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HB 93

2016 Legislature

1
2 An act relating to law enforcement officer body
3 cameras; creating s. 943.1718, F.S.; providing
4 definitions; requiring a law enforcement agency that
5 permits its law enforcement officers to wear body
6 cameras to establish policies and procedures
7 addressing the proper use, maintenance, and storage of
8 body cameras and the data recorded by body cameras;
9 requiring such policies and procedures to include
10 specified information; requiring such a law
11 enforcement agency to ensure that specified personnel
12 are trained in the law enforcement agency's policies
13 and procedures; requiring that data recorded by body
14 cameras be retained in accordance with specified
15 requirements; requiring a periodic review of agency
16 body camera practices to ensure conformity with the
17 agency's policies and procedures; exempting the
18 recordings from specified provisions relating to the
19 interception of wire, electronic, and oral
20 communications; providing an effective date.

21
22 WHEREAS, advancements in technology allow body cameras to
23 be affordable and practical tools for law enforcement use, and

24 WHEREAS, body cameras can provide a valuable source of
25 information to both law enforcement and the general public, and

26 WHEREAS, the audio and video recording of police and

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27 citizen interactions allows law enforcement agencies to improve
 28 efforts to reduce crime and properly address citizen complaints,
 29 and

30 WHEREAS, establishing uniform procedural requirements for
 31 the use of body cameras by law enforcement will provide
 32 consistency and reliability throughout the state, and

33 WHEREAS, there are currently no statewide mandatory and
 34 uniform standards or guidelines that apply to use of body
 35 cameras by law enforcement officers, NOW, THEREFORE,

36

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

38

39 Section 1. Section 943.1718, Florida Statutes, is created
 40 to read:

41 943.1718 Body cameras; policies and procedures.-

42 (1) As used in this section, the term:

43 (a) "Body camera" means a portable electronic recording
 44 device that is worn on a law enforcement officer's person that
 45 records audio and video data of the officer's law-enforcement-
 46 related encounters and activities.

47 (b) "Law enforcement agency" means an agency that has a
 48 primary mission of preventing and detecting crime and enforcing
 49 the penal, criminal, traffic, and motor vehicle laws of the
 50 state and in furtherance of that primary mission employs law
 51 enforcement officers as defined in s. 943.10.

52 (c) "Law enforcement officer" has the same meaning as

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53 provided in s. 943.10.

54 (2) A law enforcement agency that permits its law
 55 enforcement officers to wear body cameras shall establish
 56 policies and procedures addressing the proper use, maintenance,
 57 and storage of body cameras and the data recorded by body
 58 cameras. The policies and procedures must include:

59 (a) General guidelines for the proper use, maintenance,
 60 and storage of body cameras.

61 (b) Any limitations on which law enforcement officers are
 62 permitted to wear body cameras.

63 (c) Any limitations on law-enforcement-related encounters
 64 and activities in which law enforcement officers are permitted
 65 to wear body cameras.

66 (d) General guidelines for the proper storage, retention,
 67 and release of audio and video data recorded by body cameras.

68 (3) A law enforcement agency that permits its law
 69 enforcement officers to wear body cameras shall:

70 (a) Ensure that all personnel who wear, use, maintain, or
 71 store body cameras are trained in the law enforcement agency's
 72 policies and procedures concerning them.

73 (b) Ensure that all personnel who use, maintain, store, or
 74 release audio or video data recorded by body cameras are trained
 75 in the law enforcement agency's policies and procedures.

76 (c) Retain audio and video data recorded by body cameras
 77 in accordance with the requirements of s. 119.021, except as
 78 otherwise provided by law.

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79 (d) Perform a periodic review of actual agency body camera
80 practices to ensure conformity with the agency's policies and
81 procedures.

82 (4) Chapter 934 does not apply to body camera recordings
83 made by law enforcement agencies that elect to use body cameras.

84 Section 2. This act shall take effect upon becoming a law.