



HB 0479

2003

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A bill to be entitled  
 An act relating to the offense of stalking; amending s. 784.048, F.S.; defining 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; including within the offenses of stalking and aggravated stalking the willful, malicious, and repeated cyberstalking of another person; providing penalties; revising 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, parent, or dependent; reenacting ss. 775.084(1)(d), 790.065(2)(c), 921.0022(3)(f) and (g), and 960.001(1)(b), F.S., to incorporate the amendment to s. 784.048, F.S., in references thereto; providing an effective date.

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

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

784.048 Stalking; definitions; penalties.--

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

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

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



HB 0479

2003

31 of conduct." Such constitutionally protected activity includes  
 32 picketing or other organized protests.

33 (c) "Credible threat" means a threat made with the intent  
 34 to cause the person who is the target of the threat to  
 35 reasonably fear for his or her safety. The threat must be  
 36 against the life of, or a threat to cause bodily injury to, a  
 37 person.

38 (d) "Cyberstalk" means to engage in a course of conduct to  
 39 communicate, or to cause to be communicated, words, images, or  
 40 language by or through the use of electronic mail or electronic  
 41 communication, directed at a specific person, causing  
 42 substantial emotional distress to that person and serving no  
 43 legitimate purpose.

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

48 (3) Any person who willfully, maliciously, and repeatedly  
 49 follows, ~~or~~ harasses, or cyberstalks another person, and makes a  
 50 credible threat with the intent to place that person in  
 51 reasonable fear of death or bodily injury of the person, or the  
 52 person's child, sibling, spouse, parent, or dependent, commits  
 53 the offense of aggravated stalking, a felony of the third  
 54 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 55 775.084.

56 (4) Any person who, after an injunction for protection  
 57 against repeat violence or dating violence pursuant to s.  
 58 784.046, or an injunction for protection against domestic  
 59 violence pursuant to s. 741.30, or after any other court-imposed  
 60 prohibition of conduct toward the subject person or that



HB 0479

2003

61 person's property, knowingly, willfully, maliciously, and  
 62 repeatedly follows, ~~or~~ harasses, or cyberstalks another person  
 63 commits the offense of aggravated stalking, a felony of the  
 64 third degree, punishable as provided in s. 775.082, s. 775.083,  
 65 or s. 775.084.

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

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

74 Section 2. For the purpose of incorporating the amendments  
 75 made by this act to section 784.048, Florida Statutes, in  
 76 references thereto, paragraph (d) of subsection(1) of section  
 77 775.084, Florida Statutes, is reenacted to read:

78 775.084 Violent career criminals; habitual felony  
 79 offenders and habitual violent felony offenders; three-time  
 80 violent felony offenders; definitions; procedure; enhanced  
 81 penalties or mandatory minimum prison terms.--

82 (1) As used in this act:

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

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

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



HB 0479

2003

90           b. Aggravated stalking, as described in s. 784.048(3) and  
91           (4);

92           c. Aggravated child abuse, as described in s. 827.03(2);

93           d. Aggravated abuse of an elderly person or disabled  
94           adult, as described in s. 825.102(2);

95           e. Lewd or lascivious battery, lewd or lascivious  
96           molestation, lewd or lascivious conduct, or lewd or lascivious  
97           exhibition, as described in s. 800.04;

98           f. Escape, as described in s. 944.40; or

99           g. A felony violation of chapter 790 involving the use or  
100           possession of a firearm.

101           2. The defendant has been incarcerated in a state prison  
102           or a federal prison.

103           3. The primary felony offense for which the defendant is  
104           to be sentenced is a felony enumerated in subparagraph 1. and  
105           was committed on or after October 1, 1995, and:

106           a. While the defendant was serving a prison sentence or  
107           other sentence, or court-ordered or lawfully imposed supervision  
108           that is imposed as a result of a prior conviction for an  
109           enumerated felony; or

110           b. Within 5 years after the conviction of the last prior  
111           enumerated felony, or within 5 years after the defendant's  
112           release from a prison sentence, probation, community control,  
113           control release, conditional release, parole, or court-ordered  
114           or lawfully imposed supervision or other sentence that is  
115           imposed as a result of a prior conviction for an enumerated  
116           felony, whichever is later.

