

Senate Bill No. 2510

An act relating to rulemaking authority of the Department of Children and Family Services (RAB); amending s. 409.919, F.S.; requiring that the department adopt rules to administer provisions governing medical assistance; creating s. 409.953, F.S.; requiring the department to adopt rules to administer the refugee assistance program; amending ss. 414.085, 414.095, F.S.; authorizing the department to adopt rules for determining a person's eligibility for the WAGES Program; amending s. 414.13, F.S.; providing for rules to allow exceptions to the requirements that a child receive certain immunizations; amending s. 414.15, F.S.; authorizing the department to adopt rules for administering diversion services; providing an effective date.

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

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

409.919 Rules.—The agency shall adopt any rules necessary to comply with or administer ss. 409.901-409.920 and all rules necessary to comply with federal requirements. In addition, the Department of Children and Family Services shall adopt and accept transfer of any rules that are necessary to administer its responsibilities of receiving and processing applications for Medicaid and determining Medicaid eligibility and for assuring compliance with and for administering ss. 409.901-409.906, as it relates to these responsibilities.

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

409.953 Rulemaking authority.—The Department of Children and Family Services shall adopt rules to administer the eligibility requirements for the refugee assistance program.

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

414.085 Income eligibility standards.—

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

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

(b)(2) Income security payments, including payments funded under part B of Title IV of the Social Security Act, as amended; supplemental security

income under Title XVI of the Social Security Act, as amended; or other income security payments as defined by federal law shall be excluded as income unless required to be included by federal law.

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

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

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

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

414.095 Determining eligibility for the WAGES Program.—

(13) CALCULATION OF LEVELS OF TEMPORARY CASH ASSISTANCE.—

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

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

(c) The department may adopt rules governing the administration of this subsection and may establish criteria pertaining to types of budgeting, conversion factors, verification of income, treatment of self-employment income, treatment of child-support income, and treatment of other sources of income.

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

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

414.13 Immunizations.—Each applicant who has a preschool child must begin and complete appropriate childhood immunizations for the child as a condition of eligibility. At the time of application and redetermination of eligibility, the department shall advise applicants and participants of the availability of childhood immunizations through the county health department. Each participant who has a preschool child must verify compliance with the section. If a participant fails to provide such verification, the child for whom such verification is not provided shall be removed from consideration for purposes of calculating the assistance available to the family. If the

child subject to this requirement is the only child in the family, participation in the program shall be terminated until verification of compliance is provided. The department shall waive this requirement if the failure to immunize the child is because of religious reasons or other good cause, as defined in rules adopted by the department.

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

414.15 Diversion.—

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

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

Approved by the Governor June 15, 2000.

Filed in Office Secretary of State June 15, 2000.