

By Senator Stewart

13-01266-17

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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 legislative review and repeal of
12 the exemption; providing a statement of public
13 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 individual identifying information held before, on,
33 or after the effective date of this section.

34 (3) This section does not preclude the release of aggregate
35 information in a Point-in-Time Count and Survey or data in a
36 Homeless Management Information System that does not disclose
37 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39 Review Act in accordance with s. 119.15 and shall stand repealed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, 2022, 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 United
49 States Secretary of Housing and Urban Development is required to
50 instruct service providers that they are prohibited from
51 disclosing individual identifying information about any client
52 for purposes of the Homeless Management Information System,
53 which includes information in a Point-in-Time Count and Survey.
54 The public release of such sensitive information could lead to
55 discrimination against or ridicule of such individuals and could
56 make them reluctant to seek assistance for themselves or their
57 family members. The public release of such information may put
58 affected individuals at greater risk of injury as a significant

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

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