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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 02/18/2026 | . | |
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The Appropriations Committee on Criminal and Civil Justice
(Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete lines 178 - 1029

and insert:

Section 3. Paragraph (j) of subsection (1) and subsection
(4) of section 648.44, Florida Statutes, are amended to read:

648.44 Prohibitions; penalty.—

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

(j) Accept anything of value from a principal for providing
a bail bond aside from ~~except~~ the premium, a credit card



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11 merchant processing fee, or a mobile payment services fee or
12 similar charge which must be separate from and not considered
13 premium, and a transfer fee authorized by the office, except
14 that the bail bond agent or bail bond agency may accept
15 collateral security or other indemnity from the principal or
16 another person in accordance with s. 648.442, together with
17 documentary stamp taxes, if applicable. No fees, expenses, or
18 charges of any kind shall be permitted to be deducted from the
19 collateral held or any return premium due, except as authorized
20 by this chapter or rule of the department or commission. Upon
21 written agreement with another party, a bail bond agent or bail
22 bond agency may, ~~upon written agreement with another party,~~
23 receive a fee or compensation for returning to custody an
24 individual who has fled the jurisdiction of the court or caused
25 the forfeiture of a bond.

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

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

32 903.011 Pretrial release; general terms; statewide uniform
33 bond schedule.—

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

38 Section 5. Paragraph (d) of subsection (2) of section
39 903.046, Florida Statutes, is amended to read:



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40 903.046 Purpose of and criteria for bail determination.—

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

44 (d) The defendant's past and present conduct, including any
45 record of convictions, previous flight to avoid prosecution, or
46 failure to appear at court proceedings. However, any defendant
47 who ~~had~~ failed to appear on the day of any required court
48 proceeding in the case at issue, but who ~~had~~ later voluntarily
49 appeared or surrendered, is not ~~shall not be~~ eligible for a
50 recognizance bond; and any defendant who failed to appear on the
51 day of any required court proceeding ~~in the case at issue~~ and
52 who was later arrested is not ~~shall not be~~ eligible for a
53 recognizance bond or for any form of bond which does not require
54 the greater of a monetary undertaking ~~or commitment~~ equal to or
55 greater than \$2,000 or twice the value of the monetary
56 ~~commitment or~~ undertaking of the original bond, ~~whichever is~~
57 ~~greater~~. Notwithstanding anything in this section, the court has
58 discretion in determining conditions of release if the defendant
59 proves circumstances beyond his or her control for the failure
60 to appear. A surety bond that has been revoked may not be
61 reinstated without written authorization from the bail bond
62 agent, bail bond agency, or surety. This section may not be
63 construed as imposing additional duties or obligations on a
64 governmental entity related to monetary bonds.

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

67 903.0471 Violation of condition of pretrial release.—
68 Notwithstanding s. 907.041, a court may, on its own motion,



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69 revoke pretrial release and order pretrial detention if the
70 court finds probable cause to believe that the defendant
71 committed a new crime while on pretrial release or violated any
72 other condition of pretrial release in a material respect. Upon
73 entry of such an order to revoke pretrial release and order
74 pretrial detention, other than for a failure to appear, the
75 clerk of the court shall discharge any bond previously posted as
76 a condition of pretrial release without further order of the
77 court.

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

80 903.05 Qualification of sureties.—A surety for the release
81 of a person on bail, other than a company authorized by law to
82 act as a surety, shall be a resident of the state ~~or own real~~
83 ~~estate within the state.~~

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

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

87 903.09 Justification of sureties.—

88 (1) A surety, other than a bail bond agent as defined in s.
89 648.25, shall justify his or her suretyship by attaching to the
90 bond United States currency, a United States postal money order,
91 or a cashier's check in the amount of the bond; however, the
92 United States currency, United States postal money order, or
93 cashier's check may not be used to secure more than one bond
94 ~~execute an affidavit stating that she or he possesses the~~
95 ~~qualifications and net worth required to become a surety. The~~
96 ~~affidavit shall describe the surety's property and any~~
97 ~~encumbrances and shall state the number and amount of any bonds~~



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98 ~~entered into by the surety at any court that remain~~
99 ~~undischarged.~~

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

102 903.101 Sureties; licensed persons; to have equal access.—
103 Subject to rules adopted by the Department of Financial Services
104 and by the Financial Services Commission, every surety who meets
105 the requirements of s. 903.09, ~~ss. 903.05, 903.06, 903.08, and~~
106 ~~903.09~~, and every person who is currently licensed by the
107 Department of Financial Services and registered as required by
108 s. 648.42 must ~~shall~~ have equal access to the jails of this
109 state for the purpose of making bonds.

110 Section 11. Section 903.16, Florida Statutes, is amended to
111 read:

112 903.16 Deposit of money or bonds as bail.—

113 (1) A defendant who has been admitted to bail, or another
114 person in the defendant's behalf, may deposit with the official
115 authorized to take bail money an amount equal to the bail amount
116 set in the court order ~~or nonregistered bonds of the United~~
117 ~~States, the state, or a city, town, or county in the state,~~
118 ~~equal in market value to the amount set in the order and the~~
119 ~~personal bond of the defendant and an undertaking by the~~
120 ~~depositor if the money or bonds are deposited by another. The~~
121 sheriff or other officials shall ~~may~~ remit money or bonds
122 received by ~~to~~ the clerk to be held by the clerk pending court
123 action ~~or return to the defendant or depositor~~. The clerk shall
124 accept money or bonds remitted by the sheriff.

