

CHAPTER 2023-313

Committee Substitute for House Bill No. 1277

An act relating to public records; amending s. 402.88, F.S.; providing a definition for the term “persons with disabilities registry”; exempting from public records requirements all records and personal identifying information relating to the enrollment of persons in a persons with disabilities registry and to persons enrolled in a persons with disabilities registry held by a local law enforcement agency; providing for retroactive application; authorizing local law enforcement agencies to disclose confidential and exempt information to certain persons under certain circumstances; providing for the exempt status of such information held by those individuals and entities to be maintained; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

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

402.88 Persons with Disabilities Registry; public records exemption.—

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 This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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

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

Section 2. The Legislature finds that it is a public necessity to make all records and personal identifying information relating to the enrollment of persons in the Persons with Disabilities Registry under s. 402.88, Florida Statutes, confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature recognizes that criminals often target individuals who have the same conditions as those enrolled in a persons with disabilities registry in acts of abuse or exploitation. The Legislature further recognizes that records relating to enrollment in a persons with disabilities registry would include personal medical information about the persons listed in a persons with disabilities registry. Therefore, the Legislature finds that the disclosure of such information would deter persons from being enrolled in a persons with disabilities registry, which would prevent local law enforcement agencies from effectively and efficiently administering a persons with disabilities registry. The Legislature further finds that the release of personal identifying information of an individual in a persons with disabilities registry could jeopardize the safety of such individuals. The harm from disclosing the personal identifying information of an individual contained in a persons with disabilities registry outweighs any public benefit that can be derived from widespread and unfettered access to such information. The exemption is narrowly written so that a local law enforcement agency may share the personal information of an individual enrolled in a persons with disabilities registry with other local law enforcement agencies, county emergency management agencies, local fire departments, and other local, state, or federal agencies in furtherance of that agency's official duties and responsibilities. Providing information in a persons with disabilities registry to these agencies is necessary for the goal of a persons with disabilities registry to be achieved, which is to create safer interactions between these agencies and individuals with certain conditions.

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

Approved by the Governor June 29, 2023.

Filed in Office Secretary of State June 29, 2023.