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A bill to be entitled  
An act relating to bail bonds; amending s. 648.25, F.S.; defining the term "virtual office"; amending s. 648.386, F.S.; replacing the term "classroom instruction" with the term "in-person classroom instruction" 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 release be met by specified means; amending s. 903.046, F.S.; revising the criteria that a court must consider in making specified determinations; 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

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26 condition of pretrial release without further order of  
27 the court; amending s. 903.05, F.S.; deleting the  
28 requirement that a surety own certain real estate as a  
29 qualification for the release of a person on bail;  
30 repealing s. 903.08, F.S., relating to sufficiency of  
31 sureties; amending s. 903.09, F.S.; requiring  
32 sureties, other than bail bond agents, to justify  
33 their suretyship by attaching to the bond United  
34 States currency, a United States postal money order,  
35 or a cashier's check in the amount of the bond;  
36 providing that such currency, money order, or  
37 cashier's check may not be used to secure more than  
38 one bond; deleting the requirement that a surety  
39 execute an affidavit providing certain information;  
40 amending s. 903.101, F.S.; revising the requirements  
41 that sureties must meet to have equal access to jails  
42 for making bonds; amending s. 903.16, F.S.;  
43 authorizing a defendant who has been admitted to bail,  
44 or another person on the defendant's behalf, to  
45 deposit with the official authorized to take bail  
46 money an amount equal to the bail amount set in the  
47 court order; requiring that such deposit be received  
48 in the name of the defendant; requiring, rather than  
49 authorizing, the sheriff or other officials to remit  
50 to the clerk money or bonds received which are to be

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held by the clerk pending court action; deleting a provision stating that consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond; repealing s. 903.17, F.S., relating to substitution of cash bail for other bail; amending s. 903.21, F.S.; specifying that the surety is exonerated of liability on a bond if a specified determination is made before forfeiture of the bond; revising the definition of the term "costs and expenses"; amending s. 903.26, F.S.; providing that a certain signed certificate that certifies a specified required notice constitutes sufficient proof of the mailing or electronic transmission of such notice; deleting a requirement that municipal officials having custody of forfeited money deposit such money in a designated municipal fund within 60 days after the forfeiture notice has been mailed or electronically transmitted; deleting certain requirements that must be met when bonds are forfeited; revising the circumstances under which the court is required to discharge a forfeiture within a specified timeframe; requiring the state to enter the information of a defendant in the National Crime Information Center database for each felony warrant that a court issues for failure to appear; specifying

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76       circumstances under which the clerk must discharge a  
77       forfeiture and issue a certain notice to the surety  
78       without further order of the court; specifying  
79       circumstances under which the clerk does not have  
80       standing to object to specified motions; amending s.  
81       903.27, F.S.; requiring the clerk of the circuit court  
82       to enter a certain judgment if the forfeiture is not  
83       paid or discharged by order of a court of competent  
84       jurisdiction within 60 days after the forfeiture  
85       notice has been mailed or electronically transmitted;  
86       reducing the number of days within which the clerk  
87       must furnish specified information to the Department  
88       of Financial Services, the Office of Insurance  
89       Regulation of the Financial Services Commission, and  
90       the surety company at its home office; amending s.  
91       903.28, F.S.; increasing the amount of time within  
92       which a court must order remission of a forfeiture if  
93       it determines that there was no breach of the bond;  
94       requiring a court, in certain circumstances and upon a  
95       certain motion, to order remission in accordance with  
96       specified provisions if a defendant surrenders, is  
97       deceased, or is apprehended within a certain time  
98       after forfeiture; deleting provisions relating to the  
99       ordering of remission under specified circumstances;  
100      decreasing the amount of time for which the clerk of

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101 the circuit court and the state attorney must be given  
102 notice before a certain hearing and be furnished with  
103 copies of certain documents; requiring the clerk of  
104 the circuit court to issue a remission within a  
105 certain timeframe after the entry of a court order  
106 directing remission; providing for accrual of interest  
107 if remission is not issued within such timeframe;  
108 providing that the court may order remission of the  
109 forfeiture in certain circumstances; amending s.  
110 903.29, F.S.; increasing the length of time from the  
111 date of forfeiture of a bond within which a surety may  
112 arrest the principal; amending s. 903.31, F.S.;  
113 revising provisions relating to the ordering of a bond  
114 cancellation; revising applicability; defining the  
115 term "revoked"; specifying that the original  
116 appearance bond does not guarantee a sentencing  
117 deferral, a delayed sentencing, or an appearance after  
118 entering a plea agreement; repealing s. 903.36, F.S.,  
119 relating to guaranteed arrest bond certificates as  
120 cash bail; reenacting and amending s. 907.041, F.S.;  
121 establishing a minimum bond amount per offense for  
122 persons charged with certain dangerous crimes;  
123 requiring that a certain pretrial release service  
124 certification be made in writing before the defendant  
125 is released from custody; revising the definition of

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126 the term "dangerous crime"; specifying a circumstance  
127 in which the state attorney or the court is not  
128 required to move for pretrial detention if a defendant  
129 is arrested for certain dangerous crimes; amending s.  
130 648.45, F.S.; conforming cross-references; reenacting  
131 s. 626.2816(2) and (3), F.S., relating to regulation  
132 of continuing education for licensees, course  
133 providers, instructors, school officials, and monitor  
134 groups, to incorporate the amendment made to s.  
135 648.386, F.S., in references thereto; reenacting s.  
136 903.047(1) (c), F.S., relating to conditions of  
137 pretrial release, to incorporate the amendment made to  
138 s. 903.046, F.S., in a reference thereto; reenacting  
139 s. 903.286(2), F.S., relating to cash bond forms, to  
140 incorporate the amendment made to s. 903.09, F.S., in  
141 a reference thereto; providing an effective date.  
142

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

144

145 **Section 1. Subsection (12) is added to section 648.25,  
146 Florida Statutes, to read:**

147 648.25 Definitions.—As used in this chapter, the term:  
148 (12) "Virtual office" means a professional address, mail  
149 handling, and sometimes phone answering and meeting room access,  
150 without requiring a physical office space.