125 (2) A deposit under subsection (1) must be receipted in the
126 name of the person making the deposit, unless such deposit is



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127 made by a charitable bail fund registered as a nonprofit
128 organization under s. 501(c) of the United States Internal
129 Revenue Code. If the deposit is made by a charitable bail fund,
130 the deposit must be receipted in the name of the defendant
131 ~~Consent is conclusively presumed for the clerk of the circuit~~
132 ~~court to sell bonds deposited as bail after forfeiture of the~~
133 ~~bond.~~

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

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

137 903.21 Method of surrender; exoneration of obligors.—

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

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

148 1. "Costs and expenses" means the prorated salary of any
149 law enforcement officer or employee of a contracted
150 transportation company as well as the actual expenses of
151 transporting each defendant, which may only consist of mileage,
152 ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging
153 for any law enforcement officer or employee of a contracted
154 transportation company and the defendant.

155 2. "Jurisdiction" means the county from which the defendant



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156 was released on bail.

157 Section 14. Section 903.26, Florida Statutes, is amended to
158 read:

159 903.26 Forfeiture of the bond; when and how directed;
160 discharge; how and when made; effect of payment.-

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

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

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

167 Notice is ~~shall~~ not be necessary if the time for appearance is
168 within 72 hours after ~~from~~ the time of arrest, ~~or if the time is~~
169 stated on the bond. Such notice may be mailed or electronically
170 transmitted. A certification signed by the clerk of the court or
171 the clerk's designee that the notice required under this
172 paragraph was mailed or electronically transmitted on a specific
173 date must accompany or be included on the required notice.

174 (2) (a) If there is a failure of the defendant to appear as
175 required, the court must ~~shall~~ declare the bond and any bonds or
176 money deposited as bail forfeited. The clerk of the court shall
177 mail or electronically transmit a notice to the surety agent,
178 bail bond agency, and surety company within 5 days after the
179 forfeiture. A certificate signed by the clerk of the court or
180 the clerk's designee which certifies, ~~certifying~~ that the notice
181 required under this section ~~herein~~ was mailed or electronically
182 transmitted on a specified date and which is accompanied by a
183 copy of the required notice constitutes, ~~shall constitute~~
184 sufficient proof that such mailing or electronic transmission



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185 was properly accomplished as required in this paragraph
186 ~~indicated therein~~. If such mailing or electronic transmission
187 was properly accomplished as evidenced by such certificate, the
188 failure of the surety agent, a bail bond agency, ~~of~~ a company,
189 or ~~of~~ a defendant to receive such notice does shall not
190 constitute a defense to such forfeiture and may shall not be
191 grounds for discharge, remission, reduction, set aside, or
192 continuance of such forfeiture. The forfeiture must shall be
193 paid within 60 days after the date the notice was mailed or
194 electronically transmitted.

195 (b) If Failure ~~of~~ the defendant fails to appear at the
196 time, date, and place of required appearance, ~~shall result in~~
197 ~~forfeiture of the bond~~ is forfeited. Such forfeiture must shall
198 be automatically entered by the clerk upon such failure to
199 appear, and the clerk shall follow the procedures in paragraph
200 (a). However, the court may determine, in its discretion and, in
201 the interest of justice, that an appearance by the defendant on
202 the ~~same day as~~ required day does not warrant forfeiture of the
203 bond, ~~and the court~~ may direct the clerk to set aside any such
204 forfeiture ~~which may have been entered~~. Any appearance by the
205 defendant later than the required day constitutes forfeiture of
206 the bond, and the court may shall not preclude entry of such
207 forfeiture by the clerk.

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

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

213 (a) State and county officials having custody of forfeited



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214 money shall deposit the money in the fine and forfeiture fund
215 established pursuant to s. 142.01.

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

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

222 ~~(4)(a) When a bond is forfeited, the clerk shall transmit~~
223 ~~the bond and any affidavits to the clerk of the circuit court in~~
224 ~~which the bond and affidavits are filed. The clerk of the~~
225 ~~circuit court shall record the forfeiture in the deed or~~
226 ~~official records book. If the undertakings and affidavits~~
227 ~~describe real property in another county, the clerk shall~~
228 ~~transmit the bond and affidavits to the clerk of the circuit~~
229 ~~court of the county where the property is located who shall~~
230 ~~record and return them.~~

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

240 ~~(4)(5)~~ The court shall discharge a forfeiture within 60
241 days after the forfeiture notice was mailed or electronically
242 transmitted upon any of the following:



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

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

255 (c) Surrender or arrest of the defendant at the time of the
256 required appearance ~~or within 60 days after the date of the~~
257 ~~required appearance~~ in any county, state, or federal jail or
258 prison ~~and upon a hold being placed to return the defendant to~~
259 ~~the jurisdiction of the court~~. The court shall condition a
260 discharge or remission on the payment of costs and ~~the~~ expenses
261 as provided in s. 903.21(3), incurred by an official in
262 returning the defendant to the jurisdiction of the court. † ~~or~~

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

270 (5) For each felony warrant that a court issues for a
271 failure to appear in court, the sheriff shall enter the



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272 information of the defendant in the National Crime Information
273 Center database, with no restrictions until the defendant has
274 been returned to the jurisdiction of the court.

