

By Senator Latvala

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1 A bill to be entitled
2 An act relating to bail bond agencies and agents;
3 amending s. 648.25, F.S.; revising and providing
4 definitions; amending s. 648.27, F.S.; requiring law
5 enforcement agencies to provide information to the
6 Department of Financial Services relating to criminal
7 charges filed against licensees under certain
8 circumstances; providing for the expiration of a
9 temporary bail bond agent's license; limiting
10 eligibility for reissuance of a temporary bail bond
11 agent's license after expiration, suspension,
12 revocation, or termination of the license; revising
13 requirements relating to licensure and appointment of
14 a managing general agent; increasing the delinquent
15 fee applicable to an appointing entity's failure to
16 timely notify the department of an appointment;
17 authorizing the department to adopt rules; amending s.
18 648.285, F.S.; requiring prior licensure and
19 appointment as a bail bond agent for a specified
20 period before a person or entity may engage in certain
21 activities relating to a bail bond agency; requiring
22 the appointment of a primary bail bond agent in charge
23 under certain circumstances; amending s. 648.29, F.S.;
24 providing requirements relating to the posting of
25 build-up funds by a bail bond agent or agency;
26 providing a fine for failure to furnish a statement
27 relating to build-up accounts; authorizing the
28 department and the Office of Insurance Regulation to
29 adopt rules; amending s. 648.295, F.S.; providing

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30 requirements relating to reporting, accounting for,
31 and paying certain funds to specified persons;
32 providing conditions and requirements relating to the
33 payment of bail bond premiums; providing criminal and
34 administrative penalties for failing to comply with
35 requirements relating to the collection of premiums;
36 amending s. 648.30, F.S.; providing licensure
37 requirements relating to the apprehension, detention,
38 or arrest of principals on bond; prohibiting a bail
39 bond agent from aiding or abetting an unlicensed
40 person to engage in certain actions relating to
41 apprehending, detaining, or arresting a defendant;
42 providing criminal penalties; amending s. 648.33,
43 F.S.; authorizing the department and the office to
44 adopt rules relating to bail bond rates; amending
45 648.34, F.S.; requiring licensed bail bond agents to
46 submit fingerprints to the department upon request;
47 amending s. 648.355, F.S.; revising requirements
48 relating to applicants and applications for certain
49 temporary licenses; specifying requirements relating
50 to the supervision and appointment of certain
51 temporary licensees; requiring that temporary bail
52 bond agents and supervising bail bond agents certify
53 monthly information relating to the names and hours
54 worked by temporary bail bond agents; providing
55 administrative fines for the untimely filing of such
56 certifications or the filing of false certifications;
57 requiring the payment of wages to temporary bail bond
58 agents and the reporting of such wages under ch. 443,

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59 F.S., relating to unemployment compensation;
60 prohibiting a temporary bail bond agent whose license
61 has expired from engaging in certain activities
62 without having passed a written examination for
63 specified types of licenses; providing a condition
64 under which a temporary license may not be issued;
65 providing criminal penalties; authorizing a temporary
66 licensee to accept outstanding premium payments under
67 certain circumstances; authorizing the department to
68 adopt rules; creating s. 648.375, F.S.; authorizing
69 the department to require limited surety agents to
70 file certain affidavits that include specified
71 information relating to outstanding bail bond
72 judgments; specifying that a limited surety agent's
73 failure to timely file the required affidavit is
74 grounds for an insurer to terminate the agent's
75 appointment; amending s. 648.382, F.S.; providing
76 requirements relating to the payment of outstanding
77 premiums or losses or the fulfillment of contractual
78 obligations; increasing the administrative fine
79 applicable to an appointing entity's failure to timely
80 notify the department of an appointment; revising the
81 time within which such notice must be submitted;
82 amending s. 648.385, F.S.; revising requirements for
83 continuing education; authorizing online courses;
84 amending s. 648.386, F.S.; revising criteria for
85 approval and certification of an entity as an approved
86 limited surety agent and professional bail bond agent
87 continuing education school; authorizing the

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88 department to deny continuing education credit to
89 licensees if certain materials used to present the
90 course have not been approved; revising duties of
91 supervising instructors; amending s. 648.387, F.S.;
92 requiring bail bond agencies to designate a primary
93 bail bond agent in charge at each location; providing
94 duties and requirements of a designated agent in
95 charge; authorizing a bail bond agency or the primary
96 bail bond agent in charge to require employees and
97 applicants for employment to submit to annual
98 background and criminal history checks; requiring the
99 department to adopt rules; amending s. 648.388, F.S.;
100 revising provisions relating to the appointment,
101 duties, and responsibilities of a managing general
102 agent; authorizing certain records to be maintained
103 electronically; providing procedures and requirements
104 for the submission of affidavits, notices, and
105 documents by proposed appointees and insurers relating
106 to the satisfaction of outstanding premiums, losses,
107 or other contractual obligations; requiring proposed
108 appointees and appointing insurers to provide any
109 information reasonably requested by the department;
110 requiring certain certifications to the department by
111 an insurer; providing construction; requiring an
112 appointing insurer to advise the department under
113 certain circumstances about certain criminal legal
114 actions involving a managing general agent appointee;
115 amending s. 648.39, F.S.; specifying that a bail bond
116 agent or managing general agent whose appointment has

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117 been terminated by an insurer remains accountable for
118 liabilities relating to bonds written by such agent;
119 creating s. 648.415, F.S.; requiring the department to
120 adopt rules relating to provisions of ch. 648, F.S.,
121 regulating certain appointments and termination of
122 appointments; amending s. 648.42, F.S.; providing
123 requirements for the registration of bail bond agents
124 and agencies with the office of the sheriff and the
125 clerk of the circuit court; amending s. 648.421, F.S.;
126 providing requirements for notice of change of
127 address, telephone number, or e-mail address;
128 authorizing electronic submission of specified changes
129 through the department's website; authorizing the
130 department to adopt rules; amending s. 648.43, F.S.;
131 requiring insurers to obtain approval of forms of
132 power of attorney from the office; requiring certain
133 information to be legibly printed on the original and
134 copies of a transfer bond; authorizing the department
135 and the office to adopt rules; amending s. 648.44,
136 F.S.; revising provisions prohibiting bail bond agents
137 and temporary bail bond agents from engaging in
138 certain conduct relating to legal representation,
139 solicitation of business, advertising, collection of
140 debt, dealing generally with bail bond matters, paying
141 fees or rebates to inmates, acting as professional
142 bail bond agents without being licensed, and charging
143 travel fees for certain bail bond undertakings and
144 postings; requiring the return of premiums on bonds
145 that are not executed; requiring advertising to

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146 include the license number of the bail bond agent;
147 providing penalties; authorizing the department to
148 adopt rules; amending s. 648.442, F.S.; revising
149 requirements for the return of collateral security
150 under certain circumstances; amending s. 648.45, F.S.;
151 providing additional circumstances under which the
152 department may deny, suspend, revoke, or refuse to
153 renew any license or appointment; providing penalties;
154 authorizing the department to adopt rules; amending s.
155 648.52, F.S.; increasing the authorized monetary
156 amount of a certain administrative penalty; amending
157 s. 648.525, F.S.; increasing the monetary amount of a
158 civil assessment applicable to improper solicitation;
159 amending s. 648.55, F.S.; specifying responsibilities
160 of an agent in charge relating to the identity and
161 appointment of bail bond agents; amending s. 648.571,
162 F.S.; prohibiting a bail bond agent from imposing
163 certain restrictions on the return of collateral;
164 increasing the administrative fine applicable to
165 violations involving the return of collateral;
166 amending s. 903.09, F.S.; conforming a cross-
167 reference; providing an effective date.

168

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

170

171 Section 1. Section 648.25, Florida Statutes, is amended to
172 read:

173 648.25 Definitions.—As used in this chapter, the term:

174 (1) "Agent in charge" means a licensed and appointed bail

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175 bond agent who is responsible for the overall operation and
176 management of a bail bond agency location and whose
177 responsibilities include hiring and supervising all individuals
178 within that location. A bail bond agent may be designated as
179 agent in charge for only one bail bond agency at a single agency
180 location.

