

1 the Federal Government, this state, another state, or a
2 political subdivision of this state or another state.

3 (d) "Fund" means the Fair Share Health Care Fund.

4 (e) "Health care expenditures" means the amount paid
5 by an employer to provide health care benefits or reimburse
6 employees for employees' health care costs, including, but not
7 limited to, payments for medical care, prescription drugs,
8 vision care, and medical savings accounts.

9 (f) "Secretary" means the secretary of the Agency for
10 Health Care Administration.

11 (2) FAIR SHARE HEALTH CARE FUND.--

12 (a) The Fair Share Health Care Fund is created in the
13 Agency for Health Care Administration.

14 (b) The purpose of the fund is to help finance
15 coverage for uninsured employees. The fund may be used to
16 support the operations of the state Medicaid program or to
17 help uninsured employees and their dependents obtain health
18 care or coverage through another state program.

19 (c) The fund also may be used to provide subsidies for
20 approved health coverage options, to be designated by the
21 Agency for Health Care Administration. In designating approved
22 health coverage options, the agency shall:

23 1. Identify specific health coverage plans for
24 employees and dependents, including, but not limited to, those
25 employees whose employers have paid into the fund. These
26 options may include Medicaid, the State Children's Health
27 Insurance Program, and private insurance.

28 2. Ensure that the coverage is affordable, accessible,
29 and meaningful and equivalent to the Federal Employees Health
30 Benefit Plan's standard Blue Cross/Blue Shield option.

31 (d) The fund consists of:

1 1. Any revenue received from payments made by
2 employers under this section.

3 2. Any other money from any other source accepted for
4 the benefit of the fund.

5 (e) The Chief Financial Officer shall hold the fund
6 separately and shall account for the fund. The Chief Financial
7 Officer shall invest the money of the fund in the same manner
8 as other state money may be invested and any investment
9 earnings of the fund shall be retained to the credit of the
10 fund.

11 (f) The fund shall be subject to an audit by the
12 Department of Revenue.

13 (3) APPLICABILITY.--This section applies to an
14 employer with 10,000 or more employees in this state.

15 (4) EMPLOYER REPORTING GUIDELINES.--

16 (a) On January 1, 2007, and annually thereafter, an
17 employer shall submit on a form and in a manner approved by
18 the secretary:

19 1. The employer's definition of full-time employee and
20 part-time employee.

21 2. The number of full-time and part-time employees of
22 the employer in this state as of January 1 of the previous
23 year.

24 3. The number of full-time and part-time employees
25 eligible to receive health care expenditures and the number of
26 full-time and part-time employees receiving health care
27 expenditures from the employer.

28 4. The amount spent by the employer in the previous
29 calendar year on health care costs for employees in the state.

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1 5. The percentage of payroll that was spent by the
2 employer in the previous calendar year on health care costs
3 for employees in the state.

4 (b) The information required shall:

5 1. Be designated in a report signed by the principal
6 executive officer or an individual performing a similar
7 function.

8 2. Include an affidavit under penalty of perjury that
9 the information required under paragraph (a) was reviewed by
10 the signing officer, was based on the officer's knowledge, and
11 does not contain any untrue statement of a material fact or
12 omit a material fact necessary to make the statement.

13 (c) When calculating the percentage of payroll under
14 subparagraph (a)2. or the amount spent on health care under
15 subparagraph (a)3., an employer may exempt earnings paid to an
16 employee who is enrolled in or eligible for Medicare.

17 (5) REPORTING GUIDELINES FOR THE SECRETARY;
18 DETERMINATION OF FAIR SHARE HEALTH CARE PAYMENTS.--On or
19 before March 15 of each year, the secretary shall report to
20 the Governor and the Legislature on:

21 (a) The name of each nonprofit and for-profit employer
22 with 10,000 or more employees in the state.

23 (b) The employer's definition of full-time employee
24 and part-time employee.

25 (c) The number of full-time and part-time employees.

26 (d) The number of full-time and part-time employees
27 eligible to receive health care expenditures.

28 (e) The number of full-time and part-time employees
29 receiving health care benefits or expenditures from the
30 employer.

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1 (f) The source of health care benefits for those
2 eligible full-time and part-time employees not receiving
3 health care expenditures through an employer subject to
4 reporting under this section.

5 (g) The percent of total earnings each nonprofit and
6 for-profit employer with 10,000 or more employees in the state
7 spends on health care costs.

8 (h) The average percentage of total earnings
9 for-profit employers with 10,000 or more employees in the
10 state spend on health care costs.

11 (i) The average percentage of total earnings nonprofit
12 employers with 10,000 or more employees in the state spend on
13 health care costs.

14 (6) PAYMENT TO THE FUND.--

15 (a) An employer that is organized as a nonprofit
16 organization and does not spend at least 7 percent of total
17 earnings of employees on health care costs shall pay to the
18 secretary an amount equal to the difference between what the
19 employer spends for health care costs and an amount equal to 7
20 percent.

21 (b) An employer that is not organized as a nonprofit
22 organization and does not spend at least 9 percent of total
23 earnings of employees on health care costs shall pay to the
24 secretary an amount equal to the difference between what the
25 employer spends for health care costs and an amount equal to 9
26 percent.

27 (c) An employer may not deduct any payment made under
28 paragraph (a) or paragraph (b) from the earnings of an
29 employee.

1 (d) An employer shall make the payment required under
2 this section to the secretary on a periodic basis as
3 determined by the secretary.

4 (e) The secretary shall deposit all payments received
5 from employers under this section into the fund.

6 (f) Notwithstanding any other provision of law, any
7 balance in the fund at the end of any fiscal year shall remain
8 in the fund at the end of the year and shall be available for
9 carrying out the purposes of the fund.

10 (7) PENALTIES FOR LATE REPORTING OR NONPAYMENT.--

11 (a) Failure to report in accordance with subsection
12 (4) shall result in the imposition by the secretary of a civil
13 penalty of \$1,000 for each day that the report is not timely
14 filed. The penalties shall be deposited into the fund.

15 (b) Failure to make the payment required under
16 subsection (6) shall result in the imposition by the secretary
17 of a civil penalty of \$500,000. The penalties shall be
18 deposited into the fund.

19 (8) REVIEW AND REPEAL.--In accordance with s.
20 19(f)(2), Art. III of the State Constitution, the fund shall,
21 unless terminated sooner, be terminated on January 1, 2011.
22 Before its scheduled termination, the fund shall be reviewed
23 as provided in s. 215.3206(1) and (2), Florida Statutes.

24 Section 2. This act shall take effect January 1, 2007.
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