

HB 1421

2021

1 A bill to be entitled
2 An act relating to Florida Kidcare program
3 eligibility; amending s. 409.811, F.S.; revising the
4 definition of the term "family income"; amending s.
5 409.8132, F.S.; removing a requirement that the Agency
6 for Health Care Administration establish certain
7 penalties or waiting periods for reinstatement of
8 coverage under certain circumstances; amending s.
9 409.814, F.S.; removing certain provisions relating to
10 children who are not eligible to receive premium
11 assistance under the program; revising a provision
12 limiting eligibility for continuous coverage under the
13 program to children of certain ages; requiring an
14 applicant seeking coverage under the program to
15 provide certain documentation if eligibility cannot be
16 verified using reliable data sources; amending s.
17 624.91, F.S.; revising legislative intent regarding
18 family income thresholds; conforming provisions to
19 changes made by the act; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (12) of section 409.811, Florida
24 Statutes, is amended to read:

25 409.811 Definitions relating to Florida Kidcare Act.—As

26 | used in ss. 409.810-409.821, the term:

27 | (12) "Family income" means income calculated using the
 28 | same financial methodologies used to determine modified adjusted
 29 | gross income, subject to the exceptions specified in 42 C.F.R.
 30 | s. 435.603(e). For purposes of this subsection, the term
 31 | "modified adjusted gross income" means adjusted gross income
 32 | increased by any amount excluded from gross income, any amount
 33 | of interest received or accrued by the family during the taxable
 34 | year which is exempt from tax, and an amount equal to the
 35 | portion of the family's social security benefits which is not
 36 | included in gross income for the taxable year ~~cash received at~~
 37 | ~~periodic intervals from any source, such as wages, benefits,~~
 38 | ~~contributions, or rental property. Income also may include any~~
 39 | ~~money that would have been counted as income under the Aid to~~
 40 | ~~Families with Dependent Children (AFDC) state plan in effect~~
 41 | ~~prior to August 22, 1996.~~

42 | Section 2. Subsection (8) of section 409.8132, Florida
 43 | Statutes, are amended to read:

44 | 409.8132 Medikids program component.—

45 | ~~(8) PENALTIES FOR VOLUNTARY CANCELLATION. The agency shall~~
 46 | ~~establish enrollment criteria that include penalties or waiting~~
 47 | ~~periods of 30 days for reinstatement of coverage upon voluntary~~
 48 | ~~cancellation for nonpayment of premiums.~~

49 | Section 3. Subsections (4), (7), and (9) of section
 50 | 409.814, Florida Statutes, are amended to read:

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

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

63 (a) A child who is covered under a family member's group
64 health benefit plan or under other private or employer health
65 insurance coverage, if the cost of the child's participation is
66 not greater than 5 percent of the family's income. If a child is
67 otherwise eligible for a subsidy under the Florida Kidcare
68 program and the cost of the child's participation in the family
69 member's health insurance benefit plan is greater than 5 percent
70 of the family's income, the child may enroll in the appropriate
71 subsidized Kidcare program.

72 ~~(b) A child who is seeking premium assistance for the~~
73 ~~Florida Kidcare program through employer sponsored group~~
74 ~~coverage, if the child has been covered by the same employer's~~
75 ~~group coverage during the 60 days before the family submitted an~~

76 ~~application for determination of eligibility under the program.~~

77 (b)~~(e)~~ A child who is an alien but who does not meet the
78 definition of a lawfully residing child. This paragraph does not
79 extend eligibility for the Florida Kidcare program to an
80 undocumented immigrant.

81 (c)~~(d)~~ A child who is an inmate of a public institution or
82 a patient in an institution for mental diseases.

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

89 ~~1. The cost of participation in an employer-sponsored~~
90 ~~health benefit plan is greater than 5 percent of the family's~~
91 ~~income;~~

92 ~~2. The parent lost a job that provided an employer-~~
93 ~~sponsored health benefit plan for children;~~

94 ~~3. The parent who had health benefits coverage for the~~
95 ~~child is deceased;~~

96 ~~4. The child has a medical condition that, without medical~~
97 ~~care, would cause serious disability, loss of function, or~~
98 ~~death;~~

99 ~~5. The employer of the parent canceled health benefits~~
100 ~~coverage for children;~~

HB 1421

2021

101 ~~6. The child's health benefits coverage ended because the~~
102 ~~child reached the maximum lifetime coverage amount;~~

103 ~~7. The child has exhausted coverage under a COBRA~~
104 ~~continuation provision;~~

105 ~~8. The health benefits coverage does not cover the child's~~
106 ~~health care needs; or~~

107 ~~9. Domestic violence led to loss of coverage.~~

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

118 (9) In determining the eligibility of a child, an assets
119 test is not required. If the Florida Kidcare program is unable
120 to verify eligibility using reliable data sources in accordance
121 with federal requirements, each applicant shall provide
122 documentation during the application process and the
123 redetermination process, including, but not limited to, the
124 following:

125 (a) Proof of family income, which must be verified

126 | electronically to determine financial eligibility for the
127 | Florida Kidcare program. Written documentation, which may
128 | include wages and earnings statements or pay stubs, W-2 forms,
129 | or a copy of the applicant's most recent federal income tax
130 | return, is required only if the electronic verification is not
131 | available or does not substantiate the applicant's income.

132 | (b) A statement from all applicable, employed family
133 | members that:

134 | 1. Their employers do not sponsor health benefit plans for
135 | employees;

136 | 2. The potential enrollee is not covered by an employer-
137 | sponsored health benefit plan; or

138 | 3. The potential enrollee is covered by an employer-
139 | sponsored health benefit plan and the cost of the employer-
140 | sponsored health benefit plan is more than 5 percent of the
141 | family's income.

