

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; providing an exemption
4 from public records requirements for individual
5 identifying information contained in certain
6 homelessness counts and information systems; 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 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.
32 chapter 119, subchapter IV and 24 C.F.R. part 91 is confidential
33 and exempt 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.

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

41 (4) This section is subject to the Open Government Sunset
42 Review Act in accordance with s. 119.15 and shall stand repealed
43 on October 2, 2027, unless reviewed and saved from repeal
44 through reenactment by the Legislature.

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

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

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59 heightened risk for fraud and identity theft to affected
60 individuals.

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

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

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

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

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