

hbd-38

Amendment No. 11 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11	Representative(s) Garcia offered the following:		
12			
13	Amendment		
14	On page 24, line 17, through page 29, line 24,		
15	remove: all of said lines		
16			
17	and insert:		
18	(c) Wear or display any identification other than the		
19	department issued or approved license or <u>department</u> approved		
20	identification <u>that includes a citation of the bail bond</u>		
21	<u>agent's arrest powers</u> in or on the property or grounds of a		
22	jail, prison, or other place where prisoners are confined or		
23	in or on the property or grounds of any court.		
24	(d) Pay a fee or rebate or give or promise anything of		
25	value to a jailer, police officer, peace officer, or		
26	committing magistrate or any other person who has power to		
27	arrest or to hold in custody or to any public official or		
28	public employee in order to secure a settlement, compromise,		
29	remission, or reduction of the amount of any bail bond or		
30	estreatment thereof.		
31	(e) Pay a fee or rebate or give anything of value to		

1 an attorney in a bail bond matter, except in defense of any
2 action on a bond.

3 (f) Pay a fee or rebate or give or promise anything of
4 value to the principal or anyone in his or her behalf.

5 (g) Participate in the capacity of an attorney at a
6 trial or hearing of one on whose bond he or she is surety.

7 (h) Loiter in or about a jail, courthouse, or where
8 prisoners are confined.

9 (i) Accept anything of value from a principal for
10 providing a bail bond except the premium and transfer fee
11 authorized by the department, except that the bail bond agent
12 may accept collateral security or other indemnity from the
13 principal or another person in accordance with the provisions
14 of s. 648.442, together with documentary stamp taxes, if
15 applicable. No fees, expenses, or charges of any kind shall be
16 permitted to be deducted from the collateral held or any
17 return premium due, except as authorized by this chapter or
18 rule of the department. A bail bond agent may, upon written
19 agreement with another party, receive a fee or compensation
20 for returning to custody an individual who has fled the
21 jurisdiction of the court or caused the forfeiture of a bond.

22 (j) Write more than one power of attorney per charge
23 on a bond, except in the case of a cosurety, unless the power
24 of attorney expressly prohibits a cosurety.

25 (k) Execute a bond in this state on his or her own
26 behalf.

27 (l) Execute a bond in this state if a judgment has
28 been entered on a bond executed by the bail bond agent, which
29 has remained unpaid for 35 days, unless the full amount of the
30 judgment is deposited with the clerk in accordance with s.
31 903.27(5).

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Bill No. HB 1327

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1 (m) Make a statement or representation to a court,
2 unless such statement or representation is under oath. Such
3 statement or representation may not be false, misleading, or
4 deceptive.

5 (n) Attempt to collect through threat or coercion any
6 amounts due for the payment of any indebtedness related to the
7 issuance of a bail bond in violation of s. 559.72.

8 (o) Conduct bail bond business with any person other
9 than the defendant on the grounds of the jail or courthouse
10 for the purpose of executing a bond.

11 (2) The following persons or classes shall not be bail
12 bond agents, temporary bail bond agents, ~~runners~~, or employees
13 of a bail bond agent or a bail bond business and shall not
14 directly or indirectly receive any benefits from the execution
15 of any bail bond:

16 (a) Jailers or persons employed in any jail.

17 (b) Police officers or employees of any police
18 department or law enforcement agency.

19 (c) Committing magistrates, employees of a court, or
20 employees of the clerk of any court.

21 (d) Sheriffs and deputy sheriffs or employees of any
22 sheriff's department.

23 (e) Attorneys.

24 (f) Persons having the power to arrest or persons who
25 have authority over or control of federal, state, county, or
26 municipal prisoners.

27 (3) A bail bond agent may not sign or countersign in
28 blank any bond, give a power of attorney to, or otherwise
29 authorize, anyone to countersign his or her name to bonds
30 unless the person so authorized is a licensed and appointed
31 bail bond agent directly employed by the bail bond agent

1 giving such power of attorney.

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

6 (5) Except as between licensed and appointed bail bond
7 agents, a bail bond agent may not divide with others, or share
8 in, any commissions payable on account of any bail bond.

9 (6)(a) No bail bond agency shall advertise as or hold
10 itself out to be a bail bond or surety company.

11 (b) Any misleading or false advertisement or deceptive
12 trade practice is prohibited as provided in part IX of chapter
13 626.

14 (c) The advertisement of reduced premium rates is
15 prohibited. Effective 90 days after the effective date of this
16 act, no bail bond agency may use a name that implies a reduced
17 rate of premium.

18 (d)1. A bail bond agent's advertising shall not
19 include statements that constitute a material
20 misrepresentation of facts, create unjust expectations about
21 service, or make improper comparisons.

22 2. Bail bond agents may not own or advertise under
23 firm names that are false, misleading, or deceptive or use a
24 trade name that implies connection with a government, state,
25 or county agency.

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

28 4. A bail bond agent may not advertise under a trade
29 name unless the name and address appears on the bail bond
30 agent's letterhead or business cards. Such name shall be
31 registered with the department pursuant to s. 648.421.

1 5. A bail bond agent may not make a material
2 misrepresentation of fact or omit any material fact that makes
3 a statement materially misleading.

4 (7) Any permissible advertising by a bail bond agent
5 or agency must include the address of record filed with the
6 department.

7 (8)(a) A person who has been convicted of or who has
8 pleaded guilty or no contest to a felony or a crime involving
9 moral turpitude or a crime punishable by imprisonment of 1
10 year or more under the law of any state, territory, or
11 country, regardless of whether adjudication of guilt was
12 withheld, may not participate as a director, officer, manager,
13 or employee, agent, contractor, or individual acting in any
14 other capacity for or on behalf of any bail bond agency or
15 office thereof or exercise direct or indirect control in any
16 manner in such agency or office or own shares in any closely
17 held corporation which has any interest in any bail bond
18 business. Such restrictions on engaging in the bail bond
19 business shall continue to apply during a pending appeal.

20 (b) Any person who violates the provisions of
21 paragraph (a) or any person who knowingly permits a person who
22 has been convicted of or who has pleaded guilty or no contest
23 to a crime as described in paragraph (a) to engage in the bail
24 bond business as prohibited in paragraph (a) commits a felony
25 of the third degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.

27 (c) Any law enforcement agency, state attorney's
28 office, court clerk, or insurer that is aware that a bail bond
29 agent or temporary bail bond agent, ~~or runner~~ has been
30 convicted of or who has pleaded guilty or no contest to a
31 crime as described in paragraph (a) shall notify the

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1 department of this fact.

2 (d) Upon the filing of an information or indictment
3 against a bail bond agent ~~or~~ temporary bail bond agent, ~~or~~
4 ~~runner~~, the state attorney or clerk of the circuit court shall
5 immediately furnish the department a certified copy of the
6 information or indictment.

7 (9)(a) Any person who violates any provisions of
8 paragraph (1)(d), paragraph (1)(e), paragraph (1)(f),
9 paragraph (1)(i), ~~or~~ paragraph (1)(m), or subsection (2)
10 commits a felony of the third degree, punishable as provided
11 in s. 775.082, s. 775.083, or s. 775.084.

12 (b) Any person who violates the provisions of
13 paragraph (1)(a), paragraph (1)(b), paragraph (1)(g),
14 paragraph (1)(j), ~~or~~ paragraph (1)(l), paragraph (1)(n), or
15 paragraph (1)(o), subsection (3), subsection (4), or
16 subsection (5) commits a misdemeanor of the first degree,
17 punishable as provided in s. 775.082 or s. 775.083.

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