

Bill No. SB 736

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Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

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,

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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) Personal identifying information of a ~~contained in~~

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

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

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

30 (c) Any investigation, prosecution, or any criminal,
 31 civil, or administrative proceeding conducted in connection

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1 with the administration of any of the plans or programs
 2 specified in paragraph (a) or paragraph (b) ~~by. Such~~
 3 ~~information shall be disclosed to~~ a federal, state, or local
 4 governmental entity, upon request by that entity, when such
 5 request is made pursuant to the proper exercise of that
 6 entity's duties and responsibilities.

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

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

17 (f) The administration of the unemployment
 18 compensation program.

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

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

28 ~~(2) If a subpoena is received for any information made~~
 29 ~~confidential and exempt by this section, the public record or~~
 30 ~~part thereof in question shall be submitted to the court for~~
 31 ~~an inspection in camera. The court may make such provision as~~

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

6 (2)(3) If information is obtained from a participant
 7 through an integrated eligibility process so that the
 8 requirements of more than one state or federal program apply
 9 to the information, the requirements of the program that is
 10 the provider of the information shall prevail. If the
 11 department cannot determine which program is the provider of
 12 the information, the requirements of each applicable state or
 13 federal program shall be met.

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

18 Section 3. Section 445.007, Florida Statutes, is
 19 amended to read:

20 445.007 Regional workforce boards; ~~exemption from~~
 21 ~~public meetings law.--~~

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

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1 training account provider within the region and confers
2 degrees, and three representatives of organized labor. The
3 board shall include one nonvoting representative from a
4 military installation if a military installation is located
5 within the region and the appropriate military command or
6 organization authorizes such representation. It is the intent
7 of the Legislature that membership of a regional workforce
8 board include persons who are current or former recipients of
9 welfare transition assistance as defined in s. 445.002(3) or
10 workforce services as provided in s. 445.009(1) or that such
11 persons be included as ex officio members of the board or of
12 committees organized by the board. The importance of minority
13 and gender representation shall be considered when making
14 appointments to the board. The board, its committees,
15 subcommittees, and subdivisions, and other units of the
16 workforce system, including units that may consist in whole or
17 in part of local governmental units, may use any method of
18 telecommunications to conduct meetings, including establishing
19 a quorum through telecommunications, provided that the public
20 is given proper notice of the telecommunications meeting and
21 reasonable access to observe and, when appropriate,
22 participate. Regional workforce boards are subject to chapters
23 119 and 286 and s. 24, Art. I of the State Constitution. If
24 the regional workforce board enters into a contract with an
25 organization or individual represented on the board of
26 directors, the contract must be approved by a two-thirds vote
27 of the entire board, and the board member who could benefit
28 financially from the transaction must abstain from voting on
29 the contract. A board member must disclose any such conflict
30 in a manner that is consistent with the procedures outlined in
31 s. 112.3143.

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

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

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

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

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

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

31 (d) Oversee the one-stop delivery system in its local

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1 area.

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

11 (6) Regional workforce boards shall adopt a committee
 12 structure consistent with applicable federal law and state
 13 policies established by Workforce Florida, Inc.

14 (7) The importance of minority and gender
 15 representation shall be considered when appointments are made
 16 to any committee established by the regional workforce board.

17 (8) For purposes of procurement, regional workforce
 18 boards and their administrative entities are not state
 19 agencies and are exempt from chapters 120 and 287. The
 20 regional workforce boards shall apply the procurement and
 21 expenditure procedures required by federal law for the
 22 expenditure of federal funds. Regional workforce boards, their
 23 administrative entities, committees, and subcommittees, and
 24 other workforce units may authorize expenditures to award
 25 suitable framed certificates, pins, or other tokens of
 26 recognition for performance by units of the workforce system.
 27 Regional workforce boards; their administrative entities,
 28 committees, and subcommittees; and other workforce units may
 29 authorize expenditures for promotional items, such as
 30 t-shirts, hats, or pens printed with messages promoting
 31 Florida's workforce system to employers, job seekers, and

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1 program participants. However, such expenditures are subject
2 to federal regulations applicable to the expenditure of
3 federal funds. All contracts executed by regional workforce
4 boards must include specific performance expectations and
5 deliverables.

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

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