

By the Committee on Judiciary; and Senator Gardiner

590-03891-13

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1 A bill to be entitled
2 An act relating to warrants; amending s. 901.02, F.S.;
3 specifying when an arrest warrant may be issued;
4 authorizing a judge to electronically sign an arrest
5 warrant if certain conditions are met; providing that
6 an arrest warrant is signed by a judge at the time the
7 judge affixes his or her signature or electronic
8 signature to the warrant; defining the term
9 "electronic signature"; amending s. 933.07, F.S.;
10 authorizing a judge to electronically sign a search
11 warrant if certain conditions are met; providing that
12 a search warrant is signed by a judge at the time the
13 judge affixes his or her signature or electronic
14 signature to the warrant; defining the term
15 "electronic signature"; providing an effective date.

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

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19 Section 1. Section 901.02, Florida Statutes, is amended to
20 read:

21 901.02 Issuance of arrest warrants ~~When warrant of arrest~~
22 ~~to be issued.~~

23 (1) A judge, upon examination of the complaint and proofs
24 submitted, if satisfied that probable cause exists for the
25 issuance of an arrest warrant for any crime committed within the
26 judge's jurisdiction, shall thereupon issue an arrest warrant
27 signed by the judge with the judge's name of office ~~warrant may~~
28 ~~be issued for the arrest of the person complained against if the~~
29 ~~trial court judge, from the examination of the complainant and~~

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30 ~~other witnesses, reasonably believes that the person complained~~
31 ~~against has committed an offense within the trial court judge's~~
32 ~~jurisdiction. A warrant is issued at the time it is signed by~~
33 ~~the trial court judge.~~

34 (2) The court may issue a warrant for the defendant's
35 arrest when all of the following circumstances apply:

36 (a) A complaint has been filed charging the commission of a
37 misdemeanor only.;

38 (b) The summons issued to the defendant has been returned
39 unserved. ~~;~~ ~~and~~

40 (c) The conditions of subsection (1) are met.

41 (3) A judge may electronically sign an arrest warrant if
42 the requirements of subsection (1) or subsection (2) are met and
43 the judge, based on an examination of the complaint and proofs
44 submitted, determines that the complaint:

45 (a) Bears the affiant's signature, or electronic signature
46 if the complaint was submitted electronically.

47 (b) Is supported by an oath or affirmation administered by
48 the judge or other person authorized by law to administer oaths.

49 (c) If submitted electronically, is submitted by reliable
50 electronic means.

51 (4) An arrest warrant shall be deemed to be issued by a
52 judge at the time the judge affixes the judge's signature or
53 electronic signature to the warrant. As used in this section,
54 the term "electronic signature" has the same meaning as provided
55 in s. 933.40.

56 Section 2. Subsections (3) and (4) are added to section
57 933.07, Florida Statutes, to read:

58 933.07 Issuance of search warrants.—

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59 (3) A judge may electronically sign a search warrant if the
60 requirements of subsection (1) or subsection (2) are met and the
61 judge, based on an examination of the application and proofs
62 submitted, determines that the application:

63 (a) Bears the affiant's signature, or electronic signature
64 if the application was submitted electronically.

65 (b) Is supported by an oath or affirmation administered by
66 the judge or other person authorized by law to administer oaths.

67 (c) If submitted electronically, is submitted by reliable
68 electronic means.

69 (4) A search warrant shall be deemed to be issued by a
70 judge at the time the judge affixes the judge's signature or
71 electronic signature to the warrant. As used in this section,
72 the term "electronic signature" has the same meaning as provided
73 in s. 933.40.

74 Section 3. This act shall take effect July 1, 2013.