

By the Committee on Criminal Justice; and Senator Truenow

591-02413-26

2026600c1

A bill to be entitled

An act relating to bail bonds; amending s. 648.25, F.S.; defining the term "virtual office"; amending s. 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; 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revising the criteria that a court must consider in making specified determinations; prohibiting a surety bond that has been revoked from being reinstated without written authorization; amending s. 903.0471, F.S.; requiring that, upon a court's entry of an order to revoke pretrial release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

591-02413-26

2026600c1

30 person on bail; repealing s. 903.08, F.S., relating to
31 sufficiency of sureties; amending s. 903.09, F.S.;
32 requiring sureties, other than bail bond agents, to
33 justify their suretyship by attaching to the bond
34 United States currency, a United States postal money
35 order, or a cashier's check in the amount of the bond;
36 providing that such currency, money order, or
37 cashier's check may not be used to secure more than
38 one bond; deleting the requirement that a surety
39 execute an affidavit providing certain information;
40 amending s. 903.101, F.S.; revising the requirements
41 that sureties must meet to have equal access to jails
42 for making bonds; amending s. 903.16, F.S.;
43 authorizing a defendant who has been admitted to bail,
44 or another person on the defendant's behalf, to
45 deposit with the official authorized to take bail
46 money an amount equal to the bail amount set in the
47 court order; requiring that such deposit be received
48 in the name of the defendant; requiring, rather than
49 authorizing, the sheriff or other officials to remit
50 to the clerk money or bonds received which are to be
51 held by the clerk pending court action; deleting a
52 provision stating that consent is conclusively
53 presumed for the clerk of the circuit court to sell
54 bonds deposited as bail after forfeiture of the bond;
55 repealing s. 903.17, F.S., relating to substitution of
56 cash bail for other bail; amending s. 903.21, F.S.;
57 specifying that the surety is exonerated of liability
58 on a bond if a specified determination is made before

591-02413-26

2026600c1

59 forfeiture of the bond; revising the definition of the
60 term "costs and expenses"; amending s. 903.26, F.S.;
61 providing that a certain signed certificate that
62 certifies a specified required notice constitutes
63 sufficient proof of the mailing or electronic
64 transmission of such notice; deleting a requirement
65 that municipal officials having custody of forfeited
66 money deposit such money in a designated municipal
67 fund within 60 days after the forfeiture notice has
68 been mailed or electronically transmitted; deleting
69 certain requirements that must be met when bonds are
70 forfeited; revising the circumstances under which the
71 court is required to discharge a forfeiture within a
72 specified timeframe; requiring the state to enter the
73 information of a defendant in the National Crime
74 Information Center database for each felony warrant
75 that a court issues for failure to appear; specifying
76 circumstances under which the clerk must discharge a
77 forfeiture and issue a certain notice to the surety
78 without further order of the court; specifying
79 circumstances under which the clerk does not have
80 standing to object to specified motions; amending s.
81 903.27, F.S.; requiring the clerk of the circuit court
82 to enter a certain judgment if the forfeiture is not
83 paid or discharged by order of a court of competent
84 jurisdiction within 60 days after the forfeiture
85 notice has been mailed or electronically transmitted;
86 reducing the number of days within which the clerk
87 must furnish specified information to the Department

591-02413-26

2026600c1

88 of Financial Services, the Office of Insurance
89 Regulation of the Financial Services Commission, and
90 the surety company at its home office; amending s.
91 903.28, F.S.; increasing the amount of time within
92 which a court must order remission of a forfeiture if
93 it determines that there was no breach of the bond;
94 requiring a court, in certain circumstances and upon a
95 certain motion, to direct remission in accordance with
96 specified provisions if a defendant surrenders, is
97 deceased, or is apprehended within a certain time
98 after forfeiture; deleting provisions relating to the
99 ordering of remission under specified circumstances;
100 decreasing the amount of time for which the clerk of
101 the circuit court and the state attorney must be given
102 notice before a certain hearing and be furnished with
103 copies of certain documents; requiring the clerk of
104 the circuit court to issue a remission within a
105 certain timeframe after the entry of a court order
106 directing remission; providing for accrual of interest
107 if remission is not issued within such timeframe;
108 providing that the court may order remission of the
109 forfeiture in certain circumstances; amending s.
110 903.29, F.S.; increasing the length of time from the
111 date of forfeiture of a bond within which a surety may
112 arrest the principal; amending s. 903.31, F.S.;
113 revising provisions relating to the ordering of a bond
114 cancellation; revising applicability; defining the
115 term "revoked"; specifying that the original
116 appearance bond does not guarantee a sentencing

591-02413-26

2026600c1

117 deferral, a delayed sentencing, or an appearance after
118 entering a plea agreement; repealing s. 903.36, F.S.,
119 relating to guaranteed arrest bond certificates as
120 cash bail; reenacting and amending s. 907.041, F.S.;
121 requiring that a certain pretrial release service
122 certification be made in writing before the defendant
123 is released from custody; revising the definition of
124 the term "dangerous crime"; authorizing, rather than
125 requiring, the state attorney or the court on its own
126 motion, to move for pretrial detention if a defendant
127 is arrested for certain dangerous crimes and the court
128 makes a certain determination; amending s. 648.45,
129 F.S.; conforming cross-references; making technical
130 changes; reenacting s. 626.2816(2) and (3), F.S.,
131 relating to regulation of continuing education for
132 licensees, course providers, instructors, school
133 officials, and monitor groups, to incorporate the
134 amendment made to s. 648.386, F.S., in references
135 thereto; reenacting s. 903.047(1)(c), F.S., relating
136 to conditions of pretrial release, to incorporate the
137 amendment made to s. 903.046, F.S., in a reference
138 thereto; reenacting s. 903.286(2), F.S., relating to
139 cash bond forms, to incorporate the amendment made to
140 s. 903.09, F.S., in a reference thereto; providing an
141 effective date.

