

ENROLLED  
 HB 827, Engrossed 1

2006 Legislature

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.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 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.

ENROLLED  
 HB 827, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 827, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 827, Engrossed 1

2006 Legislature

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.