

CS/HB 1017

2026

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.; 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revising the criteria that a court must consider in making specified determinations; prohibiting a surety bond that has been revoked from being reinstated without written authorization; amending s. 903.0471, F.S.; requiring that, upon a court's entry of an order to revoke pretrial release and order pretrial detention in certain circumstances, the clerk of the court discharge any bond previously

26 posted as a condition of pretrial release without
27 further order of the court; amending s. 903.05, F.S.;
28 deleting the requirement that a surety own certain
29 real estate as a qualification for the release of a
30 person on bail; repealing s. 903.08, F.S., relating to
31 sufficiency of sureties; amending s. 903.09, F.S.;
32 requiring sureties, other than bail bond agents, to
33 justify their suretyship by attaching to the bond
34 United States currency, a United States postal money
35 order, 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

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

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 requiring that a certain pretrial release service
122 certification be made in writing before the defendant
123 is released from custody; revising the definition of
124 the term "dangerous crime"; specifying a circumstance
125 in which the state attorney or the court is not

126 required to move for pretrial detention if a defendant
127 is arrested for certain dangerous crimes; amending s.
128 648.45, F.S.; conforming cross-references; reenacting
129 s. 626.2816(2) and (3), F.S., relating to regulation
130 of continuing education for licensees, course
131 providers, instructors, school officials, and monitor
132 groups, to incorporate the amendment made to s.
133 648.386, F.S., in references thereto; reenacting s.
134 903.047(1) (c), F.S., relating to conditions of
135 pretrial release, to incorporate the amendment made to
136 s. 903.046, F.S., in a reference thereto; reenacting
137 s. 903.286(2), F.S., relating to cash bond forms, to
138 incorporate the amendment made to s. 903.09, F.S., in
139 a reference thereto; providing an effective date.
140

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

142
143 **Section 1. Subsection (12) is added to section 648.25,
144 Florida Statutes, to read:**

145 648.25 Definitions.—As used in this chapter, the term:
146 (12) "Virtual office" means an office that does not
147 provide a continuous physical office space and provides
148 professional address and mail handling services and which may,
149 upon request, provide communications and telephone services or a
150 dedicated 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) DEFINITIONS ~~DEFINITION OF "CLASSROOM INSTRUCTION".~~—As
156 used in this section, the terms: term

157 (a) "Classroom instruction" means a course designed to be
158 presented to a group of students by a live instructor using
159 lecture, video, webcast, or virtual or other audio-video
160 presentation.

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

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

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

174 2. Offer a department-approved correspondence course
175 pursuant to department rules.

176 Section 3. Paragraphs (d) through (p) of subsection (1) of
177 section 648.44, Florida Statutes, are redesignated as paragraphs
178 (e) through (q), respectively, present paragraph (j) of
179 subsection (1) and subsections (4) and (9) are amended, and a
180 new paragraph (d) is added to subsection (1) of that section, to
181 read:

182 648.44 Prohibitions; penalty.—

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

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

200 (k)-(j) Accept anything of value from a principal for

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201 providing a bail bond aside from ~~except~~ the premium, a credit
202 card merchant processing fee, a mobile payment services fee or
203 similar charge which must be separate from and not considered
204 premium, and a transfer fee authorized by the office, except
205 that the bail bond agent or bail bond agency may accept
206 collateral security or other indemnity from the principal or
207 another person in accordance with s. 648.442, together with
208 documentary stamp taxes, if applicable. No fees, expenses, or
209 charges of any kind shall be permitted to be deducted from the
210 collateral held or any return premium due, except as authorized
211 by this chapter or rule of the department or commission. Upon
212 written agreement with another party, a bail bond agent or bail
213 ~~bond agency may, upon written agreement with another party,~~
214 receive a fee or compensation for returning to custody an
215 individual who has fled the jurisdiction of the court or caused
216 the forfeiture of a bond.

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

221 (9) (a) A ~~Any~~ person who violates paragraph (1) (f),
222 paragraph (1) (g), paragraph (1) (h), paragraph (1) (k), paragraph
223 (1) (o), any provisions of paragraph (1) (e), paragraph (1) (f),
224 paragraph (1) (g), paragraph (1) (j), or paragraph (1) (n), or
225 subsection (2) commits a felony of the third degree, punishable

226 as provided in s. 775.082, s. 775.083, or s. 775.084.

