

By Senator Truenow

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1                   A bill to be entitled  
2       An act relating to bail bonds; reenacting and amending  
3       s. 903.011, F.S.; requiring, rather than authorizing,  
4       that any monetary or cash component of any form of  
5       pretrial release be met by specified means; amending  
6       s. 903.045, F.S.; revising a statement of public  
7       policy and legislative intent relating to the nature  
8       of criminal bail bonds; amending s. 903.046, F.S.;  
9       revising the criteria that a court must consider in  
10      making specified determinations; amending s. 903.0471,  
11      F.S.; requiring that, upon a court's entry of an order  
12      to revoke pretrial release and order pretrial  
13      detention, the clerk of the court discharge any bond  
14      previously posted as a condition of pretrial release  
15      without further order of the court; amending s.  
16      903.05, F.S.; deleting the requirement that a surety  
17      own certain real estate as a qualification for the  
18      release of a person on bail; repealing s. 903.08,  
19      F.S., relating to sufficiency of sureties; amending s.  
20      903.09, F.S.; requiring sureties, other than bail bond  
21      agents, to justify their suretyship by attaching to  
22      the bond United States currency, a United States  
23      postal money order, or a cashier's check in the amount  
24      of the bond; providing that such currency, money  
25      order, or cashier's check may not be used to secure  
26      more than one bond; deleting the requirement that a  
27      surety execute an affidavit providing certain  
28      information; amending s. 903.101, F.S.; conforming a  
29      provision to changes made by the act; amending s.

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30 903.16, F.S.; authorizing a defendant who has been  
31 admitted to bail, or another person on the defendant's  
32 behalf, to deposit with the official authorized to  
33 take bail money an amount equal to the bail amount set  
34 in the court order; requiring that such deposit be  
35 receipted in the name of the defendant; requiring,  
36 rather than authorizing, the sheriff or other  
37 officials to remit to the clerk money or bonds  
38 received which are to be held by the clerk pending  
39 court action; deleting a provision stating that  
40 consent is conclusively presumed for the clerk of the  
41 circuit court to sell bonds deposited as bail after  
42 forfeiture of the bond; repealing s. 903.17, F.S.,  
43 relating to substitution of cash bail for other bail;  
44 amending s. 903.21, F.S.; specifying that the surety  
45 is exonerated of liability on a bond if a specified  
46 determination is made before forfeiture of the bond;  
47 requiring clerks, upon a certain affirmation by the  
48 sheriff or the chief correctional officer, to  
49 discharge the bond without further hearing or order  
50 from the court; amending s. 903.26, F.S.; providing  
51 that a certain signed certificate that certifies a  
52 specified required notice constitutes sufficient proof  
53 of the mailing or electronic transmission of such  
54 notice; deleting a requirement that municipal  
55 officials having custody of forfeited money deposit  
56 such money in a designated municipal fund within 60  
57 days after the forfeiture notice has been mailed or  
58 electronically transmitted; deleting certain

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

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88 remission under specified circumstances; decreasing  
89 the amount of time for which the clerk of the circuit  
90 court and the state attorney must be given notice  
91 before a certain hearing and be furnished with copies  
92 of certain documents; requiring the clerk of the  
93 circuit court to issue a remission within a certain  
94 timeframe after the entry of a court order directing  
95 remission; providing for accrual of interest if  
96 remission is not issued within such timeframe;  
97 amending s. 903.31, F.S.; revising provisions relating  
98 to the ordering of a bond cancellation; revising  
99 applicability; defining the term "revoked"; specifying  
100 that the original appearance bond does not guarantee a  
101 sentencing deferral, a delayed sentencing, or an  
102 appearance after entering a plea agreement; amending  
103 s. 924.065, F.S.; specifying that an appeal may not be  
104 a supersedeas to the execution of the judgment,  
105 sentence, or order of the payment of the judgment,  
106 fine, and any future costs that may be adjudged by the  
107 appellate court; deleting a provision requiring that  
108 bonds be conditioned on certain factors; amending s.  
109 951.26, F.S.; requiring that county public safety  
110 coordinating councils include a licensed bail bond  
111 agent; providing for designation and the term of such  
112 agents; requiring that public safety coordinating  
113 councils for a consortium of counties include a  
114 licensed bond agent; providing for designation and the  
115 term of such agents; reenacting ss. 903.047(1)(c) and  
116 907.041(5)(c) and (d), F.S., relating to conditions of

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117 pretrial release and pretrial detention and release,  
118 respectively, to incorporate the amendment made to s.  
119 903.046, F.S., in references thereto; reenacting s.  
120 903.286(2), F.S., relating to cash bond forms, to  
121 incorporate the amendment made to s. 903.09, F.S., in  
122 a reference thereto; reenacting s. 924.14, F.S.,  
123 relating to stay of execution when a defendant  
124 appeals, to incorporate the amendment made to s.  
125 924.065, F.S., in a reference thereto; providing an  
126 effective date.

127

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

129

130 Section 1. Subsection (2) of section 903.011, Florida  
131 Statutes, is amended, and subsection (6) of that section is  
132 reenacted, to read:

133 903.011 Pretrial release; general terms; statewide uniform  
134 bond schedule.—

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

139 (6) A person may not be released before his or her first  
140 appearance hearing or bail determination and a judge must  
141 determine the appropriate bail, if any, based on an  
142 individualized consideration of the criteria in s. 903.046(2),  
143 if the person meets any of the following criteria:

144 (a) The person was, at the time of arrest for any felony,  
145 on pretrial release, probation, or community control in this

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146 state or any other state;

147 (b) The person was, at the time of arrest, designated as a  
148 sexual offender or sexual predator in this state or any other  
149 state;

150 (c) The person was arrested for violating a protective  
151 injunction;

152 (d) The person was, at the time of arrest, on release from  
153 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.  
154 944.4731;

