

By Senator Geller

29-90-02

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.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
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.

31

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 which 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 amendments made by this act to section 784.048, Florida
18 Statutes, in references thereto, paragraph (d) of subsection
19 (1) of section 775.084, Florida Statutes, is reenacted to
20 read:

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

25 (1) As used in this act:

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

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

- 1 a. Any forcible felony, as described in s. 776.08;
- 2 b. Aggravated stalking, as described in s. 784.048(3)
- 3 and (4);
- 4 c. Aggravated child abuse, as described in s.
- 5 827.03(2);
- 6 d. Aggravated abuse of an elderly person or disabled
- 7 adult, as described in s. 825.102(2);
- 8 e. Lewd or lascivious battery, lewd or lascivious
- 9 molestation, lewd or lascivious conduct, or lewd or lascivious
- 10 exhibition, as described in s. 800.04;
- 11 f. Escape, as described in s. 944.40; or
- 12 g. A felony violation of chapter 790 involving the use
- 13 or possession of a firearm.
- 14 2. The defendant has been incarcerated in a state
- 15 prison or a federal prison.
- 16 3. The primary felony offense for which the defendant
- 17 is to be sentenced is a felony enumerated in subparagraph 1.
- 18 and was committed on or after October 1, 1995, and:
- 19 a. While the defendant was serving a prison sentence
- 20 or other sentence, or court-ordered or lawfully imposed
- 21 supervision that is imposed as a result of a prior conviction
- 22 for an enumerated felony; or
- 23 b. Within 5 years after the conviction of the last
- 24 prior enumerated felony, or within 5 years after the
- 25 defendant's release from a prison sentence, probation,
- 26 community control, control release, conditional release,
- 27 parole, or court-ordered or lawfully imposed supervision or
- 28 other sentence that is imposed as a result of a prior
- 29 conviction for an enumerated felony, whichever is later.
- 30
- 31

1 4. The defendant has not received a pardon for any
2 felony or other qualified offense that is necessary for the
3 operation of this paragraph.

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

7 Section 3. For the purpose of incorporating the
8 amendments made by this act to section 784.048, Florida
9 Statutes, in references thereto, paragraph (c) of subsection
10 (2) of section 790.065, Florida Statutes, is reenacted to
11 read:

12 790.065 Sale and delivery of firearms.--

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

16 (c)1. Review any records available to it to determine
17 whether the potential buyer or transferee has been indicted or
18 has had an information filed against her or him for an offense
19 that is a felony under either state or federal law, or, as
20 mandated by federal law, has had an injunction for protection
21 against domestic violence entered against the potential buyer
22 or transferee under s. 741.30, has had an injunction for
23 protection against repeat violence entered against the
24 potential buyer or transferee under s. 784.046, or has been
25 arrested for a dangerous crime as specified in s.

26 907.041(4)(a) or for any of the following enumerated offenses:

- 27 a. Criminal anarchy under ss. 876.01 and 876.02.
28 b. Extortion under s. 836.05.
29 c. Explosives violations under s. 552.22(1) and (2).
30 d. Controlled substances violations under chapter 893.
31 e. Resisting an officer with violence under s. 843.01.

- 1 f. Weapons and firearms violations under this chapter.
2 g. Treason under s. 876.32.
3 h. Assisting self-murder under s. 782.08.
4 i. Sabotage under s. 876.38.
5 j. Stalking or aggravated stalking under s. 784.048.

6
7 If the review indicates any such indictment, information, or
8 arrest, the department shall provide to the licensee a
9 conditional nonapproval number.

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

17 3. The office of the clerk of court, at no charge to
18 the department, shall respond to any department request for
19 data on the disposition of the indictment, information, or
20 arrest as soon as possible, but in no event later than 8
21 working hours.

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

25 5. If the potential buyer is not so prohibited, or if
26 the department cannot determine the disposition information
27 within the allotted time period, the department shall provide
28 the licensee with a conditional approval number.

29 6. If the buyer is so prohibited, the conditional
30 nonapproval number shall become a nonapproval number.

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1 7. The department shall continue its attempts to
2 obtain the disposition information and may retain a record of
3 all approval numbers granted without sufficient disposition
4 information. If the department later obtains disposition
5 information which indicates:

6 a. That the potential buyer is not prohibited from
7 owning a firearm, it shall treat the record of the transaction
8 in accordance with this section; or

9 b. That the potential buyer is prohibited from owning
10 a firearm, it shall immediately revoke the conditional
11 approval number and notify local law enforcement.

