

By the Committee on Criminal Justice; and Senator Fasano

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1 A bill to be entitled

2 An act relating to material harmful to minors; amending s.
3 847.001, F.S.; redefining the term "harmful to minors";
4 amending s. 847.011, F.S.; providing that it is a third-
5 degree felony for any person to sell, distribute,
6 transmit, advertise, or possess with the intent to sell,
7 distribute, transmit, or advertise certain materials to
8 minors; providing that ignorance of a minor's age or the
9 minor's consent is not a defense in a prosecution for such
10 a violation if the minor is younger than 12 years of age;
11 providing penalties; amending s. 847.012, F.S.;
12 prohibiting a person from knowingly using a minor in the
13 production of certain materials, regardless of whether
14 those materials are intended for distribution to minors or
15 actually distributed to minors; providing a penalty;
16 providing that ignorance of a minor's age or the minor's
17 consent is not a defense in a prosecution for specified
18 violations if the minor is younger than 12 years of age;
19 amending s. 847.013, F.S.; providing that ignorance of a
20 minor's age or the minor's consent is not a defense in a
21 prosecution for specified violations if the minor is
22 younger than 12 years of age; revising legislative intent
23 concerning the enforcement of such laws with respect to
24 minors; amending s. 847.0133, F.S.; revising terminology;
25 amending s. 921.0022, F.S., relating to the offense
26 severity ranking chart of the Criminal Punishment Code;
27 establishing offense levels to conform to changes made by
28 the act; providing an exemption to laws amended by the act
29 for providers of communications services and providers of

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30 information services in certain circumstances; providing
31 an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Subsection (6) of section 847.001, Florida
36 Statutes, is amended to read:

37 847.001 Definitions.--As used in this chapter, the term:

38 (6) "Harmful to minors" means any reproduction, imitation,
39 characterization, description, exhibition, presentation, or
40 representation, of whatever kind or form, depicting nudity,
41 sexual conduct, or sexual excitement when it:

42 (a) Predominantly appeals to a ~~the~~ prurient, shameful, or
43 morbid interest ~~of minors~~;

44 (b) Is patently offensive to prevailing standards in the
45 adult community as a whole with respect to what is suitable
46 material or conduct for minors; and

47 (c) Taken as a whole, is without serious literary,
48 artistic, political, or scientific value for minors.

49
50 A mother's breastfeeding of her baby is not under any
51 circumstance "harmful to minors."

52 Section 2. Subsections (1) and (2) of section 847.011,
53 Florida Statutes, are amended to read:

54 847.011 Prohibition of certain acts in connection with
55 obscene, lewd, etc., materials; penalty.--

56 (1) (a) Except as provided in paragraph (c), any person who
57 knowingly sells, lends, gives away, distributes, transmits,
58 shows, or transmutes, or offers to sell, lend, give away,

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59 | distribute, transmit, show, or transmute, or has in his or her
60 | possession, custody, or control with intent to sell, lend, give
61 | away, distribute, transmit, show, transmute, or advertise in any
62 | manner, any obscene book, magazine, periodical, pamphlet,
63 | newspaper, comic book, story paper, written or printed story or
64 | article, writing, paper, card, picture, drawing, photograph,
65 | motion picture film, figure, image, phonograph record, or wire or
66 | tape or other recording, or any written, printed, or recorded
67 | matter of any such character which may or may not require
68 | mechanical or other means to be transmuted into auditory, visual,
69 | or sensory representations of such character, or any article or
70 | instrument for obscene use, or purporting to be for obscene use
71 | or purpose; or who knowingly designs, copies, draws, photographs,
72 | poses for, writes, prints, publishes, or in any manner whatsoever
73 | manufactures or prepares any such material, matter, article, or
74 | thing of any such character; or who knowingly writes, prints,
75 | publishes, or utters, or causes to be written, printed,
76 | published, or uttered, any advertisement or notice of any kind,
77 | giving information, directly or indirectly, stating, or
78 | purporting to state, where, how, of whom, or by what means any,
79 | or what purports to be any, such material, matter, article, or
80 | thing of any such character can be purchased, obtained, or had;
81 | or who in any manner knowingly hires, employs, uses, or permits
82 | any person knowingly to do or assist in doing any act or thing
83 | mentioned above, commits ~~is guilty of~~ a misdemeanor of the first
84 | degree, punishable as provided in s. 775.082 or s. 775.083. A
85 | person who, after having been convicted of a violation of this
86 | subsection, thereafter violates any of its provisions, commits ~~is~~
87 | ~~guilty of~~ a felony of the third degree, punishable as provided in

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88 s. 775.082, s. 775.083, or s. 775.084.