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

144 | Section 4. Paragraph (b) of subsection (2) and paragraph
145 | (b) of subsection (5) of section 624.91, Florida Statutes, are
146 | amended to read:

147 | 624.91 The Florida Healthy Kids Corporation Act.—

148 | (2) LEGISLATIVE INTENT.—

149 | (b) It is the intent of the Legislature that the Florida
150 | Healthy Kids Corporation serve as one of several providers of

151 services to children eligible for medical assistance under Title
 152 XXI of the Social Security Act. Although the corporation may
 153 serve other children, the Legislature intends the primary
 154 recipients of services provided through the corporation be
 155 school-age children with a family income equal to or below 200
 156 percent of the federal poverty level, who do not qualify for
 157 Medicaid. It is also the intent of the Legislature that state
 158 and local government Florida Healthy Kids funds be used to
 159 continue coverage, subject to specific appropriations in the
 160 General Appropriations Act, to children not eligible for federal
 161 matching funds under Title XXI.

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

163 (b) The Florida Healthy Kids Corporation shall:

164 1. Arrange for the collection of any family, local
 165 contributions, or employer payment or premium, in an amount to
 166 be determined by the board of directors, to provide for payment
 167 of premiums for comprehensive insurance coverage and for the
 168 actual or estimated administrative expenses.

169 2. Arrange for the collection of any voluntary
 170 contributions to provide for payment of Florida Kidcare program
 171 premiums for children who are not eligible for medical
 172 assistance under Title XIX or Title XXI of the Social Security
 173 Act.

174 3. Subject to the provisions of s. 409.8134, accept
 175 voluntary supplemental local match contributions that comply

176 with the requirements of Title XXI of the Social Security Act
177 for the purpose of providing additional Florida Kidcare coverage
178 in contributing counties under Title XXI.

179 4. Establish the administrative and accounting procedures
180 for the operation of the corporation.

181 5. Establish, with consultation from appropriate
182 professional organizations, standards for preventive health
183 services and providers and comprehensive insurance benefits
184 appropriate to children, provided that such standards for rural
185 areas shall not limit primary care providers to board-certified
186 pediatricians.

187 6. Determine eligibility for children seeking to
188 participate in the Title XXI-funded components of the Florida
189 Kidcare program consistent with the requirements specified in s.
190 409.814, as well as the non-Title-XXI-eligible children as
191 provided in subsection (3).

192 7. Establish procedures under which providers of local
193 match to, applicants to and participants in the program may have
194 grievances reviewed by an impartial body and reported to the
195 board of directors of the corporation.

196 8. Establish participation criteria and, if appropriate,
197 contract with an authorized insurer, health maintenance
198 organization, or third-party administrator to provide
199 administrative services to the corporation.

200 ~~9. Establish enrollment criteria that include penalties or~~

201 ~~waiting periods of 30 days for reinstatement of coverage upon~~
202 ~~voluntary cancellation for nonpayment of family premiums.~~

203 9.10. Contract with authorized insurers or any provider of
204 health care services, meeting standards established by the
205 corporation, for the provision of comprehensive insurance
206 coverage to participants. Such standards shall include criteria
207 under which the corporation may contract with more than one
208 provider of health care services in program sites. Health plans
209 shall be selected through a competitive bid process. The Florida
210 Healthy Kids Corporation shall purchase goods and services in
211 the most cost-effective manner consistent with the delivery of
212 quality medical care. The maximum administrative cost for a
213 Florida Healthy Kids Corporation contract shall be 15 percent.
214 For health care contracts, the minimum medical loss ratio for a
215 Florida Healthy Kids Corporation contract shall be 85 percent.
216 For dental contracts, the remaining compensation to be paid to
217 the authorized insurer or provider under a Florida Healthy Kids
218 Corporation contract shall be no less than an amount which is 85
219 percent of premium; to the extent any contract provision does
220 not provide for this minimum compensation, this section shall
221 prevail. For an insurer or any provider of health care services
222 which achieves an annual medical loss ratio below 85 percent,
223 the Florida Healthy Kids Corporation shall validate the medical
224 loss ratio and calculate an amount to be refunded by the insurer
225 or any provider of health care services to the state which shall

226 be deposited into the General Revenue Fund unallocated. The
227 health plan selection criteria and scoring system, and the
228 scoring results, shall be available upon request for inspection
229 after the bids have been awarded.

230 ~~10.11.~~ Establish disenrollment criteria in the event local
231 matching funds are insufficient to cover enrollments.

232 ~~11.12.~~ Develop and implement a plan to publicize the
233 Florida Kidcare program, the eligibility requirements of the
234 program, and the procedures for enrollment in the program and to
235 maintain public awareness of the corporation and the program.

236 ~~12.13.~~ Secure staff necessary to properly administer the
237 corporation. Staff costs shall be funded from state and local
238 matching funds and such other private or public funds as become
239 available. The board of directors shall determine the number of
240 staff members necessary to administer the corporation.

241 ~~13.14.~~ In consultation with the partner agencies, provide
242 a report on the Florida Kidcare program annually to the
243 Governor, the Chief Financial Officer, the Commissioner of
244 Education, the President of the Senate, the Speaker of the House
245 of Representatives, and the Minority Leaders of the Senate and
246 the House of Representatives.

247 ~~14.15.~~ Provide information on a quarterly basis to the
248 Legislature and the Governor which compares the costs and
249 utilization of the full-pay enrolled population and the Title
250 XXI-subsidized enrolled population in the Florida Kidcare

HB 1421

2021

251 program. The information, at a minimum, must include:

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

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

258 ~~15.16.~~ Establish benefit packages that conform to the
259 provisions of the Florida Kidcare program, as created in ss.
260 409.810-409.821.

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