181 (2)~~(1)~~ "Bail bond agency" means:

182 (a) The building where a licensee maintains an office and
183 where all records required by ss. 648.34 and 648.36 are
184 maintained; or

185 (b) An entity that:

186 1. Charges a fee or premium to release an accused defendant
187 or detainee from jail; or

188 2. Engages in or employs others to engage in any activity
189 that may be performed only by a licensed and appointed bail bond
190 agent.

191 (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a
192 professional bail bond agent as hereafter defined.

193 (4) "Electronic media" means any audio, video, Internet, or
194 government-funded media.

195 (5)~~(3)~~ "Managing general agent" means any individual,
196 partnership, association, or corporation appointed or employed
197 by an insurer to supervise or manage the bail bond business
198 written in this state by limited surety agents appointed by the
199 insurer.

200 (6)~~(4)~~ "Insurer" means any domestic, foreign, or alien
201 surety company which has been authorized to transact surety
202 business in this state.

203 (7)~~(5)~~ "Limited surety agent" means any individual

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204 appointed by an insurer and the department by power of attorney
205 to execute or countersign bail bonds in connection with judicial
206 proceedings who receives or is promised money or other things of
207 value therefor.

208 ~~(6) "Primary bail bond agent" means a licensed bail bond~~
209 ~~agent who is responsible for the overall operation and~~
210 ~~management of a bail bond agency location and whose~~
211 ~~responsibilities include hiring and supervising all individuals~~
212 ~~within that location. A bail bond agent may be designated as~~
213 ~~primary bail bond agent for only one bail bond agency location.~~

214 (8) ~~(7)~~ "Professional bail bond agent" means any person who
215 pledges United States currency, United States postal money
216 orders, or cashier's checks as security for a bail bond in
217 connection with a judicial proceeding and receives or is
218 promised therefor money or other things of value.

219 (9) "State association" means a statewide association of
220 bail bond agents which is duly incorporated as a not-for-profit
221 corporation in this state and has:

222 (a) Been incorporated as a not-for-profit corporation in
223 this state for at least 10 years, as evidenced by a certificate
224 of status issued by the Department of State under s. 617.0128;

225 (b) Held at least two meetings in this state each year
226 during each of the previous 10 years;

227 (c) Kept minutes of the association's meetings; and

228 (d) Opened and maintained bank accounts in the
229 association's name.

230 (10) "Supervising bail bond agent" means a licensed and
231 appointed bail bond agent who appoints and supervises the work
232 of a temporary bail bond agent and is responsible for the

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233 temporary bail bond agent's conduct in the bail bond business.

234 (11) "Surety" means any domestic, foreign, or alien surety
235 company that has been authorized to transact limited surety
236 business in this state and issued a certificate of authority
237 under s. 624.413.

238 (12)~~(8)~~ "Temporary bail bond agent" means a person employed
239 by a bail bond agent or agency, insurer, or managing general
240 agent, and such licensee has the same authority as a licensed
241 bail bond agent, including presenting defendants in court;
242 apprehending, arresting, and surrendering defendants to the
243 proper authorities, while accompanied by a supervising bail bond
244 agent or an agent from the same agency; and keeping defendants
245 under necessary surveillance. However, a temporary licensee may
246 not execute or sign bonds, handle collateral receipts, or
247 deliver bonds to appropriate authorities. A temporary licensee
248 may not operate an agency or branch agency separate from the
249 location of the supervising bail bond agent, managing general
250 agent, or insurer by whom the licensee is employed. This does
251 not affect the right of a bail bond agent or insurer to hire
252 counsel or to obtain the assistance of law enforcement officers.

253 Section 2. Subsection (3), paragraph (b) of subsection (5),
254 and subsections (8) and (9) of section 648.27, Florida Statutes,
255 are amended, and subsection (10) is added to that section, to
256 read:

257 648.27 Licenses and appointments; general.—

258 (3) The department may propound any reasonable
259 interrogatories to an applicant for a license or appointment
260 under this chapter or on any renewal thereof, relating to his or
261 her qualifications, residence, prospective place of business,

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262 and any other matters that ~~which~~ are deemed necessary or
263 expedient in order to protect the public and ascertain the
264 qualifications of the applicant. The department may also conduct
265 any reasonable inquiry or investigation it sees fit, relative to
266 the determination of the applicant's fitness to be licensed or
267 appointed or to continue to be licensed or appointed. Upon the
268 request of the department, a law enforcement agency shall inform
269 the department of any specific criminal charge filed against any
270 applicant or licensee and the final disposition of such charge.

271 (5)

272 (b) The license of a temporary bail bond agent expires 18
273 months after being issued or when shall continue in force until
274 suspended, revoked, or otherwise terminated, whichever occurs
275 earlier. An individual whose temporary bail bond agent license
276 expires or is suspended, revoked, or otherwise terminated may
277 not be issued another temporary bail bond agent license within 2
278 years after the date of expiration, suspension, revocation, or
279 termination of the temporary license.

280 (8) An application for a managing general agent's license
281 must be made by an insurer who proposes to employ or appoint an
282 individual, partnership, association, or corporation as a
283 managing general agent. Such application shall contain the
284 information required by s. 626.744, and the applicant shall pay
285 the same fee as a managing general agent licensed pursuant to
286 that section. An individual who is a managing general agent must
287 also be licensed and appointed as a bail bond agent at all times
288 during licensure as a managing general agent. In the case of an
289 entity, every at least one owner, officer, or director at each
290 office location must be licensed and appointed as a bail bond

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291 agent.

292 (9) If, upon application for an appointment and such
293 investigation as the department may make, it appears to the
294 department that an individual licensee has been actively engaged
295 or is currently actively engaged in bail bond activities without
296 being appointed as required, the department may, if it finds
297 that such failure to be appointed is an error on the part of the
298 insurer or employer so represented, issue or authorize the
299 issuance of the appointment as applied for, but subject to the
300 condition that, before the appointment is issued, all fees and
301 taxes which would have been due had the applicant been so
302 appointed during such current and prior periods, together with a
303 continuation fee for such current and prior terms of
304 appointment, shall be paid to the department. Failure to notify
305 the department within the required time period shall result in
306 the appointing entity being assessed a delinquent fee of not
307 less than \$1,000 ~~\$250~~. Delinquent fees shall be paid by the
308 appointing entity and may ~~shall~~ not be charged to the appointee.

309 (10) The department may adopt rules pursuant to ss.
310 120.536(1) and 120.54 to administer and enforce this section.

311 Section 3. Subsections (1) and (2) of section 648.285,
312 Florida Statutes, are amended to read:

313 648.285 Bond agency; ownership requirements.—

314 (1) A person or entity may not own, control, ~~or~~ otherwise
315 have a pecuniary interest in, or manage a bail bond agency
316 unless the person or entity has been ~~such individual is~~ a
317 licensed and appointed bail bond agent for at least 3 years. Any
318 bail bond agency that is not in compliance with this subsection
319 is ~~shall be~~ subject to the issuance of an immediate final order

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320 of suspension of all operations until the agency achieves
321 compliance.

322 (2) If the owner of a bail bond agency dies or becomes
323 mentally incapacitated, a personal representative or legal
324 guardian may be issued a temporary permit to manage the affairs
325 of the bail bond agency. Such person must appoint or maintain
326 the appointment of a primary bail bond agent in charge, as
327 provided in s. 648.387, and may not engage in any activities as
328 a licensed bail bond agent but must comply with s. 648.387
329 during the administration of the estate or guardianship. A
330 temporary permit is valid for a maximum of 24 months.

