

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Baker offered the following:

Amendment (with title amendment)

Remove lines 176-856 and insert:

Section 3. Paragraph (j) of subsection (1) and subsection (4) of section 648.44, Florida Statutes, are amended to read:

648.44 Prohibitions; penalty.—

(1) A bail bond agent or bail bond agency may not:

(j) Accept anything of value from a principal for providing a bail bond aside from ~~except~~ a credit card merchant processing fee, a mobile payment services fee or similar charge which must be separate from and not considered premium, and a transfer fee authorized by the office, except that the bail bond agent or bail bond agency may accept collateral security or other indemnity from the principal or

Amendment No. 1

17 another person in accordance with s. 648.442, together with
18 documentary stamp taxes, if applicable. No fees, expenses, or
19 charges of any kind shall be permitted to be deducted from the
20 collateral held or any return premium due, except as authorized
21 by this chapter or rule of the department or commission. Upon
22 written agreement with another party, a bail bond agent or bail
23 bond agency may, ~~upon written agreement with another party,~~
24 receive a fee or compensation for returning to custody an
25 individual who has fled the jurisdiction of the court or caused
26 the forfeiture of a bond.

27 (4) A place of business, including a branch office, may
28 not be established, opened, or maintained unless it is under the
29 active full-time charge of a licensed and appointed bail bond
30 agent. A virtual office is prohibited.

31 **Section 4. Subsection (2) of section 903.011, Florida**
32 **Statutes, is amended to read:**

33 903.011 Pretrial release; general terms; statewide uniform
34 bond schedule.—

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

39 **Section 5. Paragraph (d) of subsection (2) of section**
40 **903.046, Florida Statutes, is amended to read:**

41 903.046 Purpose of and criteria for bail determination.—

Amendment No. 1

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

45 (d) The defendant's past and present conduct, including
46 any record of convictions, previous flight to avoid prosecution,
47 or failure to appear at court proceedings. However, any
48 defendant who ~~had~~ failed to appear on the day of any required
49 court proceeding in the case at issue, but who ~~had~~ later
50 voluntarily appeared or surrendered, is not ~~shall not be~~
51 eligible for a recognizance bond; and any defendant who failed
52 to appear on the day of any required court proceeding ~~in the~~
53 ~~case at issue~~ and who was later arrested is not ~~shall not be~~
54 eligible for a recognizance bond or for any form of bond which
55 does not require the greater of a monetary undertaking ~~or~~
56 ~~commitment~~ equal to or greater than \$2,000 or twice the value of
57 the monetary ~~commitment or~~ undertaking of the original bond,
58 ~~whichever is greater~~. Notwithstanding anything in this section,
59 the court has discretion in determining conditions of release if
60 the defendant proves circumstances beyond his or her control for
61 the failure to appear. A surety bond that has been revoked may
62 not be reinstated without the written authorization from the
63 bail bond agent, bail bond agency, or surety. This section may
64 not be construed as imposing additional duties or obligations on
65 a governmental entity related to monetary bonds.

Amendment No. 1

66 **Section 6. Section 903.0471, Florida Statutes, is amended**
67 **to read:**

68 903.0471 Violation of condition of pretrial release.—
69 Notwithstanding s. 907.041, a court may, on its own motion,
70 revoke pretrial release and order pretrial detention if the
71 court finds probable cause to believe that the defendant
72 committed a new crime while on pretrial release or violated any
73 other condition of pretrial release in a material respect. Upon
74 entry of such an order to revoke pretrial release and order
75 pretrial detention, other than for a failure to appear, the
76 clerk of the court must discharge any bond previously posted as
77 a condition of pretrial release without further order of the
78 court.

79 **Section 7. Section 903.05, Florida Statutes, is amended to**
80 **read:**

81 903.05 Qualification of sureties.—A surety for the release
82 of a person on bail, other than a company authorized by law to
83 act as a surety, shall be a resident of the state ~~or own real~~
84 ~~estate within the state.~~

85 **Section 8. Section 903.08, Florida Statutes, is repealed.**

86 **Section 9. Subsection (1) of section 903.09, Florida**
87 **Statutes, is amended to read:**

88 903.09 Justification of sureties.—

89 (1) A surety, other than a bail bond agent as defined in
90 s. 648.25, shall justify his or her suretyship by attaching to

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

91 the bond United States currency, a United States postal money
92 order, or a cashier's check in the amount of the bond; however,
93 the United States currency, United States postal money order, or
94 cashier's check may not be used to secure more than one bond
95 ~~execute an affidavit stating that she or he possesses the~~
96 ~~qualifications and net worth required to become a surety. The~~
97 ~~affidavit shall describe the surety's property and any~~
98 ~~encumbrances and shall state the number and amount of any bonds~~
99 ~~entered into by the surety at any court that remain~~
100 ~~undischarged.~~

101 **Section 10. Section 903.101, Florida Statutes, is amended**
102 **to read:**

103 903.101 Sureties; licensed persons; to have equal access.-
104 Subject to rules adopted by the Department of Financial Services
105 and by the Financial Services Commission, every surety who meets
106 the requirements of s. 903.09 ~~ss. 903.05, 903.06, 903.08, and~~
107 ~~903.09,~~ and every person who is currently licensed by the
108 Department of Financial Services and registered as required by
109 s. 648.42 must ~~shall~~ have equal access to the jails of this
110 state for the purpose of making bonds.

