

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
 19 inspection 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
 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
 46 | recording, or a portion thereof, may be disclosed by a local
 47 | government:

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

51 its official duties and responsibilities.

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

55 1. To a person recorded by a body camera; however, a local
56 government may disclose only those portions that are relevant to
57 the person's presence in the recording;

58 2. To the personal representative of a person recorded by
59 a body camera; however, a local government may disclose only
60 those portions that are relevant to the represented person's
61 presence in the recording;

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

67 4. Pursuant to a court order.

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

71 (I) Disclosure is necessary to advance a compelling
72 interest;

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

75 (III) The person requesting disclosure is seeking to

76 obtain evidence to determine legal issues in a case in which the
77 person is a party;

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

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

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

85 (VII) The recording could be redacted to protect privacy
86 interests; and

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

89 b. In any proceeding regarding the disclosure of a body
90 camera recording, the local government that made the recording
91 must be given reasonable notice of hearings and an opportunity
92 to participate.

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

95 (f) The exemption provided in paragraph (b) applies
96 retroactively.

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

101 exemption continue to be exempt or confidential and exempt.

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

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

116 (2) The Legislature recognizes that body cameras preserve
117 information that has the potential to assist both code
118 inspectors' and the public's ability to review the accuracy of
119 code inspection work.

120 (3) However, the Legislature also finds that, in certain
121 instances, audio and video recorded by body cameras is
122 significantly likely to capture highly sensitive personal
123 information. The exemption of body camera recordings from public
124 records requirements allows code inspectors to more effectively
125 and efficiently administer their duties, which would otherwise

126 | be significantly impaired. The Legislature finds that the
127 | concerns regarding the impact of public records requirements for
128 | body camera recordings necessitate the exemption of the
129 | recordings from public records requirements and outweigh any
130 | public benefit that may be derived from their disclosure.

131 | **Section 3.** This act shall take effect on the same date
132 | that HB 281 or similar legislation takes effect, if such
133 | legislation is adopted in the same legislative session or an
134 | extension thereof and becomes a law.