

By Senator Ausley

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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 same  
28       financial methodologies used to determine modified adjusted  
29       gross income, subject to the exceptions specified in 42 C.F.R.

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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

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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,~~

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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;~~

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

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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, a  
143 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

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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

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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

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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



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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 a  
242 report on the Florida Kidcare program annually to the Governor,  
243 the Chief Financial Officer, the Commissioner of Education, the  
244 President of the Senate, the Speaker of the House of  
245 Representatives, and the Minority Leaders of the Senate and the  
246 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  
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.