

FLORIDA

Independent Journalist & First Amendment Field Guide

Public Records • Recording • Police Encounters • Body/Dash Camera • Public Meetings • Federal FOIA

IMPORTANT

This is a practical research/reference guide, not legal advice. Laws, exemptions, court decisions, agency policies, and local rules can change. The official sources linked throughout should be checked before relying on a provision in a high-stakes situation.

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1. Quick Legal Map

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For Florida field work, keep these legal systems separate:

Layer	What it governs	Primary authority
Federal constitutional law	Recording government activity, speech, press, searches/seizures, civil-rights claims	U.S. Constitution + federal cases
Federal FOIA	Records held by federal executive-branch agencies	5 U.S.C. § 552
Florida public records	Florida state, county, municipal and many local-agency records	Fla. Const. art. I, §24 + Ch. 119
Florida Sunshine Law	Open meetings of covered state/local boards and commissions	Fla. Stat. §286.011 et seq.

Local rules/policies

Building access, meeting
procedures, agency operations,
records workflows

County/city ordinances +
agency policies

KEY TERMINOLOGY

Do not call a request to a Florida city, county, sheriff, police department, or state agency a “FOIA request.” FOIA is federal. In Florida, ask for a “public-records request under Chapter 119, Florida Statutes.”

1A. LAW vs. POLICY — A Critical Distinction

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A government policy does not override the United States Constitution, the Florida Constitution, a controlling statute, regulation, court rule, ordinance, or binding court decision. The word “policy” by itself does not create criminal authority over the public.

At the same time, government can sometimes adopt enforceable rules for property or programs it lawfully controls. The legal question is not simply whether a restriction is called a policy. The question is whether the government has lawful authority to impose it and whether the restriction satisfies the Constitution and all controlling law. Forum classification, statutory authority, regulations, court rules, and the particular property or activity can change the analysis.

Use this hierarchy throughout the guide:

1. United States Constitution and Florida Constitution.
2. Controlling federal and Florida statutes and binding case law.
3. Federal regulations, Florida court rules, and valid state/local ordinances within their lawful scope.
4. Legally authorized administrative rules or restrictions that satisfy controlling constitutional and statutory requirements.
5. Internal agency policies, procedures, manuals, and employee instructions. These can be important evidence of how an agency directs its personnel, but an internal policy does not itself supersede higher law or automatically impose a criminal duty on a member of the public.

When an official says, “It is our policy,” the guide will treat that as the beginning of the legal inquiry, not the end. The relevant questions are: What is the legal authority? What property or forum is involved? What constitutional right is implicated? What statute, regulation, court rule, or ordinance applies? Is the restriction enforceable against the public in these circumstances?

LEGAL CURRENCY — This guide reflects Florida and federal authorities reviewed for the 2026 edition. Statutes, regulations, court rules, agency guidance, and case law can change. Recheck the linked official sources before relying on a provision in a high-stakes or contested situation.

2. Core First Amendment Recording Protection

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Smith v. City of Cumming — Eleventh Circuit

Florida is within the U.S. Court of Appeals for the Eleventh Circuit. In *Smith v. City of Cumming*, 212 F.3d 1332 (11th Cir. 2000), the court recognized a First Amendment right, subject to reasonable time, manner, and place restrictions, to photograph or videotape police conduct. It also recognized protection for gathering information about public officials on public property and recording matters of public interest.

FIELD RULE

The right to record is not a universal right to stand anywhere, enter restricted areas, obstruct officials, ignore lawful perimeter restrictions, or record in every government interior. Location, forum status, interference, and reasonable time/place/manner restrictions matter.

OFFICIAL SOURCE: [Official Eleventh Circuit opinion — Smith v. City of Cumming](#)

3. Florida Constitutional Right of Access

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Article I, §24 of the Florida Constitution establishes a constitutional right of access to public records made or received in connection with official government business, subject to constitutional and statutory exemptions. It also addresses public meetings of covered collegial public bodies.

OFFICIAL SOURCE: [Florida Constitution — Florida Legislature](#)

4. Florida Public Records — Chapter 119

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The basic right

Florida Statute §119.07(1)(a) requires a custodian of a public record to permit inspection and copying by any person desiring to do so at a reasonable time, under reasonable conditions, and under supervision by the custodian.

Under §119.07(1)(c), the custodian or designee must acknowledge requests promptly and respond in good faith, including making reasonable efforts to determine whether responsive records exist and where they can be accessed.

OFFICIAL SOURCE: [Florida Statute §119.07 — inspection, copying, fees and exemptions](#)

OFFICIAL SOURCE: [Florida Statutes Chapter 119 — full chapter](#)

You generally do NOT need a written request

Florida's Attorney General explains that Chapter 119 does not generally require a public-records request to be in writing. A request may be made in person, by telephone, or in writing, provided the request sufficiently identifies the desired records and applicable lawful fees are paid.

You generally do NOT need to identify yourself or explain why

The Florida Attorney General's citizen guidance states that a requester may generally request public records without showing identification, stating why the records are wanted, or making the request in writing. A specific statute can create exceptions for particular records.

OFFICIAL SOURCE: [Florida Attorney General — Citizens: Public Records and Sunshine Law](#)

OFFICIAL SOURCE: [Florida Attorney General — Public Records FAQ](#)

FIELD CARD — VERBAL REQUEST

“I’m making a public-records request under Chapter 119, Florida Statutes. I’m requesting [identify the existing records as specifically as possible].”

5. Denials, Redactions and Exemptions

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A public record can contain exempt material without making the entire record automatically unavailable. Section 119.07(1)(d) directs the custodian to redact the portion to which a valid exemption applies and produce the remainder.

If the custodian claims all or part of a record is exempt, §119.07(1)(e) requires the custodian to state the basis for the exemption, including the statutory citation. If the requester asks, §119.07(1)(f) requires the custodian to state in writing and with particularity the reasons the record is exempt or confidential.

FIELD CARD — DENIAL

“What specific statutory exemption are you relying on? Please provide the basis for the denial in writing and with particularity pursuant to §119.07(1)(f), Florida Statutes.”

OFFICIAL SOURCE: [Florida Statute §119.07](#)

6. Fees — What Florida Agencies May Charge

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Florida public records are not universally free. Section 119.07(4) authorizes specified copy charges and, in qualifying circumstances, special service charges.

Item	General statutory amount
One-sided copy, up to 14 × 8½ inches	Up to \$0.15/page where no other fee is prescribed
Two-sided copy	Up to \$0.20/page where applicable
Certified copy	Up to \$1 per certified copy
Other copies	Actual cost of duplication as defined by statute
Extensive use	Reasonable special service charge based on actual cost of extensive IT resources and/or extensive clerical or supervisory assistance

Body-camera and large digital requests can generate significant charges when review/redaction requires extensive personnel or technology use. A high estimate is not automatically unlawful; ask how it was calculated.

FIELD CARD — FEE ESTIMATE

“Before I agree to the charge, please provide an itemized estimate and identify how the fee was

calculated and the statutory authority for it.”

The Florida Attorney General advises that requesters may ask for an estimate of the time and costs involved in producing a public-records request.

OFFICIAL SOURCE: [Florida Statute §119.07\(4\)](#)

OFFICIAL SOURCE: [Florida Attorney General — Citizens guide](#)

7. Inspection vs. Copies

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Chapter 119 protects both inspection and copying. Asking to inspect existing records can be useful when you do not yet know which records you need. Inspection, however, is not a guaranteed method of avoiding all charges: an extensive-use special service charge can apply when the statutory conditions are met.

FIELD CARD — INSPECTION

“I’m requesting to inspect the responsive public records. If any charge will apply to inspection, please identify the statutory basis and provide an itemized estimate before incurring the charge.”

8. Police Body-Worn Camera Records

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Florida Statute §943.1718 requires a law-enforcement agency that permits officers to wear body cameras to establish policies and procedures addressing proper use, maintenance, storage, retention and release of body-camera data, along with training and periodic review requirements.

OFFICIAL SOURCE: [Florida Statute §943.1718 — law-enforcement body cameras](#)

Important body-camera exemptions

For law-enforcement body cameras, consult §119.071(2)(l). Certain recordings or portions are confidential and exempt when made inside a private residence, inside a health-care, mental-health-care, or social-services facility, or in a place where a reasonable person would expect privacy. The statute contains specific disclosure provisions and exceptions.

Do not confuse this with §119.0713(6), which concerns body cameras worn by local-government code inspectors, not police officers.

OFFICIAL SOURCE: [Florida Statute §119.071 — see §119.071\(2\)\(l\)](#)

OFFICIAL SOURCE: [Florida Statute §119.0713\(6\) — code-inspector body cameras](#)

Body-camera request template

FIELD CARD — BWC

“Under Chapter 119, Florida Statutes, I request all body-worn-camera recordings associated with incident/case number [NUMBER], occurring on [DATE] between approximately [TIME] and [TIME], including recordings made by all responding officers. If any portion is withheld or redacted, please identify the statutory exemption relied upon. Please provide an itemized estimate before incurring fees above \$[LIMIT].”

Request the agency's BWC policy too

A useful companion request is the agency's current body-worn-camera policy, including activation/deactivation, categorization, retention, supervisor review, audit, redaction, and release provisions.

9. Dash-Camera / In-Car Video

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Florida's public-records definition is not limited to paper. The Attorney General notes that tapes, photographs, films and sound recordings can be public records when made or received by an agency in connection with official business, subject to applicable exemptions.

FIELD CARD — DASHCAM

“Under Chapter 119, Florida Statutes, I request all in-car/dash-camera video and audio associated with incident/case number [NUMBER], on [DATE] from approximately [TIME] through [TIME], for all involved agency vehicles.”

OFFICIAL SOURCE: [Florida Attorney General — Public Records FAQ](#)

10. Request the Whole Incident Package

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When investigating an encounter, requesting only bodycam can leave major gaps. Depending on the event and exemptions, consider requesting:

- Body-worn-camera video and audio from every responding officer.
- Dash/in-car camera video and audio from every involved vehicle.
- CAD / computer-aided dispatch event record.
- 911 recordings and non-emergency call recordings relevant to the incident.
- Radio/dispatch audio.
- Incident/offense reports and supplements.
- Arrest affidavits, citations, warnings, and related reports.
- Photographs and videos made or received by the agency.
- Relevant agency policies in effect on the incident date.
- Names/unit identifiers of responding personnel where contained in nonexempt records.
- Any releasable complaint, use-of-force, or administrative records specifically connected to the incident.

Phrase requests around identifiable existing records. Chapter 119 generally gives access to existing records; it does not require an agency to create a new record or answer questions that are not themselves requests for records.

OFFICIAL SOURCE: [Florida Attorney General — Public Records FAQ](#)

11. Florida Government-in-the-Sunshine / Public Meetings

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Florida Statute §286.011 is the core Government-in-the-Sunshine provision for covered state and local boards and commissions. Covered meetings must be open to the public, reasonable notice must be given, and minutes must be promptly recorded and open to public inspection, subject to applicable law.

OFFICIAL SOURCE: [Florida Statute §286.011 — Public meetings and records](#)

Section 286.0114 separately addresses a reasonable opportunity for the public to be heard on propositions before covered boards or commissions, subject to exceptions and procedural rules.

OFFICIAL SOURCE: [Florida Statute §286.0114 — public opportunity to be heard](#)

The Florida Attorney General's citizen guidance states that the public has the right to be present and unobtrusively record public meetings.

OFFICIAL SOURCE: [Florida Attorney General — Citizens guide](#)

12. Florida Audio Recording / Interception Law

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Florida's interception law is in Chapter 934. Avoid relying on the oversimplified phrase “Florida is a two-party-consent state” without examining whether the communication at issue is legally an “oral communication.” Section 934.02's definition turns in part on whether the speaker exhibited an expectation that the communication was not subject to interception under circumstances justifying that expectation. Context matters.

OFFICIAL SOURCE: [Florida Statute §934.02 — definitions](#)

OFFICIAL SOURCE: [Florida Statute §934.03 — interception and disclosure](#)

CAUTION

Secret audio recording can present different legal issues from openly filming police/public activity. Before relying on Chapter 934 in an unusual setting—private office, nonpublic interior, private conversation, phone call, etc.—check the current statute and relevant case law.

13. Federal FOIA — 5 U.S.C. §552

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FOIA governs records of federal executive-branch agencies. It is not the mechanism for obtaining records from Florida cities, counties, sheriffs, police departments, or Florida state agencies.

A federal FOIA request is sent to the federal agency that maintains the records. FOIA.gov provides agency-specific request information.

OFFICIAL SOURCE: [FOIA.gov — official federal FOIA portal](#)

OFFICIAL SOURCE: [FOIA statute — 5 U.S.C. §552](#)

OFFICIAL SOURCE: [FOIA.gov — How to Make a FOIA Request](#)

Federal FOIA fees and journalists

FOIA recognizes fee categories. Representatives of the news media are generally charged duplication fees rather than search fees, subject to the statute and agency regulations. Separate public-interest fee-waiver provisions can also apply.

The statutory definition of a representative of the news media focuses on gathering information of potential interest to a segment of the public, using editorial skills to transform raw materials into a distinct work, and distributing that work to an audience.

OFFICIAL SOURCE: [FOIA.gov FAQ — fees and requester categories](#)

OFFICIAL SOURCE: [FOIA statute — fee provisions and news-media definition](#)

FEDERAL FOIA REQUEST LANGUAGE

“I request classification as a representative of the news media for fee purposes. I gather information of potential interest to the public, use editorial skill to produce distinct journalistic work, and distribute that work to an audience. I also request a public-interest fee waiver where applicable. Please notify me before incurring fees above \$[LIMIT].”

14. What a Press Credential Does — and Does Not Do

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A self-issued or publication-issued press credential can help identify your role and publication, but it does not itself create a blanket legal right to enter restricted property, cross police lines, ignore lawful access restrictions, or obtain records exempt from disclosure. Many core public-records rights in Florida belong to “any person,” not only credentialed journalists.

For federal FOIA fee treatment, journalist/news-media status is governed by FOIA's statutory criteria rather than merely possessing a press card.

15. Government Property: Avoid the Biggest Auditing Mistake

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“Publicly owned” does not mean “every part is an unrestricted public forum.” Constitutional analysis can depend on the nature and purpose of the property and the restriction being imposed. A sidewalk, a public meeting room during an open meeting, an administrative lobby, a secured police workspace, and a courthouse interior are not legally interchangeable.

FIELD PRINCIPLE

Separate two questions: (1) Am I lawfully allowed to be in this location? (2) If I am lawfully present, what recording/speech restrictions may lawfully be imposed here? Do not assume ownership alone

answers either question.

16. Field Responses — Short, Non-Argumentative Language

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These phrases are designed to clarify the legal basis for official action and preserve a clean record. They are not magic words and do not override lawful orders.

FIELD CARD — DETENTION

“Am I being detained, or am I free to leave?”

FIELD CARD — SEARCH

“I do not consent to a search.”

FIELD CARD — DEVICE

“I do not consent to a search of my device.”

FIELD CARD — ORDER TO LEAVE/MOVE

“I will comply. What law, policy, or restriction requires me to leave or move?”

FIELD CARD — PUBLIC-RECORDS FORM

“I’m making the request verbally under Chapter 119. Is there a specific statute requiring this request to be on your form?”

FIELD CARD — IDENTIFICATION FOR RECORDS

“Is there a specific statute requiring identification for this particular record?”

FIELD CARD — RECORDS DENIAL

“Please identify the specific statutory exemption and provide the denial in writing with particularity under §119.07(1)(f).”

FIELD CARD — FEE

“Please provide an itemized estimate and the statutory basis/calculation before incurring the

charge.”

17. Public-Records Request Templates

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General Florida request

PUBLIC RECORDS REQUEST — CHAPTER 119, FLORIDA STATUTES

I request access to and/or copies of the following existing public records:

[DESCRIBE RECORDS]

Date range: [DATE/TIME RANGE]

Incident/case/event number, if known: [NUMBER]

Please provide the records electronically where reasonably available. If any portion is withheld or redacted, please identify the specific statutory exemption relied upon. If requested, please provide the reasons for withholding in writing and with particularity pursuant to §119.07(1)(f), Florida Statutes.

Please provide an itemized cost estimate before incurring fees exceeding \$[LIMIT].

Bodycam + dashcam + dispatch package

PUBLIC RECORDS REQUEST — LAW-ENFORCEMENT INCIDENT

For incident/case number [NUMBER], occurring on [DATE] at approximately [TIME/LOCATION], I request:

- All body-worn-camera audio/video from every responding officer;
- All dash/in-car-camera audio/video from every involved agency vehicle;
- CAD/event chronology;
- Relevant dispatch/radio audio;
- Relevant 911/non-emergency call recordings;
- Incident/offense reports and supplements;
- Relevant photographs/video held by the agency; and
- The body-camera and in-car-camera policies in effect on the incident date.

Please release all nonexempt portions. For anything withheld or redacted, identify the specific statutory exemption. Please provide an itemized fee estimate before incurring costs exceeding \$[LIMIT].

