

By the Committee on Community Affairs; and Senator Legg

578-02384-15

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1                   A bill to be entitled  
2           An act relating to public records; creating s.  
3           190.0121, F.S.; providing an exemption from public  
4           records requirements for certain surveillance  
5           recordings held by a community development district;  
6           providing exceptions; defining the term "resident" of  
7           a community development district; providing for future  
8           legislative review and repeal of the exemption;  
9           providing a statement of public necessity; providing  
10          an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Section 190.0121, Florida Statutes, is created  
15 to read:

16           190.0121 Public records exemption; surveillance  
17 recordings.-

18           (1) A surveillance recording created by monitoring  
19 activities occurring inside or outside a public building or on  
20 public property which is held by a community development  
21 district is confidential and exempt from s. 119.07(1) and s.  
22 24(a), Art. I of the State Constitution.

23           (2) A community development district may disclose such a  
24 recording:

25           (a) To a law enforcement agency in the furtherance of the  
26 agency's official duties and responsibilities;

27           (b) Pursuant to a court order; or

28           (c) To a resident of the community development district.

29 For the purpose of this paragraph, the term "resident" of a

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30 community development district means:

31 1. A member of the United States Armed Forces who is  
32 stationed in the community development district and his or her  
33 family members residing with such member; or

34 2. A person who has declared the community development  
35 district as his or her only residence as evidenced by a valid  
36 state driver license or identification card that has both an  
37 address within the community development district and a  
38 residence verified by the Department of Highway Safety and Motor  
39 Vehicles, or, in the absence thereof, one of the following:

40 a. A current voter information card registered to an  
41 individual with an address within the community development  
42 district;

43 b. A sworn statement manifesting and evidencing domicile in  
44 the community development district;

45 c. Proof of a current homestead exemption with an address  
46 in the community development district; or

47 d. For a child younger than 18 years of age, a student  
48 identification card from a school zoned to include the child of  
49 the community development district or, if accompanied by his or  
50 her parent or guardian at the time, the parent's proof of  
51 residency within the community development district.

52 (3) This section is subject to the Open Government Sunset  
53 Review Act in accordance with s. 119.15 and shall stand repealed  
54 on October 2, 2020, unless reviewed and saved from repeal  
55 through reenactment by the Legislature.

56 Section 2. The Legislature finds that it is a public  
57 necessity that any surveillance recording created by monitoring  
58 activities occurring inside or outside a public building or on

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59 public property which is held by a community development  
60 district be made confidential and exempt from s. 119.07(1),  
61 Florida Statutes, and s. 24(a), Article I of the State  
62 Constitution. Community development districts provide  
63 surveillance of public areas in order to monitor activities  
64 occurring within the districts and to ensure the security of the  
65 district residents. The exemption for surveillance recordings  
66 allows community development districts to effectively and  
67 efficiently provide security and surveillance while maintaining  
68 the privacy of the residents and the guests of the residents,  
69 including those who use community facilities. Without the public  
70 records exemption, coverage and other technical aspects of the  
71 surveillance system would be revealed and would make it easier  
72 for individuals who wish to evade detection by the surveillance  
73 systems to do so. As such, the Legislature finds that it is a  
74 public necessity to prohibit the disclosure of such surveillance  
75 recordings held by a community development district.

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