

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

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WITHDRAWN	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: Criminal Justice
2 Subcommittee

3 Representative Baker offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 148-871 and insert:

7 (12) "Virtual office" means an office that does not
8 provide a continuous physical office space and provides
9 professional address and mail handling services and which may,
10 upon request, provide communications and telephone services or a
11 dedicated office space.

12 **Section 2. Subsection (1) and paragraph (a) of subsection**
13 **(2) of section 648.386, Florida Statutes, are amended to read:**

14 648.386 Qualifications for prelicensing and continuing
15 education schools and instructors.—

16 (1) DEFINITIONS ~~DEFINITION OF "CLASSROOM INSTRUCTION".~~—As

900105 - h1017-line 148.docx

Published On: 1/27/2026 5:23:37 PM

Amendment No. 1

17 used in this section, the terms: term

18 (a) "Classroom instruction" means a course designed to be
19 presented to a group of students by a live instructor using
20 lecture, video, webcast, or virtual or other audio-video
21 presentation.

22 (b) "In-person classroom instruction" means a course
23 designed to be presented to a group of students by a live
24 instructor using lecture, with the instructor and students in
25 the same physical classroom at the same time.

26 (2) SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS.—In
27 order to be considered for approval and certification as an
28 approved limited surety agent and professional bail bond agent
29 prelicensing school, such entity must:

30 (a)1. Offer a minimum of two 80-hour in-person 120-hour
31 classroom-instruction basic certification courses in the
32 criminal justice system per calendar year unless a reduced
33 number of course offerings per calendar year is warranted in
34 accordance with rules adopted promulgated by the department; or

35 2. Offer a department-approved correspondence course
36 pursuant to department rules.

37 **Section 3. Paragraphs (d) through (p) of subsection (1) of**
38 **section 648.44, Florida Statutes, are redesignated as paragraphs**
39 **(e) through (q), respectively, present paragraph (j) of**
40 **subsection (1) and subsections (4) and (9) are amended, and a**
41 **new paragraph (d) is added to subsection (1) of that section, to**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

42 **read:**

43 648.44 Prohibitions; penalty.—

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

45 (d) Solicit bail from a detainee, the detainee's attorney,
46 an adult member of the detainee's immediate family, or any other
47 person unless the detainee specifically authorizes such
48 solicitation in writing. The detainee must sign this designation
49 before the solicitation unless prohibited by the rules,
50 regulations, or ordinances governing the place of imprisonment.
51 If such a prohibition exists, the designation may be signed
52 after the detainee's release to ratify a previous oral
53 designation made by him or her. A solicitation to a detainee may
54 occur only after a legitimate request for bail services has been
55 received from the detainee or an individual specified in this
56 paragraph. The solicitation of a person specified in this
57 paragraph may only occur between 8 a.m. and 9 p.m., unless the
58 bail bond agent or bail bond agency has received direct and
59 specific written authorization from the detainee or the
60 detainee's attorney to solicit at another time.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

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

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

(9) (a) A Any person who violates paragraph (1) (f), paragraph (1) (g), paragraph (1) (h), paragraph (1) (k), paragraph (1) (o), any provisions of paragraph (1) (e), paragraph (1) (f), paragraph (1) (g), paragraph (1) (j), or paragraph (1) (n), or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A Any person who violates the provisions of paragraph (1) (a), paragraph (1) (b), paragraph (1) (c), paragraph (1) (i), paragraph (1) (l), paragraph (1) (n), paragraph (1) (p), paragraph (1) (q), paragraph (1) (h), paragraph (1) (k), paragraph (1) (m),

Amendment No. 1

92 ~~paragraph (1)(e), paragraph (1)(p), subsection (3), subsection~~
93 (4), or subsection (5) commits a misdemeanor of the first
94 degree, punishable as provided in s. 775.082 or s. 775.083.

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

97 903.011 Pretrial release; general terms; statewide uniform
98 bond schedule.—

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

103 **Section 5. Paragraph (d) of subsection (2) of section**
104 **903.046, Florida Statutes, is amended to read:**

105 903.046 Purpose of and criteria for bail determination.—

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

109 (d) The defendant's past and present conduct, including
110 any record of convictions, previous flight to avoid prosecution,
111 or failure to appear at court proceedings. However, any
112 defendant who ~~had~~ failed to appear on the day of any required
113 court proceeding in the case at issue, but who ~~had~~ later
114 voluntarily appeared or surrendered, is not ~~shall not~~ be
115 eligible for a recognizance bond; and any defendant who failed
116 to appear on the day of any required court proceeding ~~in the~~

Amendment No. 1

117 ~~case at issue~~ and who was later arrested is not shall not be
118 eligible for a recognizance bond or for any form of bond which
119 does not require the greater of a monetary undertaking ~~or~~
120 ~~commitment~~ equal to or greater than \$2,000 or twice the value of
121 the monetary ~~commitment or~~ undertaking of the original bond,
122 ~~whichever is greater~~. Notwithstanding anything in this section,
123 the court has discretion in determining conditions of release if
124 the defendant proves circumstances beyond his or her control for
125 the failure to appear. A surety bond that has been revoked may
126 not be reinstated without the written authorization from the
127 bail bond agent, bail bond agency, or surety. This section may
128 not be construed as imposing additional duties or obligations on
129 a governmental entity related to monetary bonds.

130 **Section 6. Section 903.0471, Florida Statutes, is amended
131 to read:**

132 903.0471 Violation of condition of pretrial release.—
133 Notwithstanding s. 907.041, a court may, on its own motion,
134 revoke pretrial release and order pretrial detention if the
135 court finds probable cause to believe that the defendant
136 committed a new crime while on pretrial release or violated any
137 other condition of pretrial release in a material respect. Upon
138 entry of such an order to revoke pretrial release and order
139 pretrial detention, other than for a failure to appear, the
140 clerk of the court must discharge any bond previously posted as
141 a condition of pretrial release without further order of the

Amendment No. 1

142 court.143 **Section 7. Section 903.05, Florida Statutes, is amended to**
144 **read:**145 903.05 Qualification of sureties.—A surety for the release
146 of a person on bail, other than a company authorized by law to
147 act as a surety, shall be a resident of the state ~~or own real~~
148 ~~estate within the state.~~149 **Section 8. Section 903.08, Florida Statutes, is repealed.**150 **Section 9. Subsection (1) of section 903.09, Florida**
151 **Statutes, is amended to read:**

152 903.09 Justification of sureties.—

153 (1) A surety, other than a bail bond agent as defined in
154 s. 648.25, shall justify his or her suretyship by attaching to
155 the bond United States currency, a United States postal money
156 order, or a cashier's check in the amount of the bond; however,
157 the United States currency, United States postal money order, or
158 cashier's check may not be used to secure more than one bond
159 execute an affidavit stating that she or he possesses the
160 qualifications and net worth required to become a surety. The
161 affidavit shall describe the surety's property and any
162 encumbrances and shall state the number and amount of any bonds
163 entered into by the surety at any court that remain
164 undischarged.165 **Section 10. Section 903.101, Florida Statutes, is amended**
166 **to read:**

900105 - h1017-line 148.docx

Published On: 1/27/2026 5:23:37 PM

Amendment No. 1

167 903.101 Sureties; licensed persons; to have equal access.—
168 Subject to rules adopted by the Department of Financial Services
169 and by the Financial Services Commission, every surety who meets
170 the requirements of s. 903.09 ss. 903.05, 903.06, 903.08, and
171 903.09, and every person who is currently licensed by the
172 Department of Financial Services and registered as required by
173 s. 648.42 must shall have equal access to the jails of this
174 state for the purpose of making bonds.

175 **Section 11. Section 903.16, Florida Statutes, is amended
176 to read:**

177 903.16 Deposit of money or bonds as bail.—
178 (1) A defendant who has been admitted to bail, or another
179 person in the defendant's behalf, may deposit with the official
180 authorized to take bail money an amount equal to the bail amount
181 set in the court order. Such deposit must be received in the
182 name of the defendant or nonregistered bonds of the United
183 States, the state, or a city, town, or county in the state,
184 equal in market value to the amount set in the order and the
185 personal bond of the defendant and an undertaking by the
186 depositor if the money or bonds are deposited by another. The
187 sheriff or other officials shall may remit money or bonds
188 received to the clerk to be held by the clerk pending court
189 action or return to the defendant or depositor. The clerk shall
190 accept money or bonds remitted by the sheriff.

191 (2) Consent is conclusively presumed for the clerk of the

Amendment No. 1

192 ~~circuit court to sell bonds deposited as bail after forfeiture~~
193 ~~of the bond.~~

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

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

197 903.21 Method of surrender; exoneration of obligors.—

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

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

208 1. "Costs and expenses" means the prorated salary of any
209 law enforcement officer or employee of a contracted
210 transportation company as well as the actual expenses of
211 transporting each defendant, which may only consist of mileage,
212 ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging
213 for any law enforcement officer or employee of a contracted
214 transportation company and the defendant.

215 2. "Jurisdiction" means the county from which the
216 defendant was released on bail.

Amendment No. 1

217 **Section 14. Section 903.26, Florida Statutes, is amended**
218 **to read:**

219 903.26 Forfeiture of the bond; when and how directed;
220 discharge; how and when made; effect of payment.—

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

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

224 (b) The clerk of the court gave the surety at least 72
225 hours' notice, exclusive of Saturdays, Sundays, and holidays,
226 before the time of the required appearance of the defendant.

227 Notice is ~~shall~~ not be necessary if the time for appearance is
228 within 72 hours after ~~from~~ the time of arrest, or ~~if the time is~~ stated on the bond. Such notice may be mailed or electronically
229 transmitted. A certificate signed by the clerk of the court or
230 the clerk's designee which certifies that the notice required
231 under this paragraph was mailed or electronically transmitted on
232 a specified date and time and which is accompanied by a copy of
233 the required notice constitutes sufficient proof that such
234 mailing or electronic transmission was properly accomplished as
235 required in this paragraph.

