

By Senator Simpson

18-00427A-15

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1 A bill to be entitled

2 An act relating to the interception and recording of
3 oral communications; amending s. 934.03, F.S.;
4 providing that it is lawful for a minor who is a
5 victim of sexual abuse to intercept and record an oral
6 communication of the abuser without the abuser's
7 knowledge or consent; conforming a cross-reference;
8 providing an effective date.

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

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12 Section 1. Present paragraphs (h), (i), and (j) of
13 subsection (2) of section 934.03, Florida Statutes, are
14 redesignated as paragraphs (i), (j), and (k), respectively, and
15 a new paragraph (h) is added to that subsection, and paragraph
16 (b) of subsection (4) of that section is amended, to read:

17 934.03 Interception and disclosure of wire, oral, or
18 electronic communications prohibited.—

19 (2)

20 (h) It is lawful under ss. 934.03-934.09 for a minor who is
21 a victim of sexual abuse to intercept and record an oral
22 communication of the abuser without the abuser's knowledge or
23 consent.

24 (4)

25 (b) If the offense is a first offense under paragraph (a)
26 and is not for any tortious or illegal purpose or for purposes
27 of direct or indirect commercial advantage or private commercial
28 gain, and the wire or electronic communication with respect to
29 which the offense under paragraph (a) was committed is a radio

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30 communication that is not scrambled, encrypted, or transmitted
31 using modulation techniques the essential parameters of which
32 have been withheld from the public with the intention of
33 preserving the privacy of such communication, then:

34 1. If the communication is not the radio portion of a
35 cellular telephone communication, a cordless telephone
36 communication that is transmitted between the cordless telephone
37 handset and the base unit, a public land mobile radio service
38 communication, or a paging service communication, and the
39 conduct is not that described in subparagraph (2)(i)7. ~~(2)(h)7.~~,
40 the person committing the offense is guilty of a misdemeanor of
41 the first degree, punishable as provided in s. 775.082 or s.
42 775.083.

43 2. If the communication is the radio portion of a cellular
44 telephone communication, a cordless telephone communication that
45 is transmitted between the cordless telephone handset and the
46 base unit, a public land mobile radio service communication, or
47 a paging service communication, the person committing the
48 offense is guilty of a misdemeanor of the second degree,
49 punishable as provided in s. 775.082 or s. 775.083.

50 Section 2. This act shall take effect July 1, 2015.