



142094

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2009	.	
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	.	
	.	

The Committee on Judiciary (Ring) recommended the following:

Senate Amendment

Delete lines 289 - 321

and insert:

815.055 Exceptions.—Sections 815.051 and 815.053 do not:

(1) Apply to the monitoring of, or interaction with, an owner's or an operator's Internet or other network connection, service, or computer by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for purposes of network or computer security, diagnostics, technical support, maintenance, repair, network management, authorized updates of



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13 computer software or system firmware, authorized remote system
14 management, or detection or prevention of the unauthorized use
15 of, or fraudulent or other illegal activities in connection
16 with, a network, service, or computer software, including
17 scanning for and removing computer software proscribed under
18 this chapter.

19 (2) Impose liability on any communications service
20 providers as defined in s. 202.11(2), commercial mobile service
21 providers, or providers of information services, including, but
22 not limited to, Internet access service providers and hosting
23 service providers, if they provide the transmission, storage, or
24 caching of electronic communications or messages of others or
25 provide other related telecommunications, commercial mobile
26 radio service, or information services used by others in
27 violation of this chapter. This exemption from liability is
28 consistent with and in addition to any liability exemption
29 provided under 47 U.S.C. s. 230.

30 (3) Prohibit or criminalize the use of software by parents
31 or guardians to monitor Internet or computer usage of their
32 minor children.

33
34 This section does not provide a defense to liability under the
35 common law or any other state or federal law, and may not be
36 construed to be an affirmative grant of authority to engage in
37 any of the activities listed in this section.