

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.; authorizing bail bond agents
11 and agencies to accept certain fees or charges;
12 prohibiting virtual offices; amending s. 903.011,
13 F.S.; requiring, rather than authorizing, that any
14 monetary or cash component of any form of pretrial
15 release be met by specified means; amending s.
16 903.046, F.S.; revising the criteria that a court must
17 consider in making specified determinations;
18 prohibiting a surety bond that has been revoked from
19 being reinstated without written authorization;
20 amending s. 903.0471, F.S.; requiring that, upon a
21 court's entry of an order to revoke pretrial release
22 and order pretrial detention in certain circumstances,
23 the clerk of the court discharge any bond previously
24 posted as a condition of pretrial release without
25 further order of the court; amending s. 903.05, F.S.;

26 deleting the requirement that a surety own certain
27 real estate as a qualification for the release of a
28 person on bail; repealing s. 903.08, F.S., relating to
29 sufficiency of sureties; amending s. 903.09, F.S.;
30 requiring sureties, other than bail bond agents, to
31 justify their suretyship by attaching to the bond
32 United States currency, a United States postal money
33 order, or a cashier's check in the amount of the bond;
34 providing that such currency, money order, or
35 cashier's check may not be used to secure more than
36 one bond; deleting the requirement that a surety
37 execute an affidavit providing certain information;
38 amending s. 903.101, F.S.; revising the requirements
39 that sureties must meet to have equal access to jails
40 for making bonds; amending s. 903.16, F.S.;

41 authorizing a defendant who has been admitted to bail,
42 or another person on the defendant's behalf, to
43 deposit with the official authorized to take bail
44 money an amount equal to the bail amount set in the
45 court order; requiring, rather than authorizing, the
46 sheriff or other officials to remit to the clerk money
47 or bonds received which are to be held by the clerk
48 pending court action; requiring that a deposit of bail
49 money be receipted in the name of the person making
50 such a deposit unless the depositor is a charitable

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

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

101 notice before a certain hearing and be furnished with
102 copies of certain documents; requiring the clerk of
103 the circuit court to issue a remission in a specified
104 manner; providing for accrual of interest if remission
105 is not issued within such timeframe; providing that
106 the court may order remission of the forfeiture in
107 certain circumstances; amending s. 903.29, F.S.;
108 increasing the length of time from the date of
109 forfeiture of a bond within which a surety may arrest
110 the principal; amending s. 903.31, F.S.; revising
111 provisions relating to the ordering of a bond
112 cancellation; revising applicability; defining the
113 term "revoked"; specifying that the original
114 appearance bond does not guarantee a sentencing
115 deferral, a delayed sentencing, or an appearance after
116 entering a plea agreement; specifying that the clerk
117 of the court does not have standing to object to a
118 reinstatement of a bond; 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; reenacting
 128 s. 626.2816(2) and (3), F.S., relating to regulation
 129 of continuing education for licensees, course
 130 providers, instructors, school officials, and monitor
 131 groups, to incorporate the amendment made to s.
 132 648.386, F.S., in references thereto; reenacting s.
 133 903.047(1)(c), F.S., relating to conditions of
 134 pretrial release, to incorporate the amendment made to
 135 s. 903.046, F.S., in a reference thereto; reenacting
 136 s. 903.286(2), F.S., relating to cash bond forms, to
 137 incorporate the amendment made to s. 903.09, F.S., in
 138 a reference thereto; providing an effective date.

139
 140 Be It Enacted by the Legislature of the State of Florida:

141
 142 **Section 1. Subsection (12) is added to section 648.25,**
 143 **Florida Statutes, to read:**

144 648.25 Definitions.—As used in this chapter, the term:
 145 (12) "Virtual office" means an office that does not
 146 provide a continuous physical office space and provides
 147 professional address and mail handling services and which may,
 148 upon request, provide communications and telephone services or a
 149 dedicated office space.

150 **Section 2. Subsection (1) and paragraph (a) of subsection**

151 **(2) of section 648.386, Florida Statutes, are amended to read:**

152 648.386 Qualifications for prelicensing and continuing
153 education schools and instructors.—

154 (1) DEFINITIONS ~~DEFINITION OF "CLASSROOM INSTRUCTION"~~.—As
155 used in this section, the terms: ~~term~~

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

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

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

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

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

175 **Section 3. Paragraph (j) of subsection (1) and subsection**

176 **(4) of section 648.44, Florida Statutes, are amended to read:**

177 648.44 Prohibitions; penalty.—

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

179 (j) Accept anything of value from a principal for
 180 providing a bail bond aside from ~~except~~ the premium, a credit
 181 card merchant processing fee, a mobile payment services fee or
 182 similar charge which must be separate from and not considered
 183 premium, and a transfer fee authorized by the office, except
 184 that the bail bond agent or bail bond agency may accept
 185 collateral security or other indemnity from the principal or
 186 another person in accordance with s. 648.442, together with
 187 documentary stamp taxes, if applicable. No fees, expenses, or
 188 charges of any kind shall be permitted to be deducted from the
 189 collateral held or any return premium due, except as authorized
 190 by this chapter or rule of the department or commission. Upon
 191 written agreement with another party, a bail bond agent or bail
 192 bond agency may, ~~upon written agreement with another party,~~
 193 receive a fee or compensation for returning to custody an
 194 individual who has fled the jurisdiction of the court or caused
 195 the forfeiture of a bond.

