

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 411 Public Library Internet Safety Education
SPONSOR(S): Environment and Natural Resources Council, Ambler and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1996

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Agribusiness</u>	<u>5 Y, 3 N</u>	<u>Reese</u>	<u>Reese</u>
2) <u>Environment & Natural Resources Council</u>	<u>14 Y, 0 N, As CS</u>	<u>Reese / Smith</u>	<u>Dixon / Hamby</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

CS/HB 411 encourages all public libraries to adopt an Internet safety education program that 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. The bill also requires annual reporting by libraries on the number of users who complete the education. In addition, the bill requires the Division of Library and Information Services to adopt rules that reward libraries in the program grant application process. Libraries that have had 1 percent or more of their annual number of users complete the program become eligible for reward. 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.

The annual reporting requirement for libraries may have some associated costs for local government, including recording, compiling statistics, and reporting to the Department of State. The cost for an Internet safety program that meets the requirements of the bill is unknown.

The bill has an effective date of July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty – The bill encourages public libraries to make Internet safety education available to patrons of library services.

Promote personal responsibility – Should libraries choose to provide Internet safety education, consumers may have increased awareness of potential risks to personal safety.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Department of State's Division of Library and Information Services (division) is delegated responsibilities related to public libraries in the state. 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 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 policy 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 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. The protection measure may be disabled for adults engaged in bona fide research or for 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 that was established in 2005 to combat the threat of cybercrimes against children in Florida. 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 United States 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 website that Internet Safety Education ". . . represents the brightest hope for protecting kids online."

An Internet search revealed a number of available Internet safety education corporations, including i-Safe, Inc.

Effect of Proposed Changes

The bill encourages 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 Internet safety education program's purpose is to promote the use of prudent online deportment and broaden awareness of online predators. The bill requires each library to annually report to the division the number of users who complete the education program.

The division is required to adopt rules for rewarding libraries in the program grant application process. To be reward-eligible, public libraries must have had 1 percent or more of their annual numbers of users, based on the total number of registered borrowers from the preceding year, 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.

C. SECTION DIRECTORY:

Section 1: Amends s. 257.12, F.S.; encouraging all public libraries to implement and Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of users who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
See Fiscal Comments.
2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
See Fiscal Comments.
2. Expenditures:
See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

While the bill only encourages libraries to adopt the program, annual reporting by libraries on the number of users who complete the education is required. The reporting requirement may have some associated costs for users, including 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. (Websites 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, and 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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Division of Library and Information Services to adopt rules for rewarding certain libraries in the program grant application process.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 11, 2008, the Environmental and Natural Resources Council adopted a “strike-all” amendment that removed language relating to Internet predator awareness. The remaining portion (public library Internet safety education) of the bill is the substance of this analysis.