

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 600

INTRODUCER: Criminal Justice Committee and Senator Truenow

SUBJECT: Bail Bonds

DATE: February 3, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I.Summary:

CS/SB 600 revises numerous statutes relating to bond, bond agents, sureties, and pretrial release. Specifically, the bill makes the following changes related to bond agents and surety requirements by:

- Amending s. 648.386, F.S., to decrease, from two 120- hour, to two 80-hour classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.
- Amending s. 648.44, F.S., to prohibit bail bond agents and agencies from soliciting bail from certain persons, unless in writing.
- Amending s. 903.05, F.S., to remove provisions stating that a surety may own Florida real estate to qualify as a surety.
- Amending s. 903.09, F.S., to require a surety, other than a bond agent, to justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier's check in the amount of the bond. Such currency money order, or cashier's check may not be used to secure more than one bond.
- Amending s. 903.101, F.S., to revise the requirements that sureties must meet to have equal access to jails for making bonds.
- Amending s. 903.16, F.S., to require any bail posted by a defendant or a third party who is not a bail bond agent to be receipted in the defendant's name.

The bill makes the following changes to bond revocation and forfeiture by:

- Amending s. 903.046, F.S., to specify that a surety bond that has been revoked may not be reinstated without a written authorization from the bail bond agent, bail bond agency, or surety.
- Amending s. 903.26, F.S., to revise provisions relating to forfeiture of bond.
- Amending s. 903.27, F.S., to require the clerk of court to enter a judgment against the surety if the forfeiture is not paid or discharged by order of the court within 60 days after the forfeiture notice has been mailed or electronically transmitted.
- Amending s. 903.28, F.S., to increase the amount of time, from 2 years to 3 years, within which a court must order remission of a forfeiture if it determines that there was no breach of the bond, and providing when the court must direct remission and its amount.
- Amending s. 903.29, F.S., to increase the length of time from the date of forfeiture of a bond within which a surety may arrest the principal.

The bill makes the following changes to bond cancellation by:

- Amending s. 903.31, F.S., to clarify when a court may cancel a bond, and define the term “revoked” to mean that an act, a statement, a document, or a promise has been annulled or canceled.
- Amending s. 903.0471, F.S., to require, upon a court’s entry of an order to revoke pretrial release and order pretrial detention, that the clerk of court discharge any bond previously posted as a condition of pretrial release without further order of the court.
- Amending s. 903.21, F.S., to require the clerk to discharge a bond without further hearing upon affirmation that the defendant is in jail or prison and that the surety agrees in writing to pay the costs incurred in returning the defendant to the jurisdiction of the court.

The bill makes the following changes to pretrial release by:

- Amending s. 903.011, F.S., to require that any monetary or cash component of any form of pretrial release be met by specified means, including United States currency, United States postal money order, or a cashier’s check.
- Amending s. 907.041, F.S., to specify that a person may not be released on nonmonetary conditions under the supervision of a pretrial release service unless the service certifies in writing to the court, before the defendant is released from custody that it has investigated or verified specified factors. Additionally, the bill adds DUI (third), felony battery, and battery by strangulation, to the list of crimes which constitute dangerous crimes for purposes of pretrial release. If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court finds probable cause for such offense, the state or the court may move for pretrial detention. Current law provides that such motion is mandatory.

The bill repeals:

- Section 903.08, F.S., relating to the sufficiency of sureties.
- Section 903.17, F.S., relating to substitution of cash bail for other bail.
- Section 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail.

The bill may have an indeterminate jail bed impact and an indeterminate economic impact to bail bond agents. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation

Bail Bond Agents and Sureties

Section 903.045, F.S., provides that a criminal surety bail bond, executed by a licensed bail bond agent in connection with the pretrial or appellate release of a criminal defendant, must be construed as a commitment by and an obligation upon the bail bond agent to ensure that the defendant appears at all criminal proceedings for which the surety bond is posted.

