

By the Committees on Governmental Oversight and Accountability;
and Criminal Justice; and Senators Smith and Thompson

585-02410-15

2015248c2

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; defining the terms "body camera" and
4 "personal representative"; providing that a body
5 camera recording is confidential and exempt from
6 public records requirements under certain
7 circumstances; providing exceptions; requiring a law
8 enforcement agency to retain body camera recordings
9 for at least a specified period; providing for
10 retroactive application; providing for future
11 legislative review and repeal of the exemption;
12 providing a statement of public necessity; providing
13 an effective date.

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

16
17 Section 1. Paragraph (1) is added to subsection (2) of
18 section 119.071, Florida Statutes, to read:

19 119.071 General exemptions from inspection or copying of
20 public records.—

21 (2) AGENCY INVESTIGATIONS.—

22 (1)1. As used in this paragraph, the term:

23 a. "Body camera" means a portable electronic recording
24 device that is worn on a law enforcement officer's body and that
25 records audio and video data of the officer's activities.

26 b. "Personal representative" means a parent of, a court-
27 appointed guardian of, or a person holding a power of attorney
28 for a person recorded by a body camera, or an attorney for such
29 person. If a person depicted in the recording is deceased, the

585-02410-15

2015248c2

30 term also means the personal representative of the estate of the
31 deceased person; the deceased person's surviving spouse, parent,
32 or adult child; the parent or guardian of a surviving minor
33 child of the deceased; or an attorney for such person.

34 2. A body camera recording is confidential and exempt from
35 s. 119.07(1) and s. 24 (a), Art. I of the state constitution if
36 the recording:

- 37 a. Is taken within the interior of a private residence;
38 b. Is taken on the property of a facility that offers
39 health care, mental health care, or social services;
40 c. Is taken at the scene of a medical emergency;
41 d. Is taken in a place where a person recorded or depicted
42 in the recording has a reasonable expectation of privacy.

43 3. A body camera recording, or a portion thereof, shall be
44 disclosed by a law enforcement agency:

- 45 a. In furtherance of its official duties and
46 responsibilities;
47 b. To another governmental agency in the furtherance of its
48 official duties and responsibilities;
49 c. Pursuant to a court order;
50 d. To a person recorded by a body camera; however, a law
51 enforcement agency may disclose only those portions that are
52 relevant to the person's presence in the recording; or
53 e. To the personal representative of a person recorded by a
54 body camera; however, a law enforcement agency may disclose only
55 those portions that are relevant to the represented person's
56 presence in the recording.

57 4. A law enforcement agency must retain a body camera
58 recording for at least 90 days.

585-02410-15

2015248c2

59 5. The exemption provided in subparagraph 2. applies
60 retroactively.

61 6. This paragraph is subject to the Open Government Sunset
62 Review Act in accordance with s. 119.15 and shall stand repealed
63 on October 2, 2020, unless reviewed and saved from repeal
64 through reenactment by the Legislature.

65 Section 2. The Legislature finds that it is a public
66 necessity that body camera recordings are confidential and
67 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
68 Article I of the State Constitution. The Legislature finds that
69 information recorded by body cameras is significantly more
70 likely to capture highly sensitive personal information than
71 other law enforcement recordings or documents. The Legislature
72 finds that public disclosure of these recordings could have an
73 undesirable chilling effect. People who know that they are being
74 recorded by a body camera may be unwilling to fully cooperate
75 with law enforcement officers if they know that a body camera
76 recording can be made available to anyone in the public. People
77 may also be less likely to call a law enforcement agency for
78 services if their sensitive personal information or the
79 circumstances that necessitate a law enforcement agency's
80 involvement are subject to public dissemination as a body camera
81 recording. The Legislature also finds that body camera
82 recordings could be used for criminal purposes if they were
83 available upon request. This exemption from public records
84 requirements allows law enforcement officers to more effectively
85 and efficiently administer their duties, which would otherwise
86 be significantly impaired. The Legislature finds that these
87 concerns regarding the impact of the public records requirements

585-02410-15

2015248c2

88 for body camera recordings not only necessitate the exemption of
89 the recordings from public records requirements but also
90 outweigh any public benefit that may be derived from the
91 disclosure of the recordings.

92 Section 3. This act shall take effect July 1, 2015.