

By the Committee on Governmental Oversight and Accountability

585-02857-13

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1 A bill to be entitled

2 An act relating to state employee health insurance;
3 amending s. 110.123, F.S.; modifying the terms "full-
4 time state employee" and "part-time state employee"
5 for the purposes of expressly excluding persons paid
6 from other-personal-services funds who work less than
7 a certain number of hours per week from the state
8 group insurance program; revising provisions relating
9 to employer contributions to employee health savings
10 accounts; requiring each agency or entity that
11 participates in the program to provide information
12 about its employees which is necessary to determine
13 eligibility for the program; reenacting s.
14 110.12315(2)(b) and (7)(a), F.S., relating to the
15 state employee's prescription drug program; repealing
16 s. 53 of chapter 2012-119, Laws of Florida, relating
17 to the reversion of certain state employee's
18 prescription drug provisions to those in previous
19 existence; amending s. 110.131, F.S.; providing that
20 OPS employees working 30 hours or more per week may be
21 eligible for the state group health insurance program;
22 providing effective dates.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Effective January 1, 2014, paragraphs (c) and
27 (f) of subsection (2), paragraph (g) of subsection (3),
28 paragraph (d) of subsection (4), and paragraph (a) of subsection
29 (12) of section 110.123, Florida Statutes, are amended, and

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30 subsection (13) is added to that section, to read:

31 110.123 State group insurance program.—

32 (2) DEFINITIONS.—As used in this section, the term:

33 (c) "Full-time state employees" means ~~includes all full-~~
34 ~~time~~ employees of all branches or agencies of state government
35 holding salaried positions, who are ~~and~~ paid by state warrant or
36 from agency funds, and who work or are expected to work an
37 average of at least 30 hours per week; ~~and~~ employees paid from
38 regular salary appropriations for 8 months' employment,
39 including university personnel on academic contracts; and, ~~but~~
40 ~~in no case shall "state employee" or "salaried position" include~~
41 persons paid from other-personal-services (OPS) funds as
42 described in subparagraphs 1. and 2. "Full-time state employees"
43 includes all full-time employees of the state universities.

44 1. For persons employed before January 1, 2014, the term
45 includes persons paid from other-personal-services (OPS) funds
46 who worked at least an average of 30 hours per week from April
47 1, 2013, through September 30, 2013.

48 2. For persons employed on or after January 1, 2014, the
49 term includes persons paid from other-personal-services (OPS)
50 funds who:

51 a. Have worked an average of at least 30 hours per week
52 during a specified 12 calendar-month period; or

53 b. Are reasonably expected to work an average of at least
54 30 hours per week during the initial 12 calendar months
55 following the commencement of their employment.

56 (f) "Part-time state employee" means an ~~any~~ employee of any
57 branch or agency of state government paid by state warrant from
58 salary appropriations or from agency funds, and who is employed

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59 for less than an average of 30 hours per week ~~the normal full-~~
 60 ~~time workweek established by the department~~ or, if on academic
 61 contract or seasonal or other type of employment which is less
 62 than year-round, is employed for less than 8 months during any
 63 12-month period, but does not ~~in no case shall~~ "part-time"
 64 ~~employee~~ include a person paid from other-personal-services
 65 (OPS) funds. "Part-time state employee" includes any part-time
 66 employee of the state universities.

67 (3) STATE GROUP INSURANCE PROGRAM.—

68 (g) Participation by individuals in the program is
 69 available to all state officers, full-time state employees, and
 70 part-time state employees; ~~and such participation in the program~~
 71 ~~or any plan~~ is voluntary. Participation in the program is also
 72 available to retired state officers and employees, ~~as defined in~~
 73 ~~paragraph (2)(g)~~, who elect at the time of retirement to
 74 continue coverage under the program, but ~~they~~ may elect to
 75 continue all or only part of the coverage they had at the time
 76 of retirement. A surviving spouse may elect to continue coverage
 77 only under a state group health insurance plan, a TRICARE
 78 supplemental insurance plan, or a health maintenance
 79 organization plan.

80 1. Full-time state employees described in subsection
 81 (2)(c)1. are eligible for health insurance coverage in calendar
 82 year 2014 as long as they remain employed by an employer
 83 participating in the state group insurance program during the
 84 year. This subparagraph expires December 31, 2014.

