

1                                   A bill to be entitled  
 2           An act relating to Florida Kidcare program  
 3           eligibility; amending ss. 409.8132, 409.814, and  
 4           624.91, F.S.; increasing the income eligibility  
 5           threshold for coverage under the Florida Kidcare  
 6           program; authorizing the Agency for Health Care  
 7           Administration to seek federal waiver approval or  
 8           submit state plan amendments as necessary; requiring  
 9           the agency to examine graduated family contribution  
 10          rates for newly qualifying families under the program;  
 11          providing guidelines for such rates; providing  
 12          legislative intent; requiring the agency to increase  
 13          the income eligibility threshold for coverage under  
 14          the program each fiscal year until meeting a specified  
 15          income threshold; providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:  
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19           Section 1. Paragraph (a) of subsection (6) of section  
 20           409.8132, Florida Statutes, is amended to read:

21           409.8132   Medikids program component.—

22           (6)   ELIGIBILITY.—

23           (a)   A child who has attained the age of 1 year but who is  
 24           under the age of 5 years is eligible to enroll in the Medikids  
 25           program component of the Florida Kidcare program, if the child

26 | is a member of a family that has a family income which exceeds  
27 | the Medicaid applicable income level as specified in s. 409.903,  
28 | but which is equal to or below 300 ~~200~~ percent of the current  
29 | federal poverty level. In determining the eligibility of such a  
30 | child, an assets test is not required. A child who is eligible  
31 | for Medikids may elect to enroll in Florida Healthy Kids  
32 | coverage or employer-sponsored group coverage. However, a child  
33 | who is eligible for Medikids may participate in the Florida  
34 | Healthy Kids program only if the child has a sibling  
35 | participating in the Florida Healthy Kids program and the  
36 | child's county of residence permits such enrollment.

37 |       Section 2. Section 409.814, Florida Statutes, is amended  
38 | to read:

39 |       409.814 Eligibility.—A child who has not reached 19 years  
40 | of age whose family income is equal to or below 300 ~~200~~ percent  
41 | of the federal poverty level is eligible for the Florida Kidcare  
42 | program as provided in this section. If an enrolled individual  
43 | is determined to be ineligible for coverage, he or she must be  
44 | immediately disenrolled from the respective Florida Kidcare  
45 | program component.

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

50 |       (2) A child who is not eligible for Medicaid, but who is

51 eligible for the Florida Kidcare program, may obtain health  
52 benefits coverage under any of the other components listed in s.  
53 409.813 if such coverage is approved and available in the county  
54 in which the child resides.

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

61 (4) The following children are not eligible to receive  
62 Title XXI-funded premium assistance for health benefits coverage  
63 under the Florida Kidcare program, except under Medicaid if the  
64 child would have been eligible for Medicaid under s. 409.903 or  
65 s. 409.904 as of June 1, 1997:

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

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

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

80 (c) A child who is an alien but who does not meet the  
81 definition of a lawfully residing child. This paragraph does not  
82 extend eligibility for the Florida Kidcare program to an  
83 undocumented immigrant.

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

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

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

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

97 3. The parent who had health benefits coverage for the  
98 child is deceased;

99 4. The child has a medical condition that, without medical  
100 care, would cause serious disability, loss of function, or

101 death;

102 5. The employer of the parent canceled health benefits  
103 coverage for children;

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

106 7. The child has exhausted coverage under a COBRA  
107 continuation provision;

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

110 9. Domestic violence led to loss of coverage.

111 (5) A child who is otherwise eligible for the Florida  
112 Kidcare program and who has a preexisting condition that  
113 prevents coverage under another insurance plan as described in  
114 paragraph (4) (a) which would have disqualified the child for the  
115 Florida Kidcare program if the child were able to enroll in the  
116 plan is eligible for Florida Kidcare coverage when enrollment is  
117 possible.

118 (6) A child whose family income is above 300 ~~200~~ percent  
119 of the federal poverty level or a child who is excluded under  
120 the provisions of subsection (4) may participate in the Florida  
121 Kidcare program as provided in s. 409.8132 or, if the child is  
122 ineligible for Medikids by reason of age, in the Florida Healthy  
123 Kids program, subject to the following:

124 (a) The family is not eligible for premium assistance  
125 payments and must pay the full cost of the premium, including

126 any administrative costs.

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

130 (7) Once a child is enrolled in the Florida Kidcare  
131 program, the child is eligible for coverage for 12 months  
132 without a redetermination or reverification of eligibility, if  
133 the family continues to pay the applicable premium. Eligibility  
134 for program components funded through Title XXI of the Social  
135 Security Act terminates when a child attains the age of 19. A  
136 child who has not attained the age of 5 and who has been  
137 determined eligible for the Medicaid program is eligible for  
138 coverage for 12 months without a redetermination or  
139 reverification of eligibility.

