

By Senator Hutson

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

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (1), paragraph (d) of subsection (3),
27 and subsection (11) of section 414.095, Florida Statutes, are
28 amended to read:

29 414.095 Determining eligibility for temporary cash

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30 assistance.-

31 (1) ELIGIBILITY.—An applicant must meet eligibility
32 requirements of this section before receiving services or
33 temporary cash assistance under this chapter, except that an
34 applicant shall be required to register for work, provide proof
35 of application for employment with three employers, and engage
36 in work activities in accordance with s. 445.024, as designated
37 by the regional workforce board, and may receive support
38 services or child care assistance in conjunction with such
39 requirements ~~requirement~~. The department shall make a
40 determination of eligibility based on the criteria listed in
41 this chapter. The department shall monitor continued eligibility
42 for temporary cash assistance through periodic reviews
43 consistent with the food assistance eligibility process.
44 Benefits shall not be denied to an individual solely based on a
45 felony drug conviction, unless the conviction is for trafficking
46 pursuant to s. 893.135. To be eligible under this section, an
47 individual convicted of a drug felony must be satisfactorily
48 meeting the requirements of the temporary cash assistance
49 program, including all substance abuse treatment requirements.
50 Within the limits specified in this chapter, the state opts out
51 of the provision of Pub. L. No. 104-193, s. 115, that eliminates
52 eligibility for temporary cash assistance and food assistance
53 for any individual convicted of a controlled substance felony.

54 (3) ELIGIBILITY FOR NONCITIZENS.—A “qualified noncitizen”
55 is an individual who is admitted to the United States as a
56 refugee under s. 207 of the Immigration and Nationality Act or
57 who is granted asylum under s. 208 of the Immigration and
58 Nationality Act; a noncitizen whose deportation is withheld

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59 under s. 243(h) or s. 241(b)(3) of the Immigration and
60 Nationality Act; a noncitizen who is paroled into the United
61 States under s. 212(d)(5) of the Immigration and Nationality
62 Act, for at least 1 year; a noncitizen who is granted
63 conditional entry pursuant to s. 203(a)(7) of the Immigration
64 and Nationality Act as in effect prior to April 1, 1980; a Cuban
65 or Haitian entrant; or a noncitizen who has been admitted as a
66 permanent resident. In addition, a "qualified noncitizen"
67 includes an individual who, or an individual whose child or
68 parent, has been battered or subject to extreme cruelty in the
69 United States by a spouse, a parent, or other household member
70 under certain circumstances, and has applied for or received
71 protection under the federal Violence Against Women Act of 1994,
72 Pub. L. No. 103-322, if the need for benefits is related to the
73 abuse and the batterer no longer lives in the household. A
74 "nonqualified noncitizen" is a nonimmigrant noncitizen,
75 including a tourist, business visitor, foreign student, exchange
76 visitor, temporary worker, or diplomat. In addition, a
77 "nonqualified noncitizen" includes an individual paroled into
78 the United States for less than 1 year. A qualified noncitizen
79 who is otherwise eligible may receive temporary cash assistance
80 to the extent permitted by federal law. The income or resources
81 of a sponsor and the sponsor's spouse shall be included in
82 determining eligibility to the maximum extent permitted by
83 federal law.

84 (d) The income of an illegal noncitizen or ineligible
85 noncitizen who is a mandatory member of a family, ~~less a pro~~
86 ~~rata share for the illegal noncitizen or ineligible noncitizen,~~
87 counts in full in determining a family's eligibility to

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88 participate in the program.

89 (11) DISREGARDS.—

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

94 1. A current participant in the program; or

95 2. Eligible for participation in the program without the
96 earnings disregard.

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

100 Section 2. Section 414.105, Florida Statutes, is amended to
101 read:

102 414.105 Time limitations of temporary cash assistance.—
103 Except as otherwise provided in this section, an applicant or
104 current participant shall receive temporary cash assistance for
105 no more than a lifetime cumulative total of 30 ~~48~~ months, unless
106 otherwise provided by law.

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

112 (a) Diligent participation in activities, combined with
113 inability to obtain employment.

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

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

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

123 (e) A recommendation of extension for a minor child of a
124 participating family that has reached the end of the eligibility
125 period for temporary cash assistance. The recommendation must be
126 the result of a review that determines that the termination of
127 the child's temporary cash assistance would be likely to result
128 in the child being placed into emergency shelter or foster care.

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

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

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

143 (5) For individuals subject to a time limitation under the
144 Family Transition Act of 1993, that time limitation shall
145 continue to apply. Months in which temporary cash assistance was

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146 received through the family transition program shall count
147 towards the time limitations under this section.

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

153 (7) Child-only cases are not subject to time limitations,
154 and temporary cash assistance received while an individual is a
155 minor child shall not count towards time limitations.

