

1 A bill to be entitled
2 An act relating to public assistance; amending s.
3 394.9082, F.S.; requiring managing entities to provide
4 local workforce development boards with certain
5 information about publicly funded providers of
6 behavioral health services; amending s. 414.065, F.S.;
7 revising penalties for noncompliance with work
8 requirements for receipt of temporary cash assistance;
9 limiting the receipt of child-only benefits during
10 periods of noncompliance with work requirements;
11 revising the age of minors who are able to receive
12 child-only benefits during periods of noncompliance
13 with work requirements; providing applicability of
14 work requirements before expiration of the minimum
15 penalty period; requiring the Department of Children
16 and Families to refer sanctioned participants to
17 appropriate free and low-cost community services,
18 including food banks; amending s. 445.024, F.S.;
19 requiring the Department of Economic Opportunity, in
20 cooperation with CareerSource Florida, Inc., and the
21 Department of Children and Families, to inform
22 participants in the temporary cash assistance program
23 of work requirements and sanctions and penalties for
24 noncompliance with work requirements; requiring a
25 participant's written assent to receiving such

26 information; requiring the Department of Economic
27 Opportunity, in cooperation with CareerSource Florida,
28 Inc., and the Department of Children and Families, to
29 develop an individual responsibility plan for
30 participants in the temporary cash assistance program
31 following an initial assessment; establishing criteria
32 for the plan; requiring the plan to establish
33 employment goals and identify obligations, work
34 requirements, and strategies to overcome barriers to
35 meeting work requirements; requiring the Department of
36 Economic Opportunity to establish and implement
37 uniform standards for compliance with, and sanctioning
38 participants for noncompliance with, work
39 requirements; requiring the department to submit an
40 annual report to the Legislature by a specified date;
41 specifying contents of the report; requiring the
42 department to adopt rules; amending s. 445.025, F.S.;
43 requiring local workforce development boards to
44 provide a list of local providers of publicly funded
45 behavioral health services to temporary cash
46 assistance recipients in need of such services;
47 amending s. 402.82, F.S.; prohibiting the use or
48 acceptance of an electronic benefits transfer card at
49 specified locations; providing a penalty; amending s.
50 409.972, F.S.; directing the Agency for Health Care

51 Administration to seek federal approval to require
 52 Medicaid enrollees to provide proof to the Department
 53 of Children and Families of engagement in work
 54 activities for receipt of temporary cash assistance as
 55 a condition of eligibility and enrollment; providing
 56 an appropriation; providing an effective date.

57

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

59

60 Section 1. Paragraph (t) is added to subsection (5) of
 61 section 394.9082, Florida Statutes, to read:

62 394.9082 Behavioral health managing entities.—

63 (5) MANAGING ENTITY DUTIES.—A managing entity shall:

64 (t) Provide each local workforce development board created
 65 pursuant to s. 445.007 in its service area with information
 66 about publicly funded providers of behavioral health services
 67 that are accessible to individuals receiving temporary cash
 68 assistance or food assistance who are served by the local
 69 workforce development board. The information must include
 70 contact information for and the specific services provided by
 71 each provider.

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

74 414.065 Noncompliance with work requirements.—

75 (1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS

76 | AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—

77 | (a) The department shall establish procedures for
 78 | administering penalties for nonparticipation in work
 79 | requirements and failure to comply with the alternative
 80 | requirement plan. ~~If an individual in a family receiving~~
 81 | ~~temporary cash assistance fails to engage in work activities~~
 82 | ~~required in accordance with s. 445.024, the following penalties~~
 83 | ~~shall apply.~~ Prior to the imposition of a sanction, the
 84 | participant shall be notified orally or in writing that the
 85 | participant is subject to sanction and that action will be taken
 86 | to impose the sanction unless the participant complies with the
 87 | work activity requirements. The participant shall be counseled
 88 | as to the consequences of noncompliance and, if appropriate,
 89 | shall be referred for services that could assist the participant
 90 | to fully comply with program requirements. If the participant
 91 | has good cause for noncompliance or demonstrates satisfactory
 92 | compliance, the sanction may ~~shall~~ not be imposed. If the
 93 | participant has subsequently obtained employment, the
 94 | participant shall be counseled regarding the transitional
 95 | benefits that may be available and provided information about
 96 | how to access such benefits.

