

By Senator Hooper

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1 A bill to be entitled
2 An act relating to Florida Kidcare program income
3 eligibility; creating s. 409.8141, F.S.; establishing
4 a tiered system of family premiums for Title XXI
5 coverage under the Florida Kidcare program beginning
6 with a specified fiscal year; limiting the total
7 aggregate premium; authorizing the Agency for Health
8 Care Administration to seek federal waiver approval or
9 submit any state plan amendments as necessary;
10 providing for future expiration; amending ss.
11 409.8132, 409.814, and 624.91, F.S.; increasing the
12 income eligibility threshold for coverage under the
13 program to conform to changes made by the act;
14 providing applicability; providing for reversion of
15 certain provisions; requiring the agency to notify the
16 Division of Law Revision within a specified timeframe
17 after receiving federal approval through a waiver or
18 state plan amendment; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 409.8141, Florida Statutes, is created
23 to read:

24 409.8141 Tiered system of family premiums for Title XXI
25 coverage under the Florida Kidcare program.—

26 (1) Beginning with the 2022-2023 fiscal year and subject to
27 federal approval through a waiver or a state plan amendment, the
28 following tiered system of family premiums for Title XXI
29 coverage under the Florida Kidcare program shall apply:

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30 (a) For a child whose family has an income from 201 through
31 250 percent of the federal poverty level, a family premium of
32 \$50 per month per child.

33 (b) For a child whose family has an income from 251 through
34 300 percent of the federal poverty level, a family premium of
35 \$100 per month per child.

36 (c) For a child whose family has an income from 301 through
37 350 percent of the federal poverty level, a family premium of
38 \$150 per month per child.

39 (d) For a child whose family has an income from 351 through
40 400 percent of the federal poverty level, a family premium of
41 \$200 per month per child.

42 (2) The total monthly aggregate premium under subsection
43 (1) for all children in a family may not exceed \$800 per month.

44 (3) The agency may seek federal waiver approval or submit
45 any state plan amendments necessary to implement this section.

46 (4) This section expires July 1, 2025.

47 Section 2. Paragraph (a) of subsection (6) of section
48 409.8132, Florida Statutes, is amended to read:

49 409.8132 Medikids program component.—

50 (6) ELIGIBILITY.—

51 (a) A child who has attained the age of 1 year but who is
52 under the age of 5 years is eligible to enroll in the Medikids
53 program component of the Florida Kidcare program, if the child
54 is a member of a family that has a family income which exceeds
55 the Medicaid applicable income level as specified in s. 409.903,
56 but which is equal to or below 400 ~~200~~ percent of the current
57 federal poverty level. In determining the eligibility of such a
58 child, an assets test is not required. A child who is eligible

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59 for Medikids may elect to enroll in Florida Healthy Kids
60 coverage or employer-sponsored group coverage. However, a child
61 who is eligible for Medikids may participate in the Florida
62 Healthy Kids program only if the child has a sibling
63 participating in the Florida Healthy Kids program and the
64 child's county of residence permits such enrollment.

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

67 409.814 Eligibility.—A child who has not reached 19 years
68 of age whose family income is equal to or below 400 ~~200~~ percent
69 of the federal poverty level is eligible for the Florida Kidcare
70 program as provided in this section. If an enrolled individual
71 is determined to be ineligible for coverage, he or she must be
72 immediately disenrolled from the respective Florida Kidcare
73 program component.

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

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

83 (3) A Title XXI-funded child who is eligible for the
84 Florida Kidcare program who is a child with special health care
85 needs, as determined through a medical or behavioral screening
86 instrument, is eligible for health benefits coverage from and
87 shall be assigned to and may opt out of the Children's Medical

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88 Services Network.

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

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

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

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

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

114 (e) A child who is otherwise eligible for premium
115 assistance for the Florida Kidcare program and has had his or
116 her coverage in an employer-sponsored or private health benefit

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117 plan voluntarily canceled in the last 60 days, except those
118 children whose coverage was voluntarily canceled for good cause,
119 including, but not limited to, the following circumstances:

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

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

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

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

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

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

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

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

138 9. Domestic violence led to loss of coverage.

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

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146 (6) A child whose family income is above 400 ~~200~~ percent of
147 the federal poverty level or a child who is excluded under the
148 provisions of subsection (4) may participate in the Florida
149 Kidcare program as provided in s. 409.8132 or, if the child is
150 ineligible for Medikids by reason of age, in the Florida Healthy
151 Kids program, subject to the following:

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

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

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

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

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

183 (9) In determining the eligibility of a child, an assets
184 test is not required. Each applicant shall provide documentation
185 during the application process and the redetermination process,
186 including, but not limited to, the following:

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

194 (b) A statement from all applicable, employed family
195 members that:

196 1. Their employers do not sponsor health benefit plans for
197 employees;

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

200 3. The potential enrollee is covered by an employer-
201 sponsored health benefit plan and the cost of the employer-
202 sponsored health benefit plan is more than 5 percent of the
203 family's income.

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

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

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

221 (a) An applicant obtaining or attempting to obtain benefits
222 for a potential enrollee under the Florida Kidcare program when
223 the applicant knows or should have known the potential enrollee
224 does not qualify for the Florida Kidcare program.

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

230 Section 4. Paragraph (b) of subsection (2) of section
231 624.91, Florida Statutes, is amended to read:

232 624.91 The Florida Healthy Kids Corporation Act.—

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233 (2) LEGISLATIVE INTENT.—

234 (b) It is the intent of the Legislature that the Florida
235 Healthy Kids Corporation serve as one of several providers of
236 services to children eligible for medical assistance under Title
237 XXI of the Social Security Act. Although the corporation may
238 serve other children, the Legislature intends the primary
239 recipients of services provided through the corporation be
240 school-age children with a family income equal to or below 400
241 ~~200~~ percent of the federal poverty level, who do not qualify for
242 Medicaid. It is also the intent of the Legislature that state
243 and local government Florida Healthy Kids funds be used to
244 continue coverage, subject to specific appropriations in the
245 General Appropriations Act, to children not eligible for federal
246 matching funds under Title XXI.

247 Section 5. (1) The amendments to ss. 409.8132, 409.814, and
248 624.91, Florida Statutes, made by this act are subject to
249 federal approval through a waiver or state plan amendment and
250 expire July 1, 2025. Upon expiration, the text of ss. 409.8132,
251 409.814, and 624.91, Florida Statutes, shall revert to that in
252 existence on June 30, 2022; however:

253 (a) This act shall remain in effect for any child enrolled
254 in the Title XXI-funded Florida Kidcare program on July 1, 2025,
255 until such time as the child ceases enrollment in the Title XXI-
256 funded Florida Kidcare program.

257 (b) Any amendments to the text of ss. 409.8132, 409.814, or
258 624.91, Florida Statutes, enacted other than by this act shall
259 be preserved and continue to operate to the extent that such
260 amendments are not dependent upon the portions of text which
261 expire pursuant to this section.

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262 (2) The Agency for Health Care Administration shall notify
263 the Division of Law Revision within 10 days after receiving
264 federal approval through a waiver or state plan amendment.

265 Section 6. This act shall take effect July 1, 2022.