

1 A bill to be entitled
2 An act relating to public meetings and public
3 records; creating s. 414.295, F.S.; providing
4 an exemption from public meetings requirements
5 for any staff meeting, or portion thereof, of
6 the Department of Children and Family Services,
7 Department of Labor and Employment Security,
8 Department of Health, Department of Revenue,
9 WAGES Program State Board of Directors, or a
10 local WAGES coalition, or their contract
11 service providers, at which certain identifying
12 information regarding temporary cash assistance
13 programs, which is restricted pursuant to
14 requirements of federal law, is discussed;
15 providing an exemption from public records
16 requirements for certain identifying
17 information in such entities' records of such
18 programs; authorizing release of confidential
19 information for specified purposes; providing a
20 prohibition; providing procedures for release
21 of information under specified circumstances;
22 providing a finding of public necessity;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 414.295, Florida Statutes, is
28 created to read:

29 414.295 Temporary cash assistance programs;
30 safeguarding information.--

31

1 (1) MEETINGS EXEMPT FROM PUBLIC MEETINGS LAW.--Those
2 portions of a meeting held by the Department of Children and
3 Family Services, the Department of Labor and Employment
4 Security, the Department of Health, the Department of Revenue,
5 the WAGES Program State Board of Directors, or a local WAGES
6 coalition, or service providers under contract to any of these
7 entities, pursuant to the implementation of s. 414.027, s.
8 414.028, s. 414.030, s. 414.055, s. 414.065, s. 414.075, s.
9 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.125, s.
10 414.13, s. 414.15, s. 414.155, s. 414.16, s. 414.20, s.
11 414.21, s. 414.22, s. 414.225, s. 414.23, s. 414.24, s.
12 414.27, s. 414.32, s. 414.35, s. 414.38, s. 414.391, s.
13 414.392, s. 414.44, or s. 414.70, at which information is
14 discussed which identifies individuals who have applied for or
15 are receiving temporary assistance shall be confidential and
16 exempt from the requirements of s. 286.011 and s. 24(b), Art.
17 I of the State Constitution. This exemption is made in
18 accordance with the requirements of federal law under s. 402
19 of the Social Security Act, as amended (42 U.S.C. 602), and is
20 not subject to repeal under s. 119.15.

21 (2) INFORMATION EXEMPT FROM PUBLIC RECORDS
22 LAW.--Information which identifies individuals in records
23 acquired by the Department of Children and Family Services,
24 the Department of Labor and Employment Security, the
25 Department of Health, the Department of Revenue, the WAGES
26 Program State Board of Directors, or local WAGES coalitions,
27 or service providers under contract to any of these entities,
28 pursuant to the implementation of s. 414.027, s. 414.028, s.
29 414.030, s. 414.055, s. 414.065, s. 414.075, s. 414.085, s.
30 414.095, s. 414.105, s. 414.115, s. 414.125, s. 414.13, s.
31 414.15, s. 414.155, s. 414.16, s. 414.20, s. 414.21, s.

1 414.22, s. 414.225, s. 414.23, s. 414.24, s. 414.27, s.
2 414.32, s. 414.35, s. 414.38, s. 414.391, s. 414.392, s.
3 414.44, or s. 414.70, is confidential and exempt from the
4 public records requirements of s. 119.07(1) and s. 24(a), Art.
5 I of the State Constitution. This exemption is made in
6 accordance with the requirements of federal law under s. 402
7 of the Social Security Act, as amended (42 U.S.C. 602), and is
8 not subject to repeal under s. 119.15.

9 (3) RELEASE OF INFORMATION AUTHORIZED FOR SPECIFIED
10 PURPOSES.--Identifying information made confidential and
11 exempt pursuant to this section may be released for purposes
12 directly connected with:

13 (a) The administration of the temporary assistance for
14 needy families plan under Title IV-A of the Social Security
15 Act, as amended, which may include disclosure of information
16 within and among the Department of Children and Family
17 Services, the Department of Labor and Employment Security, the
18 Department of Health, the Department of Revenue, the WAGES
19 Program State Board of Directors, local WAGES coalitions, and
20 service providers under contract to any of these entities.

21 (b) The administration of the state's plan or program
22 approved under Title IV-B, Title IV-D, or Title IV-E of the
23 Social Security Act, as amended, or under Title I, Title X,
24 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
25 Social Security Act, as amended.