237 (2) (a) If there is a failure of the defendant to appear as
238 required, the court must ~~shall~~ declare the bond and any bonds or
239 money deposited as bail forfeited. The clerk of the court shall
240 mail or electronically transmit a notice to the surety agent,
241 bail bond agency, and surety company within 5 days after the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

242 forfeiture. A certificate signed by the clerk of the court or
243 the clerk's designee which certifies, certifying that the notice
244 required under this section herein was mailed or electronically
245 transmitted on a specified date and which is accompanied by a
246 copy of the required notice constitutes, shall constitute
247 sufficient proof that such mailing or electronic transmission
248 was properly accomplished as required in this paragraph
249 indicated therein. If such mailing or electronic transmission
250 was properly accomplished as evidenced by such certificate, the
251 failure of the surety agent, a bail bond agency, or a company,
252 or or a defendant to receive such notice does shall not
253 constitute a defense to such forfeiture and may shall not be
254 grounds for discharge, remission, reduction, set aside, or
255 continuance of such forfeiture. The forfeiture must shall be
256 paid within 60 days after the date the notice was mailed or
257 electronically transmitted.

258 (b) If Failure of the defendant fails to appear at the
259 time, date, and place of required appearance, shall result in
260 forfeiture of the bond is forfeited. Such forfeiture must shall
261 be automatically entered by the clerk upon such failure to
262 appear, and the clerk shall follow the procedures in paragraph
263 (a). However, the court may determine, in its discretion and, in
264 the interest of justice, that an appearance by the defendant on
265 the same day as required day does not warrant forfeiture of the
266 bond, and the court may direct the clerk to set aside any such

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

267 forfeiture ~~which may have been entered~~. Any appearance by the
268 defendant later than the required day constitutes forfeiture of
269 the bond, and the court may shall not preclude entry of such
270 forfeiture by the clerk.

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

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

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

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

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

285 ~~(4) (a) When a bond is forfeited, the clerk shall transmit~~
286 ~~the bond and any affidavits to the clerk of the circuit court in~~
287 ~~which the bond and affidavits are filed. The clerk of the~~
288 ~~circuit court shall record the forfeiture in the deed or~~
289 ~~official records book. If the undertakings and affidavits~~
290 ~~describe real property in another county, the clerk shall~~
291 ~~transmit the bond and affidavits to the clerk of the circuit~~

Amendment No. 1

292 ~~court of the county where the property is located who shall~~
293 ~~record and return them.~~

294 ~~(b) The bond and affidavits shall be a lien on the real~~
295 ~~property they describe from the time of recording in the county~~
296 ~~where the property is located for 2 years or until the final~~
297 ~~determination of an action instituted thereon within a 2 year~~
298 ~~period. If an action is not instituted within 2 years from the~~
299 ~~date of recording, the lien shall be discharged. The lien will~~
300 ~~be discharged 2 years after the recording even if an action was~~
301 ~~instituted within 2 years unless a lis pendens notice is~~
302 ~~recorded in the action.~~

303 ~~(4) (5) The court shall discharge a forfeiture within 60~~
304 ~~days after the forfeiture notice was mailed or electronically~~
305 ~~transmitted upon any of the following:~~

306 ~~(a) A determination that, due to circumstances beyond the~~
307 ~~defendant's control, it was impossible for the defendant to~~
308 ~~appear as required or within 60 days after the date of the~~
309 ~~required appearance due to circumstances beyond the defendant's~~
310 ~~control. The potential adverse economic consequences of~~
311 ~~appearing as required may not be considered as constituting a~~
312 ~~ground for such a determination.†~~

313 ~~(b) A determination that, at the time of the required~~
314 ~~appearance or within 60 days after the date of the required~~
315 ~~appearance, the defendant was confined in an institution or~~
316 ~~hospital; was confined in any county, state, federal, or~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

317 immigration detention facility; was deported; or is deceased.~~;~~

318 (c) Surrender or arrest of the defendant at the time of
319 the required appearance ~~or within 60 days after the date of the~~
320 ~~required appearance~~ in any county, state, or federal jail or
321 prison ~~and upon a hold being placed to return the defendant to~~
322 ~~the jurisdiction of the court~~. The court shall condition a
323 discharge or remission on the payment of costs and ~~the~~ expenses
324 as provided in s. 903.21(3), incurred by an official in
325 returning the defendant to the jurisdiction of the court.~~;~~ ~~;~~ or

326 (d) A determination that the state is unwilling to seek
327 extradition of the fugitive defendant within 10 ~~30~~ days after a
328 written request by the surety agent to do so, and contingent
329 upon the surety agent's consent to pay all costs and ~~the~~
330 expenses incurred by an official in returning the defendant to
331 the jurisdiction of the court, as provided in s. 903.21(3), up
332 to the penal amount of the bond.

333 (5) For each felony warrant that a court issues for a
334 failure to appear in court, the state shall enter the
335 information of the defendant in the National Crime Information
336 Center database with no restrictions until the defendant is
337 returned to the jurisdiction of the court.

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

340 (7) The payment by a surety of a forfeiture under this law
341 has ~~shall have~~ the same effect on the bond as payment of a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

342 judgment.

343 (8) If the defendant is arrested and returned to the
344 county of jurisdiction of the court or has posted a new bond for
345 the case at issue before judgment, the clerk must, upon
346 affirmation by the sheriff or the chief correctional officer
347 and, shall, without further hearing or order of the court,
348 discharge the forfeiture of the bond. However, if the surety
349 agent fails to pay the costs and expenses incurred in returning
350 the defendant to the county of jurisdiction, the clerk may shall
351 not discharge the forfeiture of the bond. If the surety agent
352 and the sheriff fail to agree on the amount of such said costs,
353 then the court, after notice to the sheriff and the state
354 attorney, must shall determine the amount of the costs.

