

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           110.12301, F.S.; providing for future legislative  
 4           review and repeal of the public records exemption for  
 5           information collected by the Department of Management  
 6           Services to establish dependent eligibility; providing  
 7           a statement of public necessity; providing a  
 8           contingent effective date.

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

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 12           Section 1. Subsection (3) of section 110.12301, Florida  
 13   Statutes, is amended to read:

14           110.12301 Competitive procurement of postpayment claims  
 15   review services and dependent eligibility verification services;  
 16   public records exemption.—

17           (3) Records collected for purposes of dependent  
 18   eligibility verification services conducted for the state group  
 19   insurance program, as authorized under subsection (2), and held  
 20   by the department are confidential and exempt from s. 119.07(1)  
 21   and s. 24(a), Art. I of the State Constitution. This subsection  
 22   does not apply to records that are otherwise open for inspection  
 23   and copying which are held by the department for purposes other  
 24   than for the performance of dependent eligibility verification  
 25   services. This subsection is subject to the Open Government

26 Sunset Review Act in accordance with s. 119.15 and shall stand  
27 repealed on October 2, ~~2027~~ 2022, unless reviewed and saved from  
28 repeal through reenactment by the Legislature.

29       Section 2. (1) The Legislature finds that it is a public  
30 necessity that records collected for the purpose of dependent  
31 eligibility verification services conducted for the state group  
32 insurance program, as authorized under s. 110.12301(2), Florida  
33 Statutes, pursuant to the amendments made by this act, and held  
34 by the Department of Management Services be made confidential  
35 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
36 Article I of the State Constitution. The existing public records  
37 exemption is expanded to include additional records that  
38 employees may submit under additional specified eligibility  
39 categories as part of the existing dependent eligibility  
40 verification process. Such records include records relating to  
41 guardianship of a child, the fostering of a child, unmarried  
42 adult children, and disabled adult children, which include court  
43 orders, foster care records, birth certificates, adoption  
44 certificates, student academic and financial records, medical  
45 records, and transcripts of filed tax returns. Like other  
46 records collected and held by the Department of Management  
47 Services for dependent eligibility verification, these records  
48 should be protected from public disclosure, as they contain  
49 sensitive and personal information that may deter employees from  
50 producing them in the absence of the same protections offered in

51 connection with the current eligibility categories. If the  
52 public had unfettered access to the information contained within  
53 these records, employees and their family members could be  
54 placed at increased risk of identity theft and fraud.

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

59 Section 3. This act shall take effect on the same date  
60 that HB 1443 or similar legislation takes effect, if such  
61 legislation is adopted in the same legislative session or an  
62 extension thereof and becomes a law.