

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 445](#)  
**TITLE:** Dangerous Crimes  
**SPONSOR(S):** Greco

**COMPANION BILL:** [CS/SB 928](#) (Martin)  
**LINKED BILLS:** None  
**RELATED BILLS:** None

### Committee References

[Criminal Justice](#)  
16 Y, 1 N, As CS

[Justice Budget](#)

[Judiciary](#)

## SUMMARY

### Effect of the Bill:

The bill makes the following changes related to dangerous crimes:

- Adds violations related to specified computer pornography and child exploitation offenses to the list of dangerous crimes under Florida's pretrial detention statute, so that a person arrested for such an offense may not be granted nonmonetary pretrial release at a first appearance hearing and may be subject to pretrial detention.
- Requires a court to remand a person to custody immediately upon a finding of guilt of a dangerous crime.
- Requires a person convicted of a dangerous crime to remain in custody without the possibility of release on bond, pending sentencing or further proceedings.
- Prohibits a person from securing a postconviction bond if he or she has been found guilty of a dangerous crime, subject to specified exceptions.

### Fiscal or Economic Impact:

The bill may have an indeterminate positive impact on jail and prison beds by expanding the list of specified dangerous crimes and requiring a court to remand a person to custody or deny pretrial or postconviction release under specified circumstances, which may result in more individuals being held in pretrial or postconviction custody.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill adds any violation related to [computer pornography and child exploitation](#) as defined in [s. 847.0135, F.S.](#), to the list of [dangerous crimes](#) under [s. 907.041\(5\)\(a\), F.S.](#), so that a person arrested for such an offense:

- May not be granted nonmonetary pretrial release at a first appearance hearing if the court determines that there is probable cause to believe the person has committed the offense; and
- May be subject to [pretrial detention](#) if the court determines the defendant meets specified criteria. (Section 3)

The bill requires a court to remand a person to custody immediately upon a finding of guilt of a dangerous crime. Under the bill, the person must remain in custody without the possibility of release on [bond](#), pending sentencing or further proceedings. Moreover, the court may not grant postconviction bond or other release for a person who has been found guilty of, or who has entered a plea of guilty or nolo contendere to, a dangerous crime. (Section 2)

The prohibitions in the bill apply regardless of whether the person intends to appeal or has filed a notice of appeal. However, the prohibitions against bond do not apply if the finding of guilt that formed the basis of the person's remand to custody has been:

- Vacated;

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**DATE:** 1/28/2026

- Reversed on appeal;
- Set aside by judgment of acquittal; or
- Otherwise nullified. (Section [2](#))

The bill may be cited as "Missy's Law." (Section [1](#))

The effective date of the bill is July 1, 2026. (Section [4](#))

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill may have an indeterminate positive impact on prison beds by requiring a court to remand a person to custody immediately upon a finding of guilt for a dangerous crime, and by prohibiting a person convicted of a dangerous crime from securing a postconviction bond, which may result in more offenders being sent to prison without an opportunity for release.

### LOCAL GOVERNMENT:

The bill may have an indeterminate positive impact on jail beds by expanding the list of dangerous crimes for purposes of pretrial detention, and by requiring a court to remand a person to custody immediately upon a finding of guilt for a dangerous crime, which may result in more offenders remaining in custody pending the resolution of their case.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Post-Adjudication Bail](#)

A person who has been sentenced for the commission of any non-capital offense for which bail is not prohibited under [s. 903.133, F.S.](#), may be released, pending review of his or her conviction, at the discretion of either the trial or appellate court.<sup>1</sup> Generally, a court may hear a motion for posttrial release pending appeal before or after a notice of appeal is filed, but a person may not be released from custody until he or she first files a notice of appeal.<sup>2</sup> A person who is convicted of a felony may not be admitted to bail upon appeal unless he or she establishes that an appeal is taken in good faith, on grounds fairly debatable, and not frivolous.<sup>3</sup> However, the court cannot grant bail if:

- A person has previously been convicted of a felony, the commission of which occurred prior to the commission of the subsequent felony, and such person's civil rights have not been restored; or
- Other felony charges are pending against the person and there has been a finding of probable cause that the person has committed the felony or felonies at the time the request for bail is made.<sup>4</sup>

Additionally, an original appearance bond may not be continued for an appeal and the court must determine a new bond to reflect the increased risk and probability of longer time considerations.<sup>5</sup> If a person is already in custody when a guilty verdict is rendered, he or she must be remanded,<sup>6</sup> and if a person is released after conviction and pending appeal, he or she must:

- Duly prosecute his or her appeal;

<sup>1</sup> Fla. R. Crim. P. 3.691(a). *See also Younghans v. State*, 90 So. 2d 308 (Fla. 1956).

<sup>2</sup> Fla. R. App. P. 9.140(h).

<sup>3</sup> [S. 903.132\(1\), F.S.](#)

<sup>4</sup> *Supra* note 1.

<sup>5</sup> [S. 903.132\(3\), F.S.](#)

<sup>6</sup> Fla. R. Crim. P. 3.550.

