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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
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The Committee on Fiscal Policy (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective January 1, 2024, 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



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11 under the age of 5 years is eligible to enroll in the Medikids
12 program component of the Florida Kidcare program, if the child
13 is a member of a family that has a family income which exceeds
14 the Medicaid applicable income level as specified in s. 409.903,
15 but which is equal to or below 300 ~~200~~ percent of the current
16 federal poverty level. In determining the eligibility of such a
17 child, an assets test is not required. A child who is eligible
18 for Medikids may elect to enroll in Florida Healthy Kids
19 coverage or employer-sponsored group coverage. However, a child
20 who is eligible for Medikids may participate in the Florida
21 Healthy Kids program only if the child has a sibling
22 participating in the Florida Healthy Kids program and the
23 child's county of residence permits such enrollment.

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

26 409.814 Eligibility.—A child who has not reached 19 years
27 of age whose family income is equal to or below 300 ~~200~~ percent
28 of the federal poverty level is eligible for the Florida Kidcare
29 program as provided in this section. If an enrolled individual
30 is determined to be ineligible for coverage, he or she must be
31 immediately disenrolled from the respective Florida Kidcare
32 program component.

33 (1) A child who is eligible for Medicaid coverage under s.
34 409.903 or s. 409.904 must be enrolled in Medicaid and is not
35 eligible to receive health benefits under any other health
36 benefits coverage authorized under the Florida Kidcare program.

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



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40 409.813 if such coverage is approved and available in the county
41 in which the child resides.

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

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

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

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



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

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

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

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

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

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

91 3. The parent who had health benefits coverage for the
92 child is deceased;

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

96 5. The employer of the parent canceled health benefits
97 coverage for children;



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

100 7. The child has exhausted coverage under a COBRA
101 continuation provision;

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

104 9. Domestic violence led to loss of coverage.

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

112 (7) A child whose family income is above 300 ~~200~~ percent of
113 the federal poverty level or a child who is excluded under the
114 provisions of subsection (5) may participate in the Florida
115 Kidcare program as provided in s. 409.8132 or, if the child is
116 ineligible for Medikids by reason of age, in the Florida Healthy
117 Kids program, subject to the following:

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

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

124 (8) Once a child is enrolled in the Florida Kidcare
125 program, the child is eligible for coverage for 12 months
126 without a redetermination or reverification of eligibility, if



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

134 (9) When determining or reviewing a child's eligibility
135 under the Florida Kidcare program, the applicant shall be
136 provided with reasonable notice of changes in eligibility which
137 may affect enrollment in one or more of the program components.
138 If a transition from one program component to another is
139 authorized, there shall be cooperation between the program
140 components and the affected family which promotes continuity of
141 health care coverage. Any authorized transfers must be managed
142 within the program's overall appropriated or authorized levels
143 of funding. Each component of the program shall establish a
144 reserve to ensure that transfers between components will be
145 accomplished within current year appropriations. These reserves
146 shall be reviewed by each convening of the Social Services
147 Estimating Conference to determine the adequacy of such reserves
148 to meet actual experience.

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



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

163 (b) A statement from all applicable, employed family
164 members that:

165 1. Their employers do not sponsor health benefit plans for
166 employees;

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

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

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

175 (11) Subject to paragraph (5)(a), the Florida Kidcare
176 program shall withhold benefits from an enrollee if the program
177 obtains evidence that the enrollee is no longer eligible,
178 submitted incorrect or fraudulent information in order to
179 establish eligibility, or failed to provide verification of
180 eligibility. The applicant or enrollee must ~~shall~~ be notified
181 that because of such evidence program benefits will be withheld
182 unless the applicant or enrollee contacts a designated
183 representative of the program by a specified date, which must be
184 within 10 working days after the date of notice, to discuss and



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185 resolve the matter. The program shall make every effort to
186 resolve the matter within a timeframe that will not cause
187 benefits to be withheld from an eligible enrollee.

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

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

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

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

201 409.816 Limitations on premiums and cost sharing.—The
202 following limitations on premiums and cost sharing are
203 established for the program.

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



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214 well-baby and well-child care, age-appropriate immunizations,
215 and routine hearing and vision screenings. Premiums for
216 enrollees who are paying enrollment fees, premiums, copayments,
217 deductibles, coinsurance, or similar charges as provided in this
218 subsection must be based on at least three but no more than six
219 tiers of uniform premiums that increase with each tier as a
220 percentage of the applicable threshold amount of the federal
221 poverty level, by tier.

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

225 624.91 The Florida Healthy Kids Corporation Act.—

226 (2) LEGISLATIVE INTENT.—

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

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

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243 ===== T I T L E A M E N D M E N T =====

244 And the title is amended as follows:

245 Delete everything before the enacting clause

246 and insert:

247 A bill to be entitled

248 An act relating to Florida Kidcare program
249 eligibility; amending s. 409.8132, F.S.; increasing
250 the income eligibility threshold for coverage under
251 the Medikids program component; amending s. 409.814,
252 F.S.; increasing the income eligibility threshold for
253 coverage under the Florida Kidcare program; requiring
254 an applicant seeking coverage under the program to
255 provide certain documentation if eligibility cannot be
256 verified using reliable data sources; amending s.
257 409.816, F.S.; requiring that premiums for certain
258 enrollees under the Florida Kidcare program be based
259 on a tiered system of uniform premiums; amending s.
260 624.91, F.S.; conforming a provision to changes made
261 by the act; providing effective dates.