

By Senator Truenow

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A bill to be entitled

An act relating to bail bonds; amending s. 648.25, F.S.; defining the term "virtual office"; amending s. 648.386, F.S.; replacing the term "classroom instruction" with the term "in-person classroom instruction" defining the term "in-person classroom instruction"; decreasing the duration of in-person classroom-instruction basic certification courses required to be considered for approval and certification as an approved limited surety agent and professional bail bond agent prelicensing school; amending s. 648.44, F.S.; prohibiting bail bond agents and agencies from soliciting certain persons; providing exceptions; authorizing bail bond agents and agencies to accept certain fees or charges; prohibiting virtual offices; conforming provisions to changes made by the act; amending s. 903.011, F.S.; requiring, rather than authorizing, that any monetary or cash component of any form of pretrial release be met by specified means; amending s. 903.046, F.S.; revising the criteria that a court must consider in making specified determinations; amending s. 903.0471, F.S.; requiring that, upon a court's entry of an order to revoke pretrial release and order pretrial detention, the clerk of the court discharge any bond previously posted as a condition of pretrial release without further order of the court; amending s. 903.05, F.S.; deleting the requirement that a surety own certain real estate as a qualification for the

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

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

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jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted; reducing the number of days within which the clerk must furnish specified information to the Department of Financial Services, the Office of Insurance Regulation of the Financial Services Commission, and the surety company at its home office; conforming provisions to changes made by the act; amending s. 903.28, F.S.; increasing the amount of time within which a court must order remission of a forfeiture if it determines that there was no breach of the bond; requiring a court, upon a certain motion, to order remission in accordance with specified provisions if a defendant surrenders, is deceased, is apprehended, or is deported within a certain time after forfeiture; deleting provisions relating to the ordering of remission under specified circumstances; decreasing the amount of time for which the clerk of the circuit court and the state attorney must be given notice before a certain hearing and be furnished with copies of certain documents; requiring the clerk of the circuit court to issue a remission within a certain timeframe after the entry of a court order directing remission; providing for accrual of interest if remission is not issued within such timeframe; amending s. 903.29, F.S.; increasing the length of time from the date of forfeiture of a bond within which a surety may arrest the principal; amending s. 903.31, F.S.; revising provisions relating to the

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ordering of a bond cancellation; revising applicability; defining the term "revoked"; specifying that the original appearance bond does not guarantee a sentencing deferral, a deferred prosecution agreement, a delayed sentencing, or an appearance after entering a plea agreement; repealing s. 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail; reenacting and amending s. 907.041, F.S.; establishing a minimum bond amount per offense for persons charged with dangerous crimes; requiring that a certain pretrial release service certification be made in writing before the defendant is released from custody; revising the definition of the term "dangerous crime"; authorizing, rather than requiring, the state attorney or the court on its own motion, to move for pretrial detention if a defendant is arrested for certain dangerous crimes and the court makes a certain determination; amending s. 648.45, F.S.; conforming cross-references; making technical changes; reenacting s. 626.2816(2) and (3), F.S., relating to regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups, to incorporate the amendment made to s. 648.386, F.S., in references thereto; reenacting s. 903.047(1)(c), F.S., relating to conditions of pretrial release, to incorporate the amendment made to s. 903.046, F.S., in a reference thereto; reenacting s. 903.286(2), F.S., relating to cash bond forms, to incorporate the amendment made to s. 903.09, F.S., in

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146 a reference thereto; providing an effective date.

147
148 Be It Enacted by the Legislature of the State of Florida:

149
150 Section 1. Subsection (12) is added to section 648.25,
151 Florida Statutes, to read:

152 648.25 Definitions.—As used in this chapter, the term:
153 (12) "Virtual office" means a professional address, mail
154 handling, and sometimes phone answering and meeting room access,
155 without requiring a physical office space.

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

158 648.386 Qualifications for prelicensing and continuing
159 education schools and instructors.—

160 (1) DEFINITION OF "IN-PERSON CLASSROOM INSTRUCTION".—As
161 used in this section, the term "in-person classroom instruction"
162 means a course designed to be presented to a group of students
163 by a live instructor using lecture, with the instructor and
164 students in the same physical classroom at the same time ~~video,~~
165 ~~webcast, or virtual or other audio-video presentation.~~

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

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

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175 2. Offer a department-approved correspondence course
176 pursuant to department rules.

