

Committee Substitute for Senate Bill No. 116

An act relating to the unauthorized use of a name or likeness; providing a short title; amending s. 540.08, F.S.; prohibiting the use of the name or image of a member of the armed forces for certain purposes without obtaining consent in the manner prescribed by applicable state law; defining the term “member of the armed forces”; providing penalties for such unauthorized use; providing an effective date.

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

Section 1. This act may be cited as the “Robert A. Wise Military Protection Act.”

Section 2. Present subsections (3), (4), (5), and (6) of section 540.08, Florida Statutes, are redesignated as subsections (4), (5), (6), and (7), respectively, and a new subsection (3) is added to that section, to read:

540.08 Unauthorized publication of name or likeness.—

(3) If a person uses the name, portrait, photograph, or other likeness of a member of the armed forces without obtaining the consent required in subsection (1) and such use is not subject to any exception listed in this section, a court may impose a civil penalty of up to \$1,000 per violation in addition to the civil remedies contained in subsection (2). Each commercial transaction constitutes a violation under this section. As used in this section, the term “member of the armed forces” means an officer or enlisted member of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, the Florida National Guard, and United States Reserve Forces, including any officer or enlisted member who died as a result of injuries sustained in the line of duty.

Section 3. This act shall take effect July 1, 2007.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.