

By the Committee on Rules; 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18 prohibiting a surety bond that has been revoked from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 a 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; repealing s. 903.17, F.S.,
49 relating to substitution of cash bail for other bail;
50 amending s. 903.21, F.S.; specifying that a surety is
51 exonerated of liability on a bond if a specified
52 determination is made before forfeiture of the bond;
53 revising the definition of the term "costs and
54 expenses"; amending s. 903.26, F.S.; requiring that a
55 signed certification containing certain information
56 accompany or be included on a specified notice;
57 deleting a requirement that municipal officials having
58 custody of forfeited money deposit such money in a

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59 designated municipal fund within 60 days after the
60 forfeiture notice has been mailed or electronically
61 transmitted; deleting certain requirements that must
62 be met when bonds are forfeited; revising the
63 circumstances under which the court is required to
64 discharge a forfeiture within a specified timeframe;
65 requiring the sheriff to enter the information of a
66 defendant in the National Crime Information Center
67 database for each felony warrant that a court issues
68 for failure to appear; specifying circumstances under
69 which the clerk must discharge a forfeiture and issue
70 a certain notice to the surety without further order
71 of the court; amending s. 903.27, F.S.; requiring the
72 clerk of the circuit court to enter a certain judgment
73 if the forfeiture is not paid or discharged by order
74 of a court of competent jurisdiction within 60 days
75 after the forfeiture notice has been mailed or
76 electronically transmitted; reducing the number of
77 days within which the clerk must furnish specified
78 information to the Department of Financial Services,
79 the Office of Insurance Regulation of the Financial
80 Services Commission, and the surety company at its
81 home office; amending s. 903.28, F.S.; increasing the
82 amount of time within which a court must order
83 remission of a forfeiture if it determines that there
84 was no breach of the bond by the surety; requiring a
85 court, in certain circumstances and upon a certain
86 motion, to order remission in accordance with
87 specified provisions if a defendant surrenders, is

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88 deceased, or is apprehended within a certain time
89 after forfeiture; deleting provisions relating to the
90 ordering of remission under specified circumstances;
91 decreasing the amount of time for which the clerk of
92 the circuit court and the state attorney must be given
93 notice before a certain hearing and be furnished with
94 copies of certain documents; requiring the clerk of
95 the circuit court to issue a remission in a specified
96 manner; providing that the court may order remission
97 of the forfeiture in certain circumstances; amending
98 s. 903.29, F.S.; increasing the length of time from
99 the date of forfeiture of a bond within which a surety
100 may arrest the principal; amending s. 903.31, F.S.;
101 revising provisions relating to the ordering of a bond
102 cancellation; revising applicability; defining the
103 term "revoked"; specifying that the original
104 appearance bond does not guarantee a sentencing
105 deferral, a delayed sentencing, or an appearance after
106 entering a plea agreement; specifying that the clerk
107 does not have standing under certain provisions to
108 object to a reinstatement of a bond; repealing s.
109 903.36, F.S., relating to guaranteed arrest bond
110 certificates as cash bail; reenacting and amending s.
111 907.041, F.S.; requiring that a certain pretrial
112 release service certification be made in writing
113 before a defendant is released from custody; revising
114 the definition of the term "dangerous crime";
115 authorizing, rather than requiring, the state attorney
116 or the court on its own motion to move for pretrial

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117 detention if a defendant is arrested for certain
118 dangerous crimes and the court makes a certain
119 determination; reenacting s. 626.2816(2) and (3),
120 F.S., relating to regulation of continuing education
121 for licensees, course providers, instructors, school
122 officials, and monitor groups, to incorporate the
123 amendment made to s. 648.386, F.S., in references
124 thereto; reenacting s. 903.047(1)(c), F.S., relating
125 to conditions of pretrial release, to incorporate the
126 amendment made to s. 903.046, F.S., in a reference
127 thereto; reenacting s. 903.286(2), F.S., relating to
128 cash bond forms, to incorporate the amendment made to
129 s. 903.09, F.S., in a reference thereto; providing an
130 effective date.

131
132 Be It Enacted by the Legislature of the State of Florida:

133
134 Section 1. Subsection (12) is added to section 648.25,
135 Florida Statutes, to read:

136 648.25 Definitions.—As used in this chapter, the term:
137 (12) "Virtual office" means an office that does not provide
138 a continuous physical office space and provides professional
139 address and mail handling services and which may, upon request,
140 provide communications and telephone services or a dedicated
141 office space.

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

144 648.386 Qualifications for prelicensing and continuing
145 education schools and instructors.—

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

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

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

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

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

165 2. Offer a department-approved correspondence course
166 pursuant to department rules.

