

CS/HB 1249 – Search of the Content, Information, and Communications of Cellular Phones, Portable Electronic Communication Devices, and Microphone-Enabled Household Devices

This bill amends s. 934.02, F.S., defining “microphone-enabled household device” and “portable electronic communication device,” including microphone-enabled household device under the definition of oral communication, thus making it subject to s. 934.03, F.S., regarding prohibited interception and disclosure of wire, oral, or electronic communications and impacting the Level 1, 3rd degree felony in this statute. This felony does not apply if the person has no prior wiretapping offenses, it was not done for tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, and the intercepted communication was a radio communication that was not scrambled, encrypted, or transmitted using modulation techniques intended to preserve the privacy of such communication.

This bill also amends s. 934.21, F.S., adding that a “person who intentionally and unlawfully accesses without authorization a cellular phone, portable electronic communication device, or microphone-enabled household device and thereby obtains wire, oral, or electronic communications stored within the cellular phone, portable electronic communication device, or microphone-enabled household device” would be subject to the unranked, 3rd degree felony in this statute. The felony only applies if it was a subsequent offense.

Per DOC, in FY 16-17, nobody was sentenced under s. 934.03, F.S. or s. 934.21, F.S.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House