

By Senator Jones

34-01591-24

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1                                   A bill to be entitled  
2       An act relating to pretrial release; creating s.  
3       903.001, F.S.; abolishing monetary bail after a  
4       specified date; providing exceptions; providing a  
5       directive to the Division of Law Revision; amending s.  
6       903.011, F.S.; providing that the terms "bail" and  
7       "bond" in the Florida Statutes include any and all  
8       forms of pretrial release; conforming provisions to  
9       changes made by the act; amending ss. 903.02, 903.03,  
10      and 903.035, F.S.; conforming provisions to changes  
11      made by the act; amending s. 903.0351, F.S.;  
12      conforming provisions to changes made by the act;  
13      providing a date; repealing s. 903.045, F.S., relating  
14      to the nature of criminal surety bail bonds; amending  
15      ss. 903.046 and 903.047, F.S.; conforming provisions  
16      to changes made by the act; repealing s. 903.05, F.S.,  
17      relating to qualification of sureties; repealing s.  
18      903.06, F.S., relating to validity of undertakings by  
19      minors; amending s. 903.101, F.S.; conforming  
20      provisions to changes made by the act; repealing s.  
21      903.105, F.S., relating to appearance bonds; amending  
22      ss. 903.131, 903.132, and 903.133, F.S.; conforming  
23      provisions to changes made by the act; repealing s.  
24      903.14, F.S., relating to contracts to indemnify  
25      sureties; repealing s. 903.16, F.S., relating to the  
26      deposit of money or bonds as bail; repealing s.  
27      903.17, F.S., relating to substitution of cash bail  
28      for other bail; repealing s. 903.18, F.S., relating to  
29      bail after deposit of money or bonds; repealing s.

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30 903.20, F.S., relating to surrender of defendant;  
31 repealing s. 903.21, F.S., relating to method of  
32 surrender and exoneration of obligors; repealing s.  
33 903.22, F.S., relating to arrest of principal by  
34 surety before forfeiture; repealing s. 903.26, F.S.,  
35 relating to forfeiture of the bond; repealing s.  
36 903.27, F.S., relating to forfeiture to judgment;  
37 repealing s. 903.28, F.S., relating to remission of  
38 forfeiture; repealing s. 903.286, F.S., relating to  
39 return of cash bond; repealing s. 903.29, F.S.,  
40 relating to arrest of principal by surety after  
41 forfeiture; repealing s. 903.31, F.S., relating to  
42 canceling a bond; repealing s. 903.32, F.S., relating  
43 to defects in a bond; repealing s. 903.33, F.S.,  
44 relating to bail not being discharged for certain  
45 defects; repealing s. 903.34, F.S., relating to who  
46 may admit a defendant to bail; repealing s. 903.36,  
47 F.S., relating to guaranteed arrest bond certificates  
48 as cash bail; amending ss. 16.713, 27.52, 44.407,  
49 61.125, 79.08, 142.01, 142.09, 316.027, 316.635,  
50 316.650, 321.05, 322.25, 322.26, 322.28, 327.74,  
51 341.3025, 384.281, 394.915, 648.44, 648.442, 648.571,  
52 741.2901, 741.30, 784.046, 784.0485, 784.0495,  
53 825.1035, 843.15, 870.01, 870.02, 900.05, 901.07,  
54 901.08, 907.04, 907.041, 907.043, 908.105, 918.03,  
55 918.04, 921.0022, 924.071, 924.16, 925.08, 939.14,  
56 941.03, 941.10, 941.13, 941.15, 941.16, 941.17,  
57 941.18, 941.22, 941.23, 941.26, 941.32, 944.405,  
58 947.22, 948.06, 951.26, and 960.001, F.S.; conforming

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59 provisions to changes made by the act; providing an  
60 effective date.

61

62 Be It Enacted by the Legislature of the State of Florida:

63

64 Section 1. Section 903.001, Florida Statutes, is created to  
65 read:

66 903.001 Abolition of monetary bail.—Beginning July 1, 2024,  
67 the requirement of posting monetary bail is abolished, except as  
68 provided in the Driver License Compact, the Nonresident Violator  
69 Compact, and the Wildlife Violator Compact, which are compacts  
70 that have been entered into between this state and its sister  
71 states.

72 Section 2. The Division of Law Revision is directed to  
73 change the title of chapter 903, Florida Statutes, to "Pretrial  
74 Release."

75 Section 3. Section 903.011, Florida Statutes, is amended to  
76 read:

77 ~~903.011 Pretrial release; general terms; statewide uniform~~  
78 ~~bond schedule.—~~

79 (1) As used in the Florida Statutes this chapter, the terms  
80 "bail" and "bond" include any and all forms of pretrial release.

81 ~~(2) Any monetary or cash component of any form of pretrial~~  
82 ~~release may be met by a surety bond.~~

83 ~~(3) Differing monetary amounts may not be set for cash,~~  
84 ~~surety, or other forms of pretrial release.~~

85 ~~(4) Except as authorized in subsection (5), only a judge~~  
86 ~~may set, reduce, or otherwise alter a defendant's bail. Upon~~  
87 ~~motion by a defendant, or on the court's own motion, a court may~~

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88 ~~reconsider the monetary component of a defendant's bail if he or~~  
89 ~~she is unable to post a monetary bond.~~

90 ~~(5) (a) Beginning January 1, 2024, and annually thereafter,~~  
91 ~~the Supreme Court must adopt a uniform statewide bond schedule~~  
92 ~~for criminal offenses not described in subsection (6) for which~~  
93 ~~a person may be released on bail before and in lieu of his or~~  
94 ~~her first appearance hearing or bail determination. The Supreme~~  
95 ~~Court must make the revised uniform statewide bond schedule~~  
96 ~~available to each judicial circuit.~~

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

102 ~~(c) The chief judge of a judicial circuit may petition the~~  
103 ~~Supreme Court for approval of a local bond schedule that sets a~~  
104 ~~lower bond amount than that required by the uniform statewide~~  
105 ~~bond schedule. If the Supreme Court reviews and approves the~~  
106 ~~local bond schedule, such schedule may be used for the purpose~~  
107 ~~of setting a defendant's bail before a first appearance hearing~~  
108 ~~or bail determination pending the adoption of a new or revised~~  
109 ~~uniform statewide bond schedule pursuant to paragraph (a).~~

110 ~~(d) The chief judge of a judicial circuit may establish a~~  
111 ~~local bond schedule that increases the monetary bond applicable~~  
112 ~~to an offense that is included in the uniform statewide bond~~  
113 ~~schedule adopted by the Supreme Court. Such a deviation from the~~  
114 ~~uniform statewide bond schedule does not require approval by the~~  
115 ~~Supreme Court.~~

116 ~~(e) In adopting the uniform statewide bond schedule or~~

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117 ~~reviewing a petition for a local bond schedule that deviates~~  
118 ~~from the uniform statewide bond schedule, the Florida Supreme~~  
119 ~~Court shall evaluate the amount of monetary bond necessary to~~  
120 ~~protect the community from risk of physical harm, to assure the~~  
121 ~~presence of the accused at trial, and to protect the integrity~~  
122 ~~of the judicial process.~~

123 ~~(f) The uniform statewide bond schedule shall not bind a~~  
124 ~~judge in an individual case who is conducting a first appearance~~  
125 ~~hearing or bail determination.~~

126 ~~(2)(6)~~ A person may not be released before his or her first  
127 appearance hearing or pretrial release ~~bail~~ determination and a  
128 judge must determine pretrial release ~~the appropriate bail, if~~  
129 ~~any,~~ based on an individualized consideration of the criteria in  
130 s. 903.046(2), if the person meets any of the following  
131 criteria:

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

135 (b) The person was, at the time of arrest, designated as a  
136 sexual offender or sexual predator in this state or any other  
137 state;

138 (c) The person was arrested for violating a protective  
139 injunction;

140 (d) The person was, at the time of arrest, on release from  
141 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.  
142 944.4731;

143 (e) The person has, at any time before the current arrest,  
144 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a  
145 prison releasee reoffender, habitual violent felony offender,

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146 three-time violent felony offender, or violent career criminal;

147 (f) The person has been arrested three or more times in the  
148 6 months immediately preceding his or her arrest for the current  
149 offense; or

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

152 1. A capital felony, life felony, felony of the first  
153 degree, or felony of the second degree;

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

156 3. Assault in furtherance of a riot or an aggravated riot;  
157 felony battery; domestic battery by strangulation; domestic  
158 violence, as defined in s. 741.28; stalking; mob intimidation;  
159 assault or battery on a law enforcement officer; assault or  
160 battery on juvenile probation officer, or other staff of a  
161 detention center or commitment facility, or a staff member of a  
162 commitment facility, or health services personnel; assault or  
163 battery on a person 65 years of age or older; robbery; burglary;  
164 carjacking; or resisting an officer with violence;

165 4. Kidnapping, false imprisonment, human trafficking, or  
166 human smuggling;

167 5. Possession of a firearm or ammunition by a felon,  
168 violent career criminal, or person subject to an injunction  
169 against committing acts of domestic violence, stalking, or  
170 cyberstalking;

171 6. Sexual battery; indecent, lewd, or lascivious touching;  
172 exposure of sexual organs; incest; luring or enticing a child;  
173 or child pornography;

174 7. Abuse, neglect, or exploitation of an elderly person or

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175 disabled adult;

176 8. Child abuse or aggravated child abuse;

177 9. Arson; riot, aggravated riot, inciting a riot, or  
178 aggravated inciting a riot; or a burglary or theft during a  
179 riot;

180 10. Escape; tampering or retaliating against a witness,  
181 victim, or informant; destruction of evidence; or tampering with  
182 a jury;

183 11. Any offense committed for the purpose of benefiting,  
184 promoting, or furthering the interests of a criminal gang;

185 12. Trafficking in a controlled substance, including  
186 conspiracy to engage in trafficking in a controlled substance;

187 13. Racketeering; or

188 14. Failure to appear at required court proceedings while  
189 on pretrial release ~~bail~~.

190 Section 4. Section 903.02, Florida Statutes, is amended to  
191 read:

192 903.02 Actions following denial; changes in pretrial  
193 release ~~bail~~ conditions ~~or bond amount~~; separation by charge or  
194 offense.—

195 (1) If application for pretrial release ~~bail~~ is made to an  
196 authorized court and denied, no court of inferior jurisdiction  
197 shall admit the applicant to pretrial release ~~bail~~ unless such  
198 court of inferior jurisdiction is the court having jurisdiction  
199 to try the defendant.

200 (2) No judge of a court of equal or inferior jurisdiction  
201 may remove a condition of pretrial release ~~bail~~ ~~or reduce the~~  
202 ~~amount of bond required~~, unless such judge:

203 (a) Imposed the conditions of pretrial release ~~bail~~ ~~or set~~

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204 ~~the amount of bond required;~~

205 (b) Is the chief judge of the circuit in which the  
206 defendant is to be tried;

207 (c) Has been assigned to preside over the criminal trial of  
208 the defendant; or

209 (d) Is the designee of the chief judge and a judge has not  
210 yet been assigned to the criminal trial.

211 (3) The term "court," as used in this chapter, includes all  
212 state courts.

213 ~~(4) Any judge setting or granting monetary bail shall set a~~  
214 ~~separate and specific bail amount for each charge or offense.~~  
215 ~~When bail is posted, each charge or offense requires a separate~~  
216 ~~bond.~~

217 Section 5. Section 903.03, Florida Statutes, is amended to  
218 read:

219 903.03 Jurisdiction of trial court to admit to pretrial  
220 release bail; duties and responsibilities of Department of  
221 Corrections.—

222 (1) After a person is held to answer by a trial court  
223 judge, the court having jurisdiction to try the defendant shall,  
224 before indictment, affidavit, or information is filed, have  
225 jurisdiction to hear and decide all preliminary motions  
226 regarding pretrial release bail and production or impounding of  
227 all articles, writings, moneys, or other exhibits expected to be  
228 used at the trial by either the state or the defendant.

229 (2) (a) The Department of Corrections shall have the  
230 authority on the request of a circuit court when a person  
231 charged with a noncapital crime or ~~bailable~~ offense for which  
232 pretrial release is available is held, to make an investigation



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233 and report to the court, including:

234 1. The circumstances of the accused's family, employment,  
235 financial resources, character, mental condition, and length of  
236 residence in the community;

237 2. The accused's record of convictions, of appearance at  
238 court proceedings, of flight to avoid prosecution, or failure to  
239 appear at court proceedings; and

240 3. Other facts that may be needed to assist the court in  
241 its determination of the indigency of the accused and whether  
242 she or he should be released on her or his own recognizance.

