantive information may be excluded from this summary.

## Listing of Amended Passages

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### 1610.0520 Lump Sum Payments (FS)

A lump sum payment is considered an asset in the month of receipt and is excluded as income [unless the lump sum payment meets an exception below](#). Lump sum payments are defined as money (unearned) received in the form of a non-recurring lump sum payment including, but not limited to: income tax returns, rebates or credits; retroactive lump sum Social Security, SSI, Earned Income Tax Credit, Child Tax Credit, public assistance, railroad retirement benefits, or other payments; lump sum insurance settlements; or refunds of security deposits on rental property or utilities.

**Exception:** Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt.

**Exception Note:** Disaster related insurance settlements or assistance from other sources received for the replacement or repair of a lost, damaged or stolen excluded asset is excluded as income and assets in the determination of food stamp eligibility.

**Exception Note:** Up-front diversion payments are considered unearned lump sum payments and are excluded as income in the food stamp budget.

If the lump sum payment is earned income, such as a bonus or commission, a lump sum for annual leave, etc. it must be counted as earned income in the month of receipt. Any earned income left over after the month of receipt will be considered an asset.

Recurring SSI lump sum payments are included as unearned income. Generally, recurring SSI lump sum payments are for drug and alcohol addictions and are not paid in one non-recurring lump sum, but over a period of time until a lump sum is paid off.

### 1620.0520 Lump Sum Payments (TCA)

A lump sum payment is considered an asset in the month of receipt and is excluded as income [unless the lump sum payment meets an exception below](#). Lump sum payments are defined as money (unearned) received in the form of a non-recurring lump sum payment including, but not limited to: income tax returns, rebates or credits; retroactive lump sum Social Security, SSI, Earned Income Tax Credit, Child Tax Credit, public assistance, railroad retirement benefits, or other payments; lump sum insurance settlements; or refunds of security deposits on rental property or utilities.

**Exception:** Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt.

If the lump sum payment is earned income, such as a bonus or commission, a lump sum for annual leave etc., it must be counted as earned income in the month of receipt. Any earned income left over after the month of receipt will be considered an asset.

### 1630.0520 Lump Sum Payments (MFAM)

A lump sum payment is considered an asset in the month of receipt and is excluded as income [unless the lump sum payment meets an exception below](#). Lump sum payments are defined as money (unearned) received in the form of a non-recurring lump sum payment including, but not limited to: income tax returns, rebates or credits; retroactive lump sum Social Security, SSI, Earned Income Tax Credit, Child Tax Credit, public assistance, railroad retirement benefits, or

## Listing of Amended Passages

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other payments; lump sum insurance settlements; or refunds of security deposits on rental property or utilities.

**Exception:** Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt.

If the lump sum payment is earned income, such as a bonus or commission, a lump sum for annual leave, etc. it must be counted as earned income in the month of receipt. Any earned income left over after the month of receipt will be considered an asset.

### **1610.0593 Assets Excluded by Federal Law (FS)**

Items excluded by federal law as income are also excluded as assets. These items include, but are not limited to the following:

1. Payments to a natural child of a Vietnam veteran born with spina bifida, except spina bifida occulta, as a result of the exposure of one or both parents to Agent Orange (P.L. 104-204).
2. Payments to a natural child of a woman Vietnam veteran born with one or more birth defects resulting in permanent physical or mental disability (P.L. 106-419).
3. Disaster assistance payments (P.L. 100-707). This exclusion applies to federal disaster assistance and comparable state or local assistance.
4. Payments received under the Alaska Native Claims Settlement Act (P.L. 92-203, Section 29 and the Amendments P.L. 100-241, 2/3/88). All compensation (including cash, stock, partnership interest, land, interest in land, and other benefits) are excluded.
5. Payments received for children under the Child Nutrition Act [P.L. 89-642, section 11(b)]. Programs include the Special Milk Program, the School Breakfast Program and the WIC Program.
6. Coupons that may be exchanged for food at farmers' markets, as part of a WIC demonstration project, which are received as a result of the Child Nutrition Act of 1966 (P.L. 100-435, Section 501, 9/19/88).
7. ~~Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt. Payments received as a result of the Federal Earned Income Tax Credit are not counted as an asset in the month of receipt or the following month (P.L. 101-505, 11/5/90) until 9/1/94. Beginning 9/1/94, these payments are excluded for 12 months for individuals who are participating in the program at the time the payment is received and who continue to participate during the 12 month period (Chapter 3, P.L. 103-66). Individuals who are ineligible for one month or less due to administrative reasons, such as a delayed redetermination of eligibility, do not lose this exclusion.~~
8. Educational assistance is not considered an asset. Excluded funds commingled in an account with other funds are excluded for six months from the date they were combined. Excluded funds kept in a separate account are excluded from assets for an unlimited amount of time.

