

1 A bill to be entitled
2 An act relating to the state group insurance program;
3 amending s. 110.123, F.S.; providing and revising
4 definitions; authorizing eligible former employees to
5 participate in the state group insurance program;
6 removing certain benefit levels for certain health
7 plans; conforming provisions to changes made by the
8 act; conforming cross-references; creating s.
9 110.12306, F.S.; defining the term "designated anti-
10 fraud unit"; requiring the Division of State Group
11 Insurance to establish and maintain, or contract with
12 other entities to establish and maintain, a designated
13 anti-fraud unit for certain purposes, to adopt an
14 anti-fraud plan, and to designate staff with certain
15 responsibilities by a specified date; creating s.
16 110.12313, F.S.; requiring the Department of
17 Management Services to provide an open enrollment
18 period for eligible former employees for a certain
19 plan year for certain purposes; providing requirements
20 for certain health insurance coverage options;
21 requiring that eligible former employees enroll in the
22 state group insurance program within a specified time;
23 ratifying specified rules of the Florida
24 Administrative Code; providing construction; providing
25 effective dates.

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

Section 1. Paragraphs (b) through (p) of subsection (2) of section 110.123, Florida Statutes, are redesignated as paragraphs (c) through (q), respectively, present paragraphs (b), (k), (m), and (o) of subsection (2), paragraphs (d), (g), and (j) of subsection (3), paragraph (e) of subsection (4), and paragraphs (c) and (d) of subsection (13) are amended, and a new paragraph (b) is added to subsection (2) of that section, to read:

110.123 State group insurance program.—

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

(b) "Eligible former employee" means a former full-time state employee who worked at least 6 cumulative years with a branch or agency of state government, was enrolled in the state group insurance program at the time of his or her separation from employment, and whose separation from employment occurred on or after July 1, 2022. The term "eligible former employee" does not include seasonal workers who were paid from OPS funds during their employment, state university employees, or other benefits-only employees.

(c)~~(b)~~ "Enrollee" means all state officers and employees, retired state officers and employees, surviving spouses of

51 | deceased state officers and employees, eligible former
 52 | employees, and terminated employees or individuals with
 53 | continuation coverage who are enrolled in an insurance plan
 54 | offered by the state group insurance program. The term
 55 | "enrollee" includes all state university officers and employees,
 56 | retired state university officers and employees, surviving
 57 | spouses of deceased state university officers and employees, and
 58 | terminated state university employees or individuals with
 59 | continuation coverage who are enrolled in an insurance plan
 60 | offered by the state group insurance program.

61 | (l)-(k) "State group health insurance plan or plans" or
 62 | "state plan or plans" means the state self-insured health
 63 | insurance plan or plans offered to state officers and employees,
 64 | retired state officers and employees, eligible former employees,
 65 | and surviving spouses of deceased state officers, and employees,
 66 | and eligible former employees under ~~pursuant to~~ this section.

67 | (n)-(m) "State group insurance program" or "programs" means
 68 | the package of insurance plans offered to state officers and
 69 | employees, retired state officers and employees, eligible former
 70 | employees, and surviving spouses of deceased state officers, and
 71 | employees, and eligible former employees under ~~pursuant to~~ this
 72 | section, including the state group health insurance plan or
 73 | plans, health maintenance organization plans, TRICARE
 74 | supplemental insurance plans, and other plans required or
 75 | authorized by law.

76 ~~(p)-(e)~~ "Surviving spouse" means the widow or widower of a
 77 deceased state officer, full-time state employee, part-time
 78 state employee, eligible former employee, or retiree if such
 79 widow or widower was covered as a dependent under the state
 80 group health insurance plan, TRICARE supplemental insurance
 81 plan, or a health maintenance organization plan established
 82 under ~~pursuant to~~ this section at the time of the death of the
 83 deceased officer, employee, eligible former employee, or
 84 retiree. The term "surviving spouse" also means any widow or
 85 widower who is receiving or eligible to receive a monthly state
 86 warrant from a state retirement system as the beneficiary of a
 87 state officer, full-time state employee, or retiree who died
 88 prior to July 1, 1979. For the purposes of this section, any
 89 such widow or widower shall cease to be a surviving spouse upon
 90 his or her remarriage.

91 (3) STATE GROUP INSURANCE PROGRAM.—

92 (d)1. Notwithstanding chapter 287 and the authority of the
 93 department, for the purpose of protecting the health of, and
 94 providing medical services to, state employees and eligible
 95 former employees participating in the state group insurance
 96 program, the department may contract to retain the services of
 97 professional administrators for the state group insurance
 98 program. The agency shall follow good purchasing practices of
 99 state procurement to the extent practicable under the
 100 circumstances.

101 2. Each vendor in a major procurement, and any other
 102 vendor if the department deems it necessary to protect the
 103 state's financial interests, shall, at the time of executing any
 104 contract with the department, post an appropriate bond with the
 105 department in an amount determined by the department to be
 106 adequate to protect the state's interests but not higher than
 107 the full amount estimated to be paid annually to the vendor
 108 under the contract.

109 3. Each major contract entered into by the department
 110 under ~~pursuant to~~ this section must ~~shall~~ contain a provision
 111 for payment of liquidated damages to the department for material
 112 noncompliance by a vendor with a contract provision. The
 113 department may require a liquidated damages provision in any
 114 contract if the department deems it necessary to protect the
 115 state's financial interests.

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

118 a. A formal written protest of any decision, intended
 119 decision, or other action subject to protest must ~~shall~~ be filed
 120 within 72 hours after receipt of notice of the decision,
 121 intended decision, or other action.

