

HB7

2014

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

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

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

19 409.811 Definitions relating to Florida Kidcare Act.—As
 20 used in ss. 409.810-409.821, the term:

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

28 Section 2. Subsection (4) of section 409.814, Florida

HB7

2014

29 Statutes, is amended to read:

30 409.814 Eligibility.—A child who has not reached 19 years
31 of age whose family income is equal to or below 200 percent of
32 the federal poverty level is eligible for the Florida Kidcare
33 program as provided in this section. If an enrolled individual
34 is determined to be ineligible for coverage, he or she must be
35 immediately disenrolled from the respective Florida Kidcare
36 program component.

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

42 (a) A child who is covered under a family member's group
43 health benefit plan or under other private or employer health
44 insurance coverage, if the cost of the child's participation is
45 not greater than 5 percent of the family's income. If a child is
46 otherwise eligible for a subsidy under the Florida Kidcare
47 program and the cost of the child's participation in the family
48 member's health insurance benefit plan is greater than 5 percent
49 of the family's income, the child may enroll in the appropriate
50 subsidized Kidcare program.

51 (b) A child who is seeking premium assistance for the
52 Florida Kidcare program through employer-sponsored group
53 coverage, if the child has been covered by the same employer's
54 group coverage during the 60 days before the family submitted an
55 application for determination of eligibility under the program.

56 (c) A child who is an alien, but who does not meet the

HB 7

2014

57 definition of qualified alien, in the United States.

58 (d) A child who is an inmate of a public institution or a
59 patient in an institution for mental diseases.

60 (e) A child who is otherwise eligible for premium
61 assistance for the Florida Kidcare program and has had his or
62 her coverage in an employer-sponsored or private health benefit
63 plan voluntarily canceled in the last 60 days, except those
64 children whose coverage was voluntarily canceled for good cause,
65 including, but not limited to, the following circumstances:

66 1. The cost of participation in an employer-sponsored
67 health benefit plan is greater than 5 percent of the family's
68 income;

69 2. The parent lost a job that provided an employer-
70 sponsored health benefit plan for children;

71 3. The parent who had health benefits coverage for the
72 child is deceased;

73 4. The child has a medical condition that, without medical
74 care, would cause serious disability, loss of function, or
75 death;

76 5. The employer of the parent canceled health benefits
77 coverage for children;

78 6. The child's health benefits coverage ended because the
79 child reached the maximum lifetime coverage amount;

80 7. The child has exhausted coverage under a COBRA
81 continuation provision;

82 8. The health benefits coverage does not cover the child's
83 health care needs; or

84 9. Domestic violence led to loss of coverage.

HB 7

2014

85 (c) A child who is an alien, but who does not meet the
86 definition of a lawfully residing child under s. 409.811(17)
87 ~~qualified alien, in the United States.~~

88
89 This subsection does not extend Kidcare eligibility to an
90 undocumented immigrant.

91 Section 3. Subsections (8) and (9) of section 409.904,
92 Florida Statutes, are renumbered as subsections (9) and (10),
93 respectively, and a new subsection (8) is added to that section,
94 to read:

95 409.904 Optional payments for eligible persons.—The agency
96 may make payments for medical assistance and related services on
97 behalf of the following persons who are determined to be
98 eligible subject to the income, assets, and categorical
99 eligibility tests set forth in federal and state law. Payment on
100 behalf of these Medicaid eligible persons is subject to the
101 availability of moneys and any limitations established by the
102 General Appropriations Act or chapter 216.

103 (8) A child younger than 19 years of age is eligible for
104 Medicaid under s. 409.903, unless the child is a lawfully
105 residing child as defined in s. 409.811(17). This subsection
106 does not extend eligibility for optional Medicaid payments to an
107 undocumented immigrant.

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