

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 the work requirements for temporary cash
5 assistance; limiting the receipt of child-only
6 benefits during periods of noncompliance with work
7 requirements; amending s. 445.024, F.S.; requiring the
8 Department of Economic Opportunity, in cooperation
9 with CareerSource Florida, Inc., and the Department of
10 the Department of Children and Families, to develop
11 and implement a work plan agreement for participants
12 in the temporary cash assistance program; requiring
13 the plan to identify expectations, sanctions, and
14 penalties for noncompliance with work requirements;
15 amending s. 402.82, F.S.; requiring the Department of
16 Children and Families to impose a replacement fee for
17 electronic benefits transfer cards under certain
18 circumstances; amending s. 39.5085, F.S.; revising
19 eligibility guidelines for the Relative Caregiver
20 Program with respect to relative and nonrelative
21 caregivers; amending s. 16.59, F.S.; requiring
22 biometric confirmation of Medicaid patients by
23 hospitals by a specified date to reduce Medicaid
24 fraud; authorizing the Department of Legal Affairs,
25 the Agency for Health Care Administration, and the
26 Department of Highway Safety and Motor Vehicles to

27 | enter into certain contracts to provide access to
28 | their respective databases for verification of patient
29 | identities; providing an effective date.
30 |

31 | Be It Enacted by the Legislature of the State of Florida:
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33 | Section 1. Subsection (1) and paragraph (a) of subsection
34 | (2) of section 414.065, Florida Statutes, are amended to read:

35 | 414.065 Noncompliance with work requirements.—

36 | (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
37 | AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The
38 | department shall establish procedures for administering
39 | penalties for nonparticipation in work requirements and failure
40 | to comply with the alternative requirement plan. If an
41 | individual in a family receiving temporary cash assistance fails
42 | to engage in work activities required in accordance with s.
43 | 445.024, the following penalties shall apply. Prior to the
44 | imposition of a sanction, the participant shall be notified
45 | orally or in writing that the participant is subject to sanction
46 | and that action will be taken to impose the sanction unless the
47 | participant complies with the work activity requirements. The
48 | participant shall be counseled as to the consequences of
49 | noncompliance and, if appropriate, shall be referred for
50 | services that could assist the participant to fully comply with
51 | program requirements. If the participant has good cause for
52 | noncompliance or demonstrates satisfactory compliance, the

53 sanction shall not be imposed. If the participant has
54 subsequently obtained employment, the participant shall be
55 counseled regarding the transitional benefits that may be
56 available and provided information about how to access such
57 benefits. The department shall administer sanctions related to
58 food assistance consistent with federal regulations.

59 (a)1. First noncompliance: temporary cash assistance shall
60 be terminated for the family for a minimum of 1 month ~~10 days~~ or
61 until the individual who failed to comply does so, whichever is
62 later. Upon meeting this requirement, temporary cash assistance
63 shall be reinstated to the date of compliance or the first day
64 of the month following the penalty period, whichever is later.

65 2. Second noncompliance:

66 a. Temporary cash assistance shall be terminated for the
67 family for 3 months ~~1 month~~ or until the individual who failed
68 to comply does so, whichever is later. The individual shall be
69 required to comply with the required work activity upon
70 completion of the 3-month penalty period before reinstatement of
71 temporary cash assistance. Upon meeting this requirement,
72 temporary cash assistance shall be reinstated to the date of
73 compliance or the first day of the month following the penalty
74 period, whichever is later.

75 b. Temporary cash assistance may be continued for a family
76 in which the child or children are under age 16 for the first 3
77 months through a protective payee as specified in subsection
78 (2).

79 3. Third noncompliance:

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

89 b. Temporary cash assistance for a family in which the
90 child or children are under age 16 may be continued for the
91 first 6 months 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 1 year, or until the individual who failed to comply
96 does so, whichever is later. The individual shall be required to
97 comply with the required work activity upon completion of the 1-
98 year penalty period and reapply before reinstatement of
99 temporary cash assistance. Upon meeting this requirement,
100 temporary cash assistance shall be reinstated to the first day
101 of the month following the penalty period.

102 b. Temporary cash assistance for a family in which the
103 child or children are under age 16 may be continued for the
104 first year through a protective payee as specified in subsection

105 | (2).

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

111 |

112 | If a participant fully complies with work activity requirements
 113 | for at least 6 months, the participant shall be reinstated as
 114 | being in full compliance with program requirements for purpose
 115 | of sanctions imposed under this section.

