

20131802er

1  
2 An act relating to state employee health insurance;  
3 amending s. 110.123, F.S.; modifying the terms "full-  
4 time state employees" 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; defining the term "seasonal  
9 worker"; revising provisions relating to employer  
10 contributions to employee health savings accounts;  
11 requiring each agency or entity that participates in  
12 the program to provide information about its employees  
13 in order to determine eligibility for the insurance  
14 program; amending s. 110.131, F.S.; providing that an  
15 OPS employee meeting certain criteria is eligible to  
16 participate in the state group health insurance  
17 program; authorizing the Department of Management  
18 Services to adopt emergency rules in order to modify  
19 the eligibility of certain persons and comply with  
20 federal requirements; providing effective dates.

21  
22 Be It Enacted by the Legislature of the State of Florida:  
23

24 Section 1. Effective December 1, 2013, present paragraphs  
25 (i) through (n) of subsection (2) of section 110.123, Florida  
26 Statutes, are redesignated as paragraphs (j) through (o),  
27 respectively, paragraphs (c) and (f) of that subsection are  
28 amended and a new paragraph (i) is added to that subsection,  
29 paragraph (g) of subsection (3), paragraph (d) of subsection

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30 (4), and paragraph (a) of subsection (12) of that section are  
31 amended, and subsection (13) is added to that section, to read:

32 110.123 State group insurance program.—

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

34 (c) "Full-time state employees" means ~~includes all full-~~  
35 ~~time~~ employees of all branches or agencies of state government  
36 holding salaried positions who are ~~and~~ paid by state warrant or  
37 from agency funds and who work or are expected to work an  
38 average of at least 30 or more hours per week; ~~and~~ employees  
39 paid from regular salary appropriations for 8 months'  
40 employment, including university personnel on academic  
41 contracts; and employees, ~~but in no case shall "state employee"~~  
42 ~~or "salaried position" include persons~~ paid from other-personal-  
43 services (OPS) funds as described in subparagraphs 1. and 2. The  
44 term "Full-time employees" includes all full-time employees of  
45 the state universities. The term does not include seasonal  
46 workers who are paid from OPS funds.

47 1. For persons hired before April 1, 2013, the term  
48 includes any person paid from OPS funds who:

49 a. Has worked an average of at least 30 hours or more per  
50 week during the initial measurement period from April 1, 2013,  
51 through September 30, 2013; or

52 b. Has worked an average of at least 30 hours or more per  
53 week during a subsequent measurement period.

54 2. For persons hired after April 1, 2013, the term includes  
55 any person paid from OPS funds who:

56 a. Is reasonably expected to work an average of at least 30  
57 hours or more per week; or

58 b. Has worked an average of at least 30 hours or more per

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59 week during the person's measurement period.

60 (f) "Part-time state employee" means an ~~any~~ employee of any  
61 branch or agency of state government paid by state warrant from  
62 salary appropriations or from agency funds, and who is employed  
63 for less than an average of 30 hours per week ~~the normal full-~~  
64 ~~time workweek established by the department~~ or, if on academic  
65 contract or seasonal or other type of employment which is less  
66 than year-round, is employed for less than 8 months during any  
67 12-month period, but does not ~~in no case shall~~ "part-time"  
68 ~~employee~~ include a person paid from other-personal-services  
69 (OPS) funds. The term "Part-time state employee" includes all  
70 ~~any~~ part-time employees ~~employee~~ of the state universities.

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

73 (3) STATE GROUP INSURANCE PROGRAM.—

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

86 1. Full-time state employees described in subsection  
87 (2)(c)1. are eligible for health insurance coverage in calendar

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88 year 2014 as long as they remain employed by an employer  
89 participating in the state group insurance program during the  
90 year. This subparagraph expires December 31, 2014.

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

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

95 (d) The state contribution for health insurance coverage  
96 for a part-time ~~permanent~~ state employee who elects to  
97 participate in the program shall be prorated so that the amount  
98 of the cost contributed for the part-time permanent employee  
99 bears the same ~~that~~ relation to the amount of cost contributed  
100 for a similar full-time employee that the part-time employee's  
101 normal workday bears to a full-time employee's normal workday.

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

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

111 1. Receive an employer contribution into the employee's  
112 health savings account from the State Employees Health Insurance  
113 Trust Fund in an amount to be determined by the Legislature. A  
114 member is not eligible for an employer contribution upon  
115 termination of employment. For the 2013-2014 ~~2012-2013~~ fiscal  
116 year, the state's monthly contribution for employees having

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117 individual coverage shall be \$41.66 and the monthly contribution  
118 for employees having family coverage shall be \$83.33. For the  
119 2014-2015 fiscal year and thereafter, the state's contribution  
120 from the trust fund into the member's health savings account  
121 shall be set in the annual General Appropriations Act.

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

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

126 (a) Each agency or other entity that participates in the  
127 state group insurance program shall provide information to the  
128 department on each of its employees regardless of whether the  
129 employee participates in the program. Such information must  
130 include the name of the employee, the number of hours worked by  
131 the employee, and any other information the department considers  
132 necessary for determining the eligibility of the employee to  
133 participate in the program. Such information shall be submitted  
134 as prescribed by the department.

135 (b) Each agency or other entity that participates in the  
136 state group insurance program shall identify any of its  
137 employees paid from OPS funds or similar funds who are employed  
138 by another agency or entity participating in the state group  
139 insurance program.

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

145 (d) All other measurement periods used to determine whether

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146 an employee paid from OPS funds is a full-time employee  
147 described in paragraph (2)(c) must be for 12 consecutive months.

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

150 110.131 Other-personal-services employment.—

151 (5) Beginning January 1, 2014, an other-personal-services  
152 (OPS) employee who has worked an average of at least 30 or more  
153 hours per week during the measurement period described in s.  
154 110.123(13)(c) or (d), or who is reasonably expected to work an  
155 average of at least 30 or more hours per week following his or  
156 her employment, is eligible to participate in the state group  
157 insurance program as provided under s. 110.123.

158 Section 3. The Department of Management Services may adopt  
159 emergency rules to modify the eligibility requirements of  
160 persons paid from other-personal-services (OPS) funds, which are  
161 limited to compliance with the coverage requirements of the  
162 Patient Protection and Affordable Care Act, Pub. L. No. 111-148,  
163 as amended by the Health Care and Education Reconciliation Act  
164 of 2010, Pub. L. No. 111-152, and any regulations adopted  
165 pursuant to those acts which are in effect on July 1, 2013.  
166 Emergency rules adopted under this provision shall be limited to  
167 mitigating the state's exposure to potential liability under the  
168 penalty provisions of those acts for failing to comply with such  
169 coverage requirements. Any emergency rules adopted pursuant to  
170 this section must expire by June 30, 2014.

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