

By the Committee on Criminal Justice; and Senators  
Brown-Waite, Smith and Crist

307-479C-02

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          an effective date.

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

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.  
30  
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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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1           4. The order authorizing or approving the interception  
2 is limited to interception only for such time as it is  
3 reasonable to presume that the person identified in the  
4 application is or was reasonably proximate to the instrument  
5 through which such communication will be or was transmitted.

6  
7 ~~Consistent with this paragraph and limited to investigations~~  
8 ~~of acts of terrorism, as that term is defined in s. 934.07,~~  
9 ~~the court may authorize continued interception within this~~  
10 ~~state, both within and outside its jurisdiction, if the~~  
11 ~~original interception occurred within its jurisdiction.~~

12           Section 4. This act shall take effect upon becoming a  
13 law.

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15                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
16                   COMMITTEE SUBSTITUTE FOR  
17                   Senate Bill 80-B

- 18 - Provides a definition of the term "terrorism."  
19 - Authorizes application by the Department of Law  
20 Enforcement of certain communications relevant to  
21 offenses that may be an act of terrorism or in  
22 furtherance of an act of terrorism or evidence of any  
23 conspiracy to commit such violation.  
24 - Provides that the specific facility, or place where, a  
25 communication is to be intercepted does not need to be  
26 identified if the person whose communication is to be  
27 intercepted has removed, or is likely to remove, himself  
28 or herself, to another judicial circuit within the  
29 state.  
30 - Provides that the court, in circumstances limited to  
31 investigations of acts of terrorism, may authorize  
continued interception within this state, both within  
and outside its jurisdiction, if the original  
interception occurred within its jurisdiction.