

1 A bill to be entitled
 2 An act relating to Florida Kidcare program
 3 eligibility; amending s. 409.8132, F.S.; conforming a
 4 provision to changes made by the act; amending s.
 5 409.814, F.S.; increasing the income eligibility
 6 threshold for coverage under the Florida Kidcare
 7 program; requiring an applicant seeking coverage under
 8 the program to provide certain documentation if
 9 eligibility cannot be verified using reliable data
 10 sources; creating s. 409.8141, F.S.; requiring the
 11 Agency for Health Care Administration to examine
 12 graduated family contribution rates for newly
 13 qualifying families under the program; providing
 14 guidelines for such rates; providing applicability;
 15 requiring the agency to increase the income
 16 eligibility threshold for coverage under the program
 17 each fiscal year until meeting a specified income
 18 threshold; authorizing the agency to seek federal
 19 waiver approval or submit state plan amendments as
 20 necessary; amending s. 624.91, F.S.; conforming a
 21 provision to changes made by the act; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Paragraph (a) of subsection (6) of section
 27 409.8132, Florida Statutes, is amended to read:

28 409.8132 Medikids program component.—

29 (6) ELIGIBILITY.—

30 (a) A child who has attained the age of 1 year but who is
 31 under the age of 5 years is eligible to enroll in the Medikids
 32 program component of the Florida Kidcare program, if the child
 33 is a member of a family that has a family income which exceeds
 34 the Medicaid applicable income level as specified in s. 409.903,
 35 but which is equal to or below 250 ~~200~~ percent of the current
 36 federal poverty level. In determining the eligibility of such a
 37 child, an assets test is not required. A child who is eligible
 38 for Medikids may elect to enroll in Florida Healthy Kids
 39 coverage or employer-sponsored group coverage. However, a child
 40 who is eligible for Medikids may participate in the Florida
 41 Healthy Kids program only if the child has a sibling
 42 participating in the Florida Healthy Kids program and the
 43 child's county of residence permits such enrollment.

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

46 409.814 Eligibility.—A child who has not reached 19 years
 47 of age whose family income is equal to or below 250 ~~200~~ percent
 48 of the federal poverty level is eligible for the Florida Kidcare
 49 program as provided in this section. If an enrolled individual
 50 is determined to be ineligible for coverage, he or she must be

51 immediately disenrolled from the respective Florida Kidcare
52 program component.

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

57 (2) A child who is not eligible for Medicaid, but who is
58 eligible for the Florida Kidcare program, may obtain health
59 benefits coverage under any of the other components listed in s.
60 409.813 if such coverage is approved and available in the county
61 in which the child resides.

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

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

73 (a) A child who is covered under a family member's group
74 health benefit plan or under other private or employer health
75 insurance coverage, if the cost of the child's participation is

76 | not greater than 5 percent of the family's income. If a child is
77 | otherwise eligible for a subsidy under the Florida Kidcare
78 | program and the cost of the child's participation in the family
79 | member's health insurance benefit plan is greater than 5 percent
80 | of the family's income, the child may enroll in the appropriate
81 | subsidized Kidcare program.

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

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

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

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

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

101 income;

102 2. The parent lost a job that provided an employer-

103 sponsored health benefit plan for children;

104 3. The parent who had health benefits coverage for the

105 child is deceased;

106 4. The child has a medical condition that, without medical

107 care, would cause serious disability, loss of function, or

108 death;

109 5. The employer of the parent canceled health benefits

110 coverage for children;

111 6. The child's health benefits coverage ended because the

112 child reached the maximum lifetime coverage amount;

113 7. The child has exhausted coverage under a COBRA

114 continuation provision;

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

116 health care needs; or

117 9. Domestic violence led to loss of coverage.

118 (5) A child who is otherwise eligible for the Florida

119 Kidcare program and who has a preexisting condition that

120 prevents coverage under another insurance plan as described in

121 paragraph (4) (a) which would have disqualified the child for the

122 Florida Kidcare program if the child were able to enroll in the

123 plan is eligible for Florida Kidcare coverage when enrollment is

124 possible.

