

By Senator Perry

8-00804A-22

20221422\_\_

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; amending s. 409.816, F.S.; requiring that  
11      premiums for certain enrollees under the program be  
12      based on a tiered system of uniform premiums; amending  
13      s. 624.91, F.S.; conforming a provision to changes  
14      made by the act; providing effective dates.

15  
16       WHEREAS, as families progress up the economic ladder they  
17      are adversely affected by the fiscal cliff, disincentivizing  
18      upward mobility, and

19       WHEREAS, some of these families have lost access to Florida  
20      Healthy Kids, which subsidizes children's health insurance,  
21      creating a health care coverage gap, and

22       WHEREAS, the Legislature seeks to remove these barriers and  
23      intends to facilitate a glide path for families to achieve  
24      economic self-sufficiency and access the necessary health care  
25      services for their children, NOW, THEREFORE,

26  
27      Be It Enacted by the Legislature of the State of Florida:

28  
29           Section 1. Paragraph (a) of subsection (6) of section

8-00804A-22

20221422\_\_

30 409.8132, Florida Statutes, is amended to read:

31 409.8132 Medikids program component.—

32 (6) ELIGIBILITY.—

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

47 Section 2. Effective July 1, 2023, paragraph (a) of  
48 subsection (6) of section 409.8132, Florida Statutes, as amended  
49 by this act, is amended to read:

50 409.8132 Medikids program component.—

51 (6) ELIGIBILITY.—

52 (a) A child who has attained the age of 1 year but who is  
53 under the age of 5 years is eligible to enroll in the Medikids  
54 program component of the Florida Kidcare program, if the child  
55 is a member of a family that has a family income which exceeds  
56 the Medicaid applicable income level as specified in s. 409.903,  
57 but which is equal to or below 300 ~~250~~ percent of the current  
58 federal poverty level. In determining the eligibility of such a

8-00804A-22

20221422\_\_

59 child, an assets test is not required. A child who is eligible  
60 for Medikids may elect to enroll in Florida Healthy Kids  
61 coverage or employer-sponsored group coverage. However, a child  
62 who is eligible for Medikids may participate in the Florida  
63 Healthy Kids program only if the child has a sibling  
64 participating in the Florida Healthy Kids program and the  
65 child's county of residence permits such enrollment.

66 Section 3. Section 409.814, Florida Statutes, is amended to  
67 read:

68 409.814 Eligibility.—A child who has not reached 19 years  
69 of age whose family income is equal to or below 250 ~~200~~ percent  
70 of the federal poverty level is eligible for the Florida Kidcare  
71 program as provided in this section. If an enrolled individual  
72 is determined to be ineligible for coverage, he or she must be  
73 immediately disenrolled from the respective Florida Kidcare  
74 program component.

75 (1) A child who is eligible for Medicaid coverage under s.  
76 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
77 eligible to receive health benefits under any other health  
78 benefits coverage authorized under the Florida Kidcare program.

79 (2) A child who is not eligible for Medicaid, but who is  
80 eligible for the Florida Kidcare program, may obtain health  
81 benefits coverage under any of the other components listed in s.  
82 409.813 if such coverage is approved and available in the county  
83 in which the child resides.

84 (3) A Title XXI-funded child who is eligible for the  
85 Florida Kidcare program who is a child with special health care  
86 needs, as determined through a medical or behavioral screening  
87 instrument, is eligible for health benefits coverage from and

8-00804A-22

20221422\_\_

88 shall be assigned to and may opt out of the Children's Medical  
89 Services Network.

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

95 (a) A child who is covered under a family member's group  
96 health benefit plan or under other private or employer health  
97 insurance coverage, if the cost of the child's participation is  
98 not greater than 5 percent of the family's income. If a child is  
99 otherwise eligible for a subsidy under the Florida Kidcare  
100 program and the cost of the child's participation in the family  
101 member's health insurance benefit plan is greater than 5 percent  
102 of the family's income, the child may enroll in the appropriate  
103 subsidized Kidcare program.

