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2   An act relating to public records; creating s.
3   316.0777, F.S.; providing definitions; creating a
4   public records exemption for certain images and data
5   obtained through the use of an automated license plate
6   recognition system and personal identifying
7   information of an individual in data generated from
8   such images; providing conditions for disclosure of
9   such images and information; providing for retroactive
10   application of the public records exemption; providing
11   for future repeal and legislative review of the
12   exemption under the Open Government Sunset Review Act;
13   providing a statement of public necessity; providing
14   an effective date.
15
16 Be It Enacted by the Legislature of the State of Florida:
17
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) "Active," "criminal intelligence information," and
24 "criminal investigative information" have the same meanings as
25 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

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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

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59 necessity that images and data containing personal identifying
60 information obtained through the use of an automated license
61 plate recognition system held by an agency and personal
62 identifying information in data generated from such images be
63 made confidential and exempt from s. 119.07(1), Florida
64 Statutes, and s. 24(a), Article I of the State Constitution. The
65 exemption protects sensitive personal information that, if
66 released, could be defamatory to an individual or jeopardize the
67 safety of an individual by allowing a third party to track a
68 person's movements and compile a history on where a person has
69 driven. This exemption is necessary because the public
70 disclosure of such information constitutes an unwarranted
71 invasion into the personal life and privacy of a person. The
72 harm from disclosing such information outweighs any public
73 benefit that can be derived from widespread and unregulated
74 public access to such information.
75   Section 3. This act shall take effect July 1, 2014.