

Amendment No.

CHAMBER ACTION

Senate

House

.

The Conference Committee on HB 5009 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) and paragraphs (c) through (p) of subsection (2) of section 110.123, Florida Statutes, are redesignated as paragraph (c) and paragraphs (e) through (r), respectively, present paragraphs (b), (k), (m), and (o) of subsection (2), paragraphs (d), (g), and (j) of subsection (3), paragraph (e) of subsection (4), and paragraphs (c) and (d) of subsection (13) are amended, and new paragraphs (b) and (d) are added to subsection (2) of that section, to read:

110.123 State group insurance program.—

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14 (2) DEFINITIONS.—As used in ss. 110.123-110.1239, the
15 term:

16 (b) "Eligible former employee" means a former state
17 officer or employee who was enrolled in the state group
18 insurance program for at least 6 cumulative years with an
19 employer or employers participating in the state group insurance
20 program, and who was enrolled in the state group insurance
21 program at the time of his or her separation from employment and
22 whose separation from employment occurred on or after July 1,
23 2022.

24 (c) ~~(b)~~ "Enrollee" means all state officers and employees,
25 retired state officers and employees, surviving spouses of
26 deceased state officers and employees, eligible former
27 employees, and terminated employees or individuals with
28 continuation coverage who are enrolled in an insurance plan
29 offered by the state group insurance program. The term
30 "enrollee" includes all state university officers and employees,
31 retired state university officers and employees, surviving
32 spouses of deceased state university officers and employees, and
33 terminated state university employees or individuals with
34 continuation coverage who are enrolled in an insurance plan
35 offered by the state group insurance program.

36 (d) "Enrollee cost-sharing liability" means the amount an
37 enrollee or beneficiary is responsible for paying for a covered
38 item or service under the terms of the state group insurance

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39 program. The term "enrollee cost-sharing liability" includes
40 deductibles, coinsurance, and copayments, but does not include
41 premiums.

42 (m)-(k) "State group health insurance plan or plans" or
43 "state plan or plans" means the state self-insured health
44 insurance plan or plans offered to state officers and employees,
45 retired state officers and employees, eligible former employees,
46 and surviving spouses of deceased state officers, and employees,
47 and eligible former employees under ~~pursuant to~~ this section.

48 (o)-(m) "State group insurance program" or "programs" means
49 the package of insurance plans offered to state officers and
50 employees, retired state officers and employees, eligible former
51 employees, and surviving spouses of deceased state officers, and
52 employees, and eligible former employees under ~~pursuant to~~ this
53 section, including the state group health insurance plan or
54 plans, health maintenance organization plans, TRICARE
55 supplemental insurance plans, and other plans required or
56 authorized by law.

57 (q)-(e) "Surviving spouse" means the widow or widower of a
58 deceased state officer, full-time state employee, part-time
59 state employee, eligible former employee, or retiree if such
60 widow or widower was covered as a dependent under the state
61 group health insurance plan, TRICARE supplemental insurance
62 plan, or a health maintenance organization plan established
63 under ~~pursuant to~~ this section at the time of the death of the

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64 deceased officer, employee, eligible former employee, or
65 retiree. The term "surviving spouse" also means any widow or
66 widower who is receiving or eligible to receive a monthly state
67 warrant from a state retirement system as the beneficiary of a
68 state officer, full-time state employee, or retiree who died
69 prior to July 1, 1979. For the purposes of this section, any
70 such widow or widower shall cease to be a surviving spouse upon
71 his or her remarriage.

72 (3) STATE GROUP INSURANCE PROGRAM.—

73 (d)1. Notwithstanding chapter 287 and the authority of the
74 department, for the purpose of protecting the health of, and
75 providing medical services to, state employees and eligible
76 former employees participating in the state group insurance
77 program, the department may contract to retain the services of
78 professional administrators for the state group insurance
79 program. The agency shall follow good purchasing practices of
80 state procurement to the extent practicable under the
81 circumstances.

82 2. Each vendor in a major procurement, and any other
83 vendor if the department deems it necessary to protect the
84 state's financial interests, shall, at the time of executing any
85 contract with the department, post an appropriate bond with the
86 department in an amount determined by the department to be
87 adequate to protect the state's interests but not higher than

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88 the full amount estimated to be paid annually to the vendor
89 under the contract.

90 3. Each major contract entered into by the department
91 under ~~pursuant to~~ this section must ~~shall~~ contain a provision
92 for payment of liquidated damages to the department for material
93 noncompliance by a vendor with a contract provision. The
94 department may require a liquidated damages provision in any
95 contract if the department deems it necessary to protect the
96 state's financial interests.

97 4. Section 120.57(3) applies to the department's
98 contracting process, except:

99 a. A formal written protest of any decision, intended
100 decision, or other action subject to protest must ~~shall~~ be filed
101 within 72 hours after receipt of notice of the decision,
102 intended decision, or other action.

