

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Care Appropriations
 2 Subcommittee

3 Representative Bartleman offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Effective January 1, 2024, paragraph (a) of
 8 subsection (6) of section 409.8132, Florida Statutes, is amended
 9 to read:

10 409.8132 Medikids program component.—

11 (6) ELIGIBILITY.—

12 (a) A child who has attained the age of 1 year but who is
 13 under the age of 5 years is eligible to enroll in the Medikids
 14 program component of the Florida Kidcare program, if the child
 15 is a member of a family that has a family income which exceeds
 16 the Medicaid applicable income level as specified in s. 409.903,

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17 but which is equal to or below 300 ~~200~~ percent of the current
18 federal poverty level. In determining the eligibility of such a
19 child, an assets test is not required. A child who is eligible
20 for Medikids may elect to enroll in Florida Healthy Kids
21 coverage or employer-sponsored group coverage. However, a child
22 who is eligible for Medikids may participate in the Florida
23 Healthy Kids program only if the child has a sibling
24 participating in the Florida Healthy Kids program and the
25 child's county of residence permits such enrollment.

26 Section 2. Effective January 1, 2024, section 409.814,
27 Florida Statutes, is amended to read:

28 409.814 Eligibility.—A child who has not reached 19 years
29 of age whose family income is equal to or below 300 ~~200~~ percent
30 of the federal poverty level is eligible for the Florida Kidcare
31 program as provided in this section. If an enrolled individual
32 is determined to be ineligible for coverage, he or she must be
33 immediately disenrolled from the respective Florida Kidcare
34 program component.

35 (1) A child who is eligible for Medicaid coverage under s.
36 409.903 or s. 409.904 must be enrolled in Medicaid and is not
37 eligible to receive health benefits under any other health
38 benefits coverage authorized under the Florida Kidcare program.

39 (2) A child who is not eligible for Medicaid, but who is
40 eligible for the Florida Kidcare program, may obtain health
41 benefits coverage under any of the other components listed in s.

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42 409.813 if such coverage is approved and available in the county
43 in which the child resides.

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

50 (4) A Title XXI-funded child who reaches 19 years of age
51 is eligible for continued Title XXI-funded coverage for the
52 duration of a pregnancy and the postpartum period consisting of
53 the 12-month period beginning on the last day of a pregnancy, if
54 such pregnancy or postpartum period begins prior to the child
55 reaching 19 years of age, and if the child is ineligible for
56 Medicaid.

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

62 (a) A child who is covered under a family member's group
63 health benefit plan or under other private or employer health
64 insurance coverage, if the cost of the child's participation is
65 not greater than 5 percent of the family's income. If a child is
66 otherwise eligible for a subsidy under the Florida Kidcare

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67 program and the cost of the child's participation in the family
68 member's health insurance benefit plan is greater than 5 percent
69 of the family's income, the child may enroll in the appropriate
70 subsidized Kidcare program.

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

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

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

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

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

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

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

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

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

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

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

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

106 9. Domestic violence led to loss of coverage.

107 (6) A child who is otherwise eligible for the Florida
108 Kidcare program and who has a preexisting condition that
109 prevents coverage under another insurance plan as described in
110 paragraph (5)(a) which would have disqualified the child for the
111 Florida Kidcare program if the child were able to enroll in the
112 plan is eligible for Florida Kidcare coverage when enrollment is
113 possible.

114 (7) A child whose family income is above 300 ~~200~~ percent
115 of the federal poverty level or a child who is excluded under

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116 the provisions of subsection (5) may participate in the Florida
117 Kidcare program as provided in s. 409.8132 or, if the child is
118 ineligible for Medikids by reason of age, in the Florida Healthy
119 Kids program, subject to the following:

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

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

126 (8) Once a child is enrolled in the Florida Kidcare
127 program, the child is eligible for coverage for 12 months
128 without a redetermination or reverification of eligibility, if
129 the family continues to pay the applicable premium. Eligibility
130 for program components funded through Title XXI of the Social
131 Security Act terminates when a child attains the age of 19. A
132 child who has not attained the age of 5 and who has been
133 determined eligible for the Medicaid program is eligible for
134 coverage for 12 months without a redetermination or
135 reverification of eligibility.

136 (9) When determining or reviewing a child's eligibility
137 under the Florida Kidcare program, the applicant shall be
138 provided with reasonable notice of changes in eligibility which
139 may affect enrollment in one or more of the program components.
140 If a transition from one program component to another is

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141 authorized, there shall be cooperation between the program
142 components and the affected family which promotes continuity of
143 health care coverage. Any authorized transfers must be managed
144 within the program's overall appropriated or authorized levels
145 of funding. Each component of the program shall establish a
146 reserve to ensure that transfers between components will be
147 accomplished within current year appropriations. These reserves
148 shall be reviewed by each convening of the Social Services
149 Estimating Conference to determine the adequacy of such reserves
150 to meet actual experience.

