

PCB APC 13-09

ORIGINAL

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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           amending the definition of "full-time state employee"  
 5           to include full-time other-personal-services  
 6           employees; creating a definition of "full-time other-  
 7           personal-services employee"; providing that the state  
 8           group insurance program may develop a separate benefit  
 9           plan for full-time other-personal-services employees;  
 10          providing that full-time other-personal-services  
 11          employees may participate in the state group insurance  
 12          program; providing that the Department of Management  
 13          Services may contract for a health benefit plan for  
 14          full-time other-personal-services employees; providing  
 15          conditions of the contract; amending s. 110.131, F.S.;  
 16          providing that full-time other-personal-services  
 17          employees may participate in the state group insurance  
 18          program; providing an effective date.

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

21  
 22           Section 1. Paragraphs (c) and (f) of subsection (2),  
 23           paragraphs (f) and (g) of subsection (3), and paragraph (a) of  
 24           subsection (4) of section 110.123, Florida Statutes, are amended  
 25           to read and paragraph (o) of subsection (2) and subsection (13)  
 26           of section 110.123, Florida Statutes, are created to read:

27           110.123 State group insurance program.—

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

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29 (c) "Full-time state employees" includes all full-time  
 30 employees of all branches or agencies of state government  
 31 holding salaried positions and paid by state warrant or from  
 32 agency funds, and employees paid from regular salary  
 33 appropriations for 8 months' employment, including university  
 34 personnel on academic contracts. Except as provided in (d), ~~but~~  
 35 ~~in no case shall~~ "state employee" or "salaried position" does  
 36 not include persons paid from other-personal-services (OPS)  
 37 funds. "Full-time employees" includes all full-time employees of  
 38 the state universities

39 (f) "Part-time state employee" means any employee of any  
 40 branch or agency of state government paid by state warrant from  
 41 salary appropriations or from agency funds, and who is employed  
 42 for less than the normal full-time workweek established by the  
 43 department or, if on academic contract or seasonal or other type  
 44 of employment which is less than year-round, is employed for  
 45 less than 8 months during any 12-month period, but in no case  
 46 shall "part-time" employee include a person paid from other-  
 47 personal-services (OPS) funds. "Part-time state employee"  
 48 includes any part-time employee of the state universities. Full-  
 49 time other-personal-services employees are not "part-time state  
 50 employees."

51 (o) "Full-time other-personal-services employee" means  
 52 employees of all branches and agencies of state government and  
 53 state universities that are classified as other-personal-service  
 54 employees and are also "full-time" as defined in the Patient  
 55 Protection and Affordable Care Act (Public Law No. 111-148, 124  
 56 Stat. 119), as amended by the Health Care and Education

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57 Reconciliation Act of 2010 (Public Law 111-152, 124 Stat. 1029),  
 58 and any regulations adopted pursuant to those Acts.

59 (3) STATE GROUP INSURANCE PROGRAM.—

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

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

82 (k) The department has authority to adopt rules to  
 83 implement provisions of law regarding the classification of  
 84 other personal services employees as "full-time" as defined in

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85 | the Patient Protection and Affordable Care Act (Public Law No.  
 86 | 111-148, 124 Stat. 119), as amended by the Health Care and  
 87 | Education Reconciliation Act of 2010 (Public Law 111-152, 124  
 88 | Stat. 1029), and any regulations adopted pursuant to those Acts.

89 | (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION  
 90 | ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

91 | (a) Except as provided in paragraph (e) with respect to  
 92 | law enforcement officers, correctional and correctional  
 93 | probation officers, and firefighters, legislative authorization  
 94 | through the appropriations act is required for payment by a  
 95 | state agency of any part of the premium cost of participation in  
 96 | any group insurance plan. However, the state contribution for  
 97 | full-time employees or part-time permanent employees shall  
 98 | continue in the respective proportions for up to 6 months for  
 99 | any such officer or employee who has been granted an approved  
 100 | parental or medical leave of absence without pay.

101 | (13) FULL-TIME OTHER-PERSONAL-SERVICES EMPLOYEES—

102 | (a) For the 2014 plan year and subsequent plan years, the  
 103 | department is directed to either contract for a health benefit  
 104 | plan or is directed to contract with a third party administrator  
 105 | and self insure for full-time other-personal-services employees.  
 106 | For the purposes of this subsection “plan year” means a calendar  
 107 | year.

108 | (b) The contract is limited to one or more health benefit  
 109 | plans that offer “minimum essential coverage” and is  
 110 | “affordable” as defined in the Patient Protection and Affordable  
 111 | Care Act (Public Law No. 111-148, 124 Stat. 119), as amended by  
 112 | the Health Care and Education Reconciliation Act of 2010 (Public

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113 Law 111-152, 124 Stat. 1029), and any regulations adopted  
 114 pursuant to those Acts.

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

117 110.131 Other-personal-services employment.—

118 (3) (a) Except as provided in (b) or ~~Unless~~ specifically  
 119 provided by law, other-personal-services employees are not  
 120 eligible for any form of paid leave, paid holidays, a paid  
 121 personal day, participation in state group insurance or  
 122 retirement benefits, or any other state employee benefit. Other-  
 123 personal-services employees may be included in that part of an  
 124 agency's recognition and reward program that recognizes and  
 125 rewards employees who submit innovative ideas that increase  
 126 productivity, eliminate or reduce state expenditures, improve  
 127 operations, or generate additional revenue or who meet or exceed  
 128 the agency's established criteria for a project or goal.

129 (b) Full-time other-personal-services employees as defined  
 130 in s. 110.123 (2) (o) may participate in the state group  
 131 insurance program.

132  
 133 Section 3. This act shall take effect July 1, 2013.