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LEGISLATIVE ACTION

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

1       **Senate Substitute for Amendment (351510) (with title**  
2 **amendment)**

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4       Delete everything after the enacting clause  
5 and insert:

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

8       119.071 General exemptions from inspection or copying of  
9 public records.—

10       (5) OTHER PERSONAL INFORMATION.—



11       (1)1. As used in this paragraph, the term:  
12       a. "Electronic mail address" has the same meaning as in s.  
13 668.602.  
14       b. "Internet identifier" has the same meaning as in s.  
15 775.21.  
16       2. Electronic mail addresses and Internet identifiers  
17 registered by sexual predators or sexual offenders and held by  
18 agencies pursuant to s. 775.21, s. 943.0435, s. 944.606, s.  
19 944.607, s. 985.481, or s. 985.4815 are exempt from s. 119.07(1)  
20 and s. 24(a), Art. I of the State Constitution. This exemption  
21 applies to records held before, on, or after the effective date  
22 of this act.  
23       3. This paragraph does not prohibit a law enforcement  
24 agency from confirming to a member of the public that an  
25 electronic mail address or Internet identifier reported pursuant  
26 to s. 775.21, s. 943.0435, s. 944.606, s. 944.607, s. 985.481,  
27 or s. 985.4815 is registered in the Department of Law  
28 Enforcement sexual offender and sexual predator registry.  
29       4. This paragraph is subject to the Open Government Sunset  
30 Review Act in accordance with s. 119.15 and shall stand repealed  
31 on October 2, 2022, unless reviewed and saved from repeal  
32 through reenactment by the Legislature.  
33       Section 2. (1) The Legislature finds that it is a public  
34 necessity that electronic mail addresses and Internet  
35 identifiers registered by sexual predators and sexual offenders  
36 and held by agencies pursuant to s. 775.21, s. 943.0435, s.  
37 944.606, s. 944.607, s. 985.481, or s. 985.4815, Florida  
38 Statutes, be made exempt from s. 119.071(1), Florida Statutes,  
39 and s. 24(a), Article I of the State Constitution. The



40 Legislature finds that the exemption strikes an important  
41 balance between the government's legitimate interest in public  
42 safety and protecting individuals' rights afforded under the  
43 Constitution of the State of Florida and the First Amendment  
44 rights protected by the United States Constitution. The  
45 exemption maintains the ability of members of the public to  
46 confirm whether an electronic mail address or Internet  
47 identifier is associated with or is contained in the sexual  
48 offender and sexual predator registry without obtaining the  
49 personal identifying information of the registrant associated  
50 with the electronic mail address or Internet identifier. This  
51 exemption allows members of the public access to safety  
52 information which assists them in making informed decisions  
53 regarding communicating or otherwise interacting with registered  
54 sexual predators and sexual offenders. Additionally, this  
55 exemption preserves the ability of criminal justice agencies to  
56 access valuable investigative information. Criminal justice  
57 agencies are tasked with the prevention of crimes to protect  
58 residents, particularly children, from sexual exploitation  
59 through investigating and bringing offenders to justice. As  
60 daily life necessitates increasing dependence upon access to the  
61 Internet, sexual exploitation through the use of the Internet  
62 grows as well. There is a nexus between commercial social  
63 networking sites and Internet sex crimes. Commercial social  
64 networking sites are widely used among youth and adults for  
65 introduction, communication, and publication of personal details  
66 that may be exploited. Additionally, locating missing children  
67 and sexual predators and sexual offenders who have evaded  
68 registration is greatly aided through the use of registered



69 electronic mail addresses and Internet identifiers. Without this  
70 exemption, criminal justice agencies may lose access to  
71 information which has become a valuable investigative tool since  
72 the inception of this registration requirement. Absent a  
73 registration requirement for electronic mail addresses and  
74 Internet identifiers, investigative agencies will be severely  
75 hampered in the growing call to protect our residents from  
76 sexual exploitation online.

77 (2) The Legislature recognizes the importance of protecting  
78 rights provided in the First Amendment to the United States  
79 Constitution for all citizens. Equally, the Legislature  
80 recognizes the importance of preserving the civil regulatory  
81 processes of sexual offender and sexual predator registration  
82 and ensuring criminal justice agencies have the critical  
83 resource of sexual offender and sexual predator electronic mail  
84 address and Internet identifier registration information  
85 necessary to protect our residents. Electronic mail addresses  
86 and Internet identifiers have an exceptional distinction from  
87 other registration requirements in that they are used as unique  
88 personal identifiers for speech and communication. Because of  
89 this distinction, a public records exemption is required to  
90 avoid any appearance of infringement on registrants'  
91 constitutional rights. If the ability to collect this  
92 information were prevented, it would greatly disrupt the ability  
93 of criminal justice agencies to use this essential information  
94 in combatting the prevalent problem of online sexual  
95 exploitation of children. For these reasons and for the  
96 preservation of and continued collection of this information,  
97 the Legislature finds that it is a public necessity that the



800428

98 electronic mail addresses and Internet identifiers continue to  
99 be registered by sexual predators and sexual offenders and held  
100 by agencies pursuant to ss. 775.21, 943.0435, 944.606, 944.607,  
101 985.481, and 985.4815, Florida Statutes, be exempt from public  
102 record requirements.

103 Section 3. The Division of Law Revision and Information is  
104 directed to replace the phrase "the effective date of this act"  
105 whenever it occurs in this act with the date the act becomes a  
106 law.

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

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

113 And the title is amended as follows:

114 Delete everything before the enacting clause  
115 and insert:

116 A bill to be entitled  
117 An act relating to public records; amending s.  
118 119.071, F.S.; defining terms; requiring that  
119 electronic mail addresses and Internet identifiers of  
120 sexual predators or sexual offenders reported pursuant  
121 to specified laws be exempt from public records  
122 requirements; providing retroactive applicability;  
123 providing construction; providing for future review  
124 and repeal of the exemption; providing a statement of  
125 public necessity; providing a directive to the  
126 Division of Law Revision and Information; providing a



800428

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contingent effective date.