

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.