A bill to be entitled
An act relating to video cameras in public school
classrooms; creating s. 1001.424, F.S.; authorizing
school districts to adopt a policy to install video
cameras in public school classrooms; defining the term
"incident"; requiring certain classroom teachers to
wear a microphone; providing requirements for such
cameras; requiring a written explanation if the
operation of such cameras is interrupted; requiring
district school boards to retain such explanation for
a specified time period; requiring school districts to
provide written notice of the installation of such
cameras to certain individuals; providing requirements
for retaining and deleting video recordings;
prohibiting schools and school districts from certain
actions regarding such recordings; providing that
school principals are the custodian of such cameras
and recordings and access to such recordings;
providing requirements relating to student privacy;
providing requirements for the viewing of such
recordings; providing for an appeal process; providing
that incidental viewings of such recordings by
specified individuals are not a violation of certain
provisions; providing construction; requiring the
Department of Education to collect specified
information; authorizing the State Board of Education to adopt rules; repealing s. 1003.574, F.S., relating to Video Cameras in Public School Classrooms Pilot Program; requiring each school district to complete, and each district school board to vote on, a plan to install and maintain such cameras and microphones in each classroom in the school district by a specified date; providing requirements for such plan; providing an effective date.

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

Section 1. Section 1001.424, Florida Statutes, is created to read:

1001.424 Video cameras in public school classrooms.—A school district may adopt a policy to install video cameras in classrooms within the school district.

(1) As used in this section, the term "incident" means an event, a circumstance, an act, or an omission that results in the abuse or neglect of a student by:

(a) An employee of a public school or school district; or
(b) Another student.

(2) (a) Each classroom teacher of each classroom in which a video camera is installed must wear a microphone.
(b) Each video camera installed in a classroom must be
located at the front of the classroom and be capable of all of the following:

1. Visually monitoring and recording all areas of the classroom.

2. Recording audio from all areas of the classroom.

(c) A video camera may not monitor a restroom or any other area in the classroom where a student changes his or her clothes, except for the entryway, exitway, or hallway outside of a restroom or any other area where a student changes his or her clothes because of the layout of the classroom.

(d) A video camera is not required to be in operation when students are not present in the classroom.

(e) If there is an interruption in the operation of the video camera for any reason, an explanation must be submitted in writing to the school principal and the district school board to explain the reason for and duration of the interruption. The written explanation must be retained at the district school board office for at least 1 year.

(3) Before a school district initially installs a video camera in a classroom pursuant to this section, the school district shall provide written notice of the installation of such video camera to all of the following:

(a) The parent of each student who is assigned to such classroom.

(b) Each student who is assigned to such classroom.
(c) Each school employee who is assigned to work in such classroom.

(4) A school with video cameras installed in classrooms shall:

(a) Retain video recordings pursuant to this section for at least 3 months after the date the video was recorded, after which time the video recording shall be deleted or otherwise made unretrievable; or

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

(5) A school or school district may not:

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

(b) Use video recorded under this section for classroom teacher evaluations or any purpose other than for ensuring the health, safety, and well-being of students in the classroom.

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

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

(b) A school or school district shall:
1. Conceal the identity of any student who appears in a video recording, but is not involved in the alleged incident documented by the video recording, which the school allows to be viewed under subsection (7), including, without limitation, blurring the face of the uninvolved student.

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

(7)(a) Within 7 days after receiving a request to view a video recorded under this section, a school or school district shall allow the following individuals to view such recording:

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

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

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

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

or

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

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

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

(8)(a) Any individual may appeal to the State Board of Education an action by a school or school district which the individual alleges to be in violation of this section.

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

(9) A school or school district does not violate subsection (6) if a contractor or other employee of the school or school district incidentally views a video recorded under this section in connection with the performance of his or her duties related to any of the following:

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

(b) The retention of video recordings.

(10) This section does not:

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

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

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

(11) The Department of Education shall collect information relating to the installation and maintenance of video cameras under this section.

(12) The State Board of Education may adopt rules to implement this section.

Section 2. Section 1003.574, Florida Statutes, is repealed.

Section 3. No later than January 1, 2023, each school district shall complete, and each district school board shall vote on whether to implement, a plan, including an estimation of costs, to install and maintain a video camera and microphone in each classroom in the school district pursuant to s. 1001.424, Florida Statutes.

Section 4. This act shall take effect July 1, 2022.