

By Senator Posey

15-1248-02

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A bill to be entitled
An act relating to citrus canker; amending s.
933.02, F.S.; providing grounds for issuance of
search warrants relating to the spread of
citrus canker; amending s. 933.07, F.S.;
authorizing the department to obtain a search
warrant and requiring a public hearing prior to
the issuance of such search warrant; providing
an effective date.

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

Section 1. Section 933.02, Florida Statutes, is
amended to read:

933.02 Grounds for issuance of search warrant.--Upon
proper affidavits being made, a search warrant may be issued
under the provisions of this chapter upon any of the following
grounds:

- (1) When the property shall have been stolen or
embezzled in violation of law;
- (2) When any property shall have been used:
 - (a) As a means to commit any crime,
 - (b) In connection with gambling, gambling implements
and appliances, or
 - (c) In violation of s. 847.011 or other laws in
reference to obscene prints and literature;
- (3) When any property constitutes evidence relevant to
proving that a felony has been committed;
- (4) When any property is being held or possessed:

1 (a) In violation of any of the laws prohibiting the
2 manufacture, sale, and transportation of intoxicating liquors,
3 or

4 (b) In violation of the fish and game laws, or

5 (c) In violation of the laws relative to food and
6 drug, ~~or~~

7 (d) In violation of a quarantine for citrus canker
8 pursuant to s. 581.184, or

9 (e) Which may be inspected, treated, seized, or
10 destroyed pursuant to s. 581.184; or

11 (5) When the laws in relation to cruelty to animals
12 have been or are violated in any particular building or place,
13 but no search shall be made in such building or place after
14 sunset, unless specially authorized by the officer issuing the
15 warrant upon satisfactory cause shown; in which case such
16 property may be taken on the warrant so issued from any house
17 or place in which it is concealed, or from any vehicle,
18 aircraft, or watercraft in which it may be found, or from the
19 possession of any person by whom it shall have been used in
20 the commission of any offense or from any person in whose
21 possession it may be.

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23 The provisions of this section shall apply also to any papers
24 or documents used as a means of or in aid of the commission of
25 any offense against the laws of the state.

26 Section 2. Section 933.07, Florida Statutes, is
27 amended to read:

28 933.07 Issuance of search warrants.--

29 (1) The judge, upon examination of the application and
30 proofs submitted, if satisfied that probable cause exists for
31 the issuing of the search warrant, shall thereupon issue a

1 search warrant signed by him or her with his or her name of
2 office, to any sheriff and the sheriff's deputies or any
3 police officer or other person authorized by law to execute
4 process, commanding the officer or person forthwith to search
5 the property described in the warrant or the person named, for
6 the property specified, and to bring the property and any
7 person arrested in connection therewith before the magistrate
8 or some other court having jurisdiction of the offense.

9 (2) Notwithstanding any other provisions of this
10 chapter, the Department of Agriculture and Consumer Services,
11 based on grounds specified in s. 933.02(4)(d) or (e), may
12 obtain a search warrant authorized by this chapter for an area
13 in size up to and including the full extent of the county in
14 which the search warrant is issued. The judge issuing such
15 search warrant shall hold a public hearing prior to the
16 issuance of such search warrant upon reasonable notice and
17 shall receive, hear, and determine any objections to the
18 issuance of such search warrant. Such search warrant may be
19 served by employees or authorized contractors of the
20 Department of Agriculture and Consumer Services. Such search
21 warrant may be made returnable at any time up to 6 months from
22 the date of issuance.

23 Section 3. This act shall take effect upon becoming a
24 law.

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27 LEGISLATIVE SUMMARY

28 Provides grounds for issuance of search warrants relating
29 to the spread of citrus canker. Authorizes the department
30 to obtain a search warrant and requires a public hearing
31 prior to the issuance of such search warrant.