

By the Committee on Education Pre-K - 12; and Senator Calatayud

581-02475-26

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A bill to be entitled

An act relating to education; amending s. 1003.574, F.S.; deleting references to the Video Cameras in Public School Classrooms Pilot Program; deleting an obsolete definition; authorizing certain parents to submit a written request to the school principal for installation and operation of a video camera in a self-contained classroom; requiring a district school board, within a specified timeframe, to adopt a policy establishing a process for school personnel to consider and respond to such requests; providing minimum requirements for such policy; limiting the number of requests a parent may submit per student per school year, subject to an exception; requiring that a video camera be operational within a specified timeframe after approval of a request under the policy; prohibiting a school or school district from concealing the identity of an employee in a video recording; providing that a video recording made available after a request must include accompanying audio; providing an effective date.

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

Section 1. Section 1003.574, Florida Statutes, is amended to read:

1003.574 Video cameras in public school classrooms; pilot program. Beginning with the 2021-2022 school year, the Video Cameras in Public School Classrooms Pilot Program is created for

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30 ~~a period of 3 school years.~~

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

32 (a) "Incident" means an event, a circumstance, an act, or
33 an omission that results in the abuse or neglect of a student
34 by:35 1. An employee of a public school or school district; or
36 2. Another student.37 (b) ~~"School district" means the Broward County Public
38 Schools.~~39 (b) ~~(e)~~ "Self-contained classroom" means a classroom at a
40 public school in which a majority of the students in regular
41 attendance are provided special education services and are
42 assigned to one or more such classrooms for at least 50 percent
43 of the instructional day.44 (2) (a) ~~A parent of a student who is in regular attendance
45 in a self-contained classroom may submit a written request to
46 the school principal or the principal's designee for the
47 installation and operation of a video camera in that self-
48 contained school district shall provide a video camera to any
49 school with a self-contained classroom upon the written request
50 of a parent of a student in the classroom.~~51 (b) ~~The district school board shall adopt a policy
52 establishing a process for school personnel to consider and
53 respond to requests submitted under paragraph (a). If the
54 district school board has not adopted a policy under this
55 paragraph, it shall do so at the next regularly scheduled
56 meeting, but no later than 60 days after receipt by the school
57 district of the first request submitted under paragraph (a)
58 Within 30 days after receipt of the request from a parent, a~~

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59 ~~video camera shall be operational in each self-contained~~
60 ~~classroom in which the parent's student is in regular attendance~~
61 ~~for the remainder of the school year, unless the parent~~
62 ~~withdraws his or her request in writing.~~

63 (c) The policy required under paragraph (b) must, at a
64 minimum, do all of the following:

65 1. Establish a reasonable submission window for requests to
66 be consolidated for consideration and response.

67 2. Establish criteria for the approval or denial of a
68 request.

69 3. Designate the school or district personnel responsible
70 for receiving, reviewing, and responding to requests.

71 4. Require written notice to the parent acknowledging
72 receipt of the request.

73 5. Allow the parent to submit supporting information and
74 documentation in support of the request.

75 6. Require a written determination approving or denying the
76 request and providing the basis for the determination.

77 7. Establish a timeframe for issuing the written
78 determination after the close of the submission window required
79 under subparagraph 1.

80 8. Provide a process for escalation or review of a denial.

81 9. Require compliance with the notice requirements in
82 subsection (5) before a school initially places a video camera
83 in a self-contained classroom.

84 (d) A parent may not submit more than one request under
85 this subsection per student per school year, except upon a
86 material change in circumstances as defined in the district
87 school board policy.

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88 (e) If a request is approved under the policy, a video
89 camera must be operational in the self-contained classroom
90 within 30 days after the date of the written determination
91 approving the request and must remain operational for the
92 remainder of the school year, unless the parent withdraws the
93 request in writing.

94 (3) If the student who is the subject of the initial
95 request is no longer in attendance in the classroom and a school
96 discontinues operation of a video camera during a school year,
97 no later than the 5th school day before the date the operation
98 of the video camera is discontinued, the school must notify the
99 parents of each student in regular attendance in the classroom
100 that operation of the video camera will cease unless the
101 continued use of the camera is requested by a parent. No later
102 than the 10th school day before the end of each school year, the
103 school must notify the parents of each student in regular
104 attendance in the classroom that operation of the video camera
105 will not continue during the following school year unless a
106 written request is submitted by a parent for the next school
107 year.

