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HB 1031

2008 Legislature

1                   A bill to be entitled  
2           An act relating to Lee County; amending chapter 74-522,  
3           Laws of Florida, as amended; revising the qualifications  
4           for employment or reemployment as a classified employee of  
5           the Lee County Sheriff's Office; providing definitions;  
6           revising and providing provisions relating to the funding  
7           of civil service board and retirement health insurance  
8           benefits; providing membership qualifications for  
9           participation in the Lee County Sheriff's Office group  
10          health insurance plan; specifying payment and premium  
11          provisions of the plan; specifying to whom benefits may be  
12          payable; providing participation requirements for certain  
13          terminated employees prior to their receiving a retirement  
14          benefit; requiring the office to be a secondary payor to  
15          certain coverage held from previous or subsequent  
16          employers; providing schedule requirements for employer  
17          premiums; providing the effect of Medicare eligibility;  
18          providing for methods of premium payments; providing a  
19          limitation on the selection of continued insurance  
20          benefits; providing the effect in instances of the death  
21          of an insured retiree; providing applicability to all  
22          classified and unclassified members of the office;  
23          providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:  
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27 Section 1. Subsection (6) of section 9 and section 15 of  
 28 chapter 74-522, Laws of Florida, as amended by chapter 2007-320,  
 29 Laws of Florida, are amended to read:

30 Section 9. Qualifications for employment.--The minimum  
 31 standards and qualifications for employment or reemployment as a  
 32 classified employee of the office of the Sheriff of Lee County,  
 33 shall be as follows:

34 (6) All applicants having military service must submit a  
 35 DD 214 indicating that they have received no less than an ~~their~~  
 36 ~~military service and discharge were under honorable~~ discharge  
 37 from any of the Armed Forces of the United States. Applicants  
 38 honorably ~~conditions. Persons~~ discharged from military service  
 39 for medical conditions or reasons must be able to perform all  
 40 functions and essential tasks of the position for which they  
 41 have applied ~~are applying.~~

42 Section 15. Funding of civil service board and retirement  
 43 health insurance benefits.--

44 (1) Funding; board operations.--It shall be and is hereby  
 45 made the duty of the Sheriff of Lee County to provide annually  
 46 in his or her budget, a sufficient sum of money to enable the  
 47 board to properly carry out the purpose ~~purposes~~ of this act.

48 (2) Continued group insurance benefits and funding of  
 49 retirement insurance.--Pursuant to section 112.0801, Florida  
 50 Statutes, the Sheriff of Lee County is required to offer all  
 51 retirees the option of continuing to participate in the agency's  
 52 group health and hospitalization insurance plan. The premium for  
 53 such continued insurance may be paid by the retiree or the  
 54 employer.

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55           (3) Definitions.--As used in this section, the term:  
 56           (a) "Eligible employee" means a classified or unclassified  
 57 full-time member of the Lee County Sheriff's Office who fills a  
 58 regularly budgeted position, participates in the Florida  
 59 Retirement System, and meets the requirements of this section.  
 60           (b) "Employee premium" means the amount or portion of the  
 61 health and hospitalization insurance premium payable by the  
 62 employee or retiree expressed as a monthly dollar amount.  
 63           (c) "Employer premium" means the amount or portion of the  
 64 health and hospitalization premium payable by the Lee County  
 65 Sheriff's Office expressed as a monthly dollar amount.  
 66           (d) "Florida Retirement System" means the state-  
 67 administered retirement system established for state and local  
 68 government employees as defined in chapter 121, Florida  
 69 Statutes.  
 70           (e) "Health insurance subsidy" means a monthly payment  
 71 made to a retired Florida Retirement System member to assist in  
 72 paying costs of health insurance as provided in section 112.363,  
 73 Florida Statutes.  
 74           (f) "Lee County Sheriff's Office retirement health and  
 75 hospitalization insurance plan" means the same health and  
 76 hospitalization insurance plan and premium rates as are  
 77 established for and offered to active members of the agency.  
 78           (g) "Premium" means the amount charged by the plan to  
 79 provide individual or family health and hospitalization  
 80 insurance coverage to active and retired members of the Lee  
 81 County Sheriff's Office and their qualified dependents expressed

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82 as a monthly dollar amount. Premiums for retirees and qualified  
 83 dependents shall not exceed premiums for active employees.

84 (h) "Qualified dependent" means the spouse or dependent  
 85 child of a retiree who is entitled to continuing group health  
 86 and hospitalization insurance benefits pursuant to section  
 87 112.0801, Florida Statutes, and the provisions of this section.

