

By Senator Soto

14-00415-14

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1 A bill to be entitled
2 An act relating to booking photographs; creating s.
3 836.12, F.S.; providing definitions; prohibiting an
4 individual or business entity from soliciting,
5 charging, or collecting compensation for the removal
6 of a booking photograph or other information related
7 to a criminal charge or conviction from the Internet
8 or other public medium; requiring an individual or
9 business entity that publishes booking photographs or
10 criminal record information on an Internet website or
11 other public medium to provide certain contact
12 information; providing for a civil action; providing
13 for the award of actual damages and attorney fees;
14 providing an effective date.

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

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18 Section 1. Section 836.12, Florida Statutes, is created to
19 read:

20 836.12 Removal of booking photographs from the Internet.-

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

22 (a) "Booking photograph" means a photograph of an
23 individual which was taken by an arresting law enforcement
24 agency.

25 (b) "Criminal record information" means information about
26 an individual's involvement in the criminal justice system. The
27 term includes, but is not limited to:

28 1. A description or notation of any arrests, any formal
29 charges, and the final disposition of those charges.

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30 2. Personal identifying information of an individual
31 displayed in conjunction with any other record of his or her
32 involvement in the criminal justice system.

33 (2) It is unlawful to solicit, charge, or collect
34 compensation for the removal of a booking photograph or criminal
35 record information from an Internet website or other public
36 medium.

37 (3) An individual or business entity that publishes booking
38 photographs or criminal record information on an Internet
39 website or other public medium shall clearly and conspicuously
40 publish an e-mail address, fax number, or mailing address to
41 which an individual may submit a request that his or her
42 photograph or information be removed from the Internet website
43 or other public medium.

44 (4) An individual who has been the subject of solicitation,
45 charge, or collection of compensation for the removal of his or
46 her booking photograph or other information related to his or
47 her criminal charge or conviction from the Internet or other
48 public medium may file a civil action for actual damages and
49 attorney fees against an individual or business entity that
50 violates this section.

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