

By Senator Kirkpatrick

309-1683-99

See HB 1575

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 information is restricted
14 pursuant to requirements of federal law, is
15 discussed; providing an exemption from public
16 records requirements for certain identifying
17 information in such entities' records of such
18 programs; providing for future review and
19 repeal; authorizing release of confidential
20 information for specified purposes; providing a
21 prohibition; providing procedures for release
22 of information under specified circumstances;
23 providing a finding of public necessity;
24 providing an effective date.

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

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

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

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

20 (2) INFORMATION EXEMPT FROM PUBLIC RECORDS
21 LAW.--Information that identifies individuals in records
22 acquired by the Department of Children and Family Services,
23 the Department of Labor and Employment Security, the
24 Department of Health, the Department of Revenue, the WAGES
25 Program State Board of Directors, or local WAGES coalitions,
26 or service providers under contract to any of these entities,
27 pursuant to the implementation of s. 414.027, s. 414.028, s.
28 414.030, s. 414.055, s. 414.065, s. 414.075, s. 414.085, s.
29 414.095, s. 414.105, s. 414.115, s. 414.125, s. 414.13, s.
30 414.15, s. 414.155, s. 414.16, s. 414.20, s. 414.21, s.
31 414.22, s. 414.225, s. 414.23, s. 414.24, s. 414.27, s.

1 414.32, s. 414.35, s. 414.38, s. 414.391, s. 414.392, s.
2 414.44, or s. 414.70, is confidential and exempt from the
3 public records requirements of s. 119.07(1) and s. 24(a), Art.
4 I of the State Constitution. This subsection is repealed
5 effective October 2, 2004, and must be reviewed by the
6 Legislature before that date in accordance with s. 119.15, the
7 Open Government Sunset Review Act of 1995.

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

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

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

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

1 disclosed only to law enforcement officers who provide the
2 name of the recipient and satisfactorily demonstrate that:
3 1. The recipient:
4 a. Is fleeing to avoid prosecution, or custody or
5 confinement after conviction, under the laws of the place from
6 which the individual flees, for a crime, or an attempt to
7 commit a crime, which is a felony under the laws of the place
8 from which the individual flees, or which, in the case of the
9 State of New Jersey, is a high misdemeanor under the laws of
10 that state;
11 b. Is violating a condition of probation or parole
12 imposed under federal or state law; or
13 c. Has information that is necessary for the officer
14 to conduct the official duties of the officer.
15 2. The location or apprehension of the individual is
16 within the law officer's official duties; and
17 3. The request is made in the proper exercise of those
18 duties. However, the information may only be used within the
19 proper exercise of those duties.
20 (d) The administration of any other state, federal, or
21 federally assisted program that provides assistance, in cash
22 or in kind, or services, directly to individuals on the basis
23 of need.
24 (e) Any audit or similar activity, such as a review of
25 expenditure reports or financial review, conducted in
26 connection with the administration of any of the plans or
27 programs specified in paragraph (a) or paragraph (b), by any
28 governmental entity that is authorized by law to conduct such
29 audit or activity.
30 (f) The administration of the unemployment
31 compensation program.

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

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

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

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

25 (b) In the event of the issuance of a subpoena for the
26 case record of a program applicant or recipient or for any
27 agency representative to testify concerning information about
28 an applicant or recipient rendered confidential by this
29 section, the public record or part thereof in question shall
30 be submitted to the court for an inspection in camera. An
31 inspection in camera shall be discretionary with the court,

1 and the court may make such provisions as it finds necessary
2 to maintain appropriate confidentiality.

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

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

21 (a) The state has compelling interests in ensuring
22 that individuals eligible for cash assistance enter into and
23 fully participate in WAGES programs to assist them in
24 attaining self-sufficiency, including programs to deal with
25 problems such as illiteracy, substance abuse, and mental
26 health. The fear of public disclosure of personal information
27 by participants in temporary cash assistance programs and by
28 their children may constitute a significant disincentive for
29 their full participation in programs to assist in the
30 development of independence and may make more difficult the
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1 development of a sense of self-worth which is essential to the
2 process of moving towards independence.

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

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

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

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

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

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LEGISLATIVE SUMMARY

Provides an exemption from public meetings requirements for any staff meeting, or portion thereof, of the Department of Children and Family Services, Department of Labor and Employment Security, Department of Health, Department of Revenue, WAGES Program State Board of Directors, or a local WAGES coalition, or their contract service providers, at which certain identifying information regarding temporary cash assistance programs, which information is restricted pursuant to federal law, is discussed. Provides an exemption from public records requirements for certain identifying information in such entities' records of such programs and provides for future review and repeal of this exemption. Authorizes release of confidential identifying information for specified purposes. Prohibits disclosure of such identifying information to any governmental committee or legislative body except as authorized under the act. Provides procedures for release of certain information under specified circumstances.