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

153       648.386 Qualifications for prelicensing and continuing  
154       education schools and instructors.—

155       (1) **DEFINITION OF "IN-PERSON CLASSROOM INSTRUCTION".—As**  
156       used in this section, the term "in-person classroom instruction"  
157       means a course designed to be presented to a group of students  
158       by a live instructor using lecture, with the instructor and  
159       students in the same physical classroom at the same time ~~video,~~  
160       ~~webcast, or virtual or other audio-video presentation.~~

161       (2) **SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS.—In**  
162       order to be considered for approval and certification as an  
163       approved limited surety agent and professional bail bond agent  
164       prelicensing school, such entity must:

165       (a) 1. Offer a minimum of two 80-hour in-person ~~120-hour~~  
166       classroom-instruction basic certification courses in the  
167       criminal justice system per calendar year unless a reduced  
168       number of course offerings per calendar year is warranted in  
169       accordance with rules adopted promulgated by the department; or

170       2. Offer a department-approved correspondence course  
171       pursuant to department rules.

172       **Section 3. Paragraphs (d) through (p) of subsection (1) of**  
173       **section 648.44, Florida Statutes, are redesignated as paragraphs**  
174       **(e) through (q), respectively, present paragraph (j) of**  
175       **subsection (1) and subsections (4) and (9) are amended, and a**

176 **new paragraph (d) is added to subsection (1) of that section, to**  
177 **read:**

178 648.44 Prohibitions; penalty.—

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

180 (d) Solicit bail from a detainee, the detainee's attorney,  
181 an adult member of the detainee's immediate family, or any other  
182 person the detainee specifically designates in writing. The  
183 detainee must sign this designation before the solicitation  
184 unless prohibited by the rules, regulations, or ordinances  
185 governing the place of imprisonment. If such a prohibition  
186 exists, the designation may be signed after the detainee's  
187 release to ratify a previous oral designation made by him or  
188 her. A solicitation to a detainee may occur only after a  
189 legitimate request for bail services has been received from the  
190 detainee or an individual specified in this paragraph. The  
191 solicitation of a person specified in this paragraph may only  
192 occur between 8 a.m. and 9 p.m., unless the bail bond agent or  
193 bail bond agency has received direct and specific written  
194 authorization from the detainee or the detainee's attorney to  
195 solicit at another time.

196 (k) ~~(j)~~ Accept anything of value from a principal for  
197 providing a bail bond aside from except the premium, a credit  
198 card merchant processing fee, a mobile payment services fee or  
199 similar charge which must be separate from and not considered  
200 premium, and a transfer fee authorized by the office, except

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

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

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

223 (b) A ~~Any~~ person who violates ~~the provisions of~~ paragraph  
224 (1) (a), paragraph (1) (b), paragraph (1) (c), paragraph (1) (i),  
225 paragraph (1) (l), paragraph (1) (n), paragraph (1) (p), paragraph

226 ~~(1) (q), paragraph (1) (h), paragraph (1) (k), paragraph (1) (m),~~  
227 ~~paragraph (1) (e), paragraph (1) (p), subsection (3), subsection~~  
228 ~~(4), or subsection (5) commits a misdemeanor of the first~~  
229 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

232 903.011 Pretrial release; general terms; statewide uniform  
233 bond schedule.—

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

238 **Section 5. Paragraph (d) of subsection (2) of section  
239 903.046, Florida Statutes, is amended to read:**

240 903.046 Purpose of and criteria for bail determination.—

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

244 (d) The defendant's past and present conduct, including  
245 any record of convictions, previous flight to avoid prosecution,  
246 or failure to appear at court proceedings. However, any  
247 defendant who ~~had~~ failed to appear on the day of any required  
248 court proceeding in the case at issue, but who ~~had~~ later  
249 voluntarily appeared or surrendered, ~~is not~~ shall not be  
250 eligible for a recognizance bond; and any defendant who failed

251 to appear on the day of any required court proceeding ~~in the~~  
252 ~~case at issue~~ and who was later arrested is not shall not be  
253 eligible for a recognizance bond or for any form of bond which  
254 does not require the greater of a monetary undertaking ~~or~~  
255 ~~commitment~~ equal to or greater than \$2,000 or twice the value of  
256 the monetary ~~commitment or~~ undertaking of the original bond,  
257 ~~whichever is greater~~. Notwithstanding anything in this section,  
258 the court has discretion in determining conditions of release if  
259 the defendant proves circumstances beyond his or her control for  
260 the failure to appear. This section may not be construed as  
261 imposing additional duties or obligations on a governmental  
262 entity related to monetary bonds.

263 **Section 6. Section 903.0471, Florida Statutes, is amended  
264 to read:**

265 903.0471 Violation of condition of pretrial release.—  
266 Notwithstanding s. 907.041, a court may, on its own motion,  
267 revoke pretrial release and order pretrial detention if the  
268 court finds probable cause to believe that the defendant  
269 committed a new crime while on pretrial release or violated any  
270 other condition of pretrial release in a material respect. Upon  
271 entry of such an order to revoke pretrial release and order  
272 pretrial detention, other than for a failure to appear, the  
273 clerk of the court must discharge any bond previously posted as  
274 a condition of pretrial release without further order of the  
275 court.