A criminal surety bail bond is, in essence, a contract involving three parties: the state, which brings the criminal charges; the bail bond agent¹, which is the surety; and the defendant, who is the principal.²

Registration of bail bond agents

A bail bond agent may not become a surety on an undertaking unless he or she has registered in the office of the sheriff and with the clerk of the circuit court in the county in which the bail bond agent resides. The bail bond agent may register in a like manner in any other county, and any bail bond agent must file a certified copy of his or her appointment by power of attorney from each insurer which he or she represents as a bail bond agent with each of such officers.

Registration and filing of a certified copy of renewed power of attorney must be performed by April 1 of each odd-numbered year. The clerk of the circuit court and the sheriff may not permit the registration of a bail bond agent unless such bail bond agent is currently licensed by the Department of Financial Services (DFS) and appointed by an insurer.³

Qualifications for prelicensing and continuing education

In order to be considered for approval and certification by the DFS as an approved limited surety agent⁴ and professional bail bond agent⁵ prelicensing school, such entity must:

- Offer a minimum of two 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 promulgated by the DFS or offer a DFS-approved correspondence course pursuant to the DFS rules.⁶
- Submit a prelicensing course curriculum to the DFS for approval.⁷

¹ Section 648.25(3), F.S., provides “bail bond agent” means a limited surety agent or a professional bail bond agent.

² *Polakoff & Abbott Bail Bonds v. State of Florida*, 111 So.3d 253 (Fla 5th DCA 2013).

³ Section 648.42, F.S.

⁴ Section 648.25(6), F.S., provides “Limited surety agent” means any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings who receives or is promised money or other things of value therefore.

⁵ Section 648.25(8), F.S., provides “Professional bail bond agent” means any person who pledges United States currency, United States postal money orders, or cashier’s checks as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.

⁶ Section 648.386(2)(a)1., F.S.

⁷ Section 648.386(2)(b), F.S.

- If applicable, offer prelicensing classes which are taught by instructors approved by the DFS.⁸

Qualification and Justification of sureties

Subject to the rules of the DFS and the Florida Services Commission (FSC), every surety who meets the following criteria must have equal access to Florida jails for the purpose of making bonds:⁹

- A surety for the release of a person on bail, other than a company authorized by law to act as a surety, must be a resident of the state or own real estate within the state.¹⁰
- Minors may bind themselves by a bond to secure their release on bail in the same manner as person sui juris.¹¹
- The combined net worth of the sureties, exclusive of any other bonds on which they may be principal, or surety and property exempt from execution, must be at least equal to the amount specified in the undertaking.¹²
- A surety must execute an affidavit stating that she or he possesses the qualifications and net worth required to become a surety. The affidavit must describe the surety's property and any encumbrances and must state the number and amount of any bonds entered into by the surety at any court that remain undischarged.
- A bond agent must justify her or his suretyship by attaching a copy of the power of attorney issued by the company to the bond or 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; but the United States currency, United States postal money order, or cashier's check cannot be used to secure more than one bond. Nothing herein must prohibit two or more qualified sureties from each posting any portion of a bond amount, and being liable for only that amount, so long as the total posted by all cosureties is equal to the amount of bond required.

Bail Bond Agent Prohibitions – Solicitation

Section 648.44, F.S., provides that a bail bond agent or bail bond agency¹³ may not:

- Suggest or advise the employment of, or name for employment, any particular attorney or attorneys to represent his or her principal.¹⁴
- Directly or indirectly solicit business in or on the property or grounds of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court. The term "solicitation" includes the distribution of business cards, print advertising, or other written or oral information directed to prisoners or potential indemnitors, unless a request is initiated by the prisoner or a potential indemnitor. Permissible print advertising in the jail is

⁸ Section 648.386(2)(c), F.S.

⁹ Section 903.101, F.S.

¹⁰ Section 903.05, F.S.

¹¹ Section 903.06, F.S.

¹² Section 903.08, F.S.

¹³ Section 648.25(2), F.S., defines a "bail bond agency" to mean the building where a licensee maintains an office where all records required by ss. 648.34 and 648.36, F.S., are maintained; or an entity that:

- Charges a fee or premium to release an accused defendant or detainee from jail; or
- Engages in or employs others to engage in any activity that may be performed only by a licensee and appointed bail bond agent.

