

1 A bill to be entitled
2 An act relating to public assistance; amending s.
3 414.065, F.S.; revising penalties for noncompliance
4 with work requirements for receipt of temporary cash
5 assistance; limiting the receipt of child-only
6 benefits during periods of noncompliance with work
7 requirements; revising the age of minors who are able
8 to receive child-only benefits during periods of
9 noncompliance with work requirements; providing
10 applicability of work requirements before expiration
11 of the minimum penalty period; requiring the
12 Department of Children and Families to refer
13 sanctioned participants to appropriate free and low-
14 cost community services, including food banks;
15 amending s. 445.024, F.S.; requiring the Department of
16 Economic Opportunity, in cooperation with CareerSource
17 Florida, Inc., and the Department of Children and
18 Families, to inform participants in the temporary cash
19 assistance program of work requirements and sanctions
20 and penalties for noncompliance with work
21 requirements; requiring a participant's written assent
22 to receiving such information; requiring the
23 Department of Economic Opportunity, in cooperation
24 with CareerSource Florida, Inc., and the Department of
25 Children and Families, to develop an individual

26 | responsibility plan for participants in the temporary
27 | cash assistance program following an initial
28 | assessment; establishing criteria for the plan;
29 | requiring the plan to establish employment goals and
30 | identify obligations, work requirements, and
31 | strategies to overcome barriers to meeting work
32 | requirements; requiring the Department of Economic
33 | Opportunity to establish and implement uniform
34 | standards for compliance with, and sanctioning
35 | participants for noncompliance with, work
36 | requirements; requiring the department to submit an
37 | annual report to the Legislature by a specified date;
38 | specifying contents of the report; requiring the
39 | department to adopt rules; amending s. 402.82, F.S.;
40 | prohibiting the use of an electronic benefits transfer
41 | card at specified locations; requiring the Department
42 | of Children and Families to impose a fee for
43 | replacement electronic benefits transfer cards under
44 | certain circumstances; amending s. 409.972, F.S.;
45 | directing the Agency for Health Care Administration to
46 | seek federal approval to require Medicaid enrollees to
47 | provide proof to the Department of Children and
48 | Families of engagement in work activities for receipt
49 | of temporary cash assistance as a condition of
50 | eligibility and enrollment; providing an

51 appropriation; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Subsection (1) and paragraph (a) of subsection
56 (2) of section 414.065, Florida Statutes, are amended to read:

57 414.065 Noncompliance with work requirements.—

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

60 (a) The department shall establish procedures for
61 administering penalties for nonparticipation in work
62 requirements and failure to comply with the alternative
63 requirement plan. ~~If an individual in a family receiving~~
64 ~~temporary cash assistance fails to engage in work activities~~
65 ~~required in accordance with s. 445.024, the following penalties~~
66 ~~shall apply.~~ Prior to the imposition of a sanction, the
67 participant shall be notified orally or in writing that the
68 participant is subject to sanction and that action will be taken
69 to impose the sanction unless the participant complies with the
70 work activity requirements. The participant shall be counseled
71 as to the consequences of noncompliance and, if appropriate,
72 shall be referred for services that could assist the participant
73 to fully comply with program requirements. If the participant
74 has good cause for noncompliance or demonstrates satisfactory
75 compliance, the sanction may ~~shall~~ not be imposed. If the

76 participant has subsequently obtained employment, the
77 participant shall be counseled regarding the transitional
78 benefits that may be available and provided information about
79 how to access such benefits.

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

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

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

89 a. Temporary cash assistance shall be terminated for the
90 family for a minimum of 1 month ~~10 days~~ or until the individual
91 who failed to comply does so, whichever is later. Upon meeting
92 this requirement, temporary cash assistance shall be reinstated
93 to the date of compliance or the first day of the month
94 following the penalty period, whichever is later.

95 b. Temporary cash assistance for the minor child or
96 children in a family may be continued for the first month of the
97 penalty period through a protective payee as specified in
98 subsection (2).

99 2. Second noncompliance:

100 a. Temporary cash assistance shall be terminated for the

101 family for 3 months ~~1 month~~ or until the individual who failed
102 to comply does so, whichever is later. The individual shall be
103 required to comply with the required work activity upon
104 completion of the 3-month penalty period before reinstatement of
105 temporary cash assistance. Upon meeting this requirement,
106 temporary cash assistance shall be reinstated to the date of
107 compliance or the first day of the month following the penalty
108 period, whichever is later.

109 b. Temporary cash assistance for the minor child or
110 children in a family may be continued for the first 3 months of
111 the penalty period through a protective payee as specified in
112 subsection (2).

