

By Senator Martin

33-00883-26

20261284

A bill to be entitled

An act relating to arrest and search warrants; amending s. 901.02, F.S.; authorizing a judge to issue an arrest warrant or issue a summons or a notice to appear in lieu of an arrest warrant under specified circumstances if a complaint alleges only the commission of a misdemeanor offense; amending s. 901.09, F.S.; authorizing, rather than requiring, a trial court judge to issue a summons under specified circumstances when a complaint is for a misdemeanor that the trial court judge is not empowered to try summarily; amending s. 901.15, F.S.; expanding the circumstances under which an arrest by an officer without a warrant is lawful to include when there is probable cause to believe that a person has committed a criminal act in violation of an injunction for protection against stalking or cyberstalking or has committed an act that constitutes driving under the influence or boating under the influence; amending s. 933.02, F.S.; expanding the circumstances under which a search warrant may be issued to include when a sample of the blood of a person or other property constitutes evidence of driving under the influence or boating under the influence, when the laws in relation to domestic violence are violated in any particular building or place, and when the laws in relation to any misdemeanor crime that involves the use or threat of physical force or violence against an individual are violated; reenacting s. 901.1501(2) and (3), F.S.,

33-00883-26

20261284

30       relating to immediate arrest of a person with a  
31       significant medical condition, to incorporate the  
32       amendments made to ss. 901.02 and 901.15, F.S., in  
33       references thereto; reenacting ss. 20.165(9)(b),  
34       39.504(5), 321.05(1), 570.65(2), 741.30(6)(d), and  
35       784.0485(6)(c) and (9)(b), F.S., relating to the  
36       Department of Business and Professional Regulation;  
37       enforcement of certain injunctions; duties, functions,  
38       and powers of patrol officers; law enforcement  
39       officers of the Department of Agriculture and Consumer  
40       Services; enforcement of domestic violence  
41       injunctions; and enforcement of stalking injunctions;  
42       respectively, to incorporate the amendment made to s.  
43       901.15, F.S., in references thereto; providing an  
44       effective date.

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

47  
48       Section 1. Subsection (2) of section 901.02, Florida  
49       Statutes, is amended to read:

50       901.02 Issuance of arrest warrants.—

51       (2) If a complaint alleges only the commission of a  
52       misdemeanor offense, a judge may either ~~The court may issue a~~  
53       warrant for the defendant's arrest when all of the following  
54       circumstances apply:

55       (a) Issue an arrest warrant in accordance with subsection  
56       (1); or ~~A complaint has been filed charging the commission of a~~  
57       misdemeanor only.

58       (b) Issue a summons pursuant s. 901.09(2) or a notice to

33-00883-26

20261284

59 appear in lieu of an arrest warrant if she or he reasonably  
60 believes that the person against whom the complaint was made  
61 will appear upon the summons or notice to appear and does not  
62 believe that special conditions of pretrial release are  
63 necessary to protect a victim or the community ~~The summons~~  
64 ~~issued to the defendant has been returned unserved.~~

65 ~~(e) The conditions of subsection (1) are met.~~

66 Section 2. Subsection (2) of section 901.09, Florida  
67 Statutes, is amended to read:

68 901.09 When summons shall be issued.—

69 (2) When the complaint is for a misdemeanor that the trial  
70 court judge is not empowered to try summarily, the trial court  
71 judge may ~~shall~~ issue a summons instead of a warrant if she or  
72 he reasonably believes that the person against whom the  
73 complaint was made will appear upon a summons and does not  
74 believe that special conditions of pretrial release are  
75 necessary to protect a victim or the community.

76 Section 3. Subsections (6) and (9) of section 901.15,  
77 Florida Statutes, are amended to read:

78 901.15 When arrest by officer without warrant is lawful.—A  
79 law enforcement officer may arrest a person without a warrant  
80 when:

81 (6) There is probable cause to believe that the person has  
82 committed a criminal act according to s. 790.233 or according to  
83 s. 741.31, s. 784.047, s. 784.0487, or s. 825.1036 which  
84 violates an injunction for protection entered pursuant to s.  
85 741.30, s. 784.046, s. 784.0485, or s. 825.1035 or a foreign  
86 protection order accorded full faith and credit pursuant to s.  
87 741.315, over the objection of the petitioner, if necessary.

33-00883-26

20261284

88        (9) There is probable cause to believe that the person has  
89 committed any of the following:

90        (a) Any battery upon another person, as defined in s.  
91 784.03.

