

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Eagle offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 3856 and 3857, insert:

5 Section 130. Subsection (1) and paragraph (a) of
6 subsection (2) of section 414.065, Florida Statutes, are amended
7 to read:

8 414.065 Noncompliance with work requirements.—

9 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS
10 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—

11 (a) The department shall establish procedures for
12 administering penalties for nonparticipation in work
13 requirements and failure to comply with the alternative

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14 requirement plan. ~~If an individual in a family receiving~~
15 ~~temporary cash assistance fails to engage in work activities~~
16 ~~required in accordance with s. 445.024, the following penalties~~
17 ~~shall apply.~~ Prior to the imposition of a sanction, the
18 participant shall be notified orally or in writing that the
19 participant is subject to sanction and that action will be taken
20 to impose the sanction unless the participant complies with the
21 work activity requirements. The participant shall be counseled
22 as to the consequences of noncompliance and, if appropriate,
23 shall be referred for services that could assist the participant
24 to fully comply with program requirements. If the participant
25 has good cause for noncompliance or demonstrates satisfactory
26 compliance, the sanction may ~~shall~~ not be imposed. If the
27 participant has subsequently obtained employment, the
28 participant shall be counseled regarding the transitional
29 benefits that may be available and provided information about
30 how to access such benefits.

31 (b) The department shall administer sanctions related to
32 food assistance consistent with federal regulations.

33 (c) If an individual in a family receiving temporary cash
34 assistance fails to engage in work activities required in
35 accordance with s. 445.024, the following penalties shall apply:

36 ~~(a)~~1. First noncompliance:

37 a. Temporary cash assistance shall be terminated for the
38 family for a minimum of 1 month ~~10 days~~ or until the individual

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39 | who failed to comply does so, whichever is later. Upon meeting
40 | this requirement, temporary cash assistance shall be reinstated
41 | to the date of compliance or the first day of the month
42 | following the penalty period, whichever is later.

43 | b. Temporary cash assistance for the minor child or
44 | children in a family may be continued for the first month of the
45 | penalty period through a protective payee as specified in
46 | subsection (2).

47 | 2. Second noncompliance:

48 | a. Temporary cash assistance shall be terminated for the
49 | family for 3 months ~~1 month~~ or until the individual who failed
50 | to comply does so, whichever is later. The individual shall be
51 | required to comply with the required work activity upon
52 | completion of the 3-month penalty period before reinstatement of
53 | temporary cash assistance. Upon meeting this requirement,
54 | temporary cash assistance shall be reinstated to the date of
55 | compliance or the first day of the month following the penalty
56 | period, whichever is later.

57 | b. Temporary cash assistance for the minor child or
58 | children in a family may be continued for the first 3 months of
59 | the penalty period through a protective payee as specified in
60 | subsection (2).

61 | 3. Third noncompliance:

62 | a. Temporary cash assistance shall be terminated for the
63 | family for ~~6~~ 3 months or until the individual who failed to

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64 | comply does so, whichever is later. The individual shall be
65 | required to comply with the required work activity upon
66 | completion of the 6-month ~~3-month~~ penalty period, before
67 | reinstatement of temporary cash assistance. Upon meeting this
68 | requirement, temporary cash assistance shall be reinstated to
69 | the date of compliance or the first day of the month following
70 | the penalty period, whichever is later.

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

75 | 4. Fourth noncompliance:

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

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

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

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

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

101
102 If a participant fully complies with work activity requirements
103 for at least 6 months, the participant shall be reinstated as
104 being in full compliance with program requirements for purpose
105 of sanctions imposed under this section.

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

108 (a) Upon ~~the second or third occurrence of noncompliance~~
109 with work requirements, subject to the limitations in paragraph
110 (1) (c), temporary cash assistance and food assistance for the
111 minor child or children in a family who are under age 16 may be
112 continued. Any such payments must be made through a protective

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113 payee or, in the case of food assistance, through an authorized
114 representative. Under no circumstances shall temporary cash
115 assistance or food assistance be paid to an individual who has
116 failed to comply with program requirements.

