

27 agency, jail, or correctional facility.

28 (b) "Subject individual" means an individual who was
29 arrested and had his or her photograph taken and:

30 1. The individual's criminal history record was sealed or
31 expunged pursuant to s. 943.0581, s. 943.0582, s. 943.0583, or
32 s. 943.0585;

33 2. Before indictment, accusation, or other charging
34 instrument:

35 a. The arresting law enforcement agency did not refer the
36 individual's case for further prosecution to the proper
37 prosecuting attorney, and the offense against the individual was
38 closed by the arresting law enforcement agency;

39 b. The statute of limitations expired; or

40 c. The individual's case was referred to the prosecuting
41 attorney but was later dismissed;

42 3. After indictment or accusation:

43 a. All charges were dismissed or nolle prosequi;

44 b. The individual pleaded guilty to or was found guilty of
45 possession of a narcotic drug, marijuana, or stimulant,
46 depressant, or hallucinogenic drug and was sentenced in
47 accordance with s. 948.01(7), s. 948.06(2)(i), or s. 948.20, and
48 the individual successfully completed the terms and conditions
49 of the individual's community control or probation; or

50 4. The individual was acquitted of all of the charges by a
51 judge or jury.

52 (2) A person who, for purposes of commerce, engages in

53 activity involving or using a computer or computer network and
54 who publishes on the person's publicly available website a
55 subject individual's arrest booking photograph or other
56 photograph of a subject individual made pursuant to the subject
57 individual's incarceration in a jail or correctional facility is
58 deemed to be transacting business in this state. Within 30 days
59 after a subject individual sends a written request, including
60 the subject individual's name, date of birth, date of arrest,
61 and the name of the arresting law enforcement agency, the person
62 shall, without fee or compensation, remove the subject
63 individual's arrest booking photograph from the person's
64 website. The written request must be transmitted by certified
65 mail, return receipt requested, or overnight delivery service,
66 to the registered agent, principal place of business, or primary
67 residence of the person who published the website. Without
68 otherwise limiting the definition of unfair and deceptive acts
69 or practices under this chapter, a failure to comply with this
70 section is a violation of part II.

71 Section 2. Subsection (2) of section 501.212, Florida
72 Statutes, is amended to read:

73 501.212 Application.—This part does not apply to:

74 (2) A publisher, broadcaster, printer, or other person
75 engaged in the dissemination, in print or electronically, of
76 information or commentary or the reproduction of printed or
77 pictorial matter, or who is the provider of an interactive
78 computer service as defined in 47 U.S.C. s. 230 insofar as the

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79 | information or matter has been disseminated or reproduced or to
80 | which access has been enabled on behalf of others without actual
81 | knowledge that it violated this part.

82 | Section 3. This act shall take effect October 1, 2014.