

By Senator Geller

31-70-03

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 parent, or dependent; reenacting ss.
16 775.084(1)(d), 790.065(2)(c), 921.0022(3)(f)
17 and (g), and 960.001(1)(b), F.S., to
18 incorporate the amendment to s. 784.048, F.S.,
19 in references thereto; providing an effective
20 date.

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

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

26 784.048 Stalking; definitions; penalties.--
27 (1) As used in this section, the term:
28 (a) "Harass" means to engage in a course of conduct
29 directed at a specific person that causes substantial
30 emotional distress in such person and serves no legitimate
31 purpose.

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 causing substantial emotional distress to that person and
17 -serving 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, parent, 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 or dating violence pursuant to s.

1 784.046, or an injunction for protection against domestic
2 violence pursuant to s. 741.30, or after any other
3 court-imposed prohibition of conduct toward the subject person
4 or that person's property, knowingly, willfully, maliciously,
5 and repeatedly follows,~~or~~ harasses, or cyberstalks another
6 person commits the offense of aggravated stalking, a felony of
7 the third degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084.

9 (5) Any person who willfully, maliciously, and
10 repeatedly follows,~~or~~ harasses, or cyberstalks a minor under
11 16 years of age commits the offense of aggravated stalking, a
12 felony of the third degree, punishable as provided in s.
13 775.082, s. 775.083, or s. 775.084.

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

17 Section 2. For the purpose of incorporating the
18 amendments made by this act to section 784.048, Florida
19 Statutes, in references thereto, paragraph (d) of subsection
20 (1) of section 775.084, Florida Statutes, is reenacted to
21 read:

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

26 (1) As used in this act:

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

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

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

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

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

14 790.065 Sale and delivery of firearms.--

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

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

28 907.041(4)(a) or for any of the following enumerated offenses:

- 29 a. Criminal anarchy under ss. 876.01 and 876.02.
30 b. Extortion under s. 836.05.
31 c. Explosives violations under s. 552.22(1) and (2).

- 1 d. Controlled substances violations under chapter 893.
2 e. Resisting an officer with violence under s. 843.01.
3 f. Weapons and firearms violations under this chapter.
4 g. Treason under s. 876.32.
5 h. Assisting self-murder under s. 782.08.
6 i. Sabotage under s. 876.38.
7 j. Stalking or aggravated stalking under s. 784.048.

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

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

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

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

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

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1 6. If the buyer is so prohibited, the conditional
2 nonapproval number shall become a nonapproval number.

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

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

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

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

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

24 921.0022 Criminal Punishment Code; offense severity
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27
28 Florida Felony
29 Statute Degree Description
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1			(f) LEVEL 6
2	316.027(1)(b)	2nd	Accident involving death, failure
3			to stop; leaving scene.
4	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
5			conviction.
6	775.0875(1)	3rd	Taking firearm from law
7			enforcement officer.
8	775.21(10)	3rd	Sexual predators; failure to
9			register; failure to renew
10			driver's license or
11			identification card.
12	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
13			without intent to kill.
14	784.021(1)(b)	3rd	Aggravated assault; intent to
15			commit felony.
16	784.041	3rd	Felony battery.
17	784.048(3)	3rd	Aggravated stalking; credible
18			threat.
19	784.048(5)	3rd	Aggravated stalking of person
20			under 16.
21	784.07(2)(c)	2nd	Aggravated assault on law
22			enforcement officer.
23	784.074(1)(b)	2nd	Aggravated assault on sexually
24			violent predators facility staff.
25	784.08(2)(b)	2nd	Aggravated assault on a person 65
26			years of age or older.
27	784.081(2)	2nd	Aggravated assault on specified
28			official or employee.
29	784.082(2)	2nd	Aggravated assault by detained
30			person on visitor or other
31			detainee.

