



959674

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2023	.	
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The Appropriations Committee on Health and Human Services
(Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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

23 Section 2. Section 409.814, Florida Statutes, is amended to
24 read:

25 409.814 Eligibility.—A child who has not reached 19 years
26 of age whose family income is equal to or below 300 ~~200~~ percent
27 of the federal poverty level is eligible for the Florida Kidcare
28 program as provided in this section. If an enrolled individual
29 is determined to be ineligible for coverage, he or she must be
30 immediately disenrolled from the respective Florida Kidcare
31 program component.

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

36 (2) A child who is not eligible for Medicaid, but who is
37 eligible for the Florida Kidcare program, may obtain health
38 benefits coverage under any of the other components listed in s.
39 409.813 if such coverage is approved and available in the county



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40 in which the child resides.

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

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

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

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

68 (b) A child who is seeking premium assistance for the



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69 Florida Kidcare program through employer-sponsored group
70 coverage, if the child has been covered by the same employer's
71 group coverage during the 60 days before the family submitted an
72 application for determination of eligibility under the program.

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

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

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

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

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

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

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

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

97 6. The child's health benefits coverage ended because the



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98 child reached the maximum lifetime coverage amount;

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

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

103 9. Domestic violence led to loss of coverage.

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

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

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

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

123 (8) Once a child is enrolled in the Florida Kidcare
124 program, the child is eligible for coverage for 12 months
125 without a redetermination or reverification of eligibility, if
126 the family continues to pay the applicable premium. Eligibility



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

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

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

155 (a) Proof of family income, which must be verified



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

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

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

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

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

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

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



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185 resolve the matter within a timeframe that will not cause
186 benefits to be withheld from an eligible enrollee.

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

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

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

198 Section 3. Subsection (3) of section 409.816, Florida
199 Statutes, is amended to read:

200 409.816 Limitations on premiums and cost sharing.—The
201 following limitations on premiums and cost sharing are
202 established for the program.

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



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

221 Section 4. Paragraph (b) of subsection (2) of section
222 624.91, Florida Statutes, is amended to read:

223 624.91 The Florida Healthy Kids Corporation Act.—

224 (2) LEGISLATIVE INTENT.—

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

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

240
241 ===== T I T L E A M E N D M E N T =====

242 And the title is amended as follows:



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243 Delete everything before the enacting clause
244 and insert:

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