

By Senator Garcia

38-00163-15

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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"; 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 section
21 409.811, Florida Statutes, are redesignated as subsections (18)
22 through (23), respectively, a new subsection (17) is added to
23 that section, and present subsection (23) and subsection (24) of
24 that 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

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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. Present subsections (8) and (9) of section
58 409.904, Florida Statutes, are redesignated as subsections (9)

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59 and (10), respectively, and a new subsection (8) is added to
60 that section, 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
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 is
82 ~~are~~ enrolled in the Florida Healthy Kids program as of January
83 31, 2004, who does ~~do~~ not qualify for Title XXI federal funds
84 because he or she is ~~they are~~ not a lawfully residing child
85 ~~qualified aliens~~ as defined in s. 409.811.

86 Section 5. This act shall take effect July 1, 2015.