



### 1. Who has historically been eligible for KidCare?

Subsidized KidCare historically has been available to families with income of 133 to 200% of the Federal Poverty Level (FPL), with premiums of \$15 or \$20 per month per family. Families with income over 200% of the FPL are ineligible for the subsidized program and can only enroll their children in full-pay/non-subsidized KidCare, which charges a premium of approximately \$250 per month per child.

### 2. What is the “KidCare Expansion”?

In 2023, the Florida Legislature voted to expand subsidized KidCare eligibility to 300% of the FPL, to be effective January 1, 2024. See Fla. Stat. 409.814. As part of this new law, the state proposed to establish six premium levels based on income levels and to increase premiums by 3% every year.

### 3. It's long past January 1, 2024. Why hasn't the expansion been implemented?

The KidCare expansion has not been implemented because Florida has refused to comply with a separate new federal continuous coverage requirement for subsidized KidCare enrollees. This requirement mandates that states provide continuous coverage to all children under age 19 who are enrolled in Medicaid and KidCare, even when the family does not pay a monthly premium payment on time. See Section 5112 of the Consolidated Appropriations Act, 2023 (CAA); 42 C.F.R. §§ 435.926, 457.342.

The KidCare expansion requires federal approval from the Centers for Medicare and Medicaid Services (CMS). When Florida submitted its complete [1115 Waiver](#) request in March 2024 for CMS's approval of the KidCare expansion, Florida proposed to make the KidCare expansion contingent upon Florida being permitted to maintain its practice of disenrolling children for missed premiums. Because this would be contrary to the new federal law, [CMS approved Florida's waiver application](#) expressly contingent upon Florida complying with the continuous coverage requirement. Florida has since refused to implement the KidCare Expansion, and instead has sued CMS seeking to invalidate the continuous coverage regulation.

### 4. Why is Florida refusing to comply with the continuous coverage requirement when a family misses a premium payment?

According to Florida's latest lawsuit against CMS in January 2025, Florida contends that KidCare and its expansion depend upon the collection of monthly premiums. Florida also asserts that CMS is misinterpreting the law regarding continuous coverage and that the law was intended to maintain a child's "eligibility" for enrollment in KidCare when the parents missed a premium payment, but not their actual enrollment. Florida has [continued to disenroll children from KidCare](#) when their families miss a premium payment.



### 5. Are any other states refusing to comply with the new continuous coverage requirement when a family misses a premium payment?

To our knowledge, Florida is the only state refusing to implement the continuous coverage requirement as it pertains to missed premium payments. Additionally, Florida is one of only nine states that imposes premiums upon children with household incomes under 150% of the FPL.

### 6. Who is being impacted by the lack of KidCare expansion?

When the bill passed, the legislature estimated that approximately 50,000 children in Florida would be newly eligible for subsidized KidCare under the expanded income limits. This number is likely much higher today because many children lost Medicaid coverage following the end of the COVID-19 public health emergency, and the child uninsured rate in Florida has risen significantly (from 7.4 to 8.5% percent, or by 67,000 children) in the last two years. Although the delay of the KidCare expansion impacts a broad range of children and families, *children with complex medical needs are especially severely harmed by their inability to enroll in subsidized KidCare.* Many of these children were eligible for Medicaid during the COVID-19 pandemic and were enrolled in the Children's Medical Services Plan (CMS Plan), a plan which is designed to meet the medical needs of children with chronic and serious medical conditions. But for those whose household income is above 200% of the FPL, these children are currently only eligible for full-pay KidCare. Full-pay KidCare does not allow enrollment in the CMS Plan; nor does it come close to meeting the significant health care needs of medically complex children.

### 7. Who can I contact to express my concern about this issue?

We suggest you contact any or all of the following individuals: your state senator, state representative, the legislation's co-sponsors, Rep. Robin Bartleman, Rep. Dana Trabulsy, and Sen. Alexis Calatayud, current House Health & Human Services Committee Chair Rep. Josie Tomkow and Vice Chair Rep. Susan Plasencia, and Senate Health Policy Committee Chair Sen. Colleen Burton and Vice Chair Sen. Gayle Harrell, and:

- Explain how the delay has impacted your family
- Urge the legislator to demand that AHCA immediately implement this critical legislation for Florida families, as required by law, instead of harming families by continuing to delay.

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*For additional information, please see FHJP's KidCare Expansion Background and Timeline*

*For questions, please contact Lynn Hearn, [hearn@floridahealthjustice.org](mailto:hearn@floridahealthjustice.org)*