

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

2  
3 **Amendment to Amendment (707276) (with title amendment)**

4 Remove lines 5-132 of the amendment and insert:

5 Section 1. Paragraph (d) of subsection (3) and subsection  
6 (11) of section 414.095, Florida Statutes, are amended to read:

7 414.095 Determining eligibility for temporary cash  
8 assistance.-

9 (3) ELIGIBILITY FOR NONCITIZENS.—A "qualified noncitizen"  
10 is an individual who is admitted to the United States as a  
11 refugee under s. 207 of the Immigration and Nationality Act or  
12 who is granted asylum under s. 208 of the Immigration and  
13 Nationality Act; a noncitizen whose deportation is withheld  
14 under s. 243(h) or s. 241(b) (3) of the Immigration and

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15 Nationality Act; a noncitizen who is paroled into the United  
16 States under s. 212(d)(5) of the Immigration and Nationality  
17 Act, for at least 1 year; a noncitizen who is granted  
18 conditional entry pursuant to s. 203(a)(7) of the Immigration  
19 and Nationality Act as in effect prior to April 1, 1980; a Cuban  
20 or Haitian entrant; or a noncitizen who has been admitted as a  
21 permanent resident. In addition, a "qualified noncitizen"  
22 includes an individual who, or an individual whose child or  
23 parent, has been battered or subject to extreme cruelty in the  
24 United States by a spouse, a parent, or other household member  
25 under certain circumstances, and has applied for or received  
26 protection under the federal Violence Against Women Act of 1994,  
27 Pub. L. No. 103-322, if the need for benefits is related to the  
28 abuse and the batterer no longer lives in the household. A  
29 "nonqualified noncitizen" is a nonimmigrant noncitizen,  
30 including a tourist, business visitor, foreign student, exchange  
31 visitor, temporary worker, or diplomat. In addition, a  
32 "nonqualified noncitizen" includes an individual paroled into  
33 the United States for less than 1 year. A qualified noncitizen  
34 who is otherwise eligible may receive temporary cash assistance  
35 to the extent permitted by federal law. The income or resources  
36 of a sponsor and the sponsor's spouse shall be included in  
37 determining eligibility to the maximum extent permitted by  
38 federal law.

39 (d) The income of an illegal noncitizen or ineligible  
40 noncitizen who is a mandatory member of a family, ~~less a pro~~

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41 ~~rata share for the illegal noncitizen or ineligible noncitizen,~~  
42 counts in full in determining a family's eligibility to  
43 participate in the program.

44 (11) DISREGARDS.—

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

- 49 1. A current participant in the program; or  
50 2. Eligible for participation in the program without the  
51 earnings disregard.

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

55 Section 2. For the purpose of incorporating the amendments  
56 made by this act to sections 414.095, Florida Statutes, in  
57 references thereto, subsection (1) of section 414.045, Florida  
58 Statutes, is reenacted to read:

59 414.045 Cash assistance program.—Cash assistance families  
60 include any families receiving cash assistance payments from the  
61 state program for temporary assistance for needy families as  
62 defined in federal law, whether such funds are from federal  
63 funds, state funds, or commingled federal and state funds. Cash  
64 assistance families may also include families receiving cash  
65 assistance through a program defined as a separate state  
66 program.

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67 (1) For reporting purposes, families receiving cash  
68 assistance shall be grouped into the following categories. The  
69 department may develop additional groupings in order to comply  
70 with federal reporting requirements, to comply with the data-  
71 reporting needs of the board of directors of CareerSource  
72 Florida, Inc., or to better inform the public of program  
73 progress.

74 (a) Work-eligible cases.—Work-eligible cases shall  
75 include:

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

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

85 3. Families participating in transition assistance  
86 programs.

87 4. Families otherwise eligible for temporary cash  
88 assistance which receive diversion services, a severance  
89 payment, or participate in the relocation program.

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:

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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. This act shall take effect October 1, 2016.  
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**T I T L E   A M E N D M E N T**

Remove lines 142-150 of the amendment and insert:  
noncitizen or ineligible noncitizen family members in  
determining eligibility for temporary cash assistance;  
reenacting s. 414.045(1), F.S., to incorporate the  
amendments made to s. 414.095, F.S., in references  
thereto; providing an effective date.