

Bill No. CS for SB 408

Barcode 770670

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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	WD/2R	.	
2	04/07/2005 03:24 PM	.	
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11 Senator Wilson moved the following amendment:

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13 **Senate Amendment (with title amendment)**

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On page 3, line 5, through

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page 9, line 18, delete those lines

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17 and insert:

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(a)1. First noncompliance: temporary cash assistance

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shall be terminated for the family for a minimum of 10 days or

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until the individual who failed to comply does so.

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2. Second noncompliance: temporary cash assistance

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shall be terminated for the family for 1 month or until the

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individual who failed to comply does so, whichever is later.

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Upon meeting this requirement, temporary cash assistance shall

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be reinstated to the date of compliance or the first day of

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the month following the penalty period, whichever is later.

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3. Third noncompliance: temporary cash assistance

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shall be terminated for the family for 3 months or until the

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individual who failed to comply does so, whichever is later.

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The individual shall be required to comply with the required

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work activity upon completion of the 3-month penalty period,

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

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

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11 If a participant fully complies with work activity
 12 requirements for at least 6 months, the participant shall be
 13 reinstated as being in full compliance with program
 14 requirements for purpose of sanctions imposed under this
 15 section.

16 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
 17 CHILDREN; PROTECTIVE PAYEES.--

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

26 (b) Protective payees shall be designated by the
 27 department and may include:

28 1. A relative or other individual who is interested in
 29 or concerned with the welfare of the child or children and
 30 agrees in writing to utilize the assistance in the best
 31 interest of the child or children.

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1 2. A member of the community affiliated with a
 2 religious, community, neighborhood, or charitable organization
 3 who agrees in writing to utilize the assistance in the best
 4 interest of the child or children.

5 3. A volunteer or member of an organization who agrees
 6 in writing to fulfill the role of protective payee and to
 7 utilize the assistance in the best interest of the child or
 8 children.

9 (c) The protective payee designated by the department
 10 shall be the authorized representative for purposes of
 11 receiving food stamps on behalf of a child or children under
 12 age 16. The authorized representative must agree in writing to
 13 use the food stamps in the best interest of the child or
 14 children.

15 (d) If it is in the best interest of the child or
 16 children, as determined by the department, for the staff
 17 member of a private agency, a public agency, the department,
 18 or any other appropriate organization to serve as a protective
 19 payee or authorized representative, such designation may be
 20 made, except that a protective payee or authorized
 21 representative must not be any individual involved in
 22 determining eligibility for temporary cash assistance or food
 23 stamps for the family, staff handling any fiscal processes
 24 related to issuance of temporary cash assistance or food
 25 stamps, or landlords, grocers, or vendors of goods, services,
 26 or items dealing directly with the participant.

27 (e) The department may pay incidental expenses or
 28 travel expenses for costs directly related to performance of
 29 the duties of a protective payee as necessary to implement the
 30 provisions of this subsection.

31 (3) PROPORTIONAL REDUCTION OF TEMPORARY CASH

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1 ASSISTANCE RELATED TO PAY AFTER PERFORMANCE.--Notwithstanding
 2 the provisions of subsection (1), if an individual is
 3 receiving temporary cash assistance under a
 4 pay-after-performance arrangement and the individual
 5 participates, but fails to meet the full participation
 6 requirement, then the temporary cash assistance received shall
 7 be reduced and shall be proportional to the actual
 8 participation. Food stamps may be included in a
 9 pay-after-performance arrangement if permitted under federal
 10 law.

11 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
 12 otherwise provided, the situations listed in this subsection
 13 shall constitute exceptions to the penalties for noncompliance
 14 with participation requirements, except that these situations
 15 do not constitute exceptions to the applicable time limit for
 16 receipt of temporary cash assistance:

17 (a) Noncompliance related to child care.--Temporary
 18 cash assistance may not be terminated for refusal to
 19 participate in work activities if the individual is a single
 20 custodial parent caring for a child who has not attained 6
 21 years of age, and the adult proves to the regional workforce
 22 board an inability to obtain needed child care for one or more
 23 of the following reasons, as defined in the Child Care and
 24 Development Fund State Plan required by 45 C.F.R. part 98:

- 25 1. Unavailability of appropriate child care within a
 26 reasonable distance from the individual's home or worksite.
- 27 2. Unavailability or unsuitability of informal child
 28 care by a relative or under other arrangements.
- 29 3. Unavailability of appropriate and affordable formal
 30 child care arrangements.

