

## January – March 2020 Summary of Changes

<b>Chapter</b>	<b>Passage</b>	<b>Summary</b>
<b>0200</b>	<b>0210.0103</b>	Added language to exclude certain felons from receiving food assistance.
<b>0600</b>	<b>0610.0501</b>	Added language to exclude certain felons from receiving food assistance.
	<b>0620.0502</b>	Added: Note: The eligibility staff must shorten the certification period accordingly, if the case is no longer a child-only TCA AG.
<b>0800</b>	<b>0810.0200</b>	Added language to exclude certain felons from receiving food assistance.
	<b>0820.0100</b>	Added: Note: The eligibility staff must shorten the certification period accordingly, if the case is no longer a child-only TCA AG.
<b>1410</b>	<b>1410.2700</b>	New section to include language for anyone convicted of a felony (aggravated sexual abuse, murder, sexual exploitation and abuse of children, sexual assault) who is not in compliance with the terms of their sentence, from receiving food assistance.
<b>2400</b>	<b>2410.0345</b>	Language to include BUA must consist of two utilities.
	<b>2410.0355</b>	Language to include diapers and other incontinence supplies as an allowable medical expense.
<b>2600</b>	<b>2610.0410</b>	Added language to exclude certain felons from receiving food assistance.

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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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### **0210.0103 Eligibility Criteria (FS)**

Individuals who purchase and prepare food together will be considered an assistance group for food stamp purposes and will have their eligibility determined together. Individuals who apply for food stamps must qualify on the basis of income. Almost all types of income are counted. After adding all the assistance group's countable income, the eligibility specialist must allow certain adjustments. In order to be eligible, the total income must fall below certain limits, depending on the assistance group's size.

In addition, families and individuals must meet work registration requirements as well as certain citizenship and residency requirements. Eligibility criteria are established by USDA and are uniform throughout the United States.

Any assistance group in which all members are recipients of TCA, RAP and/or SSI benefits are considered categorically eligible because of their status. Eligibility factors accepted without further verification unless questionable for FS eligibility, TCA, RAP, and/or SSI eligibility are:

1. gross and net income limits,
2. assets,
3. SSN information,
4. sponsored noncitizen information, and
5. residency.

Broad-based categorically eligible standard filing units are categorically eligible because they received information about Temporary Assistance for Needy Families or Maintenance of Effort funded services or benefits in an ACCESS Florida notice. Broad-based categorically eligible standard filing units must meet the gross income limit, which is 200% of the federal poverty level. Standard filing units that contain a member disqualified for IPV, fleeing felon, felony drug trafficking, [felons who are not compliant with their sentence terms and who committed either a federal or state felony for: aggravated sexual abuse, murder, sexual exploitation of children, or sexual assault](#), or an employment and training sanction are not broad-based categorically eligible.

### **0610.0501 Categorical Eligibility (FS)**

Standard filing units are categorically eligible if they:

1. file a joint application for food stamps and TCA,
2. file for SSI benefits,
3. file for FS and SSI benefits,
4. have a TCA or SSI application pending and are denied food stamps but are later determined categorically eligible,
5. are SFUs in which all members receive income from TCA, RAP, or SSI, or
6. are SFUs in a food stamp household that does not contain a member disqualified for any one of the [five](#) ~~four~~ reasons listed below.

These SFUs are eligible for food stamps without separate verification of assets, gross and net income limits, social security number, residency, and sponsored noncitizen status. Broad-Based Categorically Eligible SFUs must meet a gross income limit of 200% of the federal poverty level but have no asset test. If the SFU contains a member who is age 60 or over or meets the definition of food stamp disabled, the SFU must meet the gross income limit of 200% of the federal poverty level for the AG size. If the SFU does not meet the 200% income limit, the SFU must meet the net income limit of 100% of the federal poverty level for the AG size and the asset limit of \$3,250.

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# Listing of Amended Passages

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Standard filing units are not categorically eligible or broad-based categorically eligible if:

1. a member is disqualified for IPV,
2. a member is disqualified for employment and training requirements,
3. a member is disqualified for felony drug trafficking, including agreeing, conspiring, combining, or confederating with another person to commit the act committed on or after 8/22/1996, ~~or~~
4. a member is a fleeing felon, ~~—or~~
5. a member who committed certain crimes under federal or similar state law, after February 7, 2014, and who is not in compliance with their sentence term. These crimes include:
  - a. aggravated sexual abuse,
  - b. murder,
  - c. sexual exploitation and other abuse of children,
  - d. offense involving sexual assault, or
  - e. offense under state law similar to one of the above.

