

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Peaden offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (6) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.--

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

(a) Duties.--

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, subsidized child care caseloads mandated by the Family Support Act of 1988.

2. In addition, the Social Services Estimating

1 Conference shall develop estimates and forecasts of the
2 unduplicated count of children eligible for subsidized child
3 care as defined in s. 402.3015(1). These estimates and
4 forecasts shall not include children enrolled in the
5 prekindergarten early intervention program established in s.
6 230.2305.

7 3. The Department of Children and Family Services and
8 the Department of Education shall provide information on
9 caseloads and waiting lists for the subsidized child care and
10 prekindergarten early intervention programs requested by the
11 Social Services Estimating Conference or individual conference
12 principals, in a timely manner.

13 4. The Social Services Estimating Conference shall
14 develop information relating to the Florida Kidcare program,
15 including, but not limited to, outreach impacts, enrollment,
16 caseload, utilization, and expenditure information that the
17 conference determines is needed to plan for and project future
18 budgets and the drawdown of federal matching funds. The
19 agencies required to collect and analyze Florida Kidcare
20 program data under s. 409.8134 shall be participants in the
21 Social Services Estimating Conference for purposes of
22 developing information relating to the Florida Kidcare
23 program.

24 Section 2. Subsections (4), (6), (7), and (8) of
25 section 409.8312, Florida Statutes, are amended to read:

26 409.8132 Medikids program component.--

27 (4) APPLICABILITY OF LAWS RELATING TO MEDICAID.--The
28 provisions of ss. 409.902, 409.905, 409.906, 409.907, 409.908,
29 ~~409.910~~, 409.912, 409.9121, 409.9122, 409.9123, 409.9124,
30 409.9127, 409.9128, 409.913, 409.916, 409.919, 409.920, and
31 409.9205 apply to the administration of the Medikids program

1 component of the Florida Kidcare program, except that s.
2 409.9122 applies to Medikids as modified by the provisions of
3 subsection (7).

4 (6) ELIGIBILITY.--

5 (a) A child who has attained the age of 1 year but who
6 is under the age of 5 years is eligible to enroll in the
7 Medikids program component of the Florida Kidcare program, if
8 the child is a member of a family that has a family income
9 which exceeds the Medicaid applicable income level as
10 specified in s. 409.903, but which is equal to or below 200
11 percent of the current federal poverty level. In determining
12 the eligibility of such a child, an assets test is not
13 required. A child who is eligible for Medikids may elect to
14 enroll in Florida Healthy Kids coverage or employer-sponsored
15 group coverage. However, a child who is eligible for Medikids
16 may participate in the Florida Healthy Kids program only if
17 the child has a sibling participating in the Florida Healthy
18 Kids program and the child's county of residence permits such
19 enrollment.

20 (b) The provisions of s. 409.814(3), (4), and (5)
21 shall be applicable to the Medikids program.

22 (7) ENROLLMENT.--Enrollment in the Medikids program
23 component may only occur during periodic open enrollment
24 periods as specified by the agency. ~~During the first 12 months~~
25 ~~of the program, there shall be at least one, but no more than~~
26 ~~three, open enrollment periods. The initial open enrollment~~
27 ~~period shall be for 90 days, and subsequent open enrollment~~
28 ~~periods during the first year of operation of the program~~
29 ~~shall be for 30 days. After the first year of the program, the~~
30 ~~agency shall determine the frequency and duration of open~~
31 ~~enrollment periods.~~An applicant may apply for enrollment in

1 the Medikids program component and proceed through the
2 eligibility determination process at any time throughout the
3 year. However, enrollment in Medikids shall not begin until
4 the next open enrollment period; and a child may not receive
5 services under the Medikids program until the child is
6 enrolled in a managed care plan or MediPass. In addition, once
7 determined eligible, an applicant may receive choice
8 counseling and select a managed care plan or MediPass. The
9 agency may initiate mandatory assignment for a Medikids
10 applicant who has not chosen a managed care plan or MediPass
11 provider after the applicant's voluntary choice period ends.

12 An applicant may select MediPass under the Medikids program
13 component only in counties that have fewer than two managed
14 care plans available to serve Medicaid recipients and only if
15 the federal Health Care Financing Administration determines
16 that MediPass constitutes "health insurance coverage" as
17 defined in Title XXI of the Social Security Act.

18 (8) SPECIAL ENROLLMENT PERIODS.--The agency shall
19 establish a special enrollment period of 30 days' duration ~~for~~
20 ~~any newborn child who is eligible for Medikids, or for any~~
21 child who is enrolled in Medicaid if such child loses Medicaid
22 eligibility and becomes eligible for Medikids, or for any
23 child who is enrolled in Medikids if such child moves to
24 another county that is not within the coverage area of the
25 child's Medikids managed care plan or MediPass provider.

