

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 1046 — Public Records/Law Enforcement Geolocation Information

by Governmental Oversight and Accountability Committee and Senator Hooper

The bill amends s. 119.071, F.S., to make exempt from public disclosure law enforcement geolocation information held by a law enforcement agency. The bill defines the term “law enforcement geolocation information” as 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.

The exemption applies to such information held by an agency before, on, or after the effective date of the exemption. The 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.

A law enforcement agency must disclose law enforcement geolocation information in the following instances:

- Upon a request from a state or federal law enforcement agency;
- 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; or
- When law enforcement geolocation information is requested for use in a criminal, civil, or administrative proceeding.

The bill specifies that law enforcement geolocation information released pursuant to a petition-initiated court order must be viewed or copied under the direct supervision of the custodian of the record or his or her designee. The bill also specifies that the exception from the exemption for use of such information in a criminal, civil, or administrative proceeding does not prohibit a court in such proceeding, upon a showing of good cause, from restricting or otherwise controlling the disclosure of such information.

The exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and stands repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

Finally, the bill includes a statement of public necessity for the new public records exemption.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-1; House 112-0