

1                   A bill to be entitled  
2           An act relating to bail bonds; amending s. 903.011,  
3           F.S.; revising requirements for meeting a monetary or  
4           cash component of pretrial release; amending s.  
5           903.045, F.S.; including bail bonds executed by  
6           residents in provisions concerning the nature of  
7           criminal bail bonds; amending s. 903.046, F.S.;  
8           removing language the rendered a defendant who failed  
9           to appear but later voluntarily appeared or  
10          surrendered ineligible for a recognizance bond;  
11          removing a provision allowing a court to determine  
12          conditions of release if a defendant fails to appear  
13          due to circumstances beyond his or her control;  
14          amending s. 903.047, F.S.; conforming provisions to  
15          changes made by the act; amending s. 903.0471, F.S.;  
16          requiring discharge of a bond posted as a condition of  
17          pretrial release upon entry of a revocation or  
18          detention; amending s. 903.05, F.S.; removing a  
19          provision allowing persons who merely own real estate  
20          in this state to serve as sureties; repealing s.  
21          903.08, F.S., relating to the sufficiency of  
22          sureties.; amending s. 903.09, F.S.; revising  
23          provisions on how a surety may justify her or his  
24          suretyship; amending s. 903.101, F.S.; revising  
25          provisions concerning access to jails for the purpose

26 of making bonds; amending s. 903.16, F.S.; revising  
27 provisions concerning the deposit of money or bonds  
28 for bail; repealing s. 903.17, F.S., relating to the  
29 substitution of cash bail for other bail; amending s.  
30 903.21, F.S.; providing for discharge of bond without  
31 hearing or court order in certain circumstances;  
32 amending s. 903.26, F.S.; revising the distribution  
33 notice of a failure to appear; providing for  
34 situations in which, after forfeiture of a bond, the  
35 criminal charges for which the bond guaranteed  
36 appearance are resolved; limiting the standing of a  
37 clerk to object to the setting aside of a forfeiture;  
38 amending s. 903.27, F.S.; specifying a deadline for  
39 entry of judgment against a surety; revising a  
40 deadline for a clerk to furnish specified agencies  
41 with copies of certain judgments; including bail  
42 agencies in certain provisions; amending s. 903.28,  
43 F.S.; revising the time period for application for a  
44 remission of forfeiture; adopting a schedule for  
45 forfeiture remission; providing for the effect of the  
46 state's unwillingness to seek extradition or the death  
47 of a defendant; removing provisions concerning the  
48 apprehension of a defendant after forfeiture;  
49 requiring clerks to issue a remission within a  
50 specified period after a court order and requiring

51 interest to be accrue at a specified rate; amending s.  
 52 903.29, F.S.; extending the time period in which a  
 53 surety may arrest a principal after forfeiture;  
 54 amending s. 903.31, F.S.; revising provisions  
 55 concerning cancellations of bonds; providing  
 56 applicability; amending s. 924.065, F.S.; revising  
 57 provisions concerning a bond on appeal; amending s.  
 58 951.26, F.S.; adding bail agents to the membership of  
 59 public safety coordinating councils; providing an  
 60 effective date.

61

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

63

64 **Section 1. Subsection (2) of section 903.011, Florida**  
 65 **Statutes, is amended to read:**

66 903.011 Pretrial release; general terms; statewide uniform  
 67 bond schedule.—

68 (2) Any monetary or cash component of any form of pretrial  
 69 release must ~~may~~ be met by a surety bond or United States  
 70 currency, a United States postal money order, or a cashier's  
 71 check in the amount of the bond.

72 **Section 2. Section 903.045, Florida Statutes, is amended**  
 73 **to read:**

74 903.045 Nature of criminal ~~surety~~ bail bonds.—It is the  
 75 public policy of this state and the intent of the Legislature

76 that a criminal ~~surety~~ bail bond, executed by a bail bond agent  
 77 licensed pursuant to chapter 648, or by a resident of this  
 78 state, in connection with the pretrial or appellate release of a  
 79 criminal defendant, shall be construed as a commitment by and an  
 80 obligation upon the bail bond agent or the resident of this  
 81 state to ensure that the defendant appears at all criminal  
 82 proceedings for which the ~~surety~~ bond is posted.

83 **Section 3. Paragraph (d) of subsection (2) of section**  
 84 **903.046, Florida Statutes, is amended to read:**

85 903.046 Purpose of and criteria for bail determination.—

86 (2) When determining whether to release a defendant on  
 87 bail or other conditions, and what that bail or those conditions  
 88 may be, the court shall consider:

89 (d) The defendant's past and present conduct, including  
 90 any record of convictions, previous flight to avoid prosecution,  
 91 or failure to appear at court proceedings. However, any  
 92 defendant who had failed to appear on the day of any required  
 93 court proceeding ~~in the case at issue, but who had later~~  
 94 ~~voluntarily appeared or surrendered, shall not be eligible for a~~  
 95 ~~recognizance bond; and any defendant who failed to appear on the~~  
 96 ~~day of any required court proceeding in the case at issue and~~  
 97 who was later arrested shall not be eligible for a recognizance  
 98 bond or for any form of bond which does not require a monetary  
 99 undertaking ~~or commitment~~ equal to or greater than \$2,000 or  
 100 twice the value of the monetary ~~commitment~~ or undertaking of the

101 original bond, whichever is greater. ~~Notwithstanding anything in~~  
 102 ~~this section, the court has discretion in determining conditions~~  
 103 ~~of release if the defendant proves circumstances beyond his or~~  
 104 ~~her control for the failure to appear. This section may not be~~  
 105 ~~construed as imposing additional duties or obligations on a~~  
 106 ~~governmental entity related to monetary bonds.~~

107 **Section 4. Subsection (1) of section 903.047, Florida**  
 108 **Statutes, is amended to read:**

109 903.047 Conditions of pretrial release.—

110 (1) As a condition of pretrial release, whether such  
 111 release is by ~~surety~~ bail bond or recognizance bond or in some  
 112 other form, the defendant must:

113 (a) Refrain from criminal activity of any kind.