111 **Section 11. Section 903.16, Florida Statutes, is amended**
112 **to read:**

113 903.16 Deposit of money or bonds as bail.-

114 (1) A defendant who has been admitted to bail, or another
115 person in the defendant's behalf, may deposit with the official

Amendment No. 1

116 authorized to take bail money an amount equal to the bail amount
117 set in the court order ~~or nonregistered bonds of the United~~
118 ~~States, the state, or a city, town, or county in the state,~~
119 ~~equal in market value to the amount set in the order and the~~
120 ~~personal bond of the defendant and an undertaking by the~~
121 ~~depositor if the money or bonds are deposited by another.~~ The
122 sheriff or other officials shall ~~may~~ remit money or bonds
123 received to the clerk to be held by the clerk pending court
124 action ~~or return to the defendant or depositor.~~ The clerk shall
125 accept money or bonds remitted by the sheriff.

126 (2) A deposit under subsection (1) must be receipted in
127 the name of the person making the deposit unless such deposit is
128 made by a charitable bail fund registered as a nonprofit
129 organization under s. 501(c) (3) of the United States Internal
130 Revenue Code. If the deposit is made by a charitable bail fund,
131 the deposit must be receipted in the name of the defendant.
132 ~~Consent is conclusively presumed for the clerk of the circuit~~
133 ~~court to sell bonds deposited as bail after forfeiture of the~~
134 ~~bond.~~

135 **Section 12.** Section 903.17, Florida Statutes, is repealed.

136 **Section 13. Subsection (3) of section 903.21, Florida**
137 **Statutes, is amended to read:**

138 903.21 Method of surrender; exoneration of obligors.—

139 (3) (a) The surety shall be exonerated of liability on the
140 bond if it is determined before forfeiture ~~breach~~ of the bond

Amendment No. 1

141 that the defendant is in any jail or prison and the surety
142 agrees in writing to pay the costs and expenses incurred in
143 returning the defendant to the jurisdiction of the court. A
144 surety is only responsible for the itemized costs and expenses
145 incurred for the transport of a defendant to whom he or she has
146 a fiduciary duty and is not liable for the costs and expenses
147 incurred in transporting any other defendant.

148 (b) As used in ~~For purposes of~~ this subsection, the term:

149 1. "Costs and expenses" means the prorated salary of any
150 law enforcement officer or employee of a contracted
151 transportation company as well as the actual expenses of
152 transporting each defendant, which may only consist of mileage,
153 ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging
154 for any law enforcement officer or employee of a contracted
155 transportation company and the defendant.

156 2. "Jurisdiction" means the county from which the
157 defendant was released on bail.

158 **Section 14. Section 903.26, Florida Statutes, is amended**
159 **to read:**

160 903.26 Forfeiture of the bond; when and how directed;
161 discharge; how and when made; effect of payment.—

162 (1) A bail bond may ~~shall~~ not be forfeited unless:

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

165 (b) The clerk of the court gave the surety at least 72

Amendment No. 1

166 hours' notice, exclusive of Saturdays, Sundays, and holidays,
167 before the time of the required appearance of the defendant.
168 Notice is ~~shall~~ not be necessary if the time for appearance is
169 within 72 hours after ~~from~~ the time of arrest, or ~~if the time is~~
170 stated on the bond. Such notice may be mailed or electronically
171 transmitted. A certification signed by the clerk of the court or
172 the clerk's designee that the notice required under this
173 paragraph was mailed or electronically transmitted on a specific
174 date must accompany or be included on the required notice.

175 (2) (a) If there is a failure of the defendant to appear as
176 required, the court must ~~shall~~ declare the bond and any bonds or
177 money deposited as bail forfeited. The clerk of the court shall
178 mail or electronically transmit a notice to the surety agent,
179 bail bond agency, and surety company within 5 days after the
180 forfeiture. A certificate signed by the clerk of the court or
181 the clerk's designee which certifies, ~~certifying~~ that the notice
182 required under this section ~~herein~~ was mailed or electronically
183 transmitted on a specified date and which is accompanied by a
184 copy of the required notice constitutes, ~~shall constitute~~
185 sufficient proof that such mailing or electronic transmission
186 was properly accomplished as required in this paragraph
187 ~~indicated therein~~. If such mailing or electronic transmission
188 was properly accomplished as evidenced by such certificate, the
189 failure of the surety agent, a bail bond agency, ~~of~~ a company,
190 or ~~of~~ a defendant to receive such notice does ~~shall~~ not

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Page 8 of 31

Amendment No. 1

191 constitute a defense to such forfeiture and may ~~shall~~ not be
192 grounds for discharge, remission, reduction, set aside, or
193 continuance of such forfeiture. The forfeiture must ~~shall~~ be
194 paid within 60 days after the date the notice was mailed or
195 electronically transmitted.

