

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/CS/SB 118 — Criminal History Records

by Appropriations Committee; Criminal Justice Committee; Judiciary Committee; and Senator Steube

This bill creates a mechanism for a person to seek the removal of his or her arrest booking photograph from a publicly accessible print or electronic medium or other dissemination.

The bill requires the publisher of an arrest booking photograph to remove the photograph within 10 days after receiving a written request from the person in the photograph or his or her legal representative. The request must be sent by registered mail to the registered agent of the publisher and must include sufficient proof of identification of the person whose photograph is to be removed and information identifying the relevant photograph. The publisher may not solicit or accept a fee to remove the photograph.

If the publisher does not comply with the request for removal, the person in the photograph may file a civil action for an injunction. The court may award reasonable attorney fees and costs related to the issuance and enforcement of the injunction. A civil penalty of up to \$1,000 a day may be imposed for the failure to comply with an injunction, and this penalty will be deposited into the General Revenue Fund. Additionally, a publisher that fails to remove the photograph after a written request commits an unfair or deceptive trade practice, subjecting the publisher to additional penalties under the Florida Deceptive and Unfair Trade Practices Act.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 34-0; House 118-0