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

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

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

131 445.024 Work requirements.—

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

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

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

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

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

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

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

153 402.82 Electronic benefits transfer program.—

154 (4) The department shall impose a fee for the fifth and
155 each subsequent request for a replacement electronic benefits
156 transfer card that a participant requests within a 12-month

157 period. The fee must be equal to the cost to replace the
158 electronic benefits transfer card. The fee may be deducted from
159 the participant's benefits. The department may waive the
160 replacement fee upon a showing of good cause, such as the
161 malfunction of the card or extreme financial hardship.

162 Section 4. Paragraph (a) of subsection (2) of section
163 39.5085, Florida Statutes, is amended to read:

164 39.5085 Relative Caregiver Program.—

165 (2) (a) The Department of Children and Families shall
166 establish, ~~and operate,~~ and implement the Relative Caregiver
167 Program ~~pursuant to eligibility guidelines established in this~~
168 ~~section as further implemented~~ by rule of the department. The
169 Relative Caregiver Program shall, within the limits of available
170 funding, provide financial assistance to:

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

177 2. Relatives who are within the fifth degree by blood or
178 marriage to the parent or stepparent of a child and who are
179 caring full-time for that dependent child, and a dependent half-
180 brother or half-sister of that dependent child, in the role of
181 substitute parent as a result of a court's determination of
182 child abuse, neglect, or abandonment and subsequent placement

183 with the relative under this chapter.

184 3. Nonrelatives who are willing to assume custody and care
185 of a dependent child in the role of substitute parent as a
186 result of a court's determination of child abuse, neglect, or
187 abandonment and subsequent placement with the nonrelative
188 caregiver under this chapter. The court must find that a
189 proposed placement under this subparagraph is in the best
190 interest of the child.

191 4. The relative or nonrelative caregiver may not receive a
192 Relative Caregiver Program payment if the parent or stepparent
193 of the child resides in the home. However, a relative or
194 nonrelative may receive the payment for a minor parent who is in
195 his or her care and for the minor parent's child, if both the
196 minor parent and the child have been adjudicated dependent and
197 meet all other eligibility requirements. If the caregiver is
198 currently receiving the payment, the payment must be terminated
199 no later than the first day of the following month after the
200 parent or stepparent moves into the home. Before the payment is
201 terminated, the caregiver must be given 10 days' notice of
202 adverse action.

203
204 The placement may be court-ordered temporary legal custody to
205 the relative or nonrelative under protective supervision of the
206 department pursuant to s. 39.521(1)(b)3., or court-ordered
207 placement in the home of a relative or nonrelative as a
208 permanency option under s. 39.6221 or s. 39.6231 or under former

209 s. 39.622 if the placement was made before July 1, 2006. The
210 Relative Caregiver Program shall offer financial assistance to
211 caregivers who would be unable to serve in that capacity without
212 the caregiver payment because of financial burden, thus exposing
213 the child to the trauma of placement in a shelter or in foster
214 care.

215 Section 5. Section 16.59, Florida Statutes, is amended to
216 read:

217 16.59 Medicaid fraud control.—

218 (1) The Medicaid Fraud Control Unit is created in the
219 Department of Legal Affairs to investigate all violations of s.
220 409.920 and any criminal violations discovered during the course
221 of those investigations. The Medicaid Fraud Control Unit may
222 refer any criminal violation so uncovered to the appropriate
223 prosecuting authority. The offices of the Medicaid Fraud Control
224 Unit, the Agency for Health Care Administration Medicaid program
225 integrity program, and the Divisions of Insurance Fraud and
226 Public Assistance Fraud within the Department of Financial
227 Services shall, to the extent possible, be collocated; however,
228 positions dedicated to Medicaid managed care fraud within the
229 Medicaid Fraud Control Unit shall be collocated with the
230 Division of Insurance Fraud. The Agency for Health Care
231 Administration, the Department of Legal Affairs, and the
232 Divisions of Insurance Fraud and Public Assistance Fraud within
233 the Department of Financial Services shall conduct joint
234 training and other joint activities designed to increase

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235 communication and coordination in recovering overpayments.

236 (2) In order to combat Medicaid fraud, by January 1, 2017,
237 all hospitals that accept Medicaid payments must implement
238 measures to biometrically confirm a patient's identity.

239 (a) These measures must verify the patient's identity
240 against the patient's image contained within the Department of
241 Highway Safety and Motor Vehicles' driver license database, if
242 available, and verify the patient's eligibility to receive
243 Medicaid payments.

244 (b) The Department of Legal Affairs, the Agency for Health
245 Care Administration, and the Department of Highway Safety and
246 Motor Vehicles may contract with hospitals or their software
247 providers to provide access to the driver license database for
248 the purpose of verifying a patient's identity and eligibility to
249 receive Medicaid payments.

250 Section 6. This act shall take effect July 1, 2016.