

Bill No. SB 2050

Barcode 422358

CHAMBER ACTION

Senate

House

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The Committee on Banking and Insurance (Garcia) recommended the following amendment:

Senate Amendment (with title amendment)

On page 5, line 30, through page 6, line 25, delete those lines

and insert:

Section 2. Subsection (28) is added to section 409.811, Florida Statutes, to read:

409.811 Definitions relating to Florida KidCare Act.--As used in ss. 409.810-409.820, the term:

(28) "Maximum income threshold" means a percentage of the current federal poverty level used to determine eligibility for certain program components, as approved by federal waiver or state plan amendment. The agency shall seek federal approval of the highest maximum income threshold allowed by the Federal Government up to 300 percent of the current federal poverty level. Until such federal approval is granted, the threshold shall be 200 percent of the current federal poverty level or the highest threshold allowed under

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1 current federal waiver authority.

2 Section 3. Paragraph (a) of subsection (6) of section
3 409.8132, Florida Statutes, is amended to read:

4 409.8132 Medikids program component.--

5 (6) ELIGIBILITY.--

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

21 Section 4. Subsection (2) of section 409.8134, Florida
22 Statutes, is amended to read:

23 409.8134 Program enrollment and expenditure
24 ceilings.--

25 (2) The Florida KidCare program may conduct enrollment
26 at any time throughout the year for the purpose of enrolling
27 children eligible for all program components listed in s.
28 409.813 except Medicaid. The four Florida KidCare
29 administrators shall work together to ensure that the
30 year-round enrollment period is announced statewide. Eligible
31 children shall be enrolled on a first-come, first-served basis

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1 using the date the enrollment application is received.
2 Enrollment shall immediately cease when the enrollment ceiling
3 is reached. Year-round enrollment shall only be held if the
4 Social Services Estimating Conference determines that
5 sufficient federal and state funds will be available to
6 finance the increased enrollment for as long as federal
7 funding is available ~~through federal fiscal year 2007~~. Any
8 individual who is not enrolled must reapply by submitting a
9 new application. The application for the Florida KidCare
10 program shall be valid for a period of 120 days after the date
11 it was received. At the end of the 120-day period, if the
12 applicant has not been enrolled in the program, the
13 application shall be invalid and the applicant shall be
14 notified of the action. The applicant may resubmit the
15 application after notification of the action taken by the
16 program. Except for the Medicaid program, whenever the Social
17 Services Estimating Conference determines that there are
18 presently, or will be by the end of the current fiscal year,
19 insufficient funds to finance the current or projected
20 enrollment in the Florida KidCare program, all additional
21 enrollment must cease and additional enrollment may not resume
22 until sufficient funds are available to finance such
23 enrollment.

24 Section 5. Section 409.814, Florida Statutes, is
25 amended to read:

26 409.814 Eligibility.--A child who has not reached 19
27 years of age whose family income is equal to or below the
28 maximum income threshold ~~200 percent of the federal poverty~~
29 ~~level~~ is eligible for the Florida KidCare program as provided
30 in this section. For enrollment in the Children's Medical
31 Services Network, a complete application includes the medical

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1 or behavioral health screening. If, subsequently, an
 2 individual is determined to be ineligible for coverage, he or
 3 she must immediately be disenrolled from the respective
 4 Florida KidCare program component.

5 (1) A child who is eligible for Medicaid coverage
 6 under s. 409.903 or s. 409.904 must be enrolled in Medicaid
 7 and is not eligible to receive health benefits under any other
 8 health benefits coverage authorized under the Florida KidCare
 9 program.

10 (2) A child who is not eligible for Medicaid, but who
 11 is eligible for the Florida KidCare program, may obtain health
 12 benefits coverage under any of the other components listed in
 13 s. 409.813 if such coverage is approved and available in the
 14 county in which the child resides. However, a child who is
 15 eligible for Medikids may participate in the Florida Healthy
 16 Kids program only if the child has a sibling participating in
 17 the Florida Healthy Kids program and the child's county of
 18 residence permits such enrollment.

19 (3) A child who is eligible for the Florida KidCare
 20 program who is a child with special health care needs, as
 21 determined through a medical or behavioral screening
 22 instrument, is eligible for health benefits coverage from and
 23 shall be referred to the Children's Medical Services Network.

