

Bill No. HB 1575, 1st Eng.

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.

Senator Kirkpatrick moved the following amendment:

**Senate Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

Section 1. Section 414.295, Florida Statutes, is created to read:

414.295 Temporary cash assistance programs; safeguarding information.--

(1) MEETINGS EXEMPT FROM PUBLIC MEETINGS LAW.--Those portions of a meeting held by the Department of Children and Family Services, the Department of Labor and Employment Security, the Department of Health, the Department of Revenue, the WAGES Program State Board of Directors, or a local WAGES coalition, or service providers under contract to any of these entities, pursuant to the implementation of s. 414.027, s. 414.028, s. 414.030, s. 414.055, s. 414.065, s. 414.075, s. 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.125, s. 414.13, s. 414.15, s. 414.155, s. 414.16, s. 414.20, s. 414.21, s. 414.22, s. 414.225, s. 414.23, s. 414.24, s.

Bill No. HB 1575, 1st Eng.

Amendment No. \_\_\_\_

1 414.27, s. 414.32, s. 414.35, s. 414.38, s. 414.391, s.  
2 414.392, s. 414.44, or s. 414.70, at which information is  
3 discussed which identifies individuals who are receiving  
4 temporary cash assistance shall be confidential and exempt  
5 from the requirements of s. 286.011 and s. 24(b), Art. I of  
6 the State Constitution. This exemption is made in accordance  
7 with the requirements of federal law under s. 402 of the  
8 Social Security Act, as amended (42 U.S.C. 602), and is not  
9 subject to repeal under s. 119.15.

10 (2) INFORMATION EXEMPT FROM PUBLIC RECORDS  
11 LAW.--Information that identifies individuals who are  
12 receiving temporary cash assistance in records acquired by the  
13 Department of Children and Family Services, the Department of  
14 Labor and Employment Security, the Department of Health, the  
15 Department of Revenue, the WAGES Program State Board of  
16 Directors, or local WAGES coalitions, or service providers  
17 under contract to any of these entities, pursuant to the  
18 implementation of s. 414.027, s. 414.028, s. 414.030, s.  
19 414.055, s. 414.065, s. 414.075, s. 414.085, s. 414.095, s.  
20 414.105, s. 414.115, s. 414.125, s. 414.13, s. 414.15, s.  
21 414.155, s. 414.16, s. 414.20, s. 414.21, s. 414.22, s.  
22 414.225, s. 414.23, s. 414.24, s. 414.27, s. 414.32, s.  
23 414.35, s. 414.38, s. 414.391, s. 414.392, s. 414.44, or s.  
24 414.70, is confidential and exempt from the public records  
25 requirements of s. 119.07(1) and s. 24(a), Art. I of the State  
26 Constitution. This exemption is made in accordance with the  
27 requirements of federal law under s. 402 of the Social  
28 Security Act, as amended, 42 U.S.C. 602, and is not subject to  
29 repeal under s. 119.15.

30 (3) RELEASE OF INFORMATION AUTHORIZED FOR SPECIFIED  
31 PURPOSES.--Identifying information made confidential and

Bill No. HB 1575, 1st Eng.

Amendment No.     

1 exempt pursuant to this section may be released for purposes  
2 directly connected with:

3 (a) The administration of the temporary assistance for  
4 needy families plan under Title IV-A of the Social Security  
5 Act, as amended, which may include disclosure of information  
6 within and among the Department of Children and Family  
7 Services, the Department of Labor and Employment Security, the  
8 Department of Health, the Department of Revenue, the WAGES  
9 Program State Board of Directors, local WAGES coalitions, and  
10 service providers under contract to any of these entities.

11 (b) The administration of the state's plan or program  
12 approved under Title IV-B, Title IV-D, or Title IV-E of the  
13 Social Security Act, as amended, or under Title I, Title X,  
14 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
15 Social Security Act, as amended.

16 (c) Any investigation, prosecution, or criminal or  
17 civil proceeding conducted in connection with the  
18 administration of any of the plans or programs specified in  
19 paragraph (a) or paragraph (b). The department has authority  
20 to disclose the current address of a program recipient to a  
21 federal, state, or local law enforcement officer at his or her  
22 request. Such information shall be disclosed only to law  
23 enforcement officers who provide the name of the recipient and  
24 satisfactorily demonstrate that:

25 1. The recipient:

26 a. Is fleeing to avoid prosecution, or custody or  
27 confinement after conviction, under the laws of the place from  
28 which the individual flees, for a crime, or an attempt to  
29 commit a crime, which is a felony under the laws of the place  
30 from which the individual flees, or which, in the case of the  
31 State of New Jersey, is a high misdemeanor under the laws of

Bill No. HB 1575, 1st Eng.

Amendment No.     

1 that state;

2 b. Is violating a condition of probation or parole  
3 imposed under federal or state law; or

4 c. Has information that is necessary for the officer  
5 to conduct the official duties of the officer.

6 2. The location or apprehension of the individual is  
7 within the law officer's official duties; and

8 3. The request is made in the proper exercise of those  
9 duties. However, the information may only be used within the  
10 proper exercise of those duties.

11 (d) The administration of any other state, federal, or  
12 federally assisted program that provides assistance, in cash  
13 or in kind, or services, directly to individuals on the basis  
14 of need.

15 (e) Any audit or similar activity, such as a review of  
16 expenditure reports or financial review, conducted in  
17 connection with the administration of any of the plans or  
18 programs specified in paragraph (a) or paragraph (b), by any  
19 governmental entity that is authorized by law to conduct such  
20 audit or activity.

