

By Senator Dawson-White

30-1527-99

1                                   A bill to be entitled  
2           An act relating to legal immigrants; amending  
3           ss. 409.814, 414.095, 414.31, F.S.; creating s.  
4           409.9041, F.S.; providing for certain children  
5           who are ineligible under Medicaid and Title XXI  
6           to be enrolled in Florida Kidcare and to  
7           receive state funds; providing for state-only  
8           payment for a Medical Assistance Program for  
9           certain immigrants; redefining the terms  
10          "qualified noncitizen" and "nonqualified  
11          noncitizen"; providing for a state food stamp  
12          program for certain needy legal immigrants;  
13          providing an effective date.

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

16  
17           Section 1. Subsection (4) of section 409.814, Florida  
18 Statutes, 1998 Supplement, is amended, and subsection (7) is  
19 added to that section, to read:

20           409.814 Eligibility.--A child whose family income is  
21 equal to or below 200 percent of the federal poverty level is  
22 eligible for the Florida Kidcare program as provided in this  
23 section. In determining the eligibility of such a child, an  
24 assets test is not required.

25           (4) The following children are not eligible to receive  
26 premium assistance for health benefits coverage under ss.  
27 409.810-409.820, except under Medicaid if the child would have  
28 been eligible for Medicaid under s. 409.903 or s. 409.904 as  
29 of June 1, 1997:

30  
31

1 (a) A child who is eligible for coverage under a state  
2 health benefit plan on the basis of a family member's  
3 employment with a public agency in the state;

4 (b) A child who is covered under a group health  
5 benefit plan or under other health insurance coverage,  
6 excluding coverage provided under the Florida Healthy Kids  
7 Corporation as established under s. 624.91;

8 (c) A child who is seeking premium assistance for  
9 employer-sponsored group coverage, if the child has been  
10 covered by the same employer's group coverage during the 6  
11 months prior to the family's submitting an application for  
12 determination of eligibility under the Florida Kidcare  
13 program; or

14 ~~(d) A child who is an alien, but who does not meet the~~  
15 ~~definition of qualified alien, in the United States; or~~

16 (d)~~(e)~~ A child who is an inmate of a public  
17 institution or a patient in an institution for mental  
18 diseases.

19 (7) Children who are ineligible for federal funding  
20 under Medicaid and Title XXI due to their immigration status  
21 shall be enrolled in the appropriate Kidcare program based on  
22 the family income, and their coverage must be provided by  
23 state-only funds.

24 Section 2. Section 409.9041, Florida Statutes is  
25 created to read:

26 409.9041 Optional state-only payment for legal  
27 immigrants.--The state shall establish a Medical Assistance  
28 Program for those persons who are not eligible for federal  
29 Medicaid benefits or Title XXI solely due to their immigration  
30 status but whose immigration status meets the eligibility

31

1 criteria of the Medicaid program which were in effect on  
2 August 21, 1996.

3 Section 3. Subsection (3) of section 414.095, Florida  
4 Statutes, 1998 Supplement, is amended to read:

5 414.095 Determining eligibility for the WAGES  
6 Program.--

7 (3) ELIGIBILITY FOR NONCITIZENS.--A "qualified  
8 noncitizen" is an individual who is lawfully present in the  
9 United States as defined by the Attorney General, including,  
10 but not limited to, an applicant for asylum, a parolee, a  
11 refugee, or one who is granted asylum under ss. 207 and 208 of  
12 the Immigration and Nationality Act, an alien whose  
13 deportation is withheld under s. 243(h) of the Immigration and  
14 Nationality Act, or an alien who has been admitted as a  
15 permanent resident and meets specific criteria under federal  
16 law. In addition, a "qualified noncitizen" includes an  
17 individual who has been battered or subject to extreme cruelty  
18 in the United States by a spouse or a parent, and has applied  
19 for or received protection under the federal Violence Against  
20 Women Act of 1994, Pub. L. No. 103-322, if the need for  
21 benefits is related to the abuse. A "nonqualified noncitizen"  
22 is a nonimmigrant alien, including a tourist, business  
23 visitor, foreign student, exchange visitor, temporary worker,  
24 or diplomat. ~~In addition, a "nonqualified noncitizen" includes~~  
25 ~~an individual paroled into the United States for less than 1~~  
26 ~~year.~~A qualified noncitizen who is otherwise eligible may  
27 receive temporary cash assistance to the extent permitted by  
28 federal or state law. The income or resources of a sponsor and  
29 the sponsor's spouse shall be included in determining  
30 eligibility to the maximum extent permitted by federal law.

31

1 (a) A child born in the United States to an illegal or  
2 ineligible alien is eligible for temporary cash assistance  
3 under this chapter if the family meets all eligibility  
4 requirements.

5 (b) If the parent may legally work in this country,  
6 the parent must participate in the work activity requirements  
7 provided in s. 414.065, to the extent permitted under federal  
8 law.

9 (c) The department shall participate in the Systematic  
10 Alien Verification for Entitlements Program (SAVE) established  
11 by the United States Immigration and Naturalization Service in  
12 order to verify the validity of documents provided by aliens  
13 and to verify an alien's eligibility.

14 (d) The income of an illegal alien or ineligible  
15 alien, less a pro rata share for the illegal alien or  
16 ineligible alien, counts in determining a family's eligibility  
17 to participate in the program.

18 (e) The entire assets of an ineligible alien or a  
19 disqualified individual who is a mandatory member of a family  
20 shall be included in determining the family's eligibility.

21 Section 4. Subsection (3) is added to section 414.31,  
22 Florida Statutes, to read:

23 414.31 State agency for administering federal food  
24 stamp program.--

25 (3) The department shall operate a state food stamp  
26 program to provide benefits to needy legal immigrants who were  
27 lawfully residing in the United States on August 22, 1996, and  
28 who are ineligible for federal food stamps under section 402  
29 of the Personal Responsibility and Work Opportunity  
30 Reconciliation Act of 1996, Pub. L. No. 104-193, as amended,  
31 and who meet the definitions of the terms "child" or "elderly"

1 which are set forth in the federal Food Stamp Act. Benefits  
2 must be provided at the same level as those provided under the  
3 federal food stamp program.

4 Section 5. This act shall take effect July 1, 1999.

5  
6 \*\*\*\*\*

7 SENATE SUMMARY

8 Provides for state-funded medical assistance and food  
9 stamps to be provided to certain legal immigrants who are  
ineligible for comparable federal assistance.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31