

Bill No. CS for SB 1108, 1st Eng.

Amendment No.      Barcode 091568

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Silver moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 54, between lines 28 and 29,

15  
16 insert:

17 Section 17. Section 624.91, Florida Statutes, is  
18 amended to read:

19 624.91 The Florida Healthy Kids Corporation Act.--

20 (1) SHORT TITLE.--This section may be cited as the  
21 "William G. 'Doc' Myers Healthy Kids Corporation Act."

22 (2) LEGISLATIVE INTENT.--

23 (a) The Legislature finds that increased access to  
24 health care services could improve children's health and  
25 reduce the incidence and costs of childhood illness and  
26 disabilities among children in this state. Many children do  
27 not have comprehensive, affordable health care services  
28 available. It is the intent of the Legislature that the  
29 Florida Healthy Kids Corporation provide comprehensive health  
30 insurance coverage to such children. The corporation is  
31 encouraged to cooperate with any existing health service

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1 programs funded by the public or the private sector and to  
2 work cooperatively with the Florida Partnership for School  
3 Readiness.

4 (b) It is the intent of the Legislature that the  
5 Florida Healthy Kids Corporation serve as one of several  
6 providers of services to children eligible for medical  
7 assistance under Title XXI of the Social Security Act.  
8 Although the corporation may serve other children, the  
9 Legislature intends the primary recipients of services  
10 provided through the corporation be school-age children with a  
11 family income below 200 percent of the federal poverty level,  
12 who do not qualify for Medicaid. It is also the intent of the  
13 Legislature that state and local government Florida Healthy  
14 Kids funds, ~~to the extent permissible under federal law,~~ be  
15 used to continue and expand coverage, within available  
16 appropriations, to children not eligible for federal matching  
17 funds under Title XXI ~~obtain matching federal dollars.~~

18 (3) NONENTITLEMENT.--Nothing in this section shall be  
19 construed as providing an individual with an entitlement to  
20 health care services. No cause of action shall arise against  
21 the state, the Florida Healthy Kids Corporation, or a unit of  
22 local government for failure to make health services available  
23 under this section.

24 (4) CORPORATION AUTHORIZATION, DUTIES, POWERS.--

25 (a) There is created the Florida Healthy Kids  
26 Corporation, a not-for-profit corporation ~~which operates on~~  
27 ~~sites designated by the corporation.~~

28 (b) The Florida Healthy Kids Corporation shall ~~phase~~  
29 ~~in a program to:~~

30 1. Organize school children groups to facilitate the  
31 provision of comprehensive health insurance coverage to

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1 children;

2           2. Arrange for the collection of any family, local  
3 contributions, or employer payment or premium, in an amount to  
4 be determined by the board of directors, to provide for  
5 payment of premiums for comprehensive insurance coverage and  
6 for the actual or estimated administrative expenses;

7           3. Arrange for the collection of any voluntary  
8 contributions to provide for payment of premiums for children  
9 who are not eligible for medical assistance under Title XXI of  
10 the Social Security Act. Each fiscal year, the corporation  
11 shall establish a local-match policy for the enrollment of  
12 non-Title XXI eligible children in the Healthy Kids program.  
13 By May 1 of each year, the corporation shall provide written  
14 notification of the amount to be remitted to the corporation  
15 for the following fiscal year under that policy. Local-match  
16 sources may include, but are not limited to, funds provided by  
17 municipalities, counties, school boards, hospitals, health  
18 care providers, charitable organizations, special taxing  
19 districts, and private organizations. The minimum local-match  
20 cash contributions required each fiscal year and local-match  
21 credits shall be determined by the General Appropriations Act.  
22 The corporation shall calculate a county's local-match rate  
23 based upon that county's percentage of the state's total  
24 non-Title XXI expenditures as reported in the corporation's  
25 most recently audited financial statement. In awarding the  
26 local-match credits, the corporation may consider factors  
27 including, but not limited to, population density, per-capita  
28 income, existing child-health-related expenditures and  
29 services in awarding the credits.

30           4. Accept voluntary supplemental local-match  
31 contributions that comply with the requirements of Title XXI

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1 of the Social Security Act for the purpose of providing  
2 additional coverage in contributing counties under Title XXI.