1	784.083(2)	2nd	Aggravated assault on code
2			inspector.
3	787.02(2)	3rd	False imprisonment; restraining
4			with purpose other than those in
5			s. 787.01.
6	790.115(2)(d)	2nd	Discharging firearm or weapon on
7			school property.
8	790.161(2)	2nd	Make, possess, or throw
9			destructive device with intent to
10			do bodily harm or damage
11			property.
12	790.164(1)	2nd	False report of deadly explosive,
13			weapon of mass destruction, or
14			act of arson or violence to state
15			property.
16	790.19	2nd	Shooting or throwing deadly
17			missiles into dwellings, vessels,
18			or vehicles.
19	794.011(8)(a)	3rd	Solicitation of minor to
20			participate in sexual activity by
21			custodial adult.
22	794.05(1)	2nd	Unlawful sexual activity with
23			specified minor.
24	800.04(5)(d)	3rd	Lewd or lascivious molestation;
25			victim 12 years of age or older
26			but less than 16 years; offender
27			less than 18 years.
28	800.04(6)(b)	2nd	Lewd or lascivious conduct;
29			offender 18 years of age or
30			older.
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1	806.031(2)	2nd	Arson resulting in great bodily
2			harm to firefighter or any other
3			person.
4	810.02(3)(c)	2nd	Burglary of occupied structure;
5			unarmed; no assault or battery.
6	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
7			but less than \$100,000, grand
8			theft in 2nd degree.
9	812.014(2)(b)2.	2nd	Property stolen; cargo valued at
10			less than \$50,000, grand theft in
11			2nd degree.
12	812.015(9)	2nd	Retail theft; property stolen
13			\$300 or more; second or
14			subsequent conviction.
15	812.13(2)(c)	2nd	Robbery, no firearm or other
16			weapon (strong-arm robbery).
17	817.034(4)(a)1.	1st	Communications fraud, value
18			greater than \$50,000.
19	817.4821(5)	2nd	Possess cloning paraphernalia
20			with intent to create cloned
21			cellular telephones.
22	825.102(1)	3rd	Abuse of an elderly person or
23			disabled adult.
24	825.102(3)(c)	3rd	Neglect of an elderly person or
25			disabled adult.
26	825.1025(3)	3rd	Lewd or lascivious molestation of
27			an elderly person or disabled
28			adult.
29	825.103(2)(c)	3rd	Exploiting an elderly person or
30			disabled adult and property is
31			valued at less than \$20,000.

