

By the Committee on Criminal Justice; and Senator Truenow

591-02413-26

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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prohibiting a surety bond that has been revoked from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

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

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

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of Financial Services, the Office of Insurance Regulation of the Financial Services Commission, and the surety company at its home office; amending s. 903.28, F.S.; increasing the amount of time within which a court must order remission of a forfeiture if it determines that there was no breach of the bond; requiring a court, in certain circumstances and upon a certain motion, to direct remission in accordance with specified provisions if a defendant surrenders, is deceased, or is apprehended within a certain time after forfeiture; deleting provisions relating to the ordering of remission under specified circumstances; decreasing the amount of time for which the clerk of the circuit court and the state attorney must be given notice before a certain hearing and be furnished with copies of certain documents; requiring the clerk of the circuit court to issue a remission within a certain timeframe after the entry of a court order directing remission; providing for accrual of interest if remission is not issued within such timeframe; providing that the court may order remission of the forfeiture in certain circumstances; amending s. 903.29, F.S.; increasing the length of time from the date of forfeiture of a bond within which a surety may arrest the principal; amending s. 903.31, F.S.; revising provisions relating to the ordering of a bond cancellation; revising applicability; defining the term "revoked"; specifying that the original appearance bond does not guarantee a sentencing

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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,

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Florida Statutes, to read:

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

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

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

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

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

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

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

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

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

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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

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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),

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

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

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

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

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

903.046 Purpose of and criteria for bail determination.—

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

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

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

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

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

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

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

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

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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

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

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

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

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

903.21 Method of surrender; exoneration of obligors.—

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

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

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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~~
370 stated on the bond. Such notice may be mailed or electronically
371 transmitted. A certificate signed by the clerk of the court or
372 the clerk's designee which certifies that the notice required
373 under this paragraph was mailed or electronically transmitted on
374 a specified date and time and which is accompanied by a copy of
375 the required notice constitutes sufficient proof that such
376 mailing or electronic transmission was properly accomplished as
377 required in this paragraph.

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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, ~~of~~ a company,
393 or ~~of~~ 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

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407 bond~~s~~, 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~~

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

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

(a) A determination that, due to circumstances beyond the defendant's control, 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.~~ The potential adverse economic consequences of appearing as required may not be considered as constituting a ground for such a determination.~~.~~[†]

(b) A determination 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.~~.~~[†]

(c) 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.~~ The court shall condition a discharge or remission on the payment of costs and ~~the~~ expenses

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

(d) A determination that the state is unwilling to seek extradition of the fugitive defendant within 10 ~~30~~ days after a written 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, as provided in s. 903.21(3), up to the penal amount of the bond.

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

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

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

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

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

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

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

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

903.27 Forfeiture to judgment.—

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

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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

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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

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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
594 ~~the judgment or to stay the judgment. It shall be a condition of~~
595 Any such motion or and of any order to stay the judgment must be
596 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of
597 the judgment to the clerk, which amount must ~~shall~~ be held in
598 escrow until such time as the court has disposed of the motion
599 to set aside the judgment. The filing of such a motion, when
600 accompanied by the required escrow deposit, acts ~~shall act~~ as an
601 automatic stay of further proceedings, including execution,
602 until the motion has been heard and a decision rendered by the
603 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

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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

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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

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

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

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

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

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

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

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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~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.

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

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

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

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

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

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

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

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

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

(5) PRETRIAL DETENTION.—

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

1. Arson.+
2. Aggravated assault.+
3. Aggravated battery.+
4. Illegal use of explosives.+
5. Child abuse or aggravated child abuse.+
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult.+
7. Aircraft piracy.+
8. Kidnapping.+
9. Homicide.+
10. Manslaughter, including DUI manslaughter and BUI manslaughter.+
11. Sexual battery.+
12. Robbery.+
13. Carjacking.+
14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years.+

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

16. Burglary of a dwelling.~~†~~

17. Stalking and aggravated stalking.~~†~~

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

19. Home invasion robbery.~~†~~

20. Act of terrorism as defined in s. 775.30.~~†~~

21. Manufacturing any substances in violation of chapter 893.~~†~~

22. Attempting or conspiring to commit any such crime.~~†~~

23. Human trafficking.~~†~~

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

25. Extortion in violation of s. 836.05.~~†~~ ~~and~~

26. Written threats to kill in violation of s. 836.10.

27. Driving under the influence in violation of s. 316.193(2)(b)1. or (2)(b)3.

28. Felony battery.

29. Battery by strangulation.

(c) Upon motion by the state attorney, the court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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648.386.

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

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

903.047 Conditions of pretrial release.—

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

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

1. Maintain employment, or, if unemployed, actively seek employment.
2. Maintain or commence an educational program.
3. Abide by specified restrictions on personal associations, place of residence, or travel.
4. Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency.
5. Comply with a specified curfew.
6. Refrain from possessing a firearm, destructive device,

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or other dangerous weapon.

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

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

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

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

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

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

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

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