

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

33 (2) A person engaged in publishing or otherwise
34 disseminating arrest booking photographs through a publicly
35 accessible print or electronic medium, which is subject to the
36 jurisdiction of the courts of this state under s. 48.193, may
37 not solicit or accept payment of a fee or other consideration to
38 remove, correct, or modify an arrest booking photograph of an
39 arrestee.

40 (3) An aggrieved person may initiate a civil action
41 against a person who violates subsection (2) to obtain all
42 appropriate relief in order to remedy or prevent a future
43 violation of subsection (2), including:

44 (a) Injunctive relief.

45 (b) A civil penalty of up to \$1,000 per day for each day
46 of noncompliance with a court order issued in a civil action
47 under this subsection.

48 (c) Monetary damages, including actual damages incurred as
49 a result of a violation of subsection (2).

50 (d) Attorney fees and costs.

51 (4) This section does not apply to any state, regional,
52 county, local, or municipal governmental entity of this state,

53 whether executive, judicial, or legislative, or any department,
 54 division, bureau, commission, authority, or political
 55 subdivision.

56 Section 2. Subsection (12) is added to section 951.23,
 57 Florida Statutes, to read:

58 951.23 County and municipal detention facilities;
 59 definitions; administration; standards and requirements.—

60 (12) ARREST BOOKING PHOTOGRAPHS.—

61 (a) As used in this subsection, the term:

62 1. "Arrest booking photograph" means a photograph of an
 63 arrestee taken for the purpose of recording the arrestee's image
 64 as part of the arrest and booking process.

65 2. "Arrestee" means an individual who has been arrested
 66 for a violation of law in this state.

67 3. "Criminal justice agency" has the same meaning as
 68 provided in s. 943.045 and includes, but is not limited to,
 69 county and municipal detention facilities.

70 (b) A criminal justice agency may not electronically
 71 publish an arrest booking photograph of an arrestee who is
 72 charged with, but not yet convicted of, a criminal offense.

73 (c) Paragraph (b) does not apply to the electronic
 74 publication of arrest booking photographs to:

75 1. Governmental entities.

76 2. Third parties that provide electronic criminal justice
 77 services to criminal justice agencies.

78 3. Any entity if the criminal justice agency head, or a

CS/HB 905

2016

79 designee thereof, determines such publication is necessary to
80 protect public safety.

81 (d) This subsection does not restrict public access to
82 records as provided by s. 119.07.

83 Section 3. This act shall take effect October 1, 2016.