26 Section 3. Subsection (3) of section 409.8134, Florida
27 Statutes, is amended to read:

28 409.8134 Program enrollment and expenditure
29 ceilings.--

30 (3) The agencies that administer the Florida Kidcare
31 program components ~~agency~~ shall collect and analyze the data

1 needed to project Florida Kidcare program enrollment,
2 including outreach impacts, participation rates, caseloads,
3 utilization, and expenditures. The agencies ~~agency~~ shall
4 report the caseload and expenditure trends to the Social
5 Services Estimating Conference in accordance with chapter 216.

6 Section 4. Section 409.814, Florida Statutes, is
7 amended to read:

8 409.814 Eligibility.--A child whose family income is
9 equal to or below 200 percent of the federal poverty level is
10 eligible for the Florida Kidcare program as provided in this
11 section. In determining the eligibility of such a child, an
12 assets test is not required. An applicant under 19 years of
13 age who, based on a complete application, appears to be
14 eligible for the Medicaid component of the Florida Kidcare
15 program is presumed eligible for coverage under Medicaid,
16 subject to federal rules. A child who has been deemed
17 presumptively eligible for Medicaid shall not be enrolled in a
18 managed care plan until the child's full eligibility
19 determination for Medicaid has been completed. The Florida
20 Healthy Kids Corporation may, subject to compliance with
21 applicable requirements of the Agency for Health Care
22 Administration and the Department of Children and Family
23 Services, be designated as an entity to conduct presumptive
24 eligibility determinations. An applicant under 19 years of age
25 who, based on a complete application, appears to be eligible
26 for the Medikids, Florida Healthy Kids, or Children's Medical
27 Services network program component, who is screened as
28 ineligible for Medicaid and prior to the monthly verification
29 of the applicant's enrollment in Medicaid or of eligibility
30 for coverage under the state employee health benefit plan, may
31 be enrolled in and begin receiving coverage from the

1 appropriate program component on the first day of the month
2 following the receipt of a completed application. For
3 enrollment in the Children's Medical Services network, a
4 complete application includes the medical or behavioral health
5 screening. If, after verification, an individual is determined
6 to be ineligible for coverage, he or she must be disenrolled
7 from the respective Title XXI-funded Kidcare program
8 component.

9 (1) A child who is eligible for Medicaid coverage
10 under s. 409.903 or s. 409.904 must be enrolled in Medicaid
11 and is not eligible to receive health benefits under any other
12 health benefits coverage authorized under ss. 409.810-409.820.

13 (2) A child who is not eligible for Medicaid, but who
14 is eligible for the Florida Kidcare program, may obtain
15 coverage under any of the other types of health benefits
16 coverage authorized in ss. 409.810-409.820 if such coverage is
17 approved and available in the county in which the child
18 resides. However, a child who is eligible for Medikids may
19 participate in the Florida Healthy Kids program only if the
20 child has a sibling participating in the Florida Healthy Kids
21 program and the child's county of residence permits such
22 enrollment.

23 (3) A child who is eligible for the Florida Kidcare
24 program who is a child with special health care needs, as
25 determined through a medical or behavioral screening
26 ~~risk-screening~~ instrument, is eligible for health benefits
27 coverage from and shall ~~may~~ be referred to the Children's
28 Medical Services network.

29 (4) The following children are not eligible to receive
30 premium assistance for health benefits coverage under ss.
31 409.810-409.820, except under Medicaid if the child would have

1 been eligible for Medicaid under s. 409.903 or s. 409.904 as
2 of June 1, 1997:

3 (a) A child who is eligible for coverage under a state
4 health benefit plan on the basis of a family member's
5 employment with a public agency in the state.†

6 (b) A child who is covered under a group health
7 benefit plan or under other health insurance coverage,
8 excluding coverage provided under the Florida Healthy Kids
9 Corporation as established under s. 624.91.†

10 (c) A child who is seeking premium assistance for
11 employer-sponsored group coverage, if the child has been
12 covered by the same employer's group coverage during the 6
13 months prior to the family's submitting an application for
14 determination of eligibility under the Florida Kidcare
15 program.†

16 (d) A child who is an alien, but who does not meet the
17 definition of qualified alien, in the United States.†~~or~~

18 (e) A child who is an inmate of a public institution
19 or a patient in an institution for mental diseases.

