

By Representatives Bloom, Brown, Kosmas, C. Green,  
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1                                   A bill to be entitled  
2           An act relating to health care assistance;  
3           amending s. 216.136, F.S.; requiring the Social  
4           Services Estimating Conference to develop  
5           certain information relating to the Florida  
6           Kidcare program; amending s. 409.8132, F.S.;  
7           revising eligibility requirements for the  
8           Medikids program component of the Florida  
9           Kidcare program; revising enrollment  
10          procedures; amending s. 409.8134, F.S.;  
11          requiring agencies that administer Florida  
12          Kidcare components to collect certain  
13          information and report to the Social Services  
14          Estimating Conference; amending s. 409.814,  
15          F.S.; providing for Medicaid-presumptive  
16          eligibility; providing for expedited  
17          enrollment; revising eligibility for certain  
18          children for services under the Children's  
19          Medical Services network; allowing premium  
20          assistance for certain children ineligible for  
21          federal funding; extending the period of  
22          continuous eligibility for the Florida Kidcare  
23          program; amending s. 409.815, F.S.; providing  
24          for dental benefits under the Florida Kidcare  
25          program; amending s. 409.8177, F.S.; requiring  
26          the Agency for Health Care Administration to  
27          submit additional monthly reports to the  
28          Governor and Legislature; amending s. 409.818,  
29          F.S.; extending the period of continuous  
30          eligibility for the Florida Kidcare program;  
31          requiring simplified eligibility

1 redetermination; amending s. 409.903, F.S.;  
2 providing for presumptive eligibility for  
3 children eligible for Medicaid; amending s.  
4 409.904, F.S.; revising the eligibility  
5 requirements for optional payments for medical  
6 assistance and related services for certain  
7 children; authorizing optional payments for  
8 certain pregnant women; providing for  
9 presumptive eligibility; requiring the Division  
10 of State Group Insurance of the Department of  
11 Management Services to develop a program to  
12 subsidize health insurance coverage for  
13 children of certain state employees; providing  
14 an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (6) of section 216.136, Florida  
19 Statutes, is amended to read:

20 216.136 Consensus estimating conferences; duties and  
21 principals.--

22 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

23 (a) Duties.--

24 1. The Social Services Estimating Conference shall  
25 develop such official information relating to the social  
26 services system of the state, including forecasts of social  
27 services caseloads, as the conference determines is needed for  
28 the state planning and budgeting system. Such official  
29 information shall include, but not be limited to, subsidized  
30 child care caseloads mandated by the Family Support Act of  
31 1988.

1           2. In addition, the Social Services Estimating  
2 Conference shall develop estimates and forecasts of the  
3 unduplicated count of children eligible for subsidized child  
4 care as defined in s. 402.3015(1). These estimates and  
5 forecasts shall not include children enrolled in the  
6 prekindergarten early intervention program established in s.  
7 230.2305.

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

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

24           (b) Principals.--The Executive Office of the Governor,  
25 the coordinator of the Office of Economic and Demographic  
26 Research, and professional staff, who have forecasting  
27 expertise, from the Department of Children and Family  
28 Services, the Senate, and the House of Representatives, or  
29 their designees, are the principals of the Social Services  
30 Estimating Conference. The principal representing the  
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1 Executive Office of the Governor shall preside over sessions  
2 of the conference.

3 Section 2. Subsections (6), (7), and (8) of section  
4 409.8132, Florida Statutes, are amended to read:

5 409.8132 Medikids program component.--

6 (6) ELIGIBILITY.--

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

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

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

1 ~~agency shall determine the frequency and duration of open~~  
2 ~~enrollment periods.~~An applicant may apply for enrollment in  
3 the Medikids program component and proceed through the  
4 eligibility determination process at any time throughout the  
5 year. However, enrollment in Medikids shall not begin until  
6 the next open enrollment period; and a child may not receive  
7 services under the Medikids program until the child is  
8 enrolled in a managed care plan or MediPass. In addition, once  
9 determined eligible, an applicant may receive choice  
10 counseling and select a managed care plan or MediPass. An  
11 applicant may select MediPass under the Medikids program  
12 component only in counties that have fewer than two managed  
13 care plans available to serve Medicaid recipients and only if  
14 the federal Health Care Financing Administration determines  
15 that MediPass constitutes "health insurance coverage" as  
16 defined in Title XXI of the Social Security Act.

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

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

27 409.8134 Program enrollment and expenditure  
28 ceilings.--

29 (3) The agencies that administer the Florida Kidcare  
30 program components ~~agency~~ shall collect and analyze the data  
31 needed to project Florida Kidcare program enrollment,

1 including participation rates, caseloads, and expenditures.  
2 The ~~agencies~~ ~~agency~~ shall report the caseload and expenditure  
3 trends to the Social Services Estimating Conference in  
4 accordance with chapter 216.