142

143 Be It Enacted by the Legislature of the State of Florida:

144

145 Section 1. Subsection (12) is added to section 648.25,

591-02413-26

2026600c1

146 Florida Statutes, to read:

147 648.25 Definitions.—As used in this chapter, the term:

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

153 Section 2. Subsection (1) and paragraph (a) of subsection
154 (2) of section 648.386, Florida Statutes, are amended to read:

155 648.386 Qualifications for prelicensing and continuing
156 education schools and instructors.—

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

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

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

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

171 (a)1. Offer a minimum of two 80-hour in-person ~~120-hour~~
172 classroom-instruction basic certification courses in the
173 criminal justice system per calendar year unless a reduced
174 number of course offerings per calendar year is warranted in

591-02413-26

2026600c1

175 accordance with rules adopted promulgated by the department; or
176 2. Offer a department-approved correspondence course
177 pursuant to department rules.

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

184 648.44 Prohibitions; penalty.—

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

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

202 (k)-(j) Accept anything of value from a principal for
203 providing a bail bond aside from except the premium, a credit

591-02413-26

2026600c1

204 card merchant processing fee, a mobile payment services fee or
205 similar charge which must be separate from and not considered
206 premium, and a transfer fee authorized by the office, except
207 that the bail bond agent or bail bond agency may accept
208 collateral security or other indemnity from the principal or
209 another person in accordance with s. 648.442, together with
210 documentary stamp taxes, if applicable. No fees, expenses, or
211 charges of any kind shall be permitted to be deducted from the
212 collateral held or any return premium due, except as authorized
213 by this chapter or rule of the department or commission. Upon
214 written agreement with another party, a bail bond agent or bail
215 bond agency may, upon written agreement with another party,
216 receive a fee or compensation for returning to custody an
217 individual who has fled the jurisdiction of the court or caused
218 the forfeiture of a bond.

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

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

229 (b) A Any person who violates the provisions of paragraph
230 (1) (a), paragraph (1) (b), paragraph (1) (c), paragraph (1) (i),
231 paragraph (1) (l), paragraph (1) (n), paragraph (1) (p), paragraph
232 (1) (q), paragraph (1) (h), paragraph (1) (k), paragraph (1) (m),

591-02413-26

2026600c1

233 ~~paragraph (1)(e), paragraph (1)(p), subsection (3), subsection~~
234 (4), or subsection (5) commits a misdemeanor of the first
235 degree, punishable as provided in s. 775.082 or s. 775.083.

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

238 903.011 Pretrial release; general terms; statewide uniform
239 bond schedule.—

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

244 Section 5. Paragraph (d) of subsection (2) of section
245 903.046, Florida Statutes, is amended to read:

246 903.046 Purpose of and criteria for bail determination.—

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

250 (d) The defendant's past and present conduct, including any
251 record of convictions, previous flight to avoid prosecution, or
252 failure to appear at court proceedings. However, any defendant
253 who ~~had~~ failed to appear on the day of any required court
254 proceeding in the case at issue, but who ~~had~~ later voluntarily
255 appeared or surrendered, ~~is not~~ shall not be eligible for a
256 recognizance bond; and any defendant who failed to appear on the
257 day of any required court proceeding ~~in the case at issue~~ and
258 who was later arrested ~~is not~~ shall not be eligible for a
259 recognizance bond or for any form of bond which does not require
260 the greater of a monetary undertaking ~~or commitment~~ equal to or
261 greater than \$2,000 or twice the value of the monetary

591-02413-26

2026600c1

262 ~~commitment or undertaking of the original bond, whichever is~~
263 ~~greater.~~ Notwithstanding anything in this section, the court has
264 discretion in determining conditions of release if the defendant
265 proves circumstances beyond his or her control for the failure
266 to appear. A surety bond that has been revoked may not be
267 reinstated without a written authorization from the bail bond
268 agent, bail bond agency, or surety. This section may not be
269 construed as imposing additional duties or obligations on a
270 governmental entity related to monetary bonds.

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

273 903.0471 Violation of condition of pretrial release.—
274 Notwithstanding s. 907.041, a court may, on its own motion,
275 revoke pretrial release and order pretrial detention if the
276 court finds probable cause to believe that the defendant
277 committed a new crime while on pretrial release or violated any
278 other condition of pretrial release in a material respect. Upon
279 entry of such an order to revoke pretrial release and order
280 pretrial detention, other than for a failure to appear, the
281 clerk of the court must discharge any bond previously posted as
282 a condition of pretrial release without further order of the
283 court.

