

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Health Regulation Committee

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BILL: SB 608

INTRODUCER: Senator Flores

SUBJECT: Florida Healthy Kids Corporation Board of Directors

DATE: November 29, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wilson	Stovall	HR	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

The bill adds one member to the Board of Directors of the Florida Healthy Kids Corporation. The additional member will be appointed by the Governor from among three nominees submitted by the Florida Dental Association.

This bill substantially amends the following section of the Florida Statutes: 624.91

**II. Present Situation:**

The Florida Healthy Kids Corporation is created in s. 624.91, F.S., to offer health insurance for children ages 5 through 18. The Corporation is one of four Florida KidCare partners. The Healthy Kids program is designed to provide quality, affordable health insurance for families not eligible for Medicaid. The program provides comprehensive health care services through contracts with both managed care and dental pre-paid plans. Federal and state funding provides subsidies for children in families with incomes below 200 percent of the Federal Poverty Level. Most families pay just \$15 or \$20 per month. Full-pay options are also available, making every Florida child ages 5 through 18 eligible.

The Corporation operates under the supervision and approval of a 12-member Board of Directors chaired by the Chief Financial Officer or his or her designee. Subsection (6) of s. 624.91, F.S., specifies the membership of the Board of Directors and the appointing authorities.

The 2009 Legislature enacted two laws amending the membership of the Board of Directors for the Florida Healthy Kids Corporation, both by creating a subparagraph 11. Chapter 2009-41, Laws of Florida (L.O.F.) added one member, appointed by the Governor, from among three

members nominated by the Florida Dental Association. Chapter 2009-113, L.O.F., added the Secretary of Children and Family Services, or his or her designee. According to the rules of statutory construction found in the preface to the Florida Statutes, when amendatory acts are irreconcilable, the “last passed” version is placed in the text, absent legislative intent to the contrary. As a result, the dental representative was not included in the statutory list of members of the Board of Directors of the Florida Healthy Kids Corporation. The 2010 and 2011 Legislatures failed to pass legislation resolving this issue.

Despite the lack of a clear statutory requirement for a representative of the Florida Dental Association to be on its Board of Directors, the Florida Healthy Kids Corporation has recognized the importance of having the expertise and experience of a representative of the Florida Dental Association on the board. The Florida Dental Association has appointed a pediatric dentist representative who has been an active member at both board and committee meetings.

### **III. Effect of Proposed Changes:**

The bill amends s. 624.91(6), F.S., to add a member, appointed by the Governor from among three nominees submitted by the Florida Dental Association, to the Board of Directors of the Florida Healthy Kids Corporation. This corrects a technical problem in the statutes which resulted from the passage of two bills in the 2009 Session dealing with the membership of the Board of Directors of the Florida Healthy Kids Corporation.

The bill takes effect upon becoming a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

#### **B. Public Records/Open Meetings Issues:**

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

#### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Since the Florida Healthy Kids Corporation has already recognized the representative of the Florida Dental Association, there will be no fiscal impact from the bill. The addition of the representative of the Florida Dental Association as an *official* board member will make that member eligible for travel reimbursement and per diem. These expenses can be absorbed utilizing existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.