1	827.03(1)	3rd	Abuse of a child.
2	827.03(3)(c)	3rd	Neglect of a child.
3	827.071(2)&(3)	2nd	Use or induce a child in a sexual
4			performance, or promote or direct
5			such performance.
6	836.05	2nd	Threats; extortion.
7	836.10	2nd	Written threats to kill or do
8			bodily injury.
9	843.12	3rd	Aids or assists person to escape.
10	847.0135(3)	3rd	Solicitation of a child, via a
11			computer service, to commit an
12			unlawful sex act.
13	914.23	2nd	Retaliation against a witness,
14			victim, or informant, with bodily
15			injury.
16	943.0435(9)	3rd	Sex offenders; failure to comply
17			with reporting requirements.
18	944.35(3)(a)2.	3rd	Committing malicious battery upon
19			or inflicting cruel or inhuman
20			treatment on an inmate or
21			offender on community
22			supervision, resulting in great
23			bodily harm.
24	944.40	2nd	Escapes.
25	944.46	3rd	Harboring, concealing, aiding
26			escaped prisoners.
27	944.47(1)(a)5.	2nd	Introduction of contraband
28			(firearm, weapon, or explosive)
29			into correctional facility.
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1	951.22(1)	3rd	Intoxicating drug, firearm, or
2			weapon introduced into county
3			facility.
4			(g) LEVEL 7
5	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
6			injury.
7	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
8			bodily injury.
9	402.319(2)	2nd	Misrepresentation and negligence
10			or intentional act resulting in
11			great bodily harm, permanent
12			disfiguration, permanent
13			disability, or death.
14	409.920(2)	3rd	Medicaid provider fraud.
15	456.065(2)	3rd	Practicing a health care
16			profession without a license.
17	456.065(2)	2nd	Practicing a health care
18			profession without a license
19			which results in serious bodily
20			injury.
21	458.327(1)	3rd	Practicing medicine without a
22			license.
23	459.013(1)	3rd	Practicing osteopathic medicine
24			without a license.
25	460.411(1)	3rd	Practicing chiropractic medicine
26			without a license.
27	461.012(1)	3rd	Practicing podiatric medicine
28			without a license.
29	462.17	3rd	Practicing naturopathy without a
30			license.
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1	463.015(1)	3rd	Practicing optometry without a
2			license.
3	464.016(1)	3rd	Practicing nursing without a
4			license.
5	465.015(2)	3rd	Practicing pharmacy without a
6			license.
7	466.026(1)	3rd	Practicing dentistry or dental
8			hygiene without a license.
9	467.201	3rd	Practicing midwifery without a
10			license.
11	468.366	3rd	Delivering respiratory care
12			services without a license.
13	483.828(1)	3rd	Practicing as clinical laboratory
14			personnel without a license.
15	483.901(9)	3rd	Practicing medical physics
16			without a license.
17	484.013(1)(c)	3rd	Preparing or dispensing optical
18			devices without a prescription.
19	484.053	3rd	Dispensing hearing aids without a
20			license.
21	494.0018(2)	1st	Conviction of any violation of
22			ss. 494.001-494.0077 in which the
23			total money and property
24			unlawfully obtained exceeded
25			\$50,000 and there were five or
26			more victims.
27	560.123(8)(b)1.	3rd	Failure to report currency or
28			payment instruments exceeding
29			\$300 but less than \$20,000 by
30			money transmitter.
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1	560.125(5)(a)	3rd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments exceeding
4			\$300 but less than \$20,000.
5	655.50(10)(b)1.	3rd	Failure to report financial
6			transactions exceeding \$300 but
7			less than \$20,000 by financial
8			institution.
9	782.051(3)	2nd	Attempted felony murder of a
10			person by a person other than the
11			perpetrator or the perpetrator of
12			an attempted felony.
13	782.07(1)	2nd	Killing of a human being by the
14			act, procurement, or culpable
15			negligence of another
16			(manslaughter).
17	782.071	2nd	Killing of human being or viable
18			fetus by the operation of a motor
19			vehicle in a reckless manner
20			(vehicular homicide).
21	782.072	2nd	Killing of a human being by the
22			operation of a vessel in a
23			reckless manner (vessel
24			homicide).
25	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
26			causing great bodily harm or
27			disfigurement.
28	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
29			weapon.
30	784.045(1)(b)	2nd	Aggravated battery; perpetrator
31			aware victim pregnant.

1	784.048(4)	3rd	Aggravated stalking; violation of
2			injunction or court order.
3	784.07(2)(d)	1st	Aggravated battery on law
4			enforcement officer.
5	784.074(1)(a)	1st	Aggravated battery on sexually
6			violent predators facility staff.
7	784.08(2)(a)	1st	Aggravated battery on a person 65
8			years of age or older.
9	784.081(1)	1st	Aggravated battery on specified
10			official or employee.
11	784.082(1)	1st	Aggravated battery by detained
12			person on visitor or other
13			detainee.
14	784.083(1)	1st	Aggravated battery on code
15			inspector.
16	790.07(4)	1st	Specified weapons violation
17			subsequent to previous conviction
18			of s. 790.07(1) or (2).
19	790.16(1)	1st	Discharge of a machine gun under
20			specified circumstances.
21	790.165(2)	2nd	Manufacture, sell, possess, or
22			deliver hoax bomb.
23	790.165(3)	2nd	Possessing, displaying, or
24			threatening to use any hoax bomb
25			while committing or attempting to
26			commit a felony.
27	790.166(3)	2nd	Possessing, selling, using, or
28			attempting to use a hoax weapon
29			of mass destruction.
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1	790.166(4)	2nd	Possessing, displaying, or
2			threatening to use a hoax weapon
3			of mass destruction while
4			committing or attempting to
5			commit a felony.
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; cargo stolen
25			valued at \$50,000 or more;
26			property stolen while causing
27			other property damage; 1st degree
28			grand theft.
29	812.014(2)(b)3.	2nd	Property stolen, emergency
30			medical equipment; 2nd degree
31			grand theft.

