

By the Committee on Criminal Justice; and Senators Soto, Dean,  
and Sachs

591-01605-14

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1 A bill to be entitled  
2 An act relating to arrest booking photographs;  
3 creating s. 119.17, F.S.; defining terms; prohibiting  
4 a person who publishes or disseminates an arrest  
5 booking photograph through a publicly accessible print  
6 or electronic medium from soliciting or accepting  
7 payment of a fee or other consideration to remove,  
8 correct, or modify such photograph; authorizing an  
9 action to enjoin publication or dissemination of an  
10 arrest booking photograph if the publisher or  
11 disseminator unlawfully solicits or accepts a fee or  
12 other consideration to remove, correct, or modify such  
13 photograph; specifying the time period during which an  
14 arrest booking photograph must be removed pursuant to  
15 court order; providing a civil penalty; providing for  
16 reasonable attorney fees and costs; requiring the  
17 court to terminate an injunction under certain  
18 circumstances; providing applicability; providing an  
19 effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Section 119.17, Florida Statutes, is created to  
24 read:

25 119.17 Arrest booking photographs.—

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

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

29 (b) "Arrest booking photograph" means a photograph of an

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30 arrestee taken for the purpose of recording the arrestee's image  
31 as part of the arrest and booking process.

32 (c) "Fee or other consideration" does not include a fee or  
33 consideration, including attorney fees and costs, solicited or  
34 accepted in connection with the actual or attempted settlement  
35 or compromise of a lawsuit, threatened lawsuit, arbitration  
36 claim, threatened arbitration claim, or other judicial or quasi-  
37 judicial proceeding.

38 (2) A person engaged in publishing or otherwise  
39 disseminating arrest booking photographs through a publicly  
40 accessible print or electronic medium may not solicit or accept  
41 a fee or other consideration to remove, correct, or modify an  
42 arrest booking photograph of an arrestee.

43 (3) If a person engaged in publishing or otherwise  
44 disseminating arrest booking photographs through a publicly  
45 accessible print or electronic medium solicits or accepts a fee  
46 or other consideration to remove, correct, or modify an arrest  
47 booking photograph in violation of subsection (2), the arrestee  
48 who is the subject of the arrest booking photograph may bring an  
49 action to enjoin the publication or other dissemination of the  
50 arrest booking photograph.

51 (a) If the court enjoins the publication or other  
52 dissemination of the arrest booking photograph, the court shall  
53 specify in its order that the arrest booking photograph must be  
54 removed from publication or other dissemination not later than  
55 14 days after the date the order is entered. The court shall  
56 impose a civil penalty of \$1,000 per day for each day of  
57 noncompliance with the order.

58 (b) If the court enjoins publication or other dissemination

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59 of an arrestee's arrest booking photograph, the arrestee is  
60 entitled to reasonable attorney fees and costs relating to  
61 issuance of the injunction and to any appeal of the order  
62 issuing the injunction in which the arrestee is the prevailing  
63 party.

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

68 (4) This section does not apply to any state, regional,  
69 county, local, or municipal governmental entity of this state,  
70 whether executive, judicial, or legislative, or any department,  
71 division, bureau, commission, authority, or political  
72 subdivision of this state.

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