

The Florida Senate  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1462

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Bracy Davis

SUBJECT: Temporary Cash Assistance Eligibility

DATE: February 4, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Fiore	Tuszynski	CF	<u>Fav/CS</u>
2.		AHS	
3.		FP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## **I. Summary:**

CS/SB 1462 revises eligibility requirements for Florida's Temporary Cash Assistance (TCA) program by removing restrictions on TCA eligibility based on certain criteria. Specifically, the bill amends s. 414.095, Florida Statutes (F.S.), to provide that someone who has been convicted of drug trafficking shall not be disqualified if that person is determined by the Department of Children and Families (DCF) to have been a victim of human trafficking at the time the conviction was obtained.

The bill maintains Florida's statutory opt-out of the federal lifetime ban on public assistance for individuals convicted of controlled substance felonies and the prohibition against denying TCA benefits solely on the basis of a felony drug conviction.

The bill has an indeterminate negative fiscal impact on state government with a potential increase in TCA expenditures to newly eligible individuals.

The bill has an effective date of July 1, 2026.

## II. Present Situation:

### Temporary Cash Assistance Program

Florida's Temporary Cash Assistance (TCA) program is the state's implementation of the federal Temporary Assistance for Needy Families (TANF) block grant, authorized under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).<sup>1</sup> The program is intended to provide short-term financial assistance to low-income families with children while promoting work, self-sufficiency, and family stability.<sup>2</sup> In Florida, the TCA program is administered by the DCF.<sup>3</sup> To receive TCA benefits, an applicant must meet financial eligibility criteria and comply with work registration and participation requirements, unless exempt.<sup>4</sup> Eligibility determinations and ongoing reviews are conducted by the DCF, which also monitors continued compliance with program requirements.<sup>5</sup> As of December 2025, there were 16,563 families receiving TCA benefits.<sup>6</sup>

#### *Eligibility*

The TCA program requires applicants to meet the following criteria to be eligible:

- Be a U.S. citizen or qualified noncitizen;<sup>7</sup>
  - Qualified noncitizens include refugees, asylees, lawful permanent residents, Cuban or Haitian entrants, and certain battered individuals eligible under the Violence Against Women Act.<sup>8</sup>
  - Each member of the family household must provide a Social Security number or proof of application for a Social Security number.<sup>9</sup>
- Be a legal resident of Florida;<sup>10</sup>
- Have a minor child residing with a custodial parent or relative caregiver;<sup>11</sup>
  - For pregnant woman with no other children, TCA benefits are generally restricted to the final month of pregnancy, with limited exceptions for medically restricted individuals during the last trimester.<sup>12</sup>
- Have a gross family household income of 185 percent or less of the federal poverty level;<sup>13</sup>

<sup>1</sup> Pub. L. 104-193, § 103, 110 Stat. 2105 (1996), <https://www.govinfo.gov/content/pkg/PLAW-104publ193/pdf/PLAW-104publ193.pdf>; and ss. 414.0252(12), 414.035, and 414.045, F.S.

<sup>2</sup> Sections 414.025, 414.085, 414.095(1), and 414.105, F.S.

<sup>3</sup> See generally Ch. 414, F.S.; and Florida Department of Children and Families, *Temporary Cash Assistance (TCA)*, <https://www.myflfamilies.com/services/public-assistance/temporary-cash-assistance> (last visited on 1/28/2026).

<sup>4</sup> Section 414.095(1), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Florida Department of Children and Families, *ESS Standard Reports: Flash Points*, available at <https://www.myflfamilies.com/services/public-assistance/additional-resources-and-services/ess-standard> (last visited on 1/28/2026).

<sup>7</sup> Section 414.095(2)(a)1., F.S.

<sup>8</sup> Section 414.095(3), F.S.

<sup>9</sup> Section 414.095(2)(a)3., F.S.

<sup>10</sup> Section 414.095(2)(a)2., F.S.

<sup>11</sup> Section 414.095(2)(a)4., F.S.

<sup>12</sup> Section 414.095(5), F.S.

<sup>13</sup> Section 414.085(1)(a), F.S.; see also U.S. Department of Health and Human Services, *U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Programs*, HHS (2026), <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

- Have liquid and nonliquid resources, for all members of the family household, valued at no more than \$2,000 (excluding vehicles valued up to \$8,500, or up to any value if vehicle is used for and equipped for the transportation of a disabled family household member);<sup>14</sup> and
- Register for work with the local workforce development board, unless an applicant qualifies for an exemption.<sup>15</sup>

Applications must be acted upon within 30 days, and benefits generally begin either upon approval or 30 days after application, whichever occurs first.<sup>16</sup> TCA is generally limited to a lifetime maximum of 48 months unless the individual qualified under the following: hardship extension; exemption for victims of domestic violence; Supplemental Security Income or Social Security Disability Insurance recipient or applicant; individual caring for a disabled family member; or child-only case.<sup>17</sup>

