

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2534

SPONSOR: Senator Dawson-White

SUBJECT: Legal Immigrants

DATE: April 12, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosby	Whiddon	CF	Favorable
2.	_____	_____	HC	_____
3.	_____	_____	FP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 2534 provides for state-funded medical assistance and food stamps to be provided to certain legal immigrants who are ineligible for comparable federal assistance. This act shall take effect July 1, 1999.

This bill substantially amends the following sections of the Florida Statutes: 409.814, 414.095, 414.31 and creates section 409.9041, Florida Statutes.

II. Present Situation:

Federal Impact on State Processes:

Changes in federal laws are reducing the assistance furnished to certain individuals due to their immigration status. Title V of the "Illegal Immigration Reform and Immigration Responsibility Act of 1996" changed the inadmissibility standard for prospective immigrants and greatly strengthened the financial responsibility of petitioners for family-based immigrants as well as for some employment-based immigrants.

The state has exercised its option to provide food stamp benefits to qualified immigrants who are not eligible for federal food stamp benefits solely due to the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Florida's program was called the Legal Immigrant's Temporary Bridge Program. In state fiscal year 1997-1998, the Bridge program was funded through a 1-year appropriation to the Department of Children and Family Services (department) and served only elderly (65 years and older) immigrants who were receiving federal food stamps and lost their eligibility as a result of the Personal Responsibility and Work Opportunity Reconciliation Act. In state fiscal year 1998-1999, the Florida Legislature authorized the appropriation of the unexpended funds from the previous year. In so doing, the Florida Legislature extended eligibility to children (18 years of age and under) and the disabled who had lost their eligibility under the federal program, and mandated that state-funded food stamp benefits be provided until such time as the federal government re-authorized eligibility for

certain immigrants. The federal government re-authorized food stamp benefits for some legal immigrants beginning November 1, 1998. Many legal immigrants barred from the federal Food Stamp Program were reinstated into the federal program by U.S. Congress. At that time, the Legal Immigrant Temporary Income Bridge Program ended.

Title XXI of the Social Security Act established a health care program for children and prescribed which groups of individuals may receive premium assistance for health coverage. Florida's health care program for children, called the Kidcare program, includes Medicaid, MediKids, Healthy Kids, and Children's Medical Services. Certain children are ineligible for Medicaid or Title XXI benefits due to their immigration status

State Benefits and Eligibility:

Section 409.814, F.S., 1998 Supp., addresses eligibility in social and economic assistance and provides that a child whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida Kidcare program. In determining the eligibility of such a child, an assets test is not required.

The following children are not eligible to receive premium assistance for health benefits coverage under this section, except under Medicaid, if the child would have been eligible for Medicaid as of June 1, 1997:

- A child who is eligible for coverage under a state health benefit plan on the basis of a family member's employment with a public agency in the state;
- A child who is covered under a group health benefit plan or under other health insurance coverage, excluding coverage provided under the Florida Healthy Kids Corporation as established under s. 624.91, F.S, 1998 Supp.;
- A child who is seeking premium assistance for employer-sponsored group coverage, if the child has been covered by the same employer's group coverage during the 6 months prior to the family's submitting an application for determination of eligibility under the Florida Kidcare program;
- A child who is an alien, but who does not meet the definition of qualified alien, in the United States; or
- A child who is an inmate of a public institution or a patient in an institution for mental diseases.

Eligibility for the WAGES Program is stated at s. 414.095, F.S., 1998 Supp. This section provides that an applicant must meet eligibility requirements before receiving services or temporary cash assistance. The department monitors continued eligibility for temporary cash assistance through periodic reviews consistent with the food stamp eligibility process. Additional eligibility requirements for services or temporary cash assistance and Medicaid under the WAGES Program include:

- An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.
- An applicant must be a legal resident of the state.
- Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.
- A minor child must reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship, as defined under the WAGES Program, or in a setting approved by the department.

A "qualified noncitizen" is defined as an individual who is lawfully present in the United States as a refugee or who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. In addition, a "qualified noncitizen" includes an individual who has been battered or subject to extreme cruelty in the United States by a spouse or a parent, and has applied for or received protection under the federal Violence Against Women Act of 1994, Pub. L. No. 103-322, if the need for benefits is related to the abuse. A "nonqualified noncitizen" is a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a "nonqualified noncitizen" includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary cash assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor's spouse shall be included in determining eligibility to the maximum extent permitted by federal law. A child born in the United States to an illegal or ineligible alien is eligible for temporary cash assistance under this chapter if the family meets all eligibility requirements.

