

1 A bill to be entitled
2 An act relating to video cameras in public school
3 classrooms; creating s. 1001.424, F.S.; authorizing
4 school districts to adopt a policy to install video
5 cameras in public school classrooms; defining the term
6 "incident"; requiring certain classroom teachers to
7 wear a microphone; providing requirements for such
8 cameras; requiring a written explanation if the
9 operation of such cameras is interrupted; requiring
10 district school boards to retain such explanation for
11 a specified time period; requiring school districts to
12 provide written notice of the installation of such
13 cameras to certain individuals; providing requirements
14 for retaining and deleting video recordings;
15 prohibiting schools and school districts from certain
16 actions regarding such recordings; providing that
17 school principals are the custodian of such cameras
18 and recordings and access to such recordings;
19 providing requirements relating to student privacy;
20 providing requirements for the viewing of such
21 recordings; providing for an appeal process; providing
22 that incidental viewings of such recordings by
23 specified individuals are not a violation of certain
24 provisions; providing construction; requiring the
25 Department of Education to collect specified

26 information; authorizing the State Board of Education
 27 to adopt rules; repealing s. 1003.574, F.S., relating
 28 to Video Cameras in Public School Classrooms Pilot
 29 Program; requiring each school district to complete,
 30 and each district school board to vote on, a plan to
 31 install and maintain such cameras and microphones in
 32 each classroom in the school district by a specified
 33 date; providing requirements for such plan; providing
 34 an effective date.

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

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38 Section 1. Section 1001.424, Florida Statutes, is created
 39 to read:

40 1001.424 Video cameras in public school classrooms.-A
 41 school district may adopt a policy to install video cameras in
 42 classrooms within the school district.

43 (1) As used in this section, the term "incident" means an
 44 event, a circumstance, an act, or an omission that results in
 45 the abuse or neglect of a student by:

46 (a) An employee of a public school or school district; or

47 (b) Another student.

48 (2) (a) Each classroom teacher of each classroom in which a
 49 video camera is installed must wear a microphone.

50 (b) Each video camera installed in a classroom must be

51 located at the front of the classroom and be capable of all of
52 the following:

53 1. Visually monitoring and recording all areas of the
54 classroom.

55 2. Recording audio from all areas of the classroom.

56 (c) A video camera may not monitor a restroom or any other
57 area in the classroom where a student changes his or her
58 clothes, except for the entryway, exitway, or hallway outside of
59 a restroom or any other area where a student changes his or her
60 clothes because of the layout of the classroom.

61 (d) A video camera is not required to be in operation when
62 students are not present in the classroom.

63 (e) If there is an interruption in the operation of the
64 video camera for any reason, an explanation must be submitted in
65 writing to the school principal and the district school board to
66 explain the reason for and duration of the interruption. The
67 written explanation must be retained at the district school
68 board office for at least 1 year.

69 (3) Before a school district initially installs a video
70 camera in a classroom pursuant to this section, the school
71 district shall provide written notice of the installation of
72 such video camera to all of the following:

73 (a) The parent of each student who is assigned to such
74 classroom.

75 (b) Each student who is assigned to such classroom.

76 (c) Each school employee who is assigned to work in such
77 classroom.

78 (4) A school with video cameras installed in classrooms
79 shall:

80 (a) Retain video recordings pursuant to this section for
81 at least 3 months after the date the video was recorded, after
82 which time the video recording shall be deleted or otherwise
83 made unretrievable; or

84 (b) Retain the video recording until the conclusion of any
85 investigation or any administrative or legal proceedings that
86 result from the video recording have been completed, including,
87 without limitation, the exhaustion of all appeals.

88 (5) A school or school district may not:

89 (a) Allow regular, continuous, or continual monitoring of
90 video recorded under this section; or

91 (b) Use video recorded under this section for classroom
92 teacher evaluations or any purpose other than for ensuring the
93 health, safety, and well-being of students in the classroom.

94 (6) The principal of the school is the custodian of a
95 video camera operated pursuant to this section, all video
96 recordings generated by that video camera, and access to such
97 video recordings.

98 (a) The release or viewing of any video recorded under
99 this section must comply with s. 1002.22.

100 (b) A school or school district shall:

101 1. Conceal the identity of any student who appears in a
102 video recording, but is not involved in the alleged incident
103 documented by the video recording, which the school allows to be
104 viewed under subsection (7), including, without limitation,
105 blurring the face of the uninvolved student.

106 2. Protect the confidentiality of all student records
107 contained in a video recording in accordance with s. 1002.22.

108 (7)(a) Within 7 days after receiving a request to view a
109 video recorded under this section, a school or school district
110 shall allow the following individuals to view such recording:

111 1. A school or school district employee who is involved in
112 an alleged incident that is documented by the video recording as
113 part of the investigative process;

114 2. A parent of a student who is involved in an alleged
115 incident that is documented by the video recording and has been
116 reported to the school or school district;

117 3. A school or school district employee as part of an
118 investigation into an alleged incident that is documented by the
119 video recording and has been reported to the school or school
120 district;

121 4. A law enforcement officer as part of an investigation
122 into an alleged incident that is documented by the video
123 recording and has been reported to the law enforcement agency;

124 or

125 5. The Department of Children and Families as part of a

126 child abuse or neglect investigation.

127 (b) A person who requests to view a video recording shall
 128 make himself or herself available for viewing the video
 129 recording within 30 days after being notified by the school or
 130 school district that the person's request has been granted.

131 (c) A person who views the video recording and suspects
 132 that child abuse has occurred must report the suspected child
 133 abuse to the Department of Children and Families.

134 (8)(a) Any individual may appeal to the State Board of
 135 Education an action by a school or school district which the
 136 individual alleges to be in violation of this section.

137 (b) The state board shall grant a hearing on an appeal
 138 under this subsection within 45 days after receiving the appeal.

139 (9) A school or school district does not violate
 140 subsection (6) if a contractor or other employee of the school
 141 or school district incidentally views a video recorded under
 142 this section in connection with the performance of his or her
 143 duties related to any of the following:

144 (a) The installation, operation, or maintenance of video
 145 equipment; or

146 (b) The retention of video recordings.

147 (10) This section does not:

148 (a) Limit the access of the parent of a student, under the
 149 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
 150 1232g, or any other law, to a video recording regarding his or

HB 1055

2022

151 her student.

152 (b) Waive any immunity from liability of a school district
153 or an employee of a school district.

154 (c) Create any liability for a cause of action against a
155 school or school district or an employee of a school or school
156 district carrying out the duties and responsibilities required
157 by this section.

158 (11) The Department of Education shall collect information
159 relating to the installation and maintenance of video cameras
160 under this section.

161 (12) The State Board of Education may adopt rules to
162 implement this section.

163 Section 2. Section 1003.574, Florida Statutes, is
164 repealed.

165 Section 3. No later than January 1, 2023, each school
166 district shall complete, and each district school board shall
167 vote on whether to implement, a plan, including an estimation of
168 costs, to install and maintain a video camera and microphone in
169 each classroom in the school district pursuant to s. 1001.424,
170 Florida Statutes.

171 Section 4. This act shall take effect July 1, 2022.