



450408

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2009	.	
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The Committee on Health Regulation (Aronberg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 409.810, Florida Statutes, is amended to
read:

409.810 Short title.—Sections 409.810-409.821 ~~409.810-~~
~~409.820~~ may be cited as the "Florida Kidcare Act."

Section 2. Subsections (3), (10), and (13) of section
409.811, Florida Statutes, are amended to read

409.811 Definitions relating to Florida Kidcare Act.—As



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12 used in ss. 409.810-409.821 ~~ss. 409.810-409.820~~, the term:

13 (3) "Applicant" means a parent or guardian of a child or a
14 child whose disability of nonage has been removed under chapter
15 743, who applies for determination of eligibility for health
16 benefits coverage under ss. 409.810-409.821 ~~ss. 409.810-409.820~~.

17 (10) "Enrollee" means a child who has been determined
18 eligible for and is receiving coverage under ss. 409.810-409.821
19 ~~ss. 409.810-409.820~~.

20 ~~(14)-(13)~~ "Florida Kidcare program," "Kidcare program," or
21 "program" means the health benefits program administered through
22 ss. 409.810-409.821 ~~ss. 409.810-409.820~~.

23 Section 3. Section 409.812, Florida Statutes, is amended to
24 read:

25 409.812 Program created; purpose.—The Florida Kidcare
26 program is created to provide a defined set of health benefits
27 to ~~previously~~ uninsured, low-income children through the
28 establishment of a variety of affordable health benefits
29 coverage options from which families may select coverage and
30 through which families may contribute financially to the health
31 care of their children.

32 Section 4. Section 409.813, Florida Statutes, is amended to
33 read:

34 409.813 Health benefits coverage; program components;
35 entitlement and nonentitlement.—

36 (1) The Florida Kidcare program includes health benefits
37 coverage provided to children through the following program
38 components, which shall be marketed as the Florida Kidcare
39 program:

40 (a)-(1) Medicaid;



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41 ~~(b)(2)~~ Medikids as created in s. 409.8132;
42 ~~(c)(3)~~ The Florida Healthy Kids Corporation as created in
43 s. 624.91;
44 ~~(d)(4)~~ Employer-sponsored group health insurance plans
45 approved under ss. 409.810-409.821 ~~ss. 409.810-409.820~~; and
46 ~~(e)(5)~~ The Children's Medical Services network established
47 in chapter 391.

48 (2) Except for Title XIX-funded Florida Kidcare program
49 coverage under the Medicaid program, coverage under the Florida
50 Kidcare program is not an entitlement. No cause of action shall
51 arise against the state, the department, the Department of
52 Children and Family Services, or the agency for failure to make
53 health services available to any person under ss. 409.810-
54 409.821 ~~ss. 409.810-409.820~~.

55 Section 5. Paragraph (b) of subsection (6) and subsection
56 (8) of section 409.8132, Florida Statutes, are amended to read:
57 409.8132 Medikids program component.-

58 (6) ELIGIBILITY.-

59 (b) The provisions of s. 409.814(3), (4), ~~and~~ (5), and (6)
60 shall be applicable to the Medikids program.

61 (8) PENALTIES FOR VOLUNTARY CANCELLATION.-The agency shall
62 establish enrollment criteria that ~~must~~ include penalties or
63 waiting periods of 30 ~~not fewer than 60~~ days for reinstatement
64 of coverage upon voluntary cancellation for nonpayment of
65 premiums.

