Congress of the United States

Washington, DC 20515

January 8, 2026

The Honorable Mehmet Oz
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

The Honorable Daniel Brillman
Director
Center for Medicaid and CHIP Services
7500 Security Boulevard
Baltimore, MD 21244

RE: Keep Kids Covered

Dear Administrator Oz and Director Brillman:

As members of Florida's congressional delegation, we write to encourage you to take every action to ensure that Florida's kids have access to the health care they deserve. We applauded the Florida Legislature's decisive 2023 action to expand eligibility for Florida's Children's Health Insurance Program (CHIP), known as KidCare. This expansion would allow children in families earning between 215% and 300% of the federal poverty level (FPL) – between about $60,000 to $80,000 for a family of three – to access health insurance with affordable premiums. The bipartisan and unanimous approval of the KidCare expansion was meant to be a godsend to Florida children and their families, but **Governor DeSantis' refusal to follow federal law for two years has delayed the expansion, prevented 42,000 uninsured children from gaining coverage, and illegally ripped insurance away from at least 43,000 already eligible and enrolled children**.[1] [2]

In the Consolidated Appropriations Act, 2023 (CAA), Congress enacted legislation that requires state Medicaid and CHIP programs to provide 12 months of continuous eligibility for children under the age of 19.[3] This protection went into effect over two years ago on January 1, 2024, with explicit directives for states to keep children continuously enrolled in Medicaid and CHIP for one year with only two exceptions: the child reaches age 19 or the child ceases to be a resident of that state. The Centers for Medicare and Medicaid Services (CMS) later released guidance to states outlining three more exceptions to the 12-month continuous eligibility protection that are critical to protecting program integrity: the child or guardian requests a voluntary termination, the State determines eligibility was erroneously granted, or the child is deceased.[4] Removal for non-payment of premiums is not on either list of exceptions. To clarify any ambiguity, CMS subsequently codified a regulation clarifying that there is no exception to continuous eligibility for non-payment of premiums in Medicaid or CHIP—the only exceptions are the five outlined above.[5] [6]

However, in February 2024, Governor DeSantis filed a lawsuit against CMS arguing that states should have the authority to terminate children's health coverage for unpaid premiums. Florida is the only state in the nation brazenly defying federal protections and disenrolling insured children in families with incomes up to

[1] "KidCare CHIP and Full Pay Program Disenrollments Due to Nonpayment of Premium for the 12-Month Period of August '24 – July '25," *Florida Healthy Kids Corporation*, 2025, https://ccf.georgetown.edu/wp-content/uploads/2025/11/CHIP-Disenrollment-Data-due-to-Nonpayment-of-Premium-thru-07.25.pdf

[2] "CS/CS/HB 121 Florida KidCare Program Eligibility Final Bill Analysis," *Florida House of Representatives*, June 23, 2023, https://www.flsenate.gov/Session/Bill/2023/121/Analyses/h0121z1.HRS.PDF

[3] Public Law No: 117-328, December 29, 2022, https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf.

[4] SHO #23-004, "Section 5112 Requirement for all States to Provide Continuous Eligibility to Children in Medicaid and CHIP under the Consolidated Appropriations Act of 2023," *Centers for Medicare and Medicaid Services*, September 29, 2023, https://www.medicaid.gov/sites/default/files/2023-09/sho23004.pdf.

[5] *Centers for Medicare and Medicaid Services*, November 27, 2024, https://www.federalregister.gov/d/2024-25521.

[6] "§ 435.926 Continuous eligibility for children," *Centers for Medicare and Medicaid Services*, Updated November 27, 2024, https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-435/subpart-J/subject-group-ECFR0717d3fdf4a090c/section-435.926.

215% of the FPL for non-payment of premiums. The lawsuit and the Governor's refusal to follow the law not only caused 43,000 already eligible and lower-income children to improperly lose their health insurance but has prevented an estimated 43,000 children from gaining desperately needed coverage. Florida has 400,000 children who are currently without insurance, the second-highest number of uninsured children in the nation behind Texas, and the Governor's intentional actions have only made this worse. This harmful approach is even more disturbing in light of the fact that Florida's child uninsured rate jumped from 7.4 percent to 8.5 percent from 2023 to 2024 – one of the largest increases in the nation.[7]

Access to consistent health coverage is critical for children's development and well-being, with research showing overwhelmingly positive effects on children's health outcomes and their labor outcomes in adulthood. Continuous eligibility has protected millions of children who have been wrongfully disenrolled due to procedural or administrative reasons, and the new federal protection has benefited more than 17 million eligible children in states that previously didn't have a 12-month continuous eligibility policy.[8]

Florida families are urgently waiting for Governor DeSantis to stop playing political games and finally implement the bipartisan KidCare expansion. President Trump has expressed a commitment to protect the health and well-being of every American child, so we urge his Administration to immediately enforce the continuous eligibility law and work with the State of Florida to allow families access to affordable coverage.

Sincerely,

Kathy Castor
Member of Congress

Darren Soto
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Frederica S. Wilson
Member of Congress

Lois Frankel
Member of Congress

Maxwell Alejandro Frost
Member of Congress

[7] "U.S. and State-By-State Child Health Coverage Trends," *Georgetown University Center for Children and Families*, September 2025, https://ccf.georgetown.edu/2025/09/12/u-s-and-state-by-state-child-health-coverage-trends/.

[8] "New Federal 12-Month Continuous Eligibility Expansion: Over 17 Million Children Could Gain New Protections from Coverage Disruptions," *Assistant Secretary for Planning and Evaluation*, March 27, 2024, https://aspe.hhs.gov/sites/default/files/documents/0366907d43ad429094b60fb707ee9825/aspe-childrens-continuous-eligibility.pdf