20 (5) A child whose family income is above 200 percent
21 of the federal poverty level or a child who is excluded under
22 the provisions of subsection (4) may participate in the
23 Florida Kidcare program, excluding the Medicaid program, but
24 is subject to the following provisions:

25 (a) The family is not eligible for premium assistance
26 payments and must pay the full cost of the premium, including
27 any administrative costs.

28 (b) The agency is authorized to place limits on
29 enrollment in Medikids by these children in order to avoid
30 adverse selection. The number of children participating in
31 Medikids whose family income exceeds 200 percent of the

1 federal poverty level must not exceed 10 percent of total
2 enrollees in the Medikids program.

3 (c) The board of directors of the Florida Healthy Kids
4 Corporation is authorized to place limits on enrollment of
5 these children in order to avoid adverse selection. In
6 addition, the board is authorized to offer a reduced benefit
7 package to these children in order to limit program costs for
8 such families. The number of children participating in the
9 Florida Healthy Kids program whose family income exceeds 200
10 percent of the federal poverty level must not exceed 10
11 percent of total enrollees in the Florida Healthy Kids
12 program.

13 (d) Children described in this subsection are not
14 counted in the annual enrollment ceiling for the Florida
15 Kidcare program.

16 (6) Once a child is enrolled in ~~determined eligible~~
17 ~~for~~ the Florida Kidcare program, the child is eligible for
18 coverage under the program for 6 months without a
19 redetermination or reverification of eligibility, if the
20 family continues to pay the applicable premium. Effective
21 January 1, 1999, a child who has not attained the age of 5 and
22 who has been determined eligible for the Medicaid program is
23 eligible for coverage for 12 months without a redetermination
24 or reverification of eligibility.

25 (7) When determining or reviewing a child's
26 eligibility under the program, the applicant shall be provided
27 with reasonable notice of changes in eligibility which may
28 affect enrollment in one or more of the program components.
29 When a transition from one program component to another is
30 appropriate, there shall be cooperation between the program
31 components and the affected family which promotes continuity

1 of health care coverage.

2 Section 5. Paragraphs (q), (r), (s), (t), and (u) of
3 subsection (2) of section 409.815, Florida Statutes, are
4 renumbered as paragraphs (r), (s), (t), (u), and (v),
5 respectively, and a new paragraph (q) is added to said section
6 to read:

7 409.815 Health benefits coverage; limitations.--

8 (2) BENCHMARK BENEFITS.--In order for health benefits
9 coverage to qualify for premium assistance payments for an
10 eligible child under ss. 409.810-409.820, the health benefits
11 coverage, except for coverage under Medicaid and Medikids,
12 must include the following minimum benefits, as medically
13 necessary.

14 (q) Dental services.--Subject to a specific
15 appropriation for this benefit, covered services include those
16 dental services provided to children by the Florida Medicaid
17 program under s. 409.906(6).

18 Section 6. Section 409.8177, Florida Statutes, is
19 amended to read:

20 409.8177 Program evaluation.--The agency, in
21 consultation with the Department of Health, the Department of
22 Children and Family Services, and the Florida Healthy Kids
23 Corporation, shall by January 1 of each year submit to the
24 Governor, the President of the Senate, and the Speaker of the
25 House of Representatives ~~legislature~~ a report of the Florida
26 Kidcare program. In addition to the items specified under s.
27 2108 of Title XXI of the Social Security Act, the report shall
28 include an assessment of crowd-out and access to health care,
29 as well as the following:

30 (1) An assessment of the operation of the program,
31 including the progress made in reducing the number of

1 uncovered low-income children.

2 (2) An assessment of the effectiveness in increasing
3 the number of children with creditable health coverage,
4 including an assessment of the impact of outreach.

5 (3) The characteristics of the children and families
6 assisted under the program, including ages of the children,
7 family income, and access to or coverage by other health
8 insurance prior to the program and after disenrollment from
9 the program.

10 (4) The quality of health coverage provided, including
11 the types of benefits provided.

12 (5) The amount and level, including payment of part or
13 all of any premium, of assistance provided.

14 (6) The average length of coverage of a child under
15 the program.

16 (7) The program's choice of health benefits coverage
17 and other methods used for providing child health assistance.

18 (8) The sources of nonfederal funding used in the
19 program.

20 (9) An assessment of the effectiveness of Medikids,
21 Children's Medical Services network, and other public and
22 private programs in the state in increasing the availability
23 of affordable quality health insurance and health care for
24 children.

25 (10) A review and assessment of state activities to
26 coordinate the program with other public and private programs.

27 (11) An analysis of changes and trends in the state
28 that affect the provision of health insurance and health care
29 to children.