155 (e) The person has, at any time before the current arrest,  
156 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a  
157 prison releasee reoffender, habitual violent felony offender,  
158 three-time violent felony offender, or violent career criminal;

159 (f) The person has been arrested three or more times in the  
160 6 months immediately preceding his or her arrest for the current  
161 offense; or

162 (g) The person's current offense of arrest is for one or  
163 more of the following crimes:

164 1. A capital felony, life felony, felony of the first  
165 degree, or felony of the second degree;

166 2. A homicide under chapter 782; or any attempt,  
167 solicitation, or conspiracy to commit a homicide;

168 3. Assault in furtherance of a riot or an aggravated riot;  
169 felony battery; domestic battery by strangulation; domestic  
170 violence, as defined in s. 741.28; stalking; mob intimidation;  
171 assault or battery on a law enforcement officer; assault or  
172 battery on juvenile probation officer, or other staff of a  
173 detention center or commitment facility, or a staff member of a  
174 commitment facility, or health services personnel; assault or

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175 battery on a person 65 years of age or older; robbery; burglary;  
176 carjacking; or resisting an officer with violence;

177 4. Kidnapping, false imprisonment, human trafficking, or  
178 human smuggling;

179 5. Possession of a firearm or ammunition by a felon,  
180 violent career criminal, or person subject to an injunction  
181 against committing acts of domestic violence, stalking, or  
182 cyberstalking;

183 6. Sexual battery; indecent, lewd, or lascivious touching;  
184 exposure of sexual organs; incest; luring or enticing a child;  
185 or child pornography;

186 7. Abuse, neglect, or exploitation of an elderly person or  
187 disabled adult;

188 8. Child abuse or aggravated child abuse;

189 9. Arson; riot, aggravated riot, inciting a riot, or  
190 aggravated inciting a riot; or a burglary or theft during a  
191 riot;

192 10. Escape; tampering or retaliating against a witness,  
193 victim, or informant; destruction of evidence; or tampering with  
194 a jury;

195 11. Any offense committed for the purpose of benefiting,  
196 promoting, or furthering the interests of a criminal gang;

197 12. Trafficking in a controlled substance, including  
198 conspiracy to engage in trafficking in a controlled substance;

199 13. Racketeering; or

200 14. Failure to appear at required court proceedings while  
201 on bail.

202 Section 2. Section 903.045, Florida Statutes, is amended to  
203 read:

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204 903.045 Nature of criminal ~~surety~~ bail bonds.—It is the  
205 public policy of this state and the intent of the Legislature  
206 that a criminal ~~surety~~ bail bond, executed by a bail bond agent  
207 licensed pursuant to chapter 648, or by a resident of this  
208 state, in connection with the pretrial or appellate release of a  
209 criminal defendant, ~~shall~~ be construed as a commitment by and an  
210 obligation upon such agent or resident ~~the bail bond agent~~ to  
211 ensure that the defendant appears at all criminal proceedings  
212 for which such bail ~~the surety~~ bond is posted.

213 Section 3. Paragraph (d) of subsection (2) of section  
214 903.046, Florida Statutes, is amended to read:

215 903.046 Purpose of and criteria for bail determination.—

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

219 (d) The defendant's past and present conduct, including any  
220 record of convictions, previous flight to avoid prosecution, or  
221 failure to appear at court proceedings. However, any defendant  
222 who ~~had~~ failed to appear on the day of any required court  
223 proceeding in the case at issue, but who ~~had~~ later voluntarily  
224 appeared or surrendered, shall not be eligible for a  
225 recognizance bond; and any defendant who failed to appear on the  
226 day of any required court proceeding in the case at issue and  
227 who was later arrested shall not be eligible for a recognizance  
228 bond or for any form of bond which does not require the greater  
229 of a monetary undertaking ~~or commitment~~ equal to or greater than  
230 \$2,000 or twice the value of the monetary ~~commitment or~~  
231 undertaking of the original bond, ~~whichever is greater.~~  
232 ~~Notwithstanding anything in this section, the court has~~



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233 ~~discretion in determining conditions of release if the defendant~~  
234 ~~proves circumstances beyond his or her control for the failure~~  
235 ~~to appear. This section may not be construed as imposing~~  
236 ~~additional duties or obligations on a governmental entity~~  
237 ~~related to monetary bonds.~~

238 Section 4. Section 903.0471, Florida Statutes, is amended  
239 to read:

240 903.0471 Violation of condition of pretrial release.—  
241 Notwithstanding s. 907.041, a court may, on its own motion,  
242 revoke pretrial release and order pretrial detention if the  
243 court finds probable cause to believe that the defendant  
244 committed a new crime while on pretrial release or violated any  
245 other condition of pretrial release in a material respect. Upon  
246 entry of such an order to revoke pretrial release and order  
247 pretrial detention, the clerk of the court must discharge any  
248 bond previously posted as a condition of pretrial release  
249 without further order of the court.

250 Section 5. Section 903.05, Florida Statutes, is amended to  
251 read:

252 903.05 Qualification of sureties.—A surety for the release  
253 of a person on bail, other than a company authorized by law to  
254 act as a surety, must ~~shall~~ be a resident of this ~~the~~ state ~~or~~  
255 ~~own real estate within the state.~~

256 Section 6. Section 903.08, Florida Statutes, is repealed.

257 Section 7. Subsection (1) of section 903.09, Florida  
258 Statutes, is amended to read:

259 903.09 Justification of sureties.—

260 (1) A surety, other than a bail bond agent as defined in s.  
261 648.25, shall justify his or her suretyship by attaching to the

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262 bond United States currency, a United States postal money order,  
263 or a cashier's check in the amount of the bond; however, the  
264 United States currency, United States postal money order, or  
265 cashier's check may not be used to secure more than one bond  
266 ~~execute an affidavit stating that she or he possesses the~~  
267 ~~qualifications and net worth required to become a surety. The~~  
268 ~~affidavit shall describe the surety's property and any~~  
269 ~~encumbrances and shall state the number and amount of any bonds~~  
270 ~~entered into by the surety at any court that remain~~  
271 ~~undischarged.~~

272 Section 8. Section 903.101, Florida Statutes, is amended to  
273 read:

274 903.101 Sureties; licensed persons; to have equal access.-  
275 Subject to rules adopted by the Department of Financial Services  
276 and by the Financial Services Commission, ~~every surety who meets~~  
277 ~~the requirements of ss. 903.05, 903.06, 903.08, and 903.09, and~~  
278 every person who is currently licensed by the Department of  
279 Financial Services and registered as required by s. 648.42 has  
280 ~~shall have~~ equal access to the jails of this state for the  
281 purpose of making bonds.

