

By the Committee on Commerce and Consumer Services

577-568-06

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A bill to be entitled
An act relating to a review under the Open
Government Sunset Review Act; amending s.
414.106, F.S., relating to an exemption from
public-meetings requirements which is 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; saving the exemption
from repeal under the Open Government Sunset
Review Act; deleting provisions providing for
the repeal of the exemption; amending s.
414.295, F.S.; revising an exemption from
public-records requirements which is provided
for personal identifying information contained
in records relating to temporary cash
assistance; saving the exemption from repeal
under the Open Government Sunset Review Act;
deleting provisions providing for the repeal of
the exemption; amending s. 445.007, F.S.,
relating to an exemption from public-meetings
requirements which is provided for meetings
held by Workforce Florida, Inc., or a regional
workforce board or local committee at which
personal identifying information is discussed;
saving the exemption from repeal under the Open
Government Sunset Review Act; deleting
provisions providing for the repeal of the
exemption; providing an effective date.

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15 ~~accordance with s. 119.15, and shall stand repealed on October~~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.