

By Senator Baxley

12-00442A-17

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; defining terms; requiring that
 4 electronic mail addresses and Internet identifiers of
 5 sexual predators or sexual offenders reported pursuant
 6 to specified laws be exempt from public record
 7 requirements unless otherwise ordered by a court;
 8 providing applicability; providing construction;
 9 providing for future review and repeal of the
 10 exemption; providing a statement of public necessity;
 11 providing a directive to the Division of Law Revision
 12 and Information; providing a contingent effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:
 16

17 Section 1. Paragraph (1) is added to subsection (5) of
 18 section 119.071, Florida Statutes, to read:

19 119.071 General exemptions from inspection or copying of
 20 public records.—

21 (5) OTHER PERSONAL INFORMATION.—

22 (1)1. For purposes of this paragraph, the term:

23 a. "Electronic mail address" has the same meaning as
 24 provided in s. 668.602.

25 b. "Internet identifier" has the same meaning as provided
 26 in s. 775.21.

27 c. "Personal identifying information" means any name or
 28 number that may be used, alone or in conjunction with any other
 29 information, to identify a specific person, including, but not
 30 limited to, a name, a mailing address, a telephone number, a
 31 social security number, a date of birth, a mother's maiden name,
 32 an official state-issued or United States-issued driver license

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33 or identification number, an alien registration number, a
34 government passport number, or an employer or taxpayer
35 identification number.

36 2. Electronic mail addresses and Internet identifiers of
37 sexual predators or sexual offenders reported pursuant to s.
38 775.21, s. 943.0435, s. 944.606, s. 944.607, s. 985.481, or s.
39 985.4815 may be used only by criminal justice agencies for
40 criminal justice purposes and are exempt from s. 119.07(1) and
41 s. 24(a), Art. I of the State Constitution unless otherwise
42 ordered by a court. This exemption applies to records held
43 before, on, or after the effective date of this act.

44 3. This paragraph does not prohibit:

45 a. A law enforcement agency from confirming that an
46 electronic mail address or Internet identifier reported pursuant
47 to s. 775.21, s. 943.0435, s. 944.606, s. 944.607, s. 985.481,
48 or s. 985.4815 is registered in the Department of Law
49 Enforcement Sexual Offender and Sexual Predator Registry;
50 however, personal identifying information linked to such
51 electronic mail address or Internet identifier may not be
52 revealed in conjunction with the confirmation under this sub-
53 subparagraph.

54 b. The Department of Law Enforcement from providing
55 information in accordance with s. 943.0437.

56 4. This paragraph is subject to the Open Government Sunset
57 Review Act in accordance with s. 119.15 and shall stand repealed
58 on October 2, 2022, unless reviewed and saved from repeal
59 through reenactment by the Legislature.

60 Section 2. The Legislature finds that it is a public
61 necessity that the electronic mail addresses, Internet

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62 identifiers, and certain personal identifying information of
63 sexual predators or sexual offenders required to be reported
64 pursuant to s. 775.21, s. 943.0435, s. 944.606, s. 944.607, s.
65 985.481, or s. 985.4815, Florida Statutes, for criminal justice
66 purposes be made exempt from s. 119.071(1), Florida Statutes,
67 and s. 24(a), Article I of the State Constitution unless
68 otherwise ordered by a court or disclosed by a law enforcement
69 agency with certain restrictions. The requirement for sexual
70 predators and sexual offenders to register their electronic mail
71 addresses and Internet identifiers has been an important tool
72 for law enforcement in combatting the exploitation of minors.
73 The United States District Court for the Northern District of
74 Florida has raised concerns that the release of Internet
75 identifiers along with personal identifying information of
76 sexual predators and sexual offenders could have a chilling
77 effect on the First Amendment right to free anonymous speech.
78 For these reasons, the Legislature finds that it is a public
79 necessity that the electronic mail addresses, Internet
80 identifiers, and certain personal identifying information that
81 are required to be reported by sexual predators or sexual
82 offenders pursuant to s. 775.21, s. 943.0435, s. 944.606, s.
83 944.607, s. 985.481, or s. 985.4815, Florida Statutes, be exempt
84 from public record requirements.

85 Section 3. The Division of Law Revision and Information is
86 directed to replace the phrase "the effective date of this act"
87 whenever it occurs in this act with the date the act becomes a
88 law.

89 Section 4. This act shall take effect on the same date that
90 SB ____ or similar legislation takes effect, if such legislation

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91 is adopted in the same legislative session or an extension
92 thereof and becomes a law.