



LEGISLATIVE ACTION

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

1                   **Senate Amendment (with title amendment)**

2

3                   Delete lines 153 - 849

4 and insert:

5                   (12) "Virtual office" means an office that does not provide  
6 a continuous physical office space and provides professional  
7 address and mail handling services and which may, upon request,  
8 provide communications and telephone services or a dedicated  
9 office space.

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



11 (2) of section 648.386, Florida Statutes, are amended to read:  
12 648.386 Qualifications for prelicensing and continuing  
13 education schools and instructors.—

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

16 (a) "Classroom instruction" means a course designed to be  
17 presented to a group of students by a live instructor using  
18 lecture, video, webcast, or virtual or other audio-video  
19 presentation.

20 (b) "In-person classroom instruction" means a course  
21 designed to be presented to a group of students by a live  
22 instructor using lectures, with the instructor and students in  
23 the same physical classroom at the same time.

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

28 (a) 1. Offer a minimum of two 80-hour in-person 120-hour  
29 classroom-instruction basic certification courses in the  
30 criminal justice system per calendar year unless a reduced  
31 number of course offerings per calendar year is warranted in  
32 accordance with rules adopted promulgated by the department; or

33 2. Offer a department-approved correspondence course  
34 pursuant to department rules.

35 Section 3. Present paragraphs (d) through (p) of subsection  
36 (1) of section 648.44, Florida Statutes, are redesignated as  
37 paragraphs (e) through (q), respectively, a new paragraph (d) is  
38 added to that subsection, and present paragraph (j) of that  
39 subsection and subsections (4) and (9) of that section are



40 amended, to read

41 648.44 Prohibitions; penalty.—

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

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

59 (k) (j) Accept anything of value from a principal for  
60 providing a bail bond aside from except the premium, a credit  
61 card merchant processing fee, a mobile payment services fee or  
62 similar charge which must be separate from and not considered  
63 premium, and a transfer fee authorized by the office, except  
64 that the bail bond agent or bail bond agency may accept  
65 collateral security or other indemnity from the principal or  
66 another person in accordance with s. 648.442, together with  
67 documentary stamp taxes, if applicable. No fees, expenses, or  
68 charges of any kind shall be permitted to be deducted from the



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69 collateral held or any return premium due, except as authorized  
70 by this chapter or rule of the department or commission. Upon  
71 written agreement with another party, a bail bond agent or bail  
72 bond agency may, ~~upon written agreement with another party~~,  
73 receive a fee or compensation for returning to custody an  
74 individual who has fled the jurisdiction of the court or caused  
75 the forfeiture of a bond.

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

80 (9) (a) A Any person who violates paragraph (1) (f),  
81 paragraph (1) (g), paragraph (1) (h), paragraph (1) (k), paragraph  
82 (1) (o), any provisions of paragraph (1) (e), paragraph (1) (f),  
83 paragraph (1) (g), paragraph (1) (j), or paragraph (1) (n), or  
84 subsection (2) commits a felony of the third degree, punishable  
85 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

95 903.011 Pretrial release; general terms; statewide uniform  
96 bond schedule.—

97 (2) Any monetary or cash component of any form of pretrial



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98 release must may be met by a surety bond or by United States  
99 currency, a United States postal money order, or a cashier's  
100 check in the amount of the bond.

101 Section 5. Paragraph (d) of subsection (2) of section  
102 903.046, Florida Statutes, is amended to read:

103 903.046 Purpose of and criteria for bail determination.—

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

107 (d) The defendant's past and present conduct, including any  
108 record of convictions, previous flight to avoid prosecution, or  
109 failure to appear at court proceedings. However, any defendant  
110 who ~~had~~ failed to appear on the day of any required court  
111 proceeding in the case at issue, but who ~~had~~ later voluntarily  
112 appeared or surrendered, is not ~~shall not~~ be eligible for a  
113 recognizance bond; and any defendant who failed to appear on the  
114 day of any required court proceeding in the case at issue and  
115 who was later arrested is not ~~shall not~~ be eligible for a  
116 recognizance bond or for any form of bond which does not require  
117 the greater of a monetary undertaking ~~or commitment~~ equal to or  
118 greater than \$2,000 or twice the value of the monetary  
119 ~~commitment or~~ undertaking of the original bond, ~~whichever is~~  
120 ~~greater.~~ Notwithstanding anything in this section, the court has  
121 discretion in determining conditions of release if the defendant  
122 proves circumstances beyond his or her control for the failure  
123 to appear. A surety bond that has been revoked may not be  
124 reinstated without a written authorization from the bail bond  
125 agent, bail bond agency, or surety. This section may not be  
126 construed as imposing additional duties or obligations on a



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127 governmental entity related to monetary bonds.

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

130       903.0471 Violation of condition of pretrial release.—  
131 Notwithstanding s. 907.041, a court may, on its own motion,  
132 revoke pretrial release and order pretrial detention if the  
133 court finds probable cause to believe that the defendant  
134 committed a new crime while on pretrial release or violated any  
135 other condition of pretrial release in a material respect. Upon  
136 entry of such an order to revoke pretrial release and order  
137 pretrial detention, other than for a failure to appear, the  
138 clerk of the court must discharge any bond previously posted as  
139 a condition of pretrial release without further order of the  
140 court.

