

By Representative Garcia

1 A bill to be entitled
2 An act relating to bail bond agents; renaming
3 ch. 648, F.S.; amending s. 648.25, F.S.;
4 deleting and revising definitions; amending s.
5 648.27, F.S.; requiring managing general agents
6 and certain representatives of entities to be
7 licensed as bail bond agents; creating s.
8 648.275, F.S.; defining "bail bond agency";
9 requiring certain persons to be licensed as
10 bail bond agents; providing for suspension of
11 operations for noncompliance; providing for
12 issuance of temporary permits; amending s.
13 648.29, F.S.; revising provisions relating to
14 build-up funds; requiring certain moneys to be
15 maintained in specified federally approved
16 accounts; requiring insurers to provide certain
17 financial information to bail bond agents and
18 agencies; amending s. 648.30, F.S.; revising
19 provisions relating to licensure and
20 appointment of bail bond agents; deleting
21 references to runners and including references
22 to entities; creating s. 648.335, F.S.;
23 specifying public policy with respect to
24 criminal surety bail bonds; amending s. 648.34,
25 F.S.; revising requirements for qualification
26 as a bail bond agent; deleting references to
27 runners; amending s. 648.355, F.S.; revising
28 provisions relating to requirements for
29 issuance of temporary limited licenses for
30 limited surety and professional bail bond
31 agents; requiring supervising bail bond agents

1 to certify employment information of temporary
2 bail bond agents to the Department of
3 Insurance; providing a penalty; amending s.
4 648.36, F.S.; requiring persons licensed under
5 ch. 648, F.S., to maintain certain records;
6 revising a provision relating to access to
7 certain records by the public; amending s.
8 648.381, F.S.; requiring mandatory classroom
9 instruction prior to reexamination for
10 applicants under certain circumstances;
11 amending s. 648.382, F.S.; requiring additional
12 information prior to appointment of bail bond
13 agents and temporary bail bond agents; deleting
14 references to runners; amending s. 648.385,
15 F.S.; deleting an obsolete provision; amending
16 s. 648.386, F.S.; increasing the required
17 number of hours of continuing education;
18 increasing the required number of years'
19 experience for approval as a supervising
20 instructor; creating s. 648.387, F.S.;
21 requiring designation of a primary bail bond
22 agent and notification thereof to the
23 department; providing a definition; providing
24 duties of a primary bail bond agent;
25 authorizing the department to suspend or revoke
26 licenses under certain circumstances; amending
27 s. 648.388, F.S.; requiring additional
28 information upon appointment of a managing
29 general agent; providing requirements for
30 maintenance of records and location of office;
31 amending s. 648.44, F.S.; adding specified

1 prohibited activities; deleting references to
2 runners; amending s. 648.441, F.S.; increasing
3 a fine for furnishing supplies to an unlicensed
4 bail bond agent; amending s. 648.442, F.S.;
5 revising provisions relating to collateral
6 security; amending s. 648.4425, F.S.; revising
7 provisions relating to informational notices to
8 include a statement of surrender and providing
9 conditions therefor; amending s. 648.45, F.S.;
10 providing additional causes for denial,
11 suspension, revocation, or refusal to renew a
12 license or appointment issued under ch. 648,
13 F.S.; amending s. 648.52, F.S.; increasing
14 fines for violations of ch. 648, F.S.; creating
15 s. 648.525, F.S.; authorizing the department to
16 conduct certain proceedings and to impose civil
17 assessments; amending s. 648.571, F.S.;
18 revising provisions relating to requests for
19 discharge of bonds; authorizing a bail bond
20 agent to charge certain fees; increasing a fine
21 for violation of s. 648.571, F.S.; amending ss.
22 624.501, 648.31, 648.383, 648.384, 648.39,
23 648.41, 648.50, and 843.021, F.S.; conforming
24 language; amending s. 624.523, F.S.; deleting
25 an obsolete reference and conforming language;
26 repealing s. 648.37, F.S., relating to
27 qualifications for runners; providing for
28 severability; providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Chapter 648, Florida Statutes, entitled
2 "Bail Bond Agents and Runners," is renamed "Bail Bond Agents."

