

By Senator Thurston

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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 901.43,
23 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.

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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

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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 disseminating
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.