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9. Payments set aside as part of an SSI approved Plan for Achieving Self-Support (PASS) are excluded. These assets must be separated from other funds.
10. Monies paid as compensation to individuals or their heirs for compensation as a result of the Radiation Exposure Compensation Act (Public Law 101-426), effective October 15, 1990.
11. Assets of household members who receive SSI or TCA benefits and reside in a "mixed" food stamp household. (These members are considered categorically eligible on the factor of assets).  
  
**Note:** A "mixed" food stamp household is a household containing some SSI or TCA members and other household members who do not receive SSI or TCA.
12. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act (P.L. 91-646, Section 216).
13. Payments received as a result of the Wartime Relocation of Civilians [P.L. 100-383, Section 105(f)(2)]. This includes payments to U.S. citizens of Japanese ancestry and permanent resident Japanese aliens or their survivors and Aleut residents of the Pribilof Islands and the Aleutian Islands West of Unimak Island.
14. Payments made to individuals because of their status as victims of Nazi persecution (P.L. 103-286).
15. Payments received under the Crime Victim Compensation Program that offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence (P.L. 103-322).
16. Payments made to individuals under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 (Public Law 106-398).
17. Payments to American Indians:
  - a. Per capita and interest payments received by the Assiniboine Tribe of the Fort Belknap Indian Community and the Assiniboine Tribe of the Fort Peck Indian Reservation (Montana) (P.L. 98-124, Section 5).
  - b. Payments received by the Blackfeet, Grosventre, and Assiniboine tribes (Montana) and the Papago (Arizona) (P.L. 97-408).
  - c. Per capita and trust funds of the Chippewas of Lake Superior (certain reservations in Michigan, Minnesota and Wisconsin) [P.L. 99-146, Section 6.(b)].
  - d. Per capita payments received by the Chippewas of Mississippi (P.L. 99-377, Section 4.b.).
  - e. Per capita and interest payments received by the Red Lake Band of Chippewas (P.L. 98-123, Section 3,10/13/83).
  - f. Payments received by the Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346, Section 6.b.2).

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- g. Payments received by the Turtle Mountain Band of Chippewas, Arizona (P.L. 97-403).
- h. Payments received by the Confederate Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (P.L. 103-436).
- i. Monies paid under the White Earth Reservation Land Settlement Act of 1985 to the White Earth Band (Minnesota) of Chippewa Indians (P.L. 99-264, Section 16).
- j. Payments received from certain submarginal land held in trust for the following Indian tribes (P.L. 94-114, Section 6):
  - 1. Assiniboine and Sioux Tribes
  - 2. Blackfeet Tribe
  - 3. Cherokee Nation of Oklahoma
  - 4. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin
  - 5. Lac Courte Oreilles Band of Lake Superior Chippewa Indians
  - 6. Minnesota Chippewa Tribe
  - 7. Fort Belknap Indian Community
  - 8. Keweenaw Bay Indian Community
  - 9. Navajo Tribe
  - 10. Cheyenne River Sioux Tribe
  - 11. Crow Creek Sioux Tribe
  - 12. Devils Lake Sioux Tribe
  - 13. Lower Brule Sioux Tribe
  - 14. Oglala Sioux Tribe
  - 15. Rosebud Sioux Tribe
  - 16. Standing Rock Sioux Tribe
  - 17. Shoshone-Bannock Tribes
- k. Payments received by the heirs of deceased Indians received under the Old Age Assistance Claims Settlement Act shall not be used to deny food stamps except for the per capita shares in excess of \$2,000 (P.L. 98-500, Section 8).
- l. Per capita payments (judgement awards) of \$2,000 or less received under the Indian Judgement Fund Act (P.L. 93-134 as amended by P.L. 97-458, Section 1407, and P.L. 98-64). The asset exclusion applies to each payment made to each individual. This exclusion includes per capita payments from funds which are held in trust by the Secretary of Interior (trust fund distribution).
- m. Payments for relocation assistance received by members of the Navajo and Hopi Tribes (P.L. 93-531, Section 22).
- n. Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540).
- o. Payments received by the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliset pursuant to the Maine Indians Claims Settlement Act of 1980 (P.L. 96-420, Section 9c).
- p. Funds, assets or income from the Puyallup Tribe of Indians Settlement Act of 1989 [P.L. 101-41, Sections 6(b), 10(b) and 10(c)].
- q. Payments received under the Sac and Fox Indian claims agreement (P.L. 94-189).