227 (b) A Any person who violates ~~the provisions of~~ paragraph
228 (1) (a), paragraph (1) (b), paragraph (1) (c), paragraph (1) (i),
229 paragraph (1) (l), paragraph (1) (n), paragraph (1) (p), paragraph
230 (1) (q), paragraph (1) (h), paragraph (1) (k), paragraph (1) (m),
231 ~~paragraph (1) (e),~~ paragraph (1) (p), subsection (3), subsection
232 (4), or subsection (5) commits a misdemeanor of the first
233 degree, punishable as provided in s. 775.082 or s. 775.083.

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

236 903.011 Pretrial release; general terms; statewide uniform
237 bond schedule.—

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

242 **Section 5. Paragraph (d) of subsection (2) of section
243 903.046, Florida Statutes, is amended to read:**

244 903.046 Purpose of and criteria for bail determination.—

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

248 (d) The defendant's past and present conduct, including
249 any record of convictions, previous flight to avoid prosecution,
250 or failure to appear at court proceedings. However, any

251 defendant who ~~had~~ failed to appear on the day of any required
252 court proceeding in the case at issue, but who ~~had~~ later
253 voluntarily appeared or surrendered, ~~is not shall not be~~
254 eligible for a recognizance bond; and any defendant who failed
255 to appear on the day of any required court proceeding ~~in the~~
256 ~~case at issue~~ and who was later arrested ~~is not shall not be~~
257 eligible for a recognizance bond or for any form of bond which
258 does not require the greater of a monetary undertaking ~~or~~
259 ~~commitment~~ equal to or greater than \$2,000 or twice the value of
260 the monetary ~~commitment or~~ undertaking of the original bond,
261 ~~whichever is greater~~. Notwithstanding anything in this section,
262 the court has discretion in determining conditions of release if
263 the defendant proves circumstances beyond his or her control for
264 the failure to appear. A surety bond that has been revoked may
265 not be reinstated without the written authorization from the
266 bail bond agent, bail bond agency, or surety. This section may
267 not be construed as imposing additional duties or obligations on
268 a governmental entity related to monetary bonds.

269 **Section 6. Section 903.0471, Florida Statutes, is amended**
270 **to read:**

271 903.0471 Violation of condition of pretrial release.—
272 Notwithstanding s. 907.041, a court may, on its own motion,
273 revoke pretrial release and order pretrial detention if the
274 court finds probable cause to believe that the defendant
275 committed a new crime while on pretrial release or violated any

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276 other condition of pretrial release in a material respect. Upon
277 entry of such an order to revoke pretrial release and order
278 pretrial detention, other than for a failure to appear, the
279 clerk of the court must discharge any bond previously posted as
280 a condition of pretrial release without further order of the
281 court.

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

284 903.05 Qualification of sureties.—A surety for the release
285 of a person on bail, other than a company authorized by law to
286 act as a surety, shall be a resident of the state ~~or own real~~
287 ~~estate within the state.~~

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

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

291 903.09 Justification of sureties.—

292 (1) A surety, other than a bail bond agent as defined in
293 s. 648.25, shall justify his or her suretyship by attaching to
294 the bond United States currency, a United States postal money
295 order, or a cashier's check in the amount of the bond; however,
296 the United States currency, United States postal money order, or
297 cashier's check may not be used to secure more than one bond
298 execute an affidavit stating that she or he possesses the
299 qualifications and net worth required to become a surety. The
300 affidavit shall describe the surety's property and any

301 encumbrances and shall state the number and amount of any bonds
302 entered into by the surety at any court that remain
303 undischarged.

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

306 903.101 Sureties; licensed persons; to have equal access.—
307 Subject to rules adopted by the Department of Financial Services
308 and by the Financial Services Commission, every surety who meets
309 the requirements of s. 903.09 ss. 903.05, 903.06, 903.08, and
310 903.09, and every person who is currently licensed by the
311 Department of Financial Services and registered as required by
312 s. 648.42 must shall have equal access to the jails of this
313 state for the purpose of making bonds.

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

316 903.16 Deposit of money or bonds as bail.—

317 (1) A defendant who has been admitted to bail, or another
318 person in the defendant's behalf, may deposit with the official
319 authorized to take bail money an amount equal to the bail amount
320 set in the court order. Such deposit must be received in the
321 name of the defendant or nonregistered bonds of the United
322 States, the state, or a city, town, or county in the state,
323 equal in market value to the amount set in the order and the
324 personal bond of the defendant and an undertaking by the
325 depositor if the money or bonds are deposited by another. The

326 sheriff or other officials shall ~~may~~ remit money or bonds
327 received to the clerk to be held by the clerk pending court
328 action ~~or return to the defendant or depositor~~. The clerk shall
329 accept money or bonds remitted by the sheriff.

