

By Senator Garcia

38-00239A-14

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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" and deleting the definition for
5 "qualified alien"; amending s. 409.814, F.S.; revising
6 eligibility for the program to conform to changes made
7 in the definitions; clarifying that undocumented
8 immigrants are excluded from eligibility; amending s.
9 409.904, F.S.; providing eligibility for optional
10 payments for medical assistance and related services
11 for certain lawfully residing children; clarifying
12 that undocumented immigrants are excluded from
13 eligibility for optional Medicaid payments or related
14 services; amending s. 624.91, F.S.; conforming
15 provisions to changes made by the act; providing an
16 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 section
21 409.811, Florida Statutes, are renumbered as subsections (18)
22 through (23), respectively, a new subsection (17) is added to
23 that section, and present subsection (23) of that section is
24 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 as defined in 8 C.F.R. s.
29 103.12(a), meets Medicaid or federal Children's Health Insurance

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30 Program (CHIP) residency requirements, and may be eligible for
31 medical assistance with federal financial participation as
32 provided under s. 214 of the Children's Health Insurance Program
33 Reauthorization Act of 2009, Pub. L. No. 111-3, and related
34 federal regulations.

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

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

40 409.814 Eligibility.—A child who has not reached 19 years
41 of age whose family income is equal to or below 200 percent of
42 the federal poverty level is eligible for the Florida Kidcare
43 program as provided in this section. If an enrolled individual
44 is determined to be ineligible for coverage, he or she must be
45 immediately disenrolled from the respective Florida Kidcare
46 program component.

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

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

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

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59 section, to read:

60 409.904 Optional payments for eligible persons.—The agency
61 may make payments for medical assistance and related services on
62 behalf of the following persons who are determined to be
63 eligible subject to the income, assets, and categorical
64 eligibility tests set forth in federal and state law. Payment on
65 behalf of these Medicaid eligible persons is subject to the
66 availability of moneys and any limitations established by the
67 General Appropriations Act or chapter 216.

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

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

76 624.91 The Florida Healthy Kids Corporation Act.—

77 (3) ELIGIBILITY FOR STATE-FUNDED ASSISTANCE.—Only the
78 following individuals are eligible for state-funded assistance
79 in paying Florida Healthy Kids premiums:

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

85 Section 5. This act shall take effect July 1, 2014.