



Florida Action Committee, Inc.
P.O. Box 470932
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www.floridaactioncommittee.org

June 29, 2017

Florida Department of Law Enforcement (FDLE)
Missing Persons and Offender Registration
2331 Phillips Road
Tallahassee, Fl. 32308

SENT VIA EMAIL
sexpred@fdle.state.fl.us

RE: RECENT CHANGE TO THE DEFINITION OF "INTERNET IDENTIFIER" AND NEWLY ADDED "SOCIAL INTERNET COMMUNICATION".

To Whom It May Concern:

I am writing for guidance on the recent change in the definition of "Internet Identifier" and the newly added term, "Social Internet Communication" found in F.S. 775.21.

HB 699 was recently signed into law by Governor Rick Scott. Of specific confusion are the exclusions to the items registrants are required to register, namely:

- 1) *Communication for which the primary purpose is the facilitation of commercial transactions involving goods or services;*
- 2) *Communication on an Internet website for which the primary purpose of the website is the dissemination of news; or*
- 3) *Communication with a governmental entity.*

The Florida Action Committee (FAC) is a not-for-profit public safety advocacy group. Included in our membership are individuals required to register as "sexual offenders" or "sexual predators".



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The new changes to the “Internet Identifier” registration requirements have caused a great deal of confusion amongst our membership. The purpose of this letter is to seek the FDLE’s guidance on the new registration requirements, so that we, in turn, can share that guidance with them.

With respect to the first exemption; *“communication for which the primary purpose is the facilitation of commercial transactions involving goods or services”*, would the registration requirement include classifieds sites, such as ‘craigslist.com’?

Using that example; Craigslist defines itself as a “Local classifieds and forums” where one can find, “Jobs, housing, goods, services, romance, local activities, advice - just about anything really.”¹

Some people use the site for the *primary purpose of finding goods or services* which would fall squarely in-line with the exemption and clearly not require registration. Conversely, many Sheriffs’ Offices use Craigslist to conduct stings and arguably might believe the site clearly does require registration.

This raises the question; will interpretation of the new law be according to the individual’s “primary purpose” for using the site or the FDLE’s “primary purpose” for using the site?

The second exemption is equally vague. Would *“an Internet website for which the primary purpose of the website is the dissemination of news”* include our own website; floridaactioncommittee.org? Many members have asked whether their use of this organization’s website requires registration and we are unclear.

Through our website, we post news and information relevant to our population. Any individual can post comments or ask questions that can be viewed or answered by others. Our position is that the primary purpose of our website is the ‘dissemination of news’ (such as the implementation of this new law). What is your position?

When a law is so open to subjective interpretation while at the same time carrying such a significant consequence (a third-degree felony) for interpreting it incorrectly, extremely specific guidance is critical.

The third exemption concerns “communication with a government entity”. The Supreme Court of the United States, in its opinion on the recently decided Packingham case, stated; *“And on Twitter, users can petition their elected representatives and otherwise engage with them in a*

¹ <https://www.craigslist.org/about/factsheet>



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direct manner. Indeed, Governors in all 50 States and almost every Member of Congress have set up accounts for this purpose.” (Packingham v. North Carolina, 582 U. S. ____ (2017))²

The Supreme Court of the United States clearly and expressly recognizes Twitter to be an Internet Application that facilitates “communication with a government”. However, Twitter is one of the options available under the drop down on the FDLE’s Cyber Communication portal - indicating that you believe registration of a Twitter account would be required.

As stated above, one’s misinterpretation of the FDLE’s position on which sites or apps require registration under the new law subjects them to a third-degree felony. Facing the possibility of five years in prison for guessing wrong or engaging in conduct that, by their interpretation, is completely innocent. Your guidance on the law and which websites, specifically, require registration, is critical.

Seeing as how this law went into effect instantly (and three days prior to you sending notice to registrants) the timing of your response is also critical.

We look forward to your answers.

Sincerely,

Gail Colletta, President

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² https://www.supremecourt.gov/opinions/16pdf/15-1194_08l1.pdf (see page 8)