

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED  (Y/N)  
ADOPTED AS AMENDED  (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT  (Y/N)  
WITHDRAWN  (Y/N)  
OTHER

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1 Committee/Subcommittee hearing PCB: Health & Human Services  
2 Committee  
3 Representative Schwartz offered the following:

**Amendment (with title amendment)**

6 Between lines 760 and 761, insert:

7 Section 3. Paragraph (b) of subsection (6) of section 409.8132,  
8 Florida Statutes, is amended to read:

9 409.8132 Medikids program component.—

10 (6) ELIGIBILITY.—

11 (b) The provisions of s. 409.814(3)-(7) apply ~~409.814(3),~~  
12 ~~(4), (5), and (6) shall be applicable~~ to the Medikids program.

13 Section 4. Section 409.814, Florida Statutes, is amended  
14 to read:

15 409.814 Eligibility.—A child who has not reached 19 years  
16 of age whose family income is equal to or below 200 percent of  
17 the federal poverty level is eligible for the Florida Kidcare  
18 program as provided in this section. ~~For enrollment in the~~  
19 ~~Children's Medical Services Network, a complete application~~

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20 ~~includes the medical or behavioral health screening. If,~~  
21 ~~subsequently,~~ an enrolled individual is determined to be  
22 ineligible for coverage, he or she must be immediately ~~be~~  
23 disenrolled from the respective Florida Kidcare program  
24 component.

25 (1) A child who is eligible for Medicaid coverage under s.  
26 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
27 eligible to receive health benefits under any other health  
28 benefits coverage authorized under the Florida Kidcare program.

29 (2) A child who is not eligible for Medicaid, but who is  
30 eligible for the Florida Kidcare program, may obtain health  
31 benefits coverage under any of the other components listed in s.  
32 409.813 if such coverage is approved and available in the county  
33 in which the child resides.

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

40 (4) A child who is eligible for a state-sponsored health  
41 benefit plan through a family member or guardian employed by the  
42 state and who meets the eligibility requirements for the  
43 subsidized Florida Kidcare program may enroll in the subsidized  
44 Florida Kidcare program.

45 (5)-(4) The following children are not eligible to receive  
46 Title XXI-funded premium assistance for health benefits coverage  
47 under the Florida Kidcare program, except under Medicaid if the

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48 child would have been eligible for Medicaid under s. 409.903 or  
49 s. 409.904 as of June 1, 1997:

50 ~~(a) A child who is eligible for coverage under a state~~  
51 ~~health benefit plan on the basis of a family member's employment~~  
52 ~~with a public agency in the state.~~

53 (a) ~~(b)~~ A child who is covered under a family member's  
54 group health benefit plan or under other private or employer  
55 health insurance coverage, if the cost of the child's  
56 participation is not greater than 5 percent of the family's  
57 income. If a child is otherwise eligible for a subsidy under the  
58 Florida Kidcare program and the cost of the child's  
59 participation in the family member's health insurance benefit  
60 plan is greater than 5 percent of the family's income, the child  
61 may enroll in the appropriate subsidized Kidcare program.

62 (b) ~~(e)~~ A child who is seeking premium assistance for the  
63 Florida Kidcare program through employer-sponsored group  
64 coverage, if the child has been covered by the same employer's  
65 group coverage during the 60 days before the family submitted  
66 ~~prior to the family's submitting~~ an application for  
67 determination of eligibility under the program.

68 (c) ~~(d)~~ A child who is an alien, but who does not meet the  
69 definition of qualified alien, in the United States.

70 (d) ~~(e)~~ A child who is an inmate of a public institution or  
71 a patient in an institution for mental diseases.

72 (e) ~~(f)~~ A child who is otherwise eligible for premium  
73 assistance for the Florida Kidcare program and has had his or  
74 her coverage in an employer-sponsored or private health benefit  
75 plan voluntarily canceled in the last 60 days, except those

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76 children whose coverage was voluntarily canceled for good cause,  
77 including, but not limited to, the following circumstances:

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

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

83 3. The parent who had health benefits coverage for the  
84 child is deceased;

85 4. The child has a medical condition that, without medical  
86 care, would cause serious disability, loss of function, or  
87 death;

88 5. The employer of the parent canceled health benefits  
89 coverage for children;

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

92 7. The child has exhausted coverage under a COBRA  
93 continuation provision;

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

96 9. Domestic violence led to loss of coverage.

97 (6)~~(5)~~ A child who is otherwise eligible for the Florida  
98 Kidcare program and who has a preexisting condition that  
99 prevents coverage under another insurance plan as described in  
100 paragraph (5) (a) ~~(4) (b)~~ which would have disqualified the child  
101 for the Florida Kidcare program if the child were able to enroll  
102 in the plan is ~~shall be~~ eligible for Florida Kidcare coverage  
103 when enrollment is possible.

