

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; defining terms; requiring that
 4 electronic mail addresses and Internet identifiers of
 5 sexual predators or sexual offenders reported pursuant
 6 to specified laws be exempt from public record
 7 requirements unless otherwise ordered by a court;
 8 providing applicability; providing construction;
 9 providing for future review and repeal of the
 10 exemption; providing a statement of public necessity;
 11 providing a directive to the Division of Law Revision
 12 and Information; providing a contingent effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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

19 119.071 General exemptions from inspection or copying of
 20 public records.—

21 (5) OTHER PERSONAL INFORMATION.—

22 (1)1. For purposes of this paragraph, the term:

23 a. "Electronic mail address" has the same meaning as
 24 provided in s. 668.602.

25 b. "Internet identifier" has the same meaning as provided

26 in s. 775.21.

27 2. Electronic mail addresses and Internet identifiers of
28 sexual predators or sexual offenders reported pursuant to s.
29 775.21, s. 943.0435, s. 944.606, s. 944.607, s. 985.481, or s.
30 985.4815 are exempt from s. 119.07(1) and s. 24(a), Art. I of
31 the State Constitution unless otherwise ordered by a court. This
32 exemption applies to records held before, on, or after the
33 effective date of this act.

34 3. This paragraph does not prohibit a law enforcement
35 agency from confirming that an electronic mail address or
36 Internet identifier reported pursuant to s. 775.21, s. 943.0435,
37 s. 944.606, s. 944.607, s. 985.481, or s. 985.4815 is registered
38 in the Department of Law Enforcement sexual offender and sexual
39 predator registry.

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41 Review Act in accordance with s. 119.15 and shall stand repealed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

44 Section 2. (1) The Legislature finds that it is a public
45 necessity that the electronic mail addresses and Internet
46 identifiers of sexual offenders and sexual predators required to
47 be reported pursuant to s. 775.21, s. 943.0435, s. 944.606, s.
48 944.607, s. 985.481, or s. 985.4815, Florida Statutes, be made
49 exempt from s. 119.071(1), Florida Statutes, and s. 24(a),
50 Article I of the State Constitution. The Legislature believes

51 the exemption strikes an important balance between the
52 government's legitimate interest in protecting the public and a
53 sexual offender's or sexual predator's First Amendment right of
54 free speech. The exemption maintains the ability of the public
55 to confirm whether an Internet identifier with which they are
56 communicating is contained in the sexual offender and sexual
57 predator registry without providing the personal identifying
58 information of the individual who registered the Internet
59 identifier. This allows the public access to an important tool
60 they may use to make informed decisions regarding communicating
61 with sexual offenders or sexual predators through commercial
62 social networking sites. Additionally, this allows criminal
63 justice agencies to maintain the ability to have the necessary
64 tools to investigate crimes and fight against the growing
65 epidemic of sexual offenses that occur online.

66 (2) The Legislature recognizes the importance of protecting
67 the First Amendment rights for all citizens while ensuring
68 criminal justice agencies have the tools necessary to protect
69 our citizens. If the ability to collect this information was
70 prevented, it would greatly disrupt law enforcement from using
71 these essential tools in combatting the prevalent problem of
72 online sexual exploitation of children. The requirement for
73 sexual offenders and sexual predators to register their
74 electronic mail addresses and Internet identifiers has been an
75 important tool for criminal justice agencies in combatting the

76 exploitation of minors. Commercial social networking websites
77 are widely used among youth and adults for introduction,
78 communication, and publication of personal details that may be
79 exploited. Studies have shown a nexus between commercial social
80 networking websites and Internet sex crimes. For these reasons,
81 the Legislature finds that it is a public necessity that the
82 electronic mail addresses and Internet identifiers that are
83 required to be reported by sexual offenders and sexual predators
84 pursuant to s. 775.21, s. 943.0435, s. 944.606, s.944.607, s.
85 985.481, and s. 985.4815, F.S., be exempt from public record
86 requirements.

87 Section 3. The Division of Law Revision and Information is
88 directed to replace the phrase "the effective date of this act"
89 whenever it occurs in this act with the date the act becomes a
90 law.

91 Section 4. This act shall take effect on the same date
92 that HB 699 or similar legislation takes effect, if such
93 legislation is adopted in the same legislative session or an
94 extension thereof and becomes a law.