

Bill No. CS for SB 116

Barcode 672252

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Atwater moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Present subsections (3), (4), (5), and (6) of section 540.08, Florida Statutes, are redesignated as subsections (4), (5), (6), and (7), respectively, and a new subsection (3) is added to that section, to read:

540.08 Unauthorized publication of name or likeness.--  
(3) If a person uses the name, portrait, photograph, or other likeness of a member of the armed forces without obtaining the consent required in subsection (1) and such use is not subject to any exception listed in this section, a court may impose a civil penalty of up to \$1,000 per violation in addition to the civil remedies contained in subsection (2). Each commercial transaction constitutes a violation under this section. As used in this section, the term "member of the armed forces" means an officer or enlisted member of the Army, navy, Air Force, Marine Corps, or Coast Guard of the United

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1 States, the Florida National Guard, and United States Reserve  
 2 Forces, including any officer or enlisted member who died as a  
 3 result of injuries sustained in the line of duty.

4 Section 2. This act shall take effect July 1, 2007.

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

11 and insert:

12 A bill to be entitled

13 An act relating to the unauthorized use of a  
 14 name or likeness; amending s. 540.08, F.S.;  
 15 prohibiting the use of the name or image of a  
 16 member of the armed forces for certain purposes  
 17 without obtaining consent in the manner  
 18 prescribed by applicable state law; defining  
 19 the term "member of the armed forces";  
 20 providing penalties for such unauthorized use;  
 21 providing an effective date.