

By Senator Atwater

25-03751A-08

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1 A bill to be entitled

2 An act relating to a public-records exemption; creating s.  
3 812.178, F.S.; creating a public-records exemption for  
4 digital video security camera system recordings made under  
5 s. 812.177, F.S.; providing exceptions; providing for  
6 future review and repeal of the exemption; providing a  
7 statement of public necessity; providing a contingent  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 812.178, Florida Statutes, is created to  
13 read:

14 812.178 Digital video security camera system recordings;  
15 public-records exemption.--

16 (1) (a) Digital video security camera system recordings made  
17 under s. 812.177 and provided to a law enforcement agency or to  
18 any other governmental entity are confidential and exempt from s.  
19 119.07(1) and s. 24(a), Art. I of the State Constitution, except  
20 as provided in paragraph (b).

21 (b) The exemption in paragraph (a) does not apply to  
22 portions of such recordings admitted as evidence in any criminal  
23 or juvenile delinquency proceeding or released to the public as  
24 part of a criminal investigation or missing persons  
25 investigation.

26 (2) This section is subject to the Open Government Sunset  
27 Review Act in accordance with s. 119.15 and shall stand repealed  
28 on October 2, 2013, unless reviewed and saved from repeal through  
29 reenactment by the Legislature.

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30           Section 2. The Legislature finds that it is a public  
31 necessity to make confidential and exempt from public-records  
32 requirements digital video security camera system recordings made  
33 under s. 812.177, Florida Statutes, and provided to a law  
34 enforcement agency or to any other governmental entity, except as  
35 provided in s. 812.178(1)(b), Florida Statutes. The Legislature  
36 finds that it is a public necessity to protect the privacy of  
37 persons appearing in business surveillance recordings when such  
38 persons are simply visiting a business subject to s. 812.177,  
39 Florida Statutes, and such visits are recorded as a matter of  
40 course by such business and subsequently provided to a law  
41 enforcement agency or other governmental entity. The Legislature  
42 finds that, consistent with s. 23, Art. I of the State  
43 Constitution, while the recording of the activities of business  
44 patrons is needed to deter crime and solve crimes, there is no  
45 public interest in the recordings of ordinary patrons of  
46 businesses where no criminal conduct is involved and that no  
47 public purpose would be served by providing the recordings of  
48 such ordinary business patrons to the public. Therefore, the  
49 Legislature finds that it is a public necessity to prevent the  
50 release of such recordings held by law enforcement agencies or  
51 other governmental entities, other than as provided in s.  
52 812.178(1)(b), Florida Statutes, and thereby makes such  
53 information confidential and exempt from the requirements of s.  
54 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State  
55 Constitution.

56           Section 3. This act shall take effect on the same date that  
57 SB \_\_\_\_ or similar legislation takes effect, if such legislation

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58 | is adopted in the same legislative session or an extension  
59 | thereof and becomes law.