

**FOR CONSIDERATION** By the Committee on Governmental Oversight and Accountability

585-01816A-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:

31  
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 execute a signed  
132 affidavit attesting to eligibility requirements.

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

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

145 (3) Records collected for purposes of dependent eligibility

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155 repealed on October 2, 2022, unless reviewed and saved from  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

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