

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 the use of a traffic  
5 infraction detector; providing conditions for  
6 disclosure of such images; providing definitions;  
7 providing for retroactive applicability of the  
8 exemption; providing for future legislative review and  
9 repeal of the exemption; providing a statement of  
10 public necessity; providing an effective date.

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

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

16 316.0777 Traffic infraction detectors; public records  
17 exemption.—

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

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

22 (b) "Agency" has the same meaning as provided in s.  
23 119.011.

24 (c) "Criminal justice agency" has the same meaning as  
25 provided in s. 119.011.

26 (d) "Traffic infraction detector" has the same meaning as

27 provided in s. 316.003.

28 (2) Recorded images obtained through the use of a traffic  
29 infraction detector and held by an agency are confidential and  
30 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
31 Constitution.

32 (3) Such recorded images may be disclosed as follows:

33 (a) A recorded image may be made available by or to a  
34 criminal justice agency in the performance of the criminal  
35 justice agency's official duties.

36 (b) A recorded image relating to a license plate  
37 registered to an individual may be made available to the  
38 individual, unless such image constitutes active criminal  
39 intelligence information or active criminal investigative  
40 information.

41 (c) A recorded image may be made available to a person  
42 authorized by the department who is engaged in the use of such  
43 records for bona fide research and statistical purposes. Such  
44 individual or entity shall enter into a privacy and security  
45 agreement with the department and shall comply with all laws and  
46 rules governing the use of such records for research and  
47 statistical purposes. Information identifying the subjects of  
48 such recorded images shall be treated as confidential by the  
49 researcher and shall not be released in any form.

50 (4) This exemption applies to such recorded images held by  
51 an agency before, on, or after the effective date of this  
52 exemption.

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

57        Section 2. The Legislature finds that it is a public  
58 necessity that recorded images obtained through the use of  
59 traffic infraction detectors be made confidential and exempt  
60 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
61 the State Constitution. The release of such recorded images,  
62 including the personal identifying information contained in the  
63 recorded images, by an agency, including a private traffic  
64 infraction detector vendor, could enable a third party to track  
65 a person's movements, compile a history of where the person has  
66 driven, or to gain access to resources or obtain credit and  
67 other benefits in the person's name. This exemption is necessary  
68 because the public disclosure of such information constitutes an  
69 unwarranted invasion into the personal life and privacy of a  
70 person. The harm from disclosing such information outweighs the  
71 public benefit that can be derived from widespread and  
72 unregulated public access to such information.

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