117 Section 131. Subsections (3) through (7) of section
118 445.024, Florida Statutes, are renumbered as subsections (4)
119 through (8), respectively, and a new subsection (3) and
120 subsections (9), (10), and (11) are added to that section to
121 read:

122 445.024 Work requirements.—

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

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

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

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

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

137 (b) Develop an individual responsibility plan for each

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138 participant.

139 1. The individual responsibility plan shall be developed
140 jointly by the participant and the participant's case manager
141 pursuant to an initial assessment of, at a minimum, the
142 participant's skills, prior work experience, employability, and
143 barriers to employment.

144 2. The individual responsibility plan shall seek to move
145 the participant towards self-sufficiency and shall:

146 a. Establish employment goals and a plan for moving the
147 participant into unsubsidized employment.

148 b. Place the participant into the highest level of
149 employment he or she is capable of and increase the
150 participant's work responsibilities and amount of work over
151 time.

152 c. Clearly state in sufficient detail the participant's
153 obligations, work activity requirements, and any services the
154 local workforce development board will provide to enable the
155 participant to satisfy his or her obligations and work activity
156 requirements, including, but not limited to, child care and
157 transportation, when available.

158 d. Be specific, sufficient, feasible, and sustainable in
159 response to the realities of any barriers to compliance with
160 work activity requirements that the participant faces,
161 including, but not limited to, substance abuse, mental illness,
162 physical or mental disability, domestic violence, a criminal

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163 record affecting employment, significant job-skill or soft-skill
164 deficiencies, and lack of child care, stable housing, or
165 transportation.

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

169 (c) Adopt rules to implement this subsection.

170 (9) SANCTIONS FOR NONCOMPLIANCE WITH WORK REQUIREMENTS.-

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

175 (b) The department shall ensure that all local workforce
176 development boards uniformly implement sanctions for
177 noncompliance with work activity requirements and do not
178 sanction a participant who is temporarily unable to meet work
179 activity requirements due to circumstances beyond his or her
180 control.

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

186 (10) ANNUAL REPORT.-By December 1 of each year, the
187 department shall submit to the Governor, the President of the

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188 Senate, and the Speaker of the House of Representatives an
189 annual report that comprehensively presents participant
190 information and employment outcomes, by program, for individuals
191 subject to mandatory work requirements due to receipt of
192 temporary cash assistance or food assistance under chapter 414.
193 The report shall cover the participants who received services
194 during the prior fiscal year. The report shall include, at a
195 minimum:

196 (a) The total number of participants referred by the
197 Department of Children and Families who received workforce
198 services; the total length of time for which participants
199 received services and, if available, the length of time of any
200 gaps in the delivery of services as a result of sanctions or
201 program ineligibility; and the total number of participants who
202 were referred for, but did not receive, workforce services,
203 including an explanation of the reason why each participant did
204 not receive services, if applicable.

205 (b) The number and types of activities undertaken and
206 whether such activities satisfied the work requirements for
207 participants to receive temporary cash assistance or food
208 assistance.

209 (c) Participants' barriers to employment identified by the
210 case managers in individual responsibility plans; the services
211 offered to address such barriers; and whether participants
212 availed themselves of such services, including an explanation of

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213 the reason why each participant did not avail himself or herself
214 of such services, if applicable.

215 (d) A description and summary of information included in
216 the Florida Education and Training Placement Information Program
217 report pursuant to s. 1008.39, including, but not limited to,
218 the total number and percentage of participants securing
219 employment, the job sectors in which employment was secured,
220 whether the employment was full-time or part-time, whether the
221 employment was compensated at a rate above the hourly federal
222 minimum wage rate, whether the participants continued to receive
223 temporary cash assistance or food assistance after securing
224 employment or exited programs due to employment, and any other
225 employment outcomes.

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

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

233 1. The effectiveness of the department's communication
234 with participants, options for improving such communication, and
235 any costs associated with such improvements.

236 2. The degree to which additional manual registration
237 processes are used by local workforce development boards, a

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238 description of such processes, the impact of such processes on
239 sanction rates for noncompliance with work activities, and the
240 benefits and disadvantages of such processes.

