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2 An act relating to employee benefits; amending
3 s. 110.12315, F.S., relating to the state
4 employees' prescription drug program; deleting
5 obsolete provisions; removing an expiration
6 date applicable to copayment amounts; amending
7 s. 110.1239, F.S.; removing an expiration date
8 applicable to provisions governing procedures
9 for determining the level of premiums necessary
10 to fund the state group health insurance
11 program; amending s. 624.437, F.S.; clarifying
12 that a provision requiring certain insurers to
13 obtain a certificate of authority does not
14 apply to the state group health insurance
15 program; providing for certain personnel moving
16 from county government to a position in the
17 state courts system, an office of the state
18 attorney, or an office of the public defender,
19 and their covered dependents, to qualify for
20 the state group health insurance program;
21 authorizing state attorneys and public
22 defenders to transfer a specified amount of
23 unused annual leave and unused sick leave;
24 amending s. 110.161, F.S.; including certain
25 additional salaried employees of state
26 government within the definition of "employee"
27 for purposes of the pretax benefits program;
28 providing for the transfer of certain savings
29 from the employer FICA contributions into the
30 Pretax Benefits Trust Fund; amending s.
31 110.123, F.S., relating to the state group

1 insurance program; revising the application of
2 coverage for legislative members and employees;
3 amending s. 121.081, F.S.; providing for the
4 past service of certain specified employees who
5 became employees of the State Courts System as
6 a result of the revision of Art. V of the State
7 Constitution to be included service for
8 purposes of the Florida Retirement System;
9 providing for the resolution of certain
10 collective bargaining issues at impasse between
11 the State of Florida and the specified employee
12 bargaining units; providing for the resolution
13 of mandatory collective bargaining issues at
14 impasse for the 2004-2005 fiscal year which are
15 not addressed by the act or the General
16 Appropriations Act; providing an effective
17 date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (7) of section 110.12315,
22 Florida Statutes, is amended to read:

23 110.12315 Prescription drug program.--The state
24 employees' prescription drug program is established. This
25 program shall be administered by the Department of Management
26 Services, according to the terms and conditions of the plan as
27 established by the relevant provisions of the annual General
28 Appropriations Act and implementing legislation, subject to
29 the following conditions:

30 (7) Under the state employees' prescription drug
31 program copayments must be made as follows:

1 ~~(a)~~ ~~Effective January 1, 2001, through December 31,~~
2 ~~2003:~~
3 1. ~~For generic drug with card.....\$7.~~
4 2. ~~For preferred brand name drug with card.....\$20.~~
5 3. ~~For nonpreferred brand name drug with card.....\$35.~~
6 4. ~~For generic mail order drug.....\$10.50.~~
7 5. ~~For preferred brand name mail order drug.....\$30.~~
8 6. ~~For nonpreferred brand name drug.....\$52.50.~~
9 (a)(b) Effective January 1, 2004:
10 1. For generic drug with card.....\$10.
11 2. For preferred brand name drug with card.....\$25.
12 3. For nonpreferred brand name drug with card.....\$40.
13 4. For generic mail order drug.....\$20.
14 5. For preferred brand name mail order drug.....\$50.
15 6. For nonpreferred brand name drug.....\$80.
16 (b)(c) The Department of Management Services shall
17 create a preferred brand name drug list to be used in the
18 administration of the state employees' prescription drug
19 program.
20
21 ~~This subsection expires July 1, 2004.~~
22 Section 2. Section 110.1239, Florida Statutes, is
23 amended to read:
24 110.1239 State group health insurance program
25 funding.--~~For the 2003-2004 fiscal year only,~~ It is the intent
26 of the Legislature that the state group health insurance
27 program be managed, administered, operated, and funded in such
28 a manner as to maximize the protection of state employee
29 health insurance benefits. Inherent in this intent is the
30 recognition that the health insurance liabilities attributable
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1 to the benefits offered state employees should be fairly,
2 orderly, and equitably funded. Accordingly:

3 (1) The division shall determine the level of premiums
4 necessary to fully fund the state group health insurance
5 program for the next fiscal year. Such determination shall be
6 made after each Self-Insurance Estimating Conference as
7 provided in s. 216.136(11), but not later than December 1 and
8 April 1 of each fiscal year.

9 (2) The Governor, in the Governor's recommended
10 budget, shall provide premium rates necessary for full funding
11 of the state group health insurance program, and the
12 Legislature shall provide in the General Appropriations Act
13 for a premium level necessary for full funding of the state
14 group health insurance program.

15 (3) For purposes of funding, any additional
16 appropriation amounts allocated to the state group health
17 insurance program by the Legislature shall be considered as a
18 state contribution and thus an increase in the state premiums.

