

HB 1401

2012

1 A bill to be entitled
2 An act relating to public assistance; amending s.
3 402.82, F.S.; restricting the use of an electronic
4 benefit transfer card to prohibit accessing cash from
5 outside the state and purchasing certain products;
6 expanding the list of items that may not be purchased
7 with the federal Supplemental Nutrition Assistance
8 Program funds; prohibiting the use of benefits in
9 restaurants; directing the Department of Children and
10 Family Services to promote the benefits of healthy and
11 nutritious eating habits; requiring the department to
12 seek federal authorization or waiver when necessary;
13 amending s. 414.095, F.S.; revising the method of
14 payment of temporary cash assistance to include an
15 electronic benefit transfer card; prohibiting a cash
16 assistance recipient from using an electronic benefit
17 transfer card for certain purposes or in certain
18 locations, including accessing cash benefits through
19 an electronic benefit transfer card from an automatic
20 teller machine located in such locations; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 402.82, Florida Statutes, is amended to
26 read:

27 402.82 Electronic benefit transfer program; federal
28 Supplemental Nutrition Assistance Program.-

HB 1401

2012

29 (1) The Department of Children and Family Services shall
30 establish an electronic benefit transfer program for the
31 dissemination of food assistance benefits and temporary cash
32 assistance payments, including refugee cash assistance payments,
33 asylum applicant payments, and child support disregard payments.
34 Except to the extent prohibited by federal law, the electronic
35 benefit transfer system designed and implemented pursuant to
36 this chapter shall prevent a recipient from using the electronic
37 benefit transfer card to access cash benefits outside this
38 state, to purchase alcohol or tobacco products, or to use in,
39 including accessing automatic teller machines located in,
40 gambling establishments and adult entertainment establishments.
41 This section does not prohibit the use of an electronic benefit
42 transfer card to access federal Supplemental Nutrition
43 Assistance Program (SNAP) benefits in any manner authorized by
44 federal law.

45 (2) If the Federal Government does not enact legislation
46 or regulations providing for dissemination of supplemental
47 security income by electronic benefit transfer, the state may
48 include supplemental security income in the electronic benefit
49 transfer program.

50 (3)~~(2)~~ The department shall, in accordance with applicable
51 federal laws and regulations, develop minimum program
52 requirements and other policy initiatives for the electronic
53 benefit transfer program.

54 (4)~~(3)~~ The department shall enter into public-private
55 contracts for all provisions of electronic transfer of public
56 assistance benefits.

57 (5) The department shall, in accordance with applicable
 58 federal laws and regulations:

59 (a) Add to the list of items that may not be purchased
 60 with federal Supplemental Nutrition Assistance Program funds
 61 nonstaple, unhealthy foods. Such prohibited items include, but
 62 are not limited to, sweetened beverages, including sodas;
 63 sweets, such as jello, candy, ice cream, pudding, popsicles,
 64 muffins, sweet rolls, cakes, cupcakes, pies, cobblers, pastries,
 65 and doughnuts; and salty snack foods, such as corn-based salty
 66 snacks, pretzels, party mix, popcorn, and potato chips.

67 (b) Prohibit the use of benefits at restaurants, including
 68 fast-food restaurants.

69 (c) Use culturally sensitive campaigns to promote the
 70 modifications made pursuant to this section as well as the
 71 benefits of healthy and nutritious eating habits.

72 (6) For purposes of implementing this section, the
 73 department may collaborate with any public or nongovernmental
 74 organization that promotes the health and well-being of all
 75 residents of this state. The department shall seek all necessary
 76 federal approvals to implement this section, which may include a
 77 waiver of federal law from the United States Department of
 78 Agriculture.

79 Section 2. Paragraph (a) of subsection (13) of section
 80 414.095, Florida Statutes, is amended to read:

81 414.095 Determining eligibility for temporary cash
 82 assistance.—

83 (13) METHODS OF PAYMENT OF TEMPORARY CASH ASSISTANCE.—
 84 Temporary cash assistance may be paid as follows:

85 (a) Direct payment through state warrant, electronic
 86 transfer of temporary cash assistance, electronic benefit
 87 transfer card, or voucher. A cash assistance recipient may not:
 88 1. Access cash benefits through an electronic benefit
 89 transfer card from an automated teller machine in this state
 90 located in:
 91 a. An adult entertainment establishment as defined in s.
 92 847.001.
 93 b. A pari-mutuel facility as defined in s. 550.002.
 94 c. A gaming facility authorized under a tribal-state
 95 gaming compact under part II of chapter 285.
 96 d. A commercial bingo facility that operates outside the
 97 provisions of s. 849.0931.
 98 e. A retail establishment licensed to sell malt, vinous,
 99 or spirituous liquors under the Beverage Law.
 100 f. A gambling establishment, including businesses referred
 101 to as casino-style Internet cafes, convenience casinos, corner
 102 store casinos, gambling halls, game parlors, Internet gambling
 103 café, Internet sweepstakes cafes, Internet sweepstakes parlors,
 104 Internet sweepstakes rooms, low-end casinos, neighborhood
 105 casinos, neighborhood gambling halls, pop-up casinos, simulated
 106 gambling centers, simulated slots centers, storefront casinos,
 107 strip mall casinos, sweepstakes casinos, sweepstakes parlors,
 108 virtual slot machine cafes, or any such business ceteris
 109 paribus.
 110 g. A cardroom as defined in s. 849.086.
 111 2. Use a benefit transfer card to purchase any good or
 112 service in any entity listed in subparagraph 1.

HB 1401

2012

113

Section 3. This act shall take effect July 1, 2012.