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

183 648.44 Prohibitions; penalty.—

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

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

201 (k)~~(j)~~ Accept anything of value from a principal for
202 providing a bail bond aside from ~~except~~ the premium, a credit
203 card merchant processing fee, a mobile payment services fee or

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

218 (4) A place of business, including a branch office, may not
219 be established, opened, or maintained unless it is under the
220 active full-time charge of a licensed and appointed bail bond
221 agent. A virtual office as defined in s. 648.25 is prohibited.

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

228 (b) A ~~Any~~ person who violates ~~the provisions of~~ paragraph
229 (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(i),
230 paragraph (1)(l), paragraph (1)(n), paragraph (1)(p), paragraph
231 (1)(q), paragraph (1)(h), paragraph (1)(k), paragraph (1)(m),
232 ~~paragraph (1)(o), paragraph (1)(p),~~ subsection (3), subsection

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(4), or subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

903.046 Purpose of and criteria for bail determination.—

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

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

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greater. ~~Notwithstanding anything in this section, the court has discretion in determining conditions of release if the defendant proves circumstances beyond his or her control for the failure to appear. This section may not be construed as imposing additional duties or obligations on a governmental entity related to monetary bonds.~~

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

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

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

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

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

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

903.09 Justification of sureties.—

(1) A surety, other than a bail bond agent as defined in s.

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648.25, shall justify his or her suretyship by attaching to the
bond United States currency, a United States postal money order,
or a cashier's check in the amount of the bond; however, the
United States currency, United States postal money order, or
cashier's check may not be used to secure more than one bond
~~execute an affidavit stating that she or he possesses the~~
~~qualifications and net worth required to become a surety. The~~
~~affidavit shall describe the surety's property and any~~
~~encumbrances and shall state the number and amount of any bonds~~
~~entered into by the surety at any court that remain~~
~~undischarged.~~

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

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

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

903.16 Deposit of money or bonds as bail.—

~~(1)~~ A defendant who has been admitted to bail, or another
person in the defendant's behalf, may deposit with the official
authorized to take bail money an amount equal to the bail amount
set in the court order. Such deposit must be receipted in the
name of the defendant ~~or nonregistered bonds of the United~~

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320 ~~States, the state, or a city, town, or county in the state,~~
321 ~~equal in market value to the amount set in the order and the~~
322 ~~personal bond of the defendant and an undertaking by the~~
323 ~~depositor if the money or bonds are deposited by another. The~~
324 sheriff or other officials shall ~~may~~ remit money or bonds
325 received to the clerk to be held by the clerk pending court
326 action ~~or return to the defendant or depositor.~~ The clerk shall
327 accept money or bonds remitted by the sheriff.

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

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

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

334 903.21 Method of surrender; exoneration of obligors.—

335 (3)(a) The surety shall be exonerated of liability on the
336 bond if it is determined before forfeiture ~~breach~~ of the bond
337 that the defendant is in any jail or prison and the surety
338 agrees in writing to pay the costs and expenses incurred in
339 returning the defendant to the jurisdiction of the court. Upon
340 affirmation by the sheriff or the chief correctional officer of
341 the defendant being in any jail or prison and the surety
342 agreeing in writing to pay the costs and expenses incurred in
343 returning the defendant to the jurisdiction of the court, the
344 clerk must discharge the bond without further hearing or order
345 of the court. A surety is only responsible for the itemized
346 costs and expenses incurred for the transport of a defendant to
347 whom he or she has a fiduciary duty and is not liable for the
348 costs and expenses incurred in transporting any other defendant.

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

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

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

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

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

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

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

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

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required in this paragraph.

