



537118

LEGISLATIVE ACTION

Senate

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House

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

**Senate Amendment**

Delete lines 783 - 865

and insert:

classify defendants according to the likelihood of failure to appear at subsequent hearings or to engage in criminal conduct while awaiting trial provides a more consistent and accurate assessment of a defendant's risk of noncompliance while on pretrial release pending trial. The Legislature also finds that research indicates that using accurate risk and needs assessment



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11 instruments ensures successful compliance with pretrial release  
12 conditions imposed on a defendant and reduces the likelihood of  
13 a defendant remaining unnecessarily in custody pending trial.

14 (2) The chief judge of each judicial circuit, with the  
15 concurrence of the county's chief correctional officer, the  
16 state attorney, and the public defender, may enter an  
17 administrative order to administer a risk assessment instrument  
18 in preparation for first appearance or may enter such an order  
19 within 72 hours after arrest so that the instrument may be used  
20 in pretrial release determinations. The risk assessment  
21 instrument must be objective, standardized, and based on  
22 analysis of empirical data and risk factors relevant to failure  
23 to meet pretrial release conditions which evaluates the  
24 likelihood of failure to appear in court and the likelihood of  
25 rearrest during the pretrial release period and which is  
26 validated on the pretrial population.

27 (3) (a) The risk assessment instrument results must be used  
28 as supplemental factors for the court to consider when  
29 determining the appropriateness of first appearance pretrial  
30 release and, if applicable, the conditions of release which are  
31 appropriate based on predicted level of risk and the risk of  
32 failure to meet pretrial release conditions. Based on the risk  
33 assessment instrument results, the court shall impose the least  
34 restrictive conditions necessary to reasonably ensure that the  
35 defendant will be present at subsequent hearings.

36 (b) A court that uses the results from a risk assessment  
37 instrument in first appearance pretrial release determinations  
38 retains sole discretion to impose any pretrial conditions it  
39 deems necessary to ensure the defendant's appearance at



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40 subsequent hearings.

41 (4) A circuit that intends to use a risk assessment  
42 instrument in pretrial release determinations must have the  
43 instrument independently validated by the Department of  
44 Corrections. A circuit may begin to use the instrument in  
45 pretrial release determinations immediately after its validation  
46 and the completion of training of all local staff who will  
47 administer the risk assessment instrument.

48 (5) (a) Each circuit that establishes an administrative  
49 order for the use of risk assessment instruments in first  
50 appearance pretrial release determinations shall provide an  
51 annual report to the Office of Program Policy Analysis and  
52 Government Accountability (OPPAGA) which details:

53 1. The risk assessment instrument used;

54 2. The results of the administration of the risk assessment  
55 instrument, including the results of defendants who were  
56 detained in custody awaiting trial and those who were released  
57 from custody awaiting trial;

58 3. The frequency with which released defendants failed to  
59 appear at one or more subsequent court hearings; and

60 4. The level of risk determined in the risk assessment  
61 instrument associated with a defendant who failed to appear for  
62 any court hearing.

63 (b) Beginning October 1, 2020, and by each October 1  
64 thereafter, the annual report from each circuit must be  
65 submitted to OPPAGA, which shall compile the results of such  
66 reports for inclusion in an independent section of its annual  
67 report developed and submitted to the President of the Senate  
68 and the Speaker of the House of Representatives in accordance



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69 with s. 907.044.

70 (6) The department may adopt rules to administer this  
71 section.

72 Section 10. Paragraph (d) is added to subsection (1) of  
73 section 945.091, Florida Statutes, to read:

74 945.091 Extension of the limits of confinement; restitution  
75 by employed inmates.-

76 (1) The department may adopt rules permitting the extension  
77 of the limits of the place of confinement of an inmate as to  
78 whom there is reasonable cause to believe that the inmate will  
79 honor his or her trust by authorizing the inmate, under  
80 prescribed conditions and following investigation and approval  
81 by the secretary, or the secretary's designee, who shall  
82 maintain a written record of such action, to leave the confines  
83 of that place unaccompanied by a custodial agent for a  
84 prescribed period of time to:

85 (d) Participate in supervised community release as  
86 prescribed by the department by rule. The inmate's participation  
87 may begin 180 days before his or her provisional or tentative