

By Senator Hays

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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, the term "individual
22 identifying information" means information that directly or
23 indirectly identifies a specific person, can be manipulated to
24 identify a specific person, or can be linked with other
25 available 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39 Review Act in accordance with s. 119.15 and shall stand repealed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, 2020, 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 individual
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 may be
66 disclosed, but does not disclose the individual identifying
67 information of a person from the Point-In-Time Count and Survey
68 and data in a Homeless Management Information System collected
69 pursuant to 42 U.S.C. chapter 119, subchapter IV, and related
70 regulations provided in 24 C.F.R. part 91.

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