

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\_\_

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

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

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

901.02 Issuance of arrest warrants.—

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

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

(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 ~~(c) 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\_\_

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

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

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

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

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

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

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

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

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

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

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

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

(1) When the property has ~~shall have~~ been stolen or embezzled in violation of law.~~†~~

(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 food and drug; or

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

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

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

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

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

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

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

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

(9)

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

33-00883-26

20261284\_\_

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

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

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

33-00883-26

20261284\_\_

declared state emergency.

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

39.504 Injunction; penalty.—

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

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

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



33-00883-26

20261284\_\_

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

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

33-00883-26

20261284\_\_

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

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

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

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

33-00883-26

20261284\_\_

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

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

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

(6)

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

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

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

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

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

Section 11. For the purpose of incorporating the amendment

33-00883-26

20261284\_\_

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

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

(6)

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

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

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

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

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

(9)

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 784.0487, the respondent shall be held in custody until brought before the 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.