31 (b) Noncompliance related to domestic violence.--An

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1 individual who is determined to be unable to comply with the
 2 work requirements because such compliance would make it
 3 probable that the individual would be unable to escape
 4 domestic violence shall be exempt from work requirements.
 5 However, the individual shall comply with a plan that
 6 specifies alternative requirements that prepare the individual
 7 for self-sufficiency while providing for the safety of the
 8 individual and the individual's dependents. A participant who
 9 is determined to be out of compliance with the alternative
 10 requirement plan shall be subject to the penalties under
 11 subsection (1). An exception granted under this paragraph
 12 does not automatically constitute an exception to the time
 13 limitations on benefits specified under s. 414.105.

14 (c) Noncompliance related to treatment or remediation
 15 of past effects of domestic violence.--An individual who is
 16 determined to be unable to comply with the work requirements
 17 under this section due to mental or physical impairment
 18 related to past incidents of domestic violence may be exempt
 19 from work requirements, except that such individual shall
 20 comply with a plan that specifies alternative requirements
 21 that prepare the individual for self-sufficiency while
 22 providing for the safety of the individual and the
 23 individual's dependents. A participant who is determined to
 24 be out of compliance with the alternative requirement plan
 25 shall be subject to the penalties under subsection (1). The
 26 plan must include counseling or a course of treatment
 27 necessary for the individual to resume participation. The need
 28 for treatment and the expected duration of such treatment must
 29 be verified by a physician licensed under chapter 458 or
 30 chapter 459; a psychologist licensed under s. 490.005(1), s.
 31 490.006, or the provision identified as s. 490.013(2) in s. 1,

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1 chapter 81-235, Laws of Florida; a therapist as defined in s.
2 491.003(2) or (6); or a treatment professional who is
3 registered under s. 39.905(1)(g), is authorized to maintain
4 confidentiality under s. 90.5036(1)(d), and has a minimum of 2
5 years experience at a certified domestic violence center. An
6 exception granted under this paragraph does not automatically
7 constitute an exception from the time limitations on benefits
8 specified under s. 414.105.

9 (d) Noncompliance related to medical incapacity.--If
10 an individual cannot participate in assigned work activities
11 due to a medical incapacity, the individual may be excepted
12 from the activity for a specific period, except that the
13 individual shall be required to comply with the course of
14 treatment necessary for the individual to resume
15 participation. A participant may not be excused from work
16 activity requirements unless the participant's medical
17 incapacity is verified by a physician licensed under chapter
18 458 or chapter 459, in accordance with procedures established
19 by rule of the department. An individual for whom there is
20 medical verification of limitation to participate in work
21 activities shall be assigned to work activities consistent
22 with such limitations. Evaluation of an individual's ability
23 to participate in work activities or development of a plan for
24 work activity assignment may include vocational assessment or
25 work evaluation. The department or a regional workforce board
26 may require an individual to cooperate in medical or
27 vocational assessment necessary to evaluate the individual's
28 ability to participate in a work activity.

29 (e) Noncompliance related to outpatient mental health
30 or substance abuse treatment.--If an individual cannot
31 participate in the required hours of work activity due to a

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1 need to become or remain involved in outpatient mental health
 2 or substance abuse counseling or treatment, the individual may
 3 be exempted from the work activity for up to 5 hours per week,
 4 not to exceed 100 hours per year. An individual may not be
 5 excused from a work activity unless a mental health or
 6 substance abuse professional recognized by the department or
 7 regional workforce board certifies the treatment protocol and
 8 provides verification of attendance at the counseling or
 9 treatment sessions each week.

10 (f) Noncompliance due to medical incapacity by
 11 applicants for Supplemental Security Income (SSI) or Social
 12 Security Disability Income (SSDI).--An individual subject to
 13 work activity requirements may be exempted from those
 14 requirements if the individual provides information verifying
 15 that he or she has filed an application for SSI disability
 16 benefits or SSDI disability benefits and the decision is
 17 pending development and evaluation under social security
 18 disability law, rules, and regulations at the initial
 19 reconsideration, administrative law judge, or Social Security
 20 Administration Appeals Council levels.

21 (g) Other good cause exceptions for
 22 noncompliance.--Individuals who are temporarily unable to
 23 participate due to circumstances beyond their control may be
 24 excepted from the noncompliance penalties. The department may
 25 define by rule situations that would constitute good cause.
 26 These situations must include caring for a disabled family
 27 member when the need for the care has been verified and
 28 alternate care is not available.

29 (5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 4-10, delete those lines

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5 and insert:

6 providing for a participant's compliance with

7 an alternative requirement plan in lieu of

8 engaging in certain work activities as a means

9 of avoiding specified penalties; amending s.

10 414.095, F.S.; revising

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