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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; requiring the Office of Program
25 Policy Analysis and Government Accountability to conduct a
26 study to evaluate the effectiveness and cost-efficiency of
27 pretrial release programs in this state; describing the
28 scope of the study; requiring OPPAGA to submit a report of
29 the study to the President of the Senate and the Speaker

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30 of the House of Representatives by a specified date;
31 providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Section 907.043, Florida Statutes, is created to
36 read:

37 907.043 Pretrial release; citizens' right to know.--

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

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

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

44 (b) "Pretrial release program" means an entity, public or
45 private, that conducts investigations of pretrial detainees,
46 makes pretrial release recommendations to a court, and
47 electronically monitors and supervises pretrial defendants.
48 However, the term "pretrial release program" shall not apply to
49 the Department of Corrections.

50 (c) "Register" means a public record prepared by a pretrial
51 release program which furnishes specified data and is readily
52 available to the public at the office of the clerk of the circuit
53 court.

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

57 (3) (a) Each pretrial release program must prepare a
58 register displaying information that is relevant to the

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59 defendants released through such a program. A copy of the
60 register must be located at the office of the clerk of the
61 circuit court in the county where the program is located and must
62 be readily accessible to the public.

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

65 1. The name, location, and funding source of the pretrial
66 release program.

67 2. The number of defendants assessed and interviewed for
68 pretrial release.

69 3. The number of indigent defendants assessed and
70 interviewed for pretrial release.

71 4. The names and number of defendants accepted into the
72 pretrial release program.

73 5. The names and number of indigent defendants accepted
74 into the pretrial release program.

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

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

79 8. The court appearances required of defendants accepted
80 into the pretrial release program.

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

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

86 11. The number and type of program noncompliance
87 infractions committed by a defendant in the pretrial release

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88 program and whether the pretrial release program recommended that
89 the court revoke the defendant's release.

90 (4) (a) No later than March 31 of every year, each pretrial
91 release program must submit an annual report for the previous
92 calendar year to the governing body and to the clerk of the
93 circuit court in the county where the pretrial release program is
94 located. The annual report must be readily accessible to the
95 public.

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

98 1. The name, location, and funding sources of the pretrial
99 release program, including the amount of public funds, if any,
100 received by the pretrial release program.

101 2. The operating and capital budget of each pretrial
102 release program receiving public funds.

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

105 b. The percentage of the total budget which is allocated to
106 assisting defendants obtain release through a nonpublicly funded
107 program.

108 c. The amount of fees paid by defendants to the pretrial
109 release program.

110 4. The number of persons employed by the pretrial release
111 program.

112 5. The number of defendants assessed and interviewed for
113 pretrial release.

114 6. The number of defendants recommended for pretrial
115 release.

116 7. The number of defendants for whom the pretrial release

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117 program recommended against nonsecured release.

118 8. The number of defendants granted nonsecured release
119 after the pretrial release program recommended nonsecured
120 release.

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

123 10. The name and case number of each person granted
124 nonsecured release who:

125 a. Failed to attend a scheduled court appearance.

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

127 c. Was arrested for any offense while on release through
128 the pretrial release program.

129 11. Any additional information deemed necessary by the
130 governing body to assess the performance and cost-efficiency of
131 the pretrial release program.

132 Section 2. Section 903.011, Florida Statutes, is amended to
133 read:

134 903.011 "Bail" and "bond" defined; general terms.--

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

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

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

141 Section 3. Section 903.286, Florida Statutes, is amended to
142 read:

143 903.286 Return of cash bond; requirement to withhold unpaid
144 fines, fees, ~~and~~ court costs; cash bond forms.--

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145 (1) Notwithstanding ~~the provisions of~~ s. 903.31(2), the
146 clerk of the court shall withhold from the return of a cash bond
147 posted on behalf of a criminal defendant by a person other than a
148 bail bond agent licensed pursuant to chapter 648 sufficient funds
149 to pay any unpaid court fees, court costs, and criminal
150 penalties. If ~~In the event that~~ sufficient funds are not
151 available to pay all unpaid court fees, court costs, and criminal
152 penalties, the clerk of the court shall immediately obtain
153 payment from the defendant or enroll the defendant in a payment
154 plan pursuant to s. 28.246.

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

161 Section 4. The Office of Program Policy Analysis and
162 Government Accountability shall conduct an annual study to
163 evaluate the effectiveness and cost-efficiency of pretrial
164 release programs in this state. The study's scope shall include,
165 but need not be limited to, gathering information pertaining to
166 the funding sources of each pretrial release program, the nature
167 of criminal convictions of defendants accepted into the programs,
168 the number of failed court appearances by defendants accepted
169 into each program, and the number of warrants issued subsequently
170 by defendants in each program, as well as the program's
171 compliance with the provisions of this section. OPPAGA shall
172 submit a report to the President of the Senate and the Speaker of
173 the House of Representatives by January 1 of each year.

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Section 5. This act shall take effect July 1, 2008.