

**By** the Committee on Fiscal Policy; the Appropriations Committee on Health and Human Services; and Senators Calatayud, Perry, Osgood, and Rodriguez

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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.; increasing  
 4           the income eligibility threshold for coverage under  
 5           the Medikids program component; amending s. 409.814,  
 6           F.S.; increasing the income eligibility threshold for  
 7           coverage under the Florida Kidcare program; requiring  
 8           an applicant seeking coverage under the program to  
 9           provide certain documentation if eligibility cannot be  
 10          verified using reliable data sources; amending s.  
 11          409.816, F.S.; requiring that premiums for certain  
 12          enrollees under the Florida Kidcare program be based  
 13          on a tiered system of uniform premiums; amending s.  
 14          624.91, F.S.; conforming a provision to changes made  
 15          by the act; providing effective dates.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Effective January 1, 2024, paragraph (a) of  
 20           subsection (6) of section 409.8132, Florida Statutes, is amended  
 21           to read:

22           409.8132 Medikids program component.—

23           (6) ELIGIBILITY.—

24           (a) A child who has attained the age of 1 year but who is  
 25           under the age of 5 years is eligible to enroll in the Medikids  
 26           program component of the Florida Kidcare program, if the child  
 27           is a member of a family that has a family income which exceeds  
 28           the Medicaid applicable income level as specified in s. 409.903,  
 29           but which is equal to or below 300 ~~200~~ percent of the current

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30 federal poverty level. In determining the eligibility of such a  
31 child, an assets test is not required. A child who is eligible  
32 for Medikids may elect to enroll in Florida Healthy Kids  
33 coverage or employer-sponsored group coverage. However, a child  
34 who is eligible for Medikids may participate in the Florida  
35 Healthy Kids program only if the child has a sibling  
36 participating in the Florida Healthy Kids program and the  
37 child's county of residence permits such enrollment.

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

40 409.814 Eligibility.—A child who has not reached 19 years  
41 of age whose family income is equal to or below 300 ~~200~~ percent  
42 of the federal poverty level is eligible for the Florida Kidcare  
43 program as provided in this section. If an enrolled individual  
44 is determined to be ineligible for coverage, he or she must be  
45 immediately disenrolled from the respective Florida Kidcare  
46 program component.

47 (1) A child who is eligible for Medicaid coverage under s.  
48 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
49 eligible to receive health benefits under any other health  
50 benefits coverage authorized under the Florida Kidcare program.

51 (2) A child who is not eligible for Medicaid, but who is  
52 eligible for the Florida Kidcare program, may obtain health  
53 benefits coverage under any of the other components listed in s.  
54 409.813 if such coverage is approved and available in the county  
55 in which the child resides.

56 (3) A Title XXI-funded child who is eligible for the  
57 Florida Kidcare program who is a child with special health care  
58 needs, as determined through a medical or behavioral screening

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59 instrument, is eligible for health benefits coverage from and  
60 shall be assigned to and may opt out of the Children's Medical  
61 Services Network.

62 (4) A Title XXI-funded child who reaches 19 years of age is  
63 eligible for continued Title XXI-funded coverage for the  
64 duration of a pregnancy and the postpartum period consisting of  
65 the 12-month period beginning on the last day of a pregnancy, if  
66 such pregnancy or postpartum period begins prior to the child  
67 reaching 19 years of age, and if the child is ineligible for  
68 Medicaid.

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

74 (a) A child who is covered under a family member's group  
75 health benefit plan or under other private or employer health  
76 insurance coverage, if the cost of the child's participation is  
77 not greater than 5 percent of the family's income. If a child is  
78 otherwise eligible for a subsidy under the Florida Kidcare  
79 program and the cost of the child's participation in the family  
80 member's health insurance benefit plan is greater than 5 percent  
81 of the family's income, the child may enroll in the appropriate  
82 subsidized Kidcare program.

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

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88 (c) A child who is an alien but who does not meet the  
89 definition of a lawfully residing child. This paragraph does not  
90 extend eligibility for the Florida Kidcare program to an  
91 undocumented immigrant.

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

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

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

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

105 3. The parent who had health benefits coverage for the  
106 child is deceased;

107 4. The child has a medical condition that, without medical  
108 care, would cause serious disability, loss of function, or  
109 death;

110 5. The employer of the parent canceled health benefits  
111 coverage for children;

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

114 7. The child has exhausted coverage under a COBRA  
115 continuation provision;

116 8. The health benefits coverage does not cover the child's

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117 health care needs; or

118 9. Domestic violence led to loss of coverage.

119 (6) A child who is otherwise eligible for the Florida  
120 Kidcare program and who has a preexisting condition that  
121 prevents coverage under another insurance plan as described in  
122 paragraph (5) (a) which would have disqualified the child for the  
123 Florida Kidcare program if the child were able to enroll in the  
124 plan is eligible for Florida Kidcare coverage when enrollment is  
125 possible.

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

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

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

138 (8) Once a child is enrolled in the Florida Kidcare  
139 program, the child is eligible for coverage for 12 months  
140 without a redetermination or reverification of eligibility, if  
141 the family continues to pay the applicable premium. Eligibility  
142 for program components funded through Title XXI of the Social  
143 Security Act terminates when a child attains the age of 19. A  
144 child who has not attained the age of 5 and who has been  
145 determined eligible for the Medicaid program is eligible for

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146 coverage for 12 months without a redetermination or  
147 reverification of eligibility.

