

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [HB 359](#)

TITLE: Search Warrants for Computers, Computer Systems, and Electronic Devices

SPONSOR(S): Anderson

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

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

13 Y, 0 N



[Judiciary](#)

SUMMARY

Effect of the Bill:

HB 359 increases the time frame within which a specified search warrant issued for a computer, computer system, or an electronic device must be returned to the court from within 45 days after issuance to within 365 days after issuance.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The bill increases the time frame within 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 the warrant is issued must be returned to the court from within 45 days after issuance to within 365 days after issuance. (Section [1](#))

The effective date of the bill is July 1, 2026. (Section [2](#))

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
 - 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;

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.

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

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.

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

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
Criminal Justice Subcommittee	13 Y, 0 N	12/2/2025	Hall	Padgett
Judiciary Committee				