¹⁴ Section 648.44(1)(a), F.S.

strictly limited to a listing in a telephone directory and the posting of the bail bond agent's or agency's name, address, e-mail address, web address, and telephone number in a designated location within the jail.¹⁵

- Initiate in-person or telephone solicitation after 9:00 p.m. or before 8:00 a.m. at the residence of the detainee or the detainee's family.¹⁶
- Wear or display any identification other than the department issued or approved license or approved department identification, which includes a citation of the licensee's arrest powers, in or on the property or grounds of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court.¹⁷
- Pay a fee or rebate or give or promise anything of value to a jailer, police officer, peace officer, or committing trial court judge or any other person who has power to arrest or to hold in custody or to any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment thereof.¹⁸
- Pay a fee or rebate or give anything of value to an attorney in a bail bond matter, except in defense of any action on a bond.¹⁹
- Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf.²⁰
- Participate in the capacity of an attorney at a trial or hearing of one on whose bond he or she is surety.²¹
- Loiter in or about a jail, courthouse, or where prisoners are confined.²²
- Accept anything of value from a principal for providing a bail bond except the premium and 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 state law, together with documentary stamp taxes, if applicable. No fees, expenses, or charges of any kind shall be permitted to be deducted from the collateral held or any return premium due, except as authorized by this chapter or rule of the department or commission. 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.²³
- Write more than one power of attorney per charge on a bond, except in the case of a cosurety, unless the power of attorney prohibits a cosurety.²⁴
- Execute a bond in this state on his or her own behalf.²⁵
- Execute a bond in this state if a judgment has been entered on a bond executed by the bail bond agent or the bail bond agency is a named party on the judgment, which has remained unpaid for 35 days, unless the full amount of the judgment is deposited with the clerk.²⁶

¹⁵ Section 648.44(1)(b), F.S.

¹⁶ Section 648.44(1)(c), F.S.

¹⁷ Section 648.44(1)(d), F.S.

¹⁸ Section 648.44(1)(e), F.S.

¹⁹ Section 648.44(1)(f), F.S.

²⁰ Section 648.44(1)(g), F.S.

²¹ Section 648.44(1)(h), F.S.

²² Section 648.44(1)(i), F.S.

²³ Section 648.44(1)(j), F.S.

²⁴ Section 648.44(1)(k), F.S.

²⁵ Section 648.44(1)(l), F.S.

²⁶ Section 648.44(1)(m), F.S.

- Make a statement or representation to a court, unless such statement or representation is under oath. Such statement or representation may not be false, misleading, or deceptive.²⁷
- Attempt to collect, through threat or coercion, amounts due for the payment of any indebtedness related to the issuance of a bail bond.²⁸
- Conduct bail bond business with any person, other than the defendant, on the grounds of the jail or courthouse for the purpose of executing a bond.²⁹

Deposit of money or bonds as bail

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. The sheriff or other officials shall remit money or bonds received to the clerk to be held by the clerk pending court action. The clerk shall accept money or bonds remitted by the sheriff.³⁰

Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond.³¹

When bail other than a deposit of money or bonds has been given, the defendant or the surety may deposit money or bonds as provided in s. 903.16, F.S., and have the original bond canceled.³²

Method of surrender

A surety desiring to surrender a defendant shall deliver a copy of the bond and the defendant to the official who had custody of the defendant at the time bail was taken or to the official into whose custody the defendant would have been placed if she or he had been committed. The official shall take the defendant into custody, as on a commitment, and issue a certificate acknowledging the surrender.³³

When a surety presents the certificate and a copy of the bond to the court having jurisdiction³⁴, the court shall order the obligors exonerated and any money or bonds deposited as bail refunded. The surety shall give the state attorney 3 days' notice of application for an order of exoneration and furnish the state attorney a copy of the certificate and bond.³⁵

The surety shall be exonerated of liability on the bond if it is determined before forfeiture 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

²⁷ Section 648.44(1)(n), F.S.

²⁸ Section 648.44(1)(o), F.S.

²⁹ Section 648.44(1)(p), F.S.

³⁰ Section 903.16(1), F.S.

³¹ Section 903.16(2), F.S.

³² Section 903.17, F.S.

³³ Section 903.21(1), F.S.

³⁴ Section 903.21(3)(b)2., F.S., provides "Jurisdiction" means the county from which the defendant was released on bail.