114 (b) If the court issues an order of no contact, refrain  
 115 from any contact of any type with the victim, except through  
 116 pretrial discovery pursuant to the Florida Rules of Criminal  
 117 Procedure. An order of no contact is effective immediately and  
 118 enforceable for the duration of the pretrial release or until it  
 119 is modified by the court. The defendant shall be informed in  
 120 writing of the order of no contact, specifying the applicable  
 121 prohibited acts, before the defendant is released from custody  
 122 on pretrial release. As used in this section, unless otherwise  
 123 specified by the court, the term "no contact" includes the  
 124 following prohibited acts:

125 1. Communicating orally or in any written form, either in

126 person, telephonically, electronically, or in any other manner,  
127 either directly or indirectly through a third person, with the  
128 victim or any other person named in the order. If the victim and  
129 the defendant have children in common, at the request of the  
130 defendant, the court may designate an appropriate third person  
131 to contact the victim for the sole purpose of facilitating the  
132 defendant's contact with the children. However, this  
133 subparagraph does not prohibit an attorney for the defendant,  
134 consistent with rules regulating The Florida Bar, from  
135 communicating with any person protected by the no contact order  
136 for lawful purposes.

137 2. Having physical or violent contact with the victim or  
138 other named person or his or her property.

139 3. Being within 500 feet of the victim's or other named  
140 person's residence, even if the defendant and the victim or  
141 other named person share the residence.

142 4. Being within 500 feet of the victim's or other named  
143 person's vehicle, place of employment, or a specified place  
144 frequented regularly by such person.

145 (c) Comply with all conditions of pretrial release imposed  
146 by the court. A court must consider s. 903.046(2) when  
147 determining whether to impose nonmonetary conditions in addition  
148 to or in lieu of monetary bond. Such nonmonetary conditions may  
149 include, but are not limited to, requiring a defendant to:

150 1. Maintain employment, or, if unemployed, actively seek

151 employment.

152 2. Maintain or commence an educational program.

153 3. Abide by specified restrictions on personal  
154 associations, place of residence, or travel.

155 4. Report on a regular basis to a designated law  
156 enforcement agency, pretrial services agency, or other agency.

157 5. Comply with a specified curfew.

158 6. Refrain from possessing a firearm, destructive device,  
159 or other dangerous weapon.

160 7. Refrain from excessive use of alcohol, or any use of a  
161 narcotic drug or other controlled substance without a  
162 prescription from a licensed medical practitioner.

163 8. Undergo available medical, psychological, psychiatric,  
164 mental health, or substance abuse evaluation and follow all  
165 recommendations, including treatment for drug or alcohol  
166 dependency, and remain in a specified institution, if required  
167 for that purpose.

168 9. Return to custody for specified hours following release  
169 for employment, school, or other limited purposes.

170 10. Any other condition that is reasonably necessary to  
171 assure the appearance of the defendant at subsequent proceedings  
172 and to protect the community against unreasonable danger of  
173 harm.

174 **Section 5. Section 903.0471, Florida Statutes, is amended**  
175 **to read:**

176 903.0471 Violation of condition of pretrial release.—  
 177 Notwithstanding s. 907.041, a court may, on its own motion,  
 178 revoke pretrial release and order pretrial detention if the  
 179 court finds probable cause to believe that the defendant  
 180 committed a new crime while on pretrial release or violated any  
 181 other condition of pretrial release in a material respect. Upon  
 182 entry of such revocation or detention any bond previously posted  
 183 as a condition of pretrial release must be discharged by the  
 184 clerk without further order of the court.

185 **Section 6. Section 903.05, Florida Statutes, is amended to**  
 186 **read:**

187 903.05 Qualification of sureties.—A surety for the release  
 188 of a person on bail, other than a company authorized by law to  
 189 act as a surety, shall be a resident of the state ~~or own real~~  
 190 ~~estate within the state.~~

191 **Section 7. Section 903.08, Florida Statutes, is repealed.**

192 **Section 8. Subsection (1) of section 903.09, Florida**  
 193 **Statutes, is amended to read:**

194 903.09 Justification of sureties.—

195 (1) A surety, other than a bail agent, as defined in s.  
 196 648.25, shall justify her or his suretyship by attaching to the  
 197 bond United States currency, a United States postal money order,  
 198 or a cashier's check in the amount of the bond; however, the  
 199 United States currency, United States postal money order, or  
 200 cashier's check cannot be used to secure more than one bond



