

ENROLLED

CS/HB 1275

2023 Legislature

1  
 2 An act relating to the Persons with Disabilities  
 3 Registry; providing a short title; creating s. 402.88,  
 4 F.S.; authorizing local law enforcement agencies to  
 5 develop and maintain a database to be known as  
 6 "Persons with Disabilities Registry"; providing for  
 7 enrollment in and removal from the registry;  
 8 specifying information the registry may include;  
 9 authorizing local law enforcement agencies to provide  
 10 access to the registry and relevant information from  
 11 the registry to law enforcement officers under certain  
 12 circumstances; providing an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. This act may be cited as the "Protect Our Loved  
 17 Ones Act."

18 Section 2. Section 402.88, Florida Statutes, is created to  
 19 read:

20 402.88 Persons with Disabilities Registry.—

21 (1) (a) A local law enforcement agency may develop and  
 22 maintain a database, to be known as a "Persons with Disabilities  
 23 Registry," listing persons who have developmental,  
 24 psychological, or other disabilities or conditions that may be  
 25 relevant to their interactions with law enforcement officers.

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26 Persons with any type of confirmed developmental, psychological,  
 27 or other disability or condition, including, but not limited to,  
 28 autism spectrum disorder, Alzheimer's disease or a dementia-  
 29 related disorder, or Down syndrome, may be enrolled in a  
 30 registry.

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

39 (c) A minor with a disability or condition may be enrolled  
 40 in a registry by his or her parent or legal guardian. A minor  
 41 who was enrolled by another person must be notified by the local  
 42 law enforcement agency in writing of that enrollment at his or  
 43 her address of record within 5 business days after he or she  
 44 reaches 18 years of age.

45 (d) At the time of registration, proof of eligibility for  
 46 enrollment in a registry must be submitted to the local law  
 47 enforcement agency. The local law enforcement agency may accept  
 48 any of the following documents for proof of eligibility:

- 49 1. Certification of the disability or condition from a:  
 50 a. Physician or physician assistant licensed under chapter

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51 458 or chapter 459 or an advanced practice registered nurse  
 52 licensed under chapter 464; or

53 b. Psychologist licensed under chapter 490, a mental  
 54 health counselor licensed under chapter 491, or a psychiatrist  
 55 as defined in s. 394.455, if the registration is based on  
 56 psychological conditions.

57 2. Documentation of the legal authority for a parent or  
 58 legal guardian to enroll a child or ward, including, but not  
 59 limited to, proof of parentage or guardianship, through:

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

61 b. A power of attorney, as defined in s. 709.2102;

62 c. A court order establishing parental rights or  
 63 guardianship; or

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

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

74 (2) A registry may include, but need not be limited to,  
 75 any of the following information:

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

80        (b) If a person did not enroll himself or herself, the  
 81        name, contact information, and personal identifying information  
 82        of the person who enrolled the listed person in the registry.

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

86        (3) A local law enforcement agency may provide relevant  
 87        information from a registry to a law enforcement officer engaged  
 88        in his or her official duties.

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