89 (b) The knowing possession by any person of three or more
90 identical or similar materials, matters, articles, or things
91 coming within the provisions of paragraph (a) is prima facie
92 evidence of the violation of that ~~said~~ paragraph.

93 (c) A person who commits a violation of paragraph (a) or
94 subsection (2) which is based on materials that depict a minor
95 engaged in any act or conduct that is harmful to minors commits a
96 felony of the third degree, punishable as provided in s. 775.082,
97 s. 775.083, or s. 775.084.

98 (d) A person's ignorance of a minor's age, a minor's
99 misrepresentation of his or her age, a bona fide belief of a
100 minor's age, or a minor's consent may not be raised as a defense
101 in a prosecution for one or more violations of paragraph (a) or
102 subsection (2) if the minor is younger than 12 years of age.

103 (2) Except as provided in paragraph (1)(c), a person who
104 knowingly has in his or her possession, custody, or control any
105 obscene book, magazine, periodical, pamphlet, newspaper, comic
106 book, story paper, written or printed story or article, writing,
107 paper, card, picture, drawing, photograph, motion picture film,
108 film, any sticker, decal, emblem or other device attached to a
109 motor vehicle containing obscene descriptions, photographs, or
110 depictions, any figure, image, phonograph record, or wire or tape
111 or other recording, or any written, printed, or recorded matter
112 of any such character which may or may not require mechanical or
113 other means to be transmuted into auditory, visual, or sensory
114 representations of such character, or any article or instrument
115 for obscene use, or purporting to be for obscene use or purpose,
116 without intent to sell, lend, give away, distribute, transmit,

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117 show, transmute, or advertise the same, commits ~~is guilty of~~ a
118 misdemeanor of the second degree, punishable as provided in s.
119 775.082 or s. 775.083. A person who, after having been convicted
120 of violating this subsection, thereafter violates any of its
121 provisions commits ~~is guilty of~~ a misdemeanor of the first
122 degree, punishable as provided in s. 775.082 or s. 775.083. In
123 any prosecution for such possession, it is ~~shall not be~~ necessary
124 to allege or prove the absence of such intent.

125 Section 3. Section 847.012, Florida Statutes, is amended to
126 read:

127 847.012 Harmful materials; Prohibition of sale or other
128 distribution of harmful materials to minors or using minors in
129 production prohibited ~~persons under 18 years of age; penalty.--~~

130 (1) As used in this section, "knowingly" means having the
131 general knowledge of, reason to know, or a belief or ground for
132 belief which warrants further inspection or inquiry of both:

133 (a) The character and content of any material described in
134 this section ~~herein~~ which is reasonably susceptible of
135 examination by the defendant; ~~7~~ and

136 (b) The age of the minor; ~~however, an honest mistake shall~~
137 ~~constitute an excuse from liability hereunder if the defendant~~
138 ~~made a reasonable bona fide attempt to ascertain the true age of~~
139 ~~such minor.~~

140 (2) A person's ignorance of a minor's age, a minor's
141 misrepresentation of his or her age, a bona fide belief of a
142 minor's age, or a minor's consent may not be raised as a defense
143 in a prosecution for a violation of this section if the minor is
144 younger than 12 years of age.

145 (3)-(2) ~~A~~ It is unlawful for any person may not knowingly ~~to~~

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146 sell, rent, or loan for monetary consideration to a minor:

147 (a) Any picture, photograph, drawing, sculpture, motion
148 picture film, videocassette, or similar visual representation or
149 image of a person or portion of the human body which depicts
150 nudity or sexual conduct, sexual excitement, sexual battery,
151 bestiality, or sadomasochistic abuse and which is harmful to
152 minors;7 or

153 (b) Any book, pamphlet, magazine, printed matter however
154 reproduced, or sound recording that ~~which~~ contains any matter
155 defined in s. 847.001, explicit and detailed verbal descriptions
156 or narrative accounts of sexual excitement, or sexual conduct and
157 that ~~which~~ is harmful to minors.

158 (4) A person may not knowingly use a minor in the
159 production of any material described in subsection (3),
160 regardless of whether the material is intended for distribution
161 to minors or is actually distributed to minors.

162 (5)~~(3)~~ Any person violating any provision of this section
163 commits ~~is guilty of~~ a felony of the third degree, punishable as
164 provided in s. 775.082, s. 775.083, or s. 775.084.

165 (6)~~(4)~~ Every act, thing, or transaction forbidden by this
166 section constitutes a separate offense and is punishable as such.