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201 ~~shall execute an affidavit stating that she or he possesses the~~  
 202 ~~qualifications and net worth required to become a surety. The~~  
 203 ~~affidavit shall describe the surety's property and any~~  
 204 ~~encumbrances and shall state the number and amount of any bonds~~  
 205 ~~entered into by the surety at any court that remain~~  
 206 ~~undischarged.~~

207 **Section 9. Section 903.101, Florida Statutes, is amended**  
 208 **to read:**

209 903.101 Sureties; licensed persons; to have equal access.—  
 210 Subject to rules adopted by the Department of Financial Services  
 211 and by the Financial Services Commission, every ~~surety who meets~~  
 212 ~~the requirements of ss. 903.05, 903.06, 903.08, and 903.09, and~~  
 213 ~~every~~ person who is currently licensed by the Department of  
 214 Financial Services and registered as required by s. 648.42 shall  
 215 have equal access to the jails of this state for the purpose of  
 216 making bonds.

217 **Section 10. Section 903.16, Florida Statutes, is amended**  
 218 **to read:**

219 903.16 Deposit of money or bonds as bail.—  
 220 ~~(1)~~ A defendant who has been admitted to bail, or another  
 221 person in the defendant's behalf, may deposit with the official  
 222 authorized to take bail money an amount equal to the bail amount  
 223 set in the court order. Such deposit must be receipted in the  
 224 name of the defendant ~~or nonregistered bonds of the United~~  
 225 ~~States, the state, or a city, town, or county in the state,~~

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226 ~~equal in market value to the amount set in the order and the~~  
227 ~~personal bond of the defendant and an undertaking by the~~  
228 ~~depositor if the money or bonds are deposited by another.~~ The  
229 sheriff or other officials must ~~may~~ remit money or bonds  
230 received to the clerk to be held by the clerk pending court  
231 action ~~or return to the defendant or depositor.~~ The clerk shall  
232 accept money or bonds remitted by the sheriff.

233 ~~(2) Consent is conclusively presumed for the clerk of the~~  
234 ~~circuit court to sell bonds deposited as bail after forfeiture~~  
235 ~~of the bond.~~

236 **Section 11.** Section 903.17, Florida Statutes, is repealed.

237 **Section 12. Paragraph (a) of subsection (3) of section**  
238 **903.21, Florida Statutes, is amended to read:**

239 903.21 Method of surrender; exoneration of obligors.—

240 (3) (a) The surety shall be exonerated of liability on the  
241 bond if it is determined before forfeiture ~~breach~~ of the bond  
242 that the defendant is in any jail or prison and the surety  
243 agrees in writing to pay the costs and expenses incurred in  
244 returning the defendant to the jurisdiction of the court. The  
245 clerk, upon affirmation by the sheriff or the chief correctional  
246 officer, of the defendant being in any jail or prison and the  
247 surety agreeing in writing to pay the costs and expenses  
248 incurred in returning the defendant to the jurisdiction of the  
249 court, must without further hearing or order of the court,  
250 discharge the bond. A surety is only responsible for the

251 itemized costs and expenses incurred for the transport of a  
 252 defendant to whom he or she has a fiduciary duty and is not  
 253 liable for the costs and expenses incurred in transporting any  
 254 other defendant.

255 **Section 13. Section 903.26, Florida Statutes, is amended**  
 256 **to read:**

257 903.26 Forfeiture of the bond; when and how directed;  
 258 discharge; how and when made; effect of payment.—

259 (1) A bail bond shall not be forfeited unless:

260 (a) The information, indictment, or affidavit was filed  
 261 within 6 months from the date of arrest, ~~and~~

262 (b) The clerk of court gave the surety at least 72 hours'  
 263 notice, exclusive of Saturdays, Sundays, and holidays, before  
 264 the time of the required appearance of the defendant. Notice  
 265 shall not be necessary if the time for appearance is within 72  
 266 hours from the time of arrest, or if the time is stated on the  
 267 bond. Such notice may be mailed or electronically transmitted.

268 (2) (a) If there is a failure of the defendant to appear as  
 269 required, the court shall declare the bond and any bonds or  
 270 money deposited as bail forfeited. The clerk of the court shall  
 271 mail or electronically transmit a notice to the surety agent, and  
 272 the bail agency, and surety company within 5 days after the  
 273 forfeiture. A certificate signed by the clerk of the court or  
 274 the clerk's designee, certifying that the notice required herein  
 275 was mailed or electronically transmitted on a specified date and

276 accompanied by a copy of the required notice, shall constitute  
277 sufficient proof that such mailing or electronic transmission  
278 was properly accomplished as indicated therein. If such mailing  
279 or electronic transmission was properly accomplished as  
280 evidenced by such certificate, the failure of the surety agent,  
281 a bail agency, ~~of~~ a company, or ~~of~~ a defendant to receive such  
282 notice shall not constitute a defense to such forfeiture and  
283 shall not be grounds for discharge, remission, reduction, set  
284 aside, or continuance of such forfeiture. The forfeiture shall  
285 be paid within 60 days after the date the notice was mailed or  
286 electronically transmitted.

287 (b) Failure of the defendant to appear at the time, date,  
288 and place of required appearance shall result in forfeiture of  
289 the bond. Such forfeiture shall be automatically entered by the  
290 clerk upon such failure to appear, and the clerk shall follow  
291 the procedures in paragraph (a). However, the court may  
292 determine, in its discretion, in the interest of justice, that  
293 an appearance by the defendant on the same day as required does  
294 not warrant forfeiture of the bond; and the court may direct the  
295 clerk to set aside any such forfeiture which may have been  
296 entered. Any appearance by the defendant later than the required  
297 day constitutes forfeiture of the bond, and the court shall not  
298 preclude entry of such forfeiture by the clerk.