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

200 **Section 4. Subsection (2) of section 903.011, Florida**

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

202 903.011 Pretrial release; general terms; statewide uniform
203 bond schedule.—

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

208 **Section 5. Paragraph (d) of subsection (2) of section**
209 **903.046, Florida Statutes, is amended to read:**

210 903.046 Purpose of and criteria for bail determination.—

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

214 (d) The defendant's past and present conduct, including
215 any record of convictions, previous flight to avoid prosecution,
216 or failure to appear at court proceedings. However, any
217 defendant who ~~had~~ failed to appear on the day of any required
218 court proceeding in the case at issue, but who ~~had~~ later
219 voluntarily appeared or surrendered, is not ~~shall not be~~
220 eligible for a recognizance bond; and any defendant who failed
221 to appear on the day of any required court proceeding ~~in the~~
222 ~~case at issue~~ and who was later arrested is not ~~shall not be~~
223 eligible for a recognizance bond or for any form of bond which
224 does not require the greater of a monetary undertaking ~~or~~
225 ~~commitment~~ equal to or greater than \$2,000 or twice the value of

226 the monetary ~~commitment or~~ undertaking of the original bond,
 227 ~~whichever is greater~~. Notwithstanding anything in this section,
 228 the court has discretion in determining conditions of release if
 229 the defendant proves circumstances beyond his or her control for
 230 the failure to appear. A surety bond that has been revoked may
 231 not be reinstated without the written authorization from the
 232 bail bond agent, bail bond agency, or surety. This section may
 233 not be construed as imposing additional duties or obligations on
 234 a governmental entity related to monetary bonds.

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

237 903.0471 Violation of condition of pretrial release.—
 238 Notwithstanding s. 907.041, a court may, on its own motion,
 239 revoke pretrial release and order pretrial detention if the
 240 court finds probable cause to believe that the defendant
 241 committed a new crime while on pretrial release or violated any
 242 other condition of pretrial release in a material respect. Upon
 243 entry of such an order to revoke pretrial release and order
 244 pretrial detention, other than for a failure to appear, the
 245 clerk of the court must discharge any bond previously posted as
 246 a condition of pretrial release without further order of the
 247 court.

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

250 903.05 Qualification of sureties.—A surety for the release

251 of a person on bail, other than a company authorized by law to
 252 act as a surety, shall be a resident of the state ~~or own real~~
 253 ~~estate within the state.~~

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

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

257 903.09 Justification of sureties.—

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

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

272 903.101 Sureties; licensed persons; to have equal access.—
 273 Subject to rules adopted by the Department of Financial Services
 274 and by the Financial Services Commission, every surety who meets
 275 the requirements of s. 903.09 ~~ss. 903.05, 903.06, 903.08, and~~

276 ~~903.09,~~ and every person who is currently licensed by the
277 Department of Financial Services and registered as required by
278 s. 648.42 must ~~shall~~ have equal access to the jails of this
279 state for the purpose of making bonds.

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

282 903.16 Deposit of money or bonds as bail.—

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

295 (2) A deposit under subsection (1) must be receipted in
296 the name of the person making the deposit unless such deposit is
297 made by a charitable bail fund registered as a nonprofit
298 organization under s. 501(c)(3) of the United States Internal
299 Revenue Code. If the deposit is made by a charitable bail fund,
300 the deposit must be receipted in the name of the defendant.

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

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

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

307 903.21 Method of surrender; exoneration of obligors.—

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

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

318 1. "Costs and expenses" means the prorated salary of any
 319 law enforcement officer or employee of a contracted
 320 transportation company as well as the actual expenses of
 321 transporting each defendant, which may only consist of mileage,
 322 ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging
 323 for any law enforcement officer or employee of a contracted
 324 transportation company and the defendant.

325 2. "Jurisdiction" means the county from which the

326 | defendant was released on bail.