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

169 648.44 Prohibitions; penalty.—

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

171 (j) Accept anything of value from a principal for providing
172 a bail bond aside from ~~except~~ the premium, a credit card
173 merchant processing fee, or a mobile payment services fee or
174 similar charge which must be separate from and not considered

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175 premium, and a transfer fee authorized by the office, except
176 that the bail bond agent or bail bond agency may accept
177 collateral security or other indemnity from the principal or
178 another person in accordance with s. 648.442, together with
179 documentary stamp taxes, if applicable. No fees, expenses, or
180 charges of any kind shall be permitted to be deducted from the
181 collateral held or any return premium due, except as authorized
182 by this chapter or rule of the department or commission. Upon
183 written agreement with another party, a bail bond agent or bail
184 bond agency may, ~~upon written agreement with another party~~,
185 receive a fee or compensation for returning to custody an
186 individual who has fled the jurisdiction of the court or caused
187 the forfeiture of a bond.

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

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

194 903.011 Pretrial release; general terms; statewide uniform
195 bond schedule.—

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

200 Section 5. Paragraph (d) of subsection (2) of section
201 903.046, Florida Statutes, is amended to read:

202 903.046 Purpose of and criteria for bail determination.—

203 (2) When determining whether to release a defendant on bail

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204 or other conditions, and what that bail or those conditions may
205 be, the court shall consider:

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

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

229 903.0471 Violation of condition of pretrial release.—
230 Notwithstanding s. 907.041, a court may, on its own motion,
231 revoke pretrial release and order pretrial detention if the
232 court finds probable cause to believe that the defendant

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233 committed a new crime while on pretrial release or violated any
234 other condition of pretrial release in a material respect. Upon
235 entry of such an order to revoke pretrial release and order
236 pretrial detention, other than for a failure to appear, the
237 clerk of the court shall discharge any bond previously posted as
238 a condition of pretrial release without further order of the
239 court.

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

242 903.05 Qualification of sureties.—A surety for the release
243 of a person on bail, other than a company authorized by law to
244 act as a surety, shall be a resident of the state ~~or own real~~
245 ~~estate within the state.~~

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

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

249 903.09 Justification of sureties.—

250 (1) A surety, other than a bail bond agent as defined in s.
251 648.25, shall justify his or her suretyship by attaching to the
252 bond United States currency, a United States postal money order,
253 or a cashier's check in the amount of the bond; however, the
254 United States currency, United States postal money order, or
255 cashier's check may not be used to secure more than one bond
256 ~~execute an affidavit stating that she or he possesses the~~
257 ~~qualifications and net worth required to become a surety. The~~
258 ~~affidavit shall describe the surety's property and any~~
259 ~~encumbrances and shall state the number and amount of any bonds~~
260 ~~entered into by the surety at any court that remain~~
261 ~~undischarged.~~

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262 Section 10. Section 903.101, Florida Statutes, is amended
263 to read:

264 903.101 Sureties; licensed persons; to have equal access.—
265 Subject to rules adopted by the Department of Financial Services
266 and by the Financial Services Commission, every surety who meets
267 the requirements of s. 903.09, ~~ss. 903.05, 903.06, 903.08, and~~
268 ~~903.09~~, and every person who is currently licensed by the
269 Department of Financial Services and registered as required by
270 s. 648.42 must ~~shall~~ have equal access to the jails of this
271 state for the purpose of making bonds.

272 Section 11. Section 903.16, Florida Statutes, is amended to
273 read:

274 903.16 Deposit of money or bonds as bail.—

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

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

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

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

293 903.21 Method of surrender; exoneration of obligors.—

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

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

304 1. "Costs and expenses" means the prorated salary of any
305 law enforcement officer or employee of a contracted
306 transportation company as well as the actual expenses of
307 transporting each defendant, which may only consist of mileage,
308 ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging
309 for any law enforcement officer or employee of a contracted
310 transportation company and the defendant.

311 2. "Jurisdiction" means the county from which the defendant
312 was released on bail.

313 Section 14. Section 903.26, Florida Statutes, is amended to
314 read:

315 903.26 Forfeiture of the bond; when and how directed;
316 discharge; how and when made; effect of payment.—

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

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

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320 (b) The clerk of the court gave the surety at least 72
321 hours' notice, exclusive of Saturdays, Sundays, and holidays,
322 before the time of the required appearance of the defendant.
323 Notice is ~~shall~~ not be necessary if the time for appearance is
324 within 72 hours after ~~from~~ the time of arrest, or ~~if the time~~ is
325 stated on the bond. Such notice may be mailed or electronically
326 transmitted. A certification signed by the clerk of the court or
327 the clerk's designee that the notice required under this
328 paragraph was mailed or electronically transmitted on a specific
329 date must accompany or be included on the required notice.

330 (2) (a) If there is a failure of the defendant to appear as
331 required, the court must ~~shall~~ declare the bond and any bonds or
332 money deposited as bail forfeited. The clerk of the court shall
333 mail or electronically transmit a notice to the surety agent,
334 bail bond agency, and surety company within 5 days after the
335 forfeiture. A certificate signed by the clerk of the court or
336 the clerk's designee which certifies, ~~certifying~~ that the notice
337 required under this section ~~herein~~ was mailed or electronically
338 transmitted on a specified date and which is accompanied by a
339 copy of the required notice constitutes, ~~shall constitute~~
340 sufficient proof that such mailing or electronic transmission
341 was properly accomplished as required in this paragraph
342 ~~indicated therein~~. If such mailing or electronic transmission
343 was properly accomplished as evidenced by such certificate, the
344 failure of the surety agent, a bail bond agency, ~~of~~ a company,
345 or ~~of~~ a defendant to receive such notice does ~~shall~~ not
346 constitute a defense to such forfeiture and may ~~shall~~ not be
347 grounds for discharge, remission, reduction, set aside, or
348 continuance of such forfeiture. The forfeiture must ~~shall~~ be

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349 paid within 60 days after the date the notice was mailed or
350 electronically transmitted.

