

By the Committees on Governmental Oversight and Accountability;
and Community Affairs; and Senator Legg

585-03195-15

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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.

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

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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;

28 (c) To a nonresident owner of real property in the
29 community development district; or

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30 (d) To a resident of the community development district.
31 For the purpose of this paragraph, the term "resident" of a
32 community development district means:

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

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

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

45 b. A sworn statement manifesting and evidencing domicile in
46 the community development district;

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

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

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55 Review Act in accordance with s. 119.15 and shall stand repealed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

58 Section 2. The Legislature finds that it is a public

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

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