

March 2, 1998

970133 and 970134

SUBJECT: FSP - Florida - Request to Waive Section 6(o) of the Food Stamp Act,
as Amended by Section 824 of the Personal Responsibility and Work
Opportunity Reconciliation Act of 1996

TO: Crayton Lankford, Regional Director
Food Stamp Program
Southeast Region

This is in response to the Florida State Agency's February 6, 1998, request to modify and extend its waivers of Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This section limits the receipt of food stamp benefits to 3 months within a 3-year period for able-bodied adults who are not working (or participating in a work program) 20 hours or more each week or participating in workfare.

Our response contains three exceptions to full approval of the State agency's request. Our approval excludes Citrus County, Collier County, and the balance of Brevard County (less Melbourne) from the areas covered by waiver no. 970134. Considering the 2-year and recent unemployment trends in these counties, the employment-to-population ratio data provided by the State agency is not compelling enough by itself to warrant granting a waiver for these areas. Although we are unable to approve a waiver for these areas, the State agency may want to exempt the individuals in these areas by using its authority under Section 1001 of the Balanced Budget Act, which permits State agencies to exempt from the time limits of Section 6(o) up to 15 percent of its "covered individuals." For more information regarding this exemption authority, please refer to our February 9, 1998, guidance.

If you have any questions, please contact Hayes Brown of my staff at 703-305-2805.

/s/

Arthur T. Foley
Director
Program Development Division

Attachments

cc:	Joseph Pinto	Bob Dalrymple - OAE
	John Knaus	Mike Depiro - OAE
	Maurice Tracy	Civil Rights
	Joe Shea	All Regions (except SERO)

FCS:FSP:PDD:CPB:HayesBrown:DRAFT:2/26/98:final:3/2/98:va
DIR: I:CPB:970133 & 970134 ext memo/response

Waiver Response

1. **Waiver serial number:** 970133 & 970134
2. **Type of request:** Modification and Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P. L. 104-193.
4. **Secondary regulation citation:**
5. **State:** Florida
6. **Region:** SERO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P. L. 104-193, provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36-month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirements of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides that, upon the request of a State agency, the Secretary may waive the applicability of the above provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

8. **Description of proposed alternative procedures:** The Florida State Agency is requesting to exempt individuals residing in four counties and two cities, on the basis that there is an unemployment rate over 10 percent in those areas.

The State agency is requesting to exempt individuals residing in 19 counties and 13 cities, on the basis of insufficient jobs. The State agency has defined areas with “insufficient jobs” to mean geographic areas that have been designated by the Federal Government as Labor Surplus Areas (LSAs), areas that have an unemployment rate which is at least 20 percent above the national rate for the previous 2 years, and areas with employment-to-population ratios that are significantly declining and/or significantly below the national average.

9. **Action and reason for approval or denial:** We are denying a waiver for individuals residing in Citrus County, Collier County, and the balance of Brevard County (less Melbourne) because the supporting data is not compelling enough to warrant a waiver.

We are approving a modification and extension of waiver no. 970133, based on unemployment rates that exceed 10 percent, and a modification and extension of waiver no. 970134, based on insufficient jobs, for individuals residing in the following areas:

COUNTIES	970133 (10% Unemployment) <i>expires 2/28/99</i>	970134 (Insufficient Jobs) <i>expires 2/28/99</i>
Bay		Bay County (including Panama City)
Brevard		Melbourne
Broward		Broward County (including Ft. Lauderdale, Hallandale & Lauderdale Lakes)
Citrus		
Collier		
Dade	Miami	Balance of Dade County (including Hialeah, Homestead, Miami Beach & North Miami)
DeSoto		DeSoto County
Dixie		Dixie County
Franklin		Franklin County
Glades		Glades County
Gulf	Gulf County	
Hamilton		Hamilton County
Hardee	Hardee County	
Hendry	Hendry County	
Highlands		Highlands County
Holmes		Holmes County
Indian River		Indian River County
Martin		Martin County
Okeechobee		Okeechobee County
Palm Beach	Riviera Beach	Balance of Palm Beach County (including Boynton Beach Delray Beach, Lake Worth & West Palm Beach)
Polk		Polk County

St. Lucie	St. Lucie County	
Taylor		Taylor County

10. Regulatory or legislative basis for action: These waivers are approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent or an insufficient number of jobs.

11. Conditions and reasons: N/A

12. Information required for extension: Please submit supporting unemployment data which relies on standard BLS data and/or methods and data indicating a lack of sufficient jobs.

13. Expiration date: Waivers nos. 970133 and 970134 are approved for a period of 1 year and expire on February 28, 1999.

14. Limitation on regional office approval of like requests: This waiver is limited to the Florida State Agency.

15. Quality Control Procedures: N/A

16. Date of national office action:

17. Date of State agency's request: February 6, 1998.

18. Date of regional office transmittal of response to State agency:

19. Actual implementation date: