

By Senator Brandes

22-00211A-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 definitions; creating a  
4           public records exemption for images obtained through  
5           the use of an automated license plate recognition  
6           system and personal identifying information of an  
7           individual in data generated from such images;  
8           providing for retroactive application of the public  
9           records exemption; providing for future repeal and  
10          legislative review of the exemption under the Open  
11          Government Sunset Review Act; providing a statement of  
12          public necessity; providing an effective date.

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

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

18           316.0777 Automated license plate recognition systems;  
19 public records exemption.—

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

21           (a) "Agency" has the same meaning as in s. 119.011.

22           (b) "Automated license plate recognition system" means a  
23 system of one or more mobile or fixed high-speed cameras  
24 combined with computer algorithms to convert images of license  
25 plates into computer-readable data.

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

29           (a) Images obtained through the use of an automated license

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30 plate recognition system.

31 (b) Personal identifying information of an individual in  
32 data generated from images obtained through the use of an  
33 automated license plate recognition system.

34 (3) This exemption applies to such information held by an  
35 agency before, on, or after the effective date of this  
36 exemption.

37 (4) This section is subject to the Open Government Sunset  
38 Review Act in accordance with s. 119.15 and shall stand repealed  
39 on October 2, 2019, unless reviewed and saved from repeal  
40 through reenactment by the Legislature.

41 Section 2. The Legislature finds that it is a public  
42 necessity that images obtained through the use of an automated  
43 license plate recognition system held by an agency and personal  
44 identifying information in data generated from such images be  
45 exempt from public records requirements. The release of such  
46 images and data gathered through automated license plate  
47 recognition systems could enable a third party to track a  
48 person's movements and compile a history on where a person has  
49 driven. This exemption is necessary because the public  
50 disclosure of such information constitutes an unwarranted  
51 invasion into the personal life and privacy of a person. The  
52 harm from disclosing such information outweighs any public  
53 benefit that can be derived from widespread and unregulated  
54 public access to such information.

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