12 8. During the time that disposition of the indictment,
13 information, or arrest is pending and until the department is
14 notified by the potential buyer that there has been a final
15 disposition of the indictment, information, or arrest, the
16 conditional nonapproval number shall remain in effect.

17 Section 4. For the purpose of incorporating the
18 amendments made by this act to section 784.048, Florida
19 Statutes, in references thereto, paragraphs (f) and (g) of
20 subsection (3) of section 921.0022, Florida Statutes, are
21 reenacted to read:

22 921.0022 Criminal Punishment Code; offense severity
23 ranking chart.--

24 (3) OFFENSE SEVERITY RANKING CHART

25
26 Florida Felony
27 Statute Degree Description
28
29 (f) LEVEL 6
30 316.027(1)(b) 2nd Accident involving death, failure
31 to stop; leaving scene.

1	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
2			conviction.
3	775.0875(1)	3rd	Taking firearm from law
4			enforcement officer.
5	775.21(10)	3rd	Sexual predators; failure to
6			register; failure to renew
7			driver's license or
8			identification card.
9	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
10			without intent to kill.
11	784.021(1)(b)	3rd	Aggravated assault; intent to
12			commit felony.
13	784.041	3rd	Felony battery.
14	784.048(3)	3rd	Aggravated stalking; credible
15			threat.
16	784.048(5)	3rd	Aggravated stalking of person
17			under 16.
18	784.07(2)(c)	2nd	Aggravated assault on law
19			enforcement officer.
20	784.074(1)(b)	2nd	Aggravated assault on sexually
21			violent predators facility staff.
22	784.08(2)(b)	2nd	Aggravated assault on a person 65
23			years of age or older.
24	784.081(2)	2nd	Aggravated assault on specified
25			official or employee.
26	784.082(2)	2nd	Aggravated assault by detained
27			person on visitor or other
28			detainee.
29	784.083(2)	2nd	Aggravated assault on code
30			inspector.
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1	787.02(2)	3rd	False imprisonment; restraining
2			with purpose other than those in
3			s. 787.01.
4	790.115(2)(d)	2nd	Discharging firearm or weapon on
5			school property.
6	790.161(2)	2nd	Make, possess, or throw
7			destructive device with intent to
8			do bodily harm or damage
9			property.
10	790.164(1)	2nd	False report of deadly explosive
11			or act of arson or violence to
12			state property.
13	790.19	2nd	Shooting or throwing deadly
14			missiles into dwellings, vessels,
15			or vehicles.
16	794.011(8)(a)	3rd	Solicitation of minor to
17			participate in sexual activity by
18			custodial adult.
19	794.05(1)	2nd	Unlawful sexual activity with
20			specified minor.
21	800.04(5)(d)	3rd	Lewd or lascivious molestation;
22			victim 12 years of age or older
23			but less than 16 years; offender
24			less than 18 years.
25	800.04(6)(b)	2nd	Lewd or lascivious conduct;
26			offender 18 years of age or
27			older.
28	806.031(2)	2nd	Arson resulting in great bodily
29			harm to firefighter or any other
30			person.
31			

1	810.02(3)(c)	2nd	Burglary of occupied structure;
2			unarmed; no assault or battery.
3	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
4			but less than \$100,000, grand
5			theft in 2nd degree.
6	812.014(2)(b)2.	2nd	Property stolen cargo valued at
7			less than \$50,000, grand theft in
8			2nd degree.
9	812.015(9)	2nd	Retail theft; property stolen
10			\$300 or more; second or
11			subsequent conviction.
12	812.13(2)(c)	2nd	Robbery, no firearm or other
13			weapon (strong-arm robbery).
14	817.034(4)(a)1.	1st	Communications fraud, value
15			greater than \$50,000.
16	817.4821(5)	2nd	Possess cloning paraphernalia
17			with intent to create cloned
18			cellular telephones.
19	825.102(1)	3rd	Abuse of an elderly person or
20			disabled adult.
21	825.102(3)(c)	3rd	Neglect of an elderly person or
22			disabled adult.
23	825.1025(3)	3rd	Lewd or lascivious molestation of
24			an elderly person or disabled
25			adult.
26	825.103(2)(c)	3rd	Exploiting an elderly person or
27			disabled adult and property is
28			valued at less than \$20,000.
29	827.03(1)	3rd	Abuse of a child.
30	827.03(3)(c)	3rd	Neglect of a child.
31			

