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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
4/22/2008	.	
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1 The Committee on Criminal and Civil Justice Appropriations
2 (Villalobos) recommended the following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Between lines 466 and 467,
6 insert:

7 Section 8. Internet access provider; parental controls.--

8 (1) For purposes of this section, the term "Internet access
9 provider" means any entity that, as one of its primary business
10 activities, provides consumers with access to the Internet. The
11 term does not include commercial mobile radio service providers
12 as defined in s. 364.02.

13 (2) If an Internet access provider knows or has reasonable
14 cause to believe that a subscriber resides within this state, the
15 provider shall make available to the subscriber a product or
16 service that enables the subscriber to regulate a minor's use of
17 the service to access the Internet if such a product or service



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18 is reasonably and commercially available for the technology used
19 by the subscriber to access the Internet. The product or service
20 must, subject to such availability, enable the subscriber to:

21 (a) Block access to specific websites or domains
22 disapproved by the subscriber.

23 (b) Restrict access to specific websites or domains deemed
24 appropriate by the subscriber or the Internet access provider.

25 (c) Allow the subscriber to control a minor's use of the
26 Internet remotely through the use of online capability or monitor
27 a minor's use of the Internet by providing a report to the
28 subscriber of the specific websites or domains that the minor has
29 visited or has attempted to visit but could not access because
30 the websites or domains were blocked or restricted by the
31 subscriber.

32 (3) For the purposes of subsection (2), an Internet access
33 provider is deemed to know that a subscriber resides within this
34 state if the subscriber identifies this state as his or her place
35 of residence at the time of subscription.

36 (4) If a product or service described in subsection (2) is
37 reasonably and commercially available for the technology used by
38 the subscriber to access the Internet, the Internet access
39 provider:

40 (a) Shall make available to the subscriber, at or near the
41 time of subscription, information concerning the availability of
42 the product or service described in subsection (2).

43 (b) May make the product or service described in subsection
44 (2) available to the subscriber directly or through a third-party
45 vendor.

46 Section 9. (1)(a) An interactive computer service, as
47 defined in s. 668.602, Florida Statutes, shall, upon the request



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48 of any law enforcement agency investigating an offense listed in
49 s. 775.21(4)(a)1. or s. 943.0435(1)(a)1., Florida Statutes, which
50 involves a minor victim, take all necessary steps to preserve
51 records and all other evidence in its possession pending issuance
52 of a court order or other legal process. The interactive computer
53 service shall comply with the request as soon as possible
54 following receipt.

55 (b) Records and evidence referred to in paragraph (a) shall
56 be retained for a period of 90 days, which shall be extended for
57 an additional 90-day period upon a renewed request by the law
58 enforcement agency.

59 (2) In connection with any criminal investigation regarding
60 an offense listed in s. 775.21(4)(a)1. or s. 943.0435(1)(a)1.,
61 Florida Statutes, which involves a minor victim and immediate
62 danger of death or serious bodily harm, a law enforcement agency
63 in this state may issue a request, without compulsory legal
64 process or court order, to an interactive computer service to
65 disclose, consistent with 18 U.S.C. s. 2702(c)(4), the
66 information identified in 18 U.S.C. s. 2703(c)(2). The service
67 shall communicate with the requesting agency to discuss the
68 nature of the request and to coordinate an appropriate response
69 immediately and without delay.

70 (3) Subsections (1) and (2) shall be construed in a manner
71 that is consistent with the requirements of federal law which
72 apply to providers of an electronic communications service,
73 including, but not limited to, 18 U.S.C. ss. 2701 et seq. and 42
74 U.S.C. s. 13032.

75 Section 10. Section 847.0141, Florida Statutes, is created
76 to read:



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77 847.0141 Reporting child pornography violations.--An
78 interactive computer service, as defined s. 668.602, which is
79 doing business in this state and obtains knowledge of facts or
80 circumstances from which a violation of any law in this state
81 prohibiting child pornography is apparent shall make a report, as
82 soon as reasonably possible, of such facts or circumstances to
83 the National Center for Missing and Exploited Children consistent
84 with the requirements of 42 U.S.C. s. 13032.

85 Section 11. Section 943.0437, Florida Statutes, is amended
86 to read:

87 943.0437 Commercial social networking websites.--

88 (1) For the purpose of this section, the term:

89 (a) "Commercial social networking website" means a
90 commercially operated Internet website that allows users to
91 create web pages or profiles that provide information about
92 themselves and are available publicly or to other users and that
93 offers a mechanism for communication with other users, such as a
94 forum, chat room, electronic mail, or instant messenger.

95 (b) "Interactive computer service" has the same meaning as
96 provided in s. 668.602.

97 (2) The department may provide information relating to
98 electronic mail addresses and instant message names maintained as
99 part of the sexual offender registry to interactive computer
100 services, commercial social networking websites, or third parties
101 designated by commercial social networking websites. Each
102 interactive computer service and ~~The~~ commercial social networking
103 website may use this information for the purpose of comparing
104 registered users and screening potential users of its interactive
105 computer service or ~~the~~ commercial social networking website



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106 against the list of electronic mail addresses and instant message
107 names provided by the department.

108 (3) This section shall not be construed to impose any civil
109 liability on an interactive computer service or a commercial
110 social networking website for:

111 (a) Any action voluntarily taken in good faith to remove or
112 disable any profile of a registered user associated with an
113 electronic mail address or instant message name contained in the
114 state sexual offender registry or the National Sex Offender
115 Registry.

116 (b) Any action taken to restrict access by such registered
117 user to an interactive computer service or a ~~the~~ commercial
118 social networking website.

119 (c) Failing to take any action to restrict access by a
120 registered user described in paragraph (a) to an interactive
121 computer service or a commercial social networking website.

122
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125
126 On line 29, after the semicolon,
127 insert:

128 defining the term "Internet access provider"; requiring
129 providers to make available to customers in this state a
130 product or service that enables the subscriber to regulate
131 a minor's use of the service to access the Internet if
132 certain conditions exist; providing requirements for such
133 a product or service; requiring that interactive computer
134 services take necessary steps to preserve records and
135 evidence upon the request of law enforcement agencies



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136 | investigating specified crimes involving minor victims;
137 | requiring retention of such records and information for
138 | specified periods; providing for compliance without
139 | compulsory legal process in investigations of certain
140 | offenses involving minor victims involving immediate
141 | danger of death or serious bodily harm; providing for
142 | construction of provisions in a manner consistent with
143 | specified federal laws; creating s. 847.0141, F.S.;
144 | requiring interactive computer services to make certain
145 | reports when a violation of child pornography laws is
146 | evident to such service; amending s. 943.0437, F.S.;
147 | defining the term "interactive computer service";
148 | authorizing the Department of Law Enforcement to provide
149 | interactive computer services certain information;
150 | providing that interactive computers services are not
151 | liable for taking or failing to take certain actions based
152 | on a registered user's association with an electronic mail
153 | address or instant message name contained in certain sex
154 | offender registries;