



26 appearance hearing; specifying that upon motion by the  
 27 state attorney, a court may order pretrial detention  
 28 in certain circumstances; providing for a detention  
 29 hearing for persons charged with dangerous crimes;  
 30 authorizing a state attorney or a court to move for  
 31 detention of persons charged with dangerous crimes in  
 32 certain circumstances; requiring a court to order  
 33 pretrial detention in certain circumstances; providing  
 34 requirements for detention hearings; revising  
 35 requirements for a pretrial detention order; requiring  
 36 a court to provide specified information to certain  
 37 defendants; providing that a party may move for  
 38 reconsideration of a pretrial detention order any time  
 39 before trial in certain circumstances; removing a  
 40 requirement for pretrial detention for defendants  
 41 charged with illegally manufacturing controlled  
 42 substances in certain cases; providing an effective  
 43 date.

44  
 45 Be It Enacted by the Legislature of the State of Florida:

46  
 47 Section 1. Subsections (4), (5), and (6) are added to  
 48 section 903.011, Florida Statutes, to read:

49 903.011 Pretrial release ~~"Bail" and "bond"~~ defined;  
 50 general terms; statewide uniform bond schedule.-

51        (4) Except as authorized in subsection (5), only a judge  
52 may set, reduce, or otherwise alter a defendant's bail. Upon  
53 motion by a defendant, or on the court's own motion, a court may  
54 reconsider the monetary component of a defendant's bail if he or  
55 she is unable to post a monetary bond.

56        (5) (a) Beginning January 1, 2024, and annually thereafter,  
57 the Supreme Court must adopt a uniform statewide bond schedule  
58 for criminal offenses not described in subsection (6) for which  
59 a person may be released on bail before and in lieu of his or  
60 her first appearance hearing or bail determination. The Supreme  
61 Court must make the revised uniform statewide bond schedule  
62 available to each judicial circuit.

63        (b) Except as provided in paragraph (c), the chief judge  
64 of a judicial circuit may not establish a local bond schedule  
65 that sets a lower bond amount than that required by the uniform  
66 statewide bond schedule for the purpose of setting a defendant's  
67 bail before a first appearance hearing or bail determination.

68        (c) The chief judge of a judicial circuit may petition the  
69 Supreme Court for approval of a local bond schedule that sets a  
70 lower bond amount than that required by the uniform statewide  
71 bond schedule. If the Supreme Court reviews and approves the  
72 local bond schedule, such schedule may be used for the purpose  
73 of setting a defendant's bail before a first appearance hearing  
74 or bail determination pending the adoption of a new or revised  
75 uniform statewide bond schedule pursuant to paragraph (a).

76        (d) The chief judge of a judicial circuit may establish a  
 77 local bond schedule that increases the monetary bond applicable  
 78 to an offense that is included in the uniform statewide bond  
 79 schedule adopted by the Supreme Court. Such a deviation from the  
 80 uniform statewide bond schedule does not require approval by the  
 81 Supreme Court.

82        (e) In adopting the uniform statewide bond schedule or  
 83 reviewing a petition for a local bond schedule that deviates  
 84 from the uniform statewide bond schedule, the Florida Supreme  
 85 Court shall evaluate the amount of monetary bond necessary to  
 86 protect the community from risk of physical harm, to assure the  
 87 presence of the accused at trial, and to protect the integrity  
 88 of the judicial process.

89        (f) The uniform statewide bond schedule shall not bind a  
 90 judge in an individual case who is conducting a first appearance  
 91 hearing or bail determination.