355 (9) If, after forfeiture of a bond, the criminal charges
356 for which the bond guaranteed appearance are resolved,
357 adjudicated, or otherwise disposed of by any action of the court
358 or state, the clerk must discharge the forfeiture and issue such
359 notice to the surety without further order of the court. If such
360 resolution or disposition occurs after payment of a forfeiture
361 or judgment, remission must be granted upon proper motion and as
362 specified under s. 903.28.

363 (10) Unless the time for payment or discharge of the
364 forfeiture set forth in s. 903.27(1) has passed, or unless
365 payment of the forfeiture has already been made, the clerk does
366 not have standing to object to a motion to set aside a

Amendment No. 1

367 forfeiture under paragraph (2) (b), a motion to discharge a
368 forfeiture under subsection (4), or a motion to reinstate a bond
369 under s. 903.31(2).

370 **Section 15. Section 903.27, Florida Statutes, is amended**
371 **to read:**

372 903.27 Forfeiture to judgment.—

373 (1) If the forfeiture is not paid or discharged by order
374 of a court of competent jurisdiction within 60 days after the
375 forfeiture notice has been mailed or electronically transmitted
376 ~~and the bond is secured other than by money and bonds authorized~~
377 ~~in s. 903.16~~, the clerk of the circuit court for the county
378 where the order was made must ~~shall~~ enter a judgment against the
379 surety for the amount of the penalty and issue execution.

380 However, in any case in which the bond forfeiture has been
381 discharged by the court of competent jurisdiction conditioned
382 upon the payment by the surety of certain costs or fees as
383 allowed by statute, the amount for which judgment may be entered
384 may not exceed the amount of the unpaid fees or costs upon which
385 the discharge had been conditioned. Judgment for the full amount
386 of the forfeiture may ~~shall~~ not be entered if payment of a
387 lesser amount will satisfy the conditions to discharge the
388 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
389 Department of Financial Services and the Office of Insurance
390 Regulation of the Financial Services Commission with a certified
391 copy of the judgment docket and shall furnish the surety company

900105 - h1017-line 148.docx

Published On: 1/27/2026 5:23:37 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

392 at its home office a copy of the judgment, which shall include
393 the power of attorney number of the bond and the name of the
394 executing agent. If the judgment is not paid within 35 days, the
395 clerk must ~~shall~~ furnish the Department of Financial Services,
396 the Office of Insurance Regulation, and the sheriff of the
397 county in which the bond was executed, or the official
398 responsible for operation of the county jail, if that official
399 is not other than the sheriff, two copies of the judgment and a
400 certificate stating that the judgment remains unsatisfied. When
401 ~~and if~~ the judgment is properly paid or an order to vacate the
402 judgment has been entered by a court of competent jurisdiction,
403 the clerk shall immediately notify the sheriff, or other such
404 the official responsible for the operation of the county jail,
405 ~~if other than the sheriff, and, if they have been previously~~
406 notified of nonpayment, the Department of Financial Services and
407 the Office of Insurance Regulation, ~~if the department and office~~
408 ~~had been previously notified of nonpayment,~~ of such payment or
409 order to vacate the judgment. The clerk may furnish documents or
410 give notice as required in this subsection by mail or electronic
411 means. The clerk shall also immediately prepare and record in
412 the public records a satisfaction of the judgment or record the
413 order to vacate judgment. If the defendant is returned to the
414 county of jurisdiction of the court, whenever a motion to set
415 aside the judgment is filed, the operation of this section is
416 tolled until the court makes a disposition of the motion.

900105 - h1017-line 148.docx

Published On: 1/27/2026 5:23:37 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

417 (2) A certificate signed by the clerk of the court or her
418 or his designee which certifies, certifying that the notice
419 required in subsection (1) was mailed or electronically
420 delivered on a specified date, and is accompanied by a copy of
421 the required notice constitutes sufficient proof that such
422 mailing or electronic delivery was properly accomplished as
423 required in this subsection indicated therein. If such mailing
424 or electronic delivery was properly accomplished as evidenced by
425 such certificate, the failure of a company to receive a copy of
426 the judgment as prescribed in subsection (1) does not constitute
427 a defense to the forfeiture and is not a ground for the
428 discharge, remission, reduction, set aside, or continuance of
429 such forfeiture.

430 (3) Surety bail bonds may not be executed by a bail bond
431 agent or a bail bond agency against whom a judgment has been
432 entered which has remained unpaid for 35 days and may not be
433 executed for a company against whom a judgment has been entered
434 which has remained unpaid for 50 days. A ~~No~~ sheriff or other
435 official who is empowered to accept or approve surety bail bonds
436 may not shall accept or approve such a bond executed by such a
437 bail bond agent or bail bond agency or executed for such a
438 company until such judgment has been paid.

439 (4) After notice of judgment against the surety given by
440 the clerk of the circuit court, the surety, a bail bond agency,
441 or a bail bond agent shall, within 35 days after ~~of~~ the entry of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

442 judgment, submit to the clerk of the circuit court an amount
443 equal to the judgment, unless the judgment has been set aside by
444 the court within 35 days after of the entry of the judgment. If
445 a motion to set aside the judgment has been filed pursuant to
446 subsection (5), the amount submitted must shall be held in
447 escrow until such time as the court has disposed of the motion.
448 The failure to comply with the provisions of this subsection
449 constitutes a failure to pay the judgment.

