

## House Bill No. 7059

An act relating to a review under the Open Government Sunset Review Act regarding temporary cash assistance; amending s. 414.106, F.S., which provides an exemption from public meetings requirements for that portion of a meeting 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 contained in records relating to temporary cash assistance is discussed; removing the scheduled repeal of the exemption; amending s. 414.295, F.S., which provides an exemption from public records requirements for personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a noncustodial parent, held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee; narrowing the exemption; making editorial changes; revising provisions relating to the authorized release of such confidential and exempt information; removing superfluous language; removing the scheduled repeal of the exemption; amending s. 445.007, F.S.; removing the exemption from public meetings requirements for any meeting or portion of a meeting held by Workforce Florida, Inc., or a regional workforce board or local committee at which specified personal identifying information contained in records relating to temporary cash assistance is discussed; providing an effective date.

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

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

414.106 Exemption from public meetings law.—~~That 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section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.~~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 amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) ~~Personal identifying information of a contained in records relating to temporary cash assistance program 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, or a regional workforce board or local committee created pursuant to s. 445.007 is, 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 information~~ 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, by which may include disclosure of information within and among the department, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Military Affairs 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 a school district 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) ~~by. 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.~~

~~(2)(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 (9) of section 445.007, Florida Statutes, is amended to read:

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

~~(9) 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. This act shall take effect October 1, 2006.

Approved by the Governor June 22, 2006.

Filed in Office Secretary of State June 22, 2006.