

By Senator Book

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1                   A bill to be entitled  
2       An act relating to Florida Kidcare program  
3       eligibility; amending s. 409.8132, F.S.; increasing  
4       the income eligibility limit for coverage under the  
5       Florida Kidcare program; amending s. 409.814, F.S.;  
6       increasing the income eligibility limit for coverage  
7       under the Florida Kidcare program; requiring  
8       applicants to provide specified documentation if the  
9       Florida Kidcare program is unable to verify  
10      eligibility according to federal requirements;  
11      amending s. 624.91, F.S.; increasing the income  
12      eligibility limit for coverage under the Florida  
13      Kidcare program; authorizing the Agency for Health  
14      Care Administration to seek federal waiver approval or  
15      submit state plan amendments as necessary; requiring  
16      the agency to examine graduated family contribution  
17      rates for newly qualifying families under the Kidcare  
18      program; providing guidelines for such rates;  
19      providing legislative intent; requiring the agency to  
20      increase the income eligibility limit for coverage  
21      under the Kidcare program each fiscal year until  
22      meeting a specified income limit; providing an  
23      effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Paragraph (a) of subsection (6) of section  
28       409.8132, Florida Statutes, is amended to read:  
29       409.8132 Medikids program component.—

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30 (6) ELIGIBILITY.—

31 (a) A child who has attained the age of 1 year but who is  
32 under the age of 5 years is eligible to enroll in the Medikids  
33 program component of the Florida Kidcare program, if the child  
34 is a member of a family that has a family income which exceeds  
35 the Medicaid applicable income level as specified in s. 409.903,  
36 but which is equal to or below 300 ~~200~~ percent of the current  
37 federal poverty level. In determining the eligibility of such a  
38 child, an assets test is not required. A child who is eligible  
39 for Medikids may elect to enroll in Florida Healthy Kids  
40 coverage or employer-sponsored group coverage. However, a child  
41 who is eligible for Medikids may participate in the Florida  
42 Healthy Kids program only if the child has a sibling  
43 participating in the Florida Healthy Kids program and the  
44 child's county of residence permits such enrollment.

45 Section 2. Section 409.814, Florida Statutes, is amended to  
46 read:

47 409.814 Eligibility.—A child who has not reached 19 years  
48 of age whose family income is equal to or below 300 ~~200~~ percent  
49 of the federal poverty level is eligible for the Florida Kidcare  
50 program as provided in this section. If an enrolled individual  
51 is determined to be ineligible for coverage, he or she must be  
52 immediately disenrolled from the respective Florida Kidcare  
53 program component.

54 (1) A child who is eligible for Medicaid coverage under s.  
55 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
56 eligible to receive health benefits under any other health  
57 benefits coverage authorized under the Florida Kidcare program.

58 (2) A child who is not eligible for Medicaid, but who is

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59 eligible for the Florida Kidcare program, may obtain health  
60 benefits coverage under any of the other components listed in s.  
61 409.813 if such coverage is approved and available in the county  
62 in which the child resides.

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

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

74 (a) A child who is covered under a family member's group  
75 health benefit plan or under other private or employer health  
76 insurance coverage, if the cost of the child's participation is  
77 not greater than 5 percent of the family's income. If a child is  
78 otherwise eligible for a subsidy under the Florida Kidcare  
79 program and the cost of the child's participation in the family  
80 member's health insurance benefit plan is greater than 5 percent  
81 of the family's income, the child may enroll in the appropriate  
82 subsidized Kidcare program.

83 (b) A child who is seeking premium assistance for the  
84 Florida Kidcare program through employer-sponsored group  
85 coverage, if the child has been covered by the same employer's  
86 group coverage during the 60 days before the family submitted an  
87 application for determination of eligibility under the program.

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88 (c) A child who is an alien but who does not meet the  
89 definition of a lawfully residing child. This paragraph does not  
90 extend eligibility for the Florida Kidcare program to an  
91 undocumented immigrant.

