

1 A bill to be entitled
 2 An act relating to law enforcement body and dashboard
 3 cameras; amending s. 943.1718, F.S.; mandating that
 4 law enforcement agencies require officers to wear and
 5 use body cameras in certain circumstances; conforming
 6 provisions; providing an exception; creating s.
 7 943.17185, F.S.; mandating that law enforcement
 8 agencies require law enforcement vehicles to be
 9 equipped with and use dashboard cameras in certain
 10 circumstances; providing an exception; providing an
 11 effective date.

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

14
 15 Section 1. Section 943.1718, Florida Statutes, is amended
 16 to read:

17 943.1718 Body cameras; policies and procedures.—

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

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

23 (b) "Law enforcement agency" means an agency that has a
 24 primary mission of preventing and detecting crime and enforcing
 25 the penal, criminal, traffic, and motor vehicle laws of the

26 | state and in furtherance of that primary mission employs law
27 | enforcement officers as defined in s. 943.10.

28 | (c) "Law enforcement officer" has the same meaning as
29 | provided in s. 943.10.

30 | (2) A law enforcement agency must require ~~that permits~~ its
31 | law enforcement officers to wear body cameras while on duty and
32 | shall establish policies and procedures addressing the proper
33 | use, maintenance, and storage of body cameras and the data
34 | recorded by body cameras. The policies and procedures must
35 | include:

36 | (a) General guidelines for the proper use, maintenance,
37 | and storage of body cameras.

38 | (b) Any exceptions for limitations on which law
39 | enforcement officers engaged in bona fide authorized undercover
40 | law activity as provided in subsection (4) ~~are permitted to wear~~
41 | ~~body cameras.~~

42 | (c) Specifications as to when officers must activate body
43 | cameras, which shall include all ~~Any limitations on law-~~
44 | enforcement-related encounters and activities in which law
45 | enforcement officers interact with the public ~~are permitted to~~
46 | ~~wear body cameras.~~

47 | (d) A provision permitting a law enforcement officer using
48 | a body camera to review the recorded footage from the body
49 | camera, upon his or her own initiative or request, before
50 | writing a report or providing a statement regarding any event

51 arising within the scope of his or her official duties. Any such
52 provision may not apply to an officer's inherent duty to
53 immediately disclose information necessary to secure an active
54 crime scene or to identify suspects or witnesses.

55 (e) General guidelines for the proper storage, retention,
56 and release of audio and video data recorded by body cameras.

57 (3) A law enforcement agency ~~that permits its law~~
58 ~~enforcement officers to wear body cameras~~ shall:

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

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

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

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

71 (4) The requirement in subsection (2) to wear a body
72 camera while on duty does not apply to a law enforcement officer
73 while he or she is acting undercover in the course of or in
74 relation to an active criminal investigation, active criminal
75 intelligence gathering, or active prosecution.

76 ~~(5)-(4)~~ Chapter 934 does not apply to body camera
77 recordings made by law enforcement agencies ~~that elect to use~~
78 ~~body cameras.~~

79 Section 2. Section 943.17185, Florida Statutes, is created
80 to read:

81 943.17185 Dashboard cameras; policies and procedures.—

82 (1) As used in this section, the term "dashboard camera"
83 means a camera that affixes to a dashboard or windshield of a
84 police vehicle that electronically records video of the view
85 through the vehicle's windshield and has an electronic audio
86 recorder that may be operated remotely.

87 (2) A law enforcement agency must equip its law
88 enforcement vehicles with dashboard cameras and shall establish
89 policies and procedures addressing the proper use, maintenance,
90 and storage of dashboard cameras and the data recorded by the
91 dashboard cameras. The policies and procedures must include:

92 (a) General guidelines for the proper use, maintenance,
93 and storage of dashboard cameras.

94 (b) Any exceptions for law enforcement officers engaged in
95 bona fide authorized undercover law activity as provided in
96 subsection (4).

97 (c) Specifications as to when officers must activate
98 dashboard cameras, which shall include all law-enforcement-
99 related encounters and activities in which law enforcement
100 officers interact with the public.

101 (d) A provision permitting a law enforcement officer using
102 a dashboard camera to review the recorded footage from the
103 dashboard camera, upon his or her own initiative or request,
104 before writing a report or providing a statement regarding any
105 event arising within the scope of his or her official duties.
106 Any such provision may not apply to an officer's inherent duty
107 to immediately disclose information necessary to secure an
108 active crime scene or to identify suspects or witnesses.

109 (e) General guidelines for the proper storage, retention,
110 and release of audio and video data recorded by dashboard
111 cameras.

112 (3) A law enforcement agency shall:

113 (a) Ensure that all personnel who use, maintain, or store
114 dashboard cameras are trained in the law enforcement agency's
115 policies and procedures concerning them.

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

119 (c) Retain audio and video data recorded by dashboard
120 cameras in accordance with the requirements of s. 119.021,
121 except as otherwise provided by law.

122 (d) Perform a periodic review of actual agency dashboard
123 camera practices to ensure conformity with the agency's policies
124 and procedures.

125 (4) The requirement in subsection (2) to have and use a

126 | dashboard camera while on duty does not apply to a law
127 | enforcement officer while he or she is acting undercover in the
128 | course of or in relation to an active criminal investigation,
129 | active criminal intelligence gathering, or active prosecution.

130 | (5) Chapter 934 does not apply to dashboard camera
131 | recordings made by law enforcement agencies.

132 | Section 3. This act shall take effect July 1, 2021.