

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1017 (2026)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED        (Y/N)

ADOPTED AS AMENDED        (Y/N)

ADOPTED W/O OBJECTION        (Y/N)

FAILED TO ADOPT        (Y/N)

WITHDRAWN        (Y/N)

OTHER                     

Committee/Subcommittee hearing bill: Criminal Justice  
Subcommittee

Representative Baker offered the following:

**Amendment (with title amendment)**

Remove lines 148-871 and insert:

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

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

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

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

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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**

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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

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

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

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

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

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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~~

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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

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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:**

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

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

903.16 Deposit of money or bonds as bail.—

~~(1) A defendant who has been admitted to bail, or another  
person in the defendant's behalf, may deposit with the official  
authorized to take bail money an amount equal to the bail amount  
set in the court order. Such deposit must be receipted in the  
name of the defendant or nonregistered bonds of the United  
States, the state, or a city, town, or county in the state,  
equal in market value to the amount set in the order and the  
personal bond of the defendant and an undertaking by the  
depositor if the money or bonds are deposited by another. The  
sheriff or other officials shall ~~may~~ remit money or bonds  
received to the clerk to be held by the clerk pending court  
action or return to the defendant or depositor. The clerk shall  
accept money or bonds remitted by the sheriff.~~

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



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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.

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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~~  
229 stated on the bond. Such notice may be mailed or electronically  
230 transmitted. A certificate signed by the clerk of the court or  
231 the clerk's designee which certifies that the notice required  
232 under this paragraph was mailed or electronically transmitted on  
233 a specified date and time and which is accompanied by a copy of  
234 the required notice constitutes sufficient proof that such  
235 mailing or electronic transmission was properly accomplished as  
236 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

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

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

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

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

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

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

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

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

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

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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

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

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

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

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

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

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

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judgment.

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

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

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

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

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

903.27 Forfeiture to judgment.—

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



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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.

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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

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

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

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

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

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

903.28 Remission of forfeiture; conditions.—

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

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

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

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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

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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.

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

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

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

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

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

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



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

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

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

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

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

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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.

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

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

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

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

903.31 Canceling the bond.—

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

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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

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approval from the surety on the original bond.

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

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

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

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**T I T L E   A M E N D M E N T**

Remove lines 4-122 and insert:

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

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

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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 receipted

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



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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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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

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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.;