66 Section 6. Subsection (2) of section 409.8134, Florida
67 Statutes, is amended to read:

68 409.8134 Program expenditure ceiling; enrollment.-

69 (2) The Florida Kidcare program may conduct enrollment



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70 ~~continuously at any time~~ throughout the year ~~for the purpose of~~
71 ~~enrolling children eligible for all program components listed in~~
72 ~~s. 409.813 except Medicaid. The four Florida Kidcare~~
73 ~~administrators shall work together to ensure that the year-round~~
74 ~~enrollment period is announced statewide. Eligible Children~~
75 eligible for coverage under Title XXI-funded Florida Kidcare
76 program shall be enrolled on a first-come, first-served basis
77 using the date the enrollment application is received.
78 Enrollment shall immediately cease when the expenditure ceiling
79 is reached. Year-round enrollment shall only be held if the
80 Social Services Estimating Conference determines that sufficient
81 federal and state funds will be available to finance the
82 increased enrollment ~~through federal fiscal year 2007. Any~~
83 ~~individual who is not enrolled must reapply by submitting a new~~
84 ~~application.~~ The application for the Florida Kidcare program is
85 ~~shall be~~ valid for a period of 120 days after the date it was
86 received. At the end of the 120-day period, if the applicant has
87 not been enrolled in the program, the application is ~~shall be~~
88 invalid and the applicant shall be notified of the action. The
89 applicant may reactivate ~~resubmit~~ the application after
90 notification of the action taken by the program. Except for the
91 Medicaid program, whenever the Social Services Estimating
92 Conference determines that there are presently, or will be by
93 the end of the current fiscal year, insufficient funds to
94 finance the current or projected enrollment in the Florida
95 Kidcare program, all additional enrollment must cease and
96 additional enrollment may not resume until sufficient funds are
97 available to finance such enrollment.

98 Section 7. Section 409.814, Florida Statutes, is amended to



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99 read:

100 409.814 Eligibility.—A child who has not reached 19 years
101 of age whose family income is equal to or below 200 percent of
102 the federal poverty level is eligible for the Florida Kidcare
103 program as provided in this section. For enrollment in the
104 Children's Medical Services Network, a complete application
105 includes the medical or behavioral health screening. If,
106 subsequently, an individual is determined to be ineligible for
107 coverage, he or she must immediately be disenrolled from the
108 respective Florida Kidcare program component.

109 (1) A child who is eligible for Medicaid coverage under s.
110 409.903 or s. 409.904 must be enrolled in Medicaid and is not
111 eligible to receive health benefits under any other health
112 benefits coverage authorized under the Florida Kidcare program.

113 (2) A child who is not eligible for Medicaid, but who is
114 eligible for the Florida Kidcare program, may obtain health
115 benefits coverage under any of the other components listed in s.
116 409.813 if such coverage is approved and available in the county
117 in which the child resides. ~~However, a child who is eligible for
118 Medikids may participate in the Florida Healthy Kids program
119 only if the child has a sibling participating in the Florida
120 Healthy Kids program and the child's county of residence permits
121 such enrollment.~~

122 (3) A child who is eligible for the Florida Kidcare program
123 who is a child with special health care needs, as determined
124 through a medical or behavioral screening instrument, shall
125 receive Florida Kidcare Plus ~~is eligible for health benefits~~
126 ~~coverage from~~ and shall be assigned to and may opt out of
127 ~~referred to~~ the Children's Medical Services Network.



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128 (4) The following children are not eligible to receive
129 Title XXI-funded premium assistance for health benefits coverage
130 under the Florida Kidcare program, except under Medicaid if the
131 child would have been eligible for Medicaid under s. 409.903 or
132 s. 409.904 as of June 1, 1997:

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

136 (b) A child who is currently eligible for or covered under
137 a family member's group health benefit plan or under other
138 private or employer health insurance coverage, if excluding
139 ~~coverage provided under the Florida Healthy Kids Corporation as~~
140 ~~established under s. 624.91, provided that~~ the cost of the
141 child's participation is not greater than 5 percent of the
142 family's income. If a child is otherwise eligible for a subsidy
143 under the Florida Kidcare program and the cost of the child's
144 participation in the family member's health insurance benefit
145 plan is greater than 5 percent of the family's income, the child
146 may enroll in the appropriate subsidized Kidcare program. This
147 ~~provision shall be applied during redetermination for children~~
148 ~~who were enrolled prior to July 1, 2004. These enrollees shall~~
149 ~~have 6 months of eligibility following redetermination to allow~~
150 ~~for a transition to the other health benefit plan.~~

151 (c) A child who is seeking premium assistance for the
152 Florida Kidcare program through employer-sponsored group
153 coverage, if the child has been covered by the same employer's
154 group coverage during the 60 days ~~6 months~~ prior to the family's
155 submitting an application for determination of eligibility under
156 the program.



