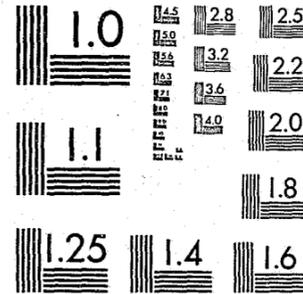


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Washington, D. C. 20531

10/14/85

# FLORIDA'S COMMISSION ON BAIL BOND REFORM

96736



Final Report  
February 1984

# **Introduction**

The Bail Bond Reform Commission was created by the Legislature pursuant to Chapter 82-175 Section 69, Laws of Florida.

The Commission consisted of 14 members<sup>2</sup> who analyzed and reviewed the criminal bail system, the reforms contained in this Act, and all public bail alternatives.

The purpose of the Commission was to study and take testimony on all effects, including but not limited to, the financial and criminal justice implications of the reforms contained in this Act and all alternatives to the current criminal bail system such as "appearance bond" or "public bond" systems.

Pursuant to its duties and obligations, the Commission held regular meetings for the purpose of receiving testimony, hearing witnesses<sup>2</sup> and accumulating written data<sup>3</sup>.

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Bond Reform  
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<sup>1</sup> Appendix A, List of Commission Members  
<sup>2</sup> Appendix B, List of Guest Speakers  
<sup>3</sup> Appendix C, List of Documents

# Recommendations

- It is the recommendation of this Commission that Chapter 648, as it pertains to the regulation of bail bondsmen in the State of Florida, be retained with the creation of a bail regulatory board housed in the Department of Insurance. The function of this board is envisioned to enforce the provisions under Chapters 648 and 903, Florida Statutes. The board would consist of seven (7) members appointed by the Insurance Commissioner.
- The Commission recognizes that there is a problem in the present system of pretrial release; that is, people who pose no threat of fleeing are being detained in jail pending trial. It is therefore recommended that the Legislature establish and fund a statewide pretrial service agency that would establish a system of pretrial release. It should depend on local county participation and personnel who would be under the supervision of the Circuit Court in the county in which it is located. The specific local agencies would have discretion as to the type of program they choose to utilize; the state funds for these programs would be distributed to the State Court Administrators.
- It is recommended that the Legislature enact a statute authorizing the chief judge of each circuit to promulgate bond schedules.
- It is recommended that 903.046(2), Florida Statutes, be amended to strike "may" and in its place insert the word "should".
- It is recommended that 903.046(2), Florida Statutes, be amended to add an additional factor: the consideration of street value of drugs in the setting of bail.
- It is recommended that Florida Statute 903.046(2) be amended to include as a condition of bail the refraining from further criminal activity and the avoidance of subsequent contact with the victim in appropriate cases.
- It is recommended that Florida Statute 903.285(2) be amended so that the \$2,000 minimum applies to all forms of release.
- It is recommended that Florida Statute 903.02(2)(b) be amended to read "chief judge or his designee".
- It is recommended that all forms of pretrial release be statistically monitored on a quarterly basis and reported to the chief judge of each circuit.
- It is a concern of the Commission that individuals arrested for violations of probation are not entitled to bond.
- It is recommended that no modifications be made to Florida Statutes 903.26, 903.27, or 903.28.
- It is recommended that the surety or its agent shall not present as a defense the failure to receive a 72-hour notice issued by the Clerk, in the setting aside of a forfeiture.
- It is recommended that the sheriff submit all properly executed bond forms to the clerk within 24 hours after receipt.
- It is recommended that the Department of Insurance review the statistical data required under Florida Statute 648.365 and investigate any apparent discrepancies.

# Conclusion

The aforementioned were the recommendations of the Commission after much deliberation and receipt of testimony. This report is limited to the recommendations made by the Commission in order that a clear understanding of the Commission's intent and accomplishments be provided.

The appendices attached reflect all of the information received by the Commission in detail and is readily available for any further embellishment of the recommendations contained herein. The recommendations represent the majority of opinions of the Commission; this report has been reviewed and endorsed by its members.