³⁵ Section 903.21(2), F.S.

responsible for the itemized costs and expenses³⁶ 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.³⁷

Forfeiture of bond

When a bail bond agent (agent) posts bond for a defendant, the agent is responsible for ensuring the defendant's appearance at required court proceedings. If a defendant fails to appear at a court proceeding and the agent was provided proper notice of such an appearance, there is a breach of the bond and bond forfeiture proceedings begin.³⁸ In such a case, the clerk of the court must notify the agent of the forfeiture by mail or electronic notice within 5 days after the forfeiture.³⁹ The agent must pay the forfeiture amount (i.e. the amount of the defendant's bond) within 60 days after that date that the notice was mailed or electronically transmitted.⁴⁰ The court must order the forfeiture to be discharged within 60 days if the:

- Court determines that it was impossible for the defendant to appear as required or within 60 days after the date of the required appearance due to circumstances beyond the defendant's control;
- Court determines that, at the time of the required appearance or within 60 days after the date of the required appearance, the defendant was confined in an institution or hospital; was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased;
- Surrender or arrest of the defendant at the time of the required appearance or within 60 days after the date of the required appearance in any county, state, or federal jail or prison and upon a hold being placed to return the defendant to the jurisdiction of the court, provided that the costs and expenses incurred in returning the defendant to such jurisdiction are deducted from the forfeiture that is discharged; or
- Court determines that the state is unwilling to seek extradition of the fugitive defendant within 30 days after a request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and the expenses incurred by an official in returning the defendant to the jurisdiction of the court, up to the penal amount of the bond.⁴¹

Forfeiture to judgement

If a bond forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days, and the bond is secured by means other than money or bonds, the clerk of the circuit court shall enter judgment against the surety for the penalty amount and issue execution; however, if the forfeiture is discharged conditioned upon payment of statutory costs or fees, the judgment may not exceed the unpaid costs or fees and may not be for the full forfeiture amount if a lesser amount satisfies the conditions of discharge.

³⁶ Section 903.21(3)(b)1., F.S., provides "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.

³⁷ Section 903.21(3)(a), F.S.

³⁸ Section 903.26(2)(a), F.S.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Section 903.26(5), F.S.

Within 10 days after entry of judgment, the clerk shall furnish the DFS and the Office of Insurance Regulation (OIR) of the FSC with a certified copy of the judgment docket and shall provide the surety company's home office a copy of the judgment, including the bond power-of-attorney number and the executing agent's name.

If the judgment remains unpaid after 35 days, the clerk shall furnish the DFS, the OIR, and the sheriff of the county where the bond was executed, or the official responsible for the county jail if other than the sheriff, with two copies of the judgment and a certificate of nonpayment. Upon payment of the judgment or entry of an order vacating the judgment, the clerk shall immediately notify the sheriff or jail administrator and, if previously notified of nonpayment, the DFS and the OIR, and shall record a satisfaction of judgment or the order vacating judgment in the public records. Notices may be provided by mail or electronic means, and if the defendant is returned to the county and a motion to set aside the judgment is filed, the operation of this section is tolled until the court disposes of the motion.⁴²

A certificate signed by the clerk of the court or her or his designee, certifying that the required notice was mailed or electronically delivered on a specified date, and accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic delivery was properly accomplished as 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 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.⁴³

Surety bail bonds may not be executed by a bail bond agent 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. No sheriff or other official who is empowered to accept or approve surety bail bonds shall accept or approve such a bond executed by such a bail bond agent or executed for such a company until such judgment has been paid.⁴⁴

After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent shall, within 35 days 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 of the entry of judgment. If a motion to set aside the judgment has been filed, the amount submitted shall be held in escrow until such time as the court has disposed of the motion. The failure to comply with the provisions of this subsection constitutes a failure to pay the judgment.⁴⁵

After notice of judgment against the surety given by the clerk of the circuit court, the surety 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 and of any order to stay the judgment that the surety pay the amount of the judgment to the clerk, which amount shall be held in escrow

⁴² Section 903.27(1), F.S.

⁴³ Section 903.27(2), F.S.

⁴⁴ Section 903.27(3), F.S.

