

By Senator Thrasher

8-00784B-10

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1 A bill to be entitled
2 An act relating to pretrial detention and release;
3 amending s. 907.041, F.S.; requiring all pretrial
4 release programs established by an ordinance of a
5 county commission, by an administrative order of a
6 court, or by any other means to facilitate the release
7 of defendants from pretrial custody to conform to the
8 policies and restrictions established in the act;
9 requiring that the defendant meet certain specified
10 criteria in order to be eligible for pretrial release;
11 requiring that the pretrial release program certify in
12 writing that the defendant satisfies each requirement
13 for eligibility; requiring the court to determine
14 whether a defendant is eligible to participate in the
15 pretrial release program after reviewing certain
16 reports; requiring that the pretrial release program
17 notify each defendant of the time and place of each
18 required court appearance; providing that the act does
19 not prohibit a court from releasing a defendant on the
20 defendant's own recognizance; prohibiting the
21 assessment of any fee or charge against a released
22 defendant other than those authorized by state law;
23 providing an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Subsection (5) is added to section 907.041,
28 Florida Statutes, to read:
29 907.041 Pretrial detention and release.—

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30 (5) (a) PRETRIAL RELEASE PROGRAMS.—A pretrial release
31 program established by ordinance of the county commission or by
32 administrative order of the court or by any other means, enacted
33 or established to facilitate the release of defendants from
34 pretrial custody is subject to the policies and restrictions
35 established in this subsection.

36 (b) A defendant is eligible to participate in a pretrial
37 release program only if the defendant:

38 1. Is charged with a misdemeanor; or

39 2. Is charged with a felony which is not a dangerous crime
40 as defined in subsection (4); and

41 3. Has no history of failing to appear at any court
42 proceeding;

43 4. Is not, at the time of the arrest, subject to or on
44 probation for another charge and is not facing charges for
45 another crime anywhere in this state;

46 5. Has no prior convictions involving violence. For
47 purposes of this subparagraph with respect to any prior
48 conviction, if adjudication was withheld by the sentencing
49 court, the withheld adjudication is deemed a conviction;

50 6. Satisfies any other limitation upon eligibility for
51 release which is in addition to those in this subsection,
52 whether established by the board of county commissioners or the
53 court; and

54 7. Is indigent as defined in Rule 3.111, Florida Rules of
55 Criminal Procedure.

56 (c) The pretrial release program must certify in writing to
57 the court that the defendant satisfies each requirement of
58 eligibility which is set forth in paragraph (b) before a

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59 determination is made concerning the defendant's eligibility for
60 placement in the pretrial release program.

61 (d) If a defendant seeks to post a surety bond pursuant to
62 a bond schedule established by the administrative order, he or
63 she must do so without any interaction with, or restriction by,
64 the pretrial release program.

65 (e) The court shall determine whether the defendant is
66 eligible to participate in the pretrial release program after
67 the pretrial release program evaluates the defendant's
68 eligibility and reports its findings to the court.

69 (f) The pretrial release program shall notify every
70 defendant released under this subsection of the times and places
71 at which he or she is required to appear before the court.

72 (g) This subsection does not prohibit a court from
73 releasing a defendant on the defendant's own recognizance.

74 (h) A defendant who is released pursuant to a pretrial
75 release program may not be assessed any fee or charge other than
76 those authorized by state law.

77 Section 2. This act shall take effect July 1, 2010.