

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senator Truenow

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1 A bill to be entitled
2 An act relating to bail bonds; amending s. 648.25,
3 F.S.; defining the term "virtual office"; amending s.
4 648.386, F.S.; defining the term "in-person classroom
5 instruction"; decreasing the duration of in-person
6 classroom-instruction basic certification courses
7 required to be considered for approval and
8 certification as an approved limited surety agent and
9 professional bail bond agent prelicensing school;
10 amending s. 648.44, F.S.; authorizing bail bond agents
11 and agencies to accept certain fees or charges;
12 prohibiting virtual bail bond offices; amending s.
13 903.011, F.S.; requiring, rather than authorizing,
14 that any monetary or cash component of any form of
15 pretrial release be met by specified means; amending
16 s. 903.046, F.S.; revising the criteria that a court
17 must consider in making specified determinations;
18 prohibiting a surety bond that has been revoked from
19 being reinstated without written authorization;
20 amending s. 903.0471, F.S.; requiring the clerk of the
21 court, upon the court's entry of an order to revoke
22 pretrial release and order pretrial detention in
23 certain circumstances, to discharge any bond
24 previously posted as a condition of pretrial release
25 without further order of the court; amending s.
26 903.05, F.S.; deleting the requirement that a surety
27 own certain real estate as a qualification for the
28 release of a person on bail; repealing s. 903.08,
29 F.S., relating to sufficiency of sureties; amending s.

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

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59 definition of the term "costs and expenses"; amending
60 s. 903.26, F.S.; requiring that a signed certification
61 containing certain information must accompany or be
62 included on a specified notice; deleting a requirement
63 that municipal officials having custody of forfeited
64 money deposit such money in a designated municipal
65 fund within 60 days after the forfeiture notice has
66 been mailed or electronically transmitted; deleting
67 certain requirements that must be met when bonds are
68 forfeited; revising the circumstances under which the
69 court is required to discharge a forfeiture within a
70 specified timeframe; requiring the sheriff to enter
71 the information of a defendant in the National Crime
72 Information Center database for each felony warrant
73 that a court issues for failure to appear; specifying
74 circumstances under which the clerk must discharge a
75 forfeiture and issue a certain notice to the surety
76 without further order of the court; amending s.
77 903.27, F.S.; requiring the clerk of the circuit court
78 to enter a certain judgment if the forfeiture is not
79 paid or discharged by order of a court of competent
80 jurisdiction within 60 days after the forfeiture
81 notice has been mailed or electronically transmitted;
82 reducing the number of days within which the clerk
83 must furnish specified information to the Department
84 of Financial Services, the Office of Insurance
85 Regulation of the Financial Services Commission, and
86 the surety company at its home office; amending s.
87 903.28, F.S.; increasing the amount of time within

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88 which a court must order remission of a forfeiture if
89 it determines that there was no breach of the bond by
90 the surety; requiring a court, in certain
91 circumstances and upon a certain motion, to order
92 remission in accordance with specified provisions if a
93 defendant surrenders, is deceased, or is apprehended
94 within a certain time after forfeiture; deleting
95 provisions relating to the ordering of remission under
96 specified circumstances; decreasing the amount of time
97 for which the clerk of the circuit court and the state
98 attorney must be given notice before a certain hearing
99 and be furnished with copies of certain documents;
100 requiring the clerk of the circuit court to issue a
101 remission in a specified manner; providing that the
102 court may order remission of the forfeiture in certain
103 circumstances; amending s. 903.29, F.S.; increasing
104 the length of time from the date of forfeiture of a
105 bond within which a surety may arrest the principal;
106 amending s. 903.31, F.S.; revising provisions relating
107 to the ordering of a bond cancellation; revising
108 applicability; defining the term "revoked"; specifying
109 that the original appearance bond does not guarantee a
110 sentencing deferral, a delayed sentencing, or an
111 appearance after entering a plea agreement; specifying
112 that the clerk does not have standing under certain
113 provisions to object to a reinstatement of a bond;
114 repealing s. 903.36, F.S., relating to guaranteed
115 arrest bond certificates as cash bail; reenacting and
116 amending s. 907.041, F.S.; requiring that a certain

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117 pretrial release service certification be made in
118 writing before the defendant is released from custody;
119 revising the definition of the term "dangerous crime";
120 authorizing, rather than requiring, the state attorney
121 or the court on its own motion, to move for pretrial
122 detention if a defendant is arrested for certain
123 dangerous crimes and the court makes a certain
124 determination; reenacting s. 626.2816(2) and (3),
125 F.S., relating to regulation of continuing education
126 for licensees, course providers, instructors, school
127 officials, and monitor groups, to incorporate the
128 amendment made to s. 648.386, F.S., in references
129 thereto; reenacting s. 903.047(1)(c), F.S., relating
130 to conditions of pretrial release, to incorporate the
131 amendment made to s. 903.046, F.S., in a reference
132 thereto; reenacting s. 903.286(2), F.S., relating to
133 cash bond forms, to incorporate the amendment made to
134 s. 903.09, F.S., in a reference thereto; providing an
135 effective date.