Agency policy request

I request the current versions, and the versions effective on [DATE], of the agency's policies governing:

- Body-worn cameras;
- In-car/dash cameras;
- Public recording / photography by members of the public;
- Public access to agency facilities;
- Public-records requests and fees;
- Media relations / press access; and
- Any policy specifically governing the conduct at issue in incident [NUMBER].

18. Research Checklist Before an Audit or Assignment

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- Identify the property owner and the agency controlling the location.
- Determine whether the location has posted access/recording rules.
- Check whether a courthouse, school, secured facility, or other specialized rule set applies.
- Download the relevant agency policies before the assignment.
- Save Chapter 119, §§119.07 and 119.071, and §943.1718 offline.
- Save *Smith v. City of Cumming* offline.
- For a public meeting, save the agenda, meeting notice, §286.011, §286.0114, and the body's meeting rules.
- For federal property or a federal agency, research the specific federal regulation/policy rather than assuming Florida law controls.
- Record exact names, titles, badge/employee numbers, times, locations, and quoted instructions where safely possible.
- Preserve original recordings and contemporaneous notes.

19. Official Source Library

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- [Florida Constitution — Legislature](#)
- [Florida Statutes Chapter 119](#)

- [Fla. Stat. §119.07](#)
- [Fla. Stat. §119.071](#)
- [Fla. Stat. §943.1718](#)
- [Fla. Stat. §286.011](#)
- [Fla. Stat. §286.0114](#)
- [Fla. Stat. §934.02](#)
- [Fla. Stat. §934.03](#)
- [Florida Attorney General — Open Government Citizens Guide](#)
- [Florida Attorney General — Public Records FAQ](#)
- [Florida Attorney General — Sunshine Manual](#)
- [Eleventh Circuit — Smith v. City of Cumming](#)
- [FOIA.gov](#)
- [Federal FOIA statute](#)
- [FOIA.gov — How to Make a Request](#)
- [FOIA.gov — FAQ](#)

20. Florida Trespass — Government Buildings and Property

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Trespass in a structure or conveyance — §810.08

Section 810.08 applies to structures and conveyances. A person may commit trespass by willfully entering or remaining without authorization, license, or invitation, or by refusing to depart after being warned to leave by the owner, lessee, or a person authorized by the owner or lessee. For field work, the authority of the person giving the warning can matter.

OFFICIAL SOURCE: [Florida Statute §810.08 — Trespass in structure or conveyance](#)

Trespass on property other than a structure — §810.09

Section 810.09 addresses property other than a structure or conveyance. Notice against entering or remaining can be communicated directly or, depending on the property, by legally sufficient posting, fencing, or cultivation. A public sidewalk and a restricted government work area are not legally interchangeable.

OFFICIAL SOURCE: [Florida Statute §810.09 — Trespass on property other than structure or conveyance](#)

FIELD CARD — ORDER TO LEAVE

“I will comply with the order. For my record, are you ordering me to leave the entire property or only this area, and under what law, policy, or authority?”

21. Detention, Identification and Florida's Stop-and-Frisk Law

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The controlling sequence: reasonable suspicion comes first

For an ordinary pedestrian encounter in Florida, an officer does not acquire authority to detain you merely because the officer wants to know who you are, because somebody called police, or because you are openly recording from a place where you are lawfully present. The legal threshold for an investigative detention comes first.

Florida Statute §901.151(2) authorizes a temporary detention when an officer encounters a person under circumstances reasonably indicating that the person has committed, is committing, or is about to commit a violation of Florida criminal law or a criminal county/municipal ordinance. The statute then authorizes detention for purposes including ascertaining identity and investigating the circumstances.

OFFICIAL SOURCE: [Florida Statute §901.151 — Stop and Frisk Law \(2026\)](#)

Consensual encounter: no general duty to provide ID merely because it is requested

An officer may approach, ask questions, and request identification during a consensual encounter. A consensual encounter does not itself supply the reasonable suspicion required for an investigative detention. For the ordinary pedestrian scenario addressed here, the officer's request or demand alone does not create a general obligation to produce a physical identification card.

Lawful investigative detention: §901.151 applies

If the required reasonable suspicion exists, §901.151 permits temporary detention for purposes including ascertaining identity. The detention may not last longer than reasonably necessary for its lawful purpose and generally may not extend beyond the place where it began or the immediate vicinity.

The key sequence is: objectively supportable suspicion of criminal activity first; investigative detention second; identity inquiry as one authorized purpose of that detention.

A citizen call does not automatically equal reasonable suspicion

Police may investigate a call about a person recording, but the existence of a call does not itself make lawful conduct criminal. Whether a detention is lawful depends on the facts known to the officer and whether those facts objectively support reasonable suspicion of an actual crime or criminal ordinance violation. Lawful recording does not become criminal merely because another person objects to it or calls police.

OFFICIAL SOURCE: [Eleventh Circuit — Smith v. City of Cumming](#)

Refusing identification is different from giving false identification

Florida Statute §901.36 makes it unlawful for a person who has been arrested or is lawfully detained to give a false name or otherwise falsely identify himself or herself to a law-enforcement officer or county jail personnel. It should not be rewritten as a universal statute requiring every pedestrian approached by police to carry and surrender a physical ID card.

OFFICIAL SOURCE: [Florida Statute §901.36 — false name or false identification \(2026\)](#)

Public-sidewalk recording example

Example: You are lawfully standing on a public sidewalk, openly recording, not trespassing, not physically interfering, and not violating another law. Someone calls police because they dislike being recorded. Officers may approach and investigate. If the encounter remains consensual, there is no general Florida requirement to hand over physical identification merely because an officer requests or demands it. To detain you under §901.151, the officer must have circumstances reasonably indicating that you committed, are committing, or are about to commit an actual criminal offense. If a lawful investigative detention exists, §901.151 permits detention for purposes including ascertaining identity. Do not give a false name or false identification if arrested or lawfully detained; §901.36 separately criminalizes that conduct.

FIELD CARD — ID DEMAND

CONSENSUAL ENCOUNTER: No general duty to provide physical ID merely because an officer asks or demands it.

INVESTIGATIVE DETENTION: §901.151 requires reasonable suspicion of a crime first; the lawful detention may then be used for purposes including ascertaining identity.

FALSE ID: If arrested or lawfully detained, do not give a false name or false identification. See §901.36.

STATUS: “Am I being detained, or am I free to leave?”

BASIS: “What crime do you reasonably suspect me of committing, having committed, or being about to commit?”

22. Resisting / Obstructing an Officer

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§843.02 — resisting without violence

Florida Statute §843.02 makes it a first-degree misdemeanor to resist, obstruct, or oppose specified officers or other legally authorized persons while they are executing legal process or lawfully executing a legal duty, without violence.

OFFICIAL SOURCE: [Florida Statute §843.02 — Resisting officer without violence](#)

§843.01 — resisting with violence

Section 843.01 addresses knowingly and willfully resisting, obstructing, or opposing specified officers or legally authorized persons by offering or doing violence while the officer/person is engaged in covered lawful duties.

OFFICIAL SOURCE: [Florida Statute §843.01 — Resisting with violence](#)

FIELD CARD — LAWFUL DUTY

“I do not intend to interfere. Please tell me where I may stand so I can continue observing and recording without obstructing your duties.”

23. Pepper Spray / Self-Defense Chemical Spray — Florida

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Florida Statute §790.001 defines a “self-defense chemical spray” as a compact device carried solely for lawful self-defense, designed to be carried on or about the person, containing not more than two ounces of chemical.

OFFICIAL SOURCE: [Florida Statute §790.001 — definitions](#)

Section 790.053 expressly permits open carrying of a self-defense chemical spray for lawful self-defense. Possession and use are separate questions.

OFFICIAL SOURCE: [Florida Statute §790.053 — Open carrying; self-defense chemical spray](#)

When force may be used

Section 776.012 governs use or threatened use of force in defense of a person. Nondeadly force is justified when and to the extent a person reasonably believes it is necessary to defend against another person’s imminent use of unlawful force, subject to the statute.

OFFICIAL SOURCE: [Florida Statute §776.012 — defense of person](#)

FIELD CARD — PEPPER SPRAY

Carry a qualifying self-defense chemical spray of no more than 2 oz. Possession does not itself justify use; deployment must still be legally justified by the circumstances.

24. Enforcing Florida Public-Records Rights

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Attorney fees — §119.12

Section 119.12 provides for reasonable enforcement costs, including reasonable attorney fees, in specified circumstances when a court determines that an agency unlawfully refused inspection/copying and the statutory notice requirements are satisfied. In general, written notice identifying the public-record request must be provided to the agency’s custodian at least five business days before filing the civil action, subject to the statute’s terms and exceptions.

OFFICIAL SOURCE: [Florida Statute §119.12 — Attorney fees](#)

FIELD CARD — BEFORE LEGAL ACTION

Preserve the original request, response, itemized fee estimate, denial, statutory exemptions asserted, dates/times, names, and all follow-up communications. If enforcement is contemplated, check §119.12’s current written-notice requirement before filing.

25. Government-Building Recording — Eleventh Circuit

Caution

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Smith v. City of Cumming protects recording of police conduct and matters of public interest on public property, subject to reasonable time, place, and manner restrictions. It does not make every interior space in every government building a traditional public forum or create an unrestricted right to record there.

In Sheets v. City of Punta Gorda (11th Cir. May 29, 2026), an unpublished Eleventh Circuit decision, the court reiterated that the general right to record public officials on public property is subject to forum analysis and reasonable restrictions. The court treated the

relevant municipal spaces as limited public forums for the claims before it and analyzed whether the restrictions were reasonable and viewpoint neutral.

In *Patrick v. Pasco County Florida Tax Collector* (11th Cir. June 16, 2026), also unpublished, the Eleventh Circuit upheld dismissal of a First Amendment challenge to a tax-collector-office recording policy. Patrick did not challenge the characterization of the lobby as a limited or nonpublic forum. The court held the policy reasonable in light of protecting sensitive documents and conversations, preventing distractions, and serving customers, and found it viewpoint neutral because it applied to all interior video recording without prior approval regardless of purpose or viewpoint.

Important precedential point: *Sheets* and *Patrick* are unpublished Eleventh Circuit opinions. Unpublished opinions are not binding precedent, although they may be cited as persuasive authority. *Smith* remains published binding Eleventh Circuit precedent. The newer cases illustrate how forum analysis can limit an overbroad reading of *Smith*; they should not be described as eliminating *Smith*'s recording right.

For field work, identify the actual forum, the legal authority and terms of the restriction, whether it is viewpoint neutral, the purpose of the space, and the government's stated justification. An internal policy is not automatically valid merely because an agency adopted it; the constitutional/forum analysis determines whether enforcement is lawful.

OFFICIAL SOURCE: [Smith v. City of Cumming \(11th Cir. 2000\)](#) | [Sheets v. City of Punta Gorda \(11th Cir. 2026, unpublished\)](#) | [Patrick v. Pasco County Florida Tax Collector \(11th Cir. 2026, unpublished\)](#) | [Eleventh Circuit opinions / precedential-status notice](#)

26. Field-Card Summary — Core Encounters and Records

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FIELD CARD — TRESPASS WARNING

“Are you ordering me to leave? Does that order apply to this specific area or the entire property? Who is authorizing the order?”

FIELD CARD — CONSENSUAL OR DETAINED

“Am I being detained, or am I free to leave?”

FIELD CARD — REASONABLE SUSPICION

“What crime do you reasonably suspect me of committing, having committed, or being about to

commit?”

FIELD CARD — NON-INTERFERENCE

“I do not intend to interfere. Tell me where I may stand to continue recording without obstructing your duties.”

FIELD CARD — RECORDS ENFORCEMENT

“Please identify the statutory exemption in writing. I am preserving this request and response for purposes of Chapter 119.”

FIELD CARD — ITEMIZED FEES

“Before I agree to or incur the charge, please provide an itemized estimate showing how each component was calculated and the statutory authority for it.”

27. Florida’s 25-Foot First-Responder Law — §843.31

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Florida Statute §843.31 does not create a blanket rule that every member of the public must remain 25 feet from every police officer or first responder. The statute has multiple elements that matter in the field.

- The person giving the warning must be someone you know or reasonably should know is a first responder.
- The first responder must be engaged in the lawful performance of a legal duty.
- You must first receive a verbal warning not to approach.
- After that warning, you must knowingly and willfully violate it by approaching or remaining within 25 feet.
- The conduct must be accompanied by the statutory intent: to impede/interfere with the duty, threaten physical harm, or “harass” as the statute specifically defines that term.

The offense is a second-degree misdemeanor. The statute defines “harass” narrowly as a willful course of conduct directed at a first responder that intentionally causes substantial emotional distress and serves no legitimate purpose.

FIELD CARD — 25-FOOT LAW

Florida §843.31 is NOT simply “police said stay 25 feet away.” The statute requires a verbal

warning, lawful performance of a legal duty, knowing/willful violation of the warning within 25 feet, AND the specified intent to impede/interfere, threaten physical harm, or statutorily harass.

OFFICIAL SOURCE: [Florida Statute §843.31 — Approaching a first responder with specified intent after a warning \(2026\)](#)

28. Police Seizure and Search of Phones, Cameras and Recordings

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Seizing the device and searching its contents are different Fourth Amendment events

A phone or camera can be physically taken into government custody without that automatically authorizing officers to browse its digital contents. The constitutional justification for the seizure and the justification for a digital search must each be analyzed.

Riley v. California — warrant generally required to search phone data

In *Riley v. California*, 573 U.S. 373 (2014), the U.S. Supreme Court held that the search-incident-to-arrest doctrine does not generally permit police to search digital information on a cell phone seized from an arrestee without a warrant. The Court recognized that modern phones contain immense quantities of highly private information. Other recognized warrant exceptions can still apply in appropriate circumstances, such as genuine exigent circumstances.

OFFICIAL SOURCE: [U.S. Supreme Court — Riley v. California, 573 U.S. 373 \(2014\)](#)

Florida search warrants

Florida Statute §933.05 requires a search warrant to be supported by probable cause and to name or describe the person, place, or thing to be searched and particularly describe the property or thing to be seized. A warrant does not become unlimited merely because it concerns a phone or camera.

OFFICIAL SOURCE: [Florida Statute §933.05 — Issuance and return of search warrants \(2026\)](#)

FIELD CARD — DEVICE SEARCH

“I do not consent to the seizure of my device, and I do not consent to any search of the device or its contents.”

FIELD CARD — WARRANT

“Do you have a warrant? I do not consent to expanding any search beyond the lawful scope of the warrant or another recognized exception.”

FACT: Saying that you do not consent does not physically prevent officers from acting under a warrant, probable-cause seizure, exigency, or another lawful authority. It records that the search or seizure was not voluntary consent.

29. Journalist-Specific Protection — Privacy Protection Act of 1980

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The federal Privacy Protection Act (PPA), 42 U.S.C. §2000aa et seq., is especially important for independent journalists because it can protect journalistic work-product and documentary materials from government searches and seizures undertaken in connection with investigation or prosecution of a criminal offense.

For work-product materials, §2000aa generally makes it unlawful for a government officer or employee to search for or seize protected materials possessed by a person reasonably believed to have a purpose to disseminate a newspaper, book, broadcast, or other similar public communication in or affecting interstate or foreign commerce. The statute contains important exceptions, including specified circumstances involving probable cause that the possessor committed the related offense and emergency circumstances involving death or serious bodily injury.

The Act is not limited to traditional newspaper employees. Its definitions include documentary materials such as photographs, films, audio or video recordings, and other materials, and the Act applies to governmental units beyond the federal government subject to its terms and effective-date provisions.

OFFICIAL SOURCE: [U.S. House — 42 U.S.C. §2000aa, Privacy Protection Act](#)

OFFICIAL SOURCE: [U.S. House — Privacy Protection Act chapter, definitions and remedies](#)

Civil remedy under the PPA

Section 2000aa-6 creates a civil cause of action for a person aggrieved by a search or seizure that violates the Act. The statute provides for actual damages with statutory liquidated damages of not less than \$1,000, and allows a court to award reasonable attorney fees and

litigation costs. The statute also contains defenses and rules concerning which governmental unit or officer may be sued.

OFFICIAL SOURCE: [U.S. House — 42 U.S.C. §2000aa-6, civil actions](#)

FIELD CARD — JOURNALISTIC MATERIAL

“These devices/materials contain journalistic work product and documentary material intended for public dissemination. I do not consent to their search or seizure. Please preserve the basis and legal authority for any action you take.”

CAUTION: The PPA is not an absolute shield. Its exceptions are detailed. Whether it applies can depend on what material is sought, why the government seeks it, whether the possessor is suspected of an offense, and other statutory conditions.

30. Passcodes, Passwords and Biometric Unlocking

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Memorized passcodes — Florida law remains nuanced

The Fourth Amendment question of whether government may search a device and the Fifth Amendment question of whether government may compel you to reveal or use an unlocking secret are distinct. Florida appellate courts have disagreed over compelled passcode disclosure, and the Florida Supreme Court has expressly described important aspects of the issue as unsettled in the pretrial posture before it.

In *Garcia v. State*, the Fifth District held that compelling oral disclosure of a memorized smartphone passcode was testimonial and protected by the Fifth Amendment, rejecting the foregone-conclusion theory on the facts before it. Other Florida appellate decisions have reached different conclusions in different circumstances. The Florida Supreme Court later noted this conflict and did not establish a simple statewide rule that every passcode is always protected or always compellable.

