

By Senator Evers

2-00632-14

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 316.0777, F.S.; providing a public records exemption
4 for images obtained through use of an automated
5 traffic law enforcement system; providing for future
6 legislative review and repeal of the exemption;
7 providing a statement of public necessity; providing a
8 contingent effective date.

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

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

14 316.0777 Recorded images made by an automated traffic law
15 enforcement system; public records exemption.—Recorded images
16 made by an automated traffic law enforcement system are
17 confidential and shall be made available only to the alleged
18 violator and governmental and law enforcement agencies for
19 purposes of adjudicating a violation of law, for statistical
20 purposes, or for other governmental purposes. A recorded image
21 evidencing a violation of law may be admissible in a proceeding
22 resulting from the issuance of a citation. This section is
23 subject to the Open Government Sunset Review Act in accordance
24 with s. 119.15 and is repealed on October 2, 2019, unless
25 reviewed and saved from repeal through reenactment by the
26 Legislature.

27 Section 2. The Legislature finds that it is a public
28 necessity that images obtained through the use of an automated
29 traffic law enforcement system be made confidential and exempt

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30 from public records requirements. The release of such images
31 held by an agency and personal identifying information in data
32 generated from such images could enable a third party to track a
33 person's movements and compile a history on where a person has
34 driven. This exemption is necessary because the public
35 disclosure of such information constitutes an unwarranted
36 invasion into the personal life and privacy of a person. The
37 harm from disclosing such information outweighs the public
38 benefit that can be derived from widespread and unregulated
39 public access to such information.

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