450 (5) After notice of judgment against the surety given by
451 the clerk of the circuit court, the surety, bail bond agency, or
452 bail bond agent may within 35 days file a motion to set aside
453 the judgment or to stay the judgment. It shall be a condition of
454 Any such motion or and of any order to stay the judgment must be
455 conditioned on payment by that the surety of pay the amount of
456 the judgment to the clerk, which amount must shall be held in
457 escrow until such time as the court has disposed of the motion
458 to set aside the judgment. The filing of such a motion, when
459 accompanied by the required escrow deposit, acts shall act as an
460 automatic stay of further proceedings, including execution,
461 until the motion has been heard and a decision rendered by the
462 court.

463 (6) The failure of a state attorney to file, or of the
464 clerk of the circuit court to make, a certified copy of the
465 order of forfeiture as required by law applicable before prior
466 to July 1, 1982, does shall not invalidate any judgment entered

900105 - h1017-line 148.docx

Published On: 1/27/2026 5:23:37 PM

Amendment No. 1

467 by the clerk before prior to June 12, 1981.

468 **Section 16. Section 903.28, Florida Statutes, is amended**

469 **to read:**

470 903.28 Remission of forfeiture; conditions.—

471 (1) On application within 36 months after 2 years from
472 forfeiture, the court must shall order remission of the
473 forfeiture in accordance with subsection (2) if it determines
474 that there was no breach of the bond.

475 (2) If the defendant surrenders or is apprehended and the
476 surety has paid all costs of returning the defendant to the
477 jurisdiction of the court, if the defendant is deceased, or if
478 the state attorney is unwilling to seek extradition of the
479 defendant from any jail or prison after a request by the surety
480 agent, bail bond agency, or surety company consenting to pay all
481 costs incurred by an official in returning the defendant to the
482 jurisdiction of the court, as provided in s. 903.21(3)(a), up to
483 the penal amount of the bond, within 36 months 90 days after
484 forfeiture, the court, on motion at a hearing upon notice having
485 been given to the clerk of the circuit court and the state
486 attorney as required in subsection (4), must subsection (8),
487 shall direct remission in accordance with the following:

488 (a) One-hundred percent of the forfeiture if the defendant
489 surrenders or is apprehended within 90 days after the forfeiture
490 and the delay has not thwarted proper prosecution of the
491 defendant or if the defendant is deceased or the state is

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

492 unwilling to seek extradition of the defendant within 90 days
493 after forfeiture.

494 (b) Ninety-five percent of the forfeiture if the defendant
495 surrenders or is apprehended within 180 days after forfeiture
496 and the delay has not thwarted proper prosecution of the
497 defendant or if the defendant is deceased or the state is
498 unwilling to seek extradition of the defendant within 180 days
499 after forfeiture.

500 (c) Ninety percent of the forfeiture if the defendant
501 surrenders or is apprehended within 270 days after forfeiture
502 and the delay has not thwarted proper prosecution of the
503 defendant or if the defendant is deceased or the state is
504 unwilling to seek extradition of the defendant within 270 days
505 after forfeiture.

506 (d) Eighty-five percent of the forfeiture if the defendant
507 surrenders or is apprehended within 360 days after forfeiture
508 and the delay has not thwarted proper prosecution of the
509 defendant or if the defendant is deceased or the state is
510 unwilling to seek extradition of the defendant within 360 days
511 after forfeiture.

512 (e) Eighty percent of the forfeiture if the defendant
513 surrenders or is apprehended within 450 days after forfeiture
514 and the delay has not thwarted proper prosecution of the
515 defendant or if the defendant is deceased or the state is
516 unwilling to seek extradition of the defendant within 450 days

Amendment No. 1

517 after forfeiture.

518 (f) Seventy-five percent of the forfeiture if the
519 defendant surrenders or is apprehended within 540 days after
520 forfeiture and the delay has not thwarted proper prosecution of
521 the defendant or if the defendant is deceased or the state is
522 unwilling to seek extradition of the defendant within 540 days
523 after forfeiture.

524 (g) Seventy percent of the forfeiture if the defendant
525 surrenders or is apprehended within 630 days after forfeiture
526 and the delay has not thwarted proper prosecution of the
527 defendant or if the defendant is deceased or the state is
528 unwilling to seek extradition of the defendant within 630 days
529 after forfeiture.

530 (h) Sixty-five percent of the forfeiture if the defendant
531 surrenders or is apprehended within 720 days after forfeiture
532 and the delay has not thwarted proper prosecution of the
533 defendant or if the defendant is deceased or the state is
534 unwilling to seek extradition of the defendant within 720 days
535 after forfeiture.

536 (i) Sixty percent of the forfeiture if the defendant
537 surrenders or is apprehended within 810 days after forfeiture
538 and the delay has not thwarted proper prosecution of the
539 defendant or if the defendant is deceased or the state is
540 unwilling to seek extradition of the defendant within 810 days
541 after forfeiture.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

542 (j) Fifty-five percent of the forfeiture if the defendant
543 surrenders or is apprehended within 900 days after forfeiture
544 and the delay has not thwarted proper prosecution of the
545 defendant or if the defendant is deceased or the state is
546 unwilling to seek extradition of the defendant within 900 days
547 after forfeiture.

