

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eagle offered the following:

**Amendment (with title amendment)**

Between lines 13 and 14, insert:

Section 1. Effective July 1, 2016, subsection (1) and paragraph (a) of subsection (2) of section 414.065, Florida Statutes, are amended to read:

414.065 Noncompliance with work requirements.—

(1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan. If an individual in a family receiving temporary cash assistance fails

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15 to engage in work activities required in accordance with s.  
16 445.024, the following penalties shall apply. Prior to the  
17 imposition of a sanction, the participant shall be notified  
18 orally or in writing that the participant is subject to sanction  
19 and that action will be taken to impose the sanction unless the  
20 participant complies with the work activity requirements. The  
21 participant shall be counseled as to the consequences of  
22 noncompliance and, if appropriate, shall be referred for  
23 services that could assist the participant to fully comply with  
24 program requirements. If the participant has good cause for  
25 noncompliance or demonstrates satisfactory compliance, the  
26 sanction shall not be imposed. If the participant has  
27 subsequently obtained employment, the participant shall be  
28 counseled regarding the transitional benefits that may be  
29 available and provided information about how to access such  
30 benefits. The department shall administer sanctions related to  
31 food assistance consistent with federal regulations.

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

38 2. Second noncompliance:

39 a. Temporary cash assistance shall be terminated for the  
40 family for 3 months ~~1 month~~ or until the individual who failed

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41 to comply does so, whichever is later. The individual shall be  
42 required to comply with the required work activity upon  
43 completion of the 3-month penalty period before reinstatement of  
44 temporary cash assistance. Upon meeting this requirement,  
45 temporary cash assistance shall be reinstated to the date of  
46 compliance or the first day of the month following the penalty  
47 period, whichever is later.

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

53 3. Third noncompliance:

54 a. Temporary cash assistance shall be terminated for the  
55 family for 6 ~~3~~ months or until the individual who failed to  
56 comply does so, whichever is later. The individual shall be  
57 required to comply with the required work activity upon  
58 completion of the 6-month ~~3-month~~ penalty period, before  
59 reinstatement of temporary cash assistance. Upon meeting this  
60 requirement, temporary cash assistance shall be reinstated to  
61 the date of compliance or the first day of the month following  
62 the penalty period, whichever is later.

63 b. Upon the third occurrence of noncompliance, temporary  
64 cash assistance for the child or children in a family who are  
65 under age 16 may be continued for the first 6 months of the

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66 penalty period through a protective payee as specified in  
67 subsection (2).

68 4. Fourth noncompliance:

69 a. Temporary cash assistance shall be terminated for the  
70 family for 12 months, or until the individual who failed to  
71 comply does so, whichever is later. The individual shall be  
72 required to comply with the required work activity upon  
73 completion of the 12-month penalty period and reapply before  
74 reinstatement of temporary cash assistance. Upon meeting this  
75 requirement, temporary cash assistance shall be reinstated to  
76 the first day of the month following the penalty period.

77 b. Upon the fourth occurrence of noncompliance, temporary  
78 cash assistance for the child or children in a family who are  
79 under age 16 may be continued for the first 12 months of the  
80 penalty period through a protective payee as specified in  
81 subsection (2).

82 5. This paragraph does not prohibit a participant from  
83 complying with the work activity requirements during the penalty  
84 periods imposed in paragraph (a).

85 (b) If a participant receiving temporary cash assistance  
86 who is otherwise exempted from noncompliance penalties fails to  
87 comply with the alternative requirement plan required in  
88 accordance with this section, the penalties provided in  
89 paragraph (a) shall apply.

90 (c) When a participant is sanctioned for noncompliance  
91 with this section, the department shall refer the participant to

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92 appropriate free and low-cost community services, including food  
93 banks.

94  
95 If a participant fully complies with work activity requirements  
96 for at least 6 months, the participant shall be reinstated as  
97 being in full compliance with program requirements for purpose  
98 of sanctions imposed under this section.

99 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR  
100 CHILDREN; PROTECTIVE PAYEES.—

101 (a) Upon the second or subsequent ~~third~~ occurrence of  
102 noncompliance, subject to the limitations in paragraph (1)(a),  
103 temporary cash assistance and food assistance for the child or  
104 children in a family who are under age 16 may be continued. Any  
105 such payments must be made through a protective payee or, in the  
106 case of food assistance, through an authorized representative.  
107 Under no circumstances shall temporary cash assistance or food  
108 assistance be paid to an individual who has failed to comply  
109 with program requirements.

110 Section 2. Effective July 1, 2016, subsections (3) through  
111 (7) of section 445.024, Florida Statutes, are renumbered as  
112 subsections (4) through (8), respectively, and a new subsection  
113 (3) is added to that section, to read:

114 445.024 Work requirements.—

115 (3) WORK PLAN AGREEMENT.—For each individual who is not  
116 otherwise exempt from work activity requirements, but before a  
117 participant may receive temporary cash assistance, the

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118 Department of Economic Opportunity, in cooperation with  
119 CareerSource Florida, Inc., and the Department of the Department  
120 of Children and Families, must:

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

123 1. What is expected of the participant to continue to  
124 receive temporary cash assistance benefits.

125 2. Under what circumstances the participant would be  
126 sanctioned for noncompliance.

