

By Senator Oelrich

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1 A bill to be entitled
2 An act relating to the use of law enforcement
3 photographs, images, or video recordings; creating s.
4 925.13, F.S.; prohibiting the commercial use or
5 distribution of law enforcement photographs, images,
6 or video recordings of a deceased person or that show
7 a person's extreme, severe, or acute injuries, which
8 photographs, images, or video recordings are
9 confidential and exempt from public-records laws;
10 providing that such photographs, images, and video
11 recordings remain confidential and exempt from public-
12 records laws when used or transmitted under certain
13 circumstances; providing criminal penalties; providing
14 that these provisions shall not be construed to
15 prohibit constitutionally protected acts; providing an
16 effective date.

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

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20 Section 1. Section 925.13, Florida Statutes, is created to
21 read:

22 925.13 Use of certain law enforcement photographs, images,
23 or video recordings.—

24 (1) (a) Except as provided in paragraph (b), any person in
25 possession of a law enforcement photograph, image, or video
26 recording of a deceased person, a part of a deceased person, or
27 any part of a person's extreme, severe, or acute injuries that
28 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
29 I of the State Constitution may not use such photograph, image,

14-01548-10

20101506

30 or video recording for any commercial purpose or distribute it
31 to any other person in any way, including, but not limited to,
32 posting on the Internet or sending by electronic mail.

33 (b) A law enforcement agency, in furtherance of its
34 official duties or law enforcement training, may use or transmit
35 photographs, images, or video recordings described in paragraph
36 (a) via the Internet or by electronic mail, but only pursuant to
37 a written request and, unless otherwise required in the
38 performance of those duties, the identity of the deceased or
39 injured person shall remain confidential and exempt from public-
40 records requests.

41 (2) Any person who willfully and knowingly violates this
42 section commits a felony of the third degree, punishable as
43 provided in s. 775.082, s. 775.083, or s. 775.084.

44 (3) Nothing in this section shall be construed to abridge
45 the rights of any person that are protected by the First
46 Amendment to the Constitution of the United States or s. 4, Art.
47 I of the State Constitution.

48 Section 2. This act shall take effect October 1, 2010.