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LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/CR	.	Floor: AD
05/08/2017 02:59 PM	.	05/08/2017 08:01 PM
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The Conference Committee on SB 2510 recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 110.12301, Florida Statutes, is amended
7 to read:

8 110.12301 Competitive procurement of postpayment claims
9 review services; public records exemption.-

10 (1) The Division of State Group Insurance is directed to
11 competitively procure÷



12 ~~(1)~~ postpayment claims review services for the state group
13 health insurance plans established pursuant to s. 110.123.
14 Compensation under the contract shall be paid from amounts
15 identified as claim overpayments that are made by or on behalf
16 of the health plans and that are recovered by the vendor. The
17 vendor may retain that portion of the amount recovered as
18 provided in the contract. The contract must require the vendor
19 to maintain all necessary documentation supporting the amounts
20 recovered, retained, and remitted to the division; and

21 (2) The Division of State Group Insurance is directed to
22 competitively procure a contingency-based contract for dependent
23 eligibility verification services for the state group insurance
24 program; however, compensation under the contract may not exceed
25 historical claim costs for the prior 12 months for the dependent
26 populations disenrolled as a result of the vendor's services.
27 The division may establish a 3-month grace period and hold
28 subscribers harmless for past claims of ineligible dependents.
29 The Department of Management Services shall submit budget
30 amendments pursuant to chapter 216 in order to obtain budget
31 authority necessary to expend funds from the State Employees'
32 Group Health Self-Insurance Trust Fund for payments to the
33 vendor as provided in the contract.

34 (3) Records collected for purposes of dependent eligibility
35 verification services conducted for the state group insurance
36 program, as authorized under subsection (2), and held by the
37 department are confidential and exempt from s. 119.07(1) and s.
38 24(a), Art. I of the State Constitution. This subsection does
39 not apply to records that are otherwise open for inspection and
40 copying which are held by the department for purposes other than



41 for the performance of dependent eligibility verification
42 services. This subsection is subject to the Open Government
43 Sunset Review Act in accordance with s. 119.15 and shall stand
44 repealed on October 2, 2022, unless reviewed and saved from
45 repeal through reenactment by the Legislature.

46 Section 2. (1) The Legislature finds that it is a public
47 necessity that records collected for purposes of dependent
48 eligibility verification services conducted for the state group
49 insurance program, authorized under s. 110.12301(2), Florida
50 Statutes, and held by the Department of Management Services be
51 confidential and exempt from s. 119.07(1), Florida Statutes, and
52 s. 24(a), Article I of the State Constitution. Enrollment in the
53 state group insurance program is available to all state
54 employees, their children, their adult dependents, and, in
55 certain circumstances, even their grandchildren. Eligible
56 enrollees for the program include officers and employees from
57 all three branches of state government and represent numerous
58 professions. Employees are required to produce sensitive and
59 personal information related to the state employees' and their
60 dependents' health, finances, and personal relationships to
61 verify their eligibility to participate in the state group
62 insurance program. Eligibility verification can require state
63 employees to produce a variety of documentation, including proof
64 of marriages and divorces, child custody, children's education
65 status, as well as the mental and medical records related to
66 their children with disabilities. Absent the public records
67 exemption, state employees subject to the verification process
68 may be hesitant or less cooperative in producing documents or
69 information out of fear that they or their families would be



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70 exposed to public ridicule or humiliation because the details of
71 their personal lives would be subject to public disclosure.
72 Personnel may also be uncooperative if they are concerned that
73 they or their families may be exposed to public scorn or be
74 subject to legal action for inappropriately or mistakenly
75 claiming ineligible dependents. Protecting such information
76 helps to protect state employees and their families from
77 criminal or inappropriate use of their personal information.
78 Enrollees and their families would be at increased risk of
79 identity theft and fraud if the public had unfettered access to
80 documents requested by the Department of Management Services to
81 verify dependent eligibility.

82 (2) The Legislature further recognizes that some of the
83 records produced to verify dependent eligibility are not exempt
84 or confidential and exempt from public records requirements when
85 held by other agencies under existing law. Through this act, the
86 Legislature does not intend to make such records exempt or
87 confidential and exempt from public records requirements other
88 than for records held by the Department of Management Services
89 for the express purpose of dependent eligibility verification.
90 The verification program ensures that taxpayer money and
91 resources of the state group insurance program are spent
92 appropriately on eligible dependents. This exemption will
93 promote effective and efficient administration of the program
94 which would otherwise be significantly impaired without the
95 exemption.

96 Section 3. This act shall take effect on the same date that
97 SB 2508 or similar legislation takes effect, if such legislation
98 is adopted in the same legislative session or an extension



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99 thereof and becomes law.

100

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

102 And the title is amended as follows:

103 Delete everything before the enacting clause
104 and insert:

105 A bill to be entitled
106 An act relating to public records; amending s.
107 110.12301, F.S.; creating an exemption from public
108 records requirements for records collected for
109 dependent eligibility verification services for the
110 state group insurance program and held by the
111 Department of Management Services; providing for
112 construction; providing for future legislative review
113 and repeal; providing a statement of public necessity;
114 providing a contingent effective date.