327 | **Section 14. Section 903.26, Florida Statutes, is amended**
 328 | **to read:**

329 | 903.26 Forfeiture of the bond; when and how directed;
 330 | discharge; how and when made; effect of payment.—

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

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

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

337 | Notice is ~~shall~~ not be necessary if the time for appearance is
 338 | within 72 hours after ~~from~~ the time of arrest, ~~or if the time is~~
 339 | stated on the bond. Such notice may be mailed or electronically
 340 | transmitted. A certification signed by the clerk of the court or
 341 | the clerk's designee that the notice required under this
 342 | paragraph was mailed or electronically transmitted on a specific
 343 | date must accompany or be included on the required notice.

344 | (2) (a) If there is a failure of the defendant to appear as
 345 | required, the court must ~~shall~~ declare the bond and any bonds or
 346 | money deposited as bail forfeited. The clerk of the court shall
 347 | mail or electronically transmit a notice to the surety agent,
 348 | bail bond agency, and surety company within 5 days after the
 349 | forfeiture. A certificate signed by the clerk of the court or
 350 | the clerk's designee which certifies, ~~certifying~~ that the notice

351 required under this section ~~herein~~ was mailed or electronically
352 transmitted on a specified date and which is accompanied by a
353 copy of the required notice constitutes, ~~shall constitute~~
354 sufficient proof that such mailing or electronic transmission
355 was properly accomplished as required in this paragraph
356 ~~indicated therein~~. If such mailing or electronic transmission
357 was properly accomplished as evidenced by such certificate, the
358 failure of the surety agent, a bail bond agency, ~~of~~ a company,
359 or ~~of~~ a defendant to receive such notice does ~~shall~~ not
360 constitute a defense to such forfeiture and may ~~shall~~ not be
361 grounds for discharge, remission, reduction, set aside, or
362 continuance of such forfeiture. The forfeiture must ~~shall~~ be
363 paid within 60 days after the date the notice was mailed or
364 electronically transmitted.

365 (b) If ~~Failure of~~ the defendant fails to appear at the
366 time, date, and place of required appearance, ~~shall result in~~
367 ~~forfeiture of the bond~~ is forfeited. Such forfeiture must ~~shall~~
368 be automatically entered by the clerk upon such failure to
369 appear, and the clerk shall follow the procedures in paragraph
370 (a). However, the court may determine, in its discretion and, ~~in~~
371 the interest of justice, that an appearance by the defendant on
372 the ~~same day as~~ required day does not warrant forfeiture of the
373 bond, ~~and the court~~ may direct the clerk to set aside any such
374 forfeiture ~~which may have been entered~~. Any appearance by the
375 defendant later than the required day constitutes forfeiture of

376 the bond, and the court may ~~shall~~ not preclude entry of such
 377 forfeiture by the clerk.

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

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

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

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

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

392 ~~(4)(a) When a bond is forfeited, the clerk shall transmit
 393 the bond and any affidavits to the clerk of the circuit court in
 394 which the bond and affidavits are filed. The clerk of the
 395 circuit court shall record the forfeiture in the deed or
 396 official records book. If the undertakings and affidavits
 397 describe real property in another county, the clerk shall
 398 transmit the bond and affidavits to the clerk of the circuit
 399 court of the county where the property is located who shall
 400 record and return them.~~

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

410 (4)~~(5)~~ The court shall discharge a forfeiture within 60
411 days after the forfeiture notice was mailed or electronically
412 transmitted upon any of the following:

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

420 (b) A determination that, at the time of the required
421 appearance ~~or within 60 days after the date of the required~~
422 ~~appearance~~, the defendant was confined in an institution or
423 hospital; was confined in any county, state, federal, or
424 immigration detention facility; was deported; or is deceased.†

425 (c) Surrender or arrest of the defendant at the time of

426 | the required appearance ~~or within 60 days after the date of the~~
427 | ~~required appearance~~ in any county, state, or federal jail or
428 | ~~prison and upon a hold being placed to return the defendant to~~
429 | ~~the jurisdiction of the court.~~ The court shall condition a
430 | discharge or remission on the payment of costs and ~~the~~ expenses
431 | as provided in s. 903.21(3), incurred by an official in
432 | returning the defendant to the jurisdiction of the court. ~~;~~ ~~or~~

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

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

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

447 | (7) The payment by a surety of a forfeiture under this law
448 | has ~~shall have~~ the same effect on the bond as payment of a
449 | judgment.

450 | (8) If the defendant is arrested and returned to the

451 county of jurisdiction of the court or has posted a new bond for
452 the case at issue before judgment, the clerk must, upon
453 affirmation by the sheriff or the chief correctional officer
454 and, shall, without further hearing or order of the court,
455 discharge the forfeiture of the bond. However, if the surety
456 agent fails to pay the costs and expenses incurred in returning
457 the defendant to the county of jurisdiction, the clerk may shall
458 not discharge the forfeiture of the bond. If the surety agent
459 and the sheriff fail to agree on the amount of such said costs,
460 ~~then~~ the court, after notice to the sheriff and the state
461 attorney, must shall determine the amount of the costs.