330 ~~(2) Consent is conclusively presumed for the clerk of the~~
331 ~~circuit court to sell bonds deposited as bail after forfeiture~~
332 ~~of the bond.~~

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

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

336 903.21 Method of surrender; exoneration of obligors.—

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

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

347 1. "Costs and expenses" means the prorated salary of any
348 law enforcement officer or employee of a contracted
349 transportation company as well as the actual expenses of
350 transporting each defendant, which may only consist of mileage,

351 ~~vehicle expenses~~, meals, and, if necessary, overnight lodging
352 for any law enforcement officer or employee of a contracted
353 transportation company and the defendant.

354 2. "Jurisdiction" means the county from which the
355 defendant was released on bail.

356 **Section 14. Section 903.26, Florida Statutes, is amended**
357 **to read:**

358 903.26 Forfeiture of the bond; when and how directed;
359 discharge; how and when made; effect of payment.—

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

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

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

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

376 (2) (a) If there is a failure of the defendant to appear as
377 required, the court ~~must~~ shall declare the bond and any bonds or
378 money deposited as bail forfeited. The clerk of the court shall
379 mail or electronically transmit a notice to the surety agent,
380 bail bond agency, and surety company within 5 days after the
381 forfeiture. A certificate signed by the clerk of the court or
382 the clerk's designee ~~which certifies, certifying~~ that the notice
383 required under this section ~~herein~~ was mailed or electronically
384 transmitted on a specified date and which is accompanied by a
385 copy of the required notice ~~constitutes, shall constitute~~
386 sufficient proof that such mailing or electronic transmission
387 was properly accomplished as required in this paragraph
388 ~~indicated therein~~. If such mailing or electronic transmission
389 was properly accomplished as evidenced by such certificate, the
390 failure of the surety agent, a bail bond agency, or a company,
391 or ~~or~~ a defendant to receive such notice does shall not
392 constitute a defense to such forfeiture and may shall not be
393 grounds for discharge, remission, reduction, set aside, or
394 continuance of such forfeiture. The forfeiture must shall be
395 paid within 60 days after the date the notice was mailed or
396 electronically transmitted.

397 (b) ~~If Failure of~~ the defendant fails to appear at the
398 time, date, and place of required appearance, ~~shall result in~~
399 ~~forfeiture of~~ the bond is forfeited. Such forfeiture must shall
400 be automatically entered by the clerk upon such failure to

401 appear, and the clerk shall follow the procedures in paragraph
402 (a). However, the court may determine, in its discretion and, in
403 the interest of justice, that an appearance by the defendant on
404 the ~~same day as required day~~ does not warrant forfeiture of the
405 bond, and ~~the court~~ may direct the clerk to set aside any such
406 forfeiture ~~which may have been entered~~. Any appearance by the
407 defendant later than the required day constitutes forfeiture of
408 the bond, and the court may ~~shall~~ not preclude entry of such
409 forfeiture by the clerk.

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

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

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

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

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

424 ~~(4) (a) When a bond is forfeited, the clerk shall transmit~~
425 ~~the bond and any affidavits to the clerk of the circuit court in~~

426 which the bond and affidavits are filed. The clerk of the
427 circuit court shall record the forfeiture in the deed or
428 official records book. If the undertakings and affidavits
429 describe real property in another county, the clerk shall
430 transmit the bond and affidavits to the clerk of the circuit
431 court of the county where the property is located who shall
432 record and return them.

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

442 (4)-(5) The court shall discharge a forfeiture within 60
443 days after the forfeiture notice was mailed or electronically
444 transmitted upon any of the following:

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

451 ground for such a determination.~~;~~

452 (b) A determination that, at the time of the required
453 appearance ~~or within 60 days after the date of the required~~
454 ~~appearance~~, the defendant was confined in an institution or
455 hospital; was confined in any county, state, federal, or
456 immigration detention facility; was deported; or is deceased.~~;~~

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

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

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

476 returned to the jurisdiction of the court.

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

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

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

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

501 specified under s. 903.28.

502 (10) Unless the time for payment or discharge of the
503 forfeiture set forth in s. 903.27(1) has passed, or unless
504 payment of the forfeiture has already been made, the clerk does
505 not have standing to object to a motion to set aside a
506 forfeiture under paragraph (2) (b), a motion to discharge a
507 forfeiture under subsection (4), or a motion to reinstate a bond
508 under s. 903.31(2).

