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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/17/2016	.	
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The Committee on Children, Families, and Elder Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) of subsection (3), and subsection
(11) of section 414.095, Florida Statutes, are amended to read:
414.095 Determining eligibility for temporary cash
assistance.—

(3) ELIGIBILITY FOR NONCITIZENS.—A “qualified noncitizen”
is an individual who is admitted to the United States as a



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11 | refugee under s. 207 of the Immigration and Nationality Act or
12 | who is granted asylum under s. 208 of the Immigration and
13 | Nationality Act; a noncitizen whose deportation is withheld
14 | under s. 243(h) or s. 241(b)(3) of the Immigration and
15 | Nationality Act; a noncitizen who is paroled into the United
16 | States under s. 212(d)(5) of the Immigration and Nationality
17 | Act, for at least 1 year; a noncitizen who is granted
18 | conditional entry pursuant to s. 203(a)(7) of the Immigration
19 | and Nationality Act as in effect prior to April 1, 1980; a Cuban
20 | or Haitian entrant; or a noncitizen who has been admitted as a
21 | permanent resident. In addition, a "qualified noncitizen"
22 | includes an individual who, or an individual whose child or
23 | parent, has been battered or subject to extreme cruelty in the
24 | United States by a spouse, a parent, or other household member
25 | under certain circumstances, and has applied for or received
26 | protection under the federal Violence Against Women Act of 1994,
27 | Pub. L. No. 103-322, if the need for benefits is related to the
28 | abuse and the batterer no longer lives in the household. A
29 | "nonqualified noncitizen" is a nonimmigrant noncitizen,
30 | including a tourist, business visitor, foreign student, exchange
31 | visitor, temporary worker, or diplomat. In addition, a
32 | "nonqualified noncitizen" includes an individual paroled into
33 | the United States for less than 1 year. A qualified noncitizen
34 | who is otherwise eligible may receive temporary cash assistance
35 | to the extent permitted by federal law. The income or resources
36 | of a sponsor and the sponsor's spouse shall be included in
37 | determining eligibility to the maximum extent permitted by
38 | federal law.

39 | (d) The income of an illegal noncitizen or ineligible



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40 noncitizen who is a mandatory member of a family, ~~less a pro~~
41 ~~rata share for the illegal noncitizen or ineligible noncitizen,~~
42 counts in full in determining a family's eligibility to
43 participate in the program.

44 (11) DISREGARDS.—

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

- 49 1. A current participant in the program; or
- 50 2. Eligible for participation in the program without the
51 earnings disregard.

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

55 Section 2. For the purpose of incorporating the amendments
56 made by this act to sections 414.095, Florida Statutes, in
57 references thereto, subsection (1) of section 414.045, Florida
58 Statutes, is reenacted to read:

59 414.045 Cash assistance program.—Cash assistance families
60 include any families receiving cash assistance payments from the
61 state program for temporary assistance for needy families as
62 defined in federal law, whether such funds are from federal
63 funds, state funds, or commingled federal and state funds. Cash
64 assistance families may also include families receiving cash
65 assistance through a program defined as a separate state
66 program.

67 (1) For reporting purposes, families receiving cash
68 assistance shall be grouped into the following categories. The



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69 department may develop additional groupings in order to comply
70 with federal reporting requirements, to comply with the data-
71 reporting needs of the board of directors of CareerSource
72 Florida, Inc., or to better inform the public of program
73 progress.

74 (a) *Work-eligible cases.*—Work-eligible cases shall include:

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

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

84 3. Families participating in transition assistance
85 programs.

86 4. Families otherwise eligible for temporary cash
87 assistance which receive diversion services, a severance
88 payment, or participate in the relocation program.

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

92 1. Children in the care of caretaker relatives, if the
93 caretaker relatives choose to have their needs excluded in the
94 calculation of the amount of cash assistance.

95 2. Families in the Relative Caregiver Program as provided
96 in s. 39.5085.

97 3. Families in which the only parent in a single-parent



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98 family or both parents in a two-parent family receive
99 supplemental security income (SSI) benefits under Title XVI of
100 the Social Security Act, as amended. To the extent permitted by
101 federal law, individuals receiving SSI shall be excluded as
102 household members in determining the amount of cash assistance,
103 and such cases shall not be considered families containing an
104 adult. Parents or caretaker relatives who are excluded from the
105 cash assistance group due to receipt of SSI may choose to
106 participate in work activities. An individual whose ability to
107 participate in work activities is limited who volunteers to
108 participate in work activities shall be assigned to work
109 activities consistent with such limitations. An individual who
110 volunteers to participate in a work activity may receive child
111 care or support services consistent with such participation.

112 4. Families in which the only parent in a single-parent
113 family or both parents in a two-parent family are not eligible
114 for cash assistance due to immigration status or other
115 limitation of federal law. To the extent required by federal
116 law, such cases shall not be considered families containing an
117 adult.

118 5. To the extent permitted by federal law and subject to
119 appropriations, special needs children who have been adopted
120 pursuant to s. 409.166 and whose adopting family qualifies as a
121 needy family under the state program for temporary assistance
122 for needy families. Notwithstanding any provision to the
123 contrary in s. 414.075, s. 414.085, or s. 414.095, a family
124 shall be considered a needy family if:

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



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

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

133
134 Families described in subparagraph 1., subparagraph 2., or
135 subparagraph 3. may receive child care assistance or other
136 supports or services so that the children may continue to be
137 cared for in their own homes or in the homes of relatives. Such
138 assistance or services may be funded from the temporary
139 assistance for needy families block grant to the extent
140 permitted under federal law and to the extent funds have been
141 provided in the General Appropriations Act.

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

143
144 ===== T I T L E A M E N D M E N T =====

145 And the title is amended as follows:

146 Delete everything before the enacting clause
147 and insert:

148 A bill to be entitled
149 An act relating to the temporary cash assistance
150 program; amending s. 414.095, F.S.; revising the
151 consideration of income from illegal noncitizen or
152 ineligible noncitizen family members in determining
153 eligibility for temporary cash assistance; reenacting
154 s. 414.045, F.S., incorporate the amendments made to
155 s. 414.095, F.S., in references thereto;; providing an



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effective date.