

1 A bill to be entitled
 2 An act relating to the unauthorized use of a name or
 3 likeness; providing a short title; amending s. 540.08,
 4 F.S.; prohibiting the use of the name or image of a member
 5 of the armed forces for certain purposes without obtaining
 6 consent in the manner prescribed by applicable state law;
 7 defining the term "member of the armed forces"; providing
 8 penalties for such unauthorized use; providing an
 9 effective date.

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

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13 Section 1. This act may be cited as the "Robert A. Wise
 14 Military Protection Act."

15 Section 2. Present subsections (3) through (6) of section
 16 540.08, Florida Statutes, are renumbered as subsections (4)
 17 through (7), respectively, and a new subsection (3) is added to
 18 that section to read:

19 540.08 Unauthorized publication of name or likeness.--

20 (3) If a person uses the name, portrait, photograph, or
 21 other likeness of a member of the armed forces without obtaining
 22 the consent required in subsection (1) and such use is not
 23 subject to any exception listed in this section, a court may
 24 impose a civil penalty of up to \$1,000 per violation in addition
 25 to the civil remedies contained in subsection (2). Each
 26 commercial transaction constitutes a violation under this
 27 section. As used in this section, the term "member of the armed
 28 forces" means an officer or enlisted member of the Army, Navy,

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29 Air Force, Marine Corps, or Coast Guard of the United States,
30 the Florida National Guard, and United States Reserve Forces,
31 including any officer or enlisted member who died as a result of
32 injuries sustained in the line of duty.

33 Section 3. This act shall take effect July 1, 2007.