1	812.0145(2)(a)	1st	Theft from person 65 years of age
2			or older; \$50,000 or more.
3	812.019(2)	1st	Stolen property; initiates,
4			organizes, plans, etc., the theft
5			of property and traffics in
6			stolen property.
7	812.131(2)(a)	2nd	Robbery by sudden snatching.
8	812.133(2)(b)	1st	Carjacking; no firearm, deadly
9			weapon, or other weapon.
10	817.234(11)(c)	1st	Insurance fraud; property value
11			\$100,000 or more.
12	825.102(3)(b)	2nd	Neglecting an elderly person or
13			disabled adult causing great
14			bodily harm, disability, or
15			disfigurement.
16	825.103(2)(b)	2nd	Exploiting an elderly person or
17			disabled adult and property is
18			valued at \$20,000 or more, but
19			less than \$100,000.
20	827.03(3)(b)	2nd	Neglect of a child causing great
21			bodily harm, disability, or
22			disfigurement.
23	827.04(3)	3rd	Impregnation of a child under 16
24			years of age by person 21 years
25			of age or older.
26	837.05(2)	3rd	Giving false information about
27			alleged capital felony to a law
28			enforcement officer.
29	872.06	2nd	Abuse of a dead human body.
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1	893.13(1)(c)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 a
6			child care facility or school.
7	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
8			cocaine or other drug prohibited
9			under s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), (2)(b), or
11			(2)(c)4., within 1,000 feet of
12			property used for religious
13			services or a specified business
14			site.
15	893.13(4)(a)	1st	Deliver to minor cocaine (or
16			other s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4. drugs).
19	893.135(1)(a)1.	1st	Trafficking in cannabis, more
20			than 25 lbs., less than 2,000
21			lbs.
22	893.135		
23	(1)(b)1.a.	1st	Trafficking in cocaine, more than
24			28 grams, less than 200 grams.
25	893.135		
26	(1)(c)1.a.	1st	Trafficking in illegal drugs,
27			more than 4 grams, less than 14
28			grams.
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1	893.135		
2	(1)(d)1.	1st	Trafficking in phencyclidine,
3			more than 28 grams, less than 200
4			grams.
5	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
6			than 200 grams, less than 5
7			kilograms.
8	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
9			than 14 grams, less than 28
10			grams.
11	893.135		
12	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
13			grams or more, less than 14
14			grams.
15	893.135		
16	(1)(h)1.a.	1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			1 kilogram or more, less than 5
19			kilograms.
20	893.135		
21	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
22			kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
26			10 grams or more, less than 200
27			grams.
28	896.101(5)(a)	3rd	Money laundering, financial
29			transactions exceeding \$300 but
30			less than \$20,000.
31			

1 896.104(4)(a)1. 3rd Structuring transactions to evade
2 reporting or registration
3 requirements, financial
4 transactions exceeding \$300 but
5 less than \$20,000.

