Florida Action Committee, Inc.
6615 W Boynton Beach Blvd #414
Boynton Beach, FL 33437
www.floridaactioncommittee.org

April 21, 2026

Agency Clerk
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, FL 32302-1489

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

RE: FLORIDA ACTION COMMITTEE, INC. PETITIONER V. FLORIDA DEPARTMENT OF LAW ENFORCEMENT, RESPONDENT
ACTION NO: ACK-2026-2
NOTICE OF APPEAL

To the Agency Clerk:

This correspondence constitutes an appeal of the Commissioner, Mark Glass' Final Order in the above-referenced action.

As a preliminary matter, although the Notice of Rights attached to the Final Order states that a Notice of Appeal must be filed within thirty (30) days and the Final Order is dated March 11, 2026, the undersigned did not receive the Order until April 20, 2026. Accordingly, any delay in filing is attributable to the date of receipt rather than any lack of diligence, and this Notice of Appeal is being filed promptly upon receipt of the Order.

Nature of the Action:

This is an appeal from a Final Order issued by the Florida Department of Law Enforcement in response to a Request for Declaratory Statement filed pursuant to Florida Statutes Section 120.565(1).

Petitioner, Florida Action Committee, Inc. ("FAC"), submitted a request seeking clarification regarding the scope and application of the "internet identifier" provisions contained in Florida Statutes Section 943.0435. Specifically, FAC requested that FDLE identify which applications fall within the reporting requirements of the statute (providing specific examples – ie: YouTube and Google Drive), who determines whether a particular application must be reported, and whether FDLE maintains any written guidance for affected individuals or law enforcement regarding what constitutes a reportable internet identifier. A copy of the Request for Declaratory Statement is attached hereto as **Exhibit A**.

On March 11, 2026, FDLE issued a Final Order Denying, that failed to address the questions presented in FAC's request. A copy of the Final Order is attached hereto as **Exhibit B**. FAC now seeks appellate review of that Order, as it does not provide the clarity required under Florida law and leaves affected persons and law enforcement without meaningful guidance as to the statute's application.

Argument:

The FDLE's Denial states that "The Petition fails to allege how the Petitioner would be "substantially affected by statutes rules or orders in the Petitioner's particular set of circumstances."

As asserted in the Petition, "*Petitioner is substantially affected by FDLE's interpretation of the statute at issue, because the Florida Action Committee is a 3000+ member non-profit organization, whose members include individuals who are required to register as sexual offenders and predators in Florida."* (Petition at pg. 1). Accordingly, FAC's members are subject to the statute in question. A violation of the statute would subject them to arrest. Because the statute requires compliance of every individual subject to registration under the registration statute, the Declaratory Statement would apply to each registrant member individually.

Moreover, the applicability of the statute is not dependent upon the identity of any single registrant, but rather extends uniformly to all persons subject to its requirements. In other words, the interpretation of the statute necessarily governs a class of similarly situated individuals, and therefore any clarification - or lack thereof - affects each member of that class in the same manner. As such, it is immaterial which specific registered individual is referenced, as the statutory obligations apply equally to all persons required to comply with the registration provisions contained in the statute at issue.

The FDLE's Denial states that "[a]dditionally, the Petition is seeking this Declaratory Statement to provide guidance to the third-party members of this organization. Florida Administrative Code rule 28-105.011, states that a declaratory statement is not the appropriate means of determining the conduct of another person."

FAC is not seeking to determine the conduct of another person, nor are we asking FDLE to adjudicate or evaluate the actions of any third party. Rather, the request is for authoritative guidance directed to individuals who are themselves subject to the registration requirements and who must comply with the statute as a matter of law. The purpose of the Petition is to clarify FDLE's interpretation of statutory obligations so that those directly regulated (our members – persons required to register) may understand and comply with the law, thereby avoiding inadvertent violations. Accordingly, the Petition falls squarely within the purpose of a declaratory statement under Florida law, as it seeks clarification of how the statute applies to the Petitioners' own members, not the regulation of unrelated third parties.