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

109 (c) A child who is an alien but who does not meet the  
110 definition of a lawfully residing child. This paragraph does not  
111 extend eligibility for the Florida Kidcare program to an  
112 undocumented immigrant.

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

115 (e) A child who is otherwise eligible for premium  
116 assistance for the Florida Kidcare program and has had his or

8-00804A-22

20221422\_\_

117 her coverage in an employer-sponsored or private health benefit  
118 plan voluntarily canceled in the last 60 days, except those  
119 children whose coverage was voluntarily canceled for good cause,  
120 including, but not limited to, the following circumstances:

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

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

126 3. The parent who had health benefits coverage for the  
127 child is deceased;

128 4. The child has a medical condition that, without medical  
129 care, would cause serious disability, loss of function, or  
130 death;

131 5. The employer of the parent canceled health benefits  
132 coverage for children;

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

135 7. The child has exhausted coverage under a COBRA  
136 continuation provision;

137 8. The health benefits coverage does not cover the child's  
138 health care needs; or

139 9. Domestic violence led to loss of coverage.

140 (5) A child who is otherwise eligible for the Florida  
141 Kidcare program and who has a preexisting condition that  
142 prevents coverage under another insurance plan as described in  
143 paragraph (4) (a) which would have disqualified the child for the  
144 Florida Kidcare program if the child were able to enroll in the  
145 plan is eligible for Florida Kidcare coverage when enrollment is

8-00804A-22

20221422\_\_

146 possible.

147 (6) A child whose family income is above 250 ~~200~~ percent of  
148 the federal poverty level or a child who is excluded under the  
149 provisions of subsection (4) may participate in the Florida  
150 Kidcare program as provided in s. 409.8132 or, if the child is  
151 ineligible for Medikids by reason of age, in the Florida Healthy  
152 Kids program, subject to the following:

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

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

159 (7) Once a child is enrolled in the Florida Kidcare  
160 program, the child is eligible for coverage for 12 months  
161 without a redetermination or reverification of eligibility, if  
162 the family continues to pay the applicable premium. Eligibility  
163 for program components funded through Title XXI of the Social  
164 Security Act terminates when a child attains the age of 19. A  
165 child who has not attained the age of 5 and who has been  
166 determined eligible for the Medicaid program is eligible for  
167 coverage for 12 months without a redetermination or  
168 reverification of eligibility.

169 (8) When determining or reviewing a child's eligibility  
170 under the Florida Kidcare program, the applicant shall be  
171 provided with reasonable notice of changes in eligibility which  
172 may affect enrollment in one or more of the program components.  
173 If a transition from one program component to another is  
174 authorized, there shall be cooperation between the program

8-00804A-22

20221422\_\_

175 components and the affected family which promotes continuity of  
176 health care coverage. Any authorized transfers must be managed  
177 within the program's overall appropriated or authorized levels  
178 of funding. Each component of the program shall establish a  
179 reserve to ensure that transfers between components will be  
180 accomplished within current year appropriations. These reserves  
181 shall be reviewed by each convening of the Social Services  
182 Estimating Conference to determine the adequacy of such reserves  
183 to meet actual experience.

184 (9) In determining the eligibility of a child, an assets  
185 test is not required. If eligibility for the Florida Kidcare  
186 program cannot be verified using reliable data sources in  
187 accordance with federal requirements, each applicant shall  
188 provide documentation during the application process and the  
189 redetermination process, including, but not limited to, the  
190 following:

191 (a) Proof of family income, which must be verified  
192 electronically to determine financial eligibility for the  
193 Florida Kidcare program. Written documentation, which may  
194 include wages and earnings statements or pay stubs, W-2 forms,  
195 or a copy of the applicant's most recent federal income tax  
196 return, is required only if the electronic verification is not  
197 available or does not substantiate the applicant's income.