88 (i) "Retirement" means the act of terminating employment  
 89 and becoming a retiree as defined in section 121.021(60) or  
 90 section 121.4501(2)(j), Florida Statutes, and receiving a  
 91 benefit from the Florida Retirement System.

92 (j) "Vested" or "vesting" means the guarantee that a  
 93 member is eligible to receive a future retirement benefit as  
 94 provided in section 121.021(45), Florida Statutes.

95 (4) Group health insurance; participation by retired  
 96 employees with fewer than 15 years of service.--All persons who  
 97 are retirees, as defined in section 121.021(60) or section  
 98 121.4501(2)(j), Florida Statutes, from the Florida Retirement  
 99 System and who terminate from the Lee County Sheriff's Office  
 100 have the option, pursuant to section 112.0801, Florida Statutes,  
 101 to continue to participate in the Lee County Sheriff's Office  
 102 group health insurance plan. Retirees and qualified dependents  
 103 shall be offered the same health and hospitalization insurance  
 104 coverage as active employees at a cost of no more than the  
 105 premium applicable to active employees. Participation in this  
 106 plan is voluntary and all premiums for retirees and qualified  
 107 dependents of retirees that have less than 15 years of service  
 108 with the Lee County Sheriff's Office are employee premiums  
 109 payable by the retiree or dependent. Retirees may also purchase,

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110 at their own expense, individual or family group dental  
 111 insurance or vision insurance, or both, through the agency's  
 112 group policies. Premiums may be adjusted annually based on  
 113 actual qualified group costs to the Lee County Sheriff's Office.

114 (5) Retirement health insurance benefits for employees  
 115 with 15 or more years of service; employer premium  
 116 payments.--Effective October 1, 1986, and thereafter, it is the  
 117 duty of the Sheriff of Lee County to provide annually in his or  
 118 her budget a sufficient sum of money to pay a ~~portion~~ percentage  
 119 of the cost of the health and hospitalization insurance ~~premiums~~  
 120 for employees ~~of members~~ of the Lee County Sheriff's Office who  
 121 retire ~~from active service~~ after having accumulated at least 15  
 122 or more years of full-time, active creditable service with the  
 123 office ~~under the Florida Retirement System~~. Employer premiums  
 124 ~~The health insurance costs payable under this provision are~~  
 125 ~~limited to pursuant to this section include premiums for major~~  
 126 medical and hospitalization insurance, and ~~but~~ do not include  
 127 premiums for dental or vision insurance. Retirees may purchase,  
 128 at their expense, individual or family group dental insurance or  
 129 vision insurance, or both.

130 (6) Benefits payable under subsection (5).--Benefits  
 131 payable under subsection (5) are only available to employees who  
 132 retire from the Florida Retirement System and terminate  
 133 employment after 15 or more years of service with the Lee County  
 134 Sheriff's Office. A member of the Florida Retirement System  
 135 employed prior to October 1, 2009, who has been a full-time  
 136 member of the Lee County Sheriff's Office for the 10 years  
 137 immediately preceding his or her retirement may claim up to 5

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138 years of previous service with another Florida Retirement System  
 139 employer subject to verification by the Division of Retirement  
 140 of the Department of Management Services to meet the 15-year  
 141 requirement as provided for in subsection (5). Persons hired by  
 142 the Lee County Sheriff's Office on or after October 1, 2009, are  
 143 not eligible to claim additional years of service from previous  
 144 Florida Retirement System employers to qualify for employer-paid  
 145 health and hospitalization insurance benefits as provided for in  
 146 subsection (5).

147 (7) Termination after 15 years of service but prior to  
 148 receiving a retirement benefit.--If an employee terminates from  
 149 the Lee County Sheriff's Office after accumulating 15 years or  
 150 more of full-time service as outlined in subsection (6), but  
 151 prior to receiving a retirement benefit from the Florida  
 152 Retirement System, he or she may continue participating in the  
 153 Lee County Sheriff's Office group health and hospitalization  
 154 insurance plan by paying the full current group premium rate for  
 155 individual or family coverage. Upon receiving written  
 156 notification and documentation from the Florida Retirement  
 157 System that the former employee has become a retiree of the  
 158 Florida Retirement System, the Lee County Sheriff's Office shall  
 159 begin to pay a portion of the retiree's, and dependents' if  
 160 qualified, health and hospitalization insurance premium from the  
 161 effective date of retirement. It is the retiree's responsibility  
 162 to ensure that notification of retirement from the Florida  
 163 Retirement System is made to the Lee County Sheriff's Office. No  
 164 retroactive payments may be made due to the retiree's failure to  
 165 timely notify the Lee County Sheriff's Office of his or her

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166 retirement.