282 Section 9. Section 903.16, Florida Statutes, is amended to  
283 read:

284 903.16 Deposit of money or bonds as bail.-

285 ~~(1)~~ A defendant who has been admitted to bail, or another  
286 person in the defendant's behalf, may deposit with the official  
287 authorized to take bail money an amount equal to the bail amount  
288 set in the court order. Such deposit must be receipted in the  
289 name of the defendant ~~or nonregistered bonds of the United~~  
290 ~~States, the state, or a city, town, or county in the state,~~

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291 ~~equal in market value to the amount set in the order and the~~  
292 ~~personal bond of the defendant and an undertaking by the~~  
293 ~~depositor if the money or bonds are deposited by another. The~~  
294 sheriff or other officials must ~~may~~ remit money or bonds  
295 received to the clerk to be held by the clerk pending court  
296 action ~~or return to the defendant or depositor~~. The clerk shall  
297 accept money or bonds remitted by the sheriff.

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

301 Section 10. Section 903.17, Florida Statutes, is repealed.

302 Section 11. 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 shall be exonerated of liability on the  
306 bond if it is determined before forfeiture ~~breach~~ of the bond  
307 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. Upon  
310 affirmation by the sheriff or the chief correctional officer of  
311 the defendant being in any jail or prison and the surety  
312 agreeing in writing to pay the costs and expenses incurred in  
313 returning the defendant to the jurisdiction of the court, the  
314 clerk must discharge the bond without further hearing or order  
315 of the court. A surety is only responsible for the itemized  
316 costs and expenses incurred for the transport of a defendant to  
317 whom he or she has a fiduciary duty and is not liable for the  
318 costs and expenses incurred in transporting any other defendant.

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

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320 1. "Costs and expenses" means the prorated salary of any  
321 law enforcement officer or employee of a contracted  
322 transportation company as well as the actual expenses of  
323 transporting each defendant, which may only consist of mileage,  
324 vehicle expenses, meals, and, if necessary, overnight lodging  
325 for any law enforcement officer or employee of a contracted  
326 transportation company and the defendant.

327 2. "Jurisdiction" means the county from which the defendant  
328 was released on bail.

329 Section 12. Section 903.26, Florida Statutes, is amended to  
330 read:

331 903.26 Forfeiture of the bond; when and how directed;  
332 discharge; how and when made; effect of payment.—

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

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

336 (b) The clerk of the court gave the surety at least 72  
337 hours' notice, exclusive of Saturdays, Sundays, and holidays,  
338 before the time of the required appearance of the defendant.  
339 Notice is ~~shall~~ not ~~be~~ necessary if the time for appearance is  
340 within 72 hours after ~~from~~ the time of arrest, ~~or if the time is~~  
341 stated on the bond. Such notice may be mailed or electronically  
342 transmitted. A certificate signed by the clerk of the court or  
343 the clerk's designee which certifies that the notice required  
344 under this paragraph was mailed or electronically transmitted on  
345 a specified date and time and which is accompanied by a copy of  
346 the required notice constitutes sufficient proof that such  
347 mailing or electronic transmission was properly accomplished as  
348 required in this paragraph.

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349 (2) (a) If there is a failure of the defendant to appear as  
350 required, the court must ~~shall~~ declare the bond and any bonds or  
351 money deposited as bail forfeited. The clerk of the court shall  
352 mail or electronically transmit a notice to the surety agent,  
353 bail agency, and surety company within 5 days after the  
354 forfeiture. A certificate signed by the clerk of the court or  
355 the clerk's designee which certifies, ~~certifying~~ that the notice  
356 required under this section ~~herein~~ was mailed or electronically  
357 transmitted on a specified date and which is accompanied by a  
358 copy of the required notice, constitutes ~~shall constitute~~  
359 sufficient proof that such mailing or electronic transmission  
360 was properly accomplished as required in this paragraph  
361 ~~indicated therein~~. If such mailing or electronic transmission  
362 was properly accomplished as evidenced by such certificate, the  
363 failure of the surety agent, a bail agency, ~~of~~ a company, or ~~of~~  
364 a defendant to receive such notice does ~~shall~~ not constitute a  
365 defense to such forfeiture and may ~~shall~~ not be grounds for  
366 discharge, remission, reduction, set aside, or continuance of  
367 such forfeiture. The forfeiture must ~~shall~~ be paid within 60  
368 days after the date the notice was mailed or electronically  
369 transmitted.

370 (b) If ~~Failure of~~ the defendant fails to appear at the  
371 time, date, and place of required appearance, ~~shall result in~~  
372 ~~forfeiture of~~ the bond is forfeited. Such forfeiture must ~~shall~~  
373 be automatically entered by the clerk upon such failure to  
374 appear, and the clerk shall follow the procedures in paragraph  
375 (a). However, the court may determine, in its discretion and, in  
376 the interest of justice, that an appearance by the defendant on  
377 the ~~same day as~~ required day does not warrant forfeiture of the

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378 ~~bond,~~ and ~~the court~~ may direct the clerk to set aside any such  
379 forfeiture ~~which may have been entered~~. Any appearance by the  
380 defendant later than the required day constitutes forfeiture of  
381 the bond, and the court may ~~shall~~ not preclude entry of such  
382 forfeiture by the clerk.