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

130 (b) Work with the participant to develop strategies to  
131 assist the participant in overcoming obstacles to compliance  
132 with the work activity requirements.

133 Section 3. Effective July 1, 2016, subsection (4) of  
134 section 402.82, Florida Statutes, is renumbered as subsection  
135 (5), and a new subsection (4) is added to that section, to read:

136 402.82 Electronic benefits transfer program.—

137 (4) The department shall impose a fee for the fifth and  
138 each subsequent request for a replacement electronic benefits  
139 transfer card that a participant requests within a 12-month  
140 period. The fee must be equal to the cost to replace the  
141 electronic benefits transfer card. The fee may be deducted from  
142 the participant's benefits. The department may waive the

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143 replacement fee upon a showing of good cause, such as the  
144 malfunction of the card or extreme financial hardship.

145 Section 4. Effective July 1, 2016, paragraph (a) of  
146 subsection (2) of section 39.5085, Florida Statutes, is amended  
147 to read:

148 39.5085 Relative Caregiver Program.—

149 (2) (a) The Department of Children and Families shall  
150 establish, ~~and operate,~~ and implement the Relative Caregiver  
151 Program ~~pursuant to eligibility guidelines established in this~~  
152 ~~section as further implemented~~ by rule of the department. The  
153 Relative Caregiver Program shall, within the limits of available  
154 funding, provide financial assistance to:

155 1. Relatives who are within the fifth degree by blood or  
156 marriage to the parent or stepparent of a child and who are  
157 caring full-time for that dependent child in the role of  
158 substitute parent as a result of a court's determination of  
159 child abuse, neglect, or abandonment and subsequent placement  
160 with the relative under this chapter.

161 2. Relatives who are within the fifth degree by blood or  
162 marriage to the parent or stepparent of a child and who are  
163 caring full-time for that dependent child, and a dependent half-  
164 brother or half-sister of that dependent child, in the role of  
165 substitute parent as a result of a court's determination of  
166 child abuse, neglect, or abandonment and subsequent placement  
167 with the relative under this chapter.

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168 3. Nonrelatives who are willing to assume custody and care  
169 of a dependent child in the role of substitute parent as a  
170 result of a court's determination of child abuse, neglect, or  
171 abandonment and subsequent placement with the nonrelative  
172 caregiver under this chapter. The court must find that a  
173 proposed placement under this subparagraph is in the best  
174 interest of the child.

175 4. The relative or nonrelative caregiver may not receive a  
176 Relative Caregiver Program payment if the parent or stepparent  
177 of the child resides in the home. However, a relative or  
178 nonrelative may receive the payment for a minor parent who is in  
179 his or her care and for the minor parent's child, if both the  
180 minor parent and the child have been adjudicated dependent and  
181 meet all other eligibility requirements. If the caregiver is  
182 currently receiving the payment, the payment must be terminated  
183 no later than the first day of the following month after the  
184 parent or stepparent moves into the home. Before the payment is  
185 terminated, the caregiver must be given 10 days' notice of  
186 adverse action.

187  
188 The placement may be court-ordered temporary legal custody to  
189 the relative or nonrelative under protective supervision of the  
190 department pursuant to s. 39.521(1)(b)3., or court-ordered  
191 placement in the home of a relative or nonrelative as a  
192 permanency option under s. 39.6221 or s. 39.6231 or under former  
193 s. 39.622 if the placement was made before July 1, 2006. The

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194 Relative Caregiver Program shall offer financial assistance to  
195 caregivers who would be unable to serve in that capacity without  
196 the caregiver payment because of financial burden, thus exposing  
197 the child to the trauma of placement in a shelter or in foster  
198 care.

199  
200 Remove line 119 and insert:

201 Section 7. Except as otherwise expressly provided in this  
202 act and except for this section, which shall take effect upon  
203 this act becoming a law, this act shall take effect October 1,  
204 2016.

205  
206 -----

207 **T I T L E A M E N D M E N T**

208 Remove lines 1-2 and insert:

209 An act relating to public assistance; amending s.  
210 414.065, F.S.; revising penalties for noncompliance  
211 with the work requirements for temporary cash  
212 assistance; limiting the receipt of child-only  
213 benefits during periods of noncompliance with work  
214 requirements; providing applicability of work  
215 requirements before expiration of the minimum penalty  
216 period; requiring the Department of Children and  
217 Families to refer sanctioned participants to  
218 appropriate free and low-cost community services,  
219 including food banks; amending s. 445.024, F.S.;

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220 requiring the Department of Economic Opportunity, in  
221 cooperation with CareerSource Florida, Inc., and the  
222 Department of the Department of Children and Families,  
223 to develop and implement a work plan agreement for  
224 participants in the temporary cash assistance program;  
225 requiring the plan to identify expectations,  
226 sanctions, and penalties for noncompliance with work  
227 requirements; amending s. 402.82, F.S.; requiring the  
228 Department of Children and Families to impose a  
229 replacement fee for electronic benefits transfer cards  
230 under certain circumstances; amending s. 39.5085,  
231 F.S.; revising eligibility guidelines for the Relative  
232 Caregiver Program with respect to relative and  
233 nonrelative caregivers; amending s. 414.39, F.S.;

234

235 Remove line 10 and insert:  
236 thereto; providing effective dates.

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