

By the Committees on Governmental Oversight and Productivity;
and Commerce and Consumer Services

585-2352-06

1 A bill to be entitled

2 An act relating to a review under the Open

3 Government Sunset Review Act regarding

4 temporary cash assistance; amending s. 414.106,

5 F.S., which provides an exemption from

6 public-meetings requirements for that portion

7 of a meeting held by the Department of Children

8 and Family Services, Workforce Florida, Inc.,

9 or a regional workforce board or local

10 committee at which personal identifying

11 information contained in records relating to

12 temporary cash assistance is discussed;

13 removing the scheduled repeal of the exemption;

14 amending s. 414.295, F.S., which provides an

15 exemption from public-records requirements for

16 personal identifying information of a temporary

17 cash assistance program participant, a

18 participant's family, or a participant's family

19 or household member, except for information

20 identifying a noncustodial parent, held by the

21 Department of Children and Family Services, the

22 Agency for Workforce Innovation, Workforce

23 Florida, Inc., the Department of Health, the

24 Department of Revenue, the Department of

25 Education, or a regional workforce board or

26 local committee; narrowing the exemption;

27 making editorial changes; revising provisions

28 relating to the authorized release of such

29 confidential and exempt information; removing

30 superfluous provisions; removing the scheduled

31 repeal of the exemption; amending s. 445.007,

1 F.S.; removing the exemption from
2 public-meetings requirements for any meeting or
3 portion of a meeting held by Workforce Florida,
4 Inc., or a regional workforce board or local
5 committee at which specified personal
6 identifying information contained in records
7 relating to temporary cash assistance is
8 discussed; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Section 414.106, Florida Statutes, is
13 amended to read:

14 414.106 Exemption from public meetings law.--That Any
15 ~~meeting or~~ portion of a meeting held by the department,
16 Workforce Florida, Inc., or a regional workforce board or
17 local committee created pursuant to s. 445.007 at which
18 personal identifying information contained in records relating
19 to temporary cash assistance is discussed is exempt from s.
20 286.011 and s. 24(b), Art. I of the State Constitution if the
21 information identifies a participant, a participant's family,
22 or a participant's family or household member. ~~This section is~~
23 ~~subject to the Open Government Sunset Review Act of 1995 in~~
24 ~~accordance with s. 119.15, and shall stand repealed on October~~
25 ~~2, 2006, unless reviewed and saved from repeal through~~
26 ~~reenactment by the Legislature.~~

27 Section 2. Section 414.295, Florida Statutes, is
28 amended to read:

29 414.295 Temporary cash assistance programs; public
30 records exemption.--
31

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

16 (a) The administration of the temporary assistance for
17 needy families plan under Title IV-A of the Social Security
18 Act, as amended, by ~~which may include disclosure of~~
19 ~~information within and among~~ the department, the Agency for
20 Workforce Innovation, Workforce Florida, Inc., the Department
21 of Military Affairs Management Services, the Department of
22 Health, the Department of Revenue, the Department of
23 Education, a regional workforce board or local committee
24 created pursuant to s. 445.007, or a school district ~~service~~
25 ~~providers under contract with any of these entities.~~

26 (b) The administration of the state's plan or program
27 approved under Title IV-B, Title IV-D, or Title IV-E of the
28 Social Security Act, as amended, or under Title I, Title X,
29 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
30 Social Security Act, as amended.

31

1 (c) Any investigation, prosecution, or any criminal,
2 civil, or administrative proceeding conducted in connection
3 with the administration of any of the plans or programs
4 specified in paragraph (a) or paragraph (b) by. ~~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 unemployment
20 compensation program.

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

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

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 provision as~~
3 ~~it finds necessary to maintain appropriate confidentiality.~~
4 ~~Except pursuant to court order, the receiving entities shall~~
5 ~~retain the confidential and exempt status of such personal~~
6 ~~identifying information as otherwise provided for in this~~
7 ~~section.~~

8 ~~(2)(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 shall 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 3. Section 445.007, Florida Statutes, is
21 amended to read:

22 445.007 Regional workforce boards; ~~exemption from~~
23 ~~public meetings law.--~~

24 (1) One regional workforce board shall be appointed in
25 each designated service delivery area and shall serve as the
26 local workforce investment board pursuant to Pub. L. No.
27 105-220. The membership of the board shall be consistent with
28 Pub. L. No. 105-220, Title I, s. 117(b), and contain one
29 representative from a nonpublic postsecondary educational
30 institution that is an authorized individual training account
31 provider within the region and confers certificates and

