



February 15, 2026

Timothy P. Driscoll, City Attorney
City of New Port Richey
5919 Main Street
New Port Richey, FL 34652

City Attorney Driscoll,

I have attached a drafted ordinance on adding guardrails to city use of automated license plate recognition technology. I am respectfully requesting your expert analysis on its legal sufficiency.

Here's a brief breakdown:

1. **Authorized Uses.** Use of automated license plate recognition (ALPR) for limited, defined purposes, including in school zones and red light programs.
2. **Prohibited Uses.** Prohibits use of ALPR at or within the immediate vicinity of actively occurring lawful public demonstrations or assemblies and prohibits the use or sharing of ALPR data for immigration investigation or enforcement purposes.
3. **Policy Manual Requirement.** Requires PD to adopt and annually review a written ALPR policy manual that defines categories of data use, limits retention of investigation-related data, restricts tactical (non-suspicion-based intelligence) data retention to no longer than 24 hours, and establishes audit procedures and reporting mechanisms.
4. **Vendor Contracts.** Mandates that any contract with an ALPR vendor require City ownership of all collected data, deletion of vendor-held data within three minutes unless otherwise required by law, prohibition of third-party data sharing absent court authorization.
5. **Enforcement.** If the City Council determines that a violation of the ordinance has occurred, the City Manager must suspend use of the ALPR system until compliance with the ordinance is restored.

At the conclusion of your review, I intend to formally present this ordinance to the City Clerk for the agenda after the legal advertising period. Please let me know if you need anything from me.

Sincerely,

A handwritten signature in black ink, appearing to be "BB" followed by a horizontal line.
BB

Bertell Butler IV
Council Member

Enclosures: *Ordinance No. 2026-XXXX (FLOCK OFF)*

ORDINANCE NO. 2026-####

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, THAT SHALL BE KNOWN AS THE “FAIR LIMITS ON CAMERAS, KEEPING OPERATIONAL FUNCTIONS FOCUSED” ORDINANCE, PROVIDING FOR AMENDMENT OF CHAPTER 23 OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO TRAFFIC AND MOTOR VEHICLES; PROVIDING FOR USE OF AUTOMATED LICENSE PLATE RECOGNITION TECHNOLOGY; PROVIDING FOR RESTRICTIONS AND EXEMPTIONS; PROVIDING FOR DEFINITION OF TERMS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City recognizes the importance of providing law enforcement with appropriate tools to ensure public safety, while also balancing an individual’s right to privacy under both the federal Fourth Amendment to the United States Constitution and the broader protection of individual rights guaranteed by Article I, Section 23 of the Florida State Constitution; and

WHEREAS, the Criminal and Juvenile Justice Information Systems (CJJIS) Council within the Florida Department of Law Enforcement (FDLE), acting pursuant to Section 943.08, Florida Statutes, issued updated statewide guidelines on November 13, 2024, recommending law enforcement agencies “implement and enforce a policy that regulates the operation and use of automated license plate readers”; and

WHEREAS, the City Council finds that the expansion of surveillance technology across the State of Florida has demonstrated the need to establish sensible guardrails on the use of surveillance data collected to ensure its use by law enforcement must not come into conflict with existing protections for residents; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City’s police powers.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

SECTION 1. Chapter 23 of the Code of Ordinances, pertaining to traffic and motor vehicles, is hereby amended to add Section 23-6 thereto, as follows (strikeout text is deleted and underlined text is added):

Sec. 23-6. - Use of automated license plate readers.