548 (k) Fifty percent of the forfeiture if the defendant
549 surrenders or is apprehended within 990 days after forfeiture
550 and the delay has not thwarted proper prosecution of the
551 defendant or if the defendant is deceased or the state is
552 unwilling to seek extradition of the defendant within 990 days
553 after forfeiture.

554 (l) Forty-five percent of the forfeiture if the defendant
555 surrenders or is apprehended within 36 months after forfeiture
556 and the delay has not thwarted proper prosecution of the
557 defendant or if the defendant is deceased or the state is
558 unwilling to seek extradition of the defendant within 36 months
559 after forfeiture of up to, but not more than, 100 percent of a
560 forfeiture if the surety apprehended and surrendered the
561 defendant or if the apprehension or surrender of the defendant
562 was substantially procured or caused by the surety, or the
563 surety has substantially attempted to procure or cause the
564 apprehension or surrender of the defendant, and the delay has
565 not thwarted the proper prosecution of the defendant. In
566 addition, remission shall be granted when the surety did not

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

567 ~~substantially participate or attempt to participate in the~~
568 ~~apprehension or surrender of the defendant when the costs of~~
569 ~~returning the defendant to the jurisdiction of the court have~~
570 ~~been deducted from the remission and when the delay has not~~
571 ~~thwarted the proper prosecution of the defendant.~~

572 ~~(3) If the defendant surrenders or is apprehended within~~
573 ~~180 days after forfeiture, the court, on motion at a hearing~~
574 ~~upon notice having been given to the clerk of the circuit court~~
575 ~~and the state attorney as required in subsection (8), shall~~
576 ~~direct remission of up to, but not more than, 95 percent of a~~
577 ~~forfeiture if the surety apprehended and surrendered the~~
578 ~~defendant or if the apprehension or surrender of the defendant~~
579 ~~was substantially procured or caused by the surety, or the~~
580 ~~surety has substantially attempted to procure or cause the~~
581 ~~apprehension or surrender of the defendant, and the delay has~~
582 ~~not thwarted the proper prosecution of the defendant. In~~
583 ~~addition, remission shall be granted when the surety did not~~
584 ~~substantially participate or attempt to participate in the~~
585 ~~apprehension or surrender of the defendant when the costs of~~
586 ~~returning the defendant to the jurisdiction of the court have~~
587 ~~been deducted from the remission and when the delay has not~~
588 ~~thwarted the proper prosecution of the defendant.~~

589 ~~(4) If the defendant surrenders or is apprehended within~~
590 ~~270 days after forfeiture, the court, on motion at a hearing~~
591 ~~upon notice having been given to the clerk of the circuit court~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

592 and the state attorney as required in subsection (8), shall
593 direct remission of up to, but not more than, 90 percent of a
594 forfeiture if the surety apprehended and surrendered the
595 defendant or if the apprehension or surrender of the defendant
596 was substantially procured or caused by the surety, or the
597 surety has substantially attempted to procure or cause the
598 apprehension or surrender of the defendant, and the delay has
599 not thwarted the proper prosecution of the defendant. In
600 addition, remission shall be granted when the surety did not
601 substantially participate or attempt to participate in the
602 apprehension or surrender of the defendant when the costs of
603 returning the defendant to the jurisdiction of the court have
604 been deducted from the remission and when the delay has not
605 thwarted the proper prosecution of the defendant.

606 (5) If the defendant surrenders or is apprehended within 1
607 year after forfeiture, the court, on motion at a hearing upon
608 notice having been given to the clerk of the circuit court and
609 the state attorney as required in subsection (8), shall direct
610 remission of up to, but not more than, 85 percent of a
611 forfeiture if the surety apprehended and surrendered the
612 defendant or if the apprehension or surrender of the defendant
613 was substantially procured or caused by the surety, or the
614 surety has substantially attempted to procure or cause the
615 apprehension or surrender of the defendant, and the delay has
616 not thwarted the proper prosecution of the defendant. In

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

617 addition, remission shall be granted when the surety did not
618 substantially participate or attempt to participate in the
619 apprehension or surrender of the defendant when the costs of
620 returning the defendant to the jurisdiction of the court have
621 been deducted from the remission and when the delay has not
622 thwarted the proper prosecution of the defendant.

623 (6) If the defendant surrenders or is apprehended within 2
624 years after forfeiture, the court, on motion at a hearing upon
625 notice having been given to the clerk of the circuit court and
626 the state attorney as required in subsection (8), shall direct
627 remission of up to, but not more than, 50 percent of a
628 forfeiture if the surety apprehended and surrendered the
629 defendant or if the apprehension or surrender of the defendant
630 was substantially procured or caused by the surety, or the
631 surety has substantially attempted to procure or cause the
632 apprehension or surrender of the defendant, and the delay has
633 not thwarted the proper prosecution of the defendant. In
634 addition, remission shall be granted when the surety did not
635 substantially participate or attempt to participate in the
636 apprehension or surrender of the defendant when the costs of
637 returning the defendant to the jurisdiction of the court have
638 been deducted from the remission and when the delay has not
639 thwarted the proper prosecution of the defendant.