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

(b) ~~If Failure of~~ the defendant fails to appear at the time, date, and place of required appearance, ~~shall result in forfeiture of the bond~~ is forfeited. Such forfeiture must ~~shall~~ be automatically entered by the clerk upon such failure to appear, and the clerk shall follow the procedures in paragraph (a). However, the court may determine, in its discretion and, ~~in~~ the interest of justice, that an appearance by the defendant on

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the ~~same day as~~ required day does not warrant forfeiture of the bond~~;~~ and the ~~court~~ may direct the clerk to set aside any such forfeiture ~~which may have been entered~~. Any appearance by the defendant later than the required day constitutes forfeiture of the bond, and the court may ~~shall~~ not preclude entry of such forfeiture by the clerk.

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

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

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

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

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

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

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

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

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

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

(c) Surrender or arrest of the defendant at the time of the required appearance or within 60 days after the forfeiture notice was mailed or electronically transmitted ~~date of the required appearance~~ in any county, state, or federal jail or

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prison ~~and upon a hold being placed to return the defendant to~~
the jurisdiction of the court. The court shall condition a
discharge or remission on the payment of costs and ~~the~~ expenses
as provided in s. 903.21(3), incurred by an official in
returning the defendant to the jurisdiction of the court. ~~or~~

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

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

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

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

(8) If the defendant is arrested and returned to the county
of jurisdiction of the court or has posted a new bond for the
case at issue before judgment, the clerk must, upon affirmation
by the sheriff or the chief correctional officer and, ~~shall~~,
without further hearing or order of the court, discharge the

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forfeiture of the bond. However, if the surety agent fails to pay the costs and expenses incurred in returning the defendant to the county of jurisdiction, the clerk may ~~shall~~ not discharge the forfeiture of the bond. If the surety agent and the sheriff fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court, after notice to the sheriff and the state attorney, must ~~shall~~ determine the amount of the costs.

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

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

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

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted ~~and the bond is secured other than by money and bonds authorized~~

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523 ~~in s. 903.16~~, the clerk of the circuit court for the county
524 where the order was made must ~~shall~~ enter a judgment against the
525 surety for the amount of the penalty and issue execution.
526 However, in any case in which the bond forfeiture has been
527 discharged by the court of competent jurisdiction conditioned
528 upon the payment by the surety of certain costs or fees as
529 allowed by statute, the amount for which judgment may be entered
530 may not exceed the amount of the unpaid fees or costs upon which
531 the discharge had been conditioned. Judgment for the full amount
532 of the forfeiture may ~~shall~~ not be entered if payment of a
533 lesser amount will satisfy the conditions to discharge the
534 forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the
535 Department of Financial Services and the Office of Insurance
536 Regulation of the Financial Services Commission with a certified
537 copy of the judgment docket and shall furnish the surety company
538 at its home office a copy of the judgment, which shall include
539 the power of attorney number of the bond and the name of the
540 executing agent. If the judgment is not paid within 35 days, the
541 clerk must ~~shall~~ furnish the Department of Financial Services,
542 the Office of Insurance Regulation, and the sheriff of the
543 county in which the bond was executed, or the official
544 responsible for operation of the county jail, if that official
545 is not ~~other than~~ the sheriff, two copies of the judgment and a
546 certificate stating that the judgment remains unsatisfied. When
547 ~~and if~~ the judgment is properly paid or an order to vacate the
548 judgment has been entered by a court of competent jurisdiction,
549 the clerk shall immediately notify the sheriff, or other such
550 ~~the~~ official responsible for the operation of the county jail,
551 ~~if other than the sheriff~~, and, if they have been previously

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552 notified of nonpayment, the Department of Financial Services and
553 the Office of Insurance Regulation, ~~if the department and office~~
554 ~~had been previously notified of nonpayment,~~ of such payment or
555 order to vacate the judgment. The clerk may furnish documents or
556 give notice as required in this subsection by mail or electronic
557 means. The clerk shall also immediately prepare and record in
558 the public records a satisfaction of the judgment or record the
559 order to vacate judgment. If the defendant is returned to the
560 county of jurisdiction of the court, whenever a motion to set
561 aside the judgment is filed, the operation of this section is
562 tolled until the court makes a disposition of the motion.

