

By the Committee on Children, Families, and Elder Affairs; and
Senators Hutson and Bean

586-03746A-16

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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.; 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)(b), F.S., relating to the cash
8 assistance program, to incorporate the amendment made
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

586-03746A-16

2016750c1

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 one-
55 half of the remainder of earned income shall be disregarded. In
56 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.

586-03746A-16

2016750c1

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 less 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, paragraph (b) of subsection (1) of section
67 414.045, Florida 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 (b) *Child-only cases*.—Child-only cases include cases that
84 do not have an adult or teen head of household as defined in
85 federal law. Such cases include:

86 1. Children in the care of caretaker relatives, if the
87 caretaker relatives choose to have their needs excluded in the
88 calculation of the amount of cash assistance.

89 2. Families in the Relative Caregiver Program as provided

586-03746A-16

2016750c1

90 in s. 39.5085.

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

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

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

586-03746A-16

2016750c1

- 119 a. The family is determined by the department to have an
120 income below 200 percent of the federal poverty level;
- 121 b. The family meets the requirements of s. 414.095(2) and
122 (3) related to residence, citizenship, or eligible noncitizen
123 status; and
- 124 c. The family provides any information that may be
125 necessary to meet federal reporting requirements specified under
126 Part A of Title IV of the Social Security Act.

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

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