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276       **Section 7. Section 903.05, Florida Statutes, is amended to**  
277 **read:**

278       903.05 Qualification of sureties.—A surety for the release  
279 of a person on bail, other than a company authorized by law to  
280 act as a surety, shall be a resident of the state ~~or own real~~  
281 ~~estate within the state.~~

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

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

285       903.09 Justification of sureties.—

286       (1) A surety, other than a bail bond agent as defined in  
287 s. 648.25, shall justify his or her suretyship by attaching to  
288 the bond United States currency, a United States postal money  
289 order, or a cashier's check in the amount of the bond; however,  
290 the United States currency, United States postal money order, or  
291 cashier's check may not be used to secure more than one bond  
292 ~~execute an affidavit stating that she or he possesses the~~  
293 ~~qualifications and net worth required to become a surety. The~~  
294 ~~affidavit shall describe the surety's property and any~~  
295 ~~encumbrances and shall state the number and amount of any bonds~~  
296 ~~entered into by the surety at any court that remain~~  
297 ~~undischarged.~~

298       **Section 10. Section 903.101, Florida Statutes, is amended**  
299 **to read:**

300       903.101 Sureties; licensed persons; to have equal access.—

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301     Subject to rules adopted by the Department of Financial Services  
302     and by the Financial Services Commission, every surety who meets  
303     the requirements of s. 903.09 ss. 903.05, 903.06, 903.08, and  
304     903.09, and every person who is currently licensed by the  
305     Department of Financial Services and registered as required by  
306     s. 648.42 must shall have equal access to the jails of this  
307     state for the purpose of making bonds.

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

310         903.16 Deposit of money or bonds as bail.—  
311             (1) A defendant who has been admitted to bail, or another  
312     person in the defendant's behalf, may deposit with the official  
313     authorized to take bail money an amount equal to the bail amount  
314     set in the court order. Such deposit must be received in the  
315     name of the defendant ~~or nonregistered bonds of the United~~  
316     ~~States, the state, or a city, town, or county in the state,~~  
317     ~~equal in market value to the amount set in the order and the~~  
318     ~~personal bond of the defendant and an undertaking by the~~  
319     ~~depositor if the money or bonds are deposited by another.~~ The  
320     sheriff or other officials shall may remit money or bonds  
321     received to the clerk to be held by the clerk pending court  
322     action ~~or return to the defendant or depositor.~~ The clerk shall  
323     accept money or bonds remitted by the sheriff.

324             (2) ~~Consent is conclusively presumed for the clerk of the~~  
325     ~~circuit court to sell bonds deposited as bail after forfeiture~~

326 of the bond.

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

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

330 903.21 Method of surrender; exoneration of obligors.—

331 (3) (a) The surety shall be exonerated of liability on the  
332 bond if it is determined before forfeiture ~~breach~~ of the bond  
333 that the defendant is in any jail or prison and the surety  
334 agrees in writing to pay the costs and expenses incurred in  
335 returning the defendant to the jurisdiction of the court. A  
336 surety is only responsible for the itemized costs and expenses  
337 incurred for the transport of a defendant to whom he or she has  
338 a fiduciary duty and is not liable for the costs and expenses  
339 incurred in transporting any other defendant.

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

341 1. "Costs and expenses" means the prorated salary of any  
342 law enforcement officer or employee of a contracted  
343 transportation company as well as the actual expenses of  
344 transporting each defendant, which may only consist of mileage,  
345 ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging  
346 for any law enforcement officer or employee of a contracted  
347 transportation company and the defendant.

348 2. "Jurisdiction" means the county from which the  
349 defendant was released on bail.

350 **Section 14. Section 903.26, Florida Statutes, is amended**

351 **to read:**

352 903.26 Forfeiture of the bond; when and how directed;  
353 discharge; how and when made; effect of payment.—

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

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

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

360 Notice is ~~shall~~ not be necessary if the time for appearance is  
361 within 72 hours after ~~from~~ the time of arrest, or ~~if the time is~~ is  
362 stated on the bond. Such notice may be mailed or electronically  
363 transmitted. A certificate signed by the clerk of the court or  
364 the clerk's designee which certifies that the notice required  
365 under this paragraph was mailed or electronically transmitted on  
366 a specified date and time and which is accompanied by a copy of  
367 the required notice constitutes sufficient proof that such  
368 mailing or electronic transmission was properly accomplished as  
369 required in this paragraph.

370 (2) (a) If there is a failure of the defendant to appear as  
371 required, the court must ~~shall~~ declare the bond and any bonds or  
372 money deposited as bail forfeited. The clerk of the court shall  
373 mail or electronically transmit a notice to the surety agent,  
374 bail bond agency, and surety company within 5 days after the  
375 forfeiture. A certificate signed by the clerk of the court or

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

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

401 defendant later than the required day constitutes forfeiture of  
402 the bond, and the court may shall not preclude entry of such  
403 forfeiture by the clerk.

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

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

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

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

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

418 ~~(4) (a) When a bond is forfeited, the clerk shall transmit~~  
419 ~~the bond and any affidavits to the clerk of the circuit court in~~  
420 ~~which the bond and affidavits are filed. The clerk of the~~  
421 ~~circuit court shall record the forfeiture in the deed or~~  
422 ~~official records book. If the undertakings and affidavits~~  
423 ~~describe real property in another county, the clerk shall~~  
424 ~~transmit the bond and affidavits to the clerk of the circuit~~  
425 ~~court of the county where the property is located who shall~~

426 record and return them.

