

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 temporary cash assistance;
5 limiting the receipt of child-only benefits during
6 periods of noncompliance with work requirements;
7 providing applicability of work requirements before
8 expiration of the minimum penalty period; requiring
9 the Department of Children and Families to refer
10 sanctioned participants to appropriate free and low-
11 cost community services, including food banks;
12 amending s. 445.024, F.S.; requiring the Department of
13 Economic Opportunity, in cooperation with CareerSource
14 Florida, Inc., and the Department of Children and
15 Families, to develop and implement a work plan
16 agreement for participants in the temporary cash
17 assistance program; requiring the plan to identify
18 expectations, sanctions, and penalties for
19 noncompliance with work requirements; amending s.
20 402.82, F.S.; prohibiting the use of an electronic
21 benefits transfer card at specified locations;
22 requiring the Department of Children and Families to
23 impose a fee for replacement electronic benefits
24 transfer cards under certain circumstances; providing
25 an appropriation; providing an effective date.

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

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.—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

51 counseled regarding the transitional benefits that may be
52 available and provided information about how to access such
53 benefits. The department shall administer sanctions related to
54 food assistance consistent with federal regulations.

55 (a)1. First noncompliance:

56 a. Temporary cash assistance shall be terminated for the
57 family for a minimum of 1 month ~~10 days~~ or until the individual
58 who failed to comply does so, whichever is later. Upon meeting
59 this requirement, temporary cash assistance shall be reinstated
60 to the date of compliance or the first day of the month
61 following the penalty period, whichever is later.

62 b. Temporary cash assistance for the child or children in
63 a family who are under age 16 may be continued for the first
64 month of the penalty period through a protective payee as
65 specified in subsection (2).

66 2. Second noncompliance:

67 a. Temporary cash assistance shall be terminated for the
68 family for 3 months ~~1 month~~ or until the individual who failed
69 to comply does so, whichever is later. The individual shall be
70 required to comply with the required work activity upon
71 completion of the 3-month penalty period before reinstatement of
72 temporary cash assistance. Upon meeting this requirement,
73 temporary cash assistance shall be reinstated to the date of
74 compliance or the first day of the month following the penalty
75 period, whichever is later.

76 b. Temporary cash assistance for the child or children in
 77 a family who are under age 16 may be continued for the first 3
 78 months of the penalty period through a protective payee as
 79 specified in subsection (2).

80 3. Third noncompliance:

81 a. Temporary cash assistance shall be terminated for the
 82 family for ~~6~~ 3 months or until the individual who failed to
 83 comply does so, whichever is later. The individual shall be
 84 required to comply with the required work activity upon
 85 completion of the 6-month ~~3-month~~ penalty period, before
 86 reinstatement of temporary cash assistance. Upon meeting this
 87 requirement, temporary cash assistance shall be reinstated to
 88 the date of compliance or the first day of the month following
 89 the penalty period, whichever is later.

90 b. Temporary cash assistance for the child or children in
 91 a family who are under age 16 may be continued for the first 6
 92 months of the penalty period through a protective payee as
 93 specified in subsection (2).

94 4. Fourth noncompliance:

95 a. Temporary cash assistance shall be terminated for the
 96 family for 12 months or until the individual who failed to
 97 comply does so, whichever is later. The individual shall be
 98 required to comply with the required work activity upon
 99 completion of the 12-month penalty period and reapply before
 100 reinstatement of temporary cash assistance. Upon meeting this

101 requirement, temporary cash assistance shall be reinstated to
102 the first day of the month following the penalty period.

103 b. Temporary cash assistance for the child or children in
104 a family who are under age 16 may be continued for the first 12
105 months of the penalty period through a protective payee as
106 specified in subsection (2).

107 5. The sanctions imposed under subparagraphs 1.-4. do not
108 prohibit a participant from complying with the work activity
109 requirements during the penalty periods imposed by this
110 paragraph.

111 (b) If a participant receiving temporary cash assistance
112 who is otherwise exempted from noncompliance penalties fails to
113 comply with the alternative requirement plan required in
114 accordance with this section, the penalties provided in
115 paragraph (a) shall apply.

116 (c) When a participant is sanctioned for noncompliance
117 with this section, the department shall refer the participant to
118 appropriate free and low-cost community services, including food
119 banks.

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

125 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR

126 CHILDREN; PROTECTIVE PAYEES.—

127 (a) ~~Upon the second or third occurrence of noncompliance~~
128 with work requirements, subject to the limitations in paragraph
129 (1) (a), temporary cash assistance and food assistance for the
130 child or children in a family who are under age 16 may be
131 continued. Any such payments must be made through a protective
132 payee or, in the case of food assistance, through an authorized
133 representative. Under no circumstances shall temporary cash
134 assistance or food assistance be paid to an individual who has
135 failed to comply with program requirements.

136 Section 2. Subsections (3) through (7) of section 445.024,
137 Florida Statutes, are renumbered as subsections (4) through (8),
138 respectively, and a new subsection (3) is added to that section
139 to read:

140 445.024 Work requirements.—

141 (3) WORK PLAN AGREEMENT.—For each individual who is not
142 otherwise exempt from work activity requirements, but before a
143 participant may receive temporary cash assistance, the
144 Department of Economic Opportunity, in cooperation with
145 CareerSource Florida, Inc., and the Department of Children and
146 Families, must:

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

149 1. What is expected of the participant to continue to
150 receive temporary cash assistance benefits.

151 2. Under what circumstances the participant would be
152 sanctioned for noncompliance.

153 3. Potential penalties for noncompliance with the work
154 requirements in s. 414.065, including how long benefits would be
155 unavailable to the participant.

156 (b) Work with the participant to develop strategies to
157 assist the participant in overcoming obstacles to compliance
158 with the work requirements in s. 414.065.

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

162 402.82 Electronic benefits transfer program.—

163 (4) Use or acceptance of an electronic benefits transfer
164 card is prohibited at the following locations or for the
165 following activities:

166 (g) A medical marijuana treatment center or dispensing
167 organization.

168 (h) A cigar store or stand, pipe store, smoke shop, or
169 tobacco shop.

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

173 (5) The department shall impose a fee for the fifth and
174 each subsequent replacement electronic benefits transfer card
175 that a participant requests within a 12-month period. The fee

176 | must be equal to the cost of replacing the electronic benefits
177 | transfer card. The fee may be deducted from the participant's
178 | benefits. The department may waive the fee upon a showing of
179 | good cause, such as the malfunction of the card or extreme
180 | financial hardship.

181 | Section 4. For fiscal year 2018-2019, the sum of \$952,360
182 | in nonrecurring funds from the Federal Grants Trust Fund is
183 | appropriated to the Department of Children and Families for the
184 | purpose of performing the technology modifications necessary to
185 | implement changes to the disbursement of temporary cash
186 | assistance benefits and the replacement of electronic benefits
187 | transfer cards pursuant to this act.

188 | Section 5. This act shall take effect July 1, 2018.