

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

586-03104-23

2023786c1

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.

17  
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 784 or similar legislation,  
22       2023 Regular Session, 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 784 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.