1	827.071(2)&(3)	2nd	Use or induce a child in a sexual
2			performance, or promote or direct
3			such performance.
4	836.05	2nd	Threats; extortion.
5	836.10	2nd	Written threats to kill or do
6			bodily injury.
7	843.12	3rd	Aids or assists person to escape.
8	847.0135(3)	3rd	Solicitation of a child, via a
9			computer service, to commit an
10			unlawful sex act.
11	914.23	2nd	Retaliation against a witness,
12			victim, or informant, with bodily
13			injury.
14	943.0435(9)	3rd	Sex offenders; failure to comply
15			with reporting requirements.
16	944.35(3)(a)2.	3rd	Committing malicious battery upon
17			or inflicting cruel or inhuman
18			treatment on an inmate or
19			offender on community
20			supervision, resulting in great
21			bodily harm.
22	944.40	2nd	Escapes.
23	944.46	3rd	Harboring, concealing, aiding
24			escaped prisoners.
25	944.47(1)(a)5.	2nd	Introduction of contraband
26			(firearm, weapon, or explosive)
27			into correctional facility.
28	951.22(1)	3rd	Intoxicating drug, firearm, or
29			weapon introduced into county
30			facility.
31			(g) LEVEL 7

1	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
2			injury.
3	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
4			bodily injury.
5	402.319(2)	2nd	Misrepresentation and negligence
6			or intentional act resulting in
7			great bodily harm, permanent
8			disfiguration, permanent
9			disability, or death.
10	409.920(2)	3rd	Medicaid provider fraud.
11	456.065(2)	3rd	Practicing a health care
12			profession without a license.
13	456.065(2)	2nd	Practicing a health care
14			profession without a license
15			which results in serious bodily
16			injury.
17	458.327(1)	3rd	Practicing medicine without a
18			license.
19	459.013(1)	3rd	Practicing osteopathic medicine
20			without a license.
21	460.411(1)	3rd	Practicing chiropractic medicine
22			without a license.
23	461.012(1)	3rd	Practicing podiatric medicine
24			without a license.
25	462.17	3rd	Practicing naturopathy without a
26			license.
27	463.015(1)	3rd	Practicing optometry without a
28			license.
29	464.016(1)	3rd	Practicing nursing without a
30			license.
31			

1	465.015(2)	3rd	Practicing pharmacy without a
2			license.
3	466.026(1)	3rd	Practicing dentistry or dental
4			hygiene without a license.
5	467.201	3rd	Practicing midwifery without a
6			license.
7	468.366	3rd	Delivering respiratory care
8			services without a license.
9	483.828(1)	3rd	Practicing as clinical laboratory
10			personnel without a license.
11	483.901(9)	3rd	Practicing medical physics
12			without a license.
13	484.013(1)(c)	3rd	Preparing or dispensing optical
14			devices without a prescription.
15	484.053	3rd	Dispensing hearing aids without a
16			license.
17	494.0018(2)	1st	Conviction of any violation of
18			ss. 494.001-494.0077 in which the
19			total money and property
20			unlawfully obtained exceeded
21			\$50,000 and there were five or
22			more victims.
23	560.123(8)(b)1.	3rd	Failure to report currency or
24			payment instruments exceeding
25			\$300 but less than \$20,000 by
26			money transmitter.
27	560.125(5)(a)	3rd	Money transmitter business by
28			unauthorized person, currency or
29			payment instruments exceeding
30			\$300 but less than \$20,000.
31			

1	655.50(10)(b)1.	3rd	Failure to report financial
2			transactions exceeding \$300 but
3			less than \$20,000 by financial
4			institution.
5	782.051(3)	2nd	Attempted felony murder of a
6			person by a person other than the
7			perpetrator or the perpetrator of
8			an attempted felony.
9	782.07(1)	2nd	Killing of a human being by the
10			act, procurement, or culpable
11			negligence of another
12			(manslaughter).
13	782.071	2nd	Killing of human being or viable
14			fetus by the operation of a motor
15			vehicle in a reckless manner
16			(vehicular homicide).
17	782.072	2nd	Killing of a human being by the
18			operation of a vessel in a
19			reckless manner (vessel
20			homicide).
21	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
22			causing great bodily harm or
23			disfigurement.
24	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
25			weapon.
26	784.045(1)(b)	2nd	Aggravated battery; perpetrator
27			aware victim pregnant.
28	784.048(4)	3rd	Aggravated stalking; violation of
29			injunction or court order.
30	784.07(2)(d)	1st	Aggravated battery on law
31			enforcement officer.

