

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 359](#)

TITLE: Search Warrants

SPONSOR(S): Anderson

COMPANION BILL: [SB 442](#) (Yarborough)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Judiciary](#)

16 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

CS/HB 359 generally requires a law enforcement agency to return a search warrant to the issuing court within 10 days, not including the date of issuance, except that a search warrant must be returned to the issuing court within:

- 20 days if the search warrant is issued to an out-of-state provider for electronic communications data.
- 30 if the search warrant is issued to search for and seize specimens for DNA analysis or entry into the DNA database.
- 365 days if the search warrant is issued for a computer, computer system, or electronic device (electronic device).

The bill specifies that a search warrant issued for an electronic device is considered timely executed if such device was seized within 10 days after issuance, not including the date of issuance, and that a law enforcement agency is not required to complete the analysis or review of the data or information seized from a device within the 365-day return period under the bill.

The bill also specifies that a judge may authorize a law enforcement officer to appear remotely using audio-video communication technology when applying for specified search warrants or court orders, and also expands the circumstances for which a judge may issue a search warrant to authorize the issuance of a warrant to recover a deceased body. The bill also authorizes a law enforcement agency to use a drone to search an area or areas where evidence of a crime was committed if the agency first obtains a search warrant authorizing such a search.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

Application for a Search Warrant

The bill specifies that a judge may authorize a law enforcement officer who is applying for a [search warrant](#) issued under [s. 933.07, F.S.](#), or a search warrant or court order issued under ch. 934, F.S., to appear remotely when applying for such a warrant or order using audio-video communication technology. The bill defines “audio-video communication technology” as technology in compliance with applicable law which enables real-time, two-way communication using electronic means in which participants are able to see, hear, and communicate with one another. (Sections [3](#) and [4](#))

Issuance of a Search Warrant

The bill adds an additional circumstance for which a judge may issue a search warrant by authorizing such a warrant to be issued to recover a deceased body. (Section [1](#))

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DATE: 2/3/2026

Return Period for a Search Warrant

The bill generally requires a law enforcement officer to return a search warrant to the court within 10 days from the date of issuance, not including the date of issuance. The bill also provides the following exceptions to the 10-day return period, and specifies that a search warrant must be returned to the court within:

- 20 days if a search warrant is issued to an out-of-state provider for [electronic communications data](#) described in [s. 934.23, F.S.](#)
- 30 days if a search warrant is issued to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples, or to seize specimens under [s. 943.325, F.S.](#), for entry into the [DNA database](#).
- 365 days if a search warrant is issued for a computer, computer system, or an electronic device. (Section [2](#))

For a search warrant issued for a computer, computer system, or electronic device, the bill specifies that:

- The warrant is considered timely executed if the computer, computer system, or electronic device was seized within 10 days of the issuance of the warrant, not including the date of issuance.
- A law enforcement agency is *not* required to complete the analysis or review of data or information contained in a computer, computer system, or electronic device within the 365-day return period provided under the bill if such computer, computer system, or electronic device was timely seized by a law enforcement agency. (Section [2](#))

Under the bill, the term:

- “Computer” means an internally programmed, automatic device that performs data processing.
- “Computer system” means a device or collection of devices, including support devices, one or more of which contain computer programs, electronic instructions, or input data and output data, and which perform functions, including, but not limited to, logic, arithmetic, data storage, retrieval, communication, or control. The term does not include calculators that are not programmable and that are not capable of being used in conjunction with external files.
- “Electronic device” means a device or a portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a cellular telephone, tablet, or other portable device designed for and capable of communicating with or across a computer network and that is actually used for such purpose. (Section [2](#))

Use of Drones by a Law Enforcement Agency

The bill specifies that a law enforcement agency may use a [drone](#) to conduct a search of an area or areas where evidence that a crime was committed might reasonably be found if such agency first obtains a search warrant authorizing it to conduct the search. (Section [5](#))

The effective date of the bill is July 1, 2026. (Section [6](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Search Warrants

[Section 933.02, F.S.](#), authorizes a search warrant¹ to be issued, consistent with the requirements provided in ch. 933, F.S., when:

- The property to be searched has been stolen or embezzled in violation of law;
- Any property has been used:
 - As a means to commit any crime;
 - In connection with gambling, gambling implements and appliances; or

¹ In addition to the statutory requirements provided in ch. 933, F.S., a search warrant must also comply with the [Fourth Amendment](#) to the United States Constitution.