92        (b) An act of criminal mischief or a graffiti-related  
93 offense as described in s. 806.13.

94        (c) A violation of a safety zone, security zone, regulated  
95 navigation area, or naval vessel protection zone as described in  
96 s. 327.461.

97        (d) A racing, street takeover, or stunt driving violation  
98 as described in s. 316.191(2).

99        (e) An exposure of sexual organs in violation of s. 800.03.

100        (f) Possession of a firearm by a minor in violation of s.  
101 790.22(3).

102        (g) Trespass upon school grounds or facilities, including  
103 school buses as defined in s. 810.097(5)(b), in violation of  
104 that section.

105        (h) An act that constitutes driving under the influence in  
106 violation of s. 316.193.

107        (i) An act that constitutes boating under the influence in  
108 violation of s. 327.35.

109        Section 4. Section 933.02, Florida Statutes, is amended to  
110 read:

111        933.02 Grounds for issuance of search warrant.—Upon proper  
112 affidavits being made, a search warrant may be issued under ~~the~~  
113 ~~provisions of~~ this chapter upon any of the following grounds:

114        (1) When the property ~~has~~ shall have been stolen or  
115 embezzled in violation of law.<sup>;</sup>

116        (2) When any property ~~has~~ shall have been used:

33-00883-26

20261284

- (a) As a means to commit any crime;
- (b) In connection with gambling, gambling implements and appliances; or
- (c) In violation of s. 847.011 or other laws in reference to obscene prints and literature.†

(3) When any property constitutes evidence relevant to proving that a felony has been committed. *✓*

(4) When any property is being held or possessed in violation of:

(a) ~~In violation of~~ Any of the laws prohibiting the manufacture, sale, and transportation of intoxicating liquors;

(b) ~~In violation of~~ The fish and game laws;

(c) ~~In violation of~~ The laws relative to fo

(d) ~~In violation of~~ The laws relative to citrus disease

ant to s 581 184 ~~for~~

pursuant to s. 581.184 ; or

(5) When the laws in relation to cruelty to animals, as provided in chapter 828, have been or are violated in any particular building or place.

(6) When a sample of the blood of a person or other property constitutes evidence relevant to proving that a violation of s. 316.193 or s. 327.35 has been committed.

(7) When the laws in relation to domestic violence as defined in s. 741.28 are violated in any particular building or place.

(8) When the laws in relation to any misdemeanor crime that involves the use or threat of physical force or violence against an individual are violated.

This section also applies to any papers or documents used as a

33-00883-26

20261284

146 means of or in aid of the commission of any offense against the  
147 laws of the state.

148       Section 5. For the purpose of incorporating the amendments  
149 made by this act to sections 901.02 and 901.15, Florida  
150 Statutes, in references thereto, subsections (2) and (3) of  
151 section 901.1501, Florida Statutes, are reenacted to read:

152       901.1501 Immediate arrest of a person with a significant  
153 medical condition.—

154       (2) In determining whether to make an immediate arrest of a  
155 person with a significant medical condition, including an arrest  
156 for an offense committed against an elderly person or a disabled  
157 adult, a law enforcement officer may use his or her discretion  
158 based on the totality of the circumstances, including  
159 consideration of whether the person is a current or continued  
160 threat to public safety or himself or herself or a flight risk,  
161 and may consider all available lawful methods of making an  
162 arrest, including seeking an arrest warrant under s. 901.02.

163       (3) This section does not prohibit a law enforcement  
164 officer from arresting a person without a warrant under s.  
165 901.15, or making such an arrest by any lawful method.

166       Section 6. For the purpose of incorporating the amendment  
167 made by this act to section 901.15, Florida Statutes, in a  
168 reference thereto, paragraph (b) of subsection (9) of section  
169 20.165, Florida Statutes, is reenacted to read:

170       20.165 Department of Business and Professional Regulation.—  
171 There is created a Department of Business and Professional  
172 Regulation.

173       (9)

174       (b) Each employee serving as a law enforcement officer for

33-00883-26

20261284

175 the division must meet the qualifications for employment or  
176 appointment as a law enforcement officer set forth under s.  
177 943.13 and must be certified as a law enforcement officer by the  
178 Department of Law Enforcement under chapter 943. Upon  
179 certification, each law enforcement officer is subject to and  
180 has the same authority as provided for law enforcement officers  
181 generally in chapter 901 and has statewide jurisdiction. Each  
182 officer also has arrest authority as provided for state law  
183 enforcement officers in s. 901.15. Each officer possesses the  
184 full law enforcement powers granted to other peace officers of  
185 this state, including the authority to make arrests, carry  
186 firearms, serve court process, and seize contraband and the  
187 proceeds of illegal activities.