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

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

472 903.27 Forfeiture to judgment.—

473 (1) If the forfeiture is not paid or discharged by order
474 of a court of competent jurisdiction within 60 days after the
475 forfeiture notice has been mailed or electronically transmitted

476 ~~and the bond is secured other than by money and bonds authorized~~
477 ~~in s. 903.16,~~ the clerk of the circuit court for the county
478 where the order was made must ~~shall~~ enter a judgment against the
479 surety for the amount of the penalty and issue execution.
480 However, in any case in which the bond forfeiture has been
481 discharged by the court of competent jurisdiction conditioned
482 upon the payment by the surety of certain costs or fees as
483 allowed by statute, the amount for which judgment may be entered
484 may not exceed the amount of the unpaid fees or costs upon which
485 the discharge had been conditioned. Judgment for the full amount
486 of the forfeiture may ~~shall~~ not be entered if payment of a
487 lesser amount will satisfy the conditions to discharge the
488 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
489 Department of Financial Services and the Office of Insurance
490 Regulation of the Financial Services Commission with a certified
491 copy of the judgment docket and shall furnish the surety company
492 at its home office a copy of the judgment, which shall include
493 the power of attorney number of the bond and the name of the
494 executing agent. If the judgment is not paid within 35 days, the
495 clerk must ~~shall~~ furnish the Department of Financial Services,
496 the Office of Insurance Regulation, and the sheriff of the
497 county in which the bond was executed, or the official
498 responsible for operation of the county jail, if that official
499 is not ~~other than~~ the sheriff, two copies of the judgment and a
500 certificate stating that the judgment remains unsatisfied. When

501 ~~and if~~ the judgment is properly paid or an order to vacate the
502 judgment has been entered by a court of competent jurisdiction,
503 the clerk shall immediately notify the sheriff~~,~~ or other such
504 ~~the~~ official responsible for the operation of the county jail~~,~~
505 ~~if other than the sheriff,~~ and, if they have been previously
506 notified of nonpayment, the Department of Financial Services and
507 the Office of Insurance Regulation~~,~~ ~~if the department and office~~
508 ~~had been previously notified of nonpayment,~~ of such payment or
509 order to vacate the judgment. The clerk may furnish documents or
510 give notice as required in this subsection by mail or electronic
511 means. The clerk shall also immediately prepare and record in
512 the public records a satisfaction of the judgment or record the
513 order to vacate judgment. If the defendant is returned to the
514 county of jurisdiction of the court, whenever a motion to set
515 aside the judgment is filed, the operation of this section is
516 tolled until the court makes a disposition of the motion.

517 (2) A certificate signed by the clerk of the court or her
518 or his designee which certifies, ~~certifying~~ that the notice
519 required in subsection (1) was mailed or electronically
520 delivered on a specified date~~,~~ and is accompanied by a copy of
521 the required notice constitutes sufficient proof that such
522 mailing or electronic delivery was properly accomplished as
523 required in this subsection ~~indicated therein~~. If such mailing
524 or electronic delivery was properly accomplished as evidenced by
525 such certificate, the failure of a company to receive a copy of

526 the judgment as prescribed in subsection (1) does not constitute
527 a defense to the forfeiture and is not a ground for the
528 discharge, remission, reduction, set aside, or continuance of
529 such forfeiture.

530 (3) Surety bail bonds may not be executed by a bail bond
531 agent or a bail bond agency against whom a judgment has been
532 entered which has remained unpaid for 35 days and may not be
533 executed for a company against whom a judgment has been entered
534 which has remained unpaid for 50 days. A ~~No~~ sheriff or other
535 official who is empowered to accept or approve surety bail bonds
536 may not ~~shall~~ accept or approve such a bond executed by such a
537 bail bond agent or bail bond agency or executed for such a
538 company until such judgment has been paid.

539 (4) After notice of judgment against the surety given by
540 the clerk of the circuit court, the surety, a bail bond agency,
541 or a bail bond agent shall, within 35 days after ~~of~~ the entry of
542 judgment, submit to the clerk of the circuit court an amount
543 equal to the judgment, unless the judgment has been set aside by
544 the court within 35 days after ~~of the~~ entry of the judgment. If
545 a motion to set aside the judgment has been filed pursuant to
546 subsection (5), the amount submitted must ~~shall~~ be held in
547 escrow until such time as the court has disposed of the motion.
548 The failure to comply with ~~the provisions of~~ this subsection
549 constitutes a failure to pay the judgment.