Prorate the food stamps for the initial month for AGs that file joint applications and are determined categorically eligible after a prior denial of food stamps. Begin the prorated period on the date of TCA eligibility or the date of the original food stamp application whichever is later.

Provide retroactive food stamps prorated from the application date to any potentially categorically eligible food stamp AG determined TCA eligible within the 30-day food stamp processing time. Reevaluate the original application at the SFU's request or when the Department becomes aware of the SFU's TCA and/or SSI eligibility.

## **0620.0502 Date of Eligibility (TCA)**

The date of eligibility is the date of disposition or 30 days after the date of application, whichever is sooner. Prorate the first month's benefits based on the date of eligibility. If reopening a case following closure due to Department error, do not prorate benefits.

Assign a six-month review period from the month of application disposition. A review period of less than, or greater than, six months may be assigned when necessary to align a household's review period with its food stamp simplified reporting certification period. Assign a 12-month review period for a child-only AG ~~without food stamps~~.

**Note:** The eligibility staff must shorten the certification period accordingly, if the case is no longer a child-only TCA AG.

## **0810.0200 SIMPLIFIED REPORTING (FS)**

Effective November 1, 2009 all food stamp households are simplified reporting.

Simplified reporting SFUs, that contain a member disqualified for IPV, fleeing felon, felony drug trafficking, ~~certain felons (aggravated sexual abuse, murder, sexual exploitation and other related abuse of children, or offense involving sexual assault) who are not in compliance with their sentence terms~~, or employment and training sanction, are not broad-based categorically eligible. Simplified Reporting households must report when income exceeds 130% of the monthly income limit for the AG size or when an able-bodied adult subject to time limits has a change in work hours below twenty hours per week. Households in all programs must be encouraged to report any changes in the household living and/or mailing address. The SFU must report the change by the 10<sup>th</sup> day of the month following the month of change.

Process beneficial changes, sanction actions and data exchange responses that are considered verified upon receipt: Social Security (Bendex), State Data Exchange (SDX), Unemployment

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## Listing of Amended Passages

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Compensation Benefit (DEUC), Vital Statistics Death Match (DEDT), Florida Department of Corrections (DOC), and Numident (DENU).

If a discrepancy exists with Social Security Match (DETH) or Prisoner Match (DEPR) information, which are not verified upon receipt, contact the customer by phone or send a pending notice for verification.

Review responses from other data exchanges as part of the next review. Food stamp AGs that also receive TCA and/or Medicaid must report changes according to TCA and/or Medicaid Program requirements. Act on changes reported for TCA and/or Medicaid and make the change to affect all three programs. For beneficial changes, if the household fails to verify the information, leave the food stamp benefits the same. Do not act on reported adverse changes in food stamp only cases. In combination cases with food stamps, TCA, and/or Medicaid, process adverse changes based on the information provided by the household.

### **0820.0100 ELIGIBILITY REVIEWS (TCA)**

An eligibility review reestablishes eligibility on all factors, resolves discrepancies and ensures correct benefits. ~~If there are multiple AGs in case, use the earliest review date of any AG in the case to review all AGs.~~ Each eligibility review requires a new application. An acceptable application must have the name, address and signature of the individual or authorized representative and may be submitted in person, by mail, fax, ~~or facsimile~~ or on the web.

Assign a six-month eligibility period from the month of disposition of the application or review. In order to align a household's eligibility period with its food stamp simplified reporting eligibility period, an eligibility period of less than, or greater than, six months may be assigned.

Assign a 12-month eligibility period for ~~a child only AGs without food stamps~~ [at application or review](#).

**Note:** [The eligibility staff must shorten the certification period accordingly, if the case is no longer a child-only TCA AG.](#)

Do not continue TCA beyond the end of the eligibility period without reestablishing eligibility. FLORIDA generates a Notice of Expiration of Certification Period (NECP) prior to the last month of the eligibility period to remind the SFU to reapply.

**Timely Reviews:** An application received on or before the 15th day of the last month of the eligibility period is a timely review. Process the application by the end of the current eligibility period if the household completes the interview and provides all verifications within the last month of the eligibility period. If the AG is eligible, benefits begin the first day of the month following the end of the current eligibility period.

**Untimely Reviews:** An application received on the 16th day of the last month of the eligibility period and through the end of the eligibility period is an untimely review.