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

143       903.05 Qualification of sureties.—A surety for the release  
144 of a person on bail, other than a company authorized by law to  
145 act as a surety, shall be a resident of the state ~~or own real~~  
146 ~~estate within the state.~~

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

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

150       903.09 Justification of sureties.—

151       (1) A surety, other than a bail bond agent as defined in s.  
152 648.25, shall justify his or her suretyship by attaching to the  
153 bond United States currency, a United States postal money order,  
154 or a cashier's check in the amount of the bond; however, the  
155 United States currency, United States postal money order, or



156 cashier's check may not be used to secure more than one bond  
157 ~~execute an affidavit stating that she or he possesses the~~  
158 ~~qualifications and net worth required to become a surety. The~~  
159 ~~affidavit shall describe the surety's property and any~~  
160 ~~encumbrances and shall state the number and amount of any bonds~~  
161 ~~entered into by the surety at any court that remain~~  
162 ~~undischarged.~~

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

165       903.101 Sureties; licensed persons; to have equal access.—  
166 Subject to rules adopted by the Department of Financial Services  
167 and by the Financial Services Commission, every surety who meets  
168 the requirements of s. 903.09 ~~ss. 903.05, 903.06, 903.08, and~~  
169 ~~903.09,~~ and every person who is currently licensed by the  
170 Department of Financial Services and registered as required by  
171 s. 648.42 must ~~shall~~ have equal access to the jails of this  
172 state for the purpose of making bonds.

173       Section 11. Section 903.16, Florida Statutes, is amended to  
174 read:

175       903.16 Deposit of money or bonds as bail.—

176       (1) A defendant who has been admitted to bail, or another  
177 person in the defendant's behalf, may deposit with the official  
178 authorized to take bail money an amount equal to the bail amount  
179 set in the court order. Such deposit must be received in the  
180 name of the defendant or nonregistered bonds of the United  
181 States, the state, or a city, town, or county in the state,  
182 equal in market value to the amount set in the order and the  
183 personal bond of the defendant and an undertaking by the  
184 depositor if the money or bonds are deposited by another. The



185 sheriff or other officials shall ~~may~~ remit money or bonds  
186 received to the clerk to be held by the clerk pending court  
187 action ~~or return to the defendant or depositor~~. The clerk shall  
188 accept money or bonds remitted by the sheriff.

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

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

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

195 903.21 Method of surrender; exoneration of obligors.—

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

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

206 1. "Costs and expenses" means the prorated salary of any  
207 law enforcement officer or employee of a contracted  
208 transportation company as well as the actual expenses of  
209 transporting each defendant, which may only consist of mileage,  
210 ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging  
211 for any law enforcement officer or employee of a contracted  
212 transportation company and the defendant.

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



214 was released on bail.

215 Section 14. Section 903.26, Florida Statutes, is amended to  
216 read:

217 903.26 Forfeiture of the bond; when and how directed;  
218 discharge; how and when made; effect of payment.—

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

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

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

225 Notice is ~~shall~~ not be necessary if the time for appearance is  
226 within 72 hours after ~~from~~ the time of arrest, or ~~if the time is~~ stated on the bond. Such notice may be mailed or electronically  
227 transmitted. A certificate signed by the clerk of the court or  
228 the clerk's designee which certifies that the notice required  
229 under this paragraph was mailed or electronically transmitted on  
230 a specified date and time and which is accompanied by a copy of  
231 the required notice constitutes sufficient proof that such  
232 mailing or electronic transmission was properly accomplished as  
233 required in this paragraph.

235 (2) (a) If there is a failure of the defendant to appear as  
236 required, the court must ~~shall~~ declare the bond and any bonds or  
237 money deposited as bail forfeited. The clerk of the court shall  
238 mail or electronically transmit a notice to the surety agent,  
239 bail bond agency, and surety company within 5 days after the  
240 forfeiture. A certificate signed by the clerk of the court or  
241 the clerk's designee which certifies, certifying that the notice  
242 required under this section herein was mailed or electronically



243 transmitted on a specified date and which is accompanied by a  
244 copy of the required notice constitutes, ~~shall constitute~~  
245 sufficient proof that such mailing or electronic transmission  
246 was properly accomplished as required in this paragraph  
247 ~~indicated therein~~. If such mailing or electronic transmission  
248 was properly accomplished as evidenced by such certificate, the  
249 failure of the surety agent, a bail bond agency, ~~or~~ a company,  
250 or ~~or~~ a defendant to receive such notice does ~~shall~~ not  
251 constitute a defense to such forfeiture and may ~~shall~~ not be  
252 grounds for discharge, remission, reduction, set aside, or  
253 continuance of such forfeiture. The forfeiture must ~~shall~~ be  
254 paid within 60 days after the date the notice was mailed or  
255 electronically transmitted.