113 3. Third noncompliance:

114 a. Temporary cash assistance shall be terminated for the
115 family for 6 ~~3~~ months or until the individual who failed to
116 comply does so, whichever is later. The individual shall be
117 required to comply with the required work activity upon
118 completion of the 6-month ~~3-month~~ penalty period, before
119 reinstatement of temporary cash assistance. Upon meeting this
120 requirement, temporary cash assistance shall be reinstated to
121 the date of compliance or the first day of the month following
122 the penalty period, whichever is later.

123 b. Temporary cash assistance for the minor child or
124 children in a family may be continued for the first 6 months of
125 the penalty period through a protective payee as specified in

126 subsection (2).

127 4. Fourth noncompliance:

128 a. Temporary cash assistance shall be terminated for the
129 family for 12 months or until the individual who failed to
130 comply does so, whichever is later. The individual shall be
131 required to comply with the required work activity upon
132 completion of the 12-month penalty period and reapply before
133 reinstatement of temporary cash assistance. Upon meeting this
134 requirement, temporary cash assistance shall be reinstated to
135 the first day of the month following the penalty period.

136 b. Temporary cash assistance for the minor child or
137 children in a family may be continued for the first 12 months of
138 the penalty period through a protective payee as specified in
139 subsection (2).

140 5. The sanctions imposed under subparagraphs 1.-4. do not
141 prohibit a participant from complying with the work activity
142 requirements during the penalty periods imposed by this
143 paragraph.

144 (d) ~~(b)~~ If a participant receiving temporary cash
145 assistance who is otherwise exempted from noncompliance
146 penalties fails to comply with the alternative requirement plan
147 required in accordance with this section, the penalties provided
148 in paragraph (c) ~~(a)~~ shall apply.

149 (e) When a participant is sanctioned for noncompliance
150 with this section, the department shall refer the participant to

151 appropriate free and low-cost community services, including food
152 banks.

153

154 If a participant fully complies with work activity requirements
155 for at least 6 months, the participant shall be reinstated as
156 being in full compliance with program requirements for purpose
157 of sanctions imposed under this section.

158 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
159 CHILDREN; PROTECTIVE PAYEES.—

160 (a) Upon ~~the second or third occurrence of~~ noncompliance
161 with work requirements, subject to the limitations in paragraph
162 (1) (c), temporary cash assistance and food assistance for the
163 minor child or children in a family ~~who are under age 16~~ may be
164 continued. Any such payments must be made through a protective
165 payee or, in the case of food assistance, through an authorized
166 representative. Under no circumstances shall temporary cash
167 assistance or food assistance be paid to an individual who has
168 failed to comply with program requirements.

169 Section 2. Subsections (3) through (7) of section 445.024,
170 Florida Statutes, are renumbered as subsections (4) through (8),
171 respectively, and a new subsection (3) and subsections (9),
172 (10), and (11) are added to that section to read:

173 445.024 Work requirements.—

174 (3) WORK PLAN AGREEMENT.—For each individual who is not
175 otherwise exempt from work activity requirements, the

176 department, in cooperation with CareerSource Florida, Inc., and
177 the Department of Children and Families, must:

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

180 1. What is expected of the participant to continue to
181 receive temporary cash assistance benefits.

182 2. Under what circumstances the participant would be
183 sanctioned for noncompliance and what constitutes good cause for
184 noncompliance.

185 3. Potential penalties for noncompliance with the work
186 requirements in s. 414.065, including how long benefits would be
187 unavailable to the participant.

188 (b) Develop an individual responsibility plan for each
189 participant.

190 1. The individual responsibility plan shall be developed
191 jointly by the participant and the participant's case manager
192 pursuant to an initial assessment of, at a minimum, the
193 participant's skills, prior work experience, employability, and
194 barriers to employment.

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

197 a. Establish employment goals and a plan for moving the
198 participant into unsubsidized employment.

199 b. Place the participant into the highest level of
200 employment he or she is capable of and increase the

201 participant's work responsibilities and amount of work over
202 time.

203 c. Clearly state in sufficient detail the participant's
204 obligations, work activity requirements, and any services the
205 local workforce development board will provide to enable the
206 participant to satisfy his or her obligations and work activity
207 requirements, including, but not limited to, child care and
208 transportation, when available.

209 d. Be specific, sufficient, feasible, and sustainable in
210 response to the realities of any barriers to compliance with
211 work activity requirements that the participant faces,
212 including, but not limited to, substance abuse, mental illness,
213 physical or mental disability, domestic violence, a criminal
214 record affecting employment, significant job-skill or soft-skill
215 deficiencies, and lack of child care, stable housing, or
216 transportation.

