

By the Committee on Governmental Oversight and Accountability;  
and Senator Hays

585-02411-15

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1                   A bill to be entitled  
2       An act relating to public records; creating s.  
3       420.6231, F.S.; defining the term "individual  
4       identifying information"; creating a public records  
5       exemption for individual identifying information of a  
6       person contained in a Point-in-Time Count and Survey  
7       or data in a Homeless Management Information System;  
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 is

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

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

37 (4) This section is subject to the Open Government Sunset  
38 Review Act in accordance with s. 119.15 and shall stand repealed  
39 on October 2, 2020, unless reviewed and saved from repeal  
40 through reenactment by the Legislature.

41 Section 2. The Legislature finds that it is a public  
42 necessity that individual identifying information of a person  
43 contained in a Point-in-Time Count and Survey or data in a  
44 Homeless Management Information System collected pursuant to 42  
45 U.S.C. chapter 119, subchapter IV, and related regulations be  
46 made exempt from public records requirements. The public release  
47 of such sensitive information could lead to discrimination  
48 against or ridicule of such individuals and could make them  
49 reluctant to seek assistance for themselves or their family  
50 members. The public release of such information may put affected  
51 individuals at greater risk of injury as a significant  
52 proportion of such individuals are survivors of domestic  
53 violence or suffer from mental illness or substance abuse.  
54 Additionally, public access to such information may put affected  
55 individuals at a heightened risk for fraud and identity theft.  
56 The harm from disclosing such information outweighs any public  
57 benefit that can be derived from widespread and unfettered  
58 access to such information. This exemption is narrowly drawn so

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59 that aggregate information may be disclosed, but does not  
60 disclose the individual identifying information of a person from  
61 the Point-in-Time Count and Survey and data in a Homeless  
62 Management Information System collected pursuant to 42 U.S.C.  
63 chapter 119, subchapter IV, and related regulations.

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