

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Kravitz offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Remove lines 206-233 and insert:

5 (b) Enable a user to select a particular point on a map
6 and identify sexual predators and sexual offenders at specified
7 distances from the selected point.

8 Section 3. Internet access provider; parental controls.--

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

14 (2) If an Internet access provider knows or has reasonable
15 cause to believe that a subscriber resides within this state,
16 the provider shall make available to the subscriber a product or

508679

4/30/2008 10:52 PM

Amendment No.

17 service that enables the subscriber to regulate a minor's use of
18 the service to access the Internet if such a product or service
19 is reasonably and commercially available for the technology used
20 by the subscriber to access the Internet. The product or service
21 must, subject to such availability, enable the subscriber to do
22 the following:

23 (a) Block access to specific websites or domains
24 disapproved by the subscriber.

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

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

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

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

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

508679

4/30/2008 10:52 PM

Amendment No.

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

48 Section 4. (1)(a) An interactive computer service, as
49 defined in s. 668.602, Florida Statutes, shall, upon the request
50 of any law enforcement agency investigating an offense listed in
51 s. 775.21(4)(a)1., Florida Statutes, or s. 943.0435(1)(a)1.,
52 Florida Statutes, that involves a minor victim, take all
53 necessary steps to preserve records and all other evidence in
54 its possession pending issuance of a court order or other legal
55 process. The interactive computer service shall comply with the
56 request as soon as possible following receipt.

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

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

508679

4/30/2008 10:52 PM

Amendment No.

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

78 Section 5. Section 847.0141, Florida Statutes, is created
79 to read:

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

88 Section 6. Section 943.0437, Florida Statutes, is amended
89 to read:

90 943.0437 Commercial social networking websites.--

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

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

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

508679

4/30/2008 10:52 PM

Amendment No.

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

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

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

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

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

125
126 ===== D I R E C T O R Y A M E N D M E N T =====

127 Remove lines 171-173 and insert:

508679

4/30/2008 10:52 PM

Amendment No.

Section 2. Effective December 1, 2008, subsection (1) of section 943.043, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

T I T L E A M E N D M E N T

Remove lines 18-23 and insert:

features must be available on the Internet; defining the term "Internet access provider"; requiring providers to make available to customers in this state a product or service that enables the subscriber to regulate a minor's use of the service to access the Internet if certain conditions exist; providing requirements for such a product or service; requiring that interactive computer services take necessary steps to preserve records and evidence upon request of law enforcement agencies investigating specified crimes involving minor victims; requiring retention of such records and information for specified periods; providing for compliance without compulsory legal process in investigations of certain offenses involving minor victims involving immediate danger of death or serious bodily harm; providing for construction of provisions in a manner consistent with specified federal laws; creating s. 847.0141, F.S.; requiring interactive computer services to make certain reports when a violation of child pornography laws is evident to such service; amending s. 943.0437, F.S.; adopting a definition of "interactive computer service"; authorizing the Department of Law Enforcement to provide interactive computer services certain information; providing that interactive computers services are not liable for taking or failing to take

508679

4/30/2008 10:52 PM

HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2026

Amendment No.

156 certain actions based on a registered user's association with an
157 electronic mail address or instant message name contained in
158 certain sex offender registries; amending s.

508679

4/30/2008 10:52 PM