

By Senator Garcia

38-00325-16

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1 A bill to be entitled
2 An act relating to medical assistance funding for
3 lawfully residing children; amending s. 409.811, F.S.;
4 defining the term "lawfully residing child"; deleting
5 the definition of the term "qualified alien";
6 conforming provisions to changes made by the act;
7 amending s. 409.814, F.S.; revising eligibility for
8 the Florida Kidcare program to conform to changes made
9 by the act; clarifying that undocumented immigrants
10 are excluded from eligibility; amending s. 409.904,
11 F.S.; providing eligibility for optional payments for
12 medical assistance and related services for certain
13 lawfully residing children; clarifying that
14 undocumented immigrants are excluded from eligibility
15 for optional Medicaid payments or related services;
16 amending s. 624.91, F.S.; conforming provisions to
17 changes made by the act; providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Present subsections (17) through (22) of section
22 409.811, Florida Statutes, are redesignated as subsections (18)
23 through (23), respectively, a new subsection (17) is added to
24 that section, and present subsections (23) and (24) of that
25 section are amended, to read:

26 409.811 Definitions relating to Florida Kidcare Act.—As
27 used in ss. 409.810-409.821, the term:

28 (17) "Lawfully residing child" means a child who is
29 lawfully present in the United States, meets Medicaid or the

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30 Children's Health Insurance Program (CHIP) residency
 31 requirements, and may be eligible for medical assistance with
 32 federal financial participation as provided under s. 214 of the
 33 Children's Health Insurance Program Reauthorization Act of 2009,
 34 Pub. L. No. 111-3, and related federal regulations.

35 ~~(23) "Qualified alien" means an alien as defined in s. 431~~
 36 ~~of the Personal Responsibility and Work Opportunity~~
 37 ~~Reconciliation Act of 1996, as amended, Pub. L. No. 104-193.~~

38 (24) "Resident" means a United States citizen, or lawfully
 39 residing child ~~qualified alien,~~ who is domiciled in this state.

40 Section 2. Paragraph (c) of subsection (4) of section
 41 409.814, Florida Statutes, is amended to read:

42 409.814 Eligibility.—A child who has not reached 19 years
 43 of age whose family income is equal to or below 200 percent of
 44 the federal poverty level is eligible for the Florida Kidcare
 45 program as provided in this section. If an enrolled individual
 46 is determined to be ineligible for coverage, he or she must be
 47 immediately disenrolled from the respective Florida Kidcare
 48 program component.

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

54 (c) A child who is an alien, ~~but who does not meet the~~
 55 ~~definition of a lawfully residing child~~ qualified alien, ~~in the~~
 56 ~~United States. This paragraph does not extend eligibility for~~
 57 the Florida Kidcare program to an undocumented immigrant.

58 Section 3. Present subsections (8) and (9) of section

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59 409.904, Florida Statutes, are redesignated as subsections (9)
 60 and (10), respectively, and a new subsection (8) is added to
 61 that section, to read:

62 409.904 Optional payments for eligible persons.—The agency
 63 may make payments for medical assistance and related services on
 64 behalf of the following persons who are determined to be
 65 eligible subject to the income, assets, and categorical
 66 eligibility tests set forth in federal and state law. Payment on
 67 behalf of these Medicaid eligible persons is subject to the
 68 availability of moneys and any limitations established by the
 69 General Appropriations Act or chapter 216.

70 (8) A child who has not attained the age of 19 who,
 71 notwithstanding s. 414.095(3), would be eligible for Medicaid
 72 under s. 409.903, except that the child is a lawfully residing
 73 child as defined in s. 409.811. This subsection does not extend
 74 eligibility for optional Medicaid payments or related services
 75 to an undocumented immigrant.

76 Section 4. Paragraph (b) of subsection (3) of section
 77 624.91, Florida Statutes, is amended to read:

78 624.91 The Florida Healthy Kids Corporation Act.—

79 (3) ELIGIBILITY FOR STATE-FUNDED ASSISTANCE.—Only the
 80 following individuals are eligible for state-funded assistance
 81 in paying Florida Healthy Kids premiums:

82 (b) Notwithstanding s. 409.814, a legal alien ~~aliens~~ who is
 83 ~~are~~ enrolled in the Florida Healthy Kids program as of January
 84 31, 2004, who does ~~do~~ not qualify for Title XXI federal funds
 85 because he or she is ~~they are~~ not a lawfully residing child
 86 ~~qualified aliens~~ as defined in s. 409.811.

87 Section 5. This act shall take effect July 1, 2016.