

20172510e1

1 A bill to be entitled  
2 An act relating to public records; amending s.  
3 110.12301, F.S.; creating an exemption from public  
4 records requirements for records collected for  
5 dependent eligibility verification services for the  
6 state group insurance program and held by the  
7 Department of Management Services; providing for  
8 construction; providing for future legislative review  
9 and repeal; providing a statement of public necessity;  
10 providing a contingent effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 110.12301, Florida Statutes, is amended  
15 to read:

16 110.12301 Competitive procurement of postpayment claims  
17 review services; public records exemption.-

18 (1) The Division of State Group Insurance is directed to  
19 competitively procure:

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

29 (2) The Division of State Group Insurance is directed to

20172510e1

30 competitively procure a contingency-based contract for dependent  
31 eligibility verification services for the state group insurance  
32 program; however, compensation under the contract may not exceed  
33 historical claim costs for the prior 12 months for the dependent  
34 populations disenrolled as a result of the vendor's services.  
35 The division may establish a 3-month grace period and hold  
36 subscribers harmless for past claims of ineligible dependents.  
37 The Department of Management Services shall submit budget  
38 amendments pursuant to chapter 216 in order to obtain budget  
39 authority necessary to expend funds from the State Employees'  
40 Group Health Self-Insurance Trust Fund for payments to the  
41 vendor as provided in the contract.

42 (3) Records collected for purposes of dependent eligibility  
43 verification services conducted for the state group insurance  
44 program, as authorized under subsection (2), and held by the  
45 department are confidential and exempt from s. 119.07(1) and s.  
46 24(a), Art. I of the State Constitution. This subsection does  
47 not apply to records that are otherwise open for inspection and  
48 copying which are held by the department for purposes other than  
49 for the performance of dependent eligibility verification  
50 services. This subsection is subject to the Open Government  
51 Sunset Review Act in accordance with s. 119.15 and shall stand  
52 repealed on October 2, 2022, unless reviewed and saved from  
53 repeal through reenactment by the Legislature.

54 Section 2. (1) The Legislature finds that it is a public  
55 necessity that records collected for purposes of dependent  
56 eligibility verification services conducted for the state group  
57 insurance program, authorized under s. 110.12301(2), Florida  
58 Statutes, and held by the Department of Management Services be

20172510e1

59 confidential and exempt from s. 119.07(1), Florida Statutes, and  
60 s. 24(a), Article I of the State Constitution. Enrollment in the  
61 state group insurance program is available to all state  
62 employees, their children, their adult dependents, and, in  
63 certain circumstances, even their grandchildren. Eligible  
64 enrollees for the program include officers and employees from  
65 all three branches of state government and represent numerous  
66 professions. Employees are required to produce sensitive and  
67 personal information related to the state employees' and their  
68 dependents' health, finances, and personal relationships to  
69 verify their eligibility to participate in the state group  
70 insurance program. Eligibility verification can require state  
71 employees to produce a variety of documentation, including proof  
72 of marriages and divorces, child custody, children's education  
73 status, as well as the mental and medical records related to  
74 their children with disabilities. Absent the public records  
75 exemption, state employees subject to the verification process  
76 may be hesitant or less cooperative in producing documents or  
77 information out of fear that they or their families would be  
78 exposed to public ridicule or humiliation because the details of  
79 their personal lives would be subject to public disclosure.  
80 Personnel may also be uncooperative if they are concerned that  
81 they or their families may be exposed to public scorn or be  
82 subject to legal action for inappropriately or mistakenly  
83 claiming ineligible dependents. Protecting such information  
84 helps to protect state employees and their families from  
85 criminal or inappropriate use of their personal information.  
86 Enrollees and their families would be at increased risk of  
87 identity theft and fraud if the public had unfettered access to

20172510e1

88 documents requested by the Department of Management Services to  
89 verify dependent eligibility.

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

104 Section 3. This act shall take effect on the same date that  
105 SB 2508 or similar legislation takes effect, if such legislation  
106 is adopted in the same legislative session or an extension  
107 thereof and becomes law.