351 (b) If Failure of the defendant fails to appear at the
352 time, date, and place of required appearance, ~~shall result in~~
353 ~~forfeiture of the bond is forfeited~~. Such forfeiture must ~~shall~~
354 be automatically entered by the clerk upon such failure to
355 appear, and the clerk shall follow the procedures in paragraph
356 (a). However, the court may determine, in its discretion and, in
357 the interest of justice, that an appearance by the defendant on
358 the ~~same day as~~ required day does not warrant forfeiture of the
359 bond, ~~and the court~~ may direct the clerk to set aside any such
360 forfeiture ~~which may have been entered~~. Any appearance by the
361 defendant later than the required day constitutes forfeiture of
362 the bond, and the court may ~~shall~~ not preclude entry of such
363 forfeiture by the clerk.

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

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

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

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

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

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378 ~~(4) (a) When a bond is forfeited, the clerk shall transmit~~
379 ~~the bond and any affidavits to the clerk of the circuit court in~~
380 ~~which the bond and affidavits are filed. The clerk of the~~
381 ~~circuit court shall record the forfeiture in the deed or~~
382 ~~official records book. If the undertakings and affidavits~~
383 ~~describe real property in another county, the clerk shall~~
384 ~~transmit the bond and affidavits to the clerk of the circuit~~
385 ~~court of the county where the property is located who shall~~
386 ~~record and return them.~~

387 ~~(b) The bond and affidavits shall be a lien on the real~~
388 ~~property they describe from the time of recording in the county~~
389 ~~where the property is located for 2 years or until the final~~
390 ~~determination of an action instituted thereon within a 2-year~~
391 ~~period. If an action is not instituted within 2 years from the~~
392 ~~date of recording, the lien shall be discharged. The lien will~~
393 ~~be discharged 2 years after the recording even if an action was~~
394 ~~instituted within 2 years unless a lis pendens notice is~~
395 ~~recorded in the action.~~

396 ~~(4) (5)~~ The court shall discharge a forfeiture within 60
397 days after the forfeiture notice was mailed or electronically
398 transmitted upon any of the following:

399 (a) A determination that, due to circumstances beyond the
400 defendant's control, it was impossible for the defendant to
401 appear as required ~~or within 60 days after the date of the~~
402 ~~required appearance due to circumstances beyond the defendant's~~
403 ~~control.~~ The potential adverse economic consequences of
404 appearing as required may not be considered as constituting a
405 ground for such a determination.†

406 (b) A determination that, at the time of the required

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407 appearance ~~or within 60 days after the date of the required~~
408 ~~appearance~~, the defendant was confined in an institution or
409 hospital; was confined in any county, state, federal, or
410 immigration detention facility; was deported; or is deceased.~~†~~

411 (c) Surrender or arrest of the defendant at the time of the
412 required appearance or within 60 days after the date of the
413 required appearance in any county, state, or federal jail or
414 prison ~~and upon a hold being placed to return the defendant to~~
415 ~~the jurisdiction of the court~~. The court shall condition a
416 discharge or remission on the payment of costs and ~~the~~ expenses
417 as provided in s. 903.21(3), incurred by an official in
418 returning the defendant to the jurisdiction of the court.~~† or~~

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

426 (5) For each felony warrant that a court issues for a
427 failure to appear in court, the sheriff shall enter the
428 information of the defendant in the National Crime Information
429 Center database, with no restrictions until the defendant has
430 been returned to the jurisdiction of the court.

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

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

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436 (8) If the defendant is arrested and returned to the county
437 of jurisdiction of the court or has posted a new bond for the
438 case at issue before judgment, the clerk must, upon affirmation
439 by the sheriff or the chief correctional officer and, ~~shall~~,
440 without further hearing or order of the court, discharge the
441 forfeiture of the bond. However, if the surety agent fails to
442 pay the costs and expenses incurred in returning the defendant
443 to the county of jurisdiction, the clerk may ~~shall~~ not discharge
444 the forfeiture of the bond. If the surety agent and the sheriff
445 fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court
446 must, after notice to the sheriff and the state attorney, ~~shall~~
447 determine the amount of the costs.

