

## CHAPTER 2022-107

### Committee Substitute for Senate Bill No. 1046

An act relating to public records; amending s. 119.071, F.S.; defining the term “law enforcement geolocation information”; providing an exemption from public records requirements for law enforcement geolocation information held by a law enforcement agency; providing for retroactive application; providing applicability; requiring law enforcement agencies to disclose law enforcement geolocation information under specified circumstances; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

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

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

(4) AGENCY PERSONNEL INFORMATION.—

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

2. Law enforcement geolocation information held by a law enforcement agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held by an agency before, on, or after the effective date of the exemption. This exemption does not apply to uniform traffic citations, crash reports, homicide reports, arrest reports, incident reports, or any other official reports issued by an agency which contain law enforcement geolocation information.

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

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

b. When a person files a petition with the circuit court in the jurisdiction where the agency having custody of the requested law enforcement geolocation information is located specifying the reasons for requesting such information and the court, upon a showing of good cause, issues an order authorizing the release of the law enforcement geolocation information. In all cases in which the court releases law enforcement geolocation information under this sub-subparagraph, such information must be viewed

or copied under the direct supervision of the custodian of the record or his or her designee; or

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

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

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

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

Approved by the Governor May 12, 2022.

Filed in Office Secretary of State May 12, 2022.