



468096

LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete lines 153 - 849
and insert:

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

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



468096

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

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

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

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

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

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

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

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



468096

amended, to read

648.44 Prohibitions; penalty.—

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

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

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



468096

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

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

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

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

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

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

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



468096

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

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

903.046 Purpose of and criteria for bail determination.—

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

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



468096

governmental entity related to monetary bonds.

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

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

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

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

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

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

903.09 Justification of sureties.—

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



468096

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

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

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

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

903.16 Deposit of money or bonds as bail.—

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



468096

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

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

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

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

903.21 Method of surrender; exoneration of obligors.—

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

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

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

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



468096

was released on bail.

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

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

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

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

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

Notice is ~~shall~~ not be necessary if the time for appearance is 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 transmitted. A certificate signed by the clerk of the court or the clerk's designee which certifies that the notice required under this paragraph was mailed or electronically transmitted on a specified date and time and which is accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic transmission was properly accomplished as required in this paragraph.

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



468096

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

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

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



468096

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

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

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

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

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

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



468096

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



468096

to the penal amount of the bond.

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

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

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

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

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



468096

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

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

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

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted ~~and the bond is secured other than by money and bonds authorized in s. 903.16~~, the clerk of the circuit court for the county where the order was made must ~~shall~~ enter a judgment against the surety for the amount of the penalty and issue execution.

However, in any case in which the bond forfeiture has been discharged by the court of competent jurisdiction conditioned upon the payment by the surety of certain costs or fees as allowed by statute, the amount for which judgment may be entered may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned. Judgment for the full amount of the forfeiture may ~~shall~~ not be entered if payment of a lesser amount will satisfy the conditions to discharge the forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the Department of Financial Services and the Office of Insurance



468096

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

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



468096

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

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

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



468096

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

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

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

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

903.28 Remission of forfeiture; conditions.—

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

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



468096

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

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

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

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



468096

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

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

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

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

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



468096

after forfeiture.

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

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

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

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



468096

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

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

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



468096

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

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



468096

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

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

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

~~(4)(8)~~ An application for remission must be accompanied by affidavits setting forth the facts on which it is founded; however, the surety must establish by further documentation or other evidence any claimed attempt at procuring or causing the apprehension or surrender of the defendant before the court may order remission based upon an attempt to procure or cause such apprehension or surrender. The clerk of the circuit court and the state attorney must be given 10 ~~20~~ days' notice before a hearing on an application and be furnished copies of all papers,



468096

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

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

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

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

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

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

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

903.29 Arrest of principal by surety after forfeiture.—
Within 3 ~~2~~ years from the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would



468096

have been placed had she or he been committed.

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

903.31 Canceling the bond.—

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

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



468096

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

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

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

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete lines 4 - 126

and insert:

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



468096

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



468096

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



468096

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



468096

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