1 A bill to be entitled 2 An act relating to public records; amending s. 3 119.071, F.S.; defining the term "law enforcement geolocation information"; providing an exemption from 4 5 public records requirements for law enforcement 6 geolocation information held by a law enforcement 7 agency; providing for retroactive application; 8 providing exceptions; providing for future legislative 9 review and repeal of the exemption; providing a statement of public necessity; providing an effective 10 11 date. 12 Be It Enacted by the Legislature of the State of Florida: 13 14 15 Section 1. Paragraph (e) is added to subsection (4) of 16 section 119.071, Florida Statutes, to read: 17 119.071 General exemptions from inspection or copying of 18 public records.-AGENCY PERSONNEL INFORMATION. -19 (4)20 (e)1. As used in this paragraph, the term "law enforcement geolocation information" means information collected using a 21 22 global positioning system or another mapping, locational, or 23 directional information system that allows tracking of the 24 location or movement of a law enforcement officer or a law

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CODING: Words stricken are deletions; words underlined are additions.

enforcement vehicle.

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| | 2. | 1 | law | enfo | rce | emen | t ged | loc | ati | on | info | ormat | cion | he | eld | bу | a . | <u>law</u> |
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| enfo | rce | mer | nt . | agenc | y i | ls e | xempt | fr | om | s. | 119 | .07 (1 | L) a: | nd | s. | 24 | (a) | <u>, </u> |
| Art. | Ι | of | th | e Sta | te | Con | stitu | tio | n. | Thi | s ex | kempt | cion | ap | pli | .es | to | sucl |
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- 3. The exemption in this paragraph does not apply if:
- <u>a.</u> A federal, state, or local government entity requests law enforcement geolocation information in furtherance of its official duties.
- b. 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 and public necessity 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 determining good cause, the court shall consider whether such disclosure is necessary for the public evaluation of governmental performance and whether such information is available in other public records. 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.
- c. Law enforcement geolocation information is requested for use in a criminal or administrative proceeding. This sub-

subparagraph does not prohibit a court in a criminal or administrative proceeding, upon a showing of good cause, from restricting or otherwise controlling the disclosure of such information.

- d. The law enforcement geolocation information is included in a uniform traffic citation, crash report, homicide report, arrest report, incident report, or any other official report issued by an agency.
- 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 t | hat it is a public |
|---------------------|-------------------------|-----------------------|
| necessity that law | enforcement geolocation | information be made |
| exempt from public | record requirements and | l that such exemption |
| be applied retroact | cively. | |

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Section 3. This act shall take effect July 1, 2022.

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