# Appendix A

## Florida's Commission on Bail Bond Reform

W. DeHart Ayala  
Attorney  
Chairman

Dennis P. Maloney  
Judge  
Vice-Chairman

### Commission Members

Attorney Carolyn Snurkowski, representing Attorney General Jim Smith

Tommy Brinkley, representing Insurance Commissioner Bill Gunter

Senator Kenneth Jenne

Representative Dexter Lehtinen

State Attorney Janet Reno

Professor John F. Yetter

Sheriff Eddie Boone

Attorney Warren Tiller

Attorney Richard Jorandby

Armando Roche

Floyd Mincey

R. H. Hackney

### Commission Staff

A. T. Gonzalez, Executive Director, Governor's Office  
February 1984

# Appendix B

## Listing of Monthly Guest Speakers

At Florida Commission on Bail Bond Reform Regular Meetings

### May 24, 1984

Mr. John Hendricks, Director  
Division of Pretrial Services  
Administrator Office of the Courts  
Frankfort, Kentucky

Mr. Walt Smith  
Research Associate  
Pretrial Services Resource Center  
Washington, D.C.

### June 1983

The Commission did not meet in June 1983

### July 15, 1983

Judge Robert H. Bonanno  
115 Courthouse Annex  
Tampa, Florida 33602

Mr. Paul Marino  
Legal Advisor  
Hillsborough County Office  
Post Office Box 3371  
Tampa, Florida 33601

Judge Harry Lee Coe  
Senior Judge, Circuit Court  
Criminal Division  
Courthouse Annex, Room 122  
Tampa, Florida 33602

Dr. Christopher Thomas  
Department of Economics  
University of South Florida  
Tampa, Florida

### August 19, 1983

Mr. Tony Aguilar  
Deputy Sheriff  
Hillsborough County Sheriff's Office  
Tampa, Florida

Mr. Joseph Fritz  
Attorney at Law  
4204 North Nebraska  
Tampa, Florida

Lieut. Vince Gable  
Dade County  
Public Safety Department  
Metro Police

Mr. Jon Fasnacht  
Vice Chief Deputy Clerk  
Circuit Court Courthouse  
Suite 409  
Orlando, Florida 32801

Judge Ellen Gable  
Circuit Court  
Miami, Florida

Ms. Mary Toborg  
Research Associate  
2000 K Street, NW  
Suite 425  
Washington, D.C. 20006

### September 16, 1983

Judge M. Daniel Futch  
881 Broward County Courthouse  
201 SE 6th Street  
Ft. Lauderdale, Florida 33301

Sgt. Don Ganzel  
Palm Beach County  
Sheriff's Department  
West Palm Beach, Florida

Pat Horton  
District Attorney  
Lane County  
Eugene, Oregon  
Mr. Randy Parton  
Vice President  
Broward County  
Bail Bond Association

Ray Winstead  
Clerk of Circuit Court  
400 South Street  
Titusville, Florida 32780

### October 21, 1983

Mr. Dan Amato  
Allied Bonding Agency, Inc.  
27 Wall Street  
Orlando, Florida 32801

Mr. Harry Landrum  
Landrum & Associates  
1220 E. Park Avenue  
Tallahassee, Florida

Mr. Gerald Stogniew  
Bankers Insurance Company  
Post Office Box 15707  
St. Petersburg, Florida 33733

### November 18, 1983

Mr. Robert A. Butterworth  
Executive Director  
Department of Highway Safety  
and Motor Vehicles  
Neil Kirkman Building  
Tallahassee, Florida 32301

Professor B. J. George  
New York Law School  
57 Worth Street  
New York, New York 10013

### December 16, 1983

No guest speakers were present.

### January 13, 1984

No guest speakers were present.

Judge Gerald Kogan  
11th Judicial Circuit of Florida  
1351 NW 12th Street  
Miami, Florida 33125

Judge George A. Shahood  
Broward County  
Ft. Lauderdale, Florida

Judge John Crusoe  
County Judge  
Leon County  
Tallahassee, Florida

Mr. David Lang  
Assistant Clerk of Circuit Court  
Leon County  
Tallahassee, Florida

Representative Thomas Danson  
District 69  
Suite 152  
2002 Ringling Boulevard  
Sarasota, Florida 33577

Mr. John W. Tiedeberg  
Federal Circuit Liaison Officer  
Broward County Sheriff's Dep't.