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104        ~~(7)-(6)~~ A child whose family income is above 200 percent of  
105 the federal poverty level or a child who is excluded under the  
106 provisions of subsection (5) ~~(4)~~ may participate in the Florida  
107 Kidcare program as provided in s. 409.8132 or, if the child is  
108 ineligible for Medikids by reason of age, in the Florida Healthy  
109 Kids program, subject to the following ~~provisions~~:

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

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

116        ~~(8)-(7)~~ Once a child is enrolled in the Florida Kidcare  
117 program, the child is eligible for coverage ~~under the program~~  
118 for 12 months without a redetermination or reverification of  
119 eligibility, ~~if~~ if the family continues to pay the applicable  
120 premium. Eligibility for program components funded through Title  
121 XXI of the Social Security Act terminates ~~shall terminate~~ when a  
122 child attains the age of 19. A child who has not attained the  
123 age of 5 and who has been determined eligible for the Medicaid  
124 program is eligible for coverage for 12 months without a  
125 redetermination or reverification of eligibility.

126        ~~(9)-(8)~~ When determining or reviewing a child's eligibility  
127 under the Florida Kidcare program, the applicant shall be  
128 provided with reasonable notice of changes in eligibility which  
129 may affect enrollment in one or more of the program components.  
130 If ~~When~~ a transition from one program component to another is  
131 authorized, there shall be cooperation between the program

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132 components and the affected family which promotes continuity of  
133 health care coverage. Any authorized transfers must be managed  
134 within the program's overall appropriated or authorized levels  
135 of funding. Each component of the program shall establish a  
136 reserve to ensure that transfers between components will be  
137 accomplished within current year appropriations. These reserves  
138 shall be reviewed by each convening of the Social Services  
139 Estimating Conference to determine the adequacy of such reserves  
140 to meet actual experience.

141 ~~(10)-(9)~~ In determining the eligibility of a child, an  
142 assets test is not required. Each applicant shall provide  
143 documentation during the application process and the  
144 redetermination process, including, but not limited to, the  
145 following:

146 (a) ~~Each applicant's~~ Proof of family income, which must  
147 ~~shall~~ be verified electronically to determine financial  
148 eligibility for the Florida Kidcare program. Written  
149 documentation, which may include wages and earnings statements  
150 or pay stubs, W-2 forms, or a copy of the applicant's most  
151 recent federal income tax return, is ~~shall be~~ required only if  
152 ~~the~~ electronic verification is not available or does not  
153 substantiate the applicant's income.

154 (b) ~~Each applicant shall provide~~ A statement from all  
155 applicable, employed family members that:

156 1. Their employers do not sponsor health benefit plans for  
157 employees;

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

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160 3. The potential enrollee is covered by an employer-  
161 sponsored health benefit plan and the cost of the employer-  
162 sponsored health benefit plan is more than 5 percent of the  
163 family's income.

164 ~~(11)-(10)~~ Subject to paragraph (5) (a) ~~(4) (b)~~, the Florida  
165 Kidcare program shall withhold benefits from an enrollee if the  
166 program obtains evidence that the enrollee is no longer  
167 eligible, submitted incorrect or fraudulent information in order  
168 to establish eligibility, or failed to provide verification of  
169 eligibility. The applicant or enrollee shall be notified that  
170 because of such evidence program benefits will be withheld  
171 unless the applicant or enrollee contacts a designated  
172 representative of the program by a specified date, which must be  
173 within 10 working days after the date of notice, to discuss and  
174 resolve the matter. The program shall make every effort to  
175 resolve the matter within a timeframe that will not cause  
176 benefits to be withheld from an eligible enrollee.

177 ~~(12)-(11)~~ The following individuals may be subject to  
178 prosecution in accordance with s. 414.39:

179 (a) An applicant obtaining or attempting to obtain  
180 benefits for a potential enrollee under the Florida Kidcare  
181 program if ~~when~~ the applicant knows or should have known that  
182 the potential enrollee does not qualify for the ~~Florida Kidcare~~  
183 program.

184 (b) An individual who assists an applicant in obtaining or  
185 attempting to obtain benefits for a potential enrollee under the  
186 Florida Kidcare program if ~~when~~ the individual knows or should  
187 have known that the potential enrollee does not qualify for the

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188 ~~Florida Kidcare~~ program.

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

191 409.816 Limitations on premiums and cost-sharing.—The  
192 following limitations on premiums and cost-sharing are  
193 established for the program.

194 (3) Enrollees in families with a family income above 150  
195 percent of the federal poverty level who are not receiving  
196 coverage under the Medicaid program or who are not eligible  
197 under s. 409.814(7) ~~409.814(6)~~ may be required to pay enrollment  
198 fees, premiums, copayments, deductibles, coinsurance, or similar  
199 charges on a sliding scale related to income, except that the  
200 total annual aggregate cost-sharing with respect to all children  
201 in a family may not exceed 5 percent of the family's income.  
202 However, copayments, deductibles, coinsurance, or similar  
203 charges may not be imposed for preventive services, including  
204 well-baby and well-child care, age-appropriate immunizations,  
205 and routine hearing and vision screenings.

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**T I T L E A M E N D M E N T**

211 Remove line 20 and insert:

212 program; An act relating to the Florida Kidcare program;

213 amending s. 409.8132, F.S.; conforming cross-references;

214 amending s. 409.814, F.S.; providing that children who are

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COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB HHSC 12-02 (2012)

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216 eligible for a state-sponsored health benefit plan and the  
217 subsidized Kidcare program may enroll in the program; conforming  
218 provisions to changes made by the act; amending s. 409.816,  
219 F.S.; conforming a cross-reference.

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