243 (b) The court shall not be bound by the recommendations.

244 Section 6. Section 903.035, Florida Statutes, is amended to  
245 read:

246 903.035 Applications for pretrial release ~~bail~~; information  
247 provided; hearing on application for modification; penalty for  
248 providing false or misleading information or omitting material  
249 information.-

250 (1) (a) All information provided by a defendant, in  
251 connection with any application for or attempt to secure  
252 pretrial release ~~bail~~, to any court, court personnel, or  
253 individual soliciting or recording such information for the  
254 purpose of evaluating eligibility for, or securing, pretrial  
255 release ~~bail~~ for the defendant, under circumstances such that  
256 the defendant knew or should have known that the information was  
257 to be used in connection with an application for pretrial  
258 release ~~bail~~, shall be accurate, truthful, and complete without  
259 omissions to the best knowledge of the defendant.

260 (b) The failure to comply with ~~the provisions of~~ paragraph  
261 (a) may result in the revocation or modification of pretrial

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262 release ~~bail~~.

263 (2) An application for modification of pretrial release  
264 ~~bail~~ on any felony charge must be heard by a court in person, at  
265 a hearing with the defendant present, and with at least 3 hours'  
266 notice to the state attorney.

267 (3) Any person who intentionally provides false or  
268 misleading material information or intentionally omits material  
269 information in connection with an application for pretrial  
270 release ~~bail~~ or for modification of pretrial release commits  
271 ~~bail is guilty of~~ a misdemeanor or felony which is one degree  
272 less than that of the crime charged for which pretrial release  
273 ~~bail~~ is sought, but which in no event is greater than a felony  
274 of the third degree, punishable as provided in s. 775.082 or s.  
275 775.083.

276 Section 7. Section 903.0351, Florida Statutes, is amended  
277 to read:

278 903.0351 Restrictions on pretrial release pending  
279 probation-violation hearing or community-control-violation  
280 hearing.—

281 (1) In the instance of an alleged violation of felony  
282 probation or community control, ~~bail~~ or any other form of  
283 pretrial release shall not be granted prior to the resolution of  
284 the probation-violation hearing or the community-control-  
285 violation hearing to:

286 (a) A violent felony offender of special concern as defined  
287 in s. 948.06;

288 (b) A person who is on felony probation or community  
289 control for any offense committed on or after March 12, 2007,  
290 ~~the effective date of this act~~ and who is arrested for a

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291 qualifying offense as defined in s. 948.06(8)(c); or

292 (c) A person who is on felony probation or community  
293 control and has previously been found by a court to be a  
294 habitual violent felony offender as defined in s. 775.084(1)(b),  
295 a three-time violent felony offender as defined in s.  
296 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
297 arrested for committing a qualifying offense as defined in s.  
298 948.06(8)(c) on or after March 12, 2007 ~~the effective date of~~  
299 ~~this act.~~

300 (2) Subsection (1) does ~~shall~~ not apply when ~~where~~ the  
301 alleged violation of felony probation or community control is  
302 based solely on the probationer or offender's failure to pay  
303 costs or fines or make restitution payments.

304 Section 8. Section 903.045, Florida Statutes, is repealed.

305 Section 9. Section 903.046, Florida Statutes, is amended to  
306 read:

307 903.046 Purpose of and criteria for pretrial release ~~bail~~  
308 determination.—

309 (1) It is presumed that a defendant is entitled to release  
310 on personal recognizance on the conditions that the defendant  
311 attend all required court proceedings, not commit any criminal  
312 offense, and comply with all conditions of pretrial release,  
313 including, but not limited to, orders of protection. Additional  
314 conditions of pretrial release shall be set only when it is  
315 determined that they are necessary to ensure that the defendant  
316 appears in court, does not commit any criminal offense, and  
317 complies with all conditions of pretrial release. Detention may  
318 only be imposed when it is determined that the defendant poses a  
319 danger to a specific, identifiable person or persons, or the

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320 defendant has a high likelihood of willful flight. If the court  
321 deems that the defendant is to be released on personal  
322 recognizance, the court may require that a written admonishment  
323 be signed by the defendant that he or she comply with all  
324 conditions of release ~~The purpose of a bail determination in~~  
325 ~~criminal proceedings is to ensure the appearance of the criminal~~  
326 ~~defendant at subsequent proceedings and to protect the community~~  
327 ~~against unreasonable danger from the criminal defendant.~~

328 (2) When determining whether to release a defendant or ~~on~~  
329 ~~bail or other conditions, and what the ~~that~~ bail or those~~  
330 conditions of pretrial release may be, the court shall consider:

331 (a) The nature and circumstances of the offense charged.

332 (b) The weight of the evidence against the defendant.

333 (c) The defendant's family ties, length of residence in the  
334 community, employment history, financial resources, and mental  
335 condition.

336 (d) The defendant's past and present conduct, including any  
337 record of convictions, previous flight to avoid prosecution, or  
338 failure to appear at court proceedings. However, any defendant  
339 who had failed to appear on the day of any required court  
340 proceeding in the case at issue, but who had later voluntarily  
341 appeared or surrendered, is ~~shall~~ not be eligible for a  
342 recognizance bond; and any defendant who failed to appear on the  
343 day of any required court proceeding in the case at issue and  
344 who was later arrested is ~~shall~~ not be eligible for a  
345 recognizance bond ~~or for any form of bond which does not require~~  
346 ~~a monetary undertaking or commitment equal to or greater than~~  
347 ~~\$2,000 or twice the value of the monetary commitment or~~  
348 ~~undertaking of the original bond, whichever is greater.~~

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349 Notwithstanding anything in this section, the court has  
350 discretion in determining conditions of release if the defendant  
351 proves circumstances beyond his or her control for the failure  
352 to appear. ~~This section may not be construed as imposing~~  
353 ~~additional duties or obligations on a governmental entity~~  
354 ~~related to monetary bonds.~~

355 (e) The nature and probability of danger which the  
356 defendant's release poses to the community.

357 ~~(f) The source of funds used to post bail or procure an~~  
358 ~~appearance bond, particularly whether the proffered funds, real~~  
359 ~~property, property, or any proposed collateral or bond premium~~  
360 ~~may be linked to or derived from the crime alleged to have been~~  
361 ~~committed or from any other criminal or illicit activities. The~~  
362 ~~burden of establishing the noninvolvement in or nonderivation~~  
363 ~~from criminal or other illicit activity of such proffered funds,~~  
364 ~~real property, property, or any proposed collateral or bond~~  
365 ~~premium falls upon the defendant or other person proffering them~~  
366 ~~to obtain the defendant's release.~~

367 ~~(f)(g)~~ Whether the defendant is already on release pending  
368 resolution of another criminal proceeding or on probation,  
369 parole, or other release pending completion of a sentence.

370 ~~(g)(h)~~ The street value of any drug or controlled substance  
371 connected to or involved in the criminal charge. It is the  
372 finding and intent of the Legislature that crimes involving  
373 drugs and other controlled substances are of serious social  
374 concern, and that the flight of defendants to avoid prosecution  
375 is of similar serious social concern, ~~and that frequently such~~  
376 ~~defendants are able to post monetary bail using the proceeds of~~  
377 ~~their unlawful enterprises to defeat the social utility of~~

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378 ~~pretrial bail. Therefore, the courts should carefully consider~~  
379 ~~the utility and necessity of substantial bail in relation to the~~  
380 ~~street value of the drugs or controlled substances involved.~~

381 (h)~~(i)~~ The nature and probability of intimidation and  
382 danger to victims.

383 (i)~~(j)~~ Whether there is probable cause to believe that the  
384 defendant committed a new crime while on pretrial release.

385 (j)~~(k)~~ Any other facts that the court considers relevant.

386 (k)~~(l)~~ Whether the crime charged is a violation of chapter  
387 874 or alleged to be subject to enhanced punishment under  
388 chapter 874 or reclassification under s. 843.22. If any such  
389 violation is charged against a defendant or if the defendant is  
390 charged with a crime that is alleged to be subject to such  
391 enhancement or reclassification, he or she is not eligible for  
392 pretrial release ~~on bail or surety bond~~ until the first  
393 appearance on the case in order to ensure the full participation  
394 of the prosecutor and the protection of the public.

395 (l)~~(m)~~ Whether the defendant, other than a defendant whose  
396 only criminal charge is a misdemeanor offense under chapter 316,  
397 is required to register as a sexual offender under s. 943.0435  
398 or a sexual predator under s. 775.21; and, if so, he or she is  
399 not eligible for pretrial release ~~on bail or surety bond~~ until  
400 the first appearance on the case in order to ensure the full  
401 participation of the prosecutor and the protection of the  
402 public.

403 Section 10. Section 903.047, Florida Statutes, is amended  
404 to read:

405 903.047 Conditions of pretrial release.—

406 (1) As a condition of pretrial release, ~~whether such~~

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407 ~~release is by surety bail bond or recognizance bond or in some~~  
408 ~~other form~~, the defendant must:

409 (a) Refrain from criminal activity of any kind.

410 (b) If the court issues an order of no contact, refrain  
411 from any contact of any type with the victim, except through  
412 pretrial discovery pursuant to the Florida Rules of Criminal  
413 Procedure. An order of no contact is effective immediately and  
414 enforceable for the duration of the pretrial release or until it  
415 is modified by the court. The defendant shall be informed in  
416 writing of the order of no contact, specifying the applicable  
417 prohibited acts, before the defendant is released from custody  
418 on pretrial release. As used in this section, unless otherwise  
419 specified by the court, the term "no contact" includes the  
420 following prohibited acts:

421 1. Communicating orally or in any written form, either in  
422 person, telephonically, electronically, or in any other manner,  
423 either directly or indirectly through a third person, with the  
424 victim or any other person named in the order. If the victim and  
425 the defendant have children in common, at the request of the  
426 defendant, the court may designate an appropriate third person  
427 to contact the victim for the sole purpose of facilitating the  
428 defendant's contact with the children. However, this  
429 subparagraph does not prohibit an attorney for the defendant,  
430 consistent with rules regulating The Florida Bar, from  
431 communicating with any person protected by the no contact order  
432 for lawful purposes.

433 2. Having physical or violent contact with the victim or  
434 other named person or his or her property.

435 3. Being within 500 feet of the victim's or other named

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436 person's residence, even if the defendant and the victim or  
437 other named person share the residence.

438 4. Being within 500 feet of the victim's or other named  
439 person's vehicle, place of employment, or a specified place  
440 frequented regularly by such person.

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

446 1. Maintain employment, or, if unemployed, actively seek  
447 employment.

448 2. Maintain or commence an educational program.

449 3. Abide by specified restrictions on personal  
450 associations, place of residence, or travel.

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

453 5. Comply with a specified curfew.

454 6. Refrain from possessing a firearm, destructive device,  
455 or other dangerous weapon.

456 7. Refrain from excessive use of alcohol, or any use of a  
457 narcotic drug or other controlled substance without a  
458 prescription from a licensed medical practitioner.

459 8. Undergo available medical, psychological, psychiatric,  
460 mental health, or substance abuse evaluation and follow all  
461 recommendations, including treatment for drug or alcohol  
462 dependency, and remain in a specified institution, if required  
463 for that purpose.

464 9. Return to custody for specified hours following release



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465 for employment, school, or other limited purposes.

466 10. Any other condition that is reasonably necessary to  
467 assure the appearance of the defendant at subsequent proceedings  
468 and to protect the community against unreasonable danger of  
469 harm.

470 (2) Upon motion by the defendant ~~when bail is set, or upon~~  
471 ~~later motion~~ properly noticed pursuant to law, the court may  
472 modify the condition required by paragraph (1)(b) if good cause  
473 is shown and the interests of justice so require. The victim  
474 shall be permitted to be heard at any proceeding in which such  
475 modification is considered, and the state attorney shall notify  
476 the victim of the provisions of this subsection and of the  
477 pendency of any such proceeding.

478 Section 11. Section 903.05, Florida Statutes, is repealed.

479 Section 12. Section 903.06, Florida Statutes, is repealed.

480 Section 13. Section 903.101, Florida Statutes, is amended  
481 to read:

482 903.101 Sureties; licensed persons; to have equal access.-  
483 Subject to rules adopted by the Department of Financial Services  
484 and by the Financial Services Commission, every surety who meets  
485 the requirements of ss. ~~903.05, 903.06,~~ 903.08~~,~~ and 903.09, and  
486 every person who is currently licensed by the Department of  
487 Financial Services and registered as required by s. 648.42 shall  
488 have equal access to the jails of this state for the purpose of  
489 making bonds.

