

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

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 an effective date.

34

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

36

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

39 39.5085 Relative Caregiver Program.—

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

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

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

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

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

78  
79 The placement may be court-ordered temporary legal custody to  
80 the relative or nonrelative under protective supervision of the  
81 department pursuant to s. 39.521(1)(b)3., or court-ordered  
82 placement in the home of a relative or nonrelative as a  
83 permanency option under s. 39.6221 or s. 39.6231 or under former  
84 s. 39.622 if the placement was made before July 1, 2006. The  
85 Relative Caregiver Program shall offer financial assistance to  
86 caregivers who would be unable to serve in that capacity without  
87 the caregiver payment because of financial burden, thus exposing  
88 the child to the trauma of placement in a shelter or in foster  
89 care.

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

93 402.82 Electronic benefits transfer program.—

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

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

104           414.065 Noncompliance with work requirements.—  
 105           (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS  
 106 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—The  
 107 department shall establish procedures for administering  
 108 penalties for nonparticipation in work requirements and failure  
 109 to comply with the alternative requirement plan. If an  
 110 individual in a family receiving temporary cash assistance fails  
 111 to engage in work activities required in accordance with s.  
 112 445.024, the following penalties shall apply. Prior to the  
 113 imposition of a sanction, the participant shall be notified  
 114 orally or in writing that the participant is subject to sanction  
 115 and that action will be taken to impose the sanction unless the  
 116 participant complies with the work activity requirements. The  
 117 participant shall be counseled as to the consequences of  
 118 noncompliance and, if appropriate, shall be referred for  
 119 services that could assist the participant to fully comply with  
 120 program requirements. If the participant has good cause for  
 121 noncompliance or demonstrates satisfactory compliance, the  
 122 sanction shall not be imposed. If the participant has  
 123 subsequently obtained employment, the participant shall be  
 124 counseled regarding the transitional benefits that may be  
 125 available and provided information about how to access such  
 126 benefits. The department shall administer sanctions related to  
 127 food assistance consistent with federal regulations.  
 128           (a)1. First noncompliance: temporary cash assistance shall  
 129 be terminated for the family for a minimum of 1 month ~~10 days~~ or

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

134 2. Second noncompliance:

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

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

149 3. Third noncompliance:

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

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

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

164 4. Fourth noncompliance:

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

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

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

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

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

190  
191 If a participant fully complies with work activity requirements  
192 for at least 6 months, the participant shall be reinstated as  
193 being in full compliance with program requirements for purpose  
194 of sanctions imposed under this section.

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

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

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



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

208 414.095 Determining eligibility for temporary cash  
209 assistance.—

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

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

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

245 (11) DISREGARDS.—

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

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

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

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

259 to read:

260 445.024 Work requirements.—

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

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

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

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

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

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

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

283 414.045 Cash assistance program.—Cash assistance families  
284 include any families receiving cash assistance payments from the

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

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

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

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

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

309 3. Families participating in transition assistance  
310 programs.

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

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

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

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

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

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

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

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

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

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

358  
 359 Families described in subparagraph 1., subparagraph 2., or  
 360 subparagraph 3. may receive child care assistance or other  
 361 supports or services so that the children may continue to be  
 362 cared for in their own homes or in the homes of relatives. Such

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

367 Section 7. This act shall take effect July 1, 2016.