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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
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	.	

The Committee on Judiciary (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) A judge, upon examination of the complaint and proofs
submitted, if satisfied that probable cause exists for the
issuance of an arrest warrant for any crime committed within the
judge's jurisdiction, shall thereupon issue an arrest warrant
signed by the judge with the judge's name of office ~~warrant may~~



892426

14 ~~be issued for the arrest of the person complained against if the~~
15 ~~trial court judge, from the examination of the complainant and~~
16 ~~other witnesses, reasonably believes that the person complained~~
17 ~~against has committed an offense within the trial court judge's~~
18 ~~jurisdiction. A warrant is issued at the time it is signed by~~
19 ~~the trial court judge.~~

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

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

24 (b) The summons issued to the defendant has been returned
25 unserved.;

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

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

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

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

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

37 (4) An arrest warrant shall be deemed to be issued by a
38 judge at the time the judge affixes the judge's signature or
39 electronic signature to the warrant. As used in this section,
40 the term "electronic signature" has the same meaning as provided
41 in s. 933.40.

42 Section 2. Subsection (3) is added to section 933.07,



892426

43 Florida Statutes, to read:

44 933.07 Issuance of search warrants.—

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

49 (a) Bears the affiant's signature, or electronic signature
50 if the application was submitted electronically.

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

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

55 (4) A search warrant shall be deemed to be issued by a
56 judge at the time the judge affixes the judge's signature or
57 electronic signature to the warrant. As used in this section,
58 the term "electronic signature" has the same meaning as provided
59 in s. 933.40.

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

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete everything before the enacting clause
65 and insert:

66 A bill to be entitled
67 An act relating to warrants; amending s. 901.02, F.S.;
68 specifying when an arrest warrant may be issued;
69 authorizing a judge to electronically sign an arrest
70 warrant if certain conditions are met; providing that
71 an arrest warrant is signed by a judge at the time the



892426

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