

1                   A bill to be entitled  
 2           An act relating to public records; creating s.  
 3           420.6231, F.S.; providing definitions; creating an  
 4           exemption from public records requirements for  
 5           individual identifying information contained in  
 6           certain homelessness counts and databases; providing  
 7           for retroactive application of the exemption;  
 8           providing construction; providing for future  
 9           legislative review and repeal of the exemption;  
 10          providing a statement of public necessity; providing a  
 11          directive to the Division of Law Revision; providing  
 12          an effective date.

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

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

18          420.6231 Individual identifying information in  
 19          homelessness 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  
30 contained in a Point-in-Time Count or a homeless management  
31 information system that 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38 repealed on October 2, 2027, unless reviewed and saved from  
39 repeal through reenactment by the Legislature.

40 (3) This section does not preclude the release of  
41 aggregate information in a Point-in-Time Count or data in a  
42 homeless management information system that does not disclose  
43 the 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 public records requirements.

50 (2) Public knowledge of such information could lead to

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

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

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

70 (5) For the foregoing reasons, the Legislature finds that  
71 such information must be made confidential and exempt from  
72 public records requirements.

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

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2022

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