

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1350

SPONSOR: Senator Dawson

SUBJECT: Legal Immigrants

DATE: April 4, 2000

REVISED: 04/05/00 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barnes</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable</u>
2.	<u>Liem</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1350 provides for state-funded medical assistance and food stamps to be provided to certain legal immigrants who are ineligible for comparable federal assistance. This act shall take effect July 1, 2000.

This bill substantially amends sections 409.814, 414.095, 414.31, of the Florida Statutes, and creates section 409.9041, of the Florida Statutes.

II. Present Situation:

Federal Impact on State Processes

Changes in federal laws are reducing the assistance furnished to certain individuals due to their immigration status. Title V of the "Illegal Immigration Reform and Immigration Responsibility Act of 1996" changed the inadmissibility standard for prospective immigrants and greatly strengthened the financial responsibility of petitioners for family-based immigrants as well as for some employment-based immigrants.

The state has exercised its option to provide food stamp benefits to qualified immigrants who are not eligible for federal food stamp benefits solely due to the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Florida's program was called the Legal Immigrant's Temporary Bridge Program. In state fiscal year 1997-1998, the Bridge program was funded through a 1-year appropriation to the Department of Children and Family Services (department) and served only elderly (65 years and older) immigrants who were receiving federal food stamps and lost their eligibility as a result of the Personal Responsibility and Work Opportunity Reconciliation Act. In state fiscal year 1998-1999, the Florida Legislature authorized the appropriation of the unexpended funds from the previous year. In so doing, the Florida Legislature extended eligibility to children (18 years of age and under) and the disabled who had lost their eligibility under the federal program, and mandated that state-funded food

stamp benefits be provided until such time as the federal government re-authorized eligibility for certain immigrants. The federal government re-authorized food stamp benefits for some legal immigrants beginning November 1, 1998. Many legal immigrants barred from the federal Food Stamp Program were reinstated into the federal program by U.S. Congress. At that time, the Legal Immigrant Temporary Income Bridge Program ended.

Title XXI of the Social Security Act established a health care program for children and prescribed which groups of individuals may receive premium assistance for health coverage. Florida's health care program for children, called the Kidcare program, includes Medicaid, Medikids, Healthy Kids, and Children's Medical Services. Certain children are ineligible for Medicaid or Title XXI benefits due to their immigration status

State Benefits and Eligibility

Section 409.814, F.S., addresses eligibility for the Florida Kidcare program and provides that a child whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida Kidcare program. In determining the eligibility of such a child, an assets test is not required.

Several groups of children are not eligible to receive premium assistance for health benefits coverage under this section, except under Medicaid, if the child would have been eligible for Medicaid as of June 1, 1997. The ineligible children include the following: a child covered under a state health benefit plan on the basis of a family member's employment with a public agency; a child covered under a group health benefit plan or under other health insurance coverage, excluding coverage provided under the Florida Healthy Kids Corporation; a child covered under employer-sponsored group coverage; a child who is an alien but does not meet the definition of qualified alien; or a child who is an inmate of a public institution or a patient in an institution for mental diseases.

Eligibility for the WAGES Program is stated at s. 414.095, F.S. This section provides that an applicant must meet eligibility requirements before receiving services or temporary cash assistance. The department monitors continued eligibility for temporary cash assistance through periodic reviews consistent with the food stamp eligibility process. Additional eligibility requirements for services or temporary cash assistance and Medicaid under the WAGES Program include:

- An applicant must be a United States citizen, or a qualified noncitizen, as defined in s. 414.095, F.S.
- An applicant must be a legal resident of the state.
- Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.

- A minor child must reside with a custodial parent or parents or with a relative caretaker who is within the specified degree of blood relationship, as defined under the WAGES Program, or in a setting approved by the department.

A “qualified noncitizen” is defined as an individual who is lawfully present in the United States as a refugee or who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. In addition, a “qualified noncitizen” includes an individual who has been battered or subject to extreme cruelty in the United States by a spouse or a parent, and has applied for or received protection under the federal Violence Against Women Act of 1994, Pub. L. No. 103-322, if the need for benefits is related to the abuse. A “nonqualified noncitizen” is a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. In addition, a “nonqualified noncitizen” includes an individual paroled into the United States for less than 1 year. A qualified noncitizen who is otherwise eligible may receive temporary cash assistance to the extent permitted by federal law. The income or resources of a sponsor and the sponsor’s spouse shall be included in determining eligibility to the maximum extent permitted by federal law. A child born in the United States to an illegal or ineligible alien is eligible for temporary cash assistance under this chapter if the family meets all eligibility requirements.

Section 414.31, F.S., relating to state administration of the federal food stamp program, provides that the department shall place into operation in each of the several counties of the state a food stamp program as authorized by the U.S. Congress. The department is designated as the state agency responsible for the administration and operation of such programs. Furthermore, the department is to provide for such instruction and counseling to best assure that the recipients are able to provide a nutritionally adequate diet through the increased purchasing power received. This program is administered and operated in such a way that the distribution of food stamps is in locations reasonably accessible to those areas in which persons eligible for the benefits are likely to be concentrated.

