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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Eligibility criteria for government-funded
pretrial release.-

(1) It is the policy of this state that only defendants who
are indigent and therefore qualify for representation by the
public defender are eligible for government-funded pretrial
release. Further, it is the policy of this state that, to the
greatest extent possible, the resources of the private sector be



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13 used to assist in the pretrial release of defendants. It is the
14 intent of the Legislature that this section not be interpreted
15 to limit the discretion of courts with respect to ordering
16 reasonable conditions for pretrial release for any defendant.
17 However, it is the intent of the Legislature that government-
18 funded pretrial release be ordered only as an alternative to
19 release on a defendant's own recognizance or release by the
20 posting of a surety bond.

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

31 (3) A defendant is eligible to receive government-funded
32 pretrial release only by order of the court after the court
33 finds in writing upon consideration of the defendant's affidavit
34 of indigence that the defendant is indigent or partially
35 indigent as set forth in Rule 3.111, Florida Rules of Criminal
36 Procedure, and that the defendant has not previously failed to
37 appear at any required court proceeding. A defendant may not
38 receive a government-funded pretrial release if the defendant's
39 income is above 300 percent of the then-current federal poverty
40 guidelines prescribed for the size of the household of the
41 defendant by the United States Department of Health and Human



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42 Services, unless the defendant is receiving Temporary Assistance
43 for Needy Families-Cash Assistance, poverty-related veterans'
44 benefits, Supplemental Security Income (SSI), food stamps, or
45 Medicaid.

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

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

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

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

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

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

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68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:

70 Delete everything before the enacting clause



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71 and insert:

72 A bill to be entitled
73 An act relating to pretrial programs; providing state
74 policy and legislative intent; requiring each pretrial
75 release program established by ordinance of a county
76 commission, by administrative order of a court, or by
77 any other means in order to assist in the release of a
78 defendant from pretrial custody to conform to the
79 eligibility criteria set forth in the act; preempting
80 any conflicting local ordinances, orders, or
81 practices; requiring that the defendant satisfy
82 certain eligibility criteria in order to be assigned
83 to a pretrial release program; providing that the act
84 does not prohibit a court from releasing a defendant
85 on the defendant's own recognizance or imposing any
86 other reasonable condition of release on the
87 defendant; authorizing a county to reimburse a
88 licensed surety agent for the premium costs of a bail
89 bond for the pretrial release of an indigent defendant
90 under certain circumstances; providing an effective
91 date.