

To: All Individuals Required to Register with the Florida Sexual Offender/Predator Registry.

As you probably know, the Florida sexual offender/predator registration laws require that, within 48 hours after using an “Internet identifier,” you must register that identifier with the Florida Department of Law Enforcement (FDLE). “Internet identifier” is defined as “any designation, moniker, screen name, username, or other name used for self-identification to send or receive social Internet communication.” As a result of a lawsuit, on September 21, 2018, a federal judge in the Northern District of Florida issued an Order explaining and interpreting the law, as follows:

First, the Order summarized four situations in which you do **not** have to register an identifier, stating:

A username need not be registered based only on [1] a communication whose primary purpose is to facilitate a commercial transaction involving goods or services, or [2] a communication over a website whose primary purpose is the dissemination of news, or [3] a communication with a governmental entity. And a username need not be registered based only on [4] its use on a website or application that does not allow users to create web pages or profiles....

Second, the Order clarified that, in addition to the four above-listed exceptions, registrants only have to register Internet identifiers after they actually use an identifier **to communicate over the Internet directly with another user**. We interpret this to mean that you do not have to report an identifier if it is used just to browse a website, unless and until you actually use that identifier to communicate **directly** with another person. This is true even if your use of the identifier falls outside of the four exceptions noted above.

Third, the Order prohibits the FDLE from making available to the public the identity of a registrant associated with any given email address or Internet identifier (although it can still give this information to law enforcement agencies). This means that if someone sends a public records request to the FDLE asking for all the identifiers and emails associated with a given registrant, or the identity of a registrant associated with a given email or identifier, the FDLE is not allowed to provide that information. However, FDLE will still be permitted, as it has always been, to verify that an identifier is associated with a registrant (without identifying the specific registrant).

This is only a general description of the Order, which you can read in full at [www.floridajusticeinstitute.org/order](http://www.floridajusticeinstitute.org/order). There are also further requirements in the Internet identifier provisions not covered here, for which you should read Florida Statutes § 943.0435 and § 775.21 in full. If you need advice on how the statutes apply to you, you should consult your own attorney. If you are on probation, you may wish to consult with your probation officer as to whether any special conditions of probation restricting Internet use apply in your case. If you are arrested for violating the Internet identifier provisions, you are encouraged to raise the issues described in this notice with your criminal defense lawyer.