



26 a state contribution, which result in an increase in  
 27 the state premium; ratifying specified rules of the  
 28 Florida Administrative Code relating to health  
 29 maintenance organization plan regions; providing  
 30 construction; providing effective dates.

31

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

33

34 Section 1. Paragraph (b) and paragraphs (c) through (p) of  
 35 subsection (2) of section 110.123, Florida Statutes, are  
 36 redesignated as paragraph (c) and paragraphs (e) through (r),  
 37 respectively, present paragraphs (b), (k), (m), and (o) of  
 38 subsection (2), paragraphs (d), (g), and (j) of subsection (3),  
 39 paragraph (e) of subsection (4), and paragraphs (c) and (d) of  
 40 subsection (13) are amended, and new paragraphs (b) and (d) are  
 41 added to subsection (2) of that section, to read:

42 110.123 State group insurance program.—

43 (2) DEFINITIONS.—As used in ss. 110.123-110.1239, the  
 44 term:

45 (b) "Eligible former employee" means a former state  
 46 officer or employee who was enrolled in the state group  
 47 insurance program for at least 6 cumulative years with an  
 48 employer or employers participating in the state group insurance  
 49 program, and who was enrolled in the state group insurance  
 50 program at the time of his or her separation from employment and

51 whose separation from employment occurred on or after July 1,  
 52 2022.

53 ~~(c)-(b)~~ "Enrollee" means all state officers and employees,  
 54 retired state officers and employees, surviving spouses of  
 55 deceased state officers and employees, eligible former  
 56 employees, and terminated employees or individuals with  
 57 continuation coverage who are enrolled in an insurance plan  
 58 offered by the state group insurance program. The term  
 59 "enrollee" includes all state university officers and employees,  
 60 retired state university officers and employees, surviving  
 61 spouses of deceased state university officers and employees, and  
 62 terminated state university employees or individuals with  
 63 continuation coverage who are enrolled in an insurance plan  
 64 offered by the state group insurance program.

65 (d) "Enrollee cost-sharing liability" means the amount an  
 66 enrollee or beneficiary is responsible for paying for a covered  
 67 item or service under the terms of the state group insurance  
 68 program. The term "enrollee cost-sharing liability" includes  
 69 deductibles, coinsurance, and copayments, but does not include  
 70 premiums.

71 ~~(m)-(k)~~ "State group health insurance plan or plans" or  
 72 "state plan or plans" means the state self-insured health  
 73 insurance plan or plans offered to state officers and employees,  
 74 retired state officers and employees, eligible former employees,  
 75 and surviving spouses of deceased state officers, ~~and~~ employees,

76 | and eligible former employees under ~~pursuant to~~ this section.

77 |       ~~(o)-(m)~~ "State group insurance program" or "programs" means  
 78 | the package of insurance plans offered to state officers and  
 79 | employees, retired state officers and employees, eligible former  
 80 | employees, and surviving spouses of deceased state officers, ~~and~~  
 81 | employees, and eligible former employees under ~~pursuant to~~ this  
 82 | section, including the state group health insurance plan or  
 83 | plans, health maintenance organization plans, TRICARE  
 84 | supplemental insurance plans, and other plans required or  
 85 | authorized by law.

86 |       ~~(g)-(e)~~ "Surviving spouse" means the widow or widower of a  
 87 | deceased state officer, full-time state employee, part-time  
 88 | state employee, eligible former employee, or retiree if such  
 89 | widow or widower was covered as a dependent under the state  
 90 | group health insurance plan, TRICARE supplemental insurance  
 91 | plan, or a health maintenance organization plan established  
 92 | under ~~pursuant to~~ this section at the time of the death of the  
 93 | deceased officer, employee, eligible former employee, or  
 94 | retiree. The term "surviving spouse" also means any widow or  
 95 | widower who is receiving or eligible to receive a monthly state  
 96 | warrant from a state retirement system as the beneficiary of a  
 97 | state officer, full-time state employee, or retiree who died  
 98 | prior to July 1, 1979. For the purposes of this section, any  
 99 | such widow or widower shall cease to be a surviving spouse upon  
 100 | his or her remarriage.

101 (3) STATE GROUP INSURANCE PROGRAM.—

102 (d)1. Notwithstanding chapter 287 and the authority of the  
 103 department, for the purpose of protecting the health of, and  
 104 providing medical services to, state employees and eligible  
 105 former employees participating in the state group insurance  
 106 program, the department may contract to retain the services of  
 107 professional administrators for the state group insurance  
 108 program. The agency shall follow good purchasing practices of  
 109 state procurement to the extent practicable under the  
 110 circumstances.

111 2. Each vendor in a major procurement, and any other  
 112 vendor if the department deems it necessary to protect the  
 113 state's financial interests, shall, at the time of executing any  
 114 contract with the department, post an appropriate bond with the  
 115 department in an amount determined by the department to be  
 116 adequate to protect the state's interests but not higher than  
 117 the full amount estimated to be paid annually to the vendor  
 118 under the contract.