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

511 903.27 Forfeiture to judgment.—

512 (1) If the forfeiture is not paid or discharged by order
513 of a court of competent jurisdiction within 60 days after the
514 forfeiture notice has been mailed or electronically transmitted
515 and the bond is secured other than by money and bonds authorized
516 in s. 903.16, the clerk of the circuit court for the county
517 where the order was made must shall enter a judgment against the
518 surety for the amount of the penalty and issue execution.
519 However, in any case in which the bond forfeiture has been
520 discharged by the court of competent jurisdiction conditioned
521 upon the payment by the surety of certain costs or fees as
522 allowed by statute, the amount for which judgment may be entered
523 may not exceed the amount of the unpaid fees or costs upon which
524 the discharge had been conditioned. Judgment for the full amount
525 of the forfeiture may shall not be entered if payment of a

526 lesser amount will satisfy the conditions to discharge the
527 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
528 Department of Financial Services and the Office of Insurance
529 Regulation of the Financial Services Commission with a certified
530 copy of the judgment docket and shall furnish the surety company
531 at its home office a copy of the judgment, which shall include
532 the power of attorney number of the bond and the name of the
533 executing agent. If the judgment is not paid within 35 days, the
534 clerk must ~~shall~~ furnish the Department of Financial Services,
535 the Office of Insurance Regulation, and the sheriff of the
536 county in which the bond was executed, or the official
537 responsible for operation of the county jail, if that official
538 is not other than the sheriff, two copies of the judgment and a
539 certificate stating that the judgment remains unsatisfied. When
540 ~~and if~~ the judgment is properly paid or an order to vacate the
541 judgment has been entered by a court of competent jurisdiction,
542 the clerk shall immediately notify the sheriff, or other such
543 ~~the~~ official responsible for the operation of the county jail,
544 ~~if other than the sheriff, and, if they have been previously~~
545 notified of nonpayment, the Department of Financial Services and
546 the Office of Insurance Regulation, ~~if the department and office~~
547 ~~had been previously notified of nonpayment,~~ of such payment or
548 order to vacate the judgment. The clerk may furnish documents or
549 give notice as required in this subsection by mail or electronic
550 means. The clerk shall also immediately prepare and record in

551 the public records a satisfaction of the judgment or record the
552 order to vacate judgment. If the defendant is returned to the
553 county of jurisdiction of the court, whenever a motion to set
554 aside the judgment is filed, the operation of this section is
555 tolled until the court makes a disposition of the motion.

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

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

576 bail bond agent or bail bond agency or executed for such a
577 company until such judgment has been paid.

578 (4) After notice of judgment against the surety given by
579 the clerk of the circuit court, the surety, a bail bond agency,
580 or a bail bond agent shall, within 35 days after ~~of~~ the entry of
581 judgment, submit to the clerk of the circuit court an amount
582 equal to the judgment, unless the judgment has been set aside by
583 the court within 35 days after ~~of~~ the entry of the judgment. If
584 a motion to set aside the judgment has been filed pursuant to
585 subsection (5), the amount submitted must ~~shall~~ be held in
586 escrow until such time as the court has disposed of the motion.
587 The failure to comply with ~~the provisions of~~ this subsection
588 constitutes a failure to pay the judgment.

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

601 court.

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

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

609 903.28 Remission of forfeiture; conditions.—

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

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

626 shall direct remission in accordance with the following:

627 (a) One-hundred percent of the forfeiture if the defendant
628 surrenders or is apprehended within 90 days after the 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 90 days
632 after forfeiture.

633 (b) Ninety-five percent of the forfeiture if the defendant
634 surrenders or is apprehended within 180 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 180 days
638 after forfeiture.

639 (c) Ninety percent of the forfeiture if the defendant
640 surrenders or is apprehended within 270 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 270 days
644 after forfeiture.

645 (d) Eighty-five percent of the forfeiture if the defendant
646 surrenders or is apprehended within 360 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 360 days
650 after forfeiture.

651 (e) Eighty percent of the forfeiture if the defendant
652 surrenders or is apprehended within 450 days after forfeiture
653 and the delay has not thwarted proper prosecution of the
654 defendant or if the defendant is deceased or the state is
655 unwilling to seek extradition of the defendant within 450 days
656 after forfeiture.

657 (f) Seventy-five percent of the forfeiture if the
658 defendant surrenders or is apprehended within 540 days after
659 forfeiture and the delay has not thwarted proper prosecution of
660 the defendant or if the defendant is deceased or the state is
661 unwilling to seek extradition of the defendant within 540 days
662 after forfeiture.

