

By Senator Baxley

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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

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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 work requirements and  
35 for sanctioning participants for noncompliance with  
36 such requirements; requiring the Department of  
37 Economic Opportunity to submit an annual report to the  
38 Governor and the Legislature by a specified date;  
39 specifying contents of the report; requiring the  
40 Department of Economic Opportunity to adopt rules;  
41 amending s. 402.82, F.S.; prohibiting the use or  
42 acceptance of an electronic benefits transfer card at  
43 specified locations; providing a penalty; amending s.  
44 409.972, F.S.; directing the Agency for Health Care  
45 Administration to seek federal approval to require  
46 Medicaid managed care enrollees to provide proof to  
47 the Department of Children and Families of engagement  
48 in work activities for receipt of temporary cash  
49 assistance as a condition of eligibility and  
50 enrollment; deleting a requirement for the agency to  
51 seek federal approval to require Medicaid managed care  
52 enrollees to pay a specified share of the monthly  
53 premium; providing an appropriation; requiring the  
54 welfare transition program for a specified workforce  
55 region to operate a pay-after-performance pilot  
56 program for a specified period; providing  
57 applicability; requiring the department to determine  
58 eligibility; specifying requirements for referral and

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59 orientation; specifying requirements and procedures  
60 relating to support services, work activities and work  
61 verification, proportional reduction of temporary cash  
62 assistance, excused absences, deferrals from  
63 participation, termination of benefits and  
64 reapplication for participation, and payment  
65 methodology; providing an effective date.  
66

67 Be It Enacted by the Legislature of the State of Florida:  
68

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

71 414.065 Noncompliance with work requirements.—

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

74 (a) The department shall establish procedures for  
75 administering penalties for nonparticipation in work  
76 requirements and failure to comply with the alternative  
77 requirement plan. ~~If an individual in a family receiving~~  
78 ~~temporary cash assistance fails to engage in work activities~~  
79 ~~required in accordance with s. 445.024, the following penalties~~  
80 ~~shall apply.~~ Prior to the imposition of a sanction, the  
81 participant shall be notified orally or in writing that the  
82 participant is subject to sanction and that action will be taken  
83 to impose the sanction unless the participant complies with the  
84 work activity requirements. The participant shall be counseled  
85 as to the consequences of noncompliance and, if appropriate,  
86 shall be referred for services that could assist the participant  
87 to fully comply with program requirements. If the participant

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88 has good cause for noncompliance or demonstrates satisfactory  
89 compliance, the sanction may ~~shall~~ not be imposed. If the  
90 participant has subsequently obtained employment, the  
91 participant shall be counseled regarding the transitional  
92 benefits that may be available and provided information about  
93 how to access such benefits.

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

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

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

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

110 2. Second noncompliance:

111 a. Temporary cash assistance shall be terminated for the  
112 family for 3 months ~~1 month~~ or until the individual who failed  
113 to comply does so, whichever is later. The individual shall be  
114 required to comply with the required work activity upon  
115 completion of the 3-month penalty period before reinstatement of  
116 temporary cash assistance. Upon meeting this requirement,

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117 temporary cash assistance shall be reinstated to the date of  
118 compliance or the first day of the month following the penalty  
119 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 3 months of  
122 the penalty period through a protective payee as specified in  
123 subsection (2).

124 3. Third noncompliance:

125 a. Temporary cash assistance shall be terminated for the  
126 family for ~~6~~ 3 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 ~~6-month~~ 3-month penalty period, before  
130 reinstatement of temporary cash assistance. Upon meeting this  
131 requirement, temporary cash assistance shall be reinstated to  
132 the date of compliance or the first day of the month following  
133 the penalty period, whichever is later.

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

138 4. Fourth noncompliance:

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

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146 the first day of the month following the penalty period.

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

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

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

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

164  
165 If a participant fully complies with work activity requirements  
166 for at least 6 months, the participant shall be reinstated as  
167 being in full compliance with program requirements for purpose  
168 of sanctions imposed under this section.

169 (2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN;  
170 PROTECTIVE PAYEES.—

171 (a) Upon ~~the second or third occurrence of noncompliance~~  
172 with the work activity requirements, and subject to the  
173 limitations in paragraph (1) (c), temporary cash assistance and  
174 food assistance for the minor child or children in a family ~~who~~

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175 ~~are under age 16~~ may be continued. Any such payments must be  
176 made through a protective payee or, in the case of food  
177 assistance, through an authorized representative. Under no  
178 circumstances shall temporary cash assistance or food assistance  
179 be paid to an individual who has failed to comply with program  
180 requirements.

181 Section 2. Present subsections (3) through (7) of section  
182 445.024, Florida Statutes, are renumbered as subsections (4)  
183 through (8), respectively, and new subsections (3), (9), (10),  
184 and (11) are added to that section, to read:

185 445.024 Work requirements.—

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

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

192 1. What is expected of the participant to continue to  
193 receive temporary cash assistance benefits.