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



HB 0479

2003

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

123 Section 3. For the purpose of incorporating the amendments  
 124 made by this act to section 784.048, Florida Statutes, in  
 125 references thereto, paragraph (c) of subsection(2) of section  
 126 790.065, Florida Statutes, is reenacted to read:

127 790.065 Sale and delivery of firearms.--

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

131 (c)1. Review any records available to it to determine  
 132 whether the potential buyer or transferee has been indicted or  
 133 has had an information filed against her or him for an offense  
 134 that is a felony under either state or federal law, or, as  
 135 mandated by federal law, has had an injunction for protection  
 136 against domestic violence entered against the potential buyer or  
 137 transferee under s. 741.30, has had an injunction for protection  
 138 against repeat violence entered against the potential buyer or  
 139 transferee under s. 784.046, or has been arrested for a  
 140 dangerous crime as specified in s. 907.041(4)(a) or for any of  
 141 the following enumerated offenses:

- 142 a. Criminal anarchy under ss. 876.01 and 876.02.
- 143 b. Extortion under s. 836.05.
- 144 c. Explosives violations under s. 552.22(1) and (2).
- 145 d. Controlled substances violations under chapter 893.
- 146 e. Resisting an officer with violence under s. 843.01.
- 147 f. Weapons and firearms violations under this chapter.
- 148 g. Treason under s. 876.32.
- 149 h. Assisting self-murder under s. 782.08.



HB 0479

2003

- 150 i. Sabotage under s. 876.38.  
151 j. Stalking or aggravated stalking under s. 784.048.  
152

153 If the review indicates any such indictment, information, or  
154 arrest, the department shall provide to the licensee a  
155 conditional nonapproval number.

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

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

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

169 5. If the potential buyer is not so prohibited, or if the  
170 department cannot determine the disposition information within  
171 the allotted time period, the department shall provide the  
172 licensee with a conditional approval number.

173 6. If the buyer is so prohibited, the conditional  
174 nonapproval number shall become a nonapproval number.

175 7. The department shall continue its attempts to obtain  
176 the disposition information and may retain a record of all  
177 approval numbers granted without sufficient disposition  
178 information. If the department later obtains disposition  
179 information which indicates:



HB 0479

2003

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

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

186 8. During the time that disposition of the indictment,  
 187 information, or arrest is pending and until the department is  
 188 notified by the potential buyer that there has been a final  
 189 disposition of the indictment, information, or arrest, the  
 190 conditional nonapproval number shall remain in effect.

191 Section 4. For the purpose of incorporating the amendments  
 192 made by this act to section 784.048, Florida Statutes, in  
 193 references thereto, paragraphs (f) and (g) of subsection (3) of  
 194 section 921.0022, Florida Statutes, are reenacted to read:

195 921.0022 Criminal Punishment Code; offense severity  
 196 ranking chart.--

197 (3) OFFENSE SEVERITY RANKING CHART

198	Florida	Felony	
199	Statute	Degree	Description
200			(f) LEVEL 6
201	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
202	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
	775.0875(1)	3rd	Taking firearm from law enforcement officer.



HB 0479

2003

203	775.21 (10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
204	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
205	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
206	784.041	3rd	Felony battery.
207	784.048 (3)	3rd	Aggravated stalking; credible threat.
208	784.048 (5)	3rd	Aggravated stalking of person under 16.
209	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
210	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
211	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
212	784.081 (2)	2nd	Aggravated assault on specified official or employee.
213	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other





HB 0479

2003

214	784.083 (2)	2nd	detainee. Aggravated assault on code inspector.
215	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
216	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
217	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
218	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
219	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
220	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
221	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
222	800.04 (5) (d)	3rd	Lewd or lascivious molestation;



HB 0479

2003

			victim 12 years of age or older but less than 16 years; offender less than 18 years.
223	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
224	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
225	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
226	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
227	812.014 (2) (b) 2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
228	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
229	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
230	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
231	817.4821 (5)	2nd	Possess cloning paraphernalia



