

A bill to be entitled

An act relating to public records; creating s. 316.0777, F.S.; providing definitions; creating a public records exemption for images obtained through the use of an automated license plate recognition system and personal identifying information of an individual in data generated from such images; providing conditions for disclosure of such images and information; providing for retroactive application of the public records exemption; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

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

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

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

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

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

(b) "Automated license plate recognition system" means a system of one or more mobile or fixed high-speed cameras 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
 30 of the State Constitution:

31 (a) Images obtained through the use of an automated
 32 license 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 49 Review Act in accordance with s. 119.15 and shall stand repealed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
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.