

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, health insurers licensed under chapters 624
32 and 627, fraternal benefit societies licensed under chapter 632,
33 prepaid limited health service organizations licensed under
34 chapter 636, health maintenance organizations licensed under
35 part I of chapter 641, prepaid health clinics licensed under
36 part II of chapter 641, and provider service networks authorized
37 under chapter 409 shall be deemed in compliance with the
38 financial requirements to offer a health flex plan. In addition,
39 any local government or health care district that has the
40 initial operating funds and taxing authority to fulfill its
41 obligations under the proposed health flex plan shall be deemed
42 in compliance with the financial requirements to offer a health
43 flex plan.

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

46 (a) Are 64 years of age or younger;

47 (b) Have a family income equal to or less than 250 ~~200~~
48 percent of the federal poverty level;

49 (c) Are eligible under a federally approved Medicaid
50 demonstration waiver and reside in Palm Beach County or Miami-
51 Dade County;

52 ~~(d) Are not covered by a private insurance policy and are~~
53 ~~not eligible for coverage through a public health insurance~~
54 ~~program, such as Medicare or Medicaid, unless specifically~~
55 ~~authorized under paragraph (c), or another public health care~~

56 ~~program, such as Kidcare, and have not been covered at any time~~
 57 ~~during the past 6 months; and~~

58 (d)-(e) Have applied for health care coverage through an
 59 approved health flex plan and have agreed to make any payments
 60 required for participation, including periodic payments or
 61 payments due at the time health care services are provided; and

62 (e) Are either:

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

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

78 Section 2. Section 445.015, Florida Statutes, is created
 79 to read:

80 445.015 Small business health insurance plan grant
 81 program.--

82 (1) The agency shall establish a small business health
 83 insurance plan grant program to award, administer, and monitor

84 grants to small employers and small businesses to develop and
85 offer cafeteria health plans that qualify under s. 125 of the
86 Internal Revenue Code and include options such as prepaid health
87 clinic services licensed under part II of chapter 641 for the
88 purpose of improving access to health insurance for uninsured
89 employees. The agency shall give priority to employer proposals
90 that would improve access for previously uninsured employees or
91 include long-term commitments to insure employees. Grant funds
92 shall not be used for ongoing maintenance of the plans or for
93 employer contributions. Health plans may identify and assist
94 eligible small employers and small businesses in obtaining
95 grants. The agency, in consultation with the Office of Insurance
96 Regulation, shall evaluate each project funded by a grant to
97 measure any increases in access to insurance and the long-term
98 viability of such increases. The agency shall design materials
99 and interactive programs to inform small employers and small
100 businesses about such cafeteria health plans and shall provide
101 training to assist small employers and small businesses in
102 developing such plans. Training shall include technical
103 assistance in establishing relationships with health plans and
104 individualized guidance on operational methods and
105 infrastructure that will best support and ensure the long-term
106 success of using these plans.

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

CS/CS/HB 1401, Engrossed 1

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112 Section 3. The sum of \$250,000 in nonrecurring revenue is
113 appropriated from the General Revenue Fund to the Agency for
114 Workforce Innovation for the 2007-2008 fiscal year to award
115 Small Business Health Insurance Plan Grants to eligible
116 businesses.

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