

1 A bill to be entitled

2 An act relating to the temporary cash assistance  
3 program; amending s. 414.095, F.S.; adding proof of  
4 application for employment to the eligibility  
5 requirements for receiving services or temporary cash  
6 assistance; revising the formula for calculating the  
7 income of certain noncitizens for purposes of a  
8 determination of family eligibility; amending s.  
9 414.105, F.S.; decreasing the lifetime cumulative  
10 total time limit for which an applicant or current  
11 participant may receive temporary cash assistance;  
12 conforming provisions to changes made by the act;  
13 amending s. 445.024, F.S.; adding proof of application  
14 for employment to the work activity requirements for a  
15 participant in the temporary cash assistance program;  
16 reenacting ss. 414.065(4)(b) and (c) and  
17 445.051(4)(a), F.S., relating to noncompliance with  
18 work requirements and individual development accounts,  
19 respectively, to incorporate the amendment made to s.  
20 414.105, F.S., in references thereto; reenacting s.  
21 414.045(1), F.S., relating to the cash assistance  
22 program, to incorporate the amendments made to ss.  
23 414.095 and 414.105, F.S., in references thereto;  
24 providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsection (1), paragraph (d) of subsection  
29 (3), and subsection (11) of section 414.095, Florida Statutes,  
30 are amended to read:

31 414.095 Determining eligibility for temporary cash  
32 assistance.—

33 (1) ELIGIBILITY.—An applicant must meet eligibility  
34 requirements of this section before receiving services or  
35 temporary cash assistance under this chapter, except that an  
36 applicant shall be required to register for work, provide proof  
37 of application for employment with three employers, and engage  
38 in work activities in accordance with s. 445.024, as designated  
39 by the regional workforce board, and may receive support  
40 services or child care assistance in conjunction with such  
41 requirements ~~requirement~~. The department shall make a  
42 determination of eligibility based on the criteria listed in  
43 this chapter. The department shall monitor continued eligibility  
44 for temporary cash assistance through periodic reviews  
45 consistent with the food assistance eligibility process.  
46 Benefits may ~~shall~~ not be denied to an individual solely based  
47 on a felony drug conviction, unless the conviction is for  
48 trafficking pursuant to s. 893.135. To be eligible under this  
49 section, an individual convicted of a drug felony must be  
50 satisfactorily meeting the requirements of the temporary cash  
51 assistance program, including all substance abuse treatment  
52 requirements. Within the limits specified in this chapter, the

53 | state opts out of the provision of Pub. L. No. 104-193, s. 115,  
54 | that eliminates eligibility for temporary cash assistance and  
55 | food assistance for any individual convicted of a controlled  
56 | substance felony.

57 |       (3) ELIGIBILITY FOR NONCITIZENS.—A "qualified noncitizen"  
58 | is an individual who is admitted to the United States as a  
59 | refugee under s. 207 of the Immigration and Nationality Act or  
60 | who is granted asylum under s. 208 of the Immigration and  
61 | Nationality Act; a noncitizen whose deportation is withheld  
62 | under s. 243(h) or s. 241(b)(3) of the Immigration and  
63 | Nationality Act; a noncitizen who is paroled into the United  
64 | States under s. 212(d)(5) of the Immigration and Nationality  
65 | Act, for at least 1 year; a noncitizen who is granted  
66 | conditional entry pursuant to s. 203(a)(7) of the Immigration  
67 | and Nationality Act as in effect prior to April 1, 1980; a Cuban  
68 | or Haitian entrant; or a noncitizen who has been admitted as a  
69 | permanent resident. In addition, a "qualified noncitizen"  
70 | includes an individual who, or an individual whose child or  
71 | parent, has been battered or subject to extreme cruelty in the  
72 | United States by a spouse, a parent, or other household member  
73 | under certain circumstances, and has applied for or received  
74 | protection under the federal Violence Against Women Act of 1994,  
75 | Pub. L. No. 103-322, if the need for benefits is related to the  
76 | abuse and the batterer no longer lives in the household. A  
77 | "nonqualified noncitizen" is a nonimmigrant noncitizen,  
78 | including a tourist, business visitor, foreign student, exchange

79 visitor, temporary worker, or diplomat. In addition, a  
 80 "nonqualified noncitizen" includes an individual paroled into  
 81 the United States for less than 1 year. A qualified noncitizen  
 82 who is otherwise eligible may receive temporary cash assistance  
 83 to the extent permitted by federal law. The income or resources  
 84 of a sponsor and the sponsor's spouse shall be included in  
 85 determining eligibility to the maximum extent permitted by  
 86 federal law.