- Surrender himself or herself in execution of the judgment or sentence if it is affirmed or modified, or if the appeal is dismissed;
- Appear in court if the judgment is reversed and the case is remanded for a new trial; and
- Not leave the jurisdiction without permission from the court.<sup>7</sup>

#### *Prohibition Against Bail Pending Review of Conviction*

Notwithstanding the above conditions, under [S. 903.133, F.S.](#), no person may be admitted to bail pending review either by posttrial motion or appeal if he or she was found guilty of:

- A felony of the first degree for a violation of:
  - Murder;<sup>8</sup>
  - Kidnapping;<sup>9</sup>
  - Sexual battery by a person 18 years of age or older against a victim between 12 and 18 years of age;<sup>10</sup>
  - Arson;<sup>11</sup>
  - Sale, manufacture, or delivery, or possession with intent to sell, manufacture, or deliver a controlled substance;<sup>12</sup>
  - Trafficking in any controlled substance.<sup>13</sup>
- Sexual battery, under [S. 794.011\(2\)-\(3\), F.S.](#);<sup>14</sup> or
- Any other offense requiring sexual offender registration under [S. 943.0435\(1\)\(h\), F.S.](#), or sexual predator registration under [S. 775.21\(4\), F.S.](#), when, at the time of the offense, the offender was 18 years of age or older and the victim was a minor.

Thus, absent other prohibitions, because [S. 903.133, F.S.](#), applies *after* the court has entered a judgment and sentence against a guilty person, a judge has discretion to release a person from custody who has been found guilty of an offense outlined in [S. 903.133, F.S.](#), but who is yet to be sentenced.

#### **Dangerous Crimes**

Under [S. 907.041\(5\)\(a\), F.S.](#), a “dangerous crime” means any of the following:

- Arson;
- Aggravated assault;
- Aggravated battery;
- Illegal use of explosives;
- Child abuse or aggravated child abuse;
- Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
- Aircraft piracy;
- Kidnapping;
- Homicide;

<sup>7</sup> Fla. R. Crim. P. 3.691(d).

<sup>8</sup> [S. 782.04\(2\)-\(3\), F.S.](#)

<sup>9</sup> [S. 787.01, F.S.](#)

<sup>10</sup> [S. 794.011\(4\), F.S.](#)

<sup>11</sup> [S. 806.01, F.S.](#)

<sup>12</sup> [S. 893.13, F.S.](#)

<sup>13</sup> [S. 893.135, F.S.](#)

<sup>14</sup> Such offenses include instances when:

- A person 18 years of age or older commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age, punishable as a capital felony.
- A person less than 18 years of age commits sexual battery upon, or in an attempt to commit sexual battery injures the sexual organs of, a person less than 12 years of age, punishable as a life felony.
- A person commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof either uses or threatens to use a deadly weapon, or uses actual physical force likely to cause serious personal injury, punishable as a life felony.

- Manslaughter, including DUI manslaughter and BUI manslaughter;
- Sexual battery;
- Robbery;
- Carjacking;
- Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;
- Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;
- Burglary of a dwelling;
- Stalking and aggravated stalking;
- Act of domestic violence as defined in [s. 741.28, F.S.](#);
- Home invasion robbery;
- Act of terrorism as defined in [s. 775.30, F.S.](#);
- Manufacturing any substances in violation of chapter 893, F.S.;
- Attempting or conspiring to commit any such crime;
- Human trafficking;
- Trafficking in any controlled substance described in [s. 893.135\(1\)\(c\)4, F.S.](#);
- Extortion in violation of [s. 836.05, F.S.](#); and
- Written threats to kill in violation of [s. 836.10, F.S.](#).

A person arrested for a dangerous crime may not be granted nonmonetary pretrial release at a first appearance hearing if the court has determined there is probable cause to believe the person has committed the offense.<sup>15</sup>

### **Bail and Pretrial Detention**

Under article I, section 14 of the Florida Constitution, “[u]nless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.”

#### *Bail*

After a person has been arrested, he or she must appear before a judge within 24 hours of arrest, which is known as a “first appearance.”<sup>16</sup> At a first appearance, a judge advises a defendant of the charges for which he or she was arrested, determines whether there is probable cause that the defendant committed the offense, and advises a defendant of specified rights.<sup>17</sup> If a judge determines that probable cause exists, the judge then determines whether a defendant is entitled to pretrial release. A judge may grant pretrial release either by setting a specified bail amount or releasing the defendant on his or her own recognizance.<sup>18</sup>

#### *Pretrial Detention*

Under [s. 907.041, F.S.](#), upon a motion by the state attorney, the court may order pretrial detention if it finds a substantial probability, based on a defendant’s past and present patterns of behavior, consideration of the criteria used for determining bail, and any other relevant facts, that any of the following circumstances exist:

- The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant’s appearance at subsequent proceedings;
- The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no conditions of release will reasonably prevent the obstruction of the judicial process;

<sup>15</sup> [S. 907.041\(5\)\(b\), F.S.](#)

<sup>16</sup> Fla. R. Crim. P. 3.130.