3 ~~5.3.~~ Establish the administrative and accounting  
4 procedures for the operation of the corporation;

5 ~~6.4.~~ Establish, with consultation from appropriate  
6 professional organizations, standards for preventive health  
7 services and providers and comprehensive insurance benefits  
8 appropriate to children; provided that such standards for  
9 rural areas shall not limit primary care providers to  
10 board-certified pediatricians;

11 ~~7.5.~~ Establish eligibility criteria which children  
12 must meet in order to participate in the program;

13 ~~8.6.~~ Establish procedures under which providers of  
14 local match to, applicants to and participants in the program  
15 may have grievances reviewed by an impartial body and reported  
16 to the board of directors of the corporation;

17 ~~9.7.~~ Establish participation criteria and, if  
18 appropriate, contract with an authorized insurer, health  
19 maintenance organization, or insurance administrator to  
20 provide administrative services to the corporation;

21 ~~10.8.~~ Establish enrollment criteria which shall  
22 include penalties or waiting periods of not fewer than 60 days  
23 for reinstatement of coverage upon voluntary cancellation for  
24 nonpayment of family premiums;

25 ~~11.9.~~ If a space is available, establish a special  
26 open enrollment period of 30 days' duration for any child who  
27 is enrolled in Medicaid or Medikids if such child loses  
28 Medicaid or Medikids eligibility and becomes eligible for the  
29 Florida Healthy Kids program;

30 ~~12.10.~~ Contract with authorized insurers or any  
31 provider of health care services, meeting standards

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1 established by the corporation, for the provision of  
 2 comprehensive insurance coverage to participants. Such  
 3 standards shall include criteria under which the corporation  
 4 may contract with more than one provider of health care  
 5 services in program sites. Health plans shall be selected  
 6 through a competitive bid process. The selection of health  
 7 plans shall be based primarily on quality criteria established  
 8 by the board. The health plan selection criteria and scoring  
 9 system, and the scoring results, shall be available upon  
 10 request for inspection after the bids have been awarded;

11 13. Establish disenrollment criteria in the event  
 12 local matching funds are insufficient to cover enrollments.

13 ~~14.11.~~ Develop and implement a plan to publicize the  
 14 Florida Healthy Kids Corporation, the eligibility requirements  
 15 of the program, and the procedures for enrollment in the  
 16 program and to maintain public awareness of the corporation  
 17 and the program;

18 ~~15.12.~~ Secure staff necessary to properly administer  
 19 the corporation. Staff costs shall be funded from state and  
 20 local matching funds and such other private or public funds as  
 21 become available. The board of directors shall determine the  
 22 number of staff members necessary to administer the  
 23 corporation;

24 ~~16.13.~~ As appropriate, enter into contracts with local  
 25 school boards or other agencies to provide onsite information,  
 26 enrollment, and other services necessary to the operation of  
 27 the corporation;

28 ~~17.14.~~ Provide a report on an annual basis to the  
 29 Governor, Insurance Commissioner, Commissioner of Education,  
 30 Senate President, Speaker of the House of Representatives, and  
 31 Minority Leaders of the Senate and the House of

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1 Representatives;

2       ~~18.15.~~ Each fiscal year, establish a maximum number of  
3 participants ~~by county~~, on a statewide basis, who may enroll  
4 in the program; ~~and without the benefit of local matching~~  
5 ~~funds. Thereafter, the corporation may establish local~~  
6 ~~matching requirements for supplemental participation in the~~  
7 ~~program. The corporation may vary local matching requirements~~  
8 ~~and enrollment by county depending on factors which may~~  
9 ~~influence the generation of local match, including, but not~~  
10 ~~limited to, population density, per capita income, existing~~  
11 ~~local tax effort, and other factors. The corporation also may~~  
12 ~~accept in-kind match in lieu of cash for the local match~~  
13 ~~requirement to the extent allowed by Title XXI of the Social~~  
14 ~~Security Act; and~~

15       ~~19.16.~~ Establish eligibility criteria, premium and  
16 cost-sharing requirements, and benefit packages which conform  
17 to the provisions of the Florida Kidcare program, as created  
18 in ss. 409.810-409.820.

19       (c) Coverage under the corporation's program is  
20 secondary to any other available private coverage held by the  
21 participant child or family member. The corporation may  
22 establish procedures for coordinating benefits under this  
23 program with benefits under other public and private coverage.

24       (d) The Florida Healthy Kids Corporation shall be a  
25 private corporation not for profit, organized pursuant to  
26 chapter 617, and shall have all powers necessary to carry out  
27 the purposes of this act, including, but not limited to, the  
28 power to receive and accept grants, loans, or advances of  
29 funds from any public or private agency and to receive and  
30 accept from any source contributions of money, property,  
31 labor, or any other thing of value, to be held, used, and

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1 applied for the purposes of this act.

