



To: Billy Urquia, City Clerk

From: Clifford R. Friedman, Assistant City Attorney

Approved: Cristina M. Suárez, City Attorney

A handwritten signature in blue ink, appearing to read "CMA", is written over the name "Cristina M. Suárez" in the "Approved" line.

RE: Security Camera Footage

Date: February 13, 2025

Our office has become aware that multiple public records requests have been made for security camera footage from the City's Public Safety Building ("PSB"). The PSB is a City facility that serves as the headquarters of the Coral Gables Police Department and Coral Gables Fire Department, and is also home to the City's Emergency Operations Center, First Responders Dispatch Center, and Fire Station 1.

However, Florida law provides that a "security or firesafety system plan" held by an agency is confidential and exempt from disclosure pursuant to Sec. 119.07(1) and s. 24(a), Article I of the State Constitution. *Fla. Stat. § 119.071(3)(a)(2)*. The term "security or firesafety system plan" includes "audio and visual presentation . . . relating directly to the physical security or firesafety of the facility or revealing security or firesafety systems." *Fla. Stat. § 119.071(3)(a)(1)*. Florida courts, having previously examined whether similar security camera footage qualifies as a "security system plan" as defined in Florida law, have held that such footage is confidential and exempt from disclosure as provided in Fla. Stat. § 119.071(3)(a)(2).

For instance, footage captured by a public bus's security cameras was held to be confidential and exempt from public disclosure because the footage would "reveal the capabilities—and as a corollary, the vulnerabilities—of the current system." *Central Florida Regional Transportation Authority v. Post-Newsweek Stations, Orlando, Inc.*, 157 So. 3d 401, 405 (Fla. 5th DCA 2015). This holding was expanded upon in a 2015 opinion by the Florida Attorney General finding that similar to footage from the public bus's security system, footage from security cameras "installed at the transit authority's facilities is information which would reveal the existence of a security system" and was also confidential and exempt from disclosure. *AGO 2015-06*.

In 2018 this interpretation was again affirmed by a Florida court, which held that because footage "from the surveillance cameras 'relates directly' to the security system at [Marjorie Stoneman] Douglas [High School], including both its capabilities and its vulnerabilities, the footage is

confidential and exempt from disclosure to the public . . .” unless an exception to the exemption applies. *State Attorney’s Office of the Seventeenth Judicial Circuit v. Cable News Network, Inc.* 251 So. 3d 205, 213 (Fla 4th DCA 2018). The court explained that even though the “exterior cameras are mounted in plain sight and are ‘completely visible’ to a person looking for them,” that “[w]ithout seeing the actual footage from the camera, one would not know:

- Whether the camera is on or off;
- Whether the camera is working;
- How wide the angle is;
- Where the camera is pointing;
- Whether the camera operates at night; or
- How many frames per second the camera is recording.” *Id. at 207-208.*

It is the interpretation of our office that, based upon the statutes and case law set forth above, the requested security camera footage from the City’s PSB (“Requested Footage”) constitutes a security system plan because it relates directly to the physical security of the PSB, and the release of the Requested Footage would reveal the capabilities and vulnerabilities of the PSB’s security systems. Thus, the Requested Footage is confidential, exempt from disclosure, and may not be released or made available for inspection except as provided in Fla. Stat. § 119.071(3)(a)(3).

This opinion is issued pursuant to 2-252(e)(1) of the City Code.