

1                                   A bill to be entitled  
 2           An act relating to arrest booking photographs;  
 3           creating s. 119.17, F.S.; defining terms; prohibiting  
 4           a person who publishes or disseminates an arrest  
 5           booking photograph through a certain medium from  
 6           soliciting or accepting payment of a fee or other  
 7           consideration to remove, correct, or modify such  
 8           photograph; authorizing an action to enjoin  
 9           publication or dissemination of an arrest booking  
 10          photograph for a violation of the act; specifying the  
 11          time limit for the removal of an arrest booking  
 12          photograph pursuant to a court order; providing a  
 13          civil penalty; providing for reasonable attorney fees  
 14          and costs; requiring the court to terminate an  
 15          injunction under certain circumstances; providing  
 16          applicability; providing an effective date.

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

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 20           Section 1.   Section 119.17, Florida Statutes, is created to  
 21 read:

22           119.17 Arrest booking photographs.—  
 23           (1) As used in this section, the term:  
 24           (a) "Arrest booking photograph" means a photograph of an  
 25           arrestee taken for the purpose of recording the arrestee's image  
 26           as part of the arrest and booking process.

27 (b) "Arrestee" means an individual who has been arrested  
 28 for a violation of law in this state.

29 (c) "Fee or other consideration" does not include a fee or  
 30 consideration, including attorney fees and costs, solicited or  
 31 accepted in connection with the actual or attempted settlement  
 32 or compromise of a lawsuit, threatened lawsuit, arbitration  
 33 claim, threatened arbitration claim, or other judicial or quasi-  
 34 judicial proceeding.

35 (2) A person engaged in publishing or otherwise  
 36 disseminating arrest booking photographs through a publicly  
 37 accessible print or electronic medium may not solicit or accept  
 38 a fee or other consideration to remove, correct, or modify an  
 39 arrest booking photograph of an arrestee.

40 (3) If a person engaged in publishing or otherwise  
 41 disseminating arrest booking photographs through a publicly  
 42 accessible print or electronic medium violates subsection (2),  
 43 the arrestee who is the subject of the arrest booking photograph  
 44 may bring an action to enjoin the publication or other  
 45 dissemination of the arrest booking photograph.

46 (a) If the court enjoins the publication or other  
 47 dissemination of the arrest booking photograph, the court shall  
 48 specify in its order that the arrest booking photograph must be  
 49 removed from publication or other dissemination no later than 14  
 50 days after the date the order is entered. The court shall impose  
 51 a civil penalty of \$1,000 per day for each day of noncompliance  
 52 with the order.

53        (b) If the court enjoins publication or other  
54 dissemination of an arrestee's arrest booking photograph, the  
55 arrestee is entitled to reasonable attorney fees and costs  
56 relating to issuance of the injunction and to any appeal of the  
57 order issuing the injunction in which the arrestee is the  
58 prevailing party.

59        (c) If, subsequent to the 14-day period for removal of the  
60 photograph pursuant to paragraph (a), the person subject to the  
61 injunction demonstrates to the court that he or she is in  
62 compliance with this section, the court shall terminate the  
63 injunction.

64        (4) This section does not apply to any state, regional,  
65 county, local, or municipal governmental entity of this state,  
66 whether executive, judicial, or legislative, or any department,  
67 division, bureau, commission, authority, or political  
68 subdivision.

69        Section 2. This act shall take effect October 1, 2016.