

1 A bill to be entitled
2 An act relating to the unlawful use of a
3 recording device in a motion picture theater;
4 providing definitions; providing that a person
5 who knowingly operates the audiovisual
6 recording function of any device in a motion
7 picture theater with the intent of recording a
8 motion picture under certain circumstances
9 commits a criminal offense; providing criminal
10 penalties; providing for the imposition of
11 criminal fines; requiring theater owners to
12 display certain signs under specified
13 conditions; specifying that failure to display
14 the signs does not create liability for the
15 theater owners; authorizing the theater owner
16 to detain a person in violation of the act;
17 providing immunity to the theater owner for
18 detaining a person in violation of the act
19 while awaiting the arrival of a law enforcement
20 officer; providing an exception to the
21 immunity; providing that an employee or agent
22 of certain law enforcement, protective
23 services, or investigative agencies may operate
24 an audiovisual recording device as part of a
25 lawfully authorized activity; providing an
26 effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Unlawful use of a recording device in a
31 motion picture theater.--

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

2 (a) "Audiovisual recording function" means the
3 capability of a camera, an audio or video recorder, or any
4 other device to record, transfer sounds or images, or transmit
5 a motion picture or any part thereof by means of any
6 technology now known or later developed.

7 (b) "Motion picture theater" means a movie theater,
8 screening room, or other venue when used primarily for the
9 exhibition of a motion picture.

10 (c) "Theater owner" means the owner, operator, or
11 lessee of a motion picture theater and includes an employee or
12 agent of the theater owner.

13 (2) PROHIBITED ACTS.--It is unlawful for a person to
14 knowingly operate the audiovisual recording function of any
15 device in a motion picture theater, in which a motion picture
16 is being exhibited, with the intent of recording the motion
17 picture, if the person knows or should have known that he or
18 she was recording the motion picture without the consent of
19 the theater owner. A person who violates this subsection
20 commits a misdemeanor of the first degree, punishable as
21 provided in section 775.082, Florida Statutes, or section
22 775.083, Florida Statutes. A second or subsequent violation is
23 a felony of the third degree, punishable as provided in
24 section 775.082, Florida Statutes, or by a fine of up to
25 \$25,000, or both.

26 (3) REQUIRED SIGNAGE.--A theater owner prohibiting
27 motion pictures from being recorded in a motion picture
28 theater must display a sign giving notice that recording a
29 motion picture without the consent of the theater owner is a
30 criminal violation. The sign must be displayed in a manner
31 that is clearly legible and conspicuous from the entrance of

1 the motion picture theater. This section does not create any
2 liability for a theater owner failing to display a sign
3 required under this subsection.

4 (4) IMMUNITY.--A theater owner may detain, in a
5 reasonable manner and for a reasonable period, any person whom
6 the owner has probable cause to believe has violated or is
7 violating this section. A law enforcement officer shall be
8 called to the scene immediately after the person is detained.
9 The theater owner may not be held liable in any civil or
10 criminal action arising out of measures taken in the course of
11 detaining the person while awaiting the arrival of a law
12 enforcement officer, unless the plaintiff can show by clear
13 and convincing evidence that the measures were manifestly
14 unreasonable or the period of detention was unreasonably long.

15 (5) LAW ENFORCEMENT OFFICIALS.--This section does not
16 prevent an employee or agent of an investigative agency, law
17 enforcement agency, protective services agency, or
18 intelligence-gathering agency from operating an audiovisual
19 recording device in a motion picture theater where a motion
20 picture is being exhibited as part of a lawfully authorized
21 investigative, protective, law enforcement, or
22 intelligence-gathering activity.

23 (6) LIMITATION.--This section does not prevent the
24 prosecution of an offense under any other law.

25 Section 2. This act shall take effect July 1, 2004.
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