30 (12) A description of any plans the state has for
31 improving the availability of health insurance and health care

Amendment No. ____ (for drafter's use only)

1 for children.

2 (13) Recommendations for improving the program.

3 (14) Other studies as necessary.

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5 The agency shall also submit each month to the Governor, the
6 President of the Senate, and the Speaker of the House of
7 Representatives a report of enrollment for each program
8 component of the Florida Kidcare program.

9 Section 7. Paragraph (b) of subsection (1) of section
10 409.818, Florida Statutes, is amended to read:

11 409.818 Administration.--In order to implement ss.
12 409.810-409.820, the following agencies shall have the
13 following duties:

14 (1) The Department of Children and Family Services
15 shall:

16 (b) Establish and maintain the eligibility
17 determination process under the program except as specified in
18 subsection (5). The department shall directly, or through the
19 services of a contracted third-party administrator, establish
20 and maintain a process for determining eligibility of children
21 for coverage under the program. The eligibility determination
22 process must be used solely for determining eligibility of
23 applicants for health benefits coverage under the program. The
24 eligibility determination process must include an initial
25 determination of eligibility for any coverage offered under
26 the program, as well as a redetermination or reverification of
27 eligibility each subsequent 6 months. Effective January 1,
28 1999, a child who has not attained the age of 5 and who has
29 been determined eligible for the Medicaid program is eligible
30 for coverage for 12 months without a redetermination or
31 reverification of eligibility. In conducting an eligibility

1 determination, the department shall determine if the child has
2 special health care needs. The department, in consultation
3 with the Agency for Health Care Administration and the Florida
4 Healthy Kids Corporation, shall develop procedures for
5 redetermining eligibility which enable a family to easily
6 update any change in circumstances which could affect
7 eligibility. The department may accept changes in a family's
8 status as reported to the department by the Florida Healthy
9 Kids Corporation without requiring a new application from the
10 family. Redetermination of a child's eligibility for Medicaid
11 may not be linked to a child's eligibility determination for
12 other programs.

13 Section 8. Subsections (6) and (7) of section 409.903,
14 Florida Statutes, are amended to read:

15 409.903 Mandatory payments for eligible persons.--The
16 agency shall make payments for medical assistance and related
17 services on behalf of the following persons who the agency
18 determines to be eligible, subject to the income, assets, and
19 categorical eligibility tests set forth in federal and state
20 law. Payment on behalf of these Medicaid eligible persons is
21 subject to the availability of moneys and any limitations
22 established by the General Appropriations Act or chapter 216.

23 (6) A child born after September 30, 1983, living in a
24 family that has an income which is at or below 100 percent of
25 the current federal poverty level, who has attained the age of
26 6, but has not attained the age of 19. In determining the
27 eligibility of such a child, an assets test is not required. A
28 child who is eligible for Medicaid under this subsection must
29 be offered the opportunity, subject to federal rules, to be
30 made presumptively eligible. A child who has been deemed
31 presumptively eligible for Medicaid shall not be enrolled in a

1 managed care plan until the child's full eligibility
2 determination for Medicaid has been completed.

3 (7) A child living in a family that has an income
4 which is at or below 133 percent of the current federal
5 poverty level, who has attained the age of 1, but has not
6 attained the age of 6. In determining the eligibility of such
7 a child, an assets test is not required. A child who is
8 eligible for Medicaid under this subsection must be offered
9 the opportunity, subject to federal rules, to be made
10 presumptively eligible. A child who has been deemed
11 presumptively eligible for Medicaid shall not be enrolled in a
12 managed care plan until the child's full eligibility
13 determination for Medicaid has been completed.

14 Section 9. Subsection (6) of section 409.904, Florida
15 Statutes, is amended, and subsection (8) is added to said
16 section, to read:

17 409.904 Optional payments for eligible persons.--The
18 agency may make payments for medical assistance and related
19 services on behalf of the following persons who are determined
20 to be eligible subject to the income, assets, and categorical
21 eligibility tests set forth in federal and state law. Payment
22 on behalf of these Medicaid eligible persons is subject to the
23 availability of moneys and any limitations established by the
24 General Appropriations Act or chapter 216.

25 (6) A child born before October 1, 1983, living in a
26 family that has an income which is at or below 100 percent of
27 the current federal poverty level, who has attained the age of
28 6, but has not attained the age of 19, and who would be
29 eligible in s. 409.903(6), if the child had been born on or
30 after such date. In determining the eligibility of such a
31 child, an assets test is not required. A child who is eligible

1 for Medicaid under this subsection must be offered the
2 opportunity, subject to federal rules, to be made
3 presumptively eligible. A child who has been deemed
4 presumptively eligible for Medicaid shall not be enrolled in a
5 managed care plan until the child's full eligibility
6 determination for Medicaid has been completed.