⁴⁵ Section 903.27(4), F.S.

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, shall act as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.⁴⁶

Remission of Forfeiture

On application within 2 years from forfeiture, the court must order remission of the forfeiture if it determines that there was no breach of the bond.⁴⁷

Section 903.28, F.S., provides if a defendant who failed to appear for a court proceeding surrenders or is apprehended within a specified time frame and the agent apprehended and surrendered the defendant, substantially procured or caused the defendant to be apprehended and surrendered, or paid the costs to return the defendant to the court's jurisdiction, and such delay did not thwart the proper prosecution of the defendant, the court must remit to the agent a specified percentage of the forfeiture as follows:

- 100% of the forfeiture if the defendant surrenders or is apprehended within 90 days after forfeiture;⁴⁸
- 95% of the forfeiture if the defendant surrenders or is apprehended within 180 days after forfeiture;⁴⁹
- 90% of the forfeiture if the defendant surrenders or is apprehended within 270 days after forfeiture;⁵⁰
- 85% of the forfeiture if the defendant surrenders or is apprehended within one year after forfeiture;⁵¹
- 50% of the forfeiture if the defendant surrenders or is apprehended within two years after forfeiture.⁵²

Within 2 years from the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would have been placed had she or he been committed.⁵³

Discharging or Canceling a Bond

A bail bond is "canceled" when the conditions of the bond have been satisfied or the term of the bond, which is 36 months after such bond was posted for the release of a defendant, has expired.⁵⁴ The conditions of the bond are considered satisfied once the defendant's court case has concluded through a plea, trial, or dismissal of the defendant's court case.⁵⁵

⁴⁶ Section 903.27(5), F.S.

⁴⁷ Section 903.28(1), F.S.

⁴⁸ Section 903.28(2), F.S.

⁴⁹ Section 903.28(3), F.S.

⁵⁰ Section 903.28(4), F.S.

⁵¹ Section 903.28(5), F.S.

⁵² Section 903.28(6), F.S.

⁵³ Section 903.29, F.S.

⁵⁴ Section 903.31(1), F.S.

⁵⁵ *Id.*

Purpose of and Criteria for Bail Determination

Section 903.046, F.S., provides that the purpose of bail is to ensure a defendant's appearance in court and protect the community, and in deciding whether to grant release and under what conditions, the court must consider:

- The nature and circumstances of the offense charged.⁵⁶
- The weight of the evidence against the defendant.⁵⁷
- The defendant's family ties, length of residence in the community, immigration status, employment history, financial resources, and mental condition.⁵⁸
- The defendant's past and present conduct, including convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. Certain failures to appear may limit eligibility for recognizance or non-monetary bonds, though the court retains discretion for circumstances beyond the defendant's control.⁵⁹
- The nature and probability of danger which the defendant's release poses to the community.⁶⁰
- The source of funds used to post bail or procure an appearance bond, particularly whether the proffered funds, real property, property, or any proposed collateral or bond premium may be linked to or derived from the crime alleged to have been committed or from any other criminal or illicit activities. The defendant must prove the funds are not derived from illicit sources.⁶¹
- Whether the defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence.⁶²
- The street value of any drug or controlled substance connected to or involved in the criminal charge. The court may set a higher bail to prevent use of illicit proceeds for release.⁶³
- The nature and probability of intimidation and danger to victims.⁶⁴
- Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.⁶⁵
- Any other facts that the court considers relevant.⁶⁶
- Whether the crime charged involves gang activity or is subject to enhanced penalties under ch. 874, F.S., such defendants are not eligible for release on bail or surety bond until the first appearance on the case.⁶⁷
- Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense, is required to register as a sexual offender, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case.⁶⁸

⁵⁶ Section 903.046(2)(a), F.S.

⁵⁷ Section 903.046(2)(b), F.S.

⁵⁸ Section 903.046(2)(c), F.S.

⁵⁹ Section 903.046(2)(d), F.S.

⁶⁰ Section 903.046(2)(e), F.S.

⁶¹ Section 903.046(2)(f), F.S.

⁶² Section 903.046(2)(g), F.S.

⁶³ Section 903.046(2)(h), F.S.

