37-1473-00

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 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. 393.066, F.S.; authorizing
 5           the department to adopt rules limiting the
 6           number of clients in a supported-living
 7           dwelling unit and limiting the number of units
 8           within a geographical area; prohibiting the
 9           department from restricting the ability of a
10           client to live in a unit that is not in
11           compliance with the rules; amending s. 409.919,
12           F.S.; requiring that the department adopt rules
13           to administer provisions governing medical
14           assistance; creating s. 409.953, F.S.;
15           requiring the department to adopt rules to
16           administer the refugee assistance program;
17           amending ss. 414.085, 414.095, F.S.;
18           authorizing the department to adopt rules for
19           determining a person's eligibility for the
20           WAGES Program; amending s. 414.13, F.S.;
21           providing for rules to allow exceptions to the
22           requirements that a child receive certain
23           immunizations; amending s. 414.15, F.S.;
24           authorizing the department to adopt rules for
25           administering diversion services; providing an
26           effective date.
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28   Be It Enacted by the Legislature of the State of Florida:
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30           Section 1.  Subsection (9) of section 393.066, Florida
31   Statutes, is amended to read:
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 1        393.066  Community services and treatment for persons
 2  who are developmentally disabled.--
 3        (9)  The department may adopt rules to ensure
 4  compliance with federal laws or regulations that apply to
 5  services provided pursuant to this section. The department may
 6  adopt rules governing supported-living services which limit
 7  the number of nonrelated clients who may live in a single
 8  dwelling unit. The department may adopt rules specifying the
 9  maximum number of supported-living dwelling units that may be
10  located within an identifiable geographical area, such as
11  within a municipal block, subdivision, neighborhood, apartment
12  complex, or mobile home park. The department may not, however,
13  restrict the ability of any client to choose to live in a
14  dwelling unit that has more residents than the maximum number
15  established by rule, and the department may not restrict a
16  client from choosing to live in a geographic area that
17  contains more than the maximum number of supported-living
18  dwelling units established by rule.
19        Section 2.  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.
25        Section 3.  Section 409.953, Florida Statutes, is
26  created to read:
27        409.953  Rulemaking authority.--The Department of
28  Children and Family Services shall adopt rules to administer
29  the eligibility requirements for the refugee assistance
30  program.
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 1   Section 4.   Section 414.085, Florida Statutes, is
 2   amended to read:
 3   414.085   Income eligibility standards.--
 4   (1) For purposes of program simplification and
 5   effective program management, certain income definitions, as
 6   outlined in the food stamp regulations at 7 C.F.R. s. 273.9,
 7   shall be applied to the WAGES Program as determined by the
 8   department to be consistent with federal law regarding
 9   temporary cash assistance and Medicaid for needy families,
10   except as to the following:
11   (a)~~(1)~~ Participation in the WAGES Program shall be
12   limited to those families whose gross family income is equal
13   to or less than 130 percent of the federal poverty level
14   established in s. 673(2) of the Community Services Block Grant
15   Act, 42 U.S.C. s. 9901(2).
16   (b)~~(2)~~ Income security payments, including payments
17   funded under part B of Title IV of the Social Security Act, as
18   amended; supplemental security income under Title XVI of the
19   Social Security Act, as amended; or other income security
20   payments as defined by federal law shall be excluded as income
21   unless required to be included by federal law.
22   (c)~~(3)~~ The first $50 of child support paid to a
23   custodial parent receiving temporary cash assistance may not
24   be disregarded in calculating the amount of temporary cash
25   assistance for the family, unless such exclusion is required
26   by federal law.
27   (d)~~(4)~~ An incentive payment to a participant
28   authorized by a local WAGES coalition shall not be considered
29   income.
30   (2)   The department may adopt rules governing the
31   administration of this section and may establish requirements

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1 for income inclusions, income exclusions, income deductions,

2 budgeting criteria, money management by participants, criteria

3 for eligibility verification, processing timeframes, and other

4 eligibility criteria necessary for the department to

5 administer this section.

6   Section 5. Subsection (13) of section 414.095, Florida

7 Statutes, is amended, and subsection (20) is added to that

8 section, to read:

9   414.095 Determining eligibility for the WAGES

10 Program.--

11   (13) CALCULATION OF LEVELS OF TEMPORARY CASH

12 ASSISTANCE.--

13   (a) Temporary cash assistance shall be calculated

14 based on average monthly gross family income, earned and

15 unearned, less any applicable disregards. The resulting

16 monthly net income amount shall be subtracted from the

17 applicable payment standard to determine the monthly amount of

18 temporary cash assistance.

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

20 payments.

21   (c) The department may adopt rules governing the

22 administration of this subsection and may establish criteria

23 pertaining to types of budgeting, conversion factors,

24 verification of income, treatment of self-employment income,

25 treatment of child-support income, and treatment of other

26 sources of income.

27   (20) RULES.--The department may adopt rules governing

28 the administration of this section and may establish criteria

29 regarding verification requirements and limitations on

30 eligibility.

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 1 | Section 6.   Section 414.13, Florida Statutes, is
 2 | amended to read:
 3 | 414.13   Immunizations.--Each applicant who has a
 4 | preschool child must begin and complete appropriate childhood
 5 | immunizations for the child as a condition of eligibility. At
 6 | the time of application and redetermination of eligibility,
 7 | the department shall advise applicants and participants of the
 8 | availability of childhood immunizations through the county
 9 | health department. Each participant who has a preschool child
10 | must verify compliance with the section. If a participant
11 | fails to provide such verification, the child for whom such
12 | verification is not provided shall be removed from
13 | consideration for purposes of calculating the assistance
14 | available to the family. If the child subject to this
15 | requirement is the only child in the family, participation in
16 | the program shall be terminated until verification of
17 | compliance is provided. The department shall waive this
18 | requirement if the failure to immunize the child is because of
19 | religious reasons or other good cause, as defined <u>in rules</u>
20 | <u>adopted</u> by the department.
21 | Section 7.   Subsection (7) is added to section 414.15,
22 | Florida Statutes, to read:
23 | 414.15   Diversion.--
24 | <u>(7)   The department may adopt rules governing the</u>
25 | <u>administration of this section and may establish guidelines</u>
26 | <u>for screening criteria, referrals to community resources,</u>
27 | <u>restrictions on receipt of up-front diversion and transitional</u>
28 | <u>services, definitions of emergency services, verification</u>
29 | <u>requirements, and processing timeframes.</u>
30 | Section 8.   This act shall take effect upon becoming a
31 | law.

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2   SENATE SUMMARY

3   Provides additional rulemaking authority to the
        Department of Children and Family Services. Authorizes
4   the department to limit the number of clients in a
        supported-living dwelling unit and limit the number of
5   units within a specified area. Provides for rules
        governing the Medicaid program. Provides for rules
6   governing eligibility requirements for the WAGES Program
        and for diversion services. (See bill for details.)

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