

By Senator Geller

29-742-01

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; providing an effective date.

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

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19 Section 1. Section 784.048, Florida Statutes, is
20 amended to read:

21 784.048 Stalking; definitions; penalties.--

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

23 (a) "Harass" means to engage in a course of conduct
24 directed at a specific person that causes substantial
25 emotional distress in such person and serves no legitimate
26 purpose.

27 (b) "Course of conduct" means a pattern of conduct
28 composed of a series of acts over a period of time, however
29 short, evidencing a continuity of purpose. Constitutionally
30 protected activity is not included within the meaning of

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1 "course of conduct." Such constitutionally protected activity
2 includes picketing or other organized protests.

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

8 (d) "Cyberstalk" means to communicate words, images,
9 or language by or through the use of electronic mail or
10 electronic communication, which communication is directed at a
11 specific person, causes substantial emotional distress in such
12 person, and does not serve a legitimate purpose.

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

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

25 (4) Any person who, after an injunction for protection
26 against repeat violence pursuant to s. 784.046, or an
27 injunction for protection against domestic violence pursuant
28 to s. 741.30, or after any other court-imposed prohibition of
29 conduct toward the subject person or that person's property,
30 knowingly, willfully, maliciously, and repeatedly follows, ~~or~~
31 harasses, or cyberstalks another person commits the offense of

1 aggravated stalking, a felony of the third degree, punishable
2 as provided in s. 775.082, s. 775.083, or s. 775.084.

3 (5) Any person who willfully, maliciously, and
4 repeatedly follows, ~~or~~ harasses, or cyberstalks a minor under
5 16 years of age commits the offense of aggravated stalking, a
6 felony of the third degree, punishable as provided in s.
7 775.082, s. 775.083, or s. 775.084.

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

11 Section 2. This act shall take effect October 1, 2001.

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SENATE SUMMARY

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16 Revises the elements of the offense of stalking and
17 aggravated stalking to include the act of cyberstalking.
18 Defines the term "cyberstalk" to mean electronic
19 communication that is directed at a specific person,
20 causes substantial emotional distress, and does not serve
21 a legitimate purpose. Provides that the offense of
22 aggravated stalking includes placing a person in fear of
23 death or bodily injury of the person or the person's
24 child, sibling, spouse, or dependent. (See bill for
25 details.)

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