

By Senator Gruters

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 110.12301, F.S.; expanding the types of information
4 that the Department of Management Services or a
5 contractor providing dependent eligibility
6 verification services may require from subscribers in
7 order to establish dependent eligibility for state
8 group insurance program enrollment; deleting a
9 provision requiring the Division of State Group
10 Insurance and the contractor to disclose to
11 subscribers that dependent eligibility verification
12 information may be subject to disclosure and
13 inspection under public records laws under certain
14 circumstances; expanding the public records exemption
15 for information collected by the department to
16 establish dependent eligibility to conform to changes
17 made by the act; providing for future legislative
18 review and repeal; providing a statement of public
19 necessity; providing a contingent effective date.

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

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23 Section 1. Paragraphs (a) and (b) of subsection (2) and
24 subsection (3) of section 110.12301, Florida Statutes, as
25 amended by SB ____ or similar legislation, are amended to read:

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

29 (2) The Department of Management Services is directed to

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30 contract for dependent eligibility verification services for the
31 state group insurance program.

32 (a) The department or the contractor providing dependent
33 eligibility verification services may require the following
34 information from subscribers:

35 1. To prove a spouse's eligibility:

36 a. If married less 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.

41 2. To prove a biological child's or a newborn grandchild's
42 eligibility, a government-issued birth certificate.

43 3. To prove an adopted child's eligibility:

44 a. An adoption certificate; or

45 b. An adoption placement agreement and a petition for
46 adoption.

47 4. To prove a stepchild's eligibility:

48 a. A government-issued birth certificate for the stepchild;
49 and

50 b. The transcript of the subscriber's most recently filed
51 federal income tax return.

52 5. To prove eligibility of a child under guardianship, a
53 copy of the court order naming the subscriber or the
54 subscriber's spouse as the child's legal guardian or custodian.

55 6. To prove a foster child's eligibility, a copy of the
56 records showing the subscriber or the subscriber's spouse as the
57 child's foster parent.

58 7. To prove eligibility of an unmarried child age 26 years

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59 to 30 years:

60 a. A copy of the child's government-issued birth
61 certificate or adoption certificate naming the subscriber or the
62 subscriber's spouse as the child's parent or a copy of the court
63 order naming the subscriber or the subscriber's spouse as the
64 child's legal guardian or custodian;

65 b. A copy of the Certification of Over-Age Dependent
66 Eligibility Form; and

67 c. A document confirming the child's enrollment as a
68 student in the current spring, summer, or fall semester,
69 including the name of the child, the name of the school, and the
70 school term, or a bill or statement in the child's name which is
71 dated within the past 60 days and is mailed to the child at an
72 address within this state.

73 8. To prove eligibility for a disabled child age 26 years
74 or older:

75 a. A copy of the child's government-issued birth
76 certificate or adoption certificate naming the subscriber or the
77 subscriber's spouse as the child's parent or a copy of the court
78 order naming the subscriber or the subscriber's spouse as the
79 child's legal guardian or custodian; and

80 b. A transcript of the subscriber's most recently filed tax
81 return listing the child's name and the last four digits of the
82 child's social security number and identifying the child as the
83 subscriber's tax dependent.

84 9. Any other information necessary to verify the
85 dependent's eligibility for enrollment in the state group
86 insurance program.

87 ~~(b) If a document requested from a subscriber is not~~

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88 ~~confidential or exempt from public records requirements, the~~
89 ~~division and the contractor shall disclose to all subscribers~~
90 ~~that such information submitted to verify the eligibility of~~
91 ~~dependents may be subject to disclosure and inspection under~~
92 ~~chapter 119.~~

93 (3) Records collected for purposes of dependent eligibility
94 verification services conducted for the state group insurance
95 program, as authorized under subsection (2), and held by the
96 department are confidential and exempt from s. 119.07(1) and s.
97 24(a), Art. I of the State Constitution. This subsection does
98 not apply to records that are otherwise open for inspection and
99 copying which are held by the department for purposes other than
100 for the performance of dependent eligibility verification
101 services. This subsection is subject to the Open Government
102 Sunset Review Act in accordance with s. 119.15 and shall stand
103 repealed on October 2, 2027 ~~2022~~, unless reviewed and saved from
104 repeal through reenactment by the Legislature.

105 Section 2. (1) The Legislature finds that it is a public
106 necessity that records collected for the purpose of dependent
107 eligibility verification services conducted for the state group
108 insurance program, as authorized under s. 110.12301(2), Florida
109 Statutes, pursuant to the amendments made by this act, and held
110 by the Department of Management Services be made confidential
111 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
112 Article I of the State Constitution. The existing public records
113 exemption is expanded to include additional records that
114 employees may submit under additional specified eligibility
115 categories as part of the existing dependent eligibility
116 verification process. Such records include records relating to

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117 guardianship of a child, the fostering of a child, unmarried
118 adult children, and disabled adult children, which include court
119 orders, foster care records, birth certificates, adoption
120 certificates, student academic and financial records, medical
121 records, and transcripts of filed tax returns. Like other
122 records collected and held by the Department of Management
123 Services for dependent eligibility verification, these records
124 should be protected from public disclosure, as they contain
125 sensitive and personal information that may deter employees from
126 producing them in the absence of the same protections offered in
127 connection with the current eligibility categories. If the
128 public had unfettered access to the information contained within
129 these records, employees and their family members could be
130 placed at increased risk of identity theft and fraud.

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

135 Section 3. This act shall take effect on the same date that
136 SB ___ or similar legislation takes effect, if such legislation
137 is adopted in the same legislative session or an extension
138 thereof and becomes a law.