

1                                   A bill to be entitled  
 2           An act relating to Florida Kidcare program  
 3           eligibility; amending s. 409.8132, F.S.; conforming a  
 4           provision to changes made by the act; amending s.  
 5           409.814, F.S.; increasing the income eligibility  
 6           threshold for coverage under the Florida Kidcare  
 7           program; requiring an applicant seeking coverage under  
 8           the program to provide certain documentation if  
 9           eligibility cannot be verified using reliable data  
 10          sources; amending s. 409.816, F.S.; requiring that  
 11          premiums for certain enrollees under the program be  
 12          based on a tiered system of uniform premiums; amending  
 13          s. 624.91, F.S.; conforming a provision to changes  
 14          made by the act; providing effective dates.

15  
 16           WHEREAS, as families progress up the economic ladder they  
 17           are adversely affected by the fiscal cliff, disincentivizing  
 18           upward mobility, and

19           WHEREAS, some of these families have lost access to Florida  
 20           Healthy Kids, which subsidizes children's health insurance,  
 21           creating a health care coverage gap, and

22           WHEREAS, the Legislature seeks to remove these barriers and  
 23           intends to facilitate a glide path for families to achieve  
 24           economic self-sufficiency and access the necessary health care  
 25           services for their children, NOW, THEREFORE,

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

Section 1. Paragraph (a) of subsection (6) of section 409.8132, Florida Statutes, is amended to read:

409.8132 Medikids program component.—

(6) ELIGIBILITY.—

(a) A child who has attained the age of 1 year but who is under the age of 5 years is eligible to enroll in the Medikids program component of the Florida Kidcare program, if the child is a member of a family that has a family income which exceeds the Medicaid applicable income level as specified in s. 409.903, but which is equal to or below 250 ~~200~~ percent of the current federal poverty level. In determining the eligibility of such a child, an assets test is not required. A child who is eligible for Medikids may elect to enroll in Florida Healthy Kids coverage or employer-sponsored group coverage. However, a child who is eligible for Medikids may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

Section 2. Effective July 1, 2023, paragraph (a) of subsection (6) of section 409.8132, Florida Statutes, as amended by this act, is amended to read:

409.8132 Medikids program component.—

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51 (6) ELIGIBILITY.—

52 (a) A child who has attained the age of 1 year but who is  
53 under the age of 5 years is eligible to enroll in the Medikids  
54 program component of the Florida Kidcare program, if the child  
55 is a member of a family that has a family income which exceeds  
56 the Medicaid applicable income level as specified in s. 409.903,  
57 but which is equal to or below 300 ~~250~~ percent of the current  
58 federal poverty level. In determining the eligibility of such a  
59 child, an assets test is not required. A child who is eligible  
60 for Medikids may elect to enroll in Florida Healthy Kids  
61 coverage or employer-sponsored group coverage. However, a child  
62 who is eligible for Medikids may participate in the Florida  
63 Healthy Kids program only if the child has a sibling  
64 participating in the Florida Healthy Kids program and the  
65 child's county of residence permits such enrollment.

66 Section 3. Section 409.814, Florida Statutes, is amended  
67 to read:

68 409.814 Eligibility.—A child who has not reached 19 years  
69 of age whose family income is equal to or below 250 ~~200~~ percent  
70 of the federal poverty level is eligible for the Florida Kidcare  
71 program as provided in this section. If an enrolled individual  
72 is determined to be ineligible for coverage, he or she must be  
73 immediately disenrolled from the respective Florida Kidcare  
74 program component.

75 (1) A child who is eligible for Medicaid coverage under s.

76 | 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
 77 | eligible to receive health benefits under any other health  
 78 | benefits coverage authorized under the Florida Kidcare program.

79 |       (2) A child who is not eligible for Medicaid, but who is  
 80 | eligible for the Florida Kidcare program, may obtain health  
 81 | benefits coverage under any of the other components listed in s.  
 82 | 409.813 if such coverage is approved and available in the county  
 83 | in which the child resides.

84 |       (3) A Title XXI-funded child who is eligible for the  
 85 | Florida Kidcare program who is a child with special health care  
 86 | needs, as determined through a medical or behavioral screening  
 87 | instrument, is eligible for health benefits coverage from and  
 88 | shall be assigned to and may opt out of the Children's Medical  
 89 | Services Network.