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

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

161 (f) A child who is otherwise eligible for premium
162 assistance for the Florida Kidcare program and has had his or
163 her coverage in an employer-sponsored or private health benefit
164 plan voluntarily canceled in the last 60 days ~~6 months~~, except
165 those children whose coverage was voluntarily canceled for good
166 cause, including, but not limited to, the following
167 circumstances:

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

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

173 3. The parent who had health benefits coverage for the
174 child is deceased;

175 4. The child has a medical condition that, without medical
176 care, would cause serious disability, loss of function, or
177 death;

178 5. The employer of the parent canceled health benefits
179 coverage for children;

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

182 7. The child has exhausted coverage under a COBRA
183 continuation provision;

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



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186 9. Domestic violence led to loss of coverage ~~who were on~~
187 ~~the waiting list prior to March 12, 2004.~~

188 (5) ~~(g)~~ A child who is otherwise eligible for the Florida
189 Kidcare program and who has a preexisting condition that
190 prevents coverage under another insurance plan as described in
191 paragraph (4) (b) which would have disqualified the child for the
192 Florida Kidcare program if the child were able to enroll in the
193 plan shall be eligible for Florida Kidcare coverage when
194 enrollment is possible.

195 (6) ~~(5)~~ A child whose family income is above 200 percent of
196 the federal poverty level or a child who is excluded under the
197 provisions of subsection (4) may participate in the Florida
198 Kidcare program ~~Medikids program~~ as provided in s. 409.8132 or,
199 if the child is ineligible for Medikids by reason of age, in the
200 Florida Healthy Kids program, subject to the following
201 provisions:

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

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

208 (7) ~~(6)~~ Once a child is enrolled in the Florida Kidcare
209 program, the child is eligible for coverage under the program
210 for 12 months without a redetermination or reverification of
211 eligibility, if the family continues to pay the applicable
212 premium. Eligibility for program components funded through Title
213 XXI of the Social Security Act shall terminate when a child
214 attains the age of 19. ~~Effective January 1, 1999,~~ A child who



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215 has not attained the age of 5 and who has been determined
216 eligible for the Medicaid program is eligible for coverage for
217 12 months without a redetermination or reverification of
218 eligibility.

219 (8)~~(7)~~ When determining or reviewing a child's eligibility
220 under the Florida Kidcare program, the applicant shall be
221 provided with reasonable notice of changes in eligibility which
222 may affect enrollment in one or more of the program components.
223 When a transition from one program component to another is
224 authorized, there shall be cooperation between the program
225 components and the affected family which promotes continuity of
226 health care coverage. Any authorized transfers must be managed
227 within the program's overall appropriated or authorized levels
228 of funding. Each component of the program shall establish a
229 reserve to ensure that transfers between components will be
230 accomplished within current year appropriations. These reserves
231 shall be reviewed by each convening of the Social Services
232 Estimating Conference to determine the adequacy of such reserves
233 to meet actual experience.

234 (9)~~(8)~~ In determining the eligibility of a child, an assets
235 test is not required. Each applicant shall provide ~~written~~
236 documentation during the application process and the
237 redetermination process, including, but not limited to, the
238 following:

239 (a) Each applicant's proof of family income shall be
240 verified electronically to determine financial eligibility for
241 the Florida Kidcare program. Written documentation, which may
242 ~~must~~ include wages and earnings statements or pay stubs, W-2
243 forms, or a copy of the applicant's most recent federal income



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244 tax return, shall be required only if the electronic
245 verification is not available or does not substantiate the
246 applicant's income. ~~In the absence of a federal income tax~~
247 ~~return, an applicant may submit wages and earnings statements~~
248 ~~(pay stubs), W-2 forms, or other appropriate documents.~~

249 (b) Each applicant shall provide a statement from all
250 applicable, employed family members that:

251 1. Their employers do ~~employer does~~ not sponsor a health
252 benefit plans ~~plan~~ for employees; or

253 2. The potential enrollee is not covered by an ~~the~~
254 employer-sponsored health benefit plan because the potential
255 enrollee is not eligible for coverage, or, if the potential
256 enrollee is eligible but not covered, a statement of the cost to
257 enroll the potential enrollee in the employer-sponsored health
258 benefit plan. If the cost of the employer-sponsored health
259 benefit plan is greater than 5 percent of the family's income
260 and the potential enrollee is otherwise eligible for premium
261 assistance, he or she may be enrolled in the appropriate,
262 subsidized component of the Florida Kidcare program.

263 ~~(10)(9)~~ Subject to paragraph (4) (b) ~~and s. 624.91(4)~~, the
264 Florida Kidcare program shall withhold benefits from an enrollee
265 if the program obtains evidence that the enrollee is no longer
266 eligible, submitted incorrect or fraudulent information in order
267 to establish eligibility, or failed to provide verification of
268 eligibility. The applicant or enrollee shall be notified that
269 because of such evidence program benefits will be withheld
270 unless the applicant or enrollee contacts a designated
271 representative of the program by a specified date, which must be
272 within 10 working days after the date of notice, to discuss and



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273 resolve the matter. The program shall make every effort to
274 resolve the matter within a timeframe that will not cause
275 benefits to be withheld from an eligible enrollee.

276 (11)~~(10)~~ The following individuals may be subject to
277 prosecution in accordance with s. 414.39:

278 (a) An applicant obtaining or attempting to obtain benefits
279 for a potential enrollee under the Florida Kidcare program when
280 the applicant knows or should have known the potential enrollee
281 does not qualify for the Florida Kidcare program.

282 (b) An individual who assists an applicant in obtaining or
283 attempting to obtain benefits for a potential enrollee under the
284 Florida Kidcare program when the individual knows or should have
285 known the potential enrollee does not qualify for the Florida
286 Kidcare program.

287 Section 8. Paragraphs (u) and (v) of subsection (2) of
288 section 409.815, Florida Statutes, are amended to read:

289 409.815 Health benefits coverage; limitations.-

290 (2) BENCHMARK BENEFITS.-In order for health benefits
291 coverage to qualify for premium assistance payments for an
292 eligible child under ss. 409.810-409.821 ~~ss. 409.810-409.820~~,
293 the health benefits coverage, except for coverage under Medicaid
294 and Medikids, must include the following minimum benefits, as
295 medically necessary.

296 (u) *Enhancements to minimum requirements.-*

297 1. This section sets the minimum benefits that must be
298 included in any health benefits coverage, other than Medicaid or
299 Medikids coverage, offered under ss. 409.810-409.821 ~~ss.~~
300 ~~409.810-409.820~~. Health benefits coverage may include additional
301 benefits not included under this subsection, but may not include



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302 benefits excluded under paragraph (s).

303 2. Health benefits coverage may extend any limitations
304 beyond the minimum benefits described in this section.

305
306 Except for the Children's Medical Services Network, the agency
307 may not increase the premium assistance payment for either
308 additional benefits provided beyond the minimum benefits
309 described in this section or the imposition of less restrictive
310 service limitations.

311 (v) *Applicability of other state laws.*—Health insurers,
312 health maintenance organizations, and their agents are subject
313 to the provisions of the Florida Insurance Code, except for any
314 such provisions waived in this section.

315 1. Except as expressly provided in this section, a law
316 requiring coverage for a specific health care service or
317 benefit, or a law requiring reimbursement, utilization, or
318 consideration of a specific category of licensed health care
319 practitioner, does not apply to a health insurance plan policy
320 or contract offered or delivered under ss. 409.810-409.821 ~~ss.~~
321 ~~409.810-409.820~~ unless that law is made expressly applicable to
322 such policies or contracts.