299 (c) If there is a forfeiture of the bond, the clerk shall  
300 provide, upon request, a certified copy of the warrant or capias

301 to the bail bond agent or surety company.

302 (3) Sixty days after the forfeiture notice has been mailed  
303 or electronically transmitted:

304 (a) State and county officials having custody of forfeited  
305 money shall deposit the money in the fine and forfeiture fund  
306 established pursuant to s. 142.01.

307 ~~(b) Municipal officials having custody of forfeited money~~  
308 ~~shall deposit the money in a designated municipal fund.~~

309 (b)~~(e)~~ Officials having custody of bonds as authorized by  
310 s. 903.16 must ~~shall~~ transmit the bonds to the clerk of the  
311 circuit court ~~who shall sell them at market value and must~~  
312 disburse the proceeds as provided in paragraph ~~paragraphs~~ (a)  
313 and ~~(b)~~.

314 ~~(4)(a) When a bond is forfeited, the clerk shall transmit~~  
315 ~~the bond and any affidavits to the clerk of the circuit court in~~  
316 ~~which the bond and affidavits are filed. The clerk of the~~  
317 ~~circuit court shall record the forfeiture in the deed or~~  
318 ~~official records book. If the undertakings and affidavits~~  
319 ~~describe real property in another county, the clerk shall~~  
320 ~~transmit the bond and affidavits to the clerk of the circuit~~  
321 ~~court of the county where the property is located who shall~~  
322 ~~record and return them.~~

323 ~~(b) The bond and affidavits shall be a lien on the real~~  
324 ~~property they describe from the time of recording in the county~~  
325 ~~where the property is located for 2 years or until the final~~

326 ~~determination of an action instituted thereon within a 2-year~~  
327 ~~period. If an action is not instituted within 2 years from the~~  
328 ~~date of recording, the lien shall be discharged. The lien will~~  
329 ~~be discharged 2 years after the recording even if an action was~~  
330 ~~instituted within 2 years unless a lis pendens notice is~~  
331 ~~recorded in the action.~~

332 (4)~~(5)~~ The court shall discharge a forfeiture within 60  
333 days upon:

334 (a) A determination that it was impossible for the  
335 defendant to appear as required or within 60 days after the  
336 forfeiture notice has been mailed or electronically transmitted  
337 ~~the date of the required appearance~~ due to circumstances beyond  
338 the defendant's control. The potential adverse economic  
339 consequences of appearing as required may not be considered as  
340 constituting a ground for such a determination;

341 (b) A determination that, at the time of the required  
342 appearance or within 60 days after the forfeiture notice has  
343 been mailed or electronically transmitted ~~the date of the~~  
344 ~~required appearance~~, the defendant was confined in an  
345 institution or hospital; was confined in any county, state,  
346 federal, or immigration detention facility; was deported; or is  
347 deceased;

348 (c) Surrender or arrest of the defendant at the time of  
349 the required appearance or within 60 days after the forfeiture  
350 notice has been mailed or electronically transmitted ~~the date of~~

351 ~~the required appearance in any county, state, or federal jail or~~  
352 ~~prison and upon a hold being placed to return the defendant to~~  
353 ~~the jurisdiction of the court.~~ The court shall condition a  
354 discharge or remission on the payment of costs and the expenses  
355 under s. 903.21(3) incurred by an official in returning the  
356 defendant to the jurisdiction of the court; or

357 (d) A determination that the state is unwilling to seek  
358 extradition of the fugitive defendant within 10 ~~30~~ days after a  
359 request in writing by the surety agent to do so, and contingent  
360 upon the surety agent's consent to pay all costs and the  
361 expenses under s. 903.21(3) incurred by an official in returning  
362 the defendant to the jurisdiction of the court, up to the penal  
363 amount of the bond. If the state does not respond in writing  
364 within 10 days after a written request to seek a determination  
365 of extradition, it shall be evidence that the state is unwilling  
366 to seek extradition.

367 (e) In the interest of justice, if the state is willing to  
368 extradite, the state must enter the defendant into the National  
369 Crime Information Center (NCIC) database for the National Law  
370 Enforcement Telecommunications System (Nlets) region or regions  
371 requested within 10 days of a request by the surety to do so.

372 ~~(5)-(6)~~ The discharge of a forfeiture shall not be ordered  
373 for any reason other than as specified herein.

374 ~~(6)-(7)~~ The payment by a surety of a forfeiture under this  
375 law shall have the same effect on the bond as payment of a

376 judgment.

377 ~~(7)~~<sup>(8)</sup> If the defendant is arrested and returned to the  
378 county of jurisdiction of the court or has posted a new bond for  
379 the case at issue before judgment, the clerk, upon affirmation  
380 by the sheriff or the chief correctional officer, shall, without  
381 further hearing or order of the court, discharge the forfeiture  
382 of the bond. However, if the surety agent fails to pay the costs  
383 and expenses incurred in returning the defendant to the county  
384 of jurisdiction, the clerk shall not discharge the forfeiture of  
385 the bond. If the surety agent and the sheriff fail to agree on  
386 the amount of said costs, then the court, after notice to the  
387 sheriff and the state attorney, shall determine the amount of  
388 the costs.