663 (g) Seventy percent of the forfeiture if the defendant
664 surrenders or is apprehended within 630 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 630 days
668 after forfeiture.

669 (h) Sixty-five percent of the forfeiture if the defendant
670 surrenders or is apprehended within 720 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 720 days
674 after forfeiture.

675 (i) Sixty percent of the forfeiture if the defendant

676 surrenders or is apprehended within 810 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 810 days
680 after forfeiture.

681 (j) Fifty-five percent of the forfeiture if the defendant
682 surrenders or is apprehended within 900 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 900 days
686 after forfeiture.

687 (k) Fifty percent of the forfeiture if the defendant
688 surrenders or is apprehended within 990 days 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 990 days
692 after forfeiture.

693 (l) Forty-five percent of the forfeiture if the defendant
694 surrenders or is apprehended within 36 months after forfeiture
695 and the delay has not thwarted proper prosecution of the
696 defendant or if the defendant is deceased or the state is
697 unwilling to seek extradition of the defendant within 36 months
698 after forfeiture of up to, but not more than, 100 percent of a
699 forfeiture if the surety apprehended and surrendered the
700 defendant or if the apprehension or surrender of the defendant

701 was substantially procured or caused by the surety, or the
702 surety has substantially attempted to procure or cause the
703 apprehension or surrender of the defendant, and the delay has
704 not thwarted the proper prosecution of the defendant. In
705 addition, remission shall be granted when the surety did not
706 substantially participate or attempt to participate in the
707 apprehension or surrender of the defendant when the costs of
708 returning the defendant to the jurisdiction of the court have
709 been deducted from the remission and when the delay has not
710 thwarted the proper prosecution of the defendant.

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

726 been deducted from the remission and when the delay has not
727 thwarted the proper prosecution of the defendant.

728 (4) If the defendant surrenders or is apprehended within
729 270 days after forfeiture, the court, on motion at a hearing
730 upon notice having been given to the clerk of the circuit court
731 and the state attorney as required in subsection (8), shall
732 direct remission of up to, but not more than, 90 percent of a
733 forfeiture if the surety apprehended and surrendered the
734 defendant or if the apprehension or surrender of the defendant
735 was substantially procured or caused by the surety, or the
736 surety has substantially attempted to procure or cause the
737 apprehension or surrender of the defendant, and the delay has
738 not thwarted the proper prosecution of the defendant. In
739 addition, remission shall be granted when the surety did not
740 substantially participate or attempt to participate in the
741 apprehension or surrender of the defendant when the costs of
742 returning the defendant to the jurisdiction of the court have
743 been deducted from the remission and when the delay has not
744 thwarted the proper prosecution of the defendant.

745 (5) If the defendant surrenders or is apprehended within 1
746 year after forfeiture, the court, on motion at a hearing upon
747 notice having been given to the clerk of the circuit court and
748 the state attorney as required in subsection (8), shall direct
749 remission of up to, but not more than, 85 percent of a
750 forfeiture if the surety apprehended and surrendered the

751 defendant or if the apprehension or surrender of the defendant
752 was substantially procured or caused by the surety, or the
753 surety has substantially attempted to procure or cause the
754 apprehension or surrender of the defendant, and the delay has
755 not thwarted the proper prosecution of the defendant. In
756 addition, remission shall be granted when the surety did not
757 substantially participate or attempt to participate in the
758 apprehension or surrender of the defendant when the costs of
759 returning the defendant to the jurisdiction of the court have
760 been deducted from the remission and when the delay has not
761 thwarted the proper prosecution of the defendant.

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

776 ~~returning the defendant to the jurisdiction of the court have~~
777 ~~been deducted from the remission and when the delay has not~~
778 ~~thwarted the proper prosecution of the defendant.~~

779 (3)~~(7)~~ The remission of a forfeiture may not be ordered
780 for any reason other than as specified in this section herein.

781 (4)~~(8)~~ An application for remission must be accompanied by
782 affidavits setting forth the facts on which it is founded;
783 however, the surety must establish by further documentation or
784 other evidence any claimed attempt at procuring or causing the
785 apprehension or surrender of the defendant before the court may
786 order remission based upon an attempt to procure or cause such
787 apprehension or surrender. The clerk of the circuit court and
788 the state attorney must be given 10 20 days' notice before a
789 hearing on an application and be furnished copies of all papers,
790 applications, and affidavits. Remission must shall be granted on
791 the condition of payment of costs, as provided in s.

