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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/03/2017	.	
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The Committee on Criminal Justice (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (1) is added to subsection (5) of
section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of
public records.—

(5) OTHER PERSONAL INFORMATION.—

(1)1. For purposes of this paragraph, the term:



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11 a. "Electronic mail address" has the same meaning as in s.
12 668.602.

13 b. "Internet identifier" has the same meaning as in s.
14 775.21.

15 2. Electronic mail addresses and Internet identifiers of
16 sexual predators or sexual offenders reported pursuant to s.
17 775.21, s. 943.0435, s. 944.606, s. 944.607, s. 985.481, or s.
18 985.4815 are exempt from s. 119.07(1) and s. 24(a), Art. I of
19 the State Constitution unless otherwise ordered by a court. This
20 exemption applies to records held before, on, or after the
21 effective date of this act.

22 3. This paragraph does not prohibit a law enforcement
23 agency from confirming that an electronic mail address or
24 Internet identifier reported pursuant to s. 775.21, s. 943.0435,
25 s. 944.606, s. 944.607, s. 985.481, or s. 985.4815 is registered
26 in the Department of Law Enforcement sexual offender and sexual
27 predator registry.

28 4. This paragraph is subject to the Open Government Sunset
29 Review Act in accordance with s. 119.15 and shall stand repealed
30 on October 2, 2022, unless reviewed and saved from repeal
31 through reenactment by the Legislature.

32 Section 2. (1) The Legislature finds that it is a public
33 necessity that the electronic mail addresses and Internet
34 identifiers of sexual offenders and sexual predators required to
35 be reported pursuant to s. 775.21, s. 943.0435, s. 944.606, s.
36 944.607, s. 985.481, or s. 985.4815, Florida Statutes, be made
37 exempt from s. 119.071(1), Florida Statutes, and s. 24(a),
38 Article I of the State Constitution. The Legislature finds that
39 the exemption strikes an important balance between the



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40 government's legitimate interest in protecting the public and a
41 sexual offender's or sexual predator's right of free speech
42 under the First Amendment to the United States Constitution. The
43 exemption maintains the ability of members of the public to
44 confirm whether an Internet identifier with which they are
45 communicating is associated with or is contained in the sexual
46 offender and sexual predator registry without providing the
47 personal identifying information of the individual who
48 registered the Internet identifier. This allows members of the
49 public to access an important tool to make informed decisions
50 regarding communicating with sexual offenders or sexual
51 predators through commercial social networking sites.
52 Additionally, this allows criminal justice agencies to have the
53 necessary tools to investigate crimes and fight against the
54 growing epidemic of sexual offenses that occur online.

55 (2) The Legislature recognizes the importance of protecting
56 rights provided in the First Amendment to the United States
57 Constitution for all citizens while ensuring criminal justice
58 agencies have the tools necessary to protect our citizens. If
59 the ability to collect this information were prevented, it would
60 greatly disrupt the ability of criminal justice agencies to use
61 these essential tools in combatting the prevalent problem of
62 online sexual exploitation of children. The requirement for
63 sexual offenders and sexual predators to register their
64 electronic mail addresses and Internet identifiers has been an
65 important tool for criminal justice agencies in combatting the
66 exploitation of minors. Commercial social networking sites are
67 widely used among youth and adults for introduction,
68 communication, and publication of personal details that may be



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69 exploited. Studies have shown a nexus between commercial social
70 networking sites and Internet sex crimes. For these reasons, the
71 Legislature finds that it is a public necessity that the
72 electronic mail addresses and Internet identifiers that are
73 required to be reported by sexual offenders and sexual predators
74 pursuant to ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and
75 985.4815, Florida Statutes, be exempt from public record
76 requirements.

77 Section 3. The Division of Law Revision and Information is
78 directed to replace the phrase "the effective date of this act"
79 whenever it occurs in this act with the date the act becomes a
80 law.

81 Section 4. This act shall take effect on the same date that
82 SB 684 or similar legislation takes effect, if such legislation
83 is adopted in the same legislative session or an extension
84 thereof and becomes a law.

85
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete everything before the enacting clause
89 and insert:

90 A bill to be entitled
91 An act relating to public records; amending s.
92 119.071, F.S.; providing definitions; requiring that
93 electronic mail addresses and Internet identifiers of
94 sexual predators or sexual offenders reported pursuant
95 to specified laws be exempt from public record
96 requirements unless otherwise ordered by a court;
97 providing applicability; providing construction;



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98 providing for future review and repeal of the
99 exemption; providing a statement of public necessity;
100 providing a directive to the Division of Law Revision
101 and Information; providing a contingent effective
102 date.