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

286 903.05 Qualification of sureties.—A surety for the release
287 of a person on bail, other than a company authorized by law to
288 act as a surety, shall be a resident of the state ~~or own real~~
289 ~~estate within the state.~~

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

591-02413-26

2026600c1

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

293 903.09 Justification of sureties.—

294 (1) A surety, other than a bail bond agent as defined in s.
295 648.25, shall justify his or her suretyship by attaching to the
296 bond United States currency, a United States postal money order,
297 or a cashier's check in the amount of the bond; however, the
298 United States currency, United States postal money order, or
299 cashier's check may not be used to secure more than one bond
300 execute an affidavit stating that she or he possesses the
301 qualifications and net worth required to become a surety. The
302 affidavit shall describe the surety's property and any
303 encumbrances and shall state the number and amount of any bonds
304 entered into by the surety at any court that remain
305 undischarged.

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

308 903.101 Sureties; licensed persons; to have equal access.—
309 Subject to rules adopted by the Department of Financial Services
310 and by the Financial Services Commission, every surety who meets
311 the requirements of s. 903.09 ss. 903.05, 903.06, 903.08, and
312 903.09, and every person who is currently licensed by the
313 Department of Financial Services and registered as required by
314 s. 648.42 must shall have equal access to the jails of this
315 state for the purpose of making bonds.

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

318 903.16 Deposit of money or bonds as bail.—

319 (1) A defendant who has been admitted to bail, or another

591-02413-26

2026600c1

320 person in the defendant's behalf, may deposit with the official
321 authorized to take bail money an amount equal to the bail amount
322 set in the court order. Such deposit must be received in the
323 name of the defendant or nonregistered bonds of the United
324 States, the state, or a city, town, or county in the state,
325 equal in market value to the amount set in the order and the
326 personal bond of the defendant and an undertaking by the
327 depositor if the money or bonds are deposited by another. The
328 sheriff or other officials shall may remit money or bonds
329 received to the clerk to be held by the clerk pending court
330 action or return to the defendant or depositor. The clerk shall
331 accept money or bonds remitted by the sheriff.

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

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

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

338 903.21 Method of surrender; exoneration of obligors.—

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

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

591-02413-26

2026600c1

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

356 2. "Jurisdiction" means the county from which the defendant
357 was released on bail.

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

360 903.26 Forfeiture of the bond; when and how directed;
361 discharge; how and when made; effect of payment.—

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

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

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

368 Notice is ~~shall~~ not be necessary if the time for appearance is
369 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
370 transmitted. A certificate signed by the clerk of the court or
371 the clerk's designee which certifies that the notice required
372 under this paragraph was mailed or electronically transmitted on
373 a specified date and time and which is accompanied by a copy of
374 the required notice constitutes sufficient proof that such
375 mailing or electronic transmission was properly accomplished as
376 required in this paragraph.

591-02413-26

2026600c1

378 (2) (a) If there is a failure of the defendant to appear as
379 required, the court must ~~shall~~ declare the bond and any bonds or
380 money deposited as bail forfeited. The clerk of the court shall
381 mail or electronically transmit a notice to the surety agent,
382 bail bond agency, and surety company within 5 days after the
383 forfeiture. A certificate signed by the clerk of the court or
384 the clerk's designee which certifies, ~~certifying~~ that the notice
385 required under this section ~~herein~~ was mailed or electronically
386 transmitted on a specified date and which is accompanied by a
387 copy of the required notice constitutes, ~~shall constitute~~
388 sufficient proof that such mailing or electronic transmission
389 was properly accomplished as required in this paragraph
390 ~~indicated therein~~. If such mailing or electronic transmission
391 was properly accomplished as evidenced by such certificate, the
392 failure of the surety agent, a bail bond agency, ~~or~~ a company,
393 or ~~or~~ a defendant to receive such notice does ~~shall~~ not
394 constitute a defense to such forfeiture and may ~~shall~~ not be
395 grounds for discharge, remission, reduction, set aside, or
396 continuance of such forfeiture. The forfeiture must ~~shall~~ be
397 paid within 60 days after the date the notice was mailed or
398 electronically transmitted.

399 (b) If Failure ~~of~~ the defendant fails to appear at the
400 time, date, and place of required appearance, ~~shall result in~~
401 ~~forfeiture~~ of the bond is forfeited. Such forfeiture must ~~shall~~
402 be automatically entered by the clerk upon such failure to
403 appear, and the clerk shall follow the procedures in paragraph
404 (a). However, the court may determine, in its discretion and, in
405 the interest of justice, that an appearance by the defendant on
406 the ~~same day as required day~~ does not warrant forfeiture of the

591-02413-26

2026600c1

407 bond; and the court may direct the clerk to set aside any such
408 forfeiture which may have been entered. Any appearance by the
409 defendant later than the required day constitutes forfeiture of
410 the bond, and the court may shall not preclude entry of such
411 forfeiture by the clerk.

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

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

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

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

422 (c) Officials having custody of bonds as authorized by s.
423 903.16 shall transmit the bonds to the clerk of the circuit
424 court who shall sell them at market value and disburse the
425 proceeds as provided in paragraph (a) paragraphs (a) and (b).

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

435 (b) The bond and affidavits shall be a lien on the real

591-02413-26

2026600c1

436 property they describe from the time of recording in the county
437 where the property is located for 2 years or until the final
438 determination of an action instituted thereon within a 2-year
439 period. If an action is not instituted within 2 years from the
440 date of recording, the lien shall be discharged. The lien will
441 be discharged 2 years after the recording even if an action was
442 instituted within 2 years unless a lis pendens notice is
443 recorded in the action.

