

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 for requesting such information and the court, upon  
41 a showing of good cause, issues an order authorizing the release  
42 of the law enforcement geolocation information. In all cases in  
43 which the court releases law enforcement geolocation information  
44 under this sub-subparagraph, such information must be viewed or  
45 copied under the direct supervision of the custodian of the  
46 record or his or her designee.

47 c. Law enforcement geolocation information is requested  
48 for use in a criminal, civil, or administrative proceeding. This  
49 sub-subparagraph does not prohibit a court in a criminal, civil,  
50 or administrative proceeding, upon a showing of good cause, from

51 restricting or otherwise controlling the disclosure of such  
52 information.

53 d. The law enforcement geolocation information is included  
54 in a uniform traffic citation, crash report, homicide report,  
55 arrest report, incident report, or any other official report  
56 issued by an agency.

57 4. This paragraph is subject to the Open Government Sunset  
58 Review Act in accordance with s. 119.15 and shall stand repealed  
59 on October 2, 2027, 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 geolocation information of law enforcement  
63 officers and law enforcement vehicles be made exempt from s.  
64 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
65 State Constitution so that the safety of this state's law  
66 enforcement officers and the privacy of this state's residents  
67 may be reasonably assured. The Legislature recognizes that the  
68 regular and unregulated release of law enforcement geolocation  
69 information can pose a danger to officers while on patrol, can  
70 potentially result in the exposure of law enforcement officers'  
71 residences, can release otherwise exempt surveillance and  
72 investigative techniques, and can inadvertently disclose  
73 information about private residents which would otherwise be  
74 exempt. Therefore, the Legislature finds that it is a public  
75 necessity that law enforcement geolocation information be made

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76 | exempt from public record requirements and that such exemption  
77 | be applied retroactively.

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