550 (5) After notice of judgment against the surety given by

551 the clerk of the circuit court, the surety, bail bond agency, or
552 bail bond agent may within 35 days file a motion to set aside
553 ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~
554 Any such motion or ~~and of any~~ order to stay the judgment must be
555 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of
556 the judgment to the clerk, which amount must ~~shall~~ be held in
557 escrow until such time as the court has disposed of the motion
558 to set aside the judgment. The filing of such a motion, when
559 accompanied by the required escrow deposit, acts ~~shall act~~ as an
560 automatic stay of further proceedings, including execution,
561 until the motion has been heard and a decision rendered by the
562 court.

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

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

570 903.28 Remission of forfeiture; conditions.—

571 (1) An application for remission may not be brought, nor
572 be considered by the court, unless such ~~an~~ application is filed
573 within 37 months after ~~2 years from~~ forfeiture. Upon a timely
574 filed application for remission, the court shall order remission
575 of the forfeiture in accordance with the remission schedule set

576 forth in subsection (2) if it determines that there was no
577 breach of the bond by the surety.

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

591 (a) One-hundred percent of the forfeiture if the defendant
592 surrenders or is apprehended within 90 days after the forfeiture
593 and the delay has not thwarted proper prosecution of the
594 defendant or if the defendant is deceased or the state is
595 unwilling to seek extradition of the defendant within 90 days
596 after forfeiture.

597 (b) Ninety-five percent of the forfeiture if the defendant
598 surrenders or is apprehended within 180 days after forfeiture
599 and the delay has not thwarted proper prosecution of the
600 defendant or if the defendant is deceased or the state is

601 unwilling to seek extradition of the defendant within 180 days
602 after forfeiture.

603 (c) Ninety percent of the forfeiture if the defendant
604 surrenders or is apprehended within 270 days after forfeiture
605 and the delay has not thwarted proper prosecution of the
606 defendant or if the defendant is deceased or the state is
607 unwilling to seek extradition of the defendant within 270 days
608 after forfeiture.

609 (d) Eighty-five percent of the forfeiture if the defendant
610 surrenders or is apprehended within 360 days after forfeiture
611 and the delay has not thwarted proper prosecution of the
612 defendant or if the defendant is deceased or the state is
613 unwilling to seek extradition of the defendant within 360 days
614 after forfeiture.

615 (e) Eighty percent of the forfeiture if the defendant
616 surrenders or is apprehended within 450 days after forfeiture
617 and the delay has not thwarted proper prosecution of the
618 defendant or if the defendant is deceased or the state is
619 unwilling to seek extradition of the defendant within 450 days
620 after forfeiture.

621 (f) Seventy-five percent of the forfeiture if the
622 defendant surrenders or is apprehended within 540 days after
623 forfeiture and the delay has not thwarted proper prosecution of
624 the defendant or if the defendant is deceased or the state is
625 unwilling to seek extradition of the defendant within 540 days

626 after forfeiture.

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

633 (h) Sixty-five percent of the forfeiture if the defendant
634 surrenders or is apprehended within 720 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 720 days
638 after forfeiture.

639 (i) Sixty percent of the forfeiture if the defendant
640 surrenders or is apprehended within 810 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 810 days
644 after forfeiture.

645 (j) Fifty-five percent of the forfeiture if the defendant
646 surrenders or is apprehended within 900 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 900 days
650 after forfeiture.

651 (k) Fifty percent of the forfeiture if the defendant
652 surrenders or is apprehended within 990 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 990 days
656 after forfeiture.

657 (l) Forty-five percent of the forfeiture if the defendant
658 surrenders or is apprehended within 1,095 days after forfeiture
659 and the delay has not thwarted proper prosecution of the
660 defendant or if the defendant is deceased or the state is
661 unwilling to seek extradition of the defendant within 1,095 days
662 after forfeiture of up to, but not more than, 100 percent of a
663 forfeiture if the surety apprehended and surrendered the
664 defendant or if the apprehension or surrender of the defendant
665 was substantially procured or caused by the surety, or the
666 surety has substantially attempted to procure or cause the
667 apprehension or surrender of the defendant, and the delay has
668 not thwarted the proper prosecution of the defendant. In
669 addition, remission shall be granted when the surety did not
670 substantially participate or attempt to participate in the
671 apprehension or surrender of the defendant when the costs of
672 returning the defendant to the jurisdiction of the court have
673 been deducted from the remission and when the delay has not
674 thwarted the proper prosecution of the defendant.