196 (b) ~~If Failure of~~ the defendant fails to appear at the
197 time, date, and place of required appearance, ~~shall result in~~
198 ~~forfeiture of the bond~~ is forfeited. Such forfeiture must ~~shall~~
199 be automatically entered by the clerk upon such failure to
200 appear, and the clerk shall follow the procedures in paragraph
201 (a). However, the court may determine, in its discretion and, in
202 the interest of justice, that an appearance by the defendant on
203 the ~~same day as~~ required day does not warrant forfeiture of the
204 bond, and ~~the court~~ may direct the clerk to set aside any such
205 forfeiture ~~which may have been entered~~. Any appearance by the
206 defendant later than the required day constitutes forfeiture of
207 the bond, and the court may ~~shall~~ not preclude entry of such
208 forfeiture by the clerk.

209 (c) If there is a forfeiture of the bond, the clerk must
210 ~~shall~~ provide, upon request, a certified copy of the warrant or
211 capias to the bail bond agent or surety company.

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

214 (a) State and county officials having custody of forfeited
215 money shall deposit the money in the fine and forfeiture fund

Amendment No. 1

216 established pursuant to s. 142.01.

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

219 ~~(b)(e)~~ Officials having custody of bonds as authorized by
220 s. 903.16 shall transmit the bonds to the clerk of the circuit
221 court who shall ~~sell them at market value and~~ disburse the
222 proceeds as provided in paragraph (a) ~~paragraphs (a) and (b).~~

223 ~~(4)(a) When a bond is forfeited, the clerk shall transmit~~
224 ~~the bond and any affidavits to the clerk of the circuit court in~~
225 ~~which the bond and affidavits are filed. The clerk of the~~
226 ~~circuit court shall record the forfeiture in the deed or~~
227 ~~official records book. If the undertakings and affidavits~~
228 ~~describe real property in another county, the clerk shall~~
229 ~~transmit the bond and affidavits to the clerk of the circuit~~
230 ~~court of the county where the property is located who shall~~
231 ~~record and return them.~~

232 ~~(b) The bond and affidavits shall be a lien on the real~~
233 ~~property they describe from the time of recording in the county~~
234 ~~where the property is located for 2 years or until the final~~
235 ~~determination of an action instituted thereon within a 2-year~~
236 ~~period. If an action is not instituted within 2 years from the~~
237 ~~date of recording, the lien shall be discharged. The lien will~~
238 ~~be discharged 2 years after the recording even if an action was~~
239 ~~instituted within 2 years unless a lis pendens notice is~~
240 ~~recorded in the action.~~

528761 - h1017-line 176.docx

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Amendment No. 1

241 ~~(4)-(5)~~ The court shall discharge a forfeiture within 60
242 days after the forfeiture notice was mailed or electronically
243 transmitted upon any of the following:

244 (a) A determination that, due to circumstances beyond the
245 defendant's control, it was impossible for the defendant to
246 appear as required ~~or within 60 days after the date of the~~
247 ~~required appearance due to circumstances beyond the defendant's~~
248 ~~control~~. The potential adverse economic consequences of
249 appearing as required may not be considered as constituting a
250 ground for such a determination.†

251 (b) A determination that, at the time of the required
252 appearance ~~or within 60 days after the date of the required~~
253 ~~appearance~~, the defendant was confined in an institution or
254 hospital; was confined in any county, state, federal, or
255 immigration detention facility; was deported; or is deceased.†

256 (c) Surrender or arrest of the defendant at the time of
257 the required appearance ~~or within 60 days after the date of the~~
258 ~~required appearance~~ in any county, state, or federal jail or
259 prison ~~and upon a hold being placed to return the defendant to~~
260 ~~the jurisdiction of the court~~. The court shall condition a
261 discharge or remission on the payment of costs and ~~the~~ expenses
262 as provided in s. 903.21(3), incurred by an official in
263 returning the defendant to the jurisdiction of the court.†~~†~~

264 (d) A determination that the state is unwilling to seek
265 extradition of the fugitive defendant within 10 ~~30~~ days after a

Amendment No. 1

266 written request by the surety agent to do so, and contingent
267 upon the surety agent's consent to pay all costs and ~~the~~
268 expenses incurred by an official in returning the defendant to
269 the jurisdiction of the court, as provided in s. 903.21(3), up
270 to the penal amount of the bond.

271 (5) For each felony warrant that a court issues for a
272 failure to appear in court, the sheriff shall enter the
273 information of the defendant in the National Crime Information
274 Center database with no restrictions until the defendant is
275 returned to the jurisdiction of the court.

276 (6) The discharge of a forfeiture may ~~shall~~ not be ordered
277 for any reason other than as specified herein.

278 (7) The payment by a surety of a forfeiture under this law
279 has ~~shall have~~ the same effect on the bond as payment of a
280 judgment.

281 (8) If the defendant is arrested and returned to the
282 county of jurisdiction of the court or has posted a new bond for
283 the case at issue before judgment, the clerk must, upon
284 affirmation by the sheriff or the chief correctional officer
285 and, ~~shall~~, without further hearing or order of the court,
286 discharge the forfeiture of the bond. However, if the surety
287 agent fails to pay the costs and expenses incurred in returning
288 the defendant to the county of jurisdiction, the clerk may ~~shall~~
289 not discharge the forfeiture of the bond. If the surety agent
290 and the sheriff fail to agree on the amount of such ~~said~~ costs,

Amendment No. 1

291 ~~then~~ the court, after notice to the sheriff and the state
292 attorney, must ~~shall~~ determine the amount of the costs.