427 (b) The bond and affidavits shall be a lien on the real  
428 property they describe from the time of recording in the county  
429 where the property is located for 2 years or until the final  
430 determination of an action instituted thereon within a 2-year  
431 period. If an action is not instituted within 2 years from the  
432 date of recording, the lien shall be discharged. The lien will  
433 be discharged 2 years after the recording even if an action was  
434 instituted within 2 years unless a lis pendens notice is  
435 recorded in the action.

436 (4)-(5) The court shall discharge a forfeiture within 60  
437 days after the forfeiture notice was mailed or electronically  
438 transmitted upon any of the following:

439 (a) A determination that, due to circumstances beyond the  
440 defendant's control, it was impossible for the defendant to  
441 appear as required or within 60 days after the date of the  
442 required appearance due to circumstances beyond the defendant's  
443 control. The potential adverse economic consequences of  
444 appearing as required may not be considered as constituting a  
445 ground for such a determination.†

446 (b) A determination that, at the time of the required  
447 appearance or within 60 days after the date of the required  
448 appearance, the defendant was confined in an institution or  
449 hospital; was confined in any county, state, federal, or  
450 immigration detention facility; was deported; or is deceased.†

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

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

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

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

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

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

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

496       (10) Unless the time for payment or discharge of the  
497 forfeiture set forth in s. 903.27(1) has passed, or unless  
498 payment of the forfeiture has already been made, the clerk does  
499 not have standing to object to a motion to set aside a  
500 forfeiture under paragraph (2)(b), a motion to discharge a

501 forfeiture under subsection (4), or a motion to reinstate a bond  
502 under s. 903.31(2).

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

505 903.27 Forfeiture to judgment.—

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

526 the power of attorney number of the bond and the name of the  
527 executing agent. If the judgment is not paid within 35 days, the  
528 clerk must ~~shall~~ furnish the Department of Financial Services,  
529 the Office of Insurance Regulation, and the sheriff of the  
530 county in which the bond was executed, or the official  
531 responsible for operation of the county jail, if that official  
532 is not ~~other than~~ the sheriff, two copies of the judgment and a  
533 certificate stating that the judgment remains unsatisfied. When  
534 ~~and if~~ the judgment is properly paid or an order to vacate the  
535 judgment has been entered by a court of competent jurisdiction,  
536 the clerk shall immediately notify the sheriff, or other such  
537 ~~the~~ official responsible for the operation of the county jail,  
538 ~~if other than the sheriff, and, if they have been previously~~  
539 notified of nonpayment, the Department of Financial Services and  
540 the Office of Insurance Regulation, ~~if the department and office~~  
541 ~~had been previously notified of nonpayment,~~ of such payment or  
542 order to vacate the judgment. The clerk may furnish documents or  
543 give notice as required in this subsection by mail or electronic  
544 means. The clerk shall also immediately prepare and record in  
545 the public records a satisfaction of the judgment or record the  
546 order to vacate judgment. If the defendant is returned to the  
547 county of jurisdiction of the court, whenever a motion to set  
548 aside the judgment is filed, the operation of this section is  
549 tolled until the court makes a disposition of the motion.

550 (2) A certificate signed by the clerk of the court or her

551 or his designee which certifies, certifying that the notice  
552 required in subsection (1) was mailed or electronically  
553 delivered on a specified date, and is accompanied by a copy of  
554 the required notice constitutes sufficient proof that such  
555 mailing or electronic delivery was properly accomplished as  
556 required in this subsection indicated therein. If such mailing  
557 or electronic delivery was properly accomplished as evidenced by  
558 such certificate, the failure of a company to receive a copy of  
559 the judgment as prescribed in subsection (1) does not constitute  
560 a defense to the forfeiture and is not a ground for the  
561 discharge, remission, reduction, set aside, or continuance of  
562 such forfeiture.

563 (3) Surety bail bonds may not be executed by a bail bond  
564 agent or a bail bond agency against whom a judgment has been  
565 entered which has remained unpaid for 35 days and may not be  
566 executed for a company against whom a judgment has been entered  
567 which has remained unpaid for 50 days. A ~~No~~ sheriff or other  
568 official who is empowered to accept or approve surety bail bonds  
569 may not shall accept or approve such a bond executed by such a  
570 bail bond agent or bail bond agency or executed for such a  
571 company until such judgment has been paid.

572 (4) After notice of judgment against the surety given by  
573 the clerk of the circuit court, the surety, a bail bond agency,  
574 or a bail bond agent shall, within 35 days after ~~of~~ the entry of  
575 judgment, submit to the clerk of the circuit court an amount

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

583 (5) After notice of judgment against the surety given by  
584 the clerk of the circuit court, the surety, bail bond agency, or  
585 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~~  
586 Any such motion or and of any order to stay the judgment must be  
587 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of  
588 the judgment to the clerk, which amount must ~~shall~~ be held in  
589 escrow until such time as the court has disposed of the motion  
590 to set aside the judgment. The filing of such a motion, when  
591 accompanied by the required escrow deposit, acts shall act as an  
592 automatic stay of further proceedings, including execution,  
593 until the motion has been heard and a decision rendered by the  
594 court.

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

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

603       903.28 Remission of forfeiture; conditions.—

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

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

621       (a) One-hundred percent of the forfeiture if the defendant  
622       surrenders or is apprehended within 90 days after the forfeiture  
623       and the delay has not thwarted proper prosecution of the  
624       defendant or if the defendant is deceased or the state is  
625       unwilling to seek extradition of the defendant within 90 days

626 after forfeiture.

627 (b) Ninety-five percent of the forfeiture if the defendant  
628 surrenders or is apprehended within 180 days after forfeiture  
629 and the delay has not thwarted proper prosecution of the  
630 defendant or if the defendant is deceased or the state is  
631 unwilling to seek extradition of the defendant within 180 days  
632 after forfeiture.