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

7 409.814 Eligibility.--A child whose family income is  
8 equal to or below 200 percent of the federal poverty level is  
9 eligible for the Florida Kidcare program as provided in this  
10 section. In determining the eligibility of such a child, an  
11 assets test is not required. An applicant under 19 years of  
12 age who, based on a complete application, appears to be  
13 eligible for the Medicaid component of the Florida Kidcare  
14 program is presumed eligible for coverage under Medicaid,  
15 subject to federal rules. An applicant under 19 years of age  
16 who, based on a complete application, appears to be eligible  
17 for the Medikids, Florida Healthy Kids, or Children's Medical  
18 Services network program component, and who is not otherwise  
19 eligible for Medicaid, shall be enrolled in, and begin  
20 receiving coverage from, the appropriate program on the first  
21 of the month following the receipt of a completed application  
22 and prior to verification of the applicant's eligibility for,  
23 or enrollment in, Medicaid and prior to determination of the  
24 applicant's eligibility for coverage under the state employee  
25 health benefit plan. For enrollment eligibility in the  
26 Children's Medical Services Network, a complete application  
27 includes the medical or behavioral health screening. If, after  
28 verification, an individual is determined to be ineligible for  
29 coverage, he or she must be disenrolled.

30 (1) A child who is eligible for Medicaid coverage  
31 under s. 409.903 or s. 409.904 must be enrolled in Medicaid

1 and is not eligible to receive health benefits under any other  
2 health benefits coverage authorized under ss. 409.810-409.820.

3 (2) A child who is not eligible for Medicaid, but who  
4 is eligible for the Florida Kidcare program, may obtain  
5 coverage under any of the other types of health benefits  
6 coverage authorized in ss. 409.810-409.820 if such coverage is  
7 approved and available in the county in which the child  
8 resides. However, a child who is eligible for Medikids may  
9 participate in the Florida Healthy Kids program only if the  
10 child has a sibling participating in the Florida Healthy Kids  
11 program and the child's county of residence permits such  
12 enrollment.

13 (3) A child who is eligible for the Florida Kidcare  
14 program who is a child with special health care needs, as  
15 determined through a medical or behavioral screening  
16 ~~risk-screening~~ instrument, is eligible for health benefits  
17 coverage from and must ~~may~~ be referred to the Children's  
18 Medical Services network. When calculating income for purposes  
19 of determining the financial eligibility of a child with  
20 special health care needs, except for a child who is eligible  
21 for Medicaid, the department and the Florida Healthy Kids  
22 Corporation shall implement an income disregard for medical or  
23 behavioral costs of the child.

24 (4) The following children are not eligible to receive  
25 premium assistance for health benefits coverage under ss.  
26 409.810-409.820, except under Medicaid if the child would have  
27 been eligible for Medicaid under s. 409.903 or s. 409.904 as  
28 of June 1, 1997:

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

1 (b) A child who is covered under a group health  
2 benefit plan or under other health insurance coverage,  
3 excluding coverage provided under the Florida Healthy Kids  
4 Corporation as established under s. 624.91.~~†~~

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

11 (d) A child who is an alien, but who does not meet the  
12 definition of qualified alien, in the United States. However,  
13 such child may be enrolled, based on age and family income, in  
14 the appropriate Florida Kidcare program, and premium  
15 assistance must be provided only by state funds, subject to an  
16 annual appropriation for this specific purpose.~~† or~~

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

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

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

27 (b) The agency is authorized to place limits on  
28 enrollment in Medikids by these children in order to avoid  
29 adverse selection. The number of children participating in  
30 Medikids whose family income exceeds 200 percent of the  
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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 12 ~~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 Section 5. Subsection (3) is added to section 409.815,  
26 Florida Statutes, to read:

27 409.815 Health benefits coverage; limitations.--

28 (3) FLORIDA KIDCARE DENTAL PROGRAM BENEFITS.--Subject  
29 to an annual appropriation, a dental program is created for  
30 children enrolled in the Florida Kidcare program. Under the  
31 Florida Kidcare Dental program:

1           (a) Dental benefits must include the services  
2 specified in s. 409.906(6).

3           (b) The agency shall contract with licensed dental  
4 insurance plans through a competitive or negotiated process to  
5 provide coverage.

6           (c) The dental program must be offered at no  
7 additional cost to Florida Kidcare program participants whose  
8 family income is equal to or below 200 percent of the federal  
9 poverty level.

10           (d) The agency shall seek appropriate federal approval  
11 or federal waivers to enroll Medicaid-eligible children in the  
12 dental program.

13           Section 6. Section 409.8177, Florida Statutes, is  
14 amended to read:

15           409.8177 Program evaluation.--The agency, in  
16 consultation with the Department of Health, the Department of  
17 Children and Family Services, and the Florida Healthy Kids  
18 Corporation, shall:

19           (1) Monthly submit to the Governor and the Legislature  
20 a report of enrollment for each program component of the  
21 Florida Kidcare program.

