

By Representatives Goodlette, Harrell, Green, Cusack,
Gelber, Ball, Machek and Bullard

1 A bill to be entitled
2 An act relating to the interception of
3 communications; amending s. 934.07, F.S.;
4 authorizing application by the Department of
5 Law Enforcement of certain communications
6 relevant to offenses that are acts of terrorism
7 or in furtherance of acts of terrorism;
8 amending s. 934.09, F.S.; allowing a judge, in
9 investigations of acts of terrorism, to
10 authorize the continued interception anywhere
11 within the state of wire, oral, or electronic
12 communications under specified conditions;
13 providing for the future expiration of
14 provisions granting such authority; providing
15 effective dates.

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

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19 Section 1. Section 934.07, Florida Statutes, is
20 amended to read:

21 934.07 Authorization for interception of wire, oral,
22 or electronic communications.--

23 (1) The Governor, the Attorney General, the statewide
24 prosecutor, or any state attorney may authorize an application
25 to a judge of competent jurisdiction for, and such judge may
26 grant in conformity with ss. 934.03-934.09, an order
27 authorizing or approving the interception of wire, oral, or
28 electronic communications by:

29 (a) The Department of Law Enforcement or any law
30 enforcement agency as defined in s. 934.02 having
31 responsibility for the investigation of the offense as to

1 which the application is made when such interception may
2 provide or has provided evidence of the commission of the
3 offense of murder, kidnapping, arson, gambling, robbery,
4 burglary, theft, dealing in stolen property, criminal usury,
5 bribery, or extortion; any violation of chapter 893; any
6 violation of the provisions of the Florida Anti-Fencing Act;
7 any violation of chapter 895; any violation of chapter 896;
8 any violation of chapter 815; any violation of chapter 847;
9 any violation of s. 827.071; any violation of s. 944.40; or
10 any conspiracy to commit any violation of the laws of this
11 state relating to the crimes specifically enumerated in this
12 paragraph above.

13 (b) The Department of Law Enforcement for the
14 investigation of the offense as to which the application is
15 made when such interception may provide or has provided
16 evidence of the commission of any offense that may be an act
17 of terrorism or in furtherance of an act of terrorism or
18 evidence of any conspiracy to commit any such violation.

19 (2) As used in this section, the term "terrorism"
20 means an activity that:

21 (a) Involves a violent act or act dangerous to human
22 life which is a violation of the criminal laws of this state
23 or of the United States; and

24 (b) Appears to be intended to:

25 1. Intimidate, injure, or coerce a civilian
26 population;

27 2. Influence the policy of a government by
28 intimidation or coercion; or

29 3. Affect the conduct of government through
30 destruction of property, assassination, murder, or kidnapping.

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1 Section 2. Paragraph (b) of subsection (11) of section
2 934.09, Florida Statutes, is amended to read:

3 934.09 Procedure for interception of wire, oral, or
4 electronic communications.--

5 (11) The requirements of subparagraph (1)(b)2. and
6 paragraph (3)(d) relating to the specification of the
7 facilities from which, or the place where, the communication
8 is to be intercepted do not apply if:

9 (b) In the case of an application with respect to a
10 wire or electronic communication:

11 1. The application is by an agent or officer of a law
12 enforcement agency and is approved by the Governor, the
13 Attorney General, the statewide prosecutor, or a state
14 attorney.

15 2. The application identifies the person believed to
16 be committing the offense and whose communications are to be
17 intercepted and the applicant makes a showing that there is
18 probable cause to believe that the person's actions could have
19 the effect of thwarting interception from a specified facility
20 or that the person whose communications are to be intercepted
21 has removed, or is likely to remove, himself or herself to
22 another judicial circuit within the state.

23 3. The judge finds that such showing has been
24 adequately made.

25 4. The order authorizing or approving the interception
26 is limited to interception only for such time as it is
27 reasonable to presume that the person identified in the
28 application is or was reasonably proximate to the instrument
29 through which such communication will be or was transmitted.

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1 Consistent with this paragraph and limited to investigations
2 of acts of terrorism, as that term is defined in s. 934.07,
3 the court may authorize continued interception within this
4 state, both within and outside its jurisdiction, if the
5 original interception occurred within its jurisdiction.

6 Section 3. Effective July 1, 2004, paragraph (b) of
7 subsection (11) of section 934.09, Florida Statutes, as
8 amended by this act, is amended to read:

9 934.09 Procedure for interception of wire, oral, or
10 electronic communications.--

11 (11) The requirements of subparagraph (1)(b)2. and
12 paragraph (3)(d) relating to the specification of the
13 facilities from which, or the place where, the communication
14 is to be intercepted do not apply if:

15 (b) In the case of an application with respect to a
16 wire or electronic communication:

17 1. The application is by an agent or officer of a law
18 enforcement agency and is approved by the Governor, the
19 Attorney General, the statewide prosecutor, or a state
20 attorney.

21 2. The application identifies the person believed to
22 be committing the offense and whose communications are to be
23 intercepted and the applicant makes a showing that there is
24 probable cause to believe that the person's actions could have
25 the effect of thwarting interception from a specified facility
26 ~~or that the person whose communications are to be intercepted~~
27 ~~has removed, or is likely to remove, himself or herself to~~
28 ~~another judicial circuit within the state.~~

29 3. The judge finds that such showing has been
30 adequately made.

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