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576-03258-22

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to public records; amending s. 402.88, F.S.; providing an exemption from public records requirements for all records, data, information, correspondence, and communications relating to the enrollment of persons in the Special Persons Registry maintained by the Department of Health; providing exceptions; authorizing law enforcement agencies, county emergency management agencies, and local fire departments to further disclose confidential and exempt information under certain circumstances; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing applicability; providing a contingent effective date.

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

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.—

(4) (a) All records, data, information, correspondence, and communications relating to the enrollment of persons as provided in subsection (1) and such information included in any locally maintained registry that is substantially similar to the



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28 registry in subsections (1) and (2) are confidential and exempt
29 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
30 and may not be disclosed except, upon request, to a law
31 enforcement agency, a county emergency management agency, or a
32 local fire department, or as otherwise specifically authorized
33 by this section.

34 (b) A law enforcement agency, county emergency management
35 agency, or local fire department in possession of materials
36 described in paragraph (a) may further disclose information
37 contained in such materials to others not specifically listed
38 only as follows:

39 1. With the express written consent of the registry
40 enrollee or the legally authorized representative of such
41 enrollee;

42 2. In a medical emergency;

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

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

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

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

53 Section 2. The Legislature finds that it is a public
54 necessity to make all records, data, information,
55 correspondence, and communications relating to the enrollment of
56 persons in the Special Persons Registry under s. 402.88, Florida



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57 Statutes, confidential and exempt from s. 119.07(1), Florida
58 Statutes, and s. 24(a), Article I of the State Constitution.
59 Such records would likely include confidential medical
60 information and sensitive personal information about the persons
61 listed in the registry. The potential disclosure of such
62 information would deter persons from being enrolled in the
63 registry, which would then deprive law enforcement officers of
64 information that would better enable them to interact with such
65 persons in safe and appropriate ways.

66 Section 3. The exemption created in s. 402.88(4), Florida
67 Statutes, applies retroactively to such confidential and exempt
68 information held by a law enforcement agency, a county emergency
69 management agency, or a local fire department before, on, or
70 after the effective date of this act.

71 Section 4. This act shall take effect on the same date that
72 SB 1040 or similar legislation takes effect, if such legislation
73 is adopted in the same legislative session or an extension
74 thereof and becomes a law.