

By Senator Clary

7-1296-00

See HB 429

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 Management Services, Department
 9 of Health, Department of Revenue, WAGES Program
 10 State Board of Directors, or a local WAGES
 11 coalition, or their contract service providers,
 12 at which certain identifying information
 13 regarding temporary cash assistance programs,
 14 which is restricted pursuant to requirements of
 15 federal law, is discussed; providing an
 16 exemption from public records requirements for
 17 certain identifying information in such
 18 entities' records of such programs; authorizing
 19 release of confidential information for
 20 specified purposes; providing a prohibition;
 21 providing procedures for release of information
 22 under specified circumstances; providing a
 23 finding of public necessity; providing an
 24 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.--Those
2 portions of a meeting held by the Department of Children and
3 Family Services, the Department of Labor and Employment
4 Security, Department of Management Services, the Department of
5 Health, the Department of Revenue, the WAGES Program State
6 Board of Directors, or a local WAGES coalition, or service
7 providers under contract to any of these entities, pursuant to
8 the implementation of s. 414.027, s. 414.028, s. 414.030, s.
9 414.045, s. 414.055, s. 414.065, s. 414.0655, s. 414.075, s.
10 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.122, s.
11 414.125, s. 414.13, s. 414.15, s. 414.1525, s. 414.155, s.
12 414.157, s. 414.158, s. 414.1585, s. 414.159, s. 414.16, s.
13 414.18, s. 414.20, s. 414.21, s. 414.22, s. 414.223, s.
14 414.225, s. 414.23, s. 414.24, s. 414.27, s. 414.32, s.
15 414.35, s. 414.38, s. 414.391, s. 414.392, s. 414.44, or s.
16 414.70, at which information is discussed which identifies
17 individuals who have applied for or are receiving temporary
18 assistance shall be confidential and exempt from the
19 requirements of s. 286.011 and s. 24(b), Art. I of the State
20 Constitution. This exemption is made in accordance with the
21 requirements of federal law under s. 402 of the Social
22 Security Act, as amended, (42 U.S.C. 602) and is not subject
23 to repeal under s. 119.15.

24 (2) INFORMATION EXEMPT FROM PUBLIC RECORDS
25 LAW.--Information which identifies individuals in records held
26 by or acquired by the Department of Children and Family
27 Services, the Department of Labor and Employment Security,
28 Department of Management Services, the Department of Health,
29 the Department of Revenue, the WAGES Program State Board of
30 Directors, or local WAGES coalitions, or service providers
31 under contract to any of these entities, pursuant to the

1 implementation of s. 414.027, s. 414.028, s. 414.030, s.
2 414.045, s. 414.055, s. 414.065, s. 414.0655, s. 414.075, s.
3 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.122, s.
4 414.125, s. 414.13, s. 414.15, s. 414.1525, s. 414.155, s.
5 414.157, s. 414.158, s. 414.1585, s. 414.159, s. 414.16, s.
6 414.18, s. 414.20, s. 414.21, s. 414.22, s. 414,223, s.
7 414.225, s. 414.23, s. 414.24, s. 414.27, s. 414.32, s.
8 414.35, s. 414.38, s. 414.391, s. 414.392, s. 414.44, or s.
9 414.70, is confidential and exempt from the public records
10 requirements of s. 119.07(1) and s. 24(a), Art. I of the State
11 Constitution. This exemption is made in accordance with the
12 requirements of federal law under s. 402 of the Social
13 Security Act, as amended, (42 U.S.C. 602) and is not subject
14 to repeal under s. 119.15.

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

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

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

3 (c) Any investigation, prosecution, or criminal or
4 civil proceeding conducted in connection with the
5 administration of any of the plans or programs specified in
6 paragraph (a) or paragraph (b). The department has authority
7 to disclose the current address of a program applicant or
8 recipient to a federal, state, or local law enforcement
9 officer at his or her request. Such information shall be
10 disclosed only to law enforcement officers who provide the
11 name of the applicant or recipient and satisfactorily
12 demonstrate that:

13 1. The applicant or recipient:

14 a. Is fleeing to avoid prosecution, or custody or
15 confinement after conviction, under the laws of the place from
16 which the individual flees, for a crime, or an attempt to
17 commit a crime, which is a felony under the laws of the place
18 from which the individual flees, or which, in the case of the
19 State of New Jersey, is a high misdemeanor under the laws of
20 such state;

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

23 c. Has information that is necessary for the officer
24 to conduct the official duties of the officer.

