

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           on a specified date; authorizing the Agency for Health  
 7           Care Administration to seek federal waiver approval or  
 8           submit any state plan amendments as necessary;  
 9           amending ss. 409.8132, 409.814, and 624.91, F.S.;  
 10          increasing the income eligibility threshold for  
 11          coverage under the program to conform to changes made  
 12          by the act; providing that specified amendments are  
 13          subject to federal approval; requiring the agency to  
 14          notify the Division of Law Revision within a specified  
 15          timeframe after receiving federal approval through a  
 16          waiver or state plan amendment; providing an effective  
 17          date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Section 409.8141, Florida Statutes, is created  
 22           to read:

23           409.8141 Tiered system of family premiums for Title-XXI  
 24           coverage under the Florida Kidcare program.—

25           (1) Beginning January 1, 2024, and subject to federal

26 approval through a waiver or a state plan amendment, the  
27 following tiered system of family premiums for Title-XXI  
28 coverage under the Florida Kidcare program shall apply:

29 (a) For a child whose family has an income from 200.01  
30 through 240 percent of the federal poverty level, a uniform  
31 premium calculated by using the average household size in this  
32 state multiplied by 1 percent of the highest potential income  
33 within this range.

34 (b) For a child whose family has an income from 240.01  
35 through 280 percent of the federal poverty level, a uniform  
36 premium calculated by using the average household size in this  
37 state multiplied by 1.5 percent of the highest potential income  
38 within this range.

39 (c) For a child whose family has an income from 280.01  
40 through 320 percent of the federal poverty level, a uniform  
41 premium calculated by using the average household size in this  
42 state multiplied by 2 percent of the highest potential income  
43 within this range.

44 (d) For a child whose family has an income from 320.01  
45 through 360 percent of the federal poverty level, a uniform  
46 premium calculated by using the average household size in this  
47 state multiplied by 2.5 percent of the highest potential income  
48 within this range.

49 (e) For a child whose family has an income from 360.01  
50 through 400 percent of the federal poverty level, a uniform

51 premium calculated by using the average household size in this  
52 state multiplied by 3 percent of the highest potential income  
53 within this range.

54 (2) The agency may seek federal waiver approval or submit  
55 any state plan amendments necessary to implement this section.

56 Section 2. Paragraph (a) of subsection (6) of section  
57 409.8132, Florida Statutes, is amended to read:

58 409.8132 Medikids program component.—

59 (6) ELIGIBILITY.—

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

74 Section 3. Section 409.814, Florida Statutes, is amended  
75 to read:

76           409.814 Eligibility.—A child who has not reached 19 years  
 77 of age whose family income is equal to or below 400 ~~200~~ percent  
 78 of the federal poverty level is eligible for the Florida Kidcare  
 79 program as provided in this section. If an enrolled individual  
 80 is determined to be ineligible for coverage, he or she must be  
 81 immediately disenrolled from the respective Florida Kidcare  
 82 program component.

83           (1) A child who is eligible for Medicaid coverage under s.  
 84 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
 85 eligible to receive health benefits under any other health  
 86 benefits coverage authorized under the Florida Kidcare program.

87           (2) A child who is not eligible for Medicaid, but who is  
 88 eligible for the Florida Kidcare program, may obtain health  
 89 benefits coverage under any of the other components listed in s.  
 90 409.813 if such coverage is approved and available in the county  
 91 in which the child resides.

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

98           (4) A Title XXI-funded child who reaches 19 years of age  
 99 is eligible for continued Title XXI-funded coverage for the  
 100 duration of a pregnancy and the postpartum period consisting of

101 the 12-month period beginning on the last day of a pregnancy, if  
102 such pregnancy or postpartum period begins prior to the child  
103 reaching 19 years of age, and if the child is ineligible for  
104 Medicaid.

105 (5) The following children are not eligible to receive  
106 Title XXI-funded premium assistance for health benefits coverage  
107 under the Florida Kidcare program, except under Medicaid if the  
108 child would have been eligible for Medicaid under s. 409.903 or  
109 s. 409.904 as of June 1, 1997:

110 (a) A child who is covered under a family member's group  
111 health benefit plan or under other private or employer health  
112 insurance coverage, if the cost of the child's participation is  
113 not greater than 5 percent of the family's income. If a child is  
114 otherwise eligible for a subsidy under the Florida Kidcare  
115 program and the cost of the child's participation in the family  
116 member's health insurance benefit plan is greater than 5 percent  
117 of the family's income, the child may enroll in the appropriate  
118 subsidized Kidcare program.

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

124 (c) A child who is an alien but who does not meet the  
125 definition of a lawfully residing child. This paragraph does not

126 extend eligibility for the Florida Kidcare program to an  
127 undocumented immigrant.

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

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

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

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

141 3. The parent who had health benefits coverage for the  
142 child is deceased;

143 4. The child has a medical condition that, without medical  
144 care, would cause serious disability, loss of function, or  
145 death;

146 5. The employer of the parent canceled health benefits  
147 coverage for children;

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

150 7. The child has exhausted coverage under a COBRA

151 continuation provision;

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

154 9. Domestic violence led to loss of coverage.