III. Effect of Proposed Changes:

The bill amends s 409.814, F.S., to allow for a child who is ineligible for federal funding under Medicaid and Title XXI due to their immigration status to be enrolled in the appropriate Kidcare program based on the family income. The bill specifies that coverage under this program will be financed with state funds only.

Section 409.9041, F.S., is created to provide that the state will establish a Medical Assistance program for those persons who are not eligible for federal Medicaid benefits or Title XXI due solely to their immigration status but who meet the eligibility criteria of the Medicaid program in effect on August 21, 1996.

The bill amends s. 414.095, F.S., relating to eligibility for the WAGES Program, to expand the definition of “qualified noncitizen.” The bill specifies that a “qualified noncitizen” is an individual who is lawfully present in the United States *as defined by the Attorney General, including, but not limited to, an applicant for asylum, a parolee, a refugee, or one* who is granted asylum under ss. 207 and 208 of the Immigration and Nationality Act, an alien whose deportation is withheld

under s. 243(h) of the Immigration and Nationality Act, or an alien who has been admitted as a permanent resident and meets specific criteria under federal law. In addition, the language providing that a “nonqualified noncitizen” includes an individual paroled into the United States for less than one year’ is deleted. A qualified noncitizen who is eligible may currently receive temporary cash assistance to the extent permitted by federal law and may now receive it as permitted under state law.

The bill amends s. 414.31, F.S., regarding the state agency administering the federal food stamp program, to add a new subsection. This new subsection provides that the department shall operate a state food stamp program to provide benefits to needy legal immigrants who were lawfully residing in the United States on August 22, 1996 and who are ineligible for federal food stamps under s. 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and who meet the definitions of the terms “child” or “elderly” as set forth in the federal Food Stamp Act. Benefits must be provided at the same level as those provided under the federal food stamp program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Subsections 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An undetermined number of persons who are currently ineligible for specified assistance programs will benefit from the state-supported benefits provided in this legislation. Other anticipated private sector benefits include hospitals, which provide a disproportionate share of charity care services, receiving payment for services rendered to certain children who were uninsured.

C. Government Sector Impact:

The following table represents costs to implement SB 1350 as reported by the department and the Agency for Health Care Administration:

Population Group/Service	Annualized Costs
Medicaid	\$12,870,784
Children’s Medical Services	\$ 5,025,840
Medikids	\$ 1,996,507
Healthy Kids Corporation	\$ 0*
Food Stamps	\$ 8,744,589
Administrative Costs (Department of Children and Family Services)	\$ 1,792,641
Administrative Costs (Agency for Health Care Administration)	\$ 2,037,504
Total	\$32,467,865

*Children who are nonqualified, legal aliens are presently eligible for coverage in the Healthy Kids program component of Kidcare and are funded through state funds only.

The Department of Children and Family Services reports that this bill allows the department to fulfill its goal of providing human services to its clients. The mechanism to identify and notify potential clients currently exists at the department, although the process may take up to 3 months to complete. The district eligibility staff will make determinations based on existing criteria. Additional workload will be significant in areas of the state that have a large immigrant population, particularly in Dade County. In order to ensure that applicants receive all benefits for which they may be eligible, each applicant will have to be screened for all services under federal guidelines, and then, if not eligible, will be screened for eligibility under the proposed state guidelines. This increased workload may result in the need for additional department staff to provide benefits to clients in a timely manner. The department reports they will be unable to complete the mission mandated in this bill without adequate funding.

Once eligibility is determined, the state will be responsible for paying the total dollar cost for food stamps and health care coverage for certain needy individuals. The Department of Children and Family Services and the Agency for Health Care Administration report that based on data currently available, this bill will cost an estimated \$16,233,932 for fiscal year 2000-2001 (6 months funding) and \$32,467,865 in fiscal year 2001-2002.

The year one and two differential is explained as follows:

The first year start-up costs include the cost of printing brochures and posters informing individuals of the program, as well as notification to clients previously terminated from services due to immigration status only.

Year one is 50 percent of the estimated total dollar cost based upon the following factors: The department could implement the program beginning no earlier than October 1, 2000. Even with outreach to inform immigrants of their potential eligibility for the benefits, the number of individuals seeking services would grow as the availability of benefits becomes widely known. And finally, identification, notification to, and interviewing previously terminated clients (who were denied benefits solely due to immigration status) will take approximately 60 - 90 days based upon previous experience with the Legal Immigrant Temporary Income Bridge program.

The department estimates that administrative costs should be equal to the same percentage allowed the department under federal funding requirements. Currently, the administrative percentage allowable in the equivalent federal programs is equal to 20.5 percent.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Committee Substitute for Senate Bill 212 modifies the Kidcare program to allow enrollment in Kidcare for children who do not meet the definition of qualified alien and who are otherwise age and income-eligible. Such coverage is provided using state funds only, subject to an annual appropriation for this purpose. The CS for SB 212 passed the Senate on March 29, 2000.

VIII. Amendments:

#1 by Health, Aging and Long-Term Care:

Deletes expansion of the Kidcare program to serve children who are non-qualified aliens.