

By Senator Dean

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

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

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

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

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

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

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

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

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

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