156 (8) An individual who receives benefits under the
157 Supplemental Security Income (SSI) program or the Social
158 Security Disability Insurance (SSDI) program is not subject to
159 time limitations. An individual who has applied for supplemental
160 security income (SSI) or supplemental security disability income
161 (SSDI) but has not yet received a determination must be granted
162 an extension of time limits until the individual receives a
163 final determination on the SSI or SSDI application.
164 Determination shall be considered final once all appeals have
165 been exhausted, benefits have been received, or denial has been
166 accepted without any appeal. While awaiting a final
167 determination, the individual must continue to meet all program
168 requirements assigned to the participant based on medical
169 ability to comply. If a final determination results in the
170 denial of benefits for supplemental security income (SSI) or
171 supplemental security disability income (SSDI), any period
172 during which the recipient received assistance under this
173 section shall be counted in the recipient's 30-month ~~48-month~~
174 lifetime limit.

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

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

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

191 445.024 Work requirements.—

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

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204 hours.

205 (a) A participant in a work activity may also be required
206 to enroll in and attend a course of instruction designed to
207 increase literacy skills to a level necessary for obtaining or
208 retaining employment if the instruction plus the work activity
209 does not require more than 40 hours per week.

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

215 Section 4. For the purpose of incorporating the amendment
216 made by this act to section 414.105, Florida Statutes, in
217 references thereto, paragraphs (b) and (c) of subsection (4) of
218 section 414.065, Florida Statutes, are reenacted to read:

219 414.065 Noncompliance with work requirements.—

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

226 (b) *Noncompliance related to domestic violence.*—An
227 individual who is determined to be unable to comply with the
228 work requirements because such compliance would make it probable
229 that the individual would be unable to escape domestic violence
230 shall be exempt from work requirements. However, the individual
231 shall comply with a plan that specifies alternative requirements
232 that prepare the individual for self-sufficiency while providing

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

240 (c) *Noncompliance related to treatment or remediation of*
241 *past effects of domestic violence.*—An individual who is
242 determined to be unable to comply with the work requirements
243 under this section due to mental or physical impairment related
244 to past incidents of domestic violence may be exempt from work
245 requirements, except that such individual shall comply with a
246 plan that specifies alternative requirements that prepare the
247 individual for self-sufficiency while providing for the safety
248 of the individual and the individual's dependents. A participant
249 who is determined to be out of compliance with the alternative
250 requirement plan shall be subject to the penalties under
251 subsection (1). The plan must include counseling or a course of
252 treatment necessary for the individual to resume participation.
253 The need for treatment and the expected duration of such
254 treatment must be verified by a physician licensed under chapter
255 458 or chapter 459; a psychologist licensed under s. 490.005(1),
256 s. 490.006, or the provision identified as s. 490.013(2) in s.
257 1, chapter 81-235, Laws of Florida; a therapist as defined in s.
258 491.003(2) or (6); or a treatment professional who is registered
259 under s. 39.905(1)(g), is authorized to maintain confidentiality
260 under s. 90.5036(1)(d), and has a minimum of 2 years experience
261 at a certified domestic violence center. An exception granted

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262 under this paragraph does not automatically constitute an
263 exception from the time limitations on benefits specified under
264 s. 414.105.

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

269 445.051 Individual development accounts.—

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

276 Section 6. For the purpose of incorporating the amendments
277 made by this act to sections 414.095 and 414.105, Florida
278 Statutes, in references thereto, subsection (1) of section
279 414.045, Florida Statutes, is reenacted to read:

280 414.045 Cash assistance program.—Cash assistance families
281 include any families receiving cash assistance payments from the
282 state program for temporary assistance for needy families as
283 defined in federal law, whether such funds are from federal
284 funds, state funds, or commingled federal and state funds. Cash
285 assistance families may also include families receiving cash
286 assistance through a program defined as a separate state
287 program.

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

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291 with federal reporting requirements, to comply with the data-
292 reporting needs of the board of directors of CareerSource
293 Florida, Inc., or to better inform the public of program
294 progress.

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

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

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

305 3. Families participating in transition assistance
306 programs.

307 4. Families otherwise eligible for temporary cash
308 assistance which receive diversion services, a severance
309 payment, or participate in the relocation program.

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

313 1. Children in the care of caretaker relatives, if the
314 caretaker relatives choose to have their needs excluded in the
315 calculation of the amount of cash assistance.

316 2. Families in the Relative Caregiver Program as provided
317 in s. 39.5085.

318 3. Families in which the only parent in a single-parent
319 family or both parents in a two-parent family receive

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

333 4. Families in which the only parent in a single-parent
334 family or both parents in a two-parent family are not eligible
335 for cash assistance due to immigration status or other
336 limitation of federal law. To the extent required by federal
337 law, such cases shall not be considered families containing an
338 adult.

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

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

348 b. The family meets the requirements of s. 414.095(2) and

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349 (3) related to residence, citizenship, or eligible noncitizen
350 status; and

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

354

355 Families described in subparagraph 1., subparagraph 2., or
356 subparagraph 3. may receive child care assistance or other
357 supports or services so that the children may continue to be
358 cared for in their own homes or in the homes of relatives. Such
359 assistance or services may be funded from the temporary
360 assistance for needy families block grant to the extent
361 permitted under federal law and to the extent funds have been
362 provided in the General Appropriations Act.

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