

CHAPTER 2022-33

Senate Bill No. 934

An act relating to public records; creating s. 420.6231, F.S.; defining terms; providing an exemption from public records requirements for individual identifying information contained in certain homelessness counts and information systems; providing for retroactive application of the exemption; providing construction; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a directive to the Division of Law Revision; providing an effective date.

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

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

420.6231 Individual identifying information in homelessness counts and databases; public records exemption.—

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

(a) “Individual identifying information” means information that directly or indirectly identifies a specific person, can be manipulated to identify a specific person, or can be linked with other available information to identify a specific person.

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

(2) Individual identifying information of a person contained in a Point-in-Time Count or a homeless management information system which is collected pursuant to 42 U.S.C. chapter 119, subchapter IV and 24 C.F.R. part 91 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to individual identifying information collected before, on, or after the effective date of this act.

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

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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

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

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

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

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

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

Approved by the Governor April 6, 2022.

Filed in Office Secretary of State April 6, 2022.