444 (4)(5) The court shall discharge a forfeiture within 60
445 days after the forfeiture notice was mailed or electronically
446 transmitted upon any of the following:

447 (a) A determination that, due to circumstances beyond the
448 defendant's control, it was impossible for the defendant to
449 appear as required or within 60 days after the date of the
450 required appearance due to circumstances beyond the defendant's
451 control. The potential adverse economic consequences of
452 appearing as required may not be considered as constituting a
453 ground for such a determination.⁷

454 (b) A determination that, at the time of the required
455 appearance or within 60 days after the date of the required
456 appearance, the defendant was confined in an institution or
457 hospital; was confined in any county, state, federal, or
458 immigration detention facility; was deported; or is deceased.⁷

459 (c) Surrender or arrest of the defendant at the time of the
460 required appearance or within 60 days after the date of the
461 required appearance in any county, state, or federal jail or
462 prison and upon a hold being placed to return the defendant to
463 the jurisdiction of the court. The court shall condition a
464 discharge or remission on the payment of costs and the expenses

591-02413-26

2026600c1

465 as provided in s. 903.21(3), incurred by an official in
466 returning the defendant to the jurisdiction of the court.~~or~~

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

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

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

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

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

591-02413-26

2026600c1

494 after notice to the sheriff and the state attorney, must shall
495 determine the amount of the costs.

496 (9) If, after forfeiture of a bond, the criminal charges
497 for which the bond guaranteed appearance are resolved,
498 adjudicated, or otherwise disposed of by any action of the court
499 or state, the clerk must discharge the forfeiture and issue such
500 notice to the surety without further order of the court. If such
501 resolution or disposition occurs after payment of a forfeiture
502 or judgment, remission must be granted upon proper motion and as
503 specified under s. 903.28.

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

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

513 903.27 Forfeiture to judgment.—

514 (1) If the forfeiture is not paid or discharged by order of
515 a court of competent jurisdiction within 60 days after the
516 forfeiture notice has been mailed or electronically transmitted
517 and the bond is secured other than by money and bonds authorized
518 in s. 903.16, the clerk of the circuit court for the county
519 where the order was made must shall enter a judgment against the
520 surety for the amount of the penalty and issue execution.
521 However, in any case in which the bond forfeiture has been
522 discharged by the court of competent jurisdiction conditioned

591-02413-26

2026600c1

523 upon the payment by the surety of certain costs or fees as
524 allowed by statute, the amount for which judgment may be entered
525 may not exceed the amount of the unpaid fees or costs upon which
526 the discharge had been conditioned. Judgment for the full amount
527 of the forfeiture may ~~shall~~ not be entered if payment of a
528 lesser amount will satisfy the conditions to discharge the
529 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
530 Department of Financial Services and the Office of Insurance
531 Regulation of the Financial Services Commission with a certified
532 copy of the judgment docket and shall furnish the surety company
533 at its home office a copy of the judgment, which shall include
534 the power of attorney number of the bond and the name of the
535 executing agent. If the judgment is not paid within 35 days, the
536 clerk must ~~shall~~ furnish the Department of Financial Services,
537 the Office of Insurance Regulation, and the sheriff of the
538 county in which the bond was executed, or the official
539 responsible for operation of the county jail, if that official
540 is not ~~other than~~ the sheriff, two copies of the judgment and a
541 certificate stating that the judgment remains unsatisfied. When
542 ~~and if~~ the judgment is properly paid or an order to vacate the
543 judgment has been entered by a court of competent jurisdiction,
544 the clerk shall immediately notify the sheriff, or other such
545 the official responsible for the operation of the county jail,
546 ~~if other than the sheriff, and, if they have been previously~~
547 notified of nonpayment, the Department of Financial Services and
548 the Office of Insurance Regulation, ~~if the department and office~~
549 ~~had been previously notified of nonpayment,~~ of such payment or
550 order to vacate the judgment. The clerk may furnish documents or
551 give notice as required in this subsection by mail or electronic

591-02413-26

2026600c1

552 means. The clerk shall also immediately prepare and record in
553 the public records a satisfaction of the judgment or record the
554 order to vacate judgment. If the defendant is returned to the
555 county of jurisdiction of the court, whenever a motion to set
556 aside the judgment is filed, the operation of this section is
557 tolled until the court makes a disposition of the motion.

558 (2) A certificate signed by the clerk of the court or her
559 or his designee which certifies, certifying that the notice
560 required in subsection (1) was mailed or electronically
561 delivered on a specified date, and is accompanied by a copy of
562 the required notice constitutes sufficient proof that such
563 mailing or electronic delivery was properly accomplished as
564 required in this subsection indicated therein. If such mailing
565 or electronic delivery was properly accomplished as evidenced by
566 such certificate, the failure of a company to receive a copy of
567 the judgment as prescribed in subsection (1) does not constitute
568 a defense to the forfeiture and is not a ground for the
569 discharge, remission, reduction, set aside, or continuance of
570 such forfeiture.

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

580 (4) After notice of judgment against the surety given by

591-02413-26

2026600c1

581 the clerk of the circuit court, the surety, a bail bond agency,
582 or a bail bond agent shall, within 35 days after ~~of~~ the entry of
583 judgment, submit to the clerk of the circuit court an amount
584 equal to the judgment, unless the judgment has been set aside by
585 the court within 35 days after ~~of~~ the entry of the judgment. If
586 a motion to set aside the judgment has been filed pursuant to
587 subsection (5), the amount submitted must ~~shall~~ be held in
588 escrow until such time as the court has disposed of the motion.
589 The failure to comply with ~~the provisions of~~ this subsection
590 constitutes a failure to pay the judgment.

