

Committee on Criminal Justice

CS/HB 1281 — Interception and Disclosure of Oral Communications

by Criminal Justice Subcommittee and Reps. Persons-Mulicka, Joseph, and others (SB 1618 by Senator Martin)

The bill creates a new exception to the prohibition located in s. 934.03(1), F.S., against a person intentionally intercepting, endeavoring to intercept, or procuring any other person to intercept or endeavor to intercept any wire, oral, or electronic communication.

The exception allows a parent or legal guardian of a child who is younger than 18 years of age to intercept and record an oral communication if the child is a party to the communication and the parent or guardian has reasonable grounds to believe that recording the communication will capture a statement by another party to the communication that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.

A recording authorized by the bill which captures a statement by a party that the party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against a child:

- Must be provided to a law enforcement agency; and
- May be used for the purpose of evidencing the intent to commit or the commission of a crime specified in the bill against a child.

A parent or legal guardian who makes a recording authorized by the bill may not share or disseminate the recording with any person or entity other than a law enforcement agency.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 112-0