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

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

280 (8) If the defendant is arrested and returned to the county
281 of jurisdiction of the court or has posted a new bond for the
282 case at issue before judgment, the clerk must, upon affirmation
283 by the sheriff or the chief correctional officer and, ~~shall~~,
284 without further hearing or order of the court, discharge the
285 forfeiture of the bond. However, if the surety agent fails to
286 pay the costs and expenses incurred in returning the defendant
287 to the county of jurisdiction, the clerk may ~~shall~~ not discharge
288 the forfeiture of the bond. If the surety agent and the sheriff
289 fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court
290 must, after notice to the sheriff and the state attorney, ~~shall~~
291 determine the amount of the costs.

292 (9) If, after forfeiture of a bond, the criminal charges
293 for which the bond guaranteed appearance are resolved,
294 adjudicated, or otherwise disposed of by any action of the court
295 or state, the clerk must discharge the forfeiture and issue such
296 notice to the surety without further order of the court. If such
297 resolution or disposition occurs after payment of a forfeiture
298 or judgment, remission must be granted upon proper motion and as
299 specified under s. 903.28.

300 Section 15. Section 903.27, Florida Statutes, is amended to



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301 read:

302 903.27 Forfeiture to judgment.—

303 (1) If the forfeiture is not paid or discharged by order of
304 a court of competent jurisdiction within 60 days after the
305 forfeiture notice has been mailed or electronically transmitted
306 ~~and the bond is secured other than by money and bonds authorized~~
307 ~~in s. 903.16~~, the clerk of the circuit court for the county
308 where the order was made must ~~shall~~ enter a judgment against the
309 surety for the amount of the penalty and issue execution.
310 However, in any case in which the bond forfeiture has been
311 discharged by the court of competent jurisdiction conditioned
312 upon the payment by the surety of certain costs or fees as
313 allowed by statute, the amount for which judgment may be entered
314 may not exceed the amount of the unpaid fees or costs upon which
315 the discharge had been conditioned. Judgment for the full amount
316 of the forfeiture may ~~shall~~ not be entered if payment of a
317 lesser amount will satisfy the conditions to discharge the
318 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
319 Department of Financial Services and the Office of Insurance
320 Regulation of the Financial Services Commission with a certified
321 copy of the judgment docket and shall furnish the surety company
322 at its home office a copy of the judgment, which must ~~shall~~
323 include the power of attorney number of the bond and the name of
324 the executing agent. If the judgment is not paid within 35 days,
325 the clerk must ~~shall~~ furnish the Department of Financial
326 Services, the Office of Insurance Regulation, and the sheriff of
327 the county in which the bond was executed, or the official
328 responsible for operation of the county jail, if that official
329 is not ~~other than~~ the sheriff, two copies of the judgment and a



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330 certificate stating that the judgment remains unsatisfied. When
331 ~~and if~~ the judgment is properly paid or an order to vacate the
332 judgment has been entered by a court of competent jurisdiction,
333 the clerk shall immediately notify the sheriff~~,~~ or other such
334 ~~the~~ official responsible for the operation of the county jail~~,~~
335 ~~if other than the sheriff,~~ and, if they have been previously
336 notified of nonpayment, the Department of Financial Services and
337 the Office of Insurance Regulation~~,~~ ~~if the department and office~~
338 ~~had been previously notified of nonpayment,~~ of such payment or
339 order to vacate the judgment. The clerk may furnish documents or
340 give notice as required in this subsection by mail or electronic
341 means. The clerk shall also immediately prepare and record in
342 the public records a satisfaction of the judgment or record the
343 order to vacate judgment. If the defendant is returned to the
344 county of jurisdiction of the court, whenever a motion to set
345 aside the judgment is filed, the operation of this section is
346 tolled until the court makes a disposition of the motion.

347 (2) A certificate signed by the clerk of the court or her
348 or his designee which certifies, ~~certifying~~ that the notice
349 required in subsection (1) was mailed or electronically
350 delivered on a specified date~~,~~ and is accompanied by a copy of
351 the required notice constitutes sufficient proof that such
352 mailing or electronic delivery was properly accomplished as
353 required in this subsection ~~indicated therein~~. If such mailing
354 or electronic delivery was properly accomplished as evidenced by
355 such certificate, the failure of a company to receive a copy of
356 the judgment as prescribed in subsection (1) does not constitute
357 a defense to the forfeiture and is not a ground for the
358 discharge, remission, reduction, set aside, or continuance of



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359 such forfeiture.

360 (3) Surety bail bonds may not be executed by a bail bond
361 agent or a bail bond agency against whom a judgment has been
362 entered which has remained unpaid for 35 days and may not be
363 executed for a company against whom a judgment has been entered
364 which has remained unpaid for 50 days. A ~~Ne~~ sheriff or other
365 official who is empowered to accept or approve surety bail bonds
366 may not shall accept or approve such a bond executed by such a
367 bail bond agent or bail bond agency or executed for such a
368 company until such judgment has been paid.

369 (4) After notice of judgment against the surety given by
370 the clerk of the circuit court, the surety, a bail bond agency,
371 or a bail bond agent shall, within 35 days after ~~of~~ the entry of
372 judgment, submit to the clerk of the circuit court an amount
373 equal to the judgment, unless the judgment has been set aside by
374 the court within 35 days after ~~of the~~ entry of the judgment. If
375 a motion to set aside the judgment has been filed pursuant to
376 subsection (5), the amount submitted must shall be held in
377 escrow until such time as the court has disposed of the motion.
378 The failure to comply with ~~the provisions of~~ this subsection
379 constitutes a failure to pay the judgment.