151 (10) In determining the eligibility of a child, an assets
152 test is not required. If eligibility for the Florida Kidcare
153 program cannot be verified using reliable data sources in
154 accordance with federal requirements, each applicant shall
155 provide documentation during the application process and the
156 redetermination process, including, but not limited to, the
157 following:

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

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165 (b) A statement from all applicable, employed family
166 members that:

167 1. Their employers do not sponsor health benefit plans for
168 employees;

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

171 3. The potential enrollee is covered by an employer-
172 sponsored health benefit plan and the cost of the employer-
173 sponsored health benefit plan is more than 5 percent of the
174 family's income.

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

177 (11) Subject to paragraph (5) (a), the Florida Kidcare
178 program shall withhold benefits from an enrollee if the program
179 obtains evidence that the enrollee is no longer eligible,
180 submitted incorrect or fraudulent information in order to
181 establish eligibility, or failed to provide verification of
182 eligibility. The applicant or enrollee shall be notified that
183 because of such evidence program benefits will be withheld
184 unless the applicant or enrollee contacts a designated
185 representative of the program by a specified date, which must be
186 within 10 working days after the date of notice, to discuss and
187 resolve the matter. The program shall make every effort to
188 resolve the matter within a timeframe that will not cause
189 benefits to be withheld from an eligible enrollee.

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190 (12) The following individuals may be subject to
191 prosecution in accordance with s. 414.39:

192 (a) An applicant obtaining or attempting to obtain
193 benefits for a potential enrollee under the Florida Kidcare
194 program when the applicant knows or should have known the
195 potential enrollee does not qualify for the Florida Kidcare
196 program.

197 (b) An individual who assists an applicant in obtaining or
198 attempting to obtain benefits for a potential enrollee under the
199 Florida Kidcare program when the individual knows or should have
200 known the potential enrollee does not qualify for the Florida
201 Kidcare program.

202 Section 3. Effective January 1, 2024, subsection (3) of
203 section 409.816, Florida Statutes, is amended to read:

204 409.816 Limitations on premiums and cost sharing.—The
205 following limitations on premiums and cost sharing are
206 established for the program.

207 (3) Enrollees in families with a family income above 150
208 percent of the federal poverty level who are not receiving
209 coverage under the Medicaid program or who are not eligible
210 under s. 409.814(7) may be required to pay enrollment fees,
211 premiums, copayments, deductibles, coinsurance, or similar
212 charges on a sliding scale related to income, except that the
213 total annual aggregate cost sharing with respect to all children
214 in a family may not exceed 5 percent of the family's income.

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215 However, copayments, deductibles, coinsurance, or similar
216 charges may not be imposed for preventive services, including
217 well-baby and well-child care, age-appropriate immunizations,
218 and routine hearing and vision screenings. Premiums for
219 enrollees paying enrollment fees, premium, copayments,
220 deductibles, coinsurance, or similar charges as provided in this
221 subsection shall be based on at least three but no more than six
222 tiers of uniform premiums that increase with each tier as a
223 percentage of the applicable threshold amount of the federal
224 poverty level, by tier.

225 Section 4. Effective January 1, 2024, paragraph (b) of
226 subsection (2) of section 624.91, Florida Statutes, is amended
227 to read:

228 624.91 The Florida Healthy Kids Corporation Act.—

229 (2) LEGISLATIVE INTENT.—

230 (b) It is the intent of the Legislature that the Florida
231 Healthy Kids Corporation serve as one of several providers of
232 services to children eligible for medical assistance under Title
233 XXI of the Social Security Act. Although the corporation may
234 serve other children, the Legislature intends the primary
235 recipients of services provided through the corporation be
236 school-age children with a family income below 300 ~~200~~ percent
237 of the federal poverty level, who do not qualify for Medicaid.
238 It is also the intent of the Legislature that state and local
239 government Florida Healthy Kids funds be used to continue

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240 coverage, subject to specific appropriations in the General
241 Appropriations Act, to children not eligible for federal
242 matching funds under Title XXI.

243 Section 5. Except as otherwise expressly provided in this
244 act, this act shall take effect upon becoming a law.

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247 **T I T L E A M E N D M E N T**

248 Remove lines 3-4 and insert:

249 eligibility; amending s. 409.8132, F.S.; increasing the income
250 eligibility threshold for coverage under the Florida Kidcare
251 program; amending s.