293 (9) If, after forfeiture of a bond, the criminal charges
294 for which the bond guaranteed appearance are resolved,
295 adjudicated, or otherwise disposed of by any action of the court
296 or state, the clerk must discharge the forfeiture and issue such
297 notice to the surety without further order of the court. If such
298 resolution or disposition occurs after payment of a forfeiture
299 or judgment, remission must be granted upon proper motion and as
300 specified under s. 903.28.

301 **Section 15. Section 903.27, Florida Statutes, is amended**
302 **to read:**

303 903.27 Forfeiture to judgment.—

304 (1) If the forfeiture is not paid or discharged by order
305 of a court of competent jurisdiction within 60 days after the
306 forfeiture notice has been mailed or electronically transmitted
307 ~~and the bond is secured other than by money and bonds authorized~~
308 ~~in s. 903.16~~, the clerk of the circuit court for the county
309 where the order was made must ~~shall~~ enter a judgment against the
310 surety for the amount of the penalty and issue execution.
311 However, in any case in which the bond forfeiture has been
312 discharged by the court of competent jurisdiction conditioned
313 upon the payment by the surety of certain costs or fees as
314 allowed by statute, the amount for which judgment may be entered
315 may not exceed the amount of the unpaid fees or costs upon which

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

316 the discharge had been conditioned. Judgment for the full amount
317 of the forfeiture may ~~shall~~ not be entered if payment of a
318 lesser amount will satisfy the conditions to discharge the
319 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
320 Department of Financial Services and the Office of Insurance
321 Regulation of the Financial Services Commission with a certified
322 copy of the judgment docket and shall furnish the surety company
323 at its home office a copy of the judgment, which shall include
324 the power of attorney number of the bond and the name of the
325 executing agent. If the judgment is not paid within 35 days, the
326 clerk must ~~shall~~ furnish the Department of Financial Services,
327 the Office of Insurance Regulation, and the sheriff of the
328 county in which the bond was executed, or the official
329 responsible for operation of the county jail, if that official
330 is not ~~other than~~ the sheriff, two copies of the judgment and a
331 certificate stating that the judgment remains unsatisfied. When
332 ~~and if~~ the judgment is properly paid or an order to vacate the
333 judgment has been entered by a court of competent jurisdiction,
334 the clerk shall immediately notify the sheriff, or other such
335 ~~the~~ official responsible for the operation of the county jail,
336 ~~if other than the sheriff,~~ and, if they have been previously
337 notified of nonpayment, the Department of Financial Services and
338 the Office of Insurance Regulation, ~~if the department and office~~
339 ~~had been previously notified of nonpayment,~~ of such payment or
340 order to vacate the judgment. The clerk may furnish documents or

Amendment No. 1

341 give notice as required in this subsection by mail or electronic
342 means. The clerk shall also immediately prepare and record in
343 the public records a satisfaction of the judgment or record the
344 order to vacate judgment. If the defendant is returned to the
345 county of jurisdiction of the court, whenever a motion to set
346 aside the judgment is filed, the operation of this section is
347 tolled until the court makes a disposition of the motion.

348 (2) A certificate signed by the clerk of the court or her
349 or his designee which certifies, ~~certifying~~ that the notice
350 required in subsection (1) was mailed or electronically
351 delivered on a specified date, and is accompanied by a copy of
352 the required notice constitutes sufficient proof that such
353 mailing or electronic delivery was properly accomplished as
354 required in this subsection ~~indicated therein~~. If such mailing
355 or electronic delivery was properly accomplished as evidenced by
356 such certificate, the failure of a company to receive a copy of
357 the judgment as prescribed in subsection (1) does not constitute
358 a defense to the forfeiture and is not a ground for the
359 discharge, remission, reduction, set aside, or continuance of
360 such forfeiture.

361 (3) Surety bail bonds may not be executed by a bail bond
362 agent or a bail bond agency against whom a judgment has been
363 entered which has remained unpaid for 35 days and may not be
364 executed for a company against whom a judgment has been entered
365 which has remained unpaid for 50 days. A ~~No~~ sheriff or other

Amendment No. 1

366 official who is empowered to accept or approve surety bail bonds
367 may not ~~shall~~ accept or approve such a bond executed by such a
368 bail bond agent or bail bond agency or executed for such a
369 company until such judgment has been paid.

370 (4) After notice of judgment against the surety given by
371 the clerk of the circuit court, the surety, a bail bond agency,
372 or a bail bond agent shall, within 35 days after ~~of~~ the entry of
373 judgment, submit to the clerk of the circuit court an amount
374 equal to the judgment, unless the judgment has been set aside by
375 the court within 35 days after ~~of the~~ entry of the judgment. If
376 a motion to set aside the judgment has been filed pursuant to
377 subsection (5), the amount submitted must ~~shall~~ be held in
378 escrow until such time as the court has disposed of the motion.
379 The failure to comply with ~~the provisions of~~ this subsection
380 constitutes a failure to pay the judgment.

