

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to drug offenses; amending s. 893.135,
7 F.S.; providing for aggregation of amounts of controlled
8 substances in certain circumstances for offenses involving
9 trafficking; amending s. 903.047, F.S.; requiring persons
10 charged with specified felony drug crimes who are seeking
11 pretrial release on bond to make specified showings as to
12 the source and legitimacy of funds and the surety's
13 purpose and intentions; amending s. 903.0471, F.S.;
14 requiring that a defendant on pretrial release for a
15 felony drug offense who is subsequently arrested for a new
16 felony drug offense must be returned to custody and must
17 show that he is not a danger to the community in order to
18 be released again; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (8) is added to section 893.135,
23 Florida Statutes, to read:

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24 893.135 Trafficking; mandatory sentences; suspension or
25 reduction of sentences; conspiracy to engage in trafficking.--

26 (8) Amounts of controlled substances sold, purchased,
27 manufactured, delivered, brought into the state, or actually or
28 constructively possessed by a specific person in a series of
29 violations of this chapter committed pursuant to one scheme or
30 course of conduct extending over a period of no more than 90
31 days may be aggregated in determining whether the weight
32 thresholds for offenses in this section have been met or
33 exceeded.

34 Section 2. Subsection (2) of section 903.047, Florida
35 Statutes, is renumbered as subsection (3) and a new subsection
36 (2) is added to said section to read:

37 903.047 Conditions of pretrial release.--

38 (2) As a condition of pretrial release on appearance or
39 criminal surety bond of any person charged with a felony
40 violation under chapter 893 involving the sale, delivery,
41 cultivation, or manufacture of any controlled substance; the
42 possession of, with intent to sell, deliver, cultivate, or
43 manufacture, any controlled substance; or trafficking in any
44 controlled substance, the court shall require that the defendant
45 prove by a preponderance of the evidence:

46 (a) The source and legitimacy of any funds intended to be
47 used to obtain his or her release.

48 (b) When the defendant's release is to be guaranteed by
49 criminal surety bond, the surety's purpose and intention to
50 secure the appearance of the defendant to answer charges.

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51 Section 3. Section 903.0471, Florida Statutes, is amended
52 to read:

53 903.0471 Violation of condition of pretrial release.--

54 (1) Notwithstanding s. 907.041, a court may, on its own
55 motion, revoke pretrial release and order pretrial detention if
56 the court finds probable cause to believe that the defendant
57 committed a new crime while on pretrial release.

58 (2) Notwithstanding s. 907.041, when a defendant has been
59 granted pretrial release on a charge of any felony violation of
60 chapter 893 involving the sale, delivery, cultivation, or
61 manufacture of any controlled substance; the possession of, with
62 intent to sell, deliver, cultivate, or manufacture, any
63 controlled substance; or trafficking in any controlled substance
64 and is subsequently arrested on a new charge of a felony
65 violation of chapter 893 involving the sale, delivery,
66 cultivation, or manufacture of any controlled substance; the
67 possession of, with intent to sell, deliver, cultivate, or
68 manufacture, any controlled substance; or trafficking in any
69 controlled substance, the court shall revoke his or her existing
70 pretrial release and the defendant shall be returned to custody
71 on the pending charges. The defendant shall not be eligible for
72 pretrial release on the subsequent charge until an evidentiary
73 hearing is held. At such hearing for pretrial release on the
74 subsequent charge, the burden shall fall upon the defendant to
75 prove by a preponderance of the evidence that his or her release
76 would not be a danger to the community.

77 Section 4. This act shall take effect October 1, 2005.