92 (d) A child who is an inmate of a public institution or a  
93 patient in an institution for mental diseases.

94 (e) A child who is otherwise eligible for premium  
95 assistance for the Florida Kidcare program and has had his or  
96 her coverage in an employer-sponsored or private health benefit  
97 plan voluntarily canceled in the last 60 days, except those  
98 children whose coverage was voluntarily canceled for good cause,  
99 including, but not limited to, the following circumstances:

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

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

105 3. The parent who had health benefits coverage for the  
106 child is deceased;

107 4. The child has a medical condition that, without medical  
108 care, would cause serious disability, loss of function, or  
109 death;

110 5. The employer of the parent canceled health benefits  
111 coverage for children;

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

114 7. The child has exhausted coverage under a COBRA  
115 continuation provision;

116 8. The health benefits coverage does not cover the child's

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117 health care needs; or

118 9. Domestic violence led to loss of coverage.

119 (5) A child who is otherwise eligible for the Florida  
120 Kidcare program and who has a preexisting condition that  
121 prevents coverage under another insurance plan as described in  
122 paragraph (4) (a) which would have disqualified the child for the  
123 Florida Kidcare program if the child were able to enroll in the  
124 plan is eligible for Florida Kidcare coverage when enrollment is  
125 possible.

126 (6) A child whose family income is above 300 ~~200~~ percent of  
127 the federal poverty level or a child who is excluded under the  
128 provisions of subsection (4) may participate in the Florida  
129 Kidcare program as provided in s. 409.8132 or, if the child is  
130 ineligible for Medikids by reason of age, in the Florida Healthy  
131 Kids program, subject to the following:

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

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

138 (7) Once a child is enrolled in the Florida Kidcare  
139 program, the child is eligible for coverage for 12 months  
140 without a redetermination or reverification of eligibility, if  
141 the family continues to pay the applicable premium. Eligibility  
142 for program components funded through Title XXI of the Social  
143 Security Act terminates when a child attains the age of 19. A  
144 child who has not attained the age of 5 and who has been  
145 determined eligible for the Medicaid program is eligible for

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146 coverage for 12 months without a redetermination or  
147 reverification of eligibility.

148 (8) When determining or reviewing a child's eligibility  
149 under the Florida Kidcare program, the applicant shall be  
150 provided with reasonable notice of changes in eligibility which  
151 may affect enrollment in one or more of the program components.  
152 If a transition from one program component to another is  
153 authorized, there shall be cooperation between the program  
154 components and the affected family which promotes continuity of  
155 health care coverage. Any authorized transfers must be managed  
156 within the program's overall appropriated or authorized levels  
157 of funding. Each component of the program shall establish a  
158 reserve to ensure that transfers between components will be  
159 accomplished within current year appropriations. These reserves  
160 shall be reviewed by each convening of the Social Services  
161 Estimating Conference to determine the adequacy of such reserves  
162 to meet actual experience.

163 (9) In determining the eligibility of a child, an assets  
164 test is not required. If the Florida Kidcare program is unable  
165 to verify eligibility through reliable data sources according to  
166 federal requirements, each applicant shall provide documentation  
167 during the application process and the redetermination process,  
168 including, but not limited to, the following:

169 (a) Proof of family income, which must be verified  
170 electronically to determine financial eligibility for the  
171 Florida Kidcare program. Written documentation, which may  
172 include wages and earnings statements or pay stubs, W-2 forms,  
173 or a copy of the applicant's most recent federal income tax  
174 return, is required only if the electronic verification is not

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175 available or does not substantiate the applicant's income.

176 (b) A statement from all applicable, employed family  
177 members that:

178 1. Their employers do not sponsor health benefit plans for  
179 employees;

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

182 3. The potential enrollee is covered by an employer-  
183 sponsored health benefit plan and the cost of the employer-  
184 sponsored health benefit plan is more than 5 percent of the  
185 family's income.

