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576-04125-16

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to the temporary cash assistance program; amending s. 414.095, F.S.; revising the consideration of income from certain illegal noncitizen or ineligible noncitizen family members in determining the family's eligibility for temporary cash assistance on or after a specified date; revising the age of a child whose earned income is disregarded; reenacting s. 414.045(1)(b), F.S., relating to the cash assistance program, to incorporate the amendment made to s. 414.095, F.S., in a reference thereto; providing an effective date.

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

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 refugee under s. 207 of the Immigration and Nationality Act or who is granted asylum under s. 208 of the Immigration and Nationality Act; a noncitizen whose deportation is withheld under s. 243(h) or s. 241(b)(3) of the Immigration and Nationality Act; a noncitizen who is paroled into the United States under s. 212(d)(5) of the Immigration and Nationality



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

50 (d) Effective July 1, 2016, the income of an illegal
51 noncitizen or ineligible noncitizen who is a mandatory member of
52 a family, ~~less a pro rata share for the illegal noncitizen or~~
53 ~~ineligible noncitizen,~~ counts in full for a new applicant or for
54 a person reapplying in determining a family's eligibility to
55 participate in the program.

56 (11) DISREGARDS.-



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

- 61 1. A current participant in the program; or
62 2. Eligible for participation in the program without the
63 earnings disregard.

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

67 Section 2. For the purpose of incorporating the amendment
68 made by this act to section 414.095, Florida Statutes, in a
69 reference thereto, paragraph (b) of subsection (1) of section
70 414.045, Florida Statutes, is reenacted to read:

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

79 (1) For reporting purposes, families receiving cash
80 assistance shall be grouped into the following categories. The
81 department may develop additional groupings in order to comply
82 with federal reporting requirements, to comply with the data-
83 reporting needs of the board of directors of CareerSource
84 Florida, Inc., or to better inform the public of program
85 progress.



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

89 1. Children in the care of caretaker relatives, if the
90 caretaker relatives choose to have their needs excluded in the
91 calculation of the amount of cash assistance.

92 2. Families in the Relative Caregiver Program as provided
93 in s. 39.5085.

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

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



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

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

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

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

130

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

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