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

27 3. The request is made in the proper exercise of those
28 duties. However, the information may only be used within the
29 proper exercise of those duties.

30 (d) The administration of any other state, federal, or
31 federally assisted program which provides assistance, in cash

1 or in kind, or services, directly to individuals on the basis
2 of need.

3 (e) Any audit or similar activity, such as a review of
4 expenditure reports or financial review, conducted in
5 connection with the administration of any of the plans or
6 programs specified in paragraph (a) or paragraph (b), by any
7 governmental entity which is authorized by law to conduct such
8 audit or activity.

9 (f) The administration of the unemployment
10 compensation program.

11 (g) The reporting to the appropriate agency or
12 official of information about known or suspected instances of
13 physical or mental injury, sexual abuse or exploitation, or
14 negligent treatment or maltreatment of a child receiving
15 assistance, under circumstances which indicate that the
16 child's health or welfare is threatened.

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18 Disclosure or publication of any information or lists that
19 identify by name or address any program applicant or
20 recipient, to any federal, state, or local committee or
21 legislative body other than in connection with any activity
22 under this subsection, is prohibited.

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

24 (a) Except under court order, the release or use of
25 confidential information concerning individuals applying for
26 or receiving temporary cash assistance may only be made under
27 a protocol that maintains standards of confidentiality which
28 are comparable to those that apply to the department. Local
29 WAGES coalitions and their employees and contract providers
30 shall meet the same standards of confidentiality as those that
31 apply to the department. With regard to the information made

1 confidential in this section, the state agencies charged by
2 law to implement the WAGES Program may receive the
3 information.

4 (b) In the event of the issuance of a subpoena for the
5 case record of a program applicant or recipient or for any
6 agency representative to testify concerning information about
7 an applicant or recipient rendered confidential by this
8 section, the public record or part thereof in question shall
9 be submitted to the court for an inspection in camera. An
10 inspection in camera shall be discretionary with the court,
11 and the court may make such provisions as it finds necessary
12 to maintain appropriate confidentiality.

13 (c) In the event that information is obtained from
14 program applicants or recipients through an integrated
15 eligibility process such that the requirements of more than
16 one state or federal program apply to the information, the
17 requirements of the program that is the provider of the
18 information shall prevail. If the department cannot determine
19 which program is the provider of the information, the
20 requirements of each applicable state or federal program shall
21 be met.

22 Section 2. (1) The Legislature finds that it is a
23 public necessity that the records and meetings held pursuant
24 to the implementation of sections 414.027, 414.028, 414.030,
25 414.045, 414.055, 414.065, 414.0655, 414.075, 414.085,
26 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.15,
27 414.1525, 414.155, 414.157, 414.158, 414.1585, 414.159,
28 414.16, 414.18, 414.20, 414.21, 414.22, 414.223, 414.225,
29 414.23, 414.24, 414.27, 414.32, 414.35, 414.38, 414.391,
30 414.392, 414.44, and 414.70, Florida Statutes, be held
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1 confidential and exempt from the public records and public
2 meetings laws for the following reasons:

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

16 (b) The state has compelling interests in ensuring
17 that meetings concerning cash assistance cases be able to
18 consider information regarding eligibility for cash
19 assistance, hardship exemption, extension of time limits, and
20 other provisions of the program that may require information
21 from many sources, much of which is subject to federal and
22 state confidentiality laws.

23 (c) The state has a compelling interest in protecting
24 the children of families applying for or receiving cash
25 assistance or participating in related intervention programs
26 from the trauma of public disclosure of personal information.

27 (d) The state has a compelling interest in the
28 protection of victims of domestic violence. Among applicants
29 for and recipients of cash assistance are victims of domestic
30 violence who may be traumatized or placed in danger by public
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1 disclosure of their identity, personal address, or other
2 personal information.

3 (2) Therefore, for the reasons stated in this section,
4 the Legislature finds that it is a public necessity that the
5 access to records and meetings which discuss personal
6 information of applicants for or recipients of temporary cash
7 assistance shall be limited as provided for in this act.

8 Section 3. This act shall take effect upon becoming a
9 law.

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12 LEGISLATIVE SUMMARY

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