217 (b) Work with the participant to develop strategies to
218 assist the participant in overcoming any barriers to compliance
219 with the work requirements in s. 414.065.

220 (c) Adopt rules to implement this subsection.

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

222 (a) The department shall establish uniform standards for
223 compliance with work activity requirements and submitting
224 requests for sanctions for noncompliance pursuant to s. 414.065
225 to the Department of Children and Families.

226 (b) The department shall ensure that all local workforce
227 development boards uniformly implement sanctions for
228 noncompliance with work activity requirements and do not
229 sanction a participant who is temporarily unable to meet work
230 activity requirements due to circumstances beyond his or her
231 control.

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

237 (10) ANNUAL REPORT.—By December 1 of each year, the
238 department shall submit to the Governor, the President of the
239 Senate, and the Speaker of the House of Representatives an
240 annual report that comprehensively presents participant
241 information and employment outcomes, by program, for individuals
242 subject to mandatory work requirements due to receipt of
243 temporary cash assistance or food assistance under chapter 414.
244 The report shall cover the participants who received services
245 during the prior fiscal year. The report shall include, at a
246 minimum:

247 (a) The total number of participants referred by the
248 Department of Children and Families who received workforce
249 services; the total length of time for which participants
250 received services and, if available, the length of time of any

251 gaps in the delivery of services as a result of sanctions or
252 program ineligibility; and the total number of participants who
253 were referred for, but did not receive, workforce services,
254 including an explanation of the reason why each participant did
255 not receive services, if applicable.

256 (b) The number and types of activities undertaken and
257 whether such activities satisfied the work requirements for
258 participants to receive temporary cash assistance or food
259 assistance.

260 (c) Participants' barriers to employment identified by the
261 case managers in individual responsibility plans; the services
262 offered to address such barriers; and whether participants
263 availed themselves of such services, including an explanation of
264 the reason why each participant did not avail himself or herself
265 of such services, if applicable.

266 (d) A description and summary of information included in
267 the Florida Education and Training Placement Information Program
268 report pursuant to s. 1008.39, including, but not limited to,
269 the total number and percentage of participants securing
270 employment, the job sectors in which employment was secured,
271 whether the employment was full-time or part-time, whether the
272 employment was compensated at a rate above the hourly federal
273 minimum wage rate, whether the participants continued to receive
274 temporary cash assistance or food assistance after securing

275 employment or exited programs due to employment, and any other
276 employment outcomes.

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

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

284 1. The effectiveness of the department's communication
285 with participants, options for improving such communication, and
286 any costs associated with such improvements.

287 2. The degree to which additional manual registration
288 processes are used by local workforce development boards, a
289 description of such processes, the impact of such processes on
290 sanction rates for noncompliance with work activities, and the
291 benefits and disadvantages of such processes.

292 (11) RULEMAKING.—The department shall adopt rules to
293 implement this section.

294 Section 3. Paragraphs (g), (h), and (i) are added to
295 subsection (4) of section 402.82, Florida Statutes, and
296 subsection (5) is added to that section, to read:

297 402.82 Electronic benefits transfer program.—

298 (4) Use or acceptance of an electronic benefits transfer
299 card is prohibited at the following locations or for the

300 following activities:

301 (g) A Medical Marijuana Treatment Center as defined in s.
302 29(b) (5), Art. X of the State Constitution and licensed pursuant
303 to s. 381.986.

304 (h) A cigar store or stand, pipe store, smoke shop, or
305 tobacco shop.

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

309 (5) The department shall impose a fee for the fifth and
310 each subsequent replacement electronic benefits transfer card
311 that a participant requests within a 12-month period. The fee
312 must be equal to the cost of replacing the electronic benefits
313 transfer card. The fee may be deducted from the participant's
314 benefits. The department may waive the fee upon a showing of
315 good cause, such as the malfunction of the card or extreme
316 financial hardship.

317 Section 4. Subsection (3) of section 409.972, Florida
318 Statutes, is amended to read:

319 409.972 Mandatory and voluntary enrollment.—

320 (3) The agency shall seek federal approval to require
321 enrollees to provide proof to the department of engagement in
322 work activities consistent with the requirements in s. 414.095
323 for temporary cash assistance, as defined in s. 414.0252, as a
324 condition of eligibility and enrollment ~~Medicaid recipients~~

CS/CS/CS/HB 751

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325 ~~enrolled in managed care plans, as a condition of Medicaid~~
326 ~~eligibility, to pay the Medicaid program a share of the premium~~
327 ~~of \$10 per month.~~

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

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