

By Senator Burgess

23-00275-23

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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 and
6 submitted in connection with the enrollment of persons
7 in the Special Persons Registry maintained by local
8 law enforcement agencies; providing exceptions;
9 prohibiting law enforcement agencies, county emergency
10 management agencies, and local fire departments from
11 further disclosing confidential and exempt
12 information; providing exceptions; providing for
13 future legislative review and repeal of the exemption;
14 providing a statement of public necessity; providing
15 for retroactive application; providing a contingent
16 effective date.

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

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20 Section 1. Subsection (4) is added to section 402.88,
21 Florida Statutes, as created by SB ___ or similar legislation,
22 to read:

23 402.88 Special Persons Registry in interactions with law
24 enforcement; public records exemption.—

25 (4) (a) All records, data, information, correspondence, and
26 communications relating to and submitted in connection with the
27 enrollment of a person in the registry as provided in subsection
28 (1) and such information included in any locally maintained
29 registry that is substantially similar to the registry in

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

36 (b) A law enforcement agency, county emergency management
37 agency, or local fire department in possession of materials or
38 information described in paragraph (a) may not further disclose
39 the materials or information contained therein to others except
40 in the following circumstances:

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

44 2. In a medical emergency;

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

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

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

51 (c) This subsection is subject to the Open Government
52 Sunset Review Act in accordance with s. 119.15 and shall stand
53 repealed on October 2, 2028, unless reviewed and saved from
54 repeal through reenactment by the Legislature.

55 Section 2. The Legislature finds that it is a public
56 necessity that all records, data, information, correspondence,
57 and communications relating to or submitted in connection with
58 the enrollment of persons in the Special Persons Registry under

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59 s. 402.88, Florida Statutes, be made confidential and exempt
60 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
61 the State Constitution. Such materials would likely include
62 confidential medical information and sensitive personal
63 information about the enrollees. The potential disclosure of
64 such information would deter persons from being enrolled in the
65 registry, which would deprive law enforcement officers of
66 information that would better enable them to interact with such
67 persons in safe and appropriate ways.

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

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