125 (6) A child whose family income is above 250 ~~200~~ percent

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

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

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

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

147 (8) When determining or reviewing a child's eligibility
 148 under the Florida Kidcare program, the applicant shall be
 149 provided with reasonable notice of changes in eligibility which
 150 may affect enrollment in one or more of the program components.

151 If a transition from one program component to another is
152 authorized, there shall be cooperation between the program
153 components and the affected family which promotes continuity of
154 health care coverage. Any authorized transfers must be managed
155 within the program's overall appropriated or authorized levels
156 of funding. Each component of the program shall establish a
157 reserve to ensure that transfers between components will be
158 accomplished within current year appropriations. These reserves
159 shall be reviewed by each convening of the Social Services
160 Estimating Conference to determine the adequacy of such reserves
161 to meet actual experience.

162 (9) In determining the eligibility of a child, an assets
163 test is not required. If eligibility for the Florida Kidcare
164 program cannot be verified using reliable data sources in
165 accordance with federal requirements, each applicant shall
166 provide documentation during the application process and the
167 redetermination process, including, but not limited to, the
168 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
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,
 187 a 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
 204 benefits for a potential enrollee under the Florida Kidcare
 205 program when the applicant knows or should have known the
 206 potential enrollee does not qualify for the Florida Kidcare
 207 program.

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

213 Section 3. Section 409.8141, Florida Statutes, is created
 214 to read:

215 409.8141 Graduated family contribution rates.-

216 (1) Subject to federal waiver approval and in accordance
 217 with the cost containment goals for the Florida Kidcare program
 218 and for the state, the agency shall examine graduated family
 219 contribution rates for newly qualifying families under the
 220 Florida Kidcare program which are consistent with the existing
 221 standard established under the Children's Health Insurance
 222 Program (CHIP) as follows:

223 (a) For a child or children whose family has an income
 224 between 200 and 225 percent of the federal poverty level, a
 225 contribution rate of at least \$30 per month per family.

226 (b) For a child or children whose family has an income
227 between 225 and 250 percent of the federal poverty level, a
228 contribution rate of at least \$40 per month per family.

229 (2) The graduated family contribution rates in subsection
230 (1) are in addition to the existing contribution rates of \$15
231 per month per family for a child or children whose family has an
232 income between 138 and 158 percent of the federal poverty level
233 and \$20 per month per family for a child or children whose
234 family has an income between 158 and 215 percent of the federal
235 poverty level, allowing the state to attain additional cost
236 savings for the expansion of the Florida Kidcare program and to
237 attain the federal Centers for Medicare and Medicaid Services'
238 stated goals for CHIP to expand coverage and healthcare access
239 for uninsured and underinsured children.

240 (3) Subject to federal waiver approval, the agency shall
241 increase the income eligibility threshold for coverage under the
242 Florida Kidcare program to 210 percent of the federal poverty
243 level for the 2022-2023 fiscal year, and shall increase the
244 income eligibility threshold by 10 percent each fiscal year
245 thereafter until meeting an income eligibility threshold of 250
246 percent of the federal poverty level.

247 (4) The agency may seek federal waiver approval or submit
248 any state plan amendments necessary to implement this section.

249 Section 4. Paragraph (b) of subsection (2) of section
250 624.91, Florida Statutes, is amended to read:

251 624.91 The Florida Healthy Kids Corporation Act.—
252 (2) LEGISLATIVE INTENT.—
253 (b) It is the intent of the Legislature that the Florida
254 Healthy Kids Corporation serve as one of several providers of
255 services to children eligible for medical assistance under Title
256 XXI of the Social Security Act. Although the corporation may
257 serve other children, the Legislature intends the primary
258 recipients of services provided through the corporation be
259 school-age children with a family income below 250 ~~200~~ percent
260 of the federal poverty level, who do not qualify for Medicaid.
261 It is also the intent of the Legislature that state and local
262 government Florida Healthy Kids funds be used to continue
263 coverage, subject to specific appropriations in the General
264 Appropriations Act, to children not eligible for federal
265 matching funds under Title XXI.
266 Section 5. This act shall take effect July 1, 2022.