92        (6) A person may not be released before his or her first  
 93 appearance hearing or bail determination and a judge must  
 94 determine the appropriate bail, if any, based on an  
 95 individualized consideration of the criteria in s. 903.046(2),  
 96 if the person meets any of the following criteria:

97        (a) The person was, at the time of arrest for any felony,  
 98 on pretrial release, probation, or community control in this  
 99 state or any other state;

100        (b) The person was, at the time of arrest, designated as a

101 sexual offender or sexual predator in this state or any other  
102 state;

103 (c) The person was arrested for violating a protective  
104 injunction;

105 (d) The person was, at the time of arrest, on release from  
106 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.  
107 944.4731;

108 (e) The person has, at any time before the current arrest,  
109 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a  
110 prison releasee reoffender, habitual violent felony offender,  
111 three-time violent felony offender, or violent career criminal;

112 (f) The person has been arrested three or more times in  
113 the 6 months immediately preceding his or her arrest for the  
114 current offense; or

115 (g) The person's current offense of arrest is for one or  
116 more of the following crimes:

117 1. A capital felony, life felony, felony of the first  
118 degree, or felony of the second degree;

119 2. A homicide under chapter 782; or any attempt,  
120 solicitation, or conspiracy to commit a homicide;

121 3. Assault in furtherance of a riot or an aggravated riot;  
122 felony battery; domestic battery by strangulation; domestic  
123 violence, as defined in s. 741.28; stalking; mob intimidation;  
124 assault or battery on a law enforcement officer; assault or  
125 battery on juvenile probation officer, or other staff of a

126 | detention center or commitment facility, or a staff member of a  
 127 | commitment facility, or health services personnel; assault or  
 128 | battery on a person 65 years of age or older; robbery; burglary;  
 129 | carjacking; or resisting an officer with violence;  
 130 | 4. Kidnapping, false imprisonment, human trafficking, or  
 131 | human smuggling;  
 132 | 5. Possession of a firearm or ammunition by a felon,  
 133 | violent career criminal, or person subject to an injunction  
 134 | against committing acts of domestic violence, stalking, or  
 135 | cyberstalking;  
 136 | 6. Sexual battery; indecent, lewd, or lascivious touching;  
 137 | exposure of sexual organs; incest; luring or enticing a child;  
 138 | or child pornography;  
 139 | 7. Abuse, neglect, or exploitation of an elderly person or  
 140 | disabled adult;  
 141 | 8. Child abuse or aggravated child abuse;  
 142 | 9. Arson; riot, aggravated riot, inciting a riot, or  
 143 | aggravated inciting a riot; or a burglary or theft during a  
 144 | riot;  
 145 | 10. Escape; tampering or retaliating against a witness,  
 146 | victim, or informant; destruction of evidence; or tampering with  
 147 | a jury;  
 148 | 11. Any offense committed for the purpose of benefitting,  
 149 | promoting, or furthering the interests of a criminal gang;  
 150 | 12. Trafficking in a controlled substance, including

151 conspiracy to engage in trafficking in a controlled substance;  
 152 13. Racketeering; or  
 153 14. Failure to appear at required court proceedings while  
 154 on bail.

155 Section 2. Paragraph (c) of subsection (1) of section  
 156 903.047, Florida Statutes, is amended to read:

157 903.047 Conditions of pretrial release.—

158 (1) As a condition of pretrial release, whether such  
 159 release is by surety bail bond or recognizance bond or in some  
 160 other form, the defendant must:

161 (c) Comply with all conditions of pretrial release imposed  
 162 by the court. A court must consider s. 903.046(2) when  
 163 determining whether to impose nonmonetary conditions in addition  
 164 to or in lieu of monetary bond. Such nonmonetary conditions may  
 165 include, but are not limited to, requiring a defendant to:

166 1. Maintain employment, or, if unemployed, actively seek  
 167 employment.

168 2. Maintain or commence an educational program.

169 3. Abide by specified restrictions on personal  
 170 associations, place of residence, or travel.

171 4. Report on a regular basis to a designated law  
 172 enforcement agency, pretrial services agency, or other agency.

173 5. Comply with a specified curfew.

174 6. Refrain from possessing a firearm, destructive device,  
 175 or other dangerous weapon.

176        7. Refrain from excessive use of alcohol, or any use of a  
 177 narcotic drug or other controlled substance without a  
 178 prescription from a licensed medical practitioner.

179        8. Undergo available medical, psychological, psychiatric,  
 180 mental health, or substance abuse evaluation and follow all  
 181 recommendations, including treatment for drug or alcohol  
 182 dependency, and remain in a specified institution, if required  
 183 for that purpose.

