

1 A bill to be entitled
 2 An act relating to Florida Kidcare program income
 3 eligibility; creating s. 409.8141, F.S.; establishing
 4 a tiered system of family premiums for Title-XXI
 5 coverage under the Florida Kidcare program beginning
 6 with a specified fiscal year; prohibiting the total
 7 monthly aggregate family premium from exceeding a
 8 specified amount; authorizing the Agency for Health
 9 Care Administration to seek federal waiver approval or
 10 submit any state plan amendments as necessary;
 11 providing for future expiration; amending ss.
 12 409.8132, 409.814, and 624.91, F.S.; increasing the
 13 income eligibility threshold for coverage under the
 14 program to conform to changes made by the act;
 15 providing applicability; providing for reversion of
 16 certain provisions; requiring the agency to notify the
 17 Division of Law Revision within a specified timeframe
 18 after receiving federal approval through a waiver or
 19 state plan amendment; providing an effective date.

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

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 23 Section 1. Section 409.8141, Florida Statutes, is created
 24 to read:

25 409.8141 Tiered system of family premiums for Title-XXI

26 coverage under the Florida Kidcare program.—

27 (1) Beginning with the 2022-2023 fiscal year and subject
28 to federal approval through a waiver or a state plan amendment,
29 the following tiered system of family premiums for Title-XXI
30 coverage under the Florida Kidcare program shall apply:

31 (a) For a child whose family has an income from 201
32 through 250 percent of the federal poverty level, a family
33 premium of \$50 per month per child.

34 (b) For a child whose family has an income from 251
35 through 300 percent of the federal poverty level, a family
36 premium of \$100 per month per child.

37 (c) For a child whose family has an income from 301
38 through 350 percent of the federal poverty level, a family
39 premium of \$150 per month per child.

40 (d) For a child whose family has an income from 351
41 through 400 percent of the federal poverty level, a family
42 premium of \$200 per month per child.

43 (2) For the coverage specified in subsection (1), the
44 total monthly aggregate family premium for all children in a
45 family may not exceed \$800 per month.

46 (3) The agency may seek federal waiver approval or submit
47 any state plan amendments necessary to implement this section.

48 (4) This section expires July 1, 2025.

49 Section 2. Paragraph (a) of subsection (6) of section
50 409.8132, Florida Statutes, is amended to read:

51 409.8132 Medikids program component.—

52 (6) ELIGIBILITY.—

53 (a) A child who has attained the age of 1 year but who is
 54 under the age of 5 years is eligible to enroll in the Medikids
 55 program component of the Florida Kidcare program, if the child
 56 is a member of a family that has a family income which exceeds
 57 the Medicaid applicable income level as specified in s. 409.903,
 58 but which is equal to or below 400 ~~200~~ percent of the current
 59 federal poverty level. In determining the eligibility of such a
 60 child, an assets test is not required. A child who is eligible
 61 for Medikids may elect to enroll in Florida Healthy Kids
 62 coverage or employer-sponsored group coverage. However, a child
 63 who is eligible for Medikids may participate in the Florida
 64 Healthy Kids program only if the child has a sibling
 65 participating in the Florida Healthy Kids program and the
 66 child's county of residence permits such enrollment.

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

69 409.814 Eligibility.—A child who has not reached 19 years
 70 of age whose family income is equal to or below 400 ~~200~~ percent
 71 of the federal poverty level is eligible for the Florida Kidcare
 72 program as provided in this section. If an enrolled individual
 73 is determined to be ineligible for coverage, he or she must be
 74 immediately disenrolled from the respective Florida Kidcare
 75 program component.

76 (1) A child who is eligible for Medicaid coverage under s.
 77 409.903 or s. 409.904 must be enrolled in Medicaid and is not
 78 eligible to receive health benefits under any other health
 79 benefits coverage authorized under the Florida Kidcare program.

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

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

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

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

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

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

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

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

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

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

125 2. The parent lost a job that provided an employer-

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126 sponsored health benefit plan for children;

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

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

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

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

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

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

140 9. Domestic violence led to loss of coverage.

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

148 (6) A child whose family income is above 400 ~~200~~ percent
149 of the federal poverty level or a child who is excluded under
150 the provisions of subsection (4) may participate in the Florida

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151 Kidcare program as provided in s. 409.8132 or, if the child is
152 ineligible for Medikids by reason of age, in the Florida Healthy
153 Kids program, subject to the following:

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

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

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

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

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

185 (9) In determining the eligibility of a child, an assets
 186 test is not required. Each applicant shall provide documentation
 187 during the application process and the redetermination process,
 188 including, but not limited to, the following:

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

196 (b) A statement from all applicable, employed family
 197 members that:

198 1. Their employers do not sponsor health benefit plans for
 199 employees;

200 2. The potential enrollee is not covered by an employer-

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201 sponsored health benefit plan; or

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

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

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

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

223 (a) An applicant obtaining or attempting to obtain
224 benefits for a potential enrollee under the Florida Kidcare
225 program when the applicant knows or should have known the

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226 potential enrollee does not qualify for the Florida Kidcare
227 program.

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

233 Section 4. Paragraph (b) of subsection (2) of section
234 624.91, Florida Statutes, is amended to read:

235 624.91 The Florida Healthy Kids Corporation Act.—

236 (2) LEGISLATIVE INTENT.—

237 (b) It is the intent of the Legislature that the Florida
238 Healthy Kids Corporation serve as one of several providers of
239 services to children eligible for medical assistance under Title
240 XXI of the Social Security Act. Although the corporation may
241 serve other children, the Legislature intends the primary
242 recipients of services provided through the corporation be
243 school-age children with a family income equal to or below 400
244 ~~200~~ percent of the federal poverty level, who do not qualify for
245 Medicaid. It is also the intent of the Legislature that state
246 and local government Florida Healthy Kids funds be used to
247 continue coverage, subject to specific appropriations in the
248 General Appropriations Act, to children not eligible for federal
249 matching funds under Title XXI.

250 Section 5. (1) The amendments to ss. 409.8132, 409.814,

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251 and 624.91, Florida Statutes, made by this act are subject to
 252 federal approval through a waiver or state plan amendment and
 253 expire July 1, 2025. Upon expiration, the text of ss. 409.8132,
 254 409.814, and 624.91, Florida Statutes, shall revert to that in
 255 existence on June 30, 2022; however:

256 (a) This act shall remain in effect for any child enrolled
 257 in the Title XXI-funded Florida Kidcare program on July 1, 2025,
 258 until such time as the child ceases enrollment in the Title XXI-
 259 funded Florida Kidcare program.

260 (b) Any amendments to the text of ss. 409.8132, 409.814,
 261 and 624.91, Florida Statutes, enacted other than by this act
 262 shall be preserved and continue to operate to the extent that
 263 such amendments are not dependent upon the portions of text
 264 which expire pursuant to this section.

265 (2) The Agency for Health Care Administration shall notify
 266 the Division of Law Revision within 10 days after receiving
 267 federal approval through a waiver or state plan amendment.

268 Section 6. This act shall take effect July 1, 2022.