Section 414.31, F.S., relating to state administration of the federal food stamp program, provides that the department shall place into operation in each of the several counties of the state a food stamp program as authorized by the U.S. Congress. The department is designated as the state agency responsible for the administration and operation of such programs. Furthermore, the department is to provide for such instruction and counseling to best assure that the recipients are able to provide a nutritionally adequate diet through the increased purchasing power received. This program is administered and operated in such a way that the distribution of food stamps is in locations reasonably accessible to those areas in which persons eligible for the benefits are likely to be concentrated.

III. Effect of Proposed Changes:

Section 1 amends s. 409.814, F.S., 1998 Supp., relating to eligibility for the Florida Kidcare program, to delete from those ineligible "a child who is an alien, but who does not meet the definition of qualified alien, in the United States." A new subsection is added to provide that "children who are ineligible for federal funding under Medicaid and Title XXI due to their

immigration status shall be enrolled in the appropriate Kidcare program based on the family income.” Such coverage will be financed with state funds only.

Section 2 creates a new section of law to provide that the state will establish a Medical Assistance Program for those persons who are not eligible for federal Medicaid benefits or Title XXI due solely to their immigration status but who meet the eligibility criteria of the Medicaid program in effect on August 21, 1996.

Section 3 amends s. 414.095, F.S., relevant to eligibility for the WAGES Program, to expand the definition of “qualified noncitizen,” specifying that a “qualified noncitizen” is an individual who is lawfully present in the United States *as defined by the Attorney General, including, but not limited to, an applicant for asylum, a parolee, a refugee, or one who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law.* In addition, the language providing that a “nonqualified noncitizen” includes an individual paroled into the United States for less than one year’ is deleted. A qualified noncitizen who is eligible may currently receive temporary cash assistance to the extent permitted by federal and may now receive it as permitted under state law.

Section 4 amends s. 414.31, F.S., regarding the state agency administering the federal food stamp program, to add a new subsection. This new subsection provides that the department shall operate a state food stamp program to provide benefits to needy legal immigrants who were lawfully residing in the United States on August 22, 1996 and who are ineligible for federal food stamps under s. 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and who meet the definitions of the terms “child” or “elderly” as set forth in the federal Food Stamp Act. Benefits must be provided at the same level as those provided under the federal food stamp program.

Section 5 provides that this act shall take effect July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

An undetermined number of persons who are currently ineligible for specified assistance programs will benefit from the state-supported benefits provided in this legislation. Other anticipated private sector benefits include hospitals, which provide a disproportionate share of charity care services, receiving payment for services rendered to certain children who were uninsured.

C. Government Sector Impact:

The Department of Children and Family Services reports that this bill allows the department to fulfill its goal of providing human services to its clients. The mechanism to identify and notify potential clients currently exists at the department, although the process may take up to 3 months to complete. The district eligibility staff will make determinations based on existing criteria. Additional workload will be significant in areas of the state that have a large immigrant population, particularly in Dade County. In order to ensure that applicants receive all benefits for which they may be eligible, each applicant will have to be screened for all services under federal guidelines, and then, if not eligible, will be screened for eligibility under the proposed state guidelines. This increased workload may result in the need for additional department staff to provide benefits to clients in a timely manner. The department reports they will be unable to complete the mission mandated in this bill without adequate funding.

Once eligibility is determined, the state will be responsible for paying the total dollar cost for food stamps and health care coverage for certain needy individuals. The Department of Children and Family Services reports that this bill will cost an estimated \$13,757,340 for fiscal year 1999-2000 (6 months funding) and \$27,314,680 in fiscal year 2000-2001.

The year one and two differential is explained as follows:

The first year start-up costs include the cost of printing brochures and posters informing individuals of the program, as well as notification to clients previously terminated from services due to immigration status only.

Year one is 50 percent of the estimated total dollar cost based upon the following factors: The department could roll out the program beginning no earlier than October 1, 1999. Even with outreach to inform immigrants of their potential eligibility for the benefits, the number of individuals seeking services would grow as the availability of benefits becomes widely known. And finally, identification, notification to, and interviewing previously terminated clients (who were denied benefits solely due to immigration status) will take approximately 60 - 90 days based upon previous experience with the Legal Immigrant Temporary Income Bridge program.

The department estimates that administrative costs should be equal to the same percentage allowed the department under federal funding requirements. Currently, the administrative percentage allowable in the equivalent federal programs is equal to 20.5 percent (\$5,599,509).

The department's total dollar estimate is based on the following:

\$11,547,744 Medicaid

\$ 5,025,840 Children's Medical Services

\$ 1,996,507 MediKids

\$ 8,744,589 Food Stamps

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
