

1 A bill to be entitled
2 An act relating to criminal warrants; amending s.
3 901.02, F.S.; revising conditions under which a judge
4 may issue an arrest warrant for a misdemeanor offense;
5 authorizing a judge to issue a summons or notice to
6 appear in lieu of arrest in certain circumstances;
7 amending s. 901.09, F.S.; authorizing a judge to issue
8 a summons instead of a warrant in certain
9 circumstances; amending s. 901.15, F.S.; providing
10 that a law enforcement officer may arrest a person
11 without a warrant when there is probable cause to
12 believe such person has committed certain criminal
13 acts or offenses; amending s. 933.02, F.S.;
14 authorizing the issuance of a search warrant on
15 certain grounds; providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:
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19 **Section 1. Subsection (2) of section 901.02, Florida**
20 **Statutes, is amended, and subsection (1) of that section is**
21 **republished, to read:**

22 901.02 Issuance of arrest warrants.—

23 (1) A judge, upon examination of the complaint and proofs
24 submitted, if satisfied that probable cause exists for the
25 issuance of an arrest warrant for any crime committed within the

judge's jurisdiction, shall thereupon issue an arrest warrant signed by the judge with the judge's name of office.

(2) If a complaint alleges the commission of a misdemeanor only, a judge may ~~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) In his or her discretion, issue a ~~The~~ summons pursuant to s. 901.09(2) or a notice to appear in lieu of an arrest warrant if she or he reasonably believes that the person against whom the complaint was made will appear upon the summons or notice to appear and does not believe that special conditions of pretrial release are necessary to protect the victim or the community ~~issued to the defendant has been returned unserved.~~

~~(c) The conditions of subsection (1) are met.~~

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

901.09 When summons shall be issued.—

(2) When the complaint is for a misdemeanor that the trial court judge is not empowered to try summarily, the trial court judge may ~~shall~~ issue a summons instead of a warrant if she or he reasonably believes that the person against whom the complaint was made will appear upon a summons and does not

51 believe that special conditions of pretrial release are
52 necessary to protect the victim or the community.

53 **Section 3. Subsection (6) of section 901.15, Florida**
54 **Statutes, is amended, and new paragraphs (h) and (i) are added**
55 **to subsection (9) of that section, to read:**

56 901.15 When arrest by officer without warrant is lawful.—A
57 law enforcement officer may arrest a person without a warrant
58 when:

59 (6) There is probable cause to believe that the person has
60 committed a criminal act according to s. 790.233 or according to
61 s. 741.31, s. 784.047, s. 784.0487, or s. 825.1036 which
62 violates an injunction for protection entered pursuant to s.
63 741.30, s. 784.046, s. 784.0485, or s. 825.1035 or a foreign
64 protection order accorded full faith and credit pursuant to s.
65 741.315, over the objection of the petitioner, if necessary.

66 (9) There is probable cause to believe that the person has
67 committed:

68 (h) Driving under the influence in violation of s.
69 316.193.

70 (i) Boating under the influence in violation of s. 327.35.

71 **Section 4. Subsections (6), (7), and (8) are added to**
72 **section 933.02, Florida Statutes, to read:**

73 933.02 Grounds for issuance of search warrant.—Upon proper
74 affidavits being made, a search warrant may be issued under the
75 provisions of this chapter upon any of the following grounds:

76 (6) When a sample of the blood of a person or any property
77 constitutes evidence relevant to proving that a violation of s.
78 316.193 or s. 327.35 has been committed.

79 (7) When the laws in relation to domestic violence, as
80 defined in s. 741.28(2), have been or are violated in any
81 particular building or place.

82 (8) When the laws in relation to any misdemeanor offense
83 which involves the use or threat of physical force or violence
84 against any individual have been or are violated in any
85 particular building or place.

86
87 This section also applies to any papers or documents used as a
88 means of or in aid of the commission of any offense against the
89 laws of the state.

90 **Section 5.** This act shall take effect October 1, 2026.