

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.

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

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

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

16 (1) (a) Digital video security camera system recordings
 17 made under s. 812.177 and provided to a law enforcement agency
 18 or to any other governmental entity are confidential and exempt
 19 from s. 119.07(1) and s. 24(a), Art. I of the State
 20 Constitution, except 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 27 Review Act in accordance with s. 119.15 and shall stand repealed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
29 through reenactment by the Legislature.

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

HB 327

2008

56 Section 3. This act shall take effect on the same date
57 that HB 325 or similar legislation takes effect, if such
58 legislation is adopted in the same legislative session or an
59 extension thereof and becomes law.