

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Omphroy offered the following:

**Amendment (with title amendment)**

5 Remove lines 31-48 and insert:

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

12 (3) (a) The person whose arrest booking photograph was  
 13 published or otherwise disseminated in the publication or  
 14 electronic medium may bring a civil action to enjoin the  
 15 continued publication or dissemination of the photograph if the  
 16 photograph is not removed within 10 calendar days after receipt

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17 of the written request for removal. The court may impose a civil  
18 penalty of \$1,000 per day for noncompliance with an injunction  
19 and shall award reasonable attorney fees and court costs related  
20 to the issuance and enforcement of the injunction. Moneys  
21 recovered for civil penalties under this ~~section~~ paragraph shall  
22 be deposited into the General Revenue Fund.

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

Remove lines 3-9 and insert:  
photographs; amending s. 901.43, F.S.; prohibiting the  
republishing or redissemination of certain arrest booking  
photographs; authorizing a person whose arrest booking  
photograph is republished or redisseminated to bring a civil  
action against the person or entity republishing or  
redisseminating the photograph if such person or entity was  
required to remove it from the publication or electronic medium;  
authorizing a court to impose a specified civil penalty;  
requiring a court to award reasonable attorney fees and court  
costs; requiring that recovered civil penalties be deposited  
into the General Revenue Fund; providing that republishing or  
redisseminating an arrest booking photograph under certain  
circumstances constitutes an unfair or deceptive trade practice;  
making technical changes; expanding the applicability of  
provisions relating to the dissemination of arrest booking  
photographs to include a person or entity whose primary business  
model is the publishing or dissemination of such photographs for  
a commercial purpose or pecuniary gain; providing an effective  
date.