

PCB SPPACA 13-01

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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 premiums for full-time other-  
 13          personal-services employees may be paid from funds  
 14          appropriated in the other-personal-services  
 15          appropriation category; providing that the Department  
 16          of Management Services may contract for a health  
 17          benefit plans for full-time other-personal-services  
 18          employees; providing conditions of the contract;  
 19          amending s. 110.131, F.S.; providing that full-time  
 20          other-personal-services employees may participate in  
 21          the state group insurance program; providing for  
 22          premiums rates for health benefits for full-time  
 23          other-personal-services employees; providing an  
 24          effective date.

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

28          Section 1. Paragraphs (c) and (f) of subsection (2),

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29 paragraphs (f) and (g) of subsection (3), and paragraph (a) of  
 30 subsection (4) of section 110.123, Florida Statutes, are amended  
 31 to read and paragraph (o) of subsection (2) and subsection (13)  
 32 of section 110.123, Florida Statutes, are created to read:

33 110.123 State group insurance program.—

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

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

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

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57           (o) "Full-time other-personal-services employee" means  
 58 employees of all branches and agencies of state government and  
 59 state universities that are classified as other-personal-service  
 60 employees and are also "full-time" as defined in the Patient  
 61 Protection and Affordable Care Act (Public Law No. 111-148, 124  
 62 Stat. 119), as amended by the Health Care and Education  
 63 Reconciliation Act of 2010 (Public Law 111-152, 124 Stat. 1029),  
 64 and any regulations adopted pursuant to those Acts.

65           (3) STATE GROUP INSURANCE PROGRAM.—

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

76           (g) Participation by individuals in the program is  
 77 available to all state officers, full-time state employees, ~~and~~  
 78 part-time state employees; and full-time other-personal-services  
 79 employees; and such participation in the program or any plan is  
 80 voluntary. Participation in the program is also available to  
 81 retired state officers and employees, as defined in paragraph  
 82 (2)(g), who elect at the time of retirement to continue coverage  
 83 under the program, but they may elect to continue all or only  
 84 part of the coverage they had at the time of retirement. A

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85 surviving spouse may elect to continue coverage only under a  
 86 state group health insurance plan, a TRICARE supplemental  
 87 insurance plan, or a health maintenance organization plan.

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

90 (a) Except as provided in paragraph (e) with respect to  
 91 law enforcement officers, correctional and correctional  
 92 probation officers, and firefighters, legislative authorization  
 93 through the appropriations act is required for payment by a  
 94 state agency of any part of the premium cost of participation in  
 95 any group insurance plan. Payment by a state agency of any part  
 96 of the premium cost of participation in any group insurance plan  
 97 by other-personal-services employees may be made from funds  
 98 appropriated to the agency in the other-personal-services  
 99 appropriation category or the salary and benefits category.

100 However, the state contribution for full-time employees or part-  
 101 time permanent employees shall continue in the respective  
 102 proportions for up to 6 months for any such officer or employee  
 103 who has been granted an approved parental or medical leave of  
 104 absence without pay.

105 (13) FULL-TIME OTHER-PERSONAL-SERVICES EMPLOYEES—

106 (a) For the 2014 plan year and subsequent plan years, the  
 107 department is authorized to contract for health benefit plans  
 108 for full-time other-personal-services employees. For the  
 109 purposes of this subsection "plan year" means a calendar year.

110 (b) The contract must include one or more health benefit  
 111 plans that offers "minimum essential coverage" and is  
 112 "affordable" as defined in the Patient Protection and Affordable

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113 Care Act (Public Law No. 111-148, 124 Stat. 119), as amended by  
 114 the Health Care and Education Reconciliation Act of 2010 (Public  
 115 Law 111-152, 124 Stat. 1029), and any regulations adopted  
 116 pursuant to those Acts.

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

119 110.131 Other-personal-services employment.—

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

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

134 Section 3. For the coverage period January 1, 2014 through  
 135 June 30, 2014, the employee's share of the health insurance  
 136 premiums for health benefits described in s. 110.123(13) shall  
 137 be \$96 for individual coverage and \$136.74 per month for family  
 138 coverage for employees filling positions within the full-time  
 139 other-personal-services category defined s. 110.123(2) (o). The  
 140 employer shall pay the balance of the premium.

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Section 4. This act shall take effect July 1, 2013.