256 (b) If Failure ~~of~~ the defendant fails to appear at the  
257 time, date, and place of required appearance, ~~shall result in~~  
258 ~~forfeiture~~ of the bond is forfeited. Such forfeiture must ~~shall~~  
259 be automatically entered by the clerk upon such failure to  
260 appear, and the clerk shall follow the procedures in paragraph  
261 (a). However, the court may determine, in its discretion and, in  
262 the interest of justice, that an appearance by the defendant on  
263 the ~~same day as required~~ day does not warrant forfeiture of the  
264 bond, and ~~the court~~ may direct the clerk to set aside any such  
265 forfeiture ~~which may have been entered~~. Any appearance by the  
266 defendant later than the required day constitutes forfeiture of  
267 the bond, and the court may ~~shall~~ not preclude entry of such  
268 forfeiture by the clerk.

269 (c) If there is a forfeiture of the bond, the clerk must  
270 ~~shall~~ provide, upon request, a certified copy of the warrant or  
271 writ or process to the bail bond agent or surety company.



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

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

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

279       (c) ~~Officials having custody of bonds as authorized by s.~~  
280 ~~903.16 shall transmit the bonds to the clerk of the circuit~~  
281 ~~court who shall sell them at market value and disburse the~~  
282 ~~proceeds as provided in paragraph (a) paragraphs (a) and (b).~~

283       (4) ~~(a) When a bond is forfeited, the clerk shall transmit~~  
284 ~~the bond and any affidavits to the clerk of the circuit court in~~  
285 ~~which the bond and affidavits are filed. The clerk of the~~  
286 ~~circuit court shall record the forfeiture in the deed or~~  
287 ~~official records book. If the undertakings and affidavits~~  
288 ~~describe real property in another county, the clerk shall~~  
289 ~~transmit the bond and affidavits to the clerk of the circuit~~  
290 ~~court of the county where the property is located who shall~~  
291 ~~record and return them.~~

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



301       (4)-(5) The court shall discharge a forfeiture within 60  
302 days after the forfeiture notice was mailed or electronically  
303 transmitted upon any of the following:

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

311       (b) A determination that, at the time of the required  
312 appearance or within 60 days after the date of the required  
313 appearance, the defendant was confined in an institution or  
314 hospital; was confined in any county, state, federal, or  
315 immigration detention facility; was deported; or is deceased.†

316       (c) Surrender or arrest of the defendant at the time of the  
317 required appearance or within 60 days after the date of the  
318 required appearance in any county, state, or federal jail or  
319 prison and upon a hold being placed to return the defendant to  
320 the jurisdiction of the court. The court shall condition a  
321 discharge or remission on the payment of costs and the expenses  
322 as provided in s. 903.21(3), incurred by an official in  
323 returning the defendant to the jurisdiction of the court.‡-or

324       (d) A determination that the state is unwilling to seek  
325 extradition of the fugitive defendant within 10 30 days after a  
326 written request by the surety agent to do so, and contingent  
327 upon the surety agent's consent to pay all costs and the  
328 expenses incurred by an official in returning the defendant to  
329 the jurisdiction of the court, as provided in s. 903.21(3), up



330 to the penal amount of the bond.

331 (5) For each felony warrant that a court issues for a  
332 failure to appear in court, the state shall enter the  
333 information of the defendant in the National Crime Information  
334 Center database with no restrictions until the defendant is  
335 returned to the jurisdiction of the court.

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

338 (7) The payment by a surety of a forfeiture under this law  
339 has shall have the same effect on the bond as payment of a  
340 judgment.

341 (8) If the defendant is arrested and returned to the county  
342 of jurisdiction of the court or has posted a new bond for the  
343 case at issue before judgment, the clerk must, upon affirmation  
344 by the sheriff or the chief correctional officer and, shall,  
345 without further hearing or order of the court, discharge the  
346 forfeiture of the bond. However, if the surety agent fails to  
347 pay the costs and expenses incurred in returning the defendant  
348 to the county of jurisdiction, the clerk may shall not discharge  
349 the forfeiture of the bond. If the surety agent and the sheriff  
350 fail to agree on the amount of such said costs, then the court,  
351 after notice to the sheriff and the state attorney, must shall  
352 determine the amount of the costs.

353 (9) If, after forfeiture of a bond, the criminal charges  
354 for which the bond guaranteed appearance are resolved,  
355 adjudicated, or otherwise disposed of by any action of the court  
356 or state, the clerk must discharge the forfeiture and issue such  
357 notice to the surety without further order of the court. If such  
358 resolution or disposition occurs after payment of a forfeiture



359 or judgment, remission must be granted upon proper motion and as  
360 specified under s. 903.28.

361 (10) Unless the time for payment or discharge of the  
362 forfeiture set forth in s. 903.27(1) has passed, or unless  
363 payment of the forfeiture has already been made, the clerk does  
364 not have standing to object to a motion to set aside a  
365 forfeiture under paragraph (2) (b), a motion to discharge a  
366 forfeiture under subsection (4), or a motion to reinstate a bond  
367 under s. 903.31(2).