24 (4) The following children are not eligible to receive
 25 premium assistance for health benefits coverage under the
 26 Florida KidCare program, except under Medicaid if the child
 27 would have been eligible for Medicaid under s. 409.903 or s.
 28 409.904 as 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.

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1 (b) A child who is currently eligible for or covered
2 under a family member's group health benefit plan or under
3 other employer health insurance coverage, excluding coverage
4 provided under the Florida Healthy Kids Corporation as
5 established under s. 624.91, provided that the cost of the
6 child's participation is not greater than 5 percent of the
7 family's income. This provision shall be applied during
8 redetermination for children who were enrolled prior to July
9 1, 2004. These enrollees shall have 6 months of eligibility
10 following redetermination to allow for a transition to the
11 other health benefit plan.

12 (c) A child who is seeking premium assistance for the
13 Florida KidCare program through employer-sponsored group
14 coverage, if the child has been covered by the same employer's
15 group coverage during the 6 months prior to the family's
16 submitting an application for determination of eligibility
17 under the program.

18 (d) A child who is an alien, but who does not meet the
19 definition of qualified alien, in the United States.

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

22 (f) A child who has had his or her coverage in an
23 employer-sponsored health benefit plan voluntarily canceled in
24 the last 6 months, except those children who were on the
25 waiting list prior to March 12, 2004.

26 (g) A child who is otherwise eligible for KidCare and
27 who has a preexisting condition that prevents coverage under
28 another insurance plan as described in paragraph (b) which
29 would have disqualified the child for KidCare if the child
30 were able to enroll in the plan shall be eligible for KidCare
31 coverage when enrollment is possible.

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1 (5) A child whose family income is above the maximum
 2 income threshold ~~200 percent of the federal poverty level~~ or a
 3 child who is excluded under the provisions of subsection (4)
 4 may participate in the Florida KidCare program, excluding the
 5 Medicaid program, but is subject to the following provisions:

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

9 (b) The agency is authorized to place limits on
 10 enrollment in Medikids by these children in order to avoid
 11 adverse selection. The number of children participating in
 12 Medikids whose family income exceeds the maximum income
 13 threshold ~~200 percent of the federal poverty level~~ must not
 14 exceed 10 percent of total enrollees in the Medikids program.

15 (c) The board of directors of the Florida Healthy Kids
 16 Corporation is authorized to place limits on enrollment of
 17 these children in order to avoid adverse selection. In
 18 addition, the board is authorized to offer a reduced benefit
 19 package to these children in order to limit program costs for
 20 such families. The number of children participating in the
 21 Florida Healthy Kids program whose family income exceeds the
 22 maximum income threshold ~~200 percent of the federal poverty~~
 23 ~~level~~ must not exceed 10 percent of total enrollees in the
 24 Florida Healthy Kids program.

25 (d) Children described in this subsection are not
 26 counted in the annual enrollment ceiling for the Florida
 27 KidCare program.

28 (6) Once a child is enrolled in the Florida KidCare
 29 program, the child is eligible for coverage under the program
 30 for 12 months without a redetermination or reverification of
 31 eligibility, if the family continues to pay the applicable

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1 premium. Eligibility for program components funded through
 2 Title XXI of the Social Security Act shall terminate when a
 3 child attains the age of 19. Effective January 1, 1999, a
 4 child who has not attained the age of 5 and who has been
 5 determined eligible for the Medicaid program is eligible for
 6 coverage for 12 months without a redetermination or
 7 reverification of eligibility.

8 (7) When determining or reviewing a child's
 9 eligibility under the Florida KidCare program, the applicant
 10 shall be provided with reasonable notice of changes in
 11 eligibility which may affect enrollment in one or more of the
 12 program components. When a transition from one program
 13 component to another is authorized, there shall be cooperation
 14 between the program components and the affected family which
 15 promotes continuity of health care coverage. Any authorized
 16 transfers must be managed within the program's overall
 17 appropriated or authorized levels of funding. Each component
 18 of the program shall establish a reserve to ensure that
 19 transfers between components will be accomplished within
 20 current year appropriations. These reserves shall be reviewed
 21 by each convening of the Social Services Estimating Conference
 22 to determine the adequacy of such reserves to meet actual
 23 experience.

24 (8) In determining the eligibility of a child, an
 25 assets test is not required. Each applicant shall provide
 26 written documentation during the application process and the
 27 redetermination process, including, but not limited to, the
 28 following:

29 (a) Proof of family income, which must include a copy
 30 of the applicant's most recent federal income tax return. In
 31 the absence of a federal income tax return, an applicant may

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1 submit wages and earnings statements (pay stubs), W-2 forms,
2 or other appropriate documents.

