

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: CS/SB 1996

INTRODUCER: Governmental Operations Committee and Senator Crist

SUBJECT: State Aid to Public Libraries

DATE: April 15, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Fav/CS
2.	Krol	Cannon	CJ	Favorable
3.			TA	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill encourages all public libraries to adopt an Internet safety education program which has been endorsed by a United States government-sanctioned law enforcement agency or other reputable organization. The purpose of the Internet safety education program is to promote the use of prudent online department and broaden awareness of online predators.

While the bill only encourages the libraries to adopt the program, the bill requires annual reporting by libraries on the number of users who complete the education. The bill also requires the Division of Library and Information Services to adopt rules that reward libraries in the program grant application process which have had 1 percent or more of their annual number of users who have completed the program. The rules are also required to allocate 10 percent of the total points available in the library services and technology grant application evaluation process beginning the 2010-2011 fiscal year.

This bill amends the following section of the Florida Statutes: 257.192.

II. Present Situation:

The Florida Department of State, Division of Library and Information Services is delegated responsibilities related to public libraries in the state. Section 257.031, F.S., provides for the appointment of the State Librarian. Duties of the State Librarian include serving as the director of the division and being responsible for performing functions assigned to it. One of the duties of the division is to establish reasonable operating procedures under which libraries will be eligible to receive state monies. Section 257.192, F.S., provides that the division is authorized to accept and administer appropriations for library program grants and to make such grants in accordance with the Florida long-range plan for library services.

Public libraries are not, at this time, required to provide a program of Internet safety education.

Under provisions of the federal Children's Internet and Protection Act (CIPA),¹ all public libraries that receive federal funds, either in the form of Library Services and Construction Act grant funds administered by the Division of Library and Information Services or in the form of financial support for Internet access and internal connections services from the Universal Service Fund (USF) must certify that they are enforcing a policy of Internet safety. That includes measures to block or filter Internet access for both minors and adults to certain visual depictions.

CIPA also requires libraries to provide a technology protection measure that blocks or filters Internet access and that protects against access by adults and minors to visual depictions that are obscene, child pornography, or — with respect to use of computers with Internet access by minors — harmful to minors. It may be disabled for adults engaged in bona fide research or other lawful purposes. According to the Florida Department of State, approximately 83 percent of public libraries in the state employ Internet filters and 100 percent of the public libraries have an Internet safety policy.

The Florida Department of Legal Affairs has a Child Predator CyberCrime Unit which was established in 2005 to combat the threat of cybercrimes against children in our state. This unit works to expand programs to further safeguard children from predators and includes law enforcement investigators and prosecutors whose primary mission is to target child predators, child pornography, and Internet-based sexual exploitation of children. In less than two years, the unit has facilitated the arrests of more than 50 individuals who created, possessed or distributed child pornography, or who sexually solicited children online and traveled to meet them.

Through the Child Predator CyberCrime Unit, the Attorney General cooperates with federal and state prosecutors, the Florida Department of Law Enforcement (FDLE), the NetSmartz Workshop, the National Center for Missing and Exploited Children (NCMEC), other Attorneys General, and all Florida law enforcement agencies. The Attorney General's Office is also prioritizing education and community outreach efforts to protect Florida's Children, including a pilot program launched in Duval County to target teens and parents of young children with an educational direct mail campaign and a cybersafety program that is being presented to all middle and high school students in the state.

¹ Pub. L. 106-554.

In July 2007, the U.S. Senate Committee on Commerce, Science, and Transportation held hearings to review steps that Congress could take to protect children from online predators. As reported by the American Library Association Newsletter, one witness at the hearing, David Finkelhor, director of the University of New Hampshire's Crimes Against Children Research Center, provided the committee with the following statistics on internet predation:

- Teenagers, not young children, are the predominant victims of online sex crimes.
- Some 80 percent of predators are "quite explicit about their sexual intentions" and do not resort to "posing online as other children in order to set up an abduction and an assault."
- The offenders spend weeks in explicit online conversations "that play on the teen's desires for romance, adventure, sexual information, and understanding."
- Half the victims are described by police as "being in love with or feeling close friendship with the offender."

The Center for Democracy and Technology reports on its website² that Internet Safety Education "... represents the brightest hope for protecting kids online."

III. Effect of Proposed Changes:

The bill would encourage all public libraries to adopt an Internet safety education program, including the implementation of a computer-based educational program, which has been endorsed by a United States government-sanctioned law enforcement agency or other reputable organization, and is designed for children and adults. The program must be interactive and age-appropriate.

The purpose of the Internet safety education program is to promote the use of prudent online deportment and broaden awareness of online predators.

Each library is required to annually report to the division the annual number of users who complete the education program.

The division is required to adopt rules for rewarding libraries in the program grant application process which have had 1 percent or more of their annual number of users, based on the total number of registered borrowers from the preceding year, who complete the education program adopted by the library. The rules must allocate 10 percent of the total points available in the library services and technology grant application evaluation process to public libraries that are in compliance with the section, beginning with the grant application cycle for the 2010-2011 fiscal year.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

² <http://blog.cdt.org/2007/08/13/internet-safety-education-may-be-catching-on-in-congress/>

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

While the bill only encourages the libraries to adopt the program, annual reporting by libraries on the number of users who complete the education is required, which have some associated costs for users, recording, compiling statistics, and reporting to the Department of State.

Costs for an Internet safety program that meets the requirements of the bill are unknown. The websites staff searched that advertise such programs require registration to obtain pricing information. Costs may be incurred for training librarians to teach the program, as well as costs for training users in the program.

The division will incur some minimal costs associated with rulemaking. Costs will also be incurred for updating grants criteria. Additional costs will be incurred by the division for reviewing annual reports by libraries on the number of users who have completed the Internet safety program.

VI. Technical Deficiencies:

Section 257.192 F.S., relating to program grants is used infrequently and currently has no funding designated for it. This section allows the division to accept grants funds, such as grants from the Bill and Melinda Gates Foundation. The State Aid to Libraries grants and the Library Services and Technology Act grants are not covered by s. 257.192 F. S. It would appear that it would be more appropriate to amend s. 257.12, F.S., than s. 257.192, F.S.

According to the division, it also does not appear that the bill provides the Department of State enough time to adopt rules to implement the section given the timelines provided in ch. 120, F.S., the Administrative Procedure Act. An extension until April 1, 2009, is suggested by the department.

VII. Related Issues:

There appear to be a number of Internet education safety corporations available. An Internet search identified i-Safe, Inc., CyberSmart!, and NetSmartz.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Government Operations on March 3, 2008:

The committee substitute amends s. 257.12, F.S., instead of s. 257.192, F.S., because s. 257.12, F.S., covers the state aid to libraries grants and technology grants. The section referred to in the original bill, s. 257.192, F.S., is used infrequently and currently has no funding designated for it. Additionally, the committee substitute moves forward the date by which rules must be enacted by the department by four months to ensure that the department can comply with timeframes required by ch. 120, F.S., the Administrative Procedure Act.

- B. **Amendments:**

None.