

ENROLLED  
HB 7059

2006 Legislature

1                                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act regarding temporary cash assistance;  
4           amending s. 414.106, F.S., which provides an exemption  
5           from public meetings requirements for that portion of a  
6           meeting held by the Department of Children and Family  
7           Services, Workforce Florida, Inc., or a regional workforce  
8           board or local committee at which personal identifying  
9           information contained in records relating to temporary  
10          cash assistance is discussed; removing the scheduled  
11          repeal of the exemption; amending s. 414.295, F.S., which  
12          provides an exemption from public records requirements for  
13          personal identifying information of a temporary cash  
14          assistance program participant, a participant's family, or  
15          a participant's family or household member, except for  
16          information identifying a noncustodial parent, held by the  
17          Department of Children and Family Services, the Agency for  
18          Workforce Innovation, Workforce Florida, Inc., the  
19          Department of Health, the Department of Revenue, the  
20          Department of Education, or a regional workforce board or  
21          local committee; narrowing the exemption; making editorial  
22          changes; revising provisions relating to the authorized  
23          release of such confidential and exempt information;  
24          removing superfluous language; removing the scheduled  
25          repeal of the exemption; amending s. 445.007, F.S.;  
26          removing the exemption from public meetings requirements  
27          for any meeting or portion of a meeting held by Workforce  
28          Florida, Inc., or a regional workforce board or local

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | committee at which specified personal identifying  
 30 | information contained in records relating to temporary  
 31 | cash assistance is discussed; providing an effective date.  
 32 |

33 | Be It Enacted by the Legislature of the State of Florida:  
 34 |

35 | Section 1. Section 414.106, Florida Statutes, is amended  
 36 | to read:

37 | 414.106 Exemption from public meetings law.--That ~~Any~~  
 38 | ~~meeting or~~ portion of a meeting held by the department,  
 39 | Workforce Florida, Inc., or a regional workforce board or local  
 40 | committee created pursuant to s. 445.007 at which personal  
 41 | identifying information contained in records relating to  
 42 | temporary cash assistance is discussed is exempt from s. 286.011  
 43 | and s. 24(b), Art. I of the State Constitution if the  
 44 | information identifies a participant, a participant's family, or  
 45 | a participant's family or household member. ~~This section is~~  
 46 | ~~subject to the Open Government Sunset Review Act of 1995 in~~  
 47 | ~~accordance with s. 119.15, and shall stand repealed on October~~  
 48 | ~~2, 2006, unless reviewed and saved from repeal through~~  
 49 | ~~reenactment by the Legislature.~~

50 | Section 2. Section 414.295, Florida Statutes, is amended  
 51 | to read:

52 | 414.295 Temporary cash assistance programs; public records  
 53 | exemption.--

54 | (1) Personal identifying information of a ~~contained in~~  
 55 | ~~records relating to~~ temporary cash assistance program ~~which~~  
 56 | ~~identifies~~ a participant, a participant's family, or a

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57 participant's family or household member, except for information  
58 identifying a noncustodial parent, ~~and which is held by the~~  
59 department, the Agency for Workforce Innovation, Workforce  
60 Florida, Inc., ~~the Department of Management Services,~~ the  
61 Department of Health, the Department of Revenue, the Department  
62 of Education, or a regional workforce board or local committee  
63 created pursuant to s. 445.007 is, ~~or service providers under~~  
64 ~~contract with any of these entities shall be held~~ confidential  
65 and exempt from ~~the requirements of~~ s. 119.07(1) and s. 24(a),  
66 Art. I of the State Constitution. Such ~~information made~~  
67 confidential and exempt information may be released for purposes  
68 directly connected with:

69 (a) The administration of the temporary assistance for  
70 needy families plan under Title IV-A of the Social Security Act,  
71 as amended, by ~~which may include disclosure of information~~  
72 ~~within and among~~ the department, the Agency for Workforce  
73 Innovation, Workforce Florida, Inc., the Department of Military  
74 Affairs Management Services, the Department of Health, the  
75 Department of Revenue, the Department of Education, a regional  
76 workforce board or local committee created pursuant to s.  
77 445.007, or a school district ~~service providers under contract~~  
78 ~~with any of these entities.~~

79 (b) The administration of the state's plan or program  
80 approved under Title IV-B, Title IV-D, or Title IV-E of the  
81 Social Security Act, as amended, or under Title I, Title X,  
82 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
83 Social Security Act, as amended.

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84 (c) Any investigation, prosecution, or any criminal,  
85 civil, or administrative proceeding conducted in connection with  
86 the administration of any of the plans or programs specified in  
87 paragraph (a) or paragraph (b) by. ~~Such information shall be~~  
88 ~~disclosed to~~ a federal, state, or local governmental entity,  
89 upon request by that entity, when such request is made pursuant  
90 to the proper exercise of that entity's duties and  
91 responsibilities.

92 (d) The administration of any other state, federal, or  
93 federally assisted program that provides assistance or services  
94 on the basis of need, in cash or in kind, directly to a  
95 participant.

96 (e) Any audit or similar activity, such as a review of  
97 expenditure reports or financial review, conducted in connection  
98 with the administration of any of the plans or programs  
99 specified in paragraph (a) or paragraph (b) by a governmental  
100 entity authorized by law to conduct such audit or activity.

101 (f) The administration of the unemployment compensation  
102 program.

103 (g) The reporting to the appropriate agency or official of  
104 information about known or suspected instances of physical or  
105 mental injury, sexual abuse or exploitation, or negligent  
106 treatment or maltreatment of a child or elderly person receiving  
107 assistance, if circumstances indicate that the health or welfare  
108 of the child or elderly person is threatened.

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

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111 ~~(2) If a subpoena is received for any information made~~  
 112 ~~confidential and exempt by this section, the public record or~~  
 113 ~~part thereof in question shall be submitted to the court for an~~  
 114 ~~inspection in camera. The court may make such provision as it~~  
 115 ~~finds necessary to maintain appropriate confidentiality. Except~~  
 116 ~~pursuant to court order, the receiving entities shall retain the~~  
 117 ~~confidential and exempt status of such personal identifying~~  
 118 ~~information as otherwise provided for in this section.~~

119 (2)~~(3)~~ If information is obtained from a participant  
 120 through an integrated eligibility process so that the  
 121 requirements of more than one state or federal program apply to  
 122 the information, the requirements of the program that is the  
 123 provider of the information shall prevail. If the department  
 124 cannot determine which program is the provider of the  
 125 information, the requirements of each applicable state or  
 126 federal program shall be met.

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

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

133 445.007 Regional workforce boards; ~~exemption from public~~  
 134 ~~meetings law.~~ --

135 ~~(9) Any meeting or portion of a meeting held by Workforce~~  
 136 ~~Florida, Inc., or a regional workforce board or local committee~~  
 137 ~~created under this section at which personal identifying~~  
 138 ~~information contained in records relating to temporary cash~~

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139 ~~assistance, as defined in s. 414.0252, is discussed is exempt~~  
140 ~~from s. 286.011 and s. 24(b), Art. I of the State Constitution~~  
141 ~~if the information identifies a participant, a participant's~~  
142 ~~family, or a participant's family or household member, as~~  
143 ~~defined in s. 414.0252. This subsection is subject to the Open~~  
144 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
145 ~~119.15, and shall stand repealed on October 2, 2006, unless~~  
146 ~~reviewed and saved from repeal through reenactment by the~~  
147 ~~Legislature.~~

148 Section 4. This act shall take effect October 1, 2006.