

By the Committee on State Administration and
Representatives Joyner, Richardson, Cusack,
Bendross-Mindingall, Smith, Bullard, Holloway and Henriquez

1 A bill to be entitled
2 An act relating to public meetings and public
3 records; creating s. 414.106, F.S.; providing
4 an exemption from public meetings requirements
5 for meetings or portions of meetings held by
6 the Department of Children and Family Services,
7 Workforce Florida, Inc., a regional workforce
8 board, or a local committee at which personal
9 identifying information contained in records
10 relating to temporary cash assistance which
11 identifies a participant, participant's family,
12 or participant's family or household member is
13 discussed; creating s. 414.295, F.S.; providing
14 an exemption from public records requirements
15 for personal identifying information contained
16 in records relating to temporary cash
17 assistance which identifies a participant,
18 participant's family, or participant's family
19 or household member held by the Department of
20 Children and Family Services, the Agency for
21 Workforce Innovation, Workforce Florida, Inc.,
22 the Department of Management Services, the
23 Department of Health, the Department of
24 Revenue, the Department of Education, a
25 regional workforce board, a local committee, or
26 service providers under contract with any of
27 these entities; authorizing release of such
28 information under specified circumstances;
29 amending s. 445.007, F.S.; providing an
30 exemption from public meetings requirements for
31 meetings or portions of meetings held by

1 Workforce Florida, Inc., a regional workforce
2 board, or a local committee at which personal
3 identifying information contained in records
4 relating to temporary cash assistance which
5 identifies a participant, participant's family,
6 or participant's family or household member is
7 discussed; providing for future review and
8 repeal; providing a finding of public
9 necessity; providing an effective date.

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

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13 Section 1. Section 414.106, Florida Statutes, is
14 created to read:

15 414.106 Exemption from public meetings law.--Any
16 meeting or portion of a meeting held by the department,
17 Workforce Florida, Inc., or a regional workforce board or
18 local committee created pursuant to s. 445.007 at which
19 personal identifying information contained in records relating
20 to temporary cash assistance is discussed is exempt from s.
21 286.011 and s. 24(b), Art. I of the State Constitution if the
22 information identifies a participant, a participant's family,
23 or a participant's family or household member. This section is
24 subject to the Open Government Sunset Review Act of 1995 in
25 accordance with s. 119.15, and shall stand repealed on October
26 2, 2006, unless reviewed and saved from repeal through
27 reenactment by the Legislature.

28 Section 2. Section 414.295, Florida Statutes, is
29 created to read:

30 414.295 Temporary assistance programs; public records
31 exemption.--

1 (1) Personal identifying information contained in
2 records relating to temporary cash assistance which identifies
3 a participant, a participant's family, or a participant's
4 family or household member, except for information identifying
5 a noncustodial parent, and which is held by the department,
6 the Agency for Workforce Innovation, Workforce Florida, Inc.,
7 the Department of Management Services, the Department of
8 Health, the Department of Revenue, the Department of
9 Education, a regional workforce board or local committee
10 created pursuant to s. 445.007, or service providers under
11 contract with any of these entities shall be held confidential
12 and exempt from the requirements of s. 119.07(1) and s. 24(a),
13 Art. I of the State Constitution. Such information made
14 confidential and exempt may be released for purposes directly
15 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, the Agency for Workforce
20 Innovation, Workforce Florida, Inc., the Department of
21 Management Services, the Department of Health, the Department
22 of Revenue, the Department of Education, a regional workforce
23 board or local committee created pursuant to s. 445.007, or
24 service providers under contract with any of these entities.

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

30 (c) Any investigation, prosecution, or any criminal,
31 civil, or administrative proceeding conducted in connection

1 with the administration of any of the plans or programs
2 specified in paragraph (a) or paragraph (b). Such information
3 shall be disclosed to a federal, state, or local governmental
4 entity, upon request by that entity, when such request is made
5 pursuant to the proper exercise of that entity's duties and
6 responsibilities.

7 (d) The administration of any other state, federal, or
8 federally assisted program that provides assistance or
9 services on the basis of need, in cash or in kind, directly to
10 a participant.

11 (e) Any audit or similar activity, such as a review of
12 expenditure reports or financial review, conducted in
13 connection with the administration of any of the plans or
14 programs specified in paragraph (a) or paragraph (b) by a
15 governmental entity authorized by law to conduct such audit or
16 activity.

17 (f) The administration of the unemployment
18 compensation program.

19 (g) The reporting to the appropriate agency or
20 official of information about known or suspected instances of
21 physical or mental injury, sexual abuse or exploitation, or
22 negligent treatment or maltreatment of a child or elderly
23 person receiving assistance, if circumstances indicate that
24 the health or welfare of the child or elderly person is
25 threatened.

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

28 (2) If a subpoena is received for any information made
29 confidential and exempt by this section, the public record or
30 part thereof in question shall be submitted to the court for
31 an inspection in camera. The court may make such provision as

1 it finds necessary to maintain appropriate confidentiality.
2 Except pursuant to court order, the receiving entities shall
3 retain the confidential and exempt status of such personal
4 identifying information as otherwise provided for in this
5 section.

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

14 (4) This section is subject to the Open Government
15 Sunset Review Act of 1995 in accordance with s. 119.15, and
16 shall stand repealed on October 2, 2006, unless reviewed and
17 saved from repeal through reenactment by the Legislature.

18 Section 3. Subsection (12) is added to section
19 445.007, Florida Statutes, to read:

20 445.007 Regional workforce boards; exemption from
21 public meetings law.--

22 (12) Any meeting or portion of a meeting held by
23 Workforce Florida, Inc., or a regional workforce board or
24 local committee created under this section at which personal
25 identifying information contained in records relating to
26 temporary cash assistance, as defined in s. 414.0252, is
27 discussed is exempt from s. 286.011 and s. 24(b), Art. I of
28 the State Constitution if the information identifies a
29 participant, a participant's family, or a participant's family
30 or household member, as defined in s. 414.0252. This
31 subsection is subject to the Open Government Sunset Review Act

1 of 1995 in accordance with s. 119.15, and shall stand repealed
2 on October 2, 2006, unless reviewed and saved from repeal
3 through reenactment by the Legislature.

4 Section 4. The Legislature finds that the exemptions
5 created by this act are a public necessity because the state
6 has a compelling interest to ensure that the participants and
7 their families or family and household members for whom the
8 exemptions are created fully participate in welfare transition
9 programs in order to assist them in attaining
10 self-sufficiency, including programs to deal with problems
11 such as illiteracy, substance abuse, and mental health. The
12 fear of public disclosure of personal identifying information
13 at the meetings exempted by this act and contained in the
14 records exempted by this act constitutes a significant
15 disincentive for their full participation in programs that
16 assist in the development of independence and makes the
17 development of a sense of self-worth that is essential to the
18 development of independence more difficult. The state also has
19 a compelling interest to ensure that in meetings concerning
20 assistance cases, the parties present are able to consider
21 information regarding eligibility for assistance, hardship
22 exemption, extension of time limits, and other provisions of
23 the program which may require information from many sources.
24 The state has a compelling interest to protect the family and
25 household members of participants applying for or receiving
26 assistance or participating in related intervention programs
27 from the trauma of public disclosure of their financial
28 situations. In addition, the state has a compelling interest
29 to hold certain meetings exempt and certain information
30 confidential and exempt in order to protect participants who
31 are victims of domestic violence.

1 Section 5. This act shall take effect upon becoming a
2 law.
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