

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.; defining the term "in-person classroom  
5     instruction"; decreasing the duration of in-person  
6     classroom-instruction basic certification courses  
7     required to be considered for approval and  
8     certification as an approved limited surety agent and  
9     professional bail bond agent prelicensing school;  
10    amending s. 648.44, F.S.; prohibiting bail bond agents  
11    and agencies from soliciting certain persons;  
12    providing exceptions; authorizing bail bond agents and  
13    agencies to accept certain fees or charges;  
14    prohibiting virtual offices; amending s. 903.011,  
15    F.S.; requiring, rather than authorizing, that any  
16    monetary or cash component of any form of pretrial  
17    release be met by specified means; amending s.  
18    903.046, F.S.; revising the criteria that a court must  
19    consider in making specified determinations;  
20    prohibiting a surety bond that has been revoked from  
21    being reinstated without written authorization;  
22    amending s. 903.0471, F.S.; requiring that, upon a  
23    court's entry of an order to revoke pretrial release  
24    and order pretrial detention in certain circumstances,  
25    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 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.; 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 an office that does not provide a continuous physical office space and provides professional address and mail handling services and which may, upon request, provide communications and telephone services or a dedicated office space.

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



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

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

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

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

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

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

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

903.046 Purpose of and criteria for bail determination.—

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

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

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

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

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

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

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 receipted 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~~

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 of the bond.~~

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

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

903.21 Method of surrender; exoneration of obligors.—

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

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

1. "Costs and expenses" means the prorated salary of any law enforcement officer or employee of a contracted transportation company as well as the actual expenses of 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, ~~of~~ a company,  
391 or ~~of~~ 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~~  
459 ~~required 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

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

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

surrenders or is apprehended within 810 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 810 days  
after forfeiture.

(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~~

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



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

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

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.†
11. Sexual battery.†
12. Robbery.†
13. Carjacking.†
14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years.†
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority.†

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16. Burglary of a dwelling.~~+~~
  17. Stalking and aggravated stalking.~~+~~
  18. Act of domestic violence as defined in s. 741.28.~~+~~
  19. Home invasion robbery.~~+~~
  20. Act of terrorism as defined in s. 775.30.~~+~~
  21. Manufacturing any substances in violation of chapter 893.~~+~~
  22. Attempting or conspiring to commit any such crime.~~+~~
  23. Human trafficking.~~+~~
  24. Trafficking in any controlled substance described in s. 893.135(1)(c)4.~~+~~
  25. Extortion in violation of s. 836.05.~~+~~ and
  26. Written threats to kill in violation of s. 836.10.
  27. Driving under the influence in violation of s. 316.193(2)(b)1. or (2)(b)3.
  28. Felony battery.
  29. Battery by strangulation.
  30. Burglary in violation of s. 810.02(2).
- (c) Upon motion by the state attorney, the court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:
1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably

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

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

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

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

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

b. The defendant was driving with a suspended driver 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

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**



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**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.—

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(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.