490 Section 14. Section 903.105, Florida Statutes, is repealed.

491 Section 15. Section 903.131, Florida Statutes, is amended  
492 to read:

493 903.131 Release ~~Bail~~ on appeal, revocation; recommission.-

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494 If a person released pending ~~admitted to bail on~~ appeal commits  
495 and is convicted of a separate felony while free on appeal, the  
496 release pending ~~bail on~~ appeal shall be revoked and the  
497 defendant committed forthwith.

498 Section 16. Section 903.132, Florida Statutes, is amended  
499 to read:

500 903.132 Release pending ~~Bail on~~ appeal; conditions for  
501 granting; appellate review.—

502 (1) ~~A~~ No person may not be admitted to release pending ~~bail~~  
503 ~~upon~~ appeal from a conviction of a felony unless the defendant  
504 establishes that the appeal is taken in good faith, on grounds  
505 fairly debatable, and not frivolous. However, in no case shall  
506 such release ~~bail~~ be granted if such person has previously been  
507 convicted of a felony, the commission of which occurred prior to  
508 the commission of the subsequent felony, and such person's civil  
509 rights have not been restored or if other felony charges are  
510 pending against the person and probable cause has been found  
511 that the person has committed the felony or felonies at the time  
512 the request for such release ~~bail~~ is made.

513 (2) An order by a trial court denying release pending  
514 appeal ~~bail~~ to a person pursuant to ~~the provisions of~~ subsection  
515 (1) may be appealed as a matter of right to an appellate court,  
516 and such appeal shall be advanced on the calendar of the  
517 appellate court for expeditious review.

518 ~~(3) In no case may an original appearance bond be continued~~  
519 ~~for the appeal. To reflect the increased risk and probability of~~  
520 ~~longer time considerations, there shall be a new undertaking of~~  
521 ~~a bond for the appeal.~~

522 Section 17. Section 903.133, Florida Statutes, is amended

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523 to read:

524 903.133 Release pending ~~Bail on~~ appeal; prohibited for  
525 certain felony convictions.—Notwithstanding s. 903.132, a ne  
526 person may not shall be released ~~admitted to bail~~ pending review  
527 either by posttrial motion or appeal if he or she was adjudged  
528 guilty of:

529 (1) A felony of the first degree for a violation of s.  
530 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s.  
531 893.13, or s. 893.135;

532 (2) A violation of s. 794.011(2) or (3); or

533 (3) Any other offense requiring sexual offender  
534 registration under s. 943.0435(1)(h) or sexual predator  
535 registration under s. 775.21(4) when, at the time of the  
536 offense, the offender was 18 years of age or older and the  
537 victim was a minor.

538 Section 18. Sections 903.14, 903.16, 903.17, 903.18,  
539 903.20, 903.21, 903.22, 903.26, 903.27, 903.28, 903.286, 903.29,  
540 903.31, 903.32, 903.33, 903.34, and 903.36, Florida Statutes,  
541 are repealed.

542 Section 19. Paragraph (b) of subsection (4) of section  
543 16.713, Florida Statutes, is amended to read:

544 16.713 Florida Gaming Control Commission; appointment and  
545 employment restrictions.—

546 (4) NOTIFICATION REQUIREMENTS.—

547 (b) A commissioner or an employee must immediately provide  
548 detailed written notice of the circumstances to the commission  
549 if the member or employee is indicted, charged with, convicted  
550 of, pleads guilty or nolo contendere to, or has had pretrial  
551 release revoked ~~forfeits bail~~ for:

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552 1. A misdemeanor involving gambling, dishonesty, theft, or  
553 fraud;

554 2. A violation of any law in any state, or a law of the  
555 United States or any other jurisdiction, involving gambling,  
556 dishonesty, theft, or fraud which would constitute a misdemeanor  
557 under the laws of this state; or

558 3. A felony under the laws of this or any other state, the  
559 United States, or any other jurisdiction.

560 Section 20. Paragraph (a) of subsection (1) and paragraph  
561 (a) of subsection (4) of section 27.52, Florida Statutes, are  
562 amended to read:

563 27.52 Determination of indigent status.—

564 (1) APPLICATION TO THE CLERK.—A person seeking appointment  
565 of a public defender under s. 27.51 based upon an inability to  
566 pay must apply to the clerk of the court for a determination of  
567 indigent status using an application form developed by the  
568 Florida Clerks of Court Operations Corporation with final  
569 approval by the Supreme Court.

570 (a) The application must include, at a minimum, the  
571 following financial information:

572 1. Net income, consisting of total salary and wages, minus  
573 deductions required by law, including court-ordered support  
574 payments.

575 2. Other income, including, but not limited to, social  
576 security benefits, union funds, veterans' benefits, workers'  
577 compensation, other regular support from absent family members,  
578 public or private employee pensions, reemployment assistance or  
579 unemployment compensation, dividends, interest, rent, trusts,  
580 and gifts.

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581           3. Assets, including, but not limited to, cash, savings  
582 accounts, bank accounts, stocks, bonds, certificates of deposit,  
583 equity in real estate, and equity in a boat or a motor vehicle  
584 or in other tangible property.

585           4. All liabilities and debts.

586           ~~5. If applicable, the amount of any bail paid for the~~  
587 ~~applicant's release from incarceration and the source of the~~  
588 ~~funds.~~

589

590 The application must include a signature by the applicant which  
591 attests to the truthfulness of the information provided. The  
592 application form developed by the corporation must include  
593 notice that the applicant may seek court review of a clerk's  
594 determination that the applicant is not indigent, as provided in  
595 this section.

596           (4) REVIEW OF CLERK'S DETERMINATION.—

597           (a) If the clerk of the court determines that the applicant  
598 is not indigent, and the applicant seeks review of the clerk's  
599 determination, the court shall make a final determination of  
600 indigent status by reviewing the information provided in the  
601 application against the criteria prescribed in subsection (2)  
602 and by considering the following additional factors:

603           ~~1. Whether the applicant has been released on bail in an~~  
604 ~~amount of \$5,000 or more.~~

605           1.2. Whether a bond has been posted, the type of bond, and  
606 who paid the bond.

607           2.3. Whether paying for private counsel in an amount that  
608 exceeds the limitations in s. 27.5304, or other due process  
609 services creates a substantial hardship for the applicant or the

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610 applicant's family.

611 ~~3.4.~~ Any other relevant financial circumstances of the  
612 applicant or the applicant's family.

613 Section 21. Paragraph (b) of subsection (3) of section  
614 44.407, Florida Statutes, is amended to read:

615 44.407 Elder-focused dispute resolution process.—

616 (3) REFERRAL.—

617 (b) The court may not refer a party who has a history of  
618 domestic violence or exploitation of an elderly person to  
619 eldercaring coordination unless the elder and other parties in  
620 the action consent to such referral.

621 1. The court shall offer each party an opportunity to  
622 consult with an attorney or a domestic violence advocate before  
623 accepting consent to such referral. The court shall determine  
624 whether each party has given his or her consent freely and  
625 voluntarily.

626 2. The court shall consider whether a party has committed  
627 an act of exploitation as defined in s. 415.102, exploitation of  
628 an elderly person or disabled adult as defined in s. 825.103(1),  
629 or domestic violence as defined in s. 741.28 against another  
630 party or any member of another party's family; engaged in a  
631 pattern of behaviors that exert power and control over another  
632 party and that may compromise another party's ability to  
633 negotiate a fair result; or engaged in behavior that leads  
634 another party to have reasonable cause to believe that he or she  
635 is in imminent danger of becoming a victim of domestic violence.  
636 The court shall consider and evaluate all relevant factors,  
637 including, but not limited to, the factors specified in s.  
638 741.30(6)(b).

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639           3. If a party has a history of domestic violence or  
640 exploitation of an elderly person, the court must order  
641 safeguards to protect the safety of the participants and the  
642 elder and the elder's property, including, but not limited to,  
643 adherence to all provisions of an injunction for protection or  
644 conditions of pretrial release ~~bail~~, probation, or a sentence  
645 arising from criminal proceedings.

646           Section 22. Paragraph (c) of subsection (4) of section  
647 61.125, Florida Statutes, is amended to read:

648           61.125 Parenting coordination.—

649           (4) DOMESTIC VIOLENCE ISSUES.—

650           (c) If there is a history of domestic violence, the court  
651 shall order safeguards to protect the safety of the  
652 participants, including, but not limited to, adherence to all  
653 provisions of an injunction for protection or conditions of  
654 pretrial release ~~bail~~, probation, or a sentence arising from  
655 criminal proceedings.

656           Section 23. Section 79.08, Florida Statutes, is amended to  
657 read:

658           79.08 Hearing and judgment.—The court, justice, or judge  
659 before whom the prisoner is brought shall inquire without delay  
660 into the cause of the prisoner's imprisonment, and shall either  
661 discharge the prisoner, admit him or her to pretrial release  
662 ~~bail~~ or remand him or her to custody, as the law and the  
663 evidence require; and shall either award against the prisoner  
664 the charges of his or her transportation, not exceeding 15 cents  
665 per mile and the costs of the proceedings, or shall award the  
666 costs in the prisoner's favor, or shall award no costs or  
667 charges against either party, as is right. The clerk of the

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668 court in which such action is pending shall issue execution for  
669 the costs and charges awarded.

670 Section 24. Paragraph (d) of subsection (1) of section  
671 142.01, Florida Statutes, is amended to read:

672 142.01 Fine and forfeiture fund; disposition of revenue;  
673 clerk of the circuit court.—

674 (1) There shall be established by the clerk of the circuit  
675 court in each county of this state a separate fund to be known  
676 as the fine and forfeiture fund for use by the clerk of the  
677 circuit court in performing court-related functions. The fund  
678 shall consist of the following:

679 (d) Proceeds from ~~forfeited bail bonds~~, unclaimed bonds,  
680 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a)  
681 and, 379.2203(1), ~~and 903.26(3)(a)~~.

682 Section 25. Section 142.09, Florida Statutes, is amended to  
683 read:

684 142.09 If defendant is not convicted or dies.—If the  
685 defendant is not convicted, or the prosecution is abated by the  
686 death of the defendant, or if the costs are imposed on the  
687 defendant and execution against him or her is returned no  
688 property found, or if a nolle prosequere be entered, in each of  
689 these cases the fees of witnesses and officers arising from  
690 criminal causes shall be paid by the state in the manner  
691 specified in s. 40.29; provided, that when a committing trial  
692 court judge holds to pretrial release ~~bail~~ or commits a person  
693 to answer to a criminal charge and an information is not filed  
694 or an indictment found against such person, the costs and fees  
695 of such committing trial shall not be paid by the state, except  
696 the costs of executing the warrants.



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697 Section 26. Paragraph (c) of subsection (2) of section  
698 316.027, Florida Statutes, is amended to read:

699 316.027 Crash involving death or personal injuries.—

700 (2)

701 (c) The driver of a vehicle involved in a crash occurring  
702 on public or private property which results in the death of a  
703 person shall immediately stop the vehicle at the scene of the  
704 crash, or as close thereto as possible, and shall remain at the  
705 scene of the crash until he or she has fulfilled the  
706 requirements of s. 316.062. A person who is arrested for a  
707 violation of this paragraph and who has previously been  
708 convicted of a violation of this section, s. 316.061, s.  
709 316.191, or s. 316.193, or a felony violation of s. 322.34,  
710 shall be held in custody until brought before the court for  
711 admittance to pretrial release ~~bail~~ in accordance with chapter  
712 903. A person who willfully violates this paragraph commits a  
713 felony of the first degree, punishable as provided in s.  
714 775.082, s. 775.083, or s. 775.084, and shall be sentenced to a  
715 mandatory minimum term of imprisonment of 4 years. A person who  
716 willfully commits such a violation while driving under the  
717 influence as set forth in s. 316.193(1) shall be sentenced to a  
718 mandatory minimum term of imprisonment of 4 years.

719 Section 27. Paragraph (b) of subsection (3) of section  
720 316.635, Florida Statutes, is amended to read:

721 316.635 Courts having jurisdiction over traffic violations;  
722 powers relating to custody and detention of minors.—

723 (3) If a minor is taken into custody for a criminal traffic  
724 offense or a violation of chapter 322 and the minor does not  
725 demand to be taken before a trial court judge, or a Civil

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726 Traffic Infraction Hearing Officer, who has jurisdiction over  
 727 the offense or violation, the arresting officer or booking  
 728 officer shall immediately notify, or cause to be notified, the  
 729 minor's parents, guardian, or responsible adult relative of the  
 730 action taken. After making every reasonable effort to give  
 731 notice, the arresting officer or booking officer may:

732 (b) Issue a notice to appear pursuant to chapter 901 and  
 733 release the minor pursuant to chapter 903 ~~s. 903.06~~;

734  
 735 If action is not taken pursuant to paragraphs (a)-(d), the minor  
 736 shall be delivered to the Department of Juvenile Justice, and  
 737 the department shall make every reasonable effort to contact the  
 738 parents, guardian, or responsible adult relative to take custody  
 739 of the minor. If there is no parent, guardian, or responsible  
 740 adult relative available, the department may retain custody of  
 741 the minor for up to 24 hours.

