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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/18/2012	.	
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The Committee on Budget (Rich) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 111 and 112  
insert:

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

409.8132 Medikids program component.—

(6) ELIGIBILITY.—

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

Section 3. Section 409.814, Florida Statutes, is amended to  
read:

409.814 Eligibility.—A child who has not reached 19 years



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14 of age whose family income is equal to or below 200 percent of  
15 the federal poverty level is eligible for the Florida Kidcare  
16 program as provided in this section. ~~For enrollment in the~~  
17 ~~Children's Medical Services Network, a complete application~~  
18 ~~includes the medical or behavioral health screening. If,~~  
19 ~~subsequently,~~ an enrolled individual is determined to be  
20 ineligible for coverage, he or she must be immediately ~~be~~  
21 disenrolled from the respective Florida Kidcare program  
22 component.

23 (1) A child who is eligible for Medicaid coverage under s.  
24 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
25 eligible to receive health benefits under any other health  
26 benefits coverage authorized under the Florida Kidcare program.

27 (2) A child who is not eligible for Medicaid, but who is  
28 eligible for the Florida Kidcare program, may obtain health  
29 benefits coverage under any of the other components listed in s.  
30 409.813 if such coverage is approved and available in the county  
31 in which the child resides.

32 (3) A Title XXI-funded child who is eligible for the  
33 Florida Kidcare program who is a child with special health care  
34 needs, as determined through a medical or behavioral screening  
35 instrument, is eligible for health benefits coverage from and  
36 shall be assigned to and may opt out of the Children's Medical  
37 Services Network.

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



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

46           (a)~~(b)~~ A child who is covered under a family member's group  
47 health benefit plan or under other private or employer health  
48 insurance coverage, if the cost of the child's participation is  
49 not greater than 5 percent of the family's income. If a child is  
50 otherwise eligible for a subsidy under the Florida Kidcare  
51 program and the cost of the child's participation in the family  
52 member's health insurance benefit plan is greater than 5 percent  
53 of the family's income, the child may enroll in the appropriate  
54 subsidized Kidcare program.

55           (b)~~(e)~~ A child who is seeking premium assistance for the  
56 Florida Kidcare program through employer-sponsored group  
57 coverage, if the child has been covered by the same employer's  
58 group coverage during the 60 days before the family submitted  
59 ~~prior to the family's submitting~~ an application for  
60 determination of eligibility under the program.

61           (c)~~(d)~~ A child who is an alien, but who does not meet the  
62 definition of qualified alien, in the United States.

63           (d)~~(e)~~ A child who is an inmate of a public institution or  
64 a patient in an institution for mental diseases.

65           (e)~~(f)~~ A child who is otherwise eligible for premium  
66 assistance for the Florida Kidcare program and has had his or  
67 her coverage in an employer-sponsored or private health benefit  
68 plan voluntarily canceled in the last 60 days, except those  
69 children whose coverage was voluntarily canceled for good cause,  
70 including, but not limited to, the following circumstances:

- 71           1. The cost of participation in an employer-sponsored



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72 health benefit plan is greater than 5 percent of the family's  
73 income;

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

76 3. The parent who had health benefits coverage for the  
77 child is deceased;

78 4. The child has a medical condition that, without medical  
79 care, would cause serious disability, loss of function, or  
80 death;

81 5. The employer of the parent canceled health benefits  
82 coverage for children;

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

85 7. The child has exhausted coverage under a COBRA  
86 continuation provision;

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

89 9. Domestic violence led to loss of coverage.

90 (5) A child who is otherwise eligible for the Florida  
91 Kidcare program and who has a preexisting condition that  
92 prevents coverage under another insurance plan as described in  
93 paragraph (4) (a) ~~(4) (b)~~ which would have disqualified the child  
94 for the Florida Kidcare program if the child were able to enroll  
95 in the plan is ~~shall be~~ eligible for Florida Kidcare coverage  
96 when enrollment is possible.