136

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

138

139 Section 1. Subsection (12) is added to section 648.25,
140 Florida Statutes, to read:

141 648.25 Definitions.—As used in this chapter, the term:

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

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146 office space.

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

149 648.386 Qualifications for prelicensing and continuing
150 education schools and instructors.—

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

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

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

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

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

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

172 Section 3. Paragraph (j) of subsection (1) and subsection
173 (4) of section 648.44, Florida Statutes, are amended to read:

174 648.44 Prohibitions; penalty.—

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175 (1) A bail bond agent or bail bond agency may not:
176 (j) Accept anything of value from a principal for providing
177 a bail bond aside from ~~except~~ the premium, a credit card
178 merchant processing fee, or a mobile payment services fee or
179 similar charge which must be separate from and not considered
180 premium, and a transfer fee authorized by the office, except
181 that the bail bond agent or bail bond agency may accept
182 collateral security or other indemnity from the principal or
183 another person in accordance with s. 648.442, together with
184 documentary stamp taxes, if applicable. No fees, expenses, or
185 charges of any kind shall be permitted to be deducted from the
186 collateral held or any return premium due, except as authorized
187 by this chapter or rule of the department or commission. Upon
188 written agreement with another party, a bail bond agent or bail
189 bond agency may, ~~upon written agreement with another party,~~
190 receive a fee or compensation for returning to custody an
191 individual who has fled the jurisdiction of the court or caused
192 the forfeiture of a bond.

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

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

199 903.011 Pretrial release; general terms; statewide uniform
200 bond schedule.—

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

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204 check in the amount of the bond.

205 Section 5. Paragraph (d) of subsection (2) of section
206 903.046, Florida Statutes, is amended to read:

207 903.046 Purpose of and criteria for bail determination.—

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

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

232 Section 6. Section 903.0471, Florida Statutes, is amended

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233 to read:

234 903.0471 Violation of condition of pretrial release.—
235 Notwithstanding s. 907.041, a court may, on its own motion,
236 revoke pretrial release and order pretrial detention if the
237 court finds probable cause to believe that the defendant
238 committed a new crime while on pretrial release or violated any
239 other condition of pretrial release in a material respect. Upon
240 entry of such an order to revoke pretrial release and order
241 pretrial detention, other than for a failure to appear, the
242 clerk of the court shall discharge any bond previously posted as
243 a condition of pretrial release without further order of the
244 court.

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

247 903.05 Qualification of sureties.—A surety for the release
248 of a person on bail, other than a company authorized by law to
249 act as a surety, shall be a resident of the state ~~or own real~~
250 ~~estate within the state.~~

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

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

254 903.09 Justification of sureties.—

255 (1) A surety, other than a bail bond agent as defined in s.
256 648.25, shall justify his or her suretyship by attaching to the
257 bond United States currency, a United States postal money order,
258 or a cashier's check in the amount of the bond; however, the
259 United States currency, United States postal money order, or
260 cashier's check may not be used to secure more than one bond
261 ~~execute an affidavit stating that she or he possesses the~~

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262 ~~qualifications and net worth required to become a surety. The~~
263 ~~affidavit shall describe the surety's property and any~~
264 ~~encumbrances and shall state the number and amount of any bonds~~
265 ~~entered into by the surety at any court that remain~~
266 ~~undischarged.~~

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

269 903.101 Sureties; licensed persons; to have equal access.—
270 Subject to rules adopted by the Department of Financial Services
271 and by the Financial Services Commission, every surety who meets
272 the requirements of s. 903.09, ~~ss. 903.05, 903.06, 903.08, and~~
273 ~~903.09~~, and every person who is currently licensed by the
274 Department of Financial Services and registered as required by
275 s. 648.42 must ~~shall~~ have equal access to the jails of this
276 state for the purpose of making bonds.

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

279 903.16 Deposit of money or bonds as bail.—

280 (1) A defendant who has been admitted to bail, or another
281 person in the defendant's behalf, may deposit with the official
282 authorized to take bail money an amount equal to the bail amount
283 set in the court order ~~or nonregistered bonds of the United~~
284 ~~States, the state, or a city, town, or county in the state,~~
285 ~~equal in market value to the amount set in the order and the~~
286 ~~personal bond of the defendant and an undertaking by the~~
287 ~~depositor if the money or bonds are deposited by another. The~~
288 sheriff or other officials shall ~~may~~ remit money or bonds
289 received by ~~to~~ the clerk to be held by the clerk pending court
290 action ~~or return to the defendant or depositor~~. The clerk shall

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291 accept money or bonds remitted by the sheriff.

