

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
30 date of the exemption.

31 3. The exemption in this paragraph does not apply if:

32 a. A federal, state, or local government entity requests
33 law enforcement geolocation information in furtherance of its
34 official duties.

35 b. A person files a petition with the circuit court in the
36 jurisdiction where the agency having custody of the requested
37 law enforcement geolocation information is located specifying
38 the reasons and public necessity for requesting such information
39 and the court, upon a showing of good cause, issues an order
40 authorizing the release of the law enforcement geolocation
41 information. In determining good cause, the court shall consider
42 whether such disclosure is necessary for the public evaluation
43 of governmental performance and whether such information is
44 available in other public records. In all cases in which the
45 court releases law enforcement geolocation information under
46 this sub-subparagraph, such information must be viewed or copied
47 under the direct supervision of the custodian of the record or
48 his or her designee.

49 c. Law enforcement geolocation information is requested
50 for use in a criminal or administrative proceeding. This sub-

51 subparagraph does not prohibit a court in a criminal or
52 administrative proceeding, upon a showing of good cause, from
53 restricting or otherwise controlling the disclosure of such
54 information.

55 d. The law enforcement geolocation information is included
56 in a uniform traffic citation, crash report, homicide report,
57 arrest report, incident report, or any other official report
58 issued by an agency.

59 4. This paragraph is subject to the Open Government Sunset
60 Review Act in accordance with s. 119.15 and shall stand repealed
61 on October 2, 2027, unless reviewed and saved from repeal
62 through reenactment by the Legislature.

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

CS/HB773

2022

76 | exempt. Therefore, the Legislature finds that it is a public
77 | necessity that law enforcement geolocation information be made
78 | exempt from public record requirements and that such exemption
79 | be applied retroactively.

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