

By the Committees on Governmental Oversight and Productivity;
Children and Families; and Senator Peaden

302-1944-01

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 the public-meetings law for
5 meetings or portions of meetings held by the
6 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, family, or family or
12 household member is discussed; providing for
13 future legislative review and repeal; amending
14 s. 445.007, F.S.; providing an exemption from
15 the public-meetings law for meetings or
16 portions of meetings held by Workforce Florida,
17 Inc., a regional workforce board, or a local
18 committee at which personal identifying
19 information contained in records relating to
20 temporary cash assistance which identifies a
21 participant, family, or family or household
22 member is discussed; providing for future
23 legislative review and repeal; creating s.
24 414.295, F.S.; providing an exemption from
25 public-records requirements for personal
26 identifying information contained in records
27 relating to temporary cash assistance which
28 identifies a participant, family, or family or
29 household member which is held by the
30 Department of Children and Family Services, the
31 Agency for Workforce Innovation, Workforce

1 Florida, Inc., the Department of Management
2 Services, the Department of Health, the
3 Department of Revenue, the Department of
4 Education, a regional workforce board, or a
5 local committee or any service provider under
6 contract with any such entity; authorizing
7 release of confidential information under
8 specified circumstances; providing for future
9 legislative review and repeal; providing a
10 finding of public necessity; providing an
11 effective date.

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

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15 Section 1. Section 414.106, Florida Statutes, is
16 created to read:

17 414.106 Exemption from public-meetings law.--Any
18 meeting or portion of a meeting held by the department,
19 Workforce Florida, Inc., or a regional workforce board or
20 local committee created pursuant to s. 445.007 at which
21 personal identifying information contained in records relating
22 to temporary cash assistance is discussed is exempt from s.
23 286.011 and s. 24(b), Art. I of the State Constitution if the
24 information identifies a participant, a participant's family,
25 or a participant's family or household member. This section is
26 subject to the Open Government Sunset Review Act of 1995 in
27 accordance with s. 119.15 and shall stand repealed on October
28 2, 2006, unless reviewed and saved from repeal through
29 reenactment by the Legislature.

30 Section 2. Section 445.007, Florida Statutes, is
31 amended to read:

1 445.007 Regional workforce boards; exemption from
2 public-meetings law.--

3 (1) One regional workforce board shall be appointed in
4 each designated service delivery area and shall serve as the
5 local workforce investment board pursuant to Pub. L. No.
6 105-220. The membership of the board shall be consistent with
7 Pub. L. No. 105-220, Title I, s. 117(b), and contain one
8 representative from a nonpublic postsecondary educational
9 institution that is an authorized individual training account
10 provider within the region and confers certificates and
11 diplomas, one representative from a nonpublic postsecondary
12 educational institution that is an authorized individual
13 training account provider within the region and confers
14 degrees, and three representatives of organized labor.

15 Individuals serving as members of regional workforce
16 development boards or local WAGES coalitions, as of June 30,
17 2000, are eligible for appointment to regional workforce
18 boards, pursuant to this section. The importance of minority
19 and gender representation shall be considered when making
20 appointments to the board. If the regional workforce board
21 enters into a contract with an organization or individual
22 represented on the board of directors, the contract must be
23 approved by a two-thirds vote of the entire board, and the
24 board member who could benefit financially from the
25 transaction must abstain from voting on the contract. A board
26 member must disclose any such conflict in a manner that is
27 consistent with the procedures outlined in s. 112.3143.

28 (2) Workforce Florida, Inc., will determine the
29 timeframe and manner of changes to the regional workforce
30 boards as required by this chapter and Pub. L. No. 105-220.

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1 (3) Workforce Florida, Inc., shall assign staff to
2 meet with each regional workforce board annually to review the
3 board's performance and to certify that the board is in
4 compliance with applicable state and federal law.

5 (4) In addition to the duties and functions specified
6 by Workforce Florida, Inc., and by the interlocal agreement
7 approved by the local county or city governing bodies, the
8 regional workforce board shall have the following
9 responsibilities:

10 (a) Develop, submit, ratify, or amend the local plan
11 pursuant to Pub. L. No. 105-220, Title I, s. 118, and the
12 provisions of this act.

13 (b) Conclude agreements necessary to designate the
14 fiscal agent and administrative entity. A public or private
15 entity, including an entity established pursuant to s. 163.01,
16 which makes a majority of the appointments to a regional
17 workforce board may serve as the board's administrative entity
18 if approved by Workforce Florida, Inc., based upon a showing
19 that a fair and competitive process was used to select the
20 administrative entity.

21 (c) Complete assurances required for the charter
22 process of Workforce Florida, Inc., and provide ongoing
23 oversight related to administrative costs, duplicated
24 services, career counseling, economic development, equal
25 access, compliance and accountability, and performance
26 outcomes.

27 (d) Oversee the one-stop delivery system in its local
28 area.

29 (5) Workforce Florida, Inc., shall implement a
30 training program for the regional workforce boards to
31 familiarize board members with the state's workforce

1 development goals and strategies. The regional workforce board
2 shall designate all local service providers and shall not
3 transfer this authority to a third party. In order to
4 exercise independent oversight, the regional workforce board
5 shall not be a direct provider of intake, assessment,
6 eligibility determinations, or other direct provider services.

7 (6) Regional workforce boards may appoint local
8 committees to obtain technical assistance on issues of
9 importance, including those issues affecting older workers.