381 (5) After notice of judgment against the surety given by
382 the clerk of the circuit court, the surety, bail bond agency, or
383 bail bond agent may within 35 days file a motion to set aside
384 ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~
385 Any such motion or ~~and of any~~ order to stay the judgment must be
386 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of
387 the judgment to the clerk, which amount must ~~shall~~ be held in
388 escrow until such time as the court has disposed of the motion
389 to set aside the judgment. The filing of such a motion, when
390 accompanied by the required escrow deposit, acts ~~shall act~~ as an

Amendment No. 1

391 automatic stay of further proceedings, including execution,
392 until the motion has been heard and a decision rendered by the
393 court.

394 (6) The failure of a state attorney to file, or of the
395 clerk of the circuit court to make, a certified copy of the
396 order of forfeiture as required by law applicable before ~~prior~~
397 ~~to~~ July 1, 1982, does ~~shall~~ not invalidate any judgment entered
398 by the clerk before ~~prior to~~ June 12, 1981.

399 **Section 16. Section 903.28, Florida Statutes, is amended**
400 **to read:**

401 903.28 Remission of forfeiture; conditions.—

402 (1) No application for remission shall be brought, nor be
403 considered by the court, unless such ~~an~~ application is filed
404 within 37 months ~~2 years~~ from forfeiture. 7 Upon a timely filed
405 application for remission, the court shall order remission of
406 the forfeiture in accordance with the remission schedule set
407 forth in subsection (2) if it determines that there was no
408 breach of the bond by the surety.

409 (2) If the defendant surrenders or is apprehended and the
410 surety has paid all costs of returning the defendant to the
411 jurisdiction of the court, if the defendant is deceased, or if
412 the state attorney is unwilling to seek extradition of the
413 defendant from any jail or prison after a request by the surety
414 agent, bail bond agency, or surety company consenting to pay all
415 costs incurred by an official in returning the defendant to the

Amendment No. 1

416 jurisdiction of the court, as provided in s. 903.21(3)(a), up to
417 the penal amount of the bond, within 36 months 90 days after
418 forfeiture, the court, on motion at a hearing upon notice having
419 been given to the clerk of the circuit court and the state
420 attorney as required in subsection (4), must subsection (8),
421 ~~shall~~ direct remission in accordance with the following:

422 (a) One-hundred percent of the forfeiture if the defendant
423 surrenders or is apprehended within 90 days after the forfeiture
424 and the delay has not thwarted proper prosecution of the
425 defendant or if the defendant is deceased or the state is
426 unwilling to seek extradition of the defendant within 90 days
427 after forfeiture.

428 (b) Ninety-five percent of the forfeiture if the defendant
429 surrenders or is apprehended within 180 days after forfeiture
430 and the delay has not thwarted proper prosecution of the
431 defendant or if the defendant is deceased or the state is
432 unwilling to seek extradition of the defendant within 180 days
433 after forfeiture.

434 (c) Ninety percent of the forfeiture if the defendant
435 surrenders or is apprehended within 270 days after forfeiture
436 and the delay has not thwarted proper prosecution of the
437 defendant or if the defendant is deceased or the state is
438 unwilling to seek extradition of the defendant within 270 days
439 after forfeiture.

440 (d) Eighty-five percent of the forfeiture if the defendant

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

441 surrenders or is apprehended within 360 days after forfeiture
442 and the delay has not thwarted proper prosecution of the
443 defendant or if the defendant is deceased or the state is
444 unwilling to seek extradition of the defendant within 360 days
445 after forfeiture.

446 (e) Eighty percent of the forfeiture if the defendant
447 surrenders or is apprehended within 450 days after forfeiture
448 and the delay has not thwarted proper prosecution of the
449 defendant or if the defendant is deceased or the state is
450 unwilling to seek extradition of the defendant within 450 days
451 after forfeiture.

452 (f) Seventy-five percent of the forfeiture if the
453 defendant surrenders or is apprehended within 540 days after
454 forfeiture and the delay has not thwarted proper prosecution of
455 the defendant or if the defendant is deceased or the state is
456 unwilling to seek extradition of the defendant within 540 days
457 after forfeiture.

458 (g) Seventy percent of the forfeiture if the defendant
459 surrenders or is apprehended within 630 days after forfeiture
460 and the delay has not thwarted proper prosecution of the
461 defendant or if the defendant is deceased or the state is
462 unwilling to seek extradition of the defendant within 630 days
463 after forfeiture.

464 (h) Sixty-five percent of the forfeiture if the defendant
465 surrenders or is apprehended within 720 days after forfeiture

Amendment No. 1

466 and the delay has not thwarted proper prosecution of the
467 defendant or if the defendant is deceased or the state is
468 unwilling to seek extradition of the defendant within 720 days
469 after forfeiture.

470 (i) Sixty percent of the forfeiture if the defendant
471 surrenders or is apprehended within 810 days after forfeiture
472 and the delay has not thwarted proper prosecution of the
473 defendant or if the defendant is deceased or the state is
474 unwilling to seek extradition of the defendant within 810 days
475 after forfeiture.

