

ENROLLED

CS/HB 381

2022 Legislature

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An act relating to breach of bond costs; amending s. 903.21, F.S.; requiring sureties to pay costs and expenses incurred in returning a defendant to the jurisdiction of the court; providing construction; specifying recoverable costs; revising and providing definitions; providing an effective date.

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

Section 1. Subsection (3) of section 903.21, Florida Statutes, is amended to read:

903.21 Method of surrender; exoneration of obligors.—

(3) (a) The surety shall be exonerated of liability on the bond if it is determined before ~~prior to~~ breach of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the costs and expenses incurred in transportation ~~cost of~~ returning the defendant to the jurisdiction of the court. A surety is only responsible for the itemized costs and expenses incurred for the transport of a defendant to whom he or she has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.

(b) For purposes of this subsection, the term:

1. "Costs and expenses" means the prorated salary of any law enforcement officer or employee of a contracted

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26 | transportation company as well as the actual expenses of
27 | transporting each defendant, which may only consist of mileage,
28 | vehicle expenses, meals, and, if necessary, overnight lodging
29 | for any law enforcement officer or employee of a contracted
30 | transportation company and the defendant.

31 | 2. "Jurisdiction" means the county from which the
32 | defendant was released on bail ~~within the judicial circuit as~~
33 | ~~prescribed by law.~~

34 | Section 2. This act shall take effect July 1, 2022.