368       Section 15. Section 903.27, Florida Statutes, is amended to  
369 read:

370       903.27 Forfeiture to judgment.—

371       (1) If the forfeiture is not paid or discharged by order of  
372 a court of competent jurisdiction within 60 days after the  
373 forfeiture notice has been mailed or electronically transmitted  
374 and the bond is secured other than by money and bonds authorized  
375 in s. 903.16, the clerk of the circuit court for the county  
376 where the order was made must shall enter a judgment against the  
377 surety for the amount of the penalty and issue execution.  
378 However, in any case in which the bond forfeiture has been  
379 discharged by the court of competent jurisdiction conditioned  
380 upon the payment by the surety of certain costs or fees as  
381 allowed by statute, the amount for which judgment may be entered  
382 may not exceed the amount of the unpaid fees or costs upon which  
383 the discharge had been conditioned. Judgment for the full amount  
384 of the forfeiture may shall not be entered if payment of a  
385 lesser amount will satisfy the conditions to discharge the  
386 forfeiture. Within 5 10 days, the clerk shall furnish the  
387 Department of Financial Services and the Office of Insurance



388 Regulation of the Financial Services Commission with a certified  
389 copy of the judgment docket and shall furnish the surety company  
390 at its home office a copy of the judgment, which shall include  
391 the power of attorney number of the bond and the name of the  
392 executing agent. If the judgment is not paid within 35 days, the  
393 clerk must ~~shall~~ furnish the Department of Financial Services,  
394 the Office of Insurance Regulation, and the sheriff of the  
395 county in which the bond was executed, or the official  
396 responsible for operation of the county jail, if that official  
397 is not other than the sheriff, two copies of the judgment and a  
398 certificate stating that the judgment remains unsatisfied. When  
399 ~~and if~~ the judgment is properly paid or an order to vacate the  
400 judgment has been entered by a court of competent jurisdiction,  
401 the clerk shall immediately notify the sheriff, or other such  
402 the official responsible for the operation of the county jail,  
403 ~~if other than the sheriff, and, if they have been previously~~  
404 notified of nonpayment, the Department of Financial Services and  
405 the Office of Insurance Regulation, ~~if the department and office~~  
406 ~~had been previously notified of nonpayment,~~ of such payment or  
407 order to vacate the judgment. The clerk may furnish documents or  
408 give notice as required in this subsection by mail or electronic  
409 means. The clerk shall also immediately prepare and record in  
410 the public records a satisfaction of the judgment or record the  
411 order to vacate judgment. If the defendant is returned to the  
412 county of jurisdiction of the court, whenever a motion to set  
413 aside the judgment is filed, the operation of this section is  
414 tolled until the court makes a disposition of the motion.

415 (2) A certificate signed by the clerk of the court or her  
416 or his designee which certifies, certifying that the notice



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417 required in subsection (1) was mailed or electronically  
418 delivered on a specified date, and is accompanied by a copy of  
419 the required notice constitutes sufficient proof that such  
420 mailing or electronic delivery was properly accomplished as  
421 required in this subsection indicated therein. If such mailing  
422 or electronic delivery was properly accomplished as evidenced by  
423 such certificate, the failure of a company to receive a copy of  
424 the judgment as prescribed in subsection (1) does not constitute  
425 a defense to the forfeiture and is not a ground for the  
426 discharge, remission, reduction, set aside, or continuance of  
427 such forfeiture.

428 (3) Surety bail bonds may not be executed by a bail bond  
429 agent or a bail bond agency against whom a judgment has been  
430 entered which has remained unpaid for 35 days and may not be  
431 executed for a company against whom a judgment has been entered  
432 which has remained unpaid for 50 days. A ~~No~~ sheriff or other  
433 official who is empowered to accept or approve surety bail bonds  
434 may not ~~shall~~ accept or approve such a bond executed by such a  
435 bail bond agent or bail bond agency or executed for such a  
436 company until such judgment has been paid.

437 (4) After notice of judgment against the surety given by  
438 the clerk of the circuit court, the surety, a bail bond agency,  
439 or a bail bond agent shall, within 35 days after ~~of~~ the entry of  
440 judgment, submit to the clerk of the circuit court an amount  
441 equal to the judgment, unless the judgment has been set aside by  
442 the court within 35 days after ~~of~~ the entry of the judgment. If  
443 a motion to set aside the judgment has been filed pursuant to  
444 subsection (5), the amount submitted must ~~shall~~ be held in  
445 escrow until such time as the court has disposed of the motion.



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446 The failure to comply with ~~the provisions of~~ this subsection  
447 constitutes a failure to pay the judgment.

448 (5) After notice of judgment against the surety given by  
449 the clerk of the circuit court, the surety, bail bond agency, or  
450 bail bond agent may within 35 days file a motion to set aside  
451 ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~  
452 Any such motion or and of any order to stay the judgment must be  
453 conditioned on payment by that the surety of pay the amount of  
454 the judgment to the clerk, which amount must shall be held in  
455 escrow until such time as the court has disposed of the motion  
456 to set aside the judgment. The filing of such a motion, when  
457 accompanied by the required escrow deposit, acts shall act as an  
458 automatic stay of further proceedings, including execution,  
459 until the motion has been heard and a decision rendered by the  
460 court.