3 Section 2. Subsections (5) and (8) of section 648.25,
4 Florida Statutes, are repealed, subsections (6) and (7) are
5 renumbered as subsections (5) and (6), respectively, and
6 subsection (9) is renumbered as subsection (7) of said section
7 and amended, to read:

8 648.25 Definitions.--The following words when used in
9 this chapter have the meanings respectively ascribed to them
10 in this section:

11 ~~(5) "Agency" means any business location at which a~~
12 ~~licensed and appointed bail bond agent engages in any activity~~
13 ~~or employs individuals to engage in any activity which by law~~
14 ~~may be performed only by a licensed and appointed bail bond~~
15 ~~agent.~~

16 ~~(8) "Runner" means a person employed by a bail bond~~
17 ~~agent, insurer, or managing general agent for the purpose of~~
18 ~~assisting the bail bond agent in presenting the defendant in~~
19 ~~court when required or employed by the bail bond agent to~~
20 ~~assist in the apprehension and surrender of the defendant to~~
21 ~~the court or keeping the defendant under necessary~~
22 ~~surveillance. This does not affect the right of a bail bond~~
23 ~~agent or insurer to hire counsel or to obtain the assistance~~
24 ~~of law enforcement officers.~~

25 (7)(9) "Temporary bail bond agent" means a person
26 employed by a bail bond agent, bail bond agency, insurer, or
27 managing general agent, and such licensee shall have the same
28 authority conferred and authorized by law upon a licensed bail
29 bond agent which shall include presenting defendants in court,
30 apprehending, arresting, and surrendering defendants to the
31 proper authorities while physically accompanied by his or her

1 supervising bail bond agent or a licensed and appointed bail
2 bond agent from the same bail bond agency, and keeping
3 defendants under necessary surveillance. ~~7 however,~~ A temporary
4 licensee shall not have the authority to execute or sign
5 bonds, handle collateral receipts, or deliver bonds to
6 appropriate authorities. A temporary licensee may not operate
7 an agency or branch agency separate from the location of the
8 supervising bail bond agent, managing general agent, or
9 insurer by whom the licensee is employed. This does not affect
10 the right of a bail bond agent or insurer to hire counsel or
11 to obtain the assistance of law enforcement officers.

12 Section 3. Paragraph (b) of subsection (5) and
13 subsection (8) of section 648.27, Florida Statutes, are
14 amended to read:

15 648.27 Licenses and appointments; general.--

16 (5)

17 (b) The license of a temporary bail bond agent ~~or~~
18 ~~runner~~ shall continue in force until suspended, revoked, or
19 otherwise terminated.

20 (8) An application for a managing general agent's
21 license must be made by an insurer who proposes to employ or
22 appoint an individual, partnership, association, or
23 corporation as a managing general agent. Such application
24 shall contain the information required by s. 626.744, and the
25 applicant shall pay the same fee as a managing general agent
26 licensed pursuant to that section. Any individual licensed and
27 appointed as a managing general agent shall also be licensed
28 as a bail bond agent and, in the case of an entity, at least
29 one owner, officer, or director at each office location shall
30 be licensed as a bail bond agent.

31

1 Section 4. Section 648.275, Florida Statutes, is
2 created to read:

3 648.275 Bail bond agency; ownership; requirements.--

4 (1) "Bail bond agency" means:

5 (a) The place of business that is a permanent physical
6 structure located in this state where each licensee maintains
7 an office and where all records required pursuant to ss.
8 648.34 and 648.36 are maintained; or

9 (b) Any entity that:

10 1. Charges a fee or premium for the purpose of
11 releasing an accused defendant or detainee from jail; or

12 2. Engages in any activity or employs individuals to
13 engage in any activity that by law may be performed only by a
14 licensed and appointed bail bond agent.

15 (2) A person may not own, control, or otherwise have a
16 pecuniary interest in a bail bond agency unless such
17 individual is a licensed and appointed bail bond agent. Any
18 agency that is not in compliance with this subsection shall be
19 subject to the issuance of an immediate final order of
20 suspension of all operations until the agency achieves
21 compliance.