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

95 |       (a) A child who is covered under a family member's group  
 96 | health benefit plan or under other private or employer health  
 97 | insurance coverage, if the cost of the child's participation is  
 98 | not greater than 5 percent of the family's income. If a child is  
 99 | otherwise eligible for a subsidy under the Florida Kidcare  
 100 | program and the cost of the child's participation in the family

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101 member's health insurance benefit plan is greater than 5 percent  
102 of the family's income, the child may enroll in the appropriate  
103 subsidized Kidcare program.

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

109 (c) A child who is an alien but who does not meet the  
110 definition of a lawfully residing child. This paragraph does not  
111 extend eligibility for the Florida Kidcare program to an  
112 undocumented immigrant.

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

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

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

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

126           3. The parent who had health benefits coverage for the  
127 child is deceased;

128           4. The child has a medical condition that, without medical  
129 care, would cause serious disability, loss of function, or  
130 death;

131           5. The employer of the parent canceled health benefits  
132 coverage for children;

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

135           7. The child has exhausted coverage under a COBRA  
136 continuation provision;

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

139           9. Domestic violence led to loss of coverage.

140           (5) A child who is otherwise eligible for the Florida  
141 Kidcare program and who has a preexisting condition that  
142 prevents coverage under another insurance plan as described in  
143 paragraph (4) (a) which would have disqualified the child for the  
144 Florida Kidcare program if the child were able to enroll in the  
145 plan is eligible for Florida Kidcare coverage when enrollment is  
146 possible.

147           (6) A child whose family income is above 250 ~~200~~ percent  
148 of the federal poverty level or a child who is excluded under  
149 the provisions of subsection (4) may participate in the Florida  
150 Kidcare program as provided in s. 409.8132 or, if the child is

151 | ineligible for Medikids by reason of age, in the Florida Healthy  
 152 | Kids program, subject to the following:

153 |       (a) The family is not eligible for premium assistance  
 154 | payments and must pay the full cost of the premium, including  
 155 | any administrative costs.

156 |       (b) The board of directors of the Florida Healthy Kids  
 157 | Corporation may offer a reduced benefit package to these  
 158 | children in order to limit program costs for such families.

159 |       (7) Once a child is enrolled in the Florida Kidcare  
 160 | program, the child is eligible for coverage for 12 months  
 161 | without a redetermination or reverification of eligibility, if  
 162 | the family continues to pay the applicable premium. Eligibility  
 163 | for program components funded through Title XXI of the Social  
 164 | Security Act terminates when a child attains the age of 19. A  
 165 | child who has not attained the age of 5 and who has been  
 166 | determined eligible for the Medicaid program is eligible for  
 167 | coverage for 12 months without a redetermination or  
 168 | reverification of eligibility.

169 |       (8) When determining or reviewing a child's eligibility  
 170 | under the Florida Kidcare program, the applicant shall be  
 171 | provided with reasonable notice of changes in eligibility which  
 172 | may affect enrollment in one or more of the program components.  
 173 | If a transition from one program component to another is  
 174 | authorized, there shall be cooperation between the program  
 175 | components and the affected family which promotes continuity of

176 health care coverage. Any authorized transfers must be managed  
177 within the program's overall appropriated or authorized levels  
178 of funding. Each component of the program shall establish a  
179 reserve to ensure that transfers between components will be  
180 accomplished within current year appropriations. These reserves  
181 shall be reviewed by each convening of the Social Services  
182 Estimating Conference to determine the adequacy of such reserves  
183 to meet actual experience.

184 (9) In determining the eligibility of a child, an assets  
185 test is not required. If eligibility for the Florida Kidcare  
186 program cannot be verified using reliable data sources in  
187 accordance with federal requirements, each applicant shall  
188 provide documentation during the application process and the  
189 redetermination process, including, but not limited to, the  
190 following:

191 (a) Proof of family income, which must be verified  
192 electronically to determine financial eligibility for the  
193 Florida Kidcare program. Written documentation, which may  
194 include wages and earnings statements or pay stubs, W-2 forms,  
195 or a copy of the applicant's most recent federal income tax  
196 return, is required only if the electronic verification is not  
197 available or does not substantiate the applicant's income.

