

By Senator Bracy

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1 A bill to be entitled
 2 An act relating to arrest booking photographs;
 3 amending s. 951.23, F.S.; defining terms; prohibiting
 4 a criminal justice agency from electronically
 5 publishing arrest booking photographs of certain
 6 arrestees; providing exceptions; providing
 7 construction; providing an effective date.

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

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 11 Section 1. Subsection (12) is added to section 951.23,
 12 Florida Statutes, to read:

13 951.23 County and municipal detention facilities;
 14 definitions; administration; standards and requirements.—

15 (12) ARREST BOOKING PHOTOGRAPHS.—

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

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

20 2. "Criminal justice agency" has the same meaning as
 21 provided in s. 943.045 and includes a county detention facility
 22 and a municipal detention facility as those terms are defined in
 23 subsection (1).

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

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

29 1. To governmental entities.

30 2. To third parties that provide electronic criminal
 31 justice services to criminal justice agencies.

32 3. To any entity if the sheriff or police chief, or a

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33 designee thereof, decides publication of an arrest booking
34 photograph is necessary to protect public safety.

35 (d) This subsection does not restrict public access to
36 records as provided in s. 119.07.

37 Section 2. This act shall take effect October 1, 2017.