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

466 Section 16. Section 903.28, Florida Statutes, is amended to  
467 read:

468 903.28 Remission of forfeiture; conditions.—

469 (1) On application within 36 months after 2 years from  
470 forfeiture, the court must shall order remission of the  
471 forfeiture in accordance with subsection (2) if it determines  
472 that there was no breach of the bond.

473 (2) If the defendant surrenders or is apprehended and the  
474 surety has paid all costs of returning the defendant to the



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475 jurisdiction of the court, if the defendant is deceased, or if  
476 the state attorney is unwilling to seek extradition of the  
477 defendant from any jail or prison after a request by the surety  
478 agent, bail bond agency, or surety company consenting to pay all  
479 costs incurred by an official in returning the defendant to the  
480 jurisdiction of the court, as provided in s. 903.21(3)(a), up to  
481 the penal amount of the bond, within 36 months ~~90 days~~ after  
482 forfeiture, the court, on motion at a hearing upon notice having  
483 been given to the clerk of the circuit court and the state  
484 attorney as required in subsection (4), ~~must subsection (8),~~  
485 shall direct remission in accordance with the following:

486 (a) One hundred percent of the forfeiture if the defendant  
487 surrenders or is apprehended within 90 days after forfeiture and  
488 the delay has not thwarted proper prosecution of the defendant  
489 or if the defendant is deceased or the state is unwilling to  
490 seek extradition of the defendant within 90 days after  
491 forfeiture.

492 (b) Ninety-five percent of the forfeiture if the defendant  
493 surrenders or is apprehended within 180 days after forfeiture  
494 and the delay has not thwarted proper prosecution of the  
495 defendant or if the defendant is deceased or the state is  
496 unwilling to seek extradition of the defendant within 180 days  
497 after forfeiture.

498 (c) Ninety percent of the forfeiture if the defendant  
499 surrenders or is apprehended within 270 days after forfeiture  
500 and the delay has not thwarted proper prosecution of the  
501 defendant or if the defendant is deceased or the state is  
502 unwilling to seek extradition of the defendant within 270 days  
503 after forfeiture.



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504        (d) Eighty-five percent of the forfeiture if the defendant  
505 surrenders or is apprehended within 360 days after forfeiture  
506 and the delay has not thwarted proper prosecution of the  
507 defendant or if the defendant is deceased or the state is  
508 unwilling to seek extradition of the defendant within 360 days  
509 after forfeiture.

510        (e) Eighty percent of the forfeiture if the defendant  
511 surrenders or is apprehended within 450 days after forfeiture  
512 and the delay has not thwarted proper prosecution of the  
513 defendant or if the defendant is deceased or the state is  
514 unwilling to seek extradition of the defendant within 450 days  
515 after forfeiture.

516        (f) Seventy-five percent of the forfeiture if the defendant  
517 surrenders or is apprehended within 540 days after forfeiture  
518 and the delay has not thwarted proper prosecution of the  
519 defendant or if the defendant is deceased or the state is  
520 unwilling to seek extradition of the defendant within 540 days  
521 after forfeiture.

522        (g) Seventy percent of the forfeiture if the defendant  
523 surrenders or is apprehended within 630 days after forfeiture  
524 and the delay has not thwarted proper prosecution of the  
525 defendant or if the defendant is deceased or the state is  
526 unwilling to seek extradition of the defendant within 630 days  
527 after forfeiture.

528        (h) Sixty-five percent of the forfeiture if the defendant  
529 surrenders or is apprehended within 720 days after forfeiture  
530 and the delay has not thwarted proper prosecution of the  
531 defendant or if the defendant is deceased or the state is  
532 unwilling to seek extradition of the defendant within 720 days



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533 after forfeiture.

534 (i) Sixty percent of the forfeiture if the defendant  
535 surrenders or is apprehended within 810 days after forfeiture  
536 and the delay has not thwarted proper prosecution of the  
537 defendant or if the defendant is deceased or the state is  
538 unwilling to seek extradition of the defendant within 810 days  
539 after forfeiture.

540 (j) Fifty-five percent of the forfeiture if the defendant  
541 surrenders or is apprehended within 900 days after forfeiture  
542 and the delay has not thwarted proper prosecution of the  
543 defendant or if the defendant is deceased or the state is  
544 unwilling to seek extradition of the defendant within 900 days  
545 after forfeiture.

546 (k) Fifty percent of the forfeiture if the defendant  
547 surrenders or is apprehended within 990 days after forfeiture  
548 and the delay has not thwarted proper prosecution of the  
549 defendant or if the defendant is deceased or the state is  
550 unwilling to seek extradition of the defendant within 990 days  
551 after forfeiture.

