

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

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

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 14 Section 1. Section 420.6231, Florida Statutes, is created
 15 to read:

16 420.6231 Individual identifying information in
 17 homelessness counts and databases; public records exemption.-

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

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

23 (b) "Point-in-time count" means an unduplicated count of
 24 both the sheltered and unsheltered people in a community who are
 25 experiencing homelessness. For purposes of this section, the

26 term includes all survey information received from such persons.

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36 repealed on October 2, 2024, unless reviewed and saved from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

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

42 Section 2. (1) The Legislature finds that it is a public
43 necessity that the individual identifying information of a
44 person contained in a Point-in-Time count or in a homeless
45 management information system collected pursuant to 42 U.S.C.
46 119, subchapter IV and 24 C.F.R. part 91, be made confidential
47 and exempt from public records requirements.

48 (2) Public knowledge of such information could lead to
49 discrimination against or ridicule of an individual which could
50 make such individual reluctant to seek assistance. Public

51 knowledge of such information may also create a greater risk of
52 injury to affected individuals who are survivors of domestic
53 violence or suffer from mental illness or substance abuse.
54 Additionally, public knowledge of such information may create a
55 heightened risk for fraud and identity theft to affected
56 individuals.

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

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

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

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