792 903.21(3)(a), unless the ground for remission is that there was
793 no breach of the bond.

794 (5)~~(9)~~ The clerk of the circuit court may enter into a
795 contract with a private attorney or into an interagency
796 agreement with a governmental agency to represent the clerk of
797 the court in an action for the remission of a forfeiture under
798 this section.

799 (6)~~(10)~~ The clerk of the circuit court is the real party
800 in interest for all appeals arising from an action for the

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801 remission of a forfeiture under this section.

802 (7) The clerk of the circuit court shall issue a remission
803 within 10 days after entry of a court order directing remission,
804 and a remission untimely issued accrues interest at the rate of
805 1.5 percent per month.

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

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

814 903.29 Arrest of principal by surety after forfeiture.—
815 Within 3 ½ years from the date of forfeiture of a bond, the
816 surety may arrest the principal for the purpose of surrendering
817 the principal to the official in whose custody she or he was at
818 the time bail was taken or in whose custody the principal would
819 have been placed had she or he been committed.

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

822 903.31 Canceling the bond.—

823 (1) Within 10 business days after the conditions of a bond
824 have been satisfied or the forfeiture discharged or remitted,
825 the court must ~~shall~~ order the bond canceled and, if the surety

826 has attached a certificate of cancellation to the original bond,
827 the clerk of the court must ~~shall~~ mail or electronically furnish
828 an executed certificate of cancellation to the surety without
829 cost. The clerk of the court shall discharge the bond upon an
830 adjudication of guilt or innocence or an acquittal, or if a
831 period of 36 months has passed since the original bond was
832 posted.~~, or~~ A withholding of an adjudication of guilt, a finding
833 of guilt by a jury, or a no action by the state satisfies ~~shall~~
834 ~~satisfy~~ the conditions of the bond. If the bond has been revoked
835 by the court, other than for a failure to appear, the clerk of
836 the court must discharge or cancel the bond. The original
837 appearance bond expires ~~shall expire~~ 36 months after such bond
838 has been posted for the release of the defendant from custody,
839 at which time the clerk of the court must discharge the bond.
840 This subsection does not apply to cases in which a bond has been
841 declared forfeited before the 36-month expiration, unless the
842 forfeiture was set aside or discharged. As used in this
843 subsection, the term "revoked" means that an act, a statement, a
844 document, or a promise has been annulled or canceled.

845 (2) The original appearance bond does not guarantee a
846 deferred sentence; a sentencing deferral; a delayed sentencing;
847 an appearance after entering a plea agreement; an appearance
848 during or after a presentence investigation; an appearance
849 during or after appeals; conduct during or appearance after
850 admission to a pretrial intervention program; placement in a

851 court-ordered program, including a residential mental health
852 facility; payment of fines; or attendance at educational or
853 rehabilitation facilities the court otherwise provides in the
854 judgment. If the original appearance bond has been forfeited or
855 revoked, it may ~~the bond shall~~ not be reinstated without
856 approval from the surety on the original bond.

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

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

862 907.041 Pretrial detention and release.—

863 (3) RELEASE ON NONMONETARY CONDITIONS.—

864 (b) A ~~No~~ person may not ~~shall~~ be released on nonmonetary
865 conditions under the supervision of a pretrial release service,
866 unless the service certifies in writing to the court, before the
867 defendant is released from custody, that it has investigated or
868 otherwise verified:

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

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

875 3. Other facts necessary to assist the court in its

876 determination of the indigency of the accused and whether she or
877 he should be released under the supervision of the service.

878 (5) PRETRIAL DETENTION.—

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

881 1. Arson.~~†~~

882 2. Aggravated assault.~~†~~

883 3. Aggravated battery.~~†~~

884 4. Illegal use of explosives.~~†~~

885 5. Child abuse or aggravated child abuse.~~†~~

886 6. Abuse of an elderly person or disabled adult, or
887 aggravated abuse of an elderly person or disabled adult.~~†~~

888 7. Aircraft piracy.~~†~~

889 8. Kidnapping.~~†~~

890 9. Homicide.~~†~~

891 10. Manslaughter, including DUI manslaughter and BUI
892 manslaughter.~~†~~

893 11. Sexual battery.~~†~~

894 12. Robbery.~~†~~

895 13. Carjacking.~~†~~

896 14. Lewd, lascivious, or indecent assault or act upon or
897 in presence of a child under the age of 16 years.~~†~~

