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 receipt of temporary cash assistance; limiting the receipt of child-only benefits during periods of noncompliance with work requirements; revising the age of minors who are able to receive 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 inform participants in the temporary cash assistance program of work requirements and sanctions and penalties for noncompliance with work requirements; requiring a participant's written assent to receiving such information; requiring the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., and the Department of Children and Families, to develop an individual
responsibility plan for participants in the temporary
cash assistance program following an initial
assessment; establishing criteria for the plan;
requiring the plan to establish employment goals and
identify obligations, work requirements, and
strategies to overcome barriers to meeting work
requirements; requiring the Department of Economic
Opportunity to establish and implement uniform
standards for compliance with, and sanctioning
participants for noncompliance with, work
requirements; requiring the department to submit an
annual report to the Legislature by a specified date;
specifying contents of the report; requiring the
department to adopt rules; 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; amending s. 409.972, 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 for receipt
of temporary cash assistance as a condition of
eligibility and enrollment; providing an
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.—

(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 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 not be imposed. If the participant
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.

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

(c) 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:

(a) 1. First noncompliance:
   a. Temporary cash assistance shall be terminated for the
   family for a minimum of 1 month 10 days 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 minor child or
   children in a family 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 minor child or
children in a family 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 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 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 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).

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 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).

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 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) and subsections (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, 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 the highest level of
employment he or she is capable of and increase the
c. Clearly state in sufficient detail the participant's obligations, work activity requirements, and any services the local workforce development board will provide to enable the participant to satisfy his or her obligations and work activity requirements, including, but not limited to, child care and transportation, when 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) SANCTIONS 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 uniformly implement sanctions for noncompliance with work activity requirements and do not sanction a participant who is temporarily unable to meet work activity requirements due to circumstances beyond his or her 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 total number of participants referred by the Department of Children and Families who received workforce services; the total length of time for which participants received services and, if available, the length of time of any
gaps in the delivery of services as a result of sanctions or
program ineligibility; and the total number of participants who
were referred for, but did not receive, workforce services,
including an explanation of the reason why each participant did
not receive services, if applicable.

(b) The number and types of activities undertaken and
whether such activities satisfied the work requirements for
participants to receive 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, including an explanation of
the reason why each participant did not avail himself or herself
of such services, 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 total number and percentage of participants securing
employment, the job sectors in which employment was secured,
whether the employment was full-time or part-time, whether the
employment was compensated at a rate above the hourly federal
minimum wage rate, whether the participants continued to receive
temporary cash assistance or food assistance after securing
employment or exited programs due to employment, and any other employment outcomes.

(e) The total number and percentage of participants sanctioned for noncompliance with work requirements, the action or inaction giving rise to the noncompliance, whether the participants identified barriers related to noncompliance, and services offered to prevent future noncompliance.

(f) For the report due December 1, 2018, the information required in paragraphs (a) through (e) and an evaluation of:

1. The effectiveness of the department's 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 this section.

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 as defined in s. 29(b)(5), Art. X of the State Constitution and licensed pursuant to s. 381.986.

   (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. 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 5. For fiscal year 2018-2019, the sum of $952,360 in nonrecurring funds from the Federal Grants Trust Fund is appropriated to the Department of Children and Families for the purpose of performing the technology modifications necessary to implement changes to the disbursement of temporary cash assistance benefits and the replacement of electronic benefits transfer cards pursuant to this act.

Section 6. This act shall take effect July 1, 2018.