

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; providing applicability of work
8 requirements before expiration of the minimum penalty
9 period; requiring the Department of Children and
10 Families to refer sanctioned participants to
11 appropriate free and low-cost community services,
12 including food banks; amending s. 445.024, F.S.;
13 requiring the Department of Economic Opportunity, in
14 cooperation with CareerSource Florida, Inc., and the
15 Department of the Department of Children and Families,
16 to develop and implement a work plan agreement for
17 participants in the temporary cash assistance program;
18 requiring the plan to identify expectations,
19 sanctions, and penalties for noncompliance with work
20 requirements; amending s. 402.82, F.S.; requiring the
21 Department of Children and Families to impose a
22 replacement fee for electronic benefits transfer cards
23 under certain circumstances; amending s. 39.5085,
24 F.S.; revising eligibility guidelines for the Relative
25 Caregiver Program with respect to relative and
26 nonrelative caregivers; amending s. 16.59, F.S.;

27 requiring biometric confirmation of Medicaid patients
 28 by hospitals by a specified date to reduce Medicaid
 29 fraud; authorizing the Department of Legal Affairs,
 30 the Agency for Health Care Administration, and the
 31 Department of Highway Safety and Motor Vehicles to
 32 enter into certain contracts to provide access to
 33 their respective databases for verification of patient
 34 identities; providing an effective date.

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

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

40 414.065 Noncompliance with work requirements.—

41 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
 42 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The
 43 department shall establish procedures for administering
 44 penalties for nonparticipation in work requirements and failure
 45 to comply with the alternative requirement plan. If an
 46 individual in a family receiving temporary cash assistance fails
 47 to engage in work activities required in accordance with s.
 48 445.024, the following penalties shall apply. Prior to the
 49 imposition of a sanction, the participant shall be notified
 50 orally or in writing that the participant is subject to sanction
 51 and that action will be taken to impose the sanction unless the
 52 participant complies with the work activity requirements. The

53 participant shall be counseled as to the consequences of
54 noncompliance and, if appropriate, shall be referred for
55 services that could assist the participant to fully comply with
56 program requirements. If the participant has good cause for
57 noncompliance or demonstrates satisfactory compliance, the
58 sanction shall not be imposed. If the participant has
59 subsequently obtained employment, the participant shall be
60 counseled regarding the transitional benefits that may be
61 available and provided information about how to access such
62 benefits. The department shall administer sanctions related to
63 food assistance consistent with federal regulations.

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

70 2. Second noncompliance:

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

79 period, whichever is later.

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

85 3. Third noncompliance:

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

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

100 4. Fourth noncompliance:

101 a. Temporary cash assistance shall be terminated for the
102 family for 12 months, or until the individual who failed to
103 comply does so, whichever is later. The individual shall be
104 required to comply with the required work activity upon

105 completion of the 12-month penalty period and reapply before
106 reinstatement of temporary cash assistance. Upon meeting this
107 requirement, temporary cash assistance shall be reinstated to
108 the first day of the month following the penalty period.

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

114 5. This paragraph does not prohibit a participant from
115 complying with the work activity requirements during the penalty
116 periods imposed in paragraph (a).

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

122 (c) When a participant is sanctioned for noncompliance
123 with this section, the department shall refer the participant to
124 appropriate free and low-cost community services, including food
125 banks.

126
127 If a participant fully complies with work activity requirements
128 for at least 6 months, the participant shall be reinstated as
129 being in full compliance with program requirements for purpose
130 of sanctions imposed under this section.

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

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

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

146 445.024 Work requirements.—

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

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

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

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

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

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

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

168 402.82 Electronic benefits transfer program.—

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

177 Section 4. Paragraph (a) of subsection (2) of section
 178 39.5085, Florida Statutes, is amended to read:

179 39.5085 Relative Caregiver Program.—

180 (2) (a) The Department of Children and Families shall
 181 establish, and operate, and implement the Relative Caregiver
 182 ~~Program pursuant to eligibility guidelines established in this~~

183 ~~section as further implemented~~ by rule of the department. The
184 Relative Caregiver Program shall, within the limits of available
185 funding, provide financial assistance to:

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

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

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

206 4. The relative or nonrelative caregiver may not receive a
207 Relative Caregiver Program payment if the parent or stepparent
208 of the child resides in the home. However, a relative or

209 nonrelative may receive the payment for a minor parent who is in
 210 his or her care and for the minor parent's child, if both the
 211 minor parent and the child have been adjudicated dependent and
 212 meet all other eligibility requirements. If the caregiver is
 213 currently receiving the payment, the payment must be terminated
 214 no later than the first day of the following month after the
 215 parent or stepparent moves into the home. Before the payment is
 216 terminated, the caregiver must be given 10 days' notice of
 217 adverse action.

218
 219 The placement may be court-ordered temporary legal custody to
 220 the relative or nonrelative under protective supervision of the
 221 department pursuant to s. 39.521(1)(b)3., or court-ordered
 222 placement in the home of a relative or nonrelative as a
 223 permanency option under s. 39.6221 or s. 39.6231 or under former
 224 s. 39.622 if the placement was made before July 1, 2006. The
 225 Relative Caregiver Program shall offer financial assistance to
 226 caregivers who would be unable to serve in that capacity without
 227 the caregiver payment because of financial burden, thus exposing
 228 the child to the trauma of placement in a shelter or in foster
 229 care.

230 Section 5. Section 16.59, Florida Statutes, is amended to
 231 read:

232 16.59 Medicaid fraud control.—

233 (1) The Medicaid Fraud Control Unit is created in the
 234 Department of Legal Affairs to investigate all violations of s.

235 409.920 and any criminal violations discovered during the course
236 of those investigations. The Medicaid Fraud Control Unit may
237 refer any criminal violation so uncovered to the appropriate
238 prosecuting authority. The offices of the Medicaid Fraud Control
239 Unit, the Agency for Health Care Administration Medicaid program
240 integrity program, and the Divisions of Insurance Fraud and
241 Public Assistance Fraud within the Department of Financial
242 Services shall, to the extent possible, be collocated; however,
243 positions dedicated to Medicaid managed care fraud within the
244 Medicaid Fraud Control Unit shall be collocated with the
245 Division of Insurance Fraud. The Agency for Health Care
246 Administration, the Department of Legal Affairs, and the
247 Divisions of Insurance Fraud and Public Assistance Fraud within
248 the Department of Financial Services shall conduct joint
249 training and other joint activities designed to increase
250 communication and coordination in recovering overpayments.

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

254 (a) These measures must verify the patient's identity
255 against the patient's image contained within the Department of
256 Highway Safety and Motor Vehicles' driver license database, if
257 available, and verify the patient's eligibility to receive
258 Medicaid payments.

259 (b) The Department of Legal Affairs, the Agency for Health
260 Care Administration, and the Department of Highway Safety and

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261 Motor Vehicles may contract with hospitals or their software
262 providers to provide access to the driver license database for
263 the purpose of verifying a patient's identity and eligibility to
264 receive Medicaid payments.

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