

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
 4 geolocation information"; providing an exemption from
 5 public records requirements for law enforcement
 6 geolocation information held by a law enforcement
 7 agency; providing for retroactive application;
 8 authorizing the release of the exempt information in
 9 certain circumstances; providing for future
 10 legislative review and repeal of the exemption;
 11 providing a statement of public necessity; providing
 12 an effective date.

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

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

18 119.071 General exemptions from inspection or copying of
 19 public records.—

20 (4) AGENCY PERSONNEL INFORMATION.—

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

26 enforcement vehicle.

27 2. Law enforcement geolocation information held by a law
28 enforcement agency is exempt from s. 119.07(1) and s. 24(a),
29 Art. I of the State Constitution. This exemption applies to such
30 information held by an agency before, on, or after the effective
31 date of the exemption.

32 3. The exempt information shall be released in the
33 following instances:

34 a. A federal, state, or local government entity requests
35 law enforcement geolocation information in furtherance of its
36 official duties.

37 b. A person files a petition with the circuit court in the
38 jurisdiction where the agency having custody of the requested
39 law enforcement geolocation information is located specifying
40 the reasons and public necessity for requesting such information
41 and the court, upon a showing of good cause, issues an order
42 authorizing the release of the law enforcement geolocation
43 information. In determining good cause, the court shall consider
44 whether such disclosure is necessary for the public evaluation
45 of governmental performance and whether such information is
46 available in other public records. In all cases in which the
47 court releases law enforcement geolocation information under
48 this sub-subparagraph, such information must be viewed or copied
49 under the direct supervision of the custodian of the record or
50 his or her designee.

51 c. Law enforcement geolocation information is requested
52 for use in a criminal or administrative proceeding. This sub-
53 subparagraph does not prohibit a court in a criminal or
54 administrative proceeding, upon a showing of good cause, from
55 restricting or otherwise controlling the disclosure of such
56 information.

57 d. The law enforcement geolocation information is included
58 in a uniform traffic citation, crash report, homicide report,
59 arrest report, incident report, or any other official report
60 issued by an agency.

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

65 Section 2. The Legislature finds that it is a public
66 necessity that geolocation information of law enforcement
67 officers and law enforcement vehicles be made exempt from s.
68 119.07(1), Florida Statutes, and s. 24(a), Article I of the
69 State Constitution so that the safety of this state's law
70 enforcement officers and the privacy of this state's residents
71 may be reasonably assured. The Legislature recognizes that the
72 regular and unregulated release of law enforcement geolocation
73 information can pose a danger to officers while on patrol, can
74 potentially result in the exposure of law enforcement officers'
75 residences, can release otherwise exempt surveillance and

76 investigative techniques, and can inadvertently disclose
77 information about private residents which would otherwise be
78 exempt. Therefore, the Legislature finds that it is a public
79 necessity that law enforcement geolocation information be made
80 exempt from public record requirements and that such exemption
81 be applied retroactively.

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