A bill to be entitled
An act relating to public assistance; amending s.
414.065, F.S.; revising penalties for noncompliance
with work requirements for temporary cash assistance;
limiting the receipt of child-only benefits during
periods of noncompliance with work requirements;
providing applicability of work requirements before
expiration of the minimum penalty period; requiring
the Department of Children and Families to refer
sanctioned participants to appropriate free and low-
cost community services, including food banks;
amending s. 445.024, F.S.; requiring the Department of
Economic Opportunity, in cooperation with CareerSource
Florida, Inc., and the Department of Children and
Families, to develop and implement a work plan
agreement for participants in the temporary cash
assistance program; requiring the plan to identify
expectations, sanctions, and penalties for
noncompliance with work requirements; amending s.
402.82, F.S.; prohibiting the use of an electronic
benefits transfer card at specified locations;
requiring the Department of Children and Families to
impose a replacement fee for electronic benefits
transfer cards under certain circumstances; amending
s. 39.5085, F.S.; revising eligibility guidelines for
the Relative Caregiver Program with respect to relative and nonrelative caregivers; providing an appropriation; providing an effective date.

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

Section 1. 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 to engage in work activities required in accordance with s. 445.024, the following penalties shall apply. Prior to the imposition of a sanction, the participant shall be notified orally or in writing that the participant is subject to sanction and that action will be taken to impose the sanction unless the participant complies with the work activity requirements. The participant shall be counseled as to the consequences of noncompliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements. If the participant has good cause for
noncompliance or demonstrates satisfactory compliance, the sanction may not be imposed. If the participant has subsequently obtained employment, the participant shall be counseled regarding the transitional benefits that may be available and provided information about how to access such benefits. The department shall administer sanctions related to food assistance consistent with federal regulations.

(a)1. First noncompliance:

a. Temporary cash assistance shall be terminated for the family for a minimum of 1 month or until the individual who failed to comply does so, whichever is later. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.

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

2. Second noncompliance:

a. Temporary cash assistance shall be terminated for the family for 3 months or until the individual who failed to comply does so, whichever is later. The individual shall be required to comply with the required work activity upon completion of the 3-month penalty period before reinstatement of

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temporary cash assistance. Upon meeting this requirement,
temporary cash assistance shall be reinstated to the date of
compliance or the first day of the month following the penalty
period, whichever is later.

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

3. Third noncompliance:

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

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

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

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

5. The sanctions imposed under subparagraphs 1.-4. do not prohibit a participant from complying with the work activity requirements during the penalty periods imposed by this paragraph.

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

(c) When a participant is sanctioned for noncompliance with this section, the department shall refer the participant to appropriate free and low-cost community services, including food
If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.

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

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

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

445.024 Work requirements.—

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

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

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

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

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

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

Section 3. Paragraphs (g), (h), and (i) are added to
subsection (4) of section 402.82, Florida Statutes, and
subsection (5) is added to that section, to read:

402.82 Electronic benefits transfer program.—

(4) Use or acceptance of an electronic benefits transfer
card is prohibited at the following locations or for the
following activities:

(g) A medical marijuana treatment center or dispensing
organization.

(h) A cigar store or stand, pipe store, smoke shop, or
(i) A body piercing salon as defined in s. 381.0075(2)(b), a tattoo establishment as defined in s. 381.00771, or a business establishment primarily engaged in the practice of branding.

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

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

39.5085 Relative Caregiver Program.—

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

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

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

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

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

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

   c. Nonrelatives who are willing to assume custody and care of a dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative caregiver under this chapter. The court must find that a proposed placement under this subparagraph is in the best interest of the child.
2. The relative or nonrelative caregiver may not receive a Relative Caregiver Program payment if the parent or stepparent of the child resides in the home. However, a relative or nonrelative may receive the payment for a minor parent who is in his or her care and for the minor parent's child, if both the minor parent and the child have been adjudicated dependent and meet all other eligibility requirements. If the caregiver is currently receiving the payment, the payment must be terminated no later than the first day of the following month after the parent or stepparent moves into the home. Before the payment is terminated, the caregiver must be given 10 days' notice of adverse action.

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

Section 5. For fiscal year 2017-2018, the sum of $952,360
in nonrecurring funds from the Federal Grants Trust Fund is appropriated to the Department of Children and Families for the purpose of performing the technology modifications necessary to implement changes to the disbursement of temporary cash assistance benefits and the replacement of electronic benefits transfer cards pursuant to this act.

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