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- r. Funds of \$2,000 or less appropriated in satisfaction of judgments awarded to the Seminole Indians. Included tribes are the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida (P.L. 101-277).
- s. Payments received under the Seneca Nation Settlement Act of 1990 [P.L. 101-503, Section 8.(b)].
- t. Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation, from the Indian Claims Commission (P.L. 95-433).
- u. Payments from child and family service programs under the Indian Child Welfare Act (P.L. 95-608). These programs provide a wide range of services including various types of individual, family and community assistance. Some of the provided services are homemaking, day care, recreation, home improvement, education, training, respite care and professional assistance/training in child welfare matters.

**Note:** Information about Apache is with Yakima, Assiniboine, Papago and Grosventre with Blackfeet, Maliseet with Passamaquoddy and Penobscot, Miccosukee with Seminole, Fox with Sac and Hopi with Navajo.

### **1620.0593      Assets Excluded by Federal Law (TCA)**

Each program has certain assets excluded by federal law. These exclusions are discussed in this section.

The eligibility specialist must verify or document the amount of the benefit received from the following sources, since they are potential assets:

1. SSI benefits or SSI lump sum payments.
2. Assistance from a vocational rehabilitation agency within certain limitations.
3. Disaster assistance payments (P.L. 100-707). This exclusion applies to federal disaster assistance and comparable state or local assistance.
4. Emergency payments made by another agency prior to the date direct assistance is received.
5. Any grant, loan, gift or scholarship received by the individual. Effective 7/1/93, this includes financial assistance provided under programs in Title IV of the Higher Education Act and under Bureau of Indian Affairs student assistance programs. Effective 7/1/93, student financial assistance for attendance costs under the Carl D. Perkins Vocational and Applied Technology Education Act is also excluded. Attendance costs include: tuition and fees (as required by the institution of all students in the same course of study); and books, supplies, transportation, dependent care and miscellaneous personal expenses (as included in the assistance grant) for those attending on at least a half-time basis, as defined by the institution. Living expenses are not allowed as attendance costs unless the assistance grant includes funds for this purpose as part of miscellaneous personal expenses.

Funds derived from the following sources are not considered available income or assets, and it is not required that the source be verified or documented:

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1. Payments to a natural child of a Vietnam veteran born with spina bifida, except spina bifida occulta, as a result of the exposure of one or both parents to Agent Orange (P.L. 104-204).
2. Payments to a natural child of a woman Vietnam veteran born with one or more birth defects resulting in permanent physical or mental disability (P.L. 106-419).
3. The employment related expense reimbursement received by a participant in an Employment and Training Program.
4. Assistance payments received by households from the Low-income Home Energy Assistance Program administered by the Department of Community Affairs.
5. Any payment received by foster parents from any agency intended to provide for the needs of foster children or adults placed in their home; or adoption assistance payments for an individual whose needs are not included in the filing unit.
6. Income for children who are in the custody of the Department, which is collected by Fee Collections and placed into a Fee Collections trust account on behalf of a child, is not counted. The funds which remain in the Fee Collections trust account are not counted as an asset. The income and assets are considered unavailable and are excluded in the eligibility determination.
7. Other trust accounts belonging to the child, or on behalf of the child, must be evaluated by the eligibility specialist for consideration in the Medicaid eligibility determination. Follow trust policy contained in the ACCESS Florida Program Policy Manual, beginning with passage 1620.0575.01, for evaluation of the trust account.
8. The value of the benefits under the Food Stamp Act of 1977, as amended, the value of USDA donated foods, the value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act.
9. Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965, as amended.
10. Assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
11. Any funds distributed per capita to or held in trust for members of any Indian tribe under Public Laws 92-254, 93-134 or 94-540 and initial purchases made with funds distributed under Public Law 93-134 or Public Law 98-64.
12. Any of the following distributions made to a household, individual native or descendant of a native, by a Native Corporation established by the Alaska Native Claims Settlement Act (Public Law 92-203 as amended):
  - a. Per capita payments of \$2,000 or less per year, including cash dividends on stock from a Native Corporation,
  - b. Stocks (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock),
  - c. A partnership interest,

