

By the Committee on Children, Families, and Elder Affairs; and  
Senator Brodeur

586-02804-22

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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 Special Persons Registry  
7       maintained by the Department of Health; providing  
8       exceptions; authorizing law enforcement agencies,  
9       county emergency management agencies, and local fire  
10      departments to further disclose confidential and  
11      exempt information under certain circumstances;  
12      providing for future legislative review and repeal of  
13      the exemption; providing a statement of public  
14      necessity; providing for retroactive application;  
15      providing a contingent effective date.

16  
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 1040 or similar legislation,  
21       to read:

22       402.88 Special Persons Registry for interactions with law  
23       enforcement; 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 Special Persons Registry under s. 402.88, Florida  
57 Statutes, confidential and exempt from s. 119.07(1), Florida  
58 Statutes, and s. 24(a), Article I of the State Constitution.

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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(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 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.