380 (5) After notice of judgment against the surety given by
381 the clerk of the circuit court, the surety, bail bond agency, or
382 bail bond agent may within 35 days file a motion to set aside
383 ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~
384 Any such motion or and of any order to stay the judgment must be
385 conditioned on payment by that the surety of pay the amount of
386 the judgment to the clerk, which amount must shall be held in
387 escrow until such time as the court has disposed of the motion



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388 to set aside the judgment. The filing of such a motion, when
389 accompanied by the required escrow deposit, acts shall act as an
390 automatic stay of further proceedings, including execution,
391 until the motion has been heard and a decision rendered by the
392 court.

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

398 Section 16. Section 903.28, Florida Statutes, is amended to
399 read:

400 903.28 Remission of forfeiture; conditions.-

401 (1) No application for remission may be brought, nor be
402 considered by the court, unless such ~~On~~ application is filed
403 within 37 months after 2 years from forfeiture. ~~7~~ Upon a timely
404 filed application for remission, the court must shall order
405 remission of the forfeiture in accordance with the remission
406 schedule set forth in subsection (2) if it determines that there
407 was no breach of the bond by the surety.

408 (2) If the defendant surrenders or is apprehended and the
409 surety has paid all costs of returning the defendant to the
410 jurisdiction of the court, if the defendant is deceased, or if
411 the state attorney is unwilling to seek extradition of the
412 defendant from any jail or prison after a request by the surety
413 agent, bail bond agency, or surety company consenting to pay all
414 costs incurred by an official in returning the defendant to the
415 jurisdiction of the court, as provided in s. 903.21(3)(a), up to
416 the penal amount of the bond, within 36 months 90 days after



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417 forfeiture, the court must, on motion at a hearing upon notice
418 having been given to the clerk of the circuit court and the
419 state attorney as required in subsection (4), ~~subsection (8)~~,
420 ~~shall~~ direct remission in accordance with the following:

421 (a) One hundred percent of the forfeiture if the defendant
422 surrenders or is apprehended within 90 days after the forfeiture
423 and the delay has not thwarted proper prosecution of the
424 defendant, or if the defendant is deceased or the state is
425 unwilling to seek extradition of the defendant within 90 days
426 after forfeiture.

427 (b) Ninety-five percent of the forfeiture if the defendant
428 surrenders or is apprehended within 180 days after forfeiture
429 and the delay has not thwarted proper prosecution of the
430 defendant, or if the defendant is deceased or the state is
431 unwilling to seek extradition of the defendant within 180 days
432 after forfeiture.

433 (c) Ninety percent of the forfeiture if the defendant
434 surrenders or is apprehended within 270 days after forfeiture
435 and the delay has not thwarted proper prosecution of the
436 defendant, or if the defendant is deceased or the state is
437 unwilling to seek extradition of the defendant within 270 days
438 after forfeiture.

439 (d) Eighty-five percent of the forfeiture if the defendant
440 surrenders or is apprehended within 360 days after forfeiture
441 and the delay has not thwarted proper prosecution of the
442 defendant, or if the defendant is deceased or the state is
443 unwilling to seek extradition of the defendant within 360 days
444 after forfeiture.

445 (e) Eighty percent of the forfeiture if the defendant



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446 surrenders or is apprehended within 450 days after forfeiture
447 and the delay has not thwarted proper prosecution of the
448 defendant, or if the defendant is deceased or the state is
449 unwilling to seek extradition of the defendant within 450 days
450 after forfeiture.

451 (f) Seventy-five percent of the forfeiture if the defendant
452 surrenders or is apprehended within 540 days after forfeiture
453 and the delay has not thwarted proper prosecution of the
454 defendant, or if the defendant is deceased or the state is
455 unwilling to seek extradition of the defendant within 540 days
456 after forfeiture.

457 (g) Seventy percent of the forfeiture if the defendant
458 surrenders or is apprehended within 630 days after forfeiture
459 and the delay has not thwarted proper prosecution of the
460 defendant, or if the defendant is deceased or the state is
461 unwilling to seek extradition of the defendant within 630 days
462 after forfeiture.

463 (h) Sixty-five percent of the forfeiture if the defendant
464 surrenders or is apprehended within 720 days after forfeiture
465 and the delay has not thwarted proper prosecution of the
466 defendant, or if the defendant is deceased or the state is
467 unwilling to seek extradition of the defendant within 720 days
468 after forfeiture.

469 (i) Sixty percent of the forfeiture if the defendant
470 surrenders or is apprehended within 810 days after forfeiture
471 and the delay has not thwarted proper prosecution of the
472 defendant, or if the defendant is deceased or the state is
473 unwilling to seek extradition of the defendant within 810 days
474 after forfeiture.



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475 (j) Fifty-five percent of the forfeiture if the defendant
476 surrenders or is apprehended within 900 days after forfeiture
477 and the delay has not thwarted proper prosecution of the
478 defendant, or if the defendant is deceased or the state is
479 unwilling to seek extradition of the defendant within 900 days
480 after forfeiture.

