



137798

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
03/05/2024 02:08 PM	.	03/07/2024 05:40 PM
	.	

Senator Bradley moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (j) through (m) of subsection (5) of
section 907.041, Florida Statutes, are redesignated as
paragraphs (k) through (n), respectively, paragraph (i) of that
subsection is amended, and a new paragraph (j) is added to that
subsection, to read:

907.041 Pretrial detention and release.—

(5) PRETRIAL DETENTION.—



12 ~~(i) The defendant is entitled to be represented by counsel,~~
13 ~~to present witnesses and evidence, and to cross-examine~~
14 ~~witnesses.~~ The rules concerning admissibility of evidence in
15 criminal trials do not apply to the presentation and
16 consideration of evidence at the detention hearing. The court
17 may base an order of pretrial detention under paragraph (d)
18 solely on hearsay. ~~but~~ Evidence secured in violation of the
19 United States Constitution or the Constitution of the State of
20 Florida shall not be admissible.

21 (j) The defendant is entitled to be represented by counsel,
22 to present witnesses and evidence, and to cross-examine
23 witnesses. No testimony by the defendant shall be admissible to
24 prove guilt at any other judicial proceeding, but such testimony
25 may be admitted in an action for perjury, based upon the
26 defendant's statements made at the pretrial detention hearing,
27 or for impeachment.

28 Section 2. This act shall take effect upon becoming a law.

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete everything before the enacting clause
33 and insert:

34 A bill to be entitled
35 An act relating to pretrial detention hearings;
36 amending s. 907.041, F.S.; authorizing a court to base
37 certain orders of pretrial detention solely on
38 hearsay; making technical changes; providing an
39 effective date.