675 ~~(3) If the defendant surrenders or is apprehended within~~

676 ~~180 days after forfeiture, the court, on motion at a hearing~~
677 ~~upon notice having been given to the clerk of the circuit court~~
678 ~~and the state attorney as required in subsection (8), shall~~
679 ~~direct remission of up to, but not more than, 95 percent of a~~
680 ~~forfeiture if the surety apprehended and surrendered the~~
681 ~~defendant or if the apprehension or surrender of the defendant~~
682 ~~was substantially procured or caused by the surety, or the~~
683 ~~surety has substantially attempted to procure or cause the~~
684 ~~apprehension or surrender of the defendant, and the delay has~~
685 ~~not thwarted the proper prosecution of the defendant. In~~
686 ~~addition, remission shall be granted when the surety did not~~
687 ~~substantially participate or attempt to participate in the~~
688 ~~apprehension or surrender of the defendant when the costs of~~
689 ~~returning the defendant to the jurisdiction of the court have~~
690 ~~been deducted from the remission and when the delay has not~~
691 ~~thwarted the proper prosecution of the defendant.~~

692 ~~(4) If the defendant surrenders or is apprehended within~~
693 ~~270 days after forfeiture, the court, on motion at a hearing~~
694 ~~upon notice having been given to the clerk of the circuit court~~
695 ~~and the state attorney as required in subsection (8), shall~~
696 ~~direct remission of up to, but not more than, 90 percent of a~~
697 ~~forfeiture if the surety apprehended and surrendered the~~
698 ~~defendant or if the apprehension or surrender of the defendant~~
699 ~~was substantially procured or caused by the surety, or the~~
700 ~~surety has substantially attempted to procure or cause the~~

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

709 ~~(5) If the defendant surrenders or is apprehended within 1~~
710 ~~year after forfeiture, the court, on motion at a hearing upon~~
711 ~~notice having been given to the clerk of the circuit court and~~
712 ~~the state attorney as required in subsection (8), shall direct~~
713 ~~remission of up to, but not more than, 85 percent of a~~
714 ~~forfeiture if the surety apprehended and surrendered the~~
715 ~~defendant or if the apprehension or surrender of the defendant~~
716 ~~was substantially procured or caused by the surety, or the~~
717 ~~surety has substantially attempted to procure or cause the~~
718 ~~apprehension or surrender of the defendant, and the delay has~~
719 ~~not thwarted the proper prosecution of the defendant. In~~
720 ~~addition, remission shall be granted when the surety did not~~
721 ~~substantially participate or attempt to participate in the~~
722 ~~apprehension or surrender of the defendant when the costs of~~
723 ~~returning the defendant to the jurisdiction of the court have~~
724 ~~been deducted from the remission and when the delay has not~~
725 ~~thwarted the proper prosecution of the defendant.~~

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

743 (3)~~(7)~~ The remission of a forfeiture may not be ordered
744 for any reason other than as specified in this section herein.

745 (4)~~(8)~~ An application for remission must be accompanied by
746 affidavits setting forth the facts on which it is founded;
747 however, the surety must establish by further documentation or
748 other evidence any claimed attempt at procuring or causing the
749 apprehension or surrender of the defendant before the court may
750 order remission based upon an attempt to procure or cause such

751 apprehension or surrender. The clerk of the circuit court and
 752 the state attorney must be given 10 ~~20~~ days' notice before a
 753 hearing on an application and be furnished copies of all papers,
 754 applications, and affidavits. Remission must ~~shall~~ be granted on
 755 the condition of payment of costs, as provided in s.
 756 903.21(3)(a), unless the ground for remission is that there was
 757 no breach of the bond.

758 ~~(5)-(9)~~ The clerk of the circuit court may enter into a
 759 contract with a private attorney or into an interagency
 760 agreement with a governmental agency to represent the clerk of
 761 the court in an action for the remission of a forfeiture under
 762 this section.

763 ~~(6)-(10)~~ The clerk of the circuit court is the real party
 764 in interest for all appeals arising from an action for the
 765 remission of a forfeiture under this section.

766 (7) The clerk of the circuit court shall issue a remission
 767 in accordance with s. 218.74(4) after entry of a court order
 768 directing remission.

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

775 **Section 17. Section 903.29, Florida Statutes, is amended**

776 **to read:**

777 903.29 Arrest of principal by surety after forfeiture.—
 778 Within 3 ~~2~~ years from the date of forfeiture of a bond, the
 779 surety may arrest the principal for the purpose of surrendering
 780 the principal to the official in whose custody she or he was at
 781 the time bail was taken or in whose custody the principal would
 782 have been placed had she or he been committed.

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

785 903.31 Canceling the bond.—

786 (1) Within 10 business days after the conditions of a bond
 787 have been satisfied or the forfeiture discharged or remitted,
 788 the court must ~~shall~~ order the bond canceled and, if the surety
 789 has attached a certificate of cancellation to the original bond,
 790 the clerk of the court must ~~shall~~ mail or electronically furnish
 791 an executed certificate of cancellation to the surety without
 792 cost. The clerk of the court shall discharge the bond upon an
 793 adjudication of guilt or innocence or an acquittal, or if a
 794 period of 36 months has passed since the original bond was
 795 posted. ~~or~~ A withholding of an adjudication of guilt, a finding
 796 of guilt by a jury, or a no action by the state satisfies ~~shall~~
 797 satisfy the conditions of the bond. If the bond has been revoked
 798 by the court, other than for a failure to appear, the clerk of
 799 the court must discharge or cancel the bond. The original
 800 appearance bond expires ~~shall expire~~ 36 months after such bond

801 has been posted for the release of the defendant from custody,
802 at which time the clerk of the court must discharge the bond.
803 This subsection does not apply to cases in which a bond has been
804 declared forfeited before the 36-month expiration, unless the
805 forfeiture was set aside or discharged. As used in this
806 subsection, the term "revoked" means that an act, a statement, a
807 document, or a promise has been annulled or canceled.