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

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

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

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

393 ~~(c)~~ Officials having custody of bonds as authorized by s.  
394 903.16 shall transmit the bonds to the clerk of the circuit  
395 court who shall ~~sell them at market value~~ and disburse the  
396 proceeds as provided in paragraph (a) ~~paragraphs (a) and (b)~~.

397 ~~(4)(a) When a bond is forfeited, the clerk shall transmit~~  
398 ~~the bond and any affidavits to the clerk of the circuit court in~~  
399 ~~which the bond and affidavits are filed. The clerk of the~~  
400 ~~circuit court shall record the forfeiture in the deed or~~  
401 ~~official records book. If the undertakings and affidavits~~  
402 ~~describe real property in another county, the clerk shall~~  
403 ~~transmit the bond and affidavits to the clerk of the circuit~~  
404 ~~court of the county where the property is located who shall~~  
405 ~~record and return them.~~

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

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

415       ~~(5)~~ The court shall discharge a forfeiture within 60 days  
416 upon any of the following:

417       (a) A determination that, due to circumstances beyond the  
418 defendant's control, it was impossible for the defendant to  
419 appear as required or within 60 days after the forfeiture notice  
420 was mailed or electronically transmitted ~~date of the required~~  
421 ~~appearance due to circumstances beyond the defendant's control.~~  
422 The potential adverse economic consequences of appearing as  
423 required may not be considered as constituting a ground for such  
424 a determination.†

425       (b) A determination that, at the time of the required  
426 appearance or within 60 days after the forfeiture notice was  
427 mailed or electronically transmitted ~~date of the required~~  
428 ~~appearance~~, the defendant was confined in an institution or  
429 hospital; was confined in any county, state, federal, or  
430 immigration detention facility; was deported; or is deceased.†

431       (c) Surrender or arrest of the defendant at the time of the  
432 required appearance or within 60 days after the forfeiture  
433 notice was mailed or electronically transmitted ~~date of the~~  
434 ~~required appearance~~ in any county, state, or federal jail or  
435 prison ~~and upon a hold being placed to return the defendant to~~

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436 ~~the jurisdiction of the court.~~ The court shall condition a  
437 discharge or remission on the payment of costs and ~~the~~ expenses  
438 as provided in s. 903.21(3), incurred by an official in  
439 returning the defendant to the jurisdiction of the court. ~~;~~ ~~or~~

440 (d) A determination that the state is unwilling to seek  
441 extradition of the fugitive defendant within 10 ~~30~~ days after a  
442 written request by the surety agent to do so, and contingent  
443 upon the surety agent's consent to pay all costs and ~~the~~  
444 expenses incurred by an official in returning the defendant to  
445 the jurisdiction of the court, as provided in s. 903.21(3) up to  
446 the penal amount of the bond. If the state does not respond in  
447 writing within 10 days after receiving a written request to seek  
448 a determination of extradition, the failure to respond is  
449 evidence that the state is unwilling to seek extradition.

450 (5) In the interest of justice, if the state is willing to  
451 extradite the defendant, the state must enter the information of  
452 the defendant into the National Crime Information Center  
453 database for the National Law Enforcement Telecommunications  
454 System region or regions requested within 10 days after a  
455 request by the surety to do so.

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

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

461 (8) If the defendant is arrested and returned to the county  
462 of jurisdiction of the court or has posted a new bond for the  
463 case at issue before judgment, the clerk shall, upon affirmation  
464 by the sheriff or the chief correctional officer and, ~~shall~~,



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465 without further hearing or order of the court, discharge the  
466 forfeiture of the bond. However, if the surety agent fails to  
467 pay the costs and expenses incurred in returning the defendant  
468 to the county of jurisdiction, the clerk may ~~shall~~ not discharge  
469 the forfeiture of the bond. If the surety agent and the sheriff  
470 fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court,  
471 after notice to the sheriff and the state attorney, must ~~shall~~  
472 determine the amount of the costs.

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

481 (10) Unless the time for payment or discharge of the  
482 forfeiture set forth in s. 903.27(1) has passed, or unless  
483 payment of the forfeiture has already been made, the clerk does  
484 not have standing to object to a motion to set aside a  
485 forfeiture under paragraph (2) (b), a motion to discharge a bond  
486 under subsection (4), or a motion to reinstate a bond under s.  
487 903.31(2).

488 Section 13. Section 903.27, Florida Statutes, is amended to  
489 read:

490 903.27 Forfeiture to judgment.—

491 (1) If the forfeiture is not paid or discharged by order of  
492 a court of competent jurisdiction within 60 days after the  
493 forfeiture notice has been mailed or electronically transmitted

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494 ~~and the bond is secured other than by money and bonds authorized~~  
495 ~~in s. 903.16~~, the clerk of the circuit court for the county  
496 where the order was made must ~~shall~~ enter a judgment against the  
497 surety for the amount of the penalty and issue execution.  
498 However, in any case in which the bond forfeiture has been  
499 discharged by the court of competent jurisdiction conditioned  
500 upon the payment by the surety of certain costs or fees as  
501 allowed by statute, the amount for which judgment may be entered  
502 may not exceed the amount of the unpaid fees or costs upon which  
503 the discharge had been conditioned. Judgment for the full amount  
504 of the forfeiture may ~~shall~~ not be entered if payment of a  
505 lesser amount will satisfy the conditions to discharge the  
506 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the  
507 Department of Financial Services and the Office of Insurance  
508 Regulation of the Financial Services Commission with a certified  
509 copy of the judgment docket and shall furnish the surety company  
510 at its home office a copy of the judgment, which shall include  
511 the power of attorney number of the bond and the name of the  
512 executing agent. If the judgment is not paid within 35 days, the  
513 clerk must ~~shall~~ furnish the Department of Financial Services,  
514 the Office of Insurance Regulation, and the sheriff of the  
515 county in which the bond was executed, or the official  
516 responsible for operation of the county jail, if that official  
517 is not ~~other than~~ the sheriff, two copies of the judgment and a  
518 certificate stating that the judgment remains unsatisfied. When  
519 ~~and if~~ the judgment is properly paid or an order to vacate the  
520 judgment has been entered by a court of competent jurisdiction,  
521 the clerk shall immediately notify the sheriff, or other such  
522 ~~the~~ official responsible for the operation of the county jail,