### ***Benefit Amounts***

Florida law establishes a three-tier shelter payment standard, linking benefit levels to family size and shelter obligations.<sup>18</sup> A “shelter obligation” exists when the family household has the responsibility to pay for the cost of housing, such as mortgage, rent or room and board payment.<sup>19</sup> The following chart depicts the top levels of temporary cash assistance:

Family Size	Zero Shelter Obligation	Greater than Zero Less than or Equal to \$50	Greater than \$50 Shelter Obligation or Homeless
1	\$95	\$153	\$180
2	\$158	\$205	\$241
3	\$198	\$258	\$303
4	\$254	\$309	\$364
5	\$289	\$362	\$426
6	\$346	\$414	\$487
7	\$392	\$467	\$549
8	\$438	\$519	\$610
9	\$485	\$570	\$671
10	\$534	\$623	\$733
11	\$582	\$676	\$795
12	\$630	\$728	\$857
13	\$678	\$781	\$919

Benefits are calculated based on the average monthly gross family income, earned and unearned, less any applicable disregards (\$200 plus one-half of the remainder). The resulting monthly net income amount is then subtracted from the applicable payment standard to determine the monthly benefit amount.<sup>20</sup> The following table shows examples on how the shelter payment standard is applied in practice.

<sup>14</sup> Section 414.075, F.S.

<sup>15</sup> Section 414.095(1), F.S.

<sup>16</sup> Section 414.095(8), F.S.

<sup>17</sup> Section 414.105, F.S.

<sup>18</sup> Section 414.095(10), F.S.

<sup>19</sup> 65A-4.220(2)(b), F.A.C.

<sup>20</sup> Section 414.095(11)-(12), F.S.

Family Size	Shelter Obligation Tier	Payment Standard	Gross Income	Countable Net Income	Monthly TCA Grant
3	> \$50 / Homeless	\$303	\$0	<b>\$0</b>	<b>\$303</b>
2	> \$50 / Homeless	\$241	\$900	$\$900 - \$200 = \$700$ $\$700 / 2 = \$350$	$\$241 - \$350 = -\$109$ <b>\$0</b>
2	> \$0 and $\leq$ \$50	\$205	\$600	$\$600 - \$200 = \$400$ $\$400 / 2 = \$200$	$\$205 - \$200 = \$5$ <b>\$5</b>
3	\$0	\$198	\$500	$\$500 - \$200 = \$300$ $\$300 / 2 = \$150$	$\$198 - \$150 = \$48$ <b>\$48</b>

TCA is issued as a single household grant and paid to one designated payee rather than distributed individually to each household member. It may be paid as follows:

- Direct payment through state warrant, electronic transfer of temporary cash assistance, or voucher.
- Payment to an alternative payee.
- Payment for subsidized employment.
- Pay-after-performance arrangements with public or private not-for-profit agencies.<sup>21</sup>

### Controlled Substance Ban

PRWORA established a lifetime federal ban on TANF benefits for individuals convicted of a felony offense involving the possession, use, or distribution of a controlled substance.<sup>22</sup>

However, PRWORA expressly allows states to opt out of or modify this ban through state law. Florida has exercised this option and has statutorily opted out of the federal ban.

Current law reflects this opt-out while simultaneously imposing certain state-level restrictions and conditions related to felony drug convictions. TCA benefits may not be denied based solely on a felony drug conviction, unless the conviction involves drug trafficking under s. 893.135, F.S.,<sup>23</sup> which includes agreeing, conspiring, combining, or confederating with another person to commit drug trafficking.<sup>24</sup> Drug trafficking is a first-degree felony punishable by up to 30 years of imprisonment and, depending upon the drug type and amount trafficked, fines from \$25,000 to \$500,000.<sup>25</sup> During the application process, individuals seeking TCA benefits self-attest if they have been convicted of felony drug trafficking.<sup>26</sup> This information is then confirmed by an eligibility specialist during the applicant's interview.<sup>27</sup> If the illegal behavior that led to the conviction occurred on or before August 22, 1996, or if a court expunges the felony drug trafficking conviction, the individual is not subject to the disqualification.<sup>28</sup>

<sup>21</sup> Section 414.095(13), F.S.

<sup>22</sup> Pub. L. 104-193, § 115, 110 Stat. 2105 (1996).

<sup>23</sup> Section 414.095(1), F.S.

<sup>24</sup> Section 893.135(5), F.S.

<sup>25</sup> Section 893.135(1), F.S.

<sup>26</sup> Florida Department of Children and Families, Government Assistance Application: *ACCESS Florida Application*, at pg. 4, <https://www.myflfamilies.com/services/public-assistance/additional-resources-and-services/ess-forms>.

<sup>27</sup> Florida Department of Children and Families, *ESS Policy Manual 0620.0105, Eligibility Interview (TCA)*, at pg. 8, <https://ffic.myflfamilies.com/manual/600.pdf> (last visited on 01/28/2026).

<sup>28</sup> Florida Department of Children and Families, *ESS Policy Manual 1420.2200, Individual Convicted Felony Drug Trafficking (TCA)*, at pg. 71, <https://ffic.myflfamilies.com/manual/1410.pdf> (last visited on 01/28/2026).

