

By the Committee on Judiciary; and Senator Crist

590-2191-06

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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. 932.703.

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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28 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
29 COMMITTEE SUBSTITUTE FOR
30 Senate Bill 2322

31 The committee substitute clarifies a statutory reference to
 the Florida Contraband Forfeiture Act.