323 2. Notwithstanding chapter 641, a health maintenance
324 organization may issue contracts providing benefits equal to,
325 exceeding, or actuarially equivalent to the benchmark benefit
326 plan authorized by this section and may pay providers located in
327 a rural county negotiated fees or Medicaid reimbursement rates
328 for services provided to enrollees who are residents of the
329 rural county.

330 Section 9. Subsection (3) of section 409.816, Florida



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331 Statutes, is amended to read:

332 409.816 Limitations on premiums and cost-sharing.—The
333 following limitations on premiums and cost-sharing are
334 established for the program.

335 (3) Enrollees in families with a family income above 150
336 percent of the federal poverty level, who are not receiving
337 coverage under the Medicaid program or who are not eligible
338 under s. 409.814(7) ~~s. 409.814(5)~~, may be required to pay
339 enrollment fees, premiums, copayments, deductibles, coinsurance,
340 or similar charges on a sliding scale related to income, except
341 that the total annual aggregate cost-sharing with respect to all
342 children in a family may not exceed 5 percent of the family's
343 income. However, copayments, deductibles, coinsurance, or
344 similar charges may not be imposed for preventive services,
345 including well-baby and well-child care, age-appropriate
346 immunizations, and routine hearing and vision screenings.

347 Section 10. Section 409.817, Florida Statutes, is amended
348 to read:

349 409.817 Approval of health benefits coverage; financial
350 assistance.—In order for health insurance coverage to qualify
351 for premium assistance payments for an eligible child under ss.
352 409.810-409.821 ~~ss. 409.810-409.820~~, the health benefits
353 coverage must:

354 (1) Be certified by the Office of Insurance Regulation of
355 the Financial Services Commission under s. 409.818 as meeting,
356 exceeding, or being actuarially equivalent to the benchmark
357 benefit plan;

358 (2) Be guarantee issued;

359 (3) Be community rated;



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360 (4) Not impose any preexisting condition exclusion for
361 covered benefits; however, group health insurance plans may
362 permit the imposition of a preexisting condition exclusion, but
363 only insofar as it is permitted under s. 627.6561;

364 (5) Comply with the applicable limitations on premiums and
365 cost-sharing in s. 409.816;

366 (6) Comply with the quality assurance and access standards
367 developed under s. 409.820; and

368 (7) Establish periodic open enrollment periods, which may
369 not occur more frequently than quarterly.

370 Section 11. Paragraph (i) of subsection (1) of section
371 409.8177, Florida Statutes, is amended to read:

372 409.8177 Program evaluation.—

373 (1) The agency, in consultation with the Department of
374 Health, the Department of Children and Family Services, and the
375 Florida Healthy Kids Corporation, shall contract for an
376 evaluation of the Florida Kidcare program and shall by January 1
377 of each year submit to the Governor, the President of the
378 Senate, and the Speaker of the House of Representatives a report
379 of the program. In addition to the items specified under s. 2108
380 of Title XXI of the Social Security Act, the report shall
381 include an assessment of crowd-out and access to health care, as
382 well as the following:

383 (i) An assessment of the effectiveness of the Florida
384 Kidcare program, including Medicaid, the Florida Healthy Kids
385 program, Medikids, and the Children's Medical Services network,
386 and other public and private programs in the state in increasing
387 the availability of affordable quality health insurance and
388 health care for children.



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389 Section 12. Paragraph (c) of subsection (1), paragraph (b)
390 of subsection (2), and paragraph (a) subsection (3), of section
391 409.818, Florida Statutes, are amended to read:

392 409.818 Administration.—In order to implement ss. 409.810-
393 409.821 ~~ss. 409.810-409.820~~, the following agencies shall have
394 the following duties:

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

396 (c) Inform program applicants about eligibility
397 determinations and provide information about eligibility of
398 applicants to ~~Medicaid, Medikids, the Children's Medical~~
399 ~~Services Network,~~ and the Florida Kidcare program ~~Healthy Kids~~
400 ~~Corporation,~~ and to insurers and their agents, through a
401 centralized coordinating office.