The FDLE's Denial states that "Question 5 asks, "who determines whether the content of the Social Internet Communication falls under one of the exemptions?" This does not ask for the Department's Opinion on the applicability of a statute or rule."

The FDLE's position that Question 5 "does not ask for the Department's opinion on the applicability of a statute or rule" overlooks the very nature of the inquiry presented. The question is fundamentally directed at how the statutory scheme is to be interpreted and applied in practice. Specifically, who is responsible for making the determination as to whether a particular social internet communication falls within or outside the statutory exemptions. That is not an abstract or academic question; it is a direct request for clarification of the operational application of the law.

As the agency charged with administering and enforcing Florida's sex offender registration requirements, the Florida Department of Law Enforcement necessarily plays a central role in interpreting and implementing those statutory provisions in a uniform and consistent manner. Individuals subject to registration obligations must rely on FDLE's interpretation to ensure compliance, and law enforcement agencies across the state must apply those same standards in enforcement actions. Without clear guidance from FDLE, the statute is left subject to varying interpretations, which undermines consistency and due process.

Moreover, the question of who determines whether a communication falls within a statutory exemption goes directly to the heart of enforceability. If registrants are expected to comply with complex reporting requirements under Florida Statutes Section 943.0435, then there must be an identifiable and authoritative mechanism for determining how those exemptions are applied. Otherwise, individuals are left to guess at compliance obligations that carry potential criminal penalties.

Accordingly, the inquiry presented in Question 5 is precisely the type of question that the declaratory statement process under Florida Statutes Section 120.565(1) is designed to address. It seeks clarity from the very agency responsible for enforcement, ensuring that both regulated individuals and law enforcement officers can apply the statute in a consistent and lawful manner.

In simple terms, the practical question remains unanswered: how is this supposed to work in real life? When a registrant is uncertain whether a YouTube account, Google Drive account, or similar platform must be reported as an "internet identifier," who is actually responsible for making that determination before a violation is alleged? Likewise, if a law enforcement officer observes activity such as a comment posted on a website like FloridaActionCommittee.org and there is no corresponding registered identifier on file, does that individual officer make the determination to initiate an arrest, or is that decision escalated to a Sheriff in one of Florida's 67 counties? Or is FDLE expected to provide the controlling interpretation before enforcement action is taken? Without clear guidance, the enforcement process becomes inconsistent and subjective, leaving both registrants and law enforcement without a uniform standard to follow.

Finally, FDLE denies responding to Question 6; whether there is any written policy, guidance or internal memorandum on the issues.

This omission is particularly significant because such materials, if they exist, would necessarily reflect FDLE's operative interpretation of the statute and would be essential to ensuring consistent application across the state. The absence of any acknowledgment or disclosure leaves both registrants and law enforcement without any indication as to whether uniform guidance exists at all, or whether enforcement is being carried out based solely on ad hoc or locally developed interpretations.

As the agency charged with administering and enforcing Florida's registration framework and implementing the requirements of Florida Statutes Section 943.0435, FDLE's internal guidance - if it exists at all - would be directly relevant to how the statute is applied in practice. Transparency regarding whether such guidance exists is not ancillary; it is central to understanding how regulated individuals are expected to know and comply with their legal obligations.

By refusing to respond to this question, FDLE leaves unresolved a critical gap between the statutory text and its real-world enforcement. This lack of clarity only reinforces the need for a declaratory statement under Florida Statutes Section 120.565(1), as it underscores the absence of publicly available standards governing compliance and enforcement of the "internet identifier" provisions at issue.

Respectfully submitted this 21st day of April, 2026.

