A bill to be entitled

An act relating to the Florida Kidcare program;
amending s. 409.814, F.S.; making certain immigrant or
noncitizen children who are lawfully residing in the
United States eligible for the Florida Kidcare
program; amending s. 409.903, F.S.; making certain
immigrant or noncitizen children who are lawfully
residing in the United States eligible for Medicaid;
amending s. 624.91, F.S.; revising the membership of
the board of directors of the Florida Healthy Kids
Corporation to include a member nominated by the
Florida Dental Association and appointed by the
Governor; providing an effective date.

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

Section 1. Subsection (4) of section 409.814, Florida
Statutes, is amended to read:

409.814 Eligibility.—A child who has not reached 19 years
of age whose family income is equal to or below 200 percent of
the federal poverty level is eligible for the Florida Kidcare
program as provided in this section. For enrollment in the
Children’s Medical Services Network, a complete application
includes the medical or behavioral health screening. If,
subsequently, an individual is determined to be ineligible for
coverage, he or she must immediately be disenrolled from the
respective Florida Kidcare program component.

(4) The following children are not eligible to receive
Title XXI-funded premium assistance for health benefits coverage
under the Florida Kidcare program, except under Medicaid if the
child would have been eligible for Medicaid under s. 409.903 or
s. 409.904 as of June 1, 1997:
  (a) 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.
  (b) A child who is covered under a family member’s group
health benefit plan or under other private or employer health
insurance coverage, if the cost of the child’s participation is
not greater than 5 percent of the family’s income. If a child is
otherwise eligible for a subsidy under the Florida Kidcare
program and the cost of the child’s participation in the family
member’s health insurance benefit plan is greater than 5 percent
of the family’s income, the child may enroll in the appropriate
subsidized Kidcare program.
  (c) A child who is seeking premium assistance for the
Florida Kidcare program through employer-sponsored group
coverage, if the child has been covered by the same employer’s
group coverage during the 60 days before the family submitted
prior to the family’s submitting an application for
determination of eligibility under the program.
  (d) A child who is an alien and is not lawfully present,
but who does not meet the definition of qualified alien, in the
United States. For purposes of eligibility for the Florida
Kidcare program, the term “lawfully present” means that the
child is an immigrant or noncitizen who has been inspected and
admitted into the United States and has not overstayed the
period for which the child was admitted, or has current
permission from the United States Citizenship and Immigration
(e) A child who is an inmate of a public institution or a patient in an institution for mental diseases.

(f) A child who is otherwise eligible for premium assistance for the Florida Kidcare program and has had his or her coverage in an employer-sponsored or private health benefit plan voluntarily canceled in the last 60 days, except those children whose coverage was voluntarily canceled for good cause, including, but not limited to, the following circumstances:

1. The cost of participation in an employer-sponsored health benefit plan is greater than 5 percent of the family’s income;
2. The parent lost a job that provided an employer-sponsored health benefit plan for children;
3. The parent who had health benefits coverage for the child is deceased;
4. The child has a medical condition that, without medical care, would cause serious disability, loss of function, or death;
5. The employer of the parent canceled health benefits coverage for children;
6. The child’s health benefits coverage ended because the child reached the maximum lifetime coverage amount;
7. The child has exhausted coverage under a COBRA continuation provision;
8. The health benefits coverage does not cover the child’s health care needs; or
9. Domestic violence led to loss of coverage.

Section 2. Subsection (1) of section 409.903, Florida
Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) Low-income families with children are eligible for Medicaid provided they meet the following requirements:

(a) The family includes a dependent child who is living with a caretaker relative.

(b) The family’s income does not exceed the gross income test limit.

(c) The family’s countable income and resources do not exceed the applicable Aid to Families with Dependent Children (AFDC) income and resource standards under the AFDC state plan in effect in July 1996, except as amended in the Medicaid state plan to conform as closely as possible to the requirements of the welfare transition program, to the extent permitted by federal law.

(d) A child, 18 years of age or younger, who is an immigrant or noncitizen who has been inspected and admitted into the United States and has not overstayed the period for which the child was admitted, or who has current permission from the United States Citizenship and Immigration Services to stay or
live in the United States, and who meets the Medicaid eligibility requirements may enroll in Medicaid, regardless of the child’s date of entry.

Section 3. Paragraph (a) of subsection (6) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—
(6) BOARD OF DIRECTORS.—
(a) The Florida Healthy Kids Corporation shall operate subject to the supervision and approval of a board of directors chaired by the Chief Financial Officer or her or his designee, and composed of 12 other members selected for 3-year terms of office as follows:

1. The Secretary of Health Care Administration, or his or her designee.
2. One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education.
3. One member appointed by the Chief Financial Officer from among three members nominated by the Florida Pediatric Society.
4. One member, appointed by the Governor, who represents the Children’s Medical Services Program.
5. One member appointed by the Chief Financial Officer from among three members nominated by the Florida Hospital Association.
6. One member, appointed by the Governor, who is an expert on child health policy.
7. One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Academy of Family Physicians.
8. One member, appointed by the Governor, who represents the state Medicaid program.

9. One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Association of Counties.

10. The State Health Officer or her or his designee.

11. The Secretary of Children and Family Services, or his or her designee.

12. One member, appointed by the Governor, from among three members nominated by the Florida Dental Association.

Section 4. This act shall take effect July 1, 2012.