1   A bill to be entitled
2   An act relating to public records; creating s.
3   316.0777, F.S.; providing definitions; providing a
4   public records exemption for images and data obtained
5   through the use of an automated license plate
6   recognition system and personal identifying
7   information of an individual in data generated from
8   such images; providing conditions for disclosure of
9   such images and information; providing for retroactive
10   applicability of the exemption; providing for future
11   legislative review and repeal of the exemption;
12   providing a statement of public necessity; providing
13   an effective date.
14
15   Be It Enacted by the Legislature of the State of Florida:
16
17   Section 1. Section 316.0777, Florida Statutes, is created
18   to read:
19   316.0777 Automated license plate recognition systems;
20   public records exemption.—
21   (1) As used in this section, the term:
22   (a) "Active," "criminal intelligence information," and
23   "criminal investigative information" have the same meanings as
24   provided in s. 119.011(3).
25   (b) "Agency" has the same meaning as provided in s.
26   119.011.

hb0599-02-c2

27   (c)   "Automated license plate recognition system" means a

28   system of one or more mobile or fixed high-speed cameras

29   combined with computer algorithms to convert images of license

30   plates into computer-readable data.

31   (d)   "Criminal justice agency" has the same meaning as

32   provided in s. 119.011.

33   (2)   The following information held by an agency is

34   confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

35   of the State Constitution:

36   (a)   Images and data obtained through the use of an

37   automated license plate recognition system.

38   (b)   Personal identifying information of an individual in

39   data generated or resulting from images obtained through the use

40   of an automated license plate recognition system.

41   (3)   Such information may be disclosed as follows:

42   (a)   Any such information may be disclosed by or to a

43   criminal justice agency in the performance of the criminal

44   justice agency's official duties.

45   (b)   Any such information relating to a license plate

46   registered to an individual may be disclosed to the individual,

47   unless such information constitutes active criminal intelligence

48   information or active criminal investigative information.

49   (4)   This exemption applies to such information held by an

50   agency before, on, or after the effective date of this

51   exemption.

52   (5)   This section is subject to the Open Government Sunset

hb0599-02-c2

53 Review Act in accordance with s. 119.15 and shall stand repealed
54 on October 2, 2019, unless reviewed and saved from repeal
55 through reenactment by the Legislature.
56   Section 2. The Legislature finds that it is a public
57 necessity that images and data obtained through the use of an
58 automated license plate recognition system held by an agency and
59 personal identifying information in data generated from such
60 images be made confidential and exempt from s. 119.07(1),
61 Florida Statutes, and s. 24(a), Article I of the State
62 Constitution. The exemption protects sensitive personal
63 information that, if released, could be defamatory to an
64 individual or jeopardize the safety of an individual by allowing
65 a third party to track a person's movements and compile a
66 history on where a person has driven. This exemption is
67 necessary because the public disclosure of such information
68 constitutes an unwarranted invasion into the personal life and
69 privacy of a person. The harm from disclosing such information
70 outweighs any public benefit that can be derived from widespread
71 and unregulated public access to such information.
72   Section 3. This act shall take effect July 1, 2014.

hb0599-02-c2