7 (8) A child under 1 year of age who lives in a family
8 that has an income above 185 percent of the most recently
9 published federal poverty level, but which is at or below 200
10 percent of such poverty level. In determining the eligibility
11 of such child, an assets test is not required. A child who is
12 eligible for Medicaid under this subsection must be offered
13 the opportunity, subject to federal rules, to be made
14 presumptively eligible.

15 Section 10. Subsection (3) of section 391.025, Florida
16 Statutes, is amended to read:

17 391.025 Applicability and scope.--

18 (3) The Children's Medical Services program shall not
19 be deemed an insurer and is not subject to the licensing
20 requirements of the Florida Insurance Code or the rules of the
21 Department of Insurance, when providing services to children
22 who receive Medicaid benefits, other Medicaid-eligible
23 children with special health care needs, and children
24 participating in the Florida Kidcare program. ~~This exemption~~
25 ~~shall not extend to contractors.~~

26 Section 11. The provisions of this act which would
27 require changes to contracts in existence as of June 30, 2000,
28 between the Florida Healthy Kids Corporation and contracted
29 providers of such corporation shall be applied to such
30 contracts upon renewal of the contracts, but not later than
31 July 1, 2002.

1 Section 12. The Division of State Group Insurance of
2 the Department of Management Services and the Florida Healthy
3 Kids Corporation shall study the feasibility of providing a
4 subsidy comparable to the subsidy available through the
5 Florida Healthy Kids Corporation for health insurance coverage
6 through the state employee health insurance program for
7 children of state employees who meet the eligibility
8 requirements for the Florida Healthy Kids program. The
9 Division of State Group Insurance and the Florida Healthy Kids
10 Corporation shall submit a report by January 1, 2001, to the
11 Governor, the President of the Senate, and the Speaker of the
12 House of Representatives with their recommendations as to
13 whether such a subsidy should be provided through the state
14 employee health insurance program and how a subsidy could be
15 administered.

16 Section 13. This act shall take effect July 1, 2000.

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, line 2, through page 2, line 20,
22 remove from the title of the bill: all of said lines

23

24 and insert in lieu thereof:

25 An act relating to health care assistance for
26 children; amending s. 216.136, F.S.; requiring
27 the Social Services Estimating Conference to
28 develop certain information relating to the
29 Florida Kidcare program; amending s. 409.8132,
30 F.S.; deleting an inappropriate cross
31 reference; revising eligibility requirements

Amendment No. ____ (for drafter's use only)

1 for the Medikids program component of the
2 Florida Kidcare program; authorizing a
3 mandatory assignment process under specified
4 circumstances; deleting obsolete language;
5 revising enrollment procedures; amending s.
6 409.8134, F.S.; requiring agencies that
7 administer Florida Kidcare components to
8 collect certain information and report to the
9 Social Services Estimating Conference; amending
10 s. 409.814, F.S.; providing for
11 Medicaid-presumptive eligibility; providing for
12 expedited enrollment; requiring applicant
13 notice of changes in eligibility; requiring
14 certain actions relating to such transition;
15 amending s. 409.815, F.S.; providing for dental
16 benefits under the Florida Kidcare program,
17 subject to a specific appropriation; amending
18 s. 409.8177, F.S.; clarifying annual report
19 requirements; requiring the Agency for Health
20 Care Administration to submit additional
21 monthly reports to the Governor and
22 Legislature; amending s. 409.818, F.S.;
23 providing for a more simple eligibility
24 redetermination process; amending s. 409.903,
25 F.S.; providing for presumptive eligibility for
26 children eligible for Medicaid; amending s.
27 409.904, F.S.; revising the eligibility
28 requirements for optional payments for medical
29 assistance and related services for certain
30 children; providing for presumptive
31 eligibility; amending s. 391.025, F.S.;

1 deleting a contractor exclusion from an
2 exemption for the Children's Medical Services
3 program from certain licensing requirements of
4 the Insurance Code and the Department of
5 Insurance; providing for application to
6 existing contracts of the Florida Healthy Kids
7 Corporation; requiring the Division of State
8 Group Insurance of the Department of Management
9 Services and the Florida Healthy Kids
10 Corporation to study the feasibility of
11 subsidizing health insurance coverage for
12 children of certain state employees; specifying
13 a study report due date; providing an effective
14 date.

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