

By Senator Hooper

16-00985A-22

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; defining the term "law enforcement
4 geolocation information"; providing an exemption from
5 public records requirements for law enforcement
6 geolocation information held by a law enforcement
7 agency; providing for retroactive application;
8 providing applicability; providing for future
9 legislative review and repeal of the exemption;
10 providing a statement of public necessity; providing
11 an effective date.

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

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15 Section 1. Paragraph (e) is added to subsection (4) of
16 section 119.071, Florida Statutes, to read:

17 119.071 General exemptions from inspection or copying of
18 public records.—

19 (4) AGENCY PERSONNEL INFORMATION.—

20 (e)1. As used in this paragraph, the term "law enforcement
21 geolocation information" means information collected using a
22 global positioning system or another mapping, locational, or
23 directional information system that allows tracking of the
24 location or movement of a law enforcement officer or a law
25 enforcement vehicle.

26 2. Law enforcement geolocation information held by a law
27 enforcement agency is exempt from s. 119.07(1) and s. 24(a),
28 Art. I of the State Constitution. This exemption applies to such
29 information held by an agency before, on, or after the effective

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30 date of the exemption. This exemption does not apply to uniform
31 traffic citations, crash reports, homicide reports, arrest
32 reports, incident reports, or any other official reports issued
33 by an agency which contain law enforcement geolocation
34 information.

35 3. This paragraph is subject to the Open Government Sunset
36 Review Act in accordance with s. 119.15 and shall stand repealed
37 on October 2, 2027, unless reviewed and saved from repeal
38 through reenactment by the Legislature.

39 Section 2. The Legislature finds that it is a public
40 necessity that geolocation information of law enforcement
41 officers and law enforcement vehicles be made exempt from s.
42 119.07(1), Florida Statutes, and s. 24(a), Article I of the
43 State Constitution so that the safety of this state's law
44 enforcement officers and the privacy of this state's residents
45 may be reasonably assured. The Legislature recognizes that the
46 regular and unregulated release of law enforcement geolocation
47 information can pose a danger to officers while on patrol, can
48 potentially result in the exposure of law enforcement officers'
49 residences, can release otherwise exempt surveillance and
50 investigative techniques, and can inadvertently disclose
51 information about private residents which would otherwise be
52 exempt. Therefore, the Legislature finds that it is a public
53 necessity that law enforcement geolocation information be made
54 exempt from public record requirements and that such exemption
55 be applied retroactively.

56 Section 3. This act shall take effect July 1, 2022.