

By Senator Brodeur

9-00764C-22

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1 A bill to be entitled
2 An act relating to public records; amending s. 402.88,
3 F.S.; providing an exemption from public records
4 requirements for all records, data, information,
5 correspondence, and communications relating to the
6 enrollment of persons in the registry of persons with
7 special needs; providing exceptions; authorizing law
8 enforcement agencies, county emergency management
9 agencies, and local fire departments to further
10 disclose confidential and exempt information under
11 certain circumstances; providing for future
12 legislative review and repeal of the exemption;
13 providing a statement of public necessity; providing
14 for retroactive application; providing a contingent
15 effective date.

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

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19 Section 1. Subsection (3) is added to section 402.88,
20 Florida Statutes, as created by SB ____ or similar legislation,
21 to read:

22 402.88 Registry of persons with special needs in law
23 enforcement interactions; public records exemption.-

24 (3) (a) All records, data, information, correspondence, and
25 communications relating to the enrollment of persons as provided
26 in subsection (1) and such information included in any locally
27 maintained registry that is substantially similar to the
28 registry in subsection (1) are confidential and exempt from s.
29 119.07(1) and s. 24(a), Art. I of the State Constitution and may

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30 not be disclosed except, upon request, to a law enforcement
31 agency, a county emergency management agency, or a local fire
32 department or as otherwise specifically authorized by this
33 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 registry of persons with special needs under s.
57 402.88, Florida Statutes, confidential and exempt from s.
58 119.07(1), Florida Statutes, and s. 24(a), Article I of the

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59 State Constitution. Such records would likely include
60 confidential medical information and sensitive personal
61 information about the persons listed in the registry. The
62 potential disclosure of such information would deter persons
63 from being enrolled in the registry, which would then deprive
64 law enforcement officers of information that would better enable
65 them to interact with such persons in safe and appropriate ways.

66 Section 3. The exemption created in s. 402.88(3), 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 the
70 effective date of this act.

71 Section 4. This act shall take effect on the same date that
72 SB ____ 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.