

HB 0899

2004

1 A bill to be entitled
 2 An act relating to Internet screening in public libraries;
 3 defining terms; requiring public libraries to provide
 4 technology that blocks or filters Internet access to
 5 specified proscribed visual depictions; allowing adults to
 6 request disablement of the technology; providing for the
 7 assessment of a fine in connection with a violation by a
 8 county or municipal library; providing for notice of
 9 enforcement through a civil action; providing for
 10 reasonable costs and attorneys' fees; providing a finding
 11 of important state interest; providing an effective date.

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

14
 15 Section 1. Internet screening in public libraries.--

16 (1) As used in this section, the term:

17 (a) "Child pornography" has the same meaning as in s.
 18 847.001, Florida Statutes.

19 (b) "Harmful to minors" means any picture, image, graphic
 20 image file, or other visual depiction that:

21 1. Taken as a whole and with respect to minors, appeals to
 22 a prurient interest in nudity, sex, or excretion;

23 2. Depicts, describes, or represents, in a patently
 24 offensive way with respect to what is suitable for minors, an
 25 actual or simulated sexual act or sexual contact, an actual or
 26 simulated normal or perverted sexual act, or a lewd exhibition
 27 of the genitals; and

28 3. Taken as a whole, lacks serious literary, artistic,
 29 political, or scientific value as to minors.

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30 (c) "Minor" means an individual who is younger than 18
 31 years of age.

32 (d) "Obscene" has the same meaning as in s. 847.001,
 33 Florida Statutes.

34 (e) "Public computer" means a computer that is made
 35 available to the public and that has Internet access.

36 (f) "Technology protection measure" means software or
 37 equivalent technology that blocks or filters Internet access to
 38 the visual depictions that are proscribed under subsection (2).

39 (2) Each county or municipal public library shall enforce
 40 an Internet safety policy that provides for the:

41 (a) Installation and operation of a technology protection
 42 measure on all public computers in the library which protects
 43 against access through such computers by adults to visual
 44 depictions that are obscene or child pornography and by minors
 45 to visual depictions that are obscene, child pornography, or
 46 harmful to minors; and

47 (b) Disablement of the technology protection measure by an
 48 employee of the county or municipal public library upon an
 49 adult's request to use the computer.

50 (3) Pursuant to a civil action initiated under this
 51 subsection, the court may impose a fine of not more than \$100
 52 per day upon a county or municipal public library for each day
 53 that such library is in violation of this section. The Attorney
 54 General or a citizen of this state may seek enforcement of this
 55 section. The Attorney General or citizen shall first send to the
 56 county or municipal public library by certified mail, return
 57 receipt requested, a notice of intended civil action for
 58 enforcement, which shall specify the facts and circumstances

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59 alleged to constitute a violation of this section. If the county
60 or municipal library complies or initiates reasonable efforts
61 towards compliance with the requirements of this section within
62 10 days after the receipt of such notice, it shall provide a
63 written response specifying the manner in which such compliance
64 has been rendered or initiated to the party who provided the
65 notice of the intended enforcement action by certified mail,
66 return receipt requested. If the Attorney General or citizen
67 does not receive such response within 15 days after the library
68 has received the notice of intended civil action for
69 enforcement, or having received such notice, if the Attorney
70 General or citizen is not satisfied that compliance has been
71 rendered or that reasonable efforts towards compliance have been
72 initiated, the Attorney General or citizen may bring a civil
73 cause of action in the circuit court of the county in which the
74 library is located to enforce this section. In connection with
75 such enforcement, the court may impose fines as provided in this
76 subsection for each day the library has been in violation of
77 this section, dating from the date that the library received the
78 notice of intended civil action for enforcement. In any such
79 action brought by a citizen, if a court finds the library has
80 violated this section, the citizen shall be entitled to
81 reasonable attorneys' fees and costs. The clerk of the circuit
82 court shall act as the depository for all moneys collected
83 pursuant to this section. The clerk may retain a service charge
84 of \$1 for each payment received under this subsection. On a
85 monthly basis, the clerk shall transfer the moneys collected
86 pursuant to this subsection to the Department of Revenue for
87 deposit in the Records Management Trust Fund within the Division

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88 of Library and Information Services.

89 Section 2. In accordance with Section 18, Article VII of
90 the State Constitution, the Legislature finds that the
91 installation and operation by public libraries of technology
92 protection measures that protect against access by adults to
93 visual depictions that are obscene or child pornography and by
94 minors to visual depictions that are obscene, child pornography,
95 or harmful to minors fulfills an important state interest.

96 Section 3. This act shall take effect July 1, 2004.