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- d. Land or interest in land (including land or interest in land received from a Native Corporation as a dividend or distribution on stock), or
  - e. An interest in a settlement trust.
13. Payments under the Experimental Housing Allowance Program under Section 23 of the U.S. Housing Act of 1937, under contracts fully executed prior to January 1, 1975.
  14. Assistance provided to volunteers who participate in ACTION Programs funded under Public Law 93-113, including VISTA and other programs under Title I of that law.
  15. Payments for supportive services or reimbursement for expenses made to volunteers serving as foster grandparents, senior health aides or senior companions, and to persons serving on the Service Corps of Retired Executives, Active Corps of Executives, and other programs under Titles II and III, Public Law 93-113, Section 419.
  16. **Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt. Payments from federal income taxes for earned income tax credit (EITC) and retroactive child tax credit payments. This also includes retroactive and advance EITC payments from employers. This source is excluded as an asset only for the month of receipt and month following.**
  17. Payments made pursuant to the Radiation Exposure Compensation Act, to individuals (or their survivors) who became ill or died as a result of exposure to radiation through nuclear testing or uranium mining.
  18. Funds received by a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980 will be disregarded as income and assets in the determination of eligibility for benefits under the TCA Programs.
  19. Standard filing units receiving Temporary Cash Assistance which have funds paid to a homeless shelter either by themselves or on their behalf, will have such funds excluded as a countable asset, providing that such moneys are to enable the family to pay deposits or other cost associated with moving into a stable shelter arrangement.
  20. Payments received under the Crime Victim Compensation Program that offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence. (P.L. 103-322).
  21. Payments made to individuals under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 (Public Law 106-398).

### **1630.0593 Assets Excluded by Federal Law (MFAM)**

The eligibility specialist must verify or document the amount of the benefit received from the following sources, since they are potential assets:

1. SSI benefits or SSI lump sum payments.
2. Assistance from a vocational rehabilitation agency within certain limitations.
3. Disaster assistance payments (P.L. 100-707). This exclusion applies to federal disaster assistance and comparable state or local assistance.

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4. Emergency payments made by another agency prior to the date direct assistance is received.
5. Any grant, loan, gift or scholarship received by the individual. Effective 7/1/93, this includes financial assistance provided under programs in Title IV of the Higher Education Act and under Bureau of Indian Affairs student assistance programs. Effective 7/1/93, student financial assistance for attendance costs under the Carl D. Perkins Vocational and Applied Technology Education Act is also excluded. Attendance costs include: tuition and fees (as required by the institution of all students in the same course of study); and books, supplies, transportation, dependent care and miscellaneous personal expenses (as included in the assistance grant) for those attending on at least a half-time basis, as defined by the institution. Living expenses are not allowed as attendance costs unless the assistance grant includes funds for this purpose as part of miscellaneous personal expenses.

Funds derived from the following sources are not considered available income or assets, and it is not required that the source be verified or documented:

1. Payments to a natural child of a Vietnam veteran born with spina bifida, except spina bifida occulta, as a result of the exposure of one or both parents to Agent Orange (P.L. 104-204).
2. Payments to a natural child of a woman Vietnam veteran born with one or more birth defects resulting in permanent physical or mental disability (P.L. 106-419).
3. The employment related expense reimbursement received by a participant in Employment & Training Program.
4. Assistance payments received by households from the Low-income Home Energy Assistance Program administered by the Department of Community Affairs.
5. Any payment received by foster parents from any agency intended to provide for the needs of foster children or adults placed in their home; or adoption assistance payments for an individual whose needs are not included in the filing unit.
6. Income for children who are in the custody of the Department, which is collected by Fee Collections and placed into a Fee Collections trust account on behalf of a child, is not counted. The funds which, remain in the Fee Collections trust account are not counted as an asset. The income and assets are considered unavailable and are excluded in the eligibility determination.
7. Other trust accounts belonging to the child, or on behalf of the child, must be evaluated by the eligibility specialist for consideration in the Medicaid eligibility determination. Follow trust policy contained in the ACCESS Florida Program Policy Manual, beginning with passage 1630.0573, for evaluation of the trust account.
8. The value of the benefits under the Food Stamp Act of 1977, as amended, the value of USDA donated foods, the value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act.
9. Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965, as amended.

