



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.

82 | **(c)** If an individual in a family receiving temporary cash
83 | assistance fails to engage in work activities required in
84 | accordance with s. 445.024, the following penalties shall apply:

85 | ~~(a)~~1. First noncompliance:

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

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

96 | 2. Second noncompliance:

97 | **a.** Temporary cash assistance shall be terminated for the
98 | family for 3 months ~~1 month~~ or until the individual who failed
99 | to comply does so, whichever is later. The individual shall be
100 | required to comply with the required work activity upon



101 completion of the 3-month penalty period before reinstatement of
102 temporary cash assistance. Upon meeting this requirement,
103 temporary cash assistance shall be reinstated to the date of
104 compliance or the first day of the month following the penalty
105 period, whichever is later.

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

110 3. Third noncompliance:

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

120 b. Temporary cash assistance for the minor child or
121 children in a family may be continued for the first 6 months of
122 the penalty period through a protective payee as specified in
123 subsection (2).

124 4. Fourth noncompliance:

125 a. Temporary cash assistance shall be terminated for the



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

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

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

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

146 (e) When a participant is sanctioned for noncompliance
147 with this section, the department shall refer the participant to
148 appropriate free and low-cost community services, including food
149 banks.

150



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

155 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
156 CHILDREN; PROTECTIVE PAYEES.—

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

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

170 445.024 Work requirements.—

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

175 (a) Inform the participant, in plain language, and require



176 the participant to agree in writing to:

177 1. What is expected of the participant to continue to
178 receive temporary cash assistance benefits.

179 2. Under what circumstances the participant would be
180 sanctioned for noncompliance and what constitutes good cause for
181 noncompliance.

182 3. Potential penalties for noncompliance with the work
183 requirements in s. 414.065, including how long benefits would be
184 unavailable to the participant.

185 (b) Develop an individual responsibility plan for each
186 participant.

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

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

194 a. Establish employment goals and a plan for moving the
195 participant into unsubsidized employment.

196 b. Place the participant into the highest level of
197 employment he or she is capable of and increase the
198 participant's work responsibilities and amount of work over
199 time.

200 c. Clearly state in sufficient detail the participant's



201 obligations, work activity requirements, and any services the
202 local workforce development board will provide to enable the
203 participant to satisfy his or her obligations and work activity
204 requirements, including, but not limited to, child care and
205 transportation, when available.

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

214 (b) Work with the participant to develop strategies to
215 assist the participant in overcoming any barriers to compliance
216 with the work requirements in s. 414.065.

217 (c) Adopt rules to implement this subsection.

218 (9) SANCTIONS FOR NONCOMPLIANCE WITH WORK REQUIREMENTS.—

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

223 (b) The department shall ensure that all local workforce
224 development boards uniformly implement sanctions for
225 noncompliance with work activity requirements and do not



226 sanction a participant who is temporarily unable to meet work
227 activity requirements due to circumstances beyond his or her
228 control.

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

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

245 (a) The total number of participants referred by the
246 Department of Children and Families who received workforce
247 services; the total length of time for which participants
248 received services and, if available, the length of time of any
249 gaps in the delivery of services as a result of sanctions or
250 program ineligibility; and the total number of participants who



251 were referred for, but did not receive, workforce services,
252 including an explanation of the reason why each participant did
253 not receive services, if applicable.

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

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

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



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

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

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

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

290 (11) RULEMAKING.—The department shall adopt rules to
291 implement this section.

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

295 402.82 Electronic benefits transfer program.—

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

299 (g) A Medical Marijuana Treatment Center as defined in s.



300 29(b) (5), Art. X of the State Constitution and licensed pursuant
301 to s. 381.986.

302 (h) A cigar store or stand, pipe store, smoke shop, or
303 tobacco shop.

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

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

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

317 409.972 Mandatory and voluntary enrollment.—

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



325 | ~~of \$10 per month.~~

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

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