481 (k) Fifty percent of the forfeiture if the defendant
482 surrenders or is apprehended within 990 days after forfeiture
483 and the delay has not thwarted proper prosecution of the
484 defendant, or if the defendant is deceased or the state is
485 unwilling to seek extradition of the defendant within 990 days
486 after forfeiture.

487 (l) Forty-five percent of the forfeiture if the defendant
488 surrenders or is apprehended within 1095 days after forfeiture
489 and the delay has not thwarted proper prosecution of the
490 defendant, or if the defendant is deceased or the state is
491 unwilling to seek extradition of the defendant within 1095 days
492 after forfeiture of up to, but not more than, 100 percent of a
493 forfeiture if the surety apprehended and surrendered the
494 defendant or if the apprehension or surrender of the defendant
495 was substantially procured or caused by the surety, or the
496 surety has substantially attempted to procure or cause the
497 apprehension or surrender of the defendant, and the delay has
498 not thwarted the proper prosecution of the defendant. In
499 addition, remission shall be granted when the surety did not
500 substantially participate or attempt to participate in the
501 apprehension or surrender of the defendant when the costs of
502 returning the defendant to the jurisdiction of the court have
503 been deducted from the remission and when the delay has not



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504 ~~thwarted the proper prosecution of the defendant.~~

505 ~~(3) If the defendant surrenders or is apprehended within~~
506 ~~180 days after forfeiture, the court, on motion at a hearing~~
507 ~~upon notice having been given to the clerk of the circuit court~~
508 ~~and the state attorney as required in subsection (8), shall~~
509 ~~direct remission of up to, but not more than, 95 percent of a~~
510 ~~forfeiture if the surety apprehended and surrendered the~~
511 ~~defendant or if the apprehension or surrender of the defendant~~
512 ~~was substantially procured or caused by the surety, or the~~
513 ~~surety has substantially attempted to procure or cause the~~
514 ~~apprehension or surrender of the defendant, and the delay has~~
515 ~~not thwarted the proper prosecution of the defendant. In~~
516 ~~addition, remission shall be granted when the surety did not~~
517 ~~substantially participate or attempt to participate in the~~
518 ~~apprehension or surrender of the defendant when the costs of~~
519 ~~returning the defendant to the jurisdiction of the court have~~
520 ~~been deducted from the remission and when the delay has not~~
521 ~~thwarted the proper prosecution of the defendant.~~

522 ~~(4) If the defendant surrenders or is apprehended within~~
523 ~~270 days after forfeiture, the court, on motion at a hearing~~
524 ~~upon notice having been given to the clerk of the circuit court~~
525 ~~and the state attorney as required in subsection (8), shall~~
526 ~~direct remission of up to, but not more than, 90 percent of a~~
527 ~~forfeiture if the surety apprehended and surrendered the~~
528 ~~defendant or if the apprehension or surrender of the defendant~~
529 ~~was substantially procured or caused by the surety, or the~~
530 ~~surety has substantially attempted to procure or cause the~~
531 ~~apprehension or surrender of the defendant, and the delay has~~
532 ~~not thwarted the proper prosecution of the defendant. In~~



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533 ~~addition, remission shall be granted when the surety did not~~
534 ~~substantially participate or attempt to participate in the~~
535 ~~apprehension or surrender of the defendant when the costs of~~
536 ~~returning the defendant to the jurisdiction of the court have~~
537 ~~been deducted from the remission and when the delay has not~~
538 ~~thwarted the proper prosecution of the defendant.~~

539 ~~(5) If the defendant surrenders or is apprehended within 1~~
540 ~~year after forfeiture, the court, on motion at a hearing upon~~
541 ~~notice having been given to the clerk of the circuit court and~~
542 ~~the state attorney as required in subsection (8), shall direct~~
543 ~~remission of up to, but not more than, 85 percent of a~~
544 ~~forfeiture if the surety apprehended and surrendered the~~
545 ~~defendant or if the apprehension or surrender of the defendant~~
546 ~~was substantially procured or caused by the surety, or the~~
547 ~~surety has substantially attempted to procure or cause the~~
548 ~~apprehension or surrender of the defendant, and the delay has~~
549 ~~not thwarted the proper prosecution of the defendant. In~~
550 ~~addition, remission shall be granted when the surety did not~~
551 ~~substantially participate or attempt to participate in the~~
552 ~~apprehension or surrender of the defendant when the costs of~~
553 ~~returning the defendant to the jurisdiction of the court have~~
554 ~~been deducted from the remission and when the delay has not~~
555 ~~thwarted the proper prosecution of the defendant.~~

556 ~~(6) If the defendant surrenders or is apprehended within 2~~
557 ~~years after forfeiture, the court, on motion at a hearing upon~~
558 ~~notice having been given to the clerk of the circuit court and~~
559 ~~the state attorney as required in subsection (8), shall direct~~
560 ~~remission of up to, but not more than, 50 percent of a~~
561 ~~forfeiture if the surety apprehended and surrendered the~~



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562 ~~defendant or if the apprehension or surrender of the defendant~~
563 ~~was substantially procured or caused by the surety, or the~~
564 ~~surety has substantially attempted to procure or cause the~~
565 ~~apprehension or surrender of the defendant, and the delay has~~
566 ~~not thwarted the proper prosecution of the defendant. In~~
567 ~~addition, remission shall be granted when the surety did not~~
568 ~~substantially participate or attempt to participate in the~~
569 ~~apprehension or surrender of the defendant when the costs of~~
570 ~~returning the defendant to the jurisdiction of the court have~~
571 ~~been deducted from the remission and when the delay has not~~
572 ~~thwarted the proper prosecution of the defendant.~~

573 ~~(3)(7)~~ The remission of a forfeiture may not be ordered for
574 any reason other than as specified in this section herein.