167 (7)~~(5)~~(a) The circuit court has jurisdiction to enjoin a
168 violation of this section upon complaint filed by the state
169 attorney in the name of the state upon the relation of such state
170 attorney.

171 (b) After the filing of the ~~such a~~ complaint, the judge to
172 whom it is presented may grant an order restraining the person
173 complained of until final hearing or further order of the court.
174 If ~~Whenever~~ the relator state attorney requests a judge of such

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175 court to set a hearing upon an application for ~~such~~ a restraining
176 order, the ~~such~~ judge shall set the ~~such~~ hearing for a time
177 within 3 days after the making of the ~~such~~ request. The ~~No such~~
178 order may not ~~shall~~ be made unless the ~~such~~ judge is satisfied
179 that sufficient notice of the application ~~therefor~~ has been given
180 to the party restrained of the time when and place where the
181 application for the ~~such~~ restraining order is to be made.

182 (c) The person sought to be enjoined is ~~shall be~~ entitled
183 to a trial of the issues within 1 day after joinder of issue, and
184 a decision shall be rendered by the court within 2 days after ~~of~~
185 the conclusion of the trial.

186 (d) If ~~In the event that~~ a final decree of injunction is
187 entered, it must ~~shall~~ contain a provision directing the
188 defendant having the possession, custody, or control of the
189 materials, matters, articles, or things affected by the
190 injunction to surrender the same to the sheriff and requiring the
191 sheriff to seize and destroy the same. The sheriff shall file a
192 certificate of her or his compliance.

193 (e) In any action brought under ~~as provided in~~ this
194 section, a ~~no~~ bond or undertaking may not ~~shall~~ be required of
195 the state or the state attorney before the issuance of a
196 restraining order provided for by paragraph (b), and ~~there shall~~
197 ~~be no liability on the part of~~ the state or the state attorney is
198 not liable for costs or for damages sustained by reason of the
199 ~~such~~ restraining order in any case where a final decree is
200 rendered in favor of the person sought to be enjoined.

201 (f) Every person who has possession, custody, or control
202 of, or otherwise deals with, any of the materials, matters,
203 articles, or things described in this section, after the service

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204 upon her or him of a summons and complaint in an action for
205 injunction brought under this section, is chargeable with
206 knowledge of the contents and character thereof.

207 (8)~~(6)~~ The several sheriffs and state attorneys shall
208 vigorously enforce this section within their respective
209 jurisdictions.

210 (9)~~(7)~~ This section does not apply to the exhibition of
211 motion pictures, shows, presentations, or other representations
212 regulated under ~~the provisions of~~ s. 847.013.

213 Section 4. Section 847.013, Florida Statutes, is amended to
214 read:

215 847.013 Exposing minors to harmful motion pictures,
216 exhibitions, shows, presentations, or representations.--

217 (1) "KNOWINGLY" DEFINED.--As used in this section
218 "knowingly" means having general knowledge of, reason to know, or
219 a belief or ground for belief which warrants further inspection
220 or inquiry of both:

221 (a) The character and content of any motion picture
222 described herein which is reasonably susceptible of examination
223 by the defendant, or the character of any exhibition,
224 presentation, representation, or show described herein, other
225 than a motion picture show, which is reasonably susceptible of
226 being ascertained by the defendant;r and

227 (b) The age of the minor; ~~however, an honest mistake shall~~
228 ~~constitute an excuse from liability hereunder if the defendant~~
229 ~~made a reasonable bona fide attempt to ascertain the true age of~~
230 ~~such minor.~~

231 (2) MINOR'S AGE.--A person's ignorance of a minor's age, a
232 minor's misrepresentation of his or her age, a bona fide belief

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233 of a minor's age, or a minor's consent may not be raised as a
234 defense in a prosecution for a violation of this section if the
235 minor is younger than 12 years of age.

236 (3)~~(2)~~ OFFENSES AND PENALTIES.--

237 (a) A ~~It is unlawful for any person~~ may not knowingly ~~to~~
238 exhibit for a monetary consideration to a minor or knowingly ~~to~~
239 sell or rent a videotape of a motion picture to a minor or
240 knowingly sell to a minor an admission ticket or pass or
241 knowingly admit a minor for a monetary consideration to premises
242 whereon there is exhibited a motion picture, exhibition, show,
243 representation, or other presentation which, in whole or in part,
244 depicts nudity, sexual conduct, sexual excitement, sexual
245 battery, bestiality, or sadomasochistic abuse and which is
246 harmful to minors.

247 (b) A ~~It is unlawful for any person~~ may not knowingly ~~to~~
248 rent or sell, or loan to a minor for monetary consideration, a
249 videocassette or a videotape of a motion picture, or similar
250 presentation, which, in whole or in part, depicts nudity, sexual
251 conduct, sexual excitement, sexual battery, bestiality, or
252 sadomasochistic abuse and which is harmful to minors.

