

HB 647

2010

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

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

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

21 925.13 Use of certain law enforcement photographs, images,
22 or video recordings.—

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

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

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

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

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

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