

1 A bill to be entitled

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

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

17 WHEREAS, special training and expertise is needed for the
18 effective investigation of these crimes, and

19 WHEREAS, the impact of these crimes stretches across all
20 jurisdictions of this state, thus creating unique burdens on
21 local law enforcement agencies and local prosecutors, NOW,

22 THEREFORE,

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

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26 Section 1. Section 16.61, Florida Statutes, is created to
27 read:

28 16.61 Cybercrime Office.--There is created in the
29 Department of Legal Affairs the Cybercrime Office. This office
30 may investigate violations of state law pertaining to the sexual
31 exploitation of children that are facilitated by or connected to
32 the use of any device capable of storing electronic data.

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

40 (2) In carrying out the duties and responsibilities of
41 this section, the Attorney General, or any duly designated
42 employee, may:

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

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

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

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