21 (f) The administration of the unemployment  
22 compensation program.

23 (g) The reporting to the appropriate agency or  
24 official of information about known or suspected instances of  
25 physical or mental injury, sexual abuse or exploitation, or  
26 negligent treatment or maltreatment of a child receiving  
27 assistance, under circumstances that indicate that the child's  
28 health or welfare is threatened.

29  
30 Disclosure or publication of any information or lists that  
31 identify by name or address any program recipient, to any

Bill No. HB 1575, 1st Eng.

Amendment No. \_\_\_\_

1 federal, state, or local committee or legislative body other  
2 than in connection with any activity under this subsection, is  
3 prohibited.

4 (4) PROCEDURES FOR RELEASE OF CERTAIN INFORMATION.--

5 (a) Except under court order, the release or use of  
6 confidential information concerning individuals receiving  
7 temporary cash assistance may be made only under a protocol  
8 that maintains standards of confidentiality which are  
9 comparable to those that apply to the department. Local WAGES  
10 coalitions and their employees and contract providers shall  
11 meet the same standards of confidentiality as those that apply  
12 to the department. With regard to the information made  
13 confidential in this section, the state agencies charged by  
14 law to implement the WAGES Program may receive the  
15 information.

16 (b) In the event of the issuance of a subpoena for the  
17 case record of a program recipient or for any agency  
18 representative to testify concerning information about a  
19 recipient rendered confidential by this section, the public  
20 record or part thereof in question shall be submitted to the  
21 court for an inspection in camera. An inspection in camera  
22 shall be discretionary with the court, and the court may make  
23 such provisions as it finds necessary to maintain appropriate  
24 confidentiality.

25 (c) In the event that information is obtained from  
26 program recipients through an integrated eligibility process  
27 such that the requirements of more than one state or federal  
28 program apply to the information, the requirements of the  
29 program that is the provider of the information shall prevail.  
30 If the department cannot determine which program is the  
31 provider of the information, the requirements of each

Bill No. HB 1575, 1st Eng.

Amendment No. \_\_\_\_

1 applicable state or federal program shall be met.

2           Section 2. (1) The Legislature finds that it is a  
3 public necessity that the records and meetings held pursuant  
4 to the implementation of ss. 414.027, 414.028, 414.030,  
5 414.055, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115,  
6 414.125, 414.13, 414.15, 414.155, 414.16, 414.20, 414.21,  
7 414.22, 414.225, 414.23, 414.24, 414.27, 414.32, 414.35,  
8 414.38, 414.391, 414.392, 414.44, and 414.70, Florida  
9 Statutes, be held confidential and exempt from the public  
10 records and public meetings laws for the following reasons:

11           (a) The state has compelling interests in ensuring  
12 that individuals eligible for temporary cash assistance enter  
13 into and fully participate in WAGES Programs to assist them in  
14 attaining self-sufficiency, including programs to deal with  
15 problems such as illiteracy, substance abuse, and mental  
16 health. The fear of public disclosure of personal information  
17 by participants in temporary cash assistance programs and by  
18 their children constitutes a significant disincentive for  
19 their full participation in programs to assist in the  
20 development of independence and makes more difficult the  
21 development of a sense of self-worth that is essential to the  
22 process of moving towards independence.

23           (b) The state has compelling interests in ensuring  
24 that meetings concerning temporary cash assistance cases be  
25 able to consider information regarding eligibility for cash  
26 assistance, hardship exemption, extension of time limits, and  
27 other provisions of the program that may require information  
28 from many sources, much of which is subject to federal and  
29 state confidentiality laws.

30           (c) The state has a compelling interest in protecting  
31 the children of families receiving temporary cash assistance

Bill No. HB 1575, 1st Eng.

Amendment No. \_\_\_\_

1 and participating in related intervention programs from the  
2 trauma of public disclosure of personal information.

3 (d) The state has a compelling interest in the  
4 protection of victims of domestic violence. Among recipients  
5 of cash assistance are victims of domestic violence who may be  
6 traumatized or placed in danger by public disclosure of their  
7 identity, personal address, or other personal information.

8 (2) Therefore, for the reasons stated in this section,  
9 the Legislature finds that it is a public necessity that the  
10 access to records that contain and the meetings at which are  
11 discussed personal information of recipients of temporary cash  
12 assistance shall be limited as provided for in this act.

13 Section 3. Section 414.29, Florida Statutes, is  
14 repealed.

15 Section 4. This act shall take effect upon becoming a  
16 law.

17  
18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22

23 and insert:

24 A bill to be entitled  
25 An act relating to public meetings and public  
26 records; creating s. 414.295, F.S.; providing  
27 an exemption from public meetings requirements  
28 for portions of certain meetings of the  
29 Department of Children and Family Services,  
30 Department of Labor and Employment Security,  
31 Department of Health, Department of Revenue,

Bill No. HB 1575, 1st Eng.

Amendment No. \_\_\_\_

1 WAGES Program State Board of Directors, or a  
2 local WAGES coalition, or their contract  
3 service providers, at which certain identifying  
4 information regarding temporary cash assistance  
5 programs, which is restricted pursuant to  
6 requirements of federal law, is discussed;  
7 providing an exemption from public records  
8 requirements for certain identifying  
9 information in such entities' records of such  
10 programs; authorizing release of confidential  
11 information for specified purposes; providing a  
12 prohibition; providing procedures for release  
13 of information under specified circumstances;  
14 providing a finding of public necessity;  
15 repealing s. 414.29, F.S., which provides for  
16 certain records relating to recipients of  
17 temporary cash assistance to be public records;  
18 providing an effective date.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31