

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"; deleting the definition of the term
5 "qualified alien"; conforming provisions to changes
6 made by the act; amending s. 409.814, F.S.; revising
7 eligibility for the program to conform to changes made
8 by the act; clarifying that undocumented immigrants
9 are excluded from eligibility; amending s. 409.904,
10 F.S.; providing eligibility for optional payments for
11 medical assistance and related services for certain
12 lawfully residing children; clarifying that
13 undocumented immigrants are excluded from eligibility
14 for optional Medicaid payments or related services;
15 amending s. 624.91, F.S.; conforming provisions to
16 changes made by the act; providing an appropriation;
17 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
22 section 409.811, Florida Statutes, are renumbered as subsections
23 (18) through (23), respectively, a new subsection (17) is added
24 to 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
 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. Subsections (8) and (9) of section 409.904,
 59 Florida Statutes, are renumbered as subsections (9) and (10),
 60 respectively, and a new subsection (8) is added to that section
 61 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
83 is ~~are~~ enrolled in the Florida Healthy Kids program as of
84 January 31, 2004, who does ~~do~~ not qualify for Title XXI federal
85 funds because he or she is ~~they are~~ not a lawfully residing
86 child ~~qualified aliens~~ as defined in s. 409.811.

87 Section 5. For the 2016-2017 fiscal year, the sums of
88 \$28,538,785 in recurring funds from the Medical Care Trust Fund
89 and \$296,429 in recurring funds from the Grants and Donations
90 Trust Fund are appropriated to the Agency for Health Care
91 Administration for the purpose of implementing this act.

92 Section 6. This act shall take effect July 1, 2016.