

Bill No. CS for SB 1250

Amendment No. 2 Barcode 285528

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 1250 recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.--The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees' prescription drug program copayments must be made as follows:

~~(a) Effective January 1, 2001, through December 31, 2003:~~

~~1. For generic drug with card.....\$7.~~

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- 1 2. ~~For preferred brand name drug with card.....\$20.~~
- 2 3. ~~For nonpreferred brand name drug with card.....\$35.~~
- 3 4. ~~For generic mail order drug.....\$10.50.~~
- 4 5. ~~For preferred brand name mail order drug.....\$30.~~
- 5 6. ~~For nonpreferred brand name drug.....\$52.50.~~

6 (a)(b) Effective January 1, 2004:

- 7 1. For generic drug with card.....\$10.
- 8 2. For preferred brand name drug with card.....\$25.
- 9 3. For nonpreferred brand name drug with card.....\$40.
- 10 4. For generic mail order drug.....\$20.
- 11 5. For preferred brand name mail order drug.....\$50.
- 12 6. For nonpreferred brand name drug.....\$80.

13 (b)(c) The Department of Management Services shall
14 create a preferred brand name drug list to be used in the
15 administration of the state employees' prescription drug
16 program.

17
18 ~~This subsection expires July 1, 2004.~~

19 Section 2. Section 110.1239, Florida Statutes, is
20 amended to read:

21 110.1239 State group health insurance program
22 funding.--~~For the 2003-2004 fiscal year only,~~ It is the intent
23 of the Legislature that the state group health insurance
24 program be managed, administered, operated, and funded in such
25 a manner as to maximize the protection of state employee
26 health insurance benefits. Inherent in this intent is the
27 recognition that the health insurance liabilities attributable
28 to the benefits offered state employees should be fairly,
29 orderly, and equitably funded. Accordingly:

- 30 (1) The division shall determine the level of premiums
31 necessary to fully fund the state group health insurance

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1 program for the next fiscal year. Such determination shall be
2 made after each Self-Insurance Estimating Conference as
3 provided in s. 216.136(11), but not later than December 1 and
4 April 1 of each fiscal year.

5 (2) The Governor, in the Governor's recommended
6 budget, shall provide premium rates necessary for full funding
7 of the state group health insurance program, and the
8 Legislature shall provide in the General Appropriations Act
9 for a premium level necessary for full funding of the state
10 group health insurance program.

11 (3) For purposes of funding, any additional
12 appropriation amounts allocated to the state group health
13 insurance program by the Legislature shall be considered as a
14 state contribution and thus an increase in the state premiums.

15 ~~(4) This section expires July 1, 2004.~~

16 Section 3. Subsection (3) of section 624.437, Florida
17 Statutes, is amended to read:

18 624.437 "Multiple-employer welfare arrangement"
19 defined; certificate of authority required; penalty.--

20 (3) This section does not apply to a multiple-employer
21 welfare arrangement which offers or provides benefits which
22 are fully insured by an authorized insurer, ~~or~~ to an
23 arrangement which is exempt from state insurance regulation in
24 accordance with Pub. L. No. 93-406, the Employee Retirement
25 Income Security Act, or to the state group health insurance
26 program administered pursuant to s. 110.123.

27 Section 4. All personnel moving from county government
28 to a position in the state courts system, an office of the
29 state attorney, or an office of the public defender, as a part
30 of the implementation of Revision No. 7 to Article 5 of the
31 State Constitution, and their covered dependents, who were

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1 continuously enrolled for at least 12 months in a
2 county-sponsored group health insurance program on June 30,
3 2004, shall be deemed to have met the preexisting conditions
4 requirements under the State Group Health Insurance Program.

5 Section 5. All personnel moving from county government
6 to a position in an office of the state attorney or an office
7 of the public defender as a part of the implementation of
8 Revision No. 7 to Article 5 of the State Constitution shall be
9 allowed to transfer up to 80 hours of unused annual leave and
10 up to 320 hours of unused sick leave.

11 Section 6. Subsections (2) and (3) of section 110.161,
12 Florida Statutes, are amended to read:

13 110.161 State employees; pretax benefits program.--

14 (2) As used in this section, "employee" means any
15 individual filling an authorized and established position in
16 the executive, legislative, or judicial branch of the state,
17 including the employees of the State Board of Administration,
18 and the state universities, and other entities of state
19 government holding salaried positions and being paid by state
20 warrant or from agency funds.