476 (j) Fifty-five percent of the forfeiture if the defendant
477 surrenders or is apprehended within 900 days after forfeiture
478 and the delay has not thwarted proper prosecution of the
479 defendant or if the defendant is deceased or the state is
480 unwilling to seek extradition of the defendant within 900 days
481 after forfeiture.

482 (k) Fifty percent of the forfeiture if the defendant
483 surrenders or is apprehended within 990 days after forfeiture
484 and the delay has not thwarted proper prosecution of the
485 defendant or if the defendant is deceased or the state is
486 unwilling to seek extradition of the defendant within 990 days
487 after forfeiture.

488 (l) Forty-five percent of the forfeiture if the defendant
489 surrenders or is apprehended within 1095 days after forfeiture
490 and the delay has not thwarted proper prosecution of the

Amendment No. 1

491 defendant or if the defendant is deceased or the state is
492 unwilling to seek extradition of the defendant within 1095 days
493 after forfeiture of up to, but not more than, 100 percent of a
494 forfeiture if the surety apprehended and surrendered the
495 defendant or if the apprehension or surrender of the defendant
496 was substantially procured or caused by the surety, or the
497 surety has substantially attempted to procure or cause the
498 apprehension or surrender of the defendant, and the delay has
499 not thwarted the proper prosecution of the defendant. In
500 addition, remission shall be granted when the surety did not
501 substantially participate or attempt to participate in the
502 apprehension or surrender of the defendant when the costs of
503 returning the defendant to the jurisdiction of the court have
504 been deducted from the remission and when the delay has not
505 thwarted the proper prosecution of the defendant.

506 ~~(3) If the defendant surrenders or is apprehended within~~
507 ~~180 days after forfeiture, the court, on motion at a hearing~~
508 ~~upon notice having been given to the clerk of the circuit court~~
509 ~~and the state attorney as required in subsection (8), shall~~
510 ~~direct remission of up to, but not more than, 95 percent of a~~
511 ~~forfeiture if the surety apprehended and surrendered the~~
512 ~~defendant or if the apprehension or surrender of the defendant~~
513 ~~was substantially procured or caused by the surety, or the~~
514 ~~surety has substantially attempted to procure or cause the~~
515 ~~apprehension or surrender of the defendant, and the delay has~~

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

516 ~~not thwarted the proper prosecution of the defendant. In~~
517 ~~addition, remission shall be granted when the surety did not~~
518 ~~substantially participate or attempt to participate in the~~
519 ~~apprehension or surrender of the defendant when the costs of~~
520 ~~returning the defendant to the jurisdiction of the court have~~
521 ~~been deducted from the remission and when the delay has not~~
522 ~~thwarted the proper prosecution of the defendant.~~

523 ~~(4) If the defendant surrenders or is apprehended within~~
524 ~~270 days after forfeiture, the court, on motion at a hearing~~
525 ~~upon notice having been given to the clerk of the circuit court~~
526 ~~and the state attorney as required in subsection (8), shall~~
527 ~~direct remission of up to, but not more than, 90 percent of a~~
528 ~~forfeiture if the surety apprehended and surrendered the~~
529 ~~defendant or if the apprehension or surrender of the defendant~~
530 ~~was substantially procured or caused by the surety, or the~~
531 ~~surety has substantially attempted to procure or cause the~~
532 ~~apprehension or surrender of the defendant, and the delay has~~
533 ~~not thwarted the proper prosecution of the defendant. In~~
534 ~~addition, remission shall be granted when the surety did not~~
535 ~~substantially participate or attempt to participate in the~~
536 ~~apprehension or surrender of the defendant when the costs of~~
537 ~~returning the defendant to the jurisdiction of the court have~~
538 ~~been deducted from the remission and when the delay has not~~
539 ~~thwarted the proper prosecution of the defendant.~~

540 ~~(5) If the defendant surrenders or is apprehended within 1~~

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

541 ~~year after forfeiture, the court, on motion at a hearing upon~~
542 ~~notice having been given to the clerk of the circuit court and~~
543 ~~the state attorney as required in subsection (8), shall direct~~
544 ~~remission of up to, but not more than, 85 percent of a~~
545 ~~forfeiture if the surety apprehended and surrendered the~~
546 ~~defendant or if the apprehension or surrender of the defendant~~
547 ~~was substantially procured or caused by the surety, or the~~
548 ~~surety has substantially attempted to procure or cause the~~
549 ~~apprehension or surrender of the defendant, and the delay has~~
550 ~~not thwarted the proper prosecution of the defendant. In~~
551 ~~addition, remission shall be granted when the surety did not~~
552 ~~substantially participate or attempt to participate in the~~
553 ~~apprehension or surrender of the defendant when the costs of~~
554 ~~returning the defendant to the jurisdiction of the court have~~
555 ~~been deducted from the remission and when the delay has not~~
556 ~~thwarted the proper prosecution of the defendant.~~

