

1                   A bill to be entitled  
2           An act relating to public assistance; amending s.  
3           414.065, F.S.; revising penalties for noncompliance  
4           with the work requirements for temporary cash  
5           assistance; limiting the receipt of child-only  
6           benefits during periods of noncompliance with work  
7           requirements; providing applicability of work  
8           requirements before expiration of the minimum penalty  
9           period; requiring the Department of Children and  
10          Families to refer sanctioned participants to  
11          appropriate free and low-cost community services,  
12          including food banks; amending s. 445.024, F.S.;  
13          requiring the Department of Economic Opportunity, in  
14          cooperation with CareerSource Florida, Inc., and the  
15          Department of the Department of Children and Families,  
16          to develop and implement a work plan agreement for  
17          participants in the temporary cash assistance program;  
18          requiring the plan to identify expectations,  
19          sanctions, and penalties for noncompliance with work  
20          requirements; amending s. 402.82, F.S.; requiring the  
21          Department of Children and Families to impose a  
22          replacement fee for electronic benefits transfer cards  
23          under certain circumstances; amending s. 39.5085,  
24          F.S.; revising eligibility guidelines for the Relative  
25          Caregiver Program with respect to relative and  
26          nonrelative caregivers; providing an appropriation;

27 | providing an effective date.

28 |

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 | Section 1. Subsection (1) and paragraph (a) of subsection  
32 | (2) of section 414.065, Florida Statutes, are amended to read:

33 | 414.065 Noncompliance with work requirements.—

34 | (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS  
35 | AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The  
36 | department shall establish procedures for administering  
37 | penalties for nonparticipation in work requirements and failure  
38 | to comply with the alternative requirement plan. If an  
39 | individual in a family receiving temporary cash assistance fails  
40 | to engage in work activities required in accordance with s.  
41 | 445.024, the following penalties shall apply. Prior to the  
42 | imposition of a sanction, the participant shall be notified  
43 | orally or in writing that the participant is subject to sanction  
44 | and that action will be taken to impose the sanction unless the  
45 | participant complies with the work activity requirements. The  
46 | participant shall be counseled as to the consequences of  
47 | noncompliance and, if appropriate, shall be referred for  
48 | services that could assist the participant to fully comply with  
49 | program requirements. If the participant has good cause for  
50 | noncompliance or demonstrates satisfactory compliance, the  
51 | sanction shall not be imposed. If the participant has  
52 | subsequently obtained employment, the participant shall be

53 counseled regarding the transitional benefits that may be  
54 available and provided information about how to access such  
55 benefits. The department shall administer sanctions related to  
56 food assistance consistent with federal regulations.

57 (a)1. First noncompliance: temporary cash assistance shall  
58 be terminated for the family for a minimum of 1 month ~~10 days~~ or  
59 until the individual who failed to comply does so, whichever is  
60 later. Upon meeting this requirement, temporary cash assistance  
61 shall be reinstated to the date of compliance or the first day  
62 of the month following the penalty period, whichever is later.

63 2. Second noncompliance:

64 a. Temporary cash assistance shall be terminated for the  
65 family for 3 months ~~1 month~~ or until the individual who failed  
66 to comply does so, whichever is later. The individual shall be  
67 required to comply with the required work activity upon  
68 completion of the 3-month penalty period before reinstatement of  
69 temporary cash assistance. Upon meeting this requirement,  
70 temporary cash assistance shall be reinstated to the date of  
71 compliance or the first day of the month following the penalty  
72 period, whichever is later.

73 b. Upon the second occurrence of noncompliance, temporary  
74 cash assistance for the child or children in a family who are  
75 under age 16 may be continued for the first 3 months of the  
76 penalty period through a protective payee as specified in  
77 subsection (2).