898 15. Sexual activity with a child, who is 12 years of age
899 or older but less than 18 years of age, by or at solicitation of
900 person in familial or custodial authority.~~†~~

901 16. Burglary of a dwelling.~~✓~~

902 17. Stalking and aggravated stalking.~~✓~~

903 18. Act of domestic violence as defined in s. 741.28.~~✓~~

904 19. Home invasion robbery.~~✓~~

905 20. Act of terrorism as defined in s. 775.30.~~✓~~

906 21. Manufacturing any substances in violation of chapter

907 893.~~✓~~

908 22. Attempting or conspiring to commit any such crime.~~✓~~

909 23. Human trafficking.~~✓~~

910 24. Trafficking in any controlled substance described in

911 s. 893.135(1)(c)4.~~✓~~

912 25. Extortion in violation of s. 836.05.~~✓~~ and

913 26. Written threats to kill in violation of s. 836.10.~~✓~~

914 27. Driving under the influence in violation of s.

915 316.193(2)(b)1. or (2)(b)3.

916 28. Felony battery.

917 29. Battery by strangulation.

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

919 (c) Upon motion by the state attorney, the court may order

920 pretrial detention if it finds a substantial probability, based

921 on a defendant's past and present patterns of behavior, the

922 criteria in s. 903.046, and any other relevant facts, that any

923 of the following circumstances exist:

924 1. The defendant has previously violated conditions of

925 release and that no further conditions of release are reasonably

926 likely to assure the defendant's appearance at subsequent
927 proceedings;

928 2. The defendant, with the intent to obstruct the judicial
929 process, has threatened, intimidated, or injured any victim,
930 potential witness, juror, or judicial officer, or has attempted
931 or conspired to do so, and that no condition of release will
932 reasonably prevent the obstruction of the judicial process;

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

938 4. The defendant is charged with DUI manslaughter, as
939 defined by s. 316.193, and that there is a substantial
940 probability that the defendant committed the crime and that the
941 defendant poses a threat of harm to the community; conditions
942 that would support a finding by the court pursuant to this
943 subparagraph that the defendant poses a threat of harm to the
944 community include, but are not limited to, any of the following:

945 a. The defendant has previously been convicted of any
946 crime under s. 316.193, or of any crime in any other state or
947 territory of the United States that is substantially similar to
948 any crime under s. 316.193;

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

951 c. The defendant has previously been found guilty of, or
952 has had adjudication of guilt withheld for, driving while the
953 defendant's driver license was suspended or revoked in violation
954 of s. 322.34;

955 5. The defendant poses the threat of harm to the
956 community. The court may so conclude, if it finds that the
957 defendant is presently charged with a dangerous crime, that
958 there is a substantial probability that the defendant committed
959 such crime, that the factual circumstances of the crime indicate
960 a disregard for the safety of the community, and that there are
961 no conditions of release reasonably sufficient to protect the
962 community from the risk of physical harm to persons;

963 6. The defendant was on probation, parole, or other
964 release pending completion of sentence or on pretrial release
965 for a dangerous crime at the time the current offense was
966 committed;

967 7. The defendant has violated one or more conditions of
968 pretrial release or bond for the offense currently before the
969 court and the violation, in the discretion of the court,
970 supports a finding that no conditions of release can reasonably
971 protect the community from risk of physical harm to persons or
972 assure the presence of the accused at trial; or

973 8.a. The defendant has ever been sentenced pursuant to s.
974 775.082(9) or s. 775.084 as a prison releasee reoffender,
975 habitual violent felony offender, three-time violent felony

976 offender, or violent career criminal, or the state attorney
977 files a notice seeking that the defendant be sentenced pursuant
978 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
979 habitual violent felony offender, three-time violent felony
980 offender, or violent career criminal;

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

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

986 (d) If a defendant is arrested for a dangerous crime that
987 is a capital felony, a life felony, or a felony of the first
988 degree, and the court determines there is probable cause to
989 believe the defendant committed the offense, the state attorney,
990 or the court on its own motion, must move shall motion for
991 pretrial detention unless the defendant is already being held.
992 If the court finds a substantial probability that the defendant
993 committed the offense and, based on the defendant's past and
994 present patterns of behavior, consideration of the criteria in
995 s. 903.046, and any other relevant facts, that no conditions of
996 release or bail will reasonably protect the community from risk
997 of physical harm, ensure the presence of the defendant at trial,
998 or assure the integrity of the judicial process, the court must
999 order pretrial detention.