22 (3) If a natural person who owns, controls, or has a
23 pecuniary interest in a bail bond agency, and who is licensed
24 as provided in this chapter, dies or becomes mentally
25 incapacitated, the personal representative or legal guardian
26 of such person may be issued a temporary permit for the
27 purpose of managing the affairs of the estate or guardianship.
28 Such person is required to appoint or maintain the appointment
29 of a primary bail bond agent as provided in s. 648.387. The
30 person holding the temporary permit shall be responsible for
31 compliance with s. 648.387 during the administration of the

1 estate or guardianship. The temporary permit shall not be
2 valid for a period exceeding 24 months.

3 (4) Application for the temporary permit shall be made
4 by the personal representative or legal guardian upon
5 statements and an affidavit filed with the department on forms
6 prescribed and furnished by the department. The applicant for
7 a temporary permit shall meet the qualifications for licensure
8 as a bail bond agent under this code, with the exception of
9 the residence, examination, education, and experience
10 requirements.

11 Section 5. Section 648.29, Florida Statutes, is
12 amended to read:

13 648.29 Build-up funds posted by bail bond agent or
14 bail bond agency.--

15 (1) All build-up funds or moneys pledged to be used to
16 indemnify the insurer by the ~~posted by a~~ bail bond agent or
17 bail bond agency ~~managing general agent, either with the~~
18 ~~insurer or managing general agent representing such insurer,~~
19 must be held maintained in an individual build-up trust
20 account for the bail bond agent or bail bond agency and
21 maintained in an FDIC-approved or an FSLIC-approved ~~by the~~
22 ~~insurer or the managing general agent in a bank or savings and~~
23 loan association in this state jointly in the name of the bail
24 bond agent or bail bond agency and the insurer surety ~~or~~
25 ~~managing general agent~~ or in trust for the bail bond agent or
26 bail bond agency by the insurer. The build-up fund ~~surety or~~
27 ~~managing general agent~~ and is open to inspection and
28 examination by the department at all times. An accounting of
29 all such funds shall be maintained which designates the
30 amounts collected on each bond written.

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1 (2) Build-up funds may not exceed 40 percent of the
2 premium as established by the agent's contract agreement with
3 the insurer or managing general agent. Build-up funds received
4 shall be immediately deposited to the build-up trust account.
5 Interest on such accounts shall accrue to the bail bond agent.

6 (3) Build-up funds are maintained as a trust fund
7 created on behalf of a bail bond agent or bail bond agency,
8 held by the insurer in a fiduciary capacity to be used by the
9 insurer to indemnify the insurer for losses and any other
10 agreed-upon costs related to a bail bond executed by the bail
11 bond agent. The build-up funds are the sole property of the
12 bail bond agent or bail bond agency and, upon termination of
13 the bail bond agent's or bail bond agency's contract and
14 discharge of open bond liabilities on the bonds written,
15 build-up funds are due and payable to the bail bond agent or
16 bail bond agency not later than 6 months after final discharge
17 of open bond liabilities.

18 (4) Each insurer authorized to write bail bonds in
19 this state and each managing general agent must furnish to the
20 department a certified copy of a statement listing each
21 build-up trust account and the balance therein by March 1 of
22 each year.

23 (5) Insurers shall provide all bank statements of
24 build-up fund accounts to their bail bond agents and bail bond
25 agencies.

26 Section 6. Section 648.30, Florida Statutes, is
27 amended to read:

28 648.30 Licensure and appointment required.--

29 (1) A person or entity may not act in the capacity of
30 a bail bond agent or, temporary bail bond agent, ~~or runner~~ or
31 perform any of the functions, duties, or powers prescribed for

1 bail bond agents or temporary bail bond agents ~~runners~~ under
2 this chapter unless that person or entity is qualified,
3 licensed, and appointed as provided in this chapter.

4 (2) No person or entity shall represent himself or
5 herself to be a bail enforcement agent, bounty hunter, or
6 other similar title in this state.

7 (3) No person or entity, other than a certified law
8 enforcement officer, shall be authorized to apprehend, detain,
9 or arrest a principal on a bond, wherever issued, unless that
10 person is qualified, licensed, and appointed as provided in
11 this chapter, is or licensed as a bail bond agent, or
12 possesses an equivalent license issued by the state where the
13 bond was written.