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523 ~~if other than the sheriff,~~ and, if they have been previously  
524 notified of nonpayment, the Department of Financial Services and  
525 the Office of Insurance Regulation, ~~if the department and office~~  
526 ~~had been previously notified of nonpayment,~~ of such payment or  
527 order to vacate the judgment. The clerk may furnish documents or  
528 give notice as required in this subsection by mail or electronic  
529 means. The clerk shall also immediately prepare and record in  
530 the public records a satisfaction of the judgment or record the  
531 order to vacate judgment. If the defendant is returned to the  
532 county of jurisdiction of the court, whenever a motion to set  
533 aside the judgment is filed, the operation of this section is  
534 tolled until the court makes a disposition of the motion.

535 (2) A certificate signed by the clerk of the court or her  
536 or his designee which certifies, ~~certifying~~ that the notice  
537 required in subsection (1) was mailed or electronically  
538 delivered on a specified date, and is accompanied by a copy of  
539 the required notice constitutes sufficient proof that such  
540 mailing or electronic delivery was properly accomplished as  
541 required in this subsection ~~indicated therein~~. If such mailing  
542 or electronic delivery was properly accomplished as evidenced by  
543 such certificate, the failure of a company to receive a copy of  
544 the judgment as prescribed in subsection (1) does not constitute  
545 a defense to the forfeiture and is not a ground for the  
546 discharge, remission, reduction, set aside, or continuance of  
547 such forfeiture.

548 (3) Surety bail bonds may not be executed by a bail bond  
549 agent or a bail agency against whom a judgment has been entered  
550 which has remained unpaid for 35 days and may not be executed  
551 for a company against whom a judgment has been entered which has

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552 remained unpaid for 50 days. A ~~No~~ sheriff or other official who  
553 is empowered to accept or approve surety bail bonds may not  
554 ~~shall~~ accept or approve such a bond executed by such a bail bond  
555 agent or executed for such a company until such judgment has  
556 been paid.

557 (4) After notice of judgment against the surety given by  
558 the clerk of the circuit court, the surety, a bail agency, or a  
559 bail bond agent shall, within 35 days after ~~of~~ the entry of  
560 judgment, submit to the clerk of the circuit court an amount  
561 equal to the judgment, unless the judgment has been set aside by  
562 the court within 35 days after its ~~of the~~ entry of ~~judgment~~. If  
563 a motion to set aside the judgment has been filed pursuant to  
564 subsection (5), the amount submitted must ~~shall~~ be held in  
565 escrow until such time as the court has disposed of the motion.  
566 The failure to comply with ~~the provisions of~~ this subsection  
567 constitutes a failure to pay the judgment.

568 (5) After notice of judgment against the surety given by  
569 the clerk of the circuit court, the surety, bail agency, or bail  
570 bond agent may within 35 days file a motion to set aside or stay  
571 the judgment ~~or to stay the judgment~~. ~~It shall be a condition of~~  
572 Any such motion or ~~and of any~~ order to stay the judgment must be  
573 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of  
574 the judgment to the clerk, which amount must ~~shall~~ be held in  
575 escrow until such time as the court has disposed of the motion  
576 to set aside the judgment. The filing of such a motion, when  
577 accompanied by the required escrow deposit, acts ~~shall act~~ as an  
578 automatic stay of further proceedings, including execution,  
579 until the motion has been heard and a decision rendered by the  
580 court.

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

586 Section 14. Section 903.28, Florida Statutes, is amended to  
 587 read:

588 903.28 Remission of forfeiture; conditions.-

589 (1) On application within 1,095 days after ~~2 years from~~  
 590 forfeiture, the court must ~~shall~~ order remission of the  
 591 forfeiture if it determines that there was no breach of the  
 592 bond.

593 (2) If the defendant surrenders, is deceased, ~~or is~~  
 594 apprehended, or is deported within 1,095 ~~90~~ days after  
 595 forfeiture, the court, on motion at a hearing upon notice having  
 596 been given to the clerk of the circuit court and the state  
 597 attorney as required under subsection (4), must ~~in subsection~~  
 598 ~~(8), shall~~ direct remission in accordance with the following:

599 (a) One-hundred percent of the forfeiture if:

600 1. The defendant surrenders, is apprehended, or is deported  
 601 within 90 days after forfeiture;

602 2. The state is unwilling to seek extradition of the  
 603 defendant from any jail or prison after a request by the surety  
 604 agent, bail agency, or the surety company, and contingent upon  
 605 the surety agent, or bail agency, or surety company consenting  
 606 to pay all costs incurred by an official in returning the  
 607 defendant to the jurisdiction of the court, as provided in s.  
 608 903.21(3)(a), up to the penal amount of the bond;

609 3. The defendant is deceased or was confined in any county,

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610 state, federal, or immigration detention facility and  
611 subsequently was released from custody or deported without the  
612 state placing a detainer on the defendant; or

613 4. The defendant is deceased within 1,095 days after  
614 forfeiture.

615 (b) Ninety-five percent of the forfeiture if the defendant  
616 surrenders, is apprehended, or is deported within 180 days after  
617 forfeiture.

618 (c) Ninety percent of the forfeiture if the defendant  
619 surrenders, is apprehended, or is deported within 270 days after  
620 forfeiture.

621 (d) Eighty-five percent of the forfeiture if the defendant  
622 surrenders, is apprehended, or is deported within 365 days after  
623 forfeiture.

