

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.

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

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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:

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

65 b. Upon the first occurrence of noncompliance, temporary
66 cash assistance for the child or children in a family who are
67 under age 16 may be continued for the first month of the penalty
68 period through a protective payee as specified in subsection
69 (2).

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. The sanctions imposed under subparagraphs 1.-4. do not
115 prohibit a participant from complying with the work activity
116 requirements during the penalty periods imposed by this
117 paragraph.

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

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

126 banks.

127

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

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

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

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

147 445.024 Work requirements.—

148 (3) WORK PLAN AGREEMENT.—For each individual who is not
149 otherwise exempt from work activity requirements, but before a
150 participant may receive temporary cash assistance, the

151 Department of Economic Opportunity, in cooperation with
152 CareerSource Florida, Inc., and the Department of Children and
153 Families, must:

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

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

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

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

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

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

169 402.82 Electronic benefits transfer program.—

170 (4) Use or acceptance of an electronic benefits transfer
171 card is prohibited at the following locations or for the
172 following activities:

173 (g) A medical marijuana treatment center or dispensing
174 organization.

175 (h) A cigar store or stand, pipe store, smoke shop, or

176 tobacco shop.

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

180 (5) The department shall impose a fee for the fifth and
 181 each subsequent request for a replacement electronic benefits
 182 transfer card that a participant requests within a 12-month
 183 period. The fee must be equal to the cost to replace the
 184 electronic benefits transfer card. The fee may be deducted from
 185 the participant's benefits. The department may waive the
 186 replacement fee upon a showing of good cause, such as the
 187 malfunction of the card or extreme financial hardship.

188 Section 4. Paragraph (a) of subsection (1) and paragraph
 189 (a) of subsection (2) of section 39.5085, Florida Statutes, are
 190 amended to read:

191 39.5085 Relative Caregiver Program.—

192 (1) It is the intent of the Legislature in enacting this
 193 section to:

194 (a) Provide for the establishment of procedures and
 195 protocols that serve to advance the continued safety of children
 196 by acknowledging the valued resource uniquely available through
 197 grandparents, relatives of children, and specified nonrelatives
 198 of children pursuant to sub-subparagraph (2)(a)1.c. ~~subparagraph~~
 199 ~~(2)(a)3.~~

200 (2)(a) The Department of Children and Families shall

201 establish, ~~and operate,~~ and implement the Relative Caregiver
202 Program ~~pursuant to eligibility guidelines established in this~~
203 ~~section as further implemented~~ by rule of the department.

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

206 ~~a.1.~~ 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 in the role of
209 substitute parent as a result of a court's determination of
210 child abuse, neglect, or abandonment and subsequent placement
211 with the relative under this chapter.

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

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

226 2. The relative or nonrelative caregiver may not receive a
227 Relative Caregiver Program payment if the parent or stepparent
228 of the child resides in the home. However, a relative or
229 nonrelative may receive the payment for a minor parent who is in
230 his or her care and for the minor parent's child, if both the
231 minor parent and the child have been adjudicated dependent and
232 meet all other eligibility requirements. If the caregiver is
233 currently receiving the payment, the payment must be terminated
234 no later than the first day of the following month after the
235 parent or stepparent moves into the home. Before the payment is
236 terminated, the caregiver must be given 10 days' notice of
237 adverse action.

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

250 Section 5. For fiscal year 2017-2018, the sum of \$952,360

251 in nonrecurring funds from the Federal Grants Trust Fund is
252 appropriated to the Department of Children and Families for the
253 purpose of performing the technology modifications necessary to
254 implement changes to the disbursement of temporary cash
255 assistance benefits and the replacement of electronic benefits
256 transfer cards pursuant to this act.

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