

HB 1593

2006
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CHAMBER ACTION

1 The Justice Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to cybercrime; creating s. 16.61, F.S.;
7 creating the Cybercrime Office within the Department of
8 Legal Affairs; authorizing the office to investigate
9 certain violations of state law pertaining to the sexual
10 exploitation of children; providing that investigators
11 employed by the office are law enforcement officers of the
12 state; authorizing the Attorney General to carry out
13 certain duties and responsibilities; requiring the
14 Attorney General to provide notice of an arrest to the
15 local sheriff; providing an effective date.

16
17 WHEREAS, computers or devices capable of storing electronic
18 data are being used increasingly for the criminal purposes of
19 spreading child pornography and engaging in the sexual
20 exploitation and predation of children in this state, and

21 WHEREAS, special training and expertise is needed for the
22 effective investigation of these crimes, and

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23 WHEREAS, the impact of these crimes stretches across all
 24 jurisdictions of this state, thus creating unique burdens on
 25 local law enforcement agencies and local prosecutors, NOW,
 26 THEREFORE,

27

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

29

30 Section 1. Section 16.61, Florida Statutes, is created to
 31 read:

32 16.61 Cybercrime Office.--There is created in the
 33 Department of Legal Affairs the Cybercrime Office. This office
 34 may investigate violations of state law pertaining to the sexual
 35 exploitation of children that are facilitated by or connected to
 36 the use of any device capable of storing electronic data.

37 (1) Investigators employed by the Cybercrime Office who
 38 are certified in accordance with s. 943.1395 are law enforcement
 39 officers of the state. Investigators shall have authority to
 40 conduct criminal investigations, bear arms, make arrests, and
 41 apply for, serve, and execute search warrants, arrest warrants,
 42 capias, and all necessary service of process throughout the
 43 state.

44 (2) In carrying out the duties and responsibilities of
 45 this section, the Attorney General, or any duly designated
 46 employee, may:

47 (a) Subpoena witnesses or materials within or outside the
 48 state, administer oaths and affirmations, and collect evidence
 49 for possible use in civil or criminal judicial proceedings.

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50 (b) Seek any civil remedy provided by law, including, but
51 not limited to, a remedy provided under s. 932.703.

52 (3) The Attorney General, or any duly designated employee,
53 shall provide notice to the local sheriff, or his or her
54 designee, of any arrest effected by the Cybercrime Office.

55 Section 2. This act shall take effect July 1, 2006.