552 (l) Forty-five percent of the forfeiture if the defendant  
553 surrenders or is apprehended within 36 months after forfeiture  
554 and the delay has not thwarted proper prosecution of the  
555 defendant or if the defendant is deceased or the state is  
556 unwilling to seek extradition of the defendant within 36 months  
557 after forfeiture of up to, but not more than, 100 percent of a  
558 forfeiture if the surety apprehended and surrendered the  
559 defendant or if the apprehension or surrender of the defendant  
560 was substantially procured or caused by the surety, or the  
561 surety has substantially attempted to procure or cause the



562 apprehension or surrender of the defendant, and the delay has  
563 not thwarted the proper prosecution of the defendant. In  
564 addition, remission shall be granted when the surety did not  
565 substantially participate or attempt to participate in the  
566 apprehension or surrender of the defendant when the costs of  
567 returning the defendant to the jurisdiction of the court have  
568 been deducted from the remission and when the delay has not  
569 thwarted the proper prosecution of the defendant.

570 (3) If the defendant surrenders or is apprehended within  
571 180 days after forfeiture, the court, on motion at a hearing  
572 upon notice having been given to the clerk of the circuit court  
573 and the state attorney as required in subsection (8), shall  
574 direct remission of up to, but not more than, 95 percent of a  
575 forfeiture if the surety apprehended and surrendered the  
576 defendant or if the apprehension or surrender of the defendant  
577 was substantially procured or caused by the surety, or the  
578 surety has substantially attempted to procure or cause the  
579 apprehension or surrender of the defendant, and the delay has  
580 not thwarted the proper prosecution of the defendant. In  
581 addition, remission shall be granted when the surety did not  
582 substantially participate or attempt to participate in the  
583 apprehension or surrender of the defendant when the costs of  
584 returning the defendant to the jurisdiction of the court have  
585 been deducted from the remission and when the delay has not  
586 thwarted the proper prosecution of the defendant.

587 (4) If the defendant surrenders or is apprehended within  
588 270 days after forfeiture, the court, on motion at a hearing  
589 upon notice having been given to the clerk of the circuit court  
590 and the state attorney as required in subsection (8), shall



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591 direct remission of up to, but not more than, 90 percent of a  
592 forfeiture if the surety apprehended and surrendered the  
593 defendant or if the apprehension or surrender of the defendant  
594 was substantially procured or caused by the surety, or the  
595 surety has substantially attempted to procure or cause the  
596 apprehension or surrender of the defendant, and the delay has  
597 not thwarted the proper prosecution of the defendant. In  
598 addition, remission shall be granted when the surety did not  
599 substantially participate or attempt to participate in the  
600 apprehension or surrender of the defendant when the costs of  
601 returning the defendant to the jurisdiction of the court have  
602 been deducted from the remission and when the delay has not  
603 thwarted the proper prosecution of the defendant.

604 (5) If the defendant surrenders or is apprehended within 1  
605 year after forfeiture, the court, on motion at a hearing upon  
606 notice having been given to the clerk of the circuit court and  
607 the state attorney as required in subsection (8), shall direct  
608 remission of up to, but not more than, 85 percent of a  
609 forfeiture if the surety apprehended and surrendered the  
610 defendant or if the apprehension or surrender of the defendant  
611 was substantially procured or caused by the surety, or the  
612 surety has substantially attempted to procure or cause the  
613 apprehension or surrender of the defendant, and the delay has  
614 not thwarted the proper prosecution of the defendant. In  
615 addition, remission shall be granted when the surety did not  
616 substantially participate or attempt to participate in the  
617 apprehension or surrender of the defendant when the costs of  
618 returning the defendant to the jurisdiction of the court have  
619 been deducted from the remission and when the delay has not



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

621 ~~(6) If the defendant surrenders or is apprehended within 2~~

622 ~~years after forfeiture, the court, on motion at a hearing upon~~

623 ~~notice having been given to the clerk of the circuit court and~~

624 ~~the state attorney as required in subsection (8), shall direct~~

625 ~~remission of up to, but not more than, 50 percent of a~~

626 ~~forfeiture if the surety apprehended and surrendered the~~

627 ~~defendant or if the apprehension or surrender of the defendant~~

628 ~~was substantially procured or caused by the surety, or the~~

629 ~~surety has substantially attempted to procure or cause the~~

630 ~~apprehension or surrender of the defendant, and the delay has~~

631 ~~not thwarted the proper prosecution of the defendant. In~~

632 ~~addition, remission shall be granted when the surety did not~~

633 ~~substantially participate or attempt to participate in the~~

634 ~~apprehension or surrender of the defendant when the costs of~~

635 ~~returning the defendant to the jurisdiction of the court have~~

636 ~~been deducted from the remission and when the delay has not~~

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

638 ~~(3) (7) The remission of a forfeiture may not be ordered for~~

639 ~~any reason other than as specified in this section herein.~~

640 ~~(4) (8) An application for remission must be accompanied by~~

641 ~~affidavits setting forth the facts on which it is founded;~~

642 ~~however, the surety must establish by further documentation or~~

643 ~~other evidence any claimed attempt at procuring or causing the~~

644 ~~apprehension or surrender of the defendant before the court may~~

645 ~~order remission based upon an attempt to procure or cause such~~

646 ~~apprehension or surrender. The clerk of the circuit court and~~

647 ~~the state attorney must be given 10 20 days' notice before a~~

648 ~~hearing on an application and be furnished copies of all papers,~~



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649 applications, and affidavits. Remission must shall be granted on  
650 the condition of payment of costs, as provided in s.

