

By the Committee on Information Technology and
Representatives Hart, Mack, Meador, Fiorentino, Harrell and
Wishner

1 A bill to be entitled
2 An act relating to the offense of stalking;
3 amending s. 784.048, F.S.; defining the term
4 "cyberstalk" to mean communication by means of
5 electronic mail or electronic communication
6 which causes substantial emotional distress and
7 does not serve a legitimate purpose; including
8 within the offenses of stalking and aggravated
9 stalking the willful, malicious, and repeated
10 cyberstalking of another person; providing
11 penalties; revising the elements of the offense
12 of aggravated stalking to include placing a
13 person in fear of death or bodily injury of the
14 person or the person's child, sibling, spouse,
15 or dependent; reenacting ss. 775.084(1)(d),
16 790.065(2)(c), 921.0022(3)(f) and (g), and
17 960.001(1)(b), F.S., to incorporate the
18 amendment to s. 784.048, F.S., in references
19 thereto; providing an effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Section 784.048, Florida Statutes, is
24 amended to read:

25 784.048 Stalking; definitions; penalties.--

26 (1) As used in this section, the term:

27 (a) "Harass" means to engage in a course of conduct
28 directed at a specific person that causes substantial
29 emotional distress in such person and serves no legitimate
30 purpose.

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1 (b) "Course of conduct" means a pattern of conduct
2 composed of a series of acts over a period of time, however
3 short, evidencing a continuity of purpose. Constitutionally
4 protected activity is not included within the meaning of
5 "course of conduct." Such constitutionally protected activity
6 includes picketing or other organized protests.

7 (c) "Credible threat" means a threat made with the
8 intent to cause the person who is the target of the threat to
9 reasonably fear for his or her safety. The threat must be
10 against the life of, or a threat to cause bodily injury to, a
11 person.

12 (d) "Cyberstalk" means to engage in a course of
13 conduct to communicate, or to cause to be communicated, words,
14 images, or language by or through the use of electronic mail
15 or electronic communication, directed at a specific person,
16 that causes substantial emotional distress in such person and
17 serves no legitimate purpose.

18 (2) Any person who willfully, maliciously, and
19 repeatedly follows, ~~or~~ harasses, or cyberstalks another person
20 commits the offense of stalking, a misdemeanor of the first
21 degree, punishable as provided in s. 775.082 or s. 775.083.

22 (3) Any person who willfully, maliciously, and
23 repeatedly follows, ~~or~~ harasses, or cyberstalks another
24 person, and makes a credible threat with the intent to place
25 that person in reasonable fear of death or bodily injury of
26 the person or the person's child, sibling, spouse, or
27 dependent, commits the offense of aggravated stalking, a
28 felony of the third degree, punishable as provided in s.
29 775.082, s. 775.083, or s. 775.084.

30 (4) Any person who, after an injunction for protection
31 against repeat violence pursuant to s. 784.046, or an

1 injunction for protection against domestic violence pursuant
2 to s. 741.30, or after any other court-imposed prohibition of
3 conduct toward the subject person or that person's property,
4 knowingly, willfully, maliciously, and repeatedly follows,~~or~~
5 harasses, or cyberstalks another person commits the offense of
6 aggravated stalking, a felony of the third degree, punishable
7 as provided in s. 775.082, s. 775.083, or s. 775.084.

8 (5) Any person who willfully, maliciously, and
9 repeatedly follows,~~or~~ harasses, or cyberstalks a minor under
10 16 years of age commits the offense of aggravated stalking, a
11 felony of the third degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084.

13 (6) Any law enforcement officer may arrest, without a
14 warrant, any person he or she has probable cause to believe
15 has violated the provisions of this section.

