

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 or acceptance of an electronic
41 benefits transfer card at specified locations;
42 providing a penalty; amending s. 409.972, F.S.;
43 directing the Agency for Health Care Administration to
44 seek federal approval to require Medicaid enrollees to
45 provide proof to the Department of Children and
46 Families of engagement in work activities for receipt
47 of temporary cash assistance as a condition of
48 eligibility and enrollment; providing an
49 appropriation; providing an effective date.

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51 Be It Enacted by the Legislature of the State of Florida:

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

414.065 Noncompliance with work requirements.—

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

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

76 benefits that may be available and provided information about
77 how to access such benefits.

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

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

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

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

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

94 2. Second noncompliance:

95 a. Temporary cash assistance shall be terminated for the
96 family for 3 months ~~1 month~~ or until the individual who failed
97 to comply does so, whichever is later. The individual shall be
98 required to comply with the required work activity upon
99 completion of the 3-month penalty period before reinstatement of
100 temporary cash assistance. Upon meeting this requirement,

101 temporary cash assistance shall be reinstated to the date of
102 compliance or the first day of the month following the penalty
103 period, whichever is later.

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

108 3. Third noncompliance:

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

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

122 4. Fourth noncompliance:

123 a. Temporary cash assistance shall be terminated for the
124 family for 12 months or until the individual who failed to
125 comply does so, whichever is later. The individual shall be

126 required to comply with the required work activity upon
127 completion of the 12-month penalty period and reapply before
128 reinstatement of temporary cash assistance. Upon meeting this
129 requirement, temporary cash assistance shall be reinstated to
130 the first day of the month following the penalty period.

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

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

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

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

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149 If a participant fully complies with work activity requirements
150 for at least 6 months, the participant shall be reinstated as

151 being in full compliance with program requirements for purpose
 152 of sanctions imposed under this section.

153 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
 154 CHILDREN; PROTECTIVE PAYEES.—

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

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

169 445.024 Work requirements.—

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

174 (a) Inform each participant, in plain language, and
 175 require the participant to agree in writing to:

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

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

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

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

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

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

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

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

199 c. Clearly state in sufficient detail the participant's
200 obligations, work activity requirements, and any services the

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

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

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

216 (c) Adopt rules to implement this subsection.

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

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

222 (b) The department shall ensure that all local workforce
223 development boards uniformly implement sanctions for
224 noncompliance with work activity requirements and do not
225 sanction a participant who is temporarily unable to meet work

226 activity requirements due to circumstances beyond his or her
227 control.

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

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

244 (a) The total number of participants referred by the
245 Department of Children and Families who received workforce
246 services; the total length of time for which participants
247 received services and, if available, the length of time of any
248 gaps in the delivery of services as a result of sanctions or
249 program ineligibility; and the total number of participants who
250 were referred for, but did not receive, workforce services,

251 including an explanation of the reason why each participant did
252 not receive services, if applicable.

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

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

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

274 (e) The total number and percentage of participants
275 sanctioned for noncompliance with work requirements, the action

276 or inaction giving rise to the noncompliance, whether the
277 participants identified barriers related to noncompliance, and
278 services offered to prevent future noncompliance.

279 (f) For the report due December 1, 2019, the information
280 required in paragraphs (a) through (e) and an evaluation of:

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

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

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

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

294 402.82 Electronic benefits transfer program.—

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

298 (g) A Medical Marijuana Treatment Center as defined in s.
299 29(b) (5), Art. X of the State Constitution and licensed pursuant
300 to s. 381.986.

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

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

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

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

316 409.972 Mandatory and voluntary enrollment.—

317 (3) The agency shall seek federal approval to require
 318 enrollees to provide proof to the department of engagement in
 319 work activities consistent with the requirements in ss. 414.095
 320 and 445.024 for temporary cash assistance, as defined in s.
 321 414.0252, as a condition of eligibility and enrollment ~~Medicaid~~
 322 ~~recipients enrolled in managed care plans, as a condition of~~
 323 ~~Medicaid eligibility, to pay the Medicaid program a share of the~~
 324 ~~premium of \$10 per month.~~

325 Section 5. For fiscal year 2019-2020, the sum of \$952,360

326 | in nonrecurring funds from the Federal Grants Trust Fund is
327 | appropriated to the Department of Children and Families for the
328 | purpose of performing the technology modifications necessary to
329 | implement changes to the disbursement of temporary cash
330 | assistance benefits and the replacement of electronic benefits
331 | transfer cards pursuant to this act.

332 | Section 6. This act shall take effect July 1, 2019.