198 (b) A statement from all applicable, employed family  
199 members that:

200 1. Their employers do not sponsor health benefit plans for  
201 employees;

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

8-00804A-22

20221422\_\_

204           3. The potential enrollee is covered by an employer-  
205 sponsored health benefit plan and the cost of the employer-  
206 sponsored health benefit plan is more than 5 percent of the  
207 family's income.

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

210           (10) Subject to paragraph (4) (a), the Florida Kidcare  
211 program shall withhold benefits from an enrollee if the program  
212 obtains evidence that the enrollee is no longer eligible,  
213 submitted incorrect or fraudulent information in order to  
214 establish eligibility, or failed to provide verification of  
215 eligibility. The applicant or enrollee shall be notified that  
216 because of such evidence program benefits will be withheld  
217 unless the applicant or enrollee contacts a designated  
218 representative of the program by a specified date, which must be  
219 within 10 working days after the date of notice, to discuss and  
220 resolve the matter. The program shall make every effort to  
221 resolve the matter within a timeframe that will not cause  
222 benefits to be withheld from an eligible enrollee.

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

225           (a) An applicant obtaining or attempting to obtain benefits  
226 for a potential enrollee under the Florida Kidcare program when  
227 the applicant knows or should have known the potential enrollee  
228 does not qualify for the Florida Kidcare program.

229           (b) An individual who assists an applicant in obtaining or  
230 attempting to obtain benefits for a potential enrollee under the  
231 Florida Kidcare program when the individual knows or should have  
232 known the potential enrollee does not qualify for the Florida



8-00804A-22

20221422\_\_

233 Kidcare program.

234 Section 4. Effective July 1, 2023, section 409.814, Florida  
235 Statutes, as amended by this act, is amended to read:

236 409.814 Eligibility.—A child who has not reached 19 years  
237 of age whose family income is equal to or below 300 ~~250~~ percent  
238 of the federal poverty level is eligible for the Florida Kidcare  
239 program as provided in this section. If an enrolled individual  
240 is determined to be ineligible for coverage, he or she must be  
241 immediately disenrolled from the respective Florida Kidcare  
242 program component.

243 (1) A child who is eligible for Medicaid coverage under s.  
244 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
245 eligible to receive health benefits under any other health  
246 benefits coverage authorized under the Florida Kidcare program.

247 (2) A child who is not eligible for Medicaid, but who is  
248 eligible for the Florida Kidcare program, may obtain health  
249 benefits coverage under any of the other components listed in s.  
250 409.813 if such coverage is approved and available in the county  
251 in which the child resides.

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

258 (4) The following children are not eligible to receive  
259 Title XXI-funded premium assistance for health benefits coverage  
260 under the Florida Kidcare program, except under Medicaid if the  
261 child would have been eligible for Medicaid under s. 409.903 or

8-00804A-22

20221422\_\_

262 s. 409.904 as of June 1, 1997:

263 (a) A child who is covered under a family member's group  
264 health benefit plan or under other private or employer health  
265 insurance coverage, if the cost of the child's participation is  
266 not greater than 5 percent of the family's income. If a child is  
267 otherwise eligible for a subsidy under the Florida Kidcare  
268 program and the cost of the child's participation in the family  
269 member's health insurance benefit plan is greater than 5 percent  
270 of the family's income, the child may enroll in the appropriate  
271 subsidized Kidcare program.

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

277 (c) A child who is an alien but who does not meet the  
278 definition of a lawfully residing child. This paragraph does not  
279 extend eligibility for the Florida Kidcare program to an  
280 undocumented immigrant.

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

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

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

8-00804A-22

20221422\_\_

291 income;

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

294 3. The parent who had health benefits coverage for the  
295 child is deceased;

296 4. The child has a medical condition that, without medical  
297 care, would cause serious disability, loss of function, or  
298 death;

299 5. The employer of the parent canceled health benefits  
300 coverage for children;

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

303 7. The child has exhausted coverage under a COBRA  
304 continuation provision;

305 8. The health benefits coverage does not cover the child's  
306 health care needs; or

307 9. Domestic violence led to loss of coverage.

