

Committee Substitute for Senate Bill No. 424

An act relating to employee benefits; providing for resolving various collective bargaining issues that are at impasse between the State of Florida and the respective employee unit; requiring the Department of Management Services to establish certain insurance plans within the state group insurance program; requiring that certain high deductible plans include a health savings account; providing for the benefit attributes to be determined under the General Appropriations Act; specifying the monthly payment amounts for certain types of coverage; amending s. 110.123, F.S., relating to the state group insurance program; authorizing the department to establish health savings accounts for full-time and part-time state employees; providing for employer contributions into an employee's health savings account from the State Employees Health Insurance Trust Fund; amending s. 110.12315, F.S.; providing additional copayment amounts under the state employees' prescription drug program; providing an effective date.

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

Section 1. (1) Collective bargaining issues at impasse between the Florida Lottery and the Federation of Public Employees for the Lottery Administrative and Support Unit employees shall be resolved as follows:

(a) All collective bargaining issues at impasse regarding Article 9 "Union Dues Deductions," Article 11 "Work Week," and Article 19 "Holidays" shall be resolved pursuant to the state's last offer dated February 4, 2005.

(b) All mandatory collective bargaining issues at impasse regarding Article 14 "Seniority" shall be resolved pursuant to the state's last offer dated February 4, 2005, for the period July 1, 2005, through May 31, 2006. Beginning June 1, 2006, the issues shall be resolved by reverting to the status quo under the language of the current collective bargaining agreement.

(2) All mandatory collective bargaining issues at impasse between the State of Florida and the International Union of Police Associations for Law Enforcement Bargaining Unit employees regarding Article 5 "Employee Representation," Article 14 "Performance Review," Article 18 "Hours of Work, Leave, Job-connected Disability," and Article 24 "On-call assignment - Call back - Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

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

(4) All mandatory collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association for the Special Agents

Bargaining Unit employees regarding Article 7 “Internal Investigations and Disciplinary Actions,” Article 16 “Employment Outside State Government,” Article 17 “Department Vehicles,” Article 18 “Leave,” and Article 23 “Work-day, Workweek, and Overtime” shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(5) All mandatory collective bargaining issues at impasse between the State of Florida and AFSCME, Council 79, Master Contract Units, for career service employees regarding Article 6 “Grievance Procedure,” Article 7 “Discipline and Discharge,” Article 8 “Workforce Reduction and Privatization,” Article 9 “Reassignment, Transfer, Change in Duty Station,” Article 10 “Promotion,” Article 12 “Personnel Records,” Article 14 “Performance Review,” Article 18 “Leaves of Absence, Hours of Work, and Disability,” Article 20 “Training,” Article 21 “Out of Title Work,” Article 22 “Disability Leave,” and Article 23 “Hours of Work/Overtime” shall be resolved pursuant to the state’s last offer.

(6) All mandatory collective bargaining issues at impasse between the State of Florida and the Florida State Fire Service Association regarding Article 23 “Hours of Work and Overtime” shall be resolved pursuant to the state’s last offer.

(7) All mandatory collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists for Selected Exempt Service Supervisory Nonprofessional Unit employees regarding Article 7 “Employee Standards of Conduct” shall be resolved pursuant to the state’s last offer.

(8) All mandatory collective bargaining issues at impasse between the State of Florida and the State Employees Attorneys Guild shall be resolved pursuant to the state’s last offer dated February 1, 2005.

(9) All other mandatory collective bargaining issues at impasse for the 2005-2006 fiscal year which are not addressed by this act or the General Appropriations Act for the 2005-2006 fiscal year shall be resolved consistent with the personnel rules in effect on May 2, 2005, and by otherwise maintaining the status quo under the language of the current collective bargaining agreements.

Section 2. (1) For the period January 1, 2006, through December 31, 2006, the Department of Management Services shall establish within the State Group Insurance Program a State Group Health Insurance Standard Plan, a State Group Health Insurance High Deductible Health Plan, a state-contracted Health Maintenance Organization Standard Plan, and a state-contracted Health Maintenance Organization High Deductible Health Plan. The state-contracted Health Maintenance High Deductible Health Plan may be offered by each of the health maintenance organizations under contract with the Department of Management Services for the 2006 plan year.

(2) The State Group Health Insurance High Deductible Plan and the state-contracted Health Maintenance Organization High Deductible Plan shall include a health savings account feature. Such plans and accounts shall be administered in accordance with the requirements and limitations

of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The benefit attributes offered under the State Group Health Insurance High Deductible Plan and the state-contracted Health Maintenance Organization High Deductible Plan shall be as determined in the General Appropriations Act.

(3)(a) For the period January 1, 2006, through June 30, 2006, a COBRA participant participating in a high deductible plan shall pay \$325.88 per month for single coverage and \$710.82 for family coverage.

(b) For the period January 1, 2006, through June 30, 2006, an “early retiree” participant participating in a high deductible plan shall pay \$319.48 per month for single coverage and \$696.88 for family coverage.

Section 3. Paragraph (i) is added to subsection (5) of section 110.123, Florida Statutes, and subsection (12) is added to that section, to read:

110.123 State group insurance program.—

(5) DEPARTMENT POWERS AND DUTIES.—The department is responsible for the administration of the state group insurance program. The department shall initiate and supervise the program as established by this section and shall adopt such rules as are necessary to perform its responsibilities. To implement this program, the department shall, with prior approval by the Legislature:

(i) Contract with a single custodian to provide services necessary to implement and administer the health savings accounts authorized in subsection (12).

Final decisions concerning enrollment, the existence of coverage, or covered benefits under the state group insurance program shall not be delegated or deemed to have been delegated by the department.

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option shall be eligible to receive an employer contribution into the employee’s health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2005-2006 fiscal year, the state’s monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

2. A member participating in this health insurance plan option shall be eligible to deposit the member’s own funds into a health savings account.

(b) The monthly premiums paid by the employer for a member participating in this health insurance plan option shall include an amount equal to the monthly employer contribution authorized by the Legislature for that fiscal year.

(c) The health savings accounts shall be administered in accordance with the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

Section 4. 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, 2004, through December 31, 2005:

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

(b) Effective January 1, 2006, through December 31, 2006, for the State Group Health Insurance Standard Plan:

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

(c) Effective January 1, 2006, through December 31, 2006, for the State Group Health Insurance High Deductible Plan:

- 1. Retail coinsurance for generic drug with card 30%.

- 2. Retail coinsurance for preferred brand name drug with card . . . 30%.
- 3. Retail coinsurance for nonpreferred brand name drug with card 50%.
- 4. Mail order coinsurance for generic drug 30%.
- 5. Mail order coinsurance for preferred brand name drug 30%.
- 6. Mail order coinsurance for nonpreferred brand name drug . . . 50%.

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

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 1, 2005.

Filed in Office Secretary of State June 1, 2005.