



1 A bill to be entitled
2 An act relating to public assistance; amending s.
3 39.5085, F.S.; revising eligibility guidelines for the
4 Relative Caregiver Program with respect to relative
5 and nonrelative caregivers; amending s. 402.82, F.S.;
6 requiring the Department of Children and Families to
7 impose a replacement fee for electronic benefits
8 transfer cards under certain circumstances; amending
9 s. 414.065, F.S.; revising penalties for noncompliance
10 with the work requirements for temporary cash
11 assistance; limiting the receipt of child-only
12 benefits during periods of noncompliance with work
13 requirements; providing applicability of work
14 requirements before expiration of the minimum penalty
15 period; requiring the Department of Children and
16 Families to refer sanctioned participants to
17 appropriate free and low-cost community services,
18 including food banks; amending s. 414.095, F.S.;
19 revising the consideration of income from illegal
20 noncitizen or ineligible noncitizen family members in
21 determining eligibility for temporary cash assistance;
22 amending s. 445.024, F.S.; requiring the Department of
23 Economic Opportunity, in cooperation with CareerSource
24 Florida, Inc., the regional workforce boards, and the
25 Department of Children and Families, to develop and
26 implement a work plan agreement for participants in



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27 | the temporary cash assistance program; requiring the
28 | plan to identify expectations, sanctions, and
29 | penalties for noncompliance with work requirements;
30 | reenacting s. 414.045(1), F.S., relating to the cash
31 | assistance program, to incorporate the amendment made
32 | by the act to s. 414.095, F.S., in a reference
33 | thereto; providing a contingent appropriation;
34 | providing an effective date.

35

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

37

38 | Section 1. Paragraph (a) of subsection (2) of section
39 | 39.5085, Florida Statutes, is amended to read:

40 | 39.5085 Relative Caregiver Program.—

41 | (2) (a) The Department of Children and Families shall
42 | establish, ~~and operate,~~ and implement the Relative Caregiver
43 | Program ~~pursuant to eligibility guidelines established in this~~
44 | ~~section as further implemented~~ by rule of the department. The
45 | Relative Caregiver Program shall, within the limits of available
46 | funding, provide financial assistance to:

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



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

60 3. Nonrelatives who are willing to assume custody and care
61 of a dependent child in the role of substitute parent as a
62 result of a court's determination of child abuse, neglect, or
63 abandonment and subsequent placement with the nonrelative
64 caregiver under this chapter. The court must find that a
65 proposed placement under this subparagraph is in the best
66 interest of the child.

67 4. The relative or nonrelative caregiver may not receive a
68 Relative Caregiver Program payment if the parent or stepparent
69 of the child resides in the home. However, a relative or
70 nonrelative may receive the payment for a minor parent who is in
71 his or her care and for the minor parent's child, if both the
72 minor parent and the child have been adjudicated dependent and
73 meet all other eligibility requirements. If the caregiver is
74 currently receiving the payment, the payment must be terminated
75 no later than the first day of the following month after the
76 parent or stepparent moves into the home. Before the payment is
77 terminated, the caregiver must be given 10 days' notice of
78 adverse action.



79
80 The placement may be court-ordered temporary legal custody to
81 the relative or nonrelative under protective supervision of the
82 department pursuant to s. 39.521(1)(b)3., or court-ordered
83 placement in the home of a relative or nonrelative as a
84 permanency option under s. 39.6221 or s. 39.6231 or under former
85 s. 39.622 if the placement was made before July 1, 2006. The
86 Relative Caregiver Program shall offer financial assistance to
87 caregivers who would be unable to serve in that capacity without
88 the caregiver payment because of financial burden, thus exposing
89 the child to the trauma of placement in a shelter or in foster
90 care.

91 Section 2. Subsection (4) of section 402.82, Florida
92 Statutes, is renumbered as subsection (5), and a new subsection
93 (4) is added to that section, to read:

94 402.82 Electronic benefits transfer program.—

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

103 Section 3. Subsection (1) and paragraph (a) of subsection
104 (2) of section 414.065, Florida Statutes, are amended to read:



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105 414.065 Noncompliance with work requirements.—
106 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
107 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The
108 department shall establish procedures for administering
109 penalties for nonparticipation in work requirements and failure
110 to comply with the alternative requirement plan. If an
111 individual in a family receiving temporary cash assistance fails
112 to engage in work activities required in accordance with s.
113 445.024, the following penalties shall apply. Prior to the
114 imposition of a sanction, the participant shall be notified
115 orally or in writing that the participant is subject to sanction
116 and that action will be taken to impose the sanction unless the
117 participant complies with the work activity requirements. The
118 participant shall be counseled as to the consequences of
119 noncompliance and, if appropriate, shall be referred for
120 services that could assist the participant to fully comply with
121 program requirements. If the participant has good cause for
122 noncompliance or demonstrates satisfactory compliance, the
123 sanction shall not be imposed. If the participant has
124 subsequently obtained employment, the participant shall be
125 counseled regarding the transitional benefits that may be
126 available and provided information about how to access such
127 benefits. The department shall administer sanctions related to
128 food assistance consistent with federal regulations.

