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1	A bill to be entitled						
2	An act relating to arrest booking photographs;						
3	creating s. 501.172, F.S.; defining terms; prohibiting						
4	persons who publish or disseminate arrest booking						
5	photographs through certain media from soliciting or						
6	accepting payment of a fee or other consideration to						
7	remove, correct, or modify such photograph;						
8	authorizing a civil action; providing civil remedies;						
9	providing a civil penalty; providing exceptions;						
10	amending s. 951.23, F.S.; defining terms; prohibiting						
11	a criminal justice agency from electronically						
12	publishing arrest booking photographs of certain						
13	arrestees; providing exceptions; providing						
14	construction; providing an effective date.						
15							
16	Be It Enacted by the Legislature of the State of Florida:						
17							
18	Section 1. Section 501.172, Florida Statutes, is created						
19	to read:						
20	501.172 Arrest booking photographs.—						
21	(1) As used in this section, the term:						
22	(a) "Arrest booking photograph" means a photograph of an						
23	arrestee taken for the purpose of recording the arrestee's image						
24	as part of the arrest and booking process.						
25	(b) "Arrestee" means an individual who has been arrested						
26	for a violation of law in this state.						

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

- (2) A person engaged in publishing or otherwise disseminating arrest booking photographs through a publicly accessible print or electronic medium, which is subject to the jurisdiction of the courts of this state under s. 48.193, may not solicit or accept payment of a fee or other consideration to remove, correct, or modify an arrest booking photograph of an arrestee.
- (3) An aggrieved person may initiate a civil action against a person who violates subsection (2) to obtain all appropriate relief in order to remedy or prevent a future violation of subsection (2), including:
 - (a) Injunctive relief.

- (b) A civil penalty of up to \$1,000 per day for each day of noncompliance with a court order issued in a civil action under this subsection.
- (c) Monetary damages, including actual damages incurred as a result of a violation of subsection (2).
 - (d) Attorney fees and costs.
- (4) This section does not apply to any state, regional, county, local, or municipal governmental entity of this state,

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53	whether executive, judicial, or legislative, or any department,							
54	division, bureau, commission, authority, or political							
55	subdivision.							
56	Section 2. Subsection (12) is added to section 951.23,							
57	Florida Statutes, to read:							
58	951.23 County and municipal detention facilities;							
59	definitions; administration; standards and requirements							
60	(12) ARREST BOOKING PHOTOGRAPHS.—							
61	(a) As used in this subsection, the term:							
62	1. "Arrest booking photograph" means a photograph of an							
63	arrestee taken for the purpose of recording the arrestee's image							
64	as part of the arrest and booking process.							
65	2. "Arrestee" means an individual who has been arrested							
66	for a violation of law in this state.							
67	3. "Criminal justice agency" has the same meaning as							
68	provided in s. 943.045 and includes, but is not limited to,							
69	county and municipal detention facilities.							
70	(b) A criminal justice agency may not electronically							
71	publish an arrest booking photograph of an arrestee who is							
72	charged with, but not yet convicted of, a criminal offense.							
73	(c) Paragraph (b) does not apply to the electronic							
74	publication of arrest booking photographs to:							
75	1. Governmental entities.							
76	2. Third parties that provide electronic criminal justice							
77	services to criminal justice agencies.							
78	3. Any entity if the criminal justice agency head, or a							

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79	designe	e there	of, determi	nes such	n publicati	on is 1	necessary	to
80	protect	public	safety.					
81	(d)) This	subsection	does no	t restrict	publi	c access	to

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- (d) This subsection does not restrict public access to records as provided by s. 119.07.
- Section 3. This act shall take effect October 1, 2016.

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