

Supreme Court of Florida

No. SC2025-0530

IN RE: AMENDMENTS TO THE FLORIDA RULES OF CRIMINAL PROCEDURE - 2025 LEGISLATION.

November 26, 2025

PER CURIAM.

In response to recent legislation, The Florida Bar’s Criminal Procedure Rules Committee filed a “fast-track” report proposing amendments to Florida Rules of Criminal Procedure 3.130 (First Appearance) and 3.132 (Pretrial Detention).¹ The amendments reflect changes to section 907.041, Florida Statutes (2024), made by chapter 2025-1, section 14, Laws of Florida, which went into effect on February 13, 2025. On May 22, 2025, we adopted the amendments and provided for a comment period after the opinion issued because the amendments were not published for comment prior to their adoption. The Court received one comment from the

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(e).

Criminal Court Steering Committee (CCSC), and the Committee filed a reply to the comment.

Based on the comment and the reply from the Committee, we make the following additional amendments to rules 3.130 and 3.132. In subdivision (d) of rule 3.130, we add a reference to pretrial detention, where formerly there was just a reference to pretrial release. In rule 3.132(a), we add “or an unauthorized alien arrested for a forcible felony” as an individual who must not be released from jail before first appearance. At the request of the CCSC, we also clarify that the burdens of proof found in section 907.041(6)(c) and in rule 3.132(f)(2) were not altered by our May 2025 opinion in this case.

Accordingly, the Florida Rules of Criminal Procedure are amended as reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments shall become effective immediately.

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Criminal Procedure

Katelyn K. Johnston, Chair, Criminal Procedure Rules Committee, Jacksonville, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Kelly Noel Smith, Attorney Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

Judge Joseph A. Bulone, Chair, Criminal Court Steering Committee, Clearwater, Florida, and Bart Schneider, Staff Liaison, Office of the State Courts Administrator, Tallahassee, Florida,

Responding with comments

APPENDIX

RULE 3.130. FIRST APPEARANCE

(a) – (c) [No Change]

(d) Pretrial Detention or Release. The judge must proceed to determine pretrial detention or conditions of release under rule 3.131~~2~~ or rule 3.132~~1~~. For a defendant who has been arrested for violation of his or her probation or community control by committing a new violation of law, the judge:

(1) – (2) [No Change]

Committee Notes

[No Change]

RULE 3.132. PRETRIAL DETENTION

(a) ~~First Appearance Required for Dangerous Crimes.~~ A person arrested for a dangerous crime listed in section 907.041, Florida Statutes, or an unauthorized alien arrested for a forcible felony, must not be released from jail before his or her first appearance.

(b) – (m) [No Change]

Criminal Court Steering Committee Note

[No Change]