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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; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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

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30 110.12301 Competitive procurement of postpayment claims
31 review services and dependent eligibility verification services;
32 public records exemption.—

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

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

46 ~~2. Subparagraph 1. does not apply to any dependent~~
47 ~~identified as ineligible before July 1, 2017, for which the~~
48 ~~department has notified the state agency employing the~~
49 ~~associated subscriber.~~

50 ~~(b)~~ The department or the contractor providing dependent
51 eligibility verification services may require ~~request~~ the
52 following information from subscribers:

53 1. To prove a spouse's eligibility:

54 a. If married less than 12 months and the subscriber and
55 his or her spouse have not filed a joint federal income tax
56 return, a government-issued marriage certificate; ~~or~~

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

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59 c. If the documentation specified in sub-subparagraph a. or
60 sub-subparagraph b. cannot be produced, an attestation of the
61 marriage by sworn affidavit consistent with s. 92.50.

62 2. To prove a biological child's or a newborn grandchild's
63 eligibility:~~7~~

64 a. A government-issued birth certificate; or

65 b. If a birth certificate cannot be produced, an
66 attestation of the subscriber-dependent relationship by sworn
67 affidavit consistent with s. 92.50.

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

69 a. An adoption certificate; ~~or~~

70 b. An adoption placement agreement and a petition for
71 adoption; ~~or-~~

72 c. If the documentation specified in sub-subparagraph a. or
73 sub-subparagraph b. cannot be produced, an attestation of the
74 subscriber-dependent relationship by sworn affidavit consistent
75 with s. 92.50.

76 4. To prove a stepchild's eligibility:

77 a. A government-issued birth certificate for the stepchild;
78 and

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

81 5. To prove a child's eligibility under a guardianship, a
82 copy of the court order naming the subscriber or the
83 subscriber's spouse as the child's legal guardian or custodian
84 ~~Any other information necessary to verify the dependent's~~
85 ~~eligibility for enrollment in the state group insurance program.~~

86 6. To prove a foster child's eligibility, a copy of the
87 records showing the subscriber or the subscriber's spouse as the

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88 dependent's foster parent.

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

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, or a copy of the
93 court order naming the subscriber or the subscriber's spouse as
94 the child's legal guardian or custodian;

95 b. A copy of the Certification of Over-Age Dependent
96 Eligibility Form; and

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

102 8. To prove eligibility for a disabled child age 26 or
103 older:

104 a. A copy of the child's government-issued birth
105 certificate or adoption certificate naming the subscriber or the
106 subscriber's spouse as the child's parent, or a copy of the
107 court order naming the subscriber or the subscriber's spouse as
108 the child's legal guardian or custodian; and

109 b. A copy of the transcript of the subscriber's most
110 recently filed federal income tax return listing the child's
111 name and the last four digits of the child's social security
112 number and identifying the child as the subscriber's dependent
113 for tax purposes.

114 ~~(c) If a document requested from a subscriber is not~~
115 ~~confidential or exempt from public records requirements, the~~
116 ~~division and the contractor shall disclose to all subscribers~~

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117 ~~that such information submitted to verify the eligibility of~~
118 ~~dependents may be subject to disclosure and inspection under~~
119 ~~chapter 119.~~

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

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

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

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

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

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