808 (2) The original appearance bond does not guarantee a
809 deferred sentence; a sentencing deferral; a delayed sentencing;
810 an appearance after entering a plea agreement; an appearance
811 during or after a presentence investigation; an appearance
812 during or after appeals; conduct during or appearance after
813 admission to a pretrial intervention program; placement in a
814 court-ordered program, including a residential mental health
815 facility; payment of fines; or attendance at educational or
816 rehabilitation facilities the court otherwise provides in the
817 judgment. If the original appearance bond has been forfeited or
818 revoked, it may ~~the bond shall~~ not be reinstated without
819 approval from the surety on the original bond. The clerk of the
820 court does not have standing to object to a motion to reinstate
821 bond under this subsection.

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

823 **Section 20.** **Paragraph (b) of subsection (3) and paragraphs**
824 **(a) and (d) of subsection (5) of section 907.041, Florida**
825 **Statutes, are amended, and paragraph (c) of subsection (5) of**

826 **that section is reenacted, to read:**

827 907.041 Pretrial detention and release.—

828 (3) RELEASE ON NONMONETARY CONDITIONS.—

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

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

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

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

843 (5) PRETRIAL DETENTION.—

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

846 1. Arson.†

847 2. Aggravated assault.†

848 3. Aggravated battery.†

849 4. Illegal use of explosives.†

850 5. Child abuse or aggravated child abuse.†

- 851 6. Abuse of an elderly person or disabled adult, or
- 852 aggravated abuse of an elderly person or disabled adult.†
- 853 7. Aircraft piracy.†
- 854 8. Kidnapping.†
- 855 9. Homicide.†
- 856 10. Manslaughter, including DUI manslaughter and BUI
- 857 manslaughter.†
- 858 11. Sexual battery.†
- 859 12. Robbery.†
- 860 13. Carjacking.†
- 861 14. Lewd, lascivious, or indecent assault or act upon or
- 862 in presence of a child under the age of 16 years.†
- 863 15. Sexual activity with a child, who is 12 years of age
- 864 or older but less than 18 years of age, by or at solicitation of
- 865 person in familial or custodial authority.†
- 866 16. Burglary of a dwelling.†
- 867 17. Stalking and aggravated stalking.†
- 868 18. Act of domestic violence as defined in s. 741.28.†
- 869 19. Home invasion robbery.†
- 870 20. Act of terrorism as defined in s. 775.30.†
- 871 21. Manufacturing any substances in violation of chapter
- 872 893.†
- 873 22. Attempting or conspiring to commit any such crime.†
- 874 23. Human trafficking.†
- 875 24. Trafficking in any controlled substance described in

876 s. 893.135(1)(c)4.~~†~~

877 25. Extortion in violation of s. 836.05.~~†~~ and

878 26. Written threats to kill in violation of s. 836.10.

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

880 316.193(2)(b)1. or (2)(b)3.

881 28. Felony battery.

882 29. Battery by strangulation.

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

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

889 1. The defendant has previously violated conditions of
890 release and that no further conditions of release are reasonably
891 likely to assure the defendant's appearance at subsequent
892 proceedings;

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

898 3. The defendant is charged with trafficking in controlled
899 substances as defined by s. 893.135, that there is a substantial
900 probability that the defendant has committed the offense, and

901 that no conditions of release will reasonably assure the
902 defendant's appearance at subsequent criminal proceedings;

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

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

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

916 c. The defendant has previously been found guilty of, or
917 has had adjudication of guilt withheld for, driving while the
918 defendant's driver license was suspended or revoked in violation
919 of s. 322.34;

920 5. The defendant poses the threat of harm to the
921 community. The court may so conclude, if it finds that the
922 defendant is presently charged with a dangerous crime, that
923 there is a substantial probability that the defendant committed
924 such crime, that the factual circumstances of the crime indicate
925 a disregard for the safety of the community, and that there are

926 | no conditions of release reasonably sufficient to protect the
 927 | community from the risk of physical harm to persons;

928 | 6. The defendant was on probation, parole, or other
 929 | release pending completion of sentence or on pretrial release
 930 | for a dangerous crime at the time the current offense was
 931 | committed;

