

By Senator Latvala

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1                   A bill to be entitled  
2       An act relating to public records; creating s.  
3       420.6231, F.S.; creating a public records exemption  
4       for individual identifying information of a person  
5       contained in a Point-In-Time Count and Survey or data  
6       in a Homeless Management Information System; defining  
7       the term "individual identifying information";  
8       providing for retroactive application of the  
9       exemption; specifying that the exemption does not  
10      preclude the release of aggregate information;  
11      providing for future review and repeal under the Open  
12      Government Sunset Review Act; providing a statement of  
13      public necessity; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17       Section 1. Section 420.6231, Florida Statutes, is created  
18      to read:

19       420.6231 Individual identifying information in specified  
20      homelessness surveys and databases; public records exemption.-

21       (1) As used in this section, "individual identifying  
22      information" means information that directly or indirectly  
23      identifies a specific person, can be manipulated to identify a  
24      specific person, or can be linked with other available  
25      information to identify a specific person.

26       (2) Individual identifying information of a person  
27      contained in a Point-In-Time Count and Survey or data in a  
28      Homeless Management Information System collected pursuant to 42  
29      U.S.C. chapter 119, subchapter IV, and related regulations

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30 provided in 24 C.F.R. part 91, is exempt from s. 119.07(1) and  
31 s. 24(a), Art. I of the State Constitution. This exemption  
32 applies to such information held before, on, or after the  
33 effective date of this section.

34 (3) This section does not preclude the release in the  
35 aggregate of information from a Point-In-Time Count and Survey  
36 or data in a Homeless Management Information System which does  
37 not disclose individual identifying information of a person.

38 (4) This section is subject to the Open Government Sunset  
39 Review Act in accordance with s. 119.15 and shall stand repealed  
40 on October 2, 2019, unless reviewed and saved from repeal  
41 through reenactment by the Legislature.

42 Section 2. The Legislature finds that it is a public  
43 necessity that individual identifying information of a person  
44 contained in a Point-In-Time Count and Survey or data in a  
45 Homeless Management Information System collected pursuant to 42  
46 U.S.C. chapter 119, subchapter IV, and related regulations  
47 provided in 24 C.F.R. part 91, be made exempt from public  
48 records requirements. Pursuant to 42 U.S.C. s. 11363, the  
49 Secretary of Housing and Urban Development is required to  
50 instruct service providers not to disclose personally  
51 identifying information about any client for purposes of the  
52 Homeless Management Information System, which includes Point-In-  
53 Time Count and Survey information. The public release of such  
54 sensitive information could lead to discrimination against or  
55 ridicule of such individuals and could make them reluctant to  
56 seek assistance for themselves or their family members. The  
57 public release of such information may put affected individuals  
58 at greater risk of injury as a significant proportion of such

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59 individuals are survivors of domestic violence or suffer from  
60 mental illness or substance abuse. Additionally, public access  
61 to such information may put affected individuals at a heightened  
62 risk for fraud and identity theft. The harm from disclosing such  
63 information outweighs any public benefit that can be derived  
64 from widespread and unfettered access to such information. This  
65 exemption is narrowly drawn so that aggregate information that  
66 does not disclose individual identifying information of a person  
67 from the Point-In-Time Count and Survey and data in a Homeless  
68 Management Information System collected pursuant to 42 U.S.C.  
69 chapter 119, subchapter IV, and related regulations provided in  
70 24 C.F.R. part 91, may be disclosed.

71 Section 3. This act shall take effect upon becoming a law.