HB 0479

2003

			with intent to create cloned cellular telephones.
232	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
233	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
234	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
235	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
236	827.03 (1)	3rd	Abuse of a child.
237	827.03 (3) (c)	3rd	Neglect of a child.
238	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
239	836.05	2nd	Threats; extortion.
240	836.10	2nd	Written threats to kill or do bodily injury.
241	843.12	3rd	Aids or assists person to escape.
242	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an



HB 0479

2003

243	914.23	2nd	unlawful sex act. Retaliation against a witness, victim, or informant, with bodily injury.
244	943.0435 (9)	3rd	Sex offenders; failure to comply with reporting requirements.
245	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
246	944.40	2nd	Escapes.
247	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
248	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
249	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
250			(g) LEVEL 7
251	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
252	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious



HB 0479

2003

253	402.319 (2)	2nd	bodily injury. Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
254	409.920 (2)	3rd	Medicaid provider fraud.
255	456.065 (2)	3rd	Practicing a health care profession without a license.
256	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
257	458.327 (1)	3rd	Practicing medicine without a license.
258	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
259	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
260	461.012 (1)	3rd	Practicing podiatric medicine without a license.
261	462.17	3rd	Practicing naturopathy without a license.
262	463.015 (1)	3rd	Practicing optometry without a license.



HB 0479

2003

263	464.016 (1)	3rd	Practicing nursing without a license.
264	465.015 (2)	3rd	Practicing pharmacy without a license.
265	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
266	467.201	3rd	Practicing midwifery without a license.
267	468.366	3rd	Delivering respiratory care services without a license.
268	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
269	483.901 (9)	3rd	Practicing medical physics without a license.
270	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
271	484.053	3rd	Dispensing hearing aids without a license.
272	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.



HB 0479

2003

273	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
274	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
275	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
276	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
277	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
278	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
279	782.072	2nd	Killing of a human being by the



HB 0479

2003

			operation of a vessel in a reckless manner (vessel homicide).
280	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
281	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
282	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
283	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
284	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
285	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
286	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
287	784.081 (1)	1st	Aggravated battery on specified official or employee.
288	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
289	784.083 (1)	1st	Aggravated battery on code





HB 0479

2003

			inspector.
290	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
291	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
292	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
293	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
294	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
295	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
296	796.03	2nd	Procuring any person under 16 years for prostitution.
297	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18



HB 0479

2003

			years.
298	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
299	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
300	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
301	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
302	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
303	812.014 (2) (a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
304	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
305	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
306	812.019 (2)	1st	Stolen property; initiates,



HB 0479

2003

			organizes, plans, etc., the theft of property and traffics in stolen property.
307	812.131 (2) (a)	2nd	Robbery by sudden snatching.
308	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
309	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
310	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
311	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
312	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
313	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
314	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
315			



HB 0479

2003

316	872.06	2nd	Abuse of a dead human body.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility or school.
317	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.
318	893.13 (4) (a)	1st	Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
319	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
320	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
321	893.135	1st	Trafficking in illegal drugs,



HB 0479

2003

	(1) (c) 1.a.		more than 4 grams, less than 14 grams.
322	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
323	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
324	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
325	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
326	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
327	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
328	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
329	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but



HB 0479

2003

less than \$20,000.

330

896.104(4)(a)1. 3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

331

332 Section 5. For the purpose of incorporating the amendments  
 333 made by this act to section 784.048, Florida Statutes, in  
 334 references thereto, paragraph (b) of subsection(1) of section  
 335 960.001, Florida Statutes, is reenacted to read:

336 960.001 Guidelines for fair treatment of victims and  
 337 witnesses in the criminal justice and juvenile justice  
 338 systems.--

339 (1) The Department of Legal Affairs, the state attorneys,  
 340 the Department of Corrections, the Department of Juvenile  
 341 Justice, the Parole Commission, the State Courts Administrator  
 342 and circuit court administrators, the Department of Law  
 343 Enforcement, and every sheriff's department, police department,  
 344 or other law enforcement agency as defined in s. 943.10(4) shall  
 345 develop and implement guidelines for the use of their respective  
 346 agencies, which guidelines are consistent with the purposes of  
 347 this act and s. 16(b), Art. I of the State Constitution and are  
 348 designed to implement the provisions of s. 16(b), Art. I of the  
 349 State Constitution and to achieve the following objectives:

350 (b) Information for purposes of notifying victim or  
 351 appropriate next of kin of victim or other designated contact of  
 352 victim.--In the case of a homicide, pursuant to chapter 782; or  
 353 a sexual offense, pursuant to chapter 794; or an attempted



HB 0479

2003

354 murder or sexual offense, pursuant to chapter 777; or stalking,  
355 pursuant to s. 784.048; or domestic violence, pursuant to s.  
356 25.385:

357 1. The arresting law enforcement officer or personnel of  
358 an organization that provides assistance to a victim or to the  
359 appropriate next of kin of the victim or other designated  
360 contact must request that the victim or appropriate next of kin  
361 of the victim or other designated contact complete a victim  
362 notification card. However, the victim or appropriate next of  
363 kin of the victim or other designated contact may choose not to  
364 complete the victim notification card.

365 2. Unless the victim or the appropriate next of kin of the  
366 victim or other designated contact waives the option to complete  
367 the victim notification card, a copy of the victim notification  
368 card must be filed with the incident report or warrant in the  
369 sheriff's office of the jurisdiction in which the incident  
370 report or warrant originated. The notification card shall, at a  
371 minimum, consist of:

372 a. The name, address, and phone number of the victim; or

373 b. The name, address, and phone number of the appropriate  
374 next of kin of the victim; or

375 c. The name, address, and phone number of a designated  
376 contact other than the victim or appropriate next of kin of the  
377 victim; and

378 d. Any relevant identification or case numbers assigned to  
379 the case.

380 3. The chief administrator, or a person designated by the  
381 chief administrator, of a county jail, municipal jail, juvenile  
382 detention facility, or residential commitment facility shall  
383 make a reasonable attempt to notify the alleged victim or



HB 0479

2003

384 appropriate next of kin of the alleged victim or other  
385 designated contact within 4 hours following the release of the  
386 defendant on bail or, in the case of a juvenile offender, upon  
387 the release from residential detention or commitment. If the  
388 chief administrator, or designee, is unable to contact the  
389 alleged victim or appropriate next of kin of the alleged victim  
390 or other designated contact by telephone, the chief  
391 administrator, or designee, must send to the alleged victim or  
392 appropriate next of kin of the alleged victim or other  
393 designated contact a written notification of the defendant's  
394 release.

395 4. Unless otherwise requested by the victim or the  
396 appropriate next of kin of the victim or other designated  
397 contact, the information contained on the victim notification  
398 card must be sent by the chief administrator, or designee, of  
399 the appropriate facility to the subsequent correctional or  
400 residential commitment facility following the sentencing and  
401 incarceration of the defendant, and unless otherwise requested  
402 by the victim or the appropriate next of kin of the victim or  
403 other designated contact, he or she must be notified of the  
404 release of the defendant from incarceration as provided by law.

405 5. If the defendant was arrested pursuant to a warrant  
406 issued or taken into custody pursuant to s. 985.207 in a  
407 jurisdiction other than the jurisdiction in which the defendant  
408 is being released, and the alleged victim or appropriate next of  
409 kin of the alleged victim or other designated contact does not  
410 waive the option for notification of release, the chief  
411 correctional officer or chief administrator of the facility  
412 releasing the defendant shall make a reasonable attempt to  
413 immediately notify the chief correctional officer of the





HB 0479

2003

414 jurisdiction in which the warrant was issued or the juvenile was  
415 taken into custody pursuant to s. 985.207, and the chief  
416 correctional officer of that jurisdiction shall make a  
417 reasonable attempt to notify the alleged victim or appropriate  
418 next of kin of the alleged victim or other designated contact,  
419 as provided in this paragraph, that the defendant has been or  
420 will be released.

421 Section 6. This act shall take effect October 1, 2003.