

1                   A bill to be entitled  
 2           An act relating to pretrial detention hearings;  
 3           amending s. 907.041, F.S.; authorizing a court to base  
 4           an order of pretrial detention solely on hearsay;  
 5           making technical changes; providing an effective date.  
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7 Be It Enacted by the Legislature of the State of Florida:  
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9           Section 1. Paragraphs (j) through (m) of subsection (5) of  
 10          section 907.041, Florida Statutes, are redesignated as  
 11          paragraphs (k) through (n), respectively, paragraph (i) of that  
 12          subsection is amended, and a new paragraph (j) is added to that  
 13          subsection, to read:

14               907.041 Pretrial detention and release.—

15               (5) PRETRIAL DETENTION.—

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

25               (j) The defendant is entitled to be represented by

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26 | counsel, to present witnesses and evidence, and to cross-examine  
27 | witnesses. No testimony by the defendant shall be admissible to  
28 | prove guilt at any other judicial proceeding, but such testimony  
29 | may be admitted in an action for perjury, based upon the  
30 | defendant's statements made at the pretrial detention hearing,  
31 | or for impeachment.

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