

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
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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

Section 1. Paragraph (a) of subsection (6) of section 409.8132, Florida Statutes, is amended to read:

409.8132 Medikids program component.—

(6) ELIGIBILITY.—

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

Section 2. Effective July 1, 2024, paragraph (a) of subsection (6) of section 409.8132, Florida Statutes, as amended by this act, is amended to read:

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

90 (4) A Title XXI-funded child who reaches 19 years of age
91 is eligible for continued Title XXI-funded coverage for the
92 duration of a pregnancy and the postpartum period consisting of
93 the 12-month period beginning on the last day of a pregnancy, if
94 such pregnancy or postpartum period begins prior to the child
95 reaching 19 years of age, and if the child is ineligible for
96 Medicaid.

97 (5) The following children are not eligible to receive
98 Title XXI-funded premium assistance for health benefits coverage
99 under the Florida Kidcare program, except under Medicaid if the
100 child would have been eligible for Medicaid under s. 409.903 or

101 s. 409.904 as of June 1, 1997:

102 (a) A child who is covered under a family member's group
 103 health benefit plan or under other private or employer health
 104 insurance coverage, if the cost of the child's participation is
 105 not greater than 5 percent of the family's income. If a child is
 106 otherwise eligible for a subsidy under the Florida Kidcare
 107 program and the cost of the child's participation in the family
 108 member's health insurance benefit plan is greater than 5 percent
 109 of the family's income, the child may enroll in the appropriate
 110 subsidized Kidcare program.

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

116 (c) A child who is an alien but who does not meet the
 117 definition of a lawfully residing child. This paragraph does not
 118 extend eligibility for the Florida Kidcare program to an
 119 undocumented immigrant.

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

122 (e) A child who is otherwise eligible for premium
 123 assistance for the Florida Kidcare program and has had his or
 124 her coverage in an employer-sponsored or private health benefit
 125 plan voluntarily canceled in the last 60 days, except those

126 | children whose coverage was voluntarily canceled for good cause,
 127 | including, but not limited to, the following circumstances:

128 | 1. The cost of participation in an employer-sponsored
 129 | health benefit plan is greater than 5 percent of the family's
 130 | income;

131 | 2. The parent lost a job that provided an employer-
 132 | sponsored health benefit plan for children;

133 | 3. The parent who had health benefits coverage for the
 134 | child is deceased;

135 | 4. The child has a medical condition that, without medical
 136 | care, would cause serious disability, loss of function, or
 137 | death;

138 | 5. The employer of the parent canceled health benefits
 139 | coverage for children;

140 | 6. The child's health benefits coverage ended because the
 141 | child reached the maximum lifetime coverage amount;

142 | 7. The child has exhausted coverage under a COBRA
 143 | continuation provision;

144 | 8. The health benefits coverage does not cover the child's
 145 | health care needs; or

146 | 9. Domestic violence led to loss of coverage.

147 | (6) A child who is otherwise eligible for the Florida
 148 | Kidcare program and who has a preexisting condition that
 149 | prevents coverage under another insurance plan as described in
 150 | paragraph (5) (a) which would have disqualified the child for the

151 Florida Kidcare program if the child were able to enroll in the
152 plan is eligible for Florida Kidcare coverage when enrollment is
153 possible.

154 (7) A child whose family income is above 250 ~~200~~ percent
155 of the federal poverty level or a child who is excluded under
156 the provisions of subsection (5) may participate in the Florida
157 Kidcare program as provided in s. 409.8132 or, if the child is
158 ineligible for Medikids by reason of age, in the Florida Healthy
159 Kids program, subject to the following:

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

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

166 (8) Once a child is enrolled in the Florida Kidcare
167 program, the child is eligible for coverage for 12 months
168 without a redetermination or reverification of eligibility, if
169 the family continues to pay the applicable premium. Eligibility
170 for program components funded through Title XXI of the Social
171 Security Act terminates when a child attains the age of 19. A
172 child who has not attained the age of 5 and who has been
173 determined eligible for the Medicaid program is eligible for
174 coverage for 12 months without a redetermination or
175 reverification of eligibility.

