

By the Committee on Children & Families and Representative Murman

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,  
31

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.

17  
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 ss. 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  
31

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 HOUSE 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.