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

576 (3) Surety bail bonds may not be executed by a bail bond
577 agent or a bail bond agency against whom a judgment has been
578 entered which has remained unpaid for 35 days and may not be
579 executed for a company against whom a judgment has been entered
580 which has remained unpaid for 50 days. A ~~No~~ sheriff or other

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581 official who is empowered to accept or approve surety bail bonds
582 may not ~~shall~~ accept or approve such a bond executed by such a
583 bail bond agent or bail bond agency or executed for such a
584 company until such judgment has been paid.

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

596 (5) After notice of judgment against the surety given by
597 the clerk of the circuit court, the surety, bail bond agency, or
598 bail bond agent may within 35 days file a motion to set aside
599 ~~the judgment or to stay the judgment. It shall be a condition of~~
600 Any such motion or ~~and of any~~ order to stay the judgment must be
601 conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of
602 the judgment to the clerk, which amount must ~~shall~~ be held in
603 escrow until such time as the court has disposed of the motion
604 to set aside the judgment. The filing of such a motion, when
605 accompanied by the required escrow deposit, acts ~~shall act~~ as an
606 automatic stay of further proceedings, including execution,
607 until the motion has been heard and a decision rendered by the
608 court.

609 (6) The failure of a state attorney to file, or of the

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610 clerk of the circuit court to make, a certified copy of the
611 order of forfeiture as required by law applicable before ~~prior~~
612 ~~to~~ July 1, 1982, does ~~shall~~ not invalidate any judgment entered
613 by the clerk before ~~prior to~~ June 12, 1981.

614 Section 16. Section 903.28, Florida Statutes, is amended to
615 read:

616 903.28 Remission of forfeiture; conditions.-

617 (1) On application within 36 months after ~~2 years from~~
618 forfeiture, the court must ~~shall~~ order remission of the
619 forfeiture if it determines that there was no breach of the
620 bond.

621 (2) If the defendant surrenders, is deceased, ~~or~~ is
622 apprehended, or is deported within 36 months ~~90 days~~ after
623 forfeiture, the court, on motion at a hearing upon notice having
624 been given to the clerk of the circuit court and the state
625 attorney as required under subsection (4), must ~~in subsection~~
626 ~~(8), shall~~ direct remission in accordance with the following:

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

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

630 2. The state is unwilling to seek extradition of the
631 defendant from any jail or prison after a request by the surety
632 agent, bail bond agency, or the surety company, and contingent
633 upon the surety agent, bail bond agency, or surety company
634 consenting to pay all costs incurred by an official in returning
635 the defendant to the jurisdiction of the court, as provided in
636 s. 903.21(3)(a), up to the penal amount of the bond;

637 3. The defendant is deceased or was confined in any county,
638 state, federal, or immigration detention facility and

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subsequently was released from custody or deported without the
state placing a detainer on the defendant; or

4. The defendant is deceased within 36 months after
forfeiture.

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

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

(d) Eighty-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 360 days after
forfeiture.

(e) Eighty percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 450 days after
forfeiture.

(f) Seventy-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 540 days after
forfeiture.

(g) Seventy percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 630 days after
forfeiture.

(h) Sixty-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 720 days after
forfeiture.

(i) Sixty percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 810 days after
forfeiture.

(j) Fifty-five percent of the forfeiture if the defendant

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surrenders, is apprehended, or is deported within 900 days after
forfeiture.

(k) Fifty percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 990 days after
forfeiture.

(l) Forty-five percent of the forfeiture if the defendant
surrenders, is apprehended, or is deported within 36 months
after forfeiture of up to, but not more than, 100 percent of a
~~forfeiture if the surety apprehended and surrendered the~~
~~defendant or if the apprehension or surrender of the defendant~~
~~was substantially procured or caused by the surety, or the~~
~~surety has substantially attempted to procure or cause the~~
~~apprehension or surrender of the defendant, and the delay has~~
~~not thwarted the proper prosecution of the defendant. In~~
~~addition, remission shall be granted when the surety did not~~
~~substantially participate or attempt to participate in the~~
~~apprehension or surrender of the defendant when the costs of~~
~~returning the defendant to the jurisdiction of the court have~~
~~been deducted from the remission and when the delay has not~~
~~thwarted the proper prosecution of the defendant.~~