308 (5) A child who is otherwise eligible for the Florida  
309 Kidcare program and who has a preexisting condition that  
310 prevents coverage under another insurance plan as described in  
311 paragraph (4) (a) which would have disqualified the child for the  
312 Florida Kidcare program if the child were able to enroll in the  
313 plan is eligible for Florida Kidcare coverage when enrollment is  
314 possible.

315 (6) A child whose family income is above 300 ~~250~~ percent of  
316 the federal poverty level or a child who is excluded under the  
317 provisions of subsection (4) may participate in the Florida  
318 Kidcare program as provided in s. 409.8132 or, if the child is  
319 ineligible for Medikids by reason of age, in the Florida Healthy

8-00804A-22

20221422\_\_

320 Kids program, subject to the following:

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

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

327 (7) Once a child is enrolled in the Florida Kidcare  
328 program, the child is eligible for coverage for 12 months  
329 without a redetermination or reverification of eligibility, if  
330 the family continues to pay the applicable premium. Eligibility  
331 for program components funded through Title XXI of the Social  
332 Security Act terminates when a child attains the age of 19. A  
333 child who has not attained the age of 5 and who has been  
334 determined eligible for the Medicaid program is eligible for  
335 coverage for 12 months without a redetermination or  
336 reverification of eligibility.

337 (8) When determining or reviewing a child's eligibility  
338 under the Florida Kidcare program, the applicant shall be  
339 provided with reasonable notice of changes in eligibility which  
340 may affect enrollment in one or more of the program components.  
341 If a transition from one program component to another is  
342 authorized, there shall be cooperation between the program  
343 components and the affected family which promotes continuity of  
344 health care coverage. Any authorized transfers must be managed  
345 within the program's overall appropriated or authorized levels  
346 of funding. Each component of the program shall establish a  
347 reserve to ensure that transfers between components will be  
348 accomplished within current year appropriations. These reserves

8-00804A-22

20221422\_\_

349 shall be reviewed by each convening of the Social Services  
350 Estimating Conference to determine the adequacy of such reserves  
351 to meet actual experience.

352 (9) In determining the eligibility of a child, an assets  
353 test is not required. If eligibility for the Florida Kidcare  
354 program cannot be verified using reliable data sources in  
355 accordance with federal requirements, each applicant shall  
356 provide documentation during the application process and the  
357 redetermination process, including, but not limited to, the  
358 following:

359 (a) Proof of family income, which must be verified  
360 electronically to determine financial eligibility for the  
361 Florida Kidcare program. Written documentation, which may  
362 include wages and earnings statements or pay stubs, W-2 forms,  
363 or a copy of the applicant's most recent federal income tax  
364 return, is required only if the electronic verification is not  
365 available or does not substantiate the applicant's income.

366 (b) A statement from all applicable, employed family  
367 members that:

368 1. Their employers do not sponsor health benefit plans for  
369 employees;

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

372 3. The potential enrollee is covered by an employer-  
373 sponsored health benefit plan and the cost of the employer-  
374 sponsored health benefit plan is more than 5 percent of the  
375 family's income.

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

8-00804A-22

20221422\_\_

378           (10) Subject to paragraph (4) (a), the Florida Kidcare  
379 program shall withhold benefits from an enrollee if the program  
380 obtains evidence that the enrollee is no longer eligible,  
381 submitted incorrect or fraudulent information in order to  
382 establish eligibility, or failed to provide verification of  
383 eligibility. The applicant or enrollee shall be notified that  
384 because of such evidence program benefits will be withheld  
385 unless the applicant or enrollee contacts a designated  
386 representative of the program by a specified date, which must be  
387 within 10 working days after the date of notice, to discuss and  
388 resolve the matter. The program shall make every effort to  
389 resolve the matter within a timeframe that will not cause  
390 benefits to be withheld from an eligible enrollee.