292 (2) A deposit under subsection (1) must be receipted in the
293 name of the person making the deposit, unless such deposit is
294 made by a charitable bail fund registered as a nonprofit
295 organization under s. 501(c) of the United States Internal
296 Revenue Code. If the deposit is made by a charitable bail fund,
297 the deposit must be receipted in the name of the defendant
298 ~~Consent is conclusively presumed for the clerk of the circuit~~
299 ~~court to sell bonds deposited as bail after forfeiture of the~~
300 ~~bond.~~

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

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

304 903.21 Method of surrender; exoneration of obligors.—

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

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

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

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320 for any law enforcement officer or employee of a contracted
321 transportation company and the defendant.

322 2. "Jurisdiction" means the county from which the defendant
323 was released on bail.

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

326 903.26 Forfeiture of the bond; when and how directed;
327 discharge; how and when made; effect of payment.-

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

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

331 (b) The clerk of the court gave the surety at least 72
332 hours' notice, exclusive of Saturdays, Sundays, and holidays,
333 before the time of the required appearance of the defendant.
334 Notice is ~~shall~~ not ~~be~~ necessary if the time for appearance is
335 within 72 hours after ~~from~~ the time of arrest, ~~or if the time is~~
336 stated on the bond. Such notice may be mailed or electronically
337 transmitted. A certification signed by the clerk of the court or
338 the clerk's designee that the notice required under this
339 paragraph was mailed or electronically transmitted on a specific
340 date must accompany or be included on the required notice.

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

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

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

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

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

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

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

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

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

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

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407 ~~(4)(5)~~ The court shall discharge a forfeiture within 60
408 days after the forfeiture notice was mailed or electronically
409 transmitted upon any of the following:

410 (a) A determination that, due to circumstances beyond the
411 defendant's control, it was impossible for the defendant to
412 appear as required ~~or within 60 days after the date of the~~
413 ~~required appearance due to circumstances beyond the defendant's~~
414 ~~control~~. The potential adverse economic consequences of
415 appearing as required may not be considered as constituting a
416 ground for such a determination. †

417 (b) A determination that, at the time of the required
418 appearance ~~or within 60 days after the date of the required~~
419 ~~appearance~~, the defendant was confined in an institution or
420 hospital; was confined in any county, state, federal, or
421 immigration detention facility; was deported; or is deceased. †

422 (c) Surrender or arrest of the defendant at the time of the
423 required appearance or within 60 days after the date of the
424 required appearance in any county, state, or federal jail or
425 prison ~~and upon a hold being placed to return the defendant to~~
426 ~~the jurisdiction of the court~~. The court shall condition a
427 discharge or remission on the payment of costs and ~~the~~ expenses
428 as provided in s. 903.21(3), incurred by an official in
429 returning the defendant to the jurisdiction of the court. † ~~or~~

430 (d) A determination that the state is unwilling to seek
431 extradition of the fugitive defendant within 10 ~~30~~ days after a
432 written request by the surety agent to do so, and contingent
433 upon the surety agent's consent to pay all costs and ~~the~~
434 expenses incurred by an official in returning the defendant to
435 the jurisdiction of the court, as provided in s. 903.21(3), up

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436 to the penal amount of the bond.

437 (5) For each felony warrant that a court issues for a
438 failure to appear in court, the sheriff shall enter the
439 information of the defendant in the National Crime Information
440 Center database, with no restrictions until the defendant has
441 been returned to the jurisdiction of the court.

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

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

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

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

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

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

469 903.27 Forfeiture to judgment.—

470 (1) If the forfeiture is not paid or discharged by order of
471 a court of competent jurisdiction within 60 days after the
472 forfeiture notice has been mailed or electronically transmitted
473 ~~and the bond is secured other than by money and bonds authorized~~
474 ~~in s. 903.16~~, the clerk of the circuit court for the county
475 where the order was made must ~~shall~~ enter a judgment against the
476 surety for the amount of the penalty and issue execution.
477 However, in any case in which the bond forfeiture has been
478 discharged by the court of competent jurisdiction conditioned
479 upon the payment by the surety of certain costs or fees as
480 allowed by statute, the amount for which judgment may be entered
481 may not exceed the amount of the unpaid fees or costs upon which
482 the discharge had been conditioned. Judgment for the full amount
483 of the forfeiture may ~~shall~~ not be entered if payment of a
484 lesser amount will satisfy the conditions to discharge the
485 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
486 Department of Financial Services and the Office of Insurance
487 Regulation of the Financial Services Commission with a certified
488 copy of the judgment docket and shall furnish the surety company
489 at its home office a copy of the judgment, which must ~~shall~~
490 include the power of attorney number of the bond and the name of
491 the executing agent. If the judgment is not paid within 35 days,
492 the clerk must ~~shall~~ furnish the Department of Financial
493 Services, the Office of Insurance Regulation, and the sheriff of