OFFICIAL SOURCE: [Florida Supreme Court — State v. Garcia, No. SC20-1419](#)

OFFICIAL SOURCE: [Florida Supreme Court — State v. Garcia \(review of 5D19-590\)](#)

OFFICIAL SOURCE: [Florida Fifth DCA — official companion passcode opinion discussing Garcia and G.A.Q.L.](#)

Biometrics are not automatically identical to a memorized passcode

Cases discussing fingerprints or other biometric unlocking have treated the compelled physical act differently from compelling a person to reveal knowledge stored in the mind. Do

not put “police can never force Face ID/fingerprint” or “police can always force biometrics” on a field card; warrant language, the type of compulsion, jurisdiction, and facts can matter.

FIELD CARD — UNLOCKING

“I do not consent to unlocking the device, providing a passcode or password, or using my biometric features to unlock it.”

FACT: This statement preserves non-consent; it is not a guarantee that a court cannot later issue a lawful order compelling some form of access.

31. Police Scenes, Perimeters and Recording Without Interference

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Smith v. City of Cumming recognizes a First Amendment right in the Eleventh Circuit, subject to reasonable time, manner, and place restrictions, to photograph or videotape police conduct and gather information about public officials on public property. That right does not grant a journalist a special entitlement to enter a secured crime scene, cross a lawful perimeter, physically interfere with police activity, or occupy a location from which the general public is lawfully excluded.

OFFICIAL SOURCE: [Eleventh Circuit — Smith v. City of Cumming](#)

For Florida field work, also read this together with §843.02 (resisting/obstructing without violence) and §843.31 (the 25-foot first-responder statute). Recording and observation are different from conduct that actually obstructs lawful duties.

OFFICIAL SOURCE: [Florida Statute §843.02 — Resisting officer without violence](#)

OFFICIAL SOURCE: [Florida Statute §843.31 — First-responder approach statute](#)

FIELD CARD — PERIMETER

“I will remain outside the restricted area. Where is the boundary that applies to the general public?”

FIELD CARD — NON-INTERFERENCE

“I am recording and do not intend to interfere. Please identify where I may lawfully stand while continuing to observe.”

PRESS STATUS: A press credential does not itself create a constitutional right to cross a police line or enter an area closed to the public. If an agency establishes a separate press-access system, that can create additional policy/equal-treatment questions, but it is not a blanket First Amendment pass.

32. Public Sidewalks and Traditional Public Forums

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Ordinary municipal streets and sidewalks have long received the strongest forum protection under First Amendment doctrine. The Supreme Court has repeatedly described public streets and sidewalks as archetypal or traditional public forums because of their historic role in public discussion and assembly. Content-neutral time, place, and manner restrictions can still be valid when they satisfy the applicable constitutional requirements.

This is especially relevant to the common auditor/journalist scenario: lawfully standing on an ordinary public sidewalk while observing or recording a matter of public interest begins from a much stronger First Amendment position than recording inside a nonpublic or limited government facility.

OFFICIAL SOURCE: [U.S. Supreme Court — McCullen v. Coakley, 573 U.S. 464 \(2014\)](#)

Important limitation: not every paved walkway on government property is automatically a traditional public forum. Forum status depends on the character, location, history, and purpose of the property. The Eleventh Circuit has recognized that government ownership and public access alone do not automatically turn every government walkway into a traditional public forum.

FIELD CARD — PUBLIC SIDEWALK

Ordinary municipal public sidewalk: strong traditional-public-forum protection. Confirm that the location is actually a public sidewalk/right-of-way and not a specialized government enclave, restricted facility, or private property.

33. Civil Remedies — 42 U.S.C. §1983 and Qualified Immunity

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42 U.S.C. §1983

Section 1983 provides a federal civil cause of action when a person acting under color of state law causes the deprivation of rights secured by the Constitution or federal law. It is a principal vehicle for litigating alleged First Amendment and Fourth Amendment violations by state or local officials. *Smith v. City of Cumming* itself involved a §1983 First Amendment recording claim.

OFFICIAL SOURCE: [U.S. House — 42 U.S.C. §1983](#)

OFFICIAL SOURCE: [Eleventh Circuit — *Smith v. City of Cumming*](#)

Qualified immunity

Individual government officials sued for damages under §1983 can invoke qualified immunity in circumstances where the doctrine applies. In simplified terms, qualified immunity can protect an official from damages unless the plaintiff shows a constitutional/statutory violation and that the relevant right was clearly established at the time. The precise analysis is case-specific; the existence of a constitutional right does not automatically mean damages will be available against an individual officer.

Municipal liability is a separate doctrine. A city or county is not automatically liable under §1983 merely because it employs the officer; claims against governmental entities can require proof tied to an official policy, custom, or other legally recognized basis.

FIELD CARD — PRESERVE A CIVIL-RIGHTS RECORD

Preserve original video/audio, metadata, contemporaneous notes, names/badge numbers, exact commands, locations, timestamps, witness information, dispatch/CAD records, bodycam/dashcam requests, policies in effect, and every written denial or records response. Do not edit or overwrite the originals.

34. Official Source Library — Civil Rights and Recording

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OFFICIAL SOURCE: [Fla. Stat. §843.31 — 25-foot first-responder statute](#)

OFFICIAL SOURCE: [Fla. Stat. §933.05 — Search warrants](#)

OFFICIAL SOURCE: [U.S. Supreme Court — *Riley v. California*](#)

OFFICIAL SOURCE: [42 U.S.C. §2000aa — Privacy Protection Act](#)

OFFICIAL SOURCE: [42 U.S.C. §2000aa-6 — PPA civil remedies](#)

OFFICIAL SOURCE: [Florida Supreme Court — *State v. Garcia*](#)

OFFICIAL SOURCE: [42 U.S.C. §1983 — Civil action for deprivation of rights](#)

OFFICIAL SOURCE: [Eleventh Circuit — Smith v. City of Cumming](#)

35. Courthouses, Courtrooms and Judicial Proceedings

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Courthouse access and courtroom recording must be separated into distinct questions. A courthouse is government property, but court security, judicial authority, statewide court rules, local administrative orders, and federal rules may lawfully regulate entry and recording. A rule is not valid merely because courthouse personnel call it a policy; identify the actual legal authority.

Florida courtroom coverage — Rule 2.450

Florida Rule of General Practice and Judicial Administration 2.450 provides that electronic media and still-photography coverage of public judicial proceedings in Florida appellate and trial courts shall be allowed subject to the presiding judge's authority to control proceedings, ensure decorum, prevent distractions, and ensure the fair administration of justice. The rule also contains limits on equipment, placement, movement, sound, lighting, and other courtroom conduct.

OFFICIAL SOURCE: [Florida Rule 2.450 — Technological Coverage of Judicial Proceedings](#)

Do not treat a right to cover a public judicial proceeding under Rule 2.450 as a blanket right to record every hallway, security checkpoint, clerk workspace, jury area, or restricted portion of a courthouse. Those locations may be governed by other court orders, security rules, property rules, or constitutional forum analysis.

FIELD CARD — COURTHOUSE / COURTROOM

Ask what legal authority governs the restriction: statewide court rule, administrative order, federal/local court rule, security regulation, or judge's order.

Florida public judicial proceedings: check Rule 2.450 and any case-specific order.

Do not assume courtroom authority automatically answers whether recording is permitted in every public common area of the building.

36. Florida Judicial Records and Court Files

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Florida judicial-branch records are governed principally by Florida Rule of General Practice and Judicial Administration 2.420 rather than by treating every court-record request as an ordinary Chapter 119 request. Rule 2.420 states that the public shall have access to judicial-branch records except as provided by the rule and other controlling law.

The rule covers court files, dockets, filed transcripts, documentary exhibits in the clerk's custody, and certain electronic records, while recognizing categories of confidential information and procedures for restricting access. For judicial-branch administrative records, Rule 2.420 requires written requests directed to the custodian, sufficient specificity to identify the records, and does not require disclosure of the reason for the request. A denial must state the basis in writing.

OFFICIAL SOURCE: [Florida Rule 2.420 — Public Access to Judicial Branch Records](#)

FIELD CARD — FLORIDA COURT RECORD

Identify whether you are seeking a court case record or a judicial-branch administrative record.

Use Rule 2.420 for judicial-branch access questions; do not automatically label the request a Chapter 119 request.

If access is denied, ask for the legal basis for confidentiality or restriction.

37. Public Schools, School Boards, Colleges and Universities

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School campuses are not ordinary public sidewalks

Florida law specifically regulates access to school grounds. Section 810.097 addresses trespass on school grounds or facilities. A person without legitimate business, authorization, license, or invitation who enters or remains on covered school property can fall within the statute, and remaining after the principal or designee directs the person to leave can create separate criminal exposure. This is statutory authority, not merely a school “policy.”

OFFICIAL SOURCE: [Florida Statutes §810.097 — Trespass upon grounds or facilities of a school](#)

Florida school-safety law also requires controlled access to many campus areas and authorizes school personnel to control access points. These safety statutes matter when distinguishing an open public meeting from general access to a K-12 campus during the school day.

OFFICIAL SOURCE: [Florida Statutes §1006.07 — School safety and access requirements](#)

School-board meetings

Covered school-board meetings are subject to Florida’s Sunshine Law and the public-meeting framework. Section 286.011 requires covered meetings to be open to the public, and §286.0114 generally requires a reasonable opportunity for the public to be heard on propositions before covered boards or commissions, subject to statutory exceptions and reasonable rules for orderly conduct and decorum.

OFFICIAL SOURCE: [Florida Statutes §286.011](#)

OFFICIAL SOURCE: [Florida Statutes §286.0114](#)

Public colleges and universities require their own property/forum analysis. Public ownership alone does not transform every classroom, office, residence hall, laboratory, or restricted campus area into an unrestricted public forum.

38. Federal Property and Post Offices

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GSA-controlled federal property — 41 C.F.R. §102-74.420

Federal property is governed by federal law and regulation in addition to constitutional limits. Under 41 C.F.R. §102-74.420, except where security regulations, rules, orders, or directives apply or a federal court order or rule prohibits it, persons entering federal property may take photographs of building entrances, lobbies, foyers, corridors, or auditoriums for news purposes. Space occupied by a tenant agency is treated differently under the regulation.

OFFICIAL SOURCE: [41 C.F.R. §102-74.420 — Photography on federal property](#)

Other federal-property regulations separately require compliance with official signs and lawful directions and prohibit conduct that unreasonably obstructs entrances or disrupts official duties. The existence of §102-74.420 therefore does not erase otherwise valid security restrictions or conduct rules; conversely, an employee’s unsupported statement that “filming is against policy” does not itself replace the regulation.

OFFICIAL SOURCE: [41 C.F.R. Part 102-74 conduct rules](#)

USPS Poster 7

USPS Poster 7 states that photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings, except where prohibited by official signs, Security Force personnel or other authorized personnel, or a federal court order or rule. Other photography is treated differently. Poster 7 should be read together with the underlying federal authority and any applicable security rule; it is not a free-standing constitutional override.

OFFICIAL SOURCE: [USPS Poster 7 — Rules and Regulations Governing Conduct on Postal Service Property](#)

FIELD CARD — FEDERAL BUILDING / POST OFFICE

Identify the property: GSA-controlled federal property, USPS property, federal courthouse, military property, or another specialized facility.

For GSA property, check 41 C.F.R. §102-74.420 and the other Part 102-74 conduct/security rules.

For USPS property, check Poster 7 and the underlying federal authority.

Ask for the specific regulation, court order, security directive, official sign, or other legal authority supporting a restriction.

39. State and Local Government Buildings: Lobbies, Offices and Restricted Areas

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Government ownership does not make every interior space a traditional public forum. A city-hall lobby, tax office, police lobby, records counter, employee workspace, secure hallway, and public sidewalk can receive different constitutional treatment. Recording restrictions must be analyzed using the nature of the forum, the government's lawful purpose for the space, applicable statutes or regulations, and binding case law.

The guide therefore does not use “building policy” as shorthand for legal authority. When a restriction is imposed, determine whether it is supported by a statute, ordinance, court order, regulation, legally authorized property rule, or a constitutionally valid forum restriction. An internal employee manual can be relevant to agency conduct but does not itself override constitutional or statutory rights.

This section should be read together with Sections 15, 20, 25 and 32 concerning government property, trespass, Eleventh Circuit government-building recording cases, and public sidewalks.

40. Florida Journalist's Privilege — §90.5015

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What this privilege actually is: §90.5015 is an evidentiary privilege for certain legal proceedings. It is not a license to practice journalism, a general definition of who counts as “the media,” or a requirement for exercising ordinary First Amendment, public-records, or public-meeting rights.

Who the statute covers

For this section only, Florida defines a “professional journalist” as a person regularly engaged in collecting, photographing, recording, writing, editing, reporting, or publishing news for gain or livelihood, when the information sought was obtained while the person was working as a salaried employee of, or independent contractor for, one of the news organizations listed in the statute. A completely self-published independent journalist who is not an employee or contractor of a listed organization should not assume that this particular statutory privilege applies merely because the person is engaged in journalism.

IMPORTANT — NOT FLORIDA'S GENERAL DEFINITION OF A JOURNALIST

Failing to fit §90.5015's definition does not, by itself, mean a person is not a journalist or is not engaged in journalism. It means the person may fall outside this particular Florida evidentiary privilege. An independent journalist may still publish blogs, newsletters or zines, post news video to social media, gather news, request Florida public records, attend public meetings, and invoke generally applicable constitutional and statutory rights when those laws apply.

What the privilege protects

A qualifying professional journalist has a qualified privilege not to be a witness concerning, and not to disclose, information — including a source's identity — obtained while actively gathering news within the normal scope of the journalist's work. In practical terms, the privilege can be invoked when a party in a legal proceeding attempts to compel qualifying newsgathering information or testimony.

It is qualified, not absolute

A court may overcome the privilege only after the party seeking disclosure makes the statute's required clear and specific showing: (1) the information is relevant and material to

unresolved issues in the proceeding; (2) it cannot be obtained from alternative sources; and (3) a compelling interest exists for requiring disclosure. If that showing is made, the court is to order disclosure only of the portion for which the showing was established and must support the order with clear and specific findings after a hearing.

Major statutory exclusions

The privilege does not apply to physical evidence, eyewitness observations of crimes, or visual or audio recordings of crimes. This matters directly to field journalism: footage that actually records a crime is specifically excluded from this statutory privilege, even when recorded by a journalist who otherwise qualifies.

Publication does not automatically waive it

For a journalist who qualifies under the statute, publishing or broadcasting information does not by itself waive the §90.5015 privilege.

If you do not qualify under §90.5015

Florida Evidence Code §90.501 starts from the general rule that a person in a legal proceeding has no privilege to refuse to be a witness, refuse to disclose a matter, or refuse to produce an object or writing unless a privilege is supplied by the Evidence Code, another statute, or the federal or Florida Constitution. Therefore, a self-published journalist who falls outside §90.5015 should not rely on that statute as a shield against a subpoena or compelled testimony. Other protections may still apply depending on what the government or litigant is trying to obtain and how — including constitutional protections, the federal Privacy Protection Act discussed elsewhere in this guide, and other applicable law.

Different legal mechanisms must be kept separate

A subpoena or court order seeking testimony or production, a search warrant used by government agents to seize materials, and a voluntary request from police are not the same thing. Section 90.5015 principally concerns privilege against compelled testimony/disclosure in legal proceedings. The federal Privacy Protection Act and Fourth Amendment rules discussed elsewhere in this guide address different forms of government search and seizure. Do not treat one protection as a substitute for another.

FIELD CARD — FLORIDA JOURNALIST'S PRIVILEGE (§90.5015)

WHAT IT IS: A qualified evidentiary privilege against certain compelled testimony/disclosure for journalists who satisfy the statute's specific definition.

WHAT IT IS NOT: A press license or Florida's universal definition of who is a journalist/media.

SELF-PUBLISHED JOURNALIST: Do not assume §90.5015 applies if you work only for yourself and are not an employee or independent contractor of a listed news organization.

EXCLUSIONS: The statutory privilege does not cover physical evidence, eyewitness observations of

crimes, or visual/audio recordings of crimes.

OTHER RIGHTS: Falling outside §90.5015 does not erase generally applicable First Amendment, Chapter 119, Sunshine Law, Privacy Protection Act, or other rights that independently apply.

OFFICIAL SOURCE: [Florida Statutes §90.5015 — Journalist’s privilege](#) | [Florida Statutes §90.501 — Privileges recognized only as provided](#)

FIELD CARD — REPORTER PRIVILEGE

Florida §90.5015 is a qualified privilege, not an absolute privilege.

Qualification depends on the statute’s definition of “professional journalist.”

Independent contractor status can qualify, but only within the statute’s listed requirements.

The privilege expressly does not cover every category of material; read the statutory exclusions before asserting it.

41. Subpoenas and Government Demands for Footage, Notes and Sources

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A subpoena, a search warrant, an informal police request, and a court order are legally different mechanisms. A voluntary request does not become compulsory merely because a government official asks for material. A subpoena can create legal obligations and procedural deadlines, while a search warrant authorizes a search or seizure within its lawful scope. Journalist privilege, the Privacy Protection Act, constitutional protections, and other rules may affect what the government can obtain and by what method.