633 (c) Ninety percent of the forfeiture if the defendant  
634 surrenders or is apprehended within 270 days after forfeiture  
635 and the delay has not thwarted proper prosecution of the  
636 defendant or if the defendant is deceased or the state is  
637 unwilling to seek extradition of the defendant within 270 days  
638 after forfeiture.

639 (d) Eighty-five percent of the forfeiture if the defendant  
640 surrenders or is apprehended within 360 days after forfeiture  
641 and the delay has not thwarted proper prosecution of the  
642 defendant or if the defendant is deceased or the state is  
643 unwilling to seek extradition of the defendant within 360 days  
644 after forfeiture.

645 (e) Eighty percent of the forfeiture if the defendant  
646 surrenders or is apprehended within 450 days after forfeiture  
647 and the delay has not thwarted proper prosecution of the  
648 defendant or if the defendant is deceased or the state is  
649 unwilling to seek extradition of the defendant within 450 days  
650 after forfeiture.

651        (f) Seventy-five percent of the forfeiture if the  
652        defendant surrenders or is apprehended within 540 days after  
653        forfeiture and the delay has not thwarted proper prosecution of  
654        the defendant or if the defendant is deceased or the state is  
655        unwilling to seek extradition of the defendant within 540 days  
656        after forfeiture.

657        (g) Seventy percent of the forfeiture if the defendant  
658        surrenders or is apprehended within 630 days after forfeiture  
659        and the delay has not thwarted proper prosecution of the  
660        defendant or if the defendant is deceased or the state is  
661        unwilling to seek extradition of the defendant within 630 days  
662        after forfeiture.

663        (h) Sixty-five percent of the forfeiture if the defendant  
664        surrenders or is apprehended within 720 days after forfeiture  
665        and the delay has not thwarted proper prosecution of the  
666        defendant or if the defendant is deceased or the state is  
667        unwilling to seek extradition of the defendant within 720 days  
668        after forfeiture.

669        (i) Sixty percent of the forfeiture if the defendant  
670        surrenders or is apprehended within 810 days after forfeiture  
671        and the delay has not thwarted proper prosecution of the  
672        defendant or if the defendant is deceased or the state is  
673        unwilling to seek extradition of the defendant within 810 days  
674        after forfeiture.

675        (j) Fifty-five percent of the forfeiture if the defendant

676 surrenders or is apprehended within 900 days after forfeiture  
677 and the delay has not thwarted proper prosecution of the  
678 defendant or if the defendant is deceased or the state is  
679 unwilling to seek extradition of the defendant within 900 days  
680 after forfeiture.

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

687 (l) Forty-five percent of the forfeiture if the defendant  
688 surrenders or is apprehended within 36 months after forfeiture  
689 and the delay has not thwarted proper prosecution of the  
690 defendant or if the defendant is deceased or the state is  
691 unwilling to seek extradition of the defendant within 36 months  
692 after forfeiture of up to, but not more than, 100 percent of a  
693 forfeiture if the surety apprehended and surrendered the  
694 defendant or if the apprehension or surrender of the defendant  
695 was substantially procured or caused by the surety, or the  
696 surety has substantially attempted to procure or cause the  
697 apprehension or surrender of the defendant, and the delay has  
698 not thwarted the proper prosecution of the defendant. In  
699 addition, remission shall be granted when the surety did not  
700 substantially participate or attempt to participate in the

701 apprehension or surrender of the defendant when the costs of  
702 returning the defendant to the jurisdiction of the court have  
703 been deducted from the remission and when the delay has not  
704 thwarted the proper prosecution of the defendant.

705 (3) If the defendant surrenders or is apprehended within  
706 180 days after forfeiture, the court, on motion at a hearing  
707 upon notice having been given to the clerk of the circuit court  
708 and the state attorney as required in subsection (8), shall  
709 direct remission of up to, but not more than, 95 percent of a  
710 forfeiture if the surety apprehended and surrendered the  
711 defendant or if the apprehension or surrender of the defendant  
712 was substantially procured or caused by the surety, or the  
713 surety has substantially attempted to procure or cause the  
714 apprehension or surrender of the defendant, and the delay has  
715 not thwarted the proper prosecution of the defendant. In  
716 addition, remission shall be granted when the surety did not  
717 substantially participate or attempt to participate in the  
718 apprehension or surrender of the defendant when the costs of  
719 returning the defendant to the jurisdiction of the court have  
720 been deducted from the remission and when the delay has not  
721 thwarted the proper prosecution of the defendant.

722 (4) If the defendant surrenders or is apprehended within  
723 270 days after forfeiture, the court, on motion at a hearing  
724 upon notice having been given to the clerk of the circuit court  
725 and the state attorney as required in subsection (8), shall

726 direct remission of up to, but not more than, 90 percent of a  
727 forfeiture if the surety apprehended and surrendered the  
728 defendant or if the apprehension or surrender of the defendant  
729 was substantially procured or caused by the surety, or the  
730 surety has substantially attempted to procure or cause the  
731 apprehension or surrender of the defendant, and the delay has  
732 not thwarted the proper prosecution of the defendant. In  
733 addition, remission shall be granted when the surety did not  
734 substantially participate or attempt to participate in the  
735 apprehension or surrender of the defendant when the costs of  
736 returning the defendant to the jurisdiction of the court have  
737 been deducted from the remission and when the delay has not  
738 thwarted the proper prosecution of the defendant.