557 ~~(6) If the defendant surrenders or is apprehended within 2~~
558 ~~years after forfeiture, the court, on motion at a hearing upon~~
559 ~~notice having been given to the clerk of the circuit court and~~
560 ~~the state attorney as required in subsection (8), shall direct~~
561 ~~remission of up to, but not more than, 50 percent of a~~
562 ~~forfeiture if the surety apprehended and surrendered the~~
563 ~~defendant or if the apprehension or surrender of the defendant~~
564 ~~was substantially procured or caused by the surety, or the~~
565 ~~surety has substantially attempted to procure or cause the~~

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

566 ~~apprehension or surrender of the defendant, and the delay has~~
567 ~~not thwarted the proper prosecution of the defendant. In~~
568 ~~addition, remission shall be granted when the surety did not~~
569 ~~substantially participate or attempt to participate in the~~
570 ~~apprehension or surrender of the defendant when the costs of~~
571 ~~returning the defendant to the jurisdiction of the court have~~
572 ~~been deducted from the remission and when the delay has not~~
573 ~~thwarted the proper prosecution of the defendant.~~

574 ~~(3)-(7)~~ The remission of a forfeiture may not be ordered
575 for any reason other than as specified in this section herein.

576 ~~(4)-(8)~~ An application for remission must be accompanied by
577 affidavits setting forth the facts on which it is founded;
578 however, the surety must establish by further documentation or
579 other evidence any claimed attempt at procuring or causing the
580 apprehension or surrender of the defendant before the court may
581 order remission based upon an attempt to procure or cause such
582 apprehension or surrender. The clerk of the circuit court and
583 the state attorney must be given 10 ~~20~~ days' notice before a
584 hearing on an application and be furnished copies of all papers,
585 applications, and affidavits. Remission must ~~shall~~ be granted on
586 the condition of payment of costs, as provided in s.
587 903.21(3)(a), unless the ground for remission is that there was
588 no breach of the bond.

589 ~~(5)-(9)~~ The clerk of the circuit court may enter into a
590 contract with a private attorney or into an interagency

Amendment No. 1

591 agreement with a governmental agency to represent the clerk of
592 the court in an action for the remission of a forfeiture under
593 this section.

594 (6) ~~(10)~~ The clerk of the circuit court is the real party
595 in interest for all appeals arising from an action for the
596 remission of a forfeiture under this section.

597 (7) The clerk of the circuit court shall issue a remission
598 in accordance with s. 218.74(4) after entry of a court order
599 directing remission.

600 (8) If the defendant surrenders or is apprehended and the
601 surety has not paid all costs of returning the defendant to the
602 jurisdiction of court, the court may order remission of the
603 forfeiture in accordance with subsection (2) if the actual costs
604 of returning the defendant to the jurisdiction of the court have
605 been deducted from the remission.

606 **Section 17. Section 903.29, Florida Statutes, is amended**
607 **to read:**

608 903.29 Arrest of principal by surety after forfeiture.—
609 Within 3 ~~2~~ years from the date of forfeiture of a bond, the
610 surety may arrest the principal for the purpose of surrendering
611 the principal to the official in whose custody she or he was at
612 the time bail was taken or in whose custody the principal would
613 have been placed had she or he been committed.

614 **Section 18. Subsections (1) and (2) of section 903.31,**
615 **Florida Statutes, are amended to read:**

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

616 903.31 Canceling the bond.—
617 (1) Within 10 business days after the conditions of a bond
618 have been satisfied or the forfeiture discharged or remitted,
619 the court must ~~shall~~ order the bond canceled and, if the surety
620 has attached a certificate of cancellation to the original bond,
621 the clerk of the court must ~~shall~~ mail or electronically furnish
622 an executed certificate of cancellation to the surety without
623 cost. The clerk of the court shall discharge the bond upon an
624 adjudication of guilt or innocence or an acquittal, or if a
625 period of 36 months has passed since the original bond was
626 posted. ~~or~~ A withholding of an adjudication of guilt, a finding
627 of guilt by a jury, or a no action by the state satisfies ~~shall~~
628 ~~satisfy~~ the conditions of the bond. If the bond has been revoked
629 by the court, other than for a failure to appear, the clerk of
630 the court must discharge or cancel the bond. The original
631 appearance bond expires ~~shall expire~~ 36 months after such bond
632 has been posted for the release of the defendant from custody,
633 at which time the clerk of the court must discharge the bond.
634 This subsection does not apply to cases in which a bond has been
635 declared forfeited before the 36-month expiration, unless the
636 forfeiture was set aside or discharged. As used in this
637 subsection, the term "revoked" means that an act, a statement, a
638 document, or a promise has been annulled or canceled.
639 (2) The original appearance bond does not guarantee a
640 deferred sentence; a sentencing deferral; a delayed sentencing;

Amendment No. 1

641 an appearance after entering a plea agreement; an appearance
642 during or after a presentence investigation; an appearance
643 during or after appeals; conduct during or appearance after
644 admission to a pretrial intervention program; placement in a
645 court-ordered program, including a residential mental health
646 facility; payment of fines; or attendance at educational or
647 rehabilitation facilities the court otherwise provides in the
648 judgment. If the original appearance bond has been forfeited or
649 revoked, it may ~~the bond shall~~ not be reinstated without
650 approval from the surety on the original bond. The clerk does
651 not have standing to object to a motion to reinstate bond under
652 this subsection.

