

1                                   A bill to be entitled  
2           An act relating to rulemaking authority of the  
3           Department of Children and Family Services  
4           (RAB); amending s. 409.919, F.S.; requiring  
5           that the department adopt rules to administer  
6           provisions governing medical assistance;  
7           creating s. 409.953, F.S.; requiring the  
8           department to adopt rules to administer the  
9           refugee assistance program; amending ss.  
10          414.085, 414.095, F.S.; authorizing the  
11          department to adopt rules for determining a  
12          person's eligibility for the WAGES Program;  
13          amending s. 414.13, F.S.; providing for rules  
14          to allow exceptions to the requirements that a  
15          child receive certain immunizations; amending  
16          s. 414.15, F.S.; authorizing the department to  
17          adopt rules for administering diversion  
18          services; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Section 409.919, Florida Statutes, is  
23 amended to read:

24           409.919 Rules.--The agency shall adopt any rules  
25 necessary to comply with or administer ss. 409.901-409.920 and  
26 all rules necessary to comply with federal requirements. In  
27 addition, the Department of Children and Family Services shall  
28 adopt and accept transfer of any rules that are necessary to  
29 administer its responsibilities of receiving and processing  
30 applications for Medicaid and determining Medicaid eligibility

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1 and for assuring compliance with and for administering ss.  
2 409.901-409.906, as it relates to these responsibilities.

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

5 409.953 Rulemaking authority.--The Department of  
6 Children and Family Services shall adopt rules to administer  
7 the eligibility requirements for the refugee assistance  
8 program.

9 Section 3. Section 414.085, Florida Statutes, is  
10 amended to read:

11 414.085 Income eligibility standards.--

12 (1) For purposes of program simplification and  
13 effective program management, certain income definitions, as  
14 outlined in the food stamp regulations at 7 C.F.R. s. 273.9,  
15 shall be applied to the WAGES Program as determined by the  
16 department to be consistent with federal law regarding  
17 temporary cash assistance and Medicaid for needy families,  
18 except as to the following:

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

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

30 (c)~~(3)~~ The first \$50 of child support paid to a  
31 custodial parent receiving temporary cash assistance may not

1 be disregarded in calculating the amount of temporary cash  
2 assistance for the family, unless such exclusion is required  
3 by federal law.

4 ~~(d)(4)~~ An incentive payment to a participant  
5 authorized by a local WAGES coalition shall not be considered  
6 income.

7 (2) The department may adopt rules governing the  
8 administration of this section and may establish requirements  
9 for income inclusions, income exclusions, income deductions,  
10 budgeting criteria, money management by participants, criteria  
11 for eligibility verification, processing timeframes, and other  
12 eligibility criteria necessary for the department to  
13 administer this section.

14 Section 4. Subsection (13) of section 414.095, Florida  
15 Statutes, is amended, and subsection (20) is added to that  
16 section, to read:

17 414.095 Determining eligibility for the WAGES  
18 Program.--

19 (13) CALCULATION OF LEVELS OF TEMPORARY CASH  
20 ASSISTANCE.--

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

27 (b) A deduction may not be allowed for child care  
28 payments.

29 (c) The department may adopt rules governing the  
30 administration of this subsection and may establish criteria  
31 pertaining to types of budgeting, conversion factors,

1 verification of income, treatment of self-employment income,  
2 treatment of child-support income, and treatment of other  
3 sources of income.

4 (20) RULES.--The department may adopt rules governing  
5 the administration of this section and may establish criteria  
6 regarding verification requirements and limitations on  
7 eligibility.

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

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

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

30 414.15 Diversion.--

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1           (7) The department may adopt rules governing the  
2 administration of this section and may establish guidelines  
3 for screening criteria, referrals to community resources,  
4 restrictions on receipt of up-front diversion and transitional  
5 services, definitions of emergency services, verification  
6 requirements, and processing timeframes.

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

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