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494 the county in which the bond was executed, or the official
495 responsible for operation of the county jail, if that official
496 is not ~~other than~~ the sheriff, two copies of the judgment and a
497 certificate stating that the judgment remains unsatisfied. When
498 ~~and if~~ the judgment is properly paid or an order to vacate the
499 judgment has been entered by a court of competent jurisdiction,
500 the clerk shall immediately notify the sheriff, or other such
501 ~~the~~ official responsible for the operation of the county jail,
502 ~~if other than the sheriff,~~ and, if they have been previously
503 notified of nonpayment, the Department of Financial Services and
504 the Office of Insurance Regulation, ~~if the department and office~~
505 ~~had been previously notified of nonpayment,~~ of such payment or
506 order to vacate the judgment. The clerk may furnish documents or
507 give notice as required in this subsection by mail or electronic
508 means. The clerk shall also immediately prepare and record in
509 the public records a satisfaction of the judgment or record the
510 order to vacate judgment. If the defendant is returned to the
511 county of jurisdiction of the court, whenever a motion to set
512 aside the judgment is filed, the operation of this section is
513 tolled until the court makes a disposition of the motion.

514 (2) A certificate signed by the clerk of the court or her
515 or his designee which certifies, ~~certifying~~ that the notice
516 required in subsection (1) was mailed or electronically
517 delivered on a specified date, and is accompanied by a copy of
518 the required notice constitutes sufficient proof that such
519 mailing or electronic delivery was properly accomplished as
520 required in this subsection ~~indicated therein~~. If such mailing
521 or electronic delivery was properly accomplished as evidenced by
522 such certificate, the failure of a company to receive a copy of

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523 the judgment as prescribed in subsection (1) does not constitute
524 a defense to the forfeiture and is not a ground for the
525 discharge, remission, reduction, set aside, or continuance of
526 such forfeiture.

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

536 (4) After notice of judgment against the surety given by
537 the clerk of the circuit court, the surety, a bail bond agency,
538 or a bail bond agent shall, within 35 days after ~~of~~ the entry of
539 judgment, submit to the clerk of the circuit court an amount
540 equal to the judgment, unless the judgment has been set aside by
541 the court within 35 days after ~~of the~~ entry of the judgment. If
542 a motion to set aside the judgment has been filed pursuant to
543 subsection (5), the amount submitted must ~~shall~~ be held in
544 escrow until such time as the court has disposed of the motion.
545 The failure to comply with ~~the provisions of~~ this subsection
546 constitutes a failure to pay the judgment.

547 (5) After notice of judgment against the surety given by
548 the clerk of the circuit court, the surety, bail bond agency, or
549 bail bond agent may within 35 days file a motion to set aside
550 ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~
551 Any such motion or ~~and of any~~ order to stay the judgment must be

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552 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of
553 the judgment to the clerk, which amount must ~~shall~~ be held in
554 escrow until such time as the court has disposed of the motion
555 to set aside the judgment. The filing of such a motion, when
556 accompanied by the required escrow deposit, acts ~~shall act~~ as an
557 automatic stay of further proceedings, including execution,
558 until the motion has been heard and a decision rendered by the
559 court.

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

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

567 903.28 Remission of forfeiture; conditions.-

568 (1) No application for remission may be brought, nor be
569 considered by the court, unless such ~~On~~ application is filed
570 within 37 months after 2 years from forfeiture. Upon a timely
571 filed application for remission, the court must ~~shall~~ order
572 remission of the forfeiture in accordance with the remission
573 schedule set forth in subsection (2) if it determines that there
574 was no breach of the bond by the surety.

