

By Senator Peaden

1-1176-01

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           the Agency for Workforce Innovation, Workforce

8           Florida, Inc., The Department of Management

9           Services, the Department of Health, the

10          Department of Revenue, the Department of

11          Education, or a regional workforce board, or

12          their contract service providers, at which

13          certain identifying information regarding

14          temporary cash assistance programs, which is

15          restricted pursuant to requirements of federal

16          law, is discussed; providing an exemption from

17          public records requirements for certain

18          identifying information in such entities'

19          records of such programs; authorizing release

20          of confidential information for specified

21          purposes; providing a prohibition; providing

22          procedures for release of information under

23          specified circumstances; providing a finding of

24          public necessity; providing an effective date.

25

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

26           (2) INFORMATION EXEMPT FROM PUBLIC RECORDS  
27 LAW.--Information that identifies individuals in records held  
28 by or acquired by the Department of Children and Family  
29 Services, the Agency for Workforce Innovation, Workforce  
30 Florida, Inc., the Department of Management Services, the  
31 Department of Health, the Department of Revenue, the

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

19 (3) RELEASE OF INFORMATION AUTHORIZED FOR SPECIFIED  
20 PURPOSES.--Identifying information made confidential and  
21 exempt pursuant to this section may be released for purposes  
22 directly connected with:

23 (a) The administration of the temporary assistance for  
24 needy families plan under Title IV-A of the Social Security  
25 Act, as amended, which may include disclosure of information  
26 within and among 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 a regional workforce board, or  
31 service providers under contract to any of these entities.

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

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

15           1. The applicant or recipient:

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

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

25           c. Has information that is necessary for the officer  
26 to conduct the official duties of the officer.

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

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

1           (d) The administration of any other state, federal, or  
2 federally assisted program that provides assistance, in cash  
3 or in kind, or services, directly to individuals on the basis  
4 of need.

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

11           (f) The administration of the unemployment  
12 compensation program.

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

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

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

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

29           (a) Except under court order, the release or use of  
30 confidential information concerning individuals applying for  
31 or receiving temporary cash assistance may be made only under

1 a protocol that maintains standards of confidentiality that  
2 are comparable to those that apply to the department. Regional  
3 workforce boards and their employees and contract providers  
4 shall meet the same standards of confidentiality as those that  
5 apply to the department. With regard to the information made  
6 confidential in this section, the state agencies charged by  
7 law to implement the welfare transition program may receive  
8 the information.

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

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

26 Section 2. (1) The Legislature finds that it is a  
27 public necessity that the records and meetings held pursuant  
28 to the implementation of sections 414.045, 414.065, 414.0655,  
29 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125,  
30 414.13, 414.157, 414.158, 414.1585, 414.1599, 414.16, 414.24,  
31 414.26, 414.27, 414.32, 414.35, 414.391, 414.392, 414.70,

1 445.004, 445.005, 445.006, 445.007, 445.008, 445.009, 445.010,  
2 445.011, 445.012, 445.013, 445.017, 445.019, 445.020, 445.021,  
3 445.022, 445.023, 445.024, 445.025, 445.026, 445.028, 445.029,  
4 445.030, 445.031, and 445.032, Florida Statutes, be held  
5 confidential and exempt from the public records and public  
6 meetings laws for the following reasons:

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

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

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