- In violation of [s. 847.011, F.S.](#), or other laws relating to obscene prints and literature;
- Any property constitutes evidence relevant to proving that a felony has been committed;
- Any property is being held or possessed:
 - In violation of any of the laws prohibiting the manufacture, sale, and transportation of intoxicating liquors;
 - In violation of the fish and game laws;
 - In violation of the laws relative to food and drug; or
 - In violation of the laws relative to citrus disease pursuant to [s. 581.184, F.S.](#); or
- The laws relating to cruelty to animals, as provided in ch. 828, F.S., have been or are violated in any particular building or place.

A judge must find that probable cause exists to issue a search warrant, and such warrant must describe in particularity the person, place, or thing to be searched and describe the property or thing to be seized.² A search warrant must be executed and returned with an inventory of the property taken to the issuing court within 10 days after issuance, except that a search warrant for a computer,³ computer system,⁴ or an electronic device⁵ that is in the actual possession of a law enforcement agency at the time such warrant is issued must be returned to the court within 45 days of issuance.⁶

[Moschella v. State](#)

A defendant who was arrested for possessing child pornography filed a motion to suppress evidence discovered on his electronic devices after law enforcement officers obtained a search warrant to conduct a forensic search of such devices, but did not perform such a search until after the 10-day window for executing the search warrant had expired.⁷ The Second District Court of Appeal (DCA) ruled that the plain language of [s. 933.05, F.S.](#), required that the search warrant be executed within 10 days and that “...a warrant that is not executed within the statutory period is stale, and any search conducted pursuant to it is invalid.”⁸ Thus, the evidence was suppressed and the case against the defendant was dismissed.⁹

In response, the Legislature passed [CS/CS/CS/HB 1371](#) during the 2025 legislative session which, in part, increased the time in which a search warrant issued for a computer, computer system, or an electronic device that is in the actual possession of a law enforcement agency at the time such warrant is issued must be executed from 10 days to 45 days.

Other States

Recognizing the practical difficulties in conducting digital searches and performing forensic analysis of electronic devices, courts in other states have interpreted time limits on search warrants to be more flexible. Such states generally require the initial seizure of an electronic device to occur within a specified time period, but authorize

² [S. 933.05, F.S.](#)

³ “Computer” means an internally programmed, automatic device that performs data processing. [S. 815.03\(2\), F.S.](#)

⁴ “Computer system” means a device or collection of devices, including support devices, one or more of which contain computer programs, electronic instructions, or input data and output data, and which perform functions, including, but not limited to, logic, arithmetic, data storage, retrieval, communication, or control. The term does not include calculators that are not programmable and that are not capable of being used in conjunction with external files. [S. 815.03\(7\), F.S.](#)

⁵ “Electronic device” means a device or a portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a cellular telephone, tablet, or other portable device designed for and capable of communicating with or across a computer network and that is actually used for such purpose. [S. 815.03\(9\), F.S.](#)

⁶ *Id.* and [s. 933.12, F.S.](#)

⁷ [Moschella v. State](#), 413 So. 3d 851 (Fla. 2nd DCA 2025).

⁸ *Id.* at 852.