624 (e) Eighty percent of the forfeiture if the defendant  
625 surrenders, is apprehended, or is deported within 730 days after  
626 forfeiture.

627 (f) Seventy-five percent of the forfeiture if the defendant  
628 surrenders, is apprehended, or is deported within 1,095 days  
629 after forfeiture of up to, but not more than, 100 percent of a  
630 forfeiture if the surety apprehended and surrendered the  
631 defendant or if the apprehension or surrender of the defendant  
632 was substantially procured or caused by the surety, or the  
633 surety has substantially attempted to procure or cause the  
634 apprehension or surrender of the defendant, and the delay has  
635 not thwarted the proper prosecution of the defendant. In  
636 addition, remission shall be granted when the surety did not  
637 substantially participate or attempt to participate in the  
638 apprehension or surrender of the defendant when the costs of

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639 ~~returning the defendant to the jurisdiction of the court have~~  
640 ~~been deducted from the remission and when the delay has not~~  
641 ~~thwarted the proper prosecution of the defendant.~~

642 ~~(3) If the defendant surrenders or is apprehended within~~  
643 ~~180 days after forfeiture, the court, on motion at a hearing~~  
644 ~~upon notice having been given to the clerk of the circuit court~~  
645 ~~and the state attorney as required in subsection (8), shall~~  
646 ~~direct remission of up to, but not more than, 95 percent of a~~  
647 ~~forfeiture if the surety apprehended and surrendered the~~  
648 ~~defendant or if the apprehension or surrender of the defendant~~  
649 ~~was substantially procured or caused by the surety, or the~~  
650 ~~surety has substantially attempted to procure or cause the~~  
651 ~~apprehension or surrender of the defendant, and the delay has~~  
652 ~~not thwarted the proper prosecution of the defendant. In~~  
653 ~~addition, remission shall be granted when the surety did not~~  
654 ~~substantially participate or attempt to participate in the~~  
655 ~~apprehension or surrender of the defendant when the costs of~~  
656 ~~returning the defendant to the jurisdiction of the court have~~  
657 ~~been deducted from the remission and when the delay has not~~  
658 ~~thwarted the proper prosecution of the defendant.~~

659 ~~(4) If the defendant surrenders or is apprehended within~~  
660 ~~270 days after forfeiture, the court, on motion at a hearing~~  
661 ~~upon notice having been given to the clerk of the circuit court~~  
662 ~~and the state attorney as required in subsection (8), shall~~  
663 ~~direct remission of up to, but not more than, 90 percent of a~~  
664 ~~forfeiture if the surety apprehended and surrendered the~~  
665 ~~defendant or if the apprehension or surrender of the defendant~~  
666 ~~was substantially procured or caused by the surety, or the~~  
667 ~~surety has substantially attempted to procure or cause the~~

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

676 ~~(5) If the defendant surrenders or is apprehended within 1~~  
677 ~~year after forfeiture, the court, on motion at a hearing upon~~  
678 ~~notice having been given to the clerk of the circuit court and~~  
679 ~~the state attorney as required in subsection (8), shall direct~~  
680 ~~remission of up to, but not more than, 85 percent of a~~  
681 ~~forfeiture if the surety apprehended and surrendered the~~  
682 ~~defendant or if the apprehension or surrender of the defendant~~  
683 ~~was substantially procured or caused by the surety, or the~~  
684 ~~surety has substantially attempted to procure or cause the~~  
685 ~~apprehension or surrender of the defendant, and the delay has~~  
686 ~~not thwarted the proper prosecution of the defendant. In~~  
687 ~~addition, remission shall be granted when the surety did not~~  
688 ~~substantially participate or attempt to participate in the~~  
689 ~~apprehension or surrender of the defendant when the costs of~~  
690 ~~returning the defendant to the jurisdiction of the court have~~  
691 ~~been deducted from the remission and when the delay has not~~  
692 ~~thwarted the proper prosecution of the defendant.~~

693 ~~(6) If the defendant surrenders or is apprehended within 2~~  
694 ~~years after forfeiture, the court, on motion at a hearing upon~~  
695 ~~notice having been given to the clerk of the circuit court and~~  
696 ~~the state attorney as required in subsection (8), shall direct~~



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697 ~~remission of up to, but not more than, 50 percent of a~~  
698 ~~forfeiture if the surety apprehended and surrendered the~~  
699 ~~defendant or if the apprehension or surrender of the defendant~~  
700 ~~was substantially procured or caused by the surety, or the~~  
701 ~~surety has substantially attempted to procure or cause the~~  
702 ~~apprehension or surrender of the defendant, and the delay has~~  
703 ~~not thwarted the proper prosecution of the defendant. In~~  
704 ~~addition, remission shall be granted when the surety did not~~  
705 ~~substantially participate or attempt to participate in the~~  
706 ~~apprehension or surrender of the defendant when the costs of~~  
707 ~~returning the defendant to the jurisdiction of the court have~~  
708 ~~been deducted from the remission and when the delay has not~~  
709 ~~thwarted the proper prosecution of the defendant.~~

710 (3)~~(7)~~ The remission of a forfeiture may not be ordered for  
711 any reason other than as specified in this section herein.

712 (4)~~(8)~~ An application for remission must be accompanied by  
713 affidavits setting forth the facts on which it is founded;  
714 however, the surety must establish by further documentation or  
715 other evidence any claimed attempt at procuring or causing the  
716 apprehension or surrender of the defendant before the court may  
717 order remission based upon an attempt to procure or cause such  
718 apprehension or surrender. The clerk of the circuit court and  
719 the state attorney must be given 10 ~~20~~ days' notice before a  
720 hearing on an application and be furnished copies of all papers,  
721 applications, and affidavits. Remission must ~~shall~~ be granted on  
722 the condition of payment of costs, as provided in s.  
723 903.21(3)(a), unless the ground for remission is that there was  
724 no breach of the bond.