591 (5) After notice of judgment against the surety given by
592 the clerk of the circuit court, the surety, bail bond agency, or
593 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~~
594 Any such motion or and of any order to stay the judgment must be
595 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of
596 the judgment to the clerk, which amount must ~~shall~~ be held in
597 escrow until such time as the court has disposed of the motion
598 to set aside the judgment. The filing of such a motion, when
599 accompanied by the required escrow deposit, acts shall act as an
600 automatic stay of further proceedings, including execution,
601 until the motion has been heard and a decision rendered by the
602 court.

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

609 Section 16. Section 903.28, Florida Statutes, is amended to

591-02413-26

2026600c1

610 read:

611 903.28 Remission of forfeiture; conditions.—

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

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

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

635 (b) Ninety-five percent of the forfeiture if the defendant
636 surrenders or is apprehended within 180 days after forfeiture
637 and the delay has not thwarted proper prosecution of the
638 defendant or if the defendant is deceased or the state is

591-02413-26

2026600c1

639 unwilling to seek extradition of the defendant within 180 days
640 after forfeiture.

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

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

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

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

665 (g) Seventy percent of the forfeiture if the defendant
666 surrenders or is apprehended within 630 days after forfeiture
667 and the delay has not thwarted proper prosecution of the

591-02413-26

2026600c1

668 defendant or if the defendant is deceased or the state is
669 unwilling to seek extradition of the defendant within 630 days
670 after forfeiture.

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

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

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

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

695 (l) Forty-five percent of the forfeiture if the defendant
696 surrenders or is apprehended within 36 months after forfeiture

591-02413-26

2026600c1

697 and the delay has not thwarted proper prosecution of the
698 defendant or if the defendant is deceased or the state is
699 unwilling to seek extradition of the defendant within 36 months
700 after forfeiture of up to, but not more than, 100 percent of a
701 forfeiture if the surety apprehended and surrendered the
702 defendant or if the apprehension or surrender of the defendant
703 was substantially procured or caused by the surety, or the
704 surety has substantially attempted to procure or cause the
705 apprehension or surrender of the defendant, and the delay has
706 not thwarted the proper prosecution of the defendant. In
707 addition, remission shall be granted when the surety did not
708 substantially participate or attempt to participate in the
709 apprehension or surrender of the defendant when the costs of
710 returning the defendant to the jurisdiction of the court have
711 been deducted from the remission and when the delay has not
712 thwarted the proper prosecution of the defendant.

713 (3) If the defendant surrenders or is apprehended within
714 180 days after forfeiture, the court, on motion at a hearing
715 upon notice having been given to the clerk of the circuit court
716 and the state attorney as required in subsection (8), shall
717 direct remission of up to, but not more than, 95 percent of a
718 forfeiture if the surety apprehended and surrendered the
719 defendant or if the apprehension or surrender of the defendant
720 was substantially procured or caused by the surety, or the
721 surety has substantially attempted to procure or cause the
722 apprehension or surrender of the defendant, and the delay has
723 not thwarted the proper prosecution of the defendant. In
724 addition, remission shall be granted when the surety did not
725 substantially participate or attempt to participate in the

591-02413-26

2026600c1

726 apprehension or surrender of the defendant when the costs of
727 returning the defendant to the jurisdiction of the court have
728 been deducted from the remission and when the delay has not
729 thwarted the proper prosecution of the defendant.

730 (4) If the defendant surrenders or is apprehended within
731 270 days after forfeiture, the court, on motion at a hearing
732 upon notice having been given to the clerk of the circuit court
733 and the state attorney as required in subsection (8), shall
734 direct remission of up to, but not more than, 90 percent of a
735 forfeiture if the surety apprehended and surrendered the
736 defendant or if the apprehension or surrender of the defendant
737 was substantially procured or caused by the surety, or the
738 surety has substantially attempted to procure or cause the
739 apprehension or surrender of the defendant, and the delay has
740 not thwarted the proper prosecution of the defendant. In
741 addition, remission shall be granted when the surety did not
742 substantially participate or attempt to participate in the
743 apprehension or surrender of the defendant when the costs of
744 returning the defendant to the jurisdiction of the court have
745 been deducted from the remission and when the delay has not
746 thwarted the proper prosecution of the defendant.

747 (5) If the defendant surrenders or is apprehended within 1
748 year after forfeiture, the court, on motion at a hearing upon
749 notice having been given to the clerk of the circuit court and
750 the state attorney as required in subsection (8), shall direct
751 remission of up to, but not more than, 85 percent of a
752 forfeiture if the surety apprehended and surrendered the
753 defendant or if the apprehension or surrender of the defendant
754 was substantially procured or caused by the surety, or the

591-02413-26

2026600c1

755 ~~surety has substantially attempted to procure or cause the~~
756 ~~apprehension or surrender of the defendant, and the delay has~~
757 ~~not thwarted the proper prosecution of the defendant. In~~
758 ~~addition, remission shall be granted when the surety did not~~
759 ~~substantially participate or attempt to participate in the~~
760 ~~apprehension or surrender of the defendant when the costs of~~
761 ~~returning the defendant to the jurisdiction of the court have~~
762 ~~been deducted from the remission and when the delay has not~~
763 ~~thwarted the proper prosecution of the defendant.~~

