

By Representative Green

1                                   A bill to be entitled  
2           An act relating to bail bonds; amending s.  
3           903.045, F.S.; providing for costs for services  
4           by the clerk of the court; amending s. 903.26,  
5           F.S.; limiting circumstances under which the  
6           court may order discharge of a forfeiture;  
7           requiring that certain written factual findings  
8           be included in said orders; amending s. 903.28,  
9           F.S.; requiring remission to be paid by the  
10          county within a specified time period;  
11          requiring payment of interest on remission  
12          under certain circumstances; providing an  
13          effective date.

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

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17           Section 1. Section 903.045, Florida Statutes, is  
18 amended to read:

19           903.045 Nature of criminal surety bail bonds; costs  
20 for services.--

21           (1) It is the public policy of this state and the  
22 intent of the Legislature that a criminal surety bail bond,  
23 executed by a bail bond agent licensed pursuant to chapter 648  
24 in connection with the pretrial or appellate release of a  
25 criminal defendant, shall be construed as a commitment by and  
26 an obligation upon the bail bond agent to ensure that the  
27 defendant appears at all subsequent criminal proceedings and  
28 otherwise fulfills all conditions of the bond. The failure of  
29 a defendant to appear at any subsequent criminal proceeding or  
30 the breach by the defendant of any other condition of the bond  
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1 constitutes a breach by the bail bond agent of this commitment  
2 and obligation.

3 (2) Costs for services by the clerk of a circuit or a  
4 county court, whether required by law or as a result of a  
5 request by the parties, as a consequence of the defendant's  
6 failure to appear or by otherwise failing to fulfill the  
7 conditions of the bond, shall be charged to the bail bond  
8 agent as provided in ss. 28.24 and 34.041.

9 Section 2. Subsection (6) of section 903.26, Florida  
10 Statutes, is amended to read:

11 903.26 Forfeiture of the bond; when and how directed;  
12 discharge; how and when made; effect of payment.--

13 (6) The discharge of a forfeiture by the court shall  
14 not be ordered for any reason other than as specified in  
15 paragraph (2)(b) and paragraphs (5)(a) and (b) herein. The  
16 court shall include written factual findings in all orders for  
17 discharge.

18 Section 3. Subsection (9) is added to section 903.28,  
19 Florida Statutes, to read:

20 903.28 Remission of forfeiture; conditions.--

21 (9) The county shall within 45 days after the receipt  
22 of the order from the court directing remission pay the amount  
23 of the remission. If payment is not made within 45 days,  
24 interest on the amount of the remission shall be paid at the  
25 statutory rate of interest from the date of the order  
26 directing bond remission.

27 Section 4. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

Revises provisions relating to bail bonds. Provides for costs for services by the clerk of the court in criminal proceedings when the defendant fails to appear. Limits circumstances under which the court may order discharge of a forfeiture. Requires that certain written factual findings be included in said orders. Requires remission to be paid by the county within a specified time period. Requires payment of interest on remission under certain circumstances.