

By Senator Gruters

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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 terms; creating an exemption  
 4       from public records requirements for individual  
 5       identifying information contained in certain  
 6       homelessness counts and databases; providing for  
 7       retroactive application of the exemption; providing  
 8       for future legislative review and repeal of the  
 9       exemption; providing construction; providing a  
 10      statement of public necessity; providing a directive  
 11      to the Division of Law Revision; providing an  
 12      effective date.

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

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

18       420.6231 Individual identifying information in homelessness  
 19 counts and databases; public records exemption.-

20       (1) As used in this section, the term:

21       (a) "Individual identifying information" means information  
 22 that directly or indirectly identifies a specific person, can be  
 23 manipulated to identify a specific person, or can be linked with  
 24 other available information to identify a specific person.

25       (b) "Point-in-Time Count" means an unduplicated count of  
 26 both the sheltered and unsheltered people in a community who are  
 27 experiencing homelessness. For purposes of this section, the  
 28 term includes all survey information received from such persons.

29       (2) Individual identifying information of a person

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30 contained in a Point-in-Time Count or a homeless management  
31 information system which is collected pursuant to 42 U.S.C. 119,  
32 subchapter IV and 24 C.F.R. part 91 is confidential and exempt  
33 from s. 119.07(1) and s. 24(a), Art. I of the State  
34 Constitution. This exemption applies to individual identifying  
35 information collected before, on, or after the effective date of  
36 this act. This subsection is subject to the Open Government  
37 Sunset Review Act in accordance with s. 119.15 and shall stand  
38 repealed on October 2, 2024, unless reviewed and saved from  
39 repeal through reenactment by the Legislature.

40 (3) This section does not preclude the release of aggregate  
41 information in a Point-in-Time Count or data in a homeless  
42 management information system which does not disclose the  
43 individual identifying information of a person.

44 Section 2. (1) The Legislature finds that it is a public  
45 necessity that the individual identifying information of a  
46 person contained in a Point-in-Time Count or in a homeless  
47 management information system collected pursuant to 42 U.S.C.  
48 119, subchapter IV and 24 C.F.R. part 91 be made confidential  
49 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
50 Article I of the State Constitution.

51 (2) Public knowledge of such information could lead to  
52 discrimination against or ridicule of an individual, which could  
53 make such individual reluctant to seek assistance. Public  
54 knowledge of such information may also create a greater risk of  
55 injury to affected individuals who are survivors of domestic  
56 violence or suffer from mental illness or substance abuse.  
57 Additionally, public knowledge of such information may create a  
58 heightened risk for fraud and identity theft to affected

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59 individuals.

60 (3) The harm from disclosing the individual identifying  
61 information of a person contained in a Point-in-Time Count or in  
62 a homeless management information system outweighs any public  
63 benefit that can be derived from widespread and unfettered  
64 access to such information. The exemption is narrowly written so  
65 that certain aggregate information may still be disclosed.

66 (4) Further, pursuant to 42 U.S.C. s. 11363, victim service  
67 providers must protect the personally identifying information  
68 about a client and may not disclose any personally identifying  
69 information about a client for purposes of a homeless management  
70 information system.

71 (5) For the foregoing reasons, the Legislature finds that  
72 such information must be made confidential and exempt from s.  
73 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
74 State Constitution.

75 Section 3. The Division of Law Revision is directed to  
76 replace the phrase "the effective date of this act" wherever it  
77 occurs in this act with the date this act becomes a law.

78 Section 4. This act shall take effect upon becoming a law.