

By the Committee on Commerce and Economic Opportunities; and
Senator Kirkpatrick

310-1953-99

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 portions of certain meetings of the

6 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 repealing s. 414.29, F.S., which provides for

24 certain records relating to recipients of

25 temporary cash assistance to be public records;

26 providing an effective date.

27

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

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30 Section 1. Section 414.295, Florida Statutes, is

31 created to read:

1 414.295 Temporary cash assistance programs;
2 safeguarding information.--

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

23 (2) INFORMATION EXEMPT FROM PUBLIC RECORDS
24 LAW.--Information that identifies individuals who are
25 receiving temporary cash assistance in records acquired by the
26 Department of Children and Family Services, the Department of
27 Labor and Employment Security, the Department of Health, the
28 Department of Revenue, the WAGES Program State Board of
29 Directors, or local WAGES coalitions, or service providers
30 under contract to any of these entities, pursuant to the
31 implementation of s. 414.027, s. 414.028, s. 414.030, s.

1 414.055, s. 414.065, s. 414.075, s. 414.085, s. 414.095, s.
2 414.105, s. 414.115, s. 414.125, s. 414.13, s. 414.15, s.
3 414.155, s. 414.16, s. 414.20, s. 414.21, s. 414.22, s.
4 414.225, s. 414.23, s. 414.24, s. 414.27, s. 414.32, s.
5 414.35, s. 414.38, s. 414.391, s. 414.392, s. 414.44, or s.
6 414.70, is confidential and exempt from the public records
7 requirements of s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution. This exemption is made in accordance with the
9 requirements of federal law under s. 402 of the Social
10 Security Act, as amended, 42 U.S.C. 602, and is not subject to
11 repeal under s. 119.15.

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

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

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

29 (c) Any investigation, prosecution, or criminal or
30 civil proceeding conducted in connection with the
31 administration of any of the plans or programs specified in

1 paragraph (a) or paragraph (b). The department has authority
2 to disclose the current address of a program recipient to a
3 federal, state, or local law enforcement officer at his or her
4 request. Such information shall be disclosed only to law
5 enforcement officers who provide the name of the recipient and
6 satisfactorily demonstrate that:

7 1. The recipient:

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

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

17 c. Has information that is necessary for the officer
18 to conduct the official duties of the officer.

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

21 3. The request is made in the proper exercise of those
22 duties. However, the information may only be used within the
23 proper exercise of those duties.

24 (d) The administration of any other state, federal, or
25 federally assisted program that provides assistance, in cash
26 or in kind, or services, directly to individuals on the basis
27 of need.

28 (e) Any audit or similar activity, such as a review of
29 expenditure reports or financial review, conducted in
30 connection with the administration of any of the plans or
31 programs specified in paragraph (a) or paragraph (b), by any

1 governmental entity that is authorized by law to conduct such
2 audit or activity.

3 (f) The administration of the unemployment
4 compensation program.

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

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

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

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

29 (b) In the event of the issuance of a subpoena for the
30 case record of a program recipient or for any agency
31 representative to testify concerning information about a

1 recipient rendered confidential by this section, the public
2 record or part thereof in question shall be submitted to the
3 court for an inspection in camera. An inspection in camera
4 shall be discretionary with the court, and the court may make
5 such provisions as it finds necessary to maintain appropriate
6 confidentiality.

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

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

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

1 their full participation in programs to assist in the
2 development of independence and makes more difficult the
3 development of a sense of self-worth that is essential to the
4 process of moving towards independence.

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

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

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

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

26 Section 3. Section 414.29, Florida Statutes, is
27 repealed.

28 Section 4. This act shall take effect upon becoming a
29 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2470

Clarifies that the "individuals," who provide the basis for holding records and meetings confidential under this committee substitute, are individuals who are receiving temporary cash assistance.

Provides that only those portions of a meeting at which confidential information is discussed are exempt from the public meeting requirements.

Provides that the public records exemption provided for in this committee substitute is not subject to repeal under the "Open Government Sunset Review Act of 1995."

Includes the exemptions to public meetings within the scope of the statement of public necessity justifying the exemptions.

Repeals s. 414.29, F.S., a conflicting public records provision.