389 (8) If after forfeiture of a bond, the criminal charges  
390 for which the bond guaranteed appearance are resolved,  
391 adjudicated, or otherwise disposed of by any action of the court  
392 or state, the clerk shall, without further order of the court,  
393 discharge the forfeiture and issue such notice to the surety. If  
394 such resolution or disposition occurs after payment of a  
395 forfeiture or judgment, remission shall be granted upon proper  
396 motion and as directed under s. 903.28.

397 (9) Unless the time for payment or discharge of the  
398 forfeiture set forth in s. 903.27(1) has passed, or unless  
399 payment of the forfeiture has already been made, the clerk shall  
400 have no standing to object to a motion to set aside a forfeiture



401 pursuant to paragraph (2)(b), a motion to discharge a bond  
402 pursuant to subsection (4), or a motion to reinstate a bond as  
403 contemplated by s. 903.31(2).

404 **Section 14. Subsections (1), (3), (4), and (5) of section**  
405 **903.27, Florida Statutes, are amended to read:**

406 903.27 Forfeiture to judgment.—

407 (1) If the forfeiture is not paid or discharged by order  
408 of a court of competent jurisdiction within 60 days after the  
409 forfeiture notice has been mailed or electronically transmitted  
410 ~~and the bond is secured other than by money and bonds authorized~~  
411 ~~in s. 903.16~~, the clerk of the circuit court for the county  
412 where the order was made shall enter a judgment against the  
413 surety for the amount of the penalty and issue execution.  
414 However, in any case in which the bond forfeiture has been  
415 discharged by the court of competent jurisdiction conditioned  
416 upon the payment by the surety of certain costs or fees as  
417 allowed by statute, the amount for which judgment may be entered  
418 may not exceed the amount of the unpaid fees or costs upon which  
419 the discharge had been conditioned. Judgment for the full amount  
420 of the forfeiture shall not be entered if payment of a lesser  
421 amount will satisfy the conditions to discharge the forfeiture.  
422 Within 5 ~~10~~ days, the clerk shall furnish the Department of  
423 Financial Services and the Office of Insurance Regulation of the  
424 Financial Services Commission with a certified copy of the  
425 judgment docket and shall furnish the surety company at its home

426 office a copy of the judgment, which shall include the power of  
427 attorney number of the bond and the name of the executing agent.  
428 If the judgment is not paid within 35 days, the clerk shall  
429 furnish the Department of Financial Services, the Office of  
430 Insurance Regulation, and the sheriff of the county in which the  
431 bond was executed, or the official responsible for operation of  
432 the county jail, if other than the sheriff, two copies of the  
433 judgment and a certificate stating that the judgment remains  
434 unsatisfied. When and if the judgment is properly paid or an  
435 order to vacate the judgment has been entered by a court of  
436 competent jurisdiction, the clerk shall immediately notify the  
437 sheriff, or the official responsible for the operation of the  
438 county jail, if other than the sheriff, and the Department of  
439 Financial Services and the Office of Insurance Regulation, if  
440 the department and office had been previously notified of  
441 nonpayment, of such payment or order to vacate the judgment. The  
442 clerk may furnish documents or give notice as required in this  
443 subsection by mail or electronic means. The clerk shall also  
444 immediately prepare and record in the public records a  
445 satisfaction of the judgment or record the order to vacate  
446 judgment. If the defendant is returned to the county of  
447 jurisdiction of the court, whenever a motion to set aside the  
448 judgment is filed, the operation of this section is tolled until  
449 the court makes a disposition of the motion.

450 (3) Surety bail bonds may not be executed by a bail bond

451 agent or a bail agency against whom a judgment has been entered  
452 which has remained unpaid for 35 days and may not be executed  
453 for a company against whom a judgment has been entered which has  
454 remained unpaid for 50 days. No sheriff or other official who is  
455 empowered to accept or approve surety bail bonds shall accept or  
456 approve such a bond executed by such a bail bond agent or  
457 executed for such a company until such judgment has been paid.

458 (4) After notice of judgment against the surety given by  
459 the clerk of the circuit court, the surety, a bail agency, or  
460 bail bond agent shall, within 35 days of the entry of judgment,  
461 submit to the clerk of the circuit court an amount equal to the  
462 judgment, unless the judgment has been set aside by the court  
463 within 35 days of the entry of judgment. If a motion to set  
464 aside the judgment has been filed pursuant to subsection (5),  
465 the amount submitted shall be held in escrow until such time as  
466 the court has disposed of the motion. The failure to comply with  
467 the provisions of this subsection constitutes a failure to pay  
468 the judgment.

469 (5) After notice of judgment against the surety given by  
470 the clerk of the circuit court, the surety, a bail agency, or  
471 bail bond agent may within 35 days file a motion to set aside  
472 the judgment or to stay the judgment. It shall be a condition of  
473 any such motion and of any order to stay the judgment that the  
474 surety pay the amount of the judgment to the clerk, which amount  
475 shall be held in escrow until such time as the court has

476 disposed of the motion to set aside the judgment. The filing of  
 477 such a motion, when accompanied by the required escrow deposit,  
 478 shall act as an automatic stay of further proceedings, including  
 479 execution, until the motion has been heard and a decision  
 480 rendered by the court.