- (a) General Prohibition. Except as provided for in this section, it is prohibited for any agency of the City to access, operate, or use an automated license plate recognition system or its associated automated license plate recognition data.
- (b) Definitions. For purposes of this section, the following terms shall have the meanings hereafter ascribed:
 - 1. “Automated license plate recognition system” or “ALPR” shall mean a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates, automobile characteristics, or other identifying information into computer-readable data;
 - 2. “Automated license plate reader data” or “ALPR data” means all data collected by automated license plate reader systems including, but not limited to, global positioning system coordinates, location, date and time, speed of travel, photograph, license plate number, automobile characteristics, or other identifying information.
 - 3. “Hot lists” means a list of plates, vehicles, or other identifying information of interest to law enforcement agencies within the National Crime Information Center (NCIC) database, the Florida Crime Information Center (FCIC) database, and the Driver and Vehicle Information Database (DAVID).
- (c) Authorized Uses. The police department of the City is hereby authorized to access, place and install, operate, or use, with or without contract to a vendor, an automated license plate recognition system and associated data for the following purposes:
 - 1. Enforcement of the speed detection system in school zones program as authorized by State law;
 - 2. Enforcement of the red light camera enforcement program as authorized by State law;
 - 3. Comparison of ALPR data with hot lists by automated download;
 - 4. Comparison of ALPR data with a State or Local database by automated download or manual entry upon determination by the police department of the City or other law enforcement agencies that the ALPR data is relevant and material to an investigation;
- (d) Prohibited Uses.
 - 1. The police department of the City is prohibited from use of ALPR and use of or sharing of ALPR data at or within the immediate vicinity of an actively occurring public demonstration, protest, march, rally, or other lawful assembly protected under the First Amendment to the United States Constitution and Article I, Section 5 of the Florida Constitution;
 - 2. The police department of the City is prohibited from use of ALPR and use of or sharing of ALPR data for immigration investigation or enforcement, or both, by the police department of the City or in partnership with other law enforcement agencies of Local, State, and Federal jurisdictions;

(e) Policy Manual. The police department of the City shall adopt, and review annually, an ALPR policy manual to include, but not be limited to:

1. Define the information captured and stored as ALPR data.
2. Categorize ALPR data as either that which is in use within ongoing investigations or that which is in tactical use without specific suspicion, and as such, restricting the capturing, storing, generating, or otherwise production of ALPR data within these two categories to the following:
 - a. Retain ALPR data that is in use within ongoing investigations pursuant to a valid, court-issued, probable cause felony warrant or subpoena, or as permitted by court order in criminal or civil cases, or as permitted for a case brought on under the rules of the City's programs for speed detection system in school zones and red light camera enforcement, provided the data is deleted at the conclusion of the case.
 - b. Retain ALPR data without specific suspicion or that is in tactical use for no longer than 24 hours.
3. Create rules, regulations, and standards for use of and sharing of ALPR data no less stringent than those established by the City police department regarding the use of information obtained by the Driver and Vehicle Information Database according to its memorandum of understanding with the department;
4. Create a reporting mechanism and protocol to regularly record and monitor the use and deployment of ALPR and ALPR data.
5. Document the manner in which audits will be conducted to demonstrate how access to data captured, stored, generated, or otherwise produced by the ALPR is limited to authorized users accessing the ALPR data and establish an annual audit schedule.

(f) Vendors. The police department of the City shall include these standards on data ownership, data retention, data sharing, and database use in any contract with a vendor for the implementation of ALPR and ALPR data:

1. On data ownership, ALPR data captured by the vendor or the City, or otherwise provided to or shared with the vendor, or any data generated therefrom, shall be solely owned by the City;
2. On data retention, ALPR data captured by the vendor or the City, or otherwise provided to or shared with the vendor, or any data generated therefrom, shall be deleted and destroyed by the vendor no more than 3 minutes after such data are first captured by, provided to, or shared with the vendor, unless otherwise required by State or Federal law;
3. On data sharing, ALPR data captured by the vendor, or otherwise sent to or shared with the vendor, or data produced therefrom, shall not be sent to, shared

with, or used by or for any other person or entity other than the City, except pursuant to a valid, court-issued, probable cause felony warrant or subpoena, or as permitted by court order in criminal or civil case, provided the data is deleted at the conclusion of the case;

4. On database use, ALPR data captured by the vendor or the City, or otherwise sent to or shared with the vendor, or data produced therefrom, may be compared only to hot lists authorized by the City police department that provided the ALPR data;

(g) Enforcement. Upon determination by the City Council that a violation of this section has occurred, the City Manager and Chief of Police shall suspend any and all use of ALPR and ALPR data by the police department of the City. The City Council shall notify the City Manager and Chief of Police of the determined violation specifically. Upon determination by the City Council that the City is in compliance with this section, the City Manager is authorized to resume enforcement of this section.

SECTION 2. Enforcement. The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

SECTION 3. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.