167 (8) Retirement benefits from a previous or subsequent  
 168 employer.--If a retiree, qualified under subsection (6) or  
 169 subsection (7), is entitled to retirement health insurance  
 170 benefits paid for by any previous or subsequent employer, the  
 171 Lee County Sheriff's Office shall be a secondary payor to that  
 172 coverage.

173 (9) Premium payments by the Lee County Sheriff's Office;  
 174 employer premium.--The employer premium, the portion of a  
 175 qualified retiree's health and hospitalization insurance premium  
 176 payable by the Lee County Sheriff's Office, is dependent upon  
 177 the retiree expressing a desire to participate in the Lee County  
 178 Sheriff's Office group health and hospitalization plan and the  
 179 following schedule:

180 (a) At 15 years of service the Lee County Sheriff's Office  
 181 shall pay up to 75 percent of the portion of the retiree's  
 182 health and hospitalization insurance premium that exceeds the  
 183 amount of any health insurance subsidy paid to a retiree. For  
 184 each full month of employment with the Lee County Sheriff's  
 185 Office beyond 15 years the Sheriff's Office shall pay an  
 186 additional 0.416 percent per month through 19 years and 11  
 187 months of service. The insured retiree may purchase, at his or  
 188 her own expense, group coverage for a qualified spouse or  
 189 dependents. Employee premium payments and payments for insurance  
 190 coverage of dependents of the retiree are payable by the  
 191 retiree.

192 (b) At 20 years of service and beyond, the Lee County  
 193 Sheriff's Office shall pay up to 100 percent of the portion of

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194 the retiree's health and hospitalization insurance premium that  
 195 exceeds the first \$100 of any health insurance subsidy received  
 196 by a retiree and in addition shall pay 50 percent of the health  
 197 and hospitalization insurance premium for any qualified spouse  
 198 or dependents of the retiree. Any employee premium payments and  
 199 the balance of payments for dependents of the retiree are  
 200 payable by the retiree or qualified dependent. Any increase or  
 201 decrease to the health insurance subsidy by the state shall be  
 202 factored into the provisions of this subsection.

203 (c) Premiums may be adjusted annually based on actual  
 204 qualified group costs to the Lee County Sheriff's Office.

205 (10) Effect of Medicare eligibility.--At such time as a  
 206 retiree or qualified dependent covered under this section  
 207 becomes eligible for Medicare health insurance, it is his or her  
 208 responsibility to enroll in and utilize his or her Medicare  
 209 benefits to pay primary, secondary, or last payments to the  
 210 extent stated under federal law. The Lee County Sheriff's Office  
 211 shall treat an eligible retiree or qualified dependent as  
 212 enrolled in Medicare parts A and B, regardless of actual  
 213 enrollment, and base its payments on behalf of the retiree or  
 214 qualified dependent as if the retiree or spouse has utilized his  
 215 or her Medicare benefits.

216 (11) Method of premium payments.--Any employee premium  
 217 payments or portions of employee premium payments due from the  
 218 retiree must be made directly to the Lee County Sheriff's Office  
 219 either by the retiree or by authorized deduction from his or her  
 220 Florida Retirement System benefit payments.

221 (12) Limitation on selection of continued insurance



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222 benefits.--Retirement insurance benefits are only available to  
 223 an employee at the time he or she retires from the Florida  
 224 Retirement System, except as provided in subsection (7). All  
 225 benefits must be applied for within 60 days of the employee's  
 226 last physical day of employment. If an employee chooses not to  
 227 receive any or all retirement benefits or fails to make a  
 228 selection of benefits during this time period, he or she does  
 229 not have the option to do so at a later date. Retirees receiving  
 230 benefits may only add dependents at a later date if a qualifying  
 231 event has occurred.

232 (13) (a) Death of insured retiree.--Upon the death of an  
 233 insured retiree, his or her spouse or qualified dependents, or  
 234 both, may continue to participate in any group health and  
 235 hospitalization plan that was in force on them at the time of  
 236 such death. The death of a retiree shall not be considered a  
 237 qualifying event to add additional persons or modify existing  
 238 insurance coverage. Premiums shall not be increased unless there  
 239 is an overall increase in premiums for active employees.