⁹ *Id.* at 853.

subsequent data extraction or analysis of the device to be conducted after the search warrant time limitation has lapsed.¹⁰

Electronic Communications Data

Section 934.23, F.S., specifies the requirements with which an investigative or law enforcement officer¹¹ (officer) must comply to require a provider of electronic communication service¹² to disclose the contents¹³ of a wire communication¹⁴ or electronic communication,¹⁵ or information about a customer or subscriber of an electronic communication service or remote computing service.¹⁶ To require the disclosure of such information, an officer must either seek a warrant issued by a judge of a court of competent jurisdiction or, for such information that has been in electronic storage for more than 180 days, obtain a warrant¹⁷ or subpoena.¹⁸ To require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to a customer or subscriber, not including the contents of a communication, the officer must have the consent of the subscriber, or he or she must obtain a warrant or subpoena.¹⁹

DNA Database

Florida's statewide DNA database was established in 1989²⁰ to assist law enforcement agencies in the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. The Florida Department of Law Enforcement (FDLE) administers the statewide DNA database, which is capable of classifying, matching, and storing analyses of DNA and other biological molecules and related data.²¹

¹⁰ *State v. Sanchez*, 476 P.3d 889 (N.M. 2020); *Mastrogiovanni v. State*, 751 S.E.2d 536 (Ga. App. 2013); *Commonwealth v. Bowens*, 265 A.3d 730 (Pa. Super. Ct. 2021); *State v. Monger*, 472 P.3d 270 (Or. Ct. App. 2020).

¹¹ "Investigative or law enforcement officer" means any officer of the State of Florida or political subdivision thereof, of the United States, or of any other state or political subdivision thereof, who is empowered by law to conduct on behalf of the Government investigations of, or to make arrests for, offenses enumerated in ch. 934, F.S., or similar federal offenses, any attorney authorized by law to prosecute or participate in the prosecution of such offenses, or any other attorney representing the State of Florida or political subdivision thereof in any civil, regulatory, disciplinary, or forfeiture action relating to, based upon, or derived from such offenses. [S. 934.02\(6\), F.S.](#)

¹² "Electronic communication service" means any service which provides to users thereof the ability to send or receive wire or electronic communications. [S. 934.02\(15\), F.S.](#)

¹³ "Contents," when used with respect to any wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of that communication. [S. 934.02\(7\), F.S.](#)

¹⁴ "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception including the use of such connection in a switching station furnished or operated by any person engaged in providing or operating such facilities for the transmission of intrastate, interstate, or foreign communications or communications affecting intrastate, interstate, or foreign commerce. [S. 934.02\(1\), F.S.](#)

¹⁵ "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system that affects intrastate, interstate, or foreign commerce, but does not include:

- Any wire or oral communication;
- Any communication made through a tone-only paging device;
- Any communication from an electronic or mechanical device which permits the tracking of the movement of a person or an object; or
- Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds. [S. 934.02\(12\), F.S.](#)

¹⁶ "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system. [S. 934.02\(19\), F.S.](#)

¹⁷ The term "order" is used in statute, but the underlying requirements for such an order are identical to that of a search warrant issued under ch. 933, F.S.

¹⁸ [S. 934.23\(1\)-\(3\) and \(5\), F.S.](#)

¹⁹ [S. 934.23\(4\) and \(5\), F.S.](#)

²⁰ Ch. 89-335, Laws of Fla.

²¹ [S. 943.325\(4\), F.S.](#)

DNA Sample Collection and Analysis

The DNA database may contain DNA data obtained from the following types of biological samples:

- Crime scene samples.
- Samples obtained from “qualifying offenders.”
- Samples lawfully obtained during the course of a criminal investigation, including those from deceased victims or deceased suspects.
- Samples from unidentified human remains.
- Samples from persons reported missing.
- Samples voluntarily contributed by relatives of missing persons.
- Other samples approved by FDLE.²²

Under [s. 943.325, F.S.](#), a “qualifying offender” includes both juveniles and adults who are committed to a county jail or who are committed to or under the supervision of the Department of Corrections (DOC) or the Department of Juvenile Justice, and who are:

- Convicted of or arrested for committing a felony offense or an attempt to commit a felony offense;
- Convicted of specified misdemeanor offenses; or
- In the custody of a law enforcement agency and subject to an immigration detainer.²³

