

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/HB 361 — Bail Bonds

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Santiago (CS/CS/SB 680 by Banking and Insurance Committee; Judiciary Committee; and Senators Baxley and Garcia)

This bill amends several provisions related to the posting of a bond in a criminal case.

The changes made by the bill:

- Generally narrow the responsibilities of a bail bond agent and reduces the risk that a bail bond will be forfeited due to a defendant's failure to appear at criminal proceedings;
- Delete provisions of existing law which may have made bail bond agents responsible for ensuring that a defendant released on bail fulfills conditions of the bond in addition to appearing at criminal proceedings;
- Require a court to discharge the forfeiture of a bail bond if one of the following events occur within 60 days after the required court appearance: the defendant is confined in an immigration detention facility, is deported, or dies;
- Requires a court to discharge the forfeiture of a bail bond if a at any time after a required court appearance the defendant becomes incarcerated and the state refuses to seek the extradition of the defendant within 30 days after a surety agent's request and consent to pay costs and expenses to return the defendant;
- Provides that a bail bond, except for forfeited bonds, expires or must be cancelled by the court 36 months after the bond is posted; and
- Provides that an original appearance bond does not guarantee a defendant's placement in a court-ordered program, including a residential mental health facility.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 36-0; House 116-0