253 (c) The provisions of paragraph (a) do not apply to a minor
254 when the minor is accompanied by his or her parents or either of
255 them.

256 (d) A ~~It is unlawful for any~~ minor may not ~~to~~ falsely
257 represent to the owner of any premises mentioned in paragraph
258 (a), or to the owner's agent, or to any person mentioned in
259 paragraph (b), that the ~~such~~ minor is 17 years of age or older,
260 with the intent to procure the ~~such~~ minor's admission to the ~~such~~
261 premises, or the ~~such~~ minor's purchase or rental of a videotape,

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262 for a monetary consideration.

263 (e) A ~~It is unlawful for any person~~ may not ~~to~~ knowingly
264 make a false representation to the owner of any premises
265 mentioned in paragraph (a), or to the owner's agent, or to any
266 person mentioned in paragraph (b), that he or she is the parent
267 of any minor or that any minor is 17 years of age or older, with
268 intent to procure the ~~such~~ minor's admission to the ~~such~~ premises
269 or to aid the ~~such~~ minor in procuring admission thereto, or to
270 aid or enable the ~~such~~ minor's purchase or rental of a videotape,
271 for a monetary consideration.

272 (f) A violation of any provision of this subsection
273 constitutes a misdemeanor of the first degree, punishable as
274 provided in s. 775.082 or s. 775.083.

275 (4) ~~(3)~~ INJUNCTIVE PROCEEDINGS.--

276 (a) The circuit court has jurisdiction to enjoin a
277 threatened violation of subsection (2) upon complaint filed by
278 the state attorney in the name of the state upon the relation of
279 such state attorney.

280 (b) After the filing of the ~~such~~ a complaint, the judge to
281 whom it is presented may grant an order restraining the person or
282 persons complained of until final hearing or further order of the
283 court. Whenever the relator requests a judge of the ~~such~~ court to
284 set a hearing upon an application for ~~such~~ a restraining order,
285 the ~~such~~ judge shall set the ~~such~~ hearing for a time within 3
286 days after the making of the ~~such~~ request. An ~~No~~ ~~such~~ order may
287 not ~~shall~~ be made unless the ~~such~~ judge is satisfied that
288 sufficient notice of the application ~~therefor~~ has been given to
289 the person or persons restrained of the time when and place where
290 the application for the ~~such~~ restraining order is to be heard.

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291 | However, the ~~such~~ notice shall be dispensed with when it is
292 | manifest to the ~~such~~ judge, from the allegations of a sworn
293 | complaint or independent affidavit, sworn to by the relator or by
294 | some person associated with him or her in the field of law
295 | enforcement and filed by the relator, that the apprehended
296 | violation will be committed if an immediate remedy is not
297 | afforded.

298 | (c) The person or persons sought to be enjoined are ~~shall~~
299 | ~~be~~ entitled to a trial of the issues within 1 day after joinder
300 | of issue, and a decision shall be rendered by the court within 2
301 | days after the conclusion of the trial.

302 | (d) In any action brought as provided in this section, a ~~ne~~
303 | bond or undertaking is not ~~shall be~~ required of the state or the
304 | relator state attorney before the issuance of a restraining order
305 | provided for by this section, and there is ~~shall be~~ no liability
306 | on the part of the state or the relator state attorney for costs
307 | or damages sustained by reason of such restraining order in any
308 | case in which a final decree is rendered in favor of the person
309 | or persons sought to be enjoined.

310 | (e) Every person who has possession, custody, or control
311 | of, or otherwise deals with, any motion picture, exhibition,
312 | show, representation, or presentation described in this section,
313 | after the service upon him or her of a summons and complaint in
314 | an action for injunction brought under this section, is
315 | chargeable with knowledge of the contents or character thereof.

316 | (5) ~~(4)~~ LEGISLATIVE INTENT.--In order to make the
317 | application and enforcement of this section uniform throughout
318 | the state, it is the intent of the Legislature to preempt the
319 | field, to the exclusion of counties and municipalities, insofar

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320 as it concerns exposing persons under 17 years of age to harmful
321 motion pictures, exhibitions, shows, representations, ~~and~~
322 presentations, and commercial or sexual exploitation. To that
323 end, it is hereby declared that every county ordinance and every
324 municipal ordinance adopted prior to July 1, 1969, and relating
325 to such subject shall stand abrogated and unenforceable on and
326 after such date and that no county, municipality, or consolidated
327 county-municipal government shall have the power to adopt any
328 ordinance relating to that subject on or after such effective
329 date.

