Committee/Subcommittee hearing bill: Health & Human Services Committee
Representative Eagle offered the following:

Amendment (with title amendment)
Remove lines 33-167 and insert:
AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—
(a) The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan. If an individual in a family receiving temporary cash assistance fails to engage in work activities required in accordance with s. 445.024, the following penalties shall apply. Prior to the imposition of a sanction, the participant shall be notified orally or in writing that the participant is subject to sanction and that action will be taken...
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17 to impose the sanction unless the participant complies with the
18 work activity requirements. The participant shall be counseled
19 as to the consequences of noncompliance and, if appropriate,
20 shall be referred for services that could assist the participant
21 to fully comply with program requirements. If the participant
22 has good cause for noncompliance or demonstrates satisfactory
23 compliance, the sanction may shall not be imposed. If the
24 participant has subsequently obtained employment, the
25 participant shall be counseled regarding the transitional
26 benefits that may be available and provided information about
27 how to access such benefits.

(b) The department shall administer sanctions related to
28 food assistance consistent with federal regulations. The
29 department shall implement a conciliation process for food
30 assistance participants who fail to comply with work activity
31 requirements.

(c) If an individual in a family receiving temporary cash
32 assistance fails to engage in work activities required in
33 accordance with s. 445.024, the following penalties shall apply:
34 
35 (a) 1. First noncompliance:
36 
37  a. Temporary cash assistance shall be terminated for the
38 family for a minimum of 1 month 10 days or until the individual
39 who failed to comply does so, whichever is later. Upon meeting
40 this requirement, temporary cash assistance shall be reinstated

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41 to the date of compliance or the first day of the month
42 following the penalty period, whichever is later.
43
44 b. Temporary cash assistance for the minor child or
45 children in a family may be continued for the first month of the
46 penalty period through a protective payee as specified in
47 subsection (2).
48
49 2. Second noncompliance:
50
51 a. Temporary cash assistance shall be terminated for the
52 family for 3 months or until the individual who failed
53 to comply does so, whichever is later. The individual shall be
54 required to comply with the required work activity upon
55 completion of the 3-month penalty period before reinstatement of
56 temporary cash assistance. Upon meeting this requirement,
57 temporary cash assistance shall be reinstated to the date of
58 compliance or the first day of the month following the penalty
59 period, whichever is later.
60
61 b. Temporary cash assistance for the minor child or
62 children in a family may be continued for the first 3 months of
63 the penalty period through a protective payee as specified in
64 subsection (2).
65
66 3. Third noncompliance:
67
68 a. Temporary cash assistance shall be terminated for the
69 family for 6 months or until the individual who failed to
70 comply does so, whichever is later. The individual shall be
71 required to comply with the required work activity upon
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66 completion of the 6-month penalty period, before reinstatement of temporary cash assistance. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.

67 b. Temporary cash assistance for the minor child or children in a family may be continued for the first 6 months of the penalty period through a protective payee as specified in subsection (2).

68 4. Fourth noncompliance:

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

70 b. Temporary cash assistance for the minor child or children in a family may be continued for the first 12 months of the penalty period through a protective payee as specified in subsection (2).

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

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

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

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

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

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

Section 2. Subsections (3) through (7) of section 445.024, Florida Statutes, are renumbered as subsections (4) through (8), respectively, and subsections (3), (9), (10) and (11) are added to that section, to read:

445.024 Work requirements.—

(3) WORK PLAN AGREEMENT.—For each individual who is not otherwise exempt from work activity requirements, the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., and the Department of Children and Families, must:

(a) Inform the participant, in plain language, and require the participant to agree in writing to:

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

2. Under what circumstances the participant would be sanctioned for noncompliance and what constitutes good cause for noncompliance.

3. Potential penalties for noncompliance with the work requirements in s. 414.065, including how long benefits would be unavailable to the participant.

(b) Develop an individual responsibility plan for each participant.
1. The individual responsibility plan shall be developed jointly by the participant and the participant’s case manager pursuant to an initial assessment of, at a minimum, the participant’s skills, prior work experience, employability, and barriers to employment.

2. The individual responsibility plan shall seek to move the participant towards self-sufficiency, and shall:
   a. Establish employment goals and a plan for moving the participant into unsubsidized employment.
   b. Place the participant into highest level of employment he or she is capable of, increasing over time the participant’s responsibilities and amount of work.
   c. Clearly state in sufficient detail the participant’s obligations; activity requirements; and any services the local workforce development board will provide to enable the participant to satisfy his or her obligations and activity requirements, including, but not limited to, child care and transportation, where available.
   d. Be specific, sufficient, feasible, and sustainable in response to the realities of any barriers to compliance with work activity requirements that the participant faces, including but not limited to, substance abuse, mental illness, physical or mental disability, domestic violence, a criminal record affecting employment, significant job-skill or soft-skill...
deficiencies, and lack of child care, stable housing or transportation.

