

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

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BILL: CS/SB 1004, 2nd Eng

INTRODUCER: Criminal and Civil Justice Appropriations Committee and Senators Argenziano and Aronberg

SUBJECT: Criminal Justice/Cybercrimes Against Children

PREPARED BY: Senate Committee on Criminal Justice

DATE: March 15, 2007

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**I. Amendments Contained in Message:**

**House Amendment 1 – 046297** (body with title)

**II. Summary of Amendments Contained in Message:**

The message differs from the bill in three significant ways. Otherwise, the bill and the message are substantively the same.

**House Amendment 1** includes language in Section 2 expanding the statewide prosecutor’s jurisdiction to include crimes “facilitated by or connected to” the Internet, and providing that such crimes occur in every judicial circuit. The Senate voted to remove this provision after Senator Geller expressed significant reservations about the scope of the jurisdictional expansion. Currently, the statewide prosecutor has jurisdiction over crimes that: (1) are enumerated in s. 16.56, F.S.; and (2) occur in more than one judicial circuit or are part of an organized conspiracy affecting more than one judicial circuit. The language establishes both jurisdictional prongs. While it is presumably intended to address crimes that are inherently related to use of the Internet, it could apply to other crimes. For example, a local burglary would be within the statewide prosecutor’s jurisdiction if co-defendants used e-mail to plan the crime.

The message omits the appropriation in Section 15 of the bill. This removes the appropriation itself and the July 1 effective date that is earlier than the rest of the bill’s provisions. Inclusion of the appropriation is a leadership priority, and the Attorney General has strongly requested that earlier effective date in order to expand the Cybercrime Unit as soon as possible.

The message also omits a paragraph in Section 12 of the bill which states that the act does not impose civil liability on a commercial social-networking site for acts committed by a registered user who is on the sexual offender registry. This “safe-harbor” provision is desired by social networking site providers, who represent that failure to include it could have a chilling effect on use of the registry information to screen out sexual predators and sexual offenders. The provision would provide a measure of assurance that the law would not impose any new liability upon providers who use registry information if a sexual offender or predator misuses the service.