

1 A bill to be entitled
2 An act relating to arrest booking photographs;
3 amending s. 901.43, F.S.; expanding the applicability
4 of provisions relating to the dissemination of arrest
5 booking photographs to include a person or entity
6 whose primary business model is the publishing or
7 dissemination of such photographs for a commercial
8 purpose or pecuniary gain; providing an effective
9 date.

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

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13 Section 1. Section 901.43, Florida Statutes, is amended to
14 read:

15 901.43 Dissemination of arrest booking photographs.—

16 (1) Any person or entity engaged in the business of
17 publishing through a publicly accessible print or electronic
18 medium or otherwise disseminating arrest booking photographs of
19 persons who have previously been arrested may not solicit or
20 accept a fee or other form of payment to remove the photographs.

21 (2) A person whose arrest booking photograph is published
22 or otherwise disseminated, or his or her legal representative,
23 may make a request, in writing, for the removal of an arrest
24 booking photograph to the registered agent of the person or
25 entity who published or otherwise disseminated the photograph.

26 | The written request for removal of the arrest booking photograph
27 | must be sent by registered mail and include sufficient proof of
28 | identification of the person whose arrest booking photograph was
29 | published or otherwise disseminated and specific information
30 | identifying the arrest booking photograph that the written
31 | request is seeking to remove. Within 10 days of receipt of the
32 | written request for removal of the arrest booking photograph,
33 | the person or entity who published or otherwise disseminated the
34 | photograph shall remove the arrest booking photograph without
35 | charge.

36 | (3) The person whose arrest booking photograph was
37 | published or otherwise disseminated in the publication or
38 | electronic medium may bring a civil action to enjoin the
39 | continued publication or dissemination of the photograph if the
40 | photograph is not removed within 10 calendar days after receipt
41 | of the written request for removal. The court may impose a civil
42 | penalty of \$1,000 per day for noncompliance with an injunction
43 | and shall award reasonable attorney fees and court costs related
44 | to the issuance and enforcement of the injunction. Moneys
45 | recovered for civil penalties under this section shall be
46 | deposited into the General Revenue Fund.

47 | (4) Refusal to remove an arrest booking photograph after
48 | written request has been made constitutes an unfair or deceptive
49 | trade practice in accordance with part II of chapter 501.

50 | (5) This section does not apply to any person or entity

51 | that publishes or disseminates information relating to arrest
52 | booking photographs unless:

53 | (a) The person or entity solicits or accepts payment to
54 | remove the photographs; or

55 | (b) The person or entity's primary business model is the
56 | publishing and disseminating of arrest booking photographs for a
57 | commercial purpose or pecuniary gain.

58 | Section 2. This act shall take effect October 1, 2021.