725 (5)~~(9)~~ The clerk of the circuit court may enter into a

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726 contract with a private attorney or into an interagency  
 727 agreement with a governmental agency to represent the clerk of  
 728 the court in an action for the remission of a forfeiture under  
 729 this section.

730 (6) ~~(10)~~ The clerk of the circuit court is the real party in  
 731 interest for all appeals arising from an action for the  
 732 remission of a forfeiture under this section.

733 (7) The clerk of the circuit court shall issue a remission  
 734 within 10 days after entry of a court order directing remission,  
 735 and a remission untimely issued accrues interest at the rate of  
 736 1.5 percent per month.

737 Section 15. Subsections (1) and (2) of section 903.31,  
 738 Florida Statutes, are amended to read:

739 903.31 Canceling the bond.—

740 (1) Within 10 business days after the conditions of a bond  
 741 have been satisfied or the forfeiture discharged or remitted,  
 742 the court must ~~shall~~ order the bond canceled and, if the surety  
 743 has attached a certificate of cancellation to the original bond,  
 744 the clerk of the court must ~~shall~~ mail or electronically furnish  
 745 an executed certificate of cancellation to the surety without  
 746 cost. The clerk of the court shall discharge the bond upon an  
 747 adjudication of guilt or innocence or an acquittal, or if a  
 748 period of 36 months has passed since the original bond was  
 749 posted. ~~or~~ A withholding of an adjudication of guilt, a finding  
 750 of guilt by a jury, or a no action by the state satisfies ~~shall~~  
 751 satisfy the conditions of the bond. If the bond has been revoked  
 752 by the court, the clerk of the court must discharge or cancel  
 753 the bond. The original appearance bond shall expire 36 months  
 754 after such bond has been posted for the release of the defendant

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755 from custody. This subsection does not apply to cases in which a  
756 bond has been declared forfeited before the 36-month expiration,  
757 unless the forfeiture was set aside, the original bond was  
758 reinstated, or a new bond was posted. As used in this  
759 subsection, the term "revoked" means that an act, statement,  
760 document, or promise has been annulled or canceled.

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

773 Section 16. Subsection (2) of section 924.065, Florida  
774 Statutes, is amended to read:

775 924.065 Denial of motion for new trial or arrest of  
776 judgment; appeal bond; supersedeas.—

777 (2) An appeal may not be a supersedeas to the execution of  
778 the judgment, sentence, or order of ~~until the appellant has~~  
779 ~~entered into a bond with at least two sureties to secure the~~  
780 ~~payment of the judgment, fine, and any future costs that may be~~  
781 ~~adjudged by the appellate court. The bond shall be conditioned~~  
782 ~~on the appellant's personally answering and abiding by the final~~  
783 ~~order, sentence, or judgment of the appellate court and, if the~~

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784 ~~action is remanded, on the appellant's appearing before the~~  
785 ~~court in which the case was originally determined and not~~  
786 ~~departing without leave of court.~~

787 Section 17. Subsection (1) of section 951.26, Florida  
788 Statutes, is amended to read:

789 951.26 Public safety coordinating councils.—

790 (1) Each board of county commissioners shall establish a  
791 county public safety coordinating council for the county or  
792 shall join with a consortium of one or more other counties to  
793 establish a public safety coordinating council for the  
794 geographic area represented by the member counties.

795 (a)1. The public safety coordinating council for a county  
796 shall consist of:

797 a. The state attorney, or an assistant state attorney  
798 designated by the state attorney.

799 b. The public defender, or an assistant public defender  
800 designated by the public defender.

801 c. The chief circuit judge, or another circuit judge  
802 designated by the chief circuit judge.

803 d. The chief county judge, or another county judge  
804 designated by the chief county judge.

805 e. The chief correctional officer.

806 f. The sheriff, or a member designated by the sheriff, if  
807 the sheriff is not the chief correctional officer.

808 g. The state probation circuit administrator, or a member  
809 designated by the state probation circuit administrator, to be  
810 appointed to a 4-year term.

811 h. The chair ~~chairperson~~ of the board of county  
812 commissioners, or another county commissioner as designee.

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813 i. If the county has such program available, the director  
814 of any county probation or pretrial intervention program, to be  
815 appointed to a 4-year term.

816 j. The director of a local substance abuse treatment  
817 program, or a member designated by the director, to be appointed  
818 to a 4-year term.

819 k. Representatives from county and state jobs programs and  
820 other community groups who work with offenders and victims,  
821 appointed by the chair ~~chairperson~~ of the board of county  
822 commissioners to 4-year terms.

823 1. A bail bond agent licensed pursuant to chapter 648,  
824 designated by the council, to be appointed to a 4-year term.

825 2. The chair ~~chairperson~~ of the board of county  
826 commissioners, or another county commissioner as designee, shall  
827 serve as the chair ~~chairperson~~ of the council until the council  
828 elects a chair ~~chairperson~~ from the membership of the council.

829 (b)1. The public safety coordinating council for a  
830 consortium of two or more counties shall consist of the  
831 following members, appointed with the approval of each board of  
832 county commissioners within the consortium:

833 a. A chief circuit judge, or a circuit judge designated by  
834 a chief circuit judge.

835 b. A chief county judge, or a county judge designated by a  
836 chief county judge.

837 c. A state attorney, or an assistant state attorney  
838 designated by a state attorney.

839 d. A public defender, or an assistant public defender  
840 designated by a public defender.

841 e. A state probation circuit administrator, or a member

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842 designated by a state probation circuit administrator, to be  
843 appointed to a 4-year term.

844 f. A physician who practices in the area of alcohol and  
845 substance abuse, to be appointed to a 4-year term.

846 g. A mental health professional who practices in the area  
847 of alcohol and substance abuse, to be appointed to a 4-year  
848 term.

849 h. A sheriff or a jail administrator for a county within  
850 the consortium.

851 i. A chief of police for a municipality within the  
852 geographic area of the consortium.

853 j. A county commissioner from each member county of the  
854 consortium.

