

HB 275

2009

1 A bill to be entitled
2 An act relating to use of law enforcement photographs or
3 video recordings; creating s. 925.13, F.S.; prohibiting
4 the commercial use or distribution of law enforcement
5 photographs or video recordings of a deceased person or
6 that show a person's extreme, severe, or acute injuries,
7 which photographs or recordings are confidential and
8 exempt from public records laws; providing that such
9 photographs and video recordings remain confidential and
10 exempt from public records laws when used or transmitted
11 under certain circumstances; providing criminal penalties;
12 providing that these provisions shall not be construed to
13 prohibit constitutionally protected acts; providing an
14 effective date.

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

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18 Section 1. Section 925.13, Florida Statutes, is created to
19 read:

20 925.13 Use of certain law enforcement photographs or video
21 recordings.--

22 (1) (a) Except as provided in paragraph (b), any person in
23 possession of a law enforcement photograph or video recording of
24 a deceased person, a part of a deceased person, or any part of a
25 person's extreme, severe, or acute injuries that is confidential
26 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution may not use such photograph or video recording for
28 any commercial purpose or distribute it to any other person in

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29 any way, including, but not limited to, posting on the Internet
30 or sending by electronic mail.

31 (b) A law enforcement agency, in furtherance of its
32 official duties or law enforcement training, may use or transmit
33 photographs or video recordings described in paragraph (a) via
34 the Internet or by electronic mail, but only pursuant to a
35 written request and, unless otherwise required in the
36 performance of those duties, the identity of the deceased or
37 injured person shall remain confidential and exempt from public
38 records requests.

39 (2) Any person who willfully and knowingly violates this
40 section commits a felony of the third degree, punishable as
41 provided in s. 775.082, s. 775.083, or s. 775.084.

42 (3) Nothing in this section shall be construed to abridge
43 the rights of any person that are protected by the First
44 Amendment to the Constitution of the United States or s. 4, Art.
45 I of the State Constitution.

46 Section 2. This act shall take effect October 1, 2009.