

By Senator Storms

10-01432B-12

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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 accessing cash benefits  
17          through an electronic benefit transfer card from an  
18          automatic teller machine located in certain locations;  
19          providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Section 402.82, Florida Statutes, is amended to  
24           read:

25           402.82 Electronic benefit transfer program; federal  
26           Supplemental Nutrition Assistance Program.—

27           (1) The Department of Children and Family Services shall  
28           establish an electronic benefit transfer program for the  
29           dissemination of food assistance benefits and temporary cash

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

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

47 ~~(3)~~ (2) The department shall, in accordance with applicable  
48 federal laws and regulations, develop minimum program  
49 requirements and other policy initiatives for the electronic  
50 benefit transfer program.

51 ~~(4)~~ (3) The department shall enter into public-private  
52 contracts for all provisions of electronic transfer of public  
53 assistance benefits.

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

56 (a) Add to the list of items that may not be purchased with  
57 federal Supplemental Nutrition Assistance Program funds  
58 nonstaple, unhealthy foods. Such prohibited items include, but

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59 are not limited to, foods containing trans fats; sweetened  
60 beverages, including sodas; sweets, such as jello, candy, ice  
61 cream, pudding, popsicles, muffins, sweet rolls, cakes,  
62 cupcakes, pies, cobblers, pastries, and doughnuts; and salty  
63 snack foods, such as corn-based salty snacks, pretzels, party  
64 mix, popcorn, and potato chips.

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

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

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

77 Section 2. Paragraph (a) of subsection (13) of section  
78 414.095, Florida Statutes, is amended to read:

79 414.095 Determining eligibility for temporary cash  
80 assistance.—

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

83 (a) Direct payment through state warrant, electronic  
84 transfer of temporary cash assistance, electronic benefit  
85 transfer card, or voucher. A cash assistance recipient may not  
86 access cash benefits through an electronic benefit transfer card  
87 from automated teller machines in this state located in:

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- 88       1. An adult entertainment establishment as defined in s.  
89 847.001.
- 90       2. A pari-mutuel facility as defined in s. 550.002.
- 91       3. A gaming facility authorized under a tribal-state gaming  
92 compact under part II of chapter 285.
- 93       4. A commercial bingo facility that operates outside the  
94 provisions of s. 849.0931.
- 95       5. A store or establishment in which the principal business  
96 is the sale of firearms.
- 97       6. A retail establishment licensed to sell malt, vinous, or  
98 spirituous liquors under the Beverage Law.
- 99       Section 3. This act shall take effect July 1, 2012.