

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

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BILL: SB 1220

INTRODUCER: Senator Garcia

SUBJECT: Repeal of Health Insurance Provisions

DATE: January 23, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Burgess	Burgess	BI	<b>Favorable</b>
2.	Betta	DeLoach	BGA	<b>Pre-meeting</b>
3.				
4.				
5.				
6.				

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**I. Summary:**

The bill deletes s. 627.64872(6), F.S., which requires the Board of Directors of the Florida Health Insurance Plan to submit to the Governor, the President of the Senate and the Speaker of the House of Representatives, an annual report which is to include an independent actuarial study.

The bill deletes s. 627.6699(15)(l), F.S., which requires the Office of Insurance Regulation to submit to the Governor, the President of the Senate and the Speaker of the House of Representatives, an annual report which summarizes the activities of the Small Employer Access Program, including written and earned premiums, program enrollment, administrative expenses, and paid and incurred losses.

This bill substantially amends the following sections of the Florida Statutes:  
627.64872, 627.6699.

## **II. Present Situation:**

### **Florida Health Insurance Plan (FHIP)**

In 1983, the Florida Legislature created the Florida Comprehensive Health Association (FCHA), to cover individuals who were unable to purchase health insurance from the open market due to pre-existing conditions. The program is financed through premiums from the participants and assessments on insurance companies, but has been closed to new enrollment since 1991.<sup>1</sup>

In 2004, the Legislature created the Florida Health Insurance Plan (FHIP),<sup>2</sup> which was intended to replace the FCHA as the state's high risk insurance pool.<sup>3</sup> The benefits provided by the FHIP are the same as the standard and basic plans for small employers. The FHIP must also provide an option for the purchase of alternative coverage, such as catastrophic coverage which includes a minimum level of primary care coverage, and a high deductible plan that meets all the requirements for a health savings account. Eligibility for the plan is limited to individuals who have received two notices of rejection for coverage from health insurers and individuals covered under the FCHA at the time the FHIP was created.<sup>4</sup>

The FHIP was created to be run by a nine person Board of Directors, chaired by the Director of the Office of Insurance Regulation (OIR). Five Board members would be appointed by the Governor and one member each would be appointed by the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer.<sup>5</sup> The Board is required to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, an annual report which is to include an independent actuarial study.

According to the OIR, funds for the start-up of the FHIP have not been appropriated, and as a result, the FHIP is not in operation. Therefore, the requirement that a report be provided that includes an independent actuarial study is moot.

### **Small Employers Access Program**

In 1992, the Legislature enacted the Employee Health Care Access Act (EHCAA).<sup>6</sup> The purpose of the act was to promote the availability of health insurance coverage to small employers, regardless of claims experience or their employees' health status.<sup>7</sup> In 2004, the Small Employers Access Program (Program) was created within the EHCAA.<sup>8</sup> The purpose of the Program was to provide additional health insurance options for small businesses consisting of up to 25 employees, including any municipality, county, school district, hospital located in a rural community, and any nursing home employer.<sup>9</sup> The OIR is required to submit an annual report to

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<sup>1</sup> See Department of Financial Services website: [myfloridacfo.com/Residual Markets – Florida Comprehensive Health Association](http://myfloridacfo.com/Residual%20Markets%20-%20Florida%20Comprehensive%20Health%20Association); last visited January 15, 2012.

<sup>2</sup> Section 627.64872, F.S.

<sup>3</sup> See Department of Financial Services website: [myfloridacfo.com/Residual Markets – Florida Health Insurance Plan](http://myfloridacfo.com/Residual%20Markets%20-%20Florida%20Health%20Insurance%20Plan); last visited January 15, 2012.

<sup>4</sup> Section 627.64872(9), F.S.

<sup>5</sup> Section 627.64872(3), F.S.

<sup>6</sup> Ch. 92-33, s. 117, L.O.F.

<sup>7</sup> Section 627.6699(2), F.S.

<sup>8</sup> Ch. 2004-297, s. 24, L.O.F.

<sup>9</sup> Section 627.6699(15)(b), F.S.

the Governor, the President of the Senate, and the Speaker of the House of Representatives summarizing the activities of the Program over the past year, including written and earned premiums, program enrollment, administrative expenses, and paid and incurred losses.<sup>10</sup>

According to the OIR, the Small Employers Access Program is not operational. The enacting legislation required a competitive bid for an insurer to administer the program. The OIR issued the required request for proposals (RFP) in 2004, and no insurer submitted a bid. Therefore, the annual reporting requirement contained in the section is moot.

### **III. Effect of Proposed Changes:**

**Section 1.** The bill deletes s. 627.64872(6), F.S., thereby eliminating the annual reporting requirement for the FHIP. The Board of Directors of the FHIP would no longer be required to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

**Section 2.** The bill deletes s. 627.6699(15)(l), F.S., thereby eliminating the annual reporting requirement for the Small Employers Access Program. The OIR would no longer be required to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

**Section 3.** The bill has an effective date of July 1, 2012.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

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<sup>10</sup> Section 627.6699(15)(l), F.S.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.