

1                   A bill to be entitled  
2           An act relating to rulemaking authority for the  
3           Department of Children and Family Services;  
4           amending s. 409.919, F.S.; providing rulemaking  
5           authority relating to Medicaid for the  
6           department in addition to that provided for the  
7           Agency for Health Care Administration; creating  
8           s. 409.953, F.S.; providing rulemaking  
9           authority relating to the Refugee Assistance  
10          Program; amending ss. 414.085, 414.095, 414.13,  
11          and 414.15, F.S.; providing rulemaking  
12          authority relating to income eligibility  
13          standards, temporary cash assistance, required  
14          immunizations, and diversion payments under the  
15          WAGES Program; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Section 409.919, Florida Statutes, is  
20 amended to read:

21           409.919 Rules.--The agency and the Department of  
22 Children and Family Services shall adopt any rules necessary  
23 to comply with or administer ss. 409.901-409.920 and all rules  
24 necessary to comply with federal requirements. In addition,  
25 the Department of Children and Family Services shall adopt and  
26 accept transfer of any rules necessary to carry out its  
27 responsibilities for receiving and processing Medicaid  
28 applications and determining Medicaid eligibility, and for  
29 assuring compliance with and administering ss. 409.901-409.906  
30 as such sections relate to those responsibilities.

31

1           Section 2. Section 409.953, Florida Statutes, is  
2 created to read:

3           409.953 Rulemaking authority.--The Department of  
4 Children and Family Services shall adopt rules pursuant to  
5 chapter 120 as necessary to establish and carry out  
6 eligibility requirements for the Refugee Assistance Program.

7           Section 3. Section 414.085, Florida Statutes, is  
8 amended to read:

9           414.085 Income eligibility standards.--For purposes of  
10 program simplification and effective program management,  
11 certain income definitions, as outlined in the food stamp  
12 regulations at 7 C.F.R. s. 273.9, shall be applied to the  
13 WAGES Program as determined by the department to be consistent  
14 with federal law regarding temporary cash assistance and  
15 Medicaid for needy families, except as to the following:

16           (1) Participation in the WAGES Program shall be  
17 limited to those families whose gross family income is equal  
18 to or less than 130 percent of the federal poverty level  
19 established in s. 673(2) of the Community Services Block Grant  
20 Act, 42 U.S.C. s. 9901(2).

21           (2) Income security payments, including payments  
22 funded under part B of Title IV of the Social Security Act, as  
23 amended; supplemental security income under Title XVI of the  
24 Social Security Act, as amended; or other income security  
25 payments as defined by federal law shall be excluded as income  
26 unless required to be included by federal law.

27           (3) The first \$50 of child support paid to a custodial  
28 parent receiving temporary cash assistance may not be  
29 disregarded in calculating the amount of temporary cash  
30 assistance for the family, unless such exclusion is required  
31 by federal law.

1 (4) An incentive payment to a participant authorized  
2 by a local WAGES coalition shall not be considered income.

3  
4 The department is authorized to adopt rules governing the  
5 administration of this section and may establish criteria  
6 related to income inclusions, income exclusions, income  
7 deductions, budgeting criteria, participant money management,  
8 eligibility verification criteria, processing timeframes, and  
9 other eligibility criteria that the department deems necessary  
10 to implement this section.

11 Section 4. Subsection (20) is added to section  
12 414.095, Florida Statutes, and paragraph (c) is added to  
13 subsection (13) of said section, to read:

14 414.095 Determining eligibility for the WAGES  
15 Program.--

16 (13) CALCULATION OF LEVELS OF TEMPORARY CASH  
17 ASSISTANCE.--

18 (a) Temporary cash assistance shall be calculated  
19 based on average monthly gross family income, earned and  
20 unearned, less any applicable disregards. The resulting  
21 monthly net income amount shall be subtracted from the  
22 applicable payment standard to determine the monthly amount of  
23 temporary cash assistance.

