



465500

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: WD/2R	.	
05/02/2013 02:58 PM	.	
	.	

---

---

Senator Evers moved the following:

1           **Senate Amendment to Amendment (566056) (with title**  
2 **amendment)**

3  
4           Between lines 164 and 165  
5 insert:

6           Section 5. Subsection (1) and paragraphs (a) and (b) of  
7 subsection (8) of section 409.902, Florida Statutes, are amended  
8 to read:

9           409.902 Designated single state agency; payment  
10 requirements; program title; release of medical records.—

11           (1) The Agency for Health Care Administration is designated  
12 as the single state agency authorized to make payments for  
13 medical assistance and related services under Title XIX of the



465500

14 Social Security Act. These payments shall be made, subject to  
15 any limitations or directions provided for in the General  
16 Appropriations Act, only for services included in the program,  
17 shall be made only on behalf of eligible individuals, and shall  
18 be made only to qualified providers in accordance with federal  
19 requirements for Title XIX of the Social Security Act and the  
20 provisions of state law. This program of medical assistance is  
21 designated the "Medicaid program." The Department of Children  
22 and Families ~~Family Services~~ is responsible for Medicaid  
23 eligibility determinations, including, but not limited to,  
24 policy, rules, reviewing financial transactions affecting  
25 eligibility, and the agreement with the Social Security  
26 Administration for Medicaid eligibility determinations for  
27 Supplemental Security Income recipients, as well as the actual  
28 determination of eligibility. As a condition of Medicaid  
29 eligibility, subject to federal approval, the Agency for Health  
30 Care Administration and the Department of Children and Families  
31 ~~Family Services~~ shall ensure that each recipient of Medicaid  
32 consents to the release of her or his medical records to the  
33 Agency for Health Care Administration and the Medicaid Fraud  
34 Control Unit of the Department of Legal Affairs.

35 (8) The department shall implement the following project  
36 governance structure until the system is implemented:

37 (a) The Secretary of Children and Families ~~Family Services~~  
38 shall have overall responsibility for the project.

39 (b) The project shall be governed by an executive steering  
40 committee composed of three department staff members appointed  
41 by the Secretary of Children and Families ~~Family Services~~; three  
42 agency staff members, including at least two state Medicaid



465500

43 program staff members, appointed by the Secretary of the Agency  
44 for Health Care Administration; one staff member from Children's  
45 Medical Services within the Department of Health appointed by  
46 the Surgeon General; and a representative from the Florida  
47 Healthy Kids Corporation.

48 Section 6. Section 409.9022, Florida Statutes, is created  
49 to read:

50 409.9022 Medicaid eligibility; burial expense exemption.—

51 (1) Notwithstanding any other provision of law, the  
52 department, in determining an applicant's eligibility for  
53 Medicaid, shall exempt the value of a life insurance policy,  
54 annuity, or group certificate that:

55 (a) Includes terms that preclude the use of its proceeds  
56 for anything other than the payment of the owner's final burial  
57 expense and has a face amount that does not exceed the limits  
58 established under s. 626.785(3);

59 (b) Names the state as the irrevocable beneficiary such  
60 that any proceeds of the life insurance policy, annuity, or  
61 group certificate which exceed the final burial expense will be  
62 remitted to the state up to the amount of Medicaid assistance  
63 provided to the owner; and

64 (c) Provides the owner with the opportunity to name a  
65 contingent beneficiary if the proceeds from the policy exceed  
66 the cost of:

- 67 1. The owner's final burial expenses; and  
68 2. The amount of Medicaid benefits provided to the owner.

69 (2) This section does not limit other exemptions that apply  
70 to a life insurance policy, annuity, or group certificate when  
71 determining an applicant's eligibility for Medicaid.



465500

72           (3) If a state agency determines that a waiver or  
73 authorization from a federal agency is necessary to implement  
74 any provision of this section, the agency affected by the  
75 provision shall request the waiver or authorization and may  
76 delay implementing such provision until the waiver or  
77 authorization is granted.

78           (4) The Department of Children and Families may adopt rules  
79 to administer this section.

80  
81 ===== T I T L E   A M E N D M E N T =====

82 And the title is amended as follows:

83           Delete line 187

84 and insert:

85           expedited review; amending s. 409.902, F.S.; requiring  
86           the Department of Children and Families to review  
87           financial transactions affecting eligibility; making  
88           technical corrections; creating s. 409.9022, F.S.;  
89           exempting the value of a Medicaid applicant's life  
90           insurance policy, annuity, or group certificate from  
91           the determination of the applicant's Medicaid  
92           eligibility under certain circumstances; authorizing a  
93           state agency to delay implementation of certain  
94           provisions if a federal waiver or authorization is  
95           required; specifying limitations; authorizing the  
96           department to adopt rules; amending s. 409.9122, F.S.;  
97           providing an effective date.