

1 A bill to be entitled

2 An act relating to the temporary cash assistance
3 program; amending s. 414.095, F.S.; revising the
4 consideration of income from illegal noncitizen or
5 ineligible noncitizen family members in determining
6 eligibility for temporary cash assistance; reenacting
7 s. 414.045(1), F.S., relating to the cash assistance
8 program, to incorporate the amendment made by the act
9 to s. 414.095, F.S., in a reference thereto; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Paragraph (d) of subsection (3) and subsection
15 (11) of section 414.095, Florida Statutes, are amended to read:

16 414.095 Determining eligibility for temporary cash
17 assistance.—

18 (3) ELIGIBILITY FOR NONCITIZENS.—A "qualified noncitizen"
19 is an individual who is admitted to the United States as a
20 refugee under s. 207 of the Immigration and Nationality Act or
21 who is granted asylum under s. 208 of the Immigration and
22 Nationality Act; a noncitizen whose deportation is withheld
23 under s. 243(h) or s. 241(b)(3) of the Immigration and
24 Nationality Act; a noncitizen who is paroled into the United
25 States under s. 212(d)(5) of the Immigration and Nationality
26 Act, for at least 1 year; a noncitizen who is granted

27 conditional entry pursuant to s. 203(a)(7) of the Immigration
28 and Nationality Act as in effect prior to April 1, 1980; a Cuban
29 or Haitian entrant; or a noncitizen who has been admitted as a
30 permanent resident. In addition, a "qualified noncitizen"
31 includes an individual who, or an individual whose child or
32 parent, has been battered or subject to extreme cruelty in the
33 United States by a spouse, a parent, or other household member
34 under certain circumstances, and has applied for or received
35 protection under the federal Violence Against Women Act of 1994,
36 Pub. L. No. 103-322, if the need for benefits is related to the
37 abuse and the batterer no longer lives in the household. A
38 "nonqualified noncitizen" is a nonimmigrant noncitizen,
39 including a tourist, business visitor, foreign student, exchange
40 visitor, temporary worker, or diplomat. In addition, a
41 "nonqualified noncitizen" includes an individual paroled into
42 the United States for less than 1 year. A qualified noncitizen
43 who is otherwise eligible may receive temporary cash assistance
44 to the extent permitted by federal law. The income or resources
45 of a sponsor and the sponsor's spouse shall be included in
46 determining eligibility to the maximum extent permitted by
47 federal law.

48 (d) The income of an illegal noncitizen or ineligible
49 noncitizen who is a mandatory member of a family, ~~less a pro~~
50 ~~rata share for the illegal noncitizen or ineligible noncitizen,~~
51 counts in full in determining a family's eligibility to
52 participate in the program.

53 (11) DISREGARDS.—

54 (a) As an incentive to employment, the first \$200 plus
 55 one-half of the remainder of earned income shall be disregarded.
 56 In order to be eligible for earned income to be disregarded, the
 57 individual must be:

- 58 1. A current participant in the program; or
- 59 2. Eligible for participation in the program without the
 60 earnings disregard.

61 (b) A child's earned income shall be disregarded if the
 62 child is a family member, attends high school or the equivalent,
 63 and is younger than 19 years of age ~~or younger~~.

64 Section 2. For the purpose of incorporating the amendment
 65 made by this act to section 414.095, Florida Statutes, in a
 66 reference thereto, subsection (1) of section 414.045, Florida
 67 Statutes, is reenacted to read:

68 414.045 Cash assistance program.—Cash assistance families
 69 include any families receiving cash assistance payments from the
 70 state program for temporary assistance for needy families as
 71 defined in federal law, whether such funds are from federal
 72 funds, state funds, or commingled federal and state funds. Cash
 73 assistance families may also include families receiving cash
 74 assistance through a program defined as a separate state
 75 program.

76 (1) For reporting purposes, families receiving cash
 77 assistance shall be grouped into the following categories. The
 78 department may develop additional groupings in order to comply

79 | with federal reporting requirements, to comply with the data-
80 | reporting needs of the board of directors of CareerSource
81 | Florida, Inc., or to better inform the public of program
82 | progress.

83 | (a) Work-eligible cases.—Work-eligible cases shall
84 | include:

85 | 1. Families containing an adult or a teen head of
86 | household, as defined by federal law. These cases are generally
87 | subject to the work activity requirements provided in s. 445.024
88 | and the time limitations on benefits provided in s. 414.105.

89 | 2. Families with a parent where the parent's needs have
90 | been removed from the case due to sanction or disqualification
91 | shall be considered work-eligible cases to the extent that such
92 | cases are considered in the calculation of federal participation
93 | rates or would be counted in such calculation in future months.

94 | 3. Families participating in transition assistance
95 | programs.

96 | 4. Families otherwise eligible for temporary cash
97 | assistance which receive diversion services, a severance
98 | payment, or participate in the relocation program.

99 | (b) Child-only cases.—Child-only cases include cases that
100 | do not have an adult or teen head of household as defined in
101 | federal law. Such cases include:

102 | 1. Children in the care of caretaker relatives, if the
103 | caretaker relatives choose to have their needs excluded in the
104 | calculation of the amount of cash assistance.

105 2. Families in the Relative Caregiver Program as provided
106 in s. 39.5085.

107 3. Families in which the only parent in a single-parent
108 family or both parents in a two-parent family receive
109 supplemental security income (SSI) benefits under Title XVI of
110 the Social Security Act, as amended. To the extent permitted by
111 federal law, individuals receiving SSI shall be excluded as
112 household members in determining the amount of cash assistance,
113 and such cases shall not be considered families containing an
114 adult. Parents or caretaker relatives who are excluded from the
115 cash assistance group due to receipt of SSI may choose to
116 participate in work activities. An individual whose ability to
117 participate in work activities is limited who volunteers to
118 participate in work activities shall be assigned to work
119 activities consistent with such limitations. An individual who
120 volunteers to participate in a work activity may receive child
121 care or support services consistent with such participation.

122 4. Families in which the only parent in a single-parent
123 family or both parents in a two-parent family are not eligible
124 for cash assistance due to immigration status or other
125 limitation of federal law. To the extent required by federal
126 law, such cases shall not be considered families containing an
127 adult.

128 5. To the extent permitted by federal law and subject to
129 appropriations, special needs children who have been adopted
130 pursuant to s. 409.166 and whose adopting family qualifies as a

131 | needy family under the state program for temporary assistance
132 | for needy families. Notwithstanding any provision to the
133 | contrary in s. 414.075, s. 414.085, or s. 414.095, a family
134 | shall be considered a needy family if:

135 | a. The family is determined by the department to have an
136 | income below 200 percent of the federal poverty level;

137 | b. The family meets the requirements of s. 414.095(2) and
138 | (3) related to residence, citizenship, or eligible noncitizen
139 | status; and

140 | c. The family provides any information that may be
141 | necessary to meet federal reporting requirements specified under
142 | Part A of Title IV of the Social Security Act.

143 |
144 | Families described in subparagraph 1., subparagraph 2., or
145 | subparagraph 3. may receive child care assistance or other
146 | supports or services so that the children may continue to be
147 | cared for in their own homes or in the homes of relatives. Such
148 | assistance or services may be funded from the temporary
149 | assistance for needy families block grant to the extent
150 | permitted under federal law and to the extent funds have been
151 | provided in the General Appropriations Act.

152 | Section 3. This act shall take effect July 1, 2016.