

**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: [REDACTED]  
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 4<sup>th</sup> day of December 2025.

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