575 ~~(4)(8)~~ An application for remission must be accompanied by
576 affidavits setting forth the facts on which it is founded;
577 however, the surety must establish by further documentation or
578 other evidence any claimed attempt at procuring or causing the
579 apprehension or surrender of the defendant before the court may
580 order remission based upon an attempt to procure or cause such
581 apprehension or surrender. The clerk of the circuit court and
582 the state attorney must be given 10 20 days' notice before a
583 hearing on an application and be furnished copies of all papers,
584 applications, and affidavits. Remission must ~~shall~~ be granted on
585 the condition of payment of costs, as provided in s.

586 903.21(3)(a), unless the ground for remission is that there was
587 no breach of the bond.

588 ~~(5)(9)~~ The clerk of the circuit court may enter into a
589 contract with a private attorney or into an interagency
590 agreement with a governmental agency to represent the clerk of



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591 the court in an action for the remission of a forfeiture under
592 this section.

593 (6)~~(10)~~ The clerk of the circuit court is the real party in
594 interest for all appeals arising from an action for the
595 remission of a forfeiture under this section.

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

599 (8) If the defendant surrenders or is apprehended and the
600 surety has not paid all costs of returning the defendant to the
601 jurisdiction of court, the court may order remission of the
602 forfeiture in accordance with subsection (2) if the actual costs
603 of returning the defendant to the jurisdiction of the court have
604 been deducted from the remission.

605 Section 17. Section 903.29, Florida Statutes, is amended to
606 read:

607 903.29 Arrest of principal by surety after forfeiture.-
608 Within 3 ~~2~~ years after ~~from~~ the date of forfeiture of a bond,
609 the surety may arrest the principal for the purpose of
610 surrendering the principal to the official in whose custody she
611 or he was at the time bail was taken or in whose custody the
612 principal would have been placed had she or he been committed.

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

615 903.31 Canceling the bond.-

616 (1) Within 10 business days after the conditions of a bond
617 have been satisfied or the forfeiture discharged or remitted,
618 the court must ~~shall~~ order the bond canceled and, if the surety
619 has attached a certificate of cancellation to the original bond,



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620 the clerk of the court must ~~shall~~ mail or electronically furnish
621 an executed certificate of cancellation to the surety without
622 cost. The clerk of the court shall discharge the bond upon an
623 adjudication of guilt or innocence or an acquittal, or if a
624 period of 36 months has passed since the original bond was
625 posted. ~~or~~ A withholding of an adjudication of guilt, a finding
626 of guilt by a jury, or a no action by the state satisfies shall
627 satisfy the conditions of the bond. If the bond has been revoked
628 by the court, other than for a failure to appear, the clerk of
629 the court must discharge or cancel the bond. The original
630 appearance bond expires ~~shall expire~~ 36 months after such bond
631 has been posted for the release of the defendant from custody,
632 at which time the clerk of the court must discharge the bond.
633 This subsection does not apply to cases in which a bond has been
634 declared forfeited before the 36-month expiration, unless the
635 forfeiture was set aside or discharged. As used in this
636 subsection, the term "revoked" means that an act, a statement, a
637 document, or a promise has been annulled or canceled.

638 (2) The original appearance bond does not guarantee a
639 deferred sentence; a sentencing deferral; a delayed sentencing;
640 an appearance after entering a plea agreement; an appearance
641 during or after a presentence investigation; an appearance
642 during or after appeals; conduct during or appearance after
643 admission to a pretrial intervention program; placement in a
644 court-ordered program, including a residential mental health
645 facility; payment of fines; or attendance at educational or
646 rehabilitation facilities the court otherwise provides in the
647 judgment. If the original appearance bond has been forfeited or
648 revoked, it may ~~the bond shall~~ not be reinstated without



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649 approval from the surety on the original bond. The clerk does
650 not have standing under this subsection to object to a motion to
651 reinstate bond.

652 Section 19. Section 903.36, Florida Statutes, is repealed.

653 Section 20. Paragraph (b) of subsection (3) and paragraphs
654 (a), (d), and (g) of subsection (5) of section 907.041, Florida
655 Statutes, are amended, and paragraph (c) of subsection (5) of
656 that section is reenacted, to read:

657 907.041 Pretrial detention and release.—

658 (3) RELEASE ON NONMONETARY CONDITIONS.—

659 (b) A ~~Ne~~ person may not shall be released on nonmonetary
660 conditions under the supervision of a pretrial release service,
661 unless the service certifies in writing to the court, before the
662 defendant is released from custody, that it has investigated or
663 otherwise verified:

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

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

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

673 (5) PRETRIAL DETENTION.—

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

676 1. Arson.†

677 2. Aggravated assault.†



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- 678 3. Aggravated battery.†
- 679 4. Illegal use of explosives.†
- 680 5. Child abuse or aggravated child abuse.†
- 681 6. Abuse of an elderly person or disabled adult, or
- 682 aggravated abuse of an elderly person or disabled adult.†
- 683 7. Aircraft piracy.†
- 684 8. Kidnapping.†
- 685 9. Homicide.†
- 686 10. Manslaughter, including DUI manslaughter and BUI
- 687 manslaughter.†
- 688 11. Sexual battery.†
- 689 12. Robbery.†
- 690 13. Carjacking.†
- 691 14. Lewd, lascivious, or indecent assault or act upon or in
- 692 presence of a child under the age of 16 years.†
- 693 15. Sexual activity with a child, who is 12 years of age or
- 694 older but less than 18 years of age, by or at solicitation of
- 695 person in familial or custodial authority.†
- 696 16. Burglary of a dwelling.†
- 697 17. Stalking and aggravated stalking.†
- 698 18. Act of domestic violence as defined in s. 741.28.†
- 699 19. Home invasion robbery.†
- 700 20. Act of terrorism as defined in s. 775.30.†
- 701 21. Manufacturing any substances in violation of chapter
- 702 893.†
- 703 22. Attempting or conspiring to commit any such crime.†
- 704 23. Human trafficking.†
- 705 24. Trafficking in any controlled substance described in s.
- 706 893.135(1)(c)4.†



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- 707 25. Extortion in violation of s. 836.05.~~;~~ ~~and~~
- 708 26. Written threats to kill in violation of s. 836.10.
- 709 27. Driving under the influence in violation of s.
- 710 316.193(2)(b)1. or (2)(b)3.
- 711 28. Felony battery.
- 712 29. Battery by strangulation.

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

718 1. The defendant has previously violated conditions of
719 release and that no further conditions of release are reasonably
720 likely to assure the defendant's appearance at subsequent
721 proceedings;

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

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

732 4. The defendant is charged with DUI manslaughter, as
733 defined by s. 316.193, and that there is a substantial
734 probability that the defendant committed the crime and that the
735 defendant poses a threat of harm to the community; conditions



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736 that would support a finding by the court pursuant to this
737 subparagraph that the defendant poses a threat of harm to the
738 community include, but are not limited to, any of the following:

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

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

745 c. The defendant has previously been found guilty of, or
746 has had adjudication of guilt withheld for, driving while the
747 defendant's driver license was suspended or revoked in violation
748 of s. 322.34;

749 5. The defendant poses the threat of harm to the community.
750 The court may so conclude, if it finds that the defendant is
751 presently charged with a dangerous crime, that there is a
752 substantial probability that the defendant committed such crime,
753 that the factual circumstances of the crime indicate a disregard
754 for the safety of the community, and that there are no
755 conditions of release reasonably sufficient to protect the
756 community from the risk of physical harm to persons;

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

760 7. The defendant has violated one or more conditions of
761 pretrial release or bond for the offense currently before the
762 court and the violation, in the discretion of the court,
763 supports a finding that no conditions of release can reasonably
764 protect the community from risk of physical harm to persons or



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765 assure the presence of the accused at trial; or

766 8.a. The defendant has ever been sentenced pursuant to s.
767 775.082(9) or s. 775.084 as a prison releasee reoffender,
768 habitual violent felony offender, three-time violent felony
769 offender, or violent career criminal, or the state attorney
770 files a notice seeking that the defendant be sentenced pursuant
771 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
772 habitual violent felony offender, three-time violent felony
773 offender, or violent career criminal;

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

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

779 (d) If a defendant is arrested for a dangerous crime that
780 is a capital felony, a life felony, or a felony of the first
781 degree, and the court determines there is probable cause to
782 believe the defendant committed the offense, the state attorney,
783 or the court on its own motion, may move ~~shall motion~~ for
784 pretrial detention. If the court finds a substantial probability
785 that the defendant committed the offense and, based on the
786 defendant's past and present patterns of behavior, consideration
787 of the criteria in s. 903.046, and any other relevant facts,
788 that no conditions of release or bail will reasonably protect
789 the community from risk of physical harm, ensure the presence of
790 the defendant at trial, or assure the integrity of the judicial
791 process, the court must order pretrial detention.

792 (g)1. If a motion for pretrial detention is granted
793 ~~required~~ under paragraph (d), the pretrial detention hearing



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794 must be held within 5 days after the defendant's first
795 appearance hearing or, if there is no first appearance hearing,
796 within 5 days after the defendant's arraignment.

797 2. If a state attorney files a motion for pretrial
798 detention under paragraph (c), the pretrial detention hearing
799 must be held within 5 days after the filing of such motion.

800 3. The defendant may request a continuance of a pretrial
801 detention hearing. No continuance shall be for longer than 5
802 days unless there are extenuating circumstances. The state
803 attorney shall be entitled to one continuance for good cause.

804 4. The defendant may be detained pending the completion of
805 the pretrial detention hearing. If a defendant is released on
806 bail pending a pretrial detention hearing under paragraph (d),
807 the court must inform the defendant that if he or she uses a
808 surety bond to meet the monetary component of pretrial release
809 and the motion for pretrial detention is subsequently granted,
810 the defendant will not be entitled to the return of the premium
811 on such surety bond.

