

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 519 Florida Healthy Kids Corporation

SPONSOR(S): Berman and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 608

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Access Subcommittee	14 Y, 0 N	Poche	Schoolfield
2) Health & Human Services Committee	17 Y, 0 N	Poche	Gormley

SUMMARY ANALYSIS

The Florida Healthy Kids Corporation is a non-profit organization which, together with other state agencies, administers Florida KidCare, the state's children's health insurance program for uninsured children from birth to age 19 who meet income and eligibility requirements. The Corporation is currently governed by a 12-member board of directors, which includes appointees of the Governor and Chief Financial Officer and members of the health and child care community.

House Bill 519 expands the board to 13 members by providing an additional member to be chosen by the Governor from a list of three candidates proposed by the Florida Dental Association.

The bill does not appear to have a fiscal impact.

The bill provides an effective date immediately upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Healthy Kids Corporation

The Florida Healthy Kids Corporation (Corporation), under contract with the Agency for Health Care Administration (AHCA), performs administrative functions for the Florida KidCare program and administers the State Children's Health Insurance Plan (SCHIP) Florida Healthy Kids program.¹ The Florida Healthy Kids program is one component of the Florida Kidcare Program. The Legislature intends the Corporation to serve as a provider of health services funded by Title XXI of the Social Security Act and target school age children with family incomes below 200% of poverty who do not qualify for Medicaid.² The duties of the Corporation are authorized in statute and include, but are not limited to, handling eligibility determination, premium billing and collection, contracting with insurers or providers of health services, and providing reports to the Legislature on Florida KidCare.³

The corporation is governed by a 12-member board of directors (board), which is chaired by the Chief Financial Officer or her or his designee.⁴ Each member serves a 3-year term of office.⁵ The current membership includes:

- The Secretary of Health Care Administration, or designee;
- One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education;
- One member appointed by the Chief Financial Officer from among three members nominated by the Florida Pediatric Society;
- One member, appointed by the Governor, who represents the Children's Medical Services Program;
- One member appointed by the Chief Financial Officer from among three members nominated by the Florida Hospital Association;
- One member, appointed by the Governor, who is an expert on child health policy;
- One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Academy of Family Physicians;
- One member, appointed by the Governor, who represents the state Medicaid program;
- One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Association of Counties;
- The State Health Officer or designee; and
- The Secretary of Children and Family Services, or designee.⁶

In 2009, the Legislature passed two separate bills that amended the membership to the board.⁷ The first bill, CS/HB 185, was approved by the Governor on May 20, 2009.⁸ This bill added a representative nominated by the Florida Dental Association to the board. The second bill, CS/CS/SB 918, was approved by the Governor on June 2, 2009.⁹ This bill added the Secretary of Children and Family

¹ S. 624.91(5), F.S.

² S. 624.91(2)(b), F.S.

³ S. 624.91(5)(a), F.S.

⁴ S. 624.91(6)(a), F.S.

⁵ *Id.*

⁶ S. 624.91(6)(a), F.S.

⁷ See Chapters 2009-41 and 2009-113, Laws of Fla.

⁸ See Chapter 2009-41, Laws of Fla.

⁹ See Chapter 2009-113, Laws of Fla.

Services, or designee, to the board. According to provisions of statutory construction, the law “last passed” by the Legislature is published with a footnote in statute noting the conflict.¹⁰

Florida KidCare Program

The Legislature established the Florida KidCare Program in 1998 to reduce the number of uninsured children in Florida through a combination of Medicaid expansions and public/private partnerships.¹¹ The Florida KidCare program provides health care coverage to over 1.9 million children in Florida.¹² The Florida KidCare program includes four separate components, each serving a distinct population of Florida’s children:

- Medicaid for Children: An entitlement program for qualified children birth through 19;
- Children’s Medical Services (CMS) Network: For uninsured children birth through 19 who have special health care needs or ongoing medical conditions (including behavioral health);
- MediKids: For uninsured children ages one through five; and
- Florida Healthy Kids: For uninsured children who do not qualify for Medicaid ages five through 19.¹³

Eligibility for each component of the Florida Kidcare Program is determined largely by family size and household income. Those families with income above 100% but under 200% of the Federal Poverty Level are currently eligible for subsidized health coverage.¹⁴ Families over 200% may also enroll in the program, but at the full cost of their coverage.¹⁵ This full pay option is affordable, guarantee issue coverage available in both the MediKids and Healthy Kids program.

Effect of Proposed Changes

The bill expands the board for the Corporation from 12 to 13 directors. The bill adds a representative of the dental community to the Corporation board. The member will be appointed by the Governor from a list of three members nominated by the Florida Dental Association.

B. SECTION DIRECTORY:

Section 1: Amends s. 624.91, F.S., relating to the Florida Healthy Kids Corporation Act.

Section 2: Provides the bill is effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

¹⁰ See Preface to the Florida Statutes, “Statutory Construction”; *see also* s. 1.04, F.S.

¹¹ Florida KidCare Coordinating Council, 2011 Annual Report and Recommendations, page 3. Available at <http://www.floridakidcare.org/council/reports/KCC2011summary-Web.pdf>.

¹² *See id.* at page 10, Table 5.

¹³ *See supra* FN 3.

¹⁴ *See supra* FN3, Figure 2.

¹⁵ *Id.*

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 624.91(6)(a), F.S., lists the members of the board for the Corporation. As the statute is written, exact membership of the board is confusing. Several changes are necessary to clarify the number of members of the board.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES