

By the Committee on Security, Select and Representatives
Goodlette, Gelber, Ball, Green, Cantens, Hart and Machek

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

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

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23 Section 1. Section 934.07, Florida Statutes, is
24 amended to read:

25 934.07 Authorization for interception of wire, oral,
26 or electronic communications.--

27 (1) The Governor, the Attorney General, the statewide
28 prosecutor, or any state attorney may authorize an application
29 to a judge of competent jurisdiction for, and such judge may
30 grant in conformity with ss. 934.03-934.09, an order

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1 authorizing or approving the interception of wire, oral, or
2 electronic communications by:

3 (a) The Department of Law Enforcement or any law
4 enforcement agency as defined in s. 934.02 having
5 responsibility for the investigation of the offense as to
6 which the application is made when such interception may
7 provide or has provided evidence of the commission of the
8 offense of murder, kidnapping, aircraft piracy, arson,
9 gambling, robbery, burglary, theft, dealing in stolen
10 property, criminal usury, bribery, or extortion; any violation
11 of chapter 893; any violation of the provisions of the Florida
12 Anti-Fencing Act; any violation of chapter 895; any violation
13 of chapter 896; any violation of chapter 815; any violation of
14 chapter 847; any violation of s. 827.071; any violation of s.
15 944.40; or any conspiracy or solicitation to commit any
16 violation of the laws of this state relating to the crimes
17 specifically enumerated in this paragraph ~~above~~.

18 (b) The Department of Law Enforcement for the
19 investigation of the offense as to which the application is
20 made when such interception may provide or has provided
21 evidence of the commission of any offense that may be an act
22 of terrorism or in furtherance of an act of terrorism or
23 evidence of any conspiracy or solicitation to commit any such
24 violation.

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

27 (a)1. Involves a violent act or an act dangerous to
28 human life which is a violation of the criminal laws of this
29 state or of the United States; or

30 2. Involves a violation of s. 815.06; and

31 (b) Is intended to:

1 1. Intimidate, injure, or coerce a civilian
2 population;

3 2. Influence the policy of a government by
4 intimidation or coercion; or

5 3. Affect the conduct of government through
6 destruction of property, assassination, murder, kidnapping or
7 aircraft piracy.

8 Section 2. Paragraph (b) of subsection (11) of section
9 934.09, Florida Statutes, is amended to read:

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

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

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

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

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

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

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.

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

15 934.09 Procedure for interception of wire, oral, or
16 electronic communications.--

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

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

23 1. The application is by an agent or officer of a law
24 enforcement agency and is approved by the Governor, the
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31 the effect of thwarting interception from a specified facility