The Privacy Protection Act generally restricts government searches and seizures of qualifying journalistic work-product and documentary materials in connection with criminal investigations, subject to statutory exceptions. Congress provided a separate civil remedy for violations. This protection can matter when the government seeks unpublished recordings, photographs, notes, drafts, or other newsgathering materials.

OFFICIAL SOURCE: [42 U.S.C. §2000aa — Privacy Protection Act](#)

OFFICIAL SOURCE: [42 U.S.C. Chapter 21A — Privacy Protection Act remedies and definitions](#)

Florida §90.5015 may also apply to qualifying professional journalists, but its exclusions matter. In particular, the statute states that the privilege does not apply to visual or audio

recordings of crimes. That statutory exclusion should not be confused with a rule that police may simply seize a journalist's device without satisfying other applicable law.

42. 911 Calls, CAD, Dispatch and Active Criminal Investigations

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Florida public-record analysis for police incidents requires separating the existence of a record from whether some or all of its contents are exempt. “Active criminal investigative information” and “active criminal intelligence information” have statutory definitions. Under §119.011, criminal investigative information remains “active” while tied to an ongoing investigation continuing with a reasonable, good-faith anticipation of securing an arrest or prosecution in the foreseeable future, and while directly related to pending prosecutions or appeals. The definition does not apply indefinitely merely because an agency labels a file active.

OFFICIAL SOURCE: [Florida Statutes §119.011 — Definitions, including active criminal investigative information](#)

Section 119.071 contains numerous law-enforcement exemptions, including victim/witness and investigative information categories. A proper response may therefore involve redaction or temporary withholding of particular information rather than treating every record connected to an investigation as permanently secret. Section 119.07's requirement to identify the statutory basis for withholding remains important.

OFFICIAL SOURCE: [Florida Statutes §119.071 — General exemptions from inspection or copying](#)

FIELD CARD — ACTIVE INVESTIGATION CLAIM

Ask which specific statutory exemption applies to the requested record or portion.

If “active investigation” is cited, compare the agency's position with the statutory definition of “active” in §119.011.

Ask for nonexempt portions to be produced with exempt information redacted where the law requires segregation.

43. Records Retention and Preservation Requests

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Florida's public-records law and Florida's records-retention rules answer different questions. Chapter 119 governs access to existing public records; retention schedules govern minimum periods for which agencies must retain categories of records. The Florida Department of State publishes General Records Schedules. GS2 applies to criminal justice agencies and district medical examiners and includes law-enforcement record categories, including video/audio records.

OFFICIAL SOURCE: [Florida Department of State — General Records Schedules](#)

OFFICIAL SOURCE: [GS2 — Criminal Justice Agencies and District Medical Examiners](#)

The Department of State explains that general schedules establish minimum retention periods; agencies may retain records longer and may not reduce the required retention period. The exact schedule item must be identified for the record involved rather than assuming every body-camera, dash-camera, CAD, dispatch, or investigative record has the same retention period.

OFFICIAL SOURCE: [Florida Department of State — Records Management FAQ](#)

A preservation request is different from a public-records request. A preservation request puts an agency on notice that identified material should not be destroyed under ordinary disposition practices because it may be relevant to a dispute, claim, investigation, or anticipated litigation. Whether a particular preservation duty is legally enforceable depends on the circumstances; the request itself is not a magic statute that automatically changes every retention schedule.

FIELD CARD — PRESERVE RECORDINGS

Identify the incident, date/time, location, officers/units if known, and the specific records to preserve.

Send the public-records request separately if you also want copies.

Check the applicable Department of State retention schedule item instead of assuming a universal retention period.

44. Florida Sunshine Law — Enforcement and Violations

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Florida's Sunshine Law is not merely an agency meeting policy. Section 286.011 declares covered meetings open to the public, requires reasonable notice, requires minutes, and provides civil and criminal consequences in specified circumstances. Actions taken in violation can also face judicial challenge.

OFFICIAL SOURCE: [Florida Statutes §286.011 — Sunshine Law](#)

Section 286.0114 generally provides a reasonable opportunity to be heard on propositions before covered boards or commissions, but expressly permits rules maintaining orderly conduct and proper decorum and contains exceptions. A decorum rule should therefore be distinguished from a claim that officials may close a meeting or suppress protected activity merely because they prefer not to be observed or criticized.

OFFICIAL SOURCE: [Florida Statutes §286.0114 — Opportunity to be heard](#)

45. Statewide Field Cards — Courts, Federal Property and Records

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FIELD CARD — LAW vs. POLICY

“Policy” does not override the Constitution or controlling law.

Ask: What is the legal authority for this restriction?

Distinguish statutes, regulations, court rules and ordinances from internal agency procedures.

A legally authorized and constitutional property/forum restriction may be enforceable even if implemented through a policy; the label alone proves neither validity nor invalidity.

FIELD CARD — SUBPOENA / FOOTAGE DEMAND

Identify what you received: informal request, subpoena, warrant, or court order.

Check Florida §90.5015 if you may qualify for the statutory journalist privilege.

Check the federal Privacy Protection Act, 42 U.S.C. §2000aa, for qualifying journalistic materials.

Do not treat a request and a compulsory legal process as the same thing.

46. Florida Defamation Law — Libel, Slander and Retractions

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Defamation law governs false statements of fact that injure reputation. For a working journalist, the central distinction is between provably false factual assertions and protected opinion, rhetorical hyperbole, or substantially true reporting. The constitutional fault standard also changes when the plaintiff is a public official or public figure.

Public officials, public figures and actual malice

Under *New York Times Co. v. Sullivan* and later cases, a public official cannot recover for defamatory falsehood relating to official conduct without proving “actual malice” — knowledge that the statement was false or reckless disregard for whether it was false. “Actual malice” is a legal term about the publisher’s state of mind; it does not simply mean hostility, bias, or ill will.

Florida pre-suit notice

Florida §770.01 requires a plaintiff, before bringing a civil action for libel or slander published or broadcast in a newspaper, periodical, or other medium, to serve written notice at least five days before filing and identify the article or broadcast and the allegedly false and defamatory statements. Section 770.02 provides a damages-limiting correction/retraction framework for newspapers, periodicals, and broadcasts when its statutory conditions are met. Because the wording and coverage of §§770.01 and 770.02 are not identical, a self-published website, social-media account, or other new format should not assume every retraction provision applies identically.

Reporting discipline

Accurate quotation does not automatically eliminate defamation risk if the surrounding presentation creates a materially false implication. Attribute allegations, distinguish allegations from established facts, preserve source material, and correct material factual errors. A correction can matter legally and journalistically, but publishing a correction is not a universal admission of liability.

OFFICIAL SOURCE: [Florida Chapter 770 — Defamation](#) | [§770.01 — Pre-suit notice](#) | [§770.02 — Correction/retraction](#) | [U.S. Supreme Court opinions](#)

47. Privacy Claims and Publication of Personal Information

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Florida recognizes privacy interests that are separate from defamation. A report can be factually true and still raise a different privacy question depending on how the information was obtained, whether it was genuinely private, and whether publication concerns a legitimate matter of public interest.

Public disclosure of private facts

Florida recognizes the tort commonly described as public disclosure of private facts. The Florida Supreme Court's *Cape Publications v. Hitchner* formulation focuses on publicity concerning private life that would be highly offensive to a reasonable person and is not of legitimate public concern. Information already contained in public records receives materially different treatment; Florida precedent has emphasized that publication of lawfully obtained public-record information is not the same as exposing a genuinely private fact.

Intrusion into seclusion

Newsgathering conduct itself can create liability even if nothing is ultimately published. Florida intrusion law focuses on intrusion into a place or private sphere where a reasonable expectation of privacy exists. Being able to see or hear something does not automatically mean every method of obtaining it is lawful.

Name and likeness — §540.08

Florida §540.08 restricts unauthorized use of a person's name or likeness for trade, commercial, or advertising purposes, but expressly contains exceptions including bona fide news reports or presentations involving current and legitimate public interest when the likeness is not used for advertising. News reporting and commercial endorsement are therefore legally distinct uses.

OFFICIAL SOURCE: [§540.08 — Unauthorized publication of name or likeness](#)

48. Recording or Photographing Private Property from a Lawful Public Vantage Point

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A journalist standing in a place where he or she is lawfully entitled to be does not generally commit trespass merely by observing or photographing what is exposed to ordinary public view. That principle does not create a right to physically enter private property, cross a lawful barrier, remain after a valid trespass notice, or use every possible surveillance technique.

Public view versus private intrusion

The legal analysis changes when technology or conduct is used to penetrate a genuinely private space rather than document what is openly visible from a lawful vantage point. Florida's privacy torts, Chapter 934, drone statute, trespass law, stalking/harassment laws, and other specialized statutes can become relevant depending on the method used.

A property owner's dislike of being photographed from outside the property does not itself convert a lawful public vantage point into private property. The key questions remain where the journalist is located, what is actually visible or audible, what method is being used, and whether another law independently prohibits the conduct.

OFFICIAL SOURCE: [§810.09 — Trespass on property other than structure/conveyance](#) | [§934.50 — Florida drone surveillance statute](#)

49. Undercover Newsgathering, Hidden Cameras and Florida Chapter 934

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Undercover reporting does not create a journalism exception to generally applicable criminal or civil law. Hidden-camera and hidden-audio work should be analyzed separately: recording images and intercepting protected oral communications are not always governed by the same rule.

Florida's definition of protected oral communication

Florida §934.02 defines an "oral communication" as an oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying that expectation. The definition expressly excludes a public oral communication uttered at a public meeting. Section 934.03 then regulates interception and disclosure of covered communications.

This is why reducing Florida law to the slogan "two-party consent" can be misleading. The threshold question includes whether the communication is a protected "oral communication" under the statutory definition. A private conversation can present very different issues from words openly spoken in circumstances where no justified expectation against interception exists.

Deception, access and trespass

Misrepresenting identity or purpose can create separate legal issues depending on what the deception accomplishes. Journalism does not create a general right to obtain entry to

nonpublic property by fraud, remain after lawful consent is withdrawn, impersonate protected officials, or violate otherwise applicable statutes.

OFFICIAL SOURCE: [§934.02 — Definitions](#) | [§934.03 — Interception/disclosure](#)

50. Protests, Demonstrations, Riots, Dispersal Orders and Emergency Measures

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Peaceful protest activity, observation, and journalism should be distinguished from conduct that satisfies a criminal statute. Florida §870.01 defines riot in terms of willful participation in a violent public disturbance involving an assembly of three or more persons acting with common intent in violent and disorderly conduct and producing specified harms or imminent dangers. Mere presence near a disturbance is not the statutory definition of riot.

Florida §870.02 separately addresses an unlawful assembly of three or more persons meeting to commit a breach of the peace or another unlawful act. Chapter 870 also contains procedures for local emergency declarations and discretionary emergency measures.

Journalists are not automatically exempt from generally applicable scene controls

Press status does not create a blanket exemption from lawful dispersal orders, curfews, emergency zones, police lines, or neutral restrictions that are otherwise valid. At the same time, an officer or agency cannot transform protected observation or recording into prohibited conduct merely by labeling the journalist a protest participant. The actual statute, order, facts, and constitutional limits control.

Document the legal basis

When an emergency restriction is invoked, identify the issuing authority, geographic scope, effective time, statutory basis, and exact conduct prohibited. A verbal assertion that an area is restricted is not the same thing as establishing what legal authority created the restriction.

OFFICIAL SOURCE: [Chapter 870 — Affrays, riots and unlawful assemblies](#) | [§870.01 — Affrays and riots](#) | [§870.02 — Unlawful assemblies](#)

51. Breaking-News Scenes, Fires, Crashes and Declared Emergencies

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Breaking-news scenes combine ordinary First Amendment principles with scene-specific safety and emergency authority. Journalists generally have no special constitutional right to cross a valid police/fire perimeter simply because the event is newsworthy. Conversely, a restriction still needs a lawful basis; “policy” alone is not a substitute for statutory, regulatory, property-management, or emergency authority.

For hurricanes, evacuations, civil emergencies, hazardous-material incidents, fires, crashes, and active rescue operations, determine whether the restriction comes from a statute, emergency declaration/order, fire or law-enforcement authority, property right, or another legally enforceable source. The existence of danger can support restrictions, but it does not erase the need to identify the legal framework.

The strongest practical distinction for the guide is: access to a restricted scene and the right to record a scene from a lawful location are separate questions.

OFFICIAL SOURCE: [Florida Chapter 252 — Emergency Management](#) | [Florida Chapter 870](#)

52. Copyright, Fair Use and Journalistic Material

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Newsworthiness does not eliminate copyright. Facts are not protected by copyright, but original expression — including photographs, articles, graphics, video, music, and many social-media posts — can be protected. Attribution is ethically useful but does not itself create permission to copy.

Fair use

17 U.S.C. §107 identifies criticism, comment, and news reporting as examples of purposes that may qualify as fair use, but there is no automatic “news reporting exception.” Courts weigh purpose and character, nature of the copyrighted work, amount/substantiality used, and market effect. There is no fixed safe percentage, number of seconds, or number of words.

Government material

Federal government works prepared by federal officers or employees as part of official duties are generally outside federal copyright protection under 17 U.S.C. §105, subject to important

limits and exceptions. State and local government material is not automatically public domain under §105 merely because it is a public record.

Your own work

Your original articles, photographs, video, graphics, and other copyrightable authorship are generally protected by copyright when fixed in a tangible medium. Registration is not what creates the copyright, although registration can be important to enforcement and remedies. The Copyright Office now also provides a group-registration mechanism for qualifying updates to news websites.

OFFICIAL SOURCE: [17 U.S.C. §107 — Fair use](#) | [U.S. Copyright Office — Fair Use](#) | [Copyright basics](#) | [News website group registration](#) | 17 U.S.C. §105 — U.S. Government works: [official U.S. Code](#)

53. Leaked, Stolen or Unlawfully Obtained Information

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There is a critical distinction between participating in unlawful acquisition and lawfully receiving information from a source who obtained it unlawfully. Journalists do not receive a general immunity to hack, steal, trespass, intercept protected communications, or direct another person to commit a crime.

At the same time, First Amendment precedent can protect publication by a person who did not participate in the unlawful interception when the publisher lawfully obtained truthful information concerning a matter of public concern. In *Bartnicki v. Vopper*, the U.S. Supreme Court protected disclosure on the particular facts before it where the publishers had not participated in the illegal interception.

Bartnicki is not a universal “leaks are always protected” rule. Different statutes can protect classified information, grand-jury material, medical information, trade secrets, intimate images, court-sealed material, and other categories. The journalist’s own role in acquisition matters enormously.

OFFICIAL SOURCE: [U.S. Supreme Court — *Bartnicki v. Vopper*, 532 U.S. 514](#)

54. Confidential and Anonymous Sources

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A promise of confidentiality is different from a legal privilege. A journalist may promise a source anonymity, but that promise does not automatically prevent a court or litigant from attempting to compel disclosure. Whether the journalist can legally resist depends on the applicable privilege, constitutional law, subpoena rules, and the facts.

For a self-published independent journalist who may fall outside Florida §90.5015's statutory definition, this distinction is especially important. Do not describe a source as "legally protected" merely because you promised confidentiality.

Keep source identity separate from publishable material when possible, document the exact terms of any confidentiality agreement, and distinguish "off the record," "background," "not for attribution," and "confidential source" in your own editorial practices. Those terms are often journalistic conventions rather than self-executing legal privileges.

Government employees and contractors may also be subject to independent secrecy, employment, records, or disclosure laws. A source's legal exposure and the journalist's publication rights are separate questions.

OFFICIAL SOURCE: [§90.5015 — Florida journalist's privilege](#) | [42 U.S.C. §2000aa — Privacy Protection Act](#)

55. Press Credentials, Self-Issued Press IDs and Media Access

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There is no universal Florida or federal press license that a person must obtain before engaging in journalism. A credential ordinarily identifies the holder or grants access under a particular credentialing system; it does not create the underlying First Amendment right to gather news.

What credentials can do

A government agency, court, event organizer, venue, or incident command may operate a credentialing system for access to areas that are not open to the general public. A credential can therefore have practical and sometimes legally significant access consequences within that specific system.

What credentials do not do

A credential does not authorize trespass, defeat a lawful perimeter, override a court order, nullify a valid security restriction, or create immunity from generally applicable law. Conversely, lack of a press credential does not erase rights that belong to everyone, such as

applicable First Amendment rights in public forums, Florida public-record rights, or the right to attend meetings that are legally open to the public.

Self-issued press identification

A self-issued press card can truthfully identify your role and outlet, but it does not compel a government official or private venue to recognize you under a separate credentialing program. It should not falsely imply issuance or endorsement by a government agency or another organization.

OFFICIAL SOURCE: [Smith v. City of Cumming — Eleventh Circuit](#) | [Florida Attorney General — Open Government](#)

FIELD CARD — PUBLICATION / HIGH-RISK NEWSGATHERING

DEFAMATION: Separate verified fact from allegation, opinion, and inference. Preserve source material.