155 (6) A child who is otherwise eligible for the Florida  
156 Kidcare program and who has a preexisting condition that  
157 prevents coverage under another insurance plan as described in  
158 paragraph (5) (a) which would have disqualified the child for the  
159 Florida Kidcare program if the child were able to enroll in the  
160 plan is eligible for Florida Kidcare coverage when enrollment is  
161 possible.

162 (7) A child whose family income is above 400 ~~200~~ percent  
163 of the federal poverty level or a child who is excluded under  
164 the provisions of subsection (5) may participate in the Florida  
165 Kidcare program as provided in s. 409.8132 or, if the child is  
166 ineligible for Medikids by reason of age, in the Florida Healthy  
167 Kids program, subject to the following:

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

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

174 (8) Once a child is enrolled in the Florida Kidcare  
175 program, the child is eligible for coverage for 12 months

176 without a redetermination or reverification of eligibility, if  
177 the family continues to pay the applicable premium. Eligibility  
178 for program components funded through Title XXI of the Social  
179 Security Act terminates when a child attains the age of 19. A  
180 child who has not attained the age of 5 and who has been  
181 determined eligible for the Medicaid program is eligible for  
182 coverage for 12 months without a redetermination or  
183 reverification of eligibility.

184 (9) When determining or reviewing a child's eligibility  
185 under the Florida Kidcare program, the applicant shall be  
186 provided with reasonable notice of changes in eligibility which  
187 may affect enrollment in one or more of the program components.  
188 If a transition from one program component to another is  
189 authorized, there shall be cooperation between the program  
190 components and the affected family which promotes continuity of  
191 health care coverage. Any authorized transfers must be managed  
192 within the program's overall appropriated or authorized levels  
193 of funding. Each component of the program shall establish a  
194 reserve to ensure that transfers between components will be  
195 accomplished within current year appropriations. These reserves  
196 shall be reviewed by each convening of the Social Services  
197 Estimating Conference to determine the adequacy of such reserves  
198 to meet actual experience.

199 (10) In determining the eligibility of a child, an assets  
200 test is not required. Each applicant shall provide documentation



201 during the application process and the redetermination process,  
 202 including, but not limited to, the following:

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

210 (b) A statement from all applicable, employed family  
 211 members that:

212 1. Their employers do not sponsor health benefit plans for  
 213 employees;

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

216 3. The potential enrollee is covered by an employer-  
 217 sponsored health benefit plan and the cost of the employer-  
 218 sponsored health benefit plan is more than 5 percent of the  
 219 family's income.

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

222 (11) Subject to paragraph (5) (a), the Florida Kidcare  
 223 program shall withhold benefits from an enrollee if the program  
 224 obtains evidence that the enrollee is no longer eligible,  
 225 submitted incorrect or fraudulent information in order to

226 | establish eligibility, or failed to provide verification of  
 227 | eligibility. The applicant or enrollee shall be notified that  
 228 | because of such evidence program benefits will be withheld  
 229 | unless the applicant or enrollee contacts a designated  
 230 | representative of the program by a specified date, which must be  
 231 | within 10 working days after the date of notice, to discuss and  
 232 | resolve the matter. The program shall make every effort to  
 233 | resolve the matter within a timeframe that will not cause  
 234 | benefits to be withheld from an eligible enrollee.

235 |         (12) The following individuals may be subject to  
 236 | prosecution in accordance with s. 414.39:

237 |             (a) An applicant obtaining or attempting to obtain  
 238 | benefits for a potential enrollee under the Florida Kidcare  
 239 | program when the applicant knows or should have known the  
 240 | potential enrollee does not qualify for the Florida Kidcare  
 241 | program.

242 |             (b) An individual who assists an applicant in obtaining or  
 243 | attempting to obtain benefits for a potential enrollee under the  
 244 | Florida Kidcare program when the individual knows or should have  
 245 | known the potential enrollee does not qualify for the Florida  
 246 | Kidcare program.

247 |         Section 4. Paragraph (b) of subsection (2) of section  
 248 | 624.91, Florida Statutes, is amended to read:

249 |             624.91 The Florida Healthy Kids Corporation Act.—

250 |             (2) LEGISLATIVE INTENT.—

251 (b) It is the intent of the Legislature that the Florida  
 252 Healthy Kids Corporation serve as one of several providers of  
 253 services to children eligible for medical assistance under Title  
 254 XXI of the Social Security Act. Although the corporation may  
 255 serve other children, the Legislature intends the primary  
 256 recipients of services provided through the corporation be  
 257 school-age children with a family income equal to or below 400  
 258 ~~200~~ percent of the federal poverty level, who do not qualify for  
 259 Medicaid. It is also the intent of the Legislature that state  
 260 and local government Florida Healthy Kids funds be used to  
 261 continue coverage, subject to specific appropriations in the  
 262 General Appropriations Act, to children not eligible for federal  
 263 matching funds under Title XXI.

264 Section 5. (1) The amendments to ss. 409.8132, 409.814,  
 265 and 624.91, Florida Statutes, made by this act are subject to  
 266 federal approval through a waiver or state plan amendment.

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

270 Section 6. This act shall take effect January 1, 2024.