6 Section 5. For the purpose of incorporating the
7 amendments made by this act to section 784.048, Florida
8 Statutes, in references thereto, paragraph (b) of subsection
9 (1) of section 960.001, Florida Statutes, is reenacted to
10 read:

11 960.001 Guidelines for fair treatment of victims and
12 witnesses in the criminal justice and juvenile justice
13 systems.--

14 (1) The Department of Legal Affairs, the state
15 attorneys, the Department of Corrections, the Department of
16 Juvenile Justice, the Parole Commission, the State Courts
17 Administrator and circuit court administrators, the Department
18 of Law Enforcement, and every sheriff's department, police
19 department, or other law enforcement agency as defined in s.
20 943.10(4) shall develop and implement guidelines for the use
21 of their respective agencies, which guidelines are consistent
22 with the purposes of this act and s. 16(b), Art. I of the
23 State Constitution and are designed to implement the
24 provisions of s. 16(b), Art. I of the State Constitution and
25 to achieve the following objectives:

26 (b) Information for purposes of notifying victim or
27 appropriate next of kin of victim or other designated contact
28 of victim.--In the case of a homicide, pursuant to chapter
29 782; or a sexual offense, pursuant to chapter 794; or an
30 attempted murder or sexual offense, pursuant to chapter 777;

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1 or stalking, pursuant to s. 784.048; or domestic violence,
2 pursuant to s. 25.385:

3 1. The arresting law enforcement officer or personnel
4 of an organization that provides assistance to a victim or to
5 the appropriate next of kin of the victim or other designated
6 contact must request that the victim or appropriate next of
7 kin of the victim or other designated contact complete a
8 victim notification card. However, the victim or appropriate
9 next of kin of the victim or other designated contact may
10 choose not to complete the victim notification card.

11 2. Unless the victim or the appropriate next of kin of
12 the victim or other designated contact waives the option to
13 complete the victim notification card, a copy of the victim
14 notification card must be filed with the incident report or
15 warrant in the sheriff's office of the jurisdiction in which
16 the incident report or warrant originated. The notification
17 card shall, at a minimum, consist of:

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

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

22 c. The name, address, and phone number of a designated
23 contact other than the victim or appropriate next of kin of
24 the victim; and

25 d. Any relevant identification or case numbers
26 assigned to the case.

27 3. The chief administrator, or a person designated by
28 the chief administrator, of a county jail, municipal jail,
29 juvenile detention facility, or residential commitment
30 facility shall make a reasonable attempt to notify the alleged
31 victim or appropriate next of kin of the alleged victim or

1 other designated contact within 4 hours following the release
2 of the defendant on bail or, in the case of a juvenile
3 offender, upon the release from residential detention or
4 commitment. If the chief administrator, or designee, is
5 unable to contact the alleged victim or appropriate next of
6 kin of the alleged victim or other designated contact by
7 telephone, the chief administrator, or designee, must send to
8 the alleged victim or appropriate next of kin of the alleged
9 victim or other designated contact a written notification of
10 the defendant's release.

11 4. Unless otherwise requested by the victim or the
12 appropriate next of kin of the victim or other designated
13 contact, the information contained on the victim notification
14 card must be sent by the chief administrator, or designee, of
15 the appropriate facility to the subsequent correctional or
16 residential commitment facility following the sentencing and
17 incarceration of the defendant, and unless otherwise requested
18 by the victim or the appropriate next of kin of the victim or
19 other designated contact, he or she must be notified of the
20 release of the defendant from incarceration as provided by
21 law.

22 5. If the defendant was arrested pursuant to a warrant
23 issued or taken into custody pursuant to s. 985.207 in a
24 jurisdiction other than the jurisdiction in which the
25 defendant is being released, and the alleged victim or
26 appropriate next of kin of the alleged victim or other
27 designated contact does not waive the option for notification
28 of release, the chief correctional officer or chief
29 administrator of the facility releasing the defendant shall
30 make a reasonable attempt to immediately notify the chief
31 correctional officer of the jurisdiction in which the warrant

1 was issued or the juvenile was taken into custody pursuant to
2 s. 985.207, and the chief correctional officer of that
3 jurisdiction shall make a reasonable attempt to notify the
4 alleged victim or appropriate next of kin of the alleged
5 victim or other designated contact, as provided in this
6 paragraph, that the defendant has been or will be released.

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

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SENATE SUMMARY

11

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

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