

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.

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

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 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 on the same date  
78 that HB 7005 or similar legislation takes effect, if such

PCS for HB 555

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79 | legislation is adopted in the same legislative session or an  
80 | extension thereof and becomes law.