402 (2) The Department of Health shall:

403 (b) Chair a state-level Florida Kidcare coordinating
404 council to review and make recommendations concerning the
405 implementation and operation of the program. The coordinating
406 council shall include representatives from the department, the
407 Department of Children and Family Services, the agency, the
408 Florida Healthy Kids Corporation, the Office of Insurance
409 Regulation of the Financial Services Commission, local
410 government, health insurers, health maintenance organizations,
411 health care providers, families participating in the program,
412 and organizations representing low-income families.

413 (3) The Agency for Health Care Administration, under the
414 authority granted in s. 409.914(1), shall:

415 (a) Calculate the premium assistance payment necessary to
416 comply with the premium and cost-sharing limitations specified
417 in s. 409.816. The premium assistance payment for each enrollee



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418 in a health insurance plan participating in the Florida Healthy
419 Kids Corporation shall equal the premium approved by the Florida
420 Healthy Kids Corporation and the Office of Insurance Regulation
421 of the Financial Services Commission pursuant to ss. 627.410 and
422 641.31, less any enrollee's share of the premium established
423 within the limitations specified in s. 409.816. The premium
424 assistance payment for each enrollee in an employer-sponsored
425 health insurance plan approved under ss. 409.810-409.821 ~~ss.~~
426 ~~409.810-409.820~~ shall equal the premium for the plan adjusted
427 for any benchmark benefit plan actuarial equivalent benefit
428 rider approved by the Office of Insurance Regulation pursuant to
429 ss. 627.410 and 641.31, less any enrollee's share of the premium
430 established within the limitations specified in s. 409.816. In
431 calculating the premium assistance payment levels for children
432 with family coverage, the agency shall set the premium
433 assistance payment levels for each child proportionately to the
434 total cost of family coverage.

435
436 The agency is designated the lead state agency for Title XXI of
437 the Social Security Act for purposes of receipt of federal
438 funds, for reporting purposes, and for ensuring compliance with
439 federal and state regulations and rules.

440 Section 13. Subsection (6) and paragraph (a) of subsection
441 (5), of section 624.91, Florida Statutes, are amended to read:

442 624.91 The Florida Healthy Kids Corporation Act.—

443 (5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

444 (a) There is created the Florida Healthy Kids Corporation,
445 a not-for-profit corporation.

446 (b) The Florida Healthy Kids Corporation shall:



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447 1. Arrange for the collection of any family, local
448 contributions, or employer payment or premium, in an amount to
449 be determined by the board of directors, to provide for payment
450 of premiums for comprehensive insurance coverage and for the
451 actual or estimated administrative expenses.

452 2. Arrange for the collection of any voluntary
453 contributions to provide for payment of Florida Kidcare program
454 premiums for children who are not eligible for medical
455 assistance under Title XIX or Title XXI of the Social Security
456 Act.

457 3. Subject to the provisions of s. 409.8134, accept
458 voluntary supplemental local match contributions that comply
459 with the requirements of Title XXI of the Social Security Act
460 for the purpose of providing additional Florida Kidcare coverage
461 in contributing counties under Title XXI.

462 4. Establish the administrative and accounting procedures
463 for the operation of the corporation.

464 5. Establish, with consultation from appropriate
465 professional organizations, standards for preventive health
466 services and providers and comprehensive insurance benefits
467 appropriate to children, provided that such standards for rural
468 areas shall not limit primary care providers to board-certified
469 pediatricians.

470 6. Determine eligibility for children seeking to
471 participate in the Title XXI-funded components of the Florida
472 Kidcare program consistent with the requirements specified in s.
473 409.814, as well as the non-Title-XXI-eligible children as
474 provided in subsection (3).

475 7. Establish procedures under which providers of local



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476 match to, applicants to and participants in the program may have
477 grievances reviewed by an impartial body and reported to the
478 board of directors of the corporation.

479 8. Establish participation criteria and, if appropriate,
480 contract with an authorized insurer, health maintenance
481 organization, or third-party administrator to provide
482 administrative services to the corporation.