14 (4) Any person or entity who violates any provision of
15 this section commits a felony of the third degree, punishable
16 as provided in s. 775.082, s. 775.083, or s. 775.084.

17 Section 7. Section 648.31, Florida Statutes, is
18 amended to read:

19 648.31 Appointment taxes and fees.--The department
20 shall collect in advance all appointment taxes and fees for
21 the issuance of any appointment to a bail bond agent or
22 temporary bail bond agent, ~~or runner~~, as provided in s.
23 624.501.

24 Section 8. Section 648.335, Florida Statutes, is
25 created to read:

26 648.335 Nature of criminal surety bail bonds.--It is
27 the public policy of this state and the intent of the
28 Legislature that a bond for which fees or premiums are charged
29 shall be executed by a bail bond agent licensed pursuant to
30 this chapter in connection with the pretrial or appellate
31 release of a criminal defendant and shall be construed as a

1 commitment by and an obligation upon the bail bond agent to
2 ensure that the defendant appears at all subsequent criminal
3 proceedings.

4 Section 9. Paragraphs (a) and (b) of subsection (2)
5 and subsection (6) of section 648.34, Florida Statutes, are
6 amended to read:

7 648.34 Bail bond agents; qualifications.--

8 (2) To qualify as a bail bond agent, it must
9 affirmatively appear at the time of application and throughout
10 the period of licensure that the applicant has complied with
11 the provisions of s. 648.355 and has obtained a temporary
12 license pursuant to such section and:

13 (a) The applicant is a natural person who has reached
14 the age of 18 years and has obtained a high school diploma or
15 its equivalent.

16 (b) The applicant is a United States citizen or legal
17 alien and a bona fide resident of this state. An individual
18 who is a bona fide resident of this state shall be deemed to
19 meet the residence requirement of this paragraph,
20 notwithstanding the existence, at the time of application for
21 license, of a license in the applicant's name on the records
22 of another state as a resident licensee of such other state,
23 if the applicant furnishes a letter of clearance satisfactory
24 to the department that his or her resident licenses have been
25 canceled or changed to a nonresident basis and that he or she
26 is in good standing.

27 (6) The provisions of s. 112.011 do not apply to bail
28 bond agents ~~or runners~~ or to applicants for licensure as bail
29 bond agents ~~or runners~~.

30 Section 10. Subsections (1), (3), (6), and (8) of
31 section 648.355, Florida Statutes, are amended to read:

1 648.355 Temporary limited license as limited surety
2 agent or professional bail bond agent; pending examination.--

3 (1) The department may, in its discretion, issue a
4 temporary license as a limited surety agent or professional
5 bail bond agent, subject to the following conditions:

6 (a) The applicant is a natural person at least 18
7 years of age and has obtained a high school diploma or its
8 equivalent.

9 (b) The applicant is a United States citizen or legal
10 alien and a bona fide resident of this state. An individual
11 who is a bona fide resident of this state shall be deemed to
12 meet the residence requirement of this paragraph,
13 notwithstanding the existence, at the time of application for
14 temporary license, of a license in the individual's name on
15 the records of another state as a resident licensee of such
16 other state, if the applicant furnishes a letter of clearance
17 satisfactory to the department that the individual's resident
18 licenses have been canceled or changed to a nonresident basis
19 and that the individual is in good standing.

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

26 (d) Within 4 years prior to the date of application
27 for a temporary license, the applicant has successfully
28 completed a basic certification course in the criminal justice
29 system, consisting of not less than 120 ~~80~~ hours of classroom
30 instruction, has obtained a passing grade of 80 percent or
31

1 higher, and has successfully completed a correspondence course
2 for bail bond agents approved by the department.

3 (e) The applicant must be employed at the time of
4 licensure application, and, at all times throughout the
5 existence of the temporary license, by only one licensed and
6 appointed supervising bail bond agent, ~~managing general agent,~~
7 ~~or authorized insurer~~, who supervises the work of the
8 applicant and is responsible for the licensee's conduct in the
9 bail bond business. The applicant shall be appointed by the
10 same insurer or insurers as the supervising bail bond agent.
11 The supervising bail bond agent shall on a monthly basis
12 certify to the department under oath, on a form prescribed by
13 the department, the names and hours worked each week of all
14 temporary bail bond agents so employed. Filing a false
15 certification is grounds for the immediate suspension of the
16 license and the imposition of an administrative fine of
17 \$5,000.