103 b. As an alternative to ~~any provision of~~ s. 120.57(3), the
104 department may proceed with the bid selection or contract award
105 process if the director of the department sets forth, in
106 writing, particular facts and circumstances that demonstrate the
107 necessity of continuing the procurement process or the contract
108 award process in order to avoid a substantial disruption to the
109 provision of any scheduled insurance services.

110 5. The department shall make arrangements as necessary to
111 contribute claims data of the state group health insurance plan

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112 to the contracted vendor selected by the Agency for Health Care
113 Administration under ~~pursuant to~~ s. 408.05(3)(c).

114 6. Each contracted vendor for the state group health
115 insurance plan shall contribute Florida claims data to the
116 contracted vendor selected by the Agency for Health Care
117 Administration under ~~pursuant to~~ s. 408.05(3)(c).

118 (g) Participation by individuals in the program is
119 available to all state officers, full-time state employees, ~~and~~
120 part-time state employees, and eligible former employees and is
121 voluntary. Participation in the program is also available to
122 retired state officers and employees who elect at the time of
123 retirement to continue coverage under the program, but may elect
124 to continue all or only part of the coverage they had at the
125 time of retirement. A surviving spouse may elect to continue
126 coverage only under a state group health insurance plan, a
127 TRICARE supplemental insurance plan, or a health maintenance
128 organization plan.

129 ~~(j) For the 2020 plan year and each plan year thereafter,~~
130 ~~health plans shall be offered in the following benefit levels:~~

131 ~~1. Platinum level, which shall have an actuarial value of~~
132 ~~at least 90 percent.~~

133 ~~2. Gold level, which shall have an actuarial value of at~~
134 ~~least 80 percent.~~

135 ~~3. Silver level, which shall have an actuarial value of at~~
136 ~~least 70 percent.~~

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137 4. ~~Bronze level, which shall have an actuarial value of at~~
138 ~~least 60 percent.~~

139 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION
140 ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

141 (e) No state contribution for the cost of any part of the
142 premium shall be made for retirees, ~~or~~ surviving spouses, or
143 eligible former employees for any type of coverage under the
144 state group insurance program. However, any state agency that
145 employs a full-time law enforcement officer, correctional
146 officer, or correctional probation officer who is killed or
147 suffers catastrophic injury in the line of duty as provided in
148 s. 112.19, or a full-time firefighter who is killed or suffers
149 catastrophic injury in the line of duty as provided in s.
150 112.191, shall pay the entire premium of the state group health
151 insurance plan selected for the employee's surviving spouse
152 until remarried, and for each dependent child of the employee,
153 subject to the conditions and limitations set forth in s. 112.19
154 or s. 112.191, as applicable.

155 (13) OTHER-PERSONAL-SERVICES EMPLOYEES (OPS).—

156 (c) The initial measurement period used to determine
157 whether an employee hired before April 1, 2013, and paid from
158 OPS funds is a full-time employee described in subparagraph
159 (2)(e)1. ~~subparagraph (2)(e)1.~~ is the 6-month period from April
160 1, 2013, through September 30, 2013.

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161 (d) All other measurement periods used to determine
162 whether an employee paid from OPS funds is a full-time employee
163 described in paragraph (2)(e) ~~paragraph (2)(e)~~ must be for 12
164 consecutive months.

165 Section 2. Paragraph (a) of subsection (2) of section
166 110.12303, Florida Statutes, is amended to read:

167 110.12303 State group insurance program; additional
168 benefits; price transparency program; reporting.—

169 (2)(a) The department shall contract with at least one
170 entity that provides comprehensive pricing and inclusive
171 services for surgery and other medical procedures which may be
172 accessed at the option of the enrollee. The contract shall
173 require ~~the entity to~~:

174 1. The entity to have procedures and evidence-based
175 standards to ensure the inclusion of only high-quality health
176 care providers.

177 2. The entity to provide assistance to the enrollee in
178 accessing and coordinating care.

179 3. The entity to provide cost savings to the state group
180 insurance program to be shared with both the state and the
181 enrollee. Cost savings ~~payable~~ to an enrollee must, unless
182 prohibited by first-dollar coverage rules under applicable tax
183 law, include a waiver of enrollee cost-sharing liability for
184 surgery and other medical procedures. Cost savings may

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185 additionally include amounts payable to an enrollee or
186 beneficiary as follows may be:

- 187 a. Credited to the enrollee's flexible spending account;
- 188 b. Credited to the enrollee's health savings account;
- 189 c. Credited to the enrollee's health reimbursement
- 190 account; or
- 191 d. Paid as additional health plan reimbursements ~~not~~
- 192 ~~exceeding the amount of the enrollee's out-of-pocket medical~~
- 193 ~~expenses.~~

194 4. The entity, in conjunction with the department, to
195 provide an educational campaign for enrollees to learn about the
196 services offered by the entity.

197 Section 3. Section 110.12306, Florida Statutes, is created
198 to read:

199 110.12306 Anti-fraud investigative units.-

200 (1) As used in this section, the term "designated anti-
201 fraud unit" means a distinct unit within the Division of State
202 Group Insurance which is made up of employees whose principal
203 responsibilities are the investigation and disposition of claims
204 and who are also assigned to investigate fraud.

