

1 A bill to be entitled
2 An act relating to video cameras in certain public
3 school classrooms; creating s. 1003.5741, F.S.;
4 providing definitions; requiring a video camera be
5 placed in certain public school classrooms, including
6 certain charter school classrooms; providing
7 requirements for such video cameras; requiring a
8 written explanation if the operation of such cameras
9 is interrupted; requiring such explanation to be
10 maintained for a specified time period; requiring a
11 school or charter school to provide written notice of
12 the placement of a video camera to certain persons;
13 providing requirements for retaining and deleting
14 video recordings; providing prohibitions for the use
15 of such video cameras and recordings; providing that a
16 school or charter school principal is the custodian of
17 such video cameras and recordings; providing
18 requirements for such principals and video recordings;
19 providing requirements relating to student privacy;
20 providing requirements for the viewing of such video
21 recordings; providing an appeal process for actions of
22 a school, school district, or charter school;
23 providing that incidental viewings of video recordings
24 by specified persons are not a violation of certain
25 provisions; providing construction; requiring the

26 Department of Education to collect specified
 27 information; authorizing the State Board of Education
 28 to adopt rules; providing an effective date.

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

32 Section 1. Section 1003.5741, Florida Statutes, is created
 33 to read:

34 1003.5741 Video cameras in certain public school
 35 classrooms.-

36 (1) As used in this section, the term:

37 (a) "Incident" means an event, a circumstance, an act, or
 38 an omission that results in the abuse or neglect of a student
 39 by:

40 1. An employee of a public school, school district, or
 41 charter school; or

42 2. Another student.

43 (b) "Self-contained classroom" means a classroom at a
 44 public school or a charter school in which at least one student
 45 in regular attendance is nonverbal and is provided special
 46 education services and is assigned to one or more such
 47 classrooms for at least 50 percent of the instructional day.

48 (2) A school district must place a video camera to each
 49 school with a self-contained classroom. A charter school must
 50 provide a video camera to each self-contained classroom.

51 (3) (a) A video camera placed in a self-contained classroom
52 must be capable of all of the following:

53 1. Monitoring all areas of the self-contained classroom,
54 including, without limitation, any room attached to the self-
55 contained classroom which is used for other purposes.

56 2. Recording audio from all areas of the self-contained
57 classroom, including, without limitation, any room attached to
58 the self-contained classroom which is used for other purposes.

59 (b) A video camera placed in a self-contained classroom
60 may not monitor a restroom or any other area in the self-
61 contained classroom in which a student changes his or her
62 clothes, except for the entryway, exitway, or hallway outside a
63 restroom or other area in which a student changes his or her
64 clothes because of the layout of the self-contained classroom.

65 (c) A video camera placed in a self-contained classroom is
66 not required to be in operation when students are not present in
67 the self-contained classroom.

68 (d) If there is an interruption in the operation of the
69 video camera for any reason, an explanation must be submitted in
70 writing to the school or charter school principal and, if
71 applicable, the district school board which explains the reason
72 for and duration of the interruption. The written explanation
73 must be maintained at the charter school or district school
74 board office for at least 1 year.

75 (4) Before a school or charter school initially places a

76 video camera in a self-contained classroom pursuant to this
77 section, the school or charter school shall provide written
78 notice of the placement of such video camera to all of the
79 following:

80 (a) The parent of each student who is assigned to the
81 self-contained classroom.

82 (b) Each student who is assigned to the self-contained
83 classroom.

84 (c) The school district, if applicable.

85 (d) Each school or charter school employee who is assigned
86 to work with one or more students in the self-contained
87 classroom.

88 (5) A school or charter school shall:

89 (a) Retain video recorded from a video camera placed
90 pursuant to this section for at least 3 months after the date
91 the video was recorded, after which the recording shall be
92 deleted or otherwise made irretrievable; or

93 (b) Retain the recording until the conclusion of any
94 investigation or any administrative or legal proceedings that
95 result from the recording have been completed, including,
96 without limitation, the exhaustion of all appeals.

97 (6) A school, school district, or charter school may not:

98 (a) Allow regular, continuous, or continual monitoring of
99 video recorded under this section; or

100 (b) Use video recorded under this section for teacher

101 evaluations or any purpose other than for ensuring the health,
102 safety, and well-being of students receiving special education
103 services in a self-contained classroom.

104 (7) The school or charter school principal is the
105 custodian of a video camera operated pursuant to this section,
106 all recordings generated by that video camera, and access to
107 such recordings.

108 (a) The release or viewing of any video recording under
109 this section must comply with s. 1002.22.

110 (b) A school, school district, or charter school shall:

111 1. Conceal the identity of each student who appears in a
112 video recording but is not involved in the alleged incident
113 documented by the video recording, which the school allows to be
114 viewed under subsection (8), including, without limitation,
115 blurring the face of the uninvolved student.

116 2. Protect the confidentiality of all student records
117 contained in a video recording in accordance with s. 1002.22.

118 (8)(a) Within 7 days after receiving a request to view a
119 video recording, a school, school district, or charter school
120 shall allow the following persons to view a video recording made
121 under this section:

122 1. A school, school district, or charter school employee
123 who is involved in an alleged incident that is documented by the
124 video recording as part of the investigative process;

125 2. A parent of a student who is involved in an alleged

126 incident that is documented by the video recording and has been
127 reported to the school, school district, or charter school;

128 3. A school, school district, or charter school employee
129 as part of an investigation into an alleged incident that is
130 documented by the video recording and has been reported to the
131 school, school district, or charter school;

132 4. A law enforcement officer as part of an investigation
133 into an alleged incident that is documented by the video
134 recording and has been reported to the law enforcement agency;
135 or

136 5. The Department of Children and Families as part of a
137 child abuse or neglect investigation.

138 (b) A person who requests to view a recording shall make
139 himself or herself available for viewing the recording within 30
140 days after being notified by the school, school district, or
141 charter school that the person's request has been granted.

142 (c) A person who views the recording and suspects that
143 child abuse has occurred must report the suspected child abuse
144 to the Department of Children and Families.

145 (9) (a) A person may appeal to the State Board of Education
146 an action by a school, school district, or charter school which
147 the person alleges to be in violation of this section.

148 (b) The state board shall grant a hearing on an appeal
149 under this subsection within 45 days after receiving the appeal.

150 (10) A school, school district, or charter school does not

151 violate subsection (7) if a contractor or other employee of the
152 school, school district, or charter school incidentally views a
153 video recording made under this section in connection with the
154 performance of his or her duties related to the following:

155 (a) The installation, operation, or maintenance of video
156 equipment; or

157 (b) The retention of video recordings.

158 (11) This section does not:

159 (a) Limit the access of the parent of a student, under the
160 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
161 1232g, or any other law, to a video recording regarding his or
162 her student.

163 (b) Waive any immunity from liability of a school district
164 or charter school or an employee of a school district or charter
165 school.

166 (c) Create any liability for a cause of action against a
167 school, school district, or charter school or an employee of a
168 school, school district, or charter school carrying out the
169 duties and responsibilities required by this section.

170 (d) Apply to self-contained classrooms in which the only
171 students receiving special education services are those who have
172 been deemed gifted.

173 (12) The department shall collect information relating to
174 the installation and maintenance of video cameras under this
175 section.

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176 (13) The State Board of Education may adopt rules to
177 implement this section.

178 Section 2. This act shall take effect July 1, 2023.