

STORAGE NAME: h0457a.hcs

DATE: April 14, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE SERVICES
ANALYSIS**

BILL #: HB 457

RELATING TO: Legal Immigrants

SPONSOR(S): Representative Rojas & others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE SERVICES YEAS 16 NAYS 0
 - (2) CHILDREN & FAMILIES
 - (3) GOVERNMENTAL RULES & REGULATIONS
 - (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (5)
-

I. SUMMARY:

HB 457 authorizes aliens not meeting the definition of qualified aliens to receive health benefits under Florida Kidcare. The bill provides state-funded benefits under Florida Kidcare for children otherwise ineligible for benefits under Medicaid and Title XXI.

The bill establishes an optional state-funded Medical Assistance Program for persons not eligible for Medicaid or Title XXI solely because of their immigration status.

The bill adds to the definition of "qualified noncitizen" an applicant for asylum, a parolee, or a refugee as defined by the Attorney General. The bill deletes from the definition of "nonqualified noncitizen" those who are paroled into the United States for less than one year, and specifies that a qualified noncitizen who is otherwise eligible may receive temporary cash assistance.

The bill establishes a state food stamp program for legal immigrants residing in the United States on August 22, 1996, who are ineligible for the federal food stamp program under section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Benefits must be the same as under the federal program and those eligible must meet the federal Food Stamp Act definitions of "child" or "elderly."

The bill provides an effective date of July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill creates more government programs to better provide benefits for qualified immigrants.

B. PRESENT SITUATION:

Currently, there is not a state-funded food stamp program for children and the elderly who are legal immigrants who resided in the United States on August 22, 1996. Changes in federal law reduced the assistance to certain individuals due to their immigration status.

The state exercised its option to provide food stamp benefits to qualified immigrants who were not qualified for federal food stamp benefits solely due to the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193). In state fiscal year 1997-98, Florida's program, the Legal Immigrant's Temporary Bridge Program, was funded through a one-year appropriation to the Department of Children and Family Services and served only immigrants 65 years of age and older who were receiving food stamps and lost their eligibility under P.L. 104-193. In state fiscal year 1998-99, the Florida Legislature authorized appropriation of the unexpended funds for the previous year. In doing this, the Legislature extended eligibility to children 18 years of age and younger and to disabled persons who were no longer eligible under the federal program. The Legislature mandated that the state-funded food stamp program remain in effect until the federal government reauthorized eligibility for certain immigrants.

On June 23, 1998, President Clinton signed P.L. 105-185, reauthorizing food stamp benefits for some legal immigrants. Many legal immigrants previously barred were reinstated into the federal program by the United States Congress. The state Legal Immigrant Temporary Bridge Program ended at that time.

Currently, aliens who do not meet the definition of qualified aliens are not eligible for premium assistance for Florida Kidcare. The definition of qualified alien is a lawful permanent resident, a non-citizen granted asylum, a refugee, a parolee admitted for at least one year, a non-citizen whose deportation is withheld, a non-citizen granted conditional entry, a Cuban or Haitian Entrant under 501(e) of REAA, a battered spouse, abused child, or the parent of an abused child, certain Hmong or Highland Laotians and their immediate family, or an American Indian born outside of the United States to which s. 289 of INA applies. Section 409.814, F.S. addresses eligibility for social and economic assistance 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. An assets test is not required to determine eligibility in this program.

The federal children's health insurance law limited the assistance available to certain individuals due to their immigration status. Specifically excluded from participation in the Title XXI Kidcare program are children who: (1) are eligible for the Medicaid program under current eligibility criteria, (2) are dependents of a public agency employee, (3) have other health insurance coverage, (4) do not meet the definition of a qualified alien, and (5) are inmates of a public institution or an institution for mental disease.

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:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in s. 414.095, F.S.
2. An applicant must be a legal resident of the state.
3. 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.
4. 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.

Currently, a "qualified noncitizen" is defined as a person who is lawfully present in the United States as a refugee under s. 207 or who is granted asylum under s. 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 parent, and has applied or received protection under the federal Violence Against Women Act of 1994, Pub. L. 103-322, if the need for the benefits is related to the abuse.