176 (9) When determining or reviewing a child's eligibility
 177 under the Florida Kidcare program, the applicant shall be
 178 provided with reasonable notice of changes in eligibility which
 179 may affect enrollment in one or more of the program components.
 180 If a transition from one program component to another is
 181 authorized, there shall be cooperation between the program
 182 components and the affected family which promotes continuity of
 183 health care coverage. Any authorized transfers must be managed
 184 within the program's overall appropriated or authorized levels
 185 of funding. Each component of the program shall establish a
 186 reserve to ensure that transfers between components will be
 187 accomplished within current year appropriations. These reserves
 188 shall be reviewed by each convening of the Social Services
 189 Estimating Conference to determine the adequacy of such reserves
 190 to meet actual experience.

191 (10) In determining the eligibility of a child, an assets
 192 test is not required. If eligibility for the Florida Kidcare
 193 program cannot be verified using reliable data sources in
 194 accordance with federal requirements, each applicant shall
 195 provide documentation during the application process and the
 196 redetermination process, including, but not limited to, the
 197 following:

198 (a) Proof of family income, which must be verified
 199 electronically to determine financial eligibility for the
 200 Florida Kidcare program. Written documentation, which may

201 include wages and earnings statements or pay stubs, W-2 forms,
202 or a copy of the applicant's most recent federal income tax
203 return, is required only if the electronic verification is not
204 available or does not substantiate the applicant's income.

205 (b) A statement from all applicable, employed family
206 members that:

207 1. Their employers do not sponsor health benefit plans for
208 employees;

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

211 3. The potential enrollee is covered by an employer-
212 sponsored health benefit plan and the cost of the employer-
213 sponsored health benefit plan is more than 5 percent of the
214 family's income.

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

217 (11) Subject to paragraph (5) (a), the Florida Kidcare
218 program shall withhold benefits from an enrollee if the program
219 obtains evidence that the enrollee is no longer eligible,
220 submitted incorrect or fraudulent information in order to
221 establish eligibility, or failed to provide verification of
222 eligibility. The applicant or enrollee shall be notified that
223 because of such evidence program benefits will be withheld
224 unless the applicant or enrollee contacts a designated
225 representative of the program by a specified date, which must be

226 | within 10 working days after the date of notice, to discuss and
 227 | resolve the matter. The program shall make every effort to
 228 | resolve the matter within a timeframe that will not cause
 229 | benefits to be withheld from an eligible enrollee.

230 | (12) The following individuals may be subject to
 231 | prosecution in accordance with s. 414.39:

232 | (a) An applicant obtaining or attempting to obtain
 233 | benefits for a potential enrollee under the Florida Kidcare
 234 | program when the applicant knows or should have known the
 235 | potential enrollee does not qualify for the Florida Kidcare
 236 | program.

237 | (b) An individual who assists an applicant in obtaining or
 238 | attempting to obtain benefits for a potential enrollee under the
 239 | Florida Kidcare program when the individual knows or should have
 240 | known the potential enrollee does not qualify for the Florida
 241 | Kidcare program.

242 | Section 4. Effective July 1, 2024, section 409.814,
 243 | Florida Statutes, as amended by this act, is amended to read:

244 | 409.814 Eligibility.—A child who has not reached 19 years
 245 | of age whose family income is equal to or below 300 ~~250~~ percent
 246 | of the federal poverty level is eligible for the Florida Kidcare
 247 | program as provided in this section. If an enrolled individual
 248 | is determined to be ineligible for coverage, he or she must be
 249 | immediately disenrolled from the respective Florida Kidcare
 250 | program component.

251 (1) A child who is eligible for Medicaid coverage under s.
 252 409.903 or s. 409.904 must be enrolled in Medicaid and is not
 253 eligible to receive health benefits under any other health
 254 benefits coverage authorized under the Florida Kidcare program.

255 (2) A child who is not eligible for Medicaid, but who is
 256 eligible for the Florida Kidcare program, may obtain health
 257 benefits coverage under any of the other components listed in s.
 258 409.813 if such coverage is approved and available in the county
 259 in which the child resides.

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

266 (4) A Title XXI-funded child who reaches 19 years of age
 267 is eligible for continued Title XXI-funded coverage for the
 268 duration of a pregnancy and the postpartum period consisting of
 269 the 12-month period beginning on the last day of a pregnancy, if
 270 such pregnancy or postpartum period begins prior to the child
 271 reaching 19 years of age, and if the child is ineligible for
 272 Medicaid.