483 9. Establish enrollment criteria that ~~which shall~~ include
484 penalties or waiting periods of 30 ~~not fewer than 60~~ days for
485 reinstatement of coverage upon voluntary cancellation for
486 nonpayment of family premiums.

487 10. Contract with authorized insurers or any provider of
488 health care services, meeting standards established by the
489 corporation, for the provision of comprehensive insurance
490 coverage to participants. Such standards shall include criteria
491 under which the corporation may contract with more than one
492 provider of health care services in program sites. Health plans
493 shall be selected through a competitive bid process. The Florida
494 Healthy Kids Corporation shall purchase goods and services in
495 the most cost-effective manner consistent with the delivery of
496 quality medical care. The maximum administrative cost for a
497 Florida Healthy Kids Corporation contract shall be 15 percent.
498 For health care contracts, the minimum medical loss ratio for a
499 Florida Healthy Kids Corporation contract shall be 85 percent.
500 For dental contracts, the remaining compensation to be paid to
501 the authorized insurer or provider under a Florida Healthy Kids
502 Corporation contract shall be no less than an amount which is 85
503 percent of premium; to the extent any contract provision does
504 not provide for this minimum compensation, this section shall



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505 prevail. The health plan selection criteria and scoring system,
506 and the scoring results, shall be available upon request for
507 inspection after the bids have been awarded.

508 11. Establish disenrollment criteria in the event local
509 matching funds are insufficient to cover enrollments.

510 12. Develop and implement a plan to publicize the Florida
511 Kidcare program ~~Healthy Kids Corporation~~, the eligibility
512 requirements of the program, and the procedures for enrollment
513 in the program and to maintain public awareness of the
514 corporation and the program.

515 13. Secure staff necessary to properly administer the
516 corporation. Staff costs shall be funded from state and local
517 matching funds and such other private or public funds as become
518 available. The board of directors shall determine the number of
519 staff members necessary to administer the corporation.

520 14. In consultation with the partner agencies, provide a
521 report on the Florida Kidcare program annually to the Governor,
522 Chief Financial Officer, Commissioner of Education, ~~Senate~~
523 President of the Senate, the Speaker of the House of
524 Representatives, and Minority Leaders of the Senate and the
525 House of Representatives.

526 15. Provide information on a quarterly basis to the
527 Legislature and the Governor which compares the costs and
528 utilization of the full-pay enrolled population and the Title
529 XXI-subsidized enrolled population in the Florida Kidcare
530 program. The information, at a minimum, must include:

531 a. The monthly enrollment and expenditure for full-pay
532 enrollees in the Medikids and Florida Healthy Kids programs
533 compared to the Title XXI-subsidized enrolled population; and



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534 b. The costs and utilization by service of the full-pay
535 enrollees in the Medikids and Florida Healthy Kids programs and
536 the Title XXI-subsidized enrolled population.

537
538 By February 1, 2010 ~~2009~~, the Florida Healthy Kids Corporation
539 shall provide a study to the Legislature and the Governor on
540 premium impacts to the subsidized portion of the program from
541 the inclusion of the full-pay program, which shall include
542 recommendations on how to eliminate or mitigate possible impacts
543 to the subsidized premiums.

544 16. Establish benefit packages that ~~which~~ conform to the
545 provisions of the Florida Kidcare program, as created in ss.
546 409.810-409.821 ~~ss. 409.810-409.820~~.

547 (c) Coverage under the corporation's program is secondary
548 to any other available private coverage held by, or applicable
549 to, the participant child or family member. Insurers under
550 contract with the corporation are the payors of last resort and
551 must coordinate benefits with any other third-party payor that
552 may be liable for the participant's medical care.

553 (d) The Florida Healthy Kids Corporation shall be a private
554 corporation not for profit, organized pursuant to chapter 617,
555 and shall have all powers necessary to carry out the purposes of
556 this act, including, but not limited to, the power to receive
557 and accept grants, loans, or advances of funds from any public
558 or private agency and to receive and accept from any source
559 contributions of money, property, labor, or any other thing of
560 value, to be held, used, and applied for the purposes of this
561 act.

