

House Bill No. 1593

An act relating to cybercrime; creating s. 16.61, F.S.; creating the Cybercrime Office within 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:

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

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

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

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

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

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

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

Approved by the Governor June 26, 2006.

Filed in Office Secretary of State June 26, 2006.