

HB 827

2006
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CHAMBER ACTION

1 The Criminal Justice Appropriations Committee recommends the
2 following:

Council/Committee Substitute

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to pretrial release; amending s. 903.02,
8 F.S.; providing that any judge setting or granting bail
9 shall set a separate bail amount for each charge or
10 offense; amending s. 903.047, F.S.; requiring a defendant
11 to comply with all conditions of pretrial release;
12 amending s. 903.27, F.S.; providing that in cases in which
13 the bond forfeiture has been discharged by the court, the
14 amount of the judgment may not exceed the amount of the
15 unpaid fees or costs upon which the discharge had been
16 conditioned; amending s. 903.31, F.S.; providing that the
17 clerk of court shall furnish an executed certificate of
18 cancellation to the surety; providing that an acquittal or
19 a withholding of adjudication of guilt shall satisfy bond
20 conditions; specifying that an original appearance bond
21 does not provide certain guarantees; providing an
22 effective date.

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

25
26 Section 1. Subsection (4) is added to section 903.02,
27 Florida Statutes, to read:

28 903.02 Actions following with respect to denial; changes
29 in bail or conditions of bail or bond amount; separation by
30 charge or offense of bond prohibited; "court" defined.--

31 (4) Any judge setting or granting monetary bail shall set
32 a separate and specific bail amount for each charge or offense.
33 When bail is posted, each charge or offense requires a separate
34 bond.

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

37 903.047 Conditions of pretrial release.--

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

41 (a) ~~The defendant~~ Refrain from criminal activity of any
42 kind, ~~and~~

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

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

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

49 903.27 Forfeiture to judgment.--

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

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52 | is secured other than by money and bonds authorized in s.
53 | 903.16, the clerk of the circuit court for the county where the
54 | order was made shall enter a judgment against the surety for the
55 | amount of the penalty and issue execution. However, in any case
56 | in which the bond forfeiture has been discharged by the court of
57 | competent jurisdiction conditioned upon the payment by the
58 | surety of certain costs or fees as allowed by statute, the
59 | amount for which judgment may be entered may not exceed the
60 | amount of the unpaid fees or costs upon which the discharge had
61 | been conditioned. Judgment for the full amount of the forfeiture
62 | shall not be entered if payment of a lesser amount will satisfy
63 | the conditions to discharge the forfeiture. Within 10 days, the
64 | clerk shall furnish the Department of Financial Services and the
65 | Office of Insurance Regulation of the Financial Services
66 | Commission with a certified copy of the judgment docket and
67 | shall furnish the surety company at its home office a copy of
68 | the judgment, which shall include the power of attorney number
69 | of the bond and the name of the executing agent. If the judgment
70 | is not paid within 35 days, the clerk shall furnish the
71 | Department of Financial Services, the Office of Insurance
72 | Regulation, and the sheriff of the county in which the bond was
73 | executed, or the official responsible for operation of the
74 | county jail, if other than the sheriff, two copies of the
75 | judgment and a certificate stating that the judgment remains
76 | unsatisfied. When and if the judgment is properly paid or an
77 | order to vacate the judgment has been entered by a court of
78 | competent jurisdiction, the clerk shall immediately notify the
79 | sheriff, or the official responsible for the operation of the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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80 county jail, if other than the sheriff, and the Department of
 81 Financial Services and the Office of Insurance Regulation, if
 82 the department and office had been previously notified of
 83 nonpayment, of such payment or order to vacate the judgment. The
 84 clerk shall also immediately prepare and record in the public
 85 records a satisfaction of the judgment or record the order to
 86 vacate judgment. If the defendant is returned to the county of
 87 jurisdiction of the court, whenever a motion to set aside the
 88 judgment is filed, the operation of this section is tolled until
 89 the court makes a disposition of the motion.

90 Section 4. Subsections (1) and (2) of section 903.31,
 91 Florida Statutes, are amended to read:

92 903.31 Canceling the bond.--

93 (1) Within 10 business days after the conditions of a bond
 94 have been satisfied or the forfeiture discharged or remitted,
 95 the court shall order the bond canceled and, if the surety has
 96 attached a certificate of cancellation to the original bond, the
 97 clerk of the court shall furnish an executed certificate of
 98 cancellation to the surety without cost. An adjudication of
 99 guilt or innocence, an acquittal, or a withholding of an
 100 adjudication of guilt ~~of the defendant~~ shall satisfy the
 101 conditions of the bond. The original appearance bond shall
 102 expire 36 months after such bond has been posted for the release
 103 of the defendant from custody. This subsection does not apply to
 104 cases in which a bond has been declared forfeited.

105 (2) The original appearance bond does ~~shall~~ not ~~be~~
 106 ~~construed to~~ guarantee deferred sentences, sentencing deferrals,
 107 appearance during or after a presentence investigation,

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108 | appearance during or after appeals, conduct during or appearance
109 | after admission to a pretrial intervention program, payment of
110 | fines, or attendance at educational or rehabilitation facilities
111 | the court otherwise provides in the judgment. If the original
112 | appearance bond has been forfeited or revoked, the bond shall
113 | not be reinstated without approval from the surety on the
114 | original bond.

115 | Section 5. This act shall take effect October 1, 2006.