

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 316.0777, F.S.; providing a public records exemption
 4 for images obtained through the use of a traffic
 5 infraction detector; providing conditions for
 6 disclosure of such images; providing definitions;
 7 providing for retroactive applicability of the
 8 exemption; providing for future legislative review and
 9 repeal of the exemption; providing a statement of
 10 public necessity; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 316.0777, Florida Statutes, is created
 15 to read:

16 316.0777 Traffic infraction detectors; public records
 17 exemption.—

18 (1) As used in this section, the term:

19 (a) "Active," "criminal intelligence information," and
 20 "criminal investigative information" have the same meanings as
 21 provided in s. 119.011(3).

22 (b) "Agency" has the same meaning as provided in s.
 23 119.011.

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

26 (d) "Traffic infraction detector" has the same meaning as

27 provided in s. 316.003.

28 (2) Recorded images obtained through the use of a traffic
29 infraction detector and held by an agency are confidential and
30 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
31 Constitution.

32 (3) Such recorded images may be disclosed as follows:

33 (a) A recorded image may be made available by or to a
34 criminal justice agency in the performance of the criminal
35 justice agency's official duties.

36 (b) A recorded image evidencing a red light camera
37 infraction may be admissible in a proceeding resulting from the
38 issuance of a notice of violation or a uniform traffic citation
39 pursuant to s. 316.0083.

40 (c) A recorded image relating to a license plate
41 registered to an individual may be made available to the
42 individual, unless such image constitutes active criminal
43 intelligence information or active criminal investigative
44 information.

45 (d) A recorded image may be made available to a person
46 authorized by the department who is engaged in the use of such
47 records for bona fide research and statistical purposes. Such
48 individual or entity shall enter into a privacy and security
49 agreement with the department and shall comply with all laws and
50 rules governing the use of such records for research and
51 statistical purposes. Information identifying the subjects of
52 such recorded images shall be treated as confidential by the

53 researcher and shall not be released in any form.

54 (4) This exemption applies to such recorded images held by
55 an agency before, on, or after the effective date of this
56 exemption.

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

61 Section 2. The Legislature finds that it is a public
62 necessity that recorded images obtained through the use of
63 traffic infraction detectors be made confidential and exempt
64 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
65 the State Constitution. The release of such recorded images,
66 including the personal identifying information contained in the
67 recorded images, by an agency, including a private traffic
68 infraction detector vendor, could enable a third party to track
69 a person's movements, compile a history of where the person has
70 driven, or to gain access to resources or obtain credit and
71 other benefits in the person's name. This exemption is necessary
72 because the public disclosure of such information constitutes an
73 unwarranted invasion into the personal life and privacy of a
74 person. The harm from disclosing such information outweighs the
75 public benefit that can be derived from widespread and
76 unregulated public access to such information.

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