

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Governmental Operations offered the
12 following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

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

20 414.295 Temporary cash assistance programs;
21 safeguarding information.--

22 (1) MEETINGS EXEMPT FROM PUBLIC MEETINGS LAW.--Those
23 portions of a meeting held by the Department of Children and
24 Family Services, the Department of Labor and Employment
25 Security, the Department of Health, the Department of Revenue,
26 the WAGES Program State Board of Directors, or a local WAGES
27 coalition, or service providers under contract to any of these
28 entities, pursuant to the implementation of s. 414.027, s.
29 414.028, s. 414.030, s. 414.055, s. 414.065, s. 414.075, s.
30 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.125, s.
31 414.13, s. 414.15, s. 414.155, s. 414.16, s. 414.20, s.

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1 414.21, s. 414.22, s. 414.225, s. 414.23, s. 414.24, s.
2 414.27, s. 414.32, s. 414.35, s. 414.38, s. 414.391, s.
3 414.392, s. 414.44, or s. 414.70, at which information is
4 discussed which identifies individuals who have applied for or
5 are receiving temporary assistance shall be confidential and
6 exempt from the requirements of s. 286.011 and s. 24(b), Art.
7 I of the State Constitution. This exemption is made in
8 accordance with the requirements of federal law under s. 402
9 of the Social Security Act, as amended (42 U.S.C. 602), and is
10 not subject to repeal under s. 119.15.

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

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

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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 applicant or
21 recipient to a federal, state, or local law enforcement
22 officer at his or her request. Such information shall be
23 disclosed only to law enforcement officers who provide the
24 name of the recipient and 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

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1 such 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 which 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 which 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 which indicate that the
28 child's health or welfare is threatened.
29
30 Disclosure or publication of any information or lists that
31 identify by name or address any program applicant or

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1 recipient, to any federal, state, or local committee or
2 legislative body other than in connection with any activity
3 under this subsection, is 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 applying for
7 or receiving temporary cash assistance may only be made under
8 a protocol that maintains standards of confidentiality which
9 are comparable to those that apply to the department. Local
10 WAGES coalitions and their employees and contract providers
11 shall meet the same standards of confidentiality as those that
12 apply 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 applicant or recipient or for any
18 agency representative to testify concerning information about
19 an applicant or recipient rendered confidential by this
20 section, the public record or part thereof in question shall
21 be submitted to the court for an inspection in camera. An
22 inspection in camera shall be discretionary with the court,
23 and the court may make such provisions as it finds necessary
24 to maintain appropriate confidentiality.

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

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1 requirements of each applicable state or federal program shall
2 be met.

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

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

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

31 (c) The state has a compelling interest in protecting

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1 the children of families receiving cash assistance and
2 participating in related intervention programs from the trauma
3 of public disclosure of personal information.

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

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

14 Section 3. This act shall take effect upon becoming a
15 law.

16
17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, lines 2 through 24,
21 remove from the title of the bill: all of said lines

22
23 and insert in lieu thereof:

24 An act relating to public meetings and public
25 records; creating s. 414.295, F.S.; providing
26 an exemption from public meetings requirements
27 for any staff meeting, or portion thereof, of
28 the Department of Children and Family Services,
29 Department of Labor and Employment Security,
30 Department of Health, Department of Revenue,
31 WAGES Program State Board of Directors, or a

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

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