

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Internet screening in public libraries;  
7 defining terms; requiring public libraries to provide  
8 technology that blocks or filters Internet access to  
9 specified proscribed visual depictions; allowing adults to  
10 request disablement of the technology; directing the  
11 Division of Library and Information Services within the  
12 Department of State to adopt rules requiring a written  
13 attestation of compliance as a condition of state funding;  
14 providing that no cause of action shall arise from a  
15 library's failure to comply; providing a finding of  
16 important state interest; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Internet screening in public libraries.--

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

22 (a) "Administrative unit" means the entity designated by a  
23 local government body as responsible for the administration of

HB611

2005  
CS

24 all public library locations established or maintained by that  
 25 local government body.

26 (b) "Child pornography" has the same meaning as in s.  
 27 847.001, Florida Statutes.

28 (c) "Harmful to minors" means any picture, image, graphic  
 29 image file, or other visual depiction that:

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

32 2. Depicts, describes, or represents, in a patently  
 33 offensive way with respect to what is suitable for minors, an  
 34 actual or simulated sexual act or sexual contact, an actual or  
 35 simulated normal or perverted sexual act, or a lewd exhibition  
 36 of the genitals.

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

39 (d) "Minor" means an individual who is younger than 18  
 40 years of age.

41 (e) "Obscene" has the same meaning as in s. 847.001,  
 42 Florida Statutes.

43 (f) "Public computer" means a computer that is made  
 44 available to the public and that has Internet access.

45 (g) "Public library" means any library that is open to the  
 46 public and that is established or maintained by one or more of  
 47 the following local government bodies in this state: county,  
 48 municipality, consolidated city-county government, special  
 49 district, or special tax district. The term "public library"  
 50 does not include a library that is open to the public and that

HB611

2005  
CS

51 is established or maintained by a community college or state  
52 university.

53 (h) "Technology protection measure" means software or  
54 equivalent technology that blocks or filters Internet access to  
55 the visual depictions that are proscribed under subsection (2).

56 (2) Each public library shall enforce an Internet safety  
57 policy that provides for the:

58 (a) Installation and operation of a technology protection  
59 measure on all public computers in the library that protects  
60 against access through such computers by adults to visual  
61 depictions that are obscene or child pornography and by minors  
62 to visual depictions that are obscene, child pornography, or  
63 harmful to minors.

64 (b) Disablement of the technology protection measure by an  
65 employee of the public library upon an adult's request to use  
66 the computer for bona fide research or other lawful purpose.

67 (3) The Division of Library and Information Services  
68 within the Department of State shall adopt rules pursuant to ss.  
69 120.536(1) and 120.54, Florida Statutes, that require the head  
70 of each administrative unit to annually attest in writing, under  
71 penalty of perjury, that all public library locations for which  
72 the administrative unit is responsible are in compliance with  
73 subsection (2). This attestation shall be required as a  
74 condition of the receipt of any state funds distributed under  
75 chapter 257, Florida Statutes.

76 (4) No cause of action shall arise in favor of any person  
77 due to a public library's failure to comply with subsection (2).

HB611

2005  
CS

78           Section 2. In accordance with s. 18, Art. VII of the State  
79 Constitution, the Legislature finds that the installation and  
80 operation by public libraries of technology protection measures  
81 that protect against access by adults to visual depictions that  
82 are obscene or child pornography and by minors to visual  
83 depictions that are obscene, child pornography, or harmful to  
84 minors fulfills an important state interest.

85           Section 3. This act shall take effect July 1, 2005.