

Amendment No.

CHAMBER ACTION

Senate

House

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Representative McKeel offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (c) through (n) of subsection (2) of section 110.123, Florida Statutes, are redesignated as paragraphs (d) through (o), respectively, present paragraphs (c) and (f) of subsection (2) and paragraphs (f) and (g) of subsection (3) are amended, a new paragraph (c) is added to subsection (2), paragraph (k) is added to subsection (3), and subsection (13) is added to that section, to read:

110.123 State group insurance program.—

(2) DEFINITIONS.—As used in this section, the term:

(c) "Full-time other-personal-services employees" means employees of all branches and agencies of state government and state universities that are classified as other-personal-

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17 services employees and are also "full-time" as defined in the  
18 Patient Protection and Affordable Care Act, Pub. L. No. 111-148,  
19 124 Stat. 119, as amended by the Health Care and Education  
20 Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029,  
21 and any regulations adopted pursuant to those federal acts.

22 ~~(d)-(e)~~ "Full-time state employees" includes all full-time  
23 employees of all branches or agencies of state government  
24 holding salaried positions and paid by state warrant or from  
25 agency funds, and employees paid from regular salary  
26 appropriations for 8 months' employment, including university  
27 personnel on academic contracts. Except as provided in paragraph  
28 (c), but in no case shall "state employee" or "salaried  
29 position" does not include persons paid from other-personal-  
30 services (OPS) funds. "Full-time employees" includes all full-  
31 time employees of the state universities.

32 ~~(g)-(f)~~ "Part-time state employee" means any employee of  
33 any branch or agency of state government paid by state warrant  
34 from salary appropriations or from agency funds, and who is  
35 employed for less than the normal full-time workweek established  
36 by the department or, if on academic contract or seasonal or  
37 other type of employment which is less than year-round, is  
38 employed for less than 8 months during any 12-month period, but  
39 in no case shall "part-time" employee include a person paid from  
40 other-personal-services (OPS) funds. "Part-time state employee"  
41 includes any part-time employee of the state universities. Full-  
42 time other-personal-services employees are not part-time state  
43 employees.

44 (3) STATE GROUP INSURANCE PROGRAM.—

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45 (f) Except as provided for in subparagraph (h)2., the  
46 state contribution toward the cost of any plan in the state  
47 group insurance program shall be uniform with respect to all  
48 state employees in a state collective bargaining unit  
49 participating in the same coverage tier in the same plan. This  
50 section does not prohibit the development of separate benefit  
51 plans for officers and employees exempt from the career service,  
52 ~~or~~ the development of separate benefit plans for each collective  
53 bargaining unit, or the development of a separate benefit plan  
54 for full-time other-personal-services employees.

55 (g) Participation by individuals in the program is  
56 available to all state officers, full-time state employees, ~~and~~  
57 part-time state employees, and full-time other-personal-services  
58 employees; and such participation in the program or any plan is  
59 voluntary. Participation in the program is also available to  
60 retired state officers and employees, as defined in paragraph  
61 (2) (h) ~~(2) (g)~~, who elect at the time of retirement to continue  
62 coverage under the program, but they may elect to continue all  
63 or only part of the coverage they had at the time of retirement.  
64 A surviving spouse may elect to continue coverage only under a  
65 state group health insurance plan, a TRICARE supplemental  
66 insurance plan, or a health maintenance organization plan.

67 (k) The department may adopt rules to implement provisions  
68 of general law regarding the classification of other-personal-  
69 services employees as full-time as defined in the Patient  
70 Protection and Affordable Care Act, Pub. L. No. 111-148, 124  
71 Stat. 119, as amended by the Health Care and Education  
72 Reconciliation Act of 2010, Pub. L. 111-152, 124 Stat. 1029, and

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73 regulations adopted pursuant to those federal acts.

74 (13) FULL-TIME OTHER-PERSONAL-SERVICES EMPLOYEES.—

75 (a) For the 2014 plan year and subsequent plan years, the  
76 department shall contract for a health benefit plan or contract  
77 with a third party administrator to self-insure for full-time  
78 other-personal-services employees. For the purposes of this  
79 subsection, "plan year" means a calendar year.

80 (b) The contract is limited to health benefit plans that  
81 offer minimum essential coverage and are affordable as defined  
82 in the Patient Protection and Affordable Care Act, Pub. L. No.  
83 111-148, 124 Stat. 119, as amended by the Health Care and  
84 Education Reconciliation Act of 2010, Pub. L. 111-152, 124 Stat.  
85 1029, and regulations adopted pursuant to those federal acts.

86 Section 2. Subsection (3) of section 110.131, Florida  
87 Statutes, is amended to read:

88 110.131 Other-personal-services employment.—

89 (3) (a) Unless specifically provided by law, other-  
90 personal-services employees are not eligible for any form of  
91 paid leave, paid holidays, a paid personal day, participation in  
92 state group insurance or retirement benefits, or any other state  
93 employee benefit. Other-personal-services employees may be  
94 included in that part of an agency's recognition and reward  
95 program that recognizes and rewards employees who submit  
96 innovative ideas that increase productivity, eliminate or reduce  
97 state expenditures, improve operations, or generate additional  
98 revenue or who meet or exceed the agency's established criteria  
99 for a project or goal.

100 (b) Full-time other-personal-services employees, as

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101 defined in s. 110.123(2), may participate in the state group  
102 insurance program.

103 Section 3. This act shall take effect July 1, 2013.

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106 **T I T L E A M E N D M E N T**

107 Remove everything before the enacting clause and insert:

108 A bill to be entitled

109 An act relating to health benefits for other-personal-  
110 services employees; amending s. 110.123, F.S.;  
111 revising and providing definitions; providing that the  
112 state group insurance program may develop a separate  
113 benefit plan for full-time other-personal-services  
114 employees; providing that full-time other-personal-  
115 services employees may participate in the state group  
116 insurance program; authorizing the Department of  
117 Management Services to adopt rules for certain  
118 purposes; requiring the department to contract for a  
119 health benefit plan for full-time other-personal-  
120 services employees; providing contract requirements;  
121 amending s. 110.131, F.S.; authorizing full-time  
122 other-personal-services employees to participate in  
123 the state group insurance program; providing an  
124 effective date.