

CHAMBER ACTION

1 The Justice Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

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23 Section 1. Subsection (4) is added to section 903.02,
24 Florida Statutes, to read:

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

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

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

34 903.047 Conditions of pretrial release.--

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

38 (a) ~~The defendant~~ Refrain from criminal activity of any
39 kind.; ~~and~~

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

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

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

46 903.27 Forfeiture to judgment.--

47 (1) If the forfeiture is not paid or discharged by order
48 of a court of competent jurisdiction within 60 days and the bond
49 is secured other than by money and bonds authorized in s.

50 903.16, the clerk of the circuit court for the county where the

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

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

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79 | the department and office had been previously notified of
80 | nonpayment, of such payment or order to vacate the judgment. The
81 | clerk shall also immediately prepare and record in the public
82 | records a satisfaction of the judgment or record the order to
83 | vacate judgment. If the defendant is returned to the county of
84 | jurisdiction of the court, whenever a motion to set aside the
85 | judgment is filed, the operation of this section is tolled until
86 | the court makes a disposition of the motion.

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

89 | 903.31 Canceling the bond.--

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

102 | (2) The original appearance bond does ~~shall~~ not ~~be~~
103 | ~~construed to~~ guarantee deferred sentences, appearance during or
104 | after a presentence investigation, appearance during or after
105 | appeals, conduct during or appearance after admission to a
106 | pretrial intervention program, payment of fines, or attendance

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107 | at educational or rehabilitation facilities the court otherwise
108 | provides in the judgment. If the original appearance bond has
109 | been forfeited or revoked, the bond shall not be reinstated
110 | without approval from the surety on the original bond.

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