18 (f) The application must be accompanied by an
19 affidavit under oath verifying proposed ~~a certificate of~~
20 employment and a report as to the applicant's integrity and
21 moral character on a form prescribed by the department and
22 executed by the proposed employer.

23 (g) The applicant shall file with the department
24 statements by a least three reputable citizens who are
25 residents of the same counties in which the applicant proposes
26 to engage as a temporary licensee.

27 (h) The applicant's employer is responsible for the
28 bail bonding acts of any licensee under this section.

29 (3) The temporary license shall be effective for a
30 period of 18 months ~~1 year~~, subject to earlier termination at
31

1 the request of the employer or if suspended or revoked by the
2 department.

3 (6) After licensure as a temporary licensee for at
4 least 12 ~~6~~ months, such licensee may file an application for
5 and become eligible for a regular bail bond agent's license
6 based on the licensee's experience in the bail bond business
7 and education pursuant to paragraph (1)(d) and, if otherwise
8 qualified, take the required bail bond agent's licensure
9 examination. The applicant and the supervising bail bond agent
10 shall each file an affidavit under oath, on a form prescribed
11 by the department, verifying the required employment of the
12 temporary bail bond agent prior to issuance of the license.

13 (8)(a) Under the temporary license, the licensee shall
14 have the same authority conferred and authorized by the laws
15 of this state upon a licensed bail bond agent which shall
16 include:

17 1. Presenting defendants in court.~~7~~

18 2. Apprehending, arresting, and surrendering
19 defendants to the proper authorities, during which process the
20 licensee shall be physically accompanied by his or her
21 supervising bail bond agent or a licensed and appointed bail
22 bond agent from the same bail bond agency.~~and~~

23 3. Keeping defendants under necessary surveillance.~~7~~
24 ~~however,~~

25 (b) A temporary licensee shall not have the authority
26 to:

27 1. Execute or sign bonds;~~7~~

28 2. Handle collateral receipts;~~7~~ ~~or~~

29 3. Deliver bonds to appropriate authorities; ~~or.~~ ~~A~~

30 ~~temporary licensee may not~~

31

1 4. Operate an agency or branch agency separate from
2 the location of the supervising bail bond agent, managing
3 general agent, or insurer by whom the licensee is employed.

4 Section 11. Section 648.36, Florida Statutes, is
5 amended to read:

6 648.36 Bail bond agent's records.--Every person
7 licensed under this chapter ~~bail bond agent~~ must maintain in
8 his or her office such records of bail bonds executed or
9 countersigned by him or her to enable the department ~~public~~ to
10 obtain all necessary information concerning such bail bonds
11 for at least 3 years after the liability of the surety has
12 been terminated. Such records shall be open to examination,
13 inspection, and photographic reproduction by the department or
14 an authorized representative of the insurer or managing
15 general agent, or agents of the department, at all times, and
16 the department may at any time require the licensee to furnish
17 to it, in such manner or form as it requires, any information
18 concerning the bail bond business of such licensee.

19 Section 12. Section 648.381, Florida Statutes, is
20 amended to read:

21 648.381 Reexamination.--Any applicant for licensure
22 who has taken an examination and failed to make a passing
23 grade, has failed to appear for the examination, or has failed
24 to take or complete the examination at the time and place
25 specified in the notice of the department may take additional
26 examinations upon the filing of an application for
27 reexamination, with applicable fees. The failure of an
28 applicant to pass an examination or the failure to appear for
29 the examination or to take or complete the examination does
30 not preclude the applicant from taking subsequent
31 examinations. If an applicant fails the examination three

1 times, he or she shall enroll in and complete the 120 hours of
2 classroom instruction required under s. 648.355(1)(d) for the
3 basic certification course and obtain a passing grade of 80
4 percent or higher in order to take any further examination.

