

By Representative Joyner

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 meeting, or portion thereof, of the  
6           Department of Children and Family Services,  
7           Agency for Workforce Innovation, Workforce  
8           Florida, Inc., Department of Management  
9           Services, Department of Health, Department of  
10          Revenue, Department of Education, or a regional  
11          workforce board, or their contract service  
12          providers, at which certain identifying  
13          information regarding temporary assistance  
14          programs, which is restricted pursuant to  
15          requirements of federal law, is discussed;  
16          providing an exemption from public records  
17          requirements for certain identifying  
18          information in such entities' records of such  
19          programs; authorizing release of confidential  
20          information for specified purposes; providing  
21          procedures for release of information under  
22          specified circumstances; providing a finding of  
23          public necessity; providing an effective date.

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

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

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

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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 Agency for Workforce Innovation,  
4 Workforce Florida, Inc., the Department of Management  
5 Services, the Department of Health, the Department of Revenue,  
6 the Department of Education, or a regional workforce board, or  
7 service providers under contract to any of these entities,  
8 pursuant to the implementation of ss. 414.045, 414.065,  
9 414.0655, 414.075, 414.085, 414.095, 414.105, 414.115,  
10 414.122, 414.125, 414.13, 414.157, 414.158, 414.1585,  
11 414.1599, 414.16, 414.24, 414.26, 414.27, 414.32, 414.35,  
12 414.391, 414.392, 414.70, 445.004, 445.005, 445.006, 445.007,  
13 445.008, 445.009, 445.010, 445.011, 445.012, 445.013, 445.017,  
14 445.019, 445.020, 445.021, 445.022, 445.023, 445.024, 445.025,  
15 445.026, 445.028, 445.029, 445.030, 445.031, and 445.032, at  
16 which information is discussed which identifies individuals  
17 who have applied for or are receiving temporary assistance,  
18 shall be confidential and exempt from the requirements of s.  
19 286.011 and s. 24(b), Art. I of the State Constitution. This  
20 exemption is made in accordance with the requirements of  
21 federal law under s. 402 of the Social Security Act, as  
22 amended, 42 U.S.C. 602, and is not subject to repeal under s.  
23 119.15.

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 Agency for Workforce Innovation, Workforce  
28 Florida, Inc., the Department of Management Services, the  
29 Department of Health, the Department of Revenue, the  
30 Department of Education, or regional workforce boards, or  
31 service providers under contract to any of these entities,

1 pursuant to the implementation of ss. 414.045, 414.065,  
2 414.0655, 414.075, 414.085, 414.095, 414.105, 414.115,  
3 414.122, 414.125, 414.13, 414.157, 414.158, 414.1585,  
4 414.1599, 414.16, 414.24, 414.26, 414.27, 414.32, 414.35,  
5 414.391, 414.392, 414.70, 445.004, 445.005, 445.006, 445.007,  
6 445.008, 445.009, 445.010, 445.011, 445.012, 445.013, 445.017,  
7 445.019, 445.020, 445.021, 445.022, 445.023, 445.024, 445.025,  
8 445.026, 445.028, 445.029, 445.030, 445.031, and 445.032, is  
9 confidential and exempt from the requirements of s. 119.07(1)  
10 and s. 24(a), Art. I of the State Constitution. This exemption  
11 is made in accordance with the requirements of federal law  
12 under s. 402 of the Social Security Act, as amended, 42 U.S.C.  
13 602, and is not subject to repeal under s. 119.15.

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

18 (a) The administration of the temporary assistance for  
19 needy families plan under Title IV-A of the Social Security  
20 Act, as amended, which may include disclosure of information  
21 within and among the Department of Children and Family  
22 Services, the Agency for Workforce Innovation, Workforce  
23 Florida, Inc., the Department of Management Services, the  
24 Department of Health, the Department of Revenue, the  
25 Department of Education, or a regional workforce board, or  
26 service providers under contract to any of these entities.

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

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

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

7       (f) The administration of the unemployment  
8 compensation program.

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

16       (h) The administration of services to elderly persons  
17 under ss. 430.601-430.606.

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

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

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

1 apply to the department. With regard to the information made  
2 confidential in this section, the state agencies charged by  
3 law to implement the welfare transition program may receive  
4 the information.

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

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

23 Section 2. (1) The Legislature finds that it is a  
24 public necessity that the records and meetings held pursuant  
25 to the implementation of ss. 414.045, 414.065, 414.0655,  
26 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125,  
27 414.13, 414.157, 414.158, 414.1585, 414.1599, 414.16, 414.24,  
28 414.26, 414.27, 414.32, 414.35, 414.391, 414.392, 414.70,  
29 445.004, 445.005, 445.006, 445.007, 445.008, 445.009, 445.010,  
30 445.011, 445.012, 445.013, 445.017, 445.019, 445.020, 445.021,  
31 445.022, 445.023, 445.024, 445.025, 445.026, 445.028, 445.029,

1 445.030, 445.031, and 445.032, Florida Statutes, be held  
2 confidential and exempt from the public records and public  
3 meetings laws for the following reasons:

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

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

23 (c) The state has a compelling interest in protecting  
24 the children of families applying for or receiving assistance  
25 or participating in related intervention programs from the  
26 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 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  
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 meeting, or portion thereof, of the Department of  
15 Children and Family Services, Agency for Workforce  
16 Innovation, Workforce Florida, Inc., Department of  
17 Management Services, Department of Health, Department of  
18 Revenue, Department of Education, or a regional workforce  
19 board, or their contract service providers, at which  
20 certain identifying information regarding temporary  
21 assistance programs, which is restricted pursuant to  
22 requirements of federal law, is discussed. Provides an  
23 exemption from public records requirements for certain  
24 identifying information in such entities' records of such  
25 programs. Authorizes release of confidential information  
26 for specified purposes and provides procedures for  
27 release of information under specified circumstances.  
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