

72-294

Committee on Criminal Justice

SUBJECT: House Bill 3775 by:/ including federal agents within the definition of "officers" in the Florida wiretap statute, and including federal courts among those courts in which information obtained pursuant to chapter 934, Florida Statutes, is admissible.

1. What is the problem?

Chapter 934's provisions currently apply only to state or local officers and actions. The Department of Justice, in its fight against organized crime, is unable to utilize information obtained by Florida's officers.

2. Is there a need for this legislation?

Yes.

3. Is it constitutional?

If wiretapping itself is constitutional, the addition of federal agents and courts should be equally valid. Note, also, that Florida's statute is based on the federal act, which is still good law.

4. What are the probable consequences of this legislation?

Federal officers will be able to obtain authorization for interception of communications through Florida courts, and information so obtained and evidence derived therefrom will be admissible in federal courts.

5. Is the bill correct in form and substance?

Yes.

6. Does it adequately and accurately express legislative intent?

Yes.