5 Section 13. Section 648.382, Florida Statutes, is
6 amended to read:

7 648.382 Appointment of bail bond agents and temporary
8 bail bond agents, ~~and runners~~; effective date of
9 appointment.--

10 (1) Each insurer appointing a bail bond agent and each
11 insurer, managing general agent, or bail bond agent appointing
12 a temporary bail bond agent ~~or runner~~ in this state must file
13 the appointment with the department and, at the same time, pay
14 the applicable appointment fees and taxes. A person appointed
15 under this section must hold a valid bail bond agent's or,
16 temporary bail bond agent's, ~~or runner's~~ license.

17 (2) Prior to any appointment, an appropriate officer
18 or official of the appointing insurer in the case of a bail
19 bond agent or an insurer, managing general agent, or bail bond
20 agent in the case of a temporary bail bond agent ~~or runner~~,
21 must submit:

22 (a) A certified statement or affidavit to the
23 department stating:

24 1. What investigation has been made concerning the
25 proposed appointee and the proposed appointee's background.
26 ~~and~~

27 2. The appointing person's opinion to the best of his
28 or her knowledge and belief as to the moral character,
29 fitness, and reputation of the proposed appointee. ~~and~~

30 (b) An affidavit executed under oath on a form
31 prescribed by the department and signed by the proposed

1 appointee that states that no premiums are owed to any insurer
2 and the appointee is obligated to discharge all outstanding
3 forfeitures or judgments on bonds previously written. Upon the
4 failure of an appointee to satisfy or discharge such
5 forfeitures or judgments, the former insurer shall file a
6 notice with supporting documents with the appointing insurer,
7 the former agent, and the department that states, under oath,
8 that the licensee has failed to timely satisfy the forfeitures
9 and judgments on bonds written and that the insurer has
10 satisfied the forfeiture or judgment from its own funds. Upon
11 receipt of written notification and supporting documents from
12 the former insurer, the appointing insurer shall immediately
13 cancel the licensee's appointment and the licensee may only be
14 reappointed upon certification by the former insurer that all
15 forfeitures and judgments on bonds written by the licensee
16 have been discharged. The appointing insurer or former agent
17 may, within 10 days, file a petition with the department
18 seeking relief from this provision. The filing of the petition
19 stays the duty of the appointing insurer to cancel the
20 appointment until such time as the department grants or denies
21 the petition.

22 (c) Any other information that the department
23 reasonably requires concerning the proposed appointee.

24 (3) Prior to any appointment of a bail bond agent, the
25 appointing insurer must certify to the department that the
26 insurer will be bound by the acts of the bail bond agent
27 acting within the scope of his or her appointment, and, in the
28 case of a temporary bail bond agent ~~or runner~~, the appointing
29 insurer, managing general agent, or bail bond agent, as the
30 case may be, must certify to the department that he or she
31

1 will supervise the temporary bail bond agent's ~~or runner's~~
2 activities.

3 (4) Each appointing insurer, managing general agent,
4 or bail bond agent must advise the department in writing
5 within 5 days after obtaining knowledge or receiving notice
6 that an appointee has been arrested for or charged with or has
7 been found guilty of, or has pled guilty or nolo contendere
8 to, a felony or a crime punishable by imprisonment of 1 year
9 or more under the law of the United States, under the law of
10 any state, or under the law of any other country, without
11 regard to whether the judgment of conviction has been entered
12 by the court having jurisdiction over such cases.

13 (5) A list of current appointments must be submitted
14 to the department each month but in no case later than 45 days
15 after the date of appointment. All appointments are effective
16 as of the date indicated on the appointment form.

17 Section 14. Section 648.383, Florida Statutes, is
18 amended to read:

19 648.383 Renewal, continuation, reinstatement, and
20 termination of appointment; bail bond agents ~~and runners~~.--

21 (1) The appointment of a bail bond agent ~~or runner~~
22 shall continue in force unless suspended, revoked, or
23 otherwise terminated, subject to a renewal request filed by
24 the appointing entity in the appointee's birth month and every
25 24 months thereafter. A renewal request must be filed with the
26 department along with payment of the renewal appointment fee
27 and taxes as prescribed in s. 624.501.