198 (b) A statement from all applicable, employed family  
199 members that:

200 1. Their employers do not sponsor health benefit plans for

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201 employees;

202 2. The potential enrollee is not covered by an employer-  
203 sponsored health benefit plan; or

204 3. The potential enrollee is covered by an employer-  
205 sponsored health benefit plan and the cost of the employer-  
206 sponsored health benefit plan is more than 5 percent of the  
207 family's income.

208 (c) To enroll in the Children's Medical Services Network,  
209 a completed application, including a clinical screening.

210 (10) Subject to paragraph (4) (a), the Florida Kidcare  
211 program shall withhold benefits from an enrollee if the program  
212 obtains evidence that the enrollee is no longer eligible,  
213 submitted incorrect or fraudulent information in order to  
214 establish eligibility, or failed to provide verification of  
215 eligibility. The applicant or enrollee shall be notified that  
216 because of such evidence program benefits will be withheld  
217 unless the applicant or enrollee contacts a designated  
218 representative of the program by a specified date, which must be  
219 within 10 working days after the date of notice, to discuss and  
220 resolve the matter. The program shall make every effort to  
221 resolve the matter within a timeframe that will not cause  
222 benefits to be withheld from an eligible enrollee.

223 (11) The following individuals may be subject to  
224 prosecution in accordance with s. 414.39:

225 (a) An applicant obtaining or attempting to obtain

226 | benefits for a potential enrollee under the Florida Kidcare  
 227 | program when the applicant knows or should have known the  
 228 | potential enrollee does not qualify for the Florida Kidcare  
 229 | program.

230 |         (b) An individual who assists an applicant in obtaining or  
 231 | attempting to obtain benefits for a potential enrollee under the  
 232 | Florida Kidcare program when the individual knows or should have  
 233 | known the potential enrollee does not qualify for the Florida  
 234 | Kidcare program.

235 |         Section 4. Effective July 1, 2023, section 409.814,  
 236 | Florida Statutes, as amended by this act, is amended to read:

237 |             409.814 Eligibility.—A child who has not reached 19 years  
 238 | of age whose family income is equal to or below 300 ~~250~~ percent  
 239 | of the federal poverty level is eligible for the Florida Kidcare  
 240 | program as provided in this section. If an enrolled individual  
 241 | is determined to be ineligible for coverage, he or she must be  
 242 | immediately disenrolled from the respective Florida Kidcare  
 243 | program component.

244 |             (1) A child who is eligible for Medicaid coverage under s.  
 245 | 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
 246 | eligible to receive health benefits under any other health  
 247 | benefits coverage authorized under the Florida Kidcare program.

248 |             (2) A child who is not eligible for Medicaid, but who is  
 249 | eligible for the Florida Kidcare program, may obtain health  
 250 | benefits coverage under any of the other components listed in s.

251 409.813 if such coverage is approved and available in the county  
252 in which the child resides.

253 (3) A Title XXI-funded child who is eligible for the  
254 Florida Kidcare program who is a child with special health care  
255 needs, as determined through a medical or behavioral screening  
256 instrument, is eligible for health benefits coverage from and  
257 shall be assigned to and may opt out of the Children's Medical  
258 Services Network.

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

264 (a) A child who is covered under a family member's group  
265 health benefit plan or under other private or employer health  
266 insurance coverage, if the cost of the child's participation is  
267 not greater than 5 percent of the family's income. If a child is  
268 otherwise eligible for a subsidy under the Florida Kidcare  
269 program and the cost of the child's participation in the family  
270 member's health insurance benefit plan is greater than 5 percent  
271 of the family's income, the child may enroll in the appropriate  
272 subsidized Kidcare program.

273 (b) A child who is seeking premium assistance for the  
274 Florida Kidcare program through employer-sponsored group  
275 coverage, if the child has been covered by the same employer's

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276 group coverage during the 60 days before the family submitted an  
277 application for determination of eligibility under the program.

278 (c) A child who is an alien but who does not meet the  
279 definition of a lawfully residing child. This paragraph does not  
280 extend eligibility for the Florida Kidcare program to an  
281 undocumented immigrant.