⁶⁴ Section 903.046(2)(i), F.S.

⁶⁵ Section 903.046(2)(j), F.S.

⁶⁶ Section 903.046(2)(k), F.S.

⁶⁷ Section 903.046(2)(l), F.S.

⁶⁸ Section 903.046(2)(m), F.S.

Pretrial detention and release

Section 903.011, F.S., any monetary component may be satisfied by a surety bond, and that differing monetary amounts may not be set for cash, surety, or other forms of release; only a judge may set, reduce, or alter bail, and the court may reconsider the monetary component if the defendant is unable to post bond. The Florida Supreme Court must annually adopt a uniform statewide bond schedule for offenses eligible for release before first appearance, which may not be undercut by local schedules unless approved by the Court, though chief judges may adopt higher local amounts; in doing so, the Court must consider community safety, assurance of appearance, and the integrity of the judicial process, and the schedule does not bind a judge in an individual case.

In Florida there is a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is:

- Charged with a dangerous crime⁶⁹; or
- Such person is an unauthorized alien charged with a forcible felony.

A person may not be released before first appearance and must receive an individualized bail determination if the person was already under supervision, designated a sexual offender or predator, arrested for violating a protective injunction, previously sentenced as a serious or violent recidivist, repeatedly arrested in the preceding six months, or is charged with specified serious offenses, including major felonies, homicide-related crimes, violent or domestic offenses, kidnapping or trafficking, firearm offenses by prohibited persons, sex offenses, abuse of vulnerable persons, arson or riot-related crimes, escape or witness tampering, gang-related offenses, drug trafficking, racketeering, or failure to appear while on bail.

Section 907.041, F.S., provides that it is the policy of this state that persons charged with committing serious criminal offenses, who pose a threat to public safety or the integrity of the judicial process, fail to appear at trial, or pose a substantial flight risk due to unauthorized status should be detained upon arrest. However, persons meeting specified criteria may be released under certain conditions until proceedings are concluded and adjudication has been determined. This policy aims to protect the community by detaining dangerous individuals while reducing the cost of incarcerating those who pose no threat. The Legislatures primary intent is the protection of the community.

Notwithstanding s. 907.041, F.S., 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 as order to revoke pretrial release and order pretrial

⁶⁹ Section 907.041(5), F.S., defines “dangerous crime” to mean any of the following: arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd; lascivious; or indecent assault or act upon or in presence of a child under the age of 16; sexual activity with a child; who is 12 years of age or older but less than 18 years of age; by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; domestic violence; home invasion robbery; act of terrorism; manufacturing any substance; attempting or conspiring; human trafficking; trafficking in any controlled substance; extortion; and written threats to kill.

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.

Violation of condition of pretrial release

Section 903.047, F.S., requires a defendant, as a condition of pretrial release on a surety bond, recognized bond, or other form of bond, to refrain from criminal activity of any kind and to comply with all other conditions of pretrial release imposed by the court.

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.⁷⁰

III. Effect of Proposed Changes:

Bond Agents and Surety Requirements (Section 1, 2, 3, 7, 9 10, 11, 13)

The bill amends s. 648.386, F.S., to define “in-person classroom instruction,” to mean a course designed to be presented to a group of students by a life instructor using lectures, with the instructor and students in the same physical classroom at the same time.

Additionally, the bill decreases from two 120- hour, to two 80-hour classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.

The bill amends s. 648.44, F.S., to prohibit bail bond agents and agencies from soliciting 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.

A solicitation to a detainee may occur only after a legitimate request for bail services has been received from the detainee or a specified individual. Solicitation may only occur between 8 a.m. and 9 p.m., unless the bail bond agent or agency has received direct and specific written authorization from the detainee or the detainee’s attorney to solicit at another time.

A bail bond agent or agency may collect certain processing and services fees which must be separate from and not considered a premium.

Additionally, the bill prohibits a “virtual office,” which is defined in s. 648.25, F.S., to mean 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.

The bill amends s. 903.05, F.S., to remove provisions stating that a surety may own Florida real estate to qualify as a surety.

The bill amends s. 903.09, F.S., to require a surety, other than a bond agent, to justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier’s

⁷⁰ Section 903.0471, F.S.

check in the amount of the bond. Such currency money order, or cashier's check may not be used to secure more than one bond.

