

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

1
 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; amending s.
 9 110.12303, F.S.; requiring cost savings to an enrollee
 10 to include a specified waiver, unless prohibited under
 11 certain tax laws; revising what may be included in
 12 cost savings; creating s. 110.12306, F.S.; defining
 13 the term "designated anti-fraud unit"; requiring the
 14 Division of State Group Insurance to establish and
 15 maintain, or contract with other entities to establish
 16 and maintain, a designated anti-fraud unit for certain
 17 purposes, to adopt an anti-fraud plan, and to
 18 designate staff with certain responsibilities by a
 19 specified date; creating s. 110.12313, F.S.;
 20 specifying that eligible former employees may obtain
 21 certain health insurance coverage within a specified
 22 time after their separation from employment; providing
 23 requirements for certain health insurance coverage
 24 options; amending s. 110.1239, F.S.; removing language
 25 that certain additional appropriations are considered

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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,

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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.

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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.

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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.

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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

ENROLLED

HB 5009, Engrossed 1

2022 Legislature

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