

A bill to be entitled

An act relating to public records; creating s. 316.0777, F.S.; providing definitions; providing a public records exemption for images and data containing or providing personal identifying information which are obtained through the use of an automated license plate recognition system and personal identifying information of an individual in data generated from such images; providing conditions for disclosure of such images and information; providing for retroactive applicability of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 316.0777, Florida Statutes, is created to read:

316.0777 Automated license plate recognition systems; public records exemption.-

(1) As used in this section, the term:

(a) "Active," "criminal intelligence information," and "criminal investigative information" have the same meanings as provided in s. 119.011(3).

26 (b) "Agency" has the same meaning as provided in s.
27 119.011.

28 (c) "Automated license plate recognition system" means a
29 system of one or more mobile or fixed high-speed cameras
30 combined with computer algorithms to convert images of license
31 plates into computer-readable data.

32 (d) "Criminal justice agency" has the same meaning as
33 provided in s. 119.011.

34 (2) The following information held by an agency is
35 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
36 of the State Constitution:

37 (a) Images and data containing or providing personal
38 identifying information obtained through the use of an automated
39 license plate recognition system.

40 (b) Personal identifying information of an individual in
41 data generated or resulting from images obtained through the use
42 of an automated license plate recognition system.

43 (3) Such information may be disclosed as follows:

44 (a) Any such information may be disclosed by or to a
45 criminal justice agency in the performance of the criminal
46 justice agency's official duties.

47 (b) Any such information relating to a license plate
48 registered to an individual may be disclosed to the individual,
49 unless such information constitutes active criminal intelligence
50 information or active criminal investigative information.

51 (4) This exemption applies to such information held by an

52 agency before, on, or after the effective date of this
53 exemption.

54 (5) This section is subject to the Open Government Sunset
55 Review Act in accordance with s. 119.15 and shall stand repealed
56 on October 2, 2019, unless reviewed and saved from repeal
57 through reenactment by the Legislature.

58 Section 2. The Legislature finds that it is a public
59 necessity that images and data containing or providing personal
60 identifying information which are obtained through the use of an
61 automated license plate recognition system held by an agency and
62 personal identifying information in data generated from such
63 images be made confidential and exempt from s. 119.07(1),
64 Florida Statutes, and s. 24(a), Article I of the State
65 Constitution. The exemption protects sensitive personal
66 information that, if released, could be defamatory to an
67 individual or jeopardize the safety of an individual by allowing
68 a third party to track a person's movements and compile a
69 history on where a person has driven. This exemption is
70 necessary because the public disclosure of such information
71 constitutes an unwarranted invasion into the personal life and
72 privacy of a person. The harm from disclosing such information
73 outweighs any public benefit that can be derived from widespread
74 and unregulated public access to such information.

75 Section 3. This act shall take effect July 1, 2014.