739 (5) If the defendant surrenders or is apprehended within 1  
740 year after forfeiture, the court, on motion at a hearing upon  
741 notice having been given to the clerk of the circuit court and  
742 the state attorney as required in subsection (8), shall direct  
743 remission of up to, but not more than, 85 percent of a  
744 forfeiture if the surety apprehended and surrendered the  
745 defendant or if the apprehension or surrender of the defendant  
746 was substantially procured or caused by the surety, or the  
747 surety has substantially attempted to procure or cause the  
748 apprehension or surrender of the defendant, and the delay has  
749 not thwarted the proper prosecution of the defendant. In  
750 addition, remission shall be granted when the surety did not

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

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

773 (3)-(7) The remission of a forfeiture may not be ordered  
774 for any reason other than as specified in this section herein.

775 (4)-(8) An application for remission must be accompanied by

776 affidavits setting forth the facts on which it is founded;  
777 however, the surety must establish by further documentation or  
778 other evidence any claimed attempt at procuring or causing the  
779 apprehension or surrender of the defendant before the court may  
780 order remission based upon an attempt to procure or cause such  
781 apprehension or surrender. The clerk of the circuit court and  
782 the state attorney must be given 10 20 days' notice before a  
783 hearing on an application and be furnished copies of all papers,  
784 applications, and affidavits. Remission must shall be granted on  
785 the condition of payment of costs, as provided in s.  
786 903.21(3)(a), unless the ground for remission is that there was  
787 no breach of the bond.

788 (5)~~(9)~~ The clerk of the circuit court may enter into a  
789 contract with a private attorney or into an interagency  
790 agreement with a governmental agency to represent the clerk of  
791 the court in an action for the remission of a forfeiture under  
792 this section.

793 (6)~~(10)~~ The clerk of the circuit court is the real party  
794 in interest for all appeals arising from an action for the  
795 remission of a forfeiture under this section.

796 (7) The clerk of the circuit court shall issue a remission  
797 within 10 days after entry of a court order directing remission,  
798 and a remission untimely issued accrues interest at the rate of  
799 1.5 percent per month.

800 (8) If the defendant surrenders or is apprehended and the

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801   surety has not paid all costs of returning the defendant to the  
802   jurisdiction of court, the court may order remission of the  
803   forfeiture in accordance with subsection (2) if the actual costs  
804   of returning the defendant to the jurisdiction of the court have  
805   been deducted from the remission.

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

808    903.29 Arrest of principal by surety after forfeiture.—  
809    Within 3 ~~2~~ years from the date of forfeiture of a bond, the  
810    surety may arrest the principal for the purpose of surrendering  
811    the principal to the official in whose custody she or he was at  
812    the time bail was taken or in whose custody the principal would  
813    have been placed had she or he been committed.

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

816    903.31 Canceling the bond.—

817      (1) Within 10 business days after the conditions of a bond  
818    have been satisfied or the forfeiture discharged or remitted,  
819    the court must ~~shall~~ order the bond canceled and, if the surety  
820    has attached a certificate of cancellation to the original bond,  
821    the clerk of the court must ~~shall~~ mail or electronically furnish  
822    an executed certificate of cancellation to the surety without  
823    cost. The clerk of the court shall discharge the bond upon an  
824    adjudication of guilt or innocence or an acquittal, or if a  
825    period of 36 months has passed since the original bond was

826 posted, or a withholding of an adjudication of guilt, a finding  
827 of guilt by a jury, or a no action by the state satisfies shall  
828 satisfy the conditions of the bond. If the bond has been revoked  
829 by the court, other than for a failure to appear, the clerk of  
830 the court must discharge or cancel the bond. The original  
831 appearance bond expires shall expire 36 months after such bond  
832 has been posted for the release of the defendant from custody,  
833 at which time the clerk of the court must discharge the bond.  
834 This subsection does not apply to cases in which a bond has been  
835 declared forfeited before the 36-month expiration, unless the  
836 forfeiture was set aside or discharged. As used in this  
837 subsection, the term "revoked" means that an act, a statement, a  
838 document, or a promise has been annulled or canceled.

839 (2) The original appearance bond does not guarantee a  
840 deferred sentence; a sentencing deferral; a delayed sentencing;  
841 an appearance after entering a plea agreement; an appearance  
842 during or after a presentence investigation; an appearance  
843 during or after appeals; conduct during or appearance after  
844 admission to a pretrial intervention program; placement in a  
845 court-ordered program, including a residential mental health  
846 facility; payment of fines; or attendance at educational or  
847 rehabilitation facilities the court otherwise provides in the  
848 judgment. If the original appearance bond has been forfeited or  
849 revoked, it may the bond shall not be reinstated without  
850 approval from the surety on the original bond.

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

852       **Section 20. Paragraph (a) of subsection (3) and paragraphs**

853       **(a) and (d) of subsection (5) of section 907.041, Florida**  
854       **Statutes, are amended, and paragraph (c) of subsection (5) of**  
855       **that section is reenacted, to read:**

856       907.041 Pretrial detention and release.—

857       (3) RELEASE ON NONMONETARY CONDITIONS.—

858       (a) It is the intent of the Legislature to create a  
859       presumption in favor of release on nonmonetary conditions for  
860       any person who is granted pretrial release unless such person is  
861       charged with a dangerous crime as defined in subsection (5) or  
862       such person is an unauthorized alien charged with a forcible  
863       felony as described in subsection (6). A person charged with a  
864       dangerous crime as defined in subsection (5) shall be released  
865       on monetary conditions, with a minimum bond amount of \$10,000  
866       per offense for each felony crime listed in subsection (5) if it  
867       is determined that such monetary conditions are necessary to  
868       assure the presence of the person at trial or at other  
869       proceedings, to protect the community from risk of physical harm  
870       to persons, to assure the presence of the accused at trial, or  
871       to assure the integrity of the judicial process.