~~(3) If the defendant surrenders or is apprehended within~~
~~180 days after forfeiture, the court, on motion at a hearing~~
~~upon notice having been given to the clerk of the circuit court~~
~~and the state attorney as required in subsection (8), shall~~
~~direct remission of up to, but not more than, 95 percent of a~~
~~forfeiture if the surety apprehended and surrendered the~~
~~defendant or if the apprehension or surrender of the defendant~~
~~was substantially procured or caused by the surety, or the~~
~~surety has substantially attempted to procure or cause the~~

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

705 ~~(4) If the defendant surrenders or is apprehended within~~
706 ~~270 days after forfeiture, the court, on motion at a hearing~~
707 ~~upon notice having been given to the clerk of the circuit court~~
708 ~~and the state attorney as required in subsection (8), shall~~
709 ~~direct remission of up to, but not more than, 90 percent of a~~
710 ~~forfeiture if the surety apprehended and surrendered the~~
711 ~~defendant or if the apprehension or surrender of the defendant~~
712 ~~was substantially procured or caused by the surety, or the~~
713 ~~surety has substantially attempted to procure or cause the~~
714 ~~apprehension or surrender of the defendant, and the delay has~~
715 ~~not thwarted the proper prosecution of the defendant. In~~
716 ~~addition, remission shall be granted when the surety did not~~
717 ~~substantially participate or attempt to participate in the~~
718 ~~apprehension or surrender of the defendant when the costs of~~
719 ~~returning the defendant to the jurisdiction of the court have~~
720 ~~been deducted from the remission and when the delay has not~~
721 ~~thwarted the proper prosecution of the defendant.~~

722 ~~(5) If the defendant surrenders or is apprehended within 1~~
723 ~~year after forfeiture, the court, on motion at a hearing upon~~
724 ~~notice having been given to the clerk of the circuit court and~~
725 ~~the state attorney as required in subsection (8), shall direct~~

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726 ~~remission of up to, but not more than, 85 percent of a~~
727 ~~forfeiture if the surety apprehended and surrendered the~~
728 ~~defendant or if the apprehension or surrender of the defendant~~
729 ~~was substantially procured or caused by the surety, or the~~
730 ~~surety has substantially attempted to procure or cause the~~
731 ~~apprehension or surrender of the defendant, and the delay has~~
732 ~~not thwarted the proper prosecution of the defendant. In~~
733 ~~addition, remission shall be granted when the surety did not~~
734 ~~substantially participate or attempt to participate in the~~
735 ~~apprehension or surrender of the defendant when the costs of~~
736 ~~returning the defendant to the jurisdiction of the court have~~
737 ~~been deducted from the remission and when the delay has not~~
738 ~~thwarted the proper prosecution of the defendant.~~

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

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~~thwarted the proper prosecution of the defendant.~~

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

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

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

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

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

Section 17. Section 903.29, Florida Statutes, is amended to

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784 read:

785 903.29 Arrest of principal by surety after forfeiture.—
786 Within 3 ~~2~~ years from the date of forfeiture of a bond, the
787 surety may arrest the principal for the purpose of surrendering
788 the principal to the official in whose custody she or he was at
789 the time bail was taken or in whose custody the principal would
790 have been placed had she or he been committed.

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

793 903.31 Canceling the bond.—

794 (1) Within 10 business days after the conditions of a bond
795 have been satisfied or the forfeiture discharged or remitted,
796 the court must ~~shall~~ order the bond canceled and, if the surety
797 has attached a certificate of cancellation to the original bond,
798 the clerk of the court must ~~shall~~ mail or electronically furnish
799 an executed certificate of cancellation to the surety without
800 cost. The clerk of the court shall discharge the bond upon an
801 adjudication of guilt or innocence or an acquittal, or if a
802 period of 36 months has passed since the original bond was
803 posted. ~~or A withholding of an adjudication of guilt, a finding~~
804 of guilt by a jury, or a no action by the state satisfies ~~shall~~
805 ~~satisfy~~ the conditions of the bond. If the bond has been revoked
806 by the court, the clerk of the court must discharge or cancel
807 the bond. The original appearance bond expires ~~shall expire~~ 36
808 months after such bond has been posted for the release of the
809 defendant from custody, at which time the clerk of the court
810 must discharge the bond. This subsection does not apply to cases
811 in which a bond has been declared forfeited before the 36-month
812 expiration, unless the forfeiture was set aside or discharged.

