

By Senator Stewart

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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 under a specified age contained in a Point-in-
7 Time Count and Survey or data in a Homeless Management
8 Information System; providing for retroactive
9 application of the exemption; specifying that the
10 exemption does not preclude the release of aggregate
11 information; providing for future legislative review
12 and repeal of the exemption; 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 for
21 persons under 21.-

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

27 (2) Individual identifying information of a person under 21
28 years of age contained in a Point-in-Time Count and Survey or
29 data in a Homeless Management Information System collected

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30 pursuant to 42 U.S.C. chapter 119, subchapter IV, and related
31 regulations provided in 24 C.F.R. part 91, is exempt from s.
32 119.07(1) and s. 24(a), Art. I of the State Constitution. This
33 exemption applies to individual identifying information held
34 before, on, or after the effective date of this section.

35 (3) This section does not preclude the release of aggregate
36 information in a Point-in-Time Count and Survey or data in a
37 Homeless Management Information System that does not disclose
38 individual identifying information of a person under 21 years of
39 age.

40 (4) This section is subject to the Open Government Sunset
41 Review Act in accordance with s. 119.15 and shall stand repealed
42 on October 2, 2023, unless reviewed and saved from repeal
43 through reenactment by the Legislature.

44 Section 2. The Legislature finds that it is a public
45 necessity that individual identifying information of a person
46 under 21 years of age contained in a Point-in-Time Count and
47 Survey or data in a Homeless Management Information System
48 collected pursuant to 42 U.S.C. chapter 119, subchapter IV, and
49 related regulations provided in 24 C.F.R. part 91, be made
50 exempt from public records requirements. Pursuant to 42 U.S.C.
51 s. 11363, the United States Secretary of Housing and Urban
52 Development is required to instruct service providers that they
53 are prohibited from disclosing individual identifying
54 information about any client, for purposes of the Homeless
55 Management Information System, which includes information in a
56 Point-in-Time Count and Survey. The public release of such
57 sensitive information could lead to discrimination against or
58 ridicule of such individuals and could make them reluctant to

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59 seek assistance for themselves or their family members, which
60 could hinder their ability to succeed in school or at their
61 current or future place of employment and, ultimately, to attain
62 or maintain self-sufficiency. The public release of such
63 information may put affected individuals at greater risk of
64 injury as a significant proportion of such individuals are
65 survivors of domestic violence or suffer from mental illness or
66 substance abuse. Additionally, public access to such information
67 may put affected individuals at a heightened risk for fraud and
68 identity theft. The harm from disclosing such information
69 outweighs any public benefit that can be derived from widespread
70 and unfettered access to such information. This exemption is
71 narrowly drawn so that aggregate information may be disclosed
72 but does not authorize the disclosure of individual identifying
73 information of a person under 21 years of age contained in a
74 Point-in-Time Count and Survey or data in a Homeless Management
75 Information System collected pursuant to 42 U.S.C. chapter 119,
76 subchapter IV, and related regulations provided in 24 C.F.R.
77 part 91.

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