

By the Committee on Health, Aging and Long-Term Care; and
Senator Silver

317-2257B-02

1 A bill to be entitled
2 An act relating to children's health care;
3 amending s. 624.91, F.S.; revising duties of
4 the Florida Healthy Kids Corporation with
5 respect to annual determination of
6 participation in the Healthy Kids Program;
7 prescribing duties of the corporation in
8 establishing local match requirements; revising
9 the composition of the board of directors;
10 providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 624.91, Florida Statutes, is
15 amended to read:

16 624.91 The Florida Healthy Kids Corporation Act.--

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

19 (2) LEGISLATIVE INTENT.--

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

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

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

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

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

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

27 1. Organize school children groups to facilitate the
28 provision of comprehensive health insurance coverage to
29 children;

30 2. Arrange for the collection of any family, local
31 contributions, or employer payment or premium, in an amount to

1 be determined by the board of directors, to provide for
2 payment of premiums for comprehensive insurance coverage and
3 for the actual or estimated administrative expenses;

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

27 4. Accept voluntary supplemental local-match
28 contributions that comply with the requirements of Title XXI
29 of the Social Security Act for the purpose of providing
30 additional coverage in contributing counties under Title XXI.

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1 ~~5.3.~~ Establish the administrative and accounting
2 procedures for the operation of the corporation;

3 ~~6.4.~~ Establish, with consultation from appropriate
4 professional organizations, standards for preventive health
5 services and providers and comprehensive insurance benefits
6 appropriate to children; provided that such standards for
7 rural areas shall not limit primary care providers to
8 board-certified pediatricians;

9 ~~7.5.~~ Establish eligibility criteria which children
10 must meet in order to participate in the program;

11 ~~8.6.~~ Establish procedures under which providers of
12 local match to, applicants to and participants in the program
13 may have grievances reviewed by an impartial body and reported
14 to the board of directors of the corporation;

15 ~~9.7.~~ Establish participation criteria and, if
16 appropriate, contract with an authorized insurer, health
17 maintenance organization, or insurance administrator to
18 provide administrative services to the corporation;

19 ~~10.8.~~ Establish enrollment criteria which shall
20 include penalties or waiting periods of not fewer than 60 days
21 for reinstatement of coverage upon voluntary cancellation for
22 nonpayment of family premiums;

23 ~~11.9.~~ If a space is available, establish a special
24 open enrollment period of 30 days' duration for any child who
25 is enrolled in Medicaid or Medikids if such child loses
26 Medicaid or Medikids eligibility and becomes eligible for the
27 Florida Healthy Kids program;

28 ~~12.10.~~ Contract with authorized insurers or any
29 provider of health care services, meeting standards
30 established by the corporation, for the provision of
31 comprehensive insurance coverage to participants. Such

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

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

11 ~~14.11.~~ Develop and implement a plan to publicize the
12 Florida Healthy Kids Corporation, the eligibility requirements
13 of the program, and the procedures for enrollment in the
14 program and to maintain public awareness of the corporation
15 and the program;

16 ~~15.12.~~ Secure staff necessary to properly administer
17 the corporation. Staff costs shall be funded from state and
18 local matching funds and such other private or public funds as
19 become available. The board of directors shall determine the
20 number of staff members necessary to administer the
21 corporation;

22 ~~16.13.~~ As appropriate, enter into contracts with local
23 school boards or other agencies to provide onsite information,
24 enrollment, and other services necessary to the operation of
25 the corporation;

26 ~~17.14.~~ Provide a report on an annual basis to the
27 Governor, Insurance Commissioner, Commissioner of Education,
28 Senate President, Speaker of the House of Representatives, and
29 Minority Leaders of the Senate and the House of
30 Representatives;

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1 18.15. Each fiscal year, establish a maximum number of
2 participants ~~by county~~, on a statewide basis, who may enroll
3 in the program; and ~~without the benefit of local matching~~
4 ~~funds. Thereafter, the corporation may establish local~~
5 ~~matching requirements for supplemental participation in the~~
6 ~~program. The corporation may vary local matching requirements~~
7 ~~and enrollment by county depending on factors which may~~
8 ~~influence the generation of local match, including, but not~~
9 ~~limited to, population density, per capita income, existing~~
10 ~~local tax effort, and other factors. The corporation also may~~
11 ~~accept in-kind match in lieu of cash for the local match~~
12 ~~requirement to the extent allowed by Title XXI of the Social~~
13 ~~Security Act; and~~

14 19.16. Establish eligibility criteria, premium and
15 cost-sharing requirements, and benefit packages which conform
16 to the provisions of the Florida Kidcare program, as created
17 in ss. 409.810-409.820.

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

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

1 (5) BOARD OF DIRECTORS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (a) The corporation shall not be deemed an insurer.
24 The officers, directors, and employees of the corporation
25 shall not be deemed to be agents of an insurer. Neither the
26 corporation nor any officer, director, or employee of the
27 corporation is subject to the licensing requirements of the
28 insurance code or the rules of the Department of Insurance.
29 However, any marketing representative utilized and compensated
30 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 Section 2. This act shall take effect upon becoming a
27 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1980

The Committee Substitute for Senate Bill 1980: provides that local match contributions are voluntary, and are to be used, within available appropriations, to pay premiums for children who are not eligible for Title XXI coverage; lists entities which may provide local match; requires that the minimum amount of local match cash contributions and local match credits are to be determined by the General Appropriations Act; requires the Healthy Kids Corporation to calculate a county's local match rate based on that county's percentage of the state's total non-Title XXI expenditures; provides the factors the Corporation may consider in awarding local match credits; allows the Corporation to accept supplemental local match contributions which comply with the requirements of Title XXI in order to provide coverage in contributing counties to additional children which would be matched under Title XXI; requires the Corporation to establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments; and adds two members to the Healthy Kids Corporation board of directors, appointed by the Governor and Insurance Commissioner, from lists nominated by the Florida Association of Counties representing urban and rural counties.