855 k. An elected member of the governing body of the most  
856 populous municipality within the geographic area of the  
857 consortium.

858 l. An elected member of a school board within the  
859 geographic area of the consortium.

860 m. A bail bond agent licensed pursuant to chapter 648,  
861 designated by the Florida Bail Agents Association, to be  
862 appointed to a 4-year term.

863 2. The members of the public safety coordinating council  
864 shall elect a chair ~~chairperson~~ from among its members.

865 Section 18. For the purpose of incorporating the amendment  
866 made by this act to section 903.046, Florida Statutes, in a  
867 reference thereto, paragraph (c) of subsection (1) of section  
868 903.047, Florida Statutes, is reenacted to read:

869 903.047 Conditions of pretrial release.—

870 (1) As a condition of pretrial release, whether such

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871 release is by surety bail bond or recognizance bond or in some  
872 other form, the defendant must:

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

878 1. Maintain employment, or, if unemployed, actively seek  
879 employment.

880 2. Maintain or commence an educational program.

881 3. Abide by specified restrictions on personal  
882 associations, place of residence, or travel.

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

885 5. Comply with a specified curfew.

886 6. Refrain from possessing a firearm, destructive device,  
887 or other dangerous weapon.

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

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

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

898 10. Any other condition that is reasonably necessary to  
899 assure the appearance of the defendant at subsequent proceedings

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900 and to protect the community against unreasonable danger of  
901 harm.

902 Section 19. For the purpose of incorporating the amendment  
903 made by this act to section 903.046, Florida Statutes, in a  
904 reference thereto, paragraphs (c) and (d) of subsection (5) of  
905 section 907.041, Florida Statutes, are reenacted to read:

906 907.041 Pretrial detention and release.—

907 (5) PRETRIAL DETENTION.—

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

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

917 2. The defendant, with the intent to obstruct the judicial  
918 process, has threatened, intimidated, or injured any victim,  
919 potential witness, juror, or judicial officer, or has attempted  
920 or conspired to do so, and that no condition of release will  
921 reasonably prevent the obstruction of the judicial process;

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

927 4. The defendant is charged with DUI manslaughter, as  
928 defined by s. 316.193, and that there is a substantial



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929 probability that the defendant committed the crime and that the  
930 defendant poses a threat of harm to the community; conditions  
931 that would support a finding by the court pursuant to this  
932 subparagraph that the defendant poses a threat of harm to the  
933 community include, but are not limited to, any of the following:

934 a. The defendant has previously been convicted of any crime  
935 under s. 316.193, or of any crime in any other state or  
936 territory of the United States that is substantially similar to  
937 any crime under s. 316.193;

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

940 c. The defendant has previously been found guilty of, or  
941 has had adjudication of guilt withheld for, driving while the  
942 defendant's driver license was suspended or revoked in violation  
943 of s. 322.34;

944 5. The defendant poses the threat of harm to the community.  
945 The court may so conclude, if it finds that the defendant is  
946 presently charged with a dangerous crime, that there is a  
947 substantial probability that the defendant committed such crime,  
948 that the factual circumstances of the crime indicate a disregard  
949 for the safety of the community, and that there are no  
950 conditions of release reasonably sufficient to protect the  
951 community from the risk of physical harm to persons;

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

955 7. The defendant has violated one or more conditions of  
956 pretrial release or bond for the offense currently before the  
957 court and the violation, in the discretion of the court,

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958 supports a finding that no conditions of release can reasonably  
959 protect the community from risk of physical harm to persons or  
960 assure the presence of the accused at trial; or

961 8.a. The defendant has ever been sentenced pursuant to s.  
962 775.082(9) or s. 775.084 as a prison releasee reoffender,  
963 habitual violent felony offender, three-time violent felony  
964 offender, or violent career criminal, or the state attorney  
965 files a notice seeking that the defendant be sentenced pursuant  
966 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
967 habitual violent felony offender, three-time violent felony  
968 offender, or violent career criminal;

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

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

974 (d) If a defendant is arrested for a dangerous crime that  
975 is a capital felony, a life felony, or a felony of the first  
976 degree, and the court determines there is probable cause to  
977 believe the defendant committed the offense, the state attorney,  
978 or the court on its own motion, shall motion for pretrial  
979 detention. If the court finds a substantial probability that the  
980 defendant committed the offense and, based on the defendant's  
981 past and present patterns of behavior, consideration of the  
982 criteria in s. 903.046, and any other relevant facts, that no  
983 conditions of release or bail will reasonably protect the  
984 community from risk of physical harm, ensure the presence of the  
985 defendant at trial, or assure the integrity of the judicial  
986 process, the court must order pretrial detention.

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987 Section 20. For the purpose of incorporating the amendment  
988 made by this act to section 903.09, Florida Statutes, in a  
989 reference thereto, subsection (2) of section 903.286, Florida  
990 Statutes, is reenacted to read:

991 903.286 Return of cash bond; requirement to withhold unpaid  
992 fines, fees, court costs; cash bond forms.—

993 (2) All cash bond forms used in conjunction with the  
994 requirements of s. 903.09 must prominently display a notice  
995 explaining that all funds are subject to forfeiture and  
996 withholding by the clerk of the court for the payment of costs  
997 of prosecution, costs of representation as provided by ss. 27.52  
998 and 938.29, court fees, court costs, and criminal penalties on  
999 behalf of the criminal defendant regardless of who posted the  
1000 funds.

1001 Section 21. For the purpose of incorporating the amendment  
1002 made by this act to section 924.065, Florida Statutes, in a  
1003 reference thereto, section 924.14, Florida Statutes, is  
1004 reenacted to read:

1005 924.14 Stay of execution when defendant appeals.—An appeal  
1006 by a defendant from either the judgment or sentence shall stay  
1007 execution of the sentence, subject to the provisions of s.  
1008 924.065.

1009 Section 22. This act shall take effect July 1, 2025.