

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Eagle offered the following:

Amendment to Amendment (381087) (with title amendment)

Between lines 4 and 5, 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 323 and insert:

201 Section 11. 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 line 329 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
234
235 Remove line 348 and insert:
236 references thereto; providing effective dates.

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