184        9. Return to custody for specified hours following release  
 185 for employment, school, or other limited purposes.

186        10. Any other condition that is reasonably necessary to  
 187 assure the appearance of the defendant at subsequent proceedings  
 188 and to protect the community against unreasonable danger of  
 189 harm.

190        Section 3. Section 903.0471, Florida Statutes, is amended  
 191 to read:

192        903.0471 Violation of condition of pretrial release.—  
 193 Notwithstanding s. 907.041, a court may, on its own motion,  
 194 revoke pretrial release and order pretrial detention if the  
 195 court finds probable cause to believe that the defendant  
 196 committed a new crime while on pretrial release or violated any  
 197 other condition of pretrial release in a material respect.

198        Section 4. Subsection (4) of section 907.041, Florida  
 199 Statutes, is amended to read:

200        907.041 Pretrial detention and release.—



- 201 (4) PRETRIAL DETENTION.—
- 202 (a) As used in this subsection, "dangerous crime" means
- 203 any of the following:
- 204 1. Arson;
  - 205 2. Aggravated assault;
  - 206 3. Aggravated battery;
  - 207 4. Illegal use of explosives;
  - 208 5. Child abuse or aggravated child abuse;
  - 209 6. Abuse of an elderly person or disabled adult, or
  - 210 aggravated abuse of an elderly person or disabled adult;
  - 211 7. Aircraft piracy;
  - 212 8. Kidnapping;
  - 213 9. Homicide;
  - 214 10. Manslaughter, including DUI manslaughter and BUI
  - 215 manslaughter;
  - 216 11. Sexual battery;
  - 217 12. Robbery;
  - 218 13. Carjacking;
  - 219 14. Lewd, lascivious, or indecent assault or act upon or
  - 220 in presence of a child under the age of 16 years;
  - 221 15. Sexual activity with a child, who is 12 years of age
  - 222 or older but less than 18 years of age, by or at solicitation of
  - 223 person in familial or custodial authority;
  - 224 16. Burglary of a dwelling;
  - 225 17. Stalking and aggravated stalking;

- 226 18. Act of domestic violence as defined in s. 741.28;  
 227 19. Home invasion robbery;  
 228 20. Act of terrorism as defined in s. 775.30;  
 229 21. Manufacturing any substances in violation of chapter  
 230 893;  
 231 22. Attempting or conspiring to commit any such crime; ~~and~~  
 232 23. Human trafficking;  
 233 24. Trafficking in any controlled substance described in  
 234 s. 893.135(1)(c)4.;  
 235 25. Extortion in violation of s. 836.05; and  
 236 26. Written threats to kill in violation of s. 836.10.  
 237 (b) A ~~No~~ person arrested for ~~charged with~~ a dangerous  
 238 crime may not ~~shall~~ be granted nonmonetary pretrial release at a  
 239 first appearance hearing if the court has determined there is  
 240 probable cause to believe the person has committed the offense;  
 241 ~~however, the court shall retain the discretion to release an~~  
 242 ~~accused on electronic monitoring or on recognizance bond if the~~  
 243 ~~findings on the record of facts and circumstances warrant such a~~  
 244 ~~release.~~  
 245 (c) Upon motion by the state attorney, the court may order  
 246 pretrial detention if it finds a substantial probability, based  
 247 on a defendant's past and present patterns of behavior, the  
 248 criteria in s. 903.046, and any other relevant facts, that any  
 249 of the following circumstances exist:  
 250 1. The defendant has previously violated conditions of

251 release and that no further conditions of release are reasonably  
 252 likely to assure the defendant's appearance at subsequent  
 253 proceedings;

254 2. The defendant, with the intent to obstruct the judicial  
 255 process, has threatened, intimidated, or injured any victim,  
 256 potential witness, juror, or judicial officer, or has attempted  
 257 or conspired to do so, and that no condition of release will  
 258 reasonably prevent the obstruction of the judicial process;

