

By the Committee on Governmental Oversight and Accountability

585-01998-22

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 110.12301, F.S.;
4 designating the Department of Management Services,
5 rather than the Division of State Group Insurance, as
6 the entity that contracts for dependent eligibility
7 verification services for the state group insurance
8 program; authorizing the department or the contractor
9 providing dependent eligibility verification services
10 to require certain information from subscribers;
11 deleting obsolete language; revising the types of
12 information that the department or a contractor
13 providing eligibility verification services may
14 require from subscribers in order to establish
15 dependent eligibility for the state group insurance
16 program; deleting a provision requiring the Division
17 of State Group Insurance and the contractor to
18 disclose to subscribers that dependent eligibility
19 verification information may be subject to disclosure
20 and inspection under public records laws under certain
21 circumstances; revising the records retention schedule
22 regarding documents obtained during the dependent
23 eligibility verification process; abrogating the
24 scheduled repeal of an exemption from public records
25 requirements for records collected for dependent
26 eligibility verification services for the state group
27 insurance program and held by the Department of
28 Management Services; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Subsection (2) of section 110.12301, Florida
33 Statutes, is amended to read:

34 110.12301 Competitive procurement of postpayment claims
35 review services and dependent eligibility verification services;
36 public records exemption.—

37 (2) The department ~~Division of State Group Insurance~~ is
38 directed to ~~competitively procure~~ a contract for dependent
39 eligibility verification services for the state group insurance
40 program; ~~however, compensation under the contract may not exceed~~
41 ~~historical claim costs for the prior 12 months for the dependent~~
42 ~~populations disenrolled as a result of the contractor's~~
43 ~~services.~~

44 (a) ~~1. By September 1, 2017, the division shall notify all~~
45 ~~subscribers regarding the eligibility rules for dependents.~~
46 ~~Through November 30, 2017, the division must hold subscribers~~
47 ~~harmless for past claims of ineligible dependents if such~~
48 ~~dependents are removed from plan membership before December 1,~~
49 ~~2017.~~

50 ~~2. Subparagraph 1. does not apply to any dependent~~
51 ~~identified as ineligible before July 1, 2017, for which the~~
52 ~~department has notified the state agency employing the~~
53 ~~associated subscriber.~~

54 (b) The department or the contractor providing dependent
55 eligibility verification services may require ~~request~~ the
56 following information from subscribers:

57 1. To prove a spouse's eligibility:

58 a. If married less than 12 months and the subscriber and

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- 59 his or her spouse have not filed a joint federal income tax
60 return, a government-issued marriage certificate; ~~or~~
- 61 b. If married for 12 or more months, a transcript of the
62 most recently filed federal income tax return; or
- 63 c. If the documentation specified in sub-subparagraph a. or
64 sub-subparagraph b. cannot be produced, an attestation of the
65 marriage by sworn affidavit consistent with s. 92.50.
- 66 2. To prove a biological child's or a newborn grandchild's
67 eligibility: ~~r~~
- 68 a. A government-issued birth certificate; or
- 69 b. If a birth certificate cannot be produced, an
70 attestation of the subscriber-dependent relationship by sworn
71 affidavit consistent with s. 92.50.
- 72 3. To prove an adopted child's eligibility:
- 73 a. An adoption certificate; ~~or~~
- 74 b. An adoption placement agreement and a petition for
75 adoption; or-
- 76 c. If the documentation specified in sub-subparagraph a. or
77 sub-subparagraph b. cannot be produced, an attestation of the
78 subscriber-dependent relationship by sworn affidavit consistent
79 with s. 92.50.
- 80 4. To prove a stepchild's eligibility:
- 81 a. A government-issued birth certificate for the stepchild;
82 and
- 83 b. The transcript of the subscriber's most recently filed
84 federal income tax return.
- 85 5. To prove a child's eligibility under a guardianship, a
86 copy of the court order naming the subscriber or the
87 subscriber's spouse as the child's legal guardian or custodian

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88 ~~Any other information necessary to verify the dependent's~~
89 ~~eligibility for enrollment in the state group insurance program.~~

90 6. To prove a foster child's eligibility, a copy of the
91 records showing the subscriber or the subscriber's spouse as the
92 dependent's foster parent.

93 7. To prove eligibility of an unmarried child age 26 to 30:

94 a. A copy of the child's government-issued birth
95 certificate or adoption certificate naming the subscriber or the
96 subscriber's spouse as the child's parent, or a copy of the
97 court order naming the subscriber or the subscriber's spouse as
98 the child's legal guardian or custodian;

99 b. A copy of the Certification of Over-Age Dependent
100 Eligibility Form; and

101 c. A document confirming the child's current enrollment as
102 a student, including the name of the child, the name of the
103 school, and the school term; or a bill or statement in the
104 child's name which is dated within the past 60 days and is
105 mailed to the child at a Florida address.

106 8. To prove eligibility for a disabled child age 26 or
107 older:

108 a. A copy of the child's government-issued birth
109 certificate or adoption certificate naming the subscriber or the
110 subscriber's spouse as the child's parent, or a copy of the
111 court order naming the subscriber or the subscriber's spouse as
112 the child's legal guardian or custodian; and

113 b. A copy of the subscriber's most recent federal income
114 tax return listing the child's name and the last four digits of
115 the child's social security number and identifying the child as
116 the subscriber's dependent for tax purposes

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117 ~~(c) If a document requested from a subscriber is not~~
118 ~~confidential or exempt from public records requirements, the~~
119 ~~division and the contractor shall disclose to all subscribers~~
120 ~~that such information submitted to verify the eligibility of~~
121 ~~dependents may be subject to disclosure and inspection under~~
122 ~~chapter 119.~~

123 (b) ~~(d)~~ A government-issued marriage license or marriage
124 certificate submitted for dependent eligibility verification
125 must include the date of the marriage between the subscriber and
126 the spouse.

127 (c) ~~(e)~~ A government-issued birth certificate submitted for
128 dependent eligibility verification must list the parents' names.

129 (d) ~~(f)~~ Foreign-born subscribers unable to obtain the
130 necessary documentation within the specified time period of
131 producing verification documentation may provide a sworn ~~execute~~
132 ~~a signed~~ affidavit consistent with s. 92.50 attesting to
133 eligibility requirements.

134 (e) ~~(g)~~ Documentation submitted to verify eligibility may be
135 an original or a photocopy of an original document. Before
136 submitting a document, the subscriber may redact any information
137 on a document which is not necessary to verify the eligibility
138 of the dependent.

139 (f) ~~(h)~~ All documentation obtained by the department
140 ~~contractor~~ to conduct the dependent eligibility verification
141 services must be retained in accordance with the applicable
142 records retention schedule ~~until June 30, 2019. The department~~
143 ~~or the contractor is not required to retain such documentation~~
144 ~~after June 30, 2019, and shall destroy such documentation as~~
145 ~~soon as practicable after such date.~~

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146 (3) Records collected for purposes of dependent eligibility
147 verification services conducted for the state group insurance
148 program, as authorized under subsection (2), and held by the
149 department are confidential and exempt from s. 119.07(1) and s.
150 24(a), Art. I of the State Constitution. This subsection does
151 not apply to records that are otherwise open for inspection and
152 copying which are held by the department for purposes other than
153 for the performance of dependent eligibility verification
154 services. ~~This subsection is subject to the Open Government
155 Sunset Review Act in accordance with s. 119.15 and shall stand
156 repealed on October 2, 2022, unless reviewed and saved from
157 repeal through reenactment by the Legislature.~~

158 Section 2. This act shall take effect July 1, 2022.