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

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

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

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

295 3. The parent who had health benefits coverage for the  
296 child is deceased;

297 4. The child has a medical condition that, without medical  
298 care, would cause serious disability, loss of function, or  
299 death;

300 5. The employer of the parent canceled health benefits

301 coverage for children;

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

304 7. The child has exhausted coverage under a COBRA  
305 continuation provision;

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

308 9. Domestic violence led to loss of coverage.

309 (5) A child who is otherwise eligible for the Florida  
310 Kidcare program and who has a preexisting condition that  
311 prevents coverage under another insurance plan as described in  
312 paragraph (4) (a) which would have disqualified the child for the  
313 Florida Kidcare program if the child were able to enroll in the  
314 plan is eligible for Florida Kidcare coverage when enrollment is  
315 possible.

316 (6) A child whose family income is above 300 ~~250~~ percent  
317 of the federal poverty level or a child who is excluded under  
318 the provisions of subsection (4) may participate in the Florida  
319 Kidcare program as provided in s. 409.8132 or, if the child is  
320 ineligible for Medikids by reason of age, in the Florida Healthy  
321 Kids program, subject to the following:

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

325 (b) The board of directors of the Florida Healthy Kids

326 Corporation may offer a reduced benefit package to these  
327 children in order to limit program costs for such families.

328 (7) Once a child is enrolled in the Florida Kidcare  
329 program, the child is eligible for coverage for 12 months  
330 without a redetermination or reverification of eligibility, if  
331 the family continues to pay the applicable premium. Eligibility  
332 for program components funded through Title XXI of the Social  
333 Security Act terminates when a child attains the age of 19. A  
334 child who has not attained the age of 5 and who has been  
335 determined eligible for the Medicaid program is eligible for  
336 coverage for 12 months without a redetermination or  
337 reverification of eligibility.

338 (8) When determining or reviewing a child's eligibility  
339 under the Florida Kidcare program, the applicant shall be  
340 provided with reasonable notice of changes in eligibility which  
341 may affect enrollment in one or more of the program components.  
342 If a transition from one program component to another is  
343 authorized, there shall be cooperation between the program  
344 components and the affected family which promotes continuity of  
345 health care coverage. Any authorized transfers must be managed  
346 within the program's overall appropriated or authorized levels  
347 of funding. Each component of the program shall establish a  
348 reserve to ensure that transfers between components will be  
349 accomplished within current year appropriations. These reserves  
350 shall be reviewed by each convening of the Social Services

351 Estimating Conference to determine the adequacy of such reserves  
352 to meet actual experience.

353 (9) In determining the eligibility of a child, an assets  
354 test is not required. If eligibility for the Florida Kidcare  
355 program cannot be verified using reliable data sources in  
356 accordance with federal requirements, each applicant shall  
357 provide documentation during the application process and the  
358 redetermination process, including, but not limited to, the  
359 following:

360 (a) Proof of family income, which must be verified  
361 electronically to determine financial eligibility for the  
362 Florida Kidcare program. Written documentation, which may  
363 include wages and earnings statements or pay stubs, W-2 forms,  
364 or a copy of the applicant's most recent federal income tax  
365 return, is required only if the electronic verification is not  
366 available or does not substantiate the applicant's income.

367 (b) A statement from all applicable, employed family  
368 members that:

369 1. Their employers do not sponsor health benefit plans for  
370 employees;

371 2. The potential enrollee is not covered by an employer-  
372 sponsored health benefit plan; or

373 3. The potential enrollee is covered by an employer-  
374 sponsored health benefit plan and the cost of the employer-  
375 sponsored health benefit plan is more than 5 percent of the

376 family's income.

377 (c) To enroll in the Children's Medical Services Network,  
378 a completed application, including a clinical screening.

379 (10) Subject to paragraph (4) (a), the Florida Kidcare  
380 program shall withhold benefits from an enrollee if the program  
381 obtains evidence that the enrollee is no longer eligible,  
382 submitted incorrect or fraudulent information in order to  
383 establish eligibility, or failed to provide verification of  
384 eligibility. The applicant or enrollee shall be notified that  
385 because of such evidence program benefits will be withheld  
386 unless the applicant or enrollee contacts a designated  
387 representative of the program by a specified date, which must be  
388 within 10 working days after the date of notice, to discuss and  
389 resolve the matter. The program shall make every effort to  
390 resolve the matter within a timeframe that will not cause  
391 benefits to be withheld from an eligible enrollee.