PRIVACY: Truth does not automatically eliminate every privacy claim; acquisition method and legitimate public concern can matter.

HIDDEN AUDIO: Analyze Chapter 934's protected-communication definition before assuming a recording is lawful.

PROTESTS / EMERGENCIES: Identify the actual statute, order, perimeter, curfew, or emergency authority — not merely a stated “policy.”

COPYRIGHT: News reporting can support fair use, but it is not an automatic copyright exemption.

LEAKS: Lawfully receiving information is legally different from participating in hacking, theft, trespass, or illegal interception.

CREDENTIALS: Useful for identification/access systems; not a universal press license and not the source of ordinary constitutional rights.

56. Traffic Stops, Roadside Recording and Vehicle Encounters

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Traffic-stop law must be separated from encounters involving a journalist who is merely occupying a lawfully parked vehicle. The presence of a vehicle does not itself create a traffic stop, and sitting in the driver's seat does not automatically create a compulsory identification encounter.

Journalist using a parked vehicle

A journalist may use a parked vehicle as a mobile workspace: writing notes, checking directions, waiting for an event, monitoring a scene, charging equipment, using air

conditioning, or otherwise preparing to report. If the vehicle is lawfully parked and an officer approaches, the encounter may begin as a consensual police-citizen encounter rather than a traffic stop.

Florida appellate decisions recognize that officers may approach an occupied parked vehicle, illuminate it, knock on a window, speak with the occupant, and request identification without the initial encounter necessarily becoming a seizure. In a consensual encounter, a request for identification is legally different from a compulsory identification requirement.

IMPORTANT: Driver's seat + seat belt on or off + engine running does not, by itself, mean that police may detain the occupant solely to compel identification. Florida appellate authority has treated an officer's order to a person in a parked vehicle to turn off a running engine as a show of authority that can convert a consensual encounter into a seizure. The legality of that seizure then depends on a lawful basis such as reasonable suspicion or an applicable welfare/safety justification.

Accordingly, §322.15 should not be read as granting police unrestricted authority to detain anyone found sitting behind the wheel merely to demand a driver's license. The statute imposes a driver's-license possession/presentation duty while operating a motor vehicle; the Fourth Amendment question of whether police may detain the person is a separate issue.

Useful threshold question: “Am I being detained, or am I free to leave?” If the encounter remains consensual, the officer may ask for identification, but a request is not automatically a compulsory demand. If the person is detained, the legal basis for the detention must be analyzed. Additional facts—such as an observed traffic violation, reasonable suspicion of another offense, unlawful parking, a valid welfare concern, or another lawful basis—can change the analysis.

Actual traffic stop while driving

When an officer lawfully stops a person who has been driving, driver-specific statutory duties apply. Florida §322.15 requires a licensee to have the driver's license in immediate possession while operating a motor vehicle and to present or submit it on demand of a law-enforcement officer or authorized department representative. This driver-specific rule should not be imported wholesale into ordinary pedestrian encounters or consensual encounters with occupants of parked vehicles.

Recording your own traffic stop

A police officer's statement that recording is prohibited does not, by itself, make recording unlawful. The Eleventh Circuit recognizes a First Amendment right, subject to reasonable time, place, and manner restrictions, to photograph or videotape police conduct. The legal

question is therefore not simply whether an officer said “stop recording,” but what lawful and constitutionally valid authority supports the restriction in the circumstances.

Traffic-stop safety commands and recording restrictions are separate legal questions. An officer may have lawful authority to control movement during a traffic stop. A lawful safety command does not automatically create authority to require a camera to be turned off merely because the officer does not want to be recorded. Recording can continue unless the manner of recording independently violates a lawful restriction or actually interferes with the officer's duties.

Scope of this guide

This journalism guide addresses traffic encounters only where they intersect with reporting and recording. Detailed traffic-stop subjects—passenger identification, orders to exit, windows, keys/engine, registration and insurance, consent searches, vehicle-search doctrines, K-9s, extension of stops, DUI investigations, sobriety checkpoints, field sobriety exercises, chemical testing, impound/inventory searches, and when a stop must end—belong in a separate Florida Traffic Stop Legal Guide.

OFFICIAL SOURCE: [Florida Statutes §322.15 — License carried and exhibited on demand](#) | [Florida Fourth DCA — parked-vehicle consensual encounter authority](#) | [Smith v. City of Cumming — Eleventh Circuit](#) | Florida appellate traffic opinions — parked vehicle / engine-running encounter: [official Florida Courts PDF](#)

57. Jails, Prisons and Detention Facilities

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Correctional facilities combine public-record law, institutional security, property access, inmate rights, and facility-specific regulations. Press status does not create a constitutional right to enter secure areas or conduct an in-person inmate interview on demand.

A lobby or public records office is not legally identical to a secure housing unit, intake area, control room, or restricted perimeter. Restrictions should be traced to the actual statutory, regulatory, property-management, court-order, or security authority rather than described simply as “facility policy.”

Records versus physical access

The inability to enter a secure correctional area does not itself determine whether a related government record is public. Requests for incident reports, policies, use-of-force records, contracts, video, disciplinary material, or other records remain Chapter 119 questions subject to specific exemptions.

Inmate communications and interviews

Mail, telephone, electronic messaging, visitation, recording, and interviews may be governed by correctional statutes and rules. The legal question is not merely whether a journalist wants access; it is what form of communication is permitted under the controlling correctional framework and whether a particular record or communication is confidential or exempt.

OFFICIAL SOURCE: [Florida Chapter 944 — State Correctional System](#) | [Florida Administrative Code — Department of Corrections](#)

58. Hospitals, EMS, HIPAA and Medical Newsgathering

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HIPAA is frequently misunderstood as a general prohibition on journalists photographing, receiving, discussing, or publishing medical information. It is not. The HIPAA Privacy Rule principally regulates covered entities and business associates. Whether a journalist may lawfully gather or publish information is a separate question involving access, consent, trespass, privacy torts, Chapter 934, and other law.

What HIPAA means for media access

HHS states that a health-care provider may not invite or allow media into treatment or other areas where protected health information will be accessible without the required patient authorization. HHS also states that HIPAA does not require providers to keep media out of facility areas otherwise generally accessible to the public, such as some public waiting or entrance/exit areas.

That does not create a journalist's right to enter a hospital treatment area. Property rights, patient privacy, safety, facility access rules supported by lawful authority, and other statutes remain relevant.

EMS and public scenes

The fact that paramedics are treating someone in a publicly visible location does not make the journalist a HIPAA-covered entity. But police/fire perimeters, interference statutes, privacy claims, Chapter 934, and restrictions on obtaining protected records from a covered entity can independently matter.

OFFICIAL SOURCE: [HHS — Media and HIPAA](#) | [HHS — Covered entities](#)

59. Medical Examiners, Autopsies and Death-Investigation Records

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Florida medical-examiner records require record-by-record analysis. Section 406.13 requires medical examiners to maintain records and detailed autopsy/laboratory findings, while §406.135 creates important confidentiality rules for specified autopsy material.

Autopsy photographs, video and audio

Under §406.135, autopsy photographs and video/audio recordings are confidential and exempt, subject to access by specified surviving relatives, designated agents, governmental entities performing official duties, and court-ordered access upon the statutory good-cause showing. The statute specifies factors a court must consider, including public evaluation of governmental performance and the family's privacy.

Certain autopsy reports

The current statute also restricts autopsy reports of persons whose manner of death was determined to be suicide and autopsy reports of minor victims whose death was related to domestic violence, subject to the detailed access and court-order provisions in §406.135. Do not treat every autopsy report as categorically open or categorically closed.

Death certificates, law-enforcement records, medical-examiner investigative records, autopsy findings, photographs, and recordings are different record categories and may have different rules.

OFFICIAL SOURCE: [§406.13 — Examiner records](#) | [§406.135 — Autopsy confidentiality](#)

60. Election Reporting, Polling Places and Vote-Count Observation

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Election journalism involves special location-specific statutes. Ordinary public-forum assumptions should not be carried into the polling room without checking Chapter 102.

Who may enter polling rooms and early-voting areas

Florida §102.031 gives election boards authority to maintain order and specifies who may enter polling rooms, polling places that are also polling rooms, and early-voting areas during voting hours. A press credential does not itself override those statutory access provisions.

150-foot no-solicitation zone

Section 102.031 also regulates solicitation within 150 feet of the entrance to a polling place, drop-box location, or supervisor-of-elections office where voting activities are occurring. Journalism, interviewing, electioneering, solicitation, exit polling, and merely standing in a location are not interchangeable concepts; the exact conduct and statutory language matter.

Canvassing and counting

Observation of canvassing-board proceedings and election records should be analyzed under the election statutes together with Florida's public-meeting/public-record framework. Restrictions on ballot secrecy and voter information remain independently applicable.

OFFICIAL SOURCE: [§102.031 — Order at polls/access/solicitation](#) | [Florida Division of Elections](#)

61. Government Employees as Sources and Florida Whistle-Blower Law

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A government employee talking to a journalist raises at least three different questions: the employee's own speech/employment rights, whether the information is legally confidential, and the journalist's separate right to receive or publish it. These questions should not be collapsed into one.

Florida Whistle-blower's Act

Florida §§112.3187–112.31895 provide statutory protections and procedures for specified disclosures and retaliation. Section 112.3187 protects qualifying disclosures concerning specified violations, gross mismanagement, malfeasance, misfeasance, gross waste, fraud/abuse, or gross neglect, but the statute also contains requirements concerning the nature of the disclosure, to whom it is made, procedures, and deadlines.

A source telling a journalist something does not automatically mean the source has satisfied the statutory whistleblower procedure. Conversely, the source's employment-law protection and the journalist's publication rights are separate legal issues.

Confidential or exempt information

Public employment does not make every government-held fact public. Criminal intelligence, protected personal information, medical data, security information, sealed material, and other categories can be confidential or exempt. The legal consequences for the employee who discloses information can differ from the consequences for a journalist who later receives it.

62. Minors, Juvenile Matters and Protected Identities

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Reporting involving minors requires special attention because juvenile justice, dependency, education, sexual-offense, abuse, and court-record laws can impose confidentiality rules that do not apply to ordinary adult proceedings.

Do not use a single rule such as “juvenile records are confidential” for every situation. Florida law contains exceptions, differing treatment for particular offenses and records, and separate rules governing delinquency, dependency, schools, law enforcement, courts, and victim information.

Obtaining information versus publishing it

A record being confidential can restrict the government custodian’s disclosure without necessarily answering every question about publication by a journalist who lawfully obtains the information elsewhere. Conversely, lawful access to information does not automatically resolve privacy, court-order, sexual-offense-victim, or other publication restrictions. Analyze the source and the publication rule separately.

When a court has entered a sealing, confidentiality, or protective order, identify exactly who is bound by the order and what information it covers rather than assuming the order automatically binds every member of the public.

OFFICIAL SOURCE: [Florida Chapter 985 — Juvenile Justice](#) | [Florida Courts — Access to Court Records](#)

63. Drones and Aerial Newsgathering

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Drone journalism has two overlapping legal layers: federal aviation law governs operation in the National Airspace System, while Florida law can regulate privacy and surveillance conduct. A journalist must comply with each layer that applies to the particular operation.

FAA rules

The FAA expressly states that news media may use drones for reporting but must comply with the Small UAS Rule, 14 C.F.R. Part 107, or an applicable exemption. Part 107 governs many non-recreational small-drone operations and includes pilot certification, registration,

operational, airspace, and safety requirements. Controlled airspace may require FAA authorization.

Florida §934.50

Florida's Freedom from Unwarranted Surveillance Act separately prohibits a person from using a drone equipped with an imaging device to record privately owned real property, or persons on that property, with intent to conduct surveillance in violation of a reasonable expectation of privacy without written consent, subject to statutory exceptions.

FAA authorization to occupy airspace is not a blanket authorization to conduct surveillance that violates Florida law. Conversely, state or local attempts to regulate actual flight operations can raise federal-preemption questions. Airspace legality and image-gathering legality must therefore be checked separately.

Breaking news does not create an FAA exemption

The FAA's media guidance does not create a general breaking-news exception to Part 107. Temporary flight restrictions, controlled airspace, operations over people, emergency-response activity, and other aviation restrictions can be especially important at news scenes.

OFFICIAL SOURCE: [FAA — News media drone FAQ](#) | [FAA — Part 107](#) | [§934.50 — Florida drone surveillance](#)

64. Airports, Seaports, Transit Facilities and Security Checkpoints

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Transportation facilities frequently contain a mix of spaces: ordinary public areas, ticketed/passenger areas, sterile or secure zones, employee-only areas, operational property, checkpoints, roadways, and leased private premises. Public ownership does not make all of those spaces a traditional public forum.

At airports, federal aviation and transportation-security rules may operate alongside airport-authority property rules and state/local law. At seaports, federal maritime-security requirements can similarly create restricted areas. Transit systems can combine public-forum issues with fare-controlled and operational spaces.

Photography and security

Do not assume that the presence of security equipment or a checkpoint automatically creates a universal federal prohibition on photography. Equally, do not assume that a terminal's public ownership gives a right to enter sterile, secure, employee, or operational areas.

Identify the actual federal regulation, security directive, property restriction, or other authority being invoked.

Because security directives and site configurations can be facility-specific, this statewide section supplies the framework; local airport/seaport details belong in the separate local companion guide.

OFFICIAL SOURCE: [TSA — Transportation Security](#) | [FAA — Airports](#)

65. Government Officials, Public Employees, Interviews and PIO Restrictions

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A journalist generally cannot force a government official or employee to grant an interview merely because the subject is public business. Access to records and meetings is legally different from a demand for an individual interview.

“You must go through the PIO”

An agency may impose internal rules directing its employees to route media inquiries through a public-information office. Such an internal employment rule does not, merely by existing, create a criminal prohibition on a journalist asking an employee a question. The employee’s obligation to follow an employer directive and the journalist’s legal rights are different issues.

A PIO also cannot convert a Chapter 119 request into an optional media-relations process. If the communication is a valid Florida public-records request, the agency’s duties arise from public-record law, regardless of whether the requester is media.

Recording interviews

When an interview is recorded, Florida Chapter 934 remains relevant to audio interception where the circumstances create a justified expectation against interception. An on-camera or openly recorded interview normally presents different facts from secretly recording a private conversation.

OFFICIAL SOURCE: [Florida Attorney General — Open Government](#) | [§934.02 — Oral communication definition](#)

66. Statewide Field Cards — Traffic, Medical, Elections, Sources and Drones

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The following condensed card supplements the detailed sections above. It is a quick-reference summary, not a substitute for checking the controlling statute, regulation, order, or case when circumstances are disputed.

FIELD CARD — STATEWIDE SPECIAL SITUATIONS

TRAFFIC STOP: Driver-specific ID/license duties differ from pedestrian encounters. §322.15 requires a driver operating a vehicle to possess and present the license on demand.

HIPAA: HIPAA regulates covered entities/business associates; it is not a general law making journalists HIPAA violators. Access, privacy, trespass and other laws still apply.

AUTOPSY MEDIA: Florida §406.135 specially restricts autopsy photographs and video/audio and certain autopsy reports. Check the exact record requested.

ELECTIONS: Polling rooms/early-voting areas have specific statutory access rules. Press status does not override §102.031.

WHISTLEBLOWERS: A source speaking to media does not automatically satisfy Florida's statutory whistleblower procedure.

DRONES: Check BOTH FAA flight authority and Florida privacy/surveillance law. Permission to fly is not permission to conduct unlawful surveillance.

PIO RULE: An internal employee-media rule does not by itself make it illegal for a journalist to ask an employee a question.

67. Federal FOIA Appeals, Litigation and Florida Public-Records Enforcement

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Federal FOIA — administrative appeal

An adverse federal FOIA determination can be administratively appealed. Under 5 U.S.C. §552(a)(6)(A), the agency must give the requester an appeal period of at least 90 days from the adverse determination. The statute generally calls for a determination on the appeal within 20 working days. Agency regulations control where and how the appeal is filed, so the denial letter and the agency's current FOIA regulations should be checked before filing.

An appeal can challenge more than an exemption. DOJ guidance identifies adverse determinations such as no-records findings, adequacy of search, fee or fee-waiver decisions, expedited-processing decisions, format issues, and determinations that requested material is not an agency record. A concise appeal should identify the request number and challenged determination, explain the specific error, preserve supporting facts, and ask for reversal or remand.

OFFICIAL SOURCE: [5 U.S.C. §552 — official U.S. Code](#)

OFFICIAL SOURCE: [DOJ OIP — Adjudicating Administrative Appeals Under the FOIA](#)

Federal FOIA — litigation

FOIA authorizes suit in federal district court to enjoin improper withholding and order production. The statute permits venue where the requester resides or has a principal place of business, where the records are situated, or in the District of Columbia. The court generally reviews withholding de novo, may inspect records in camera, and places the burden on the agency to sustain its action. Administrative exhaustion ordinarily matters; the statute also provides constructive exhaustion when an agency fails to comply with applicable statutory time limits, subject to the statute's exceptional-circumstances framework.

FOIA can permit reasonable attorney fees and litigation costs when the statutory standards are met. Litigation is not simply an extension of correspondence: pleading, exhaustion, jurisdiction, venue, the administrative record, declarations, adequacy of search, segregability, exemption proof, and summary-judgment practice can control the result.

