

By the Committee on Health Regulation; and Senator Garcia

588-03537-12

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1 A bill to be entitled
2 An act relating to the Florida Kidcare program;
3 amending s. 409.814, F.S.; making certain immigrant or
4 noncitizen children who are lawfully residing in the
5 United States eligible for the Florida Kidcare
6 program; amending s. 409.903, F.S.; making certain
7 immigrant or noncitizen children who are lawfully
8 residing in the United States eligible for Medicaid;
9 amending s. 624.91, F.S.; revising the membership of
10 the board of directors of the Florida Healthy Kids
11 Corporation to include a member nominated by the
12 Florida Dental Association and appointed by the
13 Governor; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

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

28 (4) The following children are not eligible to receive
29 Title XXI-funded premium assistance for health benefits coverage

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30 under the Florida Kidcare program, except under Medicaid if the
31 child would have been eligible for Medicaid under s. 409.903 or
32 s. 409.904 as of June 1, 1997:

33 (a) A child who is eligible for coverage under a state
34 health benefit plan on the basis of a family member's employment
35 with a public agency in the state.

36 (b) A child who is covered under a family member's group
37 health benefit plan or under other private or employer health
38 insurance coverage, if the cost of the child's participation is
39 not greater than 5 percent of the family's income. If a child is
40 otherwise eligible for a subsidy under the Florida Kidcare
41 program and the cost of the child's participation in the family
42 member's health insurance benefit plan is greater than 5 percent
43 of the family's income, the child may enroll in the appropriate
44 subsidized Kidcare program.

45 (c) A child who is seeking premium assistance for the
46 Florida Kidcare program through employer-sponsored group
47 coverage, if the child has been covered by the same employer's
48 group coverage during the 60 days before the family submitted
49 ~~prior to the family's submitting~~ an application for
50 determination of eligibility under the program.

51 (d) A child who is an alien and is not lawfully present,
52 ~~but who does not meet the definition of qualified alien,~~ in the
53 United States. For purposes of eligibility for the Florida
54 Kidcare program, the term "lawfully present" means that the
55 child is an immigrant or noncitizen who has been inspected and
56 admitted into the United States and has not overstayed the
57 period for which the child was admitted, or has current
58 permission from the United States Citizenship and Immigration

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59 Services to stay or live in the United States.

60 (e) A child who is an inmate of a public institution or a
61 patient in an institution for mental diseases.

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

68 1. The cost of participation in an employer-sponsored
69 health benefit plan is greater than 5 percent of the family's
70 income;

71 2. The parent lost a job that provided an employer-
72 sponsored health benefit plan for children;

73 3. The parent who had health benefits coverage for the
74 child is deceased;

75 4. The child has a medical condition that, without medical
76 care, would cause serious disability, loss of function, or
77 death;

78 5. The employer of the parent canceled health benefits
79 coverage for children;

80 6. The child's health benefits coverage ended because the
81 child reached the maximum lifetime coverage amount;

82 7. The child has exhausted coverage under a COBRA
83 continuation provision;

84 8. The health benefits coverage does not cover the child's
85 health care needs; or

86 9. Domestic violence led to loss of coverage.

87 Section 2. Subsection (1) of section 409.903, Florida

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88 Statutes, is amended to read:

89 409.903 Mandatory payments for eligible persons.—The agency
90 shall make payments for medical assistance and related services
91 on behalf of the following persons who the department, or the
92 Social Security Administration by contract with the Department
93 of Children and Family Services, determines to be eligible,
94 subject to the income, assets, and categorical eligibility tests
95 set forth in federal and state law. Payment on behalf of these
96 Medicaid eligible persons is subject to the availability of
97 moneys and any limitations established by the General
98 Appropriations Act or chapter 216.

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

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

103 (b) The family's income does not exceed the gross income
104 test limit.

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

112 (d) A child, 18 years of age or younger, who is an
113 immigrant or noncitizen who has been inspected and admitted into
114 the United States and has not overstayed the period for which
115 the child was admitted, or who has current permission from the
116 United States Citizenship and Immigration Services to stay or

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117 live in the United States, and who meets the Medicaid
118 eligibility requirements may enroll in Medicaid, regardless of
119 the child's date of entry.

120 Section 3. Paragraph (a) of subsection (6) of section
121 624.91, Florida Statutes, is amended to read:

122 624.91 The Florida Healthy Kids Corporation Act.—

123 (6) BOARD OF DIRECTORS.—

124 (a) The Florida Healthy Kids Corporation shall operate
125 subject to the supervision and approval of a board of directors
126 chaired by the Chief Financial Officer or her or his designee,
127 and composed of 12 ~~11~~ other members selected for 3-year terms of
128 office as follows:

129 1. The Secretary of Health Care Administration, or his or
130 her designee.

131 2. One member appointed by the Commissioner of Education
132 from the Office of School Health Programs of the Florida
133 Department of Education.

134 3. One member appointed by the Chief Financial Officer from
135 among three members nominated by the Florida Pediatric Society.

136 4. One member, appointed by the Governor, who represents
137 the Children's Medical Services Program.

138 5. One member appointed by the Chief Financial Officer from
139 among three members nominated by the Florida Hospital
140 Association.

141 6. One member, appointed by the Governor, who is an expert
142 on child health policy.

143 7. One member, appointed by the Chief Financial Officer,
144 from among three members nominated by the Florida Academy of
145 Family Physicians.

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146 8. One member, appointed by the Governor, who represents
147 the state Medicaid program.

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

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

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

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

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