

By Senator Burgess

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A bill to be entitled
An act relating to public records; amending s.
119.0713, F.S.; defining terms; providing an exemption
from public records requirements for body camera
recordings recorded by a code inspector under certain
circumstances; providing exceptions; requiring a local
government to retain body camera recordings for a
specified timeframe; providing for retroactive
application; providing construction; providing for
future legislative review and repeal of the exemption;
providing a statement of public necessity; directing
the Division of Library and Information Services of
the Department of State to adopt a specified retention
requirement for certain body camera recordings by a
specified date; providing a contingent effective date.

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

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

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

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

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

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

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30 3. "Personal representative" means a parent, a court-
31 appointed guardian, an attorney, or an agent of, or a person
32 holding a power of attorney for, a person recorded by a body
33 camera. If a person depicted in the recording is deceased, the
34 term also means the personal representative of the estate of the
35 deceased person; the deceased person's surviving spouse, parent,
36 or adult child; the deceased person's attorney or agent; or the
37 parent or guardian of a surviving minor child of the deceased.
38 An agent must possess written authorization of the recorded
39 person to act on his or her behalf.

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

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

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

- 50 1. In furtherance of its official duties and
51 responsibilities; or
52 2. To another governmental agency in the furtherance of its
53 official duties and responsibilities.

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

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

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

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

68 4. Pursuant to a court order.

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

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

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

76 (III) The person requesting disclosure is seeking to obtain
77 evidence to determine legal issues in a case in which the person
78 is a party;

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

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

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

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

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

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

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

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

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

103 (h) This subsection is subject to the Open Government
104 Sunset Review Act in accordance with s. 119.15 and shall stand
105 repealed on October 2, 2031, unless reviewed and saved from
106 repeal through reenactment by the Legislature.

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

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

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

132 Section 3. By October 1, 2026, the Division of Library and
133 Information Services of the Department of State shall by rule
134 incorporate into the appropriate general records schedule a 90-
135 day retention requirement for body camera recordings recorded by
136 code inspectors.

137 Section 4. This act shall take effect on the same date that
138 SB 504 or similar legislation takes effect, if such legislation
139 is adopted in the same legislative session or an extension
140 thereof and becomes a law.