

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

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

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

21 903.02 Actions following with respect to denial; changes
 22 in bail or conditions of bail or bond amount; separation by
 23 charge or offense of bond prohibited; "court" defined.--

24 (4) Any judge setting or granting monetary bail shall set
 25 a separate and specific bail amount for each charge or offense.
 26 When bail is posted, each charge or offense requires a separate
 27 bond.

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

30 903.047 Conditions of pretrial release.--

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

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

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

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

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

42 903.27 Forfeiture to judgment.--

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

46 903.16, the clerk of the circuit court for the county where the
 47 order was made shall enter a judgment against the surety for the
 48 amount of the penalty and issue execution. However, in any case
 49 in which the bond forfeiture has been discharged by the court of
 50 competent jurisdiction conditioned upon the payment by the
 51 surety of certain costs or fees as allowed by statute, the
 52 amount for which judgment may be entered may not exceed the
 53 amount of the unpaid fees or costs upon which the discharge had
 54 been conditioned. Judgment for the full amount of the forfeiture

55 | shall not be entered if payment of a lesser amount will satisfy
56 | the conditions to discharge the forfeiture. Within 10 days, the
57 | clerk shall furnish the Department of Financial Services and the
58 | Office of Insurance Regulation of the Financial Services
59 | Commission with a certified copy of the judgment docket and
60 | shall furnish the surety company at its home office a copy of
61 | the judgment, which shall include the power of attorney number
62 | of the bond and the name of the executing agent. If the judgment
63 | is not paid within 35 days, the clerk shall furnish the
64 | Department of Financial Services, the Office of Insurance
65 | Regulation, and the sheriff of the county in which the bond was
66 | executed, or the official responsible for operation of the
67 | county jail, if other than the sheriff, two copies of the
68 | judgment and a certificate stating that the judgment remains
69 | unsatisfied. When and if the judgment is properly paid or an
70 | order to vacate the judgment has been entered by a court of
71 | competent jurisdiction, the clerk shall immediately notify the
72 | sheriff, or the official responsible for the operation of the
73 | county jail, if other than the sheriff, and the Department of
74 | Financial Services and the Office of Insurance Regulation, if
75 | the department and office had been previously notified of
76 | nonpayment, of such payment or order to vacate the judgment. The
77 | clerk shall also immediately prepare and record in the public
78 | records a satisfaction of the judgment or record the order to
79 | vacate judgment. If the defendant is returned to the county of
80 | jurisdiction of the court, whenever a motion to set aside the

81 judgment is filed, the operation of this section is tolled until
82 the court makes a disposition of the motion.

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

85 903.31 Canceling the bond.--

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

98 (2) The original appearance bond does ~~shall~~ not ~~be~~
99 ~~construed to~~ guarantee deferred sentences, appearance during or
100 after a presentence investigation, appearance during or after
101 appeals, conduct during or appearance after admission to a
102 pretrial intervention program, payment of fines, or attendance
103 at educational or rehabilitation facilities the court otherwise
104 provides in the judgment. If the original appearance bond has
105 been forfeited or revoked, the bond shall not be reinstated
106 without approval from the surety on the original bond.

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