By the Committee on Commerce; and Senator Atwater

577-1971-07

1	A bill to be entitled
2	An act relating to the unauthorized use of the
3	name or image of a member of the armed forces
4	for business purposes; prohibiting a person
5	from using the name or image of a member of the
6	armed forces; providing exceptions; defining
7	the term "member of the armed forces";
8	providing criminal penalties; 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. <u>Unauthorized use of the name or image of a</u>
14	member of the armed forces prohibited
15	(1)(a) A person may not use the name, portrait,
16	photograph, or other image of a member of the armed forces for
17	the purpose of trade or for any commercial or advertising
18	purpose, except as provided in paragraph (b).
19	(b) A person may use the name, portrait, photograph,
20	or other image of a member of the armed forces if the person
21	obtains the prior consent of the member of the armed forces
22	or, if the member is deceased, the prior consent of the
23	surviving spouse, personal representative, or closest living
24	relative by blood or marriage of the deceased.
25	(2) As used in this section, the term "member of the
26	armed forces" means an officer or enlisted member of the Army,
27	Navy, Air Force, Marine Corps, or Coast Guard of the United
28	States, including the Florida National Guard and United States
29	Reserve Forces, including any member who was killed in the
30	line of duty.
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1	(3) A person who violates paragraph (1)(a) commits a
2	misdemeanor of the first degree, punishable as provided in s.
3	775.082 or s. 775.083, Florida Statutes.
4	(4) This section does not apply to the name, portrait,
5	photograph, or image of an historical figure who has been
6	deceased for 50 years or more.
7	Section 2. This act shall take effect July 1, 2007.
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9	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10	COMMITTEE SUBSTITUTE FOR <u>Senate Bill 116</u>
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12	This committee substitute makes the following changes to the
13	original bill:
14	Expands the prohibition against use of a name or image to include the "portrait and photograph" of a member of the armed forces;
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16	 Restricts the use of such images for "commercial purposes" in addition to advertising; and
17	- Exempts the use of historical figures who have been dead
18	for 50 years or more.
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