21 (7) The Legislature recognizes that a substantial
22 amount of the employer savings realized by the implementation
23 of a pretax benefits program will be the result of diminutions
24 in the state's employer contribution to the Federal Insurance
25 Contributions Act tax. There is hereby created the Pretax
26 Benefits Trust Fund in the Department of Management Services.
27 Each agency in the executive, legislative, or judicial branch
28 of the state, including the State Board of Administration,
29 state universities, and other entities of state government
30 whose employees hold salaried positions and are paid by state
31 warrant or from agency funds, shall transfer to the Pretax

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1 Benefits Trust Fund the full and complete employer FICA
2 contributions saved in connection with each weekly, biweekly,
3 semimonthly, or monthly payroll ~~by the state~~ as a result of
4 the implementation of the pretax benefits program authorized
5 pursuant to this section. Such savings shall be transferred to
6 the Pretax Benefits Trust Fund upon transacting each payroll,
7 but not later than a subsequent payroll. Any moneys forfeited
8 pursuant to employees' salary reduction agreements to
9 participate in the program must also be deposited in the
10 Pretax Benefits Trust Fund. Moneys in the Pretax Benefits
11 Trust Fund shall be used for the pretax benefits program,
12 including its administration by the Department of Management
13 Services or a third-party administrator.

14 Section 7. Subsection (8) of section 110.123, Florida
15 Statutes, is amended to read:

16 110.123 State group insurance program.--

17 (8) COVERAGE FOR LEGISLATIVE MEMBERS AND EMPLOYEES.--

18 (a) The Legislature may provide coverage for its
19 members and employees under all or any part of the state group
20 insurance program; may provide coverage for its members and
21 employees under a legislative group insurance program in lieu
22 of all or any part of the state group insurance program; and,
23 notwithstanding the provisions of paragraph (4)(c), may assume
24 the cost of any group insurance coverage provided to its
25 members and employees.

26 (b) ~~Effective July 1, 1999,~~ Any legislative member who
27 terminates his or her elected service after January ~~July~~ 1,
28 1999, after having vested in the state retirement system, may
29 purchase coverage in a state group health insurance plan at
30 the same premium cost as that for retirees and surviving
31 spouses. Such legislators may also elect ~~to continue~~ coverage

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1 under the group term life insurance program prevailing for
2 current members at the premium cost in effect for that plan.

3 Section 8. Paragraph (k) is added to subsection (1) of
4 section 121.081, Florida Statutes, to read:

5 121.081 Past service; prior service;
6 contributions.--Conditions under which past service or prior
7 service may be claimed and credited are:

8 (1)

9 (k) Employees of the Fourth Judicial Circuit who were
10 in an employee-employer relationship with the City of
11 Jacksonville on June 30, 2004, and who became employees of the
12 State Courts System on July 1, 2004, as a result of
13 implementation of Revision 7 to Article V of the State
14 Constitution shall be deemed to be included in past service as
15 defined in s. 121.021(18), for the purposes of the Florida
16 Retirement System, any other provisions of law
17 notwithstanding. If credit for such service has not been
18 granted under any other retirement system, any member of the
19 Florida Retirement System therein shall be entitled to receive
20 past-service credit for his or her period of employment with
21 the City of Jacksonville prior to July 1, 2004, in the manner
22 provided in this subsection. However, in no event will
23 eligibility for past service be established unless required
24 contributions are paid into the Florida Retirement System for
25 such period of past service, and such contributions may be
26 paid by the member or prior employer on behalf of the member.

27 Section 9. (1) Collective bargaining issues at
28 impasse between the State of Florida and the International
29 Union of Police Associations for Law Enforcement Bargaining
30 Unit employees shall be resolved as follows:

31 (a) All collective bargaining issues at impasse

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1 regarding Article 16 "Employment Outside State Government"
2 shall be resolved pursuant to the state's last offer.

3 (b) All collective bargaining issues at impasse
4 regarding Article 22 "Job-connected Disability" and Article 24
5 "On-call assignment - Call back - Court Appearance" shall be
6 resolved by maintaining the status quo under the language of
7 the current collective bargaining agreement.

8 (c) All collective bargaining issues at impasse
9 regarding Article 18 "Hours of Work, Leave, Job-connected
10 Disability" shall be resolved pursuant to the state's last
11 offer, except that the issues at impasse relating to "Section
12 3-Work Schedule" for employees of the Fish and Wildlife
13 Conservation Commission shall be resolved pursuant to the
14 Settlement Agreement transmitted on March 2, 2004, by the
15 commission to the bargaining unit representatives.

16 (2) All mandatory collective bargaining issues at
17 impasse between the State of Florida and the Federation of
18 Physicians and Dentists for Selected Exempt Service Physicians
19 Unit employees shall be resolved by maintaining the status quo
20 under the language of the current collective bargaining
21 agreement.

