CHAPTER 2014-170

Committee Substitute for
Committee Substitute for Senate Bill No. 226

An act relating to public records; creating s. 316.0777, F.S.; providing definitions; creating a public records exemption for certain images and data 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)   "Active," "criminal intelligence information," and "criminal investigative information" have the same meanings as provided in s. 119.011(3).

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

(c)   "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 plates into computer-readable data.

(d)   "Criminal justice agency" has the same meaning as provided in s. 119.011.

(2)   The following information held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a)   Images and data containing or providing personal identifying information obtained through the use of an automated license plate recognition system.

(b)   Personal identifying information of an individual in data generated or resulting from images obtained through the use of an automated license plate recognition system.

(3)   Such information may be disclosed as follows:

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(a)   Any such information may be disclosed by or to a criminal justice agency in the performance of the criminal justice agency's official duties.

(b)   Any such information relating to a license plate registered to an individual may be disclosed to the individual, unless such information constitutes active criminal intelligence information or active criminal investigative information.

(4)   This exemption applies to such information held by an agency before, on, or after the effective date of this exemption.

(5)   This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2.   The Legislature finds that it is a public necessity that images and data containing personal identifying information obtained through the use of an automated license plate recognition system held by an agency and personal identifying information in data generated from such images be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The exemption protects sensitive personal information that, if released, could be defamatory to an individual or jeopardize the safety of an individual by allowing a third party to track a person's movements and compile a history on where a person has driven. This exemption is necessary because the public disclosure of such information constitutes an unwarranted invasion into the personal life and privacy of a person. The harm from disclosing such information outweighs any public benefit that can be derived from widespread and unregulated public access to such information.

Section 3.   This act shall take effect July 1, 2014.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.