129 (a)1. First noncompliance: temporary cash assistance shall
130 be terminated for the family for a minimum of 1 month ~~10 days~~ or



131 until the individual who failed to comply does so, whichever is
132 later. Upon meeting this requirement, temporary cash assistance
133 shall be reinstated to the date of compliance or the first day
134 of the month following the penalty period, whichever is later.

135 2. Second noncompliance:

136 a. Temporary cash assistance shall be terminated for the
137 family for 3 months ~~1-month~~ or until the individual who failed
138 to comply does so, whichever is later. The individual shall be
139 required to comply with the required work activity upon
140 completion of the 3-month penalty period before reinstatement of
141 temporary cash assistance. Upon meeting this requirement,
142 temporary cash assistance shall be reinstated to the date of
143 compliance or the first day of the month following the penalty
144 period, whichever is later.

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

150 3. Third noncompliance:

151 a. Temporary cash assistance shall be terminated for the
152 family for 6 ~~3~~ months or until the individual who failed to
153 comply does so, whichever is later. The individual shall be
154 required to comply with the required work activity upon
155 completion of the 6-month ~~3-month~~ penalty period, before
156 reinstatement of temporary cash assistance. Upon meeting this



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

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

165 4. Fourth noncompliance:

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

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

179 5. This paragraph does not prohibit a participant from
180 complying with the work activity requirements during the penalty
181 periods imposed in paragraph (a).



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

187 (c) When a participant is sanctioned for noncompliance
188 with this section, the department shall refer the participant to
189 appropriate free and low-cost community services, including food
190 banks.

191
192 If a participant fully complies with work activity requirements
193 for at least 6 months, the participant shall be reinstated as
194 being in full compliance with program requirements for purpose
195 of sanctions imposed under this section.

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

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

207 Section 4. Paragraph (d) of subsection (3) and subsection



208 (11) of section 414.095, Florida Statutes, are amended to read:

209 414.095 Determining eligibility for temporary cash
210 assistance.—

211 (3) ELIGIBILITY FOR NONCITIZENS.—A "qualified noncitizen"
212 is an individual who is admitted to the United States as a
213 refugee under s. 207 of the Immigration and Nationality Act or
214 who is granted asylum under s. 208 of the Immigration and
215 Nationality Act; a noncitizen whose deportation is withheld
216 under s. 243(h) or s. 241(b)(3) of the Immigration and
217 Nationality Act; a noncitizen who is paroled into the United
218 States under s. 212(d)(5) of the Immigration and Nationality
219 Act, for at least 1 year; a noncitizen who is granted
220 conditional entry pursuant to s. 203(a)(7) of the Immigration
221 and Nationality Act as in effect prior to April 1, 1980; a Cuban
222 or Haitian entrant; or a noncitizen who has been admitted as a
223 permanent resident. In addition, a "qualified noncitizen"
224 includes an individual who, or an individual whose child or
225 parent, has been battered or subject to extreme cruelty in the
226 United States by a spouse, a parent, or other household member
227 under certain circumstances, and has applied for or received
228 protection under the federal Violence Against Women Act of 1994,
229 Pub. L. No. 103-322, if the need for benefits is related to the
230 abuse and the batterer no longer lives in the household. A
231 "nonqualified noncitizen" is a nonimmigrant noncitizen,
232 including a tourist, business visitor, foreign student, exchange
233 visitor, temporary worker, or diplomat. In addition, a



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234 "nonqualified noncitizen" includes an individual paroled into
235 the United States for less than 1 year. A qualified noncitizen
236 who is otherwise eligible may receive temporary cash assistance
237 to the extent permitted by federal law. The income or resources
238 of a sponsor and the sponsor's spouse shall be included in
239 determining eligibility to the maximum extent permitted by
240 federal law.

241 (d) The income of an illegal noncitizen or ineligible
242 noncitizen who is a mandatory member of a family, ~~less a pro~~
243 ~~rata share for the illegal noncitizen or ineligible noncitizen,~~
244 counts in full in determining a family's eligibility to
245 participate in the program.

246 (11) DISREGARDS.—

247 (a) As an incentive to employment, the first \$200 plus
248 one-half of the remainder of earned income shall be disregarded.
249 In order to be eligible for earned income to be disregarded, the
250 individual must be:

- 251 1. A current participant in the program; or
- 252 2. Eligible for participation in the program without the
253 earnings disregard.

254 (b) A child's earned income shall be disregarded if the
255 child is a family member, attends high school or the equivalent,
256 and is younger than 19 years of age ~~or younger~~.