742 Section 28. Subsection (5) of section 316.650, Florida  
 743 Statutes, is amended to read:

744 316.650 Traffic citations.—

745 (5) Upon the deposit of the original traffic citation or  
 746 upon an electronic transmission of a replica of citation data of  
 747 the traffic citation with respect to traffic enforcement  
 748 agencies that have an automated citation issuance system with a  
 749 court having jurisdiction over the alleged offense or with its  
 750 traffic violations bureau, the original citation, the electronic  
 751 citation containing a replica of citation data, or a copy of  
 752 such traffic citation may be disposed of only by trial in the  
 753 court or other official action by a judge of the court,  
 754 including revocation of pretrial release ~~forfeiture of the bail,~~

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755 ~~or by the deposit of sufficient bail with,~~ or payment of a fine  
756 to, the traffic violations bureau by the person to whom such  
757 traffic citation has been issued by the traffic enforcement  
758 officer.

759 Section 29. Paragraph (a) of subsection (4) of section  
760 321.05, Florida Statutes, is amended to read:

761 321.05 Duties, functions, and powers of patrol officers.—  
762 The members of the Florida Highway Patrol are hereby declared to  
763 be conservators of the peace and law enforcement officers of the  
764 state, with the common-law right to arrest a person who, in the  
765 presence of the arresting officer, commits a felony or commits  
766 an affray or breach of the peace constituting a misdemeanor,  
767 with full power to bear arms; and they shall apprehend, without  
768 warrant, any person in the unlawful commission of any of the  
769 acts over which the members of the Florida Highway Patrol are  
770 given jurisdiction as hereinafter set out and deliver him or her  
771 to the sheriff of the county that further proceedings may be had  
772 against him or her according to law. In the performance of any  
773 of the powers, duties, and functions authorized by law, members  
774 of the Florida Highway Patrol have the same protections and  
775 immunities afforded other peace officers, which shall be  
776 recognized by all courts having jurisdiction over offenses  
777 against the laws of this state, and have authority to apply for,  
778 serve, and execute search warrants, arrest warrants, capias, and  
779 other process of the court. The patrol officers under the  
780 direction and supervision of the Department of Highway Safety  
781 and Motor Vehicles shall perform and exercise throughout the  
782 state the following duties, functions, and powers:

783 (4) (a) All fines and costs and the proceeds of the

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784 forfeiture of ~~bail bonds~~ and recognizances resulting from the  
785 enforcement of this chapter by patrol officers shall be paid  
786 into the fine and forfeiture fund established pursuant to s.  
787 142.01 of the county where the offense is committed. In all  
788 cases of arrest by patrol officers, the person arrested shall be  
789 delivered forthwith by the officer to the sheriff of the county,  
790 or he or she shall obtain from the person arrested a  
791 recognizance ~~or, if deemed necessary, a cash bond or other~~  
792 ~~sufficient security~~ conditioned for his or her appearance before  
793 the proper tribunal of the county to answer the charge for which  
794 he or she has been arrested; and all fees accruing shall be  
795 taxed against the party arrested, which fees are hereby declared  
796 to be part of the compensation of the sheriffs authorized to be  
797 fixed by the Legislature under s. 5(c), Art. II of the State  
798 Constitution, to be paid such sheriffs in the same manner as  
799 fees are paid for like services in other criminal cases. All  
800 patrol officers are hereby directed to deliver all bonds  
801 accepted and approved by them to the sheriff of the county in  
802 which the offense is alleged to have been committed. However, a  
803 sheriff shall not be paid any arrest fee for the arrest of a  
804 person for violation of any section of chapter 316 when the  
805 arresting officer was transported in a Florida Highway Patrol  
806 car to the vicinity where the arrest was made; and a sheriff  
807 shall not be paid any fee for mileage for himself or herself or  
808 a prisoner for miles traveled in a Florida Highway Patrol car. A  
809 patrol officer is not entitled to any fee or mileage cost except  
810 when responding to a subpoena in a civil cause or except when  
811 the patrol officer is appearing as an official witness to  
812 testify at any hearing or law action in any court of this state

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813 as a direct result of his or her employment as a patrol officer  
814 during time not compensated as a part of his or her normal  
815 duties. Nothing herein shall be construed as limiting the power  
816 to locate and to take from any person under arrest or about to  
817 be arrested deadly weapons. This section is not a limitation  
818 upon existing powers and duties of sheriffs or police officers.

819 Section 30. Subsection (4) of section 322.25, Florida  
820 Statutes, is amended to read:

821 322.25 When court to forward license to department and  
822 report convictions.—

823 (4) For the purpose of this chapter, a revocation of  
824 pretrial release ~~forfeiture of bail or collateral deposited to~~  
825 ~~secure a defendant's appearance in court, which forfeiture has~~  
826 ~~not been vacated,~~ shall be equivalent to a conviction.

827 Section 31. Subsection (6) of section 322.26, Florida  
828 Statutes, is amended to read:

829 322.26 Mandatory revocation of license by department.—The  
830 department shall forthwith revoke the license or driving  
831 privilege of any person upon receiving a record of such person's  
832 conviction of any of the following offenses:

833 (6) Conviction, or revocation of pretrial release  
834 ~~forfeiture of bail~~ not vacated, upon three charges of reckless  
835 driving committed within a period of 12 months.

836 Section 32. Paragraph (c) of subsection (2) of section  
837 322.28, Florida Statutes, is amended to read:

838 322.28 Period of suspension or revocation.—

839 (2) In a prosecution for a violation of s. 316.193 or  
840 former s. 316.1931, the following provisions apply:

841 (c) The revocation of pretrial release ~~forfeiture of bail~~

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842 ~~bond~~, not vacated within 20 days, in any prosecution for the  
843 offense of driving while under the influence of alcoholic  
844 beverages, chemical substances, or controlled substances to the  
845 extent of depriving the defendant of his or her normal faculties  
846 shall be deemed equivalent to a conviction for the purposes of  
847 this paragraph, and the department shall forthwith revoke the  
848 defendant's driver license or driving privilege for the maximum  
849 period applicable under paragraph (a) for a first conviction and  
850 for the minimum period applicable under paragraph (a) for a  
851 second or subsequent conviction; however, if the defendant is  
852 later convicted of the charge, the period of revocation imposed  
853 by the department for such conviction shall not exceed the  
854 difference between the applicable maximum for a first conviction  
855 or minimum for a second or subsequent conviction and the  
856 revocation period under this subsection that has actually  
857 elapsed; upon conviction of such charge, the court may impose  
858 revocation for a period of time as specified in paragraph (a).  
859 This paragraph does not apply if an appropriate motion  
860 contesting the forfeiture is filed within the 20-day period.

861 Section 33. Subsection (5) of section 327.74, Florida  
862 Statutes, is amended to read:

863 327.74 Uniform boating citations.—

864 (5) Upon the deposit of the original and one copy of such  
865 boating citation with a court having jurisdiction over the  
866 alleged offense or with its traffic violations bureau as  
867 aforesaid, the original or copy of such boating citation may be  
868 disposed of only by trial in the court or other official action  
869 by a judge of the court, including revocation of pretrial  
870 release ~~forfeiture of the bail, or by the deposit of sufficient~~

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871 ~~bail with~~, or payment of a fine to, the traffic violations  
872 bureau by the person to whom such boating citation has been  
873 issued by the law enforcement officer.

874 Section 34. Paragraph (e) of subsection (3) of section  
875 341.3025, Florida Statutes, is amended to read:

876 341.3025 Multicounty public rail system fares and  
877 enforcement.—

878 (3)

879 (e) Upon the deposit of the original and one copy of such  
880 citation with a court having jurisdiction over the alleged  
881 offense, the original or copy of such citation may be disposed  
882 of only by trial in the court or other official action by a  
883 judge of the court, including revocation of pretrial release  
884 ~~forfeiture of the bail, or by the deposit of sufficient bail~~  
885 ~~with~~ or payment of a fine to the entity by the person to whom  
886 such citation has been issued.

887 Section 35. Subsection (4) of section 384.281, Florida  
888 Statutes, is amended to read:

889 384.281 Prehearing detention.—

890 (4) A person detained under this section shall be taken  
891 before a judicial officer for pretrial release ~~bail~~  
892 determination within 24 hours after ~~of~~ detention. The purpose of  
893 a pretrial release ~~bail~~ determination is to ensure the  
894 appearance of the person detained at the hearing scheduled  
895 pursuant to s. 384.27 or s. 384.28. When determining whether to  
896 release the person on pretrial release ~~bail~~ or other conditions,  
897 and what the pretrial release ~~bail or these~~ conditions may be,  
898 the court shall consider the person's past and present conduct,  
899 previous flight to avoid prosecution, or failure to appear at

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900 court proceedings. The person detained is entitled to be  
 901 represented by counsel and to have counsel appointed on his or  
 902 her behalf if he or she cannot afford one. The person is  
 903 entitled to present witnesses and evidence, and to cross-examine  
 904 witnesses.

905 Section 36. The catchline of section 394.915, Florida  
 906 Statutes, is amended to read:

907 394.915 Determination of probable cause; hearing;  
 908 evaluation; respondent taken into custody; ~~bail.~~-

909 Section 37. Paragraph (m) of subsection (1) of section  
 910 648.44, Florida Statutes, is amended to read:

911 648.44 Prohibitions; penalty.-

912 (1) A bail bond agent or bail bond agency may not:

913 (m) Execute a bond in this state if a judgment has been  
 914 entered on a bond executed by the bail bond agent or the bail  
 915 bond agency is a named party on the judgment, which has remained  
 916 unpaid for 35 days, ~~unless the full amount of the judgment is~~  
 917 ~~deposited with the clerk in accordance with s. 903.27(5).~~

918 Section 38. Subsection (9) of section 648.442, Florida  
 919 Statutes, is amended to read:

920 648.442 Collateral security.-

921 (9) The department shall establish by rule the form of the  
 922 affidavit and the statement identifying the amount and source of  
 923 the security ~~as specified in s. 903.14.~~

924 Section 39. Paragraph (c) of subsection (3) of section  
 925 648.571, Florida Statutes, is amended to read:

926 648.571 Failure to return collateral; penalty.-

927 (3)

928 ~~(c) Allowable expenses incurred in apprehending a defendant~~



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929 ~~because of a bond forfeiture or judgment under s. 903.29 may be~~  
930 ~~deducted if such expenses are accounted for. The failure to~~  
931 ~~return collateral under these terms is punishable as follows:~~

932 ~~1. If the collateral is of a value less than \$100, as~~  
933 ~~provided in s. 775.082(4)(a).~~

934 ~~2. If the collateral is of a value of \$100 or more, as~~  
935 ~~provided in s. 775.082(3)(c).~~

936 ~~3. If the collateral is of a value of \$1,500 or more, as~~  
937 ~~provided in s. 775.082(3)(d).~~

938 ~~4. If the collateral is of a value of \$10,000 or more, as~~  
939 ~~provided in s. 775.082(3)(b).~~

940 Section 40. Subsection (3) of section 741.2901, Florida  
941 Statutes, is amended to read:

942 741.2901 Domestic violence cases; prosecutors; legislative  
943 intent; investigation; duty of circuits; first appearance.-

944 (3) Before ~~Prior to~~ a defendant's first appearance in any  
945 charge of domestic violence as defined in s. 741.28, the State  
946 Attorney's Office shall perform a thorough investigation of the  
947 defendant's history, including, but not limited to: prior  
948 arrests for domestic violence, prior arrests for nondomestic  
949 charges, prior injunctions for protection against domestic and  
950 repeat violence filed listing the defendant as respondent and  
951 noting history of other victims, and prior walk-in domestic  
952 complaints filed against the defendant. This information shall  
953 be presented at first appearance, when setting bond, and when  
954 passing sentence, for consideration by the court. When a  
955 defendant is arrested for an act of domestic violence, the  
956 defendant shall be held in custody until brought before the  
957 court for admittance to pretrial release ~~bail~~ in accordance with

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958 chapter 903. In determining pretrial release ~~bail~~, the court  
959 shall consider the safety of the victim, the victim's children,  
960 and any other person who may be in danger if the defendant is  
961 released.