/s/
Teresa Bond, Information Liaison
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EXHIBIT
A

Florida Action Committee, Inc.
6615 W Boynton Beach Blvd #414
Boynton Beach, FL 33437

December 4, 2025

PETITION FOR DECLARATORY STATEMENT
PURSUANT TO § 120.565, FLORIDA STATUTES

Petitioner:

Florida Action Committee, Inc.
Attn: Teresa Bond, Information Liaison
6615 W Boynton Beach Blvd #414
Boynton Beach, FL 33437

Respondent:

Florida Department of Law Enforcement
Attn: Office of General Counsel
P.O. Box 1489
Tallahassee, FL 32302-1489

I. INTRODUCTION

Pursuant to section 120.565, Florida Statutes, Petitioner respectfully requests that FDLE issue a Declaratory Statement regarding the applicability and interpretation of Florida's sexual offender registration statute, specifically § 943.0435 Florida Statutes, as it relates to the reporting of "Internet Identifiers".

Section 120.565 of the Administrative Procedures Act authorizes any "substantially affected person" to request an agency's opinion on how a statute, rule, or order applies in particular circumstances.

Petitioner is substantially affected by FDLE's interpretation of the statute at issue, because the Florida Action Committee is a 3000+ member non-profit organization, whose members include individuals who are required to register as sexual offenders and predators in Florida. The current interpretation is unclear to our members and interpreted differently by different Sheriff's Offices across the state. FDLE's interpretation will provide guidance as to the correct enforcement of the statute so that this organization can share this information with impacted people.

II. STATUTORY PROVISIONS AT ISSUE

This Petition concerns the interpretation and application of §943.0435, Florida Statutes (sexual offender registration requirements – but would also apply to the predator statute) with respect to the reporting of "Internet Identifiers".

The statute cites to §775.21 Fla. Stat. for the definition of "Internet Identifiers". §775.21(2)(j) defines "Internet Identifier" as:

> **"Internet identifier" means any designation, moniker, screen name, username, or other name used for self-identification to send or receive social Internet communication. Internet identifier does not include a date of birth, social security number, personal identification number (PIN), or password. A sexual offender's or sexual predator's use of an Internet identifier that discloses his or her date of birth, social security number, PIN, password, or other information that would reveal the identity of the sexual offender or sexual predator waives the disclosure exemption in this paragraph for such personal information.**

That definition includes the term "social Internet communication", which is defined in §775.21(2)(m) as:

> **"Social Internet communication" means any communication through a commercial social networking website as defined in s. 943.0437, or application software. The term does not include any of the following:**
> **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.**

In *Delgado v. Swearingen*, No. 16-CV–501 (N.D. Fla. 2018), Judge Hinkle of the Northern District of Florida wrote, "At bottom, a good summary is this. The statute requires registration of a sex offender's email addresses and any username a sex offender *uses* in connection with a communication over the internet *directly with another user*, with the following exceptions. A *username need not be registered based only on a communication whose primary purpose is to facilitate a commercial transaction involving goods or services*, or a communication over a website whose primary purpose is the dissemination of news, or a communication with a governmental entity. And a username need not be registered based only on its use on a website or application that *does not allow users to create web pages or profiles* as described in the statute." (emphasis added).

III. STATEMENT OF FACTS AND CIRCUMSTANCES

Recently, several members have been arrested and charged with failure to register "Internet Identifiers" for, among other things, YouTube or Google Drive.

While YouTube allows people to upload, watch, share, and comment on videos over the internet, its users cannot send direct private messages to one another on the platform. Google Drive is a cloud-based application that allows users to store, access, create, share, and edit files over the internet. While Google Drive can allow collaboration on documents and spreadsheets, it does not offer traditional private messaging.

Next, we refer you to the clarifying remarks of Judge Hinkle in *Delgado*, who wrote that the statute applies to Internet Identifiers an individual, "*uses* in connection with a communication over the internet *directly with another user*" (emphasis added).

Ancillary to whether YouTube or Google Drive accounts require registration is the issue of their "use" for communication "directly with another user". Many people have a YouTube account but use it only to watch online videos and not for communication with another user (to the extent that is even possible). Many have a Google Drive account but use it only for file storage or backup. Many have a Google Drive account and don't even know it, since a Gmail account includes automatic access to a 15 GB Google Drive and Google Photos, which is provisioned by default with every Google account.