481 **Section 15. Section 903.28, Florida Statutes, is amended**  
 482 **to read:**

483 903.28 Remission of forfeiture; conditions.—

484 (1) On application within 1,095 days ~~2 years~~ from  
 485 forfeiture, the court shall order remission of the forfeiture if  
 486 it determines that there was no breach of the bond.

487 (2) If the defendant surrenders, ~~or~~ is apprehended, is  
 488 deceased, or is deported within 1,095 ~~90~~ days after forfeiture,  
 489 the court, on motion at a hearing upon notice having been given  
 490 to the clerk of the circuit court and the state attorney as  
 491 required in subsection (5) ~~(8)~~, shall direct remission as per  
 492 the following:

493 (a)  
If the defendant surrenders or is Percentage of  
apprehended or deported after forfeiture:  
forfeiture:

- 494
- 495 1. Within 90 days.....100 percent;  
 496 2. Within 180 days.....95 percent;  
 497 3. Within 270 days.....90 percent;

- 498           4. Within 360 days.....85 percent;
- 499           5. Within 450 days.....80 percent;
- 500           6. Within 540 days.....75 percent;
- 501           7. Within 630 days.....70 percent;
- 502           8. Within 720 days.....65 percent;
- 503           9. Within 810 days.....60 percent;
- 504           10. Within 900 days.....55 percent;
- 505           11. Within 990 days.....50 percent;
- 506           12. Within 1,095 days.....45 percent; or
- 507           (b) If the defendant is deceased within 1,095 days after
- 508 forfeiture, 100 percent of forfeiture.

509           (3) In addition, within 1,095 days after forfeiture, if  
 510 the state is unwilling to seek extradition of the defendant from  
 511 any jail or prison after a request by the surety agent, bail  
 512 agency, or the surety company, and contingent upon the surety  
 513 agent, or bail agency, or surety company consenting to pay all  
 514 costs incurred by an official in returning the defendant to the  
 515 jurisdiction of the court, as provided in s. 903.21(3), up to  
 516 the penal amount of the bond, the court shall direct remission  
 517 of 100 percent of the forfeiture. In addition, if the defendant  
 518 is deceased, was confined in any county, state, federal, or  
 519 immigration detention facility, and subsequently was released  
 520 from custody or deported without the state placing a detainer on  
 521 the defendant, the court shall direct remission of 100 percent  
 522 of the forfeiture. ~~of up to, but not more than, 100 percent of a~~

523 ~~forfeiture if the surety apprehended and surrendered the~~  
524 ~~defendant or if the apprehension or surrender of the defendant~~  
525 ~~was substantially procured or caused by the surety, or the~~  
526 ~~surety has substantially attempted to procure or cause the~~  
527 ~~apprehension or surrender of the defendant, and the delay has~~  
528 ~~not thwarted the proper prosecution of the defendant. In~~  
529 ~~addition, remission shall be granted when the surety did not~~  
530 ~~substantially participate or attempt to participate in the~~  
531 ~~apprehension or surrender of the defendant when the costs of~~  
532 ~~returning the defendant to the jurisdiction of the court have~~  
533 ~~been deducted from the remission and when the delay has not~~  
534 ~~thwarted the proper prosecution of the defendant.~~

535 ~~(3) If the defendant surrenders or is apprehended within~~  
536 ~~180 days after forfeiture, the court, on motion at a hearing~~  
537 ~~upon notice having been given to the clerk of the circuit court~~  
538 ~~and the state attorney as required in subsection (8), shall~~  
539 ~~direct remission of up to, but not more than, 95 percent of a~~  
540 ~~forfeiture if the surety apprehended and surrendered the~~  
541 ~~defendant or if the apprehension or surrender of the defendant~~  
542 ~~was substantially procured or caused by the surety, or the~~  
543 ~~surety has substantially attempted to procure or cause the~~  
544 ~~apprehension or surrender of the defendant, and the delay has~~  
545 ~~not thwarted the proper prosecution of the defendant. In~~  
546 ~~addition, remission shall be granted when the surety did not~~  
547 ~~substantially participate or attempt to participate in the~~

548 ~~apprehension or surrender of the defendant when the costs of~~  
549 ~~returning the defendant to the jurisdiction of the court have~~  
550 ~~been deducted from the remission and when the delay has not~~  
551 ~~thwarted the proper prosecution of the defendant.~~

552 ~~(4) If the defendant surrenders or is apprehended within~~  
553 ~~270 days after forfeiture, the court, on motion at a hearing~~  
554 ~~upon notice having been given to the clerk of the circuit court~~  
555 ~~and the state attorney as required in subsection (8), shall~~  
556 ~~direct remission of up to, but not more than, 90 percent of a~~  
557 ~~forfeiture if the surety apprehended and surrendered the~~  
558 ~~defendant or if the apprehension or surrender of the defendant~~  
559 ~~was substantially procured or caused by the surety, or the~~  
560 ~~surety has substantially attempted to procure or cause the~~  
561 ~~apprehension or surrender of the defendant, and the delay has~~  
562 ~~not thwarted the proper prosecution of the defendant. In~~  
563 ~~addition, remission shall be granted when the surety did not~~  
564 ~~substantially participate or attempt to participate in the~~  
565 ~~apprehension or surrender of the defendant when the costs of~~  
566 ~~returning the defendant to the jurisdiction of the court have~~  
567 ~~been deducted from the remission and when the delay has not~~  
568 ~~thwarted the proper prosecution of the defendant.~~

