

## CHAPTER 2017-128

### Senate Bill No. 2510

An act relating to public records; amending s. 110.12301, F.S.; creating an exemption from public records requirements for records collected for dependent eligibility verification services for the state group insurance program and held by the Department of Management Services; providing for construction; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 110.12301, Florida Statutes, is amended to read:

110.12301 Competitive procurement of postpayment claims review services; public records exemption.—

(1) The Division of State Group Insurance is directed to competitively procure:

(1) postpayment claims review services for the state group health insurance plans established pursuant to s. 110.123. Compensation under the contract shall be paid from amounts identified as claim overpayments that are made by or on behalf of the health plans and that are recovered by the vendor. The vendor may retain that portion of the amount recovered as provided in the contract. The contract must require the vendor to maintain all necessary documentation supporting the amounts recovered, retained, and remitted to the division; and

(2) The Division of State Group Insurance is directed to competitively procure a contingency-based contract for dependent eligibility verification services for the state group insurance program; however, compensation under the contract may not exceed historical claim costs for the prior 12 months for the dependent populations disenrolled as a result of the vendor's services. The division may establish a 3-month grace period and hold subscribers harmless for past claims of ineligible dependents. The Department of Management Services shall submit budget amendments pursuant to chapter 216 in order to obtain budget authority necessary to expend funds from the State Employees' Group Health Self-Insurance Trust Fund for payments to the vendor as provided in the contract.

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

the performance of dependent eligibility verification services. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that records collected for purposes of dependent eligibility verification services conducted for the state group insurance program, authorized under s. 110.12301(2), Florida Statutes, and held by the Department of Management Services be confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Enrollment in the state group insurance program is available to all state employees, their children, their adult dependents, and, in certain circumstances, even their grandchildren. Eligible enrollees for the program include officers and employees from all three branches of state government and represent numerous professions. Employees are required to produce sensitive and personal information related to the state employees' and their dependents' health, finances, and personal relationships to verify their eligibility to participate in the state group insurance program. Eligibility verification can require state employees to produce a variety of documentation, including proof of marriages and divorces, child custody, children's education status, as well as the mental and medical records related to their children with disabilities. Absent the public records exemption, state employees subject to the verification process may be hesitant or less cooperative in producing documents or information out of fear that they or their families would be exposed to public ridicule or humiliation because the details of their personal lives would be subject to public disclosure. Personnel may also be uncooperative if they are concerned that they or their families may be exposed to public scorn or be subject to legal action for inappropriately or mistakenly claiming ineligible dependents. Protecting such information helps to protect state employees and their families from criminal or inappropriate use of their personal information. Enrollees and their families would be at increased risk of identity theft and fraud if the public had unfettered access to documents requested by the Department of Management Services to verify dependent eligibility.

(2) The Legislature further recognizes that some of the records produced to verify dependent eligibility are not exempt or confidential and exempt from public records requirements when held by other agencies under existing law. Through this act, the Legislature does not intend to make such records exempt or confidential and exempt from public records requirements other than for records held by the Department of Management Services for the express purpose of dependent eligibility verification. The verification program ensures that taxpayer money and resources of the state group insurance program are spent appropriately on eligible dependents. This exemption will promote effective and efficient administration of the program which would otherwise be significantly impaired without the exemption.

Section 3. This act shall take effect on the same date that SB 2508 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 16, 2017.

Filed in Office Secretary of State June 16, 2017.