

ENROLLED

HB 5009, Engrossed 1

2012 Legislature

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2 An act relating to health insurance benefits for state
3 employees; amending s. 110.123, F.S.; authorizing the
4 University of Florida Board of Trustees to provide or
5 arrange for the provision of health and other self-
6 insurance or insurance programs under certain
7 conditions; requiring the board to offer the programs
8 to certain persons; prohibiting the programs from
9 commencing before a specified date; providing
10 requirements for state funding for the insurance
11 programs; providing procedural requirements relating
12 to the program for the Department of Management
13 Services, the Executive Office of the Governor, and
14 the Legislature; providing applicability; providing
15 for the state's monthly contribution for employees
16 under the state group insurance program; amending s.
17 110.12315, F.S.; revising the conditions under which
18 pharmacies are provided reimbursement for prescription
19 medicines that are dispensed to members of the state
20 group health insurance plan under the state employees'
21 prescription drug program; authorizing the Department
22 of Management Services to implement a supply limit
23 program for certain maintenance drugs; reenacting
24 provisions specifying copayment amounts for the state
25 employees' prescription drug program; providing an
26 effective date.

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

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 30 Section 1. Paragraph (a) of subsection (12) of section
 31 110.123, Florida Statutes, is amended, and subsection (14) is
 32 added to that section, to read:

33 110.123 State group insurance program.—

34 (12) HEALTH SAVINGS ACCOUNTS.—The department is authorized
 35 to establish health savings accounts for full-time and part-time
 36 state employees in association with a health insurance plan
 37 option authorized by the Legislature and conforming to the
 38 requirements and limitations of federal provisions relating to
 39 the Medicare Prescription Drug, Improvement, and Modernization
 40 Act of 2003.

41 (a)1. A member participating in this health insurance plan
 42 option is eligible to receive an employer contribution into the
 43 employee's health savings account from the State Employees
 44 Health Insurance Trust Fund in an amount to be determined by the
 45 Legislature. A member is not eligible for an employer
 46 contribution upon termination of employment. ~~For the 2011-2012~~
 47 ~~fiscal year,~~ The state's monthly contribution for employees
 48 having individual coverage shall be \$41.66 and the monthly
 49 contribution for employees having family coverage shall be
 50 \$83.33.

51 2. A member participating in this health insurance plan
 52 option is eligible to deposit the member's own funds into a
 53 health savings account.

54 (14) UNIVERSITY OF FLORIDA BOARD OF TRUSTEES.—

55 (a) Notwithstanding any other provision of this section or
 56 any other law, rule, or regulation, and in lieu of participation

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57 in state group insurance programs or any part thereof, the
58 University of Florida Board of Trustees, at its option, may
59 provide, or arrange for the provision of, health and other self-
60 insurance or insurance programs, including the necessary
61 administrative support services required to implement and
62 administer such programs, for its employees, including all of
63 its employees who retire on or after implementation of such
64 programs, and may require actuarially determined employee
65 premium payments. The University of Florida Board of Trustees
66 may include in such programs and assess actuarially determined
67 premiums to its students, the employees of its direct-support
68 organizations and other affiliated organizations, and other
69 persons and entities, as may be determined by the board of
70 trustees. The University of Florida Board of Trustees shall also
71 offer such programs to its retirees who retired prior to the
72 implementation of such programs. Such programs may include, but
73 are not limited to, health and life insurance, pharmacy, and
74 other supplemental or tax-favored plans. In implementing such
75 programs, the University of Florida Board of Trustees may not
76 commence coverage prior to January 1, 2013.

77 (b) State funding for such insurance programs for active
78 employees paid from Educational and General activity funds shall
79 be determined by using the health insurance premium rates
80 established in the General Appropriations Act for coverage for
81 active state employees, reduced by the per capita amount of the
82 actuarially determined implicit subsidy included in the employer
83 paid cost for active employees' participation in the state group
84 insurance program which is associated with retired employees

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85 participating in the state group insurance program. The
86 university shall pay the cost of the actuarial study required to
87 determine the implicit subsidy. The department shall submit the
88 actuarially determined amount of the implicit subsidy and the
89 actuary's methodology used for its determination to the
90 Executive Office of the Governor for approval. The Executive
91 Office of the Governor shall provide notice of the implicit
92 subsidy amount and the actuary's methodology used for its
93 determination pursuant to s. 216.177(2) (a). If the chair of the
94 House of Representatives Appropriations Committee and the chair
95 of the Senate Budget Committee or the President of the Senate
96 and the Speaker of the House of Representatives object to the
97 actuarially determined amount or the actuary's methodology used
98 for its determination, the Governor shall void such
99 determination and methodology and direct the department to
100 recalculate the amount of the implicit subsidy. Upon
101 implementation of the plan by the University of Florida, the
102 university shall transfer, on the last day of each calendar
103 quarter after implementation, the reduction amount for the
104 implicit subsidy to the State Employees Health Insurance Trust
105 Fund and shall submit the necessary budget amendment to the
106 Executive Office of the Governor to accomplish the transfers.
107 Section 110.161 does not apply to any insurance programs
108 developed under this subsection.

109 Section 2. Paragraph (b) of subsection (2) of section
110 110.12315, Florida Statutes, is amended, and, notwithstanding
111 section 75 of chapter 2011-47, Laws of Florida, paragraph (a) of
112 subsection (7) of that section, as reenacted by section 74 of

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113 chapter 2011-47, Laws of Florida, does not revert to the text of
 114 that paragraph in existence on December 31, 2010, and is
 115 reenacted and amended, to read:

116 110.12315 Prescription drug program.—The state employees'
 117 prescription drug program is established. This program shall be
 118 administered by the Department of Management Services, according
 119 to the terms and conditions of the plan as established by the
 120 relevant provisions of the annual General Appropriations Act and
 121 implementing legislation, subject to the following conditions:

122 (2) In providing for reimbursement of pharmacies for
 123 prescription medicines dispensed to members of the state group
 124 health insurance plan and their dependents under the state
 125 employees' prescription drug program:

126 (b) There shall be a 30-day supply limit for prescription
 127 card purchases and 90-day supply limit for mail order or mail
 128 order prescription drug purchases. The Department of Management
 129 Services may implement a 90-day supply limit program for certain
 130 maintenance drugs as determined by the department at retail
 131 pharmacies participating in the program if the department
 132 determines it to be in the best financial interest of the state.

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

135 (a) Effective January 1, 2012 ~~2011~~, for the State Group
 136 Health Insurance Standard Plan:

- 137 1. For generic drug with card \$7.
- 138 2. For preferred brand name drug with card \$30.
- 139 3. For nonpreferred brand name drug with card \$50.
- 140 4. For generic mail order drug \$14.

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- 141 | 5. For preferred brand name mail order drug \$60.
142 | 6. For nonpreferred brand name mail order drug \$100.
143 | Section 3. This act shall take effect July 1, 2012.