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

781 ~~(3) (7) The remission of a forfeiture may not be ordered for~~
782 ~~any reason other than as specified in this section herein.~~

783 ~~(4) (8) An application for remission must be accompanied by~~

591-02413-26

2026600c1

784 affidavits setting forth the facts on which it is founded;
785 however, the surety must establish by further documentation or
786 other evidence any claimed attempt at procuring or causing the
787 apprehension or surrender of the defendant before the court may
788 order remission based upon an attempt to procure or cause such
789 apprehension or surrender. The clerk of the circuit court and
790 the state attorney must be given 10 ~~20~~ days' notice before a
791 hearing on an application and be furnished copies of all papers,
792 applications, and affidavits. Remission must ~~shall~~ be granted on
793 the condition of payment of costs, as provided in s.

794 903.21(3)(a), unless the ground for remission is that there was
795 no breach of the bond.

796 (5)~~(9)~~ The clerk of the circuit court may enter into a
797 contract with a private attorney or into an interagency
798 agreement with a governmental agency to represent the clerk of
799 the court in an action for the remission of a forfeiture under
800 this section.

801 (6)~~(10)~~ The clerk of the circuit court is the real party in
802 interest for all appeals arising from an action for the
803 remission of a forfeiture under this section.

804 (7) The clerk of the circuit court shall issue a remission
805 within 10 days after entry of a court order directing remission,
806 and a remission untimely issued accrues interest at the rate of
807 1.5 percent per month.

808 (8) If the defendant surrenders or is apprehended and the
809 surety has not paid all costs of returning the defendant to the
810 jurisdiction of the court, the court may order remission of the
811 forfeiture in accordance with subsection (2) if the actual costs
812 of returning the defendant to the jurisdiction of the court have

591-02413-26

2026600c1

813 been deducted from the remission.814 Section 17. Section 903.29, Florida Statutes, is amended to
815 read:816 903.29 Arrest of principal by surety after forfeiture.—
817 Within 3 ~~2~~ years from the date of forfeiture of a bond, the
818 surety may arrest the principal for the purpose of surrendering
819 the principal to the official in whose custody she or he was at
820 the time bail was taken or in whose custody the principal would
821 have been placed had she or he been committed.822 Section 18. Subsections (1) and (2) of section 903.31,
823 Florida Statutes, are amended to read:

824 903.31 Canceling the bond.—

825 (1) Within 10 business days after the conditions of a bond
826 have been satisfied or the forfeiture discharged or remitted,
827 the court must ~~shall~~ order the bond canceled and, if the surety
828 has attached a certificate of cancellation to the original bond,
829 the clerk of the court must ~~shall~~ mail or electronically furnish
830 an executed certificate of cancellation to the surety without
831 cost. The clerk of the court shall discharge the bond upon an
832 adjudication of guilt or innocence or an acquittal, or if a
833 period of 36 months has passed since the original bond was
834 posted.~~or~~ A withholding of an adjudication of guilt, a finding
835 of guilt by a jury, or a no action by the state satisfies ~~shall~~
836 satisfy the conditions of the bond. If the bond has been revoked
837 by the court, other than for a failure to appear, the clerk of
838 the court must discharge or cancel the bond. The original
839 appearance bond expires ~~shall expire~~ 36 months after such bond
840 has been posted for the release of the defendant from custody,
841 at which time the clerk of the court must discharge the bond.

591-02413-26

2026600c1

842 This subsection does not apply to cases in which a bond has been
843 declared forfeited before the 36-month expiration, unless the
844 forfeiture was set aside or discharged. As used in this
845 subsection, the term "revoked" means that an act, a statement, a
846 document, or a promise has been annulled or canceled.

847 (2) The original appearance bond does not guarantee a
848 deferred sentence; a sentencing deferral; a delayed sentencing;
849 an appearance after entering a plea agreement; an appearance
850 during or after a presentence investigation; an appearance
851 during or after appeals; conduct during or appearance after
852 admission to a pretrial intervention program; placement in a
853 court-ordered program, including a residential mental health
854 facility; payment of fines; or attendance at educational or
855 rehabilitation facilities the court otherwise provides in the
856 judgment. If the original appearance bond has been forfeited or
857 revoked, it may the bond shall not be reinstated without
858 approval from the surety on the original bond.

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

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

864 907.041 Pretrial detention and release.—

865 (3) RELEASE ON NONMONETARY CONDITIONS.—

866 (b) A ~~No~~ person may not ~~shall~~ be released on nonmonetary
867 conditions under the supervision of a pretrial release service,
868 unless the service certifies in writing to the court, before the
869 defendant is released from custody, that it has investigated or
870 otherwise verified:

591-02413-26

2026600c1

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

874 2. The accused's record of convictions, of appearances at
875 court proceedings, of flight to avoid prosecution, or of failure
876 to appear at court proceedings; and

