

1 A bill to be entitled
 2 An act relating to dissemination of arrest booking
 3 photographs; amending s. 901.43, F.S.; prohibiting the
 4 republishing or redissemination of certain arrest
 5 booking photographs; authorizing a person whose arrest
 6 booking photograph is republished or redisseminated to
 7 bring a civil action against the person or entity
 8 republishing or redisseminating the photograph if such
 9 person or entity was required to remove it from the
 10 publication or electronic medium; authorizing a court
 11 to impose a specified civil penalty; requiring a court
 12 to award reasonable attorney fees and court costs;
 13 requiring that recovered civil penalties be deposited
 14 into the General Revenue Fund; providing that
 15 republishing or redisseminating an arrest booking
 16 photograph under certain circumstances constitutes an
 17 unfair or deceptive trade practice; making technical
 18 changes; providing an effective date.

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

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 22 Section 1. Subsections (2), (3), and (4) of section
 23 901.43, Florida Statutes, are amended to read:
 24 901.43 Dissemination of arrest booking photographs.—
 25 (2) A person whose arrest booking photograph is published

26 | or otherwise disseminated, or his or her legal representative,
27 | may make a request, in writing, for the removal of an arrest
28 | booking photograph to the registered agent of the person or
29 | entity who published or otherwise disseminated the photograph.
30 | The written request for removal of the arrest booking photograph
31 | must be sent by registered mail and include sufficient proof of
32 | identification of the person whose arrest booking photograph was
33 | published or otherwise disseminated and specific information
34 | identifying the arrest booking photograph that the written
35 | request is seeking to remove. Within 10 calendar days after ~~of~~
36 | receipt of the written request for removal of the arrest booking
37 | photograph, the person or entity who published or otherwise
38 | disseminated the photograph shall remove the arrest booking
39 | photograph without charge and may not republish or redisseminate
40 | it.

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

51 | be deposited into the General Revenue Fund.

52 | (b) If a person or an entity in compliance with the
53 | requirements of this section was required to remove an arrest
54 | booking photograph and then republishes it or otherwise
55 | redisseminates it in the publication or electronic medium, the
56 | person whose photograph is republished or redisseminated may
57 | bring a civil action to enjoin the continued republishing or
58 | redissemination of the photograph. The court may impose a civil
59 | penalty of \$5,000 per day for noncompliance with an injunction
60 | and shall award reasonable attorney fees and court costs related
61 | to the issuance and enforcement of the injunction. Moneys
62 | recovered for civil penalties under this paragraph shall be
63 | deposited into the General Revenue Fund.

64 | (4) Refusal to remove an arrest booking photograph after
65 | written request has been made or republishing or redisseminating
66 | an arrest booking photograph constitutes an unfair or deceptive
67 | trade practice in accordance with part II of chapter 501.

68 | Section 2. This act shall take effect July 1, 2021.