241 (11) RULEMAKING.—The department shall adopt rules to
242 implement this section.

243 Section 132. Paragraphs (g), (h), and (i) are added to
244 subsection (4) of section 402.82, Florida Statutes, and
245 subsection (5) is added to that section, to read:

246 402.82 Electronic benefits transfer program.—

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

250 (g) A Medical Marijuana Treatment Center as defined in s.
251 29(b) (5), Art. X of the State Constitution and licensed pursuant
252 to s. 381.986.

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

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

258 (5) The department shall impose a fee for the fifth and
259 each subsequent replacement electronic benefits transfer card
260 that a participant requests within a 12-month period. The fee
261 must be equal to the cost of replacing the electronic benefits
262 transfer card. The fee may be deducted from the participant's

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263 benefits. The department may waive the fee upon a showing of
264 good cause, such as the malfunction of the card or extreme
265 financial hardship.

266 Section 133. Subsection (3) of section 409.972, Florida
267 Statutes, is amended to read:

268 409.972 Mandatory and voluntary enrollment.—

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

277 Section 134. (1) For fiscal year 2018-2019, the sum of
278 \$952,360 in nonrecurring funds from the Federal Grants Trust
279 Fund is appropriated to the Department of Children and Families
280 for the purpose of performing the technology modifications
281 necessary to implement changes to the disbursement of temporary
282 cash assistance benefits and the replacement of electronic
283 benefits transfer cards pursuant to this act.

284 (2) This section shall take effect July 1, 2018, if
285 CS/CS/CS/HB 751 or similar legislation relating to public
286 assistance programs and electronic benefits transfer cards is

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287 not adopted during the same legislative session or an extension
288 thereof and fails to become law.

289 -----
290
291 **T I T L E A M E N D M E N T**

292 Remove line 312 and insert:
293 provisions to changes made by the act; amending s.
294 414.065, F.S.; revising penalties for noncompliance
295 with work requirements for receipt of temporary cash
296 assistance; limiting the receipt of child-only
297 benefits during periods of noncompliance with work
298 requirements; revising the age of minors who are able
299 to receive child-only benefits during periods of
300 noncompliance with work requirements; providing
301 applicability of work requirements before expiration
302 of the minimum penalty period; requiring the
303 Department of Children and Families to refer
304 sanctioned participants to appropriate free and low-
305 cost community services, including food banks;
306 amending s. 445.024, F.S.; requiring the Department of
307 Economic Opportunity, in cooperation with CareerSource
308 Florida, Inc., and the Department of Children and
309 Families, to inform participants in the temporary cash
310 assistance program of work requirements and sanctions
311 and penalties for noncompliance with work

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312 requirements; requiring a participant's written assent
313 to receiving such information; requiring the
314 Department of Economic Opportunity, in cooperation
315 with CareerSource Florida, Inc., and the Department of
316 Children and Families, to develop an individual
317 responsibility plan for participants in the temporary
318 cash assistance program following an initial
319 assessment; establishing criteria for the plan;
320 requiring the plan to establish employment goals and
321 identify obligations, work requirements, and
322 strategies to overcome barriers to meeting work
323 requirements; requiring the Department of Economic
324 Opportunity to establish and implement uniform
325 standards for compliance with, and sanctioning
326 participants for noncompliance with, work
327 requirements; requiring the department to submit an
328 annual report to the Legislature by a specified date;
329 specifying contents of the report; requiring the
330 department to adopt rules; amending s. 402.82, F.S.;
331 prohibiting the use of an electronic benefits transfer
332 card at specified locations; requiring the Department
333 of Children and Families to impose a fee for
334 replacement electronic benefits transfer cards under
335 certain circumstances; amending s. 409.972, F.S.;

336 directing the Agency for Health Care Administration to

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337 seek federal approval to require Medicaid enrollees to
338 provide proof to the Department of Children and
339 Families of engagement in work activities for receipt
340 of temporary cash assistance as a condition of
341 eligibility and enrollment; providing a contingent
342 appropriation; providing an

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