The DCF reports that three individuals were denied TCA benefits in 2025 due to drug trafficking convictions.<sup>29</sup> While an individual is disqualified, his or her family may still apply for and receive benefits. In such instances, the disqualified individual's needs are excluded in calculating the family's benefits, although the individual's income and assets are included in determining the household's eligibility.<sup>30</sup> This means that, while those with drug trafficking convictions may still apply for assistance for their children, the overall household receives less support because of the current bans.

Individuals who are convicted of a drug felony, but who are otherwise eligible for TCA benefits, are required to satisfactorily meet all program requirements, including any applicable substance abuse treatment requirements.<sup>31</sup> Temporary exceptions from TCA work requirements may be granted to allow participation in outpatient substance abuse treatment for up to five hours per week, with an annual cap of 100 hours, subject to verification by the local workforce development board designee.<sup>32</sup>

## Human Trafficking

Human trafficking is a form of modern-day slavery involving the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining, another person for the purpose of exploiting that person.<sup>33</sup> Victims of human trafficking are often subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.<sup>34</sup> Trafficking of illegal drugs and human trafficking often co-occur.<sup>35</sup> Victims of human trafficking may be exploited for the transport of illegal drugs and illegal drugs may also serve as a means of coercion by the trafficker.<sup>36</sup>

Victims of human trafficking are frequently compelled to break the law and may be arrested as a result of that criminal act before they are recognized as a victim of human trafficking.<sup>37</sup> Once a human trafficking victim is charged with a crime, the circumstances around the arrest and the

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<sup>29</sup> This number is based on applicants who report a felony drug trafficking conviction during the application/eligibility process. The number of people who choose not to apply due to a felony drug trafficking conviction is unknown. Email from Chancer Teel, Director of Legislative Affairs, Florida Department of Children and Families, *Senate Request: SB 1462 Temporary Cash Assistance Eligibility*, January 29, 2026.

<sup>30</sup> 65A-4.208(3), F.A.C.

<sup>31</sup> Section 414.095(1), F.S.

<sup>32</sup> 65A-4.206(7), F.A.C.

<sup>33</sup> Section 787.06, F.S.

<sup>34</sup> Sections 786.06(1)(a) and 943.0583(1)(c), F.S.

<sup>35</sup> U.S. Drug Enforcement Administration, *Violent Drug Organizations Use Human Trafficking to Expand Profits*, <https://www.dea.gov/stories/2021/2021-01/2021-01-28/violent-drug-organizations-use-human-trafficking-expand-profits> (last visited on 02/03/2026).

<sup>36</sup> Asian Pacific Institute on Gender-Based Violence, *Intersections of Human Trafficking, Domestic Violence, and Sexual Assault – National Organizational Advocacy Roundtable*, <https://api-gbv.org/wp-content/uploads/2019/02/Trafficking-DV-SA-Intersections-2016-formatted2019.pdf> (last visited on 02/03/2026).

<sup>37</sup> U.S. Department of State, *2025 Trafficking in Persons Report, Forced Criminality: Involuntary Crimes*, <https://www.state.gov/reports/2025-trafficking-in-persons-report/> (last visited on 02/03/2026).

overtaxed criminal court system create significant pressure on the victim to plead guilty, rather than contest the charge or seek to reveal the human trafficking situation.<sup>38</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 414.095, F.S., to provide that someone who has been convicted of drug trafficking shall not be disqualified from TCA eligibility if that person is determined by the DCF to have been a victim of human trafficking at the time the conviction was obtained. Florida's opt-out of the federal lifetime ban under PRWORA is retained, thereby continuing the state's policy choice not to impose a categorical federal disqualification.

As a result, victims of human trafficking with a drug trafficking conviction would be evaluated for TCA eligibility using the same criteria applied to other applicants, including income, family composition, and work participation. All other individuals who have a felony drug trafficking conviction remain ineligible for TCA benefits.

**Section 2** provides an effective date of July 1, 2026.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>38</sup> The City University of New York, CUNY School of Law, *Clearing the Slate: Seeking Effective Remedies for Criminalized Trafficking Victims*, <https://ncjtc-static.fvtc.edu/Resources/RS00002861.pdf> (last visited on 02/03/2026).

**B. Private Sector Impact:**

The bill has an indeterminate positive fiscal impact on victims of human trafficking previously disqualified from TCA benefits because of felony drug trafficking convictions. These individuals will now be eligible to receive such benefits, assuming they meet all of the other eligibility requirements.

**C. Government Sector Impact:**

The bill has an indeterminate negative fiscal impact on state government with a potential increase in TCA expenditures to newly eligible individuals.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 414.095

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Children, Families, and Elder Affairs on February 3, 2026:**

The CS narrows the exemption to the prohibition on TCA benefits for those with a drug trafficking conviction pursuant to s. 893.135, to only those who received such a conviction while recognized by the DCF as being a victim of human trafficking.

**B. Amendments:**

None.