24 (b) A deduction may not be allowed for child care  
25 payments.

26 (c) The department is authorized to adopt rules  
27 governing the administration of this subsection and may  
28 establish criteria related to type of budgeting, conversion  
29 factors, verification of income, treatment of self-employment  
30 income, treatment of child support income, and treatment of  
31 other sources of income.

1           (20) RULES.--The department is authorized to adopt  
2 rules governing the administration of this section and may  
3 establish criteria regarding verification requirements and  
4 limitations on eligibility.

5           Section 5. Section 414.13, Florida Statutes, is  
6 amended to read:

7           414.13 Immunizations.--Each applicant who has a  
8 preschool child must begin and complete appropriate childhood  
9 immunizations for the child as a condition of eligibility. At  
10 the time of application and redetermination of eligibility,  
11 the department shall advise applicants and participants of the  
12 availability of childhood immunizations through the county  
13 health department. Each participant who has a preschool child  
14 must verify compliance with the section. If a participant  
15 fails to provide such verification, the child for whom such  
16 verification is not provided shall be removed from  
17 consideration for purposes of calculating the assistance  
18 available to the family. If the child subject to this  
19 requirement is the only child in the family, participation in  
20 the program shall be terminated until verification of  
21 compliance is provided. The department shall waive this  
22 requirement if the failure to immunize the child is because of  
23 religious reasons or other good cause, as defined in rules  
24 adopted by the department.

25           Section 6. Subsection (7) is added to section 414.15,  
26 Florida Statutes, to read:

27           414.15 Diversion.--

28           (1) A segment of applicants do not need ongoing  
29 temporary cash assistance, but, due to an unexpected  
30 circumstance or emergency situation, require some immediate  
31 assistance in meeting a financial obligation while they are

1 securing employment or child support. These immediate  
2 obligations may include a shelter or utility payment, a car  
3 repair to continue employment, or other assistance which will  
4 alleviate the applicant's emergency financial need and allow  
5 the person to focus on obtaining or continuing employment.

6 (2) Up-front diversion shall involve four steps:

7 (a) Linking applicants with job opportunities as the  
8 first option to meet the assistance group's need.

9 (b) Where possible, offering one-time help as an  
10 alternative to welfare.

11 (c) Screening applicants to respond to emergency  
12 needs.

13 (d) Performing up-front fraud prevention  
14 investigations, if appropriate.

15 (3) Before finding an applicant family eligible for  
16 up-front diversion funds, the department must determine that  
17 all requirements of eligibility would likely be met.

18 (4) The department shall screen each applicant family  
19 on a case-by-case basis for barriers to obtaining or retaining  
20 employment. The screening shall identify barriers that, if  
21 corrected, may prevent the family from receiving temporary  
22 cash assistance on a regular basis. Assistance to overcome a  
23 barrier to employment is not limited to cash, but may include  
24 vouchers or other in-kind benefits.

25 (5) The diversion payment shall be limited to an  
26 amount not to exceed 2 months' temporary cash assistance,  
27 based on family size.

28 (6) The family receiving up-front diversion must sign  
29 an agreement restricting the family from applying for  
30 temporary cash assistance for 3 months, unless an emergency is  
31 demonstrated to the department. If a demonstrated emergency

1 forces the family to reapply for temporary cash assistance  
2 within 3 months after receiving a diversion payment, the  
3 diversion payment shall be prorated over the 2-month period  
4 and subtracted from any regular payment of temporary cash  
5 assistance for which the applicant may be eligible.

6 (7) The department is authorized to adopt rules  
7 governing the administration of this section and may establish  
8 guidelines related to screening criteria, referrals to  
9 community resources, restrictions on receipt of up-front  
10 diversion and transitional services, definitions of emergency  
11 services, verification requirements, and processing  
12 timeframes.

13 Section 7. This act shall take effect upon becoming a  
14 law.