812
813 ===== T I T L E A M E N D M E N T =====

814 And the title is amended as follows:

815 Delete lines 10 - 130

816 and insert:

817 amending s. 648.44, F.S.; authorizing bail bond agents
818 and agencies to accept certain fees or charges;
819 prohibiting virtual bail bond offices; amending s.
820 903.011, F.S.; requiring, rather than authorizing,
821 that any monetary or cash component of any form of
822 pretrial release be met by specified means; amending



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823 s. 903.046, F.S.; revising the criteria that a court
824 must consider in making specified determinations;
825 prohibiting a surety bond that has been revoked from
826 being reinstated without written authorization;
827 amending s. 903.0471, F.S.; requiring the clerk of the
828 court, upon the court's entry of an order to revoke
829 pretrial release and order pretrial detention in
830 certain circumstances, to discharge any bond
831 previously posted as a condition of pretrial release
832 without further order of the court; amending s.
833 903.05, F.S.; deleting the requirement that a surety
834 own certain real estate as a qualification for the
835 release of a person on bail; repealing s. 903.08,
836 F.S., relating to sufficiency of sureties; amending s.
837 903.09, F.S.; requiring sureties, other than bail bond
838 agents, to justify their suretyship by attaching to
839 the bond United States currency, a United States
840 postal money order, or a cashier's check in the amount
841 of the bond; providing that such currency, money
842 order, or cashier's check may not be used to secure
843 more than one bond; deleting the requirement that a
844 surety execute an affidavit providing certain
845 information; amending s. 903.101, F.S.; revising the
846 requirements that sureties must meet to have equal
847 access to jails for making bonds; amending s. 903.16,
848 F.S.; authorizing a defendant who has been admitted to
849 bail, or another person on the defendant's behalf, to
850 deposit with the official authorized to take bail
851 money an amount equal to the bail amount set in the



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852 court order; requiring, rather than authorizing, the
853 sheriff or other officials to remit to the clerk money
854 or bonds received which are to be held by the clerk
855 pending court action; requiring that a deposit of bail
856 money be receipted in the name of the person making
857 such a deposit unless the depositor is a charitable
858 bail fund; deleting a provision stating that consent
859 is conclusively presumed for the clerk of the circuit
860 court to sell bonds deposited as bail after forfeiture
861 of the bond; repealing s. 903.17, F.S., relating to
862 substitution of cash bail for other bail; amending s.
863 903.21, F.S.; specifying that the surety is exonerated
864 of liability on a bond if a specified determination is
865 made before forfeiture of the bond; revising the
866 definition of the term "costs and expenses"; amending
867 s. 903.26, F.S.; requiring that a signed certification
868 containing certain information must accompany or be
869 included on a specified notice; deleting a requirement
870 that municipal officials having custody of forfeited
871 money deposit such money in a designated municipal
872 fund within 60 days after the forfeiture notice has
873 been mailed or electronically transmitted; deleting
874 certain requirements that must be met when bonds are
875 forfeited; revising the circumstances under which the
876 court is required to discharge a forfeiture within a
877 specified timeframe; requiring the sheriff to enter
878 the information of a defendant in the National Crime
879 Information Center database for each felony warrant
880 that a court issues for failure to appear; specifying



881 circumstances under which the clerk must discharge a
882 forfeiture and issue a certain notice to the surety
883 without further order of the court; amending s.
884 903.27, F.S.; requiring the clerk of the circuit court
885 to enter a certain judgment if the forfeiture is not
886 paid or discharged by order of a court of competent
887 jurisdiction within 60 days after the forfeiture
888 notice has been mailed or electronically transmitted;
889 reducing the number of days within which the clerk
890 must furnish specified information to the Department
891 of Financial Services, the Office of Insurance
892 Regulation of the Financial Services Commission, and
893 the surety company at its home office; amending s.
894 903.28, F.S.; increasing the amount of time within
895 which a court must order remission of a forfeiture if
896 it determines that there was no breach of the bond by
897 the surety; requiring a court, in certain
898 circumstances and upon a certain motion, to order
899 remission in accordance with specified provisions if a
900 defendant surrenders, is deceased, or is apprehended
901 within a certain time after forfeiture; deleting
902 provisions relating to the ordering of remission under
903 specified circumstances; decreasing the amount of time
904 for which the clerk of the circuit court and the state
905 attorney must be given notice before a certain hearing
906 and be furnished with copies of certain documents;
907 requiring the clerk of the circuit court to issue a
908 remission in a specified manner; providing that the
909 court may order remission of the forfeiture in certain



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910 circumstances; amending s. 903.29, F.S.; increasing
911 the length of time from the date of forfeiture of a
912 bond within which a surety may arrest the principal;
913 amending s. 903.31, F.S.; revising provisions relating
914 to the ordering of a bond cancellation; revising
915 applicability; defining the term "revoked"; specifying
916 that the original appearance bond does not guarantee a
917 sentencing deferral, a delayed sentencing, or an
918 appearance after entering a plea agreement; specifying
919 that the clerk does not have standing under certain
920 provisions to object to a reinstatement of a bond;
921 repealing s. 903.36, F.S., relating to guaranteed
922 arrest bond certificates as cash bail; reenacting and
923 amending s. 907.041, F.S.; requiring that a certain
924 pretrial release service certification be made in
925 writing before the defendant is released from custody;
926 revising the definition of the term "dangerous crime";
927 authorizing, rather than requiring, the state attorney
928 or the court on its own motion, to move for pretrial
929 detention if a defendant is arrested for certain
930 dangerous crimes and the court makes a certain
931 determination; reenacting s. 626.2816(2) and (3),
932 F.S.,