

FOR CONSIDERATION By the Committee on Appropriations

576-02620-17

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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:

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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 (a)~~(1)~~ Postpayment claims review services for the state
21 group 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 (b)~~(2)~~ A contingency-based contract for dependent

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

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51 repealed on October 2, 2022, unless reviewed and saved from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

53 Section 2. (1) The Legislature finds that it is a public
54 necessity that records collected for purposes of dependent
55 eligibility verification services conducted for the state group
56 insurance program, authorized under s. 110.12301(1) (b), Florida
57 Statutes, and held by the Department of Management Services be
58 confidential and exempt from s. 119.07(1), Florida Statutes, and

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

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88 verify dependent eligibility.

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

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