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

880 (5) PRETRIAL DETENTION.—

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

- 883 1. Arson.~~†~~
- 884 2. Aggravated assault.~~†~~
- 885 3. Aggravated battery.~~†~~
- 886 4. Illegal use of explosives.~~†~~
- 887 5. Child abuse or aggravated child abuse.~~†~~
- 888 6. Abuse of an elderly person or disabled adult, or
889 aggravated abuse of an elderly person or disabled adult.~~†~~
- 890 7. Aircraft piracy.~~†~~
- 891 8. Kidnapping.~~†~~
- 892 9. Homicide.~~†~~
- 893 10. Manslaughter, including DUI manslaughter and BUI
894 manslaughter.~~†~~
- 895 11. Sexual battery.~~†~~
- 896 12. Robbery.~~†~~
- 897 13. Carjacking.~~†~~
- 898 14. Lewd, lascivious, or indecent assault or act upon or in
899 presence of a child under the age of 16 years.~~†~~

591-02413-26

2026600c1

900 15. Sexual activity with a child, who is 12 years of age or
901 older but less than 18 years of age, by or at solicitation of
902 person in familial or custodial authority.~~r~~

903 16. Burglary of a dwelling.~~r~~

904 17. Stalking and aggravated stalking.~~r~~

905 18. Act of domestic violence as defined in s. 741.28.~~r~~

906 19. Home invasion robbery.~~r~~

907 20. Act of terrorism as defined in s. 775.30.~~r~~

908 21. Manufacturing any substances in violation of chapter
909 893.~~r~~

910 22. Attempting or conspiring to commit any such crime.~~r~~

911 23. Human trafficking.~~r~~

912 24. Trafficking in any controlled substance described in s.
913 893.135(1)(c)4.~~r~~

914 25. Extortion in violation of s. 836.05.~~r~~ and

915 26. Written threats to kill in violation of s. 836.10.
916 27. Driving under the influence in violation of s.
917 316.193(2)(b)1. or (2)(b)3.
918 28. Felony battery.
919 29. Battery by strangulation.
920 (c) Upon motion by the state attorney, the court may order
921 pretrial detention if it finds a substantial probability, based
922 on a defendant's past and present patterns of behavior, the
923 criteria in s. 903.046, and any other relevant facts, that any
924 of the following circumstances exist:
925 1. The defendant has previously violated conditions of
926 release and that no further conditions of release are reasonably
927 likely to assure the defendant's appearance at subsequent
928 proceedings;

591-02413-26

2026600c1

929 2. The defendant, with the intent to obstruct the judicial
930 process, has threatened, intimidated, or injured any victim,
931 potential witness, juror, or judicial officer, or has attempted
932 or conspired to do so, and that no condition of release will
933 reasonably prevent the obstruction of the judicial process;

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

939 4. The defendant is charged with DUI manslaughter, as
940 defined by s. 316.193, and that there is a substantial
941 probability that the defendant committed the crime and that the
942 defendant poses a threat of harm to the community; conditions
943 that would support a finding by the court pursuant to this
944 subparagraph that the defendant poses a threat of harm to the
945 community include, but are not limited to, any of the following:

946 a. The defendant has previously been convicted of any crime
947 under s. 316.193, or of any crime in any other state or
948 territory of the United States that is substantially similar to
949 any crime under s. 316.193;

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

952 c. The defendant has previously been found guilty of, or
953 has had adjudication of guilt withheld for, driving while the
954 defendant's driver license was suspended or revoked in violation
955 of s. 322.34;

956 5. The defendant poses the threat of harm to the community.
957 The court may so conclude, if it finds that the defendant is

591-02413-26

2026600c1

958 presently charged with a dangerous crime, that there is a
959 substantial probability that the defendant committed such crime,
960 that the factual circumstances of the crime indicate a disregard
961 for the safety of the community, and that there are no
962 conditions of release reasonably sufficient to protect the
963 community from the risk of physical harm to persons;

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

967 7. The defendant has violated one or more conditions of
968 pretrial release or bond for the offense currently before the
969 court and the violation, in the discretion of the court,
970 supports a finding that no conditions of release can reasonably
971 protect the community from risk of physical harm to persons or
972 assure the presence of the accused at trial; or

973 8.a. The defendant has ever been sentenced pursuant to s.
974 775.082(9) or s. 775.084 as a prison releasee reoffender,
975 habitual violent felony offender, three-time violent felony
976 offender, or violent career criminal, or the state attorney
977 files a notice seeking that the defendant be sentenced pursuant
978 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
979 habitual violent felony offender, three-time violent felony
980 offender, or violent career criminal;

981 b. There is a substantial probability that the defendant
982 committed the offense; and

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

986 (d) If a defendant is arrested for a dangerous crime that

591-02413-26

2026600c1

987 is a capital felony, a life felony, or a felony of the first
988 degree, and the court determines there is probable cause to
989 believe the defendant committed the offense, the state attorney,
990 or the court on its own motion, may move shall motion for
991 pretrial detention. If the court finds a substantial probability
992 that the defendant committed the offense and, based on the
993 defendant's past and present patterns of behavior, consideration
994 of the criteria in s. 903.046, and any other relevant facts,
995 that no conditions of release or bail will reasonably protect
996 the community from risk of physical harm, ensure the presence of
997 the defendant at trial, or assure the integrity of the judicial
998 process, the court must order pretrial detention.

999 (g)1. If a motion for pretrial detention is granted
1000 ~~required~~ under paragraph (d), the pretrial detention hearing
1001 must be held within 5 days after the defendant's first
1002 appearance hearing or, if there is no first appearance hearing,
1003 within 5 days after the defendant's arraignment.

1004 2. If a state attorney files a motion for pretrial
1005 detention under paragraph (c), the pretrial detention hearing
1006 must be held within 5 days after the filing of such motion.