330 Section 5. Subsection (1) of section 847.0133, Florida
331 Statutes, is amended to read:

332 847.0133 Protection of minors; prohibition of certain acts
333 in connection with obscenity; penalty.--

334 (1) A ~~It is unlawful for any person~~ may not knowingly ~~to~~
335 sell, rent, loan, give away, distribute, transmit, or show any
336 obscene material to a minor. For purposes of this section
337 "obscene material" means any obscene book, magazine, periodical,
338 pamphlet, newspaper, comic book, story paper, written or printed
339 story or article, writing paper, card, picture, drawing,
340 photograph, motion picture film, figure, image, videotape,
341 videocassette, phonograph record, or wire or tape or other
342 recording, or any written, printed, or recorded matter of any
343 such character which may or may not require mechanical or other
344 means to be transmuted into auditory, visual, or sensory
345 representations of such character, or any article or instrument
346 for obscene use, or purporting to be for obscene use or purpose.
347 The term "obscene" has ~~shall have~~ the same meaning as set forth
348 in s. 847.001.

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349 Section 6. Paragraph (f) of subsection (3) of section
 350 921.0022, Florida Statutes, is amended to read:

351 921.0022 Criminal Punishment Code; offense severity ranking
 352 chart.--

353 (3) OFFENSE SEVERITY RANKING CHART

354 (f) LEVEL 6

355

Florida Statute	Felony Degree	Description
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356

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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357

499.0051 (3)	2nd	Forgery of pedigree papers.
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358

499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
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359

499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
--------------	-----	---

360

775.0875 (1)	3rd	Taking firearm from law enforcement officer.
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361

784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
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362

784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
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363	784.041	3rd	Felony battery; domestic battery by strangulation.
364	784.048 (3)	3rd	Aggravated stalking; credible threat.
365	784.048 (5)	3rd	Aggravated stalking of person under 16.
366	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
367	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
368	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
369	784.081 (2)	2nd	Aggravated assault on specified official or employee.
370	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
371	784.083 (2)	2nd	Aggravated assault on code inspector.
372	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
373	790.115 (2) (d)	2nd	Discharging firearm or weapon on school

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property.

374

790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

375

790.164 (1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

376

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

377

794.011 (8) (a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

378

794.05 (1) 2nd Unlawful sexual activity with specified minor.

379

800.04 (5) (d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.

380

800.04 (6) (b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

381

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

382

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383 810.02 (3) (c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

384 812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but
less than \$100,000, grand theft in 2nd
degree.

385 812.014 (6) 2nd Theft; property stolen \$3,000 or more;
coordination of others.

386 812.015 (9) (a) 2nd Retail theft; property stolen \$300 or
more; second or subsequent conviction.

387 812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or
more; coordination of others.

388 812.13 (2) (c) 2nd Robbery, no firearm or other weapon
(strong-arm robbery).

389 817.034 (4) (a) 1. 1st Communications fraud, value greater
than \$50,000.

390 817.4821 (5) 2nd Possess cloning paraphernalia with
intent to create cloned cellular
telephones.

391 825.102 (1) 3rd Abuse of an elderly person or disabled
adult.

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392	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
393	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
394	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
395	827.03 (1)	3rd	Abuse of a child.
396	827.03 (3) (c)	3rd	Neglect of a child.
397	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
398	836.05	2nd	Threats; extortion.
399	836.10	2nd	Written threats to kill or do bodily injury.
400	843.12	3rd	Aids or assists person to escape.
401	<u>847.011</u>	<u>3rd</u>	<u>Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.</u>

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402	<u>847.012</u>	<u>3rd</u>	<u>Knowingly using a minor in the production of materials harmful to minors.</u>
403	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
404	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
405	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
406	944.40	2nd	Escapes.
407	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
408	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
409	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

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410 Section 7. The amendments to ss. 847.012, 847.011, 847.013,
411 and 847.0133, Florida Statutes, made by this act do not apply to
412 providers of communications services as defined in s. 202.11,
413 Florida Statutes, or to providers of information services,
414 including, but not limited to, Internet access service providers
415 and hosting service providers, when they provide only the
416 transmission, storage, or caching of electronic communications or
417 messages of others or provide other related communications or
418 information services used by others in violation of such amended
419 provisions. This exemption does not apply to providers of
420 communications services as defined in s. 202.11, Florida
421 Statutes, or providers of information services that knowingly for
422 commercial advantage or private financial gain facilitate the
423 specific violation of such amended provisions by others.

424 Section 8. This act shall take effect July 1, 2008.