22           (2) By January 1 of each year, submit to the Governor  
23 and the Legislature a report of the Florida Kidcare program.  
24 In addition to the items specified under s. 2108 of Title XXI  
25 of the Social Security Act, the report shall include an  
26 assessment of crowd-out and access to health care, as well as  
27 the following:

28           (a)~~(1)~~ An assessment of the operation of the program,  
29 including the progress made in reducing the number of  
30 uncovered low-income children.

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- 1           **(b)**~~(2)~~ An assessment of the effectiveness in  
2 increasing the number of children with creditable health  
3 coverage.
- 4           **(c)**~~(3)~~ The characteristics of the children and  
5 families assisted under the program, including ages of the  
6 children, family income, and access to or coverage by other  
7 health insurance prior to the program and after disenrollment  
8 from the program.
- 9           **(d)**~~(4)~~ The quality of health coverage provided,  
10 including the types of benefits provided.
- 11           **(e)**~~(5)~~ The amount and level, including payment of part  
12 or all of any premium, of assistance provided.
- 13           **(f)**~~(6)~~ The average length of coverage of a child under  
14 the program.
- 15           **(g)**~~(7)~~ The program's choice of health benefits  
16 coverage and other methods used for providing child health  
17 assistance.
- 18           **(h)**~~(8)~~ The sources of nonfederal funding used in the  
19 program.
- 20           **(i)**~~(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           **(j)**~~(10)~~ A review and assessment of state activities to  
26 coordinate the program with other public and private programs.
- 27           **(k)**~~(11)~~ An analysis of changes and trends in the state  
28 that affect the provision of health insurance and health care  
29 to children.
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1        (1)~~(12)~~ A description of any plans the state has for  
2 improving the availability of health insurance and health care  
3 for children.

4        (m)~~(13)~~ Recommendations for improving the program.

5        (n)~~(14)~~ Other studies as necessary.

6        Section 7. Subsection (1) of section 409.818, Florida  
7 Statutes, is amended to read:

8            409.818 Administration.--In order to implement ss.  
9 409.810-409.820, the following agencies shall have the  
10 following duties:

11            (1) The Department of Children and Family Services  
12 shall:

13            (a) Develop a simplified eligibility application  
14 mail-in form to be used for determining the eligibility of  
15 children for coverage under the Florida Kidcare program, in  
16 consultation with the agency, the Department of Health, and  
17 the Florida Healthy Kids Corporation. The simplified  
18 eligibility application form must include an item that  
19 provides an opportunity for the applicant to indicate whether  
20 coverage is being sought for a child with special health care  
21 needs. Families applying for children's Medicaid coverage must  
22 also be able to use the simplified application form without  
23 having to pay a premium.

24            (b) Establish and maintain the eligibility  
25 determination process under the program except as specified in  
26 subsection (5). The department shall directly, or through the  
27 services of a contracted third-party administrator, establish  
28 and maintain a process for determining eligibility of children  
29 for coverage under the program. The eligibility determination  
30 process must be used solely for determining eligibility of  
31 applicants for health benefits coverage under the program. The

1 eligibility determination process must include an initial  
2 determination of eligibility for any coverage offered under  
3 the program, as well as a redetermination or reverification of  
4 eligibility each subsequent 12 ~~6~~ months. ~~Effective January 1,~~  
5 ~~1999, a child who has not attained the age of 5 and who has~~  
6 ~~been determined eligible for the Medicaid program is eligible~~  
7 ~~for coverage for 12 months without a redetermination or~~  
8 ~~reverification of eligibility.~~In conducting an eligibility  
9 determination, the department shall determine if the child has  
10 special health care needs. The department, in consultation  
11 with the Agency for Health Care Administration and the Florida  
12 Healthy Kids Corporation, shall develop procedures for  
13 redetermining eligibility which enable a family to easily  
14 update any change in circumstances which could affect  
15 eligibility without requiring the family to submit a new  
16 application. Redetermination of a child's eligibility for  
17 Medicaid may not be linked to a child's eligibility  
18 determination for other programs.

19 (c) Inform program applicants about eligibility  
20 determinations and provide information about eligibility of  
21 applicants to Medicaid, Medikids, the Children's Medical  
22 Services network, and the Florida Healthy Kids Corporation,  
23 and to insurers and their agents, through a centralized  
24 coordinating office.

25 (d) Adopt rules necessary for conducting program  
26 eligibility functions.

