

MAR 2 1999

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: Gil Camacho, Regional Director
Food Stamp Program
Southeast Region

This is in response to the Florida State Agency's request of January 27, 1999, 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.

With the exception of the Jackson, Madison, Putnam, and Washington Counties, we are approving the waivers as requested. Although we are unable to approve a waiver for those counties, the State agency may want to exempt the individuals in the counties 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 Larry Tropp of my staff at 703-305-2437

Arthur T. Foley

Arthur T. Foley
Director
Program Development Division

Attachments

cc: PA-SAB Bob Dalrymple - OAE
John Knaus Mike DePiro - OAE
Maurice Tracy Civil Rights
Retha Oliver All Regions (except SERO)

FCS:FSP:PDD:CPB:Ltropp:final:2/25/99:va
DIR: I:CPB:970133 & 970134 ext memo(1999 extension)

Symbol	Surname	Date	Symbol	Surname	Date
PD PI	En	2/24/99			
0010	Mr. Batts	2/26/99			
PD 100	J. Elymore	2/26/99			

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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 exemptions for individuals residing in six counties and three cities on the basis of an unemployment rate over 10 percent in those areas. Two of the listed cities (Port St. Lucie and Ft. Pierce) are included in St. Lucie County which is one of the six listed counties.

The State agency is also requesting exemptions based on insufficient jobs for individuals residing in nine counties designated as LSAs, five counties with an unemployment rate greater than 20 percent above the national average of 4.83 percent for Fiscal Years 1997 and 1998, one county based on its inclusion in a 2-county labor market area with an unemployment rate greater than 20 percent above the national average of 4.83 percent, and four counties based on declining employment to population ratios. The City of Melbourne, located in Brevard County is no longer a designated LSA and is not included in the current waiver.

9. **Action and reason for approval or denial:** 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. Waiver no. 970134 applies to nine counties designated as LSAs, five counties with an unemployment rate greater than 20 percent above the national average of 4.83 percent for Fiscal Years 1997 and 1998, and one county based on its inclusion in a 2-county labor market area with an unemployment rate greater than 20 percent above the national average.

COUNTIES	970133 (10% Unemployment) <i>expires 2/29/2000</i>	970134 (Insufficient Jobs) <i>expires 2/29/2000</i>
Bay		Entire county based on an unemployment rate (combined average for FY 1997 & FY 1998) for the county (6.56%) which exceeded the national average unemployment rate (4.83%) by more than 20%.
Broward		Entire county. The cities of Hallandale and Lauderdale Lakes are designated LSAs although the entire county is not so designated. This waiver is based on combining Dade and Broward Counties into a single consolidated labor market area based on the designation of both counties as a single metropolitan statistical area (SMSA) by the Bureau of Census. The unemployment rate for the SMSA of 6.08% exceeded the national average of 4.83% by greater than 20%.

Citrus		This county is not a designated LSA, however, its unemployment rate (6.07%) exceeded the national average (4.83%) by greater than 20%.
Dade		Entire county based on an unemployment rate (6.98%) greater than 20% above the national average. The cities of Hialeah, Homestead, Miami Beach, Miami, and North Miami are designated LSAs. The county would also qualify for a waiver as part of the Dade/Broward Labor Market Area.
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 City	Entire county less city of Riviera Beach, which is exempt under waiver no. 970133. 70 percent of ABAWDs reside in Boynton Beach, Delray Beach, Lake Worth & West Palm Beach which are designated LSAs. The unemployment rate for the county (6.15%) also exceeds the national average by more than 20%.
Polk		Entire county based on unemployment (6.21%) greater than 20% above the national average.
St. Lucie	St. Lucie County (includes cities of Port St. Lucie and Fort Pierce)	
Taylor		Taylor County

We are denying exemptions for residents of Jackson, Madison, Putnam, and Washington Counties based on declining employment to population ratios. Although the State agency indicated that those counties would qualify for waivers, it failed to provide supporting data. We will reconsider our decision regarding those counties if the State agency submits the appropriate supporting data.

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, effective March 1, 1999, and will expire on February 29, 2000.
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:** January 22, 1999
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**