

1                                   A bill to be entitled  
 2           An act relating to access to health care; amending s.  
 3           408.909, F.S.; clarifying licensure provisions for health  
 4           flex plans; revising criteria for eligibility for  
 5           enrollment in a health flex plan; creating s. 445.015,  
 6           F.S.; establishing a small business health insurance plan  
 7           grant program; providing purposes of the grant program;  
 8           providing conditions for use of grant funds; providing  
 9           duties of the Agency for Workforce Innovation and the  
 10          Office of Insurance Regulation; requiring a report to the  
 11          Governor and Legislature; providing an appropriation;  
 12          providing an effective date.

13

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

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16           Section 1. Subsection (5) of section 408.909, Florida  
 17           Statutes, is amended, and paragraph (d) is added to subsection  
 18           (3) of that section, to read:

19           408.909 Health flex plans.--

20           (3) PROGRAM.--The agency and the office shall each approve  
 21           or disapprove health flex plans that provide health care  
 22           coverage for eligible participants. A health flex plan may limit  
 23           or exclude benefits otherwise required by law for insurers  
 24           offering coverage in this state, may cap the total amount of  
 25           claims paid per year per enrollee, may limit the number of  
 26           enrollees, or may take any combination of those actions. A  
 27           health flex plan offering may include the option of a  
 28           catastrophic plan supplementing the health flex plan.

29           (d) In order to expedite financial determinations and  
 30 immediately qualify a large base of eligible entities to offer  
 31 health flex plans, entities licensed under chapter 624, chapter  
 32 627, chapter 632, chapter 636, or chapter 641 and provider  
 33 service networks authorized under chapter 409 shall be deemed in  
 34 compliance with the financial requirements to offer a health  
 35 flex plan. In addition, any local government or health care  
 36 district that has the initial operating funds and taxing  
 37 authority to fulfill its obligations under the proposed health  
 38 flex plan shall be deemed in compliance with the financial  
 39 requirements to offer a health flex plan.

40           (5) ELIGIBILITY.--Eligibility to enroll in an approved  
 41 health flex plan is limited to residents of this state who:

- 42           (a) Are 64 years of age or younger;
- 43           (b) Have a family income equal to or less than 250 ~~200~~  
 44 percent of the federal poverty level;

45           (c) Are eligible under a federally approved Medicaid  
 46 demonstration waiver and reside in Palm Beach County or Miami-  
 47 Dade County;

48           ~~(d) Are not covered by a private insurance policy and are~~  
 49 ~~not eligible for coverage through a public health insurance~~  
 50 ~~program, such as Medicare or Medicaid, unless specifically~~  
 51 ~~authorized under paragraph (c), or another public health care~~  
 52 ~~program, such as Kidcare, and have not been covered at any time~~  
 53 ~~during the past 6 months; and~~

54           (d)(e) Have applied for health care coverage through an  
 55 approved health flex plan and have agreed to make any payments

56 required for participation, including periodic payments or  
57 payments due at the time health care services are provided; and

58 (e) Are either:

59 1. Not covered by a private insurance policy and not  
60 eligible for coverage through a public health insurance program,  
61 such as Medicare or Medicaid, unless specifically authorized  
62 under paragraph (c), or another public health care program, such  
63 as Kidcare, and have not been covered at any time during the  
64 past 6 months; or

65 2. Part of an employer group that is not covered by a  
66 private health insurance policy and has not been covered at any  
67 time during the past 6 months and in which at least 75 percent  
68 of the employees have a family income equal to or less than 250  
69 percent of the federal poverty level. If the health flex plan  
70 entity is a properly licensed health insurer, health plan, or  
71 health maintenance organization, this subparagraph applies when  
72 only 50 percent of the employees have a family income equal to  
73 or less than 250 percent of the federal poverty level.

74 Section 2. Section 445.015, Florida Statutes, is created  
75 to read:

76 445.015 Small business health insurance plan grant  
77 program.--

78 (1) The agency shall establish a small business health  
79 insurance plan grant program to award, administer, and monitor  
80 grants to small employers and small businesses to develop and  
81 offer cafeteria health plans that qualify under s. 125 of the  
82 Internal Revenue Code and include options such as prepaid health  
83 clinic services licensed under part II of chapter 641 for the

84 purpose of improving access to health insurance for uninsured  
85 employees. The agency shall give priority to employer proposals  
86 that would improve access for previously uninsured employees or  
87 include long-term commitments to insure employees. Grant funds  
88 shall not be used for ongoing maintenance of the plans or for  
89 employer contributions. Health plans may identify and assist  
90 eligible small employers and small businesses in obtaining  
91 grants. The agency, in consultation with the Office of Insurance  
92 Regulation, shall evaluate each project funded by a grant to  
93 measure any increases in access to insurance and the long-term  
94 viability of such increases. The agency shall design materials  
95 and interactive programs to inform small employers and small  
96 businesses about such cafeteria health plans and shall provide  
97 training to assist small employers and small businesses in  
98 developing such plans. Training shall include technical  
99 assistance in establishing relationships with health plans and  
100 individualized guidance on operational methods and  
101 infrastructure that will best support and ensure the long-term  
102 success of using these plans.

103 (2) The agency shall submit a report that documents the  
104 specific activities undertaken during the fiscal year pursuant  
105 to this section annually to the Governor, the President of the  
106 Senate, and the Speaker of the House of Representatives no later  
107 than February 1.

108 Section 3. The sum of \$250,000 in nonrecurring revenue is  
109 appropriated from the General Revenue Fund to the Agency for  
110 Workforce Innovation for the 2007-2008 fiscal year to award

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111 | Small Business Health Insurance Plan Grants to eligible  
112 | businesses.

113 |       Section 4.   This act shall take effect July 1, 2007.