A "nonqualified citizen" is defined as a nonimmigrant alien, including a tourist, business visitor, foreign student, exchange visitor, temporary worker, or diplomat. A "nonqualified citizen" also includes an individual paroled into the United States for less than one year.

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.

C. EFFECT OF PROPOSED CHANGES:

The bill includes aliens not meeting the definition of qualified aliens as eligible to receive health benefits under Florida Kidcare, and provides benefits for children otherwise ineligible for benefits under Medicaid and Title XXI.

The bill establishes a Medical Assistance Program for persons not eligible for Medicaid or Title XXI solely because of their immigration status.

The bill adds to the definition of "qualified citizen" an applicant for asylum. The bill deletes from the definition of "nonqualified noncitizen" those who are paroled into the United States for less than one year, and adds that a qualified noncitizen who is otherwise eligible may receive temporary cash assistance.

The bill also establishes a state food stamp program for legal immigrants who are no longer eligible for the federal food stamp program under section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 409.814, F.S., to delete from those ineligible for Florida Kidcare benefits, "a child who is an alien, but who does not meet the definition of qualified alien, in the United States." A new subsection is added to provide that "children who are ineligible for federal funding under Medicaid and Title XXI due to their immigration status shall be enrolled in the appropriate Kidcare program based on the family income, and their coverage must be provided by state-only funds."

Section 2. Creates s. 409.9041, F.S., to provide an optional state-funded "Medical Assistance Program for those persons who are not eligible for federal Medicaid benefits or Title XXI solely due to their immigration status but whose immigration status meets the eligibility criteria of the Medicaid program which were in effect on August 21, 1996."

Section 3. Amends s. 414.095, F.S., relating to eligibility for the WAGES Program, to add to the description of a qualified noncitizen any individual as "defined by the Attorney General, including, but not limited to, an applicant for asylum, a parolee." The bill deletes from the definition of a "nonqualified noncitizen" an individual paroled into the United States for less than 1 year, and provides that a "qualified noncitizen who is otherwise eligible may receive temporary cash assistance to the extent permitted by federal *or state* law."

Section 4. Amends s. 414.31, F.S., to create a new subsection relating to the food stamp program. Provides that the Department of Children and Family Services "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 section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, and who meet the definitions of the terms "child" or "elderly" which are set forth in the federal Food Stamp Act." Provides that the benefits received must be at the same level as those provided under the federal program.

Section 5. Provides that the act shall take effect on July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The following represents costs to implement HB 457 as reported by the Department of Children and Family Services and the Agency for Health Care Administration:

Population Group/Service	Annualized Costs
Medicaid	\$12,870,784
Kidcare (includes Children's Medical Services and Medikids)	\$ 7,022,347
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.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The Department of Children and Family Services predicts that the state-funded food stamp program will create an increase in food buying power which will directly benefit private food providers. The food stamp program will also decrease the number of persons dependent upon charity organizations for groceries enabling those organizations to help other needy persons.

According to the Agency for Health Care Administration, health care providers will benefit because there may be a decrease in uncompensated care for services provided for noncitizens.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The Department of Health, in its analysis, points out that the s. 409.814(7) amendment language states that "children who are ineligible for federal funds due to their immigration status *shall* be enrolled in the appropriate Kidcare program with coverage provided by state funds. The term *shall* implies that they *must* be enrolled in Kidcare rather than they are *eligible* to be enrolled in Kidcare."

The s. 414.095(3) amendment language states that the Attorney General is to provide the definition for a "qualified citizen." The term "Attorney General" may lead to some confusion unless the term is clarified to read the U.S. Attorney General.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

When the Committee on Health Care Services heard this bill on April 13, 2000, the committee approved two amendments, which: deleted reference to any amendment to the Florida Kidcare Act (s. 409.814, F.S.), and made specific reference to the U.S. Attorney General for purposes of immigration definitions.

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VII. SIGNATURES:

COMMITTEE ON Health Care Services:

Prepared by:

Staff Director:

Phil E. Williams

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