OFFICIAL SOURCE: [DOJ Guide to the FOIA — Litigation Considerations](#)

Florida Chapter 119 — enforcement workflow

Florida Chapter 119 does not use the federal FOIA administrative-appeal structure. If access is denied or delayed, preserve the original request, dates, names, responses, estimates, exemption citations, released/redacted copies, and follow-up correspondence. If an exemption is asserted, §119.07(1)(e) requires the basis including the statutory citation; if requested, §119.07(1)(f) requires the custodian to state in writing and with particularity the reasons for concluding the record is exempt or confidential.

Before filing a civil enforcement action where §119.12 attorney-fee recovery may be sought, pay close attention to the statute's written-notice requirement. Section 119.12 generally conditions a mandatory fee award on written notice identifying the public-record request being provided to the agency's custodian at least five business days before suit, subject to the exceptions in the statute. Section 119.11 requires an immediate hearing with Chapter 119 enforcement actions given priority and, when a court orders records opened, generally requires compliance within 48 hours unless the issuing court provides otherwise or an appellate stay is entered.

Once a Chapter 119 enforcement complaint, counterclaim, or cross-claim is served, §119.11(4) restricts transfer, alteration, destruction, or other disposal of the record at issue until the court directs otherwise. Section 119.10 separately establishes penalties for specified violations. These remedies are distinct; do not describe every mistaken denial as a criminal violation.

OFFICIAL SOURCE: [Fla. Stat. §119.07 — inspection, denial and written particularity](#)

OFFICIAL SOURCE: [Fla. Stat. §119.11 — accelerated hearing and preservation after service](#)

OFFICIAL SOURCE: [Fla. Stat. §119.12 — attorney fees and notice](#)

OFFICIAL SOURCE: [Fla. Stat. §119.10 — violations and penalties](#)

Sample Florida enforcement correspondence

Follow-up after denial: "I am following up on my Chapter 119 public-records request dated [date]. You stated that [record/portion] is exempt. Please identify the statutory basis for each withholding or redaction under §119.07(1)(e). I also request, under §119.07(1)(f), a written statement with particularity of the reasons you conclude each withheld portion is exempt or confidential. Please release all reasonably segregable nonexempt portions."

Five-business-day notice for §119.12 purposes: "This is written notice identifying my public-records request for [records], originally made on [date], to the custodian of public records. The requested records have not been produced / access has been refused as follows: [brief facts]. This notice is provided in connection with §119.12, Florida Statutes. Please provide the

records or identify the legal basis for continued withholding.” This is a field template, not a substitute for case-specific legal advice or the current statutory text.

FIELD CARD — RECORDS ENFORCEMENT

Federal FOIA: read the denial letter; preserve the request number; check the agency appeal rule and deadline; appeal adverse determinations before litigation unless a recognized exhaustion rule applies.

Florida Chapter 119: preserve the request and response; demand the statutory exemption citation; request a written particularized explanation under §119.07(1)(f).

If §119.12 fees may matter, verify and satisfy the written five-business-day notice requirement before filing suit unless a statutory exception applies.

After service of a Chapter 119 enforcement pleading, §119.11(4) protects the disputed record from transfer, alteration, destruction, or disposal until the court directs otherwise.

68. 42 U.S.C. §1983 — Procedure, Municipal Liability, Damages and Evidence

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What §1983 does — and does not do

Section 1983 supplies a federal cause of action against a person who, acting under color of state law, causes a deprivation of a right secured by the Constitution or federal law. It does not itself create the underlying First or Fourth Amendment right; the plaintiff must identify the right allegedly violated and connect the defendant’s conduct to that deprivation.

OFFICIAL SOURCE: [42 U.S.C. §1983 — official U.S. Code](#)

Individual-capacity claims and qualified immunity

In the Eleventh Circuit, an official sued individually may invoke qualified immunity when the doctrine applies. The official first must show that the challenged conduct occurred while performing a discretionary function; the burden then shifts to the plaintiff to show a constitutional violation and that the right was clearly established at the relevant time. This is a damages doctrine with detailed exceptions and case-specific rules; it is not a declaration that the underlying conduct was lawful.

OFFICIAL SOURCE: [Eleventh Circuit — qualified-immunity framework \(2024 official opinion\)](#)

Municipal liability — Monell

A city, county, or other local governmental entity is not automatically liable under §1983 merely because it employed the person who violated a right. Municipal liability requires a legally sufficient connection between the constitutional injury and the municipality itself, such as an official policy, a qualifying custom or practice, an act of a final policymaker, or another recognized Monell theory. The precise policymaker question is determined by law and the facts; “the officer works for the city” is not enough.

OFFICIAL SOURCE: [Eleventh Circuit — Monell standard and policy/custom requirement](#)

Damages, injunctions and attorney fees

Potential relief depends on the claim and defendant. §1983 permits an action at law, suit in equity, or other proper proceeding for redress, subject to statutory and immunity limits. Compensatory damages generally require proof of legally cognizable injury and causation; nominal damages may be relevant when a constitutional violation is established without compensable injury. Punitive damages and prospective injunctive or declaratory relief have separate standards. Do not assume every successful constitutional claim produces a large damages award.

42 U.S.C. §1988(b) permits a court, in its discretion, to award a prevailing party a reasonable attorney fee in actions enforcing §1983 and certain other civil-rights statutes. Fee eligibility and amount are separate questions from liability and damages.

OFFICIAL SOURCE: [42 U.S.C. §1988 — attorney fees](#)

Evidence preservation after a civil-rights incident

Preserve the original recording and metadata; do not rely only on a social-media upload or edited export. Keep contemporaneous notes, exact times, location, officer names or identifying information, witness contact information, dispatch/CAD numbers if known, photographs of the scene, and copies of any citations, trespass warnings, property receipts, arrest paperwork, or release documents. Preserve communications with the agency and make targeted public-record requests for body-camera video, dash video, CAD, dispatch audio, reports, policies, rosters, and other relevant records.

A preservation request can put an agency on notice that identified evidence may be relevant, but it is not itself a court order and does not automatically override lawful retention rules, exemptions, or other law. If litigation is reasonably anticipated, preservation duties and spoliation consequences can become fact- and forum-specific. Section 119.11(4) provides a separate Florida statutory preservation rule once a Chapter 119 enforcement pleading has been served.

FIELD CARD — §1983 / CIVIL-RIGHTS EVIDENCE

Identify the underlying constitutional/federal right and the person who allegedly caused the deprivation under color of state law.

Individual official: qualified immunity may affect damages; “clearly established” law can be critical.

City/county: employment alone is not enough; investigate policy, custom, final policymaker, training/ratification or another recognized Monell basis.

Preserve originals + metadata, notes, witness information, paperwork, agency communications, BWC/dash/CAD/dispatch requests, and relevant policies.

§1988 may allow attorney fees to a prevailing party; damages and fees are separate issues.

69. Ride-Alongs, Media Access Agreements, Waivers and Releases

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No general press right to enter private spaces with police

A police or agency invitation does not itself give journalists constitutional authority to enter a private home or other protected private area. In *Wilson v. Layne*, the U.S. Supreme Court held that bringing members of the media into a home during execution of an arrest warrant, when their presence was not in aid of executing the warrant, violated the Fourth Amendment rights of the residents. A ride-along agreement between the journalist and agency cannot create consent on behalf of the property owner or occupant.

OFFICIAL SOURCE: [Wilson v. Layne, 526 U.S. 603 \(1999\) — official U.S. Reports](#)

Agency ride-along and access agreements

An agency may condition voluntary special access on an access agreement, credential rule, safety instruction, confidentiality term, embargo, pool arrangement, or release. The legal effect depends on the exact language and applicable law. These agreements should be treated as contracts or access conditions, not as a source of general police power over people who are otherwise exercising rights from public places.

Before signing, identify what the agreement says about assumption of risk, release or indemnity, medical treatment, confidentiality, recording, publication, ownership of footage, prepublication review, embargoes, secure information, cancellation of access, and use of the

agency's name or marks. A waiver may affect contractual or tort rights, but it does not automatically waive every constitutional, statutory, or future claim merely because the document uses broad language; enforceability is clause- and law-specific.

Consent and withdrawal

Special access can be narrower than ordinary public access. If access depends on the consent of an agency or private property holder, that consent can be limited by location, time, purpose, safety conditions, or other lawful terms and may be withdrawn. Once lawful consent to remain in a nonpublic or private area is withdrawn, continued presence can raise trespass issues. That does not mean the same restriction automatically follows the journalist back onto a public sidewalk or other place where independent public-access rights apply.

Publication restrictions

Do not assume that every “no publication,” “approval,” or “confidentiality” clause is either automatically valid or automatically void. Contract, First Amendment, public-record, privacy, evidentiary, and state-law issues can overlap. Preserve a copy of anything signed and distinguish voluntary contractual promises from an officer's assertion that publication is criminally prohibited.

FIELD CARD — RIDE-ALONG / SPECIAL ACCESS

Agency invitation ≠ homeowner/occupant consent. *Wilson v. Layne* limits media entry into a home during warrant execution when media presence does not aid the warrant.

Read before signing: risk release, indemnity, confidentiality, recording, ownership, embargo, prepublication review, cancellation and publication terms.

Special-access conditions do not automatically become rules governing your activity from an independently accessible public place.

If consent to a private/nonpublic area is lawfully withdrawn, leave that area and separately analyze any public-access location.

70. Police Scanners, Emergency Radio Monitoring and Police Communications

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Florida does not impose a general statewide ban on owning or buying police/fire scanners. Section 843.16 instead regulates specified frequency-modulation radio receiving equipment when it is installed or transported in a motor vehicle or business establishment and adjusted

or tuned to receive frequencies assigned to police, law-enforcement, fire-rescue, state, or state-agency communications. A violation of §843.16 is a first-degree misdemeanor unless an exception applies.

Actual RF scanner hardware in a vehicle

A dedicated scanner that directly receives the covered public-safety radio frequencies falls squarely within the equipment/location issue addressed by §843.16. The current statute uses both “install” and “transport,” so the analysis is not limited to a scanner permanently wired into the vehicle.

Internet scanner apps and streams on a phone or laptop

An ordinary phone or laptop receiving a publicly available scanner feed over the Internet is technologically different from equipment that itself tunes to the agency’s radio frequency. The phone or laptop receives Internet data from a server rather than directly tuning its RF receiver to the police/fire frequency. The text of §843.16 specifically describes frequency-modulation radio receiving equipment adjusted or tuned to receive the assigned frequencies. This guide has not identified controlling Florida appellate authority holding that merely listening to an Internet scanner stream on an ordinary phone or laptop constitutes transporting the radio equipment described by §843.16. Do not automatically treat an Internet stream and a direct RF scanner as legally identical.

Software-defined radio (SDR) and multifunction radios

An SDR, radio, or computer accessory that uses an antenna and software to directly tune to and receive the covered public-safety RF frequencies can present a different §843.16 issue from an Internet stream. The device’s actual receiving function and configuration matter; calling the equipment a “computer accessory” does not by itself resolve the statutory question.

FCC amateur-radio license exception

Section 843.16(3)(a) expressly states that §843.16 does not apply to a holder of a valid amateur-radio operator or station license issued by the Federal Communications Commission. The statute does not condition this exception on being a journalist or on qualifying for the separate news-publication exception. Thus, a person who holds the qualifying FCC amateur-radio license can rely on the amateur-radio exception to §843.16 even if that person is also working as an independent journalist. The Florida amateur-radio specialty license plate is separate and is not stated as a condition of the §843.16 exception.

News-publication exception

Section 843.16(3)(b) separately exempts a “recognized newspaper or news publication engaged in covering the news on a full-time basis.” Because that language is narrower and more specific than simply saying “journalist” or “media,” an independent journalist should not assume that self-identification, a press card, a YouTube channel, or occasional reporting automatically establishes this particular statutory exception.

Listening is different from transmitting or criminal use

The §843.16 vehicle-equipment rule is separate from §843.165, which restricts unauthorized transmissions, jamming, and interference on covered governmental radio frequencies, and §843.167, which prohibits using intercepted police communications to assist in committing a crime or avoiding detection/arrest and prohibits intentionally passing such information to a known criminal suspect to help the suspect evade authorities. An amateur-radio license exception to §843.16 is not permission to transmit on police/fire frequencies, jam communications, defeat encryption, or use intercepted communications for a prohibited criminal purpose.

Chapter 934 also distinguishes generally accessible radio communications

Florida §934.03 provides that it is not unlawful under that section and §§934.04–934.09 to intercept certain radio communications, including governmental, law-enforcement, civil-defense, private-land-mobile, or public-safety communications that are readily accessible to the general public. That interception rule does not erase the separate vehicle-equipment restriction in §843.16; both provisions must be analyzed when applicable.

FIELD CARD — FLORIDA SCANNERS / RADIO MONITORING

- Owning/buying a scanner is not generally banned statewide; §843.16 focuses on covered receiving equipment in a motor vehicle or business establishment.
- Dedicated RF scanner in vehicle: §843.16 is directly implicated unless an exception applies.
- Phone/laptop Internet scanner stream: technologically different from directly tuning to public-safety RF; no controlling Florida appellate authority identified here treating ordinary Internet streaming as §843.16 equipment.
- SDR/direct-RF receiver: potentially implicated depending on what it is configured to receive.
- Valid FCC amateur-radio operator/station license: express §843.16(3)(a) exception.
- News-publication exception is separate and specifically refers to a recognized newspaper/news publication covering news full time; do not assume every independent journalist automatically qualifies.

- An exception does NOT authorize transmitting on police/fire frequencies, jamming/interference, defeating encryption, or criminal use of intercepted communications.

OFFICIAL SOURCE: [Fla. Stat. §843.16](#) | [Fla. Stat. §843.165](#) | [Fla. Stat. §843.167](#) | [Fla. Stat. §934.03](#)

71. Protected Victim Identities, Sexual-Offense Reporting and Publication Restrictions

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Florida law contains unusually important publication restrictions for some protected victim information. These rules must be separated from the broader question whether a record is obtainable under Chapter 119. Possessing information, obtaining it from a source, seeing it in court, and lawfully publishing identifying information can present different legal questions.

Section 794.03 makes it unlawful to print, publish, or broadcast in an instrument of mass communication the name, address, or other identifying fact or information of a victim of a sexual offense under Chapter 794, except as the statute provides. Section 92.56 separately governs confidentiality in specified judicial proceedings and court records involving sexual offenses, human trafficking, child abuse, and related crimes and includes restrictions concerning identifying photographs, identifiable voices, names, and addresses in the circumstances described by the statute.

Section 119.071 contains public-record exemptions protecting categories of victim information. An exemption from disclosure by government does not automatically answer every publication question; conversely, receiving identifying information from another source does not erase a statute that independently regulates publication. For sensitive victim reporting, identify the exact offense, source of the information, applicable court order, and current statutory text before publication.

OFFICIAL SOURCE: Florida Statutes §794.03: [official source](#) | Florida Statutes §92.56: [official source](#) | Florida Statutes §119.071: [official source](#)

FIELD CARD — PROTECTED VICTIM IDENTITIES

- Do not assume that information is publishable merely because you obtained it.
- For Chapter 794 sexual-offense victims, check §794.03 before identifying the victim.
- Check §92.56 for protected identity material in covered court proceedings/records.
- Separate government nondisclosure exemptions from independent publication restrictions.
- Check the exact offense, court order and current statute before publishing identifying material.

72. Grand Jury Secrecy, Reports, Presentments and Publication

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Grand-jury material is not governed by the same open-record assumptions as ordinary police reports or court filings. Florida Chapter 905 contains specific secrecy and publication rules, and statewide grand juries have additional provisions.

Section 905.24 states that grand-jury proceedings are secret. Section 905.27 restricts disclosure and, in subsection (2), regulates knowing publication, broadcast, disclosure, or communication of grand-jury witness testimony or its content, gist, or import except in the circumstances the statute permits. Section 905.28 provides a confidentiality and stay procedure for certain grand-jury reports or presentments relating to an individual when not accompanied by a true bill or indictment.

For statewide grand juries, §905.395 separately makes specified knowing publication or disclosure of proceedings or identities unlawful unless pursuant to court order. A leaked or unofficial copy should therefore never be treated as an ordinary leaked government document without checking Chapter 905 and any sealing, stay, repression, or appellate order.

OFFICIAL SOURCE: Florida Statutes §905.24: [official source](#) | Florida Statutes §905.27: [official source](#) | Florida Statutes §905.28: [official source](#) | Florida Statutes §905.395: [official source](#)

FIELD CARD — GRAND JURY MATERIAL

- Do not treat grand-jury material like an ordinary public record or routine leak.
- Check Chapter 905 before publishing testimony, its gist/import, reports, presentments or identities.
- Look for a sealing, repression, stay or appellate order.
- Statewide grand juries have an additional disclosure/publication statute: §905.395.

73. Florida Anti-SLAPP Protection — §768.295

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Florida §768.295 prohibits specified strategic lawsuits against public participation (SLAPP suits). The statute expresses a policy protecting free speech in connection with public issues and the rights to assemble and petition government, but it is not a blanket immunity from defamation, privacy, trespass, contract, or other generally applicable law.