19 ~~(4) This section expires July 1, 2004.~~

20 Section 3. Subsection (3) of section 624.437, Florida
21 Statutes, is amended to read:

22 624.437 "Multiple-employer welfare arrangement"
23 defined; certificate of authority required; penalty.--

24 (3) This section does not apply to a multiple-employer
25 welfare arrangement which offers or provides benefits which
26 are fully insured by an authorized insurer, ~~or~~ to an
27 arrangement which is exempt from state insurance regulation in
28 accordance with Pub. L. No. 93-406, the Employee Retirement
29 Income Security Act, or to the state group health insurance
30 program administered pursuant to s. 110.123.
31

1 Section 4. All personnel moving from county government
2 to a position in the state courts system, an office of the
3 state attorney, or an office of the public defender, as a part
4 of the implementation of Revision No. 7 to Article 5 of the
5 State Constitution, and their covered dependents, who were
6 continuously enrolled for at least 12 months in a
7 county-sponsored group health insurance program on June 30,
8 2004, shall be deemed to have met the preexisting conditions
9 requirements under the State Group Health Insurance Program.

10 Section 5. All personnel moving from county government
11 to a position in an office of the state attorney or an office
12 of the public defender as a part of the implementation of
13 Revision No. 7 to Article 5 of the State Constitution shall be
14 allowed to transfer up to 80 hours of unused annual leave and
15 up to 320 hours of unused sick leave.

16 Section 6. Subsections (2) and (3) of section 110.161,
17 Florida Statutes, are amended to read:

18 110.161 State employees; pretax benefits program.--

19 (2) As used in this section, "employee" means any
20 individual filling an authorized and established position in
21 the executive, legislative, or judicial branch of the state,
22 including the employees of the State Board of Administration,
23 ~~and~~ the state universities, and other entities of state
24 government holding salaried positions and being paid by state
25 warrant or from agency funds.

26 (7) The Legislature recognizes that a substantial
27 amount of the employer savings realized by the implementation
28 of a pretax benefits program will be the result of diminutions
29 in the state's employer contribution to the Federal Insurance
30 Contributions Act tax. There is hereby created the Pretax
31 Benefits Trust Fund in the Department of Management Services.

1 Each agency in the executive, legislative, or judicial branch
2 of the state, including the State Board of Administration,
3 state universities, and other entities of state government
4 whose employees hold salaried positions and are paid by state
5 warrant or from agency funds, shall transfer to the Pretax
6 Benefits Trust Fund the full and complete employer FICA
7 contributions saved in connection with each weekly, biweekly,
8 semimonthly, or monthly payroll ~~by the state~~ as a result of
9 the implementation of the pretax benefits program authorized
10 pursuant to this section. Such savings shall be transferred to
11 the Pretax Benefits Trust Fund upon transacting each payroll,
12 but not later than a subsequent payroll. Any moneys forfeited
13 pursuant to employees' salary reduction agreements to
14 participate in the program must also be deposited in the
15 Pretax Benefits Trust Fund. Moneys in the Pretax Benefits
16 Trust Fund shall be used for the pretax benefits program,
17 including its administration by the Department of Management
18 Services or a third-party administrator.

19 Section 7. Subsection (8) of section 110.123, Florida
20 Statutes, is amended to read:

21 110.123 State group insurance program.--

22 (8) COVERAGE FOR LEGISLATIVE MEMBERS AND EMPLOYEES.--

23 (a) The Legislature may provide coverage for its
24 members and employees under all or any part of the state group
25 insurance program; may provide coverage for its members and
26 employees under a legislative group insurance program in lieu
27 of all or any part of the state group insurance program; and,
28 notwithstanding the provisions of paragraph (4)(c), may assume
29 the cost of any group insurance coverage provided to its
30 members and employees.

31

1 (b) ~~Effective July 1, 1999,~~ Any legislative member who
2 terminates his or her elected service after January ~~July~~ 1,
3 1999, after having vested in the state retirement system, may
4 purchase coverage in a state group health insurance plan at
5 the same premium cost as that for retirees and surviving
6 spouses. Such legislators may also elect ~~to continue~~ coverage
7 under the group term life insurance program prevailing for
8 current members at the premium cost in effect for that plan.

9 Section 8. Paragraph (k) is added to subsection (1) of
10 section 121.081, Florida Statutes, to read:

11 121.081 Past service; prior service;
12 contributions.--Conditions under which past service or prior
13 service may be claimed and credited are:

14 (1)

15 (k) Employees of the Fourth Judicial Circuit who were
16 in an employee-employer relationship with the City of
17 Jacksonville on June 30, 2004, and who became employees of the
18 State Courts System on July 1, 2004, as a result of
19 implementation of Revision 7 to Article V of the State
20 Constitution shall be deemed to be included in past service as
21 defined in s. 121.021(18), for the purposes of the Florida
22 Retirement System, any other provisions of law
23 notwithstanding. If credit for such service has not been
24 granted under any other retirement system, any member of the
25 Florida Retirement System therein shall be entitled to receive
26 past-service credit for his or her period of employment with
27 the City of Jacksonville prior to July 1, 2004, in the manner
28 provided in this subsection. However, in no event will
29 eligibility for past service be established unless required
30 contributions are paid into the Florida Retirement System for

1 such period of past service, and such contributions may be
2 paid by the member or prior employer on behalf of the member.

