

VIA E-MAIL

Subject: HB 79

Governor Jeb Bush  
The Capitol  
Tallahassee, FL

RE: HB 79

Dear Governor Bush,

I am writing on behalf of the Florida Library Association to request that you veto HB 79 because of its negative impact on libraries. Although this bill seeks to amend laws prohibiting the theft of cable television and communications services, it has implications that greatly concern the library community. The large entertainment companies promoting these amendments are doing so to combat digital piracy. However, the provisions in this act are quite broad and will undermine our ability to provide information services to our patrons throughout the state.

We believe that the proponents have not sufficiently justified the need for this law. In fact, the proposed legislation largely duplicates parts of the Digital Millennium Copyright Act (DMCA) enacted by the U.S. Congress in 1998, at the insistence of these same companies. However, the Florida bill omits narrow exceptions and limitations approved by Congress to permit legitimate activities. Despite some ameliorating language, we still believe that this law is flawed and should be vetoed.

Although HB 79 includes language that makes a wide range of activities unlawful only when performed with "an intent to defraud" a provider of a communications service, that standard is not adequately defined. Because the language of the bill remains overly broad, libraries are very concerned that the legislation has the potential to turn a breach of contract into a criminal violation.

This bill is similar to unsuccessful bills introduced earlier this year in Oregon, Tennessee and Texas . Governor Owens in Colorado vetoed a bill there. Moreover, the DMCA itself is the subject of controversy and there are currently bills in Congress to amend it. Libraries believe the anti-circumvention provisions in the DMCA have chilled academic research, access to information and the ability of libraries to preserve digital resources.

We are sure it was not the intent of the Florida Legislature to impose such penalties on libraries and request your veto of HB 79. Thank you for your consideration of this request and your continued support of libraries and reading.

Sincerely,

John F. Szabo  
President  
Florida Library Association