273 (5) The following children are not eligible to receive
 274 Title XXI-funded premium assistance for health benefits coverage
 275 under the Florida Kidcare program, except under Medicaid if the

276 child would have been eligible for Medicaid under s. 409.903 or
277 s. 409.904 as of June 1, 1997:

278 (a) A child who is covered under a family member's group
279 health benefit plan or under other private or employer health
280 insurance coverage, if the cost of the child's participation is
281 not greater than 5 percent of the family's income. If a child is
282 otherwise eligible for a subsidy under the Florida Kidcare
283 program and the cost of the child's participation in the family
284 member's health insurance benefit plan is greater than 5 percent
285 of the family's income, the child may enroll in the appropriate
286 subsidized Kidcare program.

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

292 (c) A child who is an alien but who does not meet the
293 definition of a lawfully residing child. This paragraph does not
294 extend eligibility for the Florida Kidcare program to an
295 undocumented immigrant.

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

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

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

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

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

309 3. The parent who had health benefits coverage for the
 310 child is deceased;

311 4. The child has a medical condition that, without medical
 312 care, would cause serious disability, loss of function, or
 313 death;

314 5. The employer of the parent canceled health benefits
 315 coverage for children;

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

318 7. The child has exhausted coverage under a COBRA
 319 continuation provision;

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

322 9. Domestic violence led to loss of coverage.

323 (6) A child who is otherwise eligible for the Florida
 324 Kidcare program and who has a preexisting condition that
 325 prevents coverage under another insurance plan as described in

326 paragraph (5) (a) which would have disqualified the child for the
327 Florida Kidcare program if the child were able to enroll in the
328 plan is eligible for Florida Kidcare coverage when enrollment is
329 possible.

330 (7) A child whose family income is above 250 percent of
331 the federal poverty level or a child who is excluded under the
332 provisions of subsection (5) may participate in the Florida
333 Kidcare program as provided in s. 409.8132 or, if the child is
334 ineligible for Medikids by reason of age, in the Florida Healthy
335 Kids program, subject to the following:

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

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

342 (8) Once a child is enrolled in the Florida Kidcare
343 program, the child is eligible for coverage for 12 months
344 without a redetermination or reverification of eligibility, if
345 the family continues to pay the applicable premium. Eligibility
346 for program components funded through Title XXI of the Social
347 Security Act terminates when a child attains the age of 19. A
348 child who has not attained the age of 5 and who has been
349 determined eligible for the Medicaid program is eligible for
350 coverage for 12 months without a redetermination or

351 reverification of eligibility.

352 (9) When determining or reviewing a child's eligibility
353 under the Florida Kidcare program, the applicant shall be
354 provided with reasonable notice of changes in eligibility which
355 may affect enrollment in one or more of the program components.
356 If a transition from one program component to another is
357 authorized, there shall be cooperation between the program
358 components and the affected family which promotes continuity of
359 health care coverage. Any authorized transfers must be managed
360 within the program's overall appropriated or authorized levels
361 of funding. Each component of the program shall establish a
362 reserve to ensure that transfers between components will be
363 accomplished within current year appropriations. These reserves
364 shall be reviewed by each convening of the Social Services
365 Estimating Conference to determine the adequacy of such reserves
366 to meet actual experience.

367 (10) In determining the eligibility of a child, an assets
368 test is not required. If eligibility for the Florida Kidcare
369 program cannot be verified using reliable data sources in
370 accordance with federal requirements, each applicant shall
371 provide documentation during the application process and the
372 redetermination process, including, but not limited to, the
373 following:

374 (a) Proof of family income, which must be verified
375 electronically to determine financial eligibility for the

376 Florida Kidcare program. Written documentation, which may
377 include wages and earnings statements or pay stubs, W-2 forms,
378 or a copy of the applicant's most recent federal income tax
379 return, is required only if the electronic verification is not
380 available or does not substantiate the applicant's income.

381 (b) A statement from all applicable, employed family
382 members that:

383 1. Their employers do not sponsor health benefit plans for
384 employees;

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

387 3. The potential enrollee is covered by an employer-
388 sponsored health benefit plan and the cost of the employer-
389 sponsored health benefit plan is more than 5 percent of the
390 family's income.