240 (b) In the event that a current classified employee of the  
 241 Lee County Sheriff's Office dies or becomes totally and  
 242 permanently disabled while carrying out the duties of his or her  
 243 office but does not qualify for benefits under section 112.19,  
 244 Florida Statutes, the employee shall be considered retired from  
 245 the Lee County Sheriff's Office at the date of such death or  
 246 total and permanent disability. This retirement shall qualify  
 247 the employee and his or her surviving qualified dependents to be  
 248 insured according to current Sheriff's Office policy and under  
 249 this section provided that the employee meets all requirements

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250 contained in this section as to length of service and selection  
251 of benefits.

252 (14) Participation of classified and unclassified  
253 members.--This section shall apply to all classified and  
254 unclassified members of the Lee County Sheriff's Office alike,  
255 provided that they meet all eligibility requirements found in  
256 this section. ~~When a retiree receiving this health insurance~~  
257 ~~benefit becomes eligible for Medicare, his or her health~~  
258 ~~coverage will convert to the Medicare Supplement health~~  
259 ~~insurance.~~

260 ~~(a) In order to receive this benefit, the retiree must~~  
261 ~~have served with the Lee County Sheriff's Office for the 10~~  
262 ~~years immediately preceding his or her retirement. The retiree~~  
263 ~~may claim up to 5 years of creditable service earned while in~~  
264 ~~the employ of another member agency within the Florida~~  
265 ~~Retirement System. The Lee County Sheriff's Office shall verify~~  
266 ~~all years of creditable service claimed through the Division of~~  
267 ~~Retirement of the Department of Administration.~~

268 ~~(b) If an employee retires from the Lee County Sheriff's~~  
269 ~~Office after at least 10 years of service with the department,~~  
270 ~~but before reaching retirement age, and has participated in the~~  
271 ~~Florida Retirement System for at least 15 years, he or she may~~  
272 ~~pay his and her or his and her dependent's health insurance~~  
273 ~~costs until he or she begins to receive retirement benefits~~  
274 ~~under the Florida Retirement System. The Lee County Sheriff's~~  
275 ~~Office shall begin to pay a percentage of the employee's health~~  
276 ~~insurance costs when he or she begins to receive such retirement~~  
277 ~~benefits. The retiree shall give the sheriff's office written~~

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278 ~~notice of the date of payment of his or her initial retirement~~  
279 ~~benefit. The Lee County Sheriff's Office shall verify this date~~  
280 ~~through the Division of Retirement of the Department of~~  
281 ~~Administration.~~

282 ~~(c) The Lee County Sheriff's Office shall base the~~  
283 ~~percentage of a retiree's health insurance costs it will pay~~  
284 ~~upon the number of years of creditable service that the retiree~~  
285 ~~has accumulated in the Florida Retirement System. Fifteen years~~  
286 ~~of creditable service entitles the retiree to have 75 percent of~~  
287 ~~his or her health insurance premiums paid by the sheriff's~~  
288 ~~office. The sheriff's office shall pay an additional 5 percent~~  
289 ~~of the insurance premiums for each year of service in excess of~~  
290 ~~15 years until reaching a maximum of 100 percent of the premium~~  
291 ~~at 20 years of service. The Lee County Sheriff's Office shall~~  
292 ~~pay an additional one twelfth of 1 percent of the premium for~~  
293 ~~each month served until the full 100 percent is paid.~~

294 ~~(d) If an employee has health insurance coverage through a~~  
295 ~~previous employer, the Lee County Sheriff's Office will be the~~  
296 ~~secondary payor.~~

297 ~~(e) If an employee receives a retiree health insurance~~  
298 ~~subsidy from the state, the Lee County Sheriff's Office shall~~  
299 ~~reduce the amount it pays of the employee's health insurance~~  
300 ~~premiums by the amount of the subsidy.~~

301 ~~(f) The Lee County Sheriff's Office shall pay for the~~  
302 ~~health insurance coverage of the retiree and 50 percent of his~~  
303 ~~or her dependents' health insurance coverage only if the~~  
304 ~~retiree's health insurance is paid at 100 percent of the premium~~  
305 ~~at 20 years of service. A retiree who obtains benefits without~~

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306 ~~attaining 20 years of service may pay for the health insurance~~  
307 ~~of his or her dependents. Upon a retiree's death, his or her~~  
308 ~~spouse may continue the health insurance coverage previously~~  
309 ~~provided by the retiree. Premiums must be paid to the Lee County~~  
310 ~~Sheriff's Office.~~

311 ~~(g) This retiree health insurance benefit is only~~  
312 ~~available to an employee when he or she retires. If the employee~~  
313 ~~does not elect to receive the insurance benefit upon retiring,~~  
314 ~~he or she does not have the option of receiving the benefit at a~~  
315 ~~later date.~~

316 Section 2. This act shall take effect upon becoming a law.