569 ~~(5) If the defendant surrenders or is apprehended within 1~~  
570 ~~year after forfeiture, the court, on motion at a hearing upon~~  
571 ~~notice having been given to the clerk of the circuit court and~~  
572 ~~the state attorney as required in subsection (8), shall direct~~

573 ~~remission of up to, but not more than, 85 percent of a~~  
574 ~~forfeiture if the surety apprehended and surrendered the~~  
575 ~~defendant or if the apprehension or surrender of the defendant~~  
576 ~~was substantially procured or caused by the surety, or the~~  
577 ~~surety has substantially attempted to procure or cause the~~  
578 ~~apprehension or surrender of the defendant, and the delay has~~  
579 ~~not thwarted the proper prosecution of the defendant. In~~  
580 ~~addition, remission shall be granted when the surety did not~~  
581 ~~substantially participate or attempt to participate in the~~  
582 ~~apprehension or surrender of the defendant when the costs of~~  
583 ~~returning the defendant to the jurisdiction of the court have~~  
584 ~~been deducted from the remission and when the delay has not~~  
585 ~~thwarted the proper prosecution of the defendant.~~

586 ~~(6) If the defendant surrenders or is apprehended within 2~~  
587 ~~years after forfeiture, the court, on motion at a hearing upon~~  
588 ~~notice having been given to the clerk of the circuit court and~~  
589 ~~the state attorney as required in subsection (8), shall direct~~  
590 ~~remission of up to, but not more than, 50 percent of a~~  
591 ~~forfeiture if the surety apprehended and surrendered the~~  
592 ~~defendant or if the apprehension or surrender of the defendant~~  
593 ~~was substantially procured or caused by the surety, or the~~  
594 ~~surety has substantially attempted to procure or cause the~~  
595 ~~apprehension or surrender of the defendant, and the delay has~~  
596 ~~not thwarted the proper prosecution of the defendant. In~~  
597 ~~addition, remission shall be granted when the surety did not~~



598 ~~substantially participate or attempt to participate in the~~  
599 ~~apprehension or surrender of the defendant when the costs of~~  
600 ~~returning the defendant to the jurisdiction of the court have~~  
601 ~~been deducted from the remission and when the delay has not~~  
602 ~~thwarted the proper prosecution of the defendant.~~

603 (4)~~(7)~~ The remission of a forfeiture may not be ordered  
604 for any reason other than as specified in this section herein.

605 (5)~~(8)~~ An application for remission must be accompanied by  
606 affidavits setting forth the facts on which it is founded;  
607 however, the surety must establish by further documentation or  
608 other evidence any claimed attempt at procuring or causing the  
609 apprehension or surrender of the defendant before the court may  
610 order remission based upon an attempt to procure or cause such  
611 apprehension or surrender. The clerk of the circuit court and  
612 the state attorney must be given 10 ~~20~~ days' notice before a  
613 hearing on an application and be furnished copies of all papers,  
614 applications, and affidavits. Remission shall be granted on the  
615 condition of payment of costs, as provided in s. 903.21(3),  
616 unless the ground for remission is that there was no breach of  
617 the bond.

618 (6)~~(9)~~ The clerk of the circuit court may enter into a  
619 contract with a private attorney or into an interagency  
620 agreement with a governmental agency to represent the clerk of  
621 the court in an action for the remission of a forfeiture under  
622 this section.

623 (7)~~(10)~~ The clerk of the circuit court is the real party  
 624 in interest for all appeals arising from an action for the  
 625 remission of a forfeiture under this section.

626 (8) The clerk of the circuit court must issue the  
 627 remission within 10 days after entry of a court order directing  
 628 remission. Remissions not issued within 10 days as directed  
 629 shall accrue interest at the rate of 1.5 percent per month.

630 **Section 16. Section 903.29, Florida Statutes, is amended**  
 631 **to read:**

632 903.29 Arrest of principal by surety after forfeiture.—  
 633 Within 3 ~~2~~ years from the date of forfeiture of a bond, the  
 634 surety may arrest the principal for the purpose of surrendering  
 635 the principal to the official in whose custody she or he was at  
 636 the time bail was taken or in whose custody the principal would  
 637 have been placed had she or he been committed.

638 **Section 17. Subsections (1) and (2) of section 903.31,**  
 639 **Florida Statutes, are amended to read:**

640 903.31 Canceling the bond.—

641 (1) Within 10 business days after the conditions of a bond  
 642 have been satisfied or the forfeiture discharged or remitted,  
 643 the court shall order the bond canceled and, if the surety has  
 644 attached a certificate of cancellation to the original bond, the  
 645 clerk of the court shall mail or electronically furnish an  
 646 executed certificate of cancellation to the surety without cost.  
 647 The clerk must discharge the bond upon an adjudication of guilt

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648 or innocence or an acquittal ~~or~~ if a period of 36 months has  
649 passed since the original bond was posted. ~~or a~~ Withholding of  
650 an adjudication of guilt or a finding of guilt or a no action by  
651 the state shall satisfy the conditions of the bond. If the bond  
652 has been revoked, annulled, or cancelled by the court, the clerk  
653 must discharge or cancel the bond. The original appearance bond  
654 shall expire 36 months after such bond has been posted for the  
655 release of the defendant from custody. This subsection does not  
656 apply to cases in which a bond has been declared forfeited  
657 before the 36-month expiration unless the forfeiture was set  
658 aside or discharged or the original bond was reinstated, or a  
659 new bond was posted.

