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March 17, 2014

The Honorable Carlos Trujillo
The Florida House of Representatives
204 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Re: CS/CS/HB 265 Arrest Booking Photographs

Dear Representative Trujillo:

We have carefully reviewed CS/CS/HB 265, which prohibits county or municipal detention facility from electronically publishing arrest booking photographs of certain arrestees

We understand the purpose of this legislation, Representative Trujillo, but we do have concerns regarding its implications and potential impact on our constitutional right of freedom of the press and access to government information. While HB 265 does not on its face restrict access to public records, there are significant and foreseeable issues with timely electronic access that have come to our attention.

As such, respectfully suggest the bill be amended to more closely track Senate Bill 298. Specifically, the bill should be amended to focus only on those websites soliciting or accepting payment for the removal of such photographs, and allow for civil action and penalties for the victim.

Thank you for your attention to our concerns. Should you need any additional information, please don't hesitate to contact us.

Sincerely,


Barbara A. Petersen, President

Cc: The Honorable Will Weatherford, Speaker, Florida House of
Representatives
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association