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10. Assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
11. Any funds distributed per capita to or held in trust for members of any Indian tribe under Public Laws 92-254, 93-134 or 94-540 and initial purchases made with funds distributed under Public Law 93-134 or Public Law 98-64.
12. Any of the following distributions made to a household, individual native or descendant of a native, by a Native Corporation established by the Alaska Native Claims Settlement Act (Public Law 92-203 as amended):
  - a. per capita payments of \$2,000 or less per year, including cash dividends on stock from a Native Corporation,
  - b. stocks (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock),
  - c. a partnership interest,
  - d. land or interest in land (including land or interest in land received from a Native Corporation as a dividend or distribution on stock), or
  - e. an interest in a settlement trust.
13. Payments under the Experimental Housing Allowance Program under Section 23 of the U.S. Housing Act of 1937, under contracts fully executed prior to January 1, 1975.
14. Assistance provided to volunteers who participate in ACTION Programs funded under Public Law 93-113, including VISTA and other programs under Title I of that law.
15. Payments for supportive services or reimbursement for expenses made to volunteers serving as foster grandparents, senior health aides or senior companions, and to persons serving on the Service Corps of Retired Executives, Active Corps of Executives, and other programs under Titles II and III, Public Law 93-113, Section 419.
16. ~~Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt. Payments from federal income taxes for earned income tax credit (EITC) and retroactive child tax credit payments. This also includes retroactive and advance EITC payments from employers. This source is excluded as an asset only for the month of receipt and month following.~~
17. Payments made pursuant to the Radiation Exposure Compensation Act, to individuals (or their survivors) who became ill or died as a result of exposure to radiation through nuclear testing or uranium mining.
18. Funds received by a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980 will be disregarded as income and assets in the determination of eligibility for benefits under the TCA Program.
19. Standard filing units receiving Temporary Cash Assistance and Medicaid which have funds paid to a homeless shelter either by themselves or on their behalf, will have such funds excluded as a countable asset, providing that such moneys are to enable the family to pay deposits or other cost associated with moving into a stable shelter arrangement.

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20. Payments received under the Crime Victim Compensation Program that offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence (P.L. 103-322).
21. Payments made to individuals under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 (Public Law 106-398).

### **1640.0593 Assets Excluded by Federal Law (MSSI, SFP)**

Items excluded by federal law as income are also excluded as assets. These items include, but are not limited to the following:

1. Payments to a natural child of a Vietnam veteran born with spina bifida, except spina bifida occulta, as a result of the exposure of one or both parents to Agent Orange (P.L. 104-204).
2. Payments to a natural child of a woman Vietnam veteran born with one or more birth defects resulting in permanent physical or mental disability (P.L. 106-419).
3. Lump sum SSI, Social Security, ~~Earned Income Tax Credit and Child Tax Credit~~ payments are excluded for nine consecutive calendar months following the month of receipt or until funds are spent, whichever occurs first. This exclusion applies only to the extent that funds are kept separate and identifiable from other assets. [Federal income tax returns, including refundable tax credits \(EITC and Child Tax Credit\) and over-withholding \(tax refunds\) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt.](#)
4. Value of any assistance paid with respect to a dwelling unit under the U.S. Housing Act of 1937, as amended; the National Housing Act; Section 101 of the HUD Act of 1965; or Title V of the Housing Act of 1949.
5. Disaster assistance payments (P.L. 100-707). This exclusion applies to federal disaster assistance and comparable state or local assistance.
6. All student financial assistance received under Title IV of the Higher Education Act of 1965, or under Bureau of Indian Affairs (BIA) student assistance programs is excluded from income and assets, regardless of use. Examples of Title IV Programs include, but are not limited to: Pell grants, State Student incentives, Academic Achievement Incentive Scholarships, Supplemental Educational Opportunities grants, Upward Bound, work-study programs.
7. Any portion of a grant, scholarship, loan, gift or fellowship received by an individual to pay the costs of tuition, fees or other necessary educational expenses.
8. German, Japanese, or Aleutian reparation payments.
9. Any increase in the value of excluded burial funds that are left to accumulate.
10. Netherlands reparation payments based on Nazi persecution during World War II.
11. Austrian Reparation Payments made under Sections 500-506 of the Austrian General Social Insurance Act.

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12. Payments made to class members under the Factor VIII of IX Concentrate Blood Products lawsuit settlement. This exclusion applies only to the extent that funds are kept separate and identifiable.
13. Payments received under the Crime Victim Compensation Program that offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence (P.L. 103-322).
14. Payments made to individuals under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 (Public Law 106-398).

