

By Senator Baxley

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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

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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.

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

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

394.9082 Behavioral health managing entities.—

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

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

Section 2. 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

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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

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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

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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 assistance  
159 who is otherwise exempted from noncompliance penalties fails to  
160 comply with the alternative requirement plan required in  
161 accordance with this section, the penalties provided in  
162 paragraph (c) ~~(a)~~ shall apply.

163 (e) When a participant is sanctioned for noncompliance with  
164 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 CHILDREN;  
173 PROTECTIVE PAYEES.—

174 (a) Upon ~~the second or third occurrence of~~ noncompliance

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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 require  
194 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. The circumstances under which 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

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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



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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

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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

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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, 2020, the information  
299 required in paragraphs (a) through (e) and an evaluation of:

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

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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.—

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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 and  
361 each subsequent replacement electronic benefits transfer card  
362 that a participant requests within a 12-month period. The amount  
363 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~~

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378 ~~premium of \$10 per month.~~

379       Section 7. For fiscal year 2020-2021, 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, 2020.