640 (3)-(7) The remission of a forfeiture may not be ordered
641 for any reason other than as specified in this section herein.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

642 (4)-(8) An application for remission must be accompanied by
643 affidavits setting forth the facts on which it is founded;
644 however, the surety must establish by further documentation or
645 other evidence any claimed attempt at procuring or causing the
646 apprehension or surrender of the defendant before the court may
647 order remission based upon an attempt to procure or cause such
648 apprehension or surrender. The clerk of the circuit court and
649 the state attorney must be given 10 20 days' notice before a
650 hearing on an application and be furnished copies of all papers,
651 applications, and affidavits. Remission must shall be granted on
652 the condition of payment of costs, as provided in s.

653 903.21(3)(a), unless the ground for remission is that there was
654 no breach of the bond.

655 (5)-(9) The clerk of the circuit court may enter into a
656 contract with a private attorney or into an interagency
657 agreement with a governmental agency to represent the clerk of
658 the court in an action for the remission of a forfeiture under
659 this section.

660 (6)-(10) The clerk of the circuit court is the real party
661 in interest for all appeals arising from an action for the
662 remission of a forfeiture under this section.

663 (7) The clerk of the circuit court shall issue a remission
664 within 10 days after entry of a court order directing remission,
665 and a remission untimely issued accrues interest at the rate of
666 1.5 percent per month.

Amendment No. 1

667 (8) If the defendant surrenders or is apprehended and the
668 surety has not paid all costs of returning the defendant to the
669 jurisdiction of court, the court may order remission of the
670 forfeiture in accordance with subsection (2) if the actual costs
671 of returning the defendant to the jurisdiction of the court have
672 been deducted from the remission.

673 **Section 17. Section 903.29, Florida Statutes, is amended**
674 **to read:**

675 903.29 Arrest of principal by surety after forfeiture.—
676 Within 3 ~~2~~ years from the date of forfeiture of a bond, the
677 surety may arrest the principal for the purpose of surrendering
678 the principal to the official in whose custody she or he was at
679 the time bail was taken or in whose custody the principal would
680 have been placed had she or he been committed.

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

683 903.31 Canceling the bond.—
684 (1) Within 10 business days after the conditions of a bond
685 have been satisfied or the forfeiture discharged or remitted,
686 the court must ~~shall~~ order the bond canceled and, if the surety
687 has attached a certificate of cancellation to the original bond,
688 the clerk of the court must ~~shall~~ mail or electronically furnish
689 an executed certificate of cancellation to the surety without
690 cost. The clerk of the court shall discharge the bond upon an
691 adjudication of guilt or innocence or an acquittal, or if a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

692 period of 36 months has passed since the original bond was
693 ~~posted, or~~ A withholding of an adjudication of guilt, a finding
694 of guilt by a jury, or a no action by the state satisfies shall
695 satisfy the conditions of the bond. If the bond has been revoked
696 by the court, other than for a failure to appear, the clerk of
697 the court must discharge or cancel the bond. The original
698 appearance bond expires shall expire 36 months after such bond
699 has been posted for the release of the defendant from custody,
700 at which time the clerk of the court must discharge the bond.
701 This subsection does not apply to cases in which a bond has been
702 declared forfeited before the 36-month expiration, unless the
703 forfeiture was set aside or discharged. As used in this
704 subsection, the term "revoked" means that an act, a statement, a
705 document, or a promise has been annulled or canceled.

706 (2) The original appearance bond does not guarantee a
707 deferred sentence; a sentencing deferral; a delayed sentencing;
708 an appearance after entering a plea agreement; an appearance
709 during or after a presentence investigation; an appearance
710 during or after appeals; conduct during or appearance after
711 admission to a pretrial intervention program; placement in a
712 court-ordered program, including a residential mental health
713 facility; payment of fines; or attendance at educational or
714 rehabilitation facilities the court otherwise provides in the
715 judgment. If the original appearance bond has been forfeited or
716 revoked, it may the bond shall not be reinstated without

Amendment No. 1

717 approval from the surety on the original bond.

718 **Section 19.** Section 903.36, Florida Statutes, is repealed.

719 **Section 20.** Paragraph (b) of subsection (3) and paragraphs
720 **(a) and (d) of subsection (5) of section 907.041, Florida**
721 **Statutes, are amended, and paragraph (c) of subsection (5) of**
722 **that section is reenacted, to read:**

723 907.041 Pretrial detention and release.—

724 (3) RELEASE ON NONMONETARY CONDITIONS.—

725 -----

726 **T I T L E A M E N D M E N T**

727 Remove lines 4-122 and insert:

729 648.386, F.S.; defining the term "in-person classroom
730 instruction"; decreasing the duration of in-person
731 classroom-instruction basic certification courses
732 required to be considered for approval and
733 certification as an approved limited surety agent and
734 professional bail bond agent prelicensing school;
735 amending s. 648.44, F.S.; prohibiting bail bond agents
736 and agencies from soliciting certain persons;
737 providing exceptions; authorizing bail bond agents and
738 agencies to accept certain fees or charges;
739 prohibiting virtual offices; amending s. 903.011,
740 F.S.; requiring, rather than authorizing, that any
741 monetary or cash component of any form of pretrial

