

HB 519

2006
CS

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

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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 creating s. 257.44, F.S.; defining terms; requiring public
8 libraries to provide technology that protects against
9 Internet access to specified proscribed visual depictions;
10 allowing adults to request disablement of the technology
11 for specified purposes; prohibiting a public library from
12 maintaining a record of adults who request such
13 disablement; requiring a public library to post notice of
14 its Internet safety policy; directing the Division of
15 Library and Information Services within the Department of
16 State to adopt rules requiring a written attestation of
17 compliance as a condition of state funding; providing a
18 cause of action is not authorized for a violation by a
19 public library; providing a finding of important state
20 interest; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 257.44 Internet screening in public libraries.--

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

28 (a) "Administrative unit" means the entity designated by a
29 local government body as responsible for administering all
30 public libraries established or maintained by that local
31 government body.

32 (b) "Child pornography" has the same meaning as in s.
33 847.001.

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

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

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

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

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

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

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

50 (g) "Public library" means any library that is open to the
51 public and that is established or maintained by a county,

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

57 (h) "Reasonable efforts" means the public library, in
58 implementing the policy required by subsection (2), in its
59 ordinary course of business:

60 1. Posts its Internet safety policy;

61 2. Uses a technology protection measure on all public
62 computers; and

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

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

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

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

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

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

85 (c) A public library may not maintain a record of names of
86 adults who request that the technology protection measure be
87 disabled under this subsection.

88 (3) The Division of Library and Information Services
89 within the Department of State shall adopt rules pursuant to ss.
90 120.536(1) and 120.54 that require the head of each
91 administrative unit to annually attest in writing, under penalty
92 of perjury, that all public library locations for which the
93 administrative unit is responsible are in compliance with
94 subsection (2) as a condition of the receipt of any state funds
95 distributed under this chapter.

96 (4) This section does not authorize a cause of action in
97 favor of any person due to a public library's failure to comply
98 with subsection (2).

99 Section 2. In accordance with s. 18, Art. VII of the State
100 Constitution, the Legislature finds that the installation and
101 operation by public libraries of technology protection measures
102 that protect against access by adults to visual depictions that
103 are obscene or constitute child pornography and by minors to
104 visual depictions that are obscene, constitute child
105 pornography, or are harmful to minors fulfills an important
106 state interest.

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