

By Senator Soto

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1 A bill to be entitled
2 An act relating to arrest booking photographs;
3 creating s. 119.17, F.S.; defining terms; prohibiting
4 a person who publishes or disseminates an arrest
5 booking photograph through a publicly accessible print
6 or electronic medium from soliciting or accepting
7 payment of a fee or other consideration to remove,
8 correct, or modify such photograph; authorizing an
9 action to enjoin publication or dissemination of an
10 arrest booking photograph if the publisher or
11 disseminator unlawfully solicits or accepts a fee or
12 other consideration to remove, correct, or modify such
13 photograph; specifying the time period during which an
14 arrest booking photograph must be removed pursuant to
15 court order; providing a civil penalty; providing for
16 reasonable attorney fees and costs; requiring the
17 court to terminate an injunction under certain
18 circumstances; providing applicability; providing an
19 effective date.

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

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23 Section 1. Section 119.17, Florida Statutes, is created to
24 read:

25 119.17 Arrest booking photographs.—

26 (1) As used in this section, the term:

27 (a) "Arrestee" means an individual who has been arrested
28 for a violation of law in this state.

29 (b) "Arrest booking photograph" means a photograph of an

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30 arrestee taken for the purpose of recording the arrestee's image
31 as part of the arrest and booking process.

32 (c) "Fee or other consideration" does not include a fee or
33 consideration, including attorney fees and costs, solicited or
34 accepted in connection with the actual or attempted settlement
35 or compromise of a lawsuit, threatened lawsuit, arbitration
36 claim, threatened arbitration claim, or other judicial or quasi-
37 judicial proceeding.

38 (2) A person engaged in publishing or otherwise
39 disseminating arrest booking photographs through a publicly
40 accessible print or electronic medium may not solicit or accept
41 a fee or other consideration to remove, correct, or modify an
42 arrest booking photograph of an arrestee.

43 (3) If a person engaged in publishing or otherwise
44 disseminating arrest booking photographs through a publicly
45 accessible print or electronic medium solicits or accepts a fee
46 or other consideration to remove, correct, or modify an arrest
47 booking photograph in violation of subsection (2), the arrestee
48 who is the subject of the arrest booking photograph may bring an
49 action to enjoin the publication or other dissemination of the
50 arrest booking photograph.

51 (a) If the court enjoins the publication or other
52 dissemination of the arrest booking photograph, the court shall
53 specify in its order that the arrest booking photograph must be
54 removed from publication or other dissemination not later than
55 14 days after the date the order is entered. The court shall
56 impose a civil penalty of \$1,000 per day for each day of
57 noncompliance with the order.

58 (b) If the court enjoins publication or other dissemination

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59 of an arrestee's arrest booking photograph, the arrestee is
60 entitled to reasonable attorney fees and costs relating to
61 issuance of the injunction and to any appeal of the order
62 issuing the injunction in which the arrestee is the prevailing
63 party.

64 (c) If, subsequent to the 14-day period for removal
65 pursuant to paragraph (a), the person subject to the injunction
66 demonstrates to the court that he or she is in compliance with
67 this section, the court shall terminate the injunction.

68 (4) This section does not apply to any state, regional,
69 county, local, or municipal governmental entity of this state,
70 whether executive, judicial, or legislative, or any department,
71 division, bureau, commission, authority, or political
72 subdivision of this state.

73 Section 2. This act shall take effect October 1, 2015.