194 2. Under what circumstances the participant would be  
195 sanctioned for noncompliance and what constitutes good cause for  
196 noncompliance.

197 3. Potential penalties for noncompliance with the work  
198 requirements in s. 414.065, including how long benefits would be  
199 unavailable to the participant.

200 (b) Develop an individual responsibility plan for each  
201 participant.

202 1. The individual responsibility plan shall be developed  
203 jointly by the participant and the participant's case manager

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204 pursuant to an initial assessment of, at a minimum, the  
205 participant's skills, prior work experience, employability, and  
206 barriers to employment.

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

209 a. Establish employment goals and a plan for moving the  
210 participant into unsubsidized employment.

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

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

221 d. Be specific, sufficient, feasible, and sustainable in  
222 response to the realities of any barriers to compliance with  
223 work activity requirements which the participant faces,  
224 including, but not limited to, substance abuse, mental illness,  
225 physical or mental disability, domestic violence, a criminal  
226 record affecting employment, significant job-skill or soft-skill  
227 deficiencies, and lack of child care, stable housing, or  
228 transportation.

229 (c) Work with each participant to develop strategies to  
230 assist the participant in overcoming any barriers to compliance  
231 with the work requirements in s. 414.065.

232 (d) Adopt rules to implement this subsection.



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

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

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

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

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

260 (a) The total number of participants referred by the  
261 Department of Children and Families who received workforce

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

269 (b) The number and types of activities undertaken, and  
270 whether such activities satisfied the work requirements, for  
271 participants to receive temporary cash assistance or food  
272 assistance.

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

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

290 (e) The total number and percentage of participants

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291 sanctioned for noncompliance with work requirements, the action  
292 or inaction giving rise to the noncompliance, whether the  
293 participants identified barriers related to noncompliance, and  
294 services offered to prevent future noncompliance.

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

297 1. The effectiveness of the department's communication with  
298 participants, options for improving such communication, and any  
299 costs associated with such improvements.

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

305 (11) RULEMAKING.—The department shall adopt rules to  
306 implement this section.

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

310 402.82 Electronic benefits transfer program.—

311 (4) Use or acceptance of an electronic benefits transfer  
312 card is prohibited at the following locations or for the  
313 following activities:

314 (g) A medical marijuana treatment center as defined in s.  
315 29(b)(5), Art. X of the State Constitution and licensed pursuant  
316 to s. 381.986.

317 (h) A cigar store or stand, pipe store, smoke shop, or  
318 tobacco shop.

319 (i) A body-piercing salon as defined in s. 381.0075, a

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320 tattoo establishment as defined in s. 381.00771, or a business  
321 establishment primarily engaged in the practice of branding.

322 (5) The department shall impose a penalty for the fifth and  
323 each subsequent replacement electronic benefits transfer card  
324 that a participant requests within a 12-month period. The amount  
325 of the penalty must be equal to the cost of replacing the  
326 electronic benefits transfer card. The penalty may be deducted  
327 from the participant's benefits. The department may waive the  
328 penalty upon a showing of good cause, such as the malfunction of  
329 the card or extreme financial hardship.

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

332 409.972 Mandatory and voluntary enrollment.—

333 (3) The agency shall seek federal approval to require  
334 enrollees to provide proof to the Department of Children and  
335 Families of engagement in work activities consistent with the  
336 requirements in ss. 414.095 and 445.024 for temporary cash  
337 assistance, as defined in s. 414.0252, as a condition of  
338 eligibility and enrollment ~~Medicaid recipients enrolled in~~  
339 ~~managed care plans, as a condition of Medicaid eligibility, to~~  
340 ~~pay the Medicaid program a share of the premium of \$10 per~~  
341 ~~month.~~

342 Section 5. For fiscal year 2019-2020, the sum of \$952,360  
343 in nonrecurring funds from the Federal Grants Trust Fund is  
344 appropriated to the Department of Children and Families for the  
345 purpose of performing the technology modifications necessary to  
346 implement changes to the disbursement of temporary cash  
347 assistance benefits and the replacement of electronic benefits  
348 transfer cards pursuant to this act.

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349           Section 6. Welfare transition pilot program.—

350           (1) PILOT PROJECT.—The welfare transition program (WTP) in  
351 Florida Workforce Region 9, Alachua and Bradford Counties, shall  
352 operate a pay-after-performance pilot program for 1 year. The  
353 pilot program applies to all nonexempt temporary cash assistance  
354 (TCA) work-eligible recipients referred to the regional  
355 workforce board (RWB) for participation in the WTP.

356           (2) ELIGIBILITY DETERMINATION.—The Department of Children  
357 and Families shall determine eligibility for receipt of cash  
358 assistance. A participant already enrolled in the RWB welfare  
359 transition program on the date of pilot project startup is not  
360 subject to pay-after-performance unless the case is closed and  
361 subsequently reopened for TCA.