Finally, many of our members are being arrested for not reporting "Social Internet Communication" accounts that are business accounts which meet the exception of "communication for which the primary purpose is the facilitation of commercial transactions involving goods or services". With online marketing replacing terrestrial advertising, many businesses use social media for the primary purpose of facilitating commercial transactions involving goods or services.

Even if an individual is arrested but then demonstrates that the account was exempt, or was a stale AOL email account they have not "used" for decades and is ultimately acquitted, the mere "arrest" would disqualify them from ever petitioning for removal under §943.0435(11) Fla. Stat.

We have attempted to solicit answers from different Sheriffs' offices, but they have provided differing interpretations of what must be reported.

These are not hypothetical. Individuals attempting good-faith compliance have been arrested due to this ambiguity and arbitrary application of the statute.

IV. QUESTIONS PRESENTED

The Florida Action Committee, Inc. respectfully requests that FDLE issue a Declaratory Statement answering the following questions:

- Does an Internet Identifier need to be reported for a website or application that does not have a feature that allows individuals to communicate *directly with another user*? (An example of which would be YouTube).

- With respect to communication "directly with another user", does an Internet Identifier need to be reported for a website or application that allows individuals to communicate publicly in a forum, but not person-to-person? (An example of which would be FloridaActionCommittee.org).

- Does an Internet Identifier need to be reported for a website or application that does allow communication directly with another user, but the individual's *use* of that website or application is for the primary purpose of facilitating commercial transactions involving goods or services? (An example would be a social media account for a landscaping business).

- Is a violation of §943.0435 Fla. Stat. triggered by the mere existence of the account or by a registrant's use of the account? (An example would be an old MySpace account that has not been used or accessed for years).

- In light of the exemptions contained in §775.21(2)(m), who determines whether the content of the Social Internet Communication falls under one of the exemptions? (An example would be eBay, where users can directly message each other anything they like, but the communication is generally between a buyer and seller to facilitate a commercial transaction involving goods or services).

- Does FDLE maintain any written policy, guidance, or internal memorandum directing law enforcement agencies or registrants on the enforcement of the Internet Identifier reporting requirements?

V. PURPOSE OF THIS PETITION

The purpose of this Petition is to obtain a formal, official clarification of FDLE's interpretation of this subsection of Florida Statutes so that registrants, law enforcement agencies, and courts throughout Florida have a clear, rational, and uniform understanding of their rights and obligations.

Without such clarification, individuals remain at risk of unjust arrest or prosecution under an unclear or arbitrary interpretation of the statute.

Respectfully submitted this 4th day of December 2025.

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EXHIBIT
B

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Florida Action Committee, Inc.,
Petitioner,
v.
Florida Department of Law Enforcement,
Respondent.
_____/

ACK-2026-2

FINAL ORDER

On or about December 4, 2025, the Florida Action Committee, Inc., (Petitioner) filed a Petition for Declaratory Statement, requesting the Florida Department of Law Enforcement provide an opinion on the applicability of state statutes for Florida's Sexual Offender Registration Statutes, as it relates to the reporting of "Internet Identifiers."

The Petitioner's questions are restated from the Petition herein:

1. Does an Internet Identifier need to be reported for a website or application that does not have a feature that allows individual to communicate *directly with another user?* (An example of which would be Youtube.)
2. With respect to communication "directly with another user", does an internet identifier need to be reported for a website or application that allows individuals to communicate publicly in a forum, but not person-to-person? (An example of which would be FloridaActionCommittee.org?)
3. Does an Internet Identifier need to be reported for a website or application that does allow communication directly with another user, but the individual's *use* of that website or application is for the primary purpose of facilitating commercial transactions involving goods or services? (An example would be a social media account for a landscaping business.)
4. Is a violation of Section 943.0435 Fla. Stat. triggered by the mere existence of the account or by a registrant's use of the account? (An example would be an old MySpace account that has not been used or accessed for years.)
5. In light of the exemptions contained in Section 775.21(2)(m), who determines whether the content of the Social Internet Communication falls under one of the exemptions? (An example would be eBay, where users can directly message each other anything they like, but the communication is generally between a buyer and seller to facilitate a commercial transaction involving goods or services.