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As used in this subsection, the term "revoked" means that an act, a statement, a document, or a promise has been annulled or canceled.

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

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

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

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

(a) It is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime as defined in subsection (5) or such person is an unauthorized alien charged with a forcible felony as described in subsection (6). A person charged with a

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dangerous crime as defined in subsection (5) ~~must~~ shall be released on monetary conditions, with a minimum bond amount of \$10,000 per offense, if it is determined that such monetary conditions are necessary to assure the presence of the person at trial or at other proceedings, to protect the community from risk of physical harm to persons, to assure the presence of the accused at trial, or to assure the integrity of the judicial process.

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

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

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

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

(5) PRETRIAL DETENTION.—

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

1. Arson.†
2. Aggravated assault.†
3. Aggravated battery.†
4. Illegal use of explosives.†

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- 871 5. Child abuse or aggravated child abuse.†
- 872 6. Abuse of an elderly person or disabled adult, or
- 873 aggravated abuse of an elderly person or disabled adult.†
- 874 7. Aircraft piracy.†
- 875 8. Kidnapping.†
- 876 9. Homicide.†
- 877 10. Manslaughter, including DUI manslaughter and BUI
- 878 manslaughter.†
- 879 11. Sexual battery.†
- 880 12. Robbery.†
- 881 13. Carjacking.†
- 882 14. Lewd, lascivious, or indecent assault or act upon or in
- 883 presence of a child under the age of 16 years.†
- 884 15. Sexual activity with a child, who is 12 years of age or
- 885 older but less than 18 years of age, by or at solicitation of
- 886 person in familial or custodial authority.†
- 887 16. Burglary of a dwelling.†
- 888 17. Stalking and aggravated stalking.†
- 889 18. Act of domestic violence as defined in s. 741.28.†
- 890 19. Home invasion robbery.†
- 891 20. Act of terrorism as defined in s. 775.30.†
- 892 21. Manufacturing any substances in violation of chapter
- 893 893.†
- 894 22. Attempting or conspiring to commit any such crime.†
- 895 23. Human trafficking.†
- 896 24. Trafficking in any controlled substance described in s.
- 897 893.135(1)(c)4.†
- 898 25. Extortion in violation of s. 836.05.† ~~and~~
- 899 26. Written threats to kill in violation of s. 836.10.

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900 27. Driving under the influence in violation of s.
901 316.193(2)(b)1. or (2)(b)3.

902 28. Felony battery.

903 29. Battery by strangulation.

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

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

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

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

923 4. The defendant is charged with DUI manslaughter, as
924 defined by s. 316.193, and that there is a substantial
925 probability that the defendant committed the crime and that the
926 defendant poses a threat of harm to the community; conditions
927 that would support a finding by the court pursuant to this
928 subparagraph that the defendant poses a threat of harm to the

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community include, but are not limited to, any of the following:

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

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

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

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

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

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

8.a. The defendant has ever been sentenced pursuant to s.

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

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

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

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

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

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within 5 days after the defendant's arraignment.

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

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

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

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

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

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

Section 22. For the purpose of incorporating the amendment made by this act to section 648.386, Florida Statutes, in

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references thereto, subsections (2) and (3) of section 626.2816, Florida Statutes, are reenacted to read:

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

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

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

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

903.047 Conditions of pretrial release.—

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

(c) Comply with all conditions of pretrial release imposed

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

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

2. Maintain or commence an educational program.

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

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

5. Comply with a specified curfew.

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

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

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

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

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

Section 24. For the purpose of incorporating the amendment

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made by this act to section 903.09, Florida Statutes, in a reference thereto, subsection (2) of section 903.286, Florida Statutes, is reenacted to read:

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

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

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