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LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/CR	.	
05/03/2013 12:16 PM	.	
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The Conference Committee on SB 1802 recommended the following:

1           **Senate Conference Committee Amendment (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Effective December 1, 2013, present paragraphs  
7 (i) through (n) of subsection (2) of section 110.123, Florida  
8 Statutes, are redesignated as paragraphs (j) through (o),  
9 respectively, paragraphs (c) and (f) of that subsection are  
10 amended and a new paragraph (i) is added to that subsection,  
11 paragraph (g) of subsection (3), paragraph (d) of subsection  
12 (4), and paragraph (a) of subsection (12) of that section are  
13 amended, and subsection (13) is added to that section, to read:



14 110.123 State group insurance program.—  
15 (2) DEFINITIONS.—As used in this section, the term:  
16 (c) "Full-time state employees" means includes all full-  
17 time employees of all branches or agencies of state government  
18 holding salaried positions who are and paid by state warrant or  
19 from agency funds and who work or are expected to work an  
20 average of at least 30 or more hours per week; ~~and employees~~  
21 paid from regular salary appropriations for 8 months'  
22 employment, including university personnel on academic  
23 contracts; and employees, ~~but in no case shall "state employee"~~  
24 ~~or "salaried position" include persons paid from other-personal-~~  
25 services (OPS) funds as described in subparagraphs 1. and 2. The  
26 term "Full-time employees" includes all full-time employees of  
27 the state universities. The term does not include seasonal  
28 workers who are paid from OPS funds.  
29 1. For persons hired before April 1, 2013, the term  
30 includes any person paid from OPS funds who:  
31 a. Has worked an average of at least 30 hours or more per  
32 week during the initial measurement period from April 1, 2013,  
33 through September 30, 2013; or  
34 b. Has worked an average of at least 30 hours or more per  
35 week during a subsequent measurement period.  
36 2. For persons hired after April 1, 2013, the term includes  
37 any person paid from OPS funds who:  
38 a. Is reasonably expected to work an average of at least 30  
39 hours or more per week; or  
40 b. Has worked an average of at least 30 hours or more per  
41 week during the person's measurement period.  
42 (f) "Part-time state employee" means an ~~any~~ employee of any



321700

43 branch or agency of state government paid by state warrant from  
44 salary appropriations or from agency funds, and who is employed  
45 for less than an average of 30 hours per week ~~the normal full-~~  
46 ~~time workweek established by the department~~ or, if on academic  
47 contract or seasonal or other type of employment which is less  
48 than year-round, is employed for less than 8 months during any  
49 12-month period, but does not in no case shall ~~"part-time"~~  
50 ~~employee~~ include a person paid from other-personal-services  
51 (OPS) funds. The term "Part-time state employee" includes all  
52 any part-time employees ~~employee~~ of the state universities.

53 (i) "Seasonal workers" has the same meaning as provided  
54 under 29 C.F.R. 500.20(s)(1).

55 (3) STATE GROUP INSURANCE PROGRAM.—

56 (g) Participation by individuals in the program is  
57 available to all state officers, full-time state employees, and  
58 part-time state employees; ~~and such participation in the program~~  
59 ~~or any plan~~ is voluntary. Participation in the program is also  
60 available to retired state officers and employees, ~~as defined in~~  
61 ~~paragraph (2)(g)~~, who elect at the time of retirement to  
62 continue coverage under the program, but ~~they~~ may elect to  
63 continue all or only part of the coverage they had at the time  
64 of retirement. A surviving spouse may elect to continue coverage  
65 only under a state group health insurance plan, a TRICARE  
66 supplemental insurance plan, or a health maintenance  
67 organization plan.

68 1. Full-time state employees described in subsection  
69 (2)(c)1. are eligible for health insurance coverage in calendar  
70 year 2014 as long as they remain employed by an employer  
71 participating in the state group insurance program during the



321700

72 year. This subparagraph expires December 31, 2014.

73 2. Employees paid from other-personal-services (OPS) funds  
74 are not eligible for coverage before January 1, 2014.

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

77 (d) The state contribution for health insurance coverage  
78 for a part-time permanent state employee who elects to  
79 participate in the program shall be prorated so that the amount  
80 of the cost contributed for the part-time permanent employee  
81 bears the same ~~that~~ relation to the amount of cost contributed  
82 for a similar full-time employee that the part-time employee's  
83 normal workday bears to a full-time employee's normal workday.

84 (12) HEALTH SAVINGS ACCOUNTS.—The department is authorized  
85 to establish health savings accounts for full-time and part-time  
86 state employees in association with a health insurance plan  
87 option authorized by the Legislature and conforming to the  
88 requirements and limitations of federal provisions relating to  
89 the Medicare Prescription Drug, Improvement, and Modernization  
90 Act of 2003.

