

By Senator Bogdanoff

25-00440A-11

2011372

1 A bill to be entitled
2 An act relating to pretrial programs; providing state
3 policy and legislative intent; requiring each pretrial
4 release program established by ordinance of a county
5 commission, by administrative order of a court, or by
6 any other means in order to assist in the release of a
7 defendant from pretrial custody to conform to the
8 eligibility criteria set forth by the act; preempting
9 any conflicting local ordinances, orders, or
10 practices; requiring that the defendant satisfy
11 certain eligibility criteria in order to be assigned
12 to a pretrial release program; providing that the act
13 does not prohibit a court from releasing a defendant
14 on the defendant's own recognizance or imposing any
15 other reasonable condition of release on the
16 defendant; authorizing a county to reimburse a
17 licensed surety agent for the premium costs of a bail
18 bond for the pretrial release of an indigent defendant
19 under certain circumstances; providing an effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Eligibility criteria for the enrollment of a
25 defendant in a pretrial release program.—

26 (1) It is the policy of this state that only defendants who
27 are indigent and who qualify for the services of the public
28 defender are eligible to participate in a pretrial release
29 program. Further, it is the policy of this state that, to the

25-00440A-11

2011372__

30 greatest extent possible, the resources of the private sector be
31 used to assist in the pretrial release of defendants. It is the
32 intent of the Legislature that this section not be interpreted
33 to limit the discretion of courts with respect to imposing on a
34 defendant reasonable conditions for pretrial release.

35 (2) A pretrial release program established by an ordinance
36 of the county commission, an administrative order of the court,
37 or by any other means in order to assist in the release of
38 defendants from pretrial custody is subject to the eligibility
39 criteria set forth in this section. These eligibility criteria
40 supersede and preempt all conflicting local ordinances, orders,
41 or practices. Each pretrial release program shall certify
42 annually, in writing to the chief circuit court judge, that it
43 has complied with the reporting requirements of s. 907.043(4).

44 (3) A defendant is eligible to participate in a pretrial
45 release program only by order of the court after the court finds
46 in writing that the defendant is indigent as set forth in Rule
47 3.111, Florida Rules of Criminal Procedure.

48 (4) If a defendant seeks to post a surety bond pursuant to
49 a predetermined bond schedule, the defendant shall be permitted
50 to do so without any interference or restriction by a pretrial
51 release program.

52 (5) This section does not prohibit the court from:

53 (a) Releasing a defendant on the defendant's own
54 recognizance.

55 (b) Imposing upon the defendant any reasonable condition of
56 release, including, but not limited to, electronic monitoring,
57 drug testing, substance abuse treatment, and domestic violence
58 counseling.

25-00440A-11

2011372__

59 (6) In lieu of using a governmental program to ensure the
60 court appearance of a defendant, a county may reimburse a
61 licensed surety agent for the premium costs of a surety bail
62 bond that secures the appearance of an indigent defendant at all
63 court proceedings if the court establishes a bail bond amount
64 for the indigent defendant.

65 Section 2. This act shall take effect October 1, 2011.