97 (6) A child whose family income is above 200 percent of the  
98 federal poverty level or a child who is excluded under the  
99 provisions of subsection (4) may participate in the Florida  
100 Kidcare program as provided in s. 409.8132 or, if the child is



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101 ineligible for Medikids by reason of age, in the Florida Healthy  
102 Kids program, subject to the following provisions:

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

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

109 (7) Once a child is enrolled in the Florida Kidcare  
110 program, the child is eligible for coverage ~~under the program~~  
111 for 12 months without a redetermination or reverification of  
112 eligibility, if the family continues to pay the applicable  
113 premium. Eligibility for program components funded through Title  
114 XXI of the Social Security Act terminates ~~shall terminate~~ when a  
115 child attains the age of 19. A child who has not attained the  
116 age of 5 and who has been determined eligible for the Medicaid  
117 program is eligible for coverage for 12 months without a  
118 redetermination or reverification of eligibility.

119 (8) When determining or reviewing a child's eligibility  
120 under the Florida Kidcare program, the applicant shall be  
121 provided with reasonable notice of changes in eligibility which  
122 may affect enrollment in one or more of the program components.  
123 If ~~When~~ a transition from one program component to another is  
124 authorized, there shall be cooperation between the program  
125 components and the affected family which promotes continuity of  
126 health care coverage. Any authorized transfers must be managed  
127 within the program's overall appropriated or authorized levels  
128 of funding. Each component of the program shall establish a  
129 reserve to ensure that transfers between components will be



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130 accomplished within current year appropriations. These reserves  
131 shall be reviewed by each convening of the Social Services  
132 Estimating Conference to determine the adequacy of such reserves  
133 to meet actual experience.

134 (9) In determining the eligibility of a child, an assets  
135 test is not required. Each applicant shall provide documentation  
136 during the application process and the redetermination process,  
137 including, but not limited to, the following:

138 (a) ~~Each applicant's~~ Proof of family income, which must  
139 ~~shall~~ be verified electronically to determine financial  
140 eligibility for the Florida Kidcare program. Written  
141 documentation, which may include wages and earnings statements  
142 or pay stubs, W-2 forms, or a copy of the applicant's most  
143 recent federal income tax return, is ~~shall be~~ required only if  
144 ~~the~~ electronic verification is not available or does not  
145 substantiate the applicant's income.

146 (b) ~~Each applicant shall provide~~ A statement from all  
147 applicable, employed family members that:

148 1. Their employers do not sponsor health benefit plans for  
149 employees;

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

152 3. The potential enrollee is covered by an employer-  
153 sponsored health benefit plan and the cost of the employer-  
154 sponsored health benefit plan is more than 5 percent of the  
155 family's income.

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

158 (10) Subject to paragraph (4) (a) ~~(4) (b)~~, the Florida



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159 Kidcare program shall withhold benefits from an enrollee if the  
160 program obtains evidence that the enrollee is no longer  
161 eligible, submitted incorrect or fraudulent information in order  
162 to establish eligibility, or failed to provide verification of  
163 eligibility. The applicant or enrollee shall be notified that  
164 because of such evidence program benefits will be withheld  
165 unless the applicant or enrollee contacts a designated  
166 representative of the program by a specified date, which must be  
167 within 10 working days after the date of notice, to discuss and  
168 resolve the matter. The program shall make every effort to  
169 resolve the matter within a timeframe that will not cause  
170 benefits to be withheld from an eligible enrollee.

171 (11) The following individuals may be subject to  
172 prosecution in accordance with s. 414.39:

173 (a) An applicant obtaining or attempting to obtain benefits  
174 for a potential enrollee under the Florida Kidcare program if  
175 ~~when~~ the applicant knows or should have known that the potential  
176 enrollee does not qualify for the ~~Florida Kidcare~~ program.

177 (b) An individual who assists an applicant in obtaining or  
178 attempting to obtain benefits for a potential enrollee under the  
179 Florida Kidcare program if ~~when~~ the individual knows or should  
180 have known that the potential enrollee does not qualify for the  
181 ~~Florida Kidcare~~ program.

182  
183 ===== T I T L E A M E N D M E N T =====

184 And the title is amended as follows:

185 Delete line 4

186 and insert:

187 regional perinatal intensive care centers; amending s.



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188 409.8132, F.S.; revising a cross-reference; amending  
189 s. 409.814, F.S.; deleting a prohibition preventing  
190 children who are eligible for coverage under a state  
191 health benefit plan from being eligible for services  
192 provided through the subsidized program; revising  
193 cross-references; requiring a completed application,  
194 including a clinical screening, for enrollment in the  
195 Children's Medical Services Network; amending s.