The bill amends s. 903.101, F.S., to revise the requirements that sureties must meet to have equal access to jails for making bonds.

The bill amends s. 903.16, F.S., to require any bail posted by a defendant or a third party who is not a bail bond agent to be receipted in the defendant's name.

The bill amends s. 903.21, F.S., to require the clerk to discharge a bond without further hearing upon affirmation that the defendant is in jail or prison and that the surety agrees in writing to pay the costs incurred in returning the defendant to the jurisdiction of the court.

Pretrial release (Section 4 and 20)

The bill amends s. 903.011, F.S., to require that any monetary or cash component of any form of pretrial release be met by specified means, including U.S. currency, U.S. postal money order, or a cashier's check.

The bill amends s. 907.041, F.S., to specify that a person may not be released on nonmonetary conditions under the supervision of a pretrial release service unless the service certifies in writing to the court, before the defendant is released from custody that it has investigated or verified specified factors.

Additionally, the bill adds DUI (third), felony battery, and battery by strangulation, to the list of crimes which constitute dangerous crimes for purposes of pretrial release.

The bill provides that if a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court finds probable cause for such offense, the state or the court may move for pretrial detention. Current law provides that such motion is mandatory.

Bond Revocation and Forfeiture (Section 5, 14, 15, 16, and 17)

The bill amends s. 903.046, F.S., to specify that 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.

Section 903.26, F.S., to revise provisions relating to forfeiture of bond. The clerk of court must give a surety at least 72 hours' notice before the time of the defendant's required appearance. The bill provides that a signed certificate which certifies such required notice was mailed or electronically transmitted constitutes as proof of notice.

Additionally, bail bond agencies are added to the entities that must receive notice after forfeiture, and removes the provision that municipal officials having custody of forfeited money deposit the money into a designated municipal fund 60 days after the forfeiture notice has been mailed or electronically transmitted.

The bill clarifies that the court must discharge a forfeiture within 60 days after the forfeiture notice was mailed or electronically transmitted upon specific circumstances.

If after forfeiture of a bond, the criminal charges 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 or judgment, remission must be granted upon proper motion.

Unless the time for payment or discharge of the forfeiture has passed, or unless the payment of the forfeiture has already been made, the clerk does not have standing to object to a motion to set aside a forfeiture, a motion to discharge a forfeiture, or a motion to reinstate a bond.

For each felony warrant that a court issues for a failure to appear in court, the state must 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.

The bill amends s. 903.27, F.S., to require the clerk of court to enter a judgment against the surety if the forfeiture is not paid or discharged by order of the court within 60 days after the forfeiture notice has been mailed or electronically transmitted.

The bill amends s. 903.28, F.S., to increase the amount of time, from 2 years to 3 years, within which a court must order remission of a forfeiture if it determines that there was no breach of the bond.

The court must direct remission if within three years after forfeiture:

- The defendant surrenders or is appended and the surety has paid all costs of returning the defendant to the jurisdiction of the court,
- The defendant is deceased, or
- The state attorney is unwilling to seek extradition of the defendant after a request by the surety agent, bail bond agency or surety company.

If a delay has not thwarted proper prosecution of the defendant, the court must direct such remission as follows:

- 100% of the forfeiture if the defendant surrenders, is apprehended, is deceased, or the state fails to seek extradition within 90 days.
- 95% of the forfeiture if the defendant surrenders, etc., within 180 days.
- 90% of the forfeiture if the defendant surrenders, etc., within 270 days.
- 85% of the forfeiture if the defendant surrenders, etc., within 360 days.
- 80% of the forfeiture if the defendant surrenders, etc., within 450 days.
- 75% of the forfeiture if the defendant surrenders, etc., within 540 days.
- 70% of the forfeiture if the defendant surrenders, etc., within 630 days.
- 65% of the forfeiture if the defendant surrenders, etc., within 720 days.
- 60 % of the forfeiture if the defendant surrenders, etc., within 810 days.
- 55% of the forfeiture if the defendant surrenders, etc., within 900 days.
- 50% of the forfeiture if the defendant surrenders, etc., within 990 days.
- 45% of the forfeiture if the defendant surrenders, etc., within 36 months.

