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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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03/04/2016 04:09 PM

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Senator Hutson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

414.095 Determining eligibility for temporary cash
assistance.—

(3) ELIGIBILITY FOR NONCITIZENS.—A “qualified noncitizen”
is an individual who is admitted to the United States as a



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12 | refugee under s. 207 of the Immigration and Nationality Act or
13 | who is granted asylum under s. 208 of the Immigration and
14 | Nationality Act; a noncitizen whose deportation is withheld
15 | under s. 243(h) or s. 241(b) (3) of the Immigration and
16 | Nationality Act; a noncitizen who is paroled into the United
17 | States under s. 212(d) (5) of the Immigration and Nationality
18 | Act, for at least 1 year; a noncitizen who is granted
19 | conditional entry pursuant to s. 203(a) (7) of the Immigration
20 | and Nationality Act as in effect prior to April 1, 1980; a Cuban
21 | or Haitian entrant; or a noncitizen who has been admitted as a
22 | permanent resident. In addition, a "qualified noncitizen"
23 | includes an individual who, or an individual whose child or
24 | parent, has been battered or subject to extreme cruelty in the
25 | United States by a spouse, a parent, or other household member
26 | under certain circumstances, and has applied for or received
27 | protection under the federal Violence Against Women Act of 1994,
28 | Pub. L. No. 103-322, if the need for benefits is related to the
29 | abuse and the batterer no longer lives in the household. A
30 | "nonqualified noncitizen" is a nonimmigrant noncitizen,
31 | including a tourist, business visitor, foreign student, exchange
32 | visitor, temporary worker, or diplomat. In addition, a
33 | "nonqualified noncitizen" includes an individual paroled into
34 | the United States for less than 1 year. A qualified noncitizen
35 | who is otherwise eligible may receive temporary cash assistance
36 | to the extent permitted by federal law. The income or resources
37 | of a sponsor and the sponsor's spouse shall be included in
38 | determining eligibility to the maximum extent permitted by
39 | federal law.

40 | (d) The income of an illegal noncitizen or ineligible



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41 noncitizen who is a mandatory member of a family, ~~less a pro~~
42 ~~rata share for the illegal noncitizen or ineligible noncitizen,~~
43 counts in full in determining a family's eligibility to
44 participate in the program.

45 (11) DISREGARDS.—

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

- 50 1. A current participant in the program; ~~or~~
- 51 2. Eligible for participation in the program without the
52 earnings disregard; or
- 53 3. The ineligible noncitizen parent of a child who is a
54 recipient or who would be eligible without the disregarded
55 earned income.

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

59 Section 2. For the purpose of incorporating the amendment
60 made by this act to section 414.095, Florida Statutes, in a
61 reference thereto, paragraph (b) of subsection (1) of section
62 414.045, Florida Statutes, is reenacted to read:

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



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70 program.

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

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

81 1. Children in the care of caretaker relatives, if the
82 caretaker relatives choose to have their needs excluded in the
83 calculation of the amount of cash assistance.

84 2. Families in the Relative Caregiver Program as provided
85 in s. 39.5085.

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



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99 volunteers to participate in a work activity may receive child
100 care or support services consistent with such participation.

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

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

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

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

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

122
123 Families described in subparagraph 1., subparagraph 2., or
124 subparagraph 3. may receive child care assistance or other
125 supports or services so that the children may continue to be
126 cared for in their own homes or in the homes of relatives. Such
127 assistance or services may be funded from the temporary



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128 assistance for needy families block grant to the extent
129 permitted under federal law and to the extent funds have been
130 provided in the General Appropriations Act.

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

133

134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete everything before the enacting clause
137 and insert:

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A bill to be entitled

139

An act relating to the temporary cash assistance
140 program; amending s. 414.095, F.S.; revising the
141 consideration of income from certain illegal
142 noncitizen or ineligible noncitizen family members in
143 determining the family's eligibility for temporary
144 cash assistance; revising the eligibility requirements
145 for earned-income disregards for certain persons;
146 revising the age of a child whose earned income is
147 disregarded; reenacting s. 414.045(1)(b), F.S.,
148 relating to the cash assistance program, to
149 incorporate the amendment made to s. 414.095, F.S., in
150 a reference thereto; providing effective dates.