A bill to be entitled
An act relating to public assistance; amending s. 414.065, F.S.; revising penalties for noncompliance with 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., and the Department of Children and Families, to develop and implement a work plan agreement for participants in the temporary cash assistance program; requiring the plan to identify expectations, sanctions, and penalties for noncompliance with work requirements; amending s. 402.82, F.S.; prohibiting the use of an electronic benefits transfer card at specified locations; requiring the Department of Children and Families to impose a fee for replacement electronic benefits transfer cards under certain circumstances; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

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

414.065  Noncompliance with work requirements.—

(1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—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 to impose the sanction unless the participant complies with the work activity requirements. The participant shall be counseled as to the consequences of noncompliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements. If the participant has good cause for noncompliance or demonstrates satisfactory compliance, the sanction may shall not be imposed. If the participant has subsequently obtained employment, the participant shall be
counseled regarding the transitional benefits that may be available and provided information about how to access such benefits. The department shall administer sanctions related to food assistance consistent with federal regulations.

(a)1. First noncompliance:

a. Temporary cash assistance shall be terminated for the family for a minimum of 1 month or until the individual who failed to comply does so, whichever is later. 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.

b. Temporary cash assistance for the child or children in a family who are under age 16 may be continued for the first month of the penalty period through a protective payee as specified in subsection (2).

2. Second noncompliance:

a. Temporary cash assistance shall be terminated for the family for 3 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 3-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.
b. Temporary cash assistance for the child or children in a family who are under age 16 may be continued for the first 3 months of the penalty period through a protective payee as specified in subsection (2).

3. Third noncompliance:
   a. Temporary cash assistance shall be terminated for the family for 6 3 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 6-month 3-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.
   
   b. Temporary cash assistance for the child or children in a family who are under age 16 may be continued for the first 6 months of the penalty period through a protective payee as specified in subsection (2).

4. Fourth noncompliance:
   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.

b. Temporary cash assistance for the child or children in a family who are under age 16 may be continued for the first 12 months of the penalty period through a protective payee as specified in subsection (2).

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.

(b) 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 (a) shall apply.

(c) 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 subsequent third occurrence of noncompliance, subject to the limitations in paragraph (1)(a), temporary cash assistance and food assistance for the 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 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 a new subsection (3) is 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, but before a participant may receive temporary cash assistance, 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.

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

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

Section 3. 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 or dispensing organization.

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

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

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

Section 4. This act shall take effect July 1, 2018.