

By Senator Calatayud

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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 that certain amendments
15 made by this act are subject to federal approval
16 through a waiver or state plan amendment; requiring
17 the agency to notify the Division of Law Revision
18 within a specified timeframe after receiving federal
19 approval through a waiver or state plan amendment;
20 providing effective dates.

21
22 WHEREAS, as families progress up the economic ladder, they
23 are adversely affected by the fiscal cliff, disincentivizing
24 upward mobility, and

25 WHEREAS, some families have lost access to Florida Healthy
26 Kids, which subsidizes children's health insurance, creating a
27 health care coverage gap, and

28 WHEREAS, the Legislature seeks to remove these barriers and
29 intends to facilitate a way for families to achieve economic

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30 self-sufficiency and access necessary health care services for
31 their children, NOW, THEREFORE,

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Paragraph (a) of subsection (6) of section
36 409.8132, Florida Statutes, is amended to read:

37 409.8132 Medikids program component.—

38 (6) ELIGIBILITY.—

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

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

56 409.8132 Medikids program component.—

57 (6) ELIGIBILITY.—

58 (a) A child who has attained the age of 1 year but who is

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59 under the age of 5 years is eligible to enroll in the Medikids
60 program component of the Florida Kidcare program, if the child
61 is a member of a family that has a family income which exceeds
62 the Medicaid applicable income level as specified in s. 409.903,
63 but which is equal to or below 300 ~~250~~ percent of the current
64 federal poverty level. In determining the eligibility of such a
65 child, an assets test is not required. A child who is eligible
66 for Medikids may elect to enroll in Florida Healthy Kids
67 coverage or employer-sponsored group coverage. However, a child
68 who is eligible for Medikids may participate in the Florida
69 Healthy Kids program only if the child has a sibling
70 participating in the Florida Healthy Kids program and the
71 child's county of residence permits such enrollment.

72 Section 3. Section 409.814, Florida Statutes, is amended to
73 read:

74 409.814 Eligibility.—A child who has not reached 19 years
75 of age whose family income is equal to or below 250 ~~200~~ percent
76 of the federal poverty level is eligible for the Florida Kidcare
77 program as provided in this section. If an enrolled individual
78 is determined to be ineligible for coverage, he or she must be
79 immediately disenrolled from the respective Florida Kidcare
80 program component.

81 (1) A child who is eligible for Medicaid coverage under s.
82 409.903 or s. 409.904 must be enrolled in Medicaid and is not
83 eligible to receive health benefits under any other health
84 benefits coverage authorized under the Florida Kidcare program.

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

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88 409.813 if such coverage is approved and available in the county
89 in which the child resides.

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

96 (4) A Title XXI-funded child who reaches 19 years of age is
97 eligible for continued Title XXI-funded coverage for the
98 duration of a pregnancy and the postpartum period consisting of
99 the 12-month period beginning on the last day of a pregnancy, if
100 such pregnancy or postpartum period begins prior to the child
101 reaching 19 years of age, and if the child is ineligible for
102 Medicaid.

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

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

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

122 (c) A child who is an alien but who does not meet the
123 definition of a lawfully residing child. This paragraph does not
124 extend eligibility for the Florida Kidcare program to an
125 undocumented immigrant.

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

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

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

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

139 3. The parent who had health benefits coverage for the
140 child is deceased;

141 4. The child has a medical condition that, without medical
142 care, would cause serious disability, loss of function, or
143 death;

144 5. The employer of the parent canceled health benefits
145 coverage for children;

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

148 7. The child has exhausted coverage under a COBRA
149 continuation provision;

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

152 9. Domestic violence led to loss of coverage.

153 (6) A child who is otherwise eligible for the Florida
154 Kidcare program and who has a preexisting condition that
155 prevents coverage under another insurance plan as described in
156 paragraph (5) (a) which would have disqualified the child for the
157 Florida Kidcare program if the child were able to enroll in the
158 plan is eligible for Florida Kidcare coverage when enrollment is
159 possible.

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

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

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

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

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175 the family continues to pay the applicable premium. Eligibility
176 for program components funded through Title XXI of the Social
177 Security Act terminates when a child attains the age of 19. A
178 child who has not attained the age of 5 and who has been
179 determined eligible for the Medicaid program is eligible for
180 coverage for 12 months without a redetermination or
181 reverification of eligibility.

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

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

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

211 (b) A statement from all applicable, employed family
212 members that:

213 1. Their employers do not sponsor health benefit plans for
214 employees;

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

217 3. The potential enrollee is covered by an employer-
218 sponsored health benefit plan and the cost of the employer-
219 sponsored health benefit plan is more than 5 percent of the
220 family's income.

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

223 (11) Subject to paragraph (5) (a), the Florida Kidcare
224 program shall withhold benefits from an enrollee if the program
225 obtains evidence that the enrollee is no longer eligible,
226 submitted incorrect or fraudulent information in order to
227 establish eligibility, or failed to provide verification of
228 eligibility. The applicant or enrollee shall be notified that
229 because of such evidence program benefits will be withheld
230 unless the applicant or enrollee contacts a designated
231 representative of the program by a specified date, which must be
232 within 10 working days after the date of notice, to discuss and

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

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

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

242 (b) An individual who assists an applicant in obtaining or
243 attempting to obtain benefits for a potential enrollee under the
244 Florida Kidcare program when the individual knows or should have
245 known the potential enrollee does not qualify for the Florida
246 Kidcare program.

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

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

256 (1) A child who is eligible for Medicaid coverage under s.
257 409.903 or s. 409.904 must be enrolled in Medicaid and is not
258 eligible to receive health benefits under any other health
259 benefits coverage authorized under the Florida Kidcare program.