660 (2) The original appearance bond does not guarantee a  
661 deferred sentence or a sentencing deferral, delayed sentencing,  
662 appearance after entering a plea agreement; appearance during or  
663 after a presentence investigation; appearance during or after  
664 appeals; conduct during or appearance after admission to a  
665 pretrial intervention program; placement in a court-ordered  
666 program, including a residential mental health facility; payment  
667 of fines; or attendance at educational or rehabilitation  
668 facilities the court otherwise provides in the judgment. If the  
669 original appearance bond has been forfeited or revoked, the bond  
670 shall not be reinstated without approval from the surety on the  
671 original bond.

672 **Section 18. Subsection (2) of section 924.065, Florida**

673 **Statutes, is amended to read:**

674 924.065 Denial of motion for new trial or arrest of  
675 judgment; appeal bond; supersedeas.—

676 (2) An appeal may not be a supersedeas to the execution of  
677 the judgment, sentence, or order of ~~until the appellant has~~  
678 ~~entered into a bond with at least two sureties to secure the~~  
679 payment of the judgment, fine, and any future costs that may be  
680 adjudged by the appellate court. ~~The bond shall be conditioned~~  
681 ~~on the appellant's personally answering and abiding by the final~~  
682 ~~order, sentence, or judgment of the appellate court and, if the~~  
683 ~~action is remanded, on the appellant's appearing before the~~  
684 ~~court in which the case was originally determined and not~~  
685 ~~departing without leave of court.~~

686 **Section 19. Subsection (1) of section 951.26, Florida**  
687 **Statutes, is amended to read:**

688 951.26 Public safety coordinating councils.—

689 (1) Each board of county commissioners shall establish a  
690 county public safety coordinating council for the county or  
691 shall join with a consortium of one or more other counties to  
692 establish a public safety coordinating council for the  
693 geographic area represented by the member counties.

694 (a)1. The public safety coordinating council for a county  
695 shall consist of:

696 a. The state attorney, or an assistant state attorney  
697 designated by the state attorney.

- 698           b. The public defender, or an assistant public defender  
699 designated by the public defender.
- 700           c. The chief circuit judge, or another circuit judge  
701 designated by the chief circuit judge.
- 702           d. The chief county judge, or another county judge  
703 designated by the chief county judge.
- 704           e. The chief correctional officer.
- 705           f. The sheriff, or a member designated by the sheriff, if  
706 the sheriff is not the chief correctional officer.
- 707           g. The state probation circuit administrator, or a member  
708 designated by the state probation circuit administrator, to be  
709 appointed to a 4-year term.
- 710           h. The chairperson of the board of county commissioners,  
711 or another county commissioner as designee.
- 712           i. If the county has such program available, the director  
713 of any county probation or pretrial intervention program, to be  
714 appointed to a 4-year term.
- 715           j. The director of a local substance abuse treatment  
716 program, or a member designated by the director, to be appointed  
717 to a 4-year term.
- 718           k. Representatives from county and state jobs programs and  
719 other community groups who work with offenders and victims,  
720 appointed by the chairperson of the board of county  
721 commissioners to 4-year terms.
- 722           (1) A bail agent licensed pursuant to s. 648.30,

723 designated by the council, to be appointed to a 4-year term.

724         2. The chairperson of the board of county commissioners,  
725 or another county commissioner as designee, shall serve as the  
726 chairperson of the council until the council elects a  
727 chairperson from the membership of the council.

728         (b)1. The public safety coordinating council for a  
729 consortium of two or more counties shall consist of the  
730 following members, appointed with the approval of each board of  
731 county commissioners within the consortium:

732         a. A chief circuit judge, or a circuit judge designated by  
733 a chief circuit judge.

734         b. A chief county judge, or a county judge designated by a  
735 chief county judge.

736         c. A state attorney, or an assistant state attorney  
737 designated by a state attorney.

738         d. A public defender, or an assistant public defender  
739 designated by a public defender.

740         e. A state probation circuit administrator, or a member  
741 designated by a state probation circuit administrator, to be  
742 appointed to a 4-year term.

743         f. A physician who practices in the area of alcohol and  
744 substance abuse, to be appointed to a 4-year term.

745         g. A mental health professional who practices in the area  
746 of alcohol and substance abuse, to be appointed to a 4-year  
747 term.

748 h. A sheriff or a jail administrator for a county within  
749 the consortium.

750 i. A chief of police for a municipality within the  
751 geographic area of the consortium.

752 j. A county commissioner from each member county of the  
753 consortium.

754 k. An elected member of the governing body of the most  
755 populous municipality within the geographic area of the  
756 consortium.

757 l. An elected member of a school board within the  
758 geographic area of the consortium.

759 m. A bail agent licensed pursuant to s. 648.30, designated  
760 the Florida Bail Agents Association, to be appointed to a 4-year  
761 term.

762 2. The members of the public safety coordinating council  
763 shall elect a chairperson from among its members.

764 **Section 20.** This act shall take effect July 1, 2025.