

By Senator Grall

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1                                   A bill to be entitled  
2       An act relating to video cameras in public school  
3       classrooms; creating s. 1003.5741, F.S.; providing  
4       definitions; requiring that a video camera be placed  
5       in certain public school classrooms, including certain  
6       charter school classrooms; providing requirements for  
7       such video cameras; requiring a written explanation if  
8       the operation of such cameras is interrupted;  
9       requiring that such explanation be maintained for a  
10      specified time period; requiring a school or charter  
11      school to provide certain persons with written notice  
12      of the placement of a video camera; providing  
13      requirements for retaining and deleting video  
14      recordings; providing prohibitions for the use of such  
15      video cameras and recordings; providing that a school  
16      or charter school principal is the custodian of such  
17      video cameras and recordings; providing requirements  
18      for such principals and video recordings; providing  
19      requirements relating to student privacy; providing  
20      requirements for the viewing of such video recordings;  
21      providing an appeal process for actions of a school,  
22      school district, or charter school; providing that  
23      incidental viewings of video recordings by specified  
24      persons are not a violation of certain provisions;  
25      providing construction; requiring the Department of  
26      Education to collect specified information;  
27      authorizing the State Board of Education to adopt  
28      rules; providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 1003.5741, Florida Statutes, is created  
33 to read:

34 1003.5741 Video cameras in certain public school  
35 classrooms.—

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

37 (a) "Incident" means an event, a circumstance, an act, or  
38 an omission that results in the abuse or neglect of a student  
39 by:

40 1. An employee of a public school, school district, or  
41 charter school; or

42 2. Another student.

43 (b) "Self-contained classroom" means a classroom at a  
44 public school or a charter school in which at least one student  
45 in regular attendance is nonverbal and is provided special  
46 education services and is assigned to one or more such  
47 classrooms for at least 50 percent of the instructional day.

48 (2) A school district must provide a video camera to each  
49 school with a self-contained classroom. A charter school must  
50 provide a video camera to each self-contained classroom.

51 (3) (a) A video camera placed in a self-contained classroom  
52 must be capable of all of the following:

53 1. Monitoring all areas of the self-contained classroom,  
54 including, without limitation, any room attached to the self-  
55 contained classroom which is used for other purposes.

56 2. Recording audio from all areas of the self-contained  
57 classroom, including, without limitation, any room attached to  
58 the self-contained classroom which is used for other purposes.

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59       (b) A video camera placed in a self-contained classroom may  
60 not monitor a restroom or any other area in the self-contained  
61 classroom in which a student changes his or her clothes, except  
62 for the entryway, exitway, or hallway outside a restroom or  
63 other area in which a student changes his or her clothes because  
64 of the layout of the self-contained classroom.

65       (c) A video camera placed in a self-contained classroom is  
66 not required to be in operation when students are not present in  
67 the self-contained classroom.

68       (d) If there is an interruption in the operation of the  
69 video camera for any reason, an explanation must be submitted in  
70 writing to the school or charter school principal and, if  
71 applicable, the district school board which explains the reason  
72 for and duration of the interruption. The written explanation  
73 must be maintained at the charter school or district school  
74 board office for at least 1 year.

75       (4) Before a school or charter school initially places a  
76 video camera in a self-contained classroom pursuant to this  
77 section, the school or charter school shall provide written  
78 notice of the placement of such video camera to all of the  
79 following:

80       (a) The parent of each student who is assigned to the self-  
81 contained classroom.

82       (b) Each student who is assigned to the self-contained  
83 classroom.

84       (c) The school district, if applicable.

85       (d) Each school or charter school employee who is assigned  
86 to work with one or more students in the self-contained  
87 classroom.

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88 (5) A school or charter school shall:

89 (a) Retain video recorded from a video camera placed  
90 pursuant to this section for at least 3 months after the date  
91 the video was recorded, after which the recording shall be  
92 deleted or otherwise made irretrievable; or

93 (b) Retain the recording until the conclusion of any  
94 investigation or any administrative or legal proceedings that  
95 result from the recording have been completed, including,  
96 without limitation, the exhaustion of all appeals.

97 (6) A school, school district, or charter school may not:

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

100 (b) Use video recorded under this section for teacher  
101 evaluations or any purpose other than for ensuring the health,  
102 safety, and well-being of students receiving special education  
103 services in a self-contained classroom.

104 (7) The school or charter school principal is the custodian  
105 of a video camera operated pursuant to this section, all  
106 recordings generated by that video camera, and access to such  
107 recordings.

108 (a) The release or viewing of any video recording under  
109 this section must comply with s. 1002.22.

110 (b) A school, school district, or charter school shall:

111 1. Conceal the identity of each student who appears in a  
112 video recording but is not involved in the alleged incident  
113 documented by the video recording, which the school allows to be  
114 viewed under subsection (8), including, without limitation,  
115 blurring the face of the uninvolved student.

116 2. Protect the confidentiality of all student records

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117 contained in a video recording in accordance with s. 1002.22.

118 (8) (a) Within 7 days after receiving a request to view a  
119 video recording, a school, school district, or charter school  
120 shall allow the following persons to view a video recording made  
121 under this section:

122 1. A school, school district, or charter school employee  
123 who is involved in an alleged incident that is documented by the  
124 video recording as part of the investigative process;

125 2. A parent of a student who is involved in an alleged  
126 incident that is documented by the video recording and has been  
127 reported to the school, school district, or charter school;

128 3. A school, school district, or charter school employee as  
129 part of an investigation into an alleged incident that is  
130 documented by the video recording and has been reported to the  
131 school, school district, or charter school;

132 4. A law enforcement officer as part of an investigation  
133 into an alleged incident that is documented by the video  
134 recording and has been reported to the law enforcement agency;  
135 or

136 5. The Department of Children and Families as part of a  
137 child abuse or neglect investigation.

138 (b) A person who requests to view a recording shall make  
139 himself or herself available for viewing the recording within 30  
140 days after being notified by the school, school district, or  
141 charter school that the person's request has been granted.

142 (c) A person who views the recording and suspects that  
143 child abuse has occurred must report the suspected child abuse  
144 to the Department of Children and Families.

145 (9) (a) A person may appeal to the State Board of Education

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146 an action by a school, school district, or charter school which  
147 the person alleges to be in violation of this section.

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

150 (10) A school, school district, or charter school does not  
151 violate subsection (7) if a contractor or other employee of the  
152 school, school district, or charter school incidentally views a  
153 video recording made under this section in connection with the  
154 performance of his or her duties related to the following:

155 (a) The installation, operation, or maintenance of video  
156 equipment; or

157 (b) The retention of video recordings.

158 (11) This section does not:

159 (a) Limit the access of the parent of a student, under the  
160 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.  
161 1232g, or any other law, to a video recording regarding his or  
162 her student.

163 (b) Waive any immunity from liability of a school district  
164 or charter school or an employee of a school district or charter  
165 school.

166 (c) Create any liability for a cause of action against a  
167 school, school district, or charter school or an employee of a  
168 school, school district, or charter school carrying out the  
169 duties and responsibilities required by this section.

170 (d) Apply to self-contained classrooms in which the only  
171 students receiving special education services are those who have  
172 been deemed gifted.

173 (12) The department shall collect information relating to  
174 the installation and maintenance of video cameras under this

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175 section.

176 (13) The State Board of Education may adopt rules to  
177 implement this section.

178 Section 2. This act shall take effect July 1, 2024.