260 (2) A child who is not eligible for Medicaid, but who is
261 eligible for the Florida Kidcare program, may obtain health

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262 benefits coverage under any of the other components listed in s.
263 409.813 if such coverage is approved and available in the county
264 in which the child resides.

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

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

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

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

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291 subsidized Kidcare program.

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

297 (c) A child who is an alien but who does not meet the
298 definition of a lawfully residing child. This paragraph does not
299 extend eligibility for the Florida Kidcare program to an
300 undocumented immigrant.

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

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

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

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

314 3. The parent who had health benefits coverage for the
315 child is deceased;

316 4. The child has a medical condition that, without medical
317 care, would cause serious disability, loss of function, or
318 death;

319 5. The employer of the parent canceled health benefits

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320 coverage for children;

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

323 7. The child has exhausted coverage under a COBRA
324 continuation provision;

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

327 9. Domestic violence led to loss of coverage.

328 (6) A child who is otherwise eligible for the Florida
329 Kidcare program and who has a preexisting condition that
330 prevents coverage under another insurance plan as described in
331 paragraph (5) (a) which would have disqualified the child for the
332 Florida Kidcare program if the child were able to enroll in the
333 plan is eligible for Florida Kidcare coverage when enrollment is
334 possible.

335 (7) A child whose family income is above 300 ~~250~~ percent of
336 the federal poverty level or a child who is excluded under the
337 provisions of subsection (5) may participate in the Florida
338 Kidcare program as provided in s. 409.8132 or, if the child is
339 ineligible for Medikids by reason of age, in the Florida Healthy
340 Kids program, subject to the following:

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

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

347 (8) Once a child is enrolled in the Florida Kidcare
348 program, the child is eligible for coverage for 12 months

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349 without a redetermination or reverification of eligibility, if
350 the family continues to pay the applicable premium. Eligibility
351 for program components funded through Title XXI of the Social
352 Security Act terminates when a child attains the age of 19. A
353 child who has not attained the age of 5 and who has been
354 determined eligible for the Medicaid program is eligible for
355 coverage for 12 months without a redetermination or
356 reverification of eligibility.

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

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

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378 following:

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

386 (b) A statement from all applicable, employed family
387 members that:

388 1. Their employers do not sponsor health benefit plans for
389 employees;

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

392 3. The potential enrollee is covered by an employer-
393 sponsored health benefit plan and the cost of the employer-
394 sponsored health benefit plan is more than 5 percent of the
395 family's income.

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

398 (11) Subject to paragraph (5)(a), the Florida Kidcare
399 program shall withhold benefits from an enrollee if the program
400 obtains evidence that the enrollee is no longer eligible,
401 submitted incorrect or fraudulent information in order to
402 establish eligibility, or failed to provide verification of
403 eligibility. The applicant or enrollee shall be notified that
404 because of such evidence program benefits will be withheld
405 unless the applicant or enrollee contacts a designated
406 representative of the program by a specified date, which must be

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407 within 10 working days after the date of notice, to discuss and
408 resolve the matter. The program shall make every effort to
409 resolve the matter within a timeframe that will not cause
410 benefits to be withheld from an eligible enrollee.

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

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

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

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

424 409.816 Limitations on premiums and cost sharing.—The
425 following limitations on premiums and cost sharing are
426 established for the program.

427 (3) Enrollees in families with a family income above 150
428 percent of the federal poverty level who are not receiving
429 coverage under the Medicaid program or who are not eligible
430 under s. 409.814(7) may be required to pay enrollment fees,
431 premiums, copayments, deductibles, coinsurance, or similar
432 charges on a sliding scale related to income, except that the
433 total annual aggregate cost sharing with respect to all children
434 in a family may not exceed 5 percent of the family's income.
435 However, copayments, deductibles, coinsurance, or similar

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436 charges may not be imposed for preventive services, including
437 well-baby and well-child care, age-appropriate immunizations,
438 and routine hearing and vision screenings. Premiums for
439 enrollees paying enrollment fees, premiums, copayments,
440 deductibles, coinsurance, or similar charges as provided in this
441 subsection must be based on at least three but no more than five
442 tiers of uniform premiums that increase with each tier as a
443 percentage of the applicable threshold amount of the federal
444 poverty level, by tier.

445 Section 6. Paragraph (b) of subsection (2) of section
446 624.91, Florida Statutes, is amended to read:

447 624.91 The Florida Healthy Kids Corporation Act.—

448 (2) LEGISLATIVE INTENT.—

449 (b) It is the intent of the Legislature that the Florida
450 Healthy Kids Corporation serve as one of several providers of
451 services to children eligible for medical assistance under Title
452 XXI of the Social Security Act. Although the corporation may
453 serve other children, the Legislature intends the primary
454 recipients of services provided through the corporation be
455 school-age children with a family income equal to or below 250
456 ~~200~~ percent of the federal poverty level, who do not qualify for
457 Medicaid. It is also the intent of the Legislature that state
458 and local government Florida Healthy Kids funds be used to
459 continue coverage, subject to specific appropriations in the
460 General Appropriations Act, to children not eligible for federal
461 matching funds under Title XXI.

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

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465 624.91 The Florida Healthy Kids Corporation Act.—

466 (2) LEGISLATIVE INTENT.—

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

480 Section 8. (1) The amendments to ss. 409.8132, 409.814, and
481 624.91, Florida Statutes, made by this act are subject to
482 federal approval through a waiver or state plan amendment.

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

486 Section 9. Except as otherwise expressly provided in this
487 act, this act shall take effect July 1, 2023.