331 Section 4. Subsections (1), (3), and (4) of section 648.29,
332 Florida Statutes, are amended, and subsection (6) is added to
333 that section, to read:

334 648.29 Build-up funds posted by bail bond agent.—

335 (1) All build-up funds pledged to indemnify an insurer
336 which are posted by a bail bond agent or agency with the insurer
337 must be held in an individual build-up trust account for the
338 agent or agency in an FDIC-approved or FSLIC-approved bank or
339 savings and loan association in this state, jointly in the name
340 of the agent or agency and the insurer or in trust for the agent
341 or agency by the insurer. Such account must remain open to
342 inspection and examination by the department and the office at
343 all times. An accounting of all such funds shall be maintained
344 which designates the amounts collected on each bond written.

345 (3) Build-up funds are maintained as a trust fund created
346 on behalf of a bail bond agent or agency, held by the insurer in
347 a fiduciary capacity to be used to indemnify the insurer for
348 losses and any other agreed-upon costs related to a bail bond

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349 executed by the agent. The build-up funds are the sole property
350 of the agent or agency. Upon termination of the bail bond agency
351 or agent's contract and discharge of open bond liabilities on
352 the bonds written, with no pending litigation involving the
353 bonds, build-up funds are due and payable to the bail bond agent
354 or agency not later than 6 months after final discharge of the
355 open bond liabilities. A partial release of funds that exceed
356 the open liability may be released earlier.

357 (4) Each insurer authorized to write bail bonds in this
358 state and each managing general agent must furnish to the office
359 ~~department~~ a certified copy of a statement listing each build-up
360 trust account and the balance therein or a written attestation
361 that the company does not maintain build-up accounts. Any
362 insurer that fails to furnish the statement required under this
363 subsection by March 1 of each year is subject to a fine of up to
364 \$1,000 per agent each month until the office receives the
365 required statement.

366 (6) The department and the office may adopt rules pursuant
367 to ss. 120.536(1) and 120.54 to administer and enforce this
368 section.

369 Section 5. Section 648.295, Florida Statutes, is amended to
370 read:

371 648.295 Reporting and accounting of funds.—

372 (1) All premiums, return premiums, collateral, or other
373 funds belonging to insurers or others received by a person
374 licensed pursuant to this chapter in transactions under her or
375 his license are trust funds received by the licensee in a
376 fiduciary capacity, and the licensee must account for and pay
377 the same to the insurer, insured, managing general agent, or

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378 other person entitled to such funds within 30 days after
379 receiving the funds.

380 (2) A bail bond agent may, at the time a bond is executed,
381 collect only a portion of the full premium rate that has been
382 filed with and approved by the office under s. 648.33(2) if the
383 agent strictly adheres to the following guidelines:

384 (a) The agent, the defendant, and any other person
385 responsible for paying the remaining balance of the premium must
386 complete and sign a form adopted by the department and furnished
387 by the surety company which, at a minimum, includes the
388 following:

389 1. The names, addresses, and telephone numbers of the
390 surety company, bond agency, defendant, and any other person
391 responsible for paying the remaining balance of the premium.

392 2. A prominent statement explaining that all premium
393 payments are owed in full to the surety company and are being
394 received as trust funds by the bail bond agency acting in a
395 fiduciary capacity with respect to the surety company. The
396 statement must also explain that the surety company may attempt
397 to collect any unpaid premium directly without regard to any
398 actions taken by the bond agent.

399 3. The date of the bond undertaking.

400 4. All numbers identifying the legal instruments executed
401 by the surety company to convey to the bail bond agent by power
402 of attorney the authority to post bond.

403 5. The total premium due on the bond and the amount of the
404 initial payment collected.

405 6. The number on the receipt acknowledging the initial
406 premium payment.

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407 7. The exact terms applicable to payment in full of the
408 remaining outstanding premium balance.

409 (b) The surety, agent, defendant, and any other person
410 responsible for paying the remaining balance of the premium must
411 be furnished a copy of the form completed and signed in
412 accordance with paragraph (a).

413 (c) Payment in full of the premium due on the bond may not
414 be scheduled over a period exceeding 360 days after the date the
415 bond was executed. Additional fees, charges, or interest may not
416 be charged except for litigation fees. The bond agent shall:

417 1. Contact the defendant and any other person responsible
418 for paying the premium in person or by telephone if a scheduled
419 payment is not received within 3 days after the due date.

420 2. Provide a past-due notification by certified mail,
421 return receipt requested, to the defendant and any other person
422 responsible for paying the premium if a scheduled payment is not
423 received within 10 days after the due date.

424 3. Keep a detailed record in the defendant's file of all
425 attempts to provide any notification of a payment delinquency to
426 the defendant or any other person responsible for paying the
427 premium, including copies of and receipts pertaining to a
428 notification sent by registered mail as required under
429 subparagraph 2.

430
431 A bail bond agent who fails to comply with this subsection
432 commits a violation of s. 648.33, punishable as provided in that
433 section. If the department finds after investigation that a bond
434 agent has engaged in a pattern of violating s. 648.33 by the
435 repeated failure to collect the full premium rate filed with and

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436 approved by the office, the department may deny, suspend,
437 revoke, or refuse to renew the bail bond agent's license or
438 appointment upon a further finding that the pattern of repeated
439 violations of s. 648.33 by the bond agent constitutes conduct
440 that is actionable under s. 648.27(2) or (3), s. 648.44(1), or
441 s. 648.45(2) or (3).

442 (3)~~(2)~~ A licensee shall keep and make available to the
443 department books, accounts, and records as necessary to enable
444 the department to determine whether such licensee is complying
445 with this chapter. A licensee shall preserve the books,
446 accounts, and records pertaining to a premium payment for at
447 least 3 years after making such payment. Records that are
448 preserved by computer or photographic reproduction or records
449 that are in photographic form constitute compliance with this
450 requirement.

451 (4)~~(3)~~ Any licensee who unlawfully diverts or appropriates
452 such funds or any portion thereof to her or his own use commits
453 larceny by embezzlement, punishable as provided by law.

454 Section 6. Section 648.30, Florida Statutes, is amended to
455 read:

456 648.30 Licensure and appointment required.-

457 (1) A person or entity may not act in the capacity of a
458 bail bond agent or temporary bail bond agent or perform any of
459 the functions, duties, or powers prescribed for bail bond agents
460 or temporary bail bond agents under this chapter unless that
461 person or entity is qualified, licensed, and appointed as
462 provided in this chapter.

463 (2) A person may not represent himself or herself to be a
464 bail enforcement agent, bounty hunter, or other similar title in

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465 this state.

466 (3) A person, other than a certified law enforcement
467 officer, may not apprehend, detain, or arrest a principal on a
468 bond, wherever issued, unless that person is:

469 (a) Qualified, licensed, and appointed under ~~as provided in~~
470 this chapter; or

471 (b) Licensed as a bail bond agent or bail bond enforcement
472 agent by the state where the bond was written, or holds an
473 equivalent license issued by such ~~the state where the bond was~~
474 ~~written.~~

475 (4) A licensed bail bond agent who aids or abets an
476 unlicensed person by directing the unlicensed person to
477 apprehend, detain, or arrest a defendant in this state on a
478 bond, wherever issued, is a principal in the first degree as
479 defined in s. 777.011 and may be charged, convicted, and
480 punished for a violation of this section as provided in
481 subsection (5).

482 ~~(5)-(4)~~ Any person who violates this section commits a
483 felony of the third degree, punishable as provided in s.
484 775.082, s. 775.083, or s. 775.084.

485 Section 7. Section 648.33, Florida Statutes, is amended to
486 read:

487 648.33 Bail bond rates.—

488 (1) Bail bond rates are subject to ~~the provisions of part I~~
489 of chapter 627 of the insurance code.

490 (2) It is unlawful for a bail bond agent to execute a bail
491 bond without charging a premium therefor, and the premium rate
492 may not exceed or be less than the premium rate as filed with
493 and approved by the office.

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494 (3) Any person who violates this section commits a
495 misdemeanor of the first degree, punishable as provided in s.
496 775.082 or s. 775.083.