97 | (b) The department shall administer sanctions related to
 98 | food assistance consistent with federal regulations.

99 | (c) If an individual in a family receiving temporary cash
 100 | assistance fails to engage in work activities required in

101 accordance with s. 445.024, the following penalties shall apply:

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

103 a. Temporary cash assistance shall be terminated for the
104 family for a minimum of 1 month ~~10 days~~ or until the individual
105 who failed to comply does so, whichever is later. Upon meeting
106 this requirement, temporary cash assistance shall be reinstated
107 to the date of compliance or the first day of the month
108 following the penalty 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 month of the
111 penalty period through a protective payee as specified in
112 subsection (2).

113 2. Second noncompliance:

114 a. Temporary cash assistance shall be terminated for the
115 family for 3 months ~~1 month~~ or until the individual who failed
116 to comply does so, whichever is later. The individual shall be
117 required to comply with the required work activity upon
118 completion of the 3-month penalty period before reinstatement of
119 temporary cash assistance. Upon meeting this requirement,
120 temporary cash assistance shall be reinstated to the date of
121 compliance or the first day of the month following the penalty
122 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 3 months of
125 the penalty period through a protective payee as specified in

126 subsection (2).

127 3. Third noncompliance:

128 a. Temporary cash assistance shall be terminated for the
129 family for 6 ~~3~~ 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 6-month ~~3-month~~ penalty period, before
133 reinstatement of temporary cash assistance. Upon meeting this
134 requirement, temporary cash assistance shall be reinstated to
135 the date of compliance or the first day of the month following
136 the penalty period, whichever is later.

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

141 4. Fourth noncompliance:

142 a. Temporary cash assistance shall be terminated for the
143 family for 12 months or until the individual who failed to
144 comply does so, whichever is later. The individual shall be
145 required to comply with the required work activity upon
146 completion of the 12-month penalty period and reapply before
147 reinstatement of temporary cash assistance. Upon meeting this
148 requirement, temporary cash assistance shall be reinstated to
149 the first day of the month following the penalty period.

150 b. Temporary cash assistance for the minor child or

151 children in a family may be continued for the first 12 months of
152 the penalty period through a protective payee as specified in
153 subsection (2).

154 5. The sanctions imposed under subparagraphs 1.-4. do not
155 prohibit a participant from complying with the work activity
156 requirements during the penalty periods imposed by this
157 paragraph.

158 (d)-(b) If a participant receiving temporary cash
159 assistance who is otherwise exempted from noncompliance
160 penalties fails to comply with the alternative requirement plan
161 required in accordance with this section, the penalties provided
162 in paragraph (c)-(a) shall apply.

163 (e) When a participant is sanctioned for noncompliance
164 with this section, the department shall refer the participant to
165 appropriate free and low-cost community services, including food
166 banks.

167
168 If a participant fully complies with work activity requirements
169 for at least 6 months, the participant shall be reinstated as
170 being in full compliance with program requirements for purpose
171 of sanctions imposed under this section.

172 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
173 CHILDREN; PROTECTIVE PAYEES.—

174 (a) Upon ~~the second or third occurrence of noncompliance~~
175 with the work activity requirements, and subject to the

176 limitations in paragraph (1)(c), temporary cash assistance and
177 food assistance for the minor child or children in a family ~~who~~
178 ~~are under age 16~~ may be continued. Any such payments must be
179 made through a protective payee or, in the case of food
180 assistance, through an authorized representative. Under no
181 circumstances shall temporary cash assistance or food assistance
182 be paid to an individual who has failed to comply with program
183 requirements.

184 Section 3. Subsections (3) through (7) of section 445.024,
185 Florida Statutes, are renumbered as subsections (4) through (8),
186 respectively, and a new subsection (3) and subsections (9),
187 (10), and (11) are added to that section to read:

188 445.024 Work requirements.—

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

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

195 1. What is expected of the participant to continue to
196 receive temporary cash assistance benefits.

197 2. Under what circumstances the participant would be
198 sanctioned for noncompliance and what constitutes good cause for
199 noncompliance.