575 (2) If the defendant surrenders or is apprehended and the
576 surety has paid all costs of returning the defendant to the
577 jurisdiction of the court, if the defendant is deceased, or if
578 the state attorney is unwilling to seek extradition of the
579 defendant from any jail or prison after a request by the surety
580 agent, bail bond agency, or surety company consenting to pay all

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581 costs incurred by an official in returning the defendant to the
582 jurisdiction of the court, as provided in s. 903.21(3)(a), up to
583 the penal amount of the bond, within 36 months ~~90 days~~ after
584 forfeiture, the court must, on motion at a hearing upon notice
585 having been given to the clerk of the circuit court and the
586 state attorney as required in subsection (4), ~~subsection (8)~~,
587 shall direct remission in accordance with the following:

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

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

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

606 (d) Eighty-five percent of the forfeiture if the defendant
607 surrenders or is apprehended within 360 days after forfeiture
608 and the delay has not thwarted proper prosecution of the
609 defendant, or if the defendant is deceased or the state is

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610 unwilling to seek extradition of the defendant within 360 days
611 after forfeiture.

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

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

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

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

636 (i) Sixty percent of the forfeiture if the defendant
637 surrenders or is apprehended within 810 days after forfeiture
638 and the delay has not thwarted proper prosecution of the

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639 defendant, or if the defendant is deceased or the state is
640 unwilling to seek extradition of the defendant within 810 days
641 after forfeiture.

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

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

654 (l) Forty-five percent of the forfeiture if the defendant
655 surrenders or is apprehended within 1095 days after forfeiture
656 and the delay has not thwarted proper prosecution of the
657 defendant, or if the defendant is deceased or the state is
658 unwilling to seek extradition of the defendant within 1095 days
659 after forfeiture ~~of up to, but not more than, 100 percent of a~~
660 ~~forfeiture if the surety apprehended and surrendered the~~
661 ~~defendant or if the apprehension or surrender of the defendant~~
662 ~~was substantially procured or caused by the surety, or the~~
663 ~~surety has substantially attempted to procure or cause the~~
664 ~~apprehension or surrender of the defendant, and the delay has~~
665 ~~not thwarted the proper prosecution of the defendant. In~~
666 ~~addition, remission shall be granted when the surety did not~~
667 ~~substantially participate or attempt to participate in the~~

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

672 ~~(3) If the defendant surrenders or is apprehended within~~
673 ~~180 days after forfeiture, the court, on motion at a hearing~~
674 ~~upon notice having been given to the clerk of the circuit court~~
675 ~~and the state attorney as required in subsection (8), shall~~
676 ~~direct remission of up to, but not more than, 95 percent of a~~
677 ~~forfeiture if the surety apprehended and surrendered the~~
678 ~~defendant or if the apprehension or surrender of the defendant~~
679 ~~was substantially procured or caused by the surety, or the~~
680 ~~surety has substantially attempted to procure or cause the~~
681 ~~apprehension or surrender of the defendant, and the delay has~~
682 ~~not thwarted the proper prosecution of the defendant. In~~
683 ~~addition, remission shall be granted when the surety did not~~
684 ~~substantially participate or attempt to participate in the~~
685 ~~apprehension or surrender of the defendant when the costs of~~
686 ~~returning the defendant to the jurisdiction of the court have~~
687 ~~been deducted from the remission and when the delay has not~~
688 ~~thwarted the proper prosecution of the defendant.~~

689 ~~(4) If the defendant surrenders or is apprehended within~~
690 ~~270 days after forfeiture, the court, on motion at a hearing~~
691 ~~upon notice having been given to the clerk of the circuit court~~
692 ~~and the state attorney as required in subsection (8), shall~~
693 ~~direct remission of up to, but not more than, 90 percent of a~~
694 ~~forfeiture if the surety apprehended and surrendered the~~
695 ~~defendant or if the apprehension or surrender of the defendant~~
696 ~~was substantially procured or caused by the surety, or the~~

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

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

723 ~~(6) If the defendant surrenders or is apprehended within 2~~
724 ~~years after forfeiture, the court, on motion at a hearing upon~~
725 ~~notice having been given to the clerk of the circuit court and~~

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726 ~~the state attorney as required in subsection (8), shall direct~~
727 ~~remission of up to, but not more than, 50 percent of a~~
728 ~~forfeiture if the surety apprehended and surrendered the~~
729 ~~defendant or if the apprehension or surrender of the defendant~~
730 ~~was substantially procured or caused by the surety, or the~~
731 ~~surety has substantially attempted to procure or cause the~~
732 ~~apprehension or surrender of the defendant, and the delay has~~
733 ~~not thwarted the proper prosecution of the defendant. In~~
734 ~~addition, remission shall be granted when the surety did not~~
735 ~~substantially participate or attempt to participate in the~~
736 ~~apprehension or surrender of the defendant when the costs of~~
737 ~~returning the defendant to the jurisdiction of the court have~~
738 ~~been deducted from the remission and when the delay has not~~
739 ~~thwarted the proper prosecution of the defendant.~~

740 ~~(3)(7)~~ The remission of a forfeiture may not be ordered for
741 any reason other than as specified in this section herein.