1	784.074(1)(a)	1st	Aggravated battery on sexually
2			violent predators facility staff.
3	784.08(2)(a)	1st	Aggravated battery on a person 65
4			years of age or older.
5	784.081(1)	1st	Aggravated battery on specified
6			official or employee.
7	784.082(1)	1st	Aggravated battery by detained
8			person on visitor or other
9			detainee.
10	784.083(1)	1st	Aggravated battery on code
11			inspector.
12	790.07(4)	1st	Specified weapons violation
13			subsequent to previous conviction
14			of s. 790.07(1) or (2).
15	790.16(1)	1st	Discharge of a machine gun under
16			specified circumstances.
17	790.166(3)	2nd	Possessing, selling, using, or
18			attempting to use a hoax weapon
19			of mass destruction.
20	796.03	2nd	Procuring any person under 16
21			years for prostitution.
22	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
23			victim less than 12 years of age;
24			offender less than 18 years.
25	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
26			victim 12 years of age or older
27			but less than 16 years; offender
28			18 years or older.
29	806.01(2)	2nd	Maliciously damage structure by
30			fire or explosive.
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1	810.02(3)(a)	2nd	Burglary of occupied dwelling;
2			unarmed; no assault or battery.
3	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(d)	2nd	Burglary of occupied conveyance;
6			unarmed; no assault or battery.
7	812.014(2)(a)	1st	Property stolen, valued at
8			\$100,000 or more; cargo stolen
9			valued at \$50,000, or more;
10			property stolen while causing
11			other property damage; 1st degree
12			grand theft.
13	812.014(2)(b)2.	2nd	Property stolen, emergency
14			medical equipment; 2nd degree
15			grand theft.
16	812.019(2)	1st	Stolen property; initiates,
17			organizes, plans, etc., the theft
18			of property and traffics in
19			stolen property.
20	812.131(2)(a)	2nd	Robbery by sudden snatching.
21	812.133(2)(b)	1st	Carjacking; no firearm, deadly
22			weapon, or other weapon.
23	817.234(11)(c)	1st	Insurance fraud; property value
24			\$100,000 or more.
25	825.102(3)(b)	2nd	Neglecting an elderly person or
26			disabled adult causing great
27			bodily harm, disability, or
28			disfigurement.
29	825.1025(2)	2nd	Lewd or lascivious battery upon
30			an elderly person or disabled
31			adult.

1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(3)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	837.05(2)	3rd	Giving false information about
12			alleged capital felony to a law
13			enforcement officer.
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other drug prohibited
17			under s. 893.03(1)(a), (1)(b),
18			(1)(d), (2)(a), (2)(b), or
19			(2)(c)4.) within 1,000 feet of a
20			child care facility or school.
21	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
22			cocaine or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4., within 1,000 feet of
26			property used for religious
27			services or a specified business
28			site.
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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 25 lbs., less than 2,000
7			lbs.
8	893.135		
9	(1)(b)1.a.	1st	Trafficking in cocaine, more than
10			28 grams, less than 200 grams.
11	893.135		
12	(1)(c)1.a.	1st	Trafficking in illegal drugs,
13			more than 4 grams, less than 14
14			grams.
15	893.135		
16	(1)(d)1.	1st	Trafficking in phencyclidine,
17			more than 28 grams, less than 200
18			grams.
19	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
20			than 200 grams, less than 5
21			kilograms.
22	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
23			than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
27			grams or more, less than 14
28			grams.
29			
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1 893.135
2 (1)(h)1.a. 1st Trafficking in
3 gamma-hydroxybutyric acid (GHB),
4 1 kilogram or more, less than 5
5 kilograms.
6 893.135
7 (1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1
8 kilogram or more, less than 5
9 kilograms.
10 893.135
11 (1)(j)2.a. 1st Trafficking in Phenethylamines,
12 10 grams or more, less than 200
13 grams.
14 896.101(5)(a) 3rd Money laundering, financial
15 transactions exceeding \$300 but
16 less than \$20,000.
17 896.104(4)(a)1. 3rd Structuring transactions to evade
18 reporting or registration
19 requirements, financial
20 transactions exceeding \$300 but
21 less than \$20,000.
22

