

By the Committees on Judiciary; Criminal Justice; and Senator  
Wise

590-2328-06

1    A bill to be entitled  
2    An act relating to pretrial release; amending  
3    s. 903.02, F.S.; providing that any judge  
4    setting or granting bail shall set a separate  
5    bail amount for each charge or offense;  
6    amending s. 903.047, F.S.; requiring a  
7    defendant to comply with all conditions of  
8    pretrial release; amending s. 903.27, F.S.;  
9    providing that in cases in which the bond  
10    forfeiture has been discharged by the court,  
11    the amount of the judgment may not exceed the  
12    amount of the unpaid fees or costs upon which  
13    the discharge had been conditioned; amending s.  
14    903.31, F.S.; requiring the clerk of court to  
15    furnish an executed certificate of cancellation  
16    to the surety; providing that an acquittal or a  
17    withholding of adjudication of guilt satisfies  
18    bond conditions; providing an effective date.

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

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

24    903.02    Actions following ~~with respect to~~ denial;  
25 changes in bail ~~or~~ conditions ~~of bail~~ or bond amount;  
26 separation by charge or offense ~~of bond prohibited~~; ~~"court"~~  
27 ~~defined.--~~

28    (1) If application for bail is made to an authorized  
29 court and denied, no court of inferior jurisdiction shall  
30 admit the applicant to bail unless such court of inferior  
31

1 jurisdiction is the court having jurisdiction to try the  
2 defendant.

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

6 (a) Imposed the conditions of bail or set the amount  
7 of bond required;

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

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

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

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

16 (4) Any judge setting or granting monetary bail shall  
17 set a separate and specific bail amount for each charge or  
18 offense. When bail is posted, each charge or offense requires  
19 a separate bond.

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

22 903.047 Conditions of pretrial release.--

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

26 (a) ~~The defendant~~ Refrain from criminal activity of  
27 any kind; ~~and~~

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

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

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

3           903.27 Forfeiture to judgment.--

4           (1) If the forfeiture is not paid or discharged by  
5 order of a court of competent jurisdiction within 60 days and  
6 the bond is secured other than by money and bonds authorized  
7 in s. 903.16, the clerk of the circuit court for the county  
8 where the order was made shall enter a judgment against the  
9 surety for the amount of the penalty and issue execution.

10 However, in any case in which the bond forfeiture has been  
11 discharged by the court of competent jurisdiction conditioned  
12 upon the payment by the surety of certain costs or fees as  
13 allowed by statute, the amount for which judgment may be  
14 entered may not exceed the amount of the unpaid fees or costs  
15 upon which the discharge had been conditioned. Judgment for  
16 the full amount of the forfeiture shall not be entered if  
17 payment of a lesser amount will satisfy the conditions to  
18 discharge the forfeiture. Within 10 days, the clerk shall

19 furnish the Department of Financial Services and the Office of  
20 Insurance Regulation of the Financial Services Commission with  
21 a certified copy of the judgment docket and shall furnish the  
22 surety company at its home office a copy of the judgment,  
23 which shall include the power of attorney number of the bond  
24 and the name of the executing agent. If the judgment is not  
25 paid within 35 days, the clerk shall furnish the Department of  
26 Financial Services, the Office of Insurance Regulation, and  
27 the sheriff of the county in which the bond was executed, or  
28 the official responsible for operation of the county jail, if  
29 other than the sheriff, two copies of the judgment and a  
30 certificate stating that the judgment remains unsatisfied.

31 When and if the judgment is properly paid or an order to

1 vacate the judgment has been entered by a court of competent  
2 jurisdiction, the clerk shall immediately notify the sheriff,  
3 or the official responsible for the operation of the county  
4 jail, if other than the sheriff, and the Department of  
5 Financial Services and the Office of Insurance Regulation, if  
6 the department and office had been previously notified of  
7 nonpayment, of such payment or order to vacate the judgment.  
8 The clerk shall also immediately prepare and record in the  
9 public records a satisfaction of the judgment or record the  
10 order to vacate judgment. If the defendant is returned to the  
11 county of jurisdiction of the court, whenever a motion to set  
12 aside the judgment is filed, the operation of this section is  
13 tolled until the court makes a disposition of the motion.

14 Section 4. Subsection (1) of section 903.31, Florida  
15 Statutes, is amended to read:

16 903.31 Canceling the bond.--

17 (1) Within 10 business days after the conditions of a  
18 bond have been satisfied or the forfeiture discharged or  
19 remitted, the court shall order the bond canceled and, if the  
20 surety has attached a certificate of cancellation to the  
21 original bond, the clerk of the court shall furnish an  
22 executed certificate of cancellation to the surety without  
23 cost. An adjudication of guilt or innocence, an acquittal, or  
24 a withholding of an adjudication of guilt ~~of the defendant~~  
25 shall satisfy the conditions of the bond. The original  
26 appearance bond shall expire 36 months after such bond has  
27 been posted for the release of the defendant from custody.  
28 This subsection does not apply to cases in which a bond has  
29 been declared forfeited.

30 Section 5. This act shall take effect October 1, 2006.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS for Senate Bill 2018

Deletes provision that would have amended a statute concerning the forfeiture of bail bonds.

Deletes provision that would have expanded the actions that satisfy the conditions of the bond to include: an entry of a plea of guilty or nolo contendere, an entry into an agreement for deferred prosecution, and agreement by the defendant to enter a pretrial-intervention program.

Removes provision that would have deleted "conduct during or appearance after admission to a pretrial intervention program" from the list of activities not guaranteed by the original appearance bond.