

HB 5013

2013

1 A bill to be entitled
2 An act relating to health benefits for other-personal-
3 services employees; amending s. 110.123, F.S.;
4 revising and providing definitions; providing that the
5 state group insurance program may develop a separate
6 benefit plan for full-time other-personal-services
7 employees; providing that full-time other-personal-
8 services employees may participate in the state group
9 insurance program; authorizing the Department of
10 Management Services to adopt rules for certain
11 purposes; requiring the department to contract for a
12 health benefit plan for full-time other-personal-
13 services employees; providing contract requirements;
14 amending s. 110.131, F.S.; authorizing full-time
15 other-personal-services employees to participate in
16 the state group insurance program; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraphs (c) through (n) of subsection (2) of
22 section 110.123, Florida Statutes, are redesignated as
23 paragraphs (d) through (o), respectively, present paragraphs (c)
24 and (f) of subsection (2) and paragraphs (f) and (g) of
25 subsection (3) are amended, a new paragraph (c) is added to
26 subsection (2), paragraph (k) is added to subsection (3), and
27 subsection (13) is added to that section, to read:

28 110.123 State group insurance program.—

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

30 (c) "Full-time other-personal-services employees" means
31 employees of all branches and agencies of state government and
32 state universities that are classified as other-personal-
33 services employees and are also "full-time" as defined in the
34 Patient Protection and Affordable Care Act, Pub. L. No. 111-148,
35 124 Stat. 119, as amended by the Health Care and Education
36 Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029,
37 and any regulations adopted pursuant to those federal acts.

38 (d)(e) "Full-time state employees" includes all full-time
39 employees of all branches or agencies of state government
40 holding salaried positions and paid by state warrant or from
41 agency funds, and employees paid from regular salary
42 appropriations for 8 months' employment, including university
43 personnel on academic contracts. Except as provided in paragraph
44 (c), but in no case shall "state employee" or "salaried
45 position" does not include persons paid from other-personal-
46 services (OPS) funds. "Full-time employees" includes all full-
47 time employees of the state universities.

48 (g)(f) "Part-time state employee" means any employee of
49 any branch or agency of state government paid by state warrant
50 from salary appropriations or from agency funds, and who is
51 employed for less than the normal full-time workweek established
52 by the department or, if on academic contract or seasonal or
53 other type of employment which is less than year-round, is
54 employed for less than 8 months during any 12-month period, but
55 in no case shall "part-time" employee include a person paid from
56 other-personal-services (OPS) funds. "Part-time state employee"

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57 | includes any part-time employee of the state universities. Full-
58 | time other-personal-services employees are not part-time state
59 | employees.

60 | (3) STATE GROUP INSURANCE PROGRAM.—

61 | (f) Except as provided for in subparagraph (h)2., the
62 | state contribution toward the cost of any plan in the state
63 | group insurance program shall be uniform with respect to all
64 | state employees in a state collective bargaining unit
65 | participating in the same coverage tier in the same plan. This
66 | section does not prohibit the development of separate benefit
67 | plans for officers and employees exempt from the career service,
68 | ~~or~~ the development of separate benefit plans for each collective
69 | bargaining unit, or the development of a separate benefit plan
70 | for full-time other-personal-services employees.

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

83 | (k) The department may adopt rules to implement provisions
84 | of general law regarding the classification of other-personal-

85 services employees as full-time as defined in the Patient
 86 Protection and Affordable Care Act, Pub. L. No. 111-148, 124
 87 Stat. 119, as amended by the Health Care and Education
 88 Reconciliation Act of 2010, Pub. L. 111-152, 124 Stat. 1029, and
 89 regulations adopted pursuant to those federal acts.

90 (13) FULL-TIME OTHER-PERSONAL-SERVICES EMPLOYEES.—

91 (a) For the 2014 plan year and subsequent plan years, the
 92 department shall contract for a health benefit plan or contract
 93 with a third party administrator to self-insure for full-time
 94 other-personal-services employees. For the purposes of this
 95 subsection, "plan year" means a calendar year.

96 (b) The contract is limited to health benefit plans that
 97 offer minimum essential coverage and are affordable as defined
 98 in the Patient Protection and Affordable Care Act, Pub. L. No.
 99 111-148, 124 Stat. 119, as amended by the Health Care and
 100 Education Reconciliation Act of 2010, Pub. L. 111-152, 124 Stat.
 101 1029, and regulations adopted pursuant to those federal acts.

102 Section 2. Subsection (3) of section 110.131, Florida
 103 Statutes, is amended to read:

104 110.131 Other-personal-services employment.—

105 (3)(a) Unless specifically provided by law, other-
 106 personal-services employees are not eligible for any form of
 107 paid leave, paid holidays, a paid personal day, participation in
 108 state group insurance or retirement benefits, or any other state
 109 employee benefit. Other-personal-services employees may be
 110 included in that part of an agency's recognition and reward
 111 program that recognizes and rewards employees who submit
 112 innovative ideas that increase productivity, eliminate or reduce

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113 | state expenditures, improve operations, or generate additional
114 | revenue or who meet or exceed the agency's established criteria
115 | for a project or goal.

116 | (b) Full-time other-personal-services employees, as
117 | defined in s. 110.123(2), may participate in the state group
118 | insurance program.

119 | Section 3. This act shall take effect July 1, 2013.