119 3. Each major contract entered into by the department  
 120 under ~~pursuant to~~ this section must ~~shall~~ contain a provision  
 121 for payment of liquidated damages to the department for material  
 122 noncompliance by a vendor with a contract provision. The  
 123 department may require a liquidated damages provision in any  
 124 contract if the department deems it necessary to protect the  
 125 state's financial interests.

126           4. Section 120.57(3) applies to the department's  
 127 contracting process, except:

128           a. A formal written protest of any decision, intended  
 129 decision, or other action subject to protest must ~~shall~~ be filed  
 130 within 72 hours after receipt of notice of the decision,  
 131 intended decision, or other action.

132           b. As an alternative to ~~any provision of~~ s. 120.57(3), the  
 133 department may proceed with the bid selection or contract award  
 134 process if the director of the department sets forth, in  
 135 writing, particular facts and circumstances that demonstrate the  
 136 necessity of continuing the procurement process or the contract  
 137 award process in order to avoid a substantial disruption to the  
 138 provision of any scheduled insurance services.

139           5. The department shall make arrangements as necessary to  
 140 contribute claims data of the state group health insurance plan  
 141 to the contracted vendor selected by the Agency for Health Care  
 142 Administration under ~~pursuant to~~ s. 408.05(3)(c).

143           6. Each contracted vendor for the state group health  
 144 insurance plan shall contribute Florida claims data to the  
 145 contracted vendor selected by the Agency for Health Care  
 146 Administration under ~~pursuant to~~ s. 408.05(3)(c).

147           (g) Participation by individuals in the program is  
 148 available to all state officers, full-time state employees, ~~and~~  
 149 part-time state employees, and eligible former employees and is  
 150 voluntary. Participation in the program is also available to

151 retired state officers and employees who elect at the time of  
152 retirement to continue coverage under the program, but may elect  
153 to continue all or only part of the coverage they had at the  
154 time of retirement. A surviving spouse may elect to continue  
155 coverage only under a state group health insurance plan, a  
156 TRICARE supplemental insurance plan, or a health maintenance  
157 organization plan.

158 ~~(j) For the 2020 plan year and each plan year thereafter,~~  
159 ~~health plans shall be offered in the following benefit levels:~~

160 ~~1. Platinum level, which shall have an actuarial value of~~  
161 ~~at least 90 percent.~~

162 ~~2. Gold level, which shall have an actuarial value of at~~  
163 ~~least 80 percent.~~

164 ~~3. Silver level, which shall have an actuarial value of at~~  
165 ~~least 70 percent.~~

166 ~~4. Bronze level, which shall have an actuarial value of at~~  
167 ~~least 60 percent.~~

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

170 (e) No state contribution for the cost of any part of the  
171 premium shall be made for retirees, ~~or~~ surviving spouses, or  
172 eligible former employees for any type of coverage under the  
173 state group insurance program. However, any state agency that  
174 employs a full-time law enforcement officer, correctional  
175 officer, or correctional probation officer who is killed or

176 suffers catastrophic injury in the line of duty as provided in  
177 s. 112.19, or a full-time firefighter who is killed or suffers  
178 catastrophic injury in the line of duty as provided in s.  
179 112.191, shall pay the entire premium of the state group health  
180 insurance plan selected for the employee's surviving spouse  
181 until remarried, and for each dependent child of the employee,  
182 subject to the conditions and limitations set forth in s. 112.19  
183 or s. 112.191, as applicable.

184 (13) OTHER-PERSONAL-SERVICES EMPLOYEES (OPS).—

185 (c) The initial measurement period used to determine  
186 whether an employee hired before April 1, 2013, and paid from  
187 OPS funds is a full-time employee described in subparagraph  
188 (2)(e)1. ~~subparagraph (2)(e)1.~~ is the 6-month period from April  
189 1, 2013, through September 30, 2013.

190 (d) All other measurement periods used to determine  
191 whether an employee paid from OPS funds is a full-time employee  
192 described in paragraph (2)(e) ~~paragraph (2)(e)~~ must be for 12  
193 consecutive months.

194 Section 2. Paragraph (a) of subsection (2) of section  
195 110.12303, Florida Statutes, is amended to read:

196 110.12303 State group insurance program; additional  
197 benefits; price transparency program; reporting.—

198 (2)(a) The department shall contract with at least one  
199 entity that provides comprehensive pricing and inclusive  
200 services for surgery and other medical procedures which may be



201 accessed at the option of the enrollee. The contract shall  
202 require ~~the entity to~~:

203 1. The entity to have procedures and evidence-based  
204 standards to ensure the inclusion of only high-quality health  
205 care providers.

206 2. The entity to provide assistance to the enrollee in  
207 accessing and coordinating care.

