



328126

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
	.	
	.	
	.	

---

The Committee on Governmental Oversight and Accountability  
(Ring) recommended the following:

1           **Senate Substitute for Amendment (252982) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Paragraph (1) is added to subsection (2) of  
7 section 119.071, Florida Statutes, to read:

8           119.071 General exemptions from inspection or copying of  
9 public records.—

10           (2) AGENCY INVESTIGATIONS.—



328126

- 11       (1)1. As used in this paragraph, the term:
- 12       a. "Body camera" means a portable electronic recording
- 13 device that is worn on a law enforcement officer's body and that
- 14 records audio and video data of the officer's activities.
- 15       b. "Personal representative" means a parent, a court-
- 16 appointed guardian, or a person holding a power of attorney of a
- 17 person recorded by a body camera, or an attorney for such
- 18 person. If a person depicted in the recording is deceased, the
- 19 term also means the personal representative of the estate of the
- 20 deceased person; the deceased person's surviving spouse, parent,
- 21 or adult child; the parent or guardian of a surviving minor
- 22 child of the deceased; or an attorney for such person.
- 23       2. A body camera recording is confidential and exempt from
- 24 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- 25       3. A body camera recording, or a portion thereof, may be
- 26 disclosed by a law enforcement agency:
- 27       a. In furtherance of its official duties and
- 28 responsibilities;
- 29       b. To another governmental agency in the furtherance of its
- 30 official duties and responsibilities;
- 31       c. Pursuant to a court order;
- 32       d. To a person recorded by a body camera; however, a law
- 33 enforcement agency may disclose only the portions that are
- 34 relevant to the person's presence in the recording; or
- 35       e. To the personal representative of a person recorded by a
- 36 body camera; however, a law enforcement agency may disclose only
- 37 the portions that are relevant to the represented person's
- 38 presence in the recording.
- 39       4. A law enforcement agency must retain a body camera



328126

40 recording for a minimum of 90 days.

41 5. The exemption provided in subparagraph 2. applies  
42 retroactively.

43 6. This paragraph is subject to the Open Government Sunset  
44 Review Act in accordance with s. 119.15 and shall stand repealed  
45 on October 2, 2020, unless reviewed and saved from repeal  
46 through reenactment by the Legislature.

47 Section 2. The Legislature finds that it is a public  
48 necessity that body camera recordings are confidential and  
49 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
50 Article I of the State Constitution. The Legislature finds that  
51 information recorded by body cameras is significantly more  
52 likely to capture highly sensitive personal information than  
53 other law enforcement recordings or documents. The Legislature  
54 finds that public disclosure of these recordings could have an  
55 undesirable chilling effect. People who know that they are being  
56 recorded by a body camera may be unwilling to fully cooperate  
57 with law enforcement officers if they know that a body camera  
58 recording can be made available to anyone in the public. People  
59 may also be less likely to call a law enforcement agency for  
60 services if their sensitive personal information or the  
61 circumstances that necessitate a law enforcement agency's  
62 involvement are subject to public dissemination as a body camera  
63 recording. The Legislature also finds that body camera  
64 recordings could be used for criminal purposes if they were  
65 available upon request. This exemption from public records  
66 requirements allows law enforcement officers to more effectively  
67 and efficiently administer their duties, which would otherwise  
68 be significantly impaired. The Legislature finds that these



328126

69 concerns regarding the impact of the public records requirements  
70 for body camera recordings not only necessitate the exemption of  
71 the recordings from the public records requirements but also  
72 outweigh any public benefit that may be derived from the  
73 disclosure of the recordings.

74 Section 3. This act shall take effect July 1, 2015.

75 ===== T I T L E A M E N D M E N T =====

76 And the title is amended as follows:

77 Delete everything before the enacting clause  
78 and insert:

79 A bill to be entitled  
80 An act relating to public records; amending s.  
81 119.071, F.S.; defining the terms "body camera" and  
82 "personal representative"; providing that a body  
83 camera recording made is confidential and exempt from  
84 public records requirements; providing exceptions;  
85 requiring a law enforcement agency to retain body  
86 camera recordings for a minimum period; providing for  
87 retroactive application; providing for future  
88 legislative review and repeal of the exemption;  
89 providing a statement of public necessity; providing  
90 an effective date.