742 ~~(4)(8)~~ An application for remission must be accompanied by
743 affidavits setting forth the facts on which it is founded;
744 however, the surety must establish by further documentation or
745 other evidence any claimed attempt at procuring or causing the
746 apprehension or surrender of the defendant before the court may
747 order remission based upon an attempt to procure or cause such
748 apprehension or surrender. The clerk of the circuit court and
749 the state attorney must be given 10 ~~20~~ days' notice before a
750 hearing on an application and be furnished copies of all papers,
751 applications, and affidavits. Remission must ~~shall~~ be granted on
752 the condition of payment of costs, as provided in s.

753 903.21(3)(a), unless the ground for remission is that there was
754 no breach of the bond.

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755 (5)~~(9)~~ The clerk of the circuit court may enter into a
756 contract with a private attorney or into an interagency
757 agreement with a governmental agency to represent the clerk of
758 the court in an action for the remission of a forfeiture under
759 this section.

760 (6)~~(10)~~ The clerk of the circuit court is the real party in
761 interest for all appeals arising from an action for the
762 remission of a forfeiture under this section.

763 (7) The clerk of the circuit court shall issue a remission
764 in accordance with s. 218.74(4) after entry of a court order
765 directing remission.

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

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

774 903.29 Arrest of principal by surety after forfeiture.—
775 Within 3 ~~2~~ years after ~~from~~ the date of forfeiture of a bond,
776 the surety may arrest the principal for the purpose of
777 surrendering the principal to the official in whose custody she
778 or he was at the time bail was taken or in whose custody the
779 principal would have been placed had she or he been committed.

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

782 903.31 Canceling the bond.—

783 (1) Within 10 business days after the conditions of a bond

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784 have been satisfied or the forfeiture discharged or remitted,
785 the court must ~~shall~~ order the bond canceled and, if the surety
786 has attached a certificate of cancellation to the original bond,
787 the clerk of the court must ~~shall~~ mail or electronically furnish
788 an executed certificate of cancellation to the surety without
789 cost. The clerk of the court shall discharge the bond upon an
790 adjudication of guilt or innocence or an acquittal, or if a
791 period of 36 months has passed since the original bond was
792 posted. ~~or~~ A withholding of an adjudication of guilt, a finding
793 of guilt by a jury, or a no action by the state satisfies ~~shall~~
794 ~~satisfy~~ the conditions of the bond. If the bond has been revoked
795 by the court, other than for a failure to appear, the clerk of
796 the court must discharge or cancel the bond. The original
797 appearance bond expires ~~shall expire~~ 36 months after such bond
798 has been posted for the release of the defendant from custody,
799 at which time the clerk of the court must discharge the bond.
800 This subsection does not apply to cases in which a bond has been
801 declared forfeited before the 36-month expiration, unless the
802 forfeiture was set aside or discharged. As used in this
803 subsection, the term "revoked" means that an act, a statement, a
804 document, or a promise has been annulled or canceled.

805 (2) The original appearance bond does not guarantee a
806 deferred sentence; a sentencing deferral; a delayed sentencing;
807 an appearance after entering a plea agreement; an appearance
808 during or after a presentence investigation; an appearance
809 during or after appeals; conduct during or appearance after
810 admission to a pretrial intervention program; placement in a
811 court-ordered program, including a residential mental health
812 facility; payment of fines; or attendance at educational or

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813 rehabilitation facilities the court otherwise provides in the
814 judgment. If the original appearance bond has been forfeited or
815 revoked, it may ~~the bond shall~~ not be reinstated without
816 approval from the surety on the original bond. The clerk does
817 not have standing under this subsection to object to a motion to
818 reinstate bond.

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

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

824 907.041 Pretrial detention and release.—

825 (3) RELEASE ON NONMONETARY CONDITIONS.—

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

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

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

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

840 (5) PRETRIAL DETENTION.—

841 (a) As used in this subsection, "dangerous crime" means any

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842 of the following:

- 843 1. Arson~~.~~.
- 844 2. Aggravated assault~~.~~.
- 845 3. Aggravated battery~~.~~.
- 846 4. Illegal use of explosives~~.~~.
- 847 5. Child abuse or aggravated child abuse~~.~~.
- 848 6. Abuse of an elderly person or disabled adult, or
- 849 aggravated abuse of an elderly person or disabled adult~~.~~.
- 850 7. Aircraft piracy~~.~~.
- 851 8. Kidnapping~~.~~.
- 852 9. Homicide~~.~~.
- 853 10. Manslaughter, including DUI manslaughter and BUI
- 854 manslaughter~~.~~.
- 855 11. Sexual battery~~.~~.
- 856 12. Robbery~~.~~.
- 857 13. Carjacking~~.~~.
- 858 14. Lewd, lascivious, or indecent assault or act upon or in
- 859 presence of a child under the age of 16 years~~.~~.
- 860 15. Sexual activity with a child, who is 12 years of age or
- 861 older but less than 18 years of age, by or at solicitation of
- 862 person in familial or custodial authority~~.~~.
- 863 16. Burglary of a dwelling~~.~~.
- 864 17. Stalking and aggravated stalking~~.~~.
- 865 18. Act of domestic violence as defined in s. 741.28~~.~~.
- 866 19. Home invasion robbery~~.~~.
- 867 20. Act of terrorism as defined in s. 775.30~~.~~.
- 868 21. Manufacturing any substances in violation of chapter
- 869 893~~.~~.
- 870 22. Attempting or conspiring to commit any such crime~~.~~.

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- 871 23. Human trafficking.~~†~~
- 872 24. Trafficking in any controlled substance described in s.
- 873 893.135(1)(c)4.~~†~~
- 874 25. Extortion in violation of s. 836.05.~~†~~~~and~~
- 875 26. Written threats to kill in violation of s. 836.10.
- 876 27. Driving under the influence in violation of s.
- 877 316.193(2)(b)1. or (2)(b)3.
- 878 28. Felony battery.
- 879 29. Battery by strangulation.
- 880 (c) Upon motion by the state attorney, the court may order
- 881 pretrial detention if it finds a substantial probability, based
- 882 on a defendant's past and present patterns of behavior, the
- 883 criteria in s. 903.046, and any other relevant facts, that any
- 884 of the following circumstances exist:
- 885 1. The defendant has previously violated conditions of
- 886 release and that no further conditions of release are reasonably
- 887 likely to assure the defendant's appearance at subsequent
- 888 proceedings;
- 889 2. The defendant, with the intent to obstruct the judicial
- 890 process, has threatened, intimidated, or injured any victim,
- 891 potential witness, juror, or judicial officer, or has attempted
- 892 or conspired to do so, and that no condition of release will
- 893 reasonably prevent the obstruction of the judicial process;
- 894 3. The defendant is charged with trafficking in controlled
- 895 substances as defined by s. 893.135, that there is a substantial
- 896 probability that the defendant has committed the offense, and
- 897 that no conditions of release will reasonably assure the
- 898 defendant's appearance at subsequent criminal proceedings;
- 899 4. The defendant is charged with DUI manslaughter, as

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900 defined by s. 316.193, and that there is a substantial
901 probability that the defendant committed the crime and that the
902 defendant poses a threat of harm to the community; conditions
903 that would support a finding by the court pursuant to this
904 subparagraph that the defendant poses a threat of harm to the
905 community include, but are not limited to, any of the following:

906 a. The defendant has previously been convicted of any crime
907 under s. 316.193, or of any crime in any other state or
908 territory of the United States that is substantially similar to
909 any crime under s. 316.193;

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

912 c. The defendant has previously been found guilty of, or
913 has had adjudication of guilt withheld for, driving while the
914 defendant's driver license was suspended or revoked in violation
915 of s. 322.34;

916 5. The defendant poses the threat of harm to the community.
917 The court may so conclude, if it finds that the defendant is
918 presently charged with a dangerous crime, that there is a
919 substantial probability that the defendant committed such crime,
920 that the factual circumstances of the crime indicate a disregard
921 for the safety of the community, and that there are no
922 conditions of release reasonably sufficient to protect the
923 community from the risk of physical harm to persons;

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

927 7. The defendant has violated one or more conditions of
928 pretrial release or bond for the offense currently before the

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929 court and the violation, in the discretion of the court,
930 supports a finding that no conditions of release can reasonably
931 protect the community from risk of physical harm to persons or
932 assure the presence of the accused at trial; or

933 8.a. The defendant has ever been sentenced pursuant to s.
934 775.082(9) or s. 775.084 as a prison releasee reoffender,
935 habitual violent felony offender, three-time violent felony
936 offender, or violent career criminal, or the state attorney
937 files a notice seeking that the defendant be sentenced pursuant
938 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
939 habitual violent felony offender, three-time violent felony
940 offender, or violent career criminal;

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

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

946 (d) If a defendant is arrested for a dangerous crime that
947 is a capital felony, a life felony, or a felony of the first
948 degree, and the court determines there is probable cause to
949 believe the defendant committed the offense, the state attorney,
950 or the court on its own motion, may move ~~shall motion~~ for
951 pretrial detention. If the court finds a substantial probability
952 that the defendant committed the offense and, based on the
953 defendant's past and present patterns of behavior, consideration
954 of the criteria in s. 903.046, and any other relevant facts,
955 that no conditions of release or bail will reasonably protect
956 the community from risk of physical harm, ensure the presence of
957 the defendant at trial, or assure the integrity of the judicial

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958 process, the court must order pretrial detention.

