

1 A bill to be entitled
 2 An act relating to the Florida Kidcare program;
 3 amending s. 409.811, F.S.; defining the term "lawfully
 4 residing child"; deleting the definition of the term
 5 "qualified alien"; conforming provisions to changes
 6 made by the act; amending s. 409.814, F.S.; revising
 7 eligibility for the program to conform to changes made
 8 by the act; clarifying that undocumented immigrants
 9 are excluded from eligibility; amending s. 409.904,
 10 F.S.; providing eligibility for optional payments for
 11 medical assistance and related services for certain
 12 lawfully residing children; clarifying that
 13 undocumented immigrants are excluded from eligibility
 14 for optional Medicaid payments or related services;
 15 amending s. 624.91, F.S.; conforming provisions to
 16 changes made by the act; providing an effective date.

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

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 20 Section 1. Present subsections (17) through (22) of
 21 section 409.811, Florida Statutes, are renumbered as subsections
 22 (18) through (23), respectively, a new subsection (17) is added
 23 to that section, and present subsections (23) and (24) of that
 24 section are amended, to read:

25 409.811 Definitions relating to Florida Kidcare Act.—As
 26 used in ss. 409.810-409.821, the term:

27 (17) "Lawfully residing child" means a child who is
 28 lawfully present in the United States, meets Medicaid or
 29 Children's Health Insurance Program (CHIP) residency
 30 requirements, and may be eligible for medical assistance with
 31 federal financial participation as provided under s. 214 of the
 32 Children's Health Insurance Program Reauthorization Act of 2009,
 33 Pub. L. No. 111-3, and related federal regulations.

34 ~~(23) "Qualified alien" means an alien as defined in s. 431~~
 35 ~~of the Personal Responsibility and Work Opportunity~~
 36 ~~Reconciliation Act of 1996, as amended, Pub. L. No. 104-193.~~

37 (24) "Resident" means a United States citizen, or lawfully
 38 residing child ~~qualified alien~~, who is domiciled in this state.

39 Section 2. Paragraph (c) of subsection (4) of section
 40 409.814, Florida Statutes, is amended to read:

41 409.814 Eligibility.—A child who has not reached 19 years
 42 of age whose family income is equal to or below 200 percent of
 43 the federal poverty level is eligible for the Florida Kidcare
 44 program as provided in this section. If an enrolled individual
 45 is determined to be ineligible for coverage, he or she must be
 46 immediately disenrolled from the respective Florida Kidcare
 47 program component.

48 (4) The following children are not eligible to receive
 49 Title XXI-funded premium assistance for health benefits coverage
 50 under the Florida Kidcare program, except under Medicaid if the
 51 child would have been eligible for Medicaid under s. 409.903 or
 52 s. 409.904 as of June 1, 1997:

53 (c) A child who is an alien, but who does not meet the
 54 definition of a lawfully residing child ~~qualified alien, in the~~
 55 ~~United States.~~ This paragraph does not extend eligibility for
 56 the Florida Kidcare program to an undocumented immigrant.

57 Section 3. Subsections (8) and (9) of section 409.904,
 58 Florida Statutes, are renumbered as subsections (9) and (10),
 59 respectively, and a new subsection (8) is added to that section
 60 to read:

61 409.904 Optional payments for eligible persons.—The agency
 62 may make payments for medical assistance and related services on
 63 behalf of the following persons who are determined to be
 64 eligible subject to the income, assets, and categorical
 65 eligibility tests set forth in federal and state law. Payment on
 66 behalf of these Medicaid eligible persons is subject to the
 67 availability of moneys and any limitations established by the
 68 General Appropriations Act or chapter 216.

69 (8) A child who has not attained the age of 19 who,
 70 notwithstanding s. 414.095(3), would be eligible for Medicaid
 71 under s. 409.903, except that the child is a lawfully residing
 72 child as defined in s. 409.811. This subsection does not extend
 73 eligibility for optional Medicaid payments or related services
 74 to an undocumented immigrant.

75 Section 4. Paragraph (b) of subsection (3) of section
 76 624.91, Florida Statutes, is amended to read:

77 624.91 The Florida Healthy Kids Corporation Act.—

78 (3) ELIGIBILITY FOR STATE-FUNDED ASSISTANCE.—Only the

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79 following individuals are eligible for state-funded assistance
80 in paying Florida Healthy Kids premiums:

81 (b) Notwithstanding s. 409.814, a legal alien ~~aliens~~ who
82 is ~~are~~ enrolled in the Florida Healthy Kids program as of
83 January 31, 2004, who does ~~do~~ not qualify for Title XXI federal
84 funds because he or she is ~~they are~~ not a lawfully residing
85 child ~~qualified aliens~~ as defined in s. 409.811.

86 Section 5. This act shall take effect July 1, 2016.