<sup>17</sup> *Id.*

<sup>18</sup> Fla. R. Crim. P. 3.131.

- The defendant is charged with trafficking in controlled substances under [S. 893.135, F.S.](#), there is a substantial probability that the defendant has committed the offense, and no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;
- The defendant is charged with DUI manslaughter, there is a substantial probability that the defendant committed the crime, and the defendant poses a threat of harm to the community;
- *The defendant poses the threat of harm to the community, which a court may conclude if the defendant is charged with a dangerous crime, there is a substantial probability that the defendant committed such crime, the factual circumstances of the crime indicate a disregard for the safety of the community, and there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;*<sup>19</sup>
- *The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;*
- The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or
- The defendant:
  - Has previously been sentenced as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;
  - There is a substantial probability that the defendant committed the offense; and
  - There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.<sup>20</sup>

## Offenses Related to Computer Pornography and Child Exploitation

### *Traveling to Meet a Minor to Commit an Unlawful Sex Act*

A person commits a second degree felony<sup>21</sup> if he or she travels any distance either within this state, to this state, or from this state by any means, attempts to do so, or causes another to do so or to attempt to do so for the purpose of engaging in any illegal act described in chs. 794, 800, or 827, F.S., or any other unlawful sexual conduct, with a child or with another person believed by the person to be a child, after using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another person believed by the person to be a child, to engage in any illegal act described in chs. 794, 800, or 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child; or
- Solicit, lure, or entice or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chs. 794, 800, or 827, F.S., or to otherwise engage in any sexual conduct.<sup>22</sup>

### *Computer Pornography Related to Minors*

A person commits a third degree felony<sup>23</sup> if he or she:

- Knowingly compiles, enters into, or transmits by use of computer;
- Makes, prints, publishes, or reproduces by other computerized means;
- Knowingly causes or allows to be entered into or transmitted by use of computer; or
- Buys, sells, receives, exchanges, or disseminates,

<sup>19</sup> [S. 907.041\(5\)\(c\)5., F.S.](#)

<sup>20</sup> [S. 907.041\(5\)\(c\), F.S.](#)

<sup>21</sup> A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

<sup>22</sup> [S. 847.0135\(4\), F.S.](#)

<sup>23</sup> A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

any notice, statement, or advertisement of any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct.<sup>24</sup>

#### *Solicitation of a Child, via a Computer Service, to Commit an Unlawful Sex Act*

A person commits a third degree felony if he or she knowingly uses a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in chs. 794, 800, or 827, F.S., or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child; or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in chs. 794, 800, or 827, F.S., or to otherwise engage in any sexual conduct.<sup>25</sup>

#### *Lewd or Lascivious Exhibition Over the Internet*

A person commits lewd or lascivious exhibition over the internet if he or she:

- Intentionally masturbates;
- Intentionally exposes the genitals in a lewd or lascivious manner; or
- Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity,

live over a computer online service, Internet service, or local bulletin board service, and he or she knows, should know, or has reason to believe that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years of age.<sup>26</sup> The offense is a:

- Second degree felony, if the offender is 18 years of age or older.
- Third degree felony, if the offender is less than 18 years of age.

Generally, a person who commits an above listed offense related to computer pornography and child exploitation must register as a sexual offender under [s. 943.0435\(1\)\(h\), F.S.](#), or a sexual predator under [s. 775.21\(4\), F.S.](#)

#### **OTHER RESOURCES:**

[Attorney General James Uthmeier Proposes Missy's Law after Brutal Murder of Tallahassee Five-Year-Old at the Hands of Stepdad Daniel Spencer | My Florida Legal](#)

<sup>24</sup> [S. 847.0135\(2\), F.S.](#)

<sup>25</sup> [S. 847.0135\(3\), F.S.](#) A person commits a second degree felony if he or she violates this subsection and, in doing so, misrepresents his or her age.

<sup>26</sup> [S. 847.0135\(5\), F.S.](#)

**BILL HISTORY**

| COMMITTEE REFERENCE                           | ACTION  | DATE      | STAFF<br>DIRECTOR/<br>POLICY CHIEF | ANALYSIS<br>PREPARED BY |
|---|---|-----------|------------------------------------|-------------------------|
| <a href="#">Criminal Justice Subcommittee</a> | 16 Y, 1 N, As CS  | 1/20/2026 | Hall                               | Butcher                 |
| THE CHANGES ADOPTED BY THE COMMITTEE:         | Added any violation related to computer pornography and child exploitation as described in <a href="#">s. 847.0135, F.S.</a> , to the list of dangerous crimes under <a href="#">s. 907.041(5)(a), F.S.</a> |           |                                    |                         |
| <a href="#">Justice Budget Subcommittee</a>   |   |           | Keith                              | Saag                    |
| <a href="#">Judiciary Committee</a>           |   |           |                                    |                         |

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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