16 Section 2. For the purpose of incorporating the
17 amendment to section 784.048, Florida Statutes, in references
18 thereto, the sections or subdivisions of Florida Statutes set
19 forth below are reenacted to read:

20 775.084 Violent career criminals; habitual felony
21 offenders and habitual violent felony offenders; three-time
22 violent felony offenders; definitions; procedure; enhanced
23 penalties or mandatory minimum prison terms.--

24 (1) As used in this act:

25 (d) "Violent career criminal" means a defendant for
26 whom the court must impose imprisonment pursuant to paragraph
27 (4)(d), if it finds that:

28 1. The defendant has previously been convicted as an
29 adult three or more times for an offense in this state or
30 other qualified offense that is:

31 a. Any forcible felony, as described in s. 776.08;

- 1 b. Aggravated stalking, as described in s. 784.048(3)
2 and (4);
- 3 c. Aggravated child abuse, as described in s.
4 827.03(2);
- 5 d. Aggravated abuse of an elderly person or disabled
6 adult, as described in s. 825.102(2);
- 7 e. Lewd or lascivious battery, lewd or lascivious
8 molestation, lewd or lascivious conduct, or lewd or lascivious
9 exhibition, as described in s. 800.04;
- 10 f. Escape, as described in s. 944.40; or
- 11 g. A felony violation of chapter 790 involving the use
12 or possession of a firearm.
- 13 2. The defendant has been incarcerated in a state
14 prison or a federal prison.
- 15 3. The primary felony offense for which the defendant
16 is to be sentenced is a felony enumerated in subparagraph 1.
17 and was committed on or after October 1, 1995, and:
- 18 a. While the defendant was serving a prison sentence
19 or other sentence, or court-ordered or lawfully imposed
20 supervision that is imposed as a result of a prior conviction
21 for an enumerated felony; or
- 22 b. Within 5 years after the conviction of the last
23 prior enumerated felony, or within 5 years after the
24 defendant's release from a prison sentence, probation,
25 community control, control release, conditional release,
26 parole, or court-ordered or lawfully imposed supervision or
27 other sentence that is imposed as a result of a prior
28 conviction for an enumerated felony, whichever is later.
- 29 4. The defendant has not received a pardon for any
30 felony or other qualified offense that is necessary for the
31 operation of this paragraph.

1 5. A conviction of a felony or other qualified offense
2 necessary to the operation of this paragraph has not been set
3 aside in any postconviction proceeding.

4 790.065 Sale and delivery of firearms.--

5 (2) Upon receipt of a request for a criminal history
6 record check, the Department of Law Enforcement shall, during
7 the licensee's call or by return call, forthwith:

8 (c)1. Review any records available to it to determine
9 whether the potential buyer or transferee has been indicted or
10 has had an information filed against her or him for an offense
11 that is a felony under either state or federal law, or, as
12 mandated by federal law, has had an injunction for protection
13 against domestic violence entered against the potential buyer
14 or transferee under s. 741.30, has had an injunction for
15 protection against repeat violence entered against the
16 potential buyer or transferee under s. 784.046, or has been
17 arrested for a dangerous crime as specified in s.

18 907.041(4)(a) or for any of the following enumerated offenses:

- 19 a. Criminal anarchy under ss. 876.01 and 876.02.
20 b. Extortion under s. 836.05.
21 c. Explosives violations under s. 552.22(1) and (2).
22 d. Controlled substances violations under chapter 893.
23 e. Resisting an officer with violence under s. 843.01.
24 f. Weapons and firearms violations under this chapter.
25 g. Treason under s. 876.32.
26 h. Assisting self-murder under s. 782.08.
27 i. Sabotage under s. 876.38.
28 j. Stalking or aggravated stalking under s. 784.048.

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1 If the review indicates any such indictment, information, or
2 arrest, the department shall provide to the licensee a
3 conditional nonapproval number.

4 2. Within 24 working hours, the department shall
5 determine the disposition of the indictment, information, or
6 arrest and inform the licensee as to whether the potential
7 buyer is prohibited from receiving or possessing a firearm.
8 For purposes of this paragraph, "working hours" means the
9 hours from 8 a.m. to 5 p.m. Monday through Friday, excluding
10 legal holidays.

11 3. The office of the clerk of court, at no charge to
12 the department, shall respond to any department request for
13 data on the disposition of the indictment, information, or
14 arrest as soon as possible, but in no event later than 8
15 working hours.