148 (9) When determining or reviewing a child's eligibility  
149 under the Florida Kidcare program, the applicant shall be  
150 provided with reasonable notice of changes in eligibility which  
151 may affect enrollment in one or more of the program components.  
152 If a transition from one program component to another is  
153 authorized, there shall be cooperation between the program  
154 components and the affected family which promotes continuity of  
155 health care coverage. Any authorized transfers must be managed  
156 within the program's overall appropriated or authorized levels  
157 of funding. Each component of the program shall establish a  
158 reserve to ensure that transfers between components will be  
159 accomplished within current year appropriations. These reserves  
160 shall be reviewed by each convening of the Social Services  
161 Estimating Conference to determine the adequacy of such reserves  
162 to meet actual experience.

163 (10) In determining the eligibility of a child, an assets  
164 test is not required. If eligibility for the Florida Kidcare  
165 program cannot be verified using reliable data sources in  
166 accordance with federal requirements, each applicant must ~~shall~~  
167 provide documentation during the application process and the  
168 redetermination process, including, but not limited to, the  
169 following:

170 (a) Proof of family income, which must be verified  
171 electronically to determine financial eligibility for the  
172 Florida Kidcare program. Written documentation, which may  
173 include wages and earnings statements or pay stubs, W-2 forms,  
174 or a copy of the applicant's most recent federal income tax

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175 return, is required only if the electronic verification is not  
176 available or does not substantiate the applicant's income.

177 (b) A statement from all applicable, employed family  
178 members that:

179 1. Their employers do not sponsor health benefit plans for  
180 employees;

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

183 3. The potential enrollee is covered by an employer-  
184 sponsored health benefit plan and the cost of the employer-  
185 sponsored health benefit plan is more than 5 percent of the  
186 family's income.

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

189 (11) Subject to paragraph (5)(a), the Florida Kidcare  
190 program shall withhold benefits from an enrollee if the program  
191 obtains evidence that the enrollee is no longer eligible,  
192 submitted incorrect or fraudulent information in order to  
193 establish eligibility, or failed to provide verification of  
194 eligibility. The applicant or enrollee must ~~shall~~ be notified  
195 that because of such evidence program benefits will be withheld  
196 unless the applicant or enrollee contacts a designated  
197 representative of the program by a specified date, which must be  
198 within 10 working days after the date of notice, to discuss and  
199 resolve the matter. The program shall make every effort to  
200 resolve the matter within a timeframe that will not cause  
201 benefits to be withheld from an eligible enrollee.

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

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204 (a) An applicant obtaining or attempting to obtain benefits  
205 for a potential enrollee under the Florida Kidcare program when  
206 the applicant knows or should have known the potential enrollee  
207 does not qualify for the Florida Kidcare program.

208 (b) An individual who assists an applicant in obtaining or  
209 attempting to obtain benefits for a potential enrollee under the  
210 Florida Kidcare program when the individual knows or should have  
211 known the potential enrollee does not qualify for the Florida  
212 Kidcare program.

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

215 409.816 Limitations on premiums and cost sharing.—The  
216 following limitations on premiums and cost sharing are  
217 established for the program.

218 (3) Enrollees in families with a family income above 150  
219 percent of the federal poverty level who are not receiving  
220 coverage under the Medicaid program or who are not eligible  
221 under s. 409.814(7) may be required to pay enrollment fees,  
222 premiums, copayments, deductibles, coinsurance, or similar  
223 charges on a sliding scale related to income, except that the  
224 total annual aggregate cost sharing with respect to all children  
225 in a family may not exceed 5 percent of the family's income.  
226 However, copayments, deductibles, coinsurance, or similar  
227 charges may not be imposed for preventive services, including  
228 well-baby and well-child care, age-appropriate immunizations,  
229 and routine hearing and vision screenings. Premiums for  
230 enrollees who are paying enrollment fees, premiums, copayments,  
231 deductibles, coinsurance, or similar charges as provided in this  
232 subsection must be based on at least three but no more than six



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233 tiers of uniform premiums that increase with each tier as a  
234 percentage of the applicable threshold amount of the federal  
235 poverty level, by tier.

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

239 624.91 The Florida Healthy Kids Corporation Act.—

240 (2) LEGISLATIVE INTENT.—

241 (b) It is the intent of the Legislature that the Florida  
242 Healthy Kids Corporation serve as one of several providers of  
243 services to children eligible for medical assistance under Title  
244 XXI of the Social Security Act. Although the corporation may  
245 serve other children, the Legislature intends the primary  
246 recipients of services provided through the corporation be  
247 school-age children with a family income equal to or below 300  
248 ~~200~~ percent of the federal poverty level, who do not qualify for  
249 Medicaid. It is also the intent of the Legislature that state  
250 and local government Florida Healthy Kids funds be used to  
251 continue coverage, subject to specific appropriations in the  
252 General Appropriations Act, to children not eligible for federal  
253 matching funds under Title XXI.

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