### **1650.0593 Assets Excluded by Federal Law (CIC)**

The eligibility specialist must verify or document the amount of the benefit received from the following sources, since they are potential assets:

1. SSI benefits or SSI lump sum payments.
2. Assistance from a vocational rehabilitation agency within certain limitations.
3. Disaster assistance payments (P.L. 100-707). This exclusion applies to federal disaster assistance and comparable state or local assistance.
4. Emergency payments made by another agency prior to the date direct assistance is received.
5. Any grant, loan, gift or scholarship received by the individual. Effective 7/1/93, this includes financial assistance provided under programs in Title IV of the Higher Education Act and under Bureau of Indian Affairs student assistance programs. Effective 7/1/93, student financial assistance for attendance costs under the Carl D. Perkins Vocational and Applied Technology Education Act is also excluded. Attendance costs include: tuition and fees (as required by the institution of all students in the same course of study); and books, supplies, transportation, dependent care and miscellaneous personal expenses (as included in the assistance grant) for those attending on at least a half-time basis, as defined by the institution. Living expenses are not allowed as attendance costs unless the assistance grant includes funds for this purpose as part of miscellaneous personal expenses.

Funds derived from the following sources are not considered available income or assets, and it is not required that the source be verified or documented:

1. Payments to a natural child of a Vietnam veteran born with spina bifida, except spina bifida occulta, as a result of the exposure of one or both parents to Agent Orange (P.L. 104-204).
2. Payments to a natural child of a woman Vietnam veteran born with one or more birth defects resulting in permanent physical or mental disability (P.L. 106-419).
3. The employment related expense reimbursement received by a participant in employment & training.
4. Assistance payments received by households from the Low-income Home Energy Assistance Program administered by the Department of Community Affairs.

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## Listing of Amended Passages

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5. Any payment received by foster parents from any agency intended to provide for the needs of foster children or adults placed in their home; or adoption assistance payments for an individual whose needs are not included in the filing unit.
6. Income for children who are in the custody of the Department, which is collected by Fee Collections and placed into a Fee Collections trust account on behalf of a child, is not counted. The funds which remain in the Fee Collections trust account are not counted as an asset. The income and assets are considered unavailable and are excluded in the eligibility determination.
7. Other trust accounts belonging to the child, or on behalf of the child, must be evaluated by the eligibility specialist for consideration in the Medicaid eligibility determination. Follow trust policy contained in the ACCESS Florida Program Policy Manual, beginning with passage 1650.0573, for evaluation of the trust account.
8. The value of the benefits under the Food Stamp Act of 1977, as amended, the value of USDA donated foods, the value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act.
9. Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965, as amended.
10. Assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
11. Any funds distributed per capita to or held in trust for members of any Indian tribe under Public Laws 92-254, 93-134 or 94-540 and initial purchases made with funds distributed under Public Law 93-134 or Public Law 98-64.
12. Any of the following distributions made to a household, individual native or descendant of a native, by a Native Corporation established by the Alaska Native Claims Settlement Act (Public Law 92-203 as amended):
  - a. per capita payments of \$2,000 or less per year, including cash dividends on stock from a Native Corporation;
  - b. stocks (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);
  - c. a partnership interest;
  - d. land or interest in land (including land or interest in land received from a Native Corporation as a dividend or distribution on stock); or
  - e. an interest in a settlement trust.
13. Payments under the Experimental Housing Allowance Program under Section 23 of the U.S. Housing Act of 1937, under contracts fully executed prior to January 1, 1975.
14. Assistance provided to volunteers who participate in ACTION Programs funded under Public Law 93-113, including VISTA and other programs under Title I of that law.
15. Payments for supportive services or reimbursement for expenses made to volunteers serving as foster grandparents, senior health aides or senior companions, and to persons serving on the Service Corps of Retired Executives, Active Corps of Executives, and other programs under Titles II and III, Public Law 93-113, Section 419.

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## Listing of Amended Passages

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16. ~~Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt. Payments from federal income taxes for earned income tax credit (EITC) and retroactive child tax credit payments. This also includes retroactive and advance EITC payments from employers. This source is excluded as an asset only for the month of receipt and month following.~~
17. Payments made pursuant to the Radiation Exposure Compensation Act, to individuals (or their survivors) who became ill or died as a result of exposure to radiation through nuclear testing or uranium mining.
18. Funds received by a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980 will be disregarded as income and assets in the determination of eligibility for benefits under the TCA Program.
19. Standard filing units receiving Temporary Cash Assistance and Medicaid which have funds paid to a homeless shelter either by themselves or on their behalf, will have such funds excluded as a countable asset, providing that such moneys are to enable the family to pay deposits or other cost associated with moving into a stable shelter arrangement.
20. Payments received under the Crime Victim Compensation Program that offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence (P.L. 103-322).
21. Payments made to individuals under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 (Public Law 106-398).

