

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 751 (2018)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Eagle offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 33-167 and insert:

7 AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—

8 (a) The department shall establish procedures for
9 administering penalties for nonparticipation in work
10 requirements and failure to comply with the alternative
11 requirement plan. ~~If an individual in a family receiving~~
12 ~~temporary cash assistance fails to engage in work activities~~
13 ~~required in accordance with s. 445.024, the following penalties~~
14 ~~shall apply.~~ Prior to the imposition of a sanction, the
15 participant shall be notified orally or in writing that the
16 participant is subject to sanction and that action will be taken

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17 to impose the sanction unless the participant complies with the
18 work activity requirements. The participant shall be counseled
19 as to the consequences of noncompliance and, if appropriate,
20 shall be referred for services that could assist the participant
21 to fully comply with program requirements. If the participant
22 has good cause for noncompliance or demonstrates satisfactory
23 compliance, the sanction may ~~shall~~ not be imposed. If the
24 participant has subsequently obtained employment, the
25 participant shall be counseled regarding the transitional
26 benefits that may be available and provided information about
27 how to access such benefits.

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

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
39 who failed to comply does so, whichever is later. Upon meeting
40 this requirement, temporary cash assistance shall be reinstated

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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 ~~3~~ 6 months or until the individual who failed to
64 comply does so, whichever is later. The individual shall be
65 required to comply with the required work activity upon

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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).

88 5. The sanctions imposed under subparagraphs 1.-4. do not
89 prohibit a participant from complying with the work activity

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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
113 payee or, in the case of food assistance, through an authorized
114 representative. Under no circumstances shall temporary cash

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115 assistance or food assistance be paid to an individual who has
116 failed to comply with program requirements

117 Section 2. Subsections (3)through (7) of section 445.024,
118 Florida Statutes, are renumbered as subsections (4) through (8),
119 respectively, and subsections (3), (9), (10) and (11) are added
120 to that section, to read:

121 445.024 Work requirements.—

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

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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 highest level of employment
149 he or she is capable of, increasing over time the participant's
150 responsibilities and amount of work.

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

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

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163 deficiencies, and lack of child care, stable housing or
164 transportation.

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

168 (c) Adopt rules to implement this subsection.

169 (9) SANCTION FOR NONCOMPLIANCE WITH WORK REQUIREMENTS.—

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

174 (b) The department shall ensure that all local workforce
175 development boards implement sanctions for noncompliance with
176 work activity requirements uniformly and do not sanction
177 participants who are temporarily unable to meet work activity
178 requirements due to circumstances beyond their control.

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

184 (10) ANNUAL REPORT.—By December 1 of each year, the
185 department shall submit to the Governor, the President of the
186 Senate, and the Speaker of the House of Representatives an
187 annual report that comprehensively presents participant

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

194 (a) The number of participants referred by the Department
195 of Children and Families who received workforce services; the
196 total time participants received services and, if available, the
197 length of any gaps in services as a result of sanction or
198 program ineligibility; and the number who were referred but did
199 not receive workforce services, with an explanation for why
200 services were not received, if applicable.

201 (b) Activities participated in and whether such activities
202 satisfied the work requirements for participants' receipt of
203 temporary cash assistance or food assistance.

204 (c) Participants' barriers to employment identified by the
205 case managers in individual responsibility plans; the services
206 offered to address such barriers; and whether participants
207 availed themselves of such services, with an explanation of why
208 participants did not avail themselves, if applicable.

209 (d) A description and summary of information included in
210 the Florida Education and Training Placement Information Program
211 report, pursuant to s. 1008.39, including but not limited to the
212 number and percentage of participants securing employment; job

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213 sector in which employment was secured and whether full-time or
214 part-time; whether the employment was above minimum wage;
215 whether the participant continued to receive temporary cash
216 assistance or food assistance after securing employment or
217 exited programs due to employment; and any other employment
218 outcomes.

219 (e) Number and percentage of participants sanctioned for
220 noncompliance with work requirements; the action or inaction
221 giving rise to the noncompliance; whether the participant
222 identified barriers related to noncompliance; and services
223 offered to prevent future noncompliance.

224 (g) For the report due December 1, 2018, the department
225 shall also evaluate:

226 1. The effectiveness of its communication with
227 participants, options for improving such communication, and any
228 costs associated with such improvements.

229 2. The degree to which additional manual registration
230 processes are used by local workforce development boards, a
231 description of such processes, the impact of such processes on
232 sanction rates for noncompliance with work activities, and the
233 benefits and disadvantages of such processes.

234 (11) RULEMAKING.—The department shall adopt rules to
235 implement the provisions of this section.

236 Section 3. Subsection (3) of section 409.972, Florida
237 Statutes, is amended to read:

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238 409.972 Mandatory and voluntary enrollment.—

239 (3) The agency shall seek federal approval to require
240 enrollees to provide proof to the department of engagement in
241 work activities consistent with the requirements in s. 414.095
242 for temporary cash assistance, as defined in s. 414.0252, as a
243 condition of eligibility and enrollment ~~Medicaid recipients~~
244 ~~enrolled in managed care plans, as a condition of Medicaid~~
245 ~~eligibility, to pay the Medicaid program a share of the premium~~
246 ~~of \$10 per month.~~

247 Section 4. Paragraphs (g), (h), and (i) are added to
248 subsection (4) of section 402.82, Florida Statutes, and
249 subsection (5) is added to that section, to read:

250 402.82 Electronic benefits transfer program.—

251 (4) Use or acceptance of an electronic benefits transfer
252 card is prohibited at the following locations or for the
253 following activities:

254 (g) A medical marijuana treatment center as defined in s.
255 29(b) (5) Art. X of the State Constitution and licensed pursuant
256 to the provisions of s. 381.986.

257
258 -----

259 **T I T L E A M E N D M E N T**

260 Remove lines 7-19 and insert:
261 revising age of minors able to receive child-only benefits
262 during periods of noncompliance with work requirements;

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263 providing applicability of work requirements before expiration
264 of the minimum penalty period; requiring the Department of
265 Children and Families to refer sanctioned participants to
266 appropriate free and low-cost community services, including food
267 banks; amending s. 445.024, F.S.; requiring the Department of
268 Economic Opportunity, in cooperation with CareerSource Florida,
269 Inc., and the Department of Children and Families, to inform
270 participants in the temporary cash assistance program of work
271 requirements, sanctions, and penalties for noncompliance with
272 work requirements; requiring written assent to such information;
273 requiring the Department of Economic Opportunity, in cooperation
274 with CareerSource Florida, Inc., and the Department of Children
275 and Families, to develop and implement a work plan agreement for
276 participants in the temporary cash assistance program following
277 an initial assessment; establishing criteria for the plan;
278 requiring the plan to establish employment goals, identify
279 obligations, work requirements, strategies to overcome barriers
280 to meeting work requirements; requiring the Department of
281 Economic Opportunity to establish and implement uniform
282 standards for sanctioning participants for noncompliance with
283 work requirements; requiring the Department of Economic
284 Opportunity to submit an annual report on participant
285 information and employment outcomes for individuals subject to
286 mandatory work requirements due to receipt of temporary cash
287 assistance or food assistance; specifying contents of the

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288 | report; requiring the Department of Economic Opportunity to
289 | adopt rules; amending s. 406.972, F.S.; directing the Agency for
290 | Health Care Administration to seek federal approval to require
291 | Medicaid enrollees to provide proof to the Department of
292 | Children and Families of engagement in work activities as a
293 | condition of eligibility and enrollment; amending s.