140 (8) When determining or reviewing a child's eligibility  
141 under the Florida Kidcare program, the applicant shall be  
142 provided with reasonable notice of changes in eligibility which  
143 may affect enrollment in one or more of the program components.  
144 If a transition from one program component to another is  
145 authorized, there shall be cooperation between the program  
146 components and the affected family which promotes continuity of  
147 health care coverage. Any authorized transfers must be managed  
148 within the program's overall appropriated or authorized levels  
149 of funding. Each component of the program shall establish a  
150 reserve to ensure that transfers between components will be

151 accomplished within current year appropriations. These reserves  
152 shall be reviewed by each convening of the Social Services  
153 Estimating Conference to determine the adequacy of such reserves  
154 to meet actual experience.

155 (9) In determining the eligibility of a child, an assets  
156 test is not required. Each applicant shall provide documentation  
157 during the application process and the redetermination process,  
158 including, but not limited to, the following:

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

166 (b) A statement from all applicable, employed family  
167 members that:

168 1. Their employers do not sponsor health benefit plans for  
169 employees;

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

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

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

178 (10) Subject to paragraph (4) (a), the Florida Kidcare  
179 program shall withhold benefits from an enrollee if the program  
180 obtains evidence that the enrollee is no longer eligible,  
181 submitted incorrect or fraudulent information in order to  
182 establish eligibility, or failed to provide verification of  
183 eligibility. The applicant or enrollee shall be notified that  
184 because of such evidence program benefits will be withheld  
185 unless the applicant or enrollee contacts a designated  
186 representative of the program by a specified date, which must be  
187 within 10 working days after the date of notice, to discuss and  
188 resolve the matter. The program shall make every effort to  
189 resolve the matter within a timeframe that will not cause  
190 benefits to be withheld from an eligible enrollee.

191 (11) The following individuals may be subject to  
192 prosecution in accordance with s. 414.39:

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

198 (b) An individual who assists an applicant in obtaining or  
199 attempting to obtain benefits for a potential enrollee under the  
200 Florida Kidcare program when the individual knows or should have

201 known the potential enrollee does not qualify for the Florida  
202 Kidcare program.

203 Section 3. Paragraph (b) of subsection (2) of section  
204 624.91, Florida Statutes, is amended to read:

205 624.91 The Florida Healthy Kids Corporation Act.—

206 (2) LEGISLATIVE INTENT.—

207 (b) It is the intent of the Legislature that the Florida  
208 Healthy Kids Corporation serve as one of several providers of  
209 services to children eligible for medical assistance under Title  
210 XXI of the Social Security Act. Although the corporation may  
211 serve other children, the Legislature intends the primary  
212 recipients of services provided through the corporation be  
213 school-age children with a family income below 300 ~~200~~ percent  
214 of the federal poverty level, who do not qualify for Medicaid.  
215 It is also the intent of the Legislature that state and local  
216 government Florida Healthy Kids funds be used to continue  
217 coverage, subject to specific appropriations in the General  
218 Appropriations Act, to children not eligible for federal  
219 matching funds under Title XXI.

220 Section 4. (1) The Agency for Health Care Administration  
221 may seek federal waiver approval or submit any state plan  
222 amendments necessary to implement this act.

223 (2) Subject to federal waiver approval and in accordance  
224 with the cost containment goals for the Florida Kidcare program  
225 and for the state, the agency shall examine graduated family

226 contribution rates for newly qualifying families under the  
227 Florida Kidcare program which are consistent with the existing  
228 standard established under the Children's Health Insurance  
229 Program (CHIP) as follows:

230 (a) For a child whose family has an income between 200 and  
231 250 percent of the federal poverty level, a contribution rate of  
232 at least \$30 per month.

233 (b) For a child whose family has an income between 250 and  
234 300 percent of the federal poverty level, a contribution rate of  
235 at least \$40 per month.

236 (3) The Legislature intends for the graduated family  
237 contribution rates provided in subsection (2) to be in addition  
238 to the existing contribution rates of \$15 per month for a child  
239 whose family has an income between 133 and 158 percent of the  
240 federal poverty level and \$20 per month for a child whose family  
241 has an income between 158 and 200 percent of the federal poverty  
242 level, allowing the state to attain additional cost savings for  
243 the expansion of the Florida Kidcare program and to attain the  
244 federal Centers for Medicare and Medicaid Services' stated goals  
245 for CHIP to expand coverage and healthcare access for uninsured  
246 or underinsured children.

247 (4) Subject to federal waiver approval, the agency shall  
248 increase the income eligibility threshold for coverage under the  
249 Florida Kidcare program to 220 percent of the federal poverty  
250 level for the 2021-2022 fiscal year, and shall increase the

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251 | income eligibility threshold by 20 percent each fiscal year  
252 | thereafter until meeting an income eligibility threshold of 300  
253 | percent of the federal poverty level as required by this act.

254 |       Section 5. This act shall take effect July 1, 2021.