653 -----
654
655 **T I T L E A M E N D M E N T**

656 Remove lines 10-118 and insert:

657 amending s. 648.44, F.S.; authorizing bail bond agents
658 and agencies to accept certain fees or charges;
659 prohibiting virtual offices; amending s. 903.011,
660 F.S.; requiring, rather than authorizing, that any
661 monetary or cash component of any form of pretrial
662 release be met by specified means; amending s.
663 903.046, F.S.; revising the criteria that a court must
664 consider in making specified determinations;
665 prohibiting a surety bond that has been revoked from

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

666 being reinstated without written authorization;
667 amending s. 903.0471, F.S.; requiring that, upon a
668 court's entry of an order to revoke pretrial release
669 and order pretrial detention in certain circumstances,
670 the clerk of the court discharge any bond previously
671 posted as a condition of pretrial release without
672 further order of the court; amending s. 903.05, F.S.;
673 deleting the requirement that a surety own certain
674 real estate as a qualification for the release of a
675 person on bail; repealing s. 903.08, F.S., relating to
676 sufficiency of sureties; amending s. 903.09, F.S.;
677 requiring sureties, other than bail bond agents, to
678 justify their suretyship by attaching to the bond
679 United States currency, a United States postal money
680 order, or a cashier's check in the amount of the bond;
681 providing that such currency, money order, or
682 cashier's check may not be used to secure more than
683 one bond; deleting the requirement that a surety
684 execute an affidavit providing certain information;
685 amending s. 903.101, F.S.; revising the requirements
686 that sureties must meet to have equal access to jails
687 for making bonds; amending s. 903.16, F.S.;
688 authorizing a defendant who has been admitted to bail,
689 or another person on the defendant's behalf, to
690 deposit with the official authorized to take bail

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

691 money an amount equal to the bail amount set in the
692 court order; requiring, rather than authorizing, the
693 sheriff or other officials to remit to the clerk money
694 or bonds received which are to be held by the clerk
695 pending court action; requiring that a deposit of bail
696 money be receipted in the name of the person making
697 such a deposit unless the depositor is a charitable
698 bail fund; deleting a provision stating that consent
699 is conclusively presumed for the clerk of the circuit
700 court to sell bonds deposited as bail after forfeiture
701 of the bond; repealing s. 903.17, F.S., relating to
702 substitution of cash bail for other bail; amending s.
703 903.21, F.S.; specifying that the surety is exonerated
704 of liability on a bond if a specified determination is
705 made before forfeiture of the bond; revising the
706 definition of the term "costs and expenses"; amending
707 s. 903.26, F.S.; requiring that a signed certification
708 containing certain information must accompany or be
709 included with a specified notice; deleting a
710 requirement that municipal officials having custody of
711 forfeited money deposit such money in a designated
712 municipal fund within 60 days after the forfeiture
713 notice has been mailed or electronically transmitted;
714 deleting certain requirements that must be met when
715 bonds are forfeited; revising the circumstances under

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

716 which the court is required to discharge a forfeiture
717 within a specified timeframe; requiring the sheriff to
718 enter the information of a defendant in the National
719 Crime Information Center database for each felony
720 warrant that a court issues for failure to appear;
721 specifying circumstances under which the clerk must
722 discharge a forfeiture and issue a certain notice to
723 the surety without further order of the court;
724 amending s. 903.27, F.S.; requiring the clerk of the
725 circuit court to enter a certain judgment if the
726 forfeiture is not paid or discharged by order of a
727 court of competent jurisdiction within 60 days after
728 the forfeiture notice has been mailed or
729 electronically transmitted; reducing the number of
730 days within which the clerk must furnish specified
731 information to the Department of Financial Services,
732 the Office of Insurance Regulation of the Financial
733 Services Commission, and the surety company at its
734 home office; amending s. 903.28, F.S.; increasing the
735 amount of time within which a court must order
736 remission of a forfeiture if it determines that there
737 was no breach of the bond by the surety; requiring a
738 court, in certain circumstances and upon a certain
739 motion, to order remission in accordance with
740 specified provisions if a defendant surrenders, is

528761 - h1017-line 176.docx

Published On: 2/10/2026 8:13:16 AM

Amendment No. 1

741 deceased, or is apprehended within a certain time
742 after forfeiture; deleting provisions relating to the
743 ordering of remission under specified circumstances;
744 decreasing the amount of time for which the clerk of
745 the circuit court and the state attorney must be given
746 notice before a certain hearing and be furnished with
747 copies of certain documents; requiring the clerk of
748 the circuit court to issue a remission in a specified
749 manner; providing that the court may order remission
750 of the forfeiture in certain circumstances; amending
751 s. 903.29, F.S.; increasing the length of time from
752 the date of forfeiture of a bond within which a surety
753 may arrest the principal; amending s. 903.31, F.S.;
754 revising provisions relating to the ordering of a bond
755 cancellation; revising applicability; defining the
756 term "revoked"; specifying that the original
757 appearance bond does not guarantee a sentencing
758 deferral, a delayed sentencing, or an appearance after
759 entering a plea agreement; specifying that the clerk
760 does not have standing to object to a reinstatement of
761 a bond; repealing s. 903.36, F.S.,