

1 A bill to be entitled
 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
 22 inspection 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).

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
49 recording, or a portion thereof, may be disclosed by a local
50 government:

51 1. In furtherance of its official duties and
52 responsibilities; or

53 2. To another governmental agency in the furtherance of
54 its official duties and responsibilities.

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

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

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

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

70 4. Pursuant to a court order.

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

74 (I) Disclosure is necessary to advance a compelling
75 interest;

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

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

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

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

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

88 (VII) The recording could be redacted to protect privacy
89 interests; and

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

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

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

98 (f) The exemption provided in paragraph (b) applies
99 retroactively.

100 (g) This subsection does not supersede any other public

101 records exemption that existed before or is created after the
102 effective date of this exemption. Those portions of a recording
103 which are protected from disclosure by another public records
104 exemption continue to be exempt or confidential and exempt.

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

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

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

123 (3) However, the Legislature also finds that, in certain
124 instances, audio and video recorded by body cameras is
125 significantly likely to capture highly sensitive personal

126 information. The exemption of body camera recordings from public
127 records requirements allows code inspectors to administer their
128 duties more effectively and efficiently, which would otherwise
129 be significantly impaired. The Legislature finds that the
130 concerns regarding the impact of public records requirements for
131 body camera recordings necessitate the exemption of the
132 recordings from public records requirements and outweigh any
133 public benefit that may be derived from their disclosure.

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

139 **Section 4.** This act shall take effect on the same date
140 that HB 509 or similar legislation takes effect, if such
141 legislation is adopted in the same legislative session or an
142 extension thereof and becomes a law.