The statute provides a procedural mechanism for a person or entity sued in violation of the section to move for dismissal or judgment and provides for an expedited hearing. The prevailing party is entitled to recover reasonable attorney fees and costs incurred in connection with a claim that an action was filed in violation of the section. Whether a particular journalism-related lawsuit qualifies depends on the statutory definitions and the claim actually pleaded.

For an independent journalist, §768.295 is best understood as a potentially important defense/procedure when litigation targets protected speech or petitioning activity—not as permission to publish false factual claims or violate another law.

OFFICIAL SOURCE: Florida Statutes §768.295: [official source](#)

FIELD CARD — FLORIDA ANTI-SLAPP — §768.295

- A lawsuit targeting protected public-issue speech/petitioning may implicate Florida’s anti-SLAPP statute.
- The statute is a defense/procedural protection, not blanket immunity from generally applicable law.
- It provides an expedited mechanism and attorney-fee/cost consequences described by the statute.
- Preserve the complaint, demand letters, publications, source material and timeline immediately.

74. Consolidated Field Cards — Quick Reference

This section duplicates every Field Card used throughout the guide so the cards can also be consulted in one place. The original cards remain beside their detailed legal discussions. When a condensed card and a detailed section appear to differ, use the detailed section and controlling authority.

4. Florida Public Records — Chapter 119

FIELD CARD — VERBAL REQUEST

“I’m making a public-records request under Chapter 119, Florida Statutes. I’m requesting [identify the existing records as specifically as possible].”

5. Denials, Redactions and Exemptions

FIELD CARD — DENIAL

“What specific statutory exemption are you relying on? Please provide the basis for the denial in writing and with particularity pursuant to §119.07(1)(f), Florida Statutes.”

6. Fees — What Florida Agencies May Charge

FIELD CARD — FEE ESTIMATE

“Before I agree to the charge, please provide an itemized estimate and identify how the fee was calculated and the statutory authority for it.”

7. Inspection vs. Copies

FIELD CARD — INSPECTION

“I’m requesting to inspect the responsive public records. If any charge will apply to inspection, please identify the statutory basis and provide an itemized estimate before incurring the charge.”

8. Police Body-Worn Camera Records

FIELD CARD — BWC

“Under Chapter 119, Florida Statutes, I request all body-worn-camera recordings associated with incident/case number [NUMBER], occurring on [DATE] between approximately [TIME] and [TIME], including recordings made by all responding officers. If any portion is withheld or redacted, please identify the statutory exemption relied upon. Please provide an itemized estimate before incurring fees above \$[LIMIT].”

9. Dash-Camera / In-Car Video

FIELD CARD — DASHCAM

“Under Chapter 119, Florida Statutes, I request all in-car/dash-camera video and audio associated with incident/case number [NUMBER], on [DATE] from approximately [TIME] through [TIME], for all involved agency vehicles.”

16. Field Responses — Short, Non-Argumentative Language

FIELD CARD — DETENTION

“Am I being detained, or am I free to leave?”

FIELD CARD — SEARCH

“I do not consent to a search.”

FIELD CARD — DEVICE

“I do not consent to a search of my device.”

FIELD CARD — ORDER TO LEAVE/MOVE

“I will comply. What law, policy, or restriction requires me to leave or move?”

FIELD CARD — PUBLIC-RECORDS FORM

“I’m making the request verbally under Chapter 119. Is there a specific statute requiring this request to be on your form?”

FIELD CARD — IDENTIFICATION FOR RECORDS

“Is there a specific statute requiring identification for this particular record?”

FIELD CARD — RECORDS DENIAL

“Please identify the specific statutory exemption and provide the denial in writing with particularity under §119.07(1)(f).”

FIELD CARD — FEE

“Please provide an itemized estimate and the statutory basis/calculation before incurring the charge.”

20. Florida Trespass — Government Buildings and Property

FIELD CARD — ORDER TO LEAVE

“I will comply with the order. For my record, are you ordering me to leave the entire property or only this area, and under what law, policy, or authority?”

21. Detention, Identification and Florida's Stop-and-Frisk Law

FIELD CARD — ID DEMAND

CONSENSUAL ENCOUNTER: No general duty to provide physical ID merely because an officer asks or demands it.

INVESTIGATIVE DETENTION: §901.151 requires reasonable suspicion of a crime first; the lawful detention may then be used for purposes including ascertaining identity.

FALSE ID: If arrested or lawfully detained, do not give a false name or false identification. See §901.36.

STATUS: “Am I being detained, or am I free to leave?”

BASIS: “What crime do you reasonably suspect me of committing, having committed, or being about to commit?”

22. Resisting / Obstructing an Officer

FIELD CARD — LAWFUL DUTY

“I do not intend to interfere. Please tell me where I may stand so I can continue observing and recording without obstructing your duties.”

23. Pepper Spray / Self-Defense Chemical Spray — Florida

FIELD CARD — PEPPER SPRAY

Carry a qualifying self-defense chemical spray of no more than 2 oz. Possession does not itself justify use; deployment must still be legally justified by the circumstances.

24. Enforcing Florida Public-Records Rights

FIELD CARD — BEFORE LEGAL ACTION

Preserve the original request, response, itemized fee estimate, denial, statutory exemptions asserted, dates/times, names, and all follow-up communications. If enforcement is contemplated, check §119.12’s current written-notice requirement before filing.

26. Field-Card Summary — Core Encounters and Records

FIELD CARD — TRESPASS WARNING

“Are you ordering me to leave? Does that order apply to this specific area or the entire property? Who is authorizing the order?”

FIELD CARD — CONSENSUAL OR DETAINED

“Am I being detained, or am I free to leave?”

FIELD CARD — REASONABLE SUSPICION

“What crime do you reasonably suspect me of committing, having committed, or being about to commit?”

FIELD CARD — NON-INTERFERENCE

“I do not intend to interfere. Tell me where I may stand to continue recording without obstructing your duties.”

FIELD CARD — RECORDS ENFORCEMENT

“Please identify the statutory exemption in writing. I am preserving this request and response for purposes of Chapter 119.”

FIELD CARD — ITEMIZED FEES

“Before I agree to or incur the charge, please provide an itemized estimate showing how each component was calculated and the statutory authority for it.”

27. Florida’s 25-Foot First-Responder Law — §843.31

FIELD CARD — 25-FOOT LAW

Florida §843.31 is NOT simply “police said stay 25 feet away.” The statute requires a verbal warning, lawful performance of a legal duty, knowing/willful violation of the warning within 25 feet, AND the specified intent to impede/interfere, threaten physical harm, or statutorily harass.

28. Police Seizure and Search of Phones, Cameras and Recordings

FIELD CARD — DEVICE SEARCH

“I do not consent to the seizure of my device, and I do not consent to any search of the device or its contents.”

FIELD CARD — WARRANT

“Do you have a warrant? I do not consent to expanding any search beyond the lawful scope of the warrant or another recognized exception.”

29. Journalist-Specific Protection — Privacy Protection Act of 1980

FIELD CARD — JOURNALISTIC MATERIAL

“These devices/materials contain journalistic work product and documentary material intended for public dissemination. I do not consent to their search or seizure. Please preserve the basis and legal authority for any action you take.”

30. Passcodes, Passwords and Biometric Unlocking

FIELD CARD — UNLOCKING

“I do not consent to unlocking the device, providing a passcode or password, or using my biometric features to unlock it.”

31. Police Scenes, Perimeters and Recording Without Interference

FIELD CARD — PERIMETER

“I will remain outside the restricted area. Where is the boundary that applies to the general public?”

FIELD CARD — NON-INTERFERENCE

“I am recording and do not intend to interfere. Please identify where I may lawfully stand while continuing to observe.”

32. Public Sidewalks and Traditional Public Forums

FIELD CARD — PUBLIC SIDEWALK

Ordinary municipal public sidewalk: strong traditional-public-forum protection. Confirm that the location is actually a public sidewalk/right-of-way and not a specialized government enclave, restricted facility, or private property.

33. Civil Remedies — 42 U.S.C. §1983 and Qualified Immunity

FIELD CARD — PRESERVE A CIVIL-RIGHTS RECORD

Preserve original video/audio, metadata, contemporaneous notes, names/badge numbers, exact commands, locations, timestamps, witness information, dispatch/CAD records, bodycam/dashcam requests, policies in effect, and every written denial or records response. Do not edit or overwrite

the originals.

35. Courthouses, Courtrooms and Judicial Proceedings

FIELD CARD — COURTHOUSE / COURTROOM

Ask what legal authority governs the restriction: statewide court rule, administrative order, federal/local court rule, security regulation, or judge's order.

Florida public judicial proceedings: check Rule 2.450 and any case-specific order.

Do not assume courtroom authority automatically answers whether recording is permitted in every public common area of the building.

36. Florida Judicial Records and Court Files

FIELD CARD — FLORIDA COURT RECORD

Identify whether you are seeking a court case record or a judicial-branch administrative record.

Use Rule 2.420 for judicial-branch access questions; do not automatically label the request a Chapter 119 request.

If access is denied, ask for the legal basis for confidentiality or restriction.

38. Federal Property and Post Offices

FIELD CARD — FEDERAL BUILDING / POST OFFICE

Identify the property: GSA-controlled federal property, USPS property, federal courthouse, military property, or another specialized facility.

For GSA property, check 41 C.F.R. §102-74.420 and the other Part 102-74 conduct/security rules.

For USPS property, check Poster 7 and the underlying federal authority.

Ask for the specific regulation, court order, security directive, official sign, or other legal authority supporting a restriction.

40. Florida Journalist's Privilege — §90.5015

FIELD CARD — FLORIDA JOURNALIST'S PRIVILEGE (§90.5015)

WHAT IT IS: A qualified evidentiary privilege against certain compelled testimony/disclosure for journalists who satisfy the statute's specific definition.

WHAT IT IS NOT: A press license or Florida's universal definition of who is a journalist/media.

SELF-PUBLISHED JOURNALIST: Do not assume §90.5015 applies if you work only for yourself and are not an employee or independent contractor of a listed news organization.

EXCLUSIONS: The statutory privilege does not cover physical evidence, eyewitness observations of crimes, or visual/audio recordings of crimes.

OTHER RIGHTS: Falling outside §90.5015 does not erase generally applicable First Amendment, Chapter 119, Sunshine Law, Privacy Protection Act, or other rights that independently apply.

FIELD CARD — REPORTER PRIVILEGE

Florida §90.5015 is a qualified privilege, not an absolute privilege.

Qualification depends on the statute's definition of "professional journalist."

Independent contractor status can qualify, but only within the statute's listed requirements.

The privilege expressly does not cover every category of material; read the statutory exclusions before asserting it.

42. 911 Calls, CAD, Dispatch and Active Criminal Investigations

FIELD CARD — ACTIVE INVESTIGATION CLAIM

Ask which specific statutory exemption applies to the requested record or portion.

If "active investigation" is cited, compare the agency's position with the statutory definition of "active" in §119.011.

Ask for nonexempt portions to be produced with exempt information redacted where the law requires segregation.

43. Records Retention and Preservation Requests

FIELD CARD — PRESERVE RECORDINGS

Identify the incident, date/time, location, officers/units if known, and the specific records to

preserve.

Send the public-records request separately if you also want copies.

Check the applicable Department of State retention schedule item instead of assuming a universal retention period.

45. Statewide Field Cards — Courts, Federal Property and Records

FIELD CARD — LAW vs. POLICY

“Policy” does not override the Constitution or controlling law.

Ask: What is the legal authority for this restriction?

Distinguish statutes, regulations, court rules and ordinances from internal agency procedures.

A legally authorized and constitutional property/forum restriction may be enforceable even if implemented through a policy; the label alone proves neither validity nor invalidity.

FIELD CARD — SUBPOENA / FOOTAGE DEMAND

Identify what you received: informal request, subpoena, warrant, or court order.

Check Florida §90.5015 if you may qualify for the statutory journalist privilege.

Check the federal Privacy Protection Act, 42 U.S.C. §2000aa, for qualifying journalistic materials.

Do not treat a request and a compulsory legal process as the same thing.

55. Press Credentials, Self-Issued Press IDs and Media Access

FIELD CARD — PUBLICATION / HIGH-RISK NEWSGATHERING

DEFAMATION: Separate verified fact from allegation, opinion, and inference. Preserve source material.

PRIVACY: Truth does not automatically eliminate every privacy claim; acquisition method and legitimate public concern can matter.

HIDDEN AUDIO: Analyze Chapter 934’s protected-communication definition before assuming a recording is lawful.

PROTESTS / EMERGENCIES: Identify the actual statute, order, perimeter, curfew, or emergency authority — not merely a stated “policy.”

COPYRIGHT: News reporting can support fair use, but it is not an automatic copyright exemption.

LEAKS: Lawfully receiving information is legally different from participating in hacking, theft, trespass, or illegal interception.

CREDENTIALS: Useful for identification/access systems; not a universal press license and not the source of ordinary constitutional rights.

66. Statewide Field Cards — Traffic, Medical, Elections, Sources and Drones

FIELD CARD — STATEWIDE SPECIAL SITUATIONS

TRAFFIC STOP: Driver-specific ID/license duties differ from pedestrian encounters. §322.15 requires a driver operating a vehicle to possess and present the license on demand.

HIPAA: HIPAA regulates covered entities/business associates; it is not a general law making journalists HIPAA violators. Access, privacy, trespass and other laws still apply.

AUTOPSY MEDIA: Florida §406.135 specially restricts autopsy photographs and video/audio and certain autopsy reports. Check the exact record requested.

ELECTIONS: Polling rooms/early-voting areas have specific statutory access rules. Press status does not override §102.031.

WHISTLEBLOWERS: A source speaking to media does not automatically satisfy Florida's statutory whistleblower procedure.

DRONES: Check BOTH FAA flight authority and Florida privacy/surveillance law. Permission to fly is not permission to conduct unlawful surveillance.

PIO RULE: An internal employee-media rule does not by itself make it illegal for a journalist to ask an employee a question.

67–69. Enforcement, §1983 and Ride-Along Additions

FIELD CARD — RECORDS ENFORCEMENT

Federal FOIA: read the denial letter; preserve the request number; check the agency appeal rule and deadline; appeal adverse determinations before litigation unless a recognized exhaustion rule applies.

Florida Chapter 119: preserve the request and response; demand the statutory exemption citation; request a written particularized explanation under §119.07(1)(f).

If §119.12 fees may matter, verify and satisfy the written five-business-day notice requirement before filing suit unless a statutory exception applies.

After service of a Chapter 119 enforcement pleading, §119.11(4) protects the disputed record from transfer, alteration, destruction, or disposal until the court directs otherwise.

FIELD CARD — §1983 / CIVIL-RIGHTS EVIDENCE

Identify the underlying constitutional/federal right and the person who allegedly caused the deprivation under color of state law.

Individual official: qualified immunity may affect damages; “clearly established” law can be critical.

City/county: employment alone is not enough; investigate policy, custom, final policymaker, training/ratification or another recognized Monell basis.

Preserve originals + metadata, notes, witness information, paperwork, agency communications, BWC/dash/CAD/dispatch requests, and relevant policies.

§1988 may allow attorney fees to a prevailing party; damages and fees are separate issues.

FIELD CARD — RIDE-ALONG / SPECIAL ACCESS

Agency invitation ≠ homeowner/occupant consent. *Wilson v. Layne* limits media entry into a home during warrant execution when media presence does not aid the warrant.

Read before signing: risk release, indemnity, confidentiality, recording, ownership, embargo, prepublication review, cancellation and publication terms.

Special-access conditions do not automatically become rules governing your activity from an independently accessible public place.

If consent to a private/nonpublic area is lawfully withdrawn, leave that area and separately

analyze any public-access location.

70-73. Scanners, Protected Identities, Grand Juries and Anti-SLAPP

FIELD CARD — FLORIDA SCANNERS / RADIO MONITORING

- Owning/buying a scanner is not generally banned statewide; §843.16 focuses on covered receiving equipment in a motor vehicle or business establishment.
- Dedicated RF scanner in vehicle: §843.16 is directly implicated unless an exception applies.
- Phone/laptop Internet scanner stream: technologically different from directly tuning to public-safety RF; no controlling Florida appellate authority identified here treating ordinary Internet streaming as §843.16 equipment.
- SDR/direct-RF receiver: potentially implicated depending on what it is configured to receive.
- Valid FCC amateur-radio operator/station license: express §843.16(3)(a) exception.
- News-publication exception is separate and specifically refers to a recognized newspaper/news publication covering news full time; do not assume every independent journalist automatically qualifies.
- An exception does NOT authorize transmitting on police/fire frequencies, jamming/interference, defeating encryption, or criminal use of intercepted communications.

FIELD CARD — PROTECTED VICTIM IDENTITIES

- Do not assume that information is publishable merely because you obtained it.
- For Chapter 794 sexual-offense victims, check §794.03 before identifying the victim.
- Check §92.56 for protected identity material in covered court proceedings/records.
- Separate government nondisclosure exemptions from independent publication restrictions.
- Check the exact offense, court order and current statute before publishing identifying material.