872       (b) A ~~No~~ person may not ~~shall~~ be released on nonmonetary  
873       conditions under the supervision of a pretrial release service,  
874       unless the service certifies in writing to the court, before the  
875       defendant is released from custody, that it has investigated or

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876 otherwise verified:

877 1. The circumstances of the accused's family, employment,  
878 financial resources, character, mental condition, immigration  
879 status, and length of residence in the community;

880 2. The accused's record of convictions, of appearances at  
881 court proceedings, of flight to avoid prosecution, or of failure  
882 to appear at court proceedings; and

883 3. Other facts necessary to assist the court in its  
884 determination of the indigency of the accused and whether she or  
885 he should be released under the supervision of the service.

886 (5) PRETRIAL DETENTION.—

887 (a) As used in this subsection, "dangerous crime" means  
888 any of the following:

889 1. Arson.~~#~~

890 2. Aggravated assault.~~#~~

891 3. Aggravated battery.~~#~~

892 4. Illegal use of explosives.~~#~~

893 5. Child abuse or aggravated child abuse.~~#~~

894 6. Abuse of an elderly person or disabled adult, or  
895 aggravated abuse of an elderly person or disabled adult.~~#~~

896 7. Aircraft piracy.~~#~~

897 8. Kidnapping.~~#~~

898 9. Homicide.~~#~~

899 10. Manslaughter, including DUI manslaughter and BUI  
900 manslaughter.~~#~~

- 901 11. Sexual battery.~~;~~  
902 12. Robbery.~~;~~  
903 13. Carjacking.~~;~~  
904 14. Lewd, lascivious, or indecent assault or act upon or  
905 in presence of a child under the age of 16 years.~~;~~  
906 15. Sexual activity with a child, who is 12 years of age  
907 or older but less than 18 years of age, by or at solicitation of  
908 person in familial or custodial authority.~~;~~  
909 16. Burglary of a dwelling.~~;~~  
910 17. Stalking and aggravated stalking.~~;~~  
911 18. Act of domestic violence as defined in s. 741.28.~~;~~  
912 19. Home invasion robbery.~~;~~  
913 20. Act of terrorism as defined in s. 775.30.~~;~~  
914 21. Manufacturing any substances in violation of chapter  
915 893.~~;~~  
916 22. Attempting or conspiring to commit any such crime.~~;~~  
917 23. Human trafficking.~~;~~  
918 24. Trafficking in any controlled substance described in  
919 s. 893.135(1)(c)4.~~;~~  
920 25. Extortion in violation of s. 836.05.~~;~~ and  
921 26. Written threats to kill in violation of s. 836.10.  
922 27. Driving under the influence in violation of s.  
923 316.193(2)(b)1. or (2)(b)3.  
924 28. Felony battery.  
925 29. Battery by strangulation.

926        30. Burglary in violation of s. 810.02(2).

927        (c) Upon motion by the state attorney, the court may order  
928 pretrial detention if it finds a substantial probability, based  
929 on a defendant's past and present patterns of behavior, the  
930 criteria in s. 903.046, and any other relevant facts, that any  
931 of the following circumstances exist:

932        1. The defendant has previously violated conditions of  
933 release and that no further conditions of release are reasonably  
934 likely to assure the defendant's appearance at subsequent  
935 proceedings;

936        2. The defendant, with the intent to obstruct the judicial  
937 process, has threatened, intimidated, or injured any victim,  
938 potential witness, juror, or judicial officer, or has attempted  
939 or conspired to do so, and that no condition of release will  
940 reasonably prevent the obstruction of the judicial process;

941        3. The defendant is charged with trafficking in controlled  
942 substances as defined by s. 893.135, that there is a substantial  
943 probability that the defendant has committed the offense, and  
944 that no conditions of release will reasonably assure the  
945 defendant's appearance at subsequent criminal proceedings;

946        4. The defendant is charged with DUI manslaughter, as  
947 defined by s. 316.193, and that there is a substantial  
948 probability that the defendant committed the crime and that the  
949 defendant poses a threat of harm to the community; conditions  
950 that would support a finding by the court pursuant to this

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951 subparagraph that the defendant poses a threat of harm to the  
952 community include, but are not limited to, any of the following:

953 a. The defendant has previously been convicted of any  
954 crime under s. 316.193, or of any crime in any other state or  
955 territory of the United States that is substantially similar to  
956 any crime under s. 316.193;

957 b. The defendant was driving with a suspended driver  
958 license when the charged crime was committed; or

959 c. The defendant has previously been found guilty of, or  
960 has had adjudication of guilt withheld for, driving while the  
961 defendant's driver license was suspended or revoked in violation  
962 of s. 322.34;

963 5. The defendant poses the threat of harm to the  
964 community. The court may so conclude, if it finds that the  
965 defendant is presently charged with a dangerous crime, that  
966 there is a substantial probability that the defendant committed  
967 such crime, that the factual circumstances of the crime indicate  
968 a disregard for the safety of the community, and that there are  
969 no conditions of release reasonably sufficient to protect the  
970 community from the risk of physical harm to persons;

971 6. The defendant was on probation, parole, or other  
972 release pending completion of sentence or on pretrial release  
973 for a dangerous crime at the time the current offense was  
974 committed;

975 7. The defendant has violated one or more conditions of

976 pretrial release or bond for the offense currently before the  
977 court and the violation, in the discretion of the court,  
978 supports a finding that no conditions of release can reasonably  
979 protect the community from risk of physical harm to persons or  
980 assure the presence of the accused at trial; or

981       8.a. The defendant has ever been sentenced pursuant to s.  
982 775.082(9) or s. 775.084 as a prison releasee reoffender,  
983 habitual violent felony offender, three-time violent felony  
984 offender, or violent career criminal, or the state attorney  
985 files a notice seeking that the defendant be sentenced pursuant  
986 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
987 habitual violent felony offender, three-time violent felony  
988 offender, or violent career criminal;

989       b. There is a substantial probability that the defendant  
990 committed the offense; and

991       c. There are no conditions of release that can reasonably  
992 protect the community from risk of physical harm or ensure the  
993 presence of the accused at trial.