122 b. As an alternative to ~~any provision of~~ s. 120.57(3), the
 123 department may proceed with the bid selection or contract award
 124 process if the director of the department sets forth, in
 125 writing, particular facts and circumstances that demonstrate the

126 necessity of continuing the procurement process or the contract
 127 award process in order to avoid a substantial disruption to the
 128 provision of any scheduled insurance services.

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

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

137 (g) Participation by individuals in the program is
 138 available to all state officers, full-time state employees, ~~and~~
 139 part-time state employees, and eligible former employees and is
 140 voluntary. Participation in the program is also available to
 141 retired state officers and employees who elect at the time of
 142 retirement to continue coverage under the program, but may elect
 143 to continue all or only part of the coverage they had at the
 144 time of retirement. A surviving spouse may elect to continue
 145 coverage only under a state group health insurance plan, a
 146 TRICARE supplemental insurance plan, or a health maintenance
 147 organization plan.

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

150 ~~1. Platinum level, which shall have an actuarial value of~~

151 | ~~at least 90 percent.~~

152 | ~~2. Gold level, which shall have an actuarial value of at~~
 153 | ~~least 80 percent.~~

154 | ~~3. Silver level, which shall have an actuarial value of at~~
 155 | ~~least 70 percent.~~

156 | ~~4. Bronze level, which shall have an actuarial value of at~~
 157 | ~~least 60 percent.~~

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

160 | (e) A ~~No~~ state contribution for the cost of any part of
 161 | the premium may not ~~shall~~ be made for retirees, ~~or~~ surviving
 162 | spouses, or eligible former employees for any type of coverage
 163 | under the state group insurance program. However, any state
 164 | agency that employs a full-time law enforcement officer,
 165 | correctional officer, or correctional probation officer who is
 166 | killed or suffers catastrophic injury in the line of duty as
 167 | provided in s. 112.19, or a full-time firefighter who is killed
 168 | or suffers catastrophic injury in the line of duty as provided
 169 | in s. 112.191, shall pay the entire premium of the state group
 170 | health insurance plan selected for the employee's surviving
 171 | spouse until remarried, and for each dependent child of the
 172 | employee, subject to the conditions and limitations set forth in
 173 | s. 112.19 or s. 112.191, as applicable.

174 | (13) OTHER-PERSONAL-SERVICES EMPLOYEES (OPS).—

175 | (c) The initial measurement period used to determine

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176 whether an employee hired before April 1, 2013, and paid from
177 OPS funds is a full-time employee described in subparagraph
178 (2)(d)1. ~~subparagraph (2)(e)1.~~ is the 6-month period from April
179 1, 2013, through September 30, 2013.

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

184 Section 2. Section 110.12306, Florida Statutes, is created
185 to read:

186 110.12306 Anti-fraud investigative units.-

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

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

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

198 2. May contract with other entities to investigate and
199 report possible fraudulent insurance acts by insureds, persons
200 making claims for services against the State Employees Health

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201 Insurance Trust Fund, or vendors under contract with the
202 division.

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

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

206 Section 3. Section 110.12313, Florida Statutes, is created
207 to read:

208 110.12313 Open enrollment period for eligible former
209 employees.—On or after October 1, 2022, for the plan year
210 beginning January 1, 2023, the Department of Management Services
211 shall provide an open enrollment period for eligible former
212 employees who want to obtain health insurance coverage under s.
213 110.123. The options offered during the open enrollment period
214 must provide the same health insurance coverage as the coverage
215 provided to active employees and under the same premium payment
216 conditions in effect for early retirees. The department shall
217 continue to provide an open enrollment period for eligible
218 former employees for each successive plan year. An eligible
219 former employee who wishes to obtain health insurance coverage
220 under s. 110.123 must enroll in the state group insurance
221 program within 24 months after his or her date of separation
222 from employment.

223 Section 4. (1) The following rules, as filed for adoption
224 with the Department of State pursuant to the certification
225 packages dated October 1, 2019, and November 3, 2021, are

226 ratified for the sole and exclusive purpose of satisfying any
 227 condition on their effectiveness imposed under s.
 228 110.123(3)(h)2.d., Florida Statutes:

229 (a) Rule 60P-1.003, Florida Administrative Code, entitled
 230 Definitions.

231 (b) Rule 60P-2.002, Florida Administrative Code, entitled
 232 Eligibility and Enrollment.

233 (c) Rule 60P-2.003, Florida Administrative Code, entitled
 234 Changes in Coverage.

235 (2) This section serves no other purpose and may not be
 236 codified in the Florida Statutes. The enactment and effective
 237 dates of this act shall be noted in the Florida Administrative
 238 Code, the Florida Administrative Register, or both, as
 239 appropriate after the act becomes law. This section does not
 240 alter rulemaking authority delegated by prior law, does not
 241 constitute legislative preemption of or exception to any law
 242 governing adoption or enforcement of the rule cited, and is
 243 intended to preserve the status of any cited rule as a rule
 244 under chapter 120, Florida Statutes. This section does not cure
 245 any rulemaking defect or preempt any challenge based on lack of
 246 authority or a violation of the legal requirements governing the
 247 adoption of any rule cited.

248 (3) This section shall take effect upon becoming a law.
 249 Section 5. Except as otherwise expressly provided in this
 250 act and except for this section, which shall take effect upon

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251 | this act becoming a law, this act shall take effect July 1,
252 | 2022.