

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Nuñez offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 901.02, Florida Statutes, is amended to
 8 read:

9 901.02 Issuance of arrest warrants.~~When warrant of arrest~~
 10 ~~to be issued.~~

11 (1) The judge, upon examination of the complaint and proofs
 12 submitted, if satisfied that probable cause exists for the
 13 issuance of an arrest warrant for any crime committed within the
 14 judge's jurisdiction, shall thereupon issue an arrest warrant
 15 signed by him or her with his or her name of office.

16 ~~(1) A warrant may be issued for the arrest of the person~~
 17 ~~complained against if the trial court judge, from the~~
 18 ~~examination of the complainant and other witnesses, reasonably~~
 19 ~~believes that the person complained against has committed an~~

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~~offense within the trial court judge's jurisdiction. A warrant is issued at the time it is signed by the trial court judge.~~

(2) The court may issue a warrant for the defendant's arrest when all of the following circumstances apply:

(a) A complaint has been filed charging the commission of a misdemeanor only;

(b) The summons issued to the defendant has been returned unserved; and

(c) The conditions of subsection (1) are met.

(3) A judge may electronically sign an arrest warrant if the requirements of subsection (1) or (2) are met and the judge, based on an examination of the complaint and proofs submitted, determines that the complaint:

(a) Bears the affiant's signature, or electronic signature if the complaint was submitted electronically;

(b) Is supported by an oath or affirmation administered by the judge or other person authorized by law to administer oaths; and

(c) If submitted electronically, is submitted by reliable electronic means.

(4) An arrest warrant shall be deemed to be issued by a judge at the time the judge affixes his or her signature or electronic signature to the warrant. As used in this section, "electronic signature" has the meaning ascribed in s. 933.40(1)(d).

Section 2. Subsection (3) is added to section 933.07, Florida Statutes, to read:

933.07 Issuance of search warrants.—

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48 (3) A judge may electronically sign a search warrant if the
49 requirements of subsection (1) or (2) are met and the judge,
50 based on an examination of the application and proofs submitted,
51 determines that the application:

52 (a) Bears the affiant's signature, or electronic signature
53 if the application was submitted electronically;

54 (b) Is supported by an oath or affirmation administered by
55 the judge or other person authorized by law to administer oaths;
56 and

57 (c) If submitted electronically, is submitted by reliable
58 electronic means.

59 (4) A search warrant shall be deemed to be issued by a
60 judge at the time the judge affixes his or her signature or
61 electronic signature to the warrant. As used in this section,
62 "electronic signature" has the meaning ascribed in s.
63 933.40(1)(d).

64 Section 3. This act shall take effect July 1, 2013.

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68 **T I T L E A M E N D M E N T**

69 Remove everything before the enacting clause and insert:
70 An act relating to warrants; amending s. 901.02, F.S.;
71 specifying when an arrest warrant may be issued; authorizing a
72 judge to electronically sign an arrest warrant if certain
73 conditions are met; providing that an arrest warrant is signed
74 by a judge at the time the judge affixes his or her signature or
75 electronic signature to the warrant; defining the term

COMMITTEE/SUBCOMMITTEE AMENDMENT

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76 "electronic signature"; amending s. 933.07, F.S.; authorizing a
77 judge to electronically sign a search warrant if certain
78 conditions are met; providing that a search warrant is signed by
79 a judge at the time the judge affixes his or her signature or
80 electronic signature to the warrant; defining the term
81 "electronic signature"; providing an effective date.