200 3. Potential penalties for noncompliance with the work

201 requirements in s. 414.065, including how long benefits would be
202 unavailable to the participant.

203 (b) Develop an individual responsibility plan for each
204 participant.

205 1. The individual responsibility plan shall be developed
206 jointly by the participant and the participant's case manager
207 pursuant to an initial assessment of, at a minimum, the
208 participant's skills, prior work experience, employability, and
209 barriers to employment.

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

212 a. Establish employment goals and a plan for moving the
213 participant into unsubsidized employment.

214 b. Place the participant into the highest level of
215 employment of which he or she is capable and increase the
216 participant's work responsibilities and amount of work over
217 time.

218 c. Clearly state in sufficient detail the participant's
219 obligations, work activity requirements, and any services the
220 local workforce development board will provide to enable the
221 participant to satisfy his or her obligations and work activity
222 requirements, including, but not limited to, child care and
223 transportation, if available.

224 d. Be specific, sufficient, feasible, and sustainable in
225 response to the realities of any barriers to compliance with

226 work activity requirements that the participant faces,
227 including, but not limited to, substance abuse, mental illness,
228 physical or mental disability, domestic violence, a criminal
229 record affecting employment, significant job-skill or soft-skill
230 deficiencies, and lack of child care, stable housing, or
231 transportation.

232 (c) Work with each participant to develop strategies to
233 assist the participant in overcoming any barriers to compliance
234 with the work requirements in s. 414.065.

235 (d) Adopt rules to implement this subsection.

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

237 (a) The department shall establish uniform standards for
238 compliance with work activity requirements and submitting
239 requests for sanctions for noncompliance pursuant to s. 414.065
240 to the Department of Children and Families.

241 (b) The department shall ensure that all local workforce
242 development boards uniformly implement sanctions for
243 noncompliance with work activity requirements and do not
244 sanction a participant who is temporarily unable to meet work
245 activity requirements due to circumstances beyond his or her
246 control.

247 (c) When requesting that the Department of Children and
248 Families sanction an individual who has failed to engage in work
249 activities required for food assistance under this section, the
250 department or local workforce development board shall notify the

251 Department of Children and Families of the reason for the
252 sanction request.

253 (10) ANNUAL REPORT.—By December 1 of each year, the
254 department shall submit to the Governor, the President of the
255 Senate, and the Speaker of the House of Representatives an
256 annual report that comprehensively presents participant
257 information and employment outcomes, by program, for individuals
258 subject to mandatory work requirements due to receipt of
259 temporary cash assistance or food assistance under chapter 414.
260 The report shall cover the participants who received services
261 during the prior fiscal year. The report shall include, at a
262 minimum:

263 (a) The total number of participants referred by the
264 Department of Children and Families who received workforce
265 services; the total length of time for which participants
266 received services and, if available, the length of time of any
267 gaps in the delivery of services as a result of sanctions or
268 program ineligibility; and the total number of participants who
269 were referred for, but did not receive, workforce services,
270 including an explanation of the reason why each participant did
271 not receive services, if applicable.

272 (b) The number and types of activities undertaken and
273 whether such activities satisfied the work requirements for
274 participants to receive temporary cash assistance or food
275 assistance.

276 (c) Participants' barriers to employment identified by the
277 case managers in individual responsibility plans, the services
278 offered to address such barriers, and whether participants
279 availed themselves of such services, including an explanation of
280 the reason why each participant did not avail himself or herself
281 of such services, if applicable.

282 (d) A description and summary of data in the reports
283 produced by the Florida Education and Training Placement
284 Information Program pursuant to s. 1008.39, including, but not
285 limited to, the total number and percentage of participants
286 securing employment, the job sectors in which employment was
287 secured, whether the employment was full-time or part-time,
288 whether the employment was compensated at a rate above the
289 hourly federal minimum wage rate, whether the participants
290 continued to receive temporary cash assistance or food
291 assistance after securing employment or exited programs due to
292 employment, and any other employment outcomes.

293 (e) The total number and percentage of participants
294 sanctioned for noncompliance with work requirements, the action
295 or inaction giving rise to the noncompliance, whether the
296 participants identified barriers related to noncompliance, and
297 services offered to prevent future noncompliance.