932 | 7. The defendant has violated one or more conditions of
 933 | pretrial release or bond for the offense currently before the
 934 | court and the violation, in the discretion of the court,
 935 | supports a finding that no conditions of release can reasonably
 936 | protect the community from risk of physical harm to persons or
 937 | assure the presence of the accused at trial; or

938 | 8.a. The defendant has ever been sentenced pursuant to s.
 939 | 775.082(9) or s. 775.084 as a prison releasee reoffender,
 940 | habitual violent felony offender, three-time violent felony
 941 | offender, or violent career criminal, or the state attorney
 942 | files a notice seeking that the defendant be sentenced pursuant
 943 | to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
 944 | habitual violent felony offender, three-time violent felony
 945 | offender, or violent career criminal;

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

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

951 (d) If a defendant is arrested for a dangerous crime that
 952 is a capital felony, a life felony, or a felony of the first
 953 degree, and the court determines there is probable cause to
 954 believe the defendant committed the offense, the state attorney,
 955 or the court on its own motion, must move ~~shall motion~~ for
 956 pretrial detention unless the defendant is already being held.
 957 If the court finds a substantial probability that the defendant
 958 committed the offense and, based on the defendant's past and
 959 present patterns of behavior, consideration of the criteria in
 960 s. 903.046, and any other relevant facts, that no conditions of
 961 release or bail will reasonably protect the community from risk
 962 of physical harm, ensure the presence of the defendant at trial,
 963 or assure the integrity of the judicial process, the court must
 964 order pretrial detention.

965 **Section 21. For the purpose of incorporating the amendment**
 966 **made by this act to section 648.386, Florida Statutes, in**
 967 **references thereto, subsections (2) and (3) of section 626.2816,**
 968 **Florida Statutes, are reenacted to read:**

969 626.2816 Regulation of continuing education for licensees,
 970 course providers, instructors, school officials, and monitor
 971 groups.—

972 (2) The department shall adopt rules establishing
 973 standards for the approval, regulation, and operation of the
 974 continuing education programs and for the discipline of
 975 licensees, course providers, instructors, school officials, and

976 monitor groups. The standards must be designed to ensure that
977 such course providers, instructors, school officials, and
978 monitor groups have the knowledge, competence, and integrity to
979 fulfill the educational objectives of ss. 626.2815, 626.869,
980 648.385, and 648.386.

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

987 **Section 22. For the purpose of incorporating the amendment**
988 **made by this act to section 903.046, Florida Statutes, in a**
989 **reference thereto, paragraph (c) of subsection (1) of section**
990 **903.047, Florida Statutes, is reenacted to read:**

991 903.047 Conditions of pretrial release.—

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

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

1000 1. Maintain employment, or, if unemployed, actively seek

- 1001 employment.
- 1002 2. Maintain or commence an educational program.
- 1003 3. Abide by specified restrictions on personal
- 1004 associations, place of residence, or travel.
- 1005 4. Report on a regular basis to a designated law
- 1006 enforcement agency, pretrial services agency, or other agency.
- 1007 5. Comply with a specified curfew.
- 1008 6. Refrain from possessing a firearm, destructive device,
- 1009 or other dangerous weapon.
- 1010 7. Refrain from excessive use of alcohol, or any use of a
- 1011 narcotic drug or other controlled substance without a
- 1012 prescription from a licensed medical practitioner.
- 1013 8. Undergo available medical, psychological, psychiatric,
- 1014 mental health, or substance abuse evaluation and follow all
- 1015 recommendations, including treatment for drug or alcohol
- 1016 dependency, and remain in a specified institution, if required
- 1017 for that purpose.
- 1018 9. Return to custody for specified hours following release
- 1019 for employment, school, or other limited purposes.
- 1020 10. Any other condition that is reasonably necessary to
- 1021 assure the appearance of the defendant at subsequent proceedings
- 1022 and to protect the community against unreasonable danger of
- 1023 harm.

1024 **Section 23. For the purpose of incorporating the amendment**

1025 **made by this act to section 903.09, Florida Statutes, in a**

1026 **reference thereto, subsection (2) of section 903.286, Florida**
 1027 **Statutes, is reenacted to read:**

1028 903.286 Return of cash bond; requirement to withhold
 1029 unpaid fines, fees, court costs; cash bond forms.—

1030 (2) All cash bond forms used in conjunction with the
 1031 requirements of s. 903.09 must prominently display a notice
 1032 explaining that all funds are subject to forfeiture and
 1033 withholding by the clerk of the court for the payment of costs
 1034 of prosecution, costs of representation as provided by ss. 27.52
 1035 and 938.29, court fees, court costs, and criminal penalties on
 1036 behalf of the criminal defendant regardless of who posted the
 1037 funds.

1038 **Section 24.** This act shall take effect July 1, 2026.