497 (4) The department and the office may adopt rules pursuant
498 to ss. 120.536(1) and 120.54 to administer and enforce this
499 section.

500 Section 8. Subsection (4) of section 648.34, Florida
501 Statutes, is amended to read:

502 648.34 Bail bond agents; qualifications.—

503 (4) The applicant shall furnish, with his or her
504 application, a complete set of his or her fingerprints and a
505 recent credential-sized, fullface photograph of the applicant.
506 The applicant's fingerprints shall be certified by an authorized
507 law enforcement officer. The department may ~~shall~~ not authorize
508 an applicant to take the required examination until the
509 department has received a report from the Department of Law
510 Enforcement and the Federal Bureau of Investigation relative to
511 the existence or nonexistence of a criminal history report based
512 on the applicant's fingerprints. In addition to furnishing
513 fingerprints along with his or her application for licensure, a
514 licensed bail bond agent must furnish a complete set of his or
515 her fingerprints to the department upon the department's
516 request.

517 Section 9. Section 648.355, Florida Statutes, is amended to
518 read:

519 648.355 Temporary limited license as limited surety agent
520 or professional bail bond agent; pending examination.—

521 (1) The department may, in its discretion, issue a
522 temporary license as a limited surety agent or professional bail

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523 bond agent, subject to the following conditions:

524 (a) The applicant is a natural person at least 18 years of
525 age and has furnished reliable evidence that he or she holds a
526 high school diploma or its equivalent.

527 (b) The applicant is a United States citizen ~~or legal alien~~
528 ~~who possesses work authorization from the United States Bureau~~
529 ~~of Citizenship and Immigration Services~~ and is a resident of
530 this state. An individual who is a resident of this state shall
531 be deemed to meet the residence requirement of this paragraph,
532 notwithstanding the existence, at the time of application for
533 temporary license, of a license in the individual's name on the
534 records of another state as a resident licensee of such other
535 state, if the applicant furnishes a letter of clearance
536 satisfactory to the department that the individual's resident
537 licenses have been canceled or changed to a nonresident basis
538 and that the individual is in good standing.

539 (c) The applicant is a person of high character and
540 approved integrity and has never been convicted of or pleaded
541 guilty or no contest to a felony, a crime involving moral
542 turpitude, or a crime punishable by imprisonment of 1 year or
543 more under the law of any state, territory, or country, whether
544 or not a judgment or conviction is entered.

545 (d) Within 4 years prior to the date of application for a
546 temporary license, the applicant has successfully completed a
547 basic certification course in the criminal justice system,
548 consisting of not less than 120 hours of classroom instruction
549 with a passing grade of 80 percent or higher and has
550 successfully completed a correspondence course for bail bond
551 agents approved by the department.

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552 (e) The applicant must be employed full time at the time of
553 licensure, and at all times throughout the existence of the
554 temporary license, by only one licensed and appointed
555 supervising bail bond agent at a time, who supervises the work
556 of the applicant and is responsible for the licensee's conduct
557 in the bail bond business. The applicant must be appointed by
558 the supervising agent and the same insurers as the supervising
559 bail bond agent.

560 (f) The temporary bail bond agent and the supervising bail
561 bond agent who appointed the temporary bail bond agent shall, as
562 part of an ongoing obligation to update the temporary bail bond
563 agent's application, certify monthly to the department under
564 oath, on a form prescribed by the department, the names and
565 hours worked each week of all temporary bail bond agents. Each
566 monthly form must be submitted within 15 days after the last day
567 of the month covered by the form. The department shall treat the
568 submission of each monthly form as part of the temporary bail
569 bond agent's application and as partial fulfillment of the
570 ongoing obligation to update such application. The failure to
571 timely submit a monthly form within the applicable time period
572 may subject the supervising bail bond agent to a fine not to
573 exceed \$500 for each month that the form remains delinquent.
574 Filing a false certification is grounds for the immediate
575 suspension of the supervising and temporary bail bond agents'
576 licenses ~~license~~ and subjects each licensee to imposition of a
577 \$10,000 ~~\$5,000~~ administrative fine. The department may adopt
578 rules that establish standards for the employment requirements.
579 (g) ~~(f)~~ The application must be accompanied by an affidavit
580 verifying proposed employment and a report as to the applicant's

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581 integrity and moral character on a form prescribed by the
582 department and executed by the supervising bail bond agent and
583 the proposed employer.

584 (h)~~(g)~~ The applicant must file with the department
585 statements by at least three reputable citizens who are
586 residents of the same counties in which the applicant proposes
587 to engage as a temporary licensee.

588 (i)~~(h)~~ The applicant's employer and the supervising bail
589 bond agent are ~~is~~ responsible for the bail bonding acts of any
590 licensee under this section.

591 (j) A temporary bail bond agent must be paid wages. Wages
592 paid to a temporary bail bond agent are subject to s. 443.1217
593 for the purpose of determining an employer's unemployment
594 compensation contribution and must be reported by the agent's
595 employer to the Department of Revenue as required under chapter
596 443.

597 (2) All applicable license fees, as prescribed in s.
598 624.501, must be paid before issuance of the temporary license.

599 (3) The temporary license is ~~shall be~~ effective for 18
600 months, subject to earlier termination at the request of the
601 employer or supervising bail bond agent or if suspended or
602 revoked by the department.

603 (4) The applicant shall furnish electronically, with the
604 application for temporary license, a complete set of the
605 applicant's fingerprints and a recent credential-sized, fullface
606 photograph of the applicant. The applicant's fingerprints shall
607 be certified by an authorized law enforcement officer. The
608 department may ~~shall~~ not issue a temporary license under this
609 section until the department has received a report from the

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610 Department of Law Enforcement and the Federal Bureau of
611 Investigation relative to the existence or nonexistence of a
612 criminal history report based on the applicant's fingerprints.

613 (5) The department may collect a fee necessary to cover the
614 cost of a character and credit report made by an established and
615 reputable independent reporting service. The fee shall be
616 deposited to the credit of the Insurance Regulatory Trust Fund.

617 (6) After licensure as a temporary licensee for at least 12
618 months, such licensee may file an application for and become
619 eligible for a regular bail bond agent's license based on the
620 licensee's experience in the bail bond business and education
621 pursuant to paragraph (1) (d) and, if otherwise qualified, take
622 the required bail bond agent's licensure examination. The
623 applicant and supervising bail bond agent must each file an
624 affidavit under oath, on a form prescribed by the department,
625 verifying the required employment of the temporary bail bond
626 agent before issuance of the license.

627 (7) ~~In no event shall~~ A temporary licensee licensed under
628 this section may not perform any of the functions for which a
629 bail bond agent's license is required after expiration of the
630 temporary license without having passed the written examination
631 for licensure as for a regular bail bond agent, limited surety
632 agent, or professional bail bond agent agent's license. A
633 violation of this subsection is a violation of s. 648.30,
634 punishable as provided in that section.

635 (8) (a) A temporary licensee has the same authority as a
636 licensed bail bond agent, including presenting defendants in
637 court; apprehending, arresting, and surrendering defendants to
638 the proper authorities; and keeping defendants under necessary

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639 surveillance. However, a temporary licensee must be accompanied
640 by the ~~a~~ supervising bail bond agent or another bail bond an
641 agent from the same bail bond agency when apprehending,
642 arresting, or surrendering defendants to authorities.

643 (b) A temporary licensee may not execute or sign bonds,
644 handle initial premium or any collateral receipts, deliver bonds
645 to appropriate authorities, or operate an agency or branch
646 agency separate from the location of the supervising bail bond
647 agent, managing general agent, or insurer by whom the licensee
648 is employed. This paragraph does not prevent a temporary
649 licensee from accepting, on behalf of his or her supervising
650 bail bond agent, outstanding premium payments under a premium
651 payment plan for a bond executed by his or her supervising bail
652 bond agent.

653 (9) The department may ~~shall~~ not issue a temporary bail
654 bond agent's license to any individual who has held such a
655 temporary license in this state within 2 years after the
656 expiration or termination of such temporary bail bond agent's
657 license.