362           (3) REFERRAL AND ORIENTATION.—The Department of Children  
363 and Families shall refer TCA applicants to the RWB for work  
364 registration and orientation. During the WTP orientation, the  
365 RWB shall inform applicants in writing of the pay-after-  
366 performance pilot program rules and guidelines and assign each  
367 applicant the number of hours required per month for receipt of  
368 the full TCA benefit. The participation hours required by family  
369 type are the same as required in the standard WTP.

370           (a) An applicant who elects to participate in the pay-  
371 after-performance pilot program must acknowledge in writing his  
372 or her understanding of the pilot program requirements.

373           (b) An applicant who elects not to participate in the pay-  
374 after-performance pilot program shall have the opportunity to  
375 withdraw his or her TCA application. The withdrawal of an  
376 application does not affect an applicant's right to reapply for  
377 TCA at any time.

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378       (4) SUPPORT SERVICES.—During orientation, the RWB shall  
379 assess an applicant’s need for immediate support services.  
380 Support services for needs as described in s. 445.025, Florida  
381 Statutes, must be provided on a case-by-case basis, if necessary  
382 for an applicant to participate during the period before he or  
383 she earns his or her TCA benefit.

384       (5) WORK ACTIVITIES AND WORK VERIFICATION.—A pay-after-  
385 performance pilot program participant must be assigned to work  
386 activities as specified in s. 445.024, Florida Statutes, and  
387 must be provided with program instructions for reporting excused  
388 absences and verifying work hours to his or her career advisor  
389 on a weekly basis.

390       (6) PROPORTIONAL REDUCTION OF TCA.—A participant is subject  
391 to a proportional reduction of TCA for any month he or she fails  
392 to meet the full participation requirement without good cause.  
393 The amount of assistance otherwise payable to the family must be  
394 prorated and proportional to the actual number of hours of  
395 participation.

396       (7) EXCUSED ABSENCES.—A WTP participant is eligible to have  
397 16 hours per month of work activity hours excused for good cause  
398 and counted as participation hours, not to exceed 80 hours in a  
399 12-month period. Career advisors shall verbally communicate with  
400 participants to determine good cause and notify participants  
401 that they are subject to case termination if their absences are  
402 without good cause.

403       (8) DEFERRALS.—A participant eligible for 100 percent  
404 deferral from participation due to an allowable exception  
405 specified in former s. 414.065(4), Florida Statutes 2010, must  
406 provide evidence to verify the need for his or her deferral.

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407 Career advisors shall assist participants in the development of  
408 an alternative responsibility plan and shall maintain contact  
409 with participants to ensure their compliance with their  
410 alternative responsibility plans. A participant shall receive  
411 his or her full monthly benefit until the deferral has been  
412 reduced or eliminated or until he or she has met his or her time  
413 limit.

414 (a) The RWB may refer participants who are 100 percent  
415 medically deferred to a physician for a second opinion.  
416 Participants shall apply for Social Security Disability  
417 Insurance and vocational rehabilitation services.

418 (b) A participant who is not 100 percent medically deferred  
419 must be assigned work activities as recommended by the physician  
420 for the number of hours prescribed. To receive a full assistance  
421 payment, a participant must participate for the full number of  
422 assigned hours; otherwise, the benefit must be reduced  
423 proportionately to reflect the hours of nonparticipation.

424 (9) PROGRAM TERMINATION.—A WTP participant who does not  
425 participate for 3 consecutive days, without good cause or  
426 without notifying his or her career advisor, unless the  
427 participant is medically unable to do so, must be terminated  
428 from the pilot program and have his or her TCA terminated. A  
429 participant may reapply for TCA after a failure to participate:

430 (a) For the first failure, 30 days after the termination  
431 date.

432 (b) For the second failure, 90 days after the termination  
433 date.

434 (c) For the third failure, 180 days after the termination  
435 date.

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436       (10) PAYMENT METHODOLOGY.—Upon completion of work  
437 registration and other TCA eligibility requirements, a TCA case  
438 must be opened for \$10 per month. A participant who meets his or  
439 her full participation requirement for the month must receive  
440 the remainder of his or her monthly TCA payment. A participant  
441 who does not meet his or her full participation requirement for  
442 the month must have his or her TCA payment reduced  
443 proportionately to reflect the number of hours he or she failed  
444 to participate. Payments must be calculated as follows:

445       (a) Divide the monthly TCA payment by the monthly scheduled  
446 work activity hours;

447       (b) Multiply the quotient in paragraph (a) by the number of  
448 hours missed without good cause during the month; and

449       (c) Reduce the TCA payment by the product in paragraph (b)  
450 and issue payment for the amount in excess of the \$10 already  
451 approved.

452       Section 7. This act shall take effect July 1, 2019.