

By Senator Dean

5-01062-13

20131060\_\_

1                   A bill to be entitled  
2           An act relating to websites containing information  
3           concerning persons charged with crimes; creating s.  
4           836.12, F.S.; requiring that the operators of websites  
5           containing personal information of persons charged  
6           with crimes remove a person's name and personal  
7           information within a specified period after notice  
8           that the person is acquitted or the charges are  
9           dropped or otherwise resolved without conviction;  
10          providing a civil penalty; providing for a presumption  
11          of defamation; providing an effective date.  
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13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Section 836.12, Florida Statutes, is created to  
16           read:

17           836.12 Websites containing information concerning persons  
18           charged with crimes.—The operator of a website that contains the  
19           name and personal information, including any photograph or  
20           digital image, of a person charged with a crime shall, within 15  
21           days after written notification from the person or the person's  
22           designee, remove the person's name and personal information if  
23           the person is acquitted or the charges are dropped or otherwise  
24           resolved without a conviction. The removal must be without  
25           charge to the person. Failure of the website operator to remove  
26           the person's name or personal information shall result in a  
27           civil penalty of \$100 per instance per week and, after 45 days,  
28           creates a presumption of defamation of character of the person.  
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          Section 2. This act shall take effect October 1, 2013.