16 4. The department shall determine as quickly as
17 possible within the allotted time period whether the potential
18 buyer is prohibited from receiving or possessing a firearm.

19 5. If the potential buyer is not so prohibited, or if
20 the department cannot determine the disposition information
21 within the allotted time period, the department shall provide
22 the licensee with a conditional approval number.

23 6. If the buyer is so prohibited, the conditional
24 nonapproval number shall become a nonapproval number.

25 7. The department shall continue its attempts to
26 obtain the disposition information and may retain a record of
27 all approval numbers granted without sufficient disposition
28 information. If the department later obtains disposition
29 information which indicates:

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1 a. That the potential buyer is not prohibited from
2 owning a firearm, it shall treat the record of the transaction
3 in accordance with this section; or
4 b. That the potential buyer is prohibited from owning
5 a firearm, it shall immediately revoke the conditional
6 approval number and notify local law enforcement.
7 8. During the time that disposition of the indictment,
8 information, or arrest is pending and until the department is
9 notified by the potential buyer that there has been a final
10 disposition of the indictment, information, or arrest, the
11 conditional nonapproval number shall remain in effect.

12 921.0022 Criminal Punishment Code; offense severity
13 ranking chart.--

14 (3) OFFENSE SEVERITY RANKING CHART

16 Florida Statute	Felony Degree	Description
		(f) LEVEL 6
20 316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
22 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
24 775.0875(1)	3rd	Taking firearm from law enforcement officer.
26 775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
30 784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