10 (7) Each regional workforce board shall establish by
11 October 1, 2000, a High Skills/High Wages committee consisting
12 of at least five private-sector business representatives
13 appointed in consultation with local chambers of commerce by
14 the primary county economic development organization within
15 the region, as identified by Enterprise Florida, Inc.; a
16 representative of each primary county economic development
17 organization within the region; the regional workforce board
18 chair; the presidents of all community colleges within the
19 board's region; those district school superintendents with
20 authority for conducting postsecondary educational programs
21 within the region; and two representatives from nonpublic
22 postsecondary educational institutions that are authorized
23 individual training account providers within the region,
24 appointed by the chair of the regional workforce board. If
25 possible, one of the nonpublic educational institutions
26 represented must be accredited by the Southern Association of
27 Colleges and Schools. The business representatives appointed
28 by the primary county economic development organizations need
29 not be members of the regional workforce board and shall
30 represent those industries that are of primary importance to
31 the region's current and future economy. In a multicounty

1 region, each primary county economic development organization
2 within the region shall appoint at least one business
3 representative and shall consult with the other primary county
4 economic development organizations within the region to make
5 joint appointments when necessary.

6 (a) At least annually, each High Skills/High Wages
7 committee shall submit recommendations to Workforce Florida,
8 Inc., related to:

9 1. Policies to enhance the responsiveness of High
10 Skills/High Wages programs in its region to business and
11 economic development opportunities.

12 2. Integrated use of state education and federal
13 workforce development funds to enhance the training and
14 placement of designated population individuals with local
15 businesses and industries.

16 (b) The committees shall also make reports to
17 Workforce Florida, Inc., annually, on dates specified by
18 Workforce Florida, Inc., that identify occupations in the
19 region deemed critical to business retention, expansion, and
20 recruitment activities, based on guidelines set by Workforce
21 Florida, Inc. Such guidelines shall include research of the
22 workforce needs of private employers in the region, in
23 consultation with local chambers of commerce and economic
24 development organizations. Occupations identified pursuant to
25 this paragraph shall be considered by Workforce Florida, Inc.,
26 for inclusion in the region's targeted occupation list.

27 (8) Each regional workforce board shall establish a
28 Better Jobs/Better Wages committee consisting of at least five
29 members. Initial appointments to this committee shall include
30 at least three members of the local WAGES coalition,
31 established pursuant to chapter 96-175, Laws of Florida.

1 (9) Each regional workforce board shall establish a
2 First Jobs/First Wages committee consisting of at least five
3 members. This committee shall serve as the youth council for
4 purposes of Pub. L. No. 105-220.

5 (10) The importance of minority and gender
6 representation shall be considered when appointments are made
7 to any committee established by the regional workforce board.

8 (11) For purposes of procurement, regional workforce
9 boards and their administrative entities are not state
10 agencies, but the boards and their administrative entities
11 must comply with state procurement laws and procedures until
12 Workforce Florida, Inc., adopts the provisions or alternative
13 procurement procedures that meet the requirements of federal
14 law. All contracts executed by regional workforce boards must
15 include specific performance expectations and deliverables.

16 (12) Any meeting or portion of a meeting held by
17 Workforce Florida, Inc., or a regional workforce board or a
18 local committee created under this section at which personal
19 identifying information contained in records relating to
20 temporary cash assistance, as defined in s. 414.0252, is
21 discussed is exempt from s. 286.011 and s. 24(b), Art. I of
22 the State Constitution if the information identifies a
23 participant, a participant's family, or a participant's family
24 or household member, as defined in s. 414.0252. This
25 subsection is subject to the Open Government Sunset Review Act
26 of 1995 in accordance with s. 119.15 and shall stand repealed
27 on October 2, 2006, unless reviewed and saved from repeal
28 through reenactment by the Legislature.

29 Section 3. Section 414.295, Florida Statutes, is
30 created to read:

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1 414.295 Temporary assistance programs; public-records
2 exemption.--

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

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

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

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

19 (f) The administration of the employment compensation
20 program.

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

28 (h) The administration of services to elderly persons
29 under ss. 430.061-430.606.

30 (2) If a subpoena is received for any information made
31 confidential and exempt by this section, the public record or

1 part thereof in question shall be submitted to the court for
2 an inspection in camera. The court may make such provisions as
3 it finds necessary to maintain appropriate confidentiality.
4 Except pursuant to court order, the receiving entities shall
5 maintain the confidential and exempt status of such personal
6 identifying information as otherwise provided for in this
7 section.

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

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

20 Section 4. The Legislature finds that the exemptions
21 created by this act are a public necessity because the state
22 has a compelling interest in ensuring that such participants,
23 family, or family and household members fully participate in
24 welfare transition programs in order to assist them in
25 attaining self-sufficiency, including programs that address
26 problems involving illiteracy, substance abuse, and mental
27 health. The fear of public disclosure of personal identifying
28 information at such meetings and contained in such records
29 constitutes a significant disincentive for full participation
30 in programs that assist in the development of independence and
31 makes the development of a sense of self-worth which is

1 essential to the development of independence more difficult.
2 The state also has a compelling interest in ensuring that in
3 meetings concerning assistance cases the parties present are
4 able to consider information regarding eligibility for
5 assistance, hardship exemption, extension of time limits, and
6 other provisions of the program which may require information
7 from many sources. The state has a compelling interest in
8 protecting the family and household members of participants
9 applying for or receiving assistance or participating in
10 related intervention programs from the trauma of public
11 disclosure of their financial situations. In addition, the
12 state has a compelling interest in holding certain meetings
13 exempt and certain information confidential and exempt in
14 order to protect participants who are victims of domestic
15 violence.

16 Section 5. This act shall take effect upon becoming a
17 law.

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 CS/SB 2178

22

23 Clarifies and explicates the exemption.

24 Tailors the statement of public necessity to the exemption.

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