257 Section 5. Subsections (3) through (7) of section 445.024,
258 Florida Statutes, are renumbered as subsections (4) through (8),
259 respectively, and a new subsection (3) is added to that section,



260 to read:

261 445.024 Work requirements.—

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

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

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

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

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

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

280 Section 6. For the purpose of incorporating the amendment
281 made by this act to section 414.095, Florida Statutes, in a
282 reference thereto, subsection (1) of section 414.045, Florida
283 Statutes, is reenacted to read:

284 414.045 Cash assistance program.—Cash assistance families
285 include any families receiving cash assistance payments from the



286 state program for temporary assistance for needy families as
287 defined in federal law, whether such funds are from federal
288 funds, state funds, or commingled federal and state funds. Cash
289 assistance families may also include families receiving cash
290 assistance through a program defined as a separate state
291 program.

292 (1) For reporting purposes, families receiving cash
293 assistance shall be grouped into the following categories. The
294 department may develop additional groupings in order to comply
295 with federal reporting requirements, to comply with the data-
296 reporting needs of the board of directors of CareerSource
297 Florida, Inc., or to better inform the public of program
298 progress.

299 (a) Work-eligible cases.—Work-eligible cases shall
300 include:

301 1. Families containing an adult or a teen head of
302 household, as defined by federal law. These cases are generally
303 subject to the work activity requirements provided in s. 445.024
304 and the time limitations on benefits provided in s. 414.105.

305 2. Families with a parent where the parent's needs have
306 been removed from the case due to sanction or disqualification
307 shall be considered work-eligible cases to the extent that such
308 cases are considered in the calculation of federal participation
309 rates or would be counted in such calculation in future months.

310 3. Families participating in transition assistance
311 programs.



312 4. Families otherwise eligible for temporary cash
313 assistance which receive diversion services, a severance
314 payment, or participate in the relocation program.

315 (b) Child-only cases.—Child-only cases include cases that
316 do not have an adult or teen head of household as defined in
317 federal law. Such cases include:

318 1. Children in the care of caretaker relatives, if the
319 caretaker relatives choose to have their needs excluded in the
320 calculation of the amount of cash assistance.

321 2. Families in the Relative Caregiver Program as provided
322 in s. 39.5085.

323 3. Families in which the only parent in a single-parent
324 family or both parents in a two-parent family receive
325 supplemental security income (SSI) benefits under Title XVI of
326 the Social Security Act, as amended. To the extent permitted by
327 federal law, individuals receiving SSI shall be excluded as
328 household members in determining the amount of cash assistance,
329 and such cases shall not be considered families containing an
330 adult. Parents or caretaker relatives who are excluded from the
331 cash assistance group due to receipt of SSI may choose to
332 participate in work activities. An individual whose ability to
333 participate in work activities is limited who volunteers to
334 participate in work activities shall be assigned to work
335 activities consistent with such limitations. An individual who
336 volunteers to participate in a work activity may receive child
337 care or support services consistent with such participation.



338 4. Families in which the only parent in a single-parent
339 family or both parents in a two-parent family are not eligible
340 for cash assistance due to immigration status or other
341 limitation of federal law. To the extent required by federal
342 law, such cases shall not be considered families containing an
343 adult.

344 5. To the extent permitted by federal law and subject to
345 appropriations, special needs children who have been adopted
346 pursuant to s. 409.166 and whose adopting family qualifies as a
347 needy family under the state program for temporary assistance
348 for needy families. Notwithstanding any provision to the
349 contrary in s. 414.075, s. 414.085, or s. 414.095, a family
350 shall be considered a needy family if:

351 a. The family is determined by the department to have an
352 income below 200 percent of the federal poverty level;

353 b. The family meets the requirements of s. 414.095(2) and
354 (3) related to residence, citizenship, or eligible noncitizen
355 status; and

356 c. The family provides any information that may be
357 necessary to meet federal reporting requirements specified under
358 Part A of Title IV of the Social Security Act.

359
360 Families described in subparagraph 1., subparagraph 2., or
361 subparagraph 3. may receive child care assistance or other
362 supports or services so that the children may continue to be
363 cared for in their own homes or in the homes of relatives. Such



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364 assistance or services may be funded from the temporary
365 assistance for needy families block grant to the extent
366 permitted under federal law and to the extent funds have been
367 provided in the General Appropriations Act.

368 Section 7. Contingent upon CS/CS/HB 1299 or similar
369 legislation adopted at the 2016 Regular Session of the
370 Legislature or an extension thereof failing to become law, for
371 fiscal year 2016-2017, the sum of \$879,680 in nonrecurring funds
372 from the Federal Grants Trust Fund is appropriated to the
373 Department of Children and Families for the purpose of
374 performing the technology modifications necessary to implement
375 changes to the disbursement of temporary cash assistance
376 benefits and the replacement of electronic benefits transfer
377 cards pursuant to this act.

378 Section 8. This act shall take effect July 1, 2016.