

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Eagle offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 151 and 152, insert:

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

9 414.065 Noncompliance with work requirements.—

10 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
 11 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The
 12 department shall establish procedures for administering
 13 penalties for nonparticipation in work requirements and failure
 14 to comply with the alternative requirement plan. If an
 15 individual in a family receiving temporary cash assistance fails
 16 to engage in work activities required in accordance with s.
 17 445.024, the following penalties shall apply. Prior to the

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18 imposition of a sanction, the participant shall be notified
19 orally or in writing that the participant is subject to sanction
20 and that action will be taken to impose the sanction unless the
21 participant complies with the work activity requirements. The
22 participant shall be counseled as to the consequences of
23 noncompliance and, if appropriate, shall be referred for
24 services that could assist the participant to fully comply with
25 program requirements. If the participant has good cause for
26 noncompliance or demonstrates satisfactory compliance, the
27 sanction shall not be imposed. If the participant has
28 subsequently obtained employment, the participant shall be
29 counseled regarding the transitional benefits that may be
30 available and provided information about how to access such
31 benefits. The department shall administer sanctions related to
32 food assistance consistent with federal regulations.

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

39 2. Second noncompliance:

40 a. Temporary cash assistance shall be terminated for the
41 family for 3 months ~~1 month~~ or until the individual who failed
42 to comply does so, whichever is later. The individual shall be
43 required to comply with the required work activity upon

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44 completion of the 3-month penalty period before reinstatement of
45 temporary cash assistance. Upon meeting this requirement,
46 temporary cash assistance shall be reinstated to the date of
47 compliance or the first day of the month following the penalty
48 period, whichever is later.

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

54 3. Third noncompliance:

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

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

69 4. Fourth noncompliance:

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

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

83 5. This paragraph does not prohibit a participant from
84 complying with the work activity requirements during the penalty
85 periods imposed in paragraph (a).

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

91 (c) When a participant is sanctioned for noncompliance
92 with this section, the department shall refer the participant to
93 appropriate free and low-cost community services, including food
94 banks.

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96 If a participant fully complies with work activity requirements
 97 for at least 6 months, the participant shall be reinstated as
 98 being in full compliance with program requirements for purpose
 99 of sanctions imposed under this section.

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

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

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

115 445.024 Work requirements.—

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

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

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

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

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

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

134 Section 5. Subsection (4) of section 402.82, Florida
 135 Statutes, is renumbered as subsection (5), and a new subsection
 136 (4) is added to that section, to read:

137 402.82 Electronic benefits transfer program.—

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

146 Section 6. Paragraph (a) of subsection (2) of section
 147 39.5085, Florida Statutes, is amended to read:

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148 39.5085 Relative Caregiver Program.—

149 (2) (a) The Department of Children and Families shall
150 establish, ~~and operate,~~ and implement the Relative Caregiver
151 Program ~~pursuant to eligibility guidelines established in this~~
152 ~~section as further implemented~~ by rule of the department. The
153 Relative Caregiver Program shall, within the limits of available
154 funding, provide financial assistance to:

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

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

168 3. Nonrelatives who are willing to assume custody and care
169 of a dependent child in the role of substitute parent as a
170 result of a court's determination of child abuse, neglect, or
171 abandonment and subsequent placement with the nonrelative
172 caregiver under this chapter. The court must find that a

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173 proposed placement under this subparagraph is in the best
174 interest of the child.

175 4. The relative or nonrelative caregiver may not receive a
176 Relative Caregiver Program payment if the parent or stepparent
177 of the child resides in the home. However, a relative or
178 nonrelative may receive the payment for a minor parent who is in
179 his or her care and for the minor parent's child, if both the
180 minor parent and the child have been adjudicated dependent and
181 meet all other eligibility requirements. If the caregiver is
182 currently receiving the payment, the payment must be terminated
183 no later than the first day of the following month after the
184 parent or stepparent moves into the home. Before the payment is
185 terminated, the caregiver must be given 10 days' notice of
186 adverse action.

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

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
 An act relating to public assistance; amending s.
 414.095, F.S.; revising the consideration of income
 from illegal noncitizen or ineligible noncitizen
 family members in determining eligibility for
 temporary cash assistance; reenacting s. 414.045(1),
 F.S., relating to the cash assistance program, to
 incorporate the amendment made by the act to s.
 414.095, F.S., in a reference thereto; amending s.
 414.065, F.S.; revising penalties for noncompliance
 with the 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., the
 regional workforce boards, and the Department of
 Children and Families, to develop and implement a work

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225 plan agreement for participants in the temporary cash
 226 assistance program; requiring the plan to identify
 227 expectations, sanctions, and penalties for
 228 noncompliance with work requirements; amending s.
 229 402.82, F.S.; requiring the Department of Children and
 230 Families to impose a replacement fee for electronic
 231 benefits transfer cards under certain circumstances;
 232 amending s. 39.5085, F.S.; revising eligibility
 233 guidelines for the Relative Caregiver Program with
 234 respect to relative and nonrelative caregivers;
 235 providing an effective date.