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

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

458 903.27 Forfeiture to judgment.—

459 (1) If the forfeiture is not paid or discharged by order of
460 a court of competent jurisdiction within 60 days after the
461 forfeiture notice has been mailed or electronically transmitted
462 ~~and the bond is secured other than by money and bonds authorized~~
463 ~~in s. 903.16~~, the clerk of the circuit court for the county
464 where the order was made must ~~shall~~ enter a judgment against the

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465 surety for the amount of the penalty and issue execution.
466 However, in any case in which the bond forfeiture has been
467 discharged by the court of competent jurisdiction conditioned
468 upon the payment by the surety of certain costs or fees as
469 allowed by statute, the amount for which judgment may be entered
470 may not exceed the amount of the unpaid fees or costs upon which
471 the discharge had been conditioned. Judgment for the full amount
472 of the forfeiture may ~~shall~~ not be entered if payment of a
473 lesser amount will satisfy the conditions to discharge the
474 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
475 Department of Financial Services and the Office of Insurance
476 Regulation of the Financial Services Commission with a certified
477 copy of the judgment docket and shall furnish the surety company
478 at its home office a copy of the judgment, which must ~~shall~~
479 include the power of attorney number of the bond and the name of
480 the executing agent. If the judgment is not paid within 35 days,
481 the clerk must ~~shall~~ furnish the Department of Financial
482 Services, the Office of Insurance Regulation, and the sheriff of
483 the county in which the bond was executed, or the official
484 responsible for operation of the county jail, if that official
485 is not ~~other than~~ the sheriff, two copies of the judgment and a
486 certificate stating that the judgment remains unsatisfied. When
487 ~~and if~~ the judgment is properly paid or an order to vacate the
488 judgment has been entered by a court of competent jurisdiction,
489 the clerk shall immediately notify the sheriff, or other such
490 ~~the~~ official responsible for the operation of the county jail,
491 ~~if other than the sheriff,~~ and, if they have been previously
492 notified of nonpayment, the Department of Financial Services and
493 the Office of Insurance Regulation, ~~if the department and office~~

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494 ~~had been previously notified of nonpayment,~~ of such payment or
495 order to vacate the judgment. The clerk may furnish documents or
496 give notice as required in this subsection by mail or electronic
497 means. The clerk shall also immediately prepare and record in
498 the public records a satisfaction of the judgment or record the
499 order to vacate judgment. If the defendant is returned to the
500 county of jurisdiction of the court, whenever a motion to set
501 aside the judgment is filed, the operation of this section is
502 tolled until the court makes a disposition of the motion.

503 (2) A certificate signed by the clerk of the court or her
504 or his designee which certifies,~~certifying~~ that the notice
505 required in subsection (1) was mailed or electronically
506 delivered on a specified date, and is accompanied by a copy of
507 the required notice constitutes sufficient proof that such
508 mailing or electronic delivery was properly accomplished as
509 required in this subsection ~~indicated therein~~. If such mailing
510 or electronic delivery was properly accomplished as evidenced by
511 such certificate, the failure of a company to receive a copy of
512 the judgment as prescribed in subsection (1) does not constitute
513 a defense to the forfeiture and is not a ground for the
514 discharge, remission, reduction, set aside, or continuance of
515 such forfeiture.

516 (3) Surety bail bonds may not be executed by a bail bond
517 agent or a bail bond agency against whom a judgment has been
518 entered which has remained unpaid for 35 days and may not be
519 executed for a company against whom a judgment has been entered
520 which has remained unpaid for 50 days. A ~~No~~ sheriff or other
521 official who is empowered to accept or approve surety bail bonds
522 may not ~~shall~~ accept or approve such a bond executed by such a

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523 bail bond agent or bail bond agency or executed for such a
524 company until such judgment has been paid.

525 (4) After notice of judgment against the surety given by
526 the clerk of the circuit court, the surety, a bail bond agency,
527 or a bail bond agent shall, within 35 days after ~~of~~ the entry of
528 judgment, submit to the clerk of the circuit court an amount
529 equal to the judgment, unless the judgment has been set aside by
530 the court within 35 days after ~~of the~~ entry of the judgment. If
531 a motion to set aside the judgment has been filed pursuant to
532 subsection (5), the amount submitted must ~~shall~~ be held in
533 escrow until such time as the court has disposed of the motion.
534 The failure to comply with ~~the provisions of~~ this subsection
535 constitutes a failure to pay the judgment.

536 (5) After notice of judgment against the surety given by
537 the clerk of the circuit court, the surety, bail bond agency, or
538 bail bond agent may within 35 days file a motion to set aside
539 ~~the judgment or to~~ stay the judgment. ~~It shall be a condition of~~
540 Any such motion or ~~and of any~~ order to stay the judgment must be
541 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of
542 the judgment to the clerk, which amount must ~~shall~~ be held in
543 escrow until such time as the court has disposed of the motion
544 to set aside the judgment. The filing of such a motion, when
545 accompanied by the required escrow deposit, acts ~~shall act~~ as an
546 automatic stay of further proceedings, including execution,
547 until the motion has been heard and a decision rendered by the
548 court.

549 (6) The failure of a state attorney to file, or of the
550 clerk of the circuit court to make, a certified copy of the
551 order of forfeiture as required by law applicable before ~~prior~~

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552 ~~to~~ July 1, 1982, does ~~shall~~ not invalidate any judgment entered
553 by the clerk before ~~prior to~~ June 12, 1981.

