

1 A bill to be entitled
 2 An act relating to cybercrime; creating s. 16.61, F.S.;
 3 creating a Cybercrime Unit within the Department of Legal
 4 Affairs; providing for powers, duties, and personnel of
 5 the unit; requiring notice to sheriffs of arrests by the
 6 unit in their jurisdictions; providing an effective date.

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 8 WHEREAS, the use of computers or devices capable of storing
 9 electronic data for the criminal purposes of spreading child
 10 pornography and engaging in the sexual exploitation and
 11 predation of children has greatly increased in this state, and

12 WHEREAS, special training and expertise is needed for the
 13 effective investigation of these crimes, and

14 WHEREAS, the impact of these crimes stretches across all
 15 jurisdictions of this state creating unique burdens on local law
 16 enforcement and local prosecutors, NOW, THEREFORE,

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

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 20 Section 1. Section 16.61, Florida Statutes, is created to
 21 read:

22 16.61 Cybercrime Unit.--

23 (1) A Cybercrime Unit is created in the Department of
 24 Legal Affairs. This office may investigate alleged violations of
 25 state law pertaining to sexual exploitation and predation of
 26 children that is either facilitated by or connected to the use
 27 of any device capable of storing electronic data.

28 (2) Investigators employed by the Cybercrime Unit who are
29 certified in accordance with s. 943.1395 shall be law
30 enforcement officers of the state. These investigators shall
31 have the authority to conduct criminal investigations; bear
32 arms; make arrests; and apply for, serve, and execute search
33 warrants, arrest warrants, capias, and all necessary service of
34 process throughout the state.

35 (3) In carrying out the duties and responsibilities of
36 this section, the Attorney General, or any duly designated
37 employee of the Cybercrime Unit, may:

38 (a) Subpoena witnesses or materials, within or outside the
39 state, administer oaths and affirmations, and collect evidence
40 for possible use in either civil or criminal judicial
41 proceedings.

42 (b) Seek any civil remedy provided by law, including, but
43 not limited to, the Florida Contraband Forfeiture Act, ss.
44 932.701-932.707.

45 (4) The Attorney General, or a duly designated employee of
46 the Cybercrime Unit, shall provide notice to the local sheriff,
47 or his or her designee, of any arrest effected by the Cybercrime
48 Unit in the sheriff's jurisdiction.

49 Section 2. This act shall take effect upon becoming a law.