

HB 1379

2011

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 any  
6 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 any  
9 conflicting statutes, local ordinances, orders, or  
10 practices; requiring that the defendant satisfy certain  
11 eligibility criteria in order to be assigned to a pretrial  
12 release program; permitting a defendant to post a surety  
13 bond pursuant to a predetermined bond schedule; requiring  
14 disclosure of certain fees; providing that the act does  
15 not prohibit a court from releasing a defendant on the  
16 defendant's own recognizance or imposing any other  
17 reasonable condition of release on the defendant;  
18 authorizing a county to reimburse a licensed surety agent  
19 for the premium costs of a bail bond for the pretrial  
20 release of an indigent defendant under certain  
21 circumstances; providing an effective date.

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

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

27 (1) It is the policy of this state that only defendants  
28 who are indigent and who qualify for the services of a public

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

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

47 (3) A defendant is eligible to participate in a pretrial  
48 release program only by order of the court after the court finds  
49 in writing upon consideration of the defendant's affidavit of  
50 insolvency that the defendant is indigent as set forth in Rule  
51 3.111, Florida Rules of Criminal Procedure, and that the  
52 defendant has not previously failed to appear at any required  
53 court proceeding.

54 (4) If a defendant seeks to post a surety bond pursuant to  
55 a predetermined bond schedule, the defendant shall be permitted  
56 to do so without any interference or restriction by a pretrial

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57 release program. Each pretrial release program shall disclose in  
58 writing to each defendant at his or her initial interview each  
59 and every fee that will be assessed for his or her supervision.

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

61 (a) Releasing a defendant on the defendant's own  
62 recognizance.

63 (b) Imposing upon the defendant any reasonable condition  
64 of release, including, but not limited to, electronic  
65 monitoring, drug testing, substance abuse treatment, and  
66 domestic violence counseling.

67 (6) In lieu of using a governmental program to ensure the  
68 court appearance of a defendant, a county may reimburse a  
69 licensed surety agent for the premium costs of a surety bail  
70 bond that secures the appearance of an indigent defendant at all  
71 court proceedings if the court establishes a bail bond amount  
72 for the indigent defendant.

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