

By Senator Crist

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A bill to be entitled  
An act relating to cybercrime; creating s.  
16.61, F.S.; creating the Cybercrime Office in  
the Department of Legal Affairs; authorizing  
the office to investigate certain violations of  
state law pertaining to the sexual exploitation  
of children; providing that investigators  
employed by the office are law enforcement  
officers of the state; authorizing the Attorney  
General to carry out certain duties and  
responsibilities; requiring the Attorney  
General to provide notice of an arrest to the  
local sheriff; providing an effective date.

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

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

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

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

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

1           16.61 Cybercrime Office.--There is created in the  
2 Department of Legal Affairs the Cybercrime Office. This office  
3 may investigate violations of state law pertaining to the  
4 sexual exploitation of children which are facilitated by or  
5 connected to the use of any device capable of storing  
6 electronic data.

7           (1) Investigators employed by the Cybercrime Office  
8 certified in accordance with s. 943.1395 are law enforcement  
9 officers of the state. Investigators shall have authority to  
10 conduct criminal investigations, bear arms, make arrests, and  
11 apply for, serve, and execute search warrants, arrest  
12 warrants, capias, and all necessary service of process  
13 throughout the state.

14           (2) In carrying out the duties and responsibilities of  
15 this section, the Attorney General, or any duly designated  
16 employee, may:

17           (a) Subpoena witnesses or materials within or outside  
18 the state, administer oaths and affirmations, and collect  
19 evidence for possible use in civil or criminal judicial  
20 proceedings.

21           (b) Seek any civil remedy provided by law, including,  
22 but not limited to, a remedy provided under s. 932.701.

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

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

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SENATE SUMMARY

Creates the Cybercrime Office in the Department of Legal Affairs. Authorizes the office to investigate certain violations of state law pertaining to the sexual exploitation of children. Provides that investigators employed by the office are law enforcement officers of the state. Authorizes the Attorney General to carry out certain duties and responsibilities. Requires the Attorney General to provide notice of an arrest to the local sheriff.