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

393           (a) An applicant obtaining or attempting to obtain benefits  
394 for a potential enrollee under the Florida Kidcare program when  
395 the applicant knows or should have known the potential enrollee  
396 does not qualify for the Florida Kidcare program.

397           (b) An individual who assists an applicant in obtaining or  
398 attempting to obtain benefits for a potential enrollee under the  
399 Florida Kidcare program when the individual knows or should have  
400 known the potential enrollee does not qualify for the Florida  
401 Kidcare program.

402           Section 5. Subsection (3) of section 409.816, Florida  
403 Statutes, is amended to read:

404           409.816 Limitations on premiums and cost sharing.—The  
405 following limitations on premiums and cost sharing are  
406 established for the program.

8-00804A-22

20221422\_\_

407 (3) Enrollees in families with a family income above 150  
408 percent of the federal poverty level who are not receiving  
409 coverage under the Medicaid program or who are not eligible  
410 under s. 409.814(6) may be required to pay enrollment fees,  
411 premiums, copayments, deductibles, coinsurance, or similar  
412 charges on a sliding scale related to income, except that the  
413 total annual aggregate cost sharing with respect to all children  
414 in a family may not exceed 5 percent of the family's income.  
415 However, copayments, deductibles, coinsurance, or similar  
416 charges may not be imposed for preventive services, including  
417 well-baby and well-child care, age-appropriate immunizations,  
418 and routine hearing and vision screenings. Premiums for  
419 enrollees paying enrollment fees, premiums, copayments,  
420 deductibles, coinsurance, or similar charges as provided in this  
421 subsection shall be based on at least three but no more than  
422 five tiers of uniform premiums that increase with each tier as a  
423 percentage of the applicable threshold amount of the federal  
424 poverty level, by tier.

425 Section 6. Paragraph (b) of subsection (2) of section  
426 624.91, Florida Statutes, is amended to read:

427 624.91 The Florida Healthy Kids Corporation Act.—

428 (2) LEGISLATIVE INTENT.—

429 (b) It is the intent of the Legislature that the Florida  
430 Healthy Kids Corporation serve as one of several providers of  
431 services to children eligible for medical assistance under Title  
432 XXI of the Social Security Act. Although the corporation may  
433 serve other children, the Legislature intends the primary  
434 recipients of services provided through the corporation be  
435 school-age children with a family income equal to or below 250

8-00804A-22

20221422\_\_

436 ~~200~~ percent of the federal poverty level, who do not qualify for  
437 Medicaid. It is also the intent of the Legislature that state  
438 and local government Florida Healthy Kids funds be used to  
439 continue coverage, subject to specific appropriations in the  
440 General Appropriations Act, to children not eligible for federal  
441 matching funds under Title XXI.

442 Section 7. Effective July 1, 2023, paragraph (b) of  
443 subsection (2) of section 624.91, Florida Statutes, as amended  
444 by this act, is amended to read:

445 624.91 The Florida Healthy Kids Corporation Act.—

446 (2) LEGISLATIVE INTENT.—

447 (b) It is the intent of the Legislature that the Florida  
448 Healthy Kids Corporation serve as one of several providers of  
449 services to children eligible for medical assistance under Title  
450 XXI of the Social Security Act. Although the corporation may  
451 serve other children, the Legislature intends the primary  
452 recipients of services provided through the corporation be  
453 school-age children with a family income equal to or below 300  
454 ~~250~~ percent of the federal poverty level, who do not qualify for  
455 Medicaid. It is also the intent of the Legislature that state  
456 and local government Florida Healthy Kids funds be used to  
457 continue coverage, subject to specific appropriations in the  
458 General Appropriations Act, to children not eligible for federal  
459 matching funds under Title XXI.

460 Section 8. Except as otherwise expressly provided in this  
461 act, this act shall take effect July 1, 2022.