**Reapplication:** An Untimely Review in which the household submits the request within 30 days after the end of the eligibility period. Process the application using the application process but apply interview and verification procedures of the review. For example, if the review is passive, do not require an interview.

If the Department causes a delay or terminates a case in error, reinstate and/or restore TCA for the appropriate months as soon as the delay or error is found.

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## Listing of Amended Passages

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If the household submits a timely application during the last month of the eligibility period, but fails to provide all verifications during the month the review is due, allow the eligibility period to expire and deny the application:

1. If the household provides the last verification after the 30th day but within 30 days after the last month of the eligibility period, process the review by the 30th day after the last month of the eligibility period. Do not require a new application.
2. Prorate benefits based on TCA date of application disposition policy (date of disposition or 30 days from the date the household provides the last verification, whichever is sooner).

When the household submits an untimely application on the 16<sup>th</sup> of the last month of the eligibility period through the end of the eligibility period and the household completes the interview and provides all verifications by the 30<sup>th</sup> day after the date of the application, process the application by the 30<sup>th</sup> day and do not prorate the benefits.

If the household who submits an untimely application on the 16<sup>th</sup> of the last month of the eligibility period through the end of the eligibility period fails to provide the verification by the 30<sup>th</sup> day after the date of application, deny the application for review.

1. If the household provides the last verification after the 30th day but within 30 days after the last month of the eligibility period, process the review by the 30th day after the last month of the eligibility period. Do not require a new application.
2. Prorate benefits based on TCA date of application disposition policy (date of disposition or 30 days from date the household provides the last verification, whichever is sooner).

### **1410.2700 DISQUALIFICATION FOR CERTAIN CONVICTED FELONS (FS)**

An individual is disqualified for food stamps if:

(1) the individual is convicted as an adult, which resulted in a federal or state felony, for one of the following crimes:

- a. aggravated sexual abuse,
- b. murder,
- c. sexual exploitation and other related abuse of children,
- d. offense involving sexual assault, or
- e. offence under state law similar to one of the above.

(2) the individual is not in compliance with the terms of their sentence, probation, or parole; and

(3) the individual committed either of the crimes listed above, after February 7, 2014.

The individual's statement is sufficient, unless questionable. If the individual's statement is questionable and compliance cannot be verified by the eligibility worker, the eligibility specialist must pend the household for proof of compliance. An example of compliance includes confirmation from the Department of Correction's Probation Office that the individual has successfully completed or is satisfactorily serving the probation or parole sentence term.

### **2410.0345 Basic Utility Allowance (FS)**

The basic utility allowance (refer to Appendix A-1) is available to assistance groups who do not incur a heating or cooling expense, but incur at least two utility expenses, separate and apart from their rent or mortgage. This includes:

## Listing of Amended Passages

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1. households who do not incur heating or cooling costs but pay for other utilities such as electric, fuel, water, sewer, or garbage pickup,
2. residents of rental housing who are billed for actual usage or are billed a flat rate for utilities (other than heating or cooling) separately from their rent, and
3. households who share a meter but do not incur heating or cooling costs.

### **2410.0355 Allowable Medical Expenses (FS)**

Allowable medical expenses are:

1. Medical and dental care, including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by state law, or by other qualified health professional.
2. Hospitalization or outpatient treatment, nursing care, and nursing home care provided by a facility recognized by the state (an assistance group (AG) would continue to be eligible for an excess medical adjustment for the medical expenses of a former individual who is 60 or over or receives SSI or Social Security disability even after that individual becomes hospitalized, institutionalized or dies if the remaining AG individuals are legally responsible for payment of the expenses).
3. Prescription drugs when prescribed by a licensed practitioner authorized under state law. Over-the-counter medication (including insulin), medical supplies (including diapers and other incontinence supplies), sickroom equipment (either rented or purchased), or other prescribed equipment when approved by a licensed practitioner or other qualified health professional.
4. Dentures, hearing aids, and prosthetics.
5. Eyeglasses or contact lenses prescribed by a physician skilled in eye disease or by the optometrist.
6. Health and hospitalization insurance policy premiums. If the insurance policy covers more than one AG individual, only that portion of the medical insurance premium assigned to the AG individual(s) eligible for the medical deduction may be allowed. In the absence of specific information on how much of the premium is for an AG individual eligible for a medical deduction, proration may be used to determine the amount to be allowed.
7. Medicare premiums related to coverage under Title XVIII of the Social Security Act, any cost sharing or spend down expenses incurred by Medicaid individuals.
8. Securing and maintaining a specially trained service animal, including the cost of food, veterinarian bills, pet insurance, and other expenses. A pet or companion animal cannot be a service animal unless it is specially trained to assist the individual.
9. Reasonable cost of transportation and lodging to obtain medical treatment or services. Count the actual costs of transportation to get medical treatment or services, including costs of travel to buy medicine. If the actual cost of transportation is unknown, use the current mileage allowance in effect for state employees.
10. Maintaining an attendant, homemaker, home health aide, or childcare or housekeeper services if necessary due to age, infirmity, or illness. In addition, an

