

26 110.12301 Competitive procurement of postpayment claims
 27 review services; dependent eligibility verification services;
 28 public records exemption.—

29 (2) The department may directly provide or contract for
 30 dependent eligibility verification services for the state group
 31 insurance program.

32 (a) Subscribers must provide all of the following
 33 information to the department or the contractor providing
 34 dependent eligibility verification services:

35 1. To prove a spouse's eligibility:

36 a. If married fewer than 12 months and the subscriber and
 37 his or her spouse have not filed a joint federal income tax
 38 return, a government-issued marriage certificate; ~~or~~

39 b. If married for 12 or more months, a transcript of the
 40 most recently filed federal income tax return; or

41 c. Documents evidencing joint ownership of property and an
 42 attestation of the marriage by sworn affidavit consistent with
 43 s. 92.50, if the documentation specified in sub-subparagraph a.
 44 or sub-subparagraph b. cannot be produced.

45 2. To prove a biological child's or a newborn grandchild's
 46 eligibility: ~~r~~

47 a. A government-issued birth certificate; or

48 b. An attestation of the subscriber-dependent relationship
 49 by sworn affidavit consistent with s. 92.50, if a birth
 50 certificate cannot be produced.

- 51 3. To prove an adopted child's eligibility:
- 52 a. An adoption certificate; ~~or~~
- 53 b. An adoption placement agreement and a petition for
- 54 adoption; or
- 55 c. An attestation of the subscriber-dependent relationship
- 56 by sworn affidavit consistent with s. 92.50, if the
- 57 documentation specified in sub-subparagraph a. or sub-
- 58 subparagraph b. cannot be produced.
- 59 4. To prove a stepchild's eligibility:
- 60 a. A government-issued birth certificate for the
- 61 stepchild; and
- 62 b. The transcript of the subscriber's most recently filed
- 63 federal income tax return.
- 64 5. To prove a foster child's eligibility, a copy of the
- 65 records showing the subscriber or the subscriber's spouse as the
- 66 child's foster parent.
- 67 6. To prove eligibility of a child who is under a
- 68 guardianship, a copy of the court order naming the subscriber or
- 69 the subscriber's spouse as the child's legal guardian or
- 70 custodian.
- 71 7. To prove eligibility of an unmarried child between the
- 72 age of 26 years and 30 years:
- 73 a. A copy of the child's government-issued birth
- 74 certificate or adoption certificate naming the subscriber or the
- 75 subscriber's spouse as the child's parent or a copy of the court

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76 order naming the subscriber or the subscriber's spouse as the
77 child's legal guardian or custodian;

78 b. A copy of a completed Certification of Over-Age
79 Dependent Eligibility Form; and

80 c.(I) A document confirming the child's enrollment as a
81 student at a state university or Florida College System
82 institution, including the child's full legal name, the name of
83 such university or institution, and the school term in which the
84 child is enrolled; or

85 (II) A bill or statement in the child's name that is dated
86 within the past 60 days and is mailed to the child at an address
87 in the state.

88 8. To prove eligibility of a disabled child 26 years of
89 age or older:

90 a. A copy of the child's government-issued birth
91 certificate or adoption certificate naming the subscriber or the
92 subscriber's spouse as the child's parent, legal guardian, or
93 legal custodian; and

94 b. A transcript of the subscriber's or the subscriber's
95 spouse's most recently filed federal income tax return that
96 lists the child's name and last four digits of the child's
97 social security number and identifies the child as a dependent
98 of the subscriber or the subscriber's spouse.

99 ~~5. Any other information necessary to verify the~~
100 ~~dependent's eligibility for enrollment in the state group~~

101 ~~insurance program.~~

102 ~~(b) If a document requested from a subscriber is not~~
 103 ~~confidential or exempt from public records requirements, the~~
 104 ~~division and the contractor shall disclose to all subscribers~~
 105 ~~that such information submitted to verify the eligibility of~~
 106 ~~dependents may be subject to disclosure and inspection under~~
 107 ~~chapter 119.~~

108 (3) Records collected for purposes of dependent
 109 eligibility verification services conducted for the state group
 110 insurance program, as authorized under subsection (2), and held
 111 by the department are confidential and exempt from s. 119.07(1)
 112 and s. 24(a), Art. I of the State Constitution. This subsection
 113 does not apply to records that are otherwise open for inspection
 114 and copying which are held by the department for purposes other
 115 than for the performance of dependent eligibility verification
 116 services. This subsection is subject to the Open Government
 117 Sunset Review Act in accordance with s. 119.15 and shall stand
 118 repealed on October 2, 2027 ~~2022~~, unless reviewed and saved from
 119 repeal through reenactment by the Legislature.

120 Section 2. (1) The Legislature finds that it is a public
 121 necessity that records collected for the purpose of dependent
 122 eligibility verification services conducted for the state group
 123 insurance program, as authorized under s. 110.12301(2), Florida
 124 Statutes, pursuant to the amendments made by this act, and held
 125 by the Department of Management Services be made confidential

126 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
127 Article I of the State Constitution. The existing public records
128 exemption is expanded to include additional records that
129 employees may submit under additional specified eligibility
130 categories as part of the existing dependent eligibility
131 verification process. Such records include records relating to
132 guardianship of a child, the fostering of a child, unmarried
133 adult children, and disabled adult children, which include court
134 orders, foster care records, birth certificates, adoption
135 certificates, student academic and financial records, medical
136 records, and transcripts of filed tax returns. Like other
137 records collected and held by the Department of Management
138 Services for dependent eligibility verification, these records
139 should be protected from public disclosure, as they contain
140 sensitive and personal information that may deter employees from
141 producing them in the absence of the same protections offered in
142 connection with the current eligibility categories. If the
143 public had unfettered access to the information contained within
144 these records, employees and their family members could be
145 placed at increased risk of identity theft and fraud.

146 (2) The Legislature further recognizes that this exemption
147 is narrowly tailored and applies only to those records collected
148 for the purpose of verifying eligible dependents for enrollment
149 in the state group insurance program.

150 Section 3. This act shall take effect on the same date

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151 | that HB 1443 or similar legislation takes effect, if such
152 | legislation is adopted in the same legislative session or an
153 | extension thereof and becomes a law.