87 (d) The income of an illegal noncitizen or ineligible  
 88 noncitizen who is a mandatory member of a family, ~~less a pro~~  
 89 ~~rata share for the illegal noncitizen or ineligible noncitizen,~~  
 90 counts in full in determining a family's eligibility to  
 91 participate in the program.

92 (11) DISREGARDS.—

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

- 97 1. A current participant in the program; or
- 98 2. Eligible for participation in the program without the  
 99 earnings disregard.

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

103 Section 2. Section 414.105, Florida Statutes, is amended  
 104 to read:

105           414.105 Time limitations of temporary cash assistance.—  
106 Except as otherwise provided in this section, an applicant or  
107 current participant shall receive temporary cash assistance for  
108 no more than a lifetime cumulative total of 30 ~~48~~ months, unless  
109 otherwise provided by law.

110           (1) Hardship exemptions from the time limitations provided  
111 in this section may not exceed 20 percent of the average monthly  
112 caseload, as determined by the department in cooperation with  
113 CareerSource Florida, Inc. Criteria for hardship exemptions  
114 include:

115           (a) Diligent participation in activities, combined with  
116 inability to obtain employment.

117           (b) Diligent participation in activities, combined with  
118 extraordinary barriers to employment, including the conditions  
119 which may result in an exemption to work requirements.

120           (c) Significant barriers to employment, combined with a  
121 need for additional time.

122           (d) Diligent participation in activities and a need by  
123 teen parents for an exemption in order to have 24 months of  
124 eligibility beyond receipt of the high school diploma or  
125 equivalent.

126           (e) A recommendation of extension for a minor child of a  
127 participating family that has reached the end of the eligibility  
128 period for temporary cash assistance. The recommendation must be  
129 the result of a review that determines that the termination of  
130 the child's temporary cash assistance would be likely to result

131 in the child being placed into emergency shelter or foster care.

132 (2) A victim of domestic violence may be granted a  
133 hardship exemption if the effects of such domestic violence  
134 delay or otherwise interrupt or adversely affect the  
135 individual's participation in the program.

136 (3) The department, in cooperation with CareerSource  
137 Florida, Inc., shall establish a procedure for approving  
138 hardship exemptions and for reviewing hardship cases at least  
139 once every 2 years. Regional workforce boards may assist in  
140 making these determinations.

141 (4) For individuals who have moved from another state, the  
142 months in which temporary cash assistance was received under a  
143 block grant program that provided temporary assistance for needy  
144 families in any state shall count towards the cumulative 30-  
145 month ~~48-month~~ benefit limit for temporary cash assistance.

146 (5) For individuals subject to a time limitation under the  
147 Family Transition Act of 1993, that time limitation shall  
148 continue to apply. Months in which temporary cash assistance was  
149 received through the family transition program shall count  
150 towards the time limitations under this section.

151 (6) Except when temporary cash assistance was received  
152 through the family transition program, the calculation of the  
153 time limitation for temporary cash assistance shall begin with  
154 the first month of receipt of temporary cash assistance after  
155 the effective date of this act.

156 (7) Child-only cases are not subject to time limitations,

157 and temporary cash assistance received while an individual is a  
158 minor child shall not count towards time limitations.

159 (8) An individual who receives benefits under the  
160 Supplemental Security Income (SSI) program or the Social  
161 Security Disability Insurance (SSDI) program is not subject to  
162 time limitations. An individual who has applied for supplemental  
163 security income (SSI) or supplemental security disability income  
164 (SSDI) but has not yet received a determination must be granted  
165 an extension of time limits until the individual receives a  
166 final determination on the SSI or SSDI application.

167 Determination shall be considered final once all appeals have  
168 been exhausted, benefits have been received, or denial has been  
169 accepted without any appeal. While awaiting a final  
170 determination, the individual must continue to meet all program  
171 requirements assigned to the participant based on medical  
172 ability to comply. If a final determination results in the  
173 denial of benefits for supplemental security income (SSI) or  
174 supplemental security disability income (SSDI), any period  
175 during which the recipient received assistance under this  
176 section shall be counted in the recipient's 30-month ~~48-month~~  
177 lifetime limit.

178 (9) A person who is totally responsible for the personal  
179 care of a disabled family member is not subject to time  
180 limitations if the need for the care is verified and alternative  
181 care is not available for the family member. The department  
182 shall annually evaluate an individual's qualifications for this

183 exemption.

