By the Committee on Transportation; and Senator Brandes

596-00988A-14   2014226c1

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 conditions for disclosure of such images and

9   information; providing for retroactive application of

10   the public records exemption; providing for future

11   repeal and legislative review of the exemption under

12   the Open Government Sunset Review Act; providing a

13   statement of public necessity; providing an effective

14   date.

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

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18   Section 1. Section 316.0777, Florida Statutes, is created

19   to read:

20   316.0777 Automated license plate recognition systems;

21   public records exemption.—

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

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

24   (b) "Automated license plate recognition system" means a

25   system of one or more mobile or fixed high-speed cameras

26   combined with computer algorithms to convert images of license

27   plates into computer-readable data.

28   (2) The following information held by an agency is

29   confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

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30 of the State Constitution:

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

32 plate recognition system.

33   (b) Personal identifying information of an individual in

34 data generated or resulting from images obtained through the use

35 of an automated license plate recognition system.

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

37   (a) Any such information may be disclosed by or to a

38 criminal justice agency, as defined in s. 119.011(4), in the

39 performance of a criminal justice agency's official duties.

40   (b) Any such information relating to a license plate

41 registered to an individual may be disclosed to the individual,

42 unless such information constitutes active criminal intelligence

43 information or active criminal investigative information, as

44 defined in s. 119.011(3).

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

46 agency before, on, or after the effective date of this

47 exemption.

48   (5) This section is subject to the Open Government Sunset

49 Review Act in accordance with s. 119.15 and shall stand repealed

50 on October 2, 2019, unless reviewed and saved from repeal

51 through reenactment by the Legislature.

52   Section 2. The Legislature finds that it is a public

53 necessity that images obtained through the use of an automated

54 license plate recognition system held by an agency and personal

55 identifying information in data generated from such images be

56 confidential and exempt from public records requirements. The

57 release of such images and data gathered through automated

58 license plate recognition systems could enable a third party to

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59 track a person's movements and compile a history on where a

60 person has driven. This exemption is necessary because the

61 public disclosure of such information constitutes an unwarranted

62 invasion into the personal life and privacy of a person. The

63 harm from disclosing such information outweighs any public

64 benefit that can be derived from widespread and unregulated

65 public access to such information.

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