

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.0713, F.S.; defining terms; providing an exemption
4 from public records requirements for body camera
5 recordings recorded by a code inspector under certain
6 circumstances; providing exceptions; requiring a local
7 government to retain body camera recordings for a
8 specified period; providing for retroactive
9 application; providing for future legislative review
10 and repeal of the exemption; providing a statement of
11 public necessity; providing a contingent effective
12 date.

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

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16 Section 1. Subsection (6) is added to section 119.0713,
17 Florida Statutes, to read:

18 119.0713 Local government agency exemptions from inspection
19 or copying of public records.—

20 (6) (a) As used in this subsection, the term:

21 1. "Body camera" means a portable electronic recording
22 device that is worn on a code inspector's body and that records
23 audio and video data in the course of the performance of his or
24 her official duties and responsibilities.

25 2. "Code inspector" has the same meaning as in s.
26 162.04(2).

27 3. "Personal representative" means a parent, a court-
28 appointed guardian, an attorney, or an agent of, or a person
29 holding a power of attorney for, a person recorded by a body

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30 camera. If a person depicted in the recording is deceased, the
31 term also means the personal representative of the estate of the
32 deceased person; the deceased person's surviving spouse, parent,
33 or adult child; the deceased person's attorney or agent; or the
34 parent or guardian of a surviving minor child of the deceased.
35 An agent must possess written authorization of the recorded
36 person to act on his or her behalf.

37 (b) A body camera recording, or a portion thereof, is
38 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
39 of the State Constitution if the recording:

- 40 1. Is taken within the interior of a private residence;
41 2. Is taken within the interior of a facility that offers
42 health care, mental health care, or social services; or
43 3. Is taken in a place that a reasonable person would
44 expect to be private.

45 (c) Notwithstanding paragraph (b), a body camera recording,
46 or a portion thereof, may be disclosed by a local government:

- 47 1. In furtherance of its official duties and
48 responsibilities; or
49 2. To another governmental agency in the furtherance of its
50 official duties and responsibilities.

51 (d) Notwithstanding paragraph (b), a body camera recording,
52 or a portion thereof, must be disclosed by a local government:

- 53 1. To a person recorded by a body camera; however, a local
54 government may disclose only those portions that are relevant to
55 the person's presence in the recording;
56 2. To the personal representative of a person recorded by a
57 body camera; however, a local government may disclose only those
58 portions that are relevant to the represented person's presence

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59 in the recording;

60 3. To a person not depicted in a body camera recording if
61 the recording depicts a place in which the person lawfully
62 resided, dwelled, or lodged at the time of the recording;
63 however, a local government may disclose only those portions
64 that record the interior of such a place; or

65 4. Pursuant to a court order.

66 a. In addition to any other grounds the court may consider
67 in determining whether to order that a body camera recording be
68 disclosed, the court shall consider whether:

69 (I) Disclosure is necessary to advance a compelling
70 interest;

71 (II) The recording contains information that is otherwise
72 exempt or confidential and exempt under the law;

73 (III) The person requesting disclosure is seeking to obtain
74 evidence to determine legal issues in a case in which the person
75 is a party;

76 (IV) Disclosure would reveal information regarding a person
77 which is of a highly sensitive personal nature;

78 (V) Disclosure may harm the reputation or jeopardize the
79 safety of a person depicted in the recording;

80 (VI) Confidentiality is necessary to prevent a serious and
81 imminent threat to the fair, impartial, and orderly
82 administration of justice;

83 (VII) The recording could be redacted to protect privacy
84 interests; and

85 (VIII) There is good cause to disclose all or portions of a
86 recording.

87 b. In any proceeding regarding the disclosure of a body

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88 camera recording, the local government that made the recording
89 must be given reasonable notice of hearings and an opportunity
90 to participate.

91 (e) A local government shall retain a body camera recording
92 for at least 90 days.

93 (f) The exemption provided in paragraph (b) applies
94 retroactively.

95 (g) This subsection does not supersede any other public
96 records exemption that existed before or is created after the
97 effective date of this exemption. Those portions of a recording
98 which are protected from disclosure by another public records
99 exemption continue to be exempt or confidential and exempt.

100 (h) This subsection is subject to the Open Government
101 Sunset Review Act in accordance with s. 119.15 and shall stand
102 repealed on October 2, 2030, unless reviewed and saved from
103 repeal through reenactment by the Legislature.

104 Section 2. (1) The Legislature finds that it is a public
105 necessity that the following types of body camera recordings
106 recorded by a code inspector in the course of performing his or
107 her official duties and responsibilities be made confidential
108 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
109 Article I of the State Constitution: recordings taken within the
110 interior of a private residence; recordings taken within the
111 interior of a facility that offers health care, mental health
112 care, or social services; and recordings taken in a place that a
113 reasonable person would expect to be private.

114 (2) The Legislature recognizes that body cameras preserve
115 information that has the potential to assist both code
116 inspectors' and the public's ability to review the accuracy of

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117 code inspection work.

118 (3) However, the Legislature also finds that, in certain
119 instances, audio and video recorded by body cameras is
120 significantly likely to capture highly sensitive personal
121 information. The exemption of body camera recordings from public
122 records requirements allows code inspectors to more effectively
123 and efficiently administer their duties, which would otherwise
124 be significantly impaired. The Legislature finds that the
125 concerns regarding the impact of public records requirements for
126 body camera recordings necessitate the exemption of the
127 recordings from public records requirements and outweigh any
128 public benefit that may be derived from their disclosure.

129 Section 3. This act shall take effect on the same date that
130 SB 1104 or similar legislation takes effect, if such legislation
131 is adopted in the same legislative session or an extension
132 thereof and becomes a law.