184 (10) A member of the staff of the regional workforce board  
185 shall interview and assess the employment prospects and barriers  
186 of each participant who is within 6 months of reaching the 30-  
187 month ~~48-month~~ time limit. The staff member shall assist the  
188 participant in identifying actions necessary to become employed  
189 prior to reaching the benefit time limit for temporary cash  
190 assistance and, if appropriate, shall refer the participant for  
191 services that could facilitate employment.

192 Section 3. Subsection (2) of section 445.024, Florida  
193 Statutes, is amended to read:

194 445.024 Work requirements.—

195 (2) WORK ACTIVITY REQUIREMENTS.—Each individual who is not  
196 otherwise exempt from work activity requirements must provide  
197 proof of application for employment with three employers and  
198 participate in a work activity for the maximum number of hours  
199 allowable under federal law; however, a participant may not be  
200 required to work more than 40 hours per week. The maximum number  
201 of hours each month that a family may be required to participate  
202 in community service or work experience programs is the number  
203 of hours that would result from dividing the family's monthly  
204 amount for temporary cash assistance and food assistance by the  
205 applicable minimum wage. However, the maximum hours required per  
206 week for community service or work experience may not exceed 40  
207 hours.

208 (a) A participant in a work activity may also be required

209 | to enroll in and attend a course of instruction designed to  
 210 | increase literacy skills to a level necessary for obtaining or  
 211 | retaining employment if the instruction plus the work activity  
 212 | does not require more than 40 hours per week.

213 |       (b) Program funds may be used, as available, to support  
 214 | the efforts of a participant who meets the work activity  
 215 | requirements and who wishes to enroll in or continue enrollment  
 216 | in an adult general education program or other training  
 217 | programs.

218 |       Section 4. For the purpose of incorporating the amendment  
 219 | made by this act to section 414.105, Florida Statutes, in s  
 220 | thereto, paragraphs (b) and (c) of subsection (4) of section  
 221 | 414.065, Florida Statutes, are reenacted to read:

222 |       414.065 Noncompliance with work requirements.—

223 |       (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless  
 224 | otherwise provided, the situations listed in this subsection  
 225 | shall constitute exceptions to the penalties for noncompliance  
 226 | with participation requirements, except that these situations do  
 227 | not constitute exceptions to the applicable time limit for  
 228 | receipt of temporary cash assistance:

229 |       (b) Noncompliance related to domestic violence.—An  
 230 | individual who is determined to be unable to comply with the  
 231 | work requirements because such compliance would make it probable  
 232 | that the individual would be unable to escape domestic violence  
 233 | shall be exempt from work requirements. However, the individual  
 234 | shall comply with a plan that specifies alternative requirements

235 that prepare the individual for self-sufficiency while providing  
236 for the safety of the individual and the individual's  
237 dependents. A participant who is determined to be out of  
238 compliance with the alternative requirement plan shall be  
239 subject to the penalties under subsection (1). An exception  
240 granted under this paragraph does not automatically constitute  
241 an exception to the time limitations on benefits specified under  
242 s. 414.105.

243 (c) Noncompliance related to treatment or remediation of  
244 past effects of domestic violence.—An individual who is  
245 determined to be unable to comply with the work requirements  
246 under this section due to mental or physical impairment related  
247 to past incidents of domestic violence may be exempt from work  
248 requirements, except that such individual shall comply with a  
249 plan that specifies alternative requirements that prepare the  
250 individual for self-sufficiency while providing for the safety  
251 of the individual and the individual's dependents. A participant  
252 who is determined to be out of compliance with the alternative  
253 requirement plan shall be subject to the penalties under  
254 subsection (1). The plan must include counseling or a course of  
255 treatment necessary for the individual to resume participation.  
256 The need for treatment and the expected duration of such  
257 treatment must be verified by a physician licensed under chapter  
258 458 or chapter 459; a psychologist licensed under s. 490.005(1),  
259 s. 490.006, or the provision identified as s. 490.013(2) in s.  
260 1, chapter 81-235, Laws of Florida; a therapist as defined in s.

261 491.003(2) or (6); or a treatment professional who is registered  
 262 under s. 39.905(1)(g), is authorized to maintain confidentiality  
 263 under s. 90.5036(1)(d), and has a minimum of 2 years experience  
 264 at a certified domestic violence center. An exception granted  
 265 under this paragraph does not automatically constitute an  
 266 exception from the time limitations on benefits specified under  
 267 s. 414.105.

