

CHAMBER ACTION

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1 The Health Care Appropriations Committee recommends the  
2 following:

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4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Florida KidCare program; amending  
8 s. 409.814, F.S.; specifying that 12 months of continuous  
9 eligibility includes changes between program components;  
10 amending s. 409.821, F.S., relating to a public records  
11 exemption; specifying that such provision does not  
12 prohibit an enrollee's parent or legal guardian from  
13 obtaining confirmation of coverage and dates of coverage;  
14 creating s. 409.8215, F.S.; authorizing participating  
15 health and dental plans to develop marketing and other  
16 promotional materials and to participate in activities to  
17 promote the Florida KidCare program; providing an  
18 effective date.

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

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22 Section 1. Subsection (6) of section 409.814, Florida  
23 Statutes, is amended to read:

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24 409.814 Eligibility.--A child who has not reached 19 years  
25 of age whose family income is equal to or below 200 percent of  
26 the federal poverty level is eligible for the Florida KidCare  
27 program as provided in this section. For enrollment in the  
28 Children's Medical Services Network, a complete application  
29 includes the medical or behavioral health screening. If,  
30 subsequently, an individual is determined to be ineligible for  
31 coverage, he or she must immediately be disenrolled from the  
32 respective Florida KidCare program component.

33 (6) Once a child is enrolled in the Florida KidCare  
34 program, the child is eligible for coverage under the program  
35 for 12 months without a redetermination or reverification of  
36 eligibility even when switching from one component of the  
37 program to another, if the family continues to pay the  
38 applicable premium. Eligibility for program components funded  
39 through Title XXI of the Social Security Act shall terminate  
40 when a child attains the age of 19. Effective January 1, 1999, a  
41 child who has not attained the age of 5 and who has been  
42 determined eligible for the Medicaid program is eligible for  
43 coverage for 12 months without a redetermination or  
44 reverification of eligibility.

45 Section 2. Section 409.821, Florida Statutes, is amended  
46 to read:

47 409.821 Florida KidCare program public records  
48 exemption.--Notwithstanding any other law to the contrary, any  
49 information identifying a Florida KidCare program applicant or  
50 enrollee, as defined in s. 409.811, held by the Agency for  
51 Health Care Administration, the Department of Children and

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52 Family Services, the Department of Health, or the Florida  
53 Healthy Kids Corporation is confidential and exempt from s.  
54 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
55 information may be disclosed to another governmental entity only  
56 if disclosure is necessary for the entity to perform its duties  
57 and responsibilities under the Florida KidCare program and shall  
58 be disclosed to the Department of Revenue for purposes of  
59 administering the state Title IV-D program. The receiving  
60 governmental entity must maintain the confidential and exempt  
61 status of such information. Furthermore, such information may  
62 not be released to any person without the written consent of the  
63 program applicant. This exemption applies to any information  
64 identifying a Florida KidCare program applicant or enrollee held  
65 by the Agency for Health Care Administration, the Department of  
66 Children and Family Services, the Department of Health, or the  
67 Florida Healthy Kids Corporation before, on, or after the  
68 effective date of this exemption. A violation of this section is  
69 a misdemeanor of the second degree, punishable as provided in s.  
70 775.082 or s. 775.083. This section does not prohibit an  
71 enrollee's parent or legal guardian from obtaining confirmation  
72 of coverage and dates of coverage.

73 Section 3. Section 409.8215, Florida Statutes, is created  
74 to read:

75 409.8215 Marketing by service providers.--

76 (1) Participating health and dental plans may develop  
77 marketing and other promotional materials and participate in  
78 activities, such as health fairs and public events, as approved  
79 by the Agency for Health Care Administration.

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80           (2) The health and dental plans may also contact their  
81 enrollees and former enrollees to encourage continued  
82 participation in the Florida KidCare program.

83           (3) The agency may adopt rules pursuant to ss. 120.536(1)  
84 and 120.54 to implement the provisions of this section.

85           Section 4. This act shall take effect July 1, 2006.