188 1. The primary responsibility of each officer appointed  
189 under this section is to investigate, enforce, and prosecute,  
190 throughout the state, violations and violators of parts I and II  
191 of chapter 210, part VII of chapter 559, and chapters 561-569,  
192 and the rules adopted thereunder, as well as other state laws  
193 that the division, all state law enforcement officers, or  
194 beverage enforcement agents are specifically authorized to  
195 enforce.

196 2. The secondary responsibility of each officer appointed  
197 under this section is to enforce all other state laws, provided  
198 that the enforcement is incidental to exercising the officer's  
199 primary responsibility as provided in subparagraph 1., and the  
200 officer exercises the powers of a deputy sheriff, only after  
201 consultation or coordination with the appropriate local  
202 sheriff's office or municipal police department or when the  
203 division participates in the Florida Mutual Aid Plan during a

33-00883-26

20261284

204 declared state emergency.

205 Section 7. For the purpose of incorporating the amendment  
206 made by this act to section 901.15, Florida Statutes, in a  
207 reference thereto, subsection (5) of section 39.504, Florida  
208 Statutes, is reenacted to read:

209 39.504 Injunction; penalty.—

210 (5) Service of process on the respondent shall be carried  
211 out pursuant to s. 741.30. The department shall deliver a copy  
212 of any injunction issued pursuant to this section to the  
213 protected party or to a parent, caregiver, or individual acting  
214 in the place of a parent who is not the respondent. Law  
215 enforcement officers may exercise their arrest powers as  
216 provided in s. 901.15(6) to enforce the terms of the injunction.

217 Section 8. For the purpose of incorporating the amendment  
218 made by this act to section 901.15, Florida Statutes, in a  
219 reference thereto, subsection (1) of section 321.05, Florida  
220 Statutes, is reenacted to read:

221 321.05 Duties, functions, and powers of patrol officers.—  
222 The members of the Florida Highway Patrol are hereby declared to  
223 be conservators of the peace and law enforcement officers of the  
224 state, with the common-law right to arrest a person who, in the  
225 presence of the arresting officer, commits a felony or commits  
226 an affray or breach of the peace constituting a misdemeanor,  
227 with full power to bear arms; and they shall apprehend, without  
228 warrant, any person in the unlawful commission of any of the  
229 acts over which the members of the Florida Highway Patrol are  
230 given jurisdiction as hereinafter set out and deliver him or her  
231 to the sheriff of the county that further proceedings may be had  
232 against him or her according to law. In the performance of any

33-00883-26

20261284

233 of the powers, duties, and functions authorized by law, members  
234 of the Florida Highway Patrol have the same protections and  
235 immunities afforded other peace officers, which shall be  
236 recognized by all courts having jurisdiction over offenses  
237 against the laws of this state, and have authority to apply for,  
238 serve, and execute search warrants, arrest warrants, capias, and  
239 other process of the court. The patrol officers under the  
240 direction and supervision of the Department of Highway Safety  
241 and Motor Vehicles shall perform and exercise throughout the  
242 state the following duties, functions, and powers:

243 (1) To patrol the state highways and regulate, control, and  
244 direct the movement of traffic thereon; to maintain the public  
245 peace by preventing violence on highways; to apprehend fugitives  
246 from justice; to enforce all laws regulating and governing  
247 traffic, travel, and public safety upon the public highways and  
248 providing for the protection of the public highways and public  
249 property thereon, including the security and safety of this  
250 state's transportation infrastructure; to make arrests without  
251 warrant for the violation of any state law committed in their  
252 presence in accordance with state law; providing that no search  
253 may be made unless it is incident to a lawful arrest, to  
254 regulate and direct traffic concentrations and congestions; to  
255 enforce laws governing the operation, licensing, and taxing and  
256 limiting the size, weight, width, length, and speed of vehicles  
257 and licensing and controlling the operations of drivers and  
258 operators of vehicles, including the safety, size, and weight of  
259 commercial motor vehicles; to collect all state fees and  
260 revenues levied as an incident to the use or right to use the  
261 highways for any purpose, including the taxing and registration

33-00883-26

20261284

262 of commercial motor vehicles; to require the drivers of vehicles  
263 to stop and exhibit their driver licenses, registration cards,  
264 or documents required by law to be carried by such vehicles; to  
265 investigate traffic accidents, secure testimony of witnesses and  
266 of persons involved, and make report thereof with copy, if  
267 requested in writing, to any person in interest or his or her  
268 attorney; to investigate reported thefts of vehicles; and to  
269 seize contraband or stolen property on or being transported on  
270 the highways. Each patrol officer of the Florida Highway Patrol  
271 is subject to and has the same arrest and other authority  
272 provided for law enforcement officers generally in chapter 901  
273 and has statewide jurisdiction. Each officer also has arrest  
274 authority as provided for state law enforcement officers in s.  
275 901.15. This section does not conflict with, but is supplemental  
276 to, chapter 933.