651 903.21(3)(a), unless the ground for remission is that there was  
652 no breach of the bond.

653 (5)(9) The clerk of the circuit court may enter into a  
654 contract with a private attorney or into an interagency  
655 agreement with a governmental agency to represent the clerk of  
656 the court in an action for the remission of a forfeiture under  
657 this section.

658 (6)(10) The clerk of the circuit court is the real party in  
659 interest for all appeals arising from an action for the  
660 remission of a forfeiture under this section.

661 (7) The clerk of the circuit court shall issue a remission  
662 within 10 days after entry of a court order directing remission,  
663 and a remission untimely issued accrues interest at the rate of  
664 1.5 percent per month.

665 (8) If the defendant surrenders or is apprehended and the  
666 surety has not paid all costs of returning the defendant to the  
667 jurisdiction of the court, the court may order remission of the  
668 forfeiture in accordance with subsection (2) if the actual costs  
669 of returning the defendant to the jurisdiction of the court have  
670 been deducted from the remission.

671 Section 17. Section 903.29, Florida Statutes, is amended to  
672 read:

673 903.29 Arrest of principal by surety after forfeiture.—  
674 Within 3 ½ years from the date of forfeiture of a bond, the  
675 surety may arrest the principal for the purpose of surrendering  
676 the principal to the official in whose custody she or he was at  
677 the time bail was taken or in whose custody the principal would



678 have been placed had she or he been committed.

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

681 903.31 Canceling the bond.—

682 (1) Within 10 business days after the conditions of a bond  
683 have been satisfied or the forfeiture discharged or remitted,  
684 the court must ~~shall~~ order the bond canceled and, if the surety  
685 has attached a certificate of cancellation to the original bond,  
686 the clerk of the court must ~~shall~~ mail or electronically furnish  
687 an executed certificate of cancellation to the surety without  
688 cost. The clerk of the court shall discharge the bond upon an  
689 adjudication of guilt or innocence or an acquittal, or if a  
690 period of 36 months has passed since the original bond was  
691 posted.~~or~~ A withholding of an adjudication of guilt, a finding  
692 of guilt by a jury, or a no action by the state satisfies ~~shall~~  
693 satisfy the conditions of the bond. If the bond has been revoked  
694 by the court, other than for a failure to appear, the clerk of  
695 the court must discharge or cancel the bond. The original  
696 appearance bond expires ~~shall expire~~ 36 months after such bond  
697 has been posted for the release of the defendant from custody,  
698 at which time the clerk of the court must discharge the bond.  
699 This subsection does not apply to cases in which a bond has been  
700 declared forfeited before the 36-month expiration, unless the  
701 forfeiture was set aside or discharged. As used in this  
702 subsection, the term "revoked" means that an act, a statement, a  
703 document, or a promise has been annulled or canceled.

704 (2) The original appearance bond does not guarantee a  
705 deferred sentence; a sentencing deferral; a delayed sentencing;  
706 an appearance after entering a plea agreement; an appearance



707 during or after a presentence investigation; an appearance  
708 during or after appeals; conduct during or appearance after  
709 admission to a pretrial intervention program; placement in a  
710 court-ordered program, including a residential mental health  
711 facility; payment of fines; or attendance at educational or  
712 rehabilitation facilities the court otherwise provides in the  
713 judgment. If the original appearance bond has been forfeited or  
714 revoked, it may ~~the bond shall~~ not be reinstated without  
715 approval from the surety on the original bond.

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

717       Section 20. Paragraph (b) of subsection (3) and paragraphs  
718 (a), (d), and (g) of subsection (5) of section 907.041, Florida  
719 Statutes, are amended, and paragraph (c) of subsection (5) of  
720 that section is reenacted, to read:

721       907.041 Pretrial detention and release.—

722       (3) RELEASE ON NONMONETARY CONDITIONS.—

723

724 ===== T I T L E    A M E N D M E N T =====

725 And the title is amended as follows:

726       Delete lines 4 - 126

727 and insert:

728       648.386, F.S.; defining the term "in-person classroom  
729 instruction"; decreasing the duration of in-person  
730 classroom-instruction basic certification courses  
731 required to be considered for approval and  
732 certification as an approved limited surety agent and  
733 professional bail bond agent prelicensing school;  
734 amending s. 648.44, F.S.; prohibiting bail bond agents  
735 and agencies from soliciting certain persons;