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## Listing of Amended Passages

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amount equal to one individual benefit shall be considered a medical expense if the AG furnishes the majority of the attendant's meals. The benefit for this meal related expense shall be that in effect at the time of certification. The benefit amount for this deduction will be updated at the next certification. If an individual incurs attendant care costs that could qualify under both the medical deduction and dependent care deduction, the eligibility specialist shall treat the cost as a medical expense. If the expense is incurred for more than one individual, and only one of those individuals qualifies for a medical deduction, consider as a medical expense only that portion which can be identified as such. If the amount cannot be separately identified, the entire amount shall be prorated among those individuals for whom care is provided, and the portion considered as a medical expense shall be the prorated amount attributed to the individual(s) who qualifies for the expense as a medical adjustment.

11. Companion phone service may be allowed as a medical necessity if a doctor's statement is obtained to that effect. The fact that the individual receives SSD or SSI in itself does not mean that it is a medical necessity. The individual may be billed for this service (separate from his regular phone service) yearly or on a monthly basis. If the individual has other medical bills it may be to the overall advantage to include the monthly charge.

**Note:** The cost of health and accident policies such as those payable in lump sum settlements for death or reimbursement, or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled, are not deductible.

### **2610.0410 Ineligible/Disqualified Members (FS)**

**Disqualified individuals** may not participate in the Food Stamp Program. A disqualified individual is identified as one who is:

1. found to have committed an intentional program violation by an administrative disqualification hearing, found guilty by a court, or the individual has signed either a waiver of the right to an administrative disqualification hearing, or a consent agreement in cases referred for prosecution;
2. a fleeing felon or is in violation of probation or parole;
3. sanctioned for failing to meet work or workfare requirements;
4. convicted of felony drug trafficking including agreeing, conspiring, combining, or confederating with another person to commit the act committed after 8/22/1996; ~~or~~
5. guilty of receiving multiple state benefits; ~~or~~
6. [not in compliance with the terms of their sentence and were convicted after February 7, 2014, for a federal or state felony for aggravated sexual abuse, murder, sexual exploitation and other related abuse of children.](#)

The disqualified individual may not be included in the household size when benefit amounts are determined. Treat the income, assets and expenses of the disqualified individual as follows:

1. The income will continue to count in its entirety but the 20% earned income deduction is allowed;
2. The assets will count in their entirety; and
3. The medical expenses, if appropriate, the dependent care deduction, child support deduction and the excess shelter deduction continue to be allowed in full in the household's budget even if paid by or billed to the disqualified member.

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## Listing of Amended Passages

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**Technically ineligible individuals** may not participate in the Food Stamp Program. A technically ineligible individual is one who:

1. fails to meet the SSN requirements;
2. fails due to being an ineligible noncitizen;
3. fails due to serving a child support sanction; or
4. fails due to not meeting ABAWD requirements.

The technically ineligible individual may not be included in the household when food stamp benefits are determined. Treat the income, assets and expenses of technically ineligible individuals as follows:

1. Prorate the income of the ineligible individual and count all but the ineligible member's share toward the eligibility of the remaining household members for individuals who fail to meet SSN requirements, are ineligible noncitizens, are serving child support sanctions, or have received all time limited months as an ABAWD. Exclude the income of the ineligible student;
2. Count the assets in their entirety for all technically ineligible individuals except the ineligible student. Exclude the assets of the ineligible student;
3. The 20% earned income deduction is allowed;
4. Expenses billed to the technically ineligible member but paid entirely with the eligible member's income because the ineligible member has no income, count in full in the budget. If the expense is billed to the technically ineligible member, but paid for with the eligible member's income and the ineligible member's income, prorate the expense in the budget. If the expense is billed to and paid entirely by the technically ineligible member, prorate the expense in the budget; and
5. When the SFU contains a technically ineligible member, do not prorate the appropriate utility standard in the budget. Allow the full SUA, BUA, or Phone Standard if the dwelling is eligible for a standard.

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