

By the Committee on Children and Families; and Senator Peaden

300-1841-01

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 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; defining the term  
20          "temporary assistance"; authorizing release of  
21          confidential information for specified  
22          purposes; providing a prohibition; providing  
23          procedures for release of information under  
24          specified circumstances; providing a finding of  
25          public necessity; providing an effective date.

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

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29           Section 1.   Section 414.295, Florida Statutes, is  
30   created to read:

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1           414.295 Temporary assistance programs; safeguarding  
2 information.--

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

28           (2) INFORMATION EXEMPT FROM PUBLIC RECORDS  
29 LAW.--Information that identifies individuals who have applied  
30 for or are receiving temporary assistance in records held by  
31 or acquired by the Department of Children and Family Services,

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

22 (3) DEFINITION.--As used in this section, the term  
23 "temporary assistance" means any cash or services provided  
24 with funds from the Temporary Assistance for Needy Families  
25 block grant.

26 (4) RELEASE OF INFORMATION AUTHORIZED FOR SPECIFIED  
27 PURPOSES.--Identifying information made confidential and  
28 exempt pursuant to this section may be released for purposes  
29 directly connected with:

30 (a) The administration of the temporary assistance for  
31 needy families plan under Title IV-A of the Social Security

1 Act, as amended, which may include disclosure of information  
2 within and among the Department of Children and Family  
3 Services, the Agency for Workforce Innovation, Workforce  
4 Florida, Inc., the Department of Management Services, the  
5 Department of Health, the Department of Revenue, the  
6 Department of Education, or a regional workforce board, or  
7 service providers under contract to any of these entities.

8 (b) The administration of the state's plan or program  
9 approved under Title IV-B, Title IV-D, or Title IV-E of the  
10 Social Security Act, as amended, or under Title I, Title X,  
11 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
12 Social Security Act, as amended.

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

22 1. The applicant or recipient:

23 a. Is fleeing to avoid prosecution, or custody or  
24 confinement after conviction, under the laws of the place from  
25 which the individual flees, for a crime, or an attempt to  
26 commit a crime, which is a felony under the laws of the place  
27 from which the individual flees, or which, in the case of the  
28 State of New Jersey, is a high misdemeanor under the laws of  
29 such state;

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

1           c. Has information that is necessary for the officer  
2 to conduct the official duties of the officer.

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

5           3. The request is made in the proper exercise of those  
6 duties. However, the information may only be used within the  
7 proper exercise of those duties.

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

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

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

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

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

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30 Disclosure or publication of any information or lists that  
31 identify by name or address any program applicant or

1 recipient, to any federal, state, or local committee or  
2 legislative body other than in connection with any activity  
3 under this subsection, is prohibited.

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

5 (a) Except under court order, the release or use of  
6 confidential information concerning individuals applying for  
7 or receiving temporary assistance may be made only under a  
8 protocol that maintains standards of confidentiality that are  
9 comparable to those that apply to the department. Regional  
10 workforce boards and their employees and contract providers  
11 shall meet the same standards of confidentiality as those that  
12 apply to the department. With regard to the information made  
13 confidential in this section, the state agencies charged by  
14 law to implement the welfare transition program may receive  
15 the information.

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

25 (c) If information is obtained from program applicants  
26 or recipients through an integrated eligibility process such  
27 that the requirements of more than one state or federal  
28 program apply to the information, the requirements of the  
29 program that is the provider of the information shall prevail.  
30 If the department cannot determine which program is the  
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1 provider of the information, the requirements of each  
2 applicable state or federal program shall be met.

3 Section 2. (1) The Legislature finds that it is a  
4 public necessity that the records and meetings held pursuant  
5 to the implementation of sections 414.045, 414.065, 414.0655,  
6 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125,  
7 414.13, 414.157, 414.158, 414.1585, 414.1599, 414.16, 414.24,  
8 414.26, 414.27, 414.32, 414.35, 414.391, 414.392, 414.70,  
9 445.004, 445.005, 445.006, 445.007, 445.008, 445.009, 445.010,  
10 445.011, 445.012, 445.013, 445.017, 445.019, 445.020, 445.021,  
11 445.022, 445.023, 445.024, 445.025, 445.026, 445.028, 445.029,  
12 445.030, 445.031, and 445.032, Florida Statutes, be held  
13 confidential and exempt from the public records and public  
14 meetings laws for the following reasons:

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

27 (b) The state has compelling interests in ensuring  
28 that meetings concerning temporary assistance cases be able to  
29 consider information regarding eligibility for temporary  
30 assistance, hardship exemption, extension of time limits, and  
31 other provisions of the program that may require information

1 from many sources, much of which is subject to federal and  
2 state confidentiality laws.

3 (c) The state has a compelling interest in protecting  
4 the children of families applying for or receiving temporary  
5 assistance or participating in related intervention programs  
6 from the trauma of public disclosure of personal information.

7 (d) The state has a compelling interest in the  
8 protection of victims of domestic violence. Among applicants  
9 for and recipients of temporary assistance are victims of  
10 domestic violence who may be traumatized or placed in danger  
11 by public disclosure of their identity, personal address, or  
12 other personal information.

13 (2) Therefore, for the reasons stated in this section,  
14 the Legislature finds that it is a public necessity that the  
15 access to records and meetings that discuss personal  
16 information of applicants for or recipients of temporary cash  
17 assistance shall be limited as provided for in this act.

18 Section 3. This act shall take effect upon becoming a  
19 law.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
22 COMMITTEE SUBSTITUTE FOR  
23 Senate Bill 2178

24 Defines "temporary assistance" for the purposes of the bill to  
25 include any cash or services provided with TANF funding.

26 Provides consistent reference to "temporary assistance" in  
27 stipulating the assistance programs to which the public  
records and public meeting exemption applies.

28 Clarifies that the individuals for whom information in records  
29 is to be held confidential and exempt from the public records  
requirements are those who have applied for or are receiving  
30 temporary assistance.

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