78 3. Third noncompliance:

79        a. Temporary cash assistance shall be terminated for the  
80 family for 6 ~~3~~ months or until the individual who failed to  
81 comply does so, whichever is later. The individual shall be  
82 required to comply with the required work activity upon  
83 completion of the 6-month ~~3-month~~ penalty period, before  
84 reinstatement of temporary cash assistance. Upon meeting this  
85 requirement, temporary cash assistance shall be reinstated to  
86 the date of compliance or the first day of the month following  
87 the penalty period, whichever is later.

88        b. Upon the third occurrence of noncompliance, temporary  
89 cash assistance for the child or children in a family who are  
90 under age 16 may be continued for the first 6 months of the  
91 penalty period through a protective payee as specified in  
92 subsection (2).

93        4. Fourth noncompliance:

94        a. Temporary cash assistance shall be terminated for the  
95 family for 12 months, or until the individual who failed to  
96 comply does so, whichever is later. The individual shall be  
97 required to comply with the required work activity upon  
98 completion of the 12-month penalty period and reapply before  
99 reinstatement of temporary cash assistance. Upon meeting this  
100 requirement, temporary cash assistance shall be reinstated to  
101 the first day of the month following the penalty period.

102        b. Upon the fourth occurrence of noncompliance, temporary  
103 cash assistance for the child or children in a family who are  
104 under age 16 may be continued for the first 12 months of the

105 penalty period through a protective payee as specified in  
 106 subsection (2).

107 5. This paragraph does not prohibit a participant from  
 108 complying with the work activity requirements during the penalty  
 109 periods imposed in paragraph (a).

110 (b) If a participant receiving temporary cash assistance  
 111 who is otherwise exempted from noncompliance penalties fails to  
 112 comply with the alternative requirement plan required in  
 113 accordance with this section, the penalties provided in  
 114 paragraph (a) shall apply.

115 (c) When a participant is sanctioned for noncompliance  
 116 with this section, the department shall refer the participant to  
 117 appropriate free and low-cost community services, including food  
 118 banks.

119  
 120 If a participant fully complies with work activity requirements  
 121 for at least 6 months, the participant shall be reinstated as  
 122 being in full compliance with program requirements for purpose  
 123 of sanctions imposed under this section.

124 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR  
 125 CHILDREN; PROTECTIVE PAYEES.—

126 (a) Upon the second or subsequent ~~third~~ occurrence of  
 127 noncompliance, subject to the limitations in paragraph (1)(a),  
 128 temporary cash assistance and food assistance for the child or  
 129 children in a family who are under age 16 may be continued. Any  
 130 such payments must be made through a protective payee or, in the

131 case of food assistance, through an authorized representative.  
 132 Under no circumstances shall temporary cash assistance or food  
 133 assistance be paid to an individual who has failed to comply  
 134 with program requirements.

135 Section 2. Subsections (3) through (7) of section 445.024,  
 136 Florida Statutes, are renumbered as subsections (4) through (8),  
 137 respectively, and a new subsection (3) is added to that section,  
 138 to read:

139 445.024 Work requirements.—

140 (3) WORK PLAN AGREEMENT.—For each individual who is not  
 141 otherwise exempt from work activity requirements, but before a  
 142 participant may receive temporary cash assistance, the  
 143 Department of Economic Opportunity, in cooperation with  
 144 CareerSource Florida, Inc., and the Department of the Department  
 145 of Children and Families, must:

146 (a) Inform the participant, in plain language, and require  
 147 the participant to assent to, in writing:

148 1. What is expected of the participant to continue to  
 149 receive temporary cash assistance benefits.

150 2. Under what circumstances the participant would be  
 151 sanctioned for noncompliance.

152 3. Potential penalties for noncompliance with work  
 153 requirements in s. 414.065, including how long benefits would  
 154 not be available to the participant.

155 (b) Work with the participant to develop strategies to  
 156 assist the participant in overcoming obstacles to compliance

157 with the work activity requirements.