554 Section 16. Section 903.28, Florida Statutes, is amended to
555 read:

556 903.28 Remission of forfeiture; conditions.—

557 (1) No application for remission may be brought, nor be
558 considered by the court, unless such ~~an~~ application is filed
559 within 37 months after 2 years from forfeiture. Upon a timely
560 filed application for remission, the court must ~~shall~~ order
561 remission of the forfeiture in accordance with the remission
562 schedule set forth in subsection (2) if it determines that there
563 was no breach of the bond by the surety.

564 (2) If the defendant surrenders or is apprehended and the
565 surety has paid all costs of returning the defendant to the
566 jurisdiction of the court, if the defendant is deceased, or if
567 the state attorney is unwilling to seek extradition of the
568 defendant from any jail or prison after a request by the surety
569 agent, bail bond agency, or surety company consenting to pay all
570 costs incurred by an official in returning the defendant to the
571 jurisdiction of the court, as provided in s. 903.21(3)(a), up to
572 the penal amount of the bond, within 36 months ~~90 days~~ after
573 forfeiture, the court must, on motion at a hearing upon notice
574 having been given to the clerk of the circuit court and the
575 state attorney as required in subsection (4), ~~subsection (8),~~
576 ~~shall~~ direct remission in accordance with the following:

577 (a) One hundred percent of the forfeiture if the defendant
578 surrenders or is apprehended within 90 days after the forfeiture
579 and the delay has not thwarted proper prosecution of the
580 defendant, or if the defendant is deceased or the state is

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581 unwilling to seek extradition of the defendant within 90 days
582 after forfeiture.

583 (b) Ninety-five percent of the forfeiture if the defendant
584 surrenders or is apprehended within 180 days after forfeiture
585 and the delay has not thwarted proper prosecution of the
586 defendant, or if the defendant is deceased or the state is
587 unwilling to seek extradition of the defendant within 180 days
588 after forfeiture.

589 (c) Ninety percent of the forfeiture if the defendant
590 surrenders or is apprehended within 270 days after forfeiture
591 and the delay has not thwarted proper prosecution of the
592 defendant, or if the defendant is deceased or the state is
593 unwilling to seek extradition of the defendant within 270 days
594 after forfeiture.

595 (d) Eighty-five percent of the forfeiture if the defendant
596 surrenders or is apprehended within 360 days after forfeiture
597 and the delay has not thwarted proper prosecution of the
598 defendant, or if the defendant is deceased or the state is
599 unwilling to seek extradition of the defendant within 360 days
600 after forfeiture.

601 (e) Eighty percent of the forfeiture if the defendant
602 surrenders or is apprehended within 450 days after forfeiture
603 and the delay has not thwarted proper prosecution of the
604 defendant, or if the defendant is deceased or the state is
605 unwilling to seek extradition of the defendant within 450 days
606 after forfeiture.

607 (f) Seventy-five percent of the forfeiture if the defendant
608 surrenders or is apprehended within 540 days after forfeiture
609 and the delay has not thwarted proper prosecution of the

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610 defendant, or if the defendant is deceased or the state is
611 unwilling to seek extradition of the defendant within 540 days
612 after forfeiture.

613 (g) Seventy percent of the forfeiture if the defendant
614 surrenders or is apprehended within 630 days after forfeiture
615 and the delay has not thwarted proper prosecution of the
616 defendant, or if the defendant is deceased or the state is
617 unwilling to seek extradition of the defendant within 630 days
618 after forfeiture.

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

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

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

637 (k) Fifty percent of the forfeiture if the defendant
638 surrenders or is apprehended within 990 days after forfeiture

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639 and the delay has not thwarted proper prosecution of the
640 defendant, or if the defendant is deceased or the state is
641 unwilling to seek extradition of the defendant within 990 days
642 after forfeiture.

643 (1) Forty-five percent of the forfeiture if the defendant
644 surrenders or is apprehended within 1,095 days after forfeiture
645 and the delay has not thwarted proper prosecution of the
646 defendant, or if the defendant is deceased or the state is
647 unwilling to seek extradition of the defendant within 1,095 days
648 after forfeiture ~~of up to, but not more than, 100 percent of a~~
649 ~~forfeiture if the surety apprehended and surrendered the~~
650 ~~defendant or if the apprehension or surrender of the defendant~~
651 ~~was substantially procured or caused by the surety, or the~~
652 ~~surety has substantially attempted to procure or cause the~~
653 ~~apprehension or surrender of the defendant, and the delay has~~
654 ~~not thwarted the proper prosecution of the defendant. In~~
655 ~~addition, remission shall be granted when the surety did not~~
656 ~~substantially participate or attempt to participate in the~~
657 ~~apprehension or surrender of the defendant when the costs of~~
658 ~~returning the defendant to the jurisdiction of the court have~~
659 ~~been deducted from the remission and when the delay has not~~
660 ~~thwarted the proper prosecution of the defendant.~~

661 ~~(3) If the defendant surrenders or is apprehended within~~
662 ~~180 days after forfeiture, the court, on motion at a hearing~~
663 ~~upon notice having been given to the clerk of the circuit court~~
664 ~~and the state attorney as required in subsection (8), shall~~
665 ~~direct remission of up to, but not more than, 95 percent of a~~
666 ~~forfeiture if the surety apprehended and surrendered the~~
667 ~~defendant or if the apprehension or surrender of the defendant~~

