

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Dorworth offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 329-422 and insert:

5 Section 25. (1) Eligibility criteria for government-  
6 funded pretrial release.-

7 (1) It is the policy of this state that only defendants  
8 who are indigent and therefore qualify for representation by the  
9 public defender are eligible for government-funded pretrial  
10 release. Further, it is the policy of this state that, to the  
11 greatest extent possible, the resources of the private sector be  
12 used to assist in the pretrial release of defendants. It is the  
13 intent of the Legislature that this section not be interpreted  
14 to limit the discretion of courts with respect to ordering  
15 reasonable conditions for pretrial release for any defendant.  
16 However, it is the intent of the Legislature that government-

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17 funded pretrial release be ordered only as an alternative to  
18 release on a defendant's own recognizance or release by the  
19 posting of a surety bond.

20 (2) A pretrial release program established by an ordinance  
21 of the county commission, an administrative order of the court,  
22 or by any other means in order to assist in the release of  
23 defendants from pretrial custody is subject to the eligibility  
24 criteria set forth in this section. These eligibility criteria  
25 supersede and preempt all conflicting local ordinances, orders,  
26 or practices. Each pretrial release program shall certify  
27 annually, in writing, to the chief circuit court judge, that it  
28 has complied with the reporting requirements of s. 907.043(4),  
29 Florida Statutes.

30 (3) A defendant is eligible to receive government-funded  
31 pretrial release only by order of the court after the court  
32 finds in writing upon consideration of the defendant's affidavit  
33 of indigence that the defendant is indigent or partially  
34 indigent as set forth in Rule 3.111, Florida Rules of Criminal  
35 Procedure, and that the defendant has not previously failed to  
36 appear at any required court proceeding. A defendant may not  
37 receive a government-funded pretrial release if the defendant's  
38 income is above 300 percent of the then-current federal poverty  
39 guidelines prescribed for the size of the household of the  
40 defendant by the United States Department of Health and Human  
41 Services, unless the defendant is receiving Temporary Assistance  
42 for Needy Families-Cash Assistance, poverty-related veterans'  
43 benefits, Supplemental Security Income (SSI), food stamps, or  
44 Medicaid.

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45 (4) If a defendant seeks to post a surety bond pursuant to  
46 a bond schedule established by administrative order as an  
47 alternative to government-funded pretrial release, the defendant  
48 shall be permitted to do so without any interference or  
49 restriction by a pretrial release program.

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

51 (a) Releasing a defendant on the defendant's own  
52 recognizance.

53 (b) Imposing upon the defendant any additional reasonable  
54 condition of release as part of release on the defendant's own  
55 recognizance or the posting of a surety bond upon a finding of  
56 need in the interest of public safety, including, but not  
57 limited to, electronic monitoring, drug testing, substance abuse  
58 treatment, or attending a batterers' intervention program.

59 (6) In lieu of using a government-funded program to ensure  
60 the court appearance of any defendant, a county may reimburse a  
61 licensed surety agent for the premium costs of a surety bail  
62 bond that secures the appearance of an indigent defendant at all  
63 court proceedings if the court establishes a bail bond amount  
64 for the indigent defendant.

65 (7) A defendant who is not otherwise eligible for  
66 government-funded pretrial release under subsection (3) is  
67 eligible for government-funded pretrial release 48 hours after  
68 the defendant's arrest.

69 (8) This section applies only to those counties with a  
70 population equal to or greater than 400,000 persons.

71 (9) This section does not prohibit a law enforcement  
72 officer or a code enforcement officer authorized under s.

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73 162.23, Florida Statutes, from issuing a notice to appear in  
74 lieu of jail.

75 (2) This section shall take effect October 1, 2011.

76 Section 26. Except as otherwise expressly provided in this  
77 act and except for this section, which shall take effect upon  
78 this act becoming a law, this act shall take effect January 1,  
79 2012.

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82 **T I T L E A M E N D M E N T**

83 Remove lines 64-76 and insert:

84 provisions to changes made by the act; requiring that the  
85 defendant satisfy certain eligibility criteria in order to  
86 be assigned to a pretrial release program; providing that  
87 the act does not prohibit a court from releasing a  
88 defendant on the defendant's own recognizance or imposing  
89 any other reasonable condition of release on the  
90 defendant; authorizing a county to reimburse a licensed  
91 surety agent for the premium costs of a bail bond for the  
92 pretrial release of an indigent defendant under certain  
93 circumstances; providing that a defendant who is not  
94 otherwise eligible for government-funded pretrial release  
95 becomes eligible for government-funded pretrial release 48  
96 hours after the defendant's arrest; providing that the  
97 income eligibility limitations applicable to government-  
98 funded pretrial release programs apply only to certain  
99 specified counties; providing that the act does not  
100 prohibit a law enforcement officer or a code enforcement

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101 officer from issuing a notice to appear in certain  
102 conditions; providing effective dates.