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

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

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

971 4. The defendant may be detained pending the completion of
972 the pretrial detention hearing. If a defendant is released on
973 bail pending a pretrial detention hearing under paragraph (d),
974 the court must inform the defendant that if he or she uses a
975 surety bond to meet the monetary component of pretrial release
976 and the motion for pretrial detention is subsequently granted,
977 the defendant will not be entitled to the return of the premium
978 on such surety bond.

979 Section 21. For the purpose of incorporating the amendment
980 made by this act to section 648.386, Florida Statutes, in
981 references thereto, subsections (2) and (3) of section 626.2816,
982 Florida Statutes, are reenacted to read:

983 626.2816 Regulation of continuing education for licensees,
984 course providers, instructors, school officials, and monitor
985 groups.—

986 (2) The department shall adopt rules establishing standards

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987 for the approval, regulation, and operation of the continuing
988 education programs and for the discipline of licensees, course
989 providers, instructors, school officials, and monitor groups.
990 The standards must be designed to ensure that such course
991 providers, instructors, school officials, and monitor groups
992 have the knowledge, competence, and integrity to fulfill the
993 educational objectives of ss. 626.2815, 626.869, 648.385, and
994 648.386.

995 (3) The department shall adopt rules establishing a process
996 by which compliance with the continuing education requirements
997 of ss. 626.2815, 626.869, 648.385, and 648.386 can be
998 determined, the establishment of a continuing education
999 compliance period for licensees, and forms necessary to
1000 implement such a process.

1001 Section 22. For the purpose of incorporating the amendment
1002 made by this act to section 903.046, Florida Statutes, in a
1003 reference thereto, paragraph (c) of subsection (1) of section
1004 903.047, Florida Statutes, is reenacted to read:

1005 903.047 Conditions of pretrial release.—

1006 (1) As a condition of pretrial release, whether such
1007 release is by surety bail bond or recognizance bond or in some
1008 other form, the defendant must:

1009 (c) Comply with all conditions of pretrial release imposed
1010 by the court. A court must consider s. 903.046(2) when
1011 determining whether to impose nonmonetary conditions in addition
1012 to or in lieu of monetary bond. Such nonmonetary conditions may
1013 include, but are not limited to, requiring a defendant to:

1014 1. Maintain employment, or, if unemployed, actively seek
1015 employment.

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- 1016 2. Maintain or commence an educational program.
- 1017 3. Abide by specified restrictions on personal
1018 associations, place of residence, or travel.
- 1019 4. Report on a regular basis to a designated law
1020 enforcement agency, pretrial services agency, or other agency.
- 1021 5. Comply with a specified curfew.
- 1022 6. Refrain from possessing a firearm, destructive device,
1023 or other dangerous weapon.
- 1024 7. Refrain from excessive use of alcohol, or any use of a
1025 narcotic drug or other controlled substance without a
1026 prescription from a licensed medical practitioner.
- 1027 8. Undergo available medical, psychological, psychiatric,
1028 mental health, or substance abuse evaluation and follow all
1029 recommendations, including treatment for drug or alcohol
1030 dependency, and remain in a specified institution, if required
1031 for that purpose.
- 1032 9. Return to custody for specified hours following release
1033 for employment, school, or other limited purposes.
- 1034 10. Any other condition that is reasonably necessary to
1035 assure the appearance of the defendant at subsequent proceedings
1036 and to protect the community against unreasonable danger of
1037 harm.
- 1038 Section 23. For the purpose of incorporating the amendment
1039 made by this act to section 903.09, Florida Statutes, in a
1040 reference thereto, subsection (2) of section 903.286, Florida
1041 Statutes, is reenacted to read:
- 1042 903.286 Return of cash bond; requirement to withhold unpaid
1043 fines, fees, court costs; cash bond forms.—
- 1044 (2) All cash bond forms used in conjunction with the

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1045 requirements of s. 903.09 must prominently display a notice
1046 explaining that all funds are subject to forfeiture and
1047 withholding by the clerk of the court for the payment of costs
1048 of prosecution, costs of representation as provided by ss. 27.52
1049 and 938.29, court fees, court costs, and criminal penalties on
1050 behalf of the criminal defendant regardless of who posted the
1051 funds.

1052 Section 24. This act shall take effect July 1, 2026.