962 Section 41. Paragraph (b) of subsection (9) of section  
963 741.30, Florida Statutes, is amended to read:

964 741.30 Domestic violence; injunction; powers and duties of  
965 court and clerk; petition; notice and hearing; temporary  
966 injunction; issuance of injunction; statewide verification  
967 system; enforcement; public records exemption.—

968 (9)

969 (b) If the respondent is arrested by a law enforcement  
970 officer under s. 901.15(6) or for a violation of s. 741.31, the  
971 respondent shall be held in custody until brought before the  
972 court as expeditiously as possible for the purpose of enforcing  
973 the injunction and for admittance to pretrial release ~~bail~~ in  
974 accordance with chapter 903 and the applicable rules of criminal  
975 procedure, pending a hearing.

976 Section 42. Paragraph (b) of subsection (9) of section  
977 784.046, Florida Statutes, is amended to read:

978 784.046 Action by victim of repeat violence, sexual  
979 violence, or dating violence for protective injunction; dating  
980 violence investigations, notice to victims, and reporting;  
981 pretrial release violations; public records exemption.—

982 (9)

983 (b) If the respondent is arrested by a law enforcement  
984 officer under s. 901.15(6) for committing an act of repeat  
985 violence, sexual violence, or dating violence in violation of an  
986 injunction for protection, the respondent shall be held in

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987 custody until brought before the court as expeditiously as  
988 possible for the purpose of enforcing the injunction and for  
989 admittance to pretrial release ~~bail~~ in accordance with chapter  
990 903 and the applicable rules of criminal procedure, pending a  
991 hearing.

992 Section 43. Paragraph (b) of subsection (9) of section  
993 784.0485, Florida Statutes, is amended to read:

994 784.0485 Stalking; injunction; powers and duties of court  
995 and clerk; petition; notice and hearing; temporary injunction;  
996 issuance of injunction; statewide verification system;  
997 enforcement.—

998 (9)

999 (b) If the respondent is arrested by a law enforcement  
1000 officer under s. 901.15(6) or for a violation of s. 784.0487,  
1001 the respondent shall be held in custody until brought before the  
1002 court as expeditiously as possible for the purpose of enforcing  
1003 the injunction and for admittance to pretrial release ~~bail~~ in  
1004 accordance with chapter 903 and the applicable rules of criminal  
1005 procedure, pending a hearing.

1006 Section 44. Subsection (3) of section 784.0495, Florida  
1007 Statutes, is amended to read:

1008 784.0495 Mob intimidation.—

1009 (3) A person arrested for a violation of this section shall  
1010 be held in custody until brought before the court for admittance  
1011 to pretrial release ~~bail~~ in accordance with chapter 903.

1012 Section 45. Paragraph (b) of subsection (11) of section  
1013 825.1035, Florida Statutes, is amended to read:

1014 825.1035 Injunction for protection against exploitation of  
1015 a vulnerable adult.—

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1016 (11) ENFORCEMENT.—

1017 (b) If the respondent is arrested by a law enforcement  
1018 officer under s. 901.15(6) or for a violation of s. 825.1036,  
1019 the respondent must be held in custody until he or she is  
1020 brought before the court, which must occur as expeditiously as  
1021 possible, for the purpose of enforcing the injunction for  
1022 protection against exploitation of a vulnerable adult and for  
1023 admittance to pretrial release ~~bail~~ in accordance with chapter  
1024 903 and the applicable rules of criminal procedure, pending a  
1025 hearing.

1026 Section 46. Section 843.15, Florida Statutes, is amended to  
1027 read:

1028 843.15 Failure of defendant on pretrial release ~~bail~~ to  
1029 appear.—

1030 (1) Whoever, having been released pursuant to chapter 903,  
1031 willfully fails to appear before any court or judicial officer  
1032 as required shall incur a forfeiture of any security which was  
1033 given or pledged for her or his release and, in addition, shall:

1034 (a) If she or he was released in connection with a charge  
1035 of felony or while awaiting sentence or pending review by  
1036 certiorari after conviction of any offense, commits ~~be guilty of~~  
1037 a felony of the third degree, punishable as provided in s.  
1038 775.082, s. 775.083, or s. 775.084, or;

1039 (b) If she or he was released in connection with a charge  
1040 of misdemeanor, commits ~~be guilty of~~ a misdemeanor of the first  
1041 degree, punishable as provided in s. 775.082 or s. 775.083.

1042 (2) ~~Nothing in~~ This section does not ~~shall~~ interfere with  
1043 or prevent the exercise by any court of its power to punish for  
1044 contempt.

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1045 Section 47. Subsection (6) of section 870.01, Florida  
1046 Statutes, is amended to read:

1047 870.01 Affrays and riots.—

1048 (6) Except for a violation of subsection (1), a person  
1049 arrested for a violation of this section shall be held in  
1050 custody until brought before the court for admittance to  
1051 pretrial release ~~bail~~ in accordance with chapter 903.

1052 Section 48. Subsection (2) of section 870.02, Florida  
1053 Statutes, is amended to read:

1054 870.02 Unlawful assemblies.—

1055 (2) A person arrested for a violation of this section shall  
1056 be held in custody until brought before the court for admittance  
1057 to pretrial release ~~bail~~ in accordance with chapter 903.

1058 Section 49. Paragraph (a) of subsection (3) of section  
1059 900.05, Florida Statutes, is amended to read:

1060 900.05 Criminal justice data collection.—

1061 (3) DATA COLLECTION AND REPORTING.—An entity required to  
1062 collect data in accordance with this subsection shall collect  
1063 the specified data and report them in accordance with this  
1064 subsection to the Department of Law Enforcement on a monthly  
1065 basis.

1066 (a) *Clerk of the court.*—Each clerk of court shall collect  
1067 the following data for each criminal case:

1068 1. Case number.

1069 2. Date that the alleged offense occurred.

1070 3. Date the defendant is taken into physical custody by a  
1071 law enforcement agency or is issued a notice to appear on a  
1072 criminal charge.

1073 4. Whether the case originated by notice to appear.

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- 1074           5. Date that the criminal prosecution of a defendant is  
1075 formally initiated.
- 1076           6. Arraignment date.
- 1077           7. Attorney appointment date.
- 1078           8. Attorney withdrawal date.
- 1079           9. Case status.
- 1080           10. Charge disposition.
- 1081           11. Disposition date and disposition type.
- 1082           12. Information related to each defendant, including:
- 1083           a. Identifying information, including name, known aliases,  
1084 date of birth, race, ethnicity, and gender.
- 1085           b. Zip code of last known address.
- 1086           c. Primary language.
- 1087           d. Citizenship.
- 1088           e. Immigration status.
- 1089           f. Whether the defendant has been found to be indigent  
1090 under s. 27.52.
- 1091           13. Information related to the charges filed against the  
1092 defendant, including:
- 1093           a. Charge description.
- 1094           b. Charge modifier description and statute, if applicable.
- 1095           c. Drug type for each drug charge, if known.
- 1096           d. Qualification for a flag designation as defined in this  
1097 section, including a domestic violence flag, gang affiliation  
1098 flag, sexual offender flag, habitual offender flag, habitual  
1099 violent felony offender flag, pretrial release violation flag,  
1100 prison releasee reoffender flag, three-time violent felony  
1101 offender flag, or violent career criminal flag.
- 1102           14. Information related to ~~bail or bond~~ and pretrial

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1103 release determinations, including the dates of any such  
1104 determinations:

1105 a. Pretrial release determination made at a first  
1106 appearance hearing that occurs within 24 hours of arrest,  
1107 including any monetary and nonmonetary conditions of release.

1108 ~~b. Modification of bail or bond conditions made by a court~~  
1109 ~~having jurisdiction to try the defendant or, in the absence of~~  
1110 ~~the judge of the trial court, by the circuit court, including~~  
1111 ~~modifications to any monetary and nonmonetary conditions of~~  
1112 ~~release.~~

1113 ~~e. Cash bail or bond payment, including whether the~~  
1114 ~~defendant utilized a bond agent to post a surety bond.~~

1115 ~~b.d.~~ Date defendant is released on bail, bond, or pretrial  
1116 release for the current case.

1117 ~~c.e.~~ Pretrial release ~~Bail or bond~~ revocation due to a new  
1118 offense, a failure to appear, or a violation of the terms of  
1119 bail or bond, if applicable.

1120 15. Information related to court dates and dates of motions  
1121 and appearances, including:

1122 a. Date of any court appearance and the type of proceeding  
1123 scheduled for each date reported.

1124 b. Date of any failure to appear in court, if applicable.

1125 c. Deferred prosecution or pretrial diversion hearing, if  
1126 applicable.

1127 d. Each scheduled trial date.

1128 e. Date that a defendant files a notice to participate in  
1129 discovery.

1130 f. Speedy trial motion date and each hearing date, if  
1131 applicable.

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1132 g. Dismissal motion date and each hearing date, if  
1133 applicable.

1134 16. Defense attorney type.

1135 17. Information related to sentencing, including:

1136 a. Date that a court enters a sentence against a defendant.

1137 b. Charge sentenced to, including charge sequence number,  
1138 and charge description.

1139 c. Sentence type and length imposed by the court in the  
1140 current case, reported in years, months, and days, including,  
1141 but not limited to, the total duration of incarceration in a  
1142 county detention facility or state correctional institution or  
1143 facility, and conditions of probation or community control  
1144 supervision.

1145 d. Amount of time served in custody by the defendant  
1146 related to each charge that is credited at the time of  
1147 disposition of the charge to reduce the imposed length of time  
1148 the defendant will serve on the term of incarceration that is  
1149 ordered by the court at disposition.

1150 e. Total amount of court costs imposed by the court at the  
1151 disposition of the case.

1152 f. Total amount of fines imposed by the court at the  
1153 disposition of the case.

1154 g. Restitution amount ordered at sentencing.

1155 18. The sentencing judge or magistrate, or their  
1156 equivalent.

1157 Section 50. Section 901.07, Florida Statutes, is amended to  
1158 read:

1159 901.07 Admission to pretrial release ~~bail~~ when arrest  
1160 occurs in another county.-



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1161 (1) When an arrest by a warrant occurs in a county other  
1162 than the one in which the alleged offense was committed and the  
1163 warrant issued, if the person arrested has a right to pretrial  
1164 release ~~bail~~, the arresting officer shall inform the person of  
1165 his or her right and, upon request, shall take the person before  
1166 a trial court judge or other official of the same county having  
1167 authority to admit to pretrial release ~~bail~~. The official shall  
1168 admit the person arrested to pretrial release ~~bail~~ for his or  
1169 her appearance before the trial court judge who issued the  
1170 warrant.

1171 (2) If the person arrested does not have a right to  
1172 pretrial release ~~bail~~ or, when informed of his or her right to  
1173 pretrial release ~~bail~~, does not enter pretrial release ~~furnish~~  
1174 ~~bail~~ immediately, the officer who made the arrest or the officer  
1175 having the warrant shall take the person before the trial court  
1176 judge who issued the warrant.

1177 Section 51. Subsections (2) and (3) of section 901.08,  
1178 Florida Statutes, are amended to read:

1179 901.08 Issue of warrant when offense triable in another  
1180 county.—

1181 (2) If the person arrested has a right to pretrial release  
1182 ~~bail~~, the officer making the arrest shall inform the person of  
1183 his or her right to pretrial release ~~bail~~ and, on request, shall  
1184 take the person before a trial court judge or other official  
1185 having authority to admit to pretrial release ~~bail~~ in the county  
1186 in which the arrest is made. The official shall admit the person  
1187 to pretrial release ~~bail~~ for his or her appearance before the  
1188 trial court judge designated in the warrant.

1189 (3) If the person arrested does not have a right to

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1190 pretrial release ~~bail~~ or, when informed of his or her right to  
1191 pretrial release ~~bail~~, does not enter pretrial release ~~furnish~~  
1192 ~~bail~~ immediately, he or she shall be taken before the trial  
1193 court judge designated in the warrant.

1194 Section 52. Subsection (1) of section 907.04, Florida  
1195 Statutes, is amended to read:

1196 907.04 Disposition of defendant upon arrest.—

1197 (1) Except as provided in subsection (2), if a person who  
1198 is arrested does not have a right to pretrial release ~~bail~~ for  
1199 the offense charged, he or she shall be delivered immediately  
1200 into the custody of the sheriff of the county in which the  
1201 indictment, information, or affidavit is filed. If the person  
1202 who is arrested has a right to pretrial release ~~bail~~, he or she  
1203 shall be released after giving bond on the amount specified in  
1204 the warrant.

