

1 A bill to be entitled
2 An act relating to bail bonds; amending s. 648.25,
3 F.S.; defining the term "virtual office"; amending s.
4 648.386, F.S.; replacing the term "classroom
5 instruction" with the term "in-person classroom
6 instruction" defining the term "in-person classroom
7 instruction"; decreasing the duration of in-person
8 classroom-instruction basic certification courses
9 required to be considered for approval and
10 certification as an approved limited surety agent and
11 professional bail bond agent prelicensing school;
12 amending s. 648.44, F.S.; prohibiting bail bond agents
13 and agencies from soliciting certain persons;
14 providing exceptions; authorizing bail bond agents and
15 agencies to accept certain fees or charges;
16 prohibiting virtual offices; amending s. 903.011,
17 F.S.; requiring, rather than authorizing, that any
18 monetary or cash component of any form of pretrial
19 release be met by specified means; amending s.
20 903.046, F.S.; revising the criteria that a court must
21 consider in making specified determinations; amending
22 s. 903.0471, F.S.; requiring that, upon a court's
23 entry of an order to revoke pretrial release and order
24 pretrial detention in certain circumstances, the clerk
25 of the court discharge any bond previously posted as a

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 receipted
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

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

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

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

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

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

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

648.25 Definitions.—As used in this chapter, the term:
(12) "Virtual office" means a professional address, mail handling, and sometimes phone answering and meeting room access, 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**

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

648.44 Prohibitions; penalty.—

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

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

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

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)(o), 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.

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

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

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

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

903.09 Justification of sureties.—

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

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

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 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~~
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

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 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 court of the county where the property is located who shall~~

record and return them.

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

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

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

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

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 at its home office a copy of the judgment, which shall include

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

(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
586 ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~
587 Any such motion or ~~and of any~~ order to stay the judgment must be
588 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of
589 the judgment to the clerk, which amount must ~~shall~~ be held in
590 escrow until such time as the court has disposed of the motion
591 to set aside the judgment. The filing of such a motion, when
592 accompanied by the required escrow deposit, acts ~~shall act~~ as an
593 automatic stay of further proceedings, including execution,
594 until the motion has been heard and a decision rendered by the
595 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

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~~
~~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

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

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

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

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

(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 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~~7~~,
874 unless the service certifies in writing to the court, before the
875 defendant is released from custody, that it has investigated or

otherwise verified:

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

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

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

(5) PRETRIAL DETENTION.—

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

1. Arson~~.~~.
2. Aggravated assault~~.~~.
3. Aggravated battery~~.~~.
4. Illegal use of explosives~~.~~.
5. Child abuse or aggravated child abuse~~.~~.
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult~~.~~.
7. Aircraft piracy~~.~~.
8. Kidnapping~~.~~.
9. Homicide~~.~~.
10. Manslaughter, including DUI manslaughter and BUI manslaughter~~.~~.

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- 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

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

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

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

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

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

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

If the court finds a substantial probability that the defendant

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

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

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

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

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

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

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

(3) The department shall adopt rules establishing a process by which compliance with the continuing education requirements of ss. 626.2815, 626.869, 648.385, and 648.386 can be determined, the establishment of a continuing education compliance period for licensees, and forms necessary to implement such a process.

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

903.047 Conditions of pretrial release.—

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

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

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

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

2. Maintain or commence an educational program.

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

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

5. Comply with a specified curfew.

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

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

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

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

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

and to protect the community against unreasonable danger of harm.

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

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

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

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