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668 ~~was substantially procured or caused by the surety, or the~~
669 ~~surety has substantially attempted to procure or cause the~~
670 ~~apprehension or surrender of the defendant, and the delay has~~
671 ~~not thwarted the proper prosecution of the defendant. In~~
672 ~~addition, remission shall be granted when the surety did not~~
673 ~~substantially participate or attempt to participate in the~~
674 ~~apprehension or surrender of the defendant when the costs of~~
675 ~~returning the defendant to the jurisdiction of the court have~~
676 ~~been deducted from the remission and when the delay has not~~
677 ~~thwarted the proper prosecution of the defendant.~~

678 ~~(4) If the defendant surrenders or is apprehended within~~
679 ~~270 days after forfeiture, the court, on motion at a hearing~~
680 ~~upon notice having been given to the clerk of the circuit court~~
681 ~~and the state attorney as required in subsection (8), shall~~
682 ~~direct remission of up to, but not more than, 90 percent of a~~
683 ~~forfeiture if the surety apprehended and surrendered the~~
684 ~~defendant or if the apprehension or surrender of the defendant~~
685 ~~was substantially procured or caused by the surety, or the~~
686 ~~surety has substantially attempted to procure or cause the~~
687 ~~apprehension or surrender of the defendant, and the delay has~~
688 ~~not thwarted the proper prosecution of the defendant. In~~
689 ~~addition, remission shall be granted when the surety did not~~
690 ~~substantially participate or attempt to participate in the~~
691 ~~apprehension or surrender of the defendant when the costs of~~
692 ~~returning the defendant to the jurisdiction of the court have~~
693 ~~been deducted from the remission and when the delay has not~~
694 ~~thwarted the proper prosecution of the defendant.~~

695 ~~(5) If the defendant surrenders or is apprehended within 1~~
696 ~~year after forfeiture, the court, on motion at a hearing upon~~

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697 ~~notice having been given to the clerk of the circuit court and~~
698 ~~the state attorney as required in subsection (8), shall direct~~
699 ~~remission of up to, but not more than, 85 percent of a~~
700 ~~forfeiture if the surety apprehended and surrendered the~~
701 ~~defendant or if the apprehension or surrender of the defendant~~
702 ~~was substantially procured or caused by the surety, or the~~
703 ~~surety has substantially attempted to procure or cause the~~
704 ~~apprehension or surrender of the defendant, and the delay has~~
705 ~~not thwarted the proper prosecution of the defendant. In~~
706 ~~addition, remission shall be granted when the surety did not~~
707 ~~substantially participate or attempt to participate in the~~
708 ~~apprehension or surrender of the defendant when the costs of~~
709 ~~returning the defendant to the jurisdiction of the court have~~
710 ~~been deducted from the remission and when the delay has not~~
711 ~~thwarted the proper prosecution of the defendant.~~

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

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

729 (3)~~(7)~~ The remission of a forfeiture may not be ordered for
730 any reason other than as specified in this section ~~herein~~.

731 (4)~~(8)~~ An application for remission must be accompanied by
732 affidavits setting forth the facts on which it is founded;
733 however, the surety must establish by further documentation or
734 other evidence any claimed attempt at procuring or causing the
735 apprehension or surrender of the defendant before the court may
736 order remission based upon an attempt to procure or cause such
737 apprehension or surrender. The clerk of the circuit court and
738 the state attorney must be given 10 ~~20~~ days' notice before a
739 hearing on an application and be furnished copies of all papers,
740 applications, and affidavits. Remission must ~~shall~~ be granted on
741 the condition of payment of costs, as provided in s.
742 903.21(3)(a), unless the ground for remission is that there was
743 no breach of the bond.

744 (5)~~(9)~~ The clerk of the circuit court may enter into a
745 contract with a private attorney or into an interagency
746 agreement with a governmental agency to represent the clerk of
747 the court in an action for the remission of a forfeiture under
748 this section.

749 (6)~~(10)~~ The clerk of the circuit court is the real party in
750 interest for all appeals arising from an action for the
751 remission of a forfeiture under this section.

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

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755 (8) If the defendant surrenders or is apprehended and the
756 surety has not paid all costs of returning the defendant to the
757 jurisdiction of court, the court may order remission of the
758 forfeiture in accordance with subsection (2) if the actual costs
759 of returning the defendant to the jurisdiction of the court have
760 been deducted from the remission.

761 Section 17. Section 903.29, Florida Statutes, is amended to
762 read:

763 903.29 Arrest of principal by surety after forfeiture.—
764 Within 3 ~~2~~ years after ~~from~~ the date of forfeiture of a bond,
765 the surety may arrest the principal for the purpose of
766 surrendering the principal to the official in whose custody she
767 or he was at the time bail was taken or in whose custody the
768 principal would have been placed had she or he been committed.

