

Proposed RHW Security Camera Rule

Introduction: In the spring of 2018, the RHW Board proposed that the Association purchase and installed internet-connected (IP) security cameras in the clubhouse common area. Because the Association lawyer determined installing security cameras not provided for in our original declarations and bylaws would constitute a “material change,” a 75% affirmative vote of the residents was required if cameras were to be installed.

With 38 units, 29 affirmative votes are needed for a material change. The final vote on the cameras produced only 15 affirmative votes, barely half the number needed. The Board received many comments in opposition to the cameras, particularly if they had a view of the pool and spa area. Many residents did not want to be surveilled while using those amenities. There were fewer comments opposing security cameras facing the dock to monitor for intruders and to prevent vandalism of boats and dock equipment. At this time, unless and until there is an affirmative vote, the Association may not install security cameras.

IP security cameras have now fallen in price such that many residents have installed them at their own homes. However, to the extent that the cameras installed on some homes may be able to surveil other residents using amenities such as the pool, spa, and clubhouse, that runs counter to the concerns expressed widely by the community in 2018. Many security cameras are also capable of audio recording. Recording audio without the expressed permission of those being recorded appears to violate Florida law. FS 934.03. This is not a legal opinion but is based on information publicly available online.

For these reasons, the following rule is proposed:

Security Cameras:

A. Except as provided below, no resident may install a video security camera or listening device in a common area or any area with the ability to record the video or audio of activities in a common area.

B. Residents with cameras or listening devices already installed in areas with a view of a common area must aim their cameras or listening devices so no video or audio of activities in common areas can be recorded. At the request of the Association Board, residents with cameras with a view of common areas must demonstrate their cameras are aimed so they comply with this rule and that audio recording is disabled.

C. Cameras mounted on the interior or exterior of a residence with the ability to view and record activities on 89th Street NW or the adjacent sidewalk are permitted as there is no expectation of privacy on the main road or sidewalk. However, such cameras shall not be installed or aimed to have a view of the interior, backyard, or any place in another resident’s home where there is a reasonable expectation of privacy. Such cameras must have audio recording disabled to comply with Florida law.

D. Video doorbells with their inherently limited video and audio range, when mounted near or adjacent to the front door of a residence, are excluded from these rules.