

CHAPTER 2022-85

Committee Substitute for House Bill No. 381

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

2. “Jurisdiction” means the county from which the defendant was released on bail within the judicial circuit as prescribed by law.

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

Approved by the Governor May 3, 2022.

Filed in Office Secretary of State May 3, 2022.