277 Section 9. For the purpose of incorporating the amendment  
278 made by this act to section 901.15, Florida Statutes, in a  
279 reference thereto, subsection (2) of section 570.65, Florida  
280 Statutes, is reenacted to read:

281 570.65 Department of Agriculture and Consumer Services, law  
282 enforcement officers.—

283 (2) Each law enforcement officer shall meet the  
284 qualifications of law enforcement officers under s. 943.13 and  
285 shall be certified as a law enforcement officer by the  
286 Department of Law Enforcement under the provisions of chapter  
287 943. Upon certification, each law enforcement officer is subject  
288 to and shall have the same arrest and other authority provided  
289 for law enforcement officers generally in chapter 901 and shall  
290 have statewide jurisdiction. Each officer shall also have arrest

33-00883-26

20261284

291 authority as provided for state law enforcement officers in s.  
292 901.15. Such officers have full law enforcement powers granted  
293 to other peace officers of this state, including the authority  
294 to make arrests, carry firearms, serve court process, and seize  
295 contraband and the proceeds of illegal activities.

296 Section 10. For the purpose of incorporating the amendment  
297 made by this act to section 901.15, Florida Statutes, in a  
298 reference thereto, paragraph (d) of subsection (6) of section  
299 741.30, Florida Statutes, is reenacted to read:

300 741.30 Domestic violence; injunction; powers and duties of  
301 court and clerk; petition; notice and hearing; temporary  
302 injunction; issuance of injunction; statewide verification  
303 system; enforcement; public records exemption.—

304 (6)

305 (d) A temporary or final judgment on injunction for  
306 protection against domestic violence entered under this section  
307 shall, on its face, indicate that:

308 1. The injunction is valid and enforceable in all counties  
309 of the State of Florida.

310 2. Law enforcement officers may use their arrest powers  
311 under s. 901.15(6) to enforce the terms of the injunction.

312 3. The court had jurisdiction over the parties and matter  
313 under the laws of Florida and that reasonable notice and  
314 opportunity to be heard was given to the person against whom the  
315 order is sought sufficient to protect that person's right to due  
316 process.

317 4. The date the respondent was served with the temporary or  
318 final order, if obtainable.

319 Section 11. For the purpose of incorporating the amendment

33-00883-26

20261284

320 made by this act to section 901.15, Florida Statutes, in  
321 references thereto, paragraph (c) of subsection (6) and  
322 paragraph (b) of subsection (9) of section 784.0485, Florida  
323 Statutes, are reenacted to read:

324 784.0485 Stalking; injunction; powers and duties of court  
325 and clerk; petition; notice and hearing; temporary injunction;  
326 issuance of injunction; statewide verification system;  
327 enforcement.—

328 (6)

329 (c) A temporary or final judgment on injunction for  
330 protection against stalking entered pursuant to this section  
331 shall, on its face, indicate:

332 1. That the injunction is valid and enforceable in all  
333 counties of this state.

334 2. That law enforcement officers may use their arrest  
335 powers pursuant to s. 901.15(6) to enforce the terms of the  
336 injunction.

337 3. That the court has jurisdiction over the parties and  
338 matter under the laws of this state and that reasonable notice  
339 and opportunity to be heard was given to the person against whom  
340 the order is sought sufficient to protect that person's right to  
341 due process.

342 4. The date that the respondent was served with the  
343 temporary or final order, if obtainable.

344 (9)

345 (b) If the respondent is arrested by a law enforcement  
346 officer under s. 901.15(6) or for a violation of s. 784.0487,  
347 the respondent shall be held in custody until brought before the  
348 court as expeditiously as possible for the purpose of enforcing

33-00883-26

20261284

349 the injunction and for admittance to bail in accordance with  
350 chapter 903 and the applicable rules of criminal procedure,  
351 pending a hearing.

352 Section 12. This act shall take effect July 1, 2026.