(b) Work with the participant to develop strategies to assist the participant in overcoming any barriers to compliance with the work requirements in s. 414.065.

(c) Adopt rules to implement this subsection.

(9) SANCTION FOR NONCOMPLIANCE WITH WORK REQUIREMENTS.—

(a) The department shall establish uniform standards for compliance with work activity requirements and submitting requests for sanctions for noncompliance pursuant to s. 414.065 to the Department of Children and Families.

(b) The department shall ensure that all local workforce development boards implement sanctions for noncompliance with work activity requirements uniformly and do not sanction participants who are temporarily unable to meet work activity requirements due to circumstances beyond their control.

(c) When requesting that the Department of Children and Families sanction an individual who has failed to engage in work activities required under this section, the department or local workforce development board shall notify the Department of Children and Families of the reason for the sanction request.

(10) ANNUAL REPORT.—By December 1 of each year, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report that comprehensively presents participant
information and employment outcomes, by program, for individuals subject to mandatory work requirements due to receipt of temporary cash assistance or food assistance under chapter 414. The report shall cover the participants who received services during the prior fiscal year. The report shall include, at a minimum:

(a) The number of participants referred by the Department of Children and Families who received workforce services; the total time participants received services and, if available, the length of any gaps in services as a result of sanction or program ineligibility; and the number who were referred but did not receive workforce services, with an explanation for why services were not received, if applicable.

(b) Activities participated in and whether such activities satisfied the work requirements for participants’ receipt of temporary cash assistance or food assistance.

(c) Participants’ barriers to employment identified by the case managers in individual responsibility plans; the services offered to address such barriers; and whether participants availed themselves of such services, with an explanation of why participants did not avail themselves, if applicable.

(d) A description and summary of information included in the Florida Education and Training Placement Information Program report, pursuant to s. 1008.39, including but not limited to the number and percentage of participants securing employment; job
sector in which employment was secured and whether full-time or
part-time; whether the employment was above minimum wage;
whether the participant continued to receive temporary cash
assistance or food assistance after securing employment or
exited programs due to employment; and any other employment
outcomes.
(e) Number and percentage of participants sanctioned for
noncompliance with work requirements; the action or inaction
giving rise to the noncompliance; whether the participant
identified barriers related to noncompliance; and services
offered to prevent future noncompliance.
(g) For the report due December 1, 2018, the department
shall also evaluate:
1. The effectiveness of its communication with
participants, options for improving such communication, and any
costs associated with such improvements.
2. The degree to which additional manual registration
processes are used by local workforce development boards, a
description of such processes, the impact of such processes on
sanction rates for noncompliance with work activities, and the
benefits and disadvantages of such processes.
(11) RULEMAKING.—The department shall adopt rules to
implement the provisions of this section.
Section 3. Subsection (3) of section 409.972, Florida
Statutes, is amended to read:
409.972 Mandatory and voluntary enrollment.—

(3) The agency shall seek federal approval to require enrollees to provide proof to the department of engagement in work activities consistent with the requirements in s. 414.095 for temporary cash assistance, as defined in s. 414.0252, as a condition of eligibility and enrollment Medicaid recipients enrolled in managed care plans, as a condition of Medicaid eligibility, to pay the Medicaid program a share of the premium of $10 per month.

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

402.82 Electronic benefits transfer program.—

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

(g) A medical marijuana treatment center as defined in s. 29(b)(5) Art. X of the State Constitution and licensed pursuant to the provisions of s. 381.986.

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

Remove lines 7-19 and insert:

revising age of minors able to receive child-only benefits during periods of noncompliance with work requirements;
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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., and the Department of Children and Families, to inform participants in the temporary cash assistance program of work requirements, sanctions, and penalties for noncompliance with work requirements; requiring written assent to such information; requiring the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., and the Department of Children and Families, to develop and implement a work plan agreement for participants in the temporary cash assistance program following an initial assessment; establishing criteria for the plan; requiring the plan to establish employment goals, identify obligations, work requirements, strategies to overcome barriers to meeting work requirements; requiring the Department of Economic Opportunity to establish and implement uniform standards for sanctioning participants for noncompliance with work requirements; requiring the Department of Economic Opportunity to submit an annual report on participant information and employment outcomes for individuals subject to mandatory work requirements due to receipt of temporary cash assistance or food assistance; specifying contents of the
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report; requiring the Department of Economic Opportunity to adopt rules; amending s. 406.972, F.S.; directing the Agency for Health Care Administration to seek federal approval to require Medicaid enrollees to provide proof to the Department of Children and Families of engagement in work activities as a condition of eligibility and enrollment; amending s.