

By the Appropriations Committee on Health and Human Services;
and Senators Calatayud, Perry, Osgood, and Rodriguez

603-03744-23

2023246c1

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

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (a) of subsection (6) of section
20 409.8132, Florida Statutes, is amended to read:

21 409.8132 Medikids program component.—

22 (6) ELIGIBILITY.—

23 (a) A child who has attained the age of 1 year but who is
24 under the age of 5 years is eligible to enroll in the Medikids
25 program component of the Florida Kidcare program, if the child
26 is a member of a family that has a family income which exceeds
27 the Medicaid applicable income level as specified in s. 409.903,
28 but which is equal to or below 300 ~~200~~ percent of the current
29 federal poverty level. In determining the eligibility of such a

603-03744-23

2023246c1

30 child, an assets test is not required. A child who is eligible
31 for Medikids may elect to enroll in Florida Healthy Kids
32 coverage or employer-sponsored group coverage. However, a child
33 who is eligible for Medikids may participate in the Florida
34 Healthy Kids program only if the child has a sibling
35 participating in the Florida Healthy Kids program and the
36 child's county of residence permits such enrollment.

37 Section 2. Section 409.814, Florida Statutes, is amended to
38 read:

39 409.814 Eligibility.—A child who has not reached 19 years
40 of age whose family income is equal to or below 300 ~~200~~ percent
41 of the federal poverty level is eligible for the Florida Kidcare
42 program as provided in this section. If an enrolled individual
43 is determined to be ineligible for coverage, he or she must be
44 immediately disenrolled from the respective Florida Kidcare
45 program component.

46 (1) A child who is eligible for Medicaid coverage under s.
47 409.903 or s. 409.904 must be enrolled in Medicaid and is not
48 eligible to receive health benefits under any other health
49 benefits coverage authorized under the Florida Kidcare program.

50 (2) A child who is not eligible for Medicaid, but who is
51 eligible for the Florida Kidcare program, may obtain health
52 benefits coverage under any of the other components listed in s.
53 409.813 if such coverage is approved and available in the county
54 in which the child resides.

55 (3) A Title XXI-funded child who is eligible for the
56 Florida Kidcare program who is a child with special health care
57 needs, as determined through a medical or behavioral screening
58 instrument, is eligible for health benefits coverage from and

603-03744-23

2023246c1

59 shall be assigned to and may opt out of the Children's Medical
60 Services Network.

61 (4) A Title XXI-funded child who reaches 19 years of age is
62 eligible for continued Title XXI-funded coverage for the
63 duration of a pregnancy and the postpartum period consisting of
64 the 12-month period beginning on the last day of a pregnancy, if
65 such pregnancy or postpartum period begins prior to the child
66 reaching 19 years of age, and if the child is ineligible for
67 Medicaid.

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

73 (a) A child who is covered under a family member's group
74 health benefit plan or under other private or employer health
75 insurance coverage, if the cost of the child's participation is
76 not greater than 5 percent of the family's income. If a child is
77 otherwise eligible for a subsidy under the Florida Kidcare
78 program and the cost of the child's participation in the family
79 member's health insurance benefit plan is greater than 5 percent
80 of the family's income, the child may enroll in the appropriate
81 subsidized Kidcare program.

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

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

603-03744-23

2023246c1

88 definition of a lawfully residing child. This paragraph does not
89 extend eligibility for the Florida Kidcare program to an
90 undocumented immigrant.

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

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

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

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

104 3. The parent who had health benefits coverage for the
105 child is deceased;

106 4. The child has a medical condition that, without medical
107 care, would cause serious disability, loss of function, or
108 death;

109 5. The employer of the parent canceled health benefits
110 coverage for children;

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

113 7. The child has exhausted coverage under a COBRA
114 continuation provision;

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

603-03744-23

2023246c1

117 9. Domestic violence led to loss of coverage.

118 (6) A child who is otherwise eligible for the Florida
119 Kidcare program and who has a preexisting condition that
120 prevents coverage under another insurance plan as described in
121 paragraph (5) (a) which would have disqualified the child for the
122 Florida Kidcare program if the child were able to enroll in the
123 plan is eligible for Florida Kidcare coverage when enrollment is
124 possible.

125 (7) A child whose family income is above 300 ~~200~~ percent of
126 the federal poverty level or a child who is excluded under the
127 provisions of subsection (5) may participate in the Florida
128 Kidcare program as provided in s. 409.8132 or, if the child is
129 ineligible for Medikids by reason of age, in the Florida Healthy
130 Kids program, subject to the following:

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

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

137 (8) Once a child is enrolled in the Florida Kidcare
138 program, the child is eligible for coverage for 12 months
139 without a redetermination or reverification of eligibility, if
140 the family continues to pay the applicable premium. Eligibility
141 for program components funded through Title XXI of the Social
142 Security Act terminates when a child attains the age of 19. A
143 child who has not attained the age of 5 and who has been
144 determined eligible for the Medicaid program is eligible for
145 coverage for 12 months without a redetermination or

603-03744-23

2023246c1

146 reverification of eligibility.