A qualifying offender is required to submit a DNA sample for inclusion in the statewide database if he or she is:

- Arrested or incarcerated in Florida; or
- On probation, community control, parole, conditional release, control release, or any other type of court-ordered supervision.²⁴

If a court order fails to order a qualifying offender to submit a DNA sample, a prosecutor may seek an amended order from the sentencing court requiring such an offender to provide such a sample.²⁵ Alternatively, FDLE, DOC, a law enforcement agency, or the prosecutor may seek a warrant authorizing the seizure of the qualifying offender for the purpose of securing the required DNA sample.²⁶ The court must issue such a warrant upon a showing of probable cause.²⁷

Use of Drones by a Law Enforcement Agency

[Section 934.50, F.S.](#), the “Freedom from Unwarranted Surveillance Act,” (Act) restricts the use of drones by individuals and government entities to conduct surveillance. Specific to law enforcement, a law enforcement agency,²⁸ is prohibited from using a drone to gather evidence or other information, except:

- To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk.
- If the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone.
- If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including, but not limited to, facilitating the search for a missing person.
- To provide a law enforcement agency with an aerial perspective of a crowd of 50 people or more or to provide and maintain the public safety of such a crowd, provided that:

²² [S. 943.325\(6\), F.S.](#)

²³ [S. 943.325\(2\)\(g\), F.S.](#)

²⁴ [S. 943.325\(7\), F.S.](#)

²⁵ [S. 943.325\(12\)\(b\), F.S.](#)

²⁶ *Id.*

²⁷ *Id.*

²⁸ “Law enforcement agency” means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws. [S. 934.50\(2\)\(d\), F.S.](#)

- The law enforcement agency must have policies and procedures that include guidelines:
 - For the agency's use of a drone.
 - For the proper storage, retention, and release of any images or video captured by the drone.
 - That address the personal safety and constitutional protections of the people being observed.
- The head of the law enforcement agency using the drone for this purpose must provide written authorization for such use and must maintain a copy on file at the agency.
- To assist a law enforcement agency with traffic management; however, a law enforcement agency may not issue a traffic infraction citation based on images or video captured by a drone.
- To facilitate a law enforcement agency's collection of evidence at a crime scene or traffic crash scene.
- In furtherance of providing and maintaining the security of an elected official pursuant to [s. 943.68, F.S.](#)²⁹

If a law enforcement agency violates any of the restrictions on the use of drones as provided under the Act:

- A person may initiate a civil action against the law enforcement agency to obtain all appropriate relief to prevent or remedy such a violation.³⁰
- Any evidence obtained or collected in violation of the Act is not admissible as evidence in a criminal prosecution.³¹

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/CS/HB 1371 - Law Enforcement Officers and Other Personnel	Nix and Alvarez, D./ <i>Collins</i>	Became law on July 1, 2025.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Judiciary Committee	16 Y, 0 N, As CS	2/3/2026	Kramer	Padgett

THE CHANGES ADOPTED BY THE COMMITTEE:

- Authorized a search warrant to be issued to recover a deceased body.
- Authorized a judge to allow a law enforcement officer to appear remotely when applying for certain search warrants and court orders.
- Specified return periods for search warrants that are issued to recover certain electronic communications data and for warrants that are issued to seize blood and saliva specimens.
- Specified the time period in which a search warrant issued for a computer, computer system, or electronic device is timely executed.
- Specified that a law enforcement agency is not required to complete an analysis or review of information seized from a computer, computer system, or electronic device within the 365-day warrant return period.
- Authorized a law enforcement agency to use a drone to conduct a search of an area or areas where evidence might reasonably be found if the agency first obtains a search warrant.

²⁹ [S. 934.50\(3\), F.S.](#)

³⁰ [S. 934.50\(5\)\(a\), F.S.](#)

³¹ [S. 934.50\(6\), F.S.](#)

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