158 Section 3. Subsection (4) of section 402.82, Florida  
 159 Statutes, is renumbered as subsection (5), and a new subsection  
 160 (4) is added to that section, to read:

161 402.82 Electronic benefits transfer program.—

162 (4) The department shall impose a fee for the fifth and  
 163 each subsequent request for a replacement electronic benefits  
 164 transfer card that a participant requests within a 12-month  
 165 period. The fee must be equal to the cost to replace the  
 166 electronic benefits transfer card. The fee may be deducted from  
 167 the participant's benefits. The department may waive the  
 168 replacement fee upon a showing of good cause, such as the  
 169 malfunction of the card or extreme financial hardship.

170 Section 4. Paragraph (a) of subsection (2) of section  
 171 39.5085, Florida Statutes, is amended to read:

172 39.5085 Relative Caregiver Program.—

173 (2) (a) The Department of Children and Families shall  
 174 establish, and operate, and implement the Relative Caregiver  
 175 Program ~~pursuant to eligibility guidelines established in this~~  
 176 ~~section as further implemented~~ by rule of the department. The  
 177 Relative Caregiver Program shall, within the limits of available  
 178 funding, provide financial assistance to:

179 1. Relatives who are within the fifth degree by blood or  
 180 marriage to the parent or stepparent of a child and who are  
 181 caring full-time for that dependent child in the role of  
 182 substitute parent as a result of a court's determination of

183 child abuse, neglect, or abandonment and subsequent placement  
184 with the relative under this chapter.

185 2. Relatives who are within the fifth degree by blood or  
186 marriage to the parent or stepparent of a child and who are  
187 caring full-time for that dependent child, and a dependent half-  
188 brother or half-sister of that dependent child, in the role of  
189 substitute parent as a result of a court's determination of  
190 child abuse, neglect, or abandonment and subsequent placement  
191 with the relative under this chapter.

192 3. Nonrelatives who are willing to assume custody and care  
193 of a dependent child in the role of substitute parent as a  
194 result of a court's determination of child abuse, neglect, or  
195 abandonment and subsequent placement with the nonrelative  
196 caregiver under this chapter. The court must find that a  
197 proposed placement under this subparagraph is in the best  
198 interest of the child.

199 4. The relative or nonrelative caregiver may not receive a  
200 Relative Caregiver Program payment if the parent or stepparent  
201 of the child resides in the home. However, a relative or  
202 nonrelative may receive the payment for a minor parent who is in  
203 his or her care and for the minor parent's child, if both the  
204 minor parent and the child have been adjudicated dependent and  
205 meet all other eligibility requirements. If the caregiver is  
206 currently receiving the payment, the payment must be terminated  
207 no later than the first day of the following month after the  
208 parent or stepparent moves into the home. Before the payment is



209 terminated, the caregiver must be given 10 days' notice of  
 210 adverse action.

211  
 212 The placement may be court-ordered temporary legal custody to  
 213 the relative or nonrelative under protective supervision of the  
 214 department pursuant to s. 39.521(1)(b)3., or court-ordered  
 215 placement in the home of a relative or nonrelative as a  
 216 permanency option under s. 39.6221 or s. 39.6231 or under former  
 217 s. 39.622 if the placement was made before July 1, 2006. The  
 218 Relative Caregiver Program shall offer financial assistance to  
 219 caregivers who would be unable to serve in that capacity without  
 220 the caregiver payment because of financial burden, thus exposing  
 221 the child to the trauma of placement in a shelter or in foster  
 222 care.

223 Section 5. For fiscal year 2016-2017, the sum of \$879,680  
 224 in nonrecurring funds from the Federal Grants Trust Fund is  
 225 appropriated to the Department of Children and Families for the  
 226 purpose of performing the technology modifications necessary to  
 227 implement changes to the disbursement of temporary cash  
 228 assistance benefits and the replacement of electronic benefits  
 229 transfer cards pursuant to this act.

230 Section 6. This act shall take effect July 1, 2016.