22 (3) Collective bargaining issues at impasse between
23 the State of Florida and the Police Benevolent Association for
24 the Special Agents Bargaining Unit employees regarding Article
25 16 "Employment Outside State Government" and Article 17
26 "Department Vehicles" shall be resolved by maintaining the
27 status quo under the language of the current collective
28 bargaining agreement.

29 (4) Collective bargaining issues at impasse between
30 the State of Florida and the Florida Police Benevolent
31 Association for Security Services Bargaining Unit employees

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1 regarding Article 7 "Discipline and Discharge" and Article 28
2 "Travel Expenses" shall be resolved by maintaining the status
3 quo under the language of the current collective bargaining
4 agreement.

5 (5) Collective bargaining issues at impasse between
6 the State of Florida and AFSCME, Council 79, Master Contract
7 Units, for career service employees regarding Article 1
8 "Recognition," Article 6 "Grievance Procedure," Article 7
9 "Discipline and Discharge," Article 8 "Workforce Reduction and
10 Privatization," Article 9 "Reassignment, Transfer, Change in
11 Duty Station," Article 10 "Promotion," Article 12 "Personnel
12 Records," Article 14 "Performance Review," Article 17
13 "Seniority," Article 18 "Leaves of Absence, Hours of Work, and
14 Disability," Article 22 "Disability Leave," Article 23 "Hours
15 of Work/Overtime," and Article 26 "Quality of Service through
16 Partnership" shall be resolved pursuant to the state's last
17 offer.

18 (6) Collective bargaining issues at impasse between
19 the State of Florida and the Florida State Fire Service
20 Association regarding Article 16 "Retirement," Article 23
21 "Hours of Work and Overtime," and Article 24 "On-call
22 Assignment, Call-Back, and Residency" shall be resolved by
23 maintaining the status quo under the language of the current
24 collective bargaining agreement.

25 (7) Collective bargaining issues at impasse between
26 the State of Florida and the Federation of Physicians and
27 Dentists for Selected Exempt Service Supervisory
28 Nonprofessional Unit employees shall be resolved as follows:

29 (a) All collective bargaining issues at impasse
30 regarding Article 7 "Employee Standards of Conduct" and
31 Article 11 "Classification and Pay Plan" shall be resolved by

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1 maintaining the status quo under the language of the current
2 collective bargaining agreement.

3 (b) All collective bargaining issues at impasse
4 regarding Article 18 "Hours of Work/Overtime & Leaves of
5 Absence" shall be resolved pursuant to the state's last offer.

6 (8) All other mandatory collective bargaining issues
7 at impasse for the 2004-2005 fiscal year which are not
8 addressed by this act or the General Appropriations Act for
9 the 2004-2005 fiscal year shall be resolved consistent with
10 the personnel rules in effect on April 20, 2004, and by
11 otherwise maintaining the status quo under the language of the
12 current collective bargaining agreements.

13 Section 10. This act shall take effect upon becoming a
14 law.

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete everything before the enacting clause

21 and insert:

22 A bill to be entitled
23 An act relating to employee benefits; amending
24 s. 110.12315, F.S., relating to the state
25 employees' prescription drug program; deleting
26 obsolete provisions; removing an expiration
27 date applicable to copayment amounts; amending
28 s. 110.1239, F.S.; removing an expiration date
29 applicable to provisions governing procedures
30 for determining the level of premiums necessary
31 to fund the state group health insurance

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1 program; amending s. 624.437, F.S.; clarifying
2 that a provision requiring certain insurers to
3 obtain a certificate of authority does not
4 apply to the state group health insurance
5 program; providing for certain personnel moving
6 from county government to a position in the
7 state courts system, an office of the state
8 attorney, or an office of the public defender,
9 and their covered dependents, to qualify for
10 the state group health insurance program;
11 authorizing state attorneys and public
12 defenders to transfer a specified amount of
13 unused annual leave and unused sick leave;
14 amending s. 110.161, F.S.; including certain
15 additional salaried employees of state
16 government within the definition of "employee"
17 for purposes of the pretax benefits program;
18 providing for the transfer of certain savings
19 from the employer FICA contributions into the
20 Pretax Benefits Trust Fund; amending s.
21 110.123, F.S., relating to the state group
22 insurance program; revising the application of
23 coverage for legislative members and employees;
24 amending s. 121.081, F.S.; providing for the
25 past service of certain specified employees who
26 became employees of the State Courts System as
27 a result of the revision of Art. V of the State
28 Constitution to be included service for
29 purposes of the Florida Retirement System;
30 providing for the resolution of certain
31 collective bargaining issues at impasse between

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1 the State of Florida and the specified employee
2 bargaining units; providing for the resolution
3 of mandatory collective bargaining issues at
4 impasse for the 2004-2005 fiscal year which are
5 not addressed by the act or the General
6 Appropriations Act; providing an effective
7 date.

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