23 Section 5. For the purpose of incorporating the
24 amendments made by this act to section 784.048, Florida
25 Statutes, in references thereto, paragraph (b) of subsection
26 (1) of section 960.001, Florida Statutes, is reenacted to
27 read:

28 960.001 Guidelines for fair treatment of victims and
29 witnesses in the criminal justice and juvenile justice
30 systems.--
31

1 (1) The Department of Legal Affairs, the state
2 attorneys, the Department of Corrections, the Department of
3 Juvenile Justice, the Parole Commission, the State Courts
4 Administrator and circuit court administrators, the Department
5 of Law Enforcement, and every sheriff's department, police
6 department, or other law enforcement agency as defined in s.
7 943.10(4) shall develop and implement guidelines for the use
8 of their respective agencies, which guidelines are consistent
9 with the purposes of this act and s. 16(b), Art. I of the
10 State Constitution and are designed to implement the
11 provisions of s. 16(b), Art. I of the State Constitution and
12 to achieve the following objectives:

13 (b) Information for purposes of notifying victim or
14 appropriate next of kin of victim or other designated contact
15 of victim.--In the case of a homicide, pursuant to chapter
16 782; or a sexual offense, pursuant to chapter 794; or an
17 attempted murder or sexual offense, pursuant to chapter 777;
18 or stalking, pursuant to s. 784.048; or domestic violence,
19 pursuant to s. 25.385:

20 1. The arresting law enforcement officer or personnel
21 of an organization that provides assistance to a victim or to
22 the appropriate next of kin of the victim or other designated
23 contact must request that the victim or appropriate next of
24 kin of the victim or other designated contact complete a
25 victim notification card. However, the victim or appropriate
26 next of kin of the victim or other designated contact may
27 choose not to complete the victim notification card.

28 2. Unless the victim or the appropriate next of kin of
29 the victim or other designated contact waives the option to
30 complete the victim notification card, a copy of the victim
31 notification card must be filed with the incident report or

1 warrant in the sheriff's office of the jurisdiction in which
2 the incident report or warrant originated. The notification
3 card shall, at a minimum, consist of:
4 a. The name, address, and phone number of the victim;
5 or
6 b. The name, address, and phone number of the
7 appropriate next of kin of the victim; or
8 c. The name, address, and phone number of a designated
9 contact other than the victim or appropriate next of kin of
10 the victim; and
11 d. Any relevant identification or case numbers
12 assigned to the case.
13 3. The chief administrator, or a person designated by
14 the chief administrator, of a county jail, municipal jail,
15 juvenile detention facility, or residential commitment
16 facility shall make a reasonable attempt to notify the alleged
17 victim or appropriate next of kin of the alleged victim or
18 other designated contact within 4 hours following the release
19 of the defendant on bail or, in the case of a juvenile
20 offender, upon the release from residential detention or
21 commitment. If the chief administrator, or designee, is
22 unable to contact the alleged victim or appropriate next of
23 kin of the alleged victim or other designated contact by
24 telephone, the chief administrator, or designee, must send to
25 the alleged victim or appropriate next of kin of the alleged
26 victim or other designated contact a written notification of
27 the defendant's release.
28 4. Unless otherwise requested by the victim or the
29 appropriate next of kin of the victim or other designated
30 contact, the information contained on the victim notification
31 card must be sent by the chief administrator, or designee, of

1 the appropriate facility to the subsequent correctional or
2 residential commitment facility following the sentencing and
3 incarceration of the defendant, and unless otherwise requested
4 by the victim or the appropriate next of kin of the victim or
5 other designated contact, he or she must be notified of the
6 release of the defendant from incarceration as provided by
7 law.

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

24 Section 6. This act shall take effect October 1, 2002.
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SENATE 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.