1	784.021(1)(b)	3rd	Aggravated assault; intent to
2			commit felony.
3	784.041	3rd	Felony battery.
4	784.048(3)	3rd	Aggravated stalking; credible
5			threat.
6	784.048(5)	3rd	Aggravated stalking of person
7			under 16.
8	784.07(2)(c)	2nd	Aggravated assault on law
9			enforcement officer.
10	784.08(2)(b)	2nd	Aggravated assault on a person 65
11			years of age or older.
12	784.081(2)	2nd	Aggravated assault on specified
13			official or employee.
14	784.082(2)	2nd	Aggravated assault by detained
15			person on visitor or other
16			detainee.
17	784.083(2)	2nd	Aggravated assault on code
18			inspector.
19	787.02(2)	3rd	False imprisonment; restraining
20			with purpose other than those in
21			s. 787.01.
22	790.115(2)(d)	2nd	Discharging firearm or weapon on
23			school property.
24	790.161(2)	2nd	Make, possess, or throw
25			destructive device with intent to
26			do bodily harm or damage
27			property.
28	790.164(1)	2nd	False report of deadly explosive
29			or act of arson or violence to
30			state property.
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1	790.19	2nd	Shooting or throwing deadly
2			missiles into dwellings, vessels,
3			or vehicles.
4	794.011(8)(a)	3rd	Solicitation of minor to
5			participate in sexual activity by
6			custodial adult.
7	794.05(1)	2nd	Unlawful sexual activity with
8			specified minor.
9	800.04(5)(d)	3rd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			less than 18 years.
13	800.04(6)(b)	2nd	Lewd or lascivious conduct;
14			offender 18 years of age or
15			older.
16	806.031(2)	2nd	Arson resulting in great bodily
17			harm to firefighter or any other
18			person.
19	810.02(3)(c)	2nd	Burglary of occupied structure;
20			unarmed; no assault or battery.
21	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
22			but less than \$100,000, grand
23			theft in 2nd degree.
24	812.13(2)(c)	2nd	Robbery, no firearm or other
25			weapon (strong-arm robbery).
26	817.034(4)(a)1.	1st	Communications fraud, value
27			greater than \$50,000.
28	817.4821(5)	2nd	Possess cloning paraphernalia
29			with intent to create cloned
30			cellular telephones.
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1	825.102(1)	3rd	Abuse of an elderly person or
2			disabled adult.
3	825.102(3)(c)	3rd	Neglect of an elderly person or
4			disabled adult.
5	825.1025(3)	3rd	Lewd or lascivious molestation of
6			an elderly person or disabled
7			adult.
8	825.103(2)(c)	3rd	Exploiting an elderly person or
9			disabled adult and property is
10			valued at less than \$20,000.
11	827.03(1)	3rd	Abuse of a child.
12	827.03(3)(c)	3rd	Neglect of a child.
13	827.071(2)&(3)	2nd	Use or induce a child in a sexual
14			performance, or promote or direct
15			such performance.
16	836.05	2nd	Threats; extortion.
17	836.10	2nd	Written threats to kill or do
18			bodily injury.
19	843.12	3rd	Aids or assists person to escape.
20	847.0135(3)	3rd	Solicitation of a child, via a
21			computer service, to commit an
22			unlawful sex act.
23	914.23	2nd	Retaliation against a witness,
24			victim, or informant, with bodily
25			injury.
26	943.0435(9)	3rd	Sex offenders; failure to comply
27			with reporting requirements.
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1	944.35(3)(a)2.	3rd	Committing malicious battery upon
2			or inflicting cruel or inhuman
3			treatment on an inmate or
4			offender on community
5			supervision, resulting in great
6			bodily harm.
7	944.40	2nd	Escapes.
8	944.46	3rd	Harboring, concealing, aiding
9			escaped prisoners.
10	944.47(1)(a)5.	2nd	Introduction of contraband
11			(firearm, weapon, or explosive)
12			into correctional facility.
13	951.22(1)	3rd	Intoxicating drug, firearm, or
14			weapon introduced into county
15			facility.
16			(g) LEVEL 7
17	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
18			injury.
19	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
20			bodily injury.
21	402.319(2)	2nd	Misrepresentation and negligence
22			or intentional act resulting in
23			great bodily harm, permanent
24			disfiguration, permanent
25			disability, or death.
26	409.920(2)	3rd	Medicaid provider fraud.
27	456.065(2)	3rd	Practicing a health care
28			profession without a license.
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1	456.065(2)	2nd	Practicing a health care
2			profession without a license
3			which results in serious bodily
4			injury.
5	458.327(1)	3rd	Practicing medicine without a
6			license.
7	459.013(1)	3rd	Practicing osteopathic medicine
8			without a license.
9	460.411(1)	3rd	Practicing chiropractic medicine
10			without a license.
11	461.012(1)	3rd	Practicing podiatric medicine
12			without a license.
13	462.17	3rd	Practicing naturopathy without a
14			license.
15	463.015(1)	3rd	Practicing optometry without a
16			license.
17	464.016(1)	3rd	Practicing nursing without a
18			license.
19	465.015(2)	3rd	Practicing pharmacy without a
20			license.
21	466.026(1)	3rd	Practicing dentistry or dental
22			hygiene without a license.
23	467.201	3rd	Practicing midwifery without a
24			license.
25	468.366	3rd	Delivering respiratory care
26			services without a license.
27	483.828(1)	3rd	Practicing as clinical laboratory
28			personnel without a license.
29	483.901(9)	3rd	Practicing medical physics
30			without a license.
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1	484.053	3rd	Dispensing hearing aids without a
2			license.
3	494.0018(2)	1st	Conviction of any violation of
4			ss. 494.001-494.0077 in which the
5			total money and property
6			unlawfully obtained exceeded
7			\$50,000 and there were five or
8			more victims.
9	560.123(8)(b)1.	3rd	Failure to report currency or
10			payment instruments exceeding
11			\$300 but less than \$20,000 by
12			money transmitter.
13	560.125(5)(a)	3rd	Money transmitter business by
14			unauthorized person, currency or
15			payment instruments exceeding
16			\$300 but less than \$20,000.
17	655.50(10)(b)1.	3rd	Failure to report financial
18			transactions exceeding \$300 but
19			less than \$20,000 by financial
20			institution.
21	782.051(3)	2nd	Attempted felony murder of a
22			person by a person other than the
23			perpetrator or the perpetrator of
24			an attempted felony.
25	782.07(1)	2nd	Killing of a human being by the
26			act, procurement, or culpable
27			negligence of another
28			(manslaughter).
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1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	784.083(1)	1st	Aggravated battery on code
28			inspector.
29	790.07(4)	1st	Specified weapons violation
30			subsequent to previous conviction
31			of s. 790.07(1) or (2).

