

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 work requirements for temporary cash assistance;
5 limiting the receipt of child-only benefits during
6 periods of noncompliance with work requirements;
7 providing applicability of work requirements before
8 expiration of the minimum penalty period; requiring
9 the Department of Children and Families to refer
10 sanctioned participants to appropriate free and low-
11 cost community services, including food banks;
12 amending s. 445.024, F.S.; requiring the Department of
13 Economic Opportunity, in cooperation with CareerSource
14 Florida, Inc., and the Department of Children and
15 Families, to develop and implement a work plan
16 agreement for participants in the temporary cash
17 assistance program; requiring the plan to identify
18 expectations, sanctions, and penalties for
19 noncompliance with work requirements; amending s.
20 402.82, F.S.; prohibiting the use of an electronic
21 benefits transfer card at specified locations;
22 requiring the Department of Children and Families to
23 impose a replacement fee for electronic benefits
24 transfer cards under certain circumstances; amending
25 s. 39.5085, F.S.; revising eligibility guidelines for

26 | the Relative Caregiver Program with respect to
 27 | relative and nonrelative caregivers; providing an
 28 | appropriation; providing an effective date.

30 | Be It Enacted by the Legislature of the State of Florida:

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

34 | 414.065 Noncompliance with work requirements.—

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

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

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

64 2. Second noncompliance:

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

74 b. Upon the second occurrence of noncompliance, temporary
75 cash assistance for the child or children in a family who are

76 | under age 16 may be continued for the first 3 months of the
77 | penalty period through a protective payee as specified in
78 | subsection (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~~7~~, 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. Upon the third occurrence of noncompliance, temporary
90 | cash assistance for the child or children in a family who are
91 | under age 16 may be continued for the first 6 months of the
92 | penalty period through a protective payee as specified in
93 | subsection (2).

94 | 4. Fourth noncompliance:

95 | a. Temporary cash assistance shall be terminated for the
96 | family for 12 months or until the individual who failed to
97 | comply does so, whichever is later. The individual shall be
98 | required to comply with the required work activity upon
99 | completion of the 12-month penalty period and reapply before
100 | reinstatement of temporary cash assistance. Upon meeting this

101 requirement, temporary cash assistance shall be reinstated to
102 the first day of the month following the penalty period.

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

108 5. The sanctions imposed under subparagraphs 1.-4. do not
109 prohibit a participant from complying with the work activity
110 requirements during the penalty periods imposed by this
111 paragraph.

112 (b) If a participant receiving temporary cash assistance
113 who is otherwise exempted from noncompliance penalties fails to
114 comply with the alternative requirement plan required in
115 accordance with this section, the penalties provided in
116 paragraph (a) shall apply.

117 (c) When a participant is sanctioned for noncompliance
118 with this section, the department shall refer the participant to
119 appropriate free and low-cost community services, including food
120 banks.

121
122 If a participant fully complies with work activity requirements
123 for at least 6 months, the participant shall be reinstated as
124 being in full compliance with program requirements for purpose
125 of sanctions imposed under this section.

126 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
 127 CHILDREN; PROTECTIVE PAYEES.—

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

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

141 445.024 Work requirements.—

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

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

150 1. What is expected of the participant to continue to

151 receive temporary cash assistance benefits.

152 2. Under what circumstances the participant would be
153 sanctioned for noncompliance.

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

157 (b) Work with the participant to develop strategies to
158 assist the participant in overcoming obstacles to compliance
159 with the work activity requirements.

160 Section 3. Paragraphs (g), (h), and (i) are added to
161 subsection (4) of section 402.82, Florida Statutes, and
162 subsection (5) is added to that section, to read:

163 402.82 Electronic benefits transfer program.—

164 (4) Use or acceptance of an electronic benefits transfer
165 card is prohibited at the following locations or for the
166 following activities:

167 (g) A medical marijuana treatment center or dispensing
168 organization.

169 (h) A cigar store or stand, pipe store, smoke shop, or
170 tobacco shop.

171 (i) A body piercing salon as defined in s. 381.0075(2)(b),
172 a tattoo establishment as defined in s. 381.00771, or a business
173 establishment primarily engaged in the practice of branding.