1 | diplomas, one representative from a nonpublic postsecondary
2 | educational institution that is an authorized individual
3 | training account provider within the region and confers
4 | degrees, and three representatives of organized labor. The
5 | board shall include one nonvoting representative from a
6 | military installation if a military installation is located
7 | within the region and the appropriate military command or
8 | organization authorizes such representation. It is the intent
9 | of the Legislature that membership of a regional workforce
10 | board include persons who are current or former recipients of
11 | welfare transition assistance as defined in s. 445.002(3) or
12 | workforce services as provided in s. 445.009(1) or that such
13 | persons be included as ex officio members of the board or of
14 | committees organized by the board. The importance of minority
15 | and gender representation shall be considered when making
16 | appointments to the board. The board, its committees,
17 | subcommittees, and subdivisions, and other units of the
18 | workforce system, including units that may consist in whole or
19 | in part of local governmental units, may use any method of
20 | telecommunications to conduct meetings, including establishing
21 | a quorum through telecommunications, provided that the public
22 | is given proper notice of the telecommunications meeting and
23 | reasonable access to observe and, when appropriate,
24 | participate. Regional workforce boards are subject to chapters
25 | 119 and 286 and s. 24, Art. I of the State Constitution. If
26 | the regional workforce board enters into a contract with an
27 | organization or individual represented on the board of
28 | directors, the contract must be approved by a two-thirds vote
29 | of the entire board, and the board member who could benefit
30 | financially from the transaction must abstain from voting on
31 | the contract. A board member must disclose any such conflict

1 in a manner that is consistent with the procedures outlined in
2 s. 112.3143.

3 (2) The regional workforce board shall elect a chair
4 from among the representatives described in Pub. L. No.
5 105-220, Title I, s. 117(b)(2)(A)(i) to serve for a term of no
6 more than 2 years and shall serve no more than two terms.

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

11 (4) In addition to the duties and functions specified
12 by Workforce Florida, Inc., and by the interlocal agreement
13 approved by the local county or city governing bodies, the
14 regional workforce board shall have the following
15 responsibilities:

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

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

27 (c) Complete assurances required for the charter
28 process of Workforce Florida, Inc., and provide ongoing
29 oversight related to administrative costs, duplicated
30 services, career counseling, economic development, equal
31

1 | access, compliance and accountability, and performance
2 | outcomes.

3 | (d) Oversee the one-stop delivery system in its local
4 | area.

5 | (5) Workforce Florida, Inc., shall implement a
6 | training program for the regional workforce boards to
7 | familiarize board members with the state's workforce
8 | development goals and strategies. The regional workforce board
9 | shall designate all local service providers and shall not
10 | transfer this authority to a third party. In order to
11 | exercise independent oversight, the regional workforce board
12 | shall not be a direct provider of intake, assessment,
13 | eligibility determinations, or other direct provider services.

14 | (6) Regional workforce boards shall adopt a committee
15 | structure consistent with applicable federal law and state
16 | policies established by Workforce Florida, Inc.

17 | (7) The importance of minority and gender
18 | representation shall be considered when appointments are made
19 | to any committee established by the regional workforce board.

20 | (8) For purposes of procurement, regional workforce
21 | boards and their administrative entities are not state
22 | agencies and are exempt from chapters 120 and 287. The
23 | regional workforce boards shall apply the procurement and
24 | expenditure procedures required by federal law for the
25 | expenditure of federal funds. Regional workforce boards, their
26 | administrative entities, committees, and subcommittees, and
27 | other workforce units may authorize expenditures to award
28 | suitable framed certificates, pins, or other tokens of
29 | recognition for performance by units of the workforce system.
30 | Regional workforce boards; their administrative entities,
31 | committees, and subcommittees; and other workforce units may

1 authorize expenditures for promotional items, such as
2 t-shirts, hats, or pens printed with messages promoting
3 Florida's workforce system to employers, job seekers, and
4 program participants. However, such expenditures are subject
5 to federal regulations applicable to the expenditure of
6 federal funds. All contracts executed by regional workforce
7 boards must include specific performance expectations and
8 deliverables.

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

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

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 Senate Bill 736

27 Corrects references to agencies that are authorized to receive
28 confidential and exempt information.

29 Standardizes the exemption.
30
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