# Appendix C

## List of Documents

### Transcripts

State of Florida. Florida's Commission on Bail Bond Reform. Meeting of May 24, 1983. Tallahassee, Florida.

\_\_\_\_\_. Meeting of July 14, 1983. Tampa, Florida.

\_\_\_\_\_. Meeting of August 19, 1983. Tampa, Florida.

\_\_\_\_\_. Meeting of September 16, 1983. Tallahassee, Florida.

\_\_\_\_\_. Meeting of October 21, 1983. Ft. Lauderdale, Florida.

\_\_\_\_\_. Meeting of November 18, 1983. Orlando, Florida.

\_\_\_\_\_. Meeting of December 16, 1983. Tampa, Florida.

\_\_\_\_\_. Meeting of January 13, 1983. Tampa, Florida

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King, Celes and Marvin Byron. Independent Bail Agents Association of California. "An Analysis of the Impact of AB2 (Berman Bail Reform)". Independent Agents Association of California. Los Angeles: 1 January 1981.

Monks, Michael. "Indianapolis Bail Research Project". American Bail Research Institute. n.d.

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Planchard, Jack B. and Dennis Pritchatt. "A Systematic Approach to Jail Overcrowding". **The Florida Bar Journal**. April 1983, pp. 297-11.

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Sandbach, William F. California Advisory Board of Surety Agents. Testimony Before the Assembly Criminal Justice Committee in Opposition to AB1233. 9 May 1977.

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\_\_\_\_\_. Office of the State Courts Administrator, Supreme Court of Florida. **A Report on Pretrial Release**. By Michael L. Bridenback and Laura Brock. Tallahassee: April 1982.

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\_\_\_\_\_. Department of Community Affairs, Division of Public Safety Planning and Assistance. **Local Correctional Assistance Project**. Tallahassee: September 1982.

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Brescher, George A. Sheriff, Broward County. Letter to Mr. A. T. Gonzalez, Executive Staff, Office of the Governor, Tallahassee, Florida. 28 November 1983.

Brinkley, Tommy. State of Florida Department of Insurance. Memorandum to W. DeHart Ayala, Chairman, Florida's Commission on Bail Bond Reform. 21 October 1983.

Bryan, Doyle W. Sheriff, Hardee County, Florida. Letter to Howard A. Maddox, Inc., Bail Bond Agency, Wauchula, Florida. 17 September 1981.

Eagan, Robert. State Attorney, 9th Judicial Circuit of Florida. Letter to Mr. A. T. Gonzales, Executive Staff, Office of the Governor, Tallahassee, Florida. 21 November 1983.

Goertzen, Jack E. Judge, Los Angeles, California. Letter to The Honorable William McVittie, Chairman, Criminal Justice Committee, Sacramento, California. 16 July 1979.

Harms, Kenneth I. Chief of Police, Miami, Florida. Letter to W. DeHart Ayala, Chairman, Florida's Commission on Bail Bond Reform. 17 November 1983.

Leetham, Julius A. Judge, The Superior Court, Los Angeles, California. Letter to Assemblyman Bill McVittie, Chairman, Assembly Criminal Justice Committee, Sacramento, California. 27 December 1978.

Maloney, Dennis P. Letter to The Honorable Oliver L. Green, Chief Judge, Bartow, Florida. 14 May 1980.

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Mincey, Floyd E. Secretary, Accredited Surety and Casualty Company, Inc. Letter to Governor's Commission on Bail Bond Reform. 24 January 1984.

White, Steve. Executive Director, California District Attorney's Association. Letter to Douglass Cunningham, Executive Director, Office of Criminal Justice Planning, Sacramento, California. 5 June 1981.

Yetter, John F. Professor, College of Law, Florida State University, Tallahassee, Florida. Letter to Members of Florida's Commission on Bail Bond Reform. 5 December 1983.

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Sandler, Larry and Charles Mount. "Lawyers Could Gain: Bill Proposed to Double Bail". **Chicago Tribune**. 9 March 1981, Metropolitan, n.pag.

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**END**