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

742 release be met by specified means; amending s.
743 903.046, F.S.; revising the criteria that a court must
744 consider in making specified determinations;
745 prohibiting a surety bond that has been revoked from
746 being reinstated without written authorization;
747 amending s. 903.0471, F.S.; requiring that, upon a
748 court's entry of an order to revoke pretrial release
749 and order pretrial detention in certain circumstances,
750 the clerk of the court discharge any bond previously
751 posted as a condition of pretrial release without
752 further order of the court; amending s. 903.05, F.S.;
753 deleting the requirement that a surety own certain
754 real estate as a qualification for the release of a
755 person on bail; repealing s. 903.08, F.S., relating to
756 sufficiency of sureties; amending s. 903.09, F.S.;
757 requiring sureties, other than bail bond agents, to
758 justify their suretyship by attaching to the bond
759 United States currency, a United States postal money
760 order, or a cashier's check in the amount of the bond;
761 providing that such currency, money order, or
762 cashier's check may not be used to secure more than
763 one bond; deleting the requirement that a surety
764 execute an affidavit providing certain information;
765 amending s. 903.101, F.S.; revising the requirements
766 that sureties must meet to have equal access to jails

900105 - h1017-line 148.docx

Published On: 1/27/2026 5:23:37 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

767 for making bonds; amending s. 903.16, F.S.;
768 authorizing a defendant who has been admitted to bail,
769 or another person on the defendant's behalf, to
770 deposit with the official authorized to take bail
771 money an amount equal to the bail amount set in the
772 court order; requiring that such deposit be received
773 in the name of the defendant; requiring, rather than
774 authorizing, the sheriff or other officials to remit
775 to the clerk money or bonds received which are to be
776 held by the clerk pending court action; deleting a
777 provision stating that consent is conclusively
778 presumed for the clerk of the circuit court to sell
779 bonds deposited as bail after forfeiture of the bond;
780 repealing s. 903.17, F.S., relating to substitution of
781 cash bail for other bail; amending s. 903.21, F.S.;
782 specifying that the surety is exonerated of liability
783 on a bond if a specified determination is made before
784 forfeiture of the bond; revising the definition of the
785 term "costs and expenses"; amending s. 903.26, F.S.;
786 providing that a certain signed certificate that
787 certifies a specified required notice constitutes
788 sufficient proof of the mailing or electronic
789 transmission of such notice; deleting a requirement
790 that municipal officials having custody of forfeited
791 money deposit such money in a designated municipal

900105 - h1017-line 148.docx

Published On: 1/27/2026 5:23:37 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

792 fund within 60 days after the forfeiture notice has
793 been mailed or electronically transmitted; deleting
794 certain requirements that must be met when bonds are
795 forfeited; revising the circumstances under which the
796 court is required to discharge a forfeiture within a
797 specified timeframe; requiring the state to enter the
798 information of a defendant in the National Crime
799 Information Center database for each felony warrant
800 that a court issues for failure to appear; specifying
801 circumstances under which the clerk must discharge a
802 forfeiture and issue a certain notice to the surety
803 without further order of the court; specifying
804 circumstances under which the clerk does not have
805 standing to object to specified motions; amending s.
806 903.27, F.S.; requiring the clerk of the circuit court
807 to enter a certain judgment if the forfeiture is not
808 paid or discharged by order of a court of competent
809 jurisdiction within 60 days after the forfeiture
810 notice has been mailed or electronically transmitted;
811 reducing the number of days within which the clerk
812 must furnish specified information to the Department
813 of Financial Services, the Office of Insurance
814 Regulation of the Financial Services Commission, and
815 the surety company at its home office; amending s.
816 903.28, F.S.; increasing the amount of time within

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Published On: 1/27/2026 5:23:37 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

817 which a court must order remission of a forfeiture if
818 it determines that there was no breach of the bond;
819 requiring a court, in certain circumstances and upon a
820 certain motion, to order remission in accordance with
821 specified provisions if a defendant surrenders, is
822 deceased, or is apprehended within a certain time
823 after forfeiture; deleting provisions relating to the
824 ordering of remission under specified circumstances;
825 decreasing the amount of time for which the clerk of
826 the circuit court and the state attorney must be given
827 notice before a certain hearing and be furnished with
828 copies of certain documents; requiring the clerk of
829 the circuit court to issue a remission within a
830 certain timeframe after the entry of a court order
831 directing remission; providing for accrual of interest
832 if remission is not issued within such timeframe;
833 providing that the court may order remission of the
834 forfeiture in certain circumstances; amending s.
835 903.29, F.S.; increasing the length of time from the
836 date of forfeiture of a bond within which a surety may
837 arrest the principal; amending s. 903.31, F.S.;
838 revising provisions relating to the ordering of a bond
839 cancellation; revising applicability; defining the
840 term "revoked"; specifying that the original
841 appearance bond does not guarantee a sentencing

900105 - h1017-line 148.docx

Published On: 1/27/2026 5:23:37 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

842 deferral, a delayed sentencing, or an appearance after
843 entering a plea agreement; repealing s. 903.36, F.S.,
844 relating to guaranteed arrest bond certificates as
845 cash bail; reenacting and amending s. 907.041, F.S.;