

20221046er

1
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; requiring law enforcement
9 agencies to disclose law enforcement geolocation
10 information under specified circumstances; providing
11 for future legislative review and repeal of the
12 exemption; providing a statement of public necessity;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 119.071 General exemptions from inspection or copying of
20 public records.—

21 (4) AGENCY PERSONNEL INFORMATION.—

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

28 2. Law enforcement geolocation information held by a law
29 enforcement agency is exempt from s. 119.07(1) and s. 24(a),

20221046er

30 Art. I of the State Constitution. This exemption applies to such
31 information held by an agency before, on, or after the effective
32 date of the exemption. This exemption does not apply to uniform
33 traffic citations, crash reports, homicide reports, arrest
34 reports, incident reports, or any other official reports issued
35 by an agency which contain law enforcement geolocation
36 information.

37 3. A law enforcement agency shall disclose law enforcement
38 geolocation information in the following instances:

39 a. Upon a request from a state or federal law enforcement
40 agency;

41 b. When a person files a petition with the circuit court in
42 the jurisdiction where the agency having custody of the
43 requested law enforcement geolocation information is located
44 specifying the reasons for requesting such information and the
45 court, upon a showing of good cause, issues an order authorizing
46 the release of the law enforcement geolocation information. In
47 all cases in which the court releases law enforcement
48 geolocation information under this sub-subparagraph, such
49 information must be viewed or copied under the direct
50 supervision of the custodian of the record or his or her
51 designee; or

52 c. When law enforcement geolocation information is
53 requested for use in a criminal, civil, or administrative
54 proceeding. This sub-subparagraph does not prohibit a court in
55 such a criminal, civil, or administrative proceeding, upon a
56 showing of good cause, from restricting or otherwise controlling
57 the disclosure of such information.

58 4. This paragraph is subject to the Open Government Sunset

20221046er

59 Review Act in accordance with s. 119.15 and shall stand repealed
60 on October 2, 2027, unless reviewed and saved from repeal
61 through reenactment by the Legislature.

62 Section 2. The Legislature finds that it is a public
63 necessity that geolocation information of law enforcement
64 officers and law enforcement vehicles be made exempt from s.
65 119.07(1), Florida Statutes, and s. 24(a), Article I of the
66 State Constitution so that the safety of this state's law
67 enforcement officers and the privacy of this state's residents
68 may be reasonably assured. The Legislature recognizes that the
69 regular and unregulated release of law enforcement geolocation
70 information can pose a danger to officers while on patrol, can
71 potentially result in the exposure of law enforcement officers'
72 residences, can release otherwise exempt surveillance and
73 investigative techniques, and can inadvertently disclose
74 information about private residents which would otherwise be
75 exempt. Therefore, the Legislature finds that it is a public
76 necessity that law enforcement geolocation information be made
77 exempt from public record requirements and that such exemption
78 be applied retroactively.

79 Section 3. This act shall take effect upon becoming a law.