1205 Section 53. Paragraphs (d), (g), and (j) of subsection (5)  
1206 of section 907.041, Florida Statutes, are amended to read:

1207 907.041 Pretrial detention and release.—

1208 (5) PRETRIAL DETENTION.—

1209 (d) If a defendant is arrested for a dangerous crime that  
1210 is a capital felony, a life felony, or a felony of the first  
1211 degree, and the court determines there is probable cause to  
1212 believe the defendant committed the offense, the state attorney,  
1213 or the court on its own motion, shall motion for pretrial  
1214 detention. If the court finds a substantial probability that the  
1215 defendant committed the offense and, based on the defendant's  
1216 past and present patterns of behavior, consideration of the  
1217 criteria in s. 903.046, and any other relevant facts, that no  
1218 conditions of release ~~or bail~~ will reasonably protect the

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1219 community from risk of physical harm, ensure the presence of the  
1220 defendant at trial, or assure the integrity of the judicial  
1221 process, the court must order pretrial detention.

1222 (g)1. If a motion for pretrial detention is required under  
1223 paragraph (d), the pretrial detention hearing must be held  
1224 within 5 days after the defendant's first appearance hearing or,  
1225 if there is no first appearance hearing, within 5 days after the  
1226 defendant's arraignment.

1227 2. If a state attorney files a motion for pretrial  
1228 detention under paragraph (c), the pretrial detention hearing  
1229 must be held within 5 days after the filing of such motion.

1230 3. The defendant may request a continuance of a pretrial  
1231 detention hearing. No continuance shall be for longer than 5  
1232 days unless there are extenuating circumstances. The state  
1233 attorney shall be entitled to one continuance for good cause.

1234 4. The defendant may be detained pending the completion of  
1235 the pretrial detention hearing. ~~If a defendant is released on~~  
1236 ~~bail pending a pretrial detention hearing under paragraph (d),~~  
1237 ~~the court must inform the defendant that if he or she uses a~~  
1238 ~~surety bond to meet the monetary component of pretrial release~~  
1239 ~~and the motion for pretrial detention is subsequently granted,~~  
1240 ~~the defendant will not be entitled to the return of the premium~~  
1241 ~~on such surety bond.~~

1242 (j) A party may motion for a pretrial detention order to be  
1243 reconsidered at any time before a defendant's trial if the judge  
1244 finds that information exists that was not known to the party  
1245 moving for reconsideration at the time of the pretrial detention  
1246 hearing and that such information has a material bearing on  
1247 determining whether there are conditions of pretrial release ~~or~~

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1248 ~~bail~~ that will reasonably assure the appearance of the defendant  
1249 as required and the safety of any other person and the community  
1250 from harm.

1251 Section 54. Paragraph (b) of subsection (4) of section  
1252 907.043, Florida Statutes, is amended to read:

1253 907.043 Pretrial release; citizens' right to know.—

1254 (4)

1255 (b) The annual report must contain, but need not be limited  
1256 to:

1257 1. The name, location, and funding sources of the pretrial  
1258 release program, including the amount of public funds, if any,  
1259 received by the pretrial release program.

1260 2. The operating and capital budget of each pretrial  
1261 release program receiving public funds.

1262 3.a. The percentage of the pretrial release program's total  
1263 budget representing receipt of public funds.

1264 b. The percentage of the total budget which is allocated to  
1265 assisting defendants obtain release through a nonpublicly funded  
1266 program.

1267 c. The amount of fees paid by defendants to the pretrial  
1268 release program.

1269 4. The number of persons employed by the pretrial release  
1270 program.

1271 5. The number of defendants assessed and interviewed for  
1272 pretrial release.

1273 6. The number of defendants recommended for pretrial  
1274 release.

1275 7. The number of defendants for whom the pretrial release  
1276 program recommended against nonsecured release.

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1277 8. The number of defendants granted nonsecured release  
1278 after the pretrial release program recommended nonsecured  
1279 release.

1280 9. The number of defendants assessed and interviewed for  
1281 pretrial release who were declared indigent by the court.

1282 ~~10. The number of defendants accepted into a pretrial~~  
1283 ~~release program who paid a surety or cash bail or bond.~~

1284 10.11. The number of defendants for whom a risk assessment  
1285 tool was used in determining whether the defendant should be  
1286 released pending the disposition of the case and the number of  
1287 defendants for whom a risk assessment tool was not used.

1288 ~~11.12.~~ The specific statutory citation for each criminal  
1289 charge related to a defendant whose case is accepted into a  
1290 pretrial release program, including, at a minimum, the number of  
1291 defendants charged with dangerous crimes as defined in s.  
1292 907.041; nonviolent felonies; or misdemeanors only. A  
1293 "nonviolent felony" for purposes of this subparagraph excludes  
1294 the commission of, an attempt to commit, or a conspiracy to  
1295 commit any of the following:

1296 a. An offense enumerated in s. 775.084(1)(c);

1297 b. An offense that requires a person to register as a  
1298 sexual predator in accordance with s. 775.21 or as a sexual  
1299 offender in accordance with s. 943.0435;

1300 c. Failure to register as a sexual predator in violation of  
1301 s. 775.21 or as a sexual offender in violation of s. 943.0435;

1302 d. Facilitating or furthering terrorism in violation of s.  
1303 775.31;

1304 e. A forcible felony as described in s. 776.08;

1305 f. False imprisonment in violation of s. 787.02;

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- 1306 g. Burglary of a dwelling or residence in violation of s.  
1307 810.02(3);
- 1308 h. Abuse, aggravated abuse, and neglect of an elderly  
1309 person or disabled adult in violation of s. 825.102;
- 1310 i. Abuse, aggravated abuse, and neglect of a child in  
1311 violation of s. 827.03;
- 1312 j. Poisoning of food or water in violation of s. 859.01;
- 1313 k. Abuse of a dead human body in violation of s. 872.06;
- 1314 l. A capital offense in violation of chapter 893;
- 1315 m. An offense that results in serious bodily injury or  
1316 death to another human; or
- 1317 n. A felony offense in which the defendant used a weapon or  
1318 firearm in the commission of the offense.
- 1319 ~~12.13.~~ The number of defendants accepted into a pretrial  
1320 release program with no prior criminal conviction.
- 1321 ~~13.14.~~ The name and case number of each person granted  
1322 nonsecured release who:
- 1323 a. Failed to attend a scheduled court appearance.
- 1324 b. Was issued a warrant for failing to appear.
- 1325 c. Was arrested for any offense while on release through  
1326 the pretrial release program.
- 1327 ~~14.15.~~ Any additional information deemed necessary by the  
1328 governing body to assess the performance and cost efficiency of  
1329 the pretrial release program.
- 1330 Section 55. Paragraph (a) of subsection (1) of section  
1331 908.105, Florida Statutes, is amended to read:
- 1332 908.105 Duties related to immigration detainers.—
- 1333 (1) A law enforcement agency that has custody of a person  
1334 subject to an immigration detainer issued by a federal

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1335 immigration agency shall:

1336 (a) Provide to the judge authorized to grant or deny the  
1337 person's release on pretrial release ~~bail~~ under chapter 903  
1338 notice that the person is subject to an immigration detainer.

1339 Section 56. Section 918.03, Florida Statutes, is amended to  
1340 read:

1341 918.03 Procedure when offense committed outside state.—When  
1342 a court determines that it does not have jurisdiction because  
1343 the offense charged was committed outside this state, the court  
1344 may discharge the defendant or direct the clerk to communicate  
1345 the location of the defendant to the chief executive of the  
1346 state, territory, or district where the offense was committed.  
1347 The court may commit the defendant to custody or admit him or  
1348 her to pretrial release ~~bail~~ for a reasonable period of time to  
1349 await a requisition for his or her extradition. If a requisition  
1350 is not received within the time set by the court, the defendant  
1351 shall be discharged. If the defendant has been admitted to  
1352 pretrial release ~~bail~~, the court shall order the bond canceled  
1353 and any deposit of money or bonds returned.

1354 Section 57. Section 918.04, Florida Statutes, is amended to  
1355 read:

1356 918.04 Procedure when offense committed in another county.—  
1357 When a court determines that it does not have jurisdiction  
1358 because the offense charged was committed in another county of  
1359 this state, the defendant shall be committed to custody or  
1360 admitted to pretrial release ~~bail~~ for a reasonable time to await  
1361 a warrant for his or her arrest from the proper county. The  
1362 clerk shall notify the prosecuting attorney of the proper county  
1363 of the location of the defendant. If the defendant is not

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1364 arrested on a warrant from the proper county within the time set  
 1365 by the court, he or she shall be discharged. If the defendant  
 1366 has been admitted to pretrial release ~~bail~~, the court shall  
 1367 order the bond canceled and any deposit of money or bonds  
 1368 returned.

1369 Section 58. Paragraph (d) of subsection (3) of section  
 1370 921.0022, Florida Statutes, is amended to read:

1371 921.0022 Criminal Punishment Code; offense severity ranking  
 1372 chart.—

1373 (3) OFFENSE SEVERITY RANKING CHART

1374 (d) LEVEL 4

1375

Florida Statute	Felony Degree	Description
316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell,

1376

1377

1378



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1379			contraband prescription drugs.
1380	517.07 (1)	3rd	Failure to register securities.
1381	517.12 (1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
1382	784.031	3rd	Battery by strangulation.
1383	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
1384	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1385	784.075	3rd	Battery on detention or commitment facility staff.
1386	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1387	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1388	784.081 (3)	3rd	Battery on specified official or employee.

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1389

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

1390

784.083 (3) 3rd Battery on code inspector.

1391

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

1392

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

1393

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

1394

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

1395

787.07 3rd Human smuggling.

790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

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1396

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

1397

790.115 (2) (c) 3rd Possessing firearm on school property.

1398

794.051 (1) 3rd Indecent, lewd, or lascivious touching of certain minors.

1399

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

1400

806.135 2nd Destroying or demolishing a memorial or historic property.

1401

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

1402

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

1403

810.06 3rd Burglary; possession of tools.

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1404

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

1405

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

1406

812.014 3rd Grand theft, 3rd degree; (2) (c) 4. & specified items. 6.-10.

1407

812.0195 (2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

1408

817.505 (4) (a) 3rd Patient brokering.

1409

817.563 (1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.

1410

817.568 (2) (a) 3rd Fraudulent use of personal identification information.

1411

817.5695 (3) (c) 3rd Exploitation of person 65 years of age or older, value less than \$10,000.

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1412

817.625 (2) (a) 3rd Fraudulent use of scanning device, skimming device, or reencoder.

1413

817.625 (2) (c) 3rd Possess, sell, or deliver skimming device.

1414

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

1415

836.14 (2) 3rd Person who commits theft of a sexually explicit image with intent to promote it.

1416

836.14 (3) 3rd Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.

1417

837.02 (1) 3rd Perjury in official proceedings.

1418

837.021 (1) 3rd Make contradictory statements in official proceedings.

1419

838.022 3rd Official misconduct.

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1420

839.13(2)(a) 3rd Falsifying records of an individual in the care and custody of a state agency.

1421

839.13(2)(c) 3rd Falsifying records of the Department of Children and Families.

1422

843.021 3rd Possession of a concealed handcuff key by a person in custody.

1423

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

1424

843.15(1)(a) 3rd Failure to appear while on pretrial release ~~bail~~ for felony ~~(bond estreature or bond jumping)~~.

1425

843.19(2) 2nd Injure, disable, or kill police, fire, or SAR canine or police horse.

1426

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less

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			than 18 years.
1427	870.01 (3)	2nd	Aggravated rioting.
1428	870.01 (5)	2nd	Aggravated inciting a riot.
1429	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
1430	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
1431	914.14 (2)	3rd	Witnesses accepting bribes.
1432	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1433	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1434	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1435	918.12	3rd	Tampering with jurors.

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1436

934.215                    3rd     Use of two-way communications  
device to facilitate commission  
of a crime.

1437

944.47(1)(a)6.            3rd     Introduction of contraband  
(cellular telephone or other  
portable communication device)  
into correctional institution.

1438

951.22(1)(h),            3rd     Intoxicating drug,  
(j) & (k)                    instrumentality or other device  
to aid escape, or cellular  
telephone or other portable  
communication device introduced  
into county detention facility.

