

By the Committee on Criminal Justice; and Senator Baxley

591-03323A-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 records
7 requirements; providing retroactive applicability;
8 providing construction; providing for future review
9 and repeal of the exemption; providing a statement of
10 public necessity; providing a directive to the
11 Division of Law Revision and Information; providing a
12 contingent effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 119.071 General exemptions from inspection or copying of
19 public records.—

20 (5) OTHER PERSONAL INFORMATION.—

21 (1)1. As used in this paragraph, the term:

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

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

26 2. Electronic mail addresses and Internet identifiers
27 registered by sexual predators or sexual offenders and held by
28 agencies pursuant to s. 775.21, s. 943.0435, s. 944.606, s.
29 944.607, s. 985.481, or s. 985.4815 are exempt from s. 119.07(1)

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30 and s. 24(a), Art. I of the State Constitution. This exemption
31 applies to records held before, on, or after the effective date
32 of this act.

33 3. This paragraph does not prohibit a law enforcement
34 agency from confirming to a member of the public that an
35 electronic mail address or Internet identifier reported pursuant
36 to s. 775.21, s. 943.0435, s. 944.606, s. 944.607, s. 985.481,
37 or s. 985.4815 is registered in the Department of Law
38 Enforcement sexual offender and sexual predator registry.

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40 Review Act in accordance with s. 119.15 and shall stand repealed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

43 Section 2. (1) The Legislature finds that it is a public
44 necessity that electronic mail addresses and Internet
45 identifiers registered by sexual predators and sexual offenders
46 and held by agencies pursuant to s. 775.21, s. 943.0435, s.
47 944.606, s. 944.607, s. 985.481, or s. 985.4815, Florida
48 Statutes, be made exempt from s. 119.071(1), Florida Statutes,
49 and s. 24(a), Article I of the State Constitution. The
50 Legislature finds that the exemption strikes an important
51 balance between the government's legitimate interest in public
52 safety and protecting individuals' rights afforded under the
53 Constitution of the State of Florida and the First Amendment
54 rights protected by the United States Constitution. The
55 exemption maintains the ability of members of the public to
56 confirm whether an electronic mail address or Internet
57 identifier is associated with or is contained in the sexual
58 offender and sexual predator registry without obtaining the

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59 personal identifying information of the registrant associated
60 with the electronic mail address or Internet identifier. This
61 exemption allows members of the public access to safety
62 information which assists them in making informed decisions
63 regarding communicating or otherwise interacting with registered
64 sexual predators and sexual offenders. Additionally, this
65 exemption preserves the ability of criminal justice agencies to
66 access valuable investigative information. Criminal justice
67 agencies are tasked with the prevention of crimes to protect
68 residents, particularly children, from sexual exploitation
69 through investigating and bringing offenders to justice. As
70 daily life necessitates increasing dependence upon access to the
71 Internet, sexual exploitation through the use of the Internet
72 grows as well. There is a nexus between commercial social
73 networking sites and Internet sex crimes. Commercial social
74 networking sites are widely used among youth and adults for
75 introduction, communication, and publication of personal details
76 that may be exploited. Additionally, locating missing children
77 and sexual predators and sexual offenders who have evaded
78 registration is greatly aided through the use of registered
79 electronic mail addresses and Internet identifiers. Without this
80 exemption, criminal justice agencies may lose access to
81 information which has become a valuable investigative tool since
82 the inception of this registration requirement. Absent a
83 registration requirement for electronic mail addresses and
84 Internet identifiers, investigative agencies will be severely
85 hampered in the growing call to protect our residents from
86 sexual exploitation online.

87 (2) The Legislature recognizes the importance of protecting

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88 rights provided in the First Amendment to the United States
89 Constitution for all citizens. Equally, the Legislature
90 recognizes the importance of preserving the civil regulatory
91 processes of sexual offender and sexual predator registration
92 and ensuring criminal justice agencies have the critical
93 resource of sexual offender and sexual predator electronic mail
94 address and Internet identifier registration information
95 necessary to protect our residents. Electronic mail addresses
96 and Internet identifiers have an exceptional distinction from
97 other registration requirements in that they are used as unique
98 personal identifiers for speech and communication. Because of
99 this distinction, a public records exemption is required to
100 avoid any appearance of infringement on registrants'
101 constitutional rights. If the ability to collect this
102 information were prevented, it would greatly disrupt the ability
103 of criminal justice agencies to use this essential information
104 in combatting the prevalent problem of online sexual
105 exploitation of children. For these reasons and for the
106 preservation of and continued collection of this information,
107 the Legislature finds that it is a public necessity that the
108 electronic mail addresses and Internet identifiers continue to
109 be registered by sexual predators and sexual offenders and held
110 by agencies pursuant to ss. 775.21, 943.0435, 944.606, 944.607,
111 985.481, and 985.4815, Florida Statutes, be exempt from public
112 record requirements.

113 Section 3. The Division of Law Revision and Information is
114 directed to replace the phrase "the effective date of this act"
115 whenever it occurs in this act with the date the act becomes a
116 law.

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117 Section 4. This act shall take effect on the same date that
118 SB 684 or similar legislation takes effect, if such legislation
119 is adopted in the same legislative session or an extension
120 thereof and becomes a law.