658 (10) The department may adopt rules pursuant to ss.
659 120.536(1) and 120.54 to administer and enforce this section.

660 Section 10. Section 648.375, Florida Statutes, is created
661 to read:

662 648.375 Reporting of bail bond judgments.—The department:

663 (1) May direct a limited surety agent to file with each
664 insurer that has appointed the limited surety agent as a
665 representative of the insurer a sworn affidavit that includes,
666 as part of the affidavit, a list of every outstanding judgment
667 and the following information relating to each judgment:

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668 (a) The civil and criminal case number of the judgment.

669 (b) The amount due on the judgment.

670 (c) The name of the court that rendered the judgment and
671 the location of the court clerk's office where the judgment is
672 recorded.

673 (2) Must require a limited surety agent who has been
674 directed to file an affidavit under subsection (1) to:

675 (a) On or before February 1 of the current calendar year,
676 file the affidavit with each insurer for all judgments entered
677 by any court during the previous calendar year.

678 (b) Provide copies of each affidavit filed with an insurer
679 to his or her managing general agent.

680 (3) May require a limited surety agent to provide the
681 department or the office with copies of all the affidavits filed
682 with insurers pursuant to this section.

683
684 The failure of a limited surety agent to timely file any
685 affidavit with an insurer as required by this section
686 constitutes sufficient grounds for the insurer to immediately
687 terminate the appointment of the limited surety agent as a
688 representative of the insurer.

689 Section 11. Subsections (2), (5), and (6) of section
690 648.382, Florida Statutes, are amended to read:

691 648.382 Appointment of bail bond agents and temporary bail
692 bond agents; effective date of appointment.—

693 (2) Prior to any appointment, an appropriate officer or
694 official of the appointing insurer in the case of a bail bond
695 agent or an insurer, managing general agent, or bail bond agent
696 in the case of a temporary bail bond agent must submit:

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697 (a) A certified statement or affidavit to the department
698 stating what investigation has been made concerning the proposed
699 appointee and the proposed appointee's background and the
700 appointing person's opinion to the best of his or her knowledge
701 and belief as to the moral character and reputation of the
702 proposed appointee. In lieu of such certified statement or
703 affidavit, by authorizing the effectuation of an appointment for
704 a licensee, the appointing entity certifies to the department
705 that such investigation has been made and that the results of
706 the investigation and the appointing person's opinion is that
707 the proposed appointee is a person of good moral character and
708 reputation and is fit to engage in the bail bond business;

709 (b) An affidavit under oath on a form prescribed by the
710 department, signed by the proposed appointee, stating that
711 premiums, losses, or other contractual obligations are not owed
712 to any insurer and that the appointee will discharge all
713 outstanding forfeitures and judgments on bonds previously
714 written. If the appointee does not satisfy or discharge such
715 forfeitures or judgments or fails to pay premiums, losses, or
716 other contractual obligations that are outstanding or discovered
717 to be outstanding in the future, the former insurer shall file a
718 notice, with supporting documents, with the appointing insurer,
719 the former agent, and the department, ~~stating~~ stating under oath that
720 the licensee has failed to timely satisfy forfeitures and
721 judgments or has failed to pay premiums, losses, or other
722 contractual obligations that are outstanding on bonds written
723 and that the insurer has satisfied the forfeiture or judgment
724 from its own funds. Upon receipt of such notification and
725 supporting documents, the appointing insurer shall immediately

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726 cancel the licensee's appointment. The licensee may be
727 reappointed only upon certification by the former insurer that
728 all forfeitures and judgments on bonds written by the licensee
729 have been discharged and all premiums, losses, and contractual
730 obligations have been paid or met. The appointing insurer or
731 former agent may, within 10 days, file a petition with the
732 department seeking relief from this paragraph. Filing of the
733 petition stays the duty of the appointing insurer to cancel the
734 appointment until the department grants or denies the petition;
735 and

736 (c) Any other information that the department reasonably
737 requires concerning the proposed appointee.

738 (5) A list of current appointments must be submitted to the
739 department each month but in no case later than 30 ~~45~~ days after
740 the date of appointment. All appointments are effective as of
741 the date indicated on the appointment form.

742 ~~(6)~~ Failure to notify the department within the required
743 time period shall result in the appointing entity being assessed
744 a delinquent fee of not less than \$1,000 for each month that the
745 appointee represented the appointing entity without the
746 department's notification ~~\$250~~. Delinquent fees shall be paid by
747 the appointing entity and may ~~shall~~ not be charged to the
748 appointee.

749 Section 12. Paragraph (a) of subsection (2) and subsection
750 (3) of section 648.385, Florida Statutes, are amended to read:

751 648.385 Continuing education required; application;
752 exceptions; requirements; penalties.-

753 (2) (a) Each person subject to ~~the provisions of~~ this
754 chapter must complete a minimum of 14 hours of continuing

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755 education ~~courses~~ every 2 years by personally attending 14 hours
756 of classroom courses or completing 14 hours of online ~~in~~ courses
757 approved by the department. Compliance with continuing education
758 requirements is a condition precedent to the issuance,
759 continuation, or renewal of any appointment subject to ~~the~~
760 ~~provisions of~~ this chapter.

761 (3) (a) Any bail-related course developed or sponsored by
762 any authorized insurer or recognized bail bond agents'
763 association, or any independent study program of instruction,
764 subject to approval by the department, qualifies for the
765 equivalency of the number of classroom hours assigned to such
766 course by the department. However, unless otherwise provided in
767 this section, continuing education credit may not be credited
768 toward meeting the requirements of this section unless the
769 course provides ~~is provided by classroom~~ instruction that:

- 770 1. Occurs in a classroom setting requiring each student's
771 physical attendance for all hours of instruction;
772 2. Occurs online; or
773 3. Results in a monitored examination.

774 (b) Each person subject to this chapter may complete 3.5
775 hours of continuing education by attending a regularly scheduled
776 meeting of a state association as defined by law. Not more than
777 7 hours of continuing education credit may be acquired in this
778 manner within a 2-year period. An approved continuing education
779 instructor shall:

- 780 1. Certify and report compliance with this section to the
781 department in the same manner used for other methods of approved
782 continuing education; and
783 2. Monitor attendance.

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784 (c) ~~(b)~~ Each person or entity sponsoring a course for
785 continuing education credit must furnish, within 30 days after
786 completion of the course, in a form satisfactory to the
787 department or its designee, a written and certified roster
788 showing the name and license number of all persons successfully
789 completing such course and requesting credit, accompanied by the
790 required fee. The department shall refuse to issue, continue, or
791 renew the appointment of any bail bond agent who has not had the
792 continuing education requirements certified unless the agent has
793 been granted an extension by the department.

794 Section 13. Subsection (2) and paragraph (a) of subsection
795 (4) of section 648.386, Florida Statutes, are amended to read:

796 648.386 Qualifications for prelicensing and continuing
797 education schools and instructors.—

798 (2) SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
799 SCHOOLS.—

800 (a) In order to be considered for approval and
801 certification as an approved limited surety agent and
802 professional bail bond agent continuing education school, such
803 entity must:

804 1. ~~(a)~~ Provide a minimum of three continuing education
805 classes in a classroom setting or three continuing education
806 courses online per calendar year.

807 2. ~~(b)~~ Submit a course curriculum and copies of all
808 documents and materials to be used in the course to the
809 department for approval.

810 3. ~~(c)~~ Offer continuing education classes that ~~which~~ are
811 comprised of a minimum of 2 hours of approved coursework and are
812 taught in a classroom setting by an approved supervising

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813 instructor or guest lecturer approved by the entity or the
814 supervising instructor.

815 (b) The department may deny credit to any licensee who
816 attends or otherwise completes a continuing education course if
817 the course or the training materials, books, or other documents
818 used during the course's presentation have not been approved by
819 the department at least 30 days before the course's
820 presentation. If the department has approved a course and all
821 related materials to be used during the course's presentation,
822 the related materials must conspicuously indicate the
823 department's approval.

