

Bill No. CS for SB 2018

Barcode 925998

CHAMBER ACTION

Senate

House

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Comm: RCS
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The Committee on Judiciary (Baker) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 903.02, Florida Statutes, is amended to read:

903.02 Actions following ~~with respect to~~ denial; changes in bail ~~or~~ conditions ~~of bail~~ or bond amount; separation by charge or offense ~~of bond prohibited; "court"~~ defined.--

(1) If application for bail is made to an authorized court and denied, no court of inferior jurisdiction shall admit the applicant to bail unless such court of inferior jurisdiction is the court having jurisdiction to try the defendant.

(2) No judge of a court of equal or inferior jurisdiction may remove a condition of bail or reduce the amount of bond required, unless such judge:

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1 (a) Imposed the conditions of bail or set the amount
2 of bond required;

3 (b) Is the chief judge of the circuit in which the
4 defendant is to be tried;

5 (c) Has been assigned to preside over the criminal
6 trial of the defendant; or

7 (d) Is the designee of the chief judge and a judge has
8 not yet been assigned to the criminal trial.

9 (3) The term "court," as used in this chapter,
10 includes all state courts.

11 (4) Any judge setting or granting monetary bail shall
12 set a separate and specific bail amount for each charge or
13 offense. When bail is posted, each charge or offense requires
14 a separate bond.

15 Section 2. Subsection (1) of section 903.047, Florida
16 Statutes, is amended to read:

17 903.047 Conditions of pretrial release.--

18 (1) As a condition of pretrial release, whether such
19 release is by surety bail bond or recognizance bond or in some
20 other form, the defendant ~~court~~ shall ~~require that~~:

21 (a) ~~The defendant~~ Refrain from criminal activity of
22 any kind. ~~and~~

23 (b) ~~The defendant~~ Refrain from any contact of any type
24 with the victim, except through pretrial discovery pursuant to
25 the Florida Rules of Criminal Procedure.

26 (c) Comply with all conditions of pretrial release.

27 Section 3. Subsection (1) of section 903.27, Florida
28 Statutes, is amended to read:

29 903.27 Forfeiture to judgment.--

30 (1) If the forfeiture is not paid or discharged by
31 order of a court of competent jurisdiction within 60 days and

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1 the bond is secured other than by money and bonds authorized
2 in s. 903.16, the clerk of the circuit court for the county
3 where the order was made shall enter a judgment against the
4 surety for the amount of the penalty and issue execution.
5 However, in any case in which the bond forfeiture has been
6 discharged by the court of competent jurisdiction conditioned
7 upon the payment by the surety of certain costs or fees as
8 allowed by statute, the amount for which judgment may be
9 entered may not exceed the amount of the unpaid fees or costs
10 upon which the discharge had been conditioned. Judgment for
11 the full amount of the forfeiture shall not be entered if
12 payment of a lesser amount will satisfy the conditions to
13 discharge the forfeiture. Within 10 days, the clerk shall
14 furnish the Department of Financial Services and the Office of
15 Insurance Regulation of the Financial Services Commission with
16 a certified copy of the judgment docket and shall furnish the
17 surety company at its home office a copy of the judgment,
18 which shall include the power of attorney number of the bond
19 and the name of the executing agent. If the judgment is not
20 paid within 35 days, the clerk shall furnish the Department of
21 Financial Services, the Office of Insurance Regulation, and
22 the sheriff of the county in which the bond was executed, or
23 the official responsible for operation of the county jail, if
24 other than the sheriff, two copies of the judgment and a
25 certificate stating that the judgment remains unsatisfied.
26 When and if the judgment is properly paid or an order to
27 vacate the judgment has been entered by a court of competent
28 jurisdiction, the clerk shall immediately notify the sheriff,
29 or the official responsible for the operation of the county
30 jail, if other than the sheriff, and the Department of
31 Financial Services and the Office of Insurance Regulation, if

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1 the department and office had been previously notified of
 2 nonpayment, of such payment or order to vacate the judgment.
 3 The clerk shall also immediately prepare and record in the
 4 public records a satisfaction of the judgment or record the
 5 order to vacate judgment. If the defendant is returned to the
 6 county of jurisdiction of the court, whenever a motion to set
 7 aside the judgment is filed, the operation of this section is
 8 tolled until the court makes a disposition of the motion.

9 Section 4. This act shall take effect October 1, 2006.
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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause

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16 and insert:

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A bill to be entitled

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An act relating to pretrial release; amending

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s. 903.02, F.S.; providing that any judge

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setting or granting bail shall set a separate

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bail amount for each charge or offense;

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amending s. 903.047, F.S.; requiring a

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defendant to comply with all conditions of

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pretrial release; amending s. 903.27, F.S.;

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providing that in cases in which the bond

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forfeiture has been discharged by the court,

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the amount of the judgment may not exceed the

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amount of the unpaid fees or costs upon which

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the discharge had been conditioned; providing

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an effective date.

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