### **1660.0593 Assets Excluded by Federal Law (RAP)**

The eligibility specialist must verify or document the amount of the benefit received from the following sources, since they are potential assets:

1. SSI benefits or SSI lump sum payments.
2. Assistance from a vocational rehabilitation agency within certain limitations.
3. Disaster assistance payments (P.L. 100-707). This applies to federal disaster assistance and comparable state or local assistance.
4. Emergency payments made by another agency prior to the date direct assistance is received.
5. Any grant, loan, gift or scholarship received by the individual. Effective 7/1/93, this includes financial assistance provided under programs in Title IV of the Higher Education Act and under Bureau of Indian Affairs student assistance programs. Effective 7/1/93, student financial assistance for attendance costs under the Carl D. Perkins Vocational and Applied Technology Education Act is also excluded. Attendance costs include: tuition and fees (as required by the institution of all students in the same course of study); and books, supplies, transportation, dependent care and miscellaneous personal expenses (as included in the assistance grant) for those attending on at least a half-time basis, as defined by the institution. Living expenses are not allowed as attendance costs unless the assistance grant includes funds for this purpose as part of miscellaneous personal expenses.

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## Listing of Amended Passages

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Funds derived from the following sources are not considered available income or assets, and it is not required that the source be verified or documented:

1. The employment related expense reimbursement received by a participant in employment & training.
2. Assistance payments received by households from the Low-income Home Energy Assistance Program administered by the Department of Community Affairs.
3. Any payment received by foster parents from any agency intended to provide for the needs of foster children or adults placed in their home; or adoption assistance payments for an individual whose needs are not included in the filing unit.
4. Income for children who are in the custody of the Department, which is collected by Fee Collections and placed into a Fee Collections trust account on behalf of a child, is not counted. The funds which remain in the Fee Collections trust account are not counted as an asset. The income and assets are considered unavailable and are excluded in the eligibility determination.
5. Other trust accounts belonging to the child, or on behalf of the child, must be evaluated by the eligibility specialist for consideration in the Medicaid eligibility determination. Follow trust policy contained in the ACCESS Florida Program Policy Manual, beginning with passage 1650.0573, for evaluation of the trust account.
6. The value of the benefits under the Food Stamp Act of 1977, as amended, the value of USDA donated foods, the value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act.
7. Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965, as amended.
8. Assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
9. Any funds distributed per capita to or held in trust for members of any Indian tribe under Public Laws 92-254, 93-134 or 94-540 and initial purchases made with funds distributed under Public Law 93-134 or Public Law 98-64.
10. Any of the following distributions made to a household, individual native or descendant of a native, by a Native Corporation established by the Alaska Native Claims Settlement Act (Public Law 92-203 as amended):
  - a. per capita payments of \$2,000 or less per year, including cash dividends on stock from a Native Corporation;
  - b. stocks (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock);
  - c. a partnership interest;
  - d. land or interest in land (including land or interest in land received from a Native Corporation as a dividend or distribution on stock); or
  - e. an interest in a settlement trust.

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## Listing of Amended Passages

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11. Payments under the Experimental Housing Allowance Program under Section 23 of the U.S. Housing Act of 1937, under contracts fully executed prior to January 1, 1975.
12. Assistance provided to volunteers who participate in ACTION Programs funded under Public Law 93-113, including VISTA and other programs under Title I of that law.
13. Payments for supportive services or reimbursement for expenses made to volunteers serving as foster grandparents, senior health aides or senior companions, and to persons serving on the Service Corps of Retired Executives, Active Corps of Executives, and other programs under Titles II and III, Public Law 93-113, Section 419.
14. ~~Federal income tax returns, including refundable tax credits (EITC and Child Tax Credit) and over-withholding (tax refunds) are excluded as income and assets in the month of receipt and will continue to be excluded as an asset for 12 months from the date of receipt. Payments from federal income taxes for earned income tax credit (EITC) and retroactive child tax credit payments. This also includes retroactive and advance EITC payments from employers. This source is excluded as an asset only for the month of receipt and month following.~~
15. Payments made pursuant to the Radiation Exposure Compensation Act, to individuals (or their survivors) who became ill or died as a result of exposure to radiation through nuclear testing or uranium mining.
16. Funds received by a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980 will be disregarded as income and assets in the determination of eligibility for benefits under the TCA Program.
17. Standard filing units receiving Temporary Cash Assistance and Medicaid which have funds paid to a homeless shelter either by themselves or on their behalf, will have such funds excluded as a countable asset, providing that such moneys are to enable the family to pay deposits or other cost associated with moving into a stable shelter arrangement.
18. Payments received under the Crime Victim Compensation Program that offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence (P.L. 103-322).
19. Payments made to individuals under the Energy Employees Occupational Illness Compensation Program (EEOICP) Act of 2000 (Public Law 106-398).