824 (4) INSTRUCTOR'S DUTIES AND QUALIFICATIONS.—

825 (a) Each course must have a supervising instructor who is
826 approved by the department. The supervising instructor shall be
827 present at all classes presented in a classroom setting
828 requiring the physical attendance of all students. The
829 supervising instructor is responsible for:

- 830 1. All course instructors.
- 831 2. All guest lecturers.
- 832 3. The course outlines and curriculum.
- 833 4. Certification of each attending limited surety agent or
834 professional bail bond agent.
- 835 5. Completion of all required forms.
- 836 6. Assuring that the course is approved.

837
838 Either the entity or the supervising instructor may approve
839 guest lecturers.

840 Section 14. Section 648.387, Florida Statutes, is amended
841 to read:

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842 648.387 Primary bail bond agents; designation as agent in
843 charge; duties.—

844 (1) The owner or operator of a bail bond agency shall
845 designate a primary bail bond agent who is licensed and
846 appointed as an agent in charge for each location, and shall
847 file with the department the name and license number of the
848 person and the address of the location on a form approved by the
849 department. The designation of the primary bail bond agent in
850 charge may be changed if the department is notified immediately.
851 Failure to notify the department within 10 working days after
852 such change is grounds for disciplinary action pursuant to s.
853 648.45.

854 (2) The primary bail bond agent designated as an agent in
855 charge is responsible for the overall operation and management
856 of a bail bond agency location, which ~~whose~~ responsibilities may
857 include, without limitations, hiring and supervising of all
858 individuals within the location, whether they deal with the
859 public in the solicitation or negotiation of bail bond contracts
860 or in the collection or accounting of moneys. A person may be
861 designated as primary bail bond agent in charge for only one
862 bail bond agency location.

863 (3) The department may suspend or revoke the license of the
864 owner, operator, and primary bail bond agent in charge if a bail
865 bond agency employs, contracts with, or uses the services of a
866 person who has had a license denied or whose license is
867 currently suspended or revoked. However, a person who has been
868 denied a license for failure to pass a required examination may
869 be employed to perform clerical or administrative functions for
870 which licensure is not required. The bail bond agency or primary

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871 bail bond agent in charge may require an employee or applicant
872 for employment to submit to a background check annually to
873 determine whether the employee or applicant initially meets or
874 continues to meet the requirements of this chapter. The
875 background check must include a check of the employee's or
876 applicant's criminal history.

877 (4) An owner, operator, or primary agent in charge may not
878 employ, contract with, or use the services of any person in a
879 bail bond agency who has been charged with, found guilty of, or
880 pled guilty or nolo contendere to a felony or a crime punishable
881 by imprisonment of 1 year or more under the law of any
882 jurisdiction, without regard to whether judgment was entered or
883 withheld by the court.

884 (5) A bail bond agency location may not conduct surety
885 business unless a primary bail bond agent in charge is
886 designated at all times. The failure to designate a primary
887 agent in charge on a form prescribed by the department, within
888 10 working days after an agency's inception or a change of
889 primary agent, is a violation of this chapter, punishable as
890 provided in s. 648.45.

891 (6) The department shall adopt rules pursuant to ss.
892 120.536(1) and 120.54 to administer and enforce this section.

893 Section 15. Section 648.388, Florida Statutes, is amended
894 to read:

895 648.388 Insurer must appoint managing general agent.-

896 (1) Any insurer regularly engaged in the execution of bail
897 bonds in this state shall have a managing general agent in this
898 state to supervise its agents. Upon the appointment of a
899 managing general agent, the insurer shall file with the

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900 department an affidavit under oath, executed by the appointee,
901 certifying that the appointee does not owe any unpaid premiums,
902 losses, or contractual obligations to any insurer and does not
903 have any unpaid judgments or forfeitures in any state. A
904 managing general agent shall maintain an office in this state
905 and maintain all records relating to bonds issued in this state.
906 A managing general agent may maintain the records electronically
907 and shall make the records available at any time upon request by
908 the insurer, the department, or the office.

909 (2) (a) Before being appointed as a managing general agent,
910 a proposed appointee must submit an affidavit under oath on a
911 form prescribed by the department, signed by the proposed
912 appointee, stating that premiums, losses, or other contractual
913 obligations are not owed to any insurer and that the appointee
914 will discharge all outstanding forfeitures and judgments on
915 bonds previously written. If the appointee does not satisfy or
916 discharge such forfeitures or judgments or fails to pay
917 premiums, losses, or other contractual obligations that are
918 outstanding or discovered to be outstanding in the future, the
919 former insurer shall file a notice, along with supporting
920 documents, with the appointing insurer, the former managing
921 general agent, and the department stating under oath that the
922 managing general agent has failed to timely satisfy forfeitures
923 and judgments or has failed to pay premiums, losses, or other
924 contractual obligations that are outstanding on bonds written
925 and that the insurer has satisfied the forfeiture or judgment
926 from its own funds. Upon receipt of such notification and
927 supporting documents, the appointing insurer shall immediately
928 cancel the managing general agent's appointment. The managing

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929 general agent may be reappointed only upon certification by the
930 insurer that all forfeitures and judgments on bonds written by
931 the managing general agent or any of his or her subagents have
932 been discharged and all premiums, losses, and contractual
933 obligations have been paid or met. The appointing insurer or
934 managing general agent may, within 10 days, file a petition with
935 the department seeking relief from the requirements of this
936 paragraph. Filing of the petition stays the duty of the
937 appointing insurer to cancel the appointment until the
938 department grants or denies the petition.

939 (b)1. In addition to any information required under
940 paragraph (a), a proposed appointee or an appointing insurer
941 must provide to the department any other information that the
942 department reasonably requests concerning a proposed appointee.

943 2. An appointing insurer must certify to the department
944 that the insurer will supervise the activities of the managing
945 general agent appointee.

946 (3) The appointment of a managing general agent by an
947 insurer is deemed to be a certification to the department that
948 the appointing insurer is bound by acts of the managing general
949 agent appointee which are within the scope of his or her
950 appointment.

951 (4) An appointing insurer must advise the department in
952 writing within 5 days after receiving notice or learning that a
953 managing general agent appointee has been arrested for, pled
954 guilty or nolo contendere to, or been found guilty of a felony
955 or other offense punishable by imprisonment of 1 year or more
956 under the law of any jurisdiction, whether judgment was entered
957 or withheld by the court.

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958 Section 16. Subsection (4) is added to section 648.39,
959 Florida Statutes, to read:

960 648.39 Termination of appointment of managing general
961 agents, bail bond agents, and temporary bail bond agents.—

962 (4) A bail bond agent or managing general agent whose
963 appointment has been terminated by an insurer remains
964 accountable to the insurer until all liability for any bonds
965 written with the insurer by the bail bond agent or managing
966 general agent are discharged or otherwise vacated.

967 Section 17. Section 648.415, Florida Statutes, is created
968 to read:

969 648.415 Rules governing appointments and termination of
970 appointments.—The department shall adopt rules pursuant to ss.
971 120.536(1) and 120.54 which provide for the implementation,
972 administration, and enforcement of the provisions of this
973 chapter governing the appointment or termination of the
974 appointment of a bail bond agent, managing general agent, or
975 bail bond agency.

976 Section 18. Section 648.42, Florida Statutes, is amended to
977 read:

978 648.42 Registration of bail bond agents.—A bail bond agent
979 may not become a surety on an undertaking unless he or she has
980 registered in the office of the sheriff and with the clerk of
981 the circuit court in the county in which the bail bond agent
982 resides. The bail bond agent and bail bond agency may register
983 in a like manner in any other county, and any bail bond agent
984 and bail bond agency shall file a certified copy of the bail
985 bond agent's ~~his or her~~ appointment by power of attorney from
986 each insurer which he or she represents as a bail bond agent

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987 with each of such officers. Registration and filing of a
988 certified copy of renewed power of attorney shall be performed
989 by April 1 of each odd-numbered year, and the form must include
990 the effective date of the registration. The clerk of the circuit
991 court and the sheriff may ~~shall~~ not permit the registration of a
992 bail bond agent unless such bail bond agent is currently
993 licensed and appointed by the department. ~~Nothing in~~ This
994 section does not ~~shall~~ prevent the registration of a temporary
995 licensee at the jail for the purposes of enabling the licensee
996 to perform the duties under such license as set forth in this
997 chapter.