1	790.16(1)	1st	Discharge of a machine gun under
2			specified circumstances.
3	790.166(3)	2nd	Possessing, selling, using, or
4			attempting to use a hoax weapon
5			of mass destruction.
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
9			victim less than 12 years of age;
10			offender less than 18 years.
11	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			18 years or older.
15	806.01(2)	2nd	Maliciously damage structure by
16			fire or explosive.
17	810.02(3)(a)	2nd	Burglary of occupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(d)	2nd	Burglary of occupied conveyance;
22			unarmed; no assault or battery.
23	812.014(2)(a)	1st	Property stolen, valued at
24			\$100,000 or more; property stolen
25			while causing other property
26			damage; 1st degree grand theft.
27	812.019(2)	1st	Stolen property; initiates,
28			organizes, plans, etc., the theft
29			of property and traffics in
30			stolen property.
31	812.131(2)(a)	2nd	Robbery by sudden snatching.

1	812.133(2)(b)	1st	Carjacking; no firearm, deadly
2			weapon, or other weapon.
3	825.102(3)(b)	2nd	Neglecting an elderly person or
4			disabled adult causing great
5			bodily harm, disability, or
6			disfigurement.
7	825.1025(2)	2nd	Lewd or lascivious battery upon
8			an elderly person or disabled
9			adult.
10	825.103(2)(b)	2nd	Exploiting an elderly person or
11			disabled adult and property is
12			valued at \$20,000 or more, but
13			less than \$100,000.
14	827.03(3)(b)	2nd	Neglect of a child causing great
15			bodily harm, disability, or
16			disfigurement.
17	827.04(3)	3rd	Impregnation of a child under 16
18			years of age by person 21 years
19			of age or older.
20	837.05(2)	3rd	Giving false information about
21			alleged capital felony to a law
22			enforcement officer.
23	872.06	2nd	Abuse of a dead human body.
24	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
25			cocaine (or other drug prohibited
26			under s. 893.03(1)(a), (1)(b),
27			(1)(d), (2)(a), (2)(b), or
28			(2)(c)4.) within 1,000 feet of a
29			child care facility or school.
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1	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4., within 1,000 feet of
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 50 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
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1	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
2			than 14 grams, less than 28
3			grams.
4	893.135		
5	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
6			grams or more, less than 14
7			grams.
8	893.135		
9	(1)(h)1.a.	1st	Trafficking in
10			gamma-hydroxybutyric acid (GHB),
11			1 kilogram or more, less than 5
12			kilograms.
13	893.135		
14	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
15			kilogram or more, less than 5
16			kilograms.
17	893.135		
18	(1)(j)2.a.	1st	Trafficking in Phenethylamines,
19			10 grams or more, less than 200
20			grams.
21	896.101(5)(a)	3rd	Money laundering, financial
22			transactions exceeding \$300 but
23			less than \$20,000.
24	896.104(4)(a)1.	3rd	Structuring transactions to evade
25			reporting or registration
26			requirements, financial
27			transactions exceeding \$300 but
28			less than \$20,000.
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1 960.001 Guidelines for fair treatment of victims and
2 witnesses in the criminal justice and juvenile justice
3 systems.--
4 (1) The Department of Legal Affairs, the state
5 attorneys, the Department of Corrections, the Department of
6 Juvenile Justice, the Parole Commission, the State Courts
7 Administrator and circuit court administrators, the Department
8 of Law Enforcement, and every sheriff's department, police
9 department, or other law enforcement agency as defined in s.
10 943.10(4) shall develop and implement guidelines for the use
11 of their respective agencies, which guidelines are consistent
12 with the purposes of this act and s. 16(b), Art. I of the
13 State Constitution and are designed to implement the
14 provisions of s. 16(b), Art. I of the State Constitution and
15 to achieve the following objectives:
16 (b) Information for purposes of notifying victim or
17 appropriate next of kin of victim or other designated contact
18 of victim.--In the case of a homicide, pursuant to chapter
19 782; or a sexual offense, pursuant to chapter 794; or an
20 attempted murder or sexual offense, pursuant to chapter 777;
21 or stalking, pursuant to s. 784.048; or domestic violence,
22 pursuant to s. 25.385:
23 1. The arresting law enforcement officer or personnel
24 of an organization that provides assistance to a victim or to
25 the appropriate next of kin of the victim or other designated
26 contact must request that the victim or appropriate next of
27 kin of the victim or other designated contact complete a
28 victim notification card. However, the victim or appropriate
29 next of kin of the victim or other designated contact may
30 choose not to complete the victim notification card.
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1 2. Unless the victim or the appropriate next of kin of
2 the victim or other designated contact waives the option to
3 complete the victim notification card, a copy of the victim
4 notification card must be filed with the incident report or
5 warrant in the sheriff's office of the jurisdiction in which
6 the incident report or warrant originated. The notification
7 card shall, at a minimum, consist of:
8 a. The name, address, and phone number of the victim;
9 or
10 b. The name, address, and phone number of the
11 appropriate next of kin of the victim; or
12 c. The name, address, and phone number of a designated
13 contact other than the victim or appropriate next of kin of
14 the victim; and
15 d. Any relevant identification or case numbers
16 assigned to the case.
17 3. The chief administrator, or a person designated by
18 the chief administrator, of a county jail, municipal jail,
19 juvenile detention facility, or residential commitment
20 facility shall make a reasonable attempt to notify the alleged
21 victim or appropriate next of kin of the alleged victim or
22 other designated contact within 4 hours following the release
23 of the defendant on bail or, in the case of a juvenile
24 offender, upon the release from residential detention or
25 commitment. If the chief administrator, or designee, is
26 unable to contact the alleged victim or appropriate next of
27 kin of the alleged victim or other designated contact by
28 telephone, the chief administrator, or designee, must send to
29 the alleged victim or appropriate next of kin of the alleged
30 victim or other designated contact a written notification of
31 the defendant's release.