3 Section 9. (1) Collective bargaining issues at
4 impasse between the State of Florida and the International
5 Union of Police Associations for Law Enforcement Bargaining
6 Unit employees shall be resolved as follows:

7 (a) All collective bargaining issues at impasse
8 regarding Article 16 "Employment Outside State Government"
9 shall be resolved pursuant to the state's last offer.

10 (b) All collective bargaining issues at impasse
11 regarding Article 22 "Job-connected Disability" and Article 24
12 "On-call assignment - Call back - Court Appearance" shall be
13 resolved by maintaining the status quo under the language of
14 the current collective bargaining agreement.

15 (c) All collective bargaining issues at impasse
16 regarding Article 18 "Hours of Work, Leave, Job-connected
17 Disability" shall be resolved pursuant to the state's last
18 offer, except that the issues at impasse relating to "Section
19 3-Work Schedule" for employees of the Fish and Wildlife
20 Conservation Commission shall be resolved pursuant to the
21 Settlement Agreement transmitted on March 2, 2004, by the
22 commission to the bargaining unit representatives.

23 (2) All mandatory collective bargaining issues at
24 impasse between the State of Florida and the Federation of
25 Physicians and Dentists for Selected Exempt Service Physicians
26 Unit employees shall be resolved by maintaining the status quo
27 under the language of the current collective bargaining
28 agreement.

29 (3) Collective bargaining issues at impasse between
30 the State of Florida and the Police Benevolent Association for
31 the Special Agents Bargaining Unit employees regarding Article

1 16 "Employment Outside State Government" and Article 17
2 "Department Vehicles" shall be resolved by maintaining the
3 status quo under the language of the current collective
4 bargaining agreement.

5 (4) Collective bargaining issues at impasse between
6 the State of Florida and the Florida Police Benevolent
7 Association for Security Services Bargaining Unit employees
8 regarding Article 7 "Discipline and Discharge" and Article 28
9 "Travel Expenses" shall be resolved by maintaining the status
10 quo under the language of the current collective bargaining
11 agreement.

12 (5) Collective bargaining issues at impasse between
13 the State of Florida and AFSCME, Council 79, Master Contract
14 Units, for career service employees regarding Article 1
15 "Recognition," Article 6 "Grievance Procedure," Article 7
16 "Discipline and Discharge," Article 8 "Workforce Reduction and
17 Privatization," Article 9 "Reassignment, Transfer, Change in
18 Duty Station," Article 10 "Promotion," Article 12 "Personnel
19 Records," Article 14 "Performance Review," Article 17
20 "Seniority," Article 18 "Leaves of Absence, Hours of Work, and
21 Disability," Article 22 "Disability Leave," Article 23 "Hours
22 of Work/Overtime," and Article 26 "Quality of Service through
23 Partnership" shall be resolved pursuant to the state's last
24 offer.

25 (6) Collective bargaining issues at impasse between
26 the State of Florida and the Florida State Fire Service
27 Association regarding Article 16 "Retirement," Article 23
28 "Hours of Work and Overtime," and Article 24 "On-call
29 Assignment, Call-Back, and Residency" shall be resolved by
30 maintaining the status quo under the language of the current
31 collective bargaining agreement.

1 (7) Collective bargaining issues at impasse between
2 the State of Florida and the Federation of Physicians and
3 Dentists for Selected Exempt Service Supervisory
4 Nonprofessional Unit employees shall be resolved as follows:
5 (a) All collective bargaining issues at impasse
6 regarding Article 7 "Employee Standards of Conduct" and
7 Article 11 "Classification and Pay Plan" shall be resolved by
8 maintaining the status quo under the language of the current
9 collective bargaining agreement.
10 (b) All collective bargaining issues at impasse
11 regarding Article 18 "Hours of Work/Overtime & Leaves of
12 Absence" shall be resolved pursuant to the state's last offer.
13 (8) All other mandatory collective bargaining issues
14 at impasse for the 2004-2005 fiscal year which are not
15 addressed by this act or the General Appropriations Act for
16 the 2004-2005 fiscal year shall be resolved consistent with
17 the personnel rules in effect on April 20, 2004, and by
18 otherwise maintaining the status quo under the language of the
19 current collective bargaining agreements.

20 Section 10. This act shall take effect upon becoming a
21 law.

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