998 Section 19. Section 648.421, Florida Statutes, is amended
999 to read:

1000 648.421 Notice of change of name, address, or telephone
1001 number.-

1002 (1) Each licensee under this chapter shall notify, in
1003 writing, the department, insurer, managing general agent, and
1004 ~~the~~ clerk of each court in which the licensee is registered
1005 within 10 working days after a change in the licensee's
1006 principal business address or telephone number. The licensee
1007 shall also notify the department within 10 working days after a
1008 change of the name, address, or telephone number of each bail
1009 bond agency or firm for which he or she writes bonds and any
1010 change in the licensee's name, home address, e-mail address, or
1011 telephone number.

1012 (2) A bail bond agent may electronically submit through the
1013 department's website the written notifications required under
1014 subsection (1).

1015 (3) The department may adopt rules pursuant to ss.

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1016 120.536(1) and 120.54 to administer this section.

1017 Section 20. Section 648.43, Florida Statutes, is amended to
1018 read:

1019 648.43 Power of attorney; to be approved by department;
1020 filing of copies; notification of transfer bond.—

1021 (1) Every insurer engaged in the writing of bail bonds
1022 through bail bond agents in this state shall submit and have
1023 approved by the department and the office a sample power of
1024 attorney, which shall ~~will~~ be the only form of power of attorney
1025 the insurer will issue to bail bond agents in this state.

1026 (2) Every professional bail bond agent who authorizes a
1027 licensed professional bail bond agent directly employed and
1028 appointed by him or her to sign his or her name to bonds must
1029 file a copy of the power of attorney given to the appointed
1030 professional bail bond agent with the sheriff and the clerk of
1031 the circuit court in the county in which he or she resides and
1032 with the department. Such power of attorney shall remain in full
1033 force and effect until written notice revoking the power of
1034 attorney has been received by the above-named officials.

1035 (3) Every bail bond agent who executes or countersigns a
1036 transfer bond shall indicate in legible print ~~writing~~ on the
1037 original and each copy of the bond:

1038 (a) The name and address of the referring bail bond agent.

1039 (b) The identifying number that appears on the license
1040 issued by this state to the bail bond agent who is requesting
1041 the transfer bond.

1042 (4) The department and the office may adopt rules pursuant
1043 to ss. 120.536(1) and 120.54 to administer this section.

1044 Section 21. Paragraphs (a), (b), (c), and (o) of subsection

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1045 (1), paragraphs (a) and (e) of subsection (6), subsection (7),
1046 and paragraph (a) of subsection (9) of section 648.44, Florida
1047 Statutes, are amended, paragraphs (q), (r), and (s) are added to
1048 subsection (1) of that section, and subsection (10) is added to
1049 that section, to read:

1050 648.44 Prohibitions; penalty.—

1051 (1) A bail bond agent or temporary bail bond agent may not:

1052 (a) Suggest or advise the employment of, or name for
1053 employment, any particular attorney to represent his or her
1054 principal. However, an agent may provide contact information for
1055 multiple attorneys.

1056 (b) Directly or indirectly solicit business in or on the
1057 property or grounds of a jail, prison, or other place where
1058 prisoners are confined or in or on the property or grounds of
1059 any court, or use an unlicensed person for the purpose of
1060 solicitation. The term "solicitation" includes the distribution
1061 of business cards, print advertising, or other written or oral
1062 information or the use of electronic media that is directed to
1063 prisoners or potential indemnitors, unless a request is
1064 initiated by the prisoner or a potential indemnitor. Permissible
1065 print advertising in the jail is strictly limited to a listing
1066 in a telephone directory and the posting of the bail bond
1067 agent's or agency's name, address, and telephone number in a
1068 designated location within the jail.

1069 (c) Initiate in person ~~in person~~ or by telephone any
1070 ~~solicitation after 9:00 p.m. or before 8:00 a.m., in the case of~~
1071 ~~domestic violence cases, at the residence of the detainee or the~~
1072 ~~detainee's family.~~ Any solicitation not prohibited by this
1073 chapter must comply with the telephone solicitation requirements

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1074 in ss. 501.059(2) and (4), 501.613, and 501.616(6).

1075 (o) 1. Use, or make any attempt to use, threats or coercion
1076 when trying to collect, ~~through threat or coercion,~~ amounts due
1077 for the payment of any indebtedness related to the issuance of a
1078 bail bond in violation of s. 559.72.

1079 2. Use, or make any attempt to use, threats or coercion to
1080 deal with any matter related to the issuance of a bail bond in
1081 violation of s. 559.72.

1082 (q) Pay a fee or rebate or give or promise anything of
1083 value to an inmate or any other person on behalf of the inmate
1084 in return for the referral of bail bond business.

1085 (r) Act as a professional bail bond agent without first
1086 obtaining a license as a professional bail bond agent. This
1087 paragraph also restricts a limited surety agent, a bail bond
1088 agency, or a managing general agent from acting as a
1089 professional bail bond agent without first obtaining a license
1090 as a professional bail bond agent or agency.

1091 (s) Charge a travel fee or other similar charge for
1092 undertaking and posting a bail bond at a jail in any county if
1093 the same agent and agency that wrote the bond are also the agent
1094 and agency that posted the bond.

1095 (6) (a) A ~~no~~ bail bond agency or entity may not ~~shall~~
1096 advertise as or hold itself out to be a bail bond or surety
1097 company.

1098 (e) 1. A bail bond agent may not make material
1099 misrepresentations or omissions in statements or use
1100 advertisements that constitute material misrepresentations of
1101 facts, create unjust expectations concerning services, or make
1102 improper comparisons.

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1103 2. Bail bond agents may not own or advertise under firm
1104 names that are false, misleading, or deceptive, or use trade
1105 names that imply a connection with any government agency.

1106 3. A bail bond agent may not use any advertisement or
1107 advertise under any name that includes the word "free".

1108 4. A bail bond agent may not advertise under a trade name
1109 unless the name and address appear on the agent's letterhead or
1110 business cards. Such name must be registered with the
1111 department.

1112 5. A bail bond agent must return all premiums collected on
1113 a bond immediately if the bond is not executed.

1114 (7) Any permissible advertising by a bail bond agent or
1115 agency must include the address of record filed with the
1116 department and the license number of the bail bond agent.

1117 (9) (a) Any person who violates any provisions of paragraph
1118 (1) (e), paragraph (1) (f), paragraph (1) (g), paragraph (1) (j), ~~or~~
1119 paragraph (1) (n), paragraph (1) (q), paragraph (1) (r), or
1120 subsection (2) commits a felony of the third degree, punishable
1121 as provided in s. 775.082, s. 775.083, or s. 775.084.

1122 (10) The department may adopt rules pursuant to ss.
1123 120.536(1) and 120.54 to administer and enforce this section.

1124 Section 22. Subsections (3) and (4) of section 648.442,
1125 Florida Statutes, are amended to read:

1126 648.442 Collateral security.—

1127 (3) Collateral security shall be received and held in the
1128 insurer's name by the bail bond agent in a fiduciary capacity
1129 and, prior to any forfeiture of bail, shall be kept separate and
1130 apart from any other funds or assets of such bail bond agent.
1131 When collateral security equal to or in excess of \$5,000 cash or

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1132 its equivalent is received by a bail bond agent, the entire
1133 amount shall be immediately forwarded to the insurer. Such
1134 collateral security may be placed in an interest-bearing account
1135 to accrue to the benefit of the person giving the collateral
1136 security, and the bail bond agent, insurer, or managing general
1137 agent may not make any pecuniary gain on the collateral security
1138 deposited. Any such account shall be in a depository office of a
1139 financial institution located in this state. The insurer shall
1140 be liable for all collateral received. If the bail bond agent or
1141 managing general agent fails to return the collateral to the
1142 indemnitor upon final termination of liability on the bond, the
1143 surety shall be liable for the collateral and shall return the
1144 actual collateral to the indemnitor or, in the event that the
1145 surety cannot locate the collateral, the surety shall pay the
1146 indemnitor pursuant to the provisions of this section.