1000 **Section 21. Subsection (4) of section 648.45, Florida**

1001 **Statutes, is amended to read:**

1002 648.45 Actions against a licensee; suspension or
1003 revocation of eligibility to hold a license.—

1004 (4) A ~~Any~~ licensee found to have violated s. 648.44(1)(b),
1005 (e), or (j) ~~s. 648.44(1)(b), (d), or (i)~~ shall, at a minimum, be
1006 suspended for a period of 3 months. A greater penalty, including
1007 revocation, must shall be imposed if there is a willful or
1008 repeated violation of s. 648.44(1)(b), (e), or (j) ~~s.~~
1009 ~~648.44(1)(b), (d), or (i)~~, or the licensee has committed other
1010 violations of this chapter.

1011 **Section 22. For the purpose of incorporating the amendment
1012 made by this act to section 648.386, Florida Statutes, in
1013 references thereto, subsections (2) and (3) of section 626.2816,
1014 Florida Statutes, are reenacted to read:**

1015 626.2816 Regulation of continuing education for licensees,
1016 course providers, instructors, school officials, and monitor
1017 groups.—

1018 (2) The department shall adopt rules establishing
1019 standards for the approval, regulation, and operation of the
1020 continuing education programs and for the discipline of
1021 licensees, course providers, instructors, school officials, and
1022 monitor groups. The standards must be designed to ensure that
1023 such course providers, instructors, school officials, and
1024 monitor groups have the knowledge, competence, and integrity to
1025 fulfill the educational objectives of ss. 626.2815, 626.869,

1026 648.385, and 648.386.

1027 (3) The department shall adopt rules establishing a
1028 process by which compliance with the continuing education
1029 requirements of ss. 626.2815, 626.869, 648.385, and 648.386 can
1030 be determined, the establishment of a continuing education
1031 compliance period for licensees, and forms necessary to
1032 implement such a process.

1033 **Section 23. For the purpose of incorporating the amendment
1034 made by this act to section 903.046, Florida Statutes, in a
1035 reference thereto, paragraph (c) of subsection (1) of section
1036 903.047, Florida Statutes, is reenacted to read:**

1037 903.047 Conditions of pretrial release.—

1038 (1) As a condition of pretrial release, whether such
1039 release is by surety bail bond or recognizance bond or in some
1040 other form, the defendant must:

1041 (c) Comply with all conditions of pretrial release imposed
1042 by the court. A court must consider s. 903.046(2) when
1043 determining whether to impose nonmonetary conditions in addition
1044 to or in lieu of monetary bond. Such nonmonetary conditions may
1045 include, but are not limited to, requiring a defendant to:

1046 1. Maintain employment, or, if unemployed, actively seek
1047 employment.

1048 2. Maintain or commence an educational program.

1049 3. Abide by specified restrictions on personal
1050 associations, place of residence, or travel.

1051 4. Report on a regular basis to a designated law
1052 enforcement agency, pretrial services agency, or other agency.
1053 5. Comply with a specified curfew.
1054 6. Refrain from possessing a firearm, destructive device,
1055 or other dangerous weapon.
1056 7. Refrain from excessive use of alcohol, or any use of a
1057 narcotic drug or other controlled substance without a
1058 prescription from a licensed medical practitioner.
1059 8. Undergo available medical, psychological, psychiatric,
1060 mental health, or substance abuse evaluation and follow all
1061 recommendations, including treatment for drug or alcohol
1062 dependency, and remain in a specified institution, if required
1063 for that purpose.
1064 9. Return to custody for specified hours following release
1065 for employment, school, or other limited purposes.
1066 10. Any other condition that is reasonably necessary to
1067 assure the appearance of the defendant at subsequent proceedings
1068 and to protect the community against unreasonable danger of
1069 harm.

1070 **Section 24. For the purpose of incorporating the amendment
1071 made by this act to section 903.09, Florida Statutes, in a
1072 reference thereto, subsection (2) of section 903.286, Florida
1073 Statutes, is reenacted to read:**

1074 903.286 Return of cash bond; requirement to withhold
1075 unpaid fines, fees, court costs; cash bond forms.—

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1076 (2) All cash bond forms used in conjunction with the
1077 requirements of s. 903.09 must prominently display a notice
1078 explaining that all funds are subject to forfeiture and
1079 withholding by the clerk of the court for the payment of costs
1080 of prosecution, costs of representation as provided by ss. 27.52
1081 and 938.29, court fees, court costs, and criminal penalties on
1082 behalf of the criminal defendant regardless of who posted the
1083 funds.

1084 **Section 25.** This act shall take effect July 1, 2026.