### **1820.0800 ASSISTANCE FROM GOVERNMENT AGENCIES (TCA)**

For Temporary Cash Assistance ~~federal~~ income tax refunds are handled as follows: ~~Federal~~ income tax refunds are not included as income because the amount previously withheld or paid was, or would have been, counted as income as part of gross earnings. The amount of the ~~federal~~ refund is ~~excluded~~ ~~counted~~ as an asset in the month of receipt ~~and for 12 months following the date of receipt.~~

### **1830.0800 ASSISTANCE FROM GOVERNMENT AGENCIES (MFAM)**

Assistance payments are benefits based on applicant or recipient need.

The following topics are discussed in this section:

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## Listing of Amended Passages

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1. Energy Assistance,
2. Programs Administered by HUD/FmHA (for Public Housing and utility payments),
3. Vocational Rehabilitation,
4. Disaster Assistance Payments,
5. Relocation Assistance,
6. Foster Care Payments,
7. Developmental Services,
8. Supplemental Security Income (SSI),
9. Assistance Payments Based on Need, and
10. Overpayments - Other Assistance Programs.

Income tax refunds are handled as follows:

**Federal income tax refunds** are not included as income because the amount previously withheld or paid was, or would have been, counted as income as part of gross earnings. The amount of refund remaining is **excluded** ~~counted~~ as an asset **for 12 months** ~~the month~~ following the **date** ~~month~~ of receipt.

### **1840.0800 ASSISTANCE FROM GOVERNMENT AGENCIES (MSSI, SFP)**

Assistance payments are benefits based on applicant or recipient need.

For the MSSI and SFP Programs, income tax refunds and earned income tax credits are handled as follows:

**Federal income tax refunds** are not included as income because the amount previously withheld or paid was, or would have been, counted as income as part of gross earnings. The amount of refund remaining is **excluded** ~~counted~~ as an asset **for 12 months** ~~the month~~ following the **date** ~~month~~ of receipt.

**Earned income tax credit or refunds** are excluded income. These are payments from programs that are federally mandated or financed in any amount with federal funds. To qualify, the individual must receive the program payment the month before receiving the tax credit or refund. This policy also applies to individuals with income subject to deeming.

### **2610.0403.01 Nonrecurring Lump Sum Payment (FS)**

Money received in the form of a nonrecurring lump sum includes:

1. income tax refunds;
2. credits;
3. retroactive SSA, SSI, or public assistance benefits;
4. insurance settlements; and
5. utility or rental property deposits.

These payments are included assets in the month received unless specifically excluded.

**Note:** Federal income tax refunds and credits are excluded as assets in the month received and for 12 months from the date of receipt.

### **2620.0403.01 Nonrecurring Lump Sum Payment (TCA)**

Money received in the form of a nonrecurring lump sum includes:

1. income tax refunds;

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## Listing of Amended Passages

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2. credits;
3. retroactive SSA, SSI, or public assistance benefits;
4. insurance settlements; and
5. utility or rental property deposits.

These payments are included assets in the month received unless specifically excluded.

**Note:** Federal income tax refunds and credits are excluded as assets in the month received and for 12 months from the date of receipt.

### **2660.0403.01 Nonrecurring Lump Sum Payment (RAP)**

Money received in the form of a nonrecurring lump sum includes:

1. income tax refunds;
2. credits;
3. retroactive SSA, SSI, or public assistance benefits;
4. insurance settlements; and
5. utility or rental property deposits.

These payments are included assets in the month received unless specifically excluded.

**Note:** Federal income tax refunds and credits are excluded as assets in the month received and for 12 months from the date of receipt.