

## Committee Substitute for House Bill No. 1385

An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

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

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

Section 2. Section 414.295, Florida Statutes, is created to read:

414.295 Temporary assistance programs; public records exemption.—

(1) Personal identifying information contained in records relating to temporary cash assistance which identifies a participant, a participant's family,

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

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

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

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

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

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

(f) The administration of the unemployment compensation program.

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

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

(2) If a subpoena is received for any information made confidential and exempt by this section, the public record or part thereof in question shall be

submitted to the court for an inspection in camera. The court may make such provision as it finds necessary to maintain appropriate confidentiality. Except pursuant to court order, the receiving entities shall retain the confidential and exempt status of such personal identifying information as otherwise provided for in this section.

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

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

Section 3. Subsection (12) is added to section 445.007, Florida Statutes, to read:

445.007 Regional workforce boards; exemption from public meetings law.—

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

Section 4. The Legislature finds that the exemptions created by this act are a public necessity because the state has a compelling interest to ensure that the participants and their families or family and household members for whom the exemptions are created fully participate in welfare transition programs in order to assist them in attaining self-sufficiency, including programs to deal with problems such as illiteracy, substance abuse, and mental health. The fear of public disclosure of personal identifying information at the meetings exempted by this act and contained in the records exempted by this act constitutes a significant disincentive for their full participation in programs that assist in the development of independence and makes the development of a sense of self-worth that is essential to the development of independence more difficult. The state also has a compelling interest to ensure that in meetings concerning assistance cases, the parties present are able to consider information regarding eligibility for assistance, hardship exemption, extension of time limits, and other provisions of the program which may require information from many sources. The state has a compelling interest to protect the family and household members of participants applying for or receiving assistance or participating in related inter-

vention programs from the trauma of public disclosure of their financial situations. In addition, the state has a compelling interest to hold certain meetings exempt and certain information confidential and exempt in order to protect participants who are victims of domestic violence.

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

Approved by the Governor June 5, 2001.

Filed in Office Secretary of State June 5, 2001.