

By the Committee on Criminal Justice; and Senator Burgess

591-03480-23

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1                   A bill to be entitled  
2           An act relating to the Special Persons Registry;  
3           providing a short title; creating s. 402.88, F.S.;  
4           authorizing local law enforcement agencies to develop  
5           and maintain a database, to be known as the "Special  
6           Persons Registry," for a specified purpose; providing  
7           for enrollment in and removal from the registry;  
8           requiring that certain documentation be submitted to  
9           the local law enforcement agency at the time of  
10          registration; specifying the types of documentation  
11          local law enforcement agencies may accept as proof of  
12          eligibility for registration in the registry;  
13          specifying information the registry may include;  
14          authorizing local law enforcement agencies to provide  
15          relevant information from the registry to law  
16          enforcement officers under certain circumstances;  
17          providing an effective date.

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

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21           Section 1. This act may be cited as the "Protect Our Loved  
22 Ones Act."

23           Section 2. Section 402.88, Florida Statutes, is created to  
24 read:

25           402.88 Special Persons Registry in interactions with law  
26 enforcement.-

27           (1) (a) A local law enforcement agency may develop and  
28 maintain a database, to be known as the "Special Persons  
29 Registry," listing persons who have developmental,

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30 psychological, or other disabilities or conditions that may be  
31 relevant to their interactions with law enforcement officers.  
32 Persons with any type of confirmed developmental, psychological,  
33 or other disability or condition, including, but not limited to,  
34 autism spectrum disorder, Alzheimer's disease or a dementia-  
35 related disorder, or Down syndrome, may be enrolled in the  
36 registry.

37 (b) An adult with a disability may enroll himself or  
38 herself in the registry. If a person with a disability has been  
39 declared incapacitated under chapter 744, a parent or legal  
40 guardian of the person may enroll him or her in the registry. An  
41 incapacitated adult enrolled by another person must be notified  
42 of that enrollment by the local law enforcement agency in  
43 writing at his or her address of record within 5 business days  
44 after enrollment in the registry.

45 (c) A minor with a disability or condition may be enrolled  
46 in the registry by his or her parent or legal guardian. A minor  
47 enrolled by another person must be notified by the agency in  
48 writing of that enrollment at his or her address of record  
49 within 5 business days after his or her 18th birthday.

50 (d) Proof of eligibility for enrollment in the registry  
51 must be submitted to the local law enforcement agency at the  
52 time of registration. The local law enforcement agency may  
53 accept any of the following documents as the requisite proof of  
54 eligibility:

55 1. Certification of the disability or condition from:

56 a. A physician or physician assistant licensed under  
57 chapter 458 or chapter 459 or an advanced practice registered  
58 nurse licensed under chapter 464; or

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59 b. If the registration is based on a psychological  
60 condition, a psychologist licensed under chapter 490, a mental  
61 health counselor licensed under chapter 491, or a psychiatrist  
62 as defined in s. 394.455(37).

63 2. Proof of parentage, guardianship, or other legal  
64 authority of a parent or legal guardian to enroll a child or  
65 ward in the registry, including, but not limited to, any of the  
66 following documentation, as applicable:

67 a. A birth certificate as described in s. 382.013;

68 b. A power of attorney, as defined in s. 709.2102(9);

69 c. A court order establishing parental rights or  
70 guardianship; or

71 d. Letters of guardianship as described in s. 744.345.

72 (e) A registration is valid until the person is removed  
73 from the registry. A minor or an incapacitated adult may be  
74 removed from the registry by the minor's parent or legal  
75 guardian or the adult's legal guardian, respectively. A  
76 competent person who has reached 18 years of age may also choose  
77 to have his or her name removed from the registry. Upon a valid  
78 verbal or written request for removal of a person from the  
79 registry, the local law enforcement agency must remove the  
80 person's information from the registry within 5 business days  
81 after the request is made.

82 (2) The registry may include, but need not be limited to,  
83 any of the following information:

84 (a) The listed person's name, contact information, personal  
85 identifying information, and disability or condition that may be  
86 relevant to interactions with law enforcement officers.

87 (b) If a person did not enroll himself or herself, the

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88 name, contact information, and personal identifying information  
89 of the person who enrolled the listed person in the registry.

90 (c) Any additional information provided by the enrollee or  
91 the person who enrolled the listed person in the registry,  
92 including the certification of the condition or disability.

93 (3) A local law enforcement agency may provide relevant  
94 information from the registry to a law enforcement officer  
95 engaged in his or her official duties.

96 Section 3. This act shall take effect January 1, 2024.