

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

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

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

18 540.08 Unauthorized publication of name or likeness.--

19 (3) If a person uses the name, portrait, photograph,
20 or other likeness of a member of the armed forces without
21 obtaining the consent required in subsection (1) and such use
22 is not subject to any exception listed in this section, a
23 court may impose a civil penalty of up to \$1,000 per violation
24 in addition to the civil remedies contained in subsection (2).
25 Each commercial transaction constitutes a violation under this
26 section. As used in this section, the term "member of the
27 armed forces" means an officer or enlisted member of the Army,
28 Navy, Air Force, Marine Corps, or Coast Guard of the United
29 States, the Florida National Guard, and United States Reserve
30 Forces, including any officer or enlisted member who died as a
31 result of injuries sustained in the line of duty.

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