

1 A bill to be entitled

2 An act relating to interception and disclosure of
3 wire, oral, or electronic communications; amending s.
4 934.03, F.S.; permitting the intercept and recording
5 of an oral communication by the parent of a child
6 under a specified age in certain circumstances if the
7 recording is provided to a law enforcement agency;
8 permitting the intercept and recording of an oral
9 communication in certain circumstances concerning
10 specified offenses; providing an effective date.

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

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14 Section 1. Paragraph (1) of subsection (2) of section
15 934.03, Florida Statutes, is redesignated as paragraph (n), and
16 new paragraphs (1) and (m) are added to that subsection, to
17 read:

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

20 (2)

21 (1)1. It is lawful under this section and ss. 934.04-
22 934.09 for a parent or legal guardian of a child under 18 years
23 of age to intercept and record an oral communication if the
24 child is a party to the communication and the parent or legal
25 guardian has reasonable grounds to believe that recording the

26 communication will capture a statement by another party to the
27 communication that the other party intends to commit, is
28 committing, or has committed an unlawful sexual act or an
29 unlawful act of physical force or violence against the child.

30 2. A recording authorized under this paragraph and which
31 captures a statement by a party that the party intends to
32 commit, is committing, or has committed an unlawful sexual act
33 or an unlawful act of physical force or violence against a child
34 must be provided to a law enforcement agency and may be used for
35 the purpose of evidencing the intent to commit or the commission
36 of an unlawful sexual act or an unlawful act of physical force
37 or violence against a child. A recording authorized under this
38 paragraph may not be otherwise disseminated or shared.

39 (m)1. It is lawful under this section and ss. 934.04-
40 934.09 for a person to intercept and record an oral
41 communication if the person is a party to the communication and
42 has reasonable grounds to believe that recording the
43 communication will capture a statement by another party to the
44 communication that the other party intends to commit, is
45 committing, or has committed against the party intercepting and
46 recording the communication an unlawful act of domestic violence
47 as defined in s. 741.28; or repeat violence, sexual violence, or
48 dating violence under s. 784.046.

49 2. A recording authorized under this paragraph may be
50 provided to a law enforcement agency, an attorney, or a court

CS/HB 1281

2024

51 | for the purpose of evidencing that a crime as listed in
52 | subparagraph 1. has been committed. A recording authorized under
53 | this paragraph may not be otherwise disseminated or shared.

54 | Section 2. This act shall take effect upon becoming a law.