Florida Senate - 2007

By the Committee on Commerce; and Senator Atwater

577-1971-07 1 A bill to be entitled 2 An act relating to the unauthorized use of the name or image of a member of the armed forces 3 for business purposes; prohibiting a person 4 5 from using the name or image of a member of the б armed forces; providing exceptions; defining 7 the term "member of the armed forces"; 8 providing criminal penalties; providing an 9 effective date. 10 Be It Enacted by the Legislature of the State of Florida: 11 12 13 Section 1. Unauthorized use of the name or image of a member of the armed forces prohibited .--14 (1)(a) A person may not use the name, portrait, 15 photograph, or other image of a member of the armed forces for 16 17 the purpose of trade or for any commercial or advertising 18 purpose, except as provided in paragraph (b). (b) A person may use the name, portrait, photograph, 19 or other image of a member of the armed forces if the person 20 21 obtains the prior consent of the member of the armed forces 22 or, if the member is deceased, the prior consent of the 23 surviving spouse, personal representative, or closest living relative by blood or marriage of the deceased. 2.4 (2) As used in this section, the term "member of the 25 26 armed forces means an officer or enlisted member of the Army, 27 Navy, Air Force, Marine Corps, or Coast Guard of the United 2.8 States, including the Florida National Guard and United States Reserve Forces, including any member who was killed in the 29 line of duty. 30 31

1

CODING: Words stricken are deletions; words underlined are additions.

1 (3) A person who violates paragraph (1)(a) commits a 2 misdemeanor of the first degree, punishable as provided in s. 3 775.082 or s. 775.083, Florida Statutes. 4 (4) This section does not apply to the name, portrait, 5 photograph, or image of an historical figure who has been б deceased for 50 years or more. 7 Section 2. This act shall take effect July 1, 2007. 8 9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR 10 Senate Bill 116 11 12 This committee substitute makes the following changes to the original bill: 13 Expands the prohibition against use of a name or image to include the "portrait and photograph" of a member of the 14 armed forces; 15 Restricts the use of such images for "commercial purposes" in addition to advertising; and 16 17 Exempts the use of historical figures who have been dead for 50 years or more. 18 19 20 21 22 23 2.4 25 26 27 28 29 30 31

CODING: Words stricken are deletions; words underlined are additions.