26 (c) Any investigation, prosecution, or criminal or
27 civil proceeding conducted in connection with the
28 administration of any of the plans or programs specified in
29 paragraph (a) or paragraph (b). The department has authority
30 to disclose the current address of a program applicant or
31 recipient to a federal, state, or local law enforcement

1 officer at his or her request. Such information shall be
2 disclosed only to law enforcement officers who provide the
3 name of the recipient and satisfactorily demonstrate that:

4 1. The recipient:

5 a. Is fleeing to avoid prosecution, or custody or
6 confinement after conviction, under the laws of the place from
7 which the individual flees, for a crime, or an attempt to
8 commit a crime, which is a felony under the laws of the place
9 from which the individual flees, or which, in the case of the
10 State of New Jersey, is a high misdemeanor under the laws of
11 such state;

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

14 c. Has information that is necessary for the officer
15 to conduct the official duties of the officer.

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

18 3. The request is made in the proper exercise of those
19 duties. However, the information may only be used within the
20 proper exercise of those duties.

21 (d) The administration of any other state, federal, or
22 federally assisted program which provides assistance, in cash
23 or in kind, or services, directly to individuals on the basis
24 of need.

25 (e) Any audit or similar activity, such as a review of
26 expenditure reports or financial review, conducted in
27 connection with the administration of any of the plans or
28 programs specified in paragraph (a) or paragraph (b), by any
29 governmental entity which is authorized by law to conduct such
30 audit or activity.

31

1 (f) The administration of the unemployment
2 compensation program.

3 (g) The reporting to the appropriate agency or
4 official of information about known or suspected instances of
5 physical or mental injury, sexual abuse or exploitation, or
6 negligent treatment or maltreatment of a child receiving
7 assistance, under circumstances which indicate that the
8 child's health or welfare is threatened.

9
10 Disclosure or publication of any information or lists that
11 identify by name or address any program applicant or
12 recipient, to any federal, state, or local committee or
13 legislative body other than in connection with any activity
14 under this subsection, is prohibited.

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

16 (a) Except under court order, the release or use of
17 confidential information concerning individuals applying for
18 or receiving temporary cash assistance may only be made under
19 a protocol that maintains standards of confidentiality which
20 are comparable to those that apply to the department. Local
21 WAGES coalitions and their employees and contract providers
22 shall meet the same standards of confidentiality as those that
23 apply to the department. With regard to the information made
24 confidential in this section, the state agencies charged by
25 law to implement the WAGES Program may receive the
26 information.

27 (b) In the event of the issuance of a subpoena for the
28 case record of a program applicant or recipient or for any
29 agency representative to testify concerning information about
30 an applicant or recipient rendered confidential by this
31 section, the public record or part thereof in question shall

1 be submitted to the court for an inspection in camera. An
2 inspection in camera shall be discretionary with the court,
3 and the court may make such provisions as it finds necessary
4 to maintain appropriate confidentiality.

5 (c) In the event that information is obtained from
6 program applicants or recipients through an integrated
7 eligibility process such that the requirements of more than
8 one state or federal program apply to the information, the
9 requirements of the program that is the provider of the
10 information shall prevail. If the department cannot determine
11 which program is the provider of the information, the
12 requirements of each applicable state or federal program shall
13 be met.

14 Section 2. (1) The Legislature finds that it is a
15 public necessity that the records and meetings held pursuant
16 to the implementation of ss. 414.027, 414.028, 414.030,
17 414.055, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115,
18 414.125, 414.13, 414.15, 414.155, 414.16, 414.20, 414.21,
19 414.22, 414.225, 414.23, 414.24, 414.27, 414.32, 414.35,
20 414.38, 414.391, 414.392, 414.44, and 414.70, Florida
21 Statutes, be held confidential and exempt from the public
22 records and public meetings laws for the following reasons:

23 (a) The state has compelling interests in ensuring
24 that individuals eligible for cash assistance enter into and
25 fully participate in WAGES programs to assist them in
26 attaining self-sufficiency, including programs to deal with
27 problems such as illiteracy, substance abuse, and mental
28 health. The fear of public disclosure of personal information
29 by participants in temporary cash assistance programs and by
30 their children constitutes a significant disincentive for
31 their full participation in programs to assist in the

1 development of independence and makes more difficult the
2 development of a sense of self-worth that is essential to the
3 process of moving towards independence.

4 (b) The state has compelling interests in ensuring
5 that meetings concerning cash assistance cases be able to
6 consider information regarding eligibility for cash
7 assistance, hardship exemption, extension of time limits, and
8 other provisions of the program that may require information
9 from many sources, much of which is subject to federal and
10 state confidentiality laws.

11 (c) The state has a compelling interest in protecting
12 the children of families receiving cash assistance and
13 participating in related intervention programs from the trauma
14 of public disclosure of personal information.

15 (d) The state has a compelling interest in the
16 protection of victims of domestic violence. Among recipients
17 of cash assistance are victims of domestic violence who may be
18 traumatized or placed in danger by public disclosure of their
19 identity, personal address, or other personal information.

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

25 Section 3. This act shall take effect upon becoming a
26 law.