

By Senator Martin

33-01612B-24

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1 A bill to be entitled
2 An act relating to interception and disclosure of oral
3 communications; amending s. 934.03, F.S.; authorizing
4 the interception and recording of an oral
5 communication by the parent or legal guardian of a
6 child under a specified age under certain
7 circumstances; requiring that the recording be
8 provided to a law enforcement agency; prohibiting any
9 further dissemination or sharing of the recording;
10 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. Present paragraph (1) of subsection (2) of
15 section 934.03, Florida Statutes, is redesignated as paragraph
16 (m), and a new paragraph (1) is 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. 934.04-934.09
22 for a parent or legal guardian of a child under 18 years of age
23 to intercept and record an oral communication if the child is a
24 party to the communication and the parent or legal guardian has
25 reasonable grounds to believe that recording the communication
26 will capture a statement by another party to the communication
27 that the other party intends to commit, is committing, or has
28 committed an unlawful sexual act or an unlawful act of physical
29 force or violence against the child.

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30 2. A recording authorized under this paragraph 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 a crime specified in subparagraph 1. against a child. A
37 recording authorized under this paragraph may not be otherwise
38 disseminated or shared.

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