1439

1440            Section 59. Subsection (2) of section 924.071, Florida  
1441 Statutes, is amended to read:

1442            924.071 Additional grounds for appeal by the state; time  
1443 for taking; stay of cause.-

1444            (2) An appeal by the state from a pretrial order shall stay  
1445 the case against each defendant upon whose application the order  
1446 was made until the appeal is determined. If the trial court  
1447 determines that the evidence, confession, or admission that is  
1448 the subject of the order would materially assist the state in  
1449 proving its case against another defendant and that the  
1450 prosecuting attorney intends to use it for that purpose, the  
1451 court shall stay the case of that defendant until the appeal is



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1452 determined. A defendant in custody whose case is stayed either  
1453 automatically or by order of the court shall be released on his  
1454 or her own recognizance pending the appeal if he or she is  
1455 charged with an offense for which pretrial release is available  
1456 ~~a bailable offense.~~

1457 Section 60. Section 924.16, Florida Statutes, is amended to  
1458 read:

1459 924.16 Discharge pending appeal.—If a defendant is in  
1460 custody after judgment of conviction at the time of appeal, the  
1461 appeal and supersedeas shall not discharge the defendant from  
1462 custody. The court appealed from or a judge of the appellate  
1463 court may order the defendant released on bail in cases that  
1464 involve an offense for which pretrial release is available ~~that~~  
1465 ~~are bailable.~~

1466 Section 61. Subsection (1) of section 925.08, Florida  
1467 Statutes, is amended to read:

1468 925.08 Prisoners awaiting trial may be worked on roads and  
1469 other projects.—

1470 (1) When the county commissioners decide it will be for the  
1471 benefit of a prisoner and in the public interest, they may  
1472 employ at labor on the streets of incorporated cities or towns,  
1473 on the roads, bridges, or other public works in the county, or  
1474 on other projects for which the governing body of the county  
1475 could otherwise lawfully expend public funds and which it  
1476 determines to be necessary for the health, safety, and welfare  
1477 of the county, a person charged with a misdemeanor and confined  
1478 in the county jail for failure to comply with pretrial release  
1479 ~~give bail.~~

1480 Section 62. Section 939.14, Florida Statutes, is amended to

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1481 read:

1482 939.14 County not to pay costs in cases where information  
1483 is not filed or indictment found.—When a committing trial court  
1484 judge holds to pretrial release ~~bail~~ or commits any person to  
1485 answer a criminal charge in a county court or a circuit court,  
1486 and an information is not filed nor an indictment found against  
1487 such person, the costs of such committing trial shall not be  
1488 paid by the county, except the costs for executing the warrant.

1489 Section 63. Section 941.03, Florida Statutes, is amended to  
1490 read:

1491 941.03 Form of demand.—No demand for the extradition of a  
1492 person charged with crime in another state shall be recognized  
1493 by the Governor unless in writing alleging, except in cases  
1494 arising under s. 941.06, that the accused was present in the  
1495 demanding state at the time of the commission of the alleged  
1496 crime, and that thereafter he or she fled from the state, and  
1497 accompanied by an authenticated copy of an indictment found or  
1498 by information supported by affidavit in the state having  
1499 jurisdiction of the crime, or by a copy of a warrant supported  
1500 by an affidavit made before a committing magistrate of the  
1501 demanding state; or by a copy of a judgment of conviction or of  
1502 a sentence imposed in execution thereof, together with a  
1503 statement by the executive authority of the demanding state that  
1504 the person claimed has escaped from confinement or has broken  
1505 the terms of his or her pretrial release ~~bail~~, probation, or  
1506 parole. The indictment, information, or affidavit made before  
1507 the magistrate must substantially charge the person demanded  
1508 with having committed a crime under the law of that state; and  
1509 the copy of indictment, information, affidavit, judgment of

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1510 conviction, or sentence must be authenticated by the executive  
1511 authority making the demand.

1512 Section 64. Subsection (2) of section 941.10, Florida  
1513 Statutes, is amended to read:

1514 941.10 Rights of accused person; application for writ of  
1515 habeas corpus.—

1516 (2) A warrant issued under s. 941.07 shall be presumed to  
1517 be valid, and unless a court finds that the person in custody is  
1518 not the same person named in the warrant, or that the person is  
1519 not a fugitive from justice, or otherwise subject to extradition  
1520 under s. 941.06, or that there is no criminal charge or criminal  
1521 proceeding pending against the person in the demanding state, or  
1522 that the documents are not on their face in order, the person  
1523 named in the warrant shall be held in custody at all times and  
1524 shall not be eligible for pretrial release ~~on bail~~.

1525 Section 65. Section 941.13, Florida Statutes, is amended to  
1526 read:

1527 941.13 Arrest prior to requisition.—Whenever any person  
1528 within this state shall be charged on the oath of any credible  
1529 person before any judge of this state with the commission of any  
1530 crime in any other state, and, except in cases arising under s.  
1531 941.06, with having fled from justice or with having been  
1532 convicted of a crime in that state and having escaped from  
1533 confinement, or having broken the terms of his or her ~~bail~~,  
1534 probation, or parole, or whenever complaint shall have been made  
1535 before any judge in this state setting forth on the affidavit of  
1536 any credible person in another state that a crime has been  
1537 committed in such other state and that the accused has been  
1538 charged in such state with the commission of the crime, and,

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1539 except in cases arising under s. 941.06, has fled from justice,  
1540 or with having been convicted of a crime in that state and  
1541 having escaped from confinement, or having broken the terms of  
1542 his or her pretrial release ~~bail~~, probation, or parole, and is  
1543 believed to be in this state, the judge shall issue a warrant  
1544 directed to any peace officer commanding him or her to apprehend  
1545 the person named therein, wherever the person may be found in  
1546 this state, and to bring the person before the same or any other  
1547 judge or court who or which may be available in, or convenient  
1548 of, access to the place where the arrest may be made, to answer  
1549 the charge or complaint and affidavit, and a certified copy of  
1550 the sworn charge or complaint and affidavit upon which the  
1551 warrant is issued shall be attached to the warrant.

1552 Section 66. Section 941.15, Florida Statutes, is amended to  
1553 read:

1554 941.15 Commitment to await requisition; pretrial release  
1555 ~~bail~~.—If from the examination before the judge it appears that  
1556 the person held is the person charged with having committed the  
1557 crime alleged and, except in cases arising under s. 941.06, that  
1558 the person has fled from justice, the judge must, by a warrant  
1559 reciting the accusation, commit the person to the county jail  
1560 for such a time not exceeding 30 days and specified in the  
1561 warrant as will enable the arrest of the accused to be made  
1562 under a warrant of the Governor on a requisition of the  
1563 executive authority of the state having jurisdiction of the  
1564 offense, unless the accused enters pretrial release ~~gives bail~~  
1565 as provided in s. 941.16, or until the accused shall be legally  
1566 discharged.

1567 Section 67. Section 941.16, Florida Statutes, is amended to

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1568 read:

1569           941.16 Pretrial release ~~Bail~~; in what cases; conditions ~~of~~  
1570 ~~bond~~.—Unless the offense with which the prisoner is charged is  
1571 shown to be an offense punishable by death or life imprisonment  
1572 under the laws of the state in which it was committed, a judge  
1573 or other judicial officer having power of commitment in this  
1574 state may admit the person arrested to pretrial release ~~bail by~~  
1575 ~~bond, with sufficient sureties, and in such sum as he or she~~  
1576 ~~deems proper~~, conditioned for the prisoner's appearance before  
1577 him or her at a time specified ~~in such bond~~, and for the  
1578 prisoner's surrender, to be arrested upon the warrant of the  
1579 Governor of this state.

1580           Section 68. Section 941.17, Florida Statutes, is amended to  
1581 read:

1582           941.17 Extension of time of commitment, adjournment.—If the  
1583 accused is not arrested under warrant of the Governor by the  
1584 expiration of the time specified in the warrant or bond, a judge  
1585 may discharge the accused or may recommit him or her for a  
1586 further period not to exceed 60 days, or a judge may again take  
1587 pretrial release ~~bail~~ for his or her appearance and surrender,  
1588 as provided in s. 941.16, but within a period not to exceed 60  
1589 days after the date of such pretrial release ~~new bond~~.

1590           Section 69. Section 941.18, Florida Statutes, is amended to  
1591 read:

1592           941.18 Revocation of pretrial release ~~Forfeiture of bail~~.—  
1593 If the prisoner is admitted to pretrial release ~~bail~~, and fails  
1594 to appear and surrender himself or herself according to the  
1595 conditions of his or her pretrial release ~~bond~~, the judge shall  
1596 revoke the prisoner's pretrial release ~~declare the bond~~

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1597 ~~forfeited~~ and order his or her immediate arrest without warrant  
1598 if he or she is within this state. ~~Recovery may be had on such~~  
1599 ~~bond in the name of the state as in the case of other bonds~~  
1600 ~~given by the accused in criminal proceedings within this state.~~

1601 Section 70. Section 941.22, Florida Statutes, is amended to  
1602 read:

1603 941.22 Fugitives from this state; duty of Governor.—  
1604 Whenever the Governor of this state shall demand a person  
1605 charged with crime or with escaping from confinement or breaking  
1606 the terms of his or her pretrial release ~~bail~~, probation, or  
1607 parole in this state, from the executive authority of any other  
1608 state, or from the Chief Justice or an associate justice of the  
1609 Supreme Court of the District of Columbia authorized to receive  
1610 such demand under the laws of the United States, the Governor  
1611 shall issue a warrant under the seal of this state, to some  
1612 agent, commanding the agent to receive the person so charged if  
1613 delivered to him or her and convey the person to the proper  
1614 officer of the county in this state in which the offense was  
1615 committed.

1616 Section 71. Subsection (2) of section 941.23, Florida  
1617 Statutes, is amended to read:

1618 941.23 Application for issuance of requisition; by whom  
1619 made; contents.—

1620 (2) When the return to this state is required of a person  
1621 who has been convicted of a crime in this state and has escaped  
1622 from confinement or broken the terms of his or her pretrial  
1623 release ~~bail~~, probation, or parole, the state attorney of the  
1624 county in which the offense was committed, the Florida  
1625 Commission on Offender Review, the Department of Corrections, or

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1626 the warden of the institution or sheriff of the county, from  
1627 which escape was made, shall present to the Governor a written  
1628 application for a requisition for the return of such person, in  
1629 which application shall be stated the name of the person, the  
1630 crime of which the person was convicted, the circumstances of  
1631 his or her escape from confinement or of the breach of the terms  
1632 of his or her pretrial release ~~bail~~, probation, or parole, and  
1633 the state in which the person is believed to be, including the  
1634 location of the person therein at the time application is made.

1635 Section 72. Subsections (1) and (3) of section 941.26,  
1636 Florida Statutes, are amended to read:

1637 941.26 Written waiver of extradition proceedings.—

1638 (1) Any person arrested in this state charged with having  
1639 committed any crime in another state or alleged to have escaped  
1640 from confinement, or broken the terms of his or her pretrial  
1641 release ~~bail~~, probation, or parole may waive the issuance and  
1642 service of the warrant provided for in ss. 941.07 and 941.08,  
1643 and all other procedure incidental to extradition proceedings,  
1644 by executing or subscribing in the presence of a judge of any  
1645 court of record within this state a writing which states that  
1646 the person consents to return to the demanding state; provided,  
1647 however, that before such waiver shall be executed or subscribed  
1648 by such person, it shall be the duty of such judge to inform  
1649 such person of his or her rights to the issuance and service of  
1650 a warrant of extradition and to obtain a writ of habeas corpus  
1651 as provided for in s. 941.10.

1652 (3) Notwithstanding any other provision of law, a law  
1653 enforcement agency in this state holding a person who is alleged  
1654 to have broken the terms of his or her probation, parole,

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1655 pretrial release ~~bail~~, or other release in the demanding state  
1656 shall immediately deliver the person to the duly authorized  
1657 agent of the demanding state without the requirement of a  
1658 governor's warrant if:

1659 (a) The person has signed a prior waiver of extradition as  
1660 a term of his or her current probation, parole, pretrial release  
1661 ~~bail~~, or other release in the demanding state; and

1662 (b) The law enforcement agency holding the person has  
1663 received a copy of the prior waiver of extradition signed by the  
1664 person and confirmed by the demanding agency, as well as  
1665 photographs or fingerprints or other evidence properly  
1666 identifying the person as the person who signed the waiver.

1667 Section 73. Section 941.32, Florida Statutes, is amended to  
1668 read:

1669 941.32 Fresh pursuit; arrest; etc.—If an arrest is made in  
1670 this state by an officer of another state in accordance with the  
1671 provisions of s. 941.31, the officer shall without unnecessary  
1672 delay take the person so arrested before a county court judge or  
1673 other judicial officer having jurisdiction of commitment, of the  
1674 county in which the arrest was made, who shall conduct a hearing  
1675 for the purpose of determining the lawfulness of the arrest. If  
1676 the committing judicial officer determines that the arrest was  
1677 lawful, she or he shall commit the person arrested to await for  
1678 a reasonable time the issuance of an extradition warrant by the  
1679 Governor of this state, or admit the person to pretrial release  
1680 ~~bail~~ for such purpose. If the committing judicial officer  
1681 determines that the arrest was unlawful, she or he shall  
1682 discharge the person arrested.

