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A bill to be entitled
 An act relating to Internet screening in public libraries;
 creating s. 257.44, F.S.; defining terms; requiring public
 libraries to provide technology that protects against
 Internet access to specified proscribed visual depictions;
 allowing adults to request disablement of the technology
 for specified purposes; prohibiting a public library from
 maintaining a record of adults who request such
 disablement; requiring a public library to post notice of
 its Internet safety policy; providing for the assessment
 of a fine and attorney's fees and costs in connection with
 a violation by a public library; directing the Division of
 Library and Information Services within the Department of
 State to adopt rules requiring a written attestation of
 compliance as a condition of state funding; providing a
 cause of action is not authorized for a violation by a
 public library except as provided under the act; providing
 a finding of important state interest; providing an
 effective date.

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

Section 1. Section 257.44, Florida Statutes, is created to
 read:

257.44 Internet screening in public libraries.--

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

(a) "Administrative unit" means the entity designated by a
 local government body as responsible for administering all

29 public libraries established or maintained by that local
 30 government body.

31 (b) "Child pornography" has the same meaning as in s.
 32 847.001.

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

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

37 2. Depicts, describes, or represents, in a patently
 38 offensive way with respect to what is suitable for minors, an
 39 actual or simulated sexual act or sexual contact, an actual or
 40 simulated normal or perverted sexual act, or a lewd exhibition
 41 of the genitals; and

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

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

46 (e) "Obscene" has the same meaning as in s. 847.001.

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

49 (g) "Public library" means any library that is open to the
 50 public and that is established or maintained by a county,
 51 municipality, consolidated city-county government, special
 52 district, or special tax district, or any combination thereof.
 53 The term does not include a library that is open to the public
 54 and that is established or maintained by a community college or
 55 state university.

56 (h) "Reasonable efforts" means the public library, in

57 implementing the policy required by subsection (2), in its
58 ordinary course of business:

59 1. Posts its Internet safety policy;
60 2. Uses a technology protection measure on all public
61 computers; and

62 3. Disables the technology protection measure upon an
63 adult's request to use the computer for bona fide research or
64 other lawful purpose.

65 (i) "Technology protection measure" means software or
66 equivalent technology that blocks or filters Internet access to
67 the visual depictions that are proscribed under subsection (2).

68 (2)(a) Each public library shall enforce an Internet
69 safety policy that provides for:

70 1. Installation and operation of a technology protection
71 measure on all public computers in the public library which
72 protects against access through such computers by adults to
73 visual depictions that are obscene or constitute child
74 pornography and by minors to visual depictions that are obscene,
75 constitute child pornography, or are harmful to minors; and

76 2. Disablement of the technology protection measure by an
77 employee of the public library upon an adult's request to use
78 the computer for bona fide research or other lawful purpose.

79 (b) Each public library shall post a notice in a
80 conspicuous area of the public library which indicates that an
81 Internet safety policy has been adopted and informs the public
82 that the Internet safety policy is available for review at each
83 public library.

84 (c) A public library may not maintain a record of names of

85 adults who request that the technology protection measure be
 86 disabled under this subsection.

87 (3) If a public library knowingly fails to make reasonable
 88 efforts to comply with subsection (2), a resident of this state
 89 may seek enforcement as provided in this subsection.

90 (a) Before instituting a civil action under paragraph (b),
 91 the resident shall, within 45 days after a public library's
 92 alleged failure to make such reasonable efforts, mail a written
 93 notice of intended civil action for enforcement to the head of
 94 the applicable administrative unit. The notice must identify
 95 each public library location involved and specify the facts and
 96 circumstances alleged to constitute a violation of subsection
 97 (2). Within 45 days after the receipt of such notice, the
 98 administrative unit shall mail a written response to the
 99 resident who provided the notice. The written response must
 100 specify the efforts, if any, which each public library location
 101 identified in the notice is making to comply with the
 102 requirements of subsection (2). All mailings required by this
 103 paragraph must be certified with return receipt requested.

104 (b) If the resident does not receive the written response
 105 required in paragraph (a) within 60 days after receipt of the
 106 notice by the head of the administrative unit or if the written
 107 response fails to indicate that the public library is making
 108 reasonable efforts to comply with subsection (2), the resident
 109 may institute a civil action in the circuit court of the county
 110 in which the administrative unit is located to seek injunctive
 111 relief to enforce compliance with subsection (2).

112 (c) In connection with an enforcement action under

113 paragraph (b), the court shall:

114 1. Impose a civil fine upon the administrative unit in the
 115 amount of \$100 per day per public library location that is found
 116 to have not made reasonable efforts to comply with subsection
 117 (2). Accrual of the fine shall be for the period between the
 118 date that the head of the administrative unit received the
 119 notice of intended civil action for enforcement and the date
 120 upon which the public library location begins making reasonable
 121 efforts to comply with subsection (2).

122 2. Order an administrative unit that is fined pursuant to
 123 subparagraph 1. to pay reasonable attorney's fees and costs to a
 124 prevailing resident. If the court finds that the civil action
 125 was in bad faith or frivolous, it shall order the resident who
 126 filed the action to pay reasonable attorney's fees and costs to
 127 the administrative unit.

128 (d) The clerk of the circuit court shall act as the
 129 depository for all civil fines paid pursuant to this subsection.
 130 The clerk may retain a service charge of \$1 for each such
 131 payment and shall, on a monthly basis, transfer the moneys
 132 collected for such fines to the Department of Revenue for
 133 deposit in the Records Management Trust Fund within the
 134 Department of State.

135 (4) The Division of Library and Information Services
 136 within the Department of State shall adopt rules pursuant to ss.
 137 120.536(1) and 120.54 which require the head of each
 138 administrative unit to annually attest in writing, under penalty
 139 of perjury, that all public library locations for which the
 140 administrative unit is responsible are in compliance with

141 subsection (2) as a condition of the receipt of any state funds
142 distributed under this chapter.

143 (5) Except as authorized in subsection (3), this section
144 does not authorize a cause of action in favor of any person due
145 to a public library's failure to comply with subsection (2).

146 Section 2. In accordance with s. 18, Art. VII of the State
147 Constitution, the Legislature finds that the installation and
148 operation by public libraries of technology protection measures
149 that protect against access by adults to visual depictions that
150 are obscene or constitute child pornography and by minors to
151 visual depictions that are obscene, constitute child
152 pornography, or are harmful to minors fulfills an important
153 state interest.

154 Section 3. This act shall take effect October 1, 2006.