2 (5) BOARD OF DIRECTORS.--

3 (a) The Florida Healthy Kids Corporation shall operate  
 4 subject to the supervision and approval of a board of  
 5 directors chaired by the Insurance Commissioner or her or his  
 6 designee, and composed of 14 ~~12~~ other members selected for  
 7 3-year terms of office as follows:

8 1. One member appointed by the Commissioner of  
 9 Education from among three persons nominated by the Florida  
 10 Association of School Administrators;

11 2. One member appointed by the Commissioner of  
 12 Education from among three persons nominated by the Florida  
 13 Association of School Boards;

14 3. One member appointed by the Commissioner of  
 15 Education from the Office of School Health Programs of the  
 16 Florida Department of Education;

17 4. One member appointed by the Governor from among  
 18 three members nominated by the Florida Pediatric Society;

19 5. One member, appointed by the Governor, who  
 20 represents the Children's Medical Services Program;

21 6. One member appointed by the Insurance Commissioner  
 22 from among three members nominated by the Florida Hospital  
 23 Association;

24 7. Two members, appointed by the Insurance  
 25 Commissioner, who are representatives of authorized health  
 26 care insurers or health maintenance organizations;

27 8. One member, appointed by the Insurance  
 28 Commissioner, who represents the Institute for Child Health  
 29 Policy;

30 9. One member, appointed by the Governor, from among  
 31 three members nominated by the Florida Academy of Family

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1 Physicians;

2 10. One member, appointed by the Governor, who  
3 represents the Agency for Health Care Administration; ~~and~~

4 11. The State Health Officer or her or his designee; ~~;~~

5 12. One member, appointed by the Insurance  
6 Commissioner from among three members nominated by the Florida  
7 Association of Counties, representing rural counties; and

8 13. One member, appointed by the Governor from among  
9 three members nominated by the Florida Association of  
10 Counties, representing urban counties.

11 (b) A member of the board of directors may be removed  
12 by the official who appointed that member. The board shall  
13 appoint an executive director, who is responsible for other  
14 staff authorized by the board.

15 (c) Board members are entitled to receive, from funds  
16 of the corporation, reimbursement for per diem and travel  
17 expenses as provided by s. 112.061.

18 (d) There shall be no liability on the part of, and no  
19 cause of action shall arise against, any member of the board  
20 of directors, or its employees or agents, for any action they  
21 take in the performance of their powers and duties under this  
22 act.

23 (6) LICENSING NOT REQUIRED; FISCAL OPERATION.--

24 (a) The corporation shall not be deemed an insurer.  
25 The officers, directors, and employees of the corporation  
26 shall not be deemed to be agents of an insurer. Neither the  
27 corporation nor any officer, director, or employee of the  
28 corporation is subject to the licensing requirements of the  
29 insurance code or the rules of the Department of Insurance.  
30 However, any marketing representative utilized and compensated  
31 by the corporation must be appointed as a representative of



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1 the insurers or health services providers with which the  
2 corporation contracts.

3 (b) The board has complete fiscal control over the  
4 corporation and is responsible for all corporate operations.

5 (c) The Department of Insurance shall supervise any  
6 liquidation or dissolution of the corporation and shall have,  
7 with respect to such liquidation or dissolution, all power  
8 granted to it pursuant to the insurance code.

9 (7) ACCESS TO RECORDS; CONFIDENTIALITY;  
10 PENALTIES.--Notwithstanding any other laws to the contrary,  
11 the Florida Healthy Kids Corporation shall have access to the  
12 medical records of a student upon receipt of permission from a  
13 parent or guardian of the student. Such medical records may  
14 be maintained by state and local agencies. Any identifying  
15 information, including medical records and family financial  
16 information, obtained by the corporation pursuant to this  
17 subsection is confidential and is exempt from the provisions  
18 of s. 119.07(1). Neither the corporation nor the staff or  
19 agents of the corporation may release, without the written  
20 consent of the participant or the parent or guardian of the  
21 participant, to any state or federal agency, to any private  
22 business or person, or to any other entity, any confidential  
23 information received pursuant to this subsection. A violation  
24 of this subsection is a misdemeanor of the second degree,  
25 punishable as provided in s. 775.082 or s. 775.083.

26  
27 (Redesignate subsequent sections.)

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29  
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1           On page 2, line 16, after the semicolon  
2  
3 insert:  
4           amending s. 624.91, F.S.; revising duties of  
5           the Florida Healthy Kids Corporation with  
6           respect to annual determination of  
7           participation in the Healthy Kids Program;  
8           prescribing duties of the corporation in  
9           establishing local match requirements; revising  
10          the composition of the board of directors;  
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