3 (b) A statement from all family members that:

4 1. Their employer does not sponsor a health benefit
5 plan for employees; or

6 2. The potential enrollee is not covered by the
7 employer-sponsored health benefit plan because the potential
8 enrollee is not eligible for coverage, or, if the potential
9 enrollee is eligible but not covered, a statement of the cost
10 to enroll the potential enrollee in the employer-sponsored
11 health benefit plan.

12 (9) Subject to paragraph (4)(b) ~~and s. 624.91(3)~~, the
13 Florida KidCare program shall withhold benefits from an
14 enrollee if the program obtains evidence that the enrollee is
15 no longer eligible, submitted incorrect or fraudulent
16 information in order to establish eligibility, or failed to
17 provide verification of eligibility. The applicant or enrollee
18 shall be notified that because of such evidence program
19 benefits will be withheld unless the applicant or enrollee
20 contacts a designated representative of the program by a
21 specified date, which must be within 10 days after the date of
22 notice, to discuss and resolve the matter. The program shall
23 make every effort to resolve the matter within a timeframe
24 that will not cause benefits to be withheld from an eligible
25 enrollee.

26 (10) The following individuals may be subject to
27 prosecution in accordance with s. 414.39:

28 (a) An applicant obtaining or attempting to obtain
29 benefits for a potential enrollee under the Florida KidCare
30 program when the applicant knows or should have known the
31 potential enrollee does not qualify for the Florida KidCare

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1 program.

2 (b) An individual who assists an applicant in
3 obtaining or attempting to obtain benefits for a potential
4 enrollee under the Florida KidCare program when the individual
5 knows or should have known the potential enrollee does not
6 qualify for the Florida KidCare program.

7 Section 6. Paragraph (a) of subsection (1) of section
8 409.818, Florida Statutes, is amended to read:

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

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

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

26 1. The department shall forward the family's
27 application information, together with accompanying
28 documentation, if any, to the Florida Healthy Kids
29 Corporation, and such application information and documents
30 shall be processed for KidCare program enrollment by the
31 Florida Healthy Kids Corporation in accordance with

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1 eligibility criteria then in effect, without requiring the
2 applicant to submit a separate application for the KidCare
3 program.

4 2. A child shall be enrolled in the KidCare program if
5 the child is determined to be eligible for KidCare enrollment
6 and the family agrees to pay the KidCare program premiums, as
7 applicable.

8 Section 7. Section 409.8195, Florida Statutes, is
9 created to read:

10 409.8195 Marketing.--

11 (1) Participating health insurance plans may develop
12 advertising and outreach materials and participate in outreach
13 activities such as health fairs and other public events, as
14 approved by the entity responsible for outreach, for the
15 purpose of educating families about the benefits of the
16 Florida KidCare program and contacting families when they are
17 disenrolled from or found ineligible for the Medicaid program
18 and at the time of redeterminations for both Medicaid and
19 KidCare programs.

20 (2) In all counties where there is more than one
21 Healthy Kids health insurance plan available, families shall
22 have a choice of health insurance plans. If a family does not
23 choose a health insurance plan, the corporation will assign
24 children to a health insurance plan.

25 Section 8. This act shall take effect upon becoming a
26 law.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, lines 11-13, delete those lines

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1 and insert:

2 contribution; amending s. 409.811, F.S.;

3 defining the term "maximum income threshold";

4 amending s. 409.8132, F.S.; revising

5 eligibility requirements for the Medikids

6 program component of the Florida KidCare

7 program; amending s. 409.8134, F.S.; revising

8 restrictions on enrollment in the Florida

9 KidCare program; amending s. 409.814, F.S.;

10 revising eligibility requirements for the

11 Florida KidCare program which relate to maximum

12 income levels; conforming a cross-reference;

13 amending s. 409.818, F.S.; revising duties of

14 the Department of Children and Family Services

15 relating to administration of the Florida

16 KidCare Act; creating s. 409.8195, F.S.;

17 allowing participating health insurance plans

18 to develop advertising and conduct outreach to

19 educate families about the Florida KidCare

20 program; requiring families to have a choice of

21 Healthy Kids health insurance plans if more

22 than one such plan is available in the county;

23 providing an effective date.

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