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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 timeframe; providing for retroactive  
9 application; providing construction; providing for  
10 future legislative review and repeal of the exemption;  
11 providing a statement of public necessity; directing  
12 the Division of Library and Information Services of  
13 the Department of State to adopt a specified retention  
14 requirement for certain body camera recordings by a  
15 specified date; providing a contingent effective date.  
16

17 Be It Enacted by the Legislature of the State of Florida:  
18

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

21 119.0713 Local government agency exemptions from inspection  
22 or copying of public records.—

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

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

28 2. "Code inspector" has the same meaning as in s.  
29 162.04(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.