1 4. Unless otherwise requested by the victim or the
2 appropriate next of kin of the victim or other designated
3 contact, the information contained on the victim notification
4 card must be sent by the chief administrator, or designee, of
5 the appropriate facility to the subsequent correctional or
6 residential commitment facility following the sentencing and
7 incarceration of the defendant, and unless otherwise requested
8 by the victim or the appropriate next of kin of the victim or
9 other designated contact, he or she must be notified of the
10 release of the defendant from incarceration as provided by
11 law.

12 5. If the defendant was arrested pursuant to a warrant
13 issued or taken into custody pursuant to s. 985.207 in a
14 jurisdiction other than the jurisdiction in which the
15 defendant is being released, and the alleged victim or
16 appropriate next of kin of the alleged victim or other
17 designated contact does not waive the option for notification
18 of release, the chief correctional officer or chief
19 administrator of the facility releasing the defendant shall
20 make a reasonable attempt to immediately notify the chief
21 correctional officer of the jurisdiction in which the warrant
22 was issued or the juvenile was taken into custody pursuant to
23 s. 985.207, and the chief correctional officer of that
24 jurisdiction shall make a reasonable attempt to notify the
25 alleged victim or appropriate next of kin of the alleged
26 victim or other designated contact, as provided in this
27 paragraph, that the defendant has been or will be released.

28 Section 3. This act shall take effect October 1, 2001.
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HOUSE SUMMARY

Revises provisions relating to the offense of stalking. Defines the term "cyberstalk" to mean communication by means of electronic mail or electronic communication which causes substantial emotional distress and does not serve a legitimate purpose. Includes within the offenses of stalking and aggravated stalking the willful, malicious, and repeated cyberstalking of another person. Provides penalties. Revises the elements of the offense of aggravated stalking to include placing a person in fear of death or bodily injury of the person or the person's child, sibling, spouse, or dependent.