259 3. The defendant is charged with trafficking in controlled  
 260 substances as defined by s. 893.135, that there is a substantial  
 261 probability that the defendant has committed the offense, and  
 262 that no conditions of release will reasonably assure the  
 263 defendant's appearance at subsequent criminal proceedings;

264 4. The defendant is charged with DUI manslaughter, as  
 265 defined by s. 316.193, and that there is a substantial  
 266 probability that the defendant committed the crime and that the  
 267 defendant poses a threat of harm to the community; conditions  
 268 that would support a finding by the court pursuant to this  
 269 subparagraph that the defendant poses a threat of harm to the  
 270 community include, but are not limited to, any of the following:

271 a. The defendant has previously been convicted of any  
 272 crime under s. 316.193, or of any crime in any other state or  
 273 territory of the United States that is substantially similar to  
 274 any crime under s. 316.193;

275 b. The defendant was driving with a suspended driver

276 license when the charged crime was committed; or

277 c. The defendant has previously been found guilty of, or  
278 has had adjudication of guilt withheld for, driving while the  
279 defendant's driver license was suspended or revoked in violation  
280 of s. 322.34;

281 5. The defendant poses the threat of harm to the  
282 community. The court may so conclude, if it finds that the  
283 defendant is presently charged with a dangerous crime, that  
284 there is a substantial probability that the defendant committed  
285 such crime, that the factual circumstances of the crime indicate  
286 a disregard for the safety of the community, and that there are  
287 no conditions of release reasonably sufficient to protect the  
288 community from the risk of physical harm to persons;

289 6. The defendant was on probation, parole, or other  
290 release pending completion of sentence or on pretrial release  
291 for a dangerous crime at the time the current offense was  
292 committed;

293 7. The defendant has violated one or more conditions of  
294 pretrial release or bond for the offense currently before the  
295 court and the violation, in the discretion of the court,  
296 supports a finding that no conditions of release can reasonably  
297 protect the community from risk of physical harm to persons or  
298 assure the presence of the accused at trial; or

299 8.a. The defendant has ever been sentenced pursuant to s.  
300 775.082 (9) or s. 775.084 as a prison releasee reoffender,

301 habitual violent felony offender, three-time violent felony  
302 offender, or violent career criminal, or the state attorney  
303 files a notice seeking that the defendant be sentenced pursuant  
304 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
305 habitual violent felony offender, three-time violent felony  
306 offender, or violent career criminal;

307 b. There is a substantial probability that the defendant  
308 committed the offense; and

309 c. There are no conditions of release that can reasonably  
310 protect the community from risk of physical harm or ensure the  
311 presence of the accused at trial.

312 (d) If a defendant is arrested for a dangerous crime that  
313 is a capital felony, a life felony, or a felony of the first  
314 degree, and the court determines there is probable cause to  
315 believe the defendant committed the offense, the state attorney,  
316 or the court on its own motion, shall motion for pretrial  
317 detention. If the court finds a substantial probability that the  
318 defendant committed the offense and, based on the defendant's  
319 past and present patterns of behavior, consideration of the  
320 criteria in s. 903.046, and any other relevant facts, that no  
321 conditions of release or bail will reasonably protect the  
322 community from risk of physical harm, ensure the presence of the  
323 defendant at trial, or assure the integrity of the judicial  
324 process, the court must order pretrial detention.

325 (e)-(d) When a person charged with a crime for which

326 pretrial detention could be ordered is arrested, the arresting  
327 agency shall promptly notify the state attorney of the arrest  
328 and shall provide the state attorney with such information as  
329 the arresting agency has obtained relative to:

330 1. The nature and circumstances of the offense charged;

331 2. The nature of any physical evidence seized and the  
332 contents of any statements obtained from the defendant or any  
333 witness;

334 3. The defendant's family ties, residence, employment,  
335 financial condition, and mental condition; and

336 4. The defendant's past conduct and present conduct,  
337 including any record of convictions, previous flight to avoid  
338 prosecution, or failure to appear at court proceedings.

339 ~~(f)(e)~~ When a person charged with a crime for which  
340 pretrial detention could be ordered is arrested, the arresting  
341 agency may detain such defendant, prior to his or her first  
342 appearance hearing or prior to the filing by the state attorney  
343 of a motion seeking pretrial detention, for a period not to  
344 exceed 24 hours.