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

300 1. The effectiveness of the department's communication
 301 with participants, options for improving such communication, and
 302 any costs associated with such improvements.

303 2. The degree to which additional manual registration
 304 processes are used by local workforce development boards, a
 305 description of such processes, the impact of such processes on
 306 sanction rates for noncompliance with work activities, and the
 307 benefits and disadvantages of such processes.

308 (11) RULEMAKING.—The department shall adopt rules to
 309 implement this section.

310 Section 4. Subsection (4) of section 445.025, Florida
 311 Statutes, is amended to read:

312 445.025 Other support services.—Support services shall be
 313 provided, if resources permit, to assist participants in
 314 complying with work activity requirements outlined in s.
 315 445.024. If resources do not permit the provision of needed
 316 support services, the local workforce development board may
 317 prioritize or otherwise limit provision of support services.
 318 This section does not constitute an entitlement to support
 319 services. Lack of provision of support services may be
 320 considered as a factor in determining whether good cause exists
 321 for failing to comply with work activity requirements but does
 322 not automatically constitute good cause for failing to comply
 323 with work activity requirements, and does not affect any
 324 applicable time limit on the receipt of temporary cash

325 assistance or the provision of services under chapter 414.
326 Support services shall include, but need not be limited to:
327 (4) PERSONAL AND FAMILY COUNSELING AND THERAPY.—Counseling
328 may be provided to participants who have a personal or family
329 problem or problems caused by substance abuse that is a barrier
330 to compliance with work activity requirements or employment
331 requirements. In providing these services, local workforce
332 development boards shall use services that are available in the
333 community at no additional cost. If these services are not
334 available, local workforce development boards may use support
335 services funds. Each local workforce development board shall
336 provide a list of local providers of publicly funded behavioral
337 health services to temporary cash assistance recipients in need
338 of such services. The list shall include the location of,
339 contact information for, and a description of the specific
340 services provided by each provider. The list shall be available
341 in both print and electronic formats. Personal or family
342 counseling not available through Medicaid may not be considered
343 a medical service for purposes of the required statewide
344 implementation plan or use of federal funds.

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

348 402.82 Electronic benefits transfer program.—
349 (4) Use or acceptance of an electronic benefits transfer

350 card is prohibited at the following locations or for the
351 following activities:

352 (g) A Medical Marijuana Treatment Center as defined in s.
353 29(b) (5), Art. X of the State Constitution and licensed pursuant
354 to s. 381.986.

355 (h) A cigar store or stand, pipe store, smoke shop, or
356 tobacco shop.

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

360 (5) The department shall impose a penalty for the fifth
361 and each subsequent replacement electronic benefits transfer
362 card that a participant requests within a 12-month period. The
363 amount of the penalty must be equal to the cost of replacing the
364 electronic benefits transfer card. The penalty may be deducted
365 from the participant's benefits. The department may waive the
366 penalty upon a showing of good cause, such as the malfunction of
367 the card or extreme financial hardship.

368 Section 6. Subsection (3) of section 409.972, Florida
369 Statutes, is amended to read:

370 409.972 Mandatory and voluntary enrollment.—

371 (3) The agency shall seek federal approval to require
372 enrollees to provide proof to the department of engagement in
373 work activities consistent with the requirements in ss. 414.095
374 and 445.024 for temporary cash assistance, as defined in s.

375 414.0252, as a condition of eligibility and enrollment ~~Medicaid~~
376 ~~recipients enrolled in managed care plans, as a condition of~~
377 ~~Medicaid eligibility, to pay the Medicaid program a share of the~~
378 ~~premium of \$10 per month.~~

379 Section 7. For fiscal year 2019-2020, the sum of \$952,360
380 in nonrecurring funds from the Federal Grants Trust Fund is
381 appropriated to the Department of Children and Families for the
382 purpose of performing the technology modifications necessary to
383 implement changes to the disbursement of temporary cash
384 assistance benefits and the replacement of electronic benefits
385 transfer cards pursuant to this act.

386 Section 8. This act shall take effect July 1, 2019.