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CS/HB 359, Engrossed 1

2026 Legislature

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2 An act relating to search warrants; amending s.  
3 933.02, F.S.; authorizing a search warrant to be  
4 issued to recover a deceased body; amending s. 933.05,  
5 F.S.; revising the time within which certain search  
6 warrants must be returned to the court; specifying the  
7 time period within which a search warrant issued for  
8 certain devices is considered timely executed;  
9 specifying that a law enforcement agency may review  
10 data or information contained in certain devices after  
11 specified periods if the devices were timely seized;  
12 providing definitions; amending s. 933.07, F.S.;  
13 providing that a judge may authorize a law enforcement  
14 officer applying for a search warrant to appear  
15 remotely; defining the term "audio-video communication  
16 technology"; creating s. 934.025, F.S.; providing that  
17 a judge may authorize a law enforcement officer  
18 applying for a search warrant or court order to appear  
19 remotely; defining the term "audio-video communication  
20 technology"; amending s. 934.50, F.S.; authorizing a  
21 law enforcement agency to obtain a search warrant to  
22 use a drone to conduct a search in certain  
23 circumstances; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (6) is added to section 933.02, Florida Statutes, to read:

933.02 Grounds for issuance of search warrant.—Upon proper affidavits being made, a search warrant may be issued under the provisions of this chapter upon any of the following grounds:

(6) To recover a deceased body.

This section also applies to any papers or documents used as a means of or in aid of the commission of any offense against the laws of the state.

Section 2. Section 933.05, Florida Statutes, is amended to read:

933.05 Issuance and return of search warrants; issuance in blank prohibited.—

(1) A search warrant cannot be issued except upon probable cause supported by affidavit or affidavits, naming or describing the person, place, or thing to be searched and particularly describing the property or thing to be seized. ~~A search warrant may not shall~~ be issued in blank. ~~A~~

(2) A search ~~and any such~~ warrant must shall be returned within 10 days after issuance, not including the date of issuance thereof, except that a search warrant issued:

(a) To an out-of-state provider for electronic communications data as described in s. 934.23 must be returned

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51 within 20 days.

52 (b) To search for and seize specimens from a specific  
53 person for DNA analysis and comparison, including blood and  
54 saliva samples, or to seize specimens pursuant to s. 943.325 for  
55 entry into the DNA database must be returned within 30 days.

56 (c) For a computer, a computer system, or an electronic  
57 device, and any data or information contained in such computer,  
58 computer system, or electronic device as those terms are defined  
59 in s. ~~815.03~~, must be returned within 365 days that is in the  
60 actual possession of a law enforcement agency at the time such  
61 warrant is issued shall be returned to the court within 45 days  
62 after issuance thereof.

63 (3) If a search warrant is issued to search for and seize  
64 a computer, a computer system, or an electronic device, and any  
65 data or information contained in such computer, computer system,  
66 or electronic device, such warrant is considered timely executed  
67 if the computer, computer system, or electronic device was  
68 seized by a law enforcement agency within 10 days of the  
69 issuance of the search warrant, not including the date of  
70 issuance.

71 (4) This section does not require a law enforcement agency  
72 to complete the analysis or review of data or information  
73 contained in a computer, computer system, or electronic device  
74 within the period provided in subsection (2) if such computer,  
75 computer system, or electronic device was timely seized by a law

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76 enforcement agency under subsection (3).

77 (5) For purposes of this section, the terms "computer,"  
 78 "computer system," and "electronic device" have the same meaning  
 79 as in s. 815.03.

80 Section 3. Subsection (5) is added to section 933.07,  
 81 Florida Statutes, and subsection (1) of that section is  
 82 republished, to read:

83 933.07 Issuance of search warrants.—

84 (1) The judge, upon examination of the application and  
 85 proofs submitted, if satisfied that probable cause exists for  
 86 the issuing of the search warrant, shall thereupon issue a  
 87 search warrant signed by him or her with his or her name of  
 88 office, to any sheriff and the sheriff's deputies or any police  
 89 officer or other person authorized by law to execute process,  
 90 commanding the officer or person forthwith to search the  
 91 property described in the warrant or the person named, for the  
 92 property specified, and to bring the property and any person  
 93 arrested in connection therewith before the judge or some other  
 94 court having jurisdiction of the offense.

95 (5) A judge may authorize a law enforcement officer  
 96 applying for a search warrant under subsection (1) to appear  
 97 remotely using audio-video communication technology. As used in  
 98 this section, the term "audio-video communication technology"  
 99 has the same meaning as in s. 117.201.

100 Section 4. Section 934.025, Florida Statutes, is created

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101 to read:

102 934.025 Search warrants and court orders; remote  
 103 appearance authorized.—A judge may authorize a law enforcement  
 104 officer applying for a search warrant or court order pursuant to  
 105 this chapter to appear remotely using audio-video communication  
 106 technology. As used in this section, the term "audio-video  
 107 communication technology" has the same meaning as in s. 117.201.

108 Section 5. Paragraph (b) of subsection (4) of section  
 109 934.50, Florida Statutes, is amended to read:

110 934.50 Searches and seizure using a drone.—

111 (4) EXCEPTIONS.—This section does not prohibit the use of  
 112 a drone:

113 (b) If the law enforcement agency first obtains a search  
 114 warrant signed by a judge authorizing the use of a drone,  
 115 including, but not limited to, a search warrant authorizing a  
 116 law enforcement agency to search an area or areas where evidence  
 117 that a crime was committed might reasonably be found.

118 Section 6. This act shall take effect July 1, 2026.