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

29 409.903 Mandatory payments for eligible persons.--The  
30 agency shall make payments for medical assistance and related  
31 services on behalf of the following persons who the agency

1 determines to be eligible, subject to the income, assets, and  
2 categorical eligibility tests set forth in federal and state  
3 law. Payment on behalf of these Medicaid eligible persons is  
4 subject to the availability of moneys and any limitations  
5 established by the General Appropriations Act or chapter 216.  
6 (6) A child born after September 30, 1983, living in a  
7 family that has an income which is at or below 100 percent of  
8 the current federal poverty level, who has attained the age of  
9 6, but has not attained the age of 19. In determining the  
10 eligibility of such a child, an assets test is not required. A  
11 child who is eligible for Medicaid under this subsection must  
12 be offered the opportunity, subject to federal rules, to be  
13 made presumptively eligible.  
14 (7) A child living in a family that has an income  
15 which is at or below 133 percent of the current federal  
16 poverty level, who has attained the age of 1, but has not  
17 attained the age of 6. In determining the eligibility of such  
18 a child, an assets test is not required. A child who is  
19 eligible for Medicaid under this subsection must be offered  
20 the opportunity, subject to federal rules, to be made  
21 presumptively eligible.  
22 Section 9. Subsections (6) and (7) of section 409.904,  
23 Florida Statutes, are amended, and subsections (8) and (9) are  
24 added to that section, to read:  
25 409.904 Optional payments for eligible persons.--The  
26 agency may make payments for medical assistance and related  
27 services on behalf of the following persons who are determined  
28 to be eligible subject to the income, assets, and categorical  
29 eligibility tests set forth in federal and state law. Payment  
30 on behalf of these Medicaid eligible persons is subject to the  
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1 availability of moneys and any limitations established by the  
2 General Appropriations Act or chapter 216.

3 (6) A child born before October 1, 1983, living in a  
4 family that has an income which is at or below 100 percent of  
5 the current federal poverty level, who has attained the age of  
6 6, but has not attained the age of 19, and who would be  
7 eligible in s. 409.903(6), if the child had been born on or  
8 after such date. In determining the eligibility of such a  
9 child, an assets test is not required. A child who is eligible  
10 for Medicaid under this subsection must be offered the  
11 opportunity, subject to federal rules, to be made  
12 presumptively eligible.

13 (7) A child who has not attained the age of 19 who has  
14 been determined eligible for the Medicaid program is deemed to  
15 be eligible for a total of 12 6 months, regardless of changes  
16 in circumstances other than attainment of the maximum age.  
17 ~~Effective January 1, 1999, a child who has not attained the~~  
18 ~~age of 5 and who has been determined eligible for the Medicaid~~  
19 ~~program is deemed to be eligible for a total of 12 months~~  
20 ~~regardless of changes in circumstances other than attainment~~  
21 ~~of the maximum age.~~

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

30 (9) A pregnant woman for the duration of her pregnancy  
31 and for the postpartum period, as defined in federal law and

1 rule, who lives in a family that has an income above 185  
2 percent of the current federal poverty level, but which is at  
3 or below 200 percent of the most current federal poverty  
4 level. A pregnant woman who applies for eligibility for the  
5 Medicaid program through a qualified Medicaid provider must be  
6 offered the opportunity, subject to federal rules, to be made  
7 presumptively eligible for the Medicaid program.

8           Section 10. The Division of State Group Insurance of  
9 the Department of Management Services shall develop a program  
10 to subsidize health insurance coverage for children of state  
11 employees if funds are made available for this purpose in the  
12 General Appropriations Act. Premium subsidies must be  
13 available only to state employees who have children under 19  
14 years of age and whose family income is equal to or below 200  
15 percent of the federal poverty level. The amount of the  
16 subsidy is to be determined by subtracting from the cost of  
17 the employee family premium the cost for the individual state  
18 employee and the amount of the premium paid by Title  
19 XXI-subsidized families in the Florida Kidcare program.  
20 Eligibility for subsidized health insurance coverage for  
21 children of state employees must be determined, to the extent  
22 possible, using procedures and forms of the Florida Kidcare  
23 program.

24           Section 11. This act shall take effect upon becoming a  
25 law.



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SENATE SUMMARY

Requires that the Social Services Estimating Conference develop information about the Florida Kidcare program. Revises eligibility requirements for the Medikids program to include children between 1 and 5 years of age. Revises eligibility for certain children under the Children's Medical Services network. Provides for premium assistance, subject to an annual appropriation. Extends the period of continuous eligibility for the Florida Kidcare program from 6 months to 12 months. Provides for dental coverage under the Florida Kidcare program. Requires that certain children and pregnant women who are eligible for Medicaid be offered the opportunity for presumptive eligibility, subject to federal rules. Revises eligibility requirements for optional payments for medical assistance for certain children. Provides for optional payments for certain pregnant women. Requires the Division of State Group Insurance of the Department of Management Services to develop a program to subsidize health insurance coverage for children of state employees whose income is equal to or below 200 percent of the federal poverty level. (See bill for details.)