392 (11) The following individuals may be subject to  
393 prosecution in accordance with s. 414.39:

394 (a) An applicant obtaining or attempting to obtain  
395 benefits for a potential enrollee under the Florida Kidcare  
396 program when the applicant knows or should have known the  
397 potential enrollee does not qualify for the Florida Kidcare  
398 program.

399 (b) An individual who assists an applicant in obtaining or  
400 attempting to obtain benefits for a potential enrollee under the

401 Florida Kidcare program when the individual knows or should have  
402 known the potential enrollee does not qualify for the Florida  
403 Kidcare program.

404 Section 5. Subsection (3) of section 409.816, Florida  
405 Statutes, is amended to read:

406 409.816 Limitations on premiums and cost sharing.—The  
407 following limitations on premiums and cost sharing are  
408 established for the program.

409 (3) Enrollees in families with a family income above 150  
410 percent of the federal poverty level who are not receiving  
411 coverage under the Medicaid program or who are not eligible  
412 under s. 409.814(6) may be required to pay enrollment fees,  
413 premiums, copayments, deductibles, coinsurance, or similar  
414 charges on a sliding scale related to income, except that the  
415 total annual aggregate cost sharing with respect to all children  
416 in a family may not exceed 5 percent of the family's income.  
417 However, copayments, deductibles, coinsurance, or similar  
418 charges may not be imposed for preventive services, including  
419 well-baby and well-child care, age-appropriate immunizations,  
420 and routine hearing and vision screenings. Premiums for  
421 enrollees paying enrollment fees, premiums, copayments,  
422 deductibles, coinsurance, or similar charges as provided in this  
423 subsection shall be based on at least three but no more than  
424 five tiers of uniform premiums that increase with each tier as a  
425 percentage of the applicable threshold amount of the federal

426 poverty level, by tier.

427 Section 6. Paragraph (b) of subsection (2) of section  
428 624.91, Florida Statutes, is amended to read:

429 624.91 The Florida Healthy Kids Corporation Act.—

430 (2) LEGISLATIVE INTENT.—

431 (b) It is the intent of the Legislature that the Florida  
432 Healthy Kids Corporation serve as one of several providers of  
433 services to children eligible for medical assistance under Title  
434 XXI of the Social Security Act. Although the corporation may  
435 serve other children, the Legislature intends the primary  
436 recipients of services provided through the corporation be  
437 school-age children with a family income equal to or below 250  
438 ~~200~~ percent of the federal poverty level, who do not qualify for  
439 Medicaid. It is also the intent of the Legislature that state  
440 and local government Florida Healthy Kids funds be used to  
441 continue coverage, subject to specific appropriations in the  
442 General Appropriations Act, to children not eligible for federal  
443 matching funds under Title XXI.

444 Section 7. Effective July 1, 2023, paragraph (b) of  
445 subsection (2) of section 624.91, Florida Statutes, as amended  
446 by this act, is amended to read:

447 624.91 The Florida Healthy Kids Corporation Act.—

448 (2) LEGISLATIVE INTENT.—

449 (b) It is the intent of the Legislature that the Florida  
450 Healthy Kids Corporation serve as one of several providers of

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451 services to children eligible for medical assistance under Title  
452 XXI of the Social Security Act. Although the corporation may  
453 serve other children, the Legislature intends the primary  
454 recipients of services provided through the corporation be  
455 school-age children with a family income equal to or below 300  
456 ~~250~~ percent of the federal poverty level, who do not qualify for  
457 Medicaid. It is also the intent of the Legislature that state  
458 and local government Florida Healthy Kids funds be used to  
459 continue coverage, subject to specific appropriations in the  
460 General Appropriations Act, to children not eligible for federal  
461 matching funds under Title XXI.

462 Section 8. Except as otherwise expressly provided in this  
463 act, this act shall take effect July 1, 2022.