

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

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

22  
23 Section 1. Eligibility criteria for government-funded  
24 pretrial release.—

25 (1) It is the policy of this state that only defendants  
26 who are indigent and therefore qualify for representation by the  
27 public defender are eligible for government-funded pretrial  
28 release. Further, it is the policy of this state that, to the

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29 greatest extent possible, the resources of the private sector be  
30 used to assist in the pretrial release of defendants. It is the  
31 intent of the Legislature that this section not be interpreted  
32 to limit the discretion of courts with respect to ordering  
33 reasonable conditions for pretrial release for any defendant.  
34 However, it is the intent of the Legislature that government-  
35 funded pretrial release be ordered only as an alternative to  
36 release on a defendant's own recognizance or release by the  
37 posting of a surety bond.

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

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

55 (4) If a defendant seeks to post a surety bond pursuant to  
56 a bond schedule established by administrative order as an

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57 alternative to government-funded pretrial release, the defendant  
58 shall be permitted to do so without any interference or  
59 restriction by a pretrial release program.

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 additional reasonable  
64 condition of release as part of release on the defendant's own  
65 recognizance or the posting of a surety bond upon a finding of  
66 need in the interest of public safety, including, but not  
67 limited to, electronic monitoring, drug testing, and substance  
68 abuse treatment.

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

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