736 providing exceptions; authorizing bail bond agents and  
737 agencies to accept certain fees or charges;  
738 prohibiting virtual offices; amending s. 903.011,  
739 F.S.; requiring, rather than authorizing, that any  
740 monetary or cash component of any form of pretrial  
741 release be met by specified means; amending s.  
742 903.046, F.S.; revising the criteria that a court must  
743 consider in making specified determinations;  
744 prohibiting a surety bond that has been revoked from  
745 being reinstated without written authorization;  
746 amending s. 903.0471, F.S.; requiring that, upon a  
747 court's entry of an order to revoke pretrial release  
748 and order pretrial detention in certain circumstances,  
749 the clerk of the court discharge any bond previously  
750 posted as a condition of pretrial release without  
751 further order of the court; amending s. 903.05, F.S.;  
752 deleting the requirement that a surety own certain  
753 real estate as a qualification for the release of a  
754 person on bail; repealing s. 903.08, F.S., relating to  
755 sufficiency of sureties; amending s. 903.09, F.S.;  
756 requiring sureties, other than bail bond agents, to  
757 justify their suretyship by attaching to the bond  
758 United States currency, a United States postal money  
759 order, or a cashier's check in the amount of the bond;  
760 providing that such currency, money order, or  
761 cashier's check may not be used to secure more than  
762 one bond; deleting the requirement that a surety  
763 execute an affidavit providing certain information;  
764 amending s. 903.101, F.S.; revising the requirements



765 that sureties must meet to have equal access to jails  
766 for making bonds; amending s. 903.16, F.S.;  
767 authorizing a defendant who has been admitted to bail,  
768 or another person on the defendant's behalf, to  
769 deposit with the official authorized to take bail  
770 money an amount equal to the bail amount set in the  
771 court order; requiring that such deposit be received  
772 in the name of the defendant; requiring, rather than  
773 authorizing, the sheriff or other officials to remit  
774 to the clerk money or bonds received which are to be  
775 held by the clerk pending court action; deleting a  
776 provision stating that consent is conclusively  
777 presumed for the clerk of the circuit court to sell  
778 bonds deposited as bail after forfeiture of the bond;  
779 repealing s. 903.17, F.S., relating to substitution of  
780 cash bail for other bail; amending s. 903.21, F.S.;  
781 specifying that the surety is exonerated of liability  
782 on a bond if a specified determination is made before  
783 forfeiture of the bond; revising the definition of the  
784 term "costs and expenses"; amending s. 903.26, F.S.;  
785 providing that a certain signed certificate that  
786 certifies a specified required notice constitutes  
787 sufficient proof of the mailing or electronic  
788 transmission of such notice; deleting a requirement  
789 that municipal officials having custody of forfeited  
790 money deposit such money in a designated municipal  
791 fund within 60 days after the forfeiture notice has  
792 been mailed or electronically transmitted; deleting  
793 certain requirements that must be met when bonds are



794 forfeited; revising the circumstances under which the  
795 court is required to discharge a forfeiture within a  
796 specified timeframe; requiring the state to enter the  
797 information of a defendant in the National Crime  
798 Information Center database for each felony warrant  
799 that a court issues for failure to appear; specifying  
800 circumstances under which the clerk must discharge a  
801 forfeiture and issue a certain notice to the surety  
802 without further order of the court; specifying  
803 circumstances under which the clerk does not have  
804 standing to object to specified motions; amending s.  
805 903.27, F.S.; requiring the clerk of the circuit court  
806 to enter a certain judgment if the forfeiture is not  
807 paid or discharged by order of a court of competent  
808 jurisdiction within 60 days after the forfeiture  
809 notice has been mailed or electronically transmitted;  
810 reducing the number of days within which the clerk  
811 must furnish specified information to the Department  
812 of Financial Services, the Office of Insurance  
813 Regulation of the Financial Services Commission, and  
814 the surety company at its home office; amending s.  
815 903.28, F.S.; increasing the amount of time within  
816 which a court must order remission of a forfeiture if  
817 it determines that there was no breach of the bond;  
818 requiring a court, in certain circumstances and upon a  
819 certain motion, to direct remission in accordance with  
820 specified provisions if a defendant surrenders, is  
821 deceased, or is apprehended within a certain time  
822 after forfeiture; deleting provisions relating to the



823 ordering of remission under specified circumstances;  
824 decreasing the amount of time for which the clerk of  
825 the circuit court and the state attorney must be given  
826 notice before a certain hearing and be furnished with  
827 copies of certain documents; requiring the clerk of  
828 the circuit court to issue a remission within a  
829 certain timeframe after the entry of a court order  
830 directing remission; providing for accrual of interest  
831 if remission is not issued within such timeframe;  
832 providing that the court may order remission of the  
833 forfeiture in certain circumstances; amending s.  
834 903.29, F.S.; increasing the length of time from the  
835 date of forfeiture of a bond within which a surety may  
836 arrest the principal; amending s. 903.31, F.S.;  
837 revising provisions relating to the ordering of a bond  
838 cancellation; revising applicability; defining the  
839 term "revoked"; specifying that the original  
840 appearance bond does not guarantee a sentencing  
841 deferral, a delayed sentencing, or an appearance after  
842 entering a plea agreement; repealing s. 903.36, F.S.,  
843 relating to guaranteed arrest bond certificates as  
844 cash bail; reenacting and amending s. 907.041, F.S.;  
845 requiring that a certain