

FOR CONSIDERATION By the Committee on Commerce and Consumer Services

577-568-06

1 A bill to be entitled  
2 An act relating to a review under the Open  
3 Government Sunset Review Act; amending s.  
4 414.106, F.S., relating to an exemption from  
5 public-meetings requirements which is provided  
6 for meetings held by the Department of Children  
7 and Family Services, Workforce Florida, Inc.,  
8 or a regional workforce board or local  
9 committee at which personal identifying  
10 information is discussed; saving the exemption  
11 from repeal under the Open Government Sunset  
12 Review Act; deleting provisions providing for  
13 the repeal of the exemption; amending s.  
14 414.295, F.S.; revising an exemption from  
15 public-records requirements which is provided  
16 for personal identifying information contained  
17 in records relating to temporary cash  
18 assistance; saving the exemption from repeal  
19 under the Open Government Sunset Review Act;  
20 deleting provisions providing for the repeal of  
21 the exemption; amending s. 445.007, F.S.,  
22 relating to an exemption from public-meetings  
23 requirements which is provided for meetings  
24 held by Workforce Florida, Inc., or a regional  
25 workforce board or local committee at which  
26 personal identifying information is discussed;  
27 saving the exemption from repeal under the Open  
28 Government Sunset Review Act; deleting  
29 provisions providing for the repeal of the  
30 exemption; providing an effective date.  
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 414.106, Florida Statutes, is  
4 amended to read:

5 414.106 Exemption from public meetings law.--Any  
6 meeting or portion of a meeting held by the department,  
7 Workforce Florida, Inc., or a regional workforce board or  
8 local committee created pursuant to s. 445.007 at which  
9 personal identifying information contained in records relating  
10 to temporary cash assistance is discussed is exempt from s.  
11 286.011 and s. 24(b), Art. I of the State Constitution if the  
12 information identifies a participant, a participant's family,  
13 or a participant's family or household member. ~~This section is~~  
14 ~~subject to the Open Government Sunset Review Act of 1995 in~~  
15 ~~accordance with s. 119.15, and shall stand repealed on October~~  
16 ~~2, 2006, unless reviewed and saved from repeal through~~  
17 ~~reenactment by the Legislature.~~

18 Section 2. Section 414.295, Florida Statutes, is  
19 amended to read:

20 414.295 Temporary assistance programs; public records  
21 exemption.--

22 (1) Personal identifying information contained in  
23 records relating to temporary cash assistance which identifies  
24 a participant, a participant's family, or a participant's  
25 family or household member, except for information identifying  
26 a noncustodial parent, and which is held by the department,  
27 the Agency for Workforce Innovation, Workforce Florida, Inc.,  
28 ~~the Department of Management Services,~~ the Department of  
29 Health, the Department of Revenue, the Department of  
30 Education, a regional workforce board or local committee  
31 created pursuant to s. 445.007, or service providers under

1 contract with any of these entities shall be held confidential  
2 and exempt from the requirements of s. 119.07(1) and s. 24(a),  
3 Art. I of the State Constitution. Such information made  
4 confidential and exempt may be released for purposes directly  
5 connected with:

6 (a) The administration of the temporary assistance for  
7 needy families plan under Title IV-A of the Social Security  
8 Act, as amended, ~~which may include disclosure of information~~  
9 ~~within and among the department, the Agency for Workforce~~  
10 ~~Innovation, Workforce Florida, Inc., the Department of~~  
11 ~~Management Services, the Department of Health, the Department~~  
12 ~~of Revenue, the Department of Education, a regional workforce~~  
13 ~~board or local committee created pursuant to s. 445.007, or~~  
14 ~~service providers under contract with any of these entities.~~

15 (b) The administration of the state's plan or program  
16 approved under Title IV-B, Title IV-D, or Title IV-E of the  
17 Social Security Act, as amended, or under Title I, Title X,  
18 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
19 Social Security Act, as amended.

20 (c) Any investigation, prosecution, or any criminal,  
21 civil, or administrative proceeding conducted in connection  
22 with the administration of any of the plans or programs  
23 specified in paragraph (a) or paragraph (b). Such information  
24 shall be disclosed to a federal, state, or local governmental  
25 entity, upon request by that entity, when such request is made  
26 pursuant to the proper exercise of that entity's duties and  
27 responsibilities.

28 (d) The administration of any other state, federal, or  
29 federally assisted program that provides assistance or  
30 services on the basis of need, in cash or in kind, directly to  
31 a participant.

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 a  
5 governmental entity authorized by law to conduct such audit or  
6 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, if circumstances indicate that  
14 the health or welfare of the child or elderly person is  
15 threatened.

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

18 (2) If a subpoena is received for any information made  
19 confidential and exempt by this section, the public record or  
20 part thereof in question shall be submitted to the court for  
21 an inspection in camera. The court may make such provision as  
22 it finds necessary to maintain appropriate confidentiality.  
23 Except pursuant to court order, the receiving entities shall  
24 retain the confidential and exempt status of such personal  
25 identifying information as otherwise provided for in this  
26 section.

27 (3) If information is obtained from a participant  
28 through an integrated eligibility process so that the  
29 requirements of more than one state or federal program apply  
30 to the information, the requirements of the program that is  
31 the provider of the information shall prevail. If the

1 department cannot determine which program is the provider of  
2 the information, the requirements of each applicable state or  
3 federal program shall be met.

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

8 Section 3. Subsection (9) of section 445.007, Florida  
9 Statutes, is amended to read:

10 445.007 Regional workforce boards; exemption from  
11 public meetings law.--

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

25 Section 4. This act shall take effect October 1, 2006.  
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SENATE SUMMARY

Removes the repeal of certain exemptions from public-meetings requirements which are provided for meetings held by the Department of Children and Family Services, Workforce Florida, Inc., or a regional workforce board or local committee at which personal identifying information is discussed which relates to the temporary cash assistance program. Revises an exemption from public-records requirements which is provided for personal identifying information contained in records relating to temporary cash assistance. Removes the repeal of the exemption scheduled on October 2, 2006, under the Open Government Sunset Review Act.

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