

## CHAPTER 2022-145

### Senate Bill No. 7026

An act relating to a review under the Open Government Sunset Review Act; amending s. 110.12301, F.S.; designating the Department of Management Services, rather than the Division of State Group Insurance, as the entity that contracts for dependent eligibility verification services for the state group insurance program; authorizing the department or the contractor providing dependent eligibility verification services to require certain information from subscribers; deleting obsolete language; revising the types of information that the department or a contractor providing eligibility verification services may require from subscribers in order to establish dependent eligibility for the state group insurance program; deleting a provision requiring the Division of State Group Insurance and the contractor to disclose to subscribers that dependent eligibility verification information may be subject to disclosure and inspection under public records laws under certain circumstances; revising the records retention schedule regarding documents obtained during the dependent eligibility verification process; providing an effective date.

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

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

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

(2) The ~~department~~ Division of State Group Insurance is directed to ~~competitively procure~~ a 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 contractor's services.~~

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

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

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

1. To prove a spouse's eligibility:

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

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

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

2. To prove a biological child's or a newborn grandchild's eligibility;~~;~~

a. A government-issued birth certificate; or

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

3. To prove an adopted child's eligibility:

a. An adoption certificate; ~~or~~

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

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

4. To prove a stepchild's eligibility:

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

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

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

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

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

a. A copy of the child’s government-issued birth certificate or adoption certificate naming the subscriber or the subscriber’s spouse as the child’s parent, or a copy of the court order naming the subscriber or the subscriber’s spouse as the child’s legal guardian or custodian;

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

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

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

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

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

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

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

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

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

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

~~(f)(h)~~ All documentation obtained by the ~~department or the~~ contractor to conduct the dependent eligibility verification services must be retained in accordance with the applicable records retention schedule until June 30,

~~2019. The department or the contractor is not required to retain such documentation after June 30, 2019, and shall destroy such documentation as soon as practicable after such date.~~

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

Approved by the Governor May 26, 2022.

Filed in Office Secretary of State May 26, 2022.