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

771 903.31 Canceling the bond.—

772 (1) Within 10 business days after the conditions of a bond
773 have been satisfied or the forfeiture discharged or remitted,
774 the court must ~~shall~~ order the bond canceled and, if the surety
775 has attached a certificate of cancellation to the original bond,
776 the clerk of the court must ~~shall~~ mail or electronically furnish
777 an executed certificate of cancellation to the surety without
778 cost. The clerk of the court shall discharge the bond upon an
779 adjudication of guilt or innocence or an acquittal, or if a
780 period of 36 months has passed since the original bond was
781 posted. ~~or~~ A withholding of an adjudication of guilt, a finding
782 of guilt by a jury, or a no action by the state satisfies ~~shall~~
783 ~~satisfy~~ the conditions of the bond. If the bond has been revoked

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784 by the court, other than for a failure to appear, the clerk of
785 the court must discharge or cancel the bond. The original
786 appearance bond expires ~~shall expire~~ 36 months after such bond
787 has been posted for the release of the defendant from custody,
788 at which time the clerk of the court must discharge the bond.
789 This subsection does not apply to cases in which a bond has been
790 declared forfeited before the 36-month expiration, unless the
791 forfeiture was set aside or discharged. As used in this
792 subsection, the term "revoked" means that an act, a statement, a
793 document, or a promise has been annulled or canceled.

794 (2) The original appearance bond does not guarantee a
795 deferred sentence; a sentencing deferral; a delayed sentencing;
796 an appearance after entering a plea agreement; an appearance
797 during or after a presentence investigation; an appearance
798 during or after appeals; conduct during or appearance after
799 admission to a pretrial intervention program; placement in a
800 court-ordered program, including a residential mental health
801 facility; payment of fines; or attendance at educational or
802 rehabilitation facilities the court otherwise provides in the
803 judgment. If the original appearance bond has been forfeited or
804 revoked, it may ~~the bond shall~~ not be reinstated without
805 approval from the surety on the original bond. The clerk does
806 not have standing under this subsection to object to a motion to
807 reinstate bond.

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

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

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813 907.041 Pretrial detention and release.-

814 (3) RELEASE ON NONMONETARY CONDITIONS.-

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

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

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

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

829 (5) PRETRIAL DETENTION.-

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

832 1. Arson.†

833 2. Aggravated assault.†

834 3. Aggravated battery.†

835 4. Illegal use of explosives.†

836 5. Child abuse or aggravated child abuse.†

837 6. Abuse of an elderly person or disabled adult, or
838 aggravated abuse of an elderly person or disabled adult.†

839 7. Aircraft piracy.†

840 8. Kidnapping.†

841 9. Homicide.†

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- 842 10. Manslaughter, including DUI manslaughter and BUI
843 manslaughter.~~†~~
- 844 11. Sexual battery.~~†~~
- 845 12. Robbery.~~†~~
- 846 13. Carjacking.~~†~~
- 847 14. Lewd, lascivious, or indecent assault or act upon or in
848 presence of a child under the age of 16 years.~~†~~
- 849 15. Sexual activity with a child, who is 12 years of age or
850 older but less than 18 years of age, by or at solicitation of
851 person in familial or custodial authority.~~†~~
- 852 16. Burglary of a dwelling.~~†~~
- 853 17. Stalking and aggravated stalking.~~†~~
- 854 18. Act of domestic violence as defined in s. 741.28.~~†~~
- 855 19. Home invasion robbery.~~†~~
- 856 20. Act of terrorism as defined in s. 775.30.~~†~~
- 857 21. Manufacturing any substances in violation of chapter
858 893.~~†~~
- 859 22. Attempting or conspiring to commit any such crime.~~†~~
- 860 23. Human trafficking.~~†~~
- 861 24. Trafficking in any controlled substance described in s.
862 893.135(1)(c)4.~~†~~
- 863 25. Extortion in violation of s. 836.05.~~†~~ ~~and~~
- 864 26. Written threats to kill in violation of s. 836.10.
- 865 27. Driving under the influence in violation of s.
866 316.193(2)(b)1. or (2)(b)3.
- 867 28. Felony battery.
- 868 29. Battery by strangulation.
- 869 (c) Upon motion by the state attorney, the court may order
870 pretrial detention if it finds a substantial probability, based

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871 on a defendant's past and present patterns of behavior, the
872 criteria in s. 903.046, and any other relevant facts, that any
873 of the following circumstances exist:

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

878 2. The defendant, with the intent to obstruct the judicial
879 process, has threatened, intimidated, or injured any victim,
880 potential witness, juror, or judicial officer, or has attempted
881 or conspired to do so, and that no condition of release will
882 reasonably prevent the obstruction of the judicial process;

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

888 4. The defendant is charged with DUI manslaughter, as
889 defined by s. 316.193, and that there is a substantial
890 probability that the defendant committed the crime and that the
891 defendant poses a threat of harm to the community; conditions
892 that would support a finding by the court pursuant to this
893 subparagraph that the defendant poses a threat of harm to the
894 community include, but are not limited to, any of the following:

895 a. The defendant has previously been convicted of any crime
896 under s. 316.193, or of any crime in any other state or
897 territory of the United States that is substantially similar to
898 any crime under s. 316.193;

