

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

27 | 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 may ~~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. The sanctions imposed under subparagraphs 1.-4. do not
 108 prohibit a participant from complying with the work activity
 109 requirements during the penalty periods imposed by this
 110 paragraph.

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

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

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

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

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

131 such payments must be made through a protective payee or, in the
 132 case of food assistance, through an authorized representative.
 133 Under no circumstances shall temporary cash assistance or food
 134 assistance be paid to an individual who has failed to comply
 135 with program requirements.

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

140 445.024 Work requirements.—

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

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

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

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

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

156 (b) Work with the participant to develop strategies to

157 assist the participant in overcoming obstacles to compliance
 158 with the work activity requirements.

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

162 402.82 Electronic benefits transfer program.—

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

171 Section 4. Paragraph (a) of subsection (1) and paragraph
 172 (a) of subsection (2) of section 39.5085, Florida Statutes, are
 173 amended to read:

174 39.5085 Relative Caregiver Program.—

175 (1) It is the intent of the Legislature in enacting this
 176 section to:

177 (a) Provide for the establishment of procedures and
 178 protocols that serve to advance the continued safety of children
 179 by acknowledging the valued resource uniquely available through
 180 grandparents, relatives of children, and specified nonrelatives
 181 of children pursuant to sub-subparagraph (2) (a) 1.c. ~~subparagraph~~
 182 ~~(2) (a) 3.~~

183 (2) (a) The Department of Children and Families shall
184 establish, and operate, and implement the Relative Caregiver
185 Program ~~pursuant to eligibility guidelines established in this~~
186 ~~section as further implemented~~ by rule of the department.

187 1. The Relative Caregiver Program shall, within the limits
188 of available funding, provide financial assistance to:

189 a.1. Relatives who are within the fifth degree by blood or
190 marriage to the parent or stepparent of a child and who are
191 caring full-time for that dependent child in the role of
192 substitute parent as a result of a court's determination of
193 child abuse, neglect, or abandonment and subsequent placement
194 with the relative under this chapter.

195 b.2. Relatives who are within the fifth degree by blood or
196 marriage to the parent or stepparent of a child and who are
197 caring full-time for that dependent child, and a dependent half-
198 brother or half-sister of that dependent child, in the role of
199 substitute parent as a result of a court's determination of
200 child abuse, neglect, or abandonment and subsequent placement
201 with the relative under this chapter.

202 c.3. Nonrelatives who are willing to assume custody and
203 care of a dependent child in the role of substitute parent as a
204 result of a court's determination of child abuse, neglect, or
205 abandonment and subsequent placement with the nonrelative
206 caregiver under this chapter. The court must find that a
207 proposed placement under this subparagraph is in the best
208 interest of the child.

209 2. The relative or nonrelative caregiver may not receive a
210 Relative Caregiver Program payment if the parent or stepparent
211 of the child resides in the home. However, a relative or
212 nonrelative may receive the payment for a minor parent who is in
213 his or her care and for the minor parent's child, if both the
214 minor parent and the child have been adjudicated dependent and
215 meet all other eligibility requirements. If the caregiver is
216 currently receiving the payment, the payment must be terminated
217 no later than the first day of the following month after the
218 parent or stepparent moves into the home. Before the payment is
219 terminated, the caregiver must be given 10 days' notice of
220 adverse action.

221
222 The placement may be court-ordered temporary legal custody to
223 the relative or nonrelative under protective supervision of the
224 department pursuant to s. 39.521(1)(b)3., or court-ordered
225 placement in the home of a relative or nonrelative as a
226 permanency option under s. 39.6221 or s. 39.6231 or under former
227 s. 39.622 if the placement was made before July 1, 2006. The
228 Relative Caregiver Program shall offer financial assistance to
229 caregivers who would be unable to serve in that capacity without
230 the caregiver payment because of financial burden, thus exposing
231 the child to the trauma of placement in a shelter or in foster
232 care.

233 Section 5. For fiscal year 2017-2018, the sum of \$XXX,XXX
234 in nonrecurring funds from the Federal Grants Trust Fund is

HB 23

2017

235 appropriated to the Department of Children and Families for the
236 purpose of performing the technology modifications necessary to
237 implement changes to the disbursement of temporary cash
238 assistance benefits and the replacement of electronic benefits
239 transfer cards pursuant to this act.

240 Section 6. This act shall take effect July 1, 2017.