FIELD CARD — GRAND JURY MATERIAL

- Do not treat grand-jury material like an ordinary public record or routine leak.
- Check Chapter 905 before publishing testimony, its gist/import, reports, presentments or identities.
- Look for a sealing, repression, stay or appellate order.
- Statewide grand juries have an additional disclosure/publication statute: §905.395.

FIELD CARD — FLORIDA ANTI-SLAPP — §768.295

- A lawsuit targeting protected public-issue speech/petitioning may implicate Florida's anti-SLAPP statute.
- The statute is a defense/procedural protection, not blanket immunity from generally applicable law.
- It provides an expedited mechanism and attorney-fee/cost consequences described by the statute.
- Preserve the complaint, demand letters, publications, source material and timeline immediately.

75. Consolidated Official Sources — Reference Library

This section duplicates the OFFICIAL SOURCE blocks appearing throughout the guide. The original source blocks remain in their original locations. Links below are grouped under the guide section in which they appear; repeated authorities are intentionally retained when they support more than one topic.

2. Core First Amendment Recording Protection

OFFICIAL SOURCE: [Official Eleventh Circuit opinion — Smith v. City of Cumming](#)

3. Florida Constitutional Right of Access

OFFICIAL SOURCE: [Florida Constitution — Florida Legislature](#)

4. Florida Public Records — Chapter 119

OFFICIAL SOURCE: [Florida Statute §119.07 — inspection, copying, fees and exemptions](#)

OFFICIAL SOURCE: [Florida Statutes Chapter 119 — full chapter](#)

OFFICIAL SOURCE: [Florida Attorney General — Citizens: Public Records and Sunshine Law](#)

OFFICIAL SOURCE: [Florida Attorney General — Public Records FAQ](#)

5. Denials, Redactions and Exemptions

OFFICIAL SOURCE: [Florida Statute §119.07](#)

6. Fees — What Florida Agencies May Charge

OFFICIAL SOURCE: [Florida Statute §119.07\(4\)](#)

OFFICIAL SOURCE: [Florida Attorney General — Citizens guide](#)

8. Police Body-Worn Camera Records

OFFICIAL SOURCE: [Florida Statute §943.1718 — law-enforcement body cameras](#)

OFFICIAL SOURCE: [Florida Statute §119.071 — see §119.071\(2\)\(l\)](#)

OFFICIAL SOURCE: [Florida Statute §119.0713\(6\) — code-inspector body cameras](#)

9. Dash-Camera / In-Car Video

OFFICIAL SOURCE: [Florida Attorney General — Public Records FAQ](#)

10. Request the Whole Incident Package

OFFICIAL SOURCE: [Florida Attorney General — Public Records FAQ](#)

11. Florida Government-in-the-Sunshine / Public Meetings

OFFICIAL SOURCE: [Florida Statute §286.011 — Public meetings and records](#)

OFFICIAL SOURCE: [Florida Statute §286.0114 — public opportunity to be heard](#)

OFFICIAL SOURCE: [Florida Attorney General — Citizens guide](#)

12. Florida Audio Recording / Interception Law

OFFICIAL SOURCE: [Florida Statute §934.02 — definitions](#)

OFFICIAL SOURCE: [Florida Statute §934.03 — interception and disclosure](#)

13. Federal FOIA — 5 U.S.C. §552

OFFICIAL SOURCE: [FOIA.gov — official federal FOIA portal](#)

OFFICIAL SOURCE: [FOIA statute — 5 U.S.C. §552](#)

OFFICIAL SOURCE: [FOIA.gov — How to Make a FOIA Request](#)

OFFICIAL SOURCE: [FOIA.gov FAQ — fees and requester categories](#)

OFFICIAL SOURCE: [FOIA statute — fee provisions and news-media definition](#)

20. Florida Trespass — Government Buildings and Property

OFFICIAL SOURCE: [Florida Statute §810.08 — Trespass in structure or conveyance](#)

OFFICIAL SOURCE: [Florida Statute §810.09 — Trespass on property other than structure or conveyance](#)

21. Detention, Identification and Florida's Stop-and-Frisk Law

OFFICIAL SOURCE: [Florida Statute §901.151 — Stop and Frisk Law \(2026\)](#)

OFFICIAL SOURCE: [Eleventh Circuit — Smith v. City of Cumming](#)

OFFICIAL SOURCE: [Florida Statute §901.36 — false name or false identification \(2026\)](#)

22. Resisting / Obstructing an Officer

OFFICIAL SOURCE: [Florida Statute §843.02 — Resisting officer without violence](#)

OFFICIAL SOURCE: [Florida Statute §843.01 — Resisting with violence](#)

23. Pepper Spray / Self-Defense Chemical Spray — Florida

OFFICIAL SOURCE: [Florida Statute §790.001 — definitions](#)

OFFICIAL SOURCE: [Florida Statute §790.053 — Open carrying; self-defense chemical spray](#)

OFFICIAL SOURCE: [Florida Statute §776.012 — defense of person](#)

24. Enforcing Florida Public-Records Rights

OFFICIAL SOURCE: [Florida Statute §119.12 — Attorney fees](#)

25. Government-Building Recording — Eleventh Circuit Caution

OFFICIAL SOURCE: [Smith v. City of Cumming \(11th Cir. 2000\)](#) | [Sheets v. City of Punta Gorda \(11th Cir. 2026, unpublished\)](#) | [Patrick v. Pasco County Florida Tax Collector \(11th Cir. 2026, unpublished\)](#) | [Eleventh Circuit opinions / precedential-status notice](#)

27. Florida's 25-Foot First-Responder Law — §843.31

OFFICIAL SOURCE: [Florida Statute §843.31 — Approaching a first responder with specified intent after a warning \(2026\)](#)

28. Police Seizure and Search of Phones, Cameras and Recordings

OFFICIAL SOURCE: [U.S. Supreme Court — Riley v. California, 573 U.S. 373 \(2014\)](#)

OFFICIAL SOURCE: [Florida Statute §933.05 — Issuance and return of search warrants \(2026\)](#)

29. Journalist-Specific Protection — Privacy Protection Act of 1980

OFFICIAL SOURCE: [U.S. House — 42 U.S.C. §2000aa, Privacy Protection Act](#)

OFFICIAL SOURCE: [U.S. House — Privacy Protection Act chapter, definitions and remedies](#)

OFFICIAL SOURCE: [U.S. House — 42 U.S.C. §2000aa-6, civil actions](#)

30. Passcodes, Passwords and Biometric Unlocking

OFFICIAL SOURCE: [Florida Supreme Court — State v. Garcia, No. SC20-1419](#)

OFFICIAL SOURCE: [Florida Supreme Court — State v. Garcia \(review of 5D19-590\)](#)

OFFICIAL SOURCE: [Florida Fifth DCA — official companion passcode opinion discussing Garcia and G.A.Q.L.](#)

31. Police Scenes, Perimeters and Recording Without Interference

OFFICIAL SOURCE: [Eleventh Circuit — Smith v. City of Cumming](#)

OFFICIAL SOURCE: [Florida Statute §843.02 — Resisting officer without violence](#)

OFFICIAL SOURCE: [Florida Statute §843.31 — First-responder approach statute](#)

32. Public Sidewalks and Traditional Public Forums

OFFICIAL SOURCE: [U.S. Supreme Court — McCullen v. Coakley, 573 U.S. 464 \(2014\)](#)

33. Civil Remedies — 42 U.S.C. §1983 and Qualified Immunity

OFFICIAL SOURCE: [U.S. House — 42 U.S.C. §1983](#)

OFFICIAL SOURCE: [Eleventh Circuit — Smith v. City of Cumming](#)

34. Official Source Library — Civil Rights and Recording

OFFICIAL SOURCE: [Fla. Stat. §843.31 — 25-foot first-responder statute](#)

OFFICIAL SOURCE: [Fla. Stat. §933.05 — Search warrants](#)

OFFICIAL SOURCE: [U.S. Supreme Court — Riley v. California](#)

OFFICIAL SOURCE: [42 U.S.C. §2000aa — Privacy Protection Act](#)

OFFICIAL SOURCE: [42 U.S.C. §2000aa-6 — PPA civil remedies](#)

OFFICIAL SOURCE: [Florida Supreme Court — State v. Garcia](#)

OFFICIAL SOURCE: [42 U.S.C. §1983 — Civil action for deprivation of rights](#)

OFFICIAL SOURCE: [Eleventh Circuit — Smith v. City of Cumming](#)

35. Courthouses, Courtrooms and Judicial Proceedings

OFFICIAL SOURCE: [Florida Rule 2.450 — Technological Coverage of Judicial Proceedings](#)

36. Florida Judicial Records and Court Files

OFFICIAL SOURCE: [Florida Rule 2.420 — Public Access to Judicial Branch Records](#)

37. Public Schools, School Boards, Colleges and Universities

OFFICIAL SOURCE: [Florida Statutes §810.097 — Trespass upon grounds or facilities of a school](#)

OFFICIAL SOURCE: [Florida Statutes §1006.07 — School safety and access requirements](#)

OFFICIAL SOURCE: [Florida Statutes §286.011](#)

OFFICIAL SOURCE: [Florida Statutes §286.0114](#)

38. Federal Property and Post Offices

OFFICIAL SOURCE: [41 C.F.R. §102-74.420 — Photography on federal property](#)

OFFICIAL SOURCE: [41 C.F.R. Part 102-74 conduct rules](#)

OFFICIAL SOURCE: [USPS Poster 7 — Rules and Regulations Governing Conduct on Postal Service Property](#)

40. Florida Journalist's Privilege — §90.5015

OFFICIAL SOURCE: [Florida Statutes §90.5015 — Journalist's privilege](#) | [Florida Statutes §90.501 — Privileges recognized only as provided](#)

41. Subpoenas and Government Demands for Footage, Notes and Sources

OFFICIAL SOURCE: [42 U.S.C. §2000aa — Privacy Protection Act](#)

OFFICIAL SOURCE: [42 U.S.C. Chapter 21A — Privacy Protection Act remedies and definitions](#)

42. 911 Calls, CAD, Dispatch and Active Criminal Investigations

OFFICIAL SOURCE: [Florida Statutes §119.011 — Definitions, including active criminal investigative information](#)

OFFICIAL SOURCE: [Florida Statutes §119.071 — General exemptions from inspection or copying](#)

43. Records Retention and Preservation Requests

OFFICIAL SOURCE: [Florida Department of State — General Records Schedules](#)

OFFICIAL SOURCE: [GS2 — Criminal Justice Agencies and District Medical Examiners](#)

OFFICIAL SOURCE: [Florida Department of State — Records Management FAQ](#)

44. Florida Sunshine Law — Enforcement and Violations

OFFICIAL SOURCE: [Florida Statutes §286.011 — Sunshine Law](#)

OFFICIAL SOURCE: [Florida Statutes §286.0114 — Opportunity to be heard](#)

46. Florida Defamation Law — Libel, Slander and Retractions

OFFICIAL SOURCE: [Florida Chapter 770 — Defamation](#) | [§770.01 — Pre-suit notice](#) | [§770.02 — Correction/retraction](#) | [U.S. Supreme Court opinions](#)

47. Privacy Claims and Publication of Personal Information

OFFICIAL SOURCE: [§540.08 — Unauthorized publication of name or likeness](#)

48. Recording or Photographing Private Property from a Lawful Public Vantage Point

OFFICIAL SOURCE: [§810.09 — Trespass on property other than structure/conveyance](#) | [§934.50 — Florida drone surveillance statute](#)

49. Undercover Newsgathering, Hidden Cameras and Florida Chapter 934

OFFICIAL SOURCE: [§934.02 — Definitions](#) | [§934.03 — Interception/disclosure](#)

50. Protests, Demonstrations, Riots, Dispersal Orders and Emergency Measures

OFFICIAL SOURCE: [Chapter 870 — Affrays, riots and unlawful assemblies](#) | [§870.01 — Affrays and riots](#) | [§870.02 — Unlawful assemblies](#)

51. Breaking-News Scenes, Fires, Crashes and Declared Emergencies

OFFICIAL SOURCE: [Florida Chapter 252 — Emergency Management](#) | [Florida Chapter 870](#)

52. Copyright, Fair Use and Journalistic Material

OFFICIAL SOURCE: [17 U.S.C. §107 — Fair use](#) | [U.S. Copyright Office — Fair Use](#) | [Copyright basics](#) | [News website group registration](#) | [17 U.S.C. §105 — U.S. Government works: official U.S. Code](#)

53. Leaked, Stolen or Unlawfully Obtained Information

OFFICIAL SOURCE: [U.S. Supreme Court — Bartnicki v. Vopper, 532 U.S. 514](#)

54. Confidential and Anonymous Sources

OFFICIAL SOURCE: [§90.5015 — Florida journalist's privilege](#) | [42 U.S.C. §2000aa — Privacy Protection Act](#)

55. Press Credentials, Self-Issued Press IDs and Media Access

OFFICIAL SOURCE: [Smith v. City of Cumming — Eleventh Circuit](#) | [Florida Attorney General — Open Government](#)

56. Traffic Stops, Roadside Recording and Vehicle Encounters

OFFICIAL SOURCE: [Florida Statutes §322.15 — License carried and exhibited on demand](#) | [Florida Fourth DCA — parked-vehicle consensual encounter authority](#) | [Smith v. City of Cumming — Eleventh Circuit](#) | Florida appellate traffic opinions — parked vehicle / engine-running encounter: [official Florida Courts PDF](#)

57. Jails, Prisons and Detention Facilities

OFFICIAL SOURCE: [Florida Chapter 944 — State Correctional System](#) | [Florida Administrative Code — Department of Corrections](#)

58. Hospitals, EMS, HIPAA and Medical Newsgathering

OFFICIAL SOURCE: [HHS — Media and HIPAA](#) | [HHS — Covered entities](#)

59. Medical Examiners, Autopsies and Death-Investigation Records

OFFICIAL SOURCE: [§406.13 — Examiner records](#) | [§406.135 — Autopsy confidentiality](#)

60. Election Reporting, Polling Places and Vote-Count Observation

OFFICIAL SOURCE: [§102.031 — Order at polls/access/solicitation](#) | [Florida Division of Elections](#)

61. Government Employees as Sources and Florida Whistle-Blower Law

OFFICIAL SOURCE: [§112.3187 — Florida Whistle-blower's Act](#) | [Chapter 112 Part III](#)

62. Minors, Juvenile Matters and Protected Identities

OFFICIAL SOURCE: [Florida Chapter 985 — Juvenile Justice](#) | [Florida Courts — Access to Court Records](#)

63. Drones and Aerial Newsgathering

OFFICIAL SOURCE: [FAA — News media drone FAQ](#) | [FAA — Part 107](#) | [§934.50 — Florida drone surveillance](#)

64. Airports, Seaports, Transit Facilities and Security Checkpoints

OFFICIAL SOURCE: [TSA — Transportation Security](#) | [FAA — Airports](#)

65. Government Officials, Public Employees, Interviews and PIO Restrictions

OFFICIAL SOURCE: [Florida Attorney General — Open Government](#) | [§934.02 — Oral communication definition](#)

67–69. Enforcement, §1983 and Ride-Along Additions

OFFICIAL SOURCE: [5 U.S.C. §552 — official U.S. Code](#)

OFFICIAL SOURCE: [DOJ OIP — FOIA Administrative Appeals](#)

OFFICIAL SOURCE: [DOJ Guide to the FOIA — Litigation Considerations](#)

OFFICIAL SOURCE: [Fla. Stat. §119.07 — denial and particularity](#)

OFFICIAL SOURCE: [Fla. Stat. §119.11 — accelerated hearing](#)

OFFICIAL SOURCE: [Fla. Stat. §119.12 — attorney fees](#)

OFFICIAL SOURCE: [Fla. Stat. §119.10 — penalties](#)

OFFICIAL SOURCE: [42 U.S.C. §1983 — official U.S. Code](#)

OFFICIAL SOURCE: [42 U.S.C. §1988 — attorney fees](#)

OFFICIAL SOURCE: [Eleventh Circuit — qualified immunity framework](#)

OFFICIAL SOURCE: [Eleventh Circuit — Monell standard](#)

OFFICIAL SOURCE: [Wilson v. Layne — official U.S. Reports](#)

70–73. Scanners, Protected Identities, Grand Juries and Anti-SLAPP

OFFICIAL SOURCE: [Fla. Stat. §843.16](#) | [Fla. Stat. §843.165](#) | [Fla. Stat. §843.167](#) | [Fla. Stat. §934.03](#)

OFFICIAL SOURCE: Florida Statutes §794.03: [official source](#) | Florida Statutes §92.56: [official source](#) | Florida Statutes §119.071: [official source](#)

OFFICIAL SOURCE: Florida Statutes §905.24: [official source](#) | Florida Statutes §905.27: [official source](#) | Florida Statutes §905.28: [official source](#) | Florida Statutes §905.395: [official source](#)

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Florida Statute, Rule and Constitutional Index

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§322.15 — [56. Traffic Stops, Roadside Recording and Vehicle Encounters](#)

§406.13 — [59. Medical Examiners, Autopsies and Death-Investigation Records](#)

§406.135 — [59. Medical Examiners, Autopsies and Death-Investigation Records](#)

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§810.08 / §810.09 — [20. Florida Trespass — Government Buildings and Property](#)

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