205 (2) By December 31, 2022, the division:

206 (a)1. Shall establish and maintain a designated anti-fraud
207 unit to investigate and report possible fraudulent insurance
208 acts by insureds, persons making claims for services against the

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209 State Employees Health Insurance Trust Fund, or vendors under
210 contract with the division.

211 2. May contract with other entities to investigate and
212 report possible fraudulent insurance acts by insureds, persons
213 making claims for services against the State Employees Health
214 Insurance Trust Fund, or vendors under contract with the
215 division.

216 (b) Shall adopt an anti-fraud plan.

217 (c) Shall designate staff with the primary responsibility
218 of implementing the requirements of this section.

219 Section 4. Section 110.12313, Florida Statutes, is created
220 to read:

221 110.12313 Enrollment for eligible former employees.—An
222 eligible former employee may obtain health insurance coverage
223 under s. 110.123, and enroll in the state group insurance
224 program at any time within 24 months after his or her separation
225 from employment. The options provided to an eligible former
226 employee must be the same health insurance coverage and premium
227 payment conditions provided to covered retirees, except for life
228 insurance and flexible spending account plans.

229 Section 5. Subsection (3) of section 110.1239, Florida
230 Statutes, is amended to read:

231 110.1239 State group health insurance program funding.—It
232 is the intent of the Legislature that the state group health
233 insurance program be managed, administered, operated, and funded

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234 in such a manner as to maximize the protection of state employee
235 health insurance benefits. Inherent in this intent is the
236 recognition that the health insurance liabilities attributable
237 to the benefits offered state employees should be fairly,
238 orderly, and equitably funded. Accordingly:

239 ~~(3) For purposes of funding, any additional appropriation~~
240 ~~amounts allocated to the state group health insurance program by~~
241 ~~the Legislature shall be considered as a state contribution and~~
242 ~~thus an increase in the state premiums.~~

243 Section 6. (1) The following rules are ratified for the
244 sole and exclusive purpose of satisfying any condition on
245 effectiveness imposed under s. 110.123(3)(h)2.d., Florida
246 Statutes: Rules 60P-1.003, 60P-2.002, and 60P-2.003, Florida
247 Administrative Code, titled "Definitions," "Eligibility and
248 Enrollment," and "Changes in Coverage," respectively, as filed
249 for adoption with the Department of State pursuant to the
250 certification packages dated October 1, 2019, and November 4,
251 2021.

252 (2) This act may not be codified in the Florida Statutes.
253 After this act becomes law, its enactment and effective dates
254 shall be noted in the Florida Administrative Code or the Florida
255 Administrative Register, or both, as appropriate. This act does
256 not alter rulemaking authority delegated by prior law; provided
257 any amendment to a rule ratified pursuant to this act which
258 would modify the designated geographical areas for use in

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259 procurements of Health Maintenance Organization services before
 260 January 1, 2024, would require ratification by the Legislature
 261 before taking effect. This act does not constitute legislative
 262 preemption of or exception to any provision of law governing
 263 adoption or enforcement of the rules cited, and is intended to
 264 preserve the status of any cited rule as a rule under chapter
 265 120, Florida Statutes. This act does not cure any rulemaking
 266 defect or preempt any challenge based on lack of authority or a
 267 violation of the legal requirements governing the adoption of
 268 any rule cited.

269 (3) This section shall take effect upon becoming a law.
 270 Section 7. Except as otherwise expressly provided in this
 271 act and except for this section, which shall take effect upon
 272 this act becoming a law, this act shall take effect July 1,
 273 2022.

274
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the state group insurance program;
 amending s. 110.123, F.S.; providing and revising
 definitions; authorizing eligible former employees to
 participate in the state group insurance program;
 removing certain benefit levels for certain health

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284 plans; conforming provisions to changes made by the
285 act; conforming cross-references; amending s.
286 110.12303, F.S.; requiring cost savings to an enrollee
287 to include a specified waiver, unless prohibited under
288 certain tax laws; revising what may be included in
289 cost savings; creating s. 110.12306, F.S.; defining
290 the term "designated anti-fraud unit"; requiring the
291 Division of State Group Insurance to establish and
292 maintain, or contract with other entities to establish
293 and maintain, a designated anti-fraud unit for certain
294 purposes, to adopt an anti-fraud plan, and to
295 designate staff with certain responsibilities by a
296 specified date; creating s. 110.12313, F.S.;

297 specifying that eligible former employees may obtain
298 certain health insurance coverage within a specified
299 time after their separation from employment; providing
300 requirements for certain health insurance coverage
301 options; amending s. 110.1239, F.S.; removing language
302 that certain additional appropriations are considered
303 a state contribution, which result in an increase in
304 the state premium; ratifying specified rules of the
305 Florida Administrative Code relating to health
306 maintenance organization plan regions; providing
307 construction; providing effective dates.

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