

**By** the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senators Hutson and Bean

576-04833-16

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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 certain illegal  
5 noncitizen or ineligible noncitizen family members in  
6 determining the family's eligibility for temporary  
7 cash assistance; revising the eligibility requirements  
8 for earned-income disregards for certain persons;  
9 revising the age of a child whose earned income is  
10 disregarded; reenacting s. 414.045(1)(b), F.S.,  
11 relating to the cash assistance program, to  
12 incorporate the amendment made to s. 414.095, F.S., in  
13 a reference thereto; providing effective dates.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Effective October 1, 2016, paragraph (d) of  
18 subsection (3), and subsection (11) of section 414.095, Florida  
19 Statutes, are amended to read:

20 414.095 Determining eligibility for temporary cash  
21 assistance.—

22 (3) ELIGIBILITY FOR NONCITIZENS.—A "qualified noncitizen"  
23 is an individual who is admitted to the United States as a  
24 refugee under s. 207 of the Immigration and Nationality Act or  
25 who is granted asylum under s. 208 of the Immigration and  
26 Nationality Act; a noncitizen whose deportation is withheld  
27 under s. 243(h) or s. 241(b)(3) of the Immigration and  
28 Nationality Act; a noncitizen who is paroled into the United  
29 States under s. 212(d)(5) of the Immigration and Nationality  
30 Act, for at least 1 year; a noncitizen who is granted  
31 conditional entry pursuant to s. 203(a)(7) of the Immigration

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

52 (d) The income of an illegal noncitizen or ineligible  
53 noncitizen who is a mandatory member of a family, ~~less a pro~~  
54 ~~rata share for the illegal noncitizen or ineligible noncitizen,~~  
55 counts in full in determining a family's eligibility to  
56 participate in the program.

57 (11) DISREGARDS.—

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

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61 individual must be:

- 62 1. A current participant in the program; ~~or~~
- 63 2. Eligible for participation in the program without the
- 64 earnings disregard; or
- 65 3. The ineligible noncitizen parent of a child who is a
- 66 recipient or who would be eligible without the disregarded
- 67 earned income.

68 (b) A child's earned income shall be disregarded if the

69 child is a family member, attends high school or the equivalent,

70 and is less than 19 years of age ~~or younger~~.

71 Section 2. For the purpose of incorporating the amendment

72 made by this act to section 414.095, Florida Statutes, in a

73 reference thereto, paragraph (b) of subsection (1) of section

74 414.045, Florida Statutes, is reenacted to read:

75 414.045 Cash assistance program.—Cash assistance families

76 include any families receiving cash assistance payments from the

77 state program for temporary assistance for needy families as

78 defined in federal law, whether such funds are from federal

79 funds, state funds, or commingled federal and state funds. Cash

80 assistance families may also include families receiving cash

81 assistance through a program defined as a separate state

82 program.

83 (1) For reporting purposes, families receiving cash

84 assistance shall be grouped into the following categories. The

85 department may develop additional groupings in order to comply

86 with federal reporting requirements, to comply with the data-

87 reporting needs of the board of directors of CareerSource

88 Florida, Inc., or to better inform the public of program

89 progress.

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

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

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

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

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

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

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

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

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

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

143           Section 3. Except as otherwise expressly provided in this  
144 act, this act shall take effect July 1, 2016.