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

188 (10) Subject to paragraph (4) (a), the Florida Kidcare  
189 program shall withhold benefits from an enrollee if the program  
190 obtains evidence that the enrollee is no longer eligible,  
191 submitted incorrect or fraudulent information in order to  
192 establish eligibility, or failed to provide verification of  
193 eligibility. The applicant or enrollee shall be notified that  
194 because of such evidence program benefits will be withheld  
195 unless the applicant or enrollee contacts a designated  
196 representative of the program by a specified date, which must be  
197 within 10 working days after the date of notice, to discuss and  
198 resolve the matter. The program shall make every effort to  
199 resolve the matter within a timeframe that will not cause  
200 benefits to be withheld from an eligible enrollee.

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

203 (a) An applicant obtaining or attempting to obtain benefits

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204 for a potential enrollee under the Florida Kidcare program when  
205 the applicant knows or should have known the potential enrollee  
206 does not qualify for the Florida Kidcare program.

207 (b) An individual who assists an applicant in obtaining or  
208 attempting to obtain benefits for a potential enrollee under the  
209 Florida Kidcare program when the individual knows or should have  
210 known the potential enrollee does not qualify for the Florida  
211 Kidcare program.

212 Section 3. Paragraph (b) of subsection (2) of section  
213 624.91, Florida Statutes, is amended to read:

214 624.91 The Florida Healthy Kids Corporation Act.—

215 (2) LEGISLATIVE INTENT.—

216 (b) It is the intent of the Legislature that the Florida  
217 Healthy Kids Corporation serve as one of several providers of  
218 services to children eligible for medical assistance under Title  
219 XXI of the Social Security Act. Although the corporation may  
220 serve other children, the Legislature intends the primary  
221 recipients of services provided through the corporation be  
222 school-age children with a family income below 300 ~~200~~ percent  
223 of the federal poverty level, who do not qualify for Medicaid.  
224 It is also the intent of the Legislature that state and local  
225 government Florida Healthy Kids funds be used to continue  
226 coverage, subject to specific appropriations in the General  
227 Appropriations Act, to children not eligible for federal  
228 matching funds under Title XXI.

229 Section 4. (1) The Agency for Health Care Administration  
230 may seek federal waiver approval or submit any state plan  
231 amendments necessary to implement this act.

232 (2) Subject to federal waiver approval and in accordance



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233 with the cost containment goals for the Florida Kidcare program  
234 and for the state, the agency shall examine graduated family  
235 contribution rates for newly qualifying families under the  
236 Florida Kidcare program which are consistent with the existing  
237 standard established under the Children's Health Insurance  
238 Program (CHIP) as follows:

239 (a) For a child or children whose family has an income  
240 between 200 and 250 percent of the federal poverty level, a  
241 contribution rate of at least \$30 per month per family.

242 (b) For a child or children whose family has an income  
243 between 250 and 300 percent of the federal poverty level, a  
244 contribution rate of at least \$40 per month per family.

245 (3) The Legislature intends for the graduated family  
246 contribution rates provided in subsection (2) to be in addition  
247 to the existing contribution rates of \$15 per month per family  
248 for a child whose family has an income between 138 and 158  
249 percent of the federal poverty level and \$20 per month per  
250 family for a child whose family has an income between 158 and  
251 215 percent of the federal poverty level, allowing the state to  
252 attain additional cost savings for the expansion of the Florida  
253 Kidcare program and to attain the federal Centers for Medicare  
254 and Medicaid Services' stated goals for CHIP to expand coverage  
255 and health care access for uninsured or underinsured children.

256 (4) Subject to federal waiver approval, the agency shall  
257 increase the income eligibility limit for coverage under the  
258 Florida Kidcare program to 220 percent of the federal poverty  
259 level for the 2021-2022 fiscal year, and shall increase the  
260 income eligibility limit by 20 percent each fiscal year  
261 thereafter until meeting an income eligibility limit of 300

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262 percent of the federal poverty level as required by this act.

263 Section 5. This act shall take effect July 1, 2021.