



179128

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2014	.	
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The Committee on Criminal Justice (Smith) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 119.17, Florida Statutes, is created to
read:

119.17 Arrest booking photographs.—

(1) As used in this section, the term:

(a) "Arrestee" means an individual who has been arrested
for a violation of law in this state.



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11 (b) "Arrest booking photograph" means a photograph of an
12 arrestee taken for the purpose of recording the arrestee's image
13 as part of the arrest and booking process.

14 (c) "Fee or other consideration" does not include a fee or
15 consideration, including attorney fees and costs, solicited or
16 accepted in connection with the actual or attempted settlement
17 or compromise of a lawsuit, threatened lawsuit, arbitration
18 claim, threatened arbitration claim, or other judicial or quasi-
19 judicial proceeding.

20 (2) A person engaged in publishing or otherwise
21 disseminating arrest booking photographs through a publicly
22 accessible print or electronic medium may not solicit or accept
23 a fee or other consideration to remove, correct, or modify an
24 arrest booking photograph of an arrestee.

25 (3) If a person engaged in publishing or otherwise
26 disseminating arrest booking photographs through a publicly
27 accessible print or electronic medium solicits or accepts a fee
28 or other consideration to remove, correct, or modify an arrest
29 booking photograph in violation of subsection (2), the arrestee
30 who is the subject of the arrest booking photograph may bring an
31 action to enjoin the publication or other dissemination of the
32 arrest booking photograph.

33 (a) If the court enjoins the publication or other
34 dissemination of the arrest booking photograph, the court shall
35 specify in its order that the arrest booking photograph must be
36 removed from publication or other dissemination not later than
37 14 days after the date the order is entered. The court shall
38 impose a civil penalty of \$1,000 per day for each day of
39 noncompliance with the order.



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40 (b) If the court enjoins publication or other dissemination
41 of an arrestee's arrest booking photograph, the arrestee is
42 entitled to reasonable attorney fees and costs relating to
43 issuance of the injunction and to any appeal of the order
44 issuing the injunction in which the arrestee is the prevailing
45 party.

46 (c) If, subsequent to the 14-day period for removal
47 pursuant to paragraph (a), the person subject to the injunction
48 demonstrates to the court that he or she is in compliance with
49 this section, the court shall terminate the injunction.

50 (4) This section does not apply to any state, regional,
51 county, local, or municipal governmental entity of this state,
52 whether executive, judicial, or legislative, or any department,
53 division, bureau, commission, authority, or political
54 subdivision of this state.

55 Section 2. This act shall take effect October 1, 2014.

56

57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete everything before the enacting clause
60 and insert:

61 A bill to be entitled
62 An act relating to arrest booking photographs;
63 creating s. 119.17, F.S.; defining terms; prohibiting
64 a person who publishes or disseminates an arrest
65 booking photograph through a publicly accessible print
66 or electronic medium from soliciting or accepting
67 payment of a fee or other consideration to remove,
68 correct, or modify such photograph; authorizing an



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69 action to enjoin publication or dissemination of an
70 arrest booking photograph if the publisher or
71 disseminator unlawfully solicits or accepts a fee or
72 other consideration to remove, correct, or modify such
73 photograph; specifying the time period during which an
74 arrest booking photograph must be removed pursuant to
75 court order; providing a civil penalty; providing for
76 reasonable attorney fees and costs; requiring the
77 court to terminate an injunction under certain
78 circumstances; providing applicability; providing an
79 effective date.