

CHAPTER 2024-157

House Bill No. 7067

An act relating to pretrial detention hearings; amending s. 907.041, F.S.; authorizing a court to base certain orders of pretrial detention solely on hearsay; making technical changes; providing an effective date.

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

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.—

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

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

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

Approved by the Governor May 6, 2024.

Filed in Office Secretary of State May 6, 2024.