562 (6) BOARD OF DIRECTORS.—



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563 (a) The Florida Healthy Kids Corporation shall operate
564 subject to the supervision and approval of a board of directors
565 chaired by the Chief Financial Officer or her or his designee,
566 and composed of 11~~10~~ other members selected for 3-year terms of
567 office as follows:

568 1. The Secretary of Health Care Administration, or his or
569 her designee;

570 2. One member appointed by the Commissioner of Education
571 from the Office of School Health Programs of the Florida
572 Department of Education;

573 3. One member appointed by the Chief Financial Officer from
574 among three members nominated by the Florida Pediatric Society;

575 4. One member, appointed by the Governor, who represents
576 the Children's Medical Services Program;

577 5. One member appointed by the Chief Financial Officer from
578 among three members nominated by the Florida Hospital
579 Association;

580 6. One member, appointed by the Governor, who is an expert
581 on child health policy;

582 7. One member, appointed by the Chief Financial Officer,
583 from among three members nominated by the Florida Academy of
584 Family Physicians;

585 8. One member, appointed by the Governor, who represents
586 the state Medicaid program;

587 9. One member, appointed by the Chief Financial Officer,
588 from among three members nominated by the Florida Association of
589 Counties; ~~and~~

590 10. The State Health Officer or her or his designee; ~~and~~

591 11. The Secretary of the Department of Children and



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592 Families Services, or his or her designee.

593 Section 14. This act shall take effect July 1, 2009.

594
595 ===== T I T L E A M E N D M E N T =====

596 And the title is amended as follows:

597 Delete everything before the enacting clause

598 and insert:

599 A bill to be entitled

600 An act relating to the Florida Kidcare program; amending s.

601 409.810, F.S.; correcting a cross-reference; amending s.

602 409.811, F.S.; conforming cross-references; amending s. 409.812,

603 F.S.; clarifying the application of the Florida Kidcare program

604 to include all eligible uninsured, low-income children; amending

605 s. 409.813, F.S.; specifying funding sources for health benefits

606 coverage for certain children; specifying program components to

607 be marketed as the Florida Kidcare program; conforming cross-

608 references; amending s. 409.8132, F.S.; revising provisions

609 relating to penalties for nonpayment of premiums and waiting

610 periods for reinstatement of coverage; amending s. 409.8134,

611 F.S.; revising provisions relating to enrollment in the Florida

612 Kidcare program; amending s. 409.814, F.S.; removing a

613 restriction on participation in the Florida Healthy Kids

614 program; authorizing certain enrollees to opt out of the

615 Children's Medical Services network; revising coverage

616 limitations; revising restrictions on enrollment of children

617 whose coverage was voluntarily canceled; providing exceptions;

618 deleting provisions that place a limit on enrollment in Medikids

619 and the Florida Healthy Kids full-pay program; requiring notice

620 to health plans and providers when a child is no longer eligible



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621 for certain coverage; requiring electronic verification of
622 applicants' income; providing circumstances under which written
623 documentation is required; revising the timeframe for an
624 enrollee to resolve disputes regarding the withholding of
625 benefits; amending s. 409.815, F.S.; authorizing the Agency for
626 Health Care Administration to increase premium assistance
627 payments for benefits provided through Florida Kidcare Plus
628 instead of the Children's Medical Services; conforming cross-
629 references; amending ss. 409.816 and 409.817, F.S.; conforming
630 cross-references; amending s. 409.8177, F.S.; revising
631 information to be included in the annual program evaluation to
632 the Governor and Legislature; amending s. 409.818, F.S.;
633 clarifying that the Department of Health is the chair of Florida
634 Kidcare coordinating council; conforming cross-references;
635 amending s. 624.91, F.S.; revising the duties of the Florida
636 Healthy Kids Corporation; revising the date in which the
637 corporation must provide a study to the Legislature and the
638 Governor; correcting a cross-reference; expanding the membership
639 of the board of directors of the Florida Healthy Kids
640 Corporation; providing an effective date.