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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2013	.	
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	.	

The Committee on Children, Families, and Elder Affairs (Altman) recommended the following:

1 **Senate Amendment to Amendment (832814) (with title**
2 **amendment)**

3
4 Between lines 46 and 47

5 insert:

6 Section 2. Section 409.9022, Florida Statutes, is created
7 to read:

8 409.9022 Medical eligibility; burial expense exemption.-

9 (1) Notwithstanding any other provision of law, the
10 department, in determining an applicant's eligibility for
11 Medicaid, shall exempt the value of a life insurance policy,
12 annuity, or group certificate that:



866862

13 (a) Includes terms that preclude the use of its proceeds
14 for anything other than the payment of the owner's final burial
15 expense and has a face amount that does not exceed the limits
16 established under s. 626.785(3);

17 (b) Names the state as the irrevocable beneficiary such
18 that any proceeds of the life insurance policy, annuity, or
19 group certificate which exceed the final burial expense will be
20 remitted to the state up to the amount of Medicaid assistance
21 provided to the owner; and

22 (c) Provides the owner with the opportunity to name a
23 contingent beneficiary if the proceeds from the policy exceed
24 the cost of:

- 25 1. The owner's final burial expenses; and
26 2. The amount of Medicaid benefits provided to the owner.

27 (2) This section does not limit other exemptions that apply
28 to a life insurance policy, annuity, or group certificate when
29 determining an applicant's eligibility for Medicaid.

30 (3) If a state agency determines that a waiver or
31 authorization from a federal agency is necessary to implement
32 any provision of this section, the agency affected by the
33 provision shall request the waiver or authorization and may
34 delay implementing such provision until the waiver or
35 authorization is granted.

36 (4) The Department of Children and Families may adopt rules
37 to administer this section.

38
39 ===== T I T L E A M E N D M E N T =====

40 And the title is amended as follows:

41 Delete line 58



866862

42 and insert:

43 creating s. 409.9022, F.S.; exempting the value of a
44 Medicaid applicant's life insurance policy, annuity,
45 or group certificate from the determination of the
46 applicant's Medicaid eligibility under certain
47 circumstances; authorizing a state agency to delay
48 implementation of certain provisions if a federal
49 waiver or authorization is required; specifying
50 limitations; authorizing the department to adopt
51 rules; providing an effective date.