994       (d) If a defendant is arrested for a dangerous crime that  
995 is a capital felony, a life felony, or a felony of the first  
996 degree, and the court determines there is probable cause to  
997 believe the defendant committed the offense, the state attorney,  
998 or the court on its own motion, must move ~~shall motion~~ for  
999 pretrial detention unless the defendant is already being held.  
1000 If the court finds a substantial probability that the defendant

1001 committed the offense and, based on the defendant's past and  
1002 present patterns of behavior, consideration of the criteria in  
1003 s. 903.046, and any other relevant facts, that no conditions of  
1004 release or bail will reasonably protect the community from risk  
1005 of physical harm, ensure the presence of the defendant at trial,  
1006 or assure the integrity of the judicial process, the court must  
1007 order pretrial detention.

1008 **Section 21. Subsection (4) of section 648.45, Florida  
1009 Statutes, is amended to read:**

1010 648.45 Actions against a licensee; suspension or  
1011 revocation of eligibility to hold a license.—

1012 (4) A Any licensee found to have violated s. 648.44(1)(b),  
1013 (e), or (j) s. 648.44(1)(b), (d), or (i) shall, at a minimum, be  
1014 suspended for a period of 3 months. A greater penalty, including  
1015 revocation, must shall be imposed if there is a willful or  
1016 repeated violation of s. 648.44(1)(b), (e), or (j) s.  
1017 ~~648.44(1)(b), (d), or (i)~~, or the licensee has committed other  
1018 violations of this chapter.

1019 **Section 22. For the purpose of incorporating the amendment  
1020 made by this act to section 648.386, Florida Statutes, in  
1021 references thereto, subsections (2) and (3) of section 626.2816,  
1022 Florida Statutes, are reenacted to read:**

1023 626.2816 Regulation of continuing education for licensees,  
1024 course providers, instructors, school officials, and monitor  
1025 groups.—

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1026 (2) The department shall adopt rules establishing  
1027 standards for the approval, regulation, and operation of the  
1028 continuing education programs and for the discipline of  
1029 licensees, course providers, instructors, school officials, and  
1030 monitor groups. The standards must be designed to ensure that  
1031 such course providers, instructors, school officials, and  
1032 monitor groups have the knowledge, competence, and integrity to  
1033 fulfill the educational objectives of ss. 626.2815, 626.869,  
1034 648.385, and 648.386.

1041       Section 23. For the purpose of incorporating the amendment  
1042 made by this act to section 903.046, Florida Statutes, in a  
1043 reference thereto, paragraph (c) of subsection (1) of section  
1044 903.047, Florida Statutes, is reenacted to read:

1045 903.047 Conditions of pretrial release.-

1046 (1) As a condition of pretrial release, whether such  
1047 release is by surety bail bond or recognizance bond or in some  
1048 other form, the defendant must:

1049 (c) Comply with all conditions of pretrial release imposed  
1050 by the court. A court must consider s. 903.046(2) when

1051 determining whether to impose nonmonetary conditions in addition  
1052 to or in lieu of monetary bond. Such nonmonetary conditions may  
1053 include, but are not limited to, requiring a defendant to:

1054 1. Maintain employment, or, if unemployed, actively seek  
1055 employment.

1056 2. Maintain or commence an educational program.

1057 3. Abide by specified restrictions on personal  
1058 associations, place of residence, or travel.

1059 4. Report on a regular basis to a designated law  
1060 enforcement agency, pretrial services agency, or other agency.

1061 5. Comply with a specified curfew.

1062 6. Refrain from possessing a firearm, destructive device,  
1063 or other dangerous weapon.

1064 7. Refrain from excessive use of alcohol, or any use of a  
1065 narcotic drug or other controlled substance without a  
1066 prescription from a licensed medical practitioner.

1067 8. Undergo available medical, psychological, psychiatric,  
1068 mental health, or substance abuse evaluation and follow all  
1069 recommendations, including treatment for drug or alcohol  
1070 dependency, and remain in a specified institution, if required  
1071 for that purpose.

1072 9. Return to custody for specified hours following release  
1073 for employment, school, or other limited purposes.

1074 10. Any other condition that is reasonably necessary to  
1075 assure the appearance of the defendant at subsequent proceedings

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1076 and to protect the community against unreasonable danger of  
1077 harm.

1078 **Section 24. For the purpose of incorporating the amendment**  
1079 **made by this act to section 903.09, Florida Statutes, in a**  
1080 **reference thereto, subsection (2) of section 903.286, Florida**  
1081 **Statutes, is reenacted to read:**

1082 903.286 Return of cash bond; requirement to withhold  
1083 unpaid fines, fees, court costs; cash bond forms.—

1084 (2) All cash bond forms used in conjunction with the  
1085 requirements of s. 903.09 must prominently display a notice  
1086 explaining that all funds are subject to forfeiture and  
1087 withholding by the clerk of the court for the payment of costs  
1088 of prosecution, costs of representation as provided by ss. 27.52  
1089 and 938.29, court fees, court costs, and criminal penalties on  
1090 behalf of the criminal defendant regardless of who posted the  
1091 funds.

1092 **Section 25.** This act shall take effect July 1, 2026.