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

87 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION

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88 ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

89 (d) The state contribution for health insurance coverage
90 for a part-time permanent state employee who elects to
91 participate in the program shall be prorated so that the amount
92 of the cost contributed for the part-time permanent employee
93 bears the same ~~that~~ relation to the amount of cost contributed
94 for a similar full-time employee that the part-time employee's
95 normal workday bears to a full-time employee's normal workday.

96 (12) HEALTH SAVINGS ACCOUNTS.—The department is authorized
97 to establish health savings accounts for full-time and part-time
98 state employees in association with a health insurance plan
99 option authorized by the Legislature and conforming to the
100 requirements and limitations of federal provisions relating to
101 the Medicare Prescription Drug, Improvement, and Modernization
102 Act of 2003.

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

105 1. Receive an employer contribution into the employee's
106 health savings account from the State Employees Health Insurance
107 Trust Fund in an amount to be determined by the Legislature. A
108 member is not eligible for an employer contribution upon
109 termination of employment. For the 2013-2014 ~~2012-2013~~ fiscal
110 year, the state's monthly contribution for employees having
111 individual coverage shall be \$41.66 and the monthly contribution
112 for employees having family coverage shall be \$83.33. For the
113 2014-2015 fiscal year and thereafter, the state's contribution
114 from the trust fund into the member's health savings account
115 shall be set in the annual General Appropriations Act.

116 ~~2. A member participating in this health insurance plan~~

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117 ~~option is eligible to~~ Deposit the member's own funds into a
118 health savings account.

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

120 (a) Each agency or other entity that participates in the
121 state group insurance program shall provide information to the
122 department on each of its employees regardless of whether the
123 employee participates in the program. Such information must
124 include the name of the employee, number of hours worked by the
125 employee, and any other information determined by the department
126 to be necessary to determine the eligibility of the employee to
127 participate in the program. Such information shall be submitted
128 as prescribed by the department.

129 (b) Each agency or other entity that participates in the
130 state group insurance program shall identify any of its
131 employees paid from OPS funds or similar funds who are employed
132 by another agency or entity participating in the state group
133 insurance program.

134 Section 2. Paragraph (b) of subsection (2) and paragraph
135 (a) of subsection (7) of section 110.12315, Florida Statutes, as
136 amended by section 52 of chapter 2012-119, Laws of Florida, are
137 reenacted to read:

138 110.12315 Prescription drug program.—The state employees'
139 prescription drug program is established. This program shall be
140 administered by the Department of Management Services, according
141 to the terms and conditions of the plan as established by the
142 relevant provisions of the annual General Appropriations Act and
143 implementing legislation, subject to the following conditions:

144 (2) In providing for reimbursement of pharmacies for
145 prescription medicines dispensed to members of the state group

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146 health insurance plan and their dependents under the state
147 employees' prescription drug program:

148 (b) There shall be a 30-day supply limit for prescription
149 card purchases and 90-day supply limit for mail order or mail
150 order prescription drug purchases. The Department of Management
151 Services may implement a 90-day supply limit program for certain
152 maintenance drugs as determined by the department at retail
153 pharmacies participating in the program if the department
154 determines it to be in the best financial interest of the state.

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

157 (a) Effective January 1, 2012, for the State Group Health
158 Insurance Standard Plan:

- 159 1. For generic drug with card.....\$7.
- 160 2. For preferred brand name drug with card.....\$30.
- 161 3. For nonpreferred brand name drug with card.....\$50.
- 162 4. For generic mail order drug.....\$14.
- 163 5. For preferred brand name mail order drug.....\$60.
- 164 6. For nonpreferred brand name mail order drug.....\$100.

165 Section 3. Section 53 of chapter 2012-119, Laws of Florida,
166 is repealed.

167 Section 4. Subsection (5) is added to section 110.131,
168 Florida Statutes, to read:

169 110.131 Other-personal-services employment.-

170 (5) Beginning January 1, 2014, an other-personal-services
171 (OPS) employee who has worked an average of 30 or more hours per
172 week during the past 12 calendar months or who is reasonably
173 expected to work an average of 30 or more hours per week during
174 the 12 calendar months following his or her employment is

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175 eligible to participate in the state group insurance program as
176 provided under s. 110.123.

177 Section 5. Except as otherwise expressly provided in this
178 act, this act shall take effect July 1, 2013.