345 (g)1.-(f) If a motion for pretrial detention is required  
346 under paragraph (d), the pretrial detention hearing must shall  
347 be held within 5 days after the defendant's first appearance  
348 hearing or, if there is no first appearance hearing, within 5  
349 days after the defendant's arraignment of the filing by the  
350 state attorney of a complaint to seek pretrial detention.

351 2. If a state attorney files a motion for pretrial  
352 detention under paragraph (c), the pretrial detention hearing  
353 must be held within 5 days after the filing of such motion.

354 3. The defendant may request a continuance of a pretrial  
355 detention hearing. No continuance shall be for longer than 5  
356 days unless there are extenuating circumstances. ~~The defendant~~  
357 ~~may be detained pending the hearing.~~ The state attorney shall be  
358 entitled to one continuance for good cause.

359 4. The defendant may be detained pending the completion of  
360 the pretrial detention hearing. If a defendant is released on  
361 bail pending a pretrial detention hearing under paragraph (d),  
362 the court must inform the defendant that if he or she uses a  
363 surety bond to meet the monetary component of pretrial release  
364 and the motion for pretrial detention is subsequently granted,  
365 the defendant will not be entitled to the return of the premium  
366 on such surety bond.

367 ~~(h)(g)~~ The state attorney has the burden of showing the  
368 need for pretrial detention.

369 ~~(i)(h)~~ The defendant is entitled to be represented by  
370 counsel, to present witnesses and evidence, and to cross-examine  
371 witnesses. The rules concerning admissibility of evidence in  
372 criminal trials do not apply to the presentation and  
373 consideration of evidence at the detention hearing ~~The court may~~  
374 ~~admit relevant evidence without complying with the rules of~~  
375 ~~evidence,~~ but evidence secured in violation of the United States

376 Constitution or the Constitution of the State of Florida shall  
377 not be admissible. No testimony by the defendant shall be  
378 admissible to prove guilt at any other judicial proceeding, but  
379 such testimony may be admitted in an action for perjury, based  
380 upon the defendant's statements made at the pretrial detention  
381 hearing, or for impeachment.

382 (j) A party may motion for a pretrial detention order to  
383 be reconsidered at any time before a defendant's trial if the  
384 judge finds that information exists that was not known to the  
385 party moving for reconsideration at the time of the pretrial  
386 detention hearing and that such information has a material  
387 bearing on determining whether there are conditions of release  
388 or bail that will reasonably assure the appearance of the  
389 defendant as required and the safety of any other person and the  
390 community from harm.

391 (k)-(i) The pretrial detention order of the court shall be  
392 based solely upon evidence produced at the hearing and shall  
393 contain findings of fact and conclusions of law to support it.  
394 The order shall be made either in writing or orally on the  
395 record. The court shall render its findings within 24 hours of  
396 the pretrial detention hearing.

397 (l)-(j) A defendant convicted at trial following the  
398 issuance of a pretrial detention order shall have credited to  
399 his or her sentence, if imprisonment is imposed, the time the  
400 defendant was held under the order, pursuant to s. 921.161.



401        (m)~~(k)~~ The defendant shall be entitled to dissolution of  
402 the pretrial detention order whenever the court finds that a  
403 subsequent event has eliminated the basis for detention.

404        ~~(l) The Legislature finds that a person who manufactures~~  
405 ~~any substances in violation of chapter 893 poses a threat of~~  
406 ~~harm to the community and that the factual circumstances of such~~  
407 ~~a crime indicate a disregard for the safety of the community.~~  
408 ~~The court shall order pretrial detention if the court finds that~~  
409 ~~there is a substantial probability that a defendant charged with~~  
410 ~~manufacturing any substances in violation of chapter 893~~  
411 ~~committed such a crime and if the court finds that there are no~~  
412 ~~conditions of release reasonably sufficient to protect the~~  
413 ~~community from the risk of physical harm to persons.~~

414        Section 5. This act shall take effect January 1, 2024.