1683 Section 74. Subsection (2) of section 944.405, Florida



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1684 Statutes, is amended to read:

1685 944.405 Warrant for retaking offender who has escaped from  
1686 custody or absconded from rehabilitative community reentry  
1687 program, or who is ineligible for release.-

1688 (2) An offender who is arrested as provided in subsection  
1689 (1) is ineligible for pretrial release ~~bond, bail,~~ or release on  
1690 his or her own recognizance.

1691 Section 75. Subsection (1) of section 947.22, Florida  
1692 Statutes, is amended to read:

1693 947.22 Authority to arrest parole violators with or without  
1694 warrant.-

1695 (1) If a member of the commission or a duly authorized  
1696 representative of the commission has reasonable grounds to  
1697 believe that a parolee has violated the terms and conditions of  
1698 her or his parole in a material respect, such member or  
1699 representative may issue a warrant for the arrest of such  
1700 parolee. The warrant shall be returnable before a member of the  
1701 commission or a duly authorized representative of the  
1702 commission. The commission, a commissioner, or a parole examiner  
1703 with approval of the parole examiner supervisor, may release the  
1704 parolee on pretrial release ~~bail~~ or her or his own recognizance,  
1705 conditioned upon her or his appearance at any hearings noticed  
1706 by the commission. If not released on pretrial release ~~bail~~ or  
1707 her or his own recognizance, the parolee shall be committed to  
1708 jail pending hearings pursuant to s. 947.23. The commission, at  
1709 its election, may have the hearing conducted by one or more  
1710 commissioners or by a duly authorized representative of the  
1711 commission. Any parole and probation officer, any officer  
1712 authorized to serve criminal process, or any peace officer of

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1713 this state is authorized to execute the warrant.

1714 Section 76. Paragraph (e) of subsection (1), paragraph (c)  
1715 of subsection (2), and subsection (4) of section 948.06, Florida  
1716 Statutes, are amended to read:

1717 948.06 Violation of probation or community control;  
1718 revocation; modification; continuance; failure to pay  
1719 restitution or cost of supervision.—

1720 (1)

1721 (e)1. At a first appearance hearing for an offender who has  
1722 been arrested for violating his or her probation or community  
1723 control in a material respect by committing a new violation of  
1724 law the court:

1725 a. Shall inform the person of the violation.

1726 b. May order the person to be taken before the court that  
1727 granted the probation or community control if the person admits  
1728 the violation.

1729 2. If the probationer or offender does not admit the  
1730 violation at the first appearance hearing, the court:

1731 a. May commit the probationer or offender or may release  
1732 the person with or without pretrial release conditions ~~bail~~ to  
1733 await further hearing, notwithstanding s. 907.041, relating to  
1734 pretrial detention and release; or

1735 b. May order the probationer or offender to be brought  
1736 before the court that granted the probation or community  
1737 control.

1738 3. In determining whether to require or set the pretrial  
1739 release conditions ~~amount of bail~~, and notwithstanding s.  
1740 907.041, relating to pretrial detention and release, the court  
1741 may consider whether the probationer or offender is more likely

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1742 than not to receive a prison sanction for the violation.

1743  
1744 This paragraph does not apply to a probationer or offender on  
1745 community control who is subject to the hearing requirements  
1746 under subsection (4) or paragraph (8) (e).

1747 (2)

1748 (c) If such violation of probation or community control is  
1749 not admitted by the probationer or offender, the court may  
1750 commit him or her or release him or her with or without pretrial  
1751 release conditions ~~bail~~ to await further hearing, or it may  
1752 dismiss the charge of probation or community control violation.

1753 (4) Notwithstanding any other provision of this section, a  
1754 felony probationer or an offender in community control who is  
1755 arrested for violating his or her probation or community control  
1756 in a material respect may be taken before the court in the  
1757 county or circuit in which the probationer or offender was  
1758 arrested. That court shall advise him or her of the charge of a  
1759 violation and, if such charge is admitted, shall cause him or  
1760 her to be brought before the court that granted the probation or  
1761 community control. If the violation is not admitted by the  
1762 probationer or offender, the court may commit him or her or  
1763 release him or her with or without pretrial release conditions  
1764 ~~bail~~ to await further hearing. However, if the probationer or  
1765 offender is under supervision for any criminal offense  
1766 proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071,  
1767 or s. 847.0145, or is a registered sexual predator or a  
1768 registered sexual offender, or is under supervision for a  
1769 criminal offense for which he or she would meet the registration  
1770 criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the

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1771 effective date of those sections, the court must make a finding  
1772 that the probationer or offender is not a danger to the public  
1773 prior to release with or without pretrial release conditions  
1774 ~~bail~~. In determining the danger posed by the offender's or  
1775 probationer's release, the court may consider the nature and  
1776 circumstances of the violation and any new offenses charged; the  
1777 offender's or probationer's past and present conduct, including  
1778 convictions of crimes; any record of arrests without conviction  
1779 for crimes involving violence or sexual crimes; any other  
1780 evidence of allegations of unlawful sexual conduct or the use of  
1781 violence by the offender or probationer; the offender's or  
1782 probationer's family ties, length of residence in the community,  
1783 employment history, and mental condition; his or her history and  
1784 conduct during the probation or community control supervision  
1785 from which the violation arises and any other previous  
1786 supervisions, including disciplinary records of previous  
1787 incarcerations; the likelihood that the offender or probationer  
1788 will engage again in a criminal course of conduct; the weight of  
1789 the evidence against the offender or probationer; and any other  
1790 facts the court considers relevant. The court, as soon as is  
1791 practicable, shall give the probationer or offender an  
1792 opportunity to be fully heard on his or her behalf in person or  
1793 by counsel. After the hearing, the court shall make findings of  
1794 fact and forward the findings to the court that granted the  
1795 probation or community control and to the probationer or  
1796 offender or his or her attorney. The findings of fact by the  
1797 hearing court are binding on the court that granted the  
1798 probation or community control. Upon the probationer or offender  
1799 being brought before it, the court that granted the probation or

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1800 community control may revoke, modify, or continue the probation  
1801 or community control or may place the probationer into community  
1802 control as provided in this section. However, the probationer or  
1803 offender shall not be released and shall not be admitted to  
1804 pretrial release ~~bail~~, but shall be brought before the court  
1805 that granted the probation or community control if any violation  
1806 of felony probation or community control other than a failure to  
1807 pay costs or fines or make restitution payments is alleged to  
1808 have been committed by:

1809 (a) A violent felony offender of special concern, as  
1810 defined in this section;

1811 (b) A person who is on felony probation or community  
1812 control for any offense committed on or after the effective date  
1813 of this act and who is arrested for a qualifying offense as  
1814 defined in this section; or

1815 (c) A person who is on felony probation or community  
1816 control and has previously been found by a court to be a  
1817 habitual violent felony offender as defined in s. 775.084(1)(b),  
1818 a three-time violent felony offender as defined in s.  
1819 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
1820 arrested for committing a qualifying offense as defined in this  
1821 section on or after the effective date of this act.

1822 Section 77. Subsection (2) of section 951.26, Florida  
1823 Statutes, is amended to read:

1824 951.26 Public safety coordinating councils.—

1825 (2) The council shall meet at the call of the chairperson  
1826 for the purpose of assessing the population status of all  
1827 detention or correctional facilities owned or contracted by the  
1828 county, or the county consortium, and formulating

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1829 recommendations to ensure that the capacities of such facilities  
1830 are not exceeded. Such recommendations shall include an  
1831 assessment of the availability of pretrial intervention or  
1832 probation programs, work-release programs, substance abuse  
1833 programs, gain-time schedules, ~~applicable bail bond schedules,~~  
1834 and the confinement status of the inmates housed within each  
1835 facility owned or contracted by the county, or the county  
1836 consortium.

1837 Section 78. Paragraph (b) of subsection (1) of section  
1838 960.001, Florida Statutes, is amended to read:

1839 960.001 Guidelines for fair treatment of victims and  
1840 witnesses in the criminal justice and juvenile justice systems.—

1841 (1) The Department of Legal Affairs, the state attorneys,  
1842 the Department of Corrections, the Department of Juvenile  
1843 Justice, the Florida Commission on Offender Review, the State  
1844 Courts Administrator and circuit court administrators, the  
1845 Department of Law Enforcement, and every sheriff's department,  
1846 police department, or other law enforcement agency as defined in  
1847 s. 943.10(4) shall develop and implement guidelines for the use  
1848 of their respective agencies, which guidelines are consistent  
1849 with the purposes of this act and s. 16(b), Art. I of the State  
1850 Constitution and are designed to implement s. 16(b), Art. I of  
1851 the State Constitution and to achieve the following objectives:

1852 (b) *Information for purposes of notifying victim or*  
1853 *appropriate next of kin of victim or other designated contact of*  
1854 *victim.*—In the case of a homicide, pursuant to chapter 782; or a  
1855 sexual offense, pursuant to chapter 794; or an attempted murder  
1856 or sexual offense, pursuant to chapter 777; or stalking,  
1857 pursuant to s. 784.048; or domestic violence, pursuant to s.

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1858 25.385:

1859 1. The arresting law enforcement officer or personnel of an  
1860 organization that provides assistance to a victim or to the  
1861 appropriate next of kin of the victim or other designated  
1862 contact must request that the victim or appropriate next of kin  
1863 of the victim or other designated contact complete a victim  
1864 notification card. However, the victim or appropriate next of  
1865 kin of the victim or other designated contact may choose not to  
1866 complete the victim notification card.

1867 2. Unless the victim or the appropriate next of kin of the  
1868 victim or other designated contact waives the option to complete  
1869 the victim notification card, a copy of the victim notification  
1870 card must be filed with the incident report or warrant in the  
1871 sheriff's office of the jurisdiction in which the incident  
1872 report or warrant originated. The notification card shall, at a  
1873 minimum, consist of:

- 1874 a. The name, address, and phone number of the victim; or  
1875 b. The name, address, and phone number of the appropriate  
1876 next of kin of the victim; or  
1877 c. The name, address, and telephone number of a designated  
1878 contact other than the victim or appropriate next of kin of the  
1879 victim; and  
1880 d. Any relevant identification or case numbers assigned to  
1881 the case.

1882 3. The chief administrator, or a person designated by the  
1883 chief administrator, of a county jail, municipal jail, juvenile  
1884 detention facility, or residential commitment facility shall  
1885 make a reasonable attempt to notify the alleged victim or  
1886 appropriate next of kin of the alleged victim or other

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1887 designated contact within 4 hours following the release of the  
1888 defendant on pretrial release ~~bail~~ or, in the case of a juvenile  
1889 offender, upon the release from residential detention or  
1890 commitment. If the chief administrator, or designee, is unable  
1891 to contact the alleged victim or appropriate next of kin of the  
1892 alleged victim or other designated contact by telephone, the  
1893 chief administrator, or designee, must send to the alleged  
1894 victim or appropriate next of kin of the alleged victim or other  
1895 designated contact a written notification of the defendant's  
1896 release.

1897 4. Unless otherwise requested by the victim or the  
1898 appropriate next of kin of the victim or other designated  
1899 contact, the information contained on the victim notification  
1900 card must be sent by the chief administrator, or designee, of  
1901 the appropriate facility to the subsequent correctional or  
1902 residential commitment facility following the sentencing and  
1903 incarceration of the defendant, and unless otherwise requested  
1904 by the victim or the appropriate next of kin of the victim or  
1905 other designated contact, he or she must be notified of the  
1906 release of the defendant from incarceration as provided by law.

1907 5. If the defendant was arrested pursuant to a warrant  
1908 issued or taken into custody pursuant to s. 985.101 in a  
1909 jurisdiction other than the jurisdiction in which the defendant  
1910 is being released, and the alleged victim or appropriate next of  
1911 kin of the alleged victim or other designated contact does not  
1912 waive the option for notification of release, the chief  
1913 correctional officer or chief administrator of the facility  
1914 releasing the defendant shall make a reasonable attempt to  
1915 immediately notify the chief correctional officer of the



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1916 jurisdiction in which the warrant was issued or the juvenile was  
1917 taken into custody pursuant to s. 985.101, and the chief  
1918 correctional officer of that jurisdiction shall make a  
1919 reasonable attempt to notify the alleged victim or appropriate  
1920 next of kin of the alleged victim or other designated contact,  
1921 as provided in this paragraph, that the defendant has been or  
1922 will be released.

1923 Section 79. This act shall take effect July 1, 2024.