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

393 (11) Subject to paragraph (5) (a), the Florida Kidcare
394 program shall withhold benefits from an enrollee if the program
395 obtains evidence that the enrollee is no longer eligible,
396 submitted incorrect or fraudulent information in order to
397 establish eligibility, or failed to provide verification of
398 eligibility. The applicant or enrollee shall be notified that
399 because of such evidence program benefits will be withheld
400 unless the applicant or enrollee contacts a designated

401 representative of the program by a specified date, which must be
402 within 10 working days after the date of notice, to discuss and
403 resolve the matter. The program shall make every effort to
404 resolve the matter within a timeframe that will not cause
405 benefits to be withheld from an eligible enrollee.

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

408 (a) An applicant obtaining or attempting to obtain
409 benefits for a potential enrollee under the Florida Kidcare
410 program when the applicant knows or should have known the
411 potential enrollee does not qualify for the Florida Kidcare
412 program.

413 (b) An individual who assists an applicant in obtaining or
414 attempting to obtain benefits for a potential enrollee under the
415 Florida Kidcare program when the individual knows or should have
416 known the potential enrollee does not qualify for the Florida
417 Kidcare program.

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

420 409.816 Limitations on premiums and cost sharing.—The
421 following limitations on premiums and cost sharing are
422 established for the program.

423 (3) Enrollees in families with a family income above 150
424 percent of the federal poverty level who are not receiving
425 coverage under the Medicaid program or who are not eligible

426 | under s. 409.814(7) may be required to pay enrollment fees,
427 | premiums, copayments, deductibles, coinsurance, or similar
428 | charges on a sliding scale related to income, except that the
429 | total annual aggregate cost sharing with respect to all children
430 | in a family may not exceed 5 percent of the family's income.
431 | However, copayments, deductibles, coinsurance, or similar
432 | charges may not be imposed for preventive services, including
433 | well-baby and well-child care, age-appropriate immunizations,
434 | and routine hearing and vision screenings. Premiums for
435 | enrollees paying enrollment fees, premiums, copayments,
436 | deductibles, coinsurance, or similar charges as provided in this
437 | subsection shall be based on at least three but no more than
438 | five tiers of uniform premiums that increase with each tier as a
439 | percentage of the applicable threshold amount of the federal
440 | poverty level, by tier.

441 | Section 6. Paragraph (b) of subsection (2) of section
442 | 624.91, Florida Statutes, is amended to read:

443 | 624.91 The Florida Healthy Kids Corporation Act.—

444 | (2) LEGISLATIVE INTENT.—

445 | (b) It is the intent of the Legislature that the Florida
446 | Healthy Kids Corporation serve as one of several providers of
447 | services to children eligible for medical assistance under Title
448 | XXI of the Social Security Act. Although the corporation may
449 | serve other children, the Legislature intends the primary
450 | recipients of services provided through the corporation be

451 school-age children with a family income equal to or below 250
452 ~~200~~ percent of the federal poverty level, who do not qualify for
453 Medicaid. It is also the intent of the Legislature that state
454 and local government Florida Healthy Kids funds be used to
455 continue coverage, subject to specific appropriations in the
456 General Appropriations Act, to children not eligible for federal
457 matching funds under Title XXI.

458 Section 7. Effective July 1, 2024, paragraph (b) of
459 subsection (2) of section 624.91, Florida Statutes, as amended
460 by this act, is amended to read:

461 624.91 The Florida Healthy Kids Corporation Act.—

462 (2) LEGISLATIVE INTENT.—

463 (b) It is the intent of the Legislature that the Florida
464 Healthy Kids Corporation serve as one of several providers of
465 services to children eligible for medical assistance under Title
466 XXI of the Social Security Act. Although the corporation may
467 serve other children, the Legislature intends the primary
468 recipients of services provided through the corporation be
469 school-age children with a family income equal to or below 300
470 ~~250~~ percent of the federal poverty level, who do not qualify for
471 Medicaid. It is also the intent of the Legislature that state
472 and local government Florida Healthy Kids funds be used to
473 continue coverage, subject to specific appropriations in the
474 General Appropriations Act, to children not eligible for federal
475 matching funds under Title XXI.

HB 121

2023

476 Section 8. Except as otherwise expressly provided in this
477 act, this act shall take effect July 1, 2023.