

CHAPTER 2016-76

House Bill No. 93

An act relating to law enforcement officer body cameras; creating s. 943.1718, F.S.; providing definitions; requiring a law enforcement agency that permits its law enforcement officers to wear body cameras to establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by body cameras; requiring such policies and procedures to include specified information; requiring such a law enforcement agency to ensure that specified personnel are trained in the law enforcement agency's policies and procedures; requiring that data recorded by body cameras be retained in accordance with specified requirements; requiring a periodic review of agency body camera practices to ensure conformity with the agency's policies and procedures; exempting the recordings from specified provisions relating to the interception of wire, electronic, and oral communications; providing an effective date.

WHEREAS, advancements in technology allow body cameras to be affordable and practical tools for law enforcement use, and

WHEREAS, body cameras can provide a valuable source of information to both law enforcement and the general public, and

WHEREAS, the audio and video recording of police and citizen interactions allows law enforcement agencies to improve efforts to reduce crime and properly address citizen complaints, and

WHEREAS, establishing uniform procedural requirements for the use of body cameras by law enforcement will provide consistency and reliability throughout the state, and

WHEREAS, there are currently no statewide mandatory and uniform standards or guidelines that apply to use of body cameras by law enforcement officers, NOW, THEREFORE,

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

Section 1. Section 943.1718, Florida Statutes, is created to read:

943.1718 Body cameras; policies and procedures.—

(1) As used in this section, the term:

(a) “Body camera” means a portable electronic recording device that is worn on a law enforcement officer’s person that records audio and video data of the officer’s law-enforcement-related encounters and activities.

(b) “Law enforcement agency” means an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers as defined in s. 943.10.

(c) “Law enforcement officer” has the same meaning as provided in s. 943.10.

(2) A law enforcement agency that permits its law enforcement officers to wear body cameras shall establish policies and procedures addressing the proper use, maintenance, and storage of body cameras and the data recorded by body cameras. The policies and procedures must include:

(a) General guidelines for the proper use, maintenance, and storage of body cameras.

(b) Any limitations on which law enforcement officers are permitted to wear body cameras.

(c) Any limitations on law-enforcement-related encounters and activities in which law enforcement officers are permitted to wear body cameras.

(d) General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

(3) A law enforcement agency that permits its law enforcement officers to wear body cameras shall:

(a) Ensure that all personnel who wear, use, maintain, or store body cameras are trained in the law enforcement agency’s policies and procedures concerning them.

(b) Ensure that all personnel who use, maintain, store, or release audio or video data recorded by body cameras are trained in the law enforcement agency’s policies and procedures.

(c) Retain audio and video data recorded by body cameras in accordance with the requirements of s. 119.021, except as otherwise provided by law.

(d) Perform a periodic review of actual agency body camera practices to ensure conformity with the agency’s policies and procedures.

(4) Chapter 934 does not apply to body camera recordings made by law enforcement agencies that elect to use body cameras.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor March 24, 2016.

Filed in Office Secretary of State March 24, 2016.