

HB 7

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2014

1 A bill to be entitled
2 An act relating to the Florida Kidcare program;
3 amending s. 409.811, F.S.; defining the term "lawfully
4 residing child"; amending s. 409.814, F.S.; revising
5 eligibility for the program; excluding undocumented
6 immigrants from eligibility; amending s. 409.904,
7 F.S.; providing eligibility for optional payments for
8 medical assistance and related services for certain
9 lawfully residing children; excluding undocumented
10 immigrants from eligibility for optional Medicaid
11 payments or related services; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsections (17) through (26) of section
17 409.811, Florida Statutes, are renumbered as subsections (18)
18 through (27), respectively, and a new subsection (17) is added
19 to that section to read:

20 409.811 Definitions relating to Florida Kidcare Act.—As
21 used in ss. 409.810-409.821, the term:

22 (17) "Lawfully residing child" means a child who is
23 lawfully present in the United States as defined in 8 C.F.R. s.
24 103.12(a), meets Medicaid or CHIP residency requirements, and
25 may be eligible for medical assistance with federal financial
26 participation as provided under s. 214 of the Children's Health
27 Insurance Program Reauthorization Act of 2009, Pub. L. No. 111-
28 3, and related federal rules and regulations.

29 Section 2. Paragraph (c) of subsection (4) of section
 30 409.814, Florida Statutes, is amended to read:

31 409.814 Eligibility.—A child who has not reached 19 years
 32 of age whose family income is equal to or below 200 percent of
 33 the federal poverty level is eligible for the Florida Kidcare
 34 program as provided in this section. If an enrolled individual
 35 is determined to be ineligible for coverage, he or she must be
 36 immediately disenrolled from the respective Florida Kidcare
 37 program component.

38 (4) The following children are not eligible to receive
 39 Title XXI-funded premium assistance for health benefits coverage
 40 under the Florida Kidcare program, except under Medicaid if the
 41 child would have been eligible for Medicaid under s. 409.903 or
 42 s. 409.904 as of June 1, 1997:

43 (c) A child who is an alien, but who does not meet the
 44 definition of a lawfully residing child under s. 409.811(17)
 45 qualified alien, in the United States. This paragraph does not
 46 extend Kidcare program eligibility to an undocumented immigrant.

47 Section 3. Subsections (8) and (9) of section 409.904,
 48 Florida Statutes, are renumbered as subsections (9) and (10),
 49 respectively, and a new subsection (8) is added to that section
 50 to read:

51 409.904 Optional payments for eligible persons.—The agency
 52 may make payments for medical assistance and related services on
 53 behalf of the following persons who are determined to be
 54 eligible subject to the income, assets, and categorical
 55 eligibility tests set forth in federal and state law. Payment on
 56 behalf of these Medicaid eligible persons is subject to the

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57 | availability of moneys and any limitations established by the
58 | General Appropriations Act or chapter 216.

59 | (8) A child younger than 19 years of age who would be
60 | eligible for Medicaid under s. 409.903, except that the child is
61 | a lawfully residing child as defined in s. 409.811(17). This
62 | subsection does not extend eligibility for optional Medicaid
63 | payments or related services to an undocumented immigrant.

64 | Section 4. This act shall take effect July 1, 2014.