



358892

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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04/07/2021 04:51 PM

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Senator Bean moved the following:

Senate Amendment (with title amendment)

Delete lines 31 - 48

and insert:

request is seeking to remove. Within 10 calendar days after ~~of~~
receipt of the written request for removal of the arrest booking
photograph, the person or entity who published or otherwise
disseminated the photograph shall remove the arrest booking
photograph without charge and may not republish or otherwise
redisseminate such photograph.

(3) (a) The person whose arrest booking photograph was



12 published or otherwise disseminated in the publication or
13 electronic medium may bring a civil action to enjoin the
14 continued publication or dissemination of the photograph if the
15 photograph is not removed within 10 calendar days after receipt
16 of the written request for removal. The court may impose a civil
17 penalty of \$1,000 per day for noncompliance with an injunction
18 and shall award reasonable attorney fees and court costs related
19 to the issuance and enforcement of the injunction. Moneys
20 recovered for civil penalties under this paragraph ~~section~~ shall
21 be deposited into the General Revenue Fund.

22 (b) If a person or an entity was required to remove an
23 arrest booking photograph under this section and later
24 republishes or otherwise redisseminates the photograph in the
25 publication or electronic medium, the person whose photograph is
26 republished or redisseminated may bring a civil action to enjoin
27 the continued publication or dissemination of the photograph.
28 The court may impose a civil penalty of \$5,000 per day for
29 noncompliance with an injunction and shall award reasonable
30 attorney fees and court costs related to the issuance and
31 enforcement of the injunction. Moneys recovered for civil
32 penalties under this paragraph shall be deposited into the
33 General Revenue Fund.

34 (4) Refusal to remove an arrest booking photograph after
35 written request has been made or republishing or otherwise
36 redisseminating an arrest booking photograph after a written
37 request to remove such photograph has been made constitutes an
38 unfair or deceptive

39
40 ===== T I T L E A M E N D M E N T =====



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41 And the title is amended as follows:

42 Delete lines 3 - 7

43 and insert:

44 amending s. 901.43, F.S.; prohibiting the republishing
45 or redissemination of certain arrest booking
46 photographs; authorizing a person whose arrest booking
47 photograph is republished or redisseminated to bring a
48 civil action against the person or entity republishing
49 or redisseminating the photograph if such person or
50 entity was required to remove it from the publication
51 or electronic medium; authorizing a court to impose a
52 specified civil penalty; requiring a court to award
53 reasonable attorney fees and court costs; requiring
54 that recovered civil penalties be deposited into the
55 General Revenue Fund; providing that republishing or
56 redisseminating an arrest booking photograph under
57 certain circumstances constitutes an unfair or
58 deceptive trade practice; making technical changes;
59 expanding the applicability of provisions relating to
60 the dissemination of arrest booking photographs to
61 include a person or an entity whose primary business
62 model is the publishing or disseminating of such
63 photographs for a commercial