

ENROLLED

CS/HB 1277

2023 Legislature

1  
 2 An act relating to public records; amending s. 402.88,  
 3 F.S.; providing a definition for the term "persons  
 4 with disabilities registry"; exempting from public  
 5 records requirements all records and personal  
 6 identifying information relating to the enrollment of  
 7 persons in a persons with disabilities registry and to  
 8 persons enrolled in a persons with disabilities  
 9 registry held by a local law enforcement agency;  
 10 providing for retroactive application; authorizing  
 11 local law enforcement agencies to disclose  
 12 confidential and exempt information to certain persons  
 13 under certain circumstances; providing for the exempt  
 14 status of such information held by those individuals  
 15 and entities to be maintained; providing for future  
 16 legislative review and repeal of the exemption;  
 17 providing a statement of public necessity; providing a  
 18 contingent effective date.

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

21  
 22 Section 1. Subsection (4) is added to section 402.88,  
 23 Florida Statutes, as created by HB 1275 or similar legislation,  
 24 to read:

25 402.88 Persons with Disabilities Registry; public records

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26 exemption.—

27 (4) (a) All records and personal identifying information  
 28 relating to the enrollment of persons in a persons with  
 29 disabilities registry held by a local law enforcement agency are  
 30 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 31 of the State Constitution. It is the intent of the Legislature  
 32 that this exemption apply to persons with disabilities  
 33 registries held by a local law enforcement agency before, on, or  
 34 after the effective date of this paragraph. This paragraph is  
 35 subject to the Open Government Sunset Review Act in accordance  
 36 with s. 119.15 and shall stand repealed on October 2, 2028,  
 37 unless reviewed and saved from repeal through reenactment by the  
 38 Legislature.

39 (b) Information made confidential and exempt by this  
 40 subsection may be disclosed upon a showing of good cause before  
 41 a court of competent jurisdiction, or in furtherance of the  
 42 official duties and responsibilities of the agency holding the  
 43 information, to:

- 44 1. Another local law enforcement agency;
- 45 2. A county emergency management agency;
- 46 3. A local fire department; or
- 47 4. Another local, state, or federal agency.

48 (c) The entities or persons receiving such information  
 49 shall maintain the exempt status of the information.

50 Section 2. The Legislature finds that it is a public

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51 necessity to make all records and personal identifying  
52 information relating to the enrollment of persons in the Persons  
53 with Disabilities Registry under s. 402.88, Florida Statutes,  
54 confidential and exempt from s. 119.07(1), Florida Statutes, and  
55 s. 24(a), Article I of the State Constitution. The Legislature  
56 recognizes that criminals often target individuals who have the  
57 same conditions as those enrolled in a persons with disabilities  
58 registry in acts of abuse or exploitation. The Legislature  
59 further recognizes that records relating to enrollment in a  
60 persons with disabilities registry would include personal  
61 medical information about the persons listed in a persons with  
62 disabilities registry. Therefore, the Legislature finds that the  
63 disclosure of such information would deter persons from being  
64 enrolled in a persons with disabilities registry, which would  
65 prevent local law enforcement agencies from effectively and  
66 efficiently administering a persons with disabilities registry.  
67 The Legislature further finds that the release of personal  
68 identifying information of an individual in a persons with  
69 disabilities registry could jeopardize the safety of such  
70 individuals. The harm from disclosing the personal identifying  
71 information of an individual contained in a persons with  
72 disabilities registry outweighs any public benefit that can be  
73 derived from widespread and unfettered access to such  
74 information. The exemption is narrowly written so that a local  
75 law enforcement agency may share the personal information of an

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76 | individual enrolled in a persons with disabilities registry with  
77 | other local law enforcement agencies, county emergency  
78 | management agencies, local fire departments, and other local,  
79 | state, or federal agencies in furtherance of that agency's  
80 | official duties and responsibilities. Providing information in a  
81 | persons with disabilities registry to these agencies is  
82 | necessary for the goal of a persons with disabilities registry  
83 | to be achieved, which is to create safer interactions between  
84 | these agencies and individuals with certain conditions.

85 |       Section 3. This act shall take effect on the same date  
86 | that HB 1275 or similar legislation takes effect, if such  
87 | legislation is adopted in the same legislative session or an  
88 | extension thereof and becomes a law.