208 3. The entity to provide cost savings to the state group  
209 insurance program to be shared with both the state and the  
210 enrollee. Cost savings ~~payable~~ to an enrollee must, unless  
211 prohibited by first-dollar coverage rules under applicable tax  
212 law, include a waiver of enrollee cost-sharing liability for  
213 surgery and other medical procedures. Cost savings may  
214 additionally include amounts payable to an enrollee or  
215 beneficiary as follows may be:

216 a. Credited to the enrollee's flexible spending account;  
217 b. Credited to the enrollee's health savings account;  
218 c. Credited to the enrollee's health reimbursement  
219 account; or

220 d. Paid as additional health plan reimbursements ~~not~~  
221 ~~exceeding the amount of the enrollee's out-of-pocket medical~~  
222 ~~expenses.~~

223 4. The entity, in conjunction with the department, to  
224 provide an educational campaign for enrollees to learn about the  
225 services offered by the entity.

226 Section 3. Section 110.12306, Florida Statutes, is created  
227 to read:

228 110.12306 Anti-fraud investigative units.-

229 (1) As used in this section, the term "designated anti-  
230 fraud unit" means a distinct unit within the Division of State  
231 Group Insurance which is made up of employees whose principal  
232 responsibilities are the investigation and disposition of claims  
233 and who are also assigned to investigate fraud.

234 (2) By December 31, 2022, the division:

235 (a)1. Shall establish and maintain a designated anti-fraud  
236 unit to investigate and report possible fraudulent insurance  
237 acts by insureds, persons making claims for services against the  
238 State Employees Health Insurance Trust Fund, or vendors under  
239 contract with the division.

240 2. May contract with other entities to investigate and  
241 report possible fraudulent insurance acts by insureds, persons  
242 making claims for services against the State Employees Health  
243 Insurance Trust Fund, or vendors under contract with the  
244 division.

245 (b) Shall adopt an anti-fraud plan.

246 (c) Shall designate staff with the primary responsibility  
247 of implementing the requirements of this section.

248 Section 4. Section 110.12313, Florida Statutes, is created  
249 to read:

250 110.12313 Enrollment for eligible former employees.-An

251 eligible former employee may obtain health insurance coverage  
 252 under s. 110.123, and enroll in the state group insurance  
 253 program at any time within 24 months after his or her separation  
 254 from employment. The options provided to an eligible former  
 255 employee must be the same health insurance coverage and premium  
 256 payment conditions provided to covered retirees, except for life  
 257 insurance and flexible spending account plans.

258 Section 5. Subsection (3) of section 110.1239, Florida  
 259 Statutes, is amended to read:

260 110.1239 State group health insurance program funding.—It  
 261 is the intent of the Legislature that the state group health  
 262 insurance program be managed, administered, operated, and funded  
 263 in such a manner as to maximize the protection of state employee  
 264 health insurance benefits. Inherent in this intent is the  
 265 recognition that the health insurance liabilities attributable  
 266 to the benefits offered state employees should be fairly,  
 267 orderly, and equitably funded. Accordingly:

268 ~~(3) For purposes of funding, any additional appropriation~~  
 269 ~~amounts allocated to the state group health insurance program by~~  
 270 ~~the Legislature shall be considered as a state contribution and~~  
 271 ~~thus an increase in the state premiums.~~

272 Section 6. (1) The following rules are ratified for the  
 273 sole and exclusive purpose of satisfying any condition on  
 274 effectiveness imposed under s. 110.123(3)(h)2.d., Florida  
 275 Statutes: Rules 60P-1.003, 60P-2.002, and 60P-2.003, Florida

276 Administrative Code, titled "Definitions," "Eligibility and  
277 Enrollment," and "Changes in Coverage," respectively, as filed  
278 for adoption with the Department of State pursuant to the  
279 certification packages dated October 1, 2019, and November 4,  
280 2021.

281 (2) This act may not be codified in the Florida Statutes.  
282 After this act becomes law, its enactment and effective dates  
283 shall be noted in the Florida Administrative Code or the Florida  
284 Administrative Register, or both, as appropriate. This act does  
285 not alter rulemaking authority delegated by prior law; provided  
286 any amendment to a rule ratified pursuant to this act which  
287 would modify the designated geographical areas for use in  
288 procurements of Health Maintenance Organization services before  
289 January 1, 2024, would require ratification by the Legislature  
290 before taking effect. This act does not constitute legislative  
291 preemption of or exception to any provision of law governing  
292 adoption or enforcement of the rules cited, and is intended to  
293 preserve the status of any cited rule as a rule under chapter  
294 120, Florida Statutes. This act does not cure any rulemaking  
295 defect or preempt any challenge based on lack of authority or a  
296 violation of the legal requirements governing the adoption of  
297 any rule cited.

298 (3) This section shall take effect upon becoming a law.  
299 Section 7. Except as otherwise expressly provided in this  
300 act and except for this section, which shall take effect upon

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2022

301 | this act becoming a law, this act shall take effect July 1,  
302 | 2022.