1147 (4) When the obligation of the surety on the bond or bonds
1148 has been released:

1149 (a) In writing by the court;

1150 (b) Through the application of s. 648.571(2); or

1151 (c) Upon expiration of the bond pursuant to s. 903.31(1),
1152

1153 the collateral shall be returned to the rightful owner named in
1154 the collateral receipt unless another disposition is provided
1155 for by legal assignment of the right to receive the collateral
1156 to another person.

1157 Section 23. Paragraph (j) of subsection (2), paragraphs (c)
1158 and (e) of subsection (3), and subsection (4) of section 648.45,
1159 Florida Statutes, are amended, and subsection (7) is added to
1160 that section, to read:

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1161 648.45 Actions against a licensee; suspension or revocation
1162 of eligibility to hold a license.-

1163 (2) The department shall deny, suspend, revoke, or refuse
1164 to renew any license or appointment issued under this chapter or
1165 the insurance code, and it shall suspend or revoke the
1166 eligibility of any person to hold a license or appointment under
1167 this chapter or the insurance code, for any violation of the
1168 laws of this state relating to bail or any violation of the
1169 insurance code or if the person:

1170 (j) Has willfully failed to comply with or willfully
1171 violated any proper order or rule of the department or willfully
1172 violated any provision of this chapter, chapter 903, or the
1173 insurance code.

1174 (3) The department may deny, suspend, revoke, or refuse to
1175 renew any license or appointment issued under this chapter or
1176 the insurance code, or it may suspend or revoke the eligibility
1177 of any person to hold a license or appointment under this
1178 chapter or the insurance code, for any violation of the laws of
1179 this state relating to bail or any violation of the insurance
1180 code or for any of the following causes:

1181 (c) Violation of any law relating to the business of bail
1182 bond insurance, violation of chapter 903, or violation of any
1183 provision of the insurance code.

1184 (e) Being found to be a source of injury, potential harm,
1185 or loss to the public or detrimental to the public interest or
1186 being found by the department to be no longer carrying on the
1187 bail bond business in good faith.

1188 (4) Any licensee found to have violated s. 648.44(1)(b),
1189 (d), (g), (h), or (i) shall, at a minimum, be suspended for a

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1190 period of 3 months. A greater penalty, including revocation,
1191 shall be imposed if there is a willful or repeated violation of
1192 s. 648.44(1)(b), (d), (g), (h), or (i) ~~or~~ if the licensee has
1193 committed other violations of this chapter.

1194 (7) The department may adopt rules pursuant to ss.
1195 120.536(1) and 120.54 to administer and enforce this section.

1196 Section 24. Subsection (1) of section 648.52, Florida
1197 Statutes, is amended to read:

1198 648.52 Administrative fine.—

1199 (1) If, pursuant to the procedure described in s. 648.46,
1200 the department finds that one or more causes exist for the
1201 suspension of, revocation of, or refusal to renew or continue
1202 any license or appointment issued under this chapter, the
1203 department may, in its discretion, in lieu of or in addition to
1204 such suspension, revocation, or refusal, and except on a second
1205 offense, impose upon the licensee an administrative penalty in
1206 an amount up to \$10,000 ~~\$5,000~~ or, if the department has found
1207 willful misconduct or willful violation on the part of the
1208 licensee, \$20,000. The administrative penalty may, in the
1209 discretion of the department, be increased by an amount equal to
1210 any commissions or other pecuniary benefits received by or
1211 accruing to the credit of the licensee in connection with any
1212 transaction related to the grounds for suspension, revocation,
1213 or refusal.

1214 Section 25. Subsection (2) of section 648.525, Florida
1215 Statutes, is amended to read:

1216 648.525 Civil assessment.—

1217 (2) The burden of proof in such proceedings is by a
1218 preponderance of the evidence. Upon a finding that a licensee

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1219 has failed to properly comply, an assessment of \$10,000 ~~\$5,000~~
1220 shall be ordered for each act of improper solicitation, which
1221 assessment shall be payable within 30 days after the date of the
1222 final order.

1223 Section 26. Section 648.55, Florida Statutes, is amended to
1224 read:

1225 648.55 All bail bond agents of same agency; licensed by
1226 same companies.—All bail bond agents who are members of the same
1227 agency, partnership, corporation, or association shall be
1228 appointed to represent the same companies. If any member of such
1229 agency, partnership, corporation, or association is licensed and
1230 appointed as a professional bail bond agent, all members thereof
1231 shall be so licensed and appointed. It is the responsibility of
1232 each insurer to require that each bail bond agent in a bail bond
1233 ~~an~~ agency is appointed to represent that particular insurer. It
1234 is the responsibility of the agent in charge to notify the
1235 insurers of the identity of the agents in the bail bond agency
1236 and verify that the agents are appointed as required.

1237 Section 27. Subsections (3) and (4) of section 648.571,
1238 Florida Statutes, are amended to read:

1239 648.571 Failure to return collateral; penalty.—

1240 (3) (a) Fees or charges other than those provided in this
1241 chapter or by rule of the department or commission may not be
1242 deducted from the collateral due.

1243 (b)1. The bail bond agent may charge the credit card fee
1244 imposed in connection with the use of the credit card for
1245 payment of collateral if the fee is clearly shown on the
1246 collateral receipt and is acknowledged by the person tendering
1247 the credit card.

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1248 2. The prevailing schedule of credit card fees must be
1249 conspicuously posted in the lobby of the bail bond agency, and a
1250 copy must be provided to the person tendering the credit card.

1251 (c) Allowable expenses incurred in apprehending a defendant
1252 because of a bond forfeiture or judgment under s. 903.29 may be
1253 deducted if such expenses are accounted for.

1254 (d) The bail bond agent may not impose any restrictions on
1255 the return of the collateral other than the restrictions allowed
1256 under this section.

1257 (e) The failure to return collateral under these terms is
1258 punishable as follows:

1259 1. If the collateral is of a value less than \$100, as
1260 provided in s. 775.082(4)(a).

1261 2. If the collateral is of a value of \$100 or more, as
1262 provided in s. 775.082(3)(d).

1263 3. If the collateral is of a value of \$1,500 or more, as
1264 provided in s. 775.082(3)(c).

1265 4. If the collateral is of a value of \$10,000 or more, as
1266 provided in s. 775.082(3)(b).

1267 (4) In addition to the criminal penalties and any other
1268 penalties provided in this chapter, the department shall impose
1269 against any person violating this section an administrative fine
1270 of 10 ~~five~~ times the dollar amount of the collateral.

1271 Section 28. Subsection (2) of section 903.09, Florida
1272 Statutes, is amended to read:

1273 903.09 Justification of sureties.—

1274 (2) A bond agent, as defined in s. 648.25(3) ~~648.25(2)~~,
1275 shall justify her or his suretyship by attaching a copy of the
1276 power of attorney issued by the company to the bond or by

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1277 attaching to the bond United States currency, a United States
1278 postal money order, or a cashier's check in the amount of the
1279 bond; but the United States currency, United States postal money
1280 order, or cashier's check cannot be used to secure more than one
1281 bond. Nothing herein shall prohibit two or more qualified
1282 sureties from each posting any portion of a bond amount, and
1283 being liable for only that amount, so long as the total posted
1284 by all cosureties is equal to the amount of bond required.

1285 Section 29. This act shall take effect July 1, 2012.