108 (4) (a) A video camera placed in a self-contained classroom
109 must be capable of all of the following:

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

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

116 (b) A video camera placed in a self-contained classroom may

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117 not monitor a restroom or any other area in the self-contained
118 classroom where a student changes his or her clothes, except for
119 the entryway, exitway, or hallway outside a restroom or other
120 area where a student changes his or her clothes because of the
121 layout of the self-contained classroom.

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

125 (d) If there is an interruption in the operation of the
126 video camera for any reason, an explanation must be submitted in
127 writing to the school principal and the district school board
128 which explains the reason for and duration of the interruption.
129 The written explanation must be maintained at the district
130 school board office for at least 1 year.

131 (5) Before a school initially places a video camera in a
132 self-contained classroom pursuant to this section, the school
133 shall provide written notice of the placement of such video
134 camera to all of the following:

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

137 (b) Each student who is assigned to the self-contained
138 classroom.

139 (c) The school district.

140 (d) Each school employee who is assigned to work with one
141 or more students in the self-contained classroom.

142 (6) A school shall:

143 (a) Retain video recorded from a video camera placed
144 pursuant to this section for at least 3 months after the date
145 the video was recorded, after which the recording must ~~shall~~ be

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146 deleted or otherwise made irretrievable ~~unretrievable~~; or

147 (b) Retain the recording until the conclusion of any
148 investigation or any administrative or legal proceedings that
149 result from the recording have been completed, including,
150 without limitation, the exhaustion of all appeals.

151 (7) A school or school district may not:

152 (a) Allow regular, continuous, or continual monitoring of
153 video recorded under this section; ~~or~~

154 (b) Use video recorded under this section for teacher
155 evaluations or any purpose other than for ensuring the health,
156 safety, and well-being of students receiving special education
157 services in a self-contained classroom, which constitutes
158 security or surveillance of buildings or grounds under s.

159 1014.04(1)(i)4.; or

160 (c) Conceal the identity of a school or school district
161 employee who appears in a video recording.

162 (8) The principal of the school is the custodian of a video
163 camera operated pursuant to this section, all recordings
164 generated by that video camera, and access to such recordings.

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

167 (b) A school or school district shall:

168 1. Conceal the identity of any student who appears in a
169 video recording, but is not involved in the alleged incident
170 documented by the video recording, which the school allows to be
171 viewed under subsection (9), including, without limitation,
172 blurring the face of the uninvolved student.

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

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175 (9) (a) Within 7 days after receiving a request to view a
176 video recording, a school or school district shall allow the
177 following individuals to view a video recording with its
178 accompanying audio made under this section:

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

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

185 3. A school or school district employee as part of an
186 investigation into an alleged incident that is documented by the
187 video recording and has been reported to the school or school
188 district;

189 4. A law enforcement officer as part of an investigation
190 into an alleged incident that is documented by the video
191 recording and has been reported to the law enforcement agency;
192 or

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

195 (b) A person who requests to view a recording must shall
196 make himself or herself available for viewing the recording
197 within 30 days after being notified by the school or school
198 district that the person's request has been granted.

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

202 (10) (a) Any individual may appeal to the State Board of
203 Education an action by a school or school district which the

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204 individual alleges to be in violation of this section.

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

207 (11) A school or school district does not violate
208 subsection (8) if a contractor or other employee of the school
209 or school district incidentally views a video recording made
210 under this section in connection with the performance of his or
211 her duties related to either of the following:

212 (a) The installation, operation, or maintenance of video
213 equipment; or

214 (b) The retention of video recordings.

215 (12) This section does not:

216 (a) Limit the access of the parent of a student, under the
217 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
218 1232g, or any other law, to a video recording regarding his or
219 her student.

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

222 (c) Create any liability for a cause of action against a
223 school or school district or an employee of a school or school
224 district carrying out the duties and responsibilities required
225 by this section.

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

229 (13) The department shall collect information relating to
230 the installation and maintenance of video cameras under this
231 section.

232 (14) The State Board of Education may adopt rules to

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233 implement this section.

234 Section 2. This act shall take effect July 1, 2026.