6. Does FDLE maintain any written policy, guidance, or internal memorandum directly law enforcement agencies or registrants on the enforcement of the Internet Identifier reporting requirements?

For this Final Order, factual allegations were derived from the Petition. Pursuant to Florida Administrative Code rule 28-105.003, the Department relies on the statement of facts as presented by Petitioners in the disposition of the Petition but takes no position on the truth or accuracy of such facts:

a. The Petitioner asserts they are a three thousand plus member organization, whose members include individuals who are required to register as sexual offenders and predators.
b. The Petitioner alleges that the current interpretation of the law is unclear to the members of the organization and interpreted differently by different Sheriff's Offices across the state.
c. The Petitioner alleges that several members have been arrested and charged with failure to register "internet identifiers" for, among other things, Youtube or Google Drive.
d. It appears that the Petition is seeking a declaratory statement from the Department on the application of Section 943.0435, Florida Statutes, to the registration requirements of sexual offenders and sexual predators of internet identifiers.

Conclusions of Law

Section 120.565(1), Florida Statutes, states that "any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances."

Section 120.565(2), Florida Statutes, state that "the petition seeking a declaratory statement shall state with particularity the Petitioner's set of circumstances and shall specify the statutory provision, rule, or order that the Petitioner believes may apply to the set of circumstances."

Florida Administrative Code rule 28-105.001, which implements the above-mentioned statutes, provides:

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person.

The Petition fails to allege how the Petitioner would be "substantially affected" by statutes, rules, or orders in the Petitioner's particular set of circumstances. This Petitioner for a Declaratory Statement would be amounting to broad policies and interpretations that would apply to an entire class of persons.

Based on the facts presented in the Petition, the Petitioner is not entitled to a declaratory statement on the questions presented.

Questions 1 through 4, are seeking a declaratory statement on how the internet identifier portion of Section 943.0435, Florida Statutes applies to various hypothetical scenarios involving members of the organization, but not the organization itself.

To provide a declaratory statement interpreting this statute in the method being requested, would result in FDLE adopting broad policies or interpretations that would apply to an entire class of persons. This type of action would require rulemaking which FDLE does not have legislative authority to promulgate in this area. Additionally, the Petition is seeking this Declaratory Statement to provide guidance to the third-party members of the organization. Florida Administrative Code rule 28-105.001, states that a declaratory statement is not the appropriate means for determining the conduct of another person.

Therefore, questions 1 through 4 are not appropriate for a declaratory statement as it does not require an interpretation of the applicability of statute to the Petitioner's set of circumstances and the Petition must be denied.

Questions 5 asks, "who determines whether the content of the Social Internet Communication falls under one of the exemptions?" This does not ask for the Department's opinion on the applicability of a statute or rule. There is not a direct link of how the language of the statute applies to the substantially affected individual's particular situation. This question would apply to anyone in any situation involving 943.0435, Florida Statutes, and is beyond the scope of this cause of action.

Similarly, Question 6 asks whether FDLE maintains any written policy, guidance or internal memorandum on the issues throughout the Petition.

Both questions 5 and 6 must be denied as they do not seek an interpretation of applicable statutes, rules or orders over which the agency has authority. Additionally, these requests in the Petition are also utilizing an inappropriate means for determining the conduct of another person. Therefore, these questions and the remainder of the Petition also must be denied.

DISPOSITION

IT IS THEREFORE ORDERED:

The Petitioner's request for a declaratory statement is **DENIED**.

DONE AND ORDERED this 11th day of March, 2026.

J. Mark Glass, Commissioner

NOTICE OF RIGHTS

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK FOR THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT AS FOLLOWS:

Agency Clerk
Florida Department of Law Enforcement
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850-410-7676
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The notice of appeal must be filed within thirty (30) days from the date this order is filed with the clerk of the Department.

A true and correct copy of the foregoing order has been mailed via U.S. Mail to the Petitioner on this 11th day of March, 2026.

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