

By the Committees on Criminal and Civil Justice Appropriations;  
Judiciary; and Senator Crist

604-08331A-08

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1 A bill to be entitled

2 An act relating to pretrial release programs; creating s.  
3 907.043, F.S.; creating the "Citizens' Right-to-Know Act";  
4 defining the terms "nonsecured release," "pretrial release  
5 program," "register," and "secured release"; requiring  
6 each pretrial release program to prepare a register  
7 displaying information relevant to the defendants released  
8 through such a program; requiring that a copy of the  
9 register be located at the office of the clerk of the  
10 circuit court in the county where the program is located  
11 and readily accessible to the public; specifying the  
12 contents of the register; requiring each pretrial release  
13 program to submit an annual report to the Office of the  
14 State Courts Administrator and to the clerk of the circuit  
15 court by a specified date; specifying the content of the  
16 annual report; amending s. 903.011, F.S.; providing  
17 requirements for the form of bail or bond required for  
18 release from detention; amending s. 903.286, F.S.;  
19 requiring that all cash bond forms prominently display a  
20 notice explaining that cash funds are subject to  
21 forfeiture and withholding by the clerk of the court for  
22 the payment of court fees, court costs, and criminal  
23 penalties on behalf of the criminal defendant regardless  
24 of who posted the funds; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Section 907.043, Florida Statutes, is created to  
29 read:

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30 907.043 Pretrial release; citizens' right to know.--

31 (1) This section may be cited as the "Citizens' Right-to-  
32 Know Act."

33 (2) As used in this section, the term:

34 (a) "Nonsecured release" means the release of a defendant  
35 from pretrial custody when no secured surety or cash bond is  
36 required as a condition of the release.

37 (b) "Pretrial release program" means an entity, public or  
38 private, that conducts investigations of pretrial detainees,  
39 makes pretrial release recommendations to a court, and  
40 electronically monitors and supervises pretrial defendants.

41 (c) "Register" means a public record prepared by a pretrial  
42 release program which furnishes specified data and is readily  
43 available to the public at the office of the clerk of the circuit  
44 court.

45 (d) "Secured release" means the release of a defendant from  
46 pretrial custody with a financial guarantee, such as cash or a  
47 surety bond, required as a condition of the release.

48 (3) (a) Each pretrial release program must prepare a  
49 register displaying information that is relevant to the  
50 defendants released through such a program. A copy of the  
51 register must be located at the office of the clerk of the  
52 circuit court in the county where the program is located and must  
53 be readily accessible to the public.

54 (b) The register must be updated weekly and display  
55 accurate data regarding the following information:

56 1. The name, location, and funding source of the pretrial  
57 release program.

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58        2. The number of defendants assessed and interviewed for  
59 pretrial release.

60        3. The number of indigent defendants assessed and  
61 interviewed for pretrial release.

62        4. The names and number of defendants accepted into the  
63 pretrial release program.

64        5. The names and number of indigent defendants accepted  
65 into the pretrial release program.

66        6. The charges filed against and the case numbers of  
67 defendants accepted into the pretrial release program.

68        7. The nature of any prior criminal conviction of a  
69 defendant accepted into the pretrial release program.

70        8. The court appearances required of defendants accepted  
71 into the pretrial release program.

72        9. The date of each defendant's failure to appear for a  
73 scheduled court appearance.

74        10. The number of warrants, if any, which have been issued  
75 for a defendant's arrest for failing to appear at a scheduled  
76 court appearance.

77        11. The number and type of program noncompliance  
78 infractions committed by a defendant in the pretrial release  
79 program and whether the pretrial release program recommended that  
80 the court revoke the defendant's release.

81        (4) (a) No later than March 31 of every year, each pretrial  
82 release program must submit an annual report for the previous  
83 calendar year to the governing body and to the clerk of the  
84 circuit court in the county where the pretrial release program is  
85 located. The annual report must be readily accessible to the  
86 public.

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87        (b) The annual report must contain, but need not be limited  
88 to:

89        1. The name, location, and funding sources of the pretrial  
90 release program, including the amount of public funds, if any,  
91 received by the pretrial release program.

92        2. The operating and capital budget of each pretrial  
93 release program receiving public funds.

94        3.a. The percentage of the pretrial release program's total  
95 budget representing receipt of public funds.

96        b. The percentage of the total budget which is allocated to  
97 assisting defendants obtain release through a nonpublicly funded  
98 program.

99        c. The amount of fees paid by defendants to the pretrial  
100 release program.

101        4. The number of persons employed by the pretrial release  
102 program.

103        5. The number of defendants assessed and interviewed for  
104 pretrial release.

105        6. The number of defendants recommended for pretrial  
106 release.

107        7. The number of defendants for whom the pretrial release  
108 program recommended against nonsecured release.

109        8. The number of defendants granted nonsecured release  
110 after the pretrial release program recommended nonsecured  
111 release.

112        9. The number of defendants assessed and interviewed for  
113 pretrial release who were declared indigent by the court.

114        10. The name and case number of each person granted  
115 nonsecured release who:

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116 a. Failed to attend a scheduled court appearance.

117 b. Was issued a warrant for failing to appear.

118 c. Was arrested for any offense while on release through  
119 the pretrial release program.

120 11. Any additional information deemed necessary by the  
121 governing body to assess the performance and cost-efficiency of  
122 the pretrial release program.

123 Section 2. Section 903.011, Florida Statutes, is amended to  
124 read:

125 903.011 "Bail" and "bond" defined; general terms.--

126 (1) As used in this chapter, the terms "bail" and "bond"  
127 include any and all forms of pretrial release.

128 (2) Any monetary or cash component of any form of pretrial  
129 release may be met by a surety bond.

130 (3) Differing monetary amounts may not be set for cash,  
131 surety, or other forms of pretrial release.

132 Section 3. Section 903.286, Florida Statutes, is amended to  
133 read:

134 903.286 Return of cash bond; requirement to withhold unpaid  
135 fines, fees, ~~and~~ court costs; cash bond forms.--

136 (1) Notwithstanding ~~the provisions of~~ s. 903.31(2), the  
137 clerk of the court shall withhold from the return of a cash bond  
138 posted on behalf of a criminal defendant by a person other than a  
139 bail bond agent licensed pursuant to chapter 648 sufficient funds  
140 to pay any unpaid court fees, court costs, and criminal  
141 penalties. ~~If in the event that~~ sufficient funds are not  
142 available to pay all unpaid court fees, court costs, and criminal  
143 penalties, the clerk of the court shall immediately obtain

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144 payment from the defendant or enroll the defendant in a payment  
145 plan pursuant to s. 28.246.

146 (2) All cash bond forms used in conjunction with the  
147 requirements of s. 903.09 must prominently display a notice  
148 explaining that all funds are subject to forfeiture and  
149 withholding by the clerk of the court for the payment of court  
150 fees, court costs, and criminal penalties on behalf of the  
151 criminal defendant regardless of who posted the funds.

152 Section 4. This act shall take effect July 1, 2008.