268 Section 5. For the purpose of incorporating the amendment  
 269 made by this act to section 414.105, Florida Statutes, in a  
 270 reference thereto, paragraph (a) of subsection (4) of section  
 271 445.051, Florida Statutes, is reenacted to read:

272 445.051 Individual development accounts.—

273 (4)(a) Any family subject to time limits and fully  
 274 complying with work requirements of the temporary cash  
 275 assistance program, pursuant to ss. 414.045, 414.065, 414.095,  
 276 414.105, and 445.024, which enters into an agreement with an  
 277 approved fiduciary organization is eligible to participate in an  
 278 individual development account.

279 Section 6. For the purpose of incorporating the amendments  
 280 made by this act to sections 414.095 and 414.105, Florida  
 281 Statutes, in a reference thereto, subsection (1) of section  
 282 414.045, Florida Statutes, is reenacted to read:

283 414.045 Cash assistance program.—Cash assistance families  
 284 include any families receiving cash assistance payments from the  
 285 state program for temporary assistance for needy families as  
 286 defined in federal law, whether such funds are from federal

287 funds, state funds, or commingled federal and state funds. Cash  
288 assistance families may also include families receiving cash  
289 assistance through a program defined as a separate state  
290 program.

291 (1) For reporting purposes, families receiving cash  
292 assistance shall be grouped into the following categories. The  
293 department may develop additional groupings in order to comply  
294 with federal reporting requirements, to comply with the data-  
295 reporting needs of the board of directors of CareerSource  
296 Florida, Inc., or to better inform the public of program  
297 progress.

298 (a) Work-eligible cases.—Work-eligible cases shall  
299 include:

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

304 2. Families with a parent where the parent's needs have  
305 been removed from the case due to sanction or disqualification  
306 shall be considered work-eligible cases to the extent that such  
307 cases are considered in the calculation of federal participation  
308 rates or would be counted in such calculation in future months.

309 3. Families participating in transition assistance  
310 programs.

311 4. Families otherwise eligible for temporary cash  
312 assistance which receive diversion services, a severance

313 payment, or participate in the relocation program.

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

317 1. Children in the care of caretaker relatives, if the  
318 caretaker relatives choose to have their needs excluded in the  
319 calculation of the amount of cash assistance.

320 2. Families in the Relative Caregiver Program as provided  
321 in s. 39.5085.

322 3. Families in which the only parent in a single-parent  
323 family or both parents in a two-parent family receive  
324 supplemental security income (SSI) benefits under Title XVI of  
325 the Social Security Act, as amended. To the extent permitted by  
326 federal law, individuals receiving SSI shall be excluded as  
327 household members in determining the amount of cash assistance,  
328 and such cases shall not be considered families containing an  
329 adult. Parents or caretaker relatives who are excluded from the  
330 cash assistance group due to receipt of SSI may choose to  
331 participate in work activities. An individual whose ability to  
332 participate in work activities is limited who volunteers to  
333 participate in work activities shall be assigned to work  
334 activities consistent with such limitations. An individual who  
335 volunteers to participate in a work activity may receive child  
336 care or support services consistent with such participation.

337 4. Families in which the only parent in a single-parent  
338 family or both parents in a two-parent family are not eligible

339 for cash assistance due to immigration status or other  
340 limitation of federal law. To the extent required by federal  
341 law, such cases shall not be considered families containing an  
342 adult.

343 5. To the extent permitted by federal law and subject to  
344 appropriations, special needs children who have been adopted  
345 pursuant to s. 409.166 and whose adopting family qualifies as a  
346 needy family under the state program for temporary assistance  
347 for needy families. Notwithstanding any provision to the  
348 contrary in s. 414.075, s. 414.085, or s. 414.095, a family  
349 shall be considered a needy family if:

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

352 b. The family meets the requirements of s. 414.095(2) and  
353 (3) related to residence, citizenship, or eligible noncitizen  
354 status; and

355 c. The family provides any information that may be  
356 necessary to meet federal reporting requirements specified under  
357 Part A of Title IV of the Social Security Act.

358

359 Families described in subparagraph 1., subparagraph 2., or  
360 subparagraph 3. may receive child care assistance or other  
361 supports or services so that the children may continue to be  
362 cared for in their own homes or in the homes of relatives. Such  
363 assistance or services may be funded from the temporary  
364 assistance for needy families block grant to the extent

HB 563

2016

365 | permitted under federal law and to the extent funds have been  
366 | provided in the General Appropriations Act.

367 |       Section 7. This act shall take effect July 1, 2016.