

SUPREME COURT OF FLORIDA

In re: Amendments to Florida Rules of Criminal Procedure 3.116 and 3.132

No. SC2024-0883 (Fla. Apr. 3, 2025) · No. SC2024-0883 · Decided April 24, 2025

SUMMARY

The Supreme Court of Florida issued a corrected per curiam opinion amending Florida Rules of Criminal Procedure 3.116 and 3.132. The amendments substantially revise procedures governing pretrial detention, including motions, hearings, continuances, custody and release conditions, evidence, communication technology, burdens of proof, and detention orders. The amendments become effective May 1, 2025, at 12:01 a.m.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Muñoz; Justice Canady; Justice Labarga; Justice Couriel; Justice Grosshans; Justice Francis; Justice Sasso
JURISDICTION	Supreme Court of Florida
DECIDED	April 24, 2025
DOCKET	SC2024-0883
DISPOSITION	other
PROCEDURAL POSTURE	Original rulemaking proceeding in which the Criminal Court Steering Committee proposed amendments to Florida Rule of Criminal Procedure 3.132, and the Supreme Court of Florida reviewed the proposal, comments, and response to comments.
STANDARD OF REVIEW	Not applicable; the Court exercised its rulemaking authority to review and adopt amendments to the Florida Rules of Criminal Procedure.
PRECEDENTIAL VALUE	Published rulemaking opinion establishing amended Florida Rules of Criminal Procedure 3.116 and 3.132

TOPICS

- criminal procedure
- bail
- probable cause
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Florida Rule of Criminal Procedure 3.132 should be amended to implement recent changes to section 907.041, Florida Statutes, governing pretrial detention.
2. Whether Florida Rule of Criminal Procedure 3.116(b) should be amended to recognize rule 3.132(j) as governing the use of audio-video communication technology in pretrial-detention proceedings.
3. What effective date and procedural requirements should apply to the amended rules.

HOLDINGS

1. The Supreme Court of Florida adopted amendments to Florida Rule of Criminal Procedure 3.132 governing pretrial detention, including motions, timing of hearings, continuances, custody and release conditions, judicial authority, hearing rights, evidence, communication technology, burden of proof, detention orders, and reconsideration.
2. The amended rule requires specified first-appearance and hearing procedures for pretrial detention, establishes custody and release rules, protects the defendant's right to counsel and to present and cross-examine witnesses, regulates admissible evidence and communication technology, and specifies the State's burden and the findings required in a detention order.
3. The Court amended Florida Rule of Criminal Procedure 3.116(b) to add rule 3.132(j) to the list of rules governing their own use of audio-video communication technology.

KEY QUOTATIONS

“As rewritten today, the rule requires that a person arrested for a dangerous crime as defined by section 907.041 must not be released from jail before first appearance.” (at 1)

“The Court hereby amends the Florida Rules of Criminal Procedure as reflected in the appendix to this opinion.” (at 2)

“The amendments shall become effective May 1, 2025, at 12:01 a.m.” (at 2)

“The state bears the burden of proving the need for pretrial detention under the substantial probability standard in section 907.041, Florida Statutes.” (at 10)

FACTUAL BACKGROUND

The Criminal Court Steering Committee proposed revisions to Florida Rule of Criminal Procedure 3.132 concerning pretrial detention after statutory changes to section 907.041, Florida Statutes, took effect on January 1, 2024. The Court considered the Committee's report, comments, response to comments, and oral argument held on February 6, 2025. The Court adopted the amendments with modifications and made a conforming amendment to rule 3.116(b) concerning audio-video communication technology.

PROCEDURAL HISTORY

The Criminal Court Steering Committee filed a report proposing amendments to rule 3.132 in response to the Court's referral concerning statutory changes to section 907.041, Florida Statutes. After reviewing the report, public comments, the Committee's response, and oral argument, the Court adopted the proposed amendments with modifications and amended rule 3.116(b) conformingly.

DISPOSITION

other

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