



569488

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
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Appropriations Subcommittee on Health and Human Services
(Brodeur) recommended the following:

Senate Substitute for Amendment (768172) (with title amendment)

Delete lines 19 - 69
and insert:

Section 1. Subsection (4) is added to section 402.88,
Florida Statutes, as created by SB 1040 or similar legislation,
to read:

402.88 Special Persons Registry in interactions with law
enforcement; public records exemption.-



11 (4) (a) All records, data, information, correspondence, and
12 communications relating to the enrollment of persons as provided
13 in subsection (1) and such information included in any locally
14 maintained registry that is substantially similar to the
15 registry in subsections (1) and (2) are confidential and exempt
16 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
17 and may not be disclosed except, upon request, to a law
18 enforcement agency, a county emergency management agency, or a
19 local fire department, or as otherwise specifically authorized
20 by this section.

21 (b) A law enforcement agency, county emergency management
22 agency, or local fire department in possession of materials
23 described in paragraph (a) may further disclose information
24 contained in such materials to others not specifically listed
25 only as follows:

26 1. With the express written consent of the registry
27 enrollee or the legally authorized representative of such
28 enrollee;

29 2. In a medical emergency;

30 3. By court order upon a finding of good cause;

31 4. To another governmental agency in the performance of its
32 duties and responsibilities; or

33 5. In the interest of public safety, to assist in locating
34 the enrollee, or to promote the safety or well-being of the
35 enrollee, as determined by the law enforcement agency.

36 (c) 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38 repealed on October 2, 2027, unless reviewed and saved from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.



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40 Section 2. The Legislature finds that it is a public
41 necessity to make all records, data, information,
42 correspondence, and communications relating to the enrollment of
43 persons in the Special Persons Registry under s. 402.88, Florida
44 Statutes, confidential and exempt from s. 119.07(1), Florida
45 Statutes, and s. 24(a), Article I of the State Constitution.
46 Such records would likely include confidential medical
47 information and sensitive personal information about the persons
48 listed in the registry. The potential disclosure of such
49 information would deter persons from being enrolled in the
50 registry, which would then deprive law enforcement officers of
51 information that would better enable them to interact with such
52 persons in safe and appropriate ways.

53 Section 3. The exemption created in s. 402.88(4), Florida
54 Statutes, applies retroactively to such confidential and exempt
55 information held by a law enforcement agency, a county emergency
56 management agency, or a local fire department before, on, or
57 after the

58
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete line 14

62 and insert:

63 necessity; providing applicability;