

**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: SB 600

INTRODUCER: Senator Truenow

SUBJECT: Bail Bonds

DATE: January 30, 2026

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Parker	Stokes	CJ	Pre-meeting
2.		JU	
3.		RC	

## **I. Summary:**

SB 600 amends multiple statutes related to bail bonds and bail bond agents, including:

- Section 648.25, F.S., to define the term “virtual office.”
- Section 648.386, F.S., to replace the term “classroom instruction” with “in-person classroom instruction,” and decrease from two 120- hour, to two 80-hour in classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.
- Section 648.44, F.S., to prohibit bail bond agents and agencies from soliciting certain persons, allow bond agents to accept certain fees, and to prohibit bond agencies from holding virtual offices as a place of business.
- Section 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.
- Section 903.046, F.S., to remove the court’s discretion in determining conditions of release if the defendant proves his or her failure to appear was beyond his or her control.
- Section 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.
- Section 903.05, F.S., to remove provisions stating that a surety may own Florida real estate to qualify as a surety.
- Section 903.09, F.S., to require a surety, other than a bond agent, must justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier’s check.
- Section 903.101, F.S., to revise the requirements that sureties must meet to have equal access to jails for making bonds.
- Section 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.
- Section 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..

- Section 903.26, F.S., to revises provisions relating to forfeiture of bond, including that certification signed by the clerk that was mailed or electronically transmitted constitutes proof of notice.
- Section 903.27, F.S., to require the clerk of court to enter a judgment 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.
- Section 903.28, F.S., to increase 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, and to revise when the court may direct remission.
- 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.
- Section 903.31, F.S., to:
  - To revise provisions relating to the ordering of a bond cancellation.
  - To define the term “revoked.”
  - To specify that the original appearance bond does not guarantee a sentencing deferral, a deferred prosecution agreement, delayed sentenced, or appearance after entering a plea agreement.
- Section 907.041, F.S., to:
  - Establish a minimum bond amount per offense for person charged with dangerous crimes.
  - Require that a certain pretrial release service certification be made in writing before the defendant is released from custody.
  - Revise the definition of the term “dangerous crime,” to include a third DUI, felony battery, and battery by strangulation.
  - Authorize the state attorney or court on its own motion, to move for pretrial detention if a defendant is arrested for certain dangerous crimes and the court makes certain determinations. Current law requires such motion.

The bill repeals ss. 903.08, 903.17, and 903.36, F.S.

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 agent, which is the surety; and the defendant, who is the principal.<sup>1</sup>

Terms relating to bond and surety agents governed by ch. 648, F.S., are as follows:

- “Bail bond agency” means the building where a licensee maintains an office and where all records 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 licensed and appointed bail bond agent.
- “Bail bond agent” means a limited surety agent or a professional bail bond agent.<sup>2</sup>
- “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 therefor.<sup>3</sup>
- “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.<sup>4</sup>
- “Referring bail bond agent” means the limited surety agent who is requesting the transfer bond. The referring bail bond agent is the agent held liable for the transfer bond, along with the issuing surety company.<sup>5</sup>
- “Transfer bond” means the appearance bond and power of attorney form posted by a limited surety agent who is registered in the county where the defendant is being held in custody.<sup>6</sup>
- “Temporary bail bond agent” means a person licensed before January 1, 2024, who is employed by a bail bond agent or agency, insurer, or managing general agent, and such licensee has the same authority as a licensed bail bond agent, including presenting defendants in court; apprehending, arresting, and surrendering defendants to the proper authorities, while accompanied by a supervising bail bond agent or an agent from the same agency; and keeping defendants under necessary surveillance. However, a temporary licensee may not execute or sign bonds, handle collateral receipts, or deliver bonds to appropriate authorities. A temporary licensee may not operate an agency or branch agency separate from the location of the supervising bail bond agent, managing general agent, or insurer by whom the licensee is employed. This does not affect the right of a bail bond agent or insurer to hire counsel or to obtain the assistance of law enforcement officers. A temporary bail bond agent license expires 18 months after issuance and is no longer valid on or after June 30, 2025.<sup>7</sup>

### ***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

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<sup>1</sup> *Polakoff & Abbott Bail Bonds v. State of Florida*, 111 So.3d 253 (Fla 5<sup>th</sup> DCA 2013).

<sup>2</sup> Section 648.25(3), F.S.

<sup>3</sup> Section 648.25(6), F.S.

<sup>4</sup> Section 648.25(8), F.S.

<sup>5</sup> Section 648.25(9), F.S.

<sup>6</sup> Section 648.25(11), F.S.

<sup>7</sup> Section 648.25(10), F.S.

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.<sup>8</sup>

### ***Qualification and Justification of sureties***

Pursuant to the DFS and the Florida Services Commission (FSC),<sup>9</sup>:

- 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.<sup>10</sup>
- Minors may bind themselves by a bond to secure their release on bail in the same manner as person *sui juris*.<sup>11</sup>
- 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.<sup>12</sup>

Section 903.09, F.S., provides that:

- 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, as defined in s. 648.25(3), F.S., 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 agency may not directly or indirectly solicit business in or on the property of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court, along with other prohibitions on advertising, soliciting hours and other conditions.

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

<sup>8</sup> Section 648.42, F.S.

<sup>9</sup> Section 903.101, F.S.

<sup>10</sup> Section 903.05, F.S.

<sup>11</sup> Section 903.06, F.S.

<sup>12</sup> Section 903.08, 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.<sup>13</sup>

### ***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.<sup>14</sup> In such a case, the clerk of the court must notify the agent of the forfeiture by mail or electronic notice.<sup>15</sup> 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.<sup>16</sup> The court must order the forfeiture to be discharged 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.<sup>17</sup>

### ***Remission of Forfeiture***

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.

Section 903.28, F.S., provides a graduated scale for a remission "of up to, but not more than":

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<sup>13</sup> Section 648.44(1)(b), F.S.

<sup>14</sup> Section 903.26(2)(a), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Section 903.26(5), F.S.

- 100% of the forfeiture if the defendant surrenders or is apprehended within 90 days after forfeiture;<sup>18</sup>
- 95% of the forfeiture if the defendant surrenders or is apprehended within 180 days after forfeiture;<sup>19</sup>
- 90% of the forfeiture if the defendant surrenders or is apprehended within 270 days after forfeiture;<sup>20</sup>
- 85% of the forfeiture if the defendant surrenders or is apprehended within one year after forfeiture;<sup>21</sup>
- 50% of the forfeiture if the defendant surrenders or is apprehended within two years after forfeiture.<sup>22</sup>

### ***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.<sup>23</sup> 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.<sup>24</sup>

### **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.<sup>25</sup>
- The weight of the evidence against the defendant.<sup>26</sup>
- The defendant’s family ties, length of residence in the community, immigration status, employment history, financial resources, and mental condition.<sup>27</sup>
- 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.<sup>28</sup>
- The nature and probability of danger which the defendant’s release poses to the community.<sup>29</sup>
- 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

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<sup>18</sup> Section 903.28(2), F.S.

<sup>19</sup> Section 903.28(3), F.S.

<sup>20</sup> Section 903.28(4), F.S.

<sup>21</sup> Section 903.28(5), F.S.

<sup>22</sup> Section 903.28(6), F.S.

<sup>23</sup> Section 903.31(1), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 903.046(2)(a), F.S.

<sup>26</sup> Section 903.046(2)(b), F.S.

<sup>27</sup> Section 903.046(2)(c), F.S.

<sup>28</sup> Section 903.046(2)(d), F.S.

<sup>29</sup> Section 903.046(2)(e), F.S.

criminal or illicit activities. The defendant must prove the funds are not derived from illicit sources.<sup>30</sup>

- 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.<sup>31</sup>
- 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.<sup>32</sup>
- The nature and probability of intimidation and danger to victims.<sup>33</sup>
- Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.<sup>34</sup>
- Any other facts that the court considers relevant.<sup>35</sup>
- 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.<sup>36</sup>
- 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.<sup>37</sup>

### ***Pretrial detention and release***

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.

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 crime; or
- Such person is an unauthorized alien charged with a forcible felony.

### ***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.

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<sup>30</sup> Section 903.046(2)(f), F.S.

<sup>31</sup> Section 903.046(2)(g), F.S.

<sup>32</sup> Section 903.046(2)(h), F.S.

<sup>33</sup> Section 903.046(2)(i), F.S.

<sup>34</sup> Section 903.046(2)(j), F.S.

<sup>35</sup> Section 903.046(2)(k), F.S.

<sup>36</sup> Section 903.046(2)(l), F.S.

<sup>37</sup> Section 903.046(2)(m), 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.<sup>38</sup>

### **III. Effect of Proposed Changes:**

The bill amends multiple statutes related to bail bonds and bail bond agents, including:

- Section 648.25, F.S., to define the term “virtual office.”
- Section 648.386, F.S., to replace the term “classroom instruction” with “in-person classroom instruction,” and decrease from two 120- hour, to two 80-hour in classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.
- Section 648.44, F.S., to prohibit bail bond agents and agencies from soliciting certain persons, allow bond agents to accept certain fees, and to prohibit bond agencies from holding virtual offices as a place of business.
- Section 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.
- Section 903.046, F.S., to remove the court’s discretion in determining conditions of release if the defendant proves his or her failure to appear was beyond his or her control.
- Section 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.
- Section 903.05, F.S., to remove provisions stating that a surety may own Florida real estate to qualify as a surety.
- Section 903.09, F.S., to require a surety, other than a bond agent, must justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier’s check.
- Section 903.101, F.S., to revise the requirements that sureties must meet to have equal access to jails for making bonds.
- Section 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.
- Section 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..
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- Section 903.28, F.S., to increase 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, and to revise when the court may direct remission.

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<sup>38</sup> Section 903.0471, F.S.

- 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.
- Section 903.31, F.S., to:
  - To revise provisions relating to the ordering of a bond cancellation.
  - To define the term “revoked.”
  - To specify that the original appearance bond does not guarantee a sentencing deferral, a deferred prosecution agreement, delayed sentenced, or appearance after entering a plea agreement.
- Section 907.041, F.S., to:
  - Establish a minimum bond amount per offense for person charged with dangerous crimes.
  - Require that a certain pretrial release service certification be made in writing before the defendant is released from custody.
  - Revise the definition of the term “dangerous crime,” to include a third DUI, felony battery, and battery by strangulation.
  - Authorize the state attorney or court on its own motion, to move for pretrial detention if a defendant is arrested for certain dangerous crimes and the court makes certain determinations. Current law requires such motion.

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:**

The Eighth Amendment of the U.S. Constitution states that, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” The bill requires a specified amount of bond for a dangerous crime and prohibits the court from making its own determination. This amount of bond may be considered excessive depending upon individual circumstances.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill may have a positive indeterminate impact on the jail beds. The mandatory bond amounts for dangerous crimes may lead to more individuals who are unable to bond out and must remain in jail pending the resolution of their case.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**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 Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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

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