If the defendant surrenders or is apprehended and the surety has not paid all the costs of returning the defendant, the court may order remission of the forfeiture in accordance with the above schedule if the actual costs of returning the defendant have been deducted from such remission.

The bill reduces the time frame that notice must be given to the state attorney and clerk of court from 20 days to 10 days, for a hearing on the issue of remission.

The clerk must issue a remission within 10 days after a court orders remission, and remission untimely issued accrues at an interest rate of 1.5% per month.

Section 903.29, F.S., to increase the length of time from the date of forfeiture of a bond within which a surety may arrest the principal. The surety may arrest the principal for the purpose of surrendering the principal within 3 years from the date of forfeiture.

Bond cancellation Section 6 and 18

The bill amends s. 903.31, F.S., to clarify when a court may cancel a bond, and define the term “revoked” to mean that an act, a statement, a document, or a promise has been annulled or canceled.

The bill adds to the list of actions that an original appearance bond does not apply. An original appearance bond does not guarantee a sentencing deferral, a delayed sentencing, or an appearance after entering a plea agreement.

The bill amends s. 903.0471, F.S., to require, upon a court’s entry of an order to revoke pretrial release and order pretrial detention, that the clerk of court discharge any bond previously posted as a condition of pretrial release without further order of the court.

Repeals Section 8, 12, 19

The bill repeals:

- Section 903.08, F.S., relating to the sufficiency of sureties.
- Section 903.17, F.S., relating to substitution of cash bail for other bail.
- Section 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The impact to judicial and court workloads is indeterminate. Some provisions of the bill will reduce judicial workloads by requiring clerks to discharge bonds without a judicial ruling or hearing under certain constitutions and by permitting, rather than requirements, state attorneys or the court to move for pretrial detention of certain person charged with “dangerous crimes.” However, the additional offenses added to the list of “dangerous crimes” will add to judicial workload because more arrestees will require a hearing and may qualify for pretrial detention.⁷¹

The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably established the effects on judicial time and workload resulting from changes in hearings related to discharge of bonds and pretrial detentions as discussed in this report.⁷²

VI. Technical Deficiencies:

None.

⁷¹ Office of The State Courts Administrator *2026 Judicial Impact Statement*, pg. 3, (available on file at the Senate Criminal Justice Committee).

⁷² *Id.*

VII. Related Issues:

The minimum bond amount for persons charged with dangerous offenses may require revisions to the statewide uniform bond schedule.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 648.25, 648.386, 648.44, 903.011, 903.046, 903.0471, 903.05, 903.09, 903.101, 903.16, 903.17, 903.21, 903.26, 903.27, 903.28, 903.29, 903.31, 907.041, 648.45, 626.2816, 903.047, 903.286

This bill repeals the following sections of the Florida Statutes: 903.08, 903.17, 903.36.

This bill reenacts the following sections of the Florida Statutes: 626.2816, 903.09, 903.047, 903.286.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice of February 2, 2026:

The committee substitute:

- Revises the definition of the term “virtual office.”
- Makes technical revisions to the definition of “in-person classroom instruction.”
- Replaces the term “arrestee” with “detainee” as it relates to bail bond solicitation.
- Authorizes a court, on its own motion, to revoke pretrial release and order pretrial detention upon a finding of probable cause that the defendant materially violated a condition of pretrial release for an offense other than failure to appear.
- Restores the provision governing pretrial release granting the court discretion to determine conditions of release under specific circumstances relating to failure to appear.
- Revises the criteria that a court must consider in making specified determinations.
- Provides that a revoked surety bond may not be reinstated without written authorization from the bail bond agent, bail bond agency, or surety.
- Removes language prohibiting the discharge of a bond without a further hearing or court order.
- Removes the requirement that municipal officials deposit forfeited money into a designated municipal fund within 60 days after the forfeiture notice is mailed or electronically transmitted.
- Requires the court, under specified circumstances, to order remission in accordance with applicable provisions when a defendant surrenders, is deceased, or is apprehended within a prescribed period following forfeiture.
- Makes other conforming and technical changes.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
