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2023 Legislature

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 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:

18
 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

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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
 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.

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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
 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
 63 is 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

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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.

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

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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
 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.

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126 (7) A child whose family income is above 300 ~~200~~ percent
 127 of the federal poverty level or a child who is excluded under
 128 the 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
 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

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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 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
 175 | return, is required only if the electronic verification is not

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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,
188 | a 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 shall be notified that
195 | 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

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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:

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

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

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

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

219 | (3) Enrollees in families with a family income above 150
220 | percent of the federal poverty level who are not receiving
221 | coverage under the Medicaid program or who are not eligible
222 | under s. 409.814(7) may be required to pay enrollment fees,
223 | premiums, copayments, deductibles, coinsurance, or similar
224 | charges on a sliding scale related to income, except that the
225 | total annual aggregate cost sharing with respect to all children

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226 | in a family may not exceed 5 percent of the family's income.
 227 | However, copayments, deductibles, coinsurance, or similar
 228 | charges may not be imposed for preventive services, including
 229 | well-baby and well-child care, age-appropriate immunizations,
 230 | and routine hearing and vision screenings. Premiums for
 231 | enrollees paying enrollment fees, premiums, copayments,
 232 | deductibles, coinsurance, or similar charges as provided in this
 233 | subsection shall be based on at least three but no more than six
 234 | tiers of uniform premiums that increase with each tier as a
 235 | percentage of the applicable threshold amount of the federal
 236 | poverty level, by tier.

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

240 | 624.91 The Florida Healthy Kids Corporation Act.—

241 | (2) LEGISLATIVE INTENT.—

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

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251 | and local government Florida Healthy Kids funds be used to
252 | continue coverage, subject to specific appropriations in the
253 | General Appropriations Act, to children not eligible for federal
254 | matching funds under Title XXI.

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