174 (5) The department shall impose a fee for the fifth and
175 each subsequent request for a replacement electronic benefits

176 transfer card that a participant requests within a 12-month
 177 period. The fee must be equal to the cost to replace the
 178 electronic benefits transfer card. The fee may be deducted from
 179 the participant's benefits. The department may waive the
 180 replacement fee upon a showing of good cause, such as the
 181 malfunction of the card or extreme financial hardship.

182 Section 4. Paragraph (a) of subsection (1) and paragraph
 183 (a) of subsection (2) of section 39.5085, Florida Statutes, are
 184 amended to read:

185 39.5085 Relative Caregiver Program.—

186 (1) It is the intent of the Legislature in enacting this
 187 section to:

188 (a) Provide for the establishment of procedures and
 189 protocols that serve to advance the continued safety of children
 190 by acknowledging the valued resource uniquely available through
 191 grandparents, relatives of children, and specified nonrelatives
 192 of children pursuant to sub-subparagraph (2)(a)1.c. ~~subparagraph~~
 193 ~~(2)(a)3.~~

194 (2)(a) The Department of Children and Families shall
 195 establish, ~~and operate,~~ and implement the Relative Caregiver
 196 Program ~~pursuant to eligibility guidelines established in this~~
 197 ~~section as further implemented~~ by rule of the department.

198 1. The Relative Caregiver Program shall, within the limits
 199 of available funding, provide financial assistance to:

200 a.1. Relatives who are within the fifth degree by blood or

201 marriage to the parent or stepparent of a child and who are
 202 caring full-time for that dependent child in the role of
 203 substitute parent as a result of a court's determination of
 204 child abuse, neglect, or abandonment and subsequent placement
 205 with the relative under this chapter.

206 ~~b.2.~~ Relatives who are within the fifth degree by blood or
 207 marriage to the parent or stepparent of a child and who are
 208 caring full-time for that dependent child, and a dependent half-
 209 brother or half-sister of that dependent child, in the role of
 210 substitute parent as a result of a court's determination of
 211 child abuse, neglect, or abandonment and subsequent placement
 212 with the relative under this chapter.

213 ~~c.3.~~ Nonrelatives who are willing to assume custody and
 214 care of a dependent child in the role of substitute parent as a
 215 result of a court's determination of child abuse, neglect, or
 216 abandonment and subsequent placement with the nonrelative
 217 caregiver under this chapter. The court must find that a
 218 proposed placement under this subparagraph is in the best
 219 interest of the child.

220 2. The relative or nonrelative caregiver may not receive a
 221 Relative Caregiver Program payment if the parent or stepparent
 222 of the child resides in the home. However, a relative or
 223 nonrelative may receive the payment for a minor parent who is in
 224 his or her care and for the minor parent's child, if both the
 225 minor parent and the child have been adjudicated dependent and

226 meet all other eligibility requirements. If the caregiver is
227 currently receiving the payment, the payment must be terminated
228 no later than the first day of the following month after the
229 parent or stepparent moves into the home. Before the payment is
230 terminated, the caregiver must be given 10 days' notice of
231 adverse action.

232
233 The placement may be court-ordered temporary legal custody to
234 the relative or nonrelative under protective supervision of the
235 department pursuant to s. 39.521(1)(b)3., or court-ordered
236 placement in the home of a relative or nonrelative as a
237 permanency option under s. 39.6221 or s. 39.6231 or under former
238 s. 39.622 if the placement was made before July 1, 2006. The
239 Relative Caregiver Program shall offer financial assistance to
240 caregivers who would be unable to serve in that capacity without
241 the caregiver payment because of financial burden, thus exposing
242 the child to the trauma of placement in a shelter or in foster
243 care.

244 Section 5. For fiscal year 2017-2018, the sum of \$XXX,XXX
245 in nonrecurring funds from the Federal Grants Trust Fund is
246 appropriated to the Department of Children and Families for the
247 purpose of performing the technology modifications necessary to
248 implement changes to the disbursement of temporary cash
249 assistance benefits and the replacement of electronic benefits
250 transfer cards pursuant to this act.

251 | Section 6. This act shall take effect July 1, 2017. |