899 b. The defendant was driving with a suspended driver

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900 license when the charged crime was committed; or

901 c. The defendant has previously been found guilty of, or
902 has had adjudication of guilt withheld for, driving while the
903 defendant's driver license was suspended or revoked in violation
904 of s. 322.34;

905 5. The defendant poses the threat of harm to the community.
906 The court may so conclude, if it finds that the defendant is
907 presently charged with a dangerous crime, that there is a
908 substantial probability that the defendant committed such crime,
909 that the factual circumstances of the crime indicate a disregard
910 for the safety of the community, and that there are no
911 conditions of release reasonably sufficient to protect the
912 community from the risk of physical harm to persons;

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

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

922 8.a. The defendant has ever been sentenced pursuant to s.
923 775.082(9) or s. 775.084 as a prison releasee reoffender,
924 habitual violent felony offender, three-time violent felony
925 offender, or violent career criminal, or the state attorney
926 files a notice seeking that the defendant be sentenced pursuant
927 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
928 habitual violent felony offender, three-time violent felony

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929 offender, or violent career criminal;

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

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

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

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

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

956 3. The defendant may request a continuance of a pretrial
957 detention hearing. No continuance shall be for longer than 5

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958 days unless there are extenuating circumstances. The state
959 attorney shall be entitled to one continuance for good cause.

960 4. The defendant may be detained pending the completion of
961 the pretrial detention hearing. If a defendant is released on
962 bail pending a pretrial detention hearing under paragraph (d),
963 the court must inform the defendant that if he or she uses a
964 surety bond to meet the monetary component of pretrial release
965 and the motion for pretrial detention is subsequently granted,
966 the defendant will not be entitled to the return of the premium
967 on such surety bond.

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

972 626.2816 Regulation of continuing education for licensees,
973 course providers, instructors, school officials, and monitor
974 groups.—

975 (2) The department shall adopt rules establishing standards
976 for the approval, regulation, and operation of the continuing
977 education programs and for the discipline of licensees, course
978 providers, instructors, school officials, and monitor groups.
979 The standards must be designed to ensure that such course
980 providers, instructors, school officials, and monitor groups
981 have the knowledge, competence, and integrity to fulfill the
982 educational objectives of ss. 626.2815, 626.869, 648.385, and
983 648.386.

984 (3) The department shall adopt rules establishing a process
985 by which compliance with the continuing education requirements
986 of ss. 626.2815, 626.869, 648.385, and 648.386 can be

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987 determined, the establishment of a continuing education
988 compliance period for licensees, and forms necessary to
989 implement such a process.

990 Section 22. For the purpose of incorporating the amendment
991 made by this act to section 903.046, Florida Statutes, in a
992 reference thereto, paragraph (c) of subsection (1) of section
993 903.047, Florida Statutes, is reenacted to read:

994 903.047 Conditions of pretrial release.—

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

998 (c) Comply with all conditions of pretrial release imposed
999 by the court. A court must consider s. 903.046(2) when
1000 determining whether to impose nonmonetary conditions in addition
1001 to or in lieu of monetary bond. Such nonmonetary conditions may
1002 include, but are not limited to, requiring a defendant to:

1003 1. Maintain employment, or, if unemployed, actively seek
1004 employment.

1005 2. Maintain or commence an educational program.

1006 3. Abide by specified restrictions on personal
1007 associations, place of residence, or travel.

1008 4. Report on a regular basis to a designated law
1009 enforcement agency, pretrial services agency, or other agency.

1010 5. Comply with a specified curfew.

1011 6. Refrain from possessing a firearm, destructive device,
1012 or other dangerous weapon.

1013 7. Refrain from excessive use of alcohol, or any use of a
1014 narcotic drug or other controlled substance without a
1015 prescription from a licensed medical practitioner.

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1016 8. Undergo available medical, psychological, psychiatric,
1017 mental health, or substance abuse evaluation and follow all
1018 recommendations, including treatment for drug or alcohol
1019 dependency, and remain in a specified institution, if required
1020 for that purpose.

1021 9. Return to custody for specified hours following release
1022 for employment, school, or other limited purposes.

1023 10. Any other condition that is reasonably necessary to
1024 assure the appearance of the defendant at subsequent proceedings
1025 and to protect the community against unreasonable danger of
1026 harm.

1027 Section 23. For the purpose of incorporating the amendment
1028 made by this act to section 903.09, Florida Statutes, in a
1029 reference thereto, subsection (2) of section 903.286, Florida
1030 Statutes, is reenacted to read:

1031 903.286 Return of cash bond; requirement to withhold unpaid
1032 fines, fees, court costs; cash bond forms.-

1033 (2) All cash bond forms used in conjunction with the
1034 requirements of s. 903.09 must prominently display a notice
1035 explaining that all funds are subject to forfeiture and
1036 withholding by the clerk of the court for the payment of costs
1037 of prosecution, costs of representation as provided by ss. 27.52
1038 and 938.29, court fees, court costs, and criminal penalties on
1039 behalf of the criminal defendant regardless of who posted the
1040 funds.

1041 Section 24. This act shall take effect July 1, 2026.