

By Senator Soto

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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 certain medium from
6 soliciting or accepting payment of a fee or other
7 consideration to remove, correct, or modify such
8 photograph; authorizing an action to enjoin
9 publication or dissemination of an arrest booking
10 photograph for a violation of the act; specifying the
11 time limit for the removal of an arrest booking
12 photograph pursuant to a court order; providing a
13 civil penalty; providing for reasonable attorney fees
14 and costs; requiring the court to terminate an
15 injunction under certain circumstances; providing
16 applicability; providing an effective date.

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

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

22 119.17 Arrest booking photographs.—

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

24 (a) "Arrest booking photograph" means a photograph of an
25 arrestee taken for the purpose of recording the arrestee's image
26 as part of the arrest and booking process.

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

29 (c) "Fee or other consideration" does not include a fee or
30 consideration, including attorney fees and costs, solicited or
31 accepted in connection with the actual or attempted settlement
32 or compromise of a lawsuit, a threatened lawsuit, an arbitration

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33 claim, a threatened arbitration claim, or other judicial or
34 quasi-judicial proceeding.

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

40 (3) If a person engaged in publishing or otherwise
41 disseminating arrest booking photographs through a publicly
42 accessible print or electronic medium violates subsection (2),
43 the arrestee who is the subject of the arrest booking photograph
44 may bring an action to enjoin the publication or other
45 dissemination of the arrest booking photograph.

46 (a) If the court enjoins the publication or other
47 dissemination of the arrest booking photograph, the court shall
48 specify in its order that the arrest booking photograph must be
49 removed from publication or other dissemination no later than 14
50 days after the date the order is entered. The court shall impose
51 a civil penalty of \$1,000 per day for each day of noncompliance
52 with the order.

53 (b) If the court enjoins the publication or other
54 dissemination of an arrestee's arrest booking photograph, the
55 arrestee is entitled to reasonable attorney fees and costs
56 relating to issuance of the injunction and to any appeal of the
57 order issuing the injunction in which the arrestee is the
58 prevailing party.

59 (c) If, subsequent to the 14-day period for removal of the
60 photograph pursuant to paragraph (a), the person subject to the
61 injunction demonstrates to the court that he or she is in

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62 compliance with this section, the court shall terminate the
63 injunction.

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

69 Section 2. This act shall take effect October 1, 2016.