91 (a)~~1.~~ A member participating in this health insurance plan  
92 option is eligible to:

93 1. Receive an employer contribution into the employee's  
94 health savings account from the State Employees Health Insurance  
95 Trust Fund in an amount to be determined by the Legislature. A  
96 member is not eligible for an employer contribution upon  
97 termination of employment. For the 2013-2014 ~~2012-2013~~ fiscal  
98 year, the state's monthly contribution for employees having  
99 individual coverage shall be \$41.66 and the monthly contribution  
100 for employees having family coverage shall be \$83.33. For the



321700

101 2014-2015 fiscal year and thereafter, the state's contribution  
102 from the trust fund into the member's health savings account  
103 shall be set in the annual General Appropriations Act.

104 ~~2. A member participating in this health insurance plan~~  
105 ~~option is eligible to~~ Deposit the member's own funds into a  
106 health savings account.

107 (13) OTHER-PERSONAL-SERVICES EMPLOYEES (OPS).-

108 (a) Each agency or other entity that participates in the  
109 state group insurance program shall provide information to the  
110 department on each of its employees regardless of whether the  
111 employee participates in the program. Such information must  
112 include the name of the employee, the number of hours worked by  
113 the employee, and any other information the department considers  
114 necessary for determining the eligibility of the employee to  
115 participate in the program. Such information shall be submitted  
116 as prescribed by the department.

117 (b) Each agency or other entity that participates in the  
118 state group insurance program shall identify any of its  
119 employees paid from OPS funds or similar funds who are employed  
120 by another agency or entity participating in the state group  
121 insurance program.

122 (c) The initial measurement period used to determine  
123 whether an employee hired before April 1, 2013, and paid from  
124 OPS funds is a full-time employee described in subparagraph  
125 (2)(c)1. is the 6-month period from April 1, 2013, through  
126 September 30, 2013.

127 (d) All other measurement periods used to determine whether  
128 an employee paid from OPS funds is a full-time employee  
129 described in paragraph (2)(c) must be for 12 consecutive months.



321700

130 Section 2. Subsection (5) is added to section 110.131,  
131 Florida Statutes, to read:

132 110.131 Other-personal-services employment.—

133 (5) Beginning January 1, 2014, an other-personal-services  
134 (OPS) employee who has worked an average of at least 30 or more  
135 hours per week during the measurement period described in s.  
136 110.123(13) (c) or (d), or who is reasonably expected to work an  
137 average of at least 30 or more hours per week following his or  
138 her employment, is eligible to participate in the state group  
139 insurance program as provided under s. 110.123.

140 Section 3. The Department of Management Services may adopt  
141 emergency rules to modify the eligibility requirements of  
142 persons paid from other-personal-services (OPS) funds, which are  
143 limited to compliance with the coverage requirements of the  
144 Patient Protection and Affordable Care Act, Pub. L. No. 111-148,  
145 as amended by the Health Care and Education Reconciliation Act  
146 of 2010, Pub. L. No. 111-152, and any regulations adopted  
147 pursuant to those acts which are in effect on July 1, 2013.  
148 Emergency rules adopted under this provision shall be limited to  
149 mitigating the state's exposure to potential liability under the  
150 penalty provisions of those acts for failing to comply with such  
151 coverage requirements. Any emergency rules adopted pursuant to  
152 this section must expire by June 30, 2014.

153 Section 4. Except as otherwise expressly provided in this  
154 act, this act shall take effect July 1, 2013.

156 ===== T I T L E A M E N D M E N T =====

157 And the title is amended as follows:

158 Delete everything before the enacting clause



321700

159 and insert:

160                   A bill to be entitled  
161           An act relating to state employee health insurance;  
162           amending s. 110.123, F.S.; modifying the terms "full-  
163           time state employee" and "part-time state employee"  
164           for the purposes of expressly excluding persons paid  
165           from other-personal-services funds who work less than  
166           a certain number of hours per week from the state  
167           group insurance program; defining the term "seasonal  
168           worker"; revising provisions relating to employer  
169           contributions to employee health savings accounts;  
170           requiring each agency or entity that participates in  
171           the program to provide information about its employees  
172           in order to determine eligibility for the insurance  
173           program; amending s. 110.131, F.S.; providing that an  
174           OPS employee meeting certain criteria is eligible to  
175           participate in the state group health insurance  
176           program; authorizing the Department of Management  
177           Services to adopt emergency rules in order to modify  
178           the eligibility of certain persons and comply with  
179           federal requirements; providing effective dates.