147 (9) When determining or reviewing a child's eligibility
148 under the Florida Kidcare program, the applicant shall be
149 provided with reasonable notice of changes in eligibility which
150 may affect enrollment in one or more of the program components.
151 If a transition from one program component to another is
152 authorized, there shall be cooperation between the program
153 components and the affected family which promotes continuity of
154 health care coverage. Any authorized transfers must be managed
155 within the program's overall appropriated or authorized levels
156 of funding. Each component of the program shall establish a
157 reserve to ensure that transfers between components will be
158 accomplished within current year appropriations. These reserves
159 shall be reviewed by each convening of the Social Services
160 Estimating Conference to determine the adequacy of such reserves
161 to meet actual experience.

162 (10) In determining the eligibility of a child, an assets
163 test is not required. If eligibility for the Florida Kidcare
164 program cannot be verified using reliable data sources in
165 accordance with federal requirements, each applicant must ~~shall~~
166 provide documentation during the application process and the
167 redetermination process, including, but not limited to, the
168 following:

169 (a) Proof of family income, which must be verified
170 electronically to determine financial eligibility for the
171 Florida Kidcare program. Written documentation, which may
172 include wages and earnings statements or pay stubs, W-2 forms,
173 or a copy of the applicant's most recent federal income tax
174 return, is required only if the electronic verification is not

603-03744-23

2023246c1

175 available or does not substantiate the applicant's income.

176 (b) A statement from all applicable, employed family
177 members that:

178 1. Their employers do not sponsor health benefit plans for
179 employees;

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

182 3. The potential enrollee is covered by an employer-
183 sponsored health benefit plan and the cost of the employer-
184 sponsored health benefit plan is more than 5 percent of the
185 family's income.

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

188 (11) Subject to paragraph (5)(a), the Florida Kidcare
189 program shall withhold benefits from an enrollee if the program
190 obtains evidence that the enrollee is no longer eligible,
191 submitted incorrect or fraudulent information in order to
192 establish eligibility, or failed to provide verification of
193 eligibility. The applicant or enrollee must ~~shall~~ be notified
194 that because of such evidence program benefits will be withheld
195 unless the applicant or enrollee contacts a designated
196 representative of the program by a specified date, which must be
197 within 10 working days after the date of notice, to discuss and
198 resolve the matter. The program shall make every effort to
199 resolve the matter within a timeframe that will not cause
200 benefits to be withheld from an eligible enrollee.

201 (12) The following individuals may be subject to
202 prosecution in accordance with s. 414.39:

203 (a) An applicant obtaining or attempting to obtain benefits

603-03744-23

2023246c1

204 for a potential enrollee under the Florida Kidcare program when
205 the applicant knows or should have known the potential enrollee
206 does not qualify for the Florida Kidcare program.

207 (b) An individual who assists an applicant in obtaining or
208 attempting to obtain benefits for a potential enrollee under the
209 Florida Kidcare program when the individual knows or should have
210 known the potential enrollee does not qualify for the Florida
211 Kidcare program.

212 Section 3. Subsection (3) of section 409.816, Florida
213 Statutes, is amended to read:

214 409.816 Limitations on premiums and cost sharing.—The
215 following limitations on premiums and cost sharing are
216 established for the program.

217 (3) Enrollees in families with a family income above 150
218 percent of the federal poverty level who are not receiving
219 coverage under the Medicaid program or who are not eligible
220 under s. 409.814(7) may be required to pay enrollment fees,
221 premiums, copayments, deductibles, coinsurance, or similar
222 charges on a sliding scale related to income, except that the
223 total annual aggregate cost sharing with respect to all children
224 in a family may not exceed 5 percent of the family's income.
225 However, copayments, deductibles, coinsurance, or similar
226 charges may not be imposed for preventive services, including
227 well-baby and well-child care, age-appropriate immunizations,
228 and routine hearing and vision screenings. Premiums for
229 enrollees who are paying enrollment fees, premiums, copayments,
230 deductibles, coinsurance, or similar charges as provided in this
231 subsection must be based on at least three but no more than six
232 tiers of uniform premiums that increase with each tier as a

603-03744-23

2023246c1

233 percentage of the applicable threshold amount of the federal
234 poverty level, by tier.

235 Section 4. Paragraph (b) of subsection (2) of section
236 624.91, Florida Statutes, is amended to read:

237 624.91 The Florida Healthy Kids Corporation Act.—

238 (2) LEGISLATIVE INTENT.—

239 (b) It is the intent of the Legislature that the Florida
240 Healthy Kids Corporation serve as one of several providers of
241 services to children eligible for medical assistance under Title
242 XXI of the Social Security Act. Although the corporation may
243 serve other children, the Legislature intends the primary
244 recipients of services provided through the corporation be
245 school-age children with a family income equal to or below 300
246 ~~200~~ percent of the federal poverty level, who do not qualify for
247 Medicaid. It is also the intent of the Legislature that state
248 and local government Florida Healthy Kids funds be used to
249 continue coverage, subject to specific appropriations in the
250 General Appropriations Act, to children not eligible for federal
251 matching funds under Title XXI.

252 Section 5. Except as otherwise expressly provided in this
253 act, this act shall take effect upon becoming a law.