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18    prohibiting a surety bond that has been revoked from  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

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30 903.09, F.S.; requiring sureties, other than bail bond  
31 agents, to justify their suretyship by attaching to  
32 the bond United States currency, a United States  
33 postal money order, or a cashier's check in the amount  
34 of the bond; providing that such currency, money  
35 order, or cashier's check may not be used to secure  
36 more than one bond; deleting a requirement that a  
37 surety execute an affidavit providing certain  
38 information; amending s. 903.101, F.S.; revising the  
39 requirements that sureties must meet to have equal  
40 access to jails for making bonds; amending s. 903.16,  
41 F.S.; authorizing a defendant who has been admitted to  
42 bail, or another person on the defendant's behalf, to  
43 deposit with the official authorized to take bail  
44 money an amount equal to the bail amount set in the  
45 court order; requiring, rather than authorizing, the  
46 sheriff or other officials to remit to the clerk money  
47 or bonds received which are to be held by the clerk  
48 pending court action; repealing s. 903.17, F.S.,  
49 relating to substitution of cash bail for other bail;  
50 amending s. 903.21, F.S.; specifying that a surety is  
51 exonerated of liability on a bond if a specified  
52 determination is made before forfeiture of the bond;  
53 revising the definition of the term "costs and  
54 expenses"; amending s. 903.26, F.S.; requiring that a  
55 signed certification containing certain information  
56 accompany or be included on a specified notice;  
57 deleting a requirement that municipal officials having  
58 custody of forfeited money deposit such money in a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

169 648.44 Prohibitions; penalty.—

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

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

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

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

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

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

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

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

202 903.046 Purpose of and criteria for bail determination.—

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

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

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

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

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

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

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

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

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

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

249 903.09 Justification of sureties.—

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

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

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

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

274 903.16 Deposit of money or bonds as bail.—

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

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

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

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

293 903.21 Method of surrender; exoneration of obligors.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

458 903.27 Forfeiture to judgment.—

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

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

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

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

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

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

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

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

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

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

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

556 903.28 Remission of forfeiture; conditions.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

771       903.31 Canceling the bond.—

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

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

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

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

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

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813 907.041 Pretrial detention and release.-

814 (3) RELEASE ON NONMONETARY CONDITIONS.-

815 (b) A ~~No~~ person may not ~~shall~~ be released on nonmonetary  
816 conditions under the supervision of a pretrial release service~~7~~  
817 unless the service certifies in writing to the court, before the  
818 defendant is released from custody, that it has investigated or  
819 otherwise verified:

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

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

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

829 (5) PRETRIAL DETENTION.-

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

832 1. Arson.†

833 2. Aggravated assault.†

834 3. Aggravated battery.†

835 4. Illegal use of explosives.†

836 5. Child abuse or aggravated child abuse.†

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

839 7. Aircraft piracy.†

840 8. Kidnapping.†

841 9. Homicide.†

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

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

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

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

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

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

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

899 b. The defendant was driving with a suspended driver

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900 license when the charged crime was committed; or

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

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

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

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

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

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929 offender, or violent career criminal;

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

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

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

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

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

957 3. The defendant may request a continuance of a pretrial

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958 detention hearing. No continuance shall be for longer than 5  
959 days unless there are extenuating circumstances. The state  
960 attorney shall be entitled to one continuance for good cause.

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

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

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

976 (2) The department shall adopt rules establishing standards  
977 for the approval, regulation, and operation of the continuing  
978 education programs and for the discipline of licensees, course  
979 providers, instructors, school officials, and monitor groups.  
980 The standards must be designed to ensure that such course  
981 providers, instructors, school officials, and monitor groups  
982 have the knowledge, competence, and integrity to fulfill the  
983 educational objectives of ss. 626.2815, 626.869, 648.385, and  
984 648.386.

985 (3) The department shall adopt rules establishing a process  
986 by which compliance with the continuing education requirements

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987 of ss. 626.2815, 626.869, 648.385, and 648.386 can be  
988 determined, the establishment of a continuing education  
989 compliance period for licensees, and forms necessary to  
990 implement such a process.

991 Section 22. For the purpose of incorporating the amendment  
992 made by this act to section 903.046, Florida Statutes, in a  
993 reference thereto, paragraph (c) of subsection (1) of section  
994 903.047, Florida Statutes, is reenacted to read:

995 903.047 Conditions of pretrial release.—

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

999 (c) Comply with all conditions of pretrial release imposed  
1000 by the court. A court must consider s. 903.046(2) when  
1001 determining whether to impose nonmonetary conditions in addition  
1002 to or in lieu of monetary bond. Such nonmonetary conditions may  
1003 include, but are not limited to, requiring a defendant to:

1004 1. Maintain employment, or, if unemployed, actively seek  
1005 employment.

1006 2. Maintain or commence an educational program.

1007 3. Abide by specified restrictions on personal  
1008 associations, place of residence, or travel.

1009 4. Report on a regular basis to a designated law  
1010 enforcement agency, pretrial services agency, or other agency.

1011 5. Comply with a specified curfew.

1012 6. Refrain from possessing a firearm, destructive device,  
1013 or other dangerous weapon.

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

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1016 prescription from a licensed medical practitioner.

1017 8. Undergo available medical, psychological, psychiatric,  
1018 mental health, or substance abuse evaluation and follow all  
1019 recommendations, including treatment for drug or alcohol  
1020 dependency, and remain in a specified institution, if required  
1021 for that purpose.

1022 9. Return to custody for specified hours following release  
1023 for employment, school, or other limited purposes.

1024 10. Any other condition that is reasonably necessary to  
1025 assure the appearance of the defendant at subsequent proceedings  
1026 and to protect the community against unreasonable danger of  
1027 harm.

1028 Section 23. For the purpose of incorporating the amendment  
1029 made by this act to section 903.09, Florida Statutes, in a  
1030 reference thereto, subsection (2) of section 903.286, Florida  
1031 Statutes, is reenacted to read:

1032 903.286 Return of cash bond; requirement to withhold unpaid  
1033 fines, fees, court costs; cash bond forms.—

1034 (2) All cash bond forms used in conjunction with the  
1035 requirements of s. 903.09 must prominently display a notice  
1036 explaining that all funds are subject to forfeiture and  
1037 withholding by the clerk of the court for the payment of costs  
1038 of prosecution, costs of representation as provided by ss. 27.52  
1039 and 938.29, court fees, court costs, and criminal penalties on  
1040 behalf of the criminal defendant regardless of who posted the  
1041 funds.

1042 Section 24. This act shall take effect July 1, 2026.