1007 3. The defendant may request a continuance of a pretrial
1008 detention hearing. No continuance shall be for longer than 5
1009 days unless there are extenuating circumstances. The state
1010 attorney shall be entitled to one continuance for good cause.

1011 4. The defendant may be detained pending the completion of
1012 the pretrial detention hearing. If a defendant is released on
1013 bail pending a pretrial detention hearing under paragraph (d),
1014 the court must inform the defendant that if he or she uses a
1015 surety bond to meet the monetary component of pretrial release

591-02413-26

2026600c1

1016 and the motion for pretrial detention is subsequently granted,
1017 the defendant will not be entitled to the return of the premium
1018 on such surety bond.

1019 Section 21. Subsection (4) of section 648.45, Florida
1020 Statutes, is amended to read:

1021 648.45 Actions against a licensee; suspension or revocation
1022 of eligibility to hold a license.—

1023 (4) A Any licensee found to have violated s. 648.44(1)(b),
1024 (e), or (j) s. 648.44(1)(b), (d), or (i) shall, at a minimum, be
1025 suspended for a period of 3 months. A greater penalty, including
1026 revocation, must shall be imposed if there is a willful or
1027 repeated violation of s. 648.44(1)(b), (e), or (j) s.
1028 ~~648.44(1)(b), (d), or (i)~~, or the licensee has committed other
1029 violations of this chapter.

1030 Section 22. For the purpose of incorporating the amendment
1031 made by this act to section 648.386, Florida Statutes, in
1032 references thereto, subsections (2) and (3) of section 626.2816,
1033 Florida Statutes, are reenacted to read:

1034 626.2816 Regulation of continuing education for licensees,
1035 course providers, instructors, school officials, and monitor
1036 groups.—

1037 (2) The department shall adopt rules establishing standards
1038 for the approval, regulation, and operation of the continuing
1039 education programs and for the discipline of licensees, course
1040 providers, instructors, school officials, and monitor groups.
1041 The standards must be designed to ensure that such course
1042 providers, instructors, school officials, and monitor groups
1043 have the knowledge, competence, and integrity to fulfill the
1044 educational objectives of ss. 626.2815, 626.869, 648.385, and

591-02413-26

2026600c1

1045 648.386.

1046 (3) The department shall adopt rules establishing a process
1047 by which compliance with the continuing education requirements
1048 of ss. 626.2815, 626.869, 648.385, and 648.386 can be
1049 determined, the establishment of a continuing education
1050 compliance period for licensees, and forms necessary to
1051 implement such a process.

1052 Section 23. For the purpose of incorporating the amendment
1053 made by this act to section 903.046, Florida Statutes, in a
1054 reference thereto, paragraph (c) of subsection (1) of section
1055 903.047, Florida Statutes, is reenacted to read:

1056 903.047 Conditions of pretrial release.—

1057 (1) As a condition of pretrial release, whether such
1058 release is by surety bail bond or recognizance bond or in some
1059 other form, the defendant must:

1060 (c) Comply with all conditions of pretrial release imposed
1061 by the court. A court must consider s. 903.046(2) when
1062 determining whether to impose nonmonetary conditions in addition
1063 to or in lieu of monetary bond. Such nonmonetary conditions may
1064 include, but are not limited to, requiring a defendant to:

1065 1. Maintain employment, or, if unemployed, actively seek
1066 employment.

1067 2. Maintain or commence an educational program.

1068 3. Abide by specified restrictions on personal
1069 associations, place of residence, or travel.

1070 4. Report on a regular basis to a designated law
1071 enforcement agency, pretrial services agency, or other agency.

1072 5. Comply with a specified curfew.

1073 6. Refrain from possessing a firearm, destructive device,

591-02413-26

2026600c1

1074 or other dangerous weapon.

1075 7. Refrain from excessive use of alcohol, or any use of a
1076 narcotic drug or other controlled substance without a
1077 prescription from a licensed medical practitioner.

1078 8. Undergo available medical, psychological, psychiatric,
1079 mental health, or substance abuse evaluation and follow all
1080 recommendations, including treatment for drug or alcohol
1081 dependency, and remain in a specified institution, if required
1082 for that purpose.

1083 9. Return to custody for specified hours following release
1084 for employment, school, or other limited purposes.

1085 10. Any other condition that is reasonably necessary to
1086 assure the appearance of the defendant at subsequent proceedings
1087 and to protect the community against unreasonable danger of
1088 harm.

1089 Section 24. For the purpose of incorporating the amendment
1090 made by this act to section 903.09, Florida Statutes, in a
1091 reference thereto, subsection (2) of section 903.286, Florida
1092 Statutes, is reenacted to read:

1093 903.286 Return of cash bond; requirement to withhold unpaid
1094 fines, fees, court costs; cash bond forms.—

1095 (2) All cash bond forms used in conjunction with the
1096 requirements of s. 903.09 must prominently display a notice
1097 explaining that all funds are subject to forfeiture and
1098 withholding by the clerk of the court for the payment of costs
1099 of prosecution, costs of representation as provided by ss. 27.52
1100 and 938.29, court fees, court costs, and criminal penalties on
1101 behalf of the criminal defendant regardless of who posted the
1102 funds.

591-02413-26

2026600c1

1103

Section 25. This act shall take effect July 1, 2026.