28 (2) Each appointing person must file with the
29 department the lists, statement, and information as to each
30 bail bond agent ~~or runner~~ whose appointment is being renewed,
31 accompanied by payment of the applicable renewal fees and

1 taxes as prescribed in s. 624.501, by a date established by
2 the department following the month during which the
3 appointment will expire.

4 (3) An appointment may be renewed by the department
5 without penalty if the information required under subsection
6 (2) is received by the department on or prior to the date
7 established by the department for renewal, and such
8 appointment is effective on the day the appointment was
9 scheduled to expire.

10 (4) If the information required under subsection (2)
11 is received by the department after the date established by
12 the department for renewal, the appointment may be renewed by
13 the department if an additional appointment, continuation, and
14 reinstatement fee accompanies the application as required
15 under s. 624.501.

16 Section 15. Section 648.384, Florida Statutes, is
17 amended to read:

18 648.384 Effect of expiration of appointment; bail bond
19 agents ~~and runners~~.--

20 (1) Upon the expiration of any person's appointment as
21 provided in s. 648.383, such person is without any authority
22 to engage or attempt to engage in any activity requiring such
23 appointment.

24 (2) If a bail bond agent fails to maintain an
25 appointment with an insurer ~~or if a runner fails to maintain~~
26 ~~an appointment with an insurer, managing general agent, or~~
27 ~~bail bond agent~~ during any 48-month period, the bail bond
28 agent ~~or runner~~ may not be granted a reappointment until he or
29 she qualifies as a first-time applicant.

30 Section 16. Paragraph (a) of subsection (2) of section
31 648.385, Florida Statutes, is amended to read:

1 648.385 Continuing education required; application;
2 exceptions; requirements; penalties.--

3 (2)(a) ~~For compliance dates beginning in January 1997~~
4 ~~and thereafter~~, Each person subject to the provisions of this
5 chapter must complete a minimum of 14 hours of continuing
6 education courses every 2 years in courses approved by the
7 department. Compliance with continuing education requirements
8 is a condition precedent to the issuance, continuation, or
9 renewal of any appointment subject to the provisions of this
10 chapter.

11 Section 17. Paragraph (a) of subsection (1) and
12 paragraph (b) of subsection (4) of section 648.386, Florida
13 Statutes, are amended to read:

14 648.386 Qualifications for prelicensing and continuing
15 education schools and instructors.--

16 (1) SCHOOLS AND CURRICULUM FOR PRELICENSING
17 SCHOOLS.--In order to be considered for approval and
18 certification as an approved limited surety agent and
19 professional bail bond agent prelicensing school, such entity
20 must:

21 (a)1. Offer a minimum of two 120-hour ~~80-hour~~
22 classroom instruction basic certification courses in the
23 criminal justice system per calendar year unless a reduced
24 number of course offerings per calendar year is warranted in
25 accordance with rules promulgated by the department; or

26 2. Offer a department-approved correspondence course
27 pursuant to department rules.

28 (4) INSTRUCTOR'S DUTIES AND QUALIFICATIONS.--

29 (b) In order to obtain department approval as a
30 supervising instructor, the following qualifications must be
31 met:

1 1. During the past 15 ~~10~~ years, the person must have
2 had at least 10 ~~5~~ years' experience as a manager or officer of
3 a managing general agent in this state as prescribed in s.
4 648.388;

5 2. During the past 15 ~~10~~ years, the person must have
6 had at least 10 ~~5~~ years' experience as a manager or officer of
7 an insurance company authorized to and actively engaged in
8 underwriting bail in this state, provided there is a showing
9 that the manager's or officer's experience is directly related
10 to the bail bond industry; or

11 3. The person has been a licensed bail bond agent in
12 this state for at least 10 years.

13 Section 18. Section 648.387, Florida Statutes, is
14 created to read:

15 648.387 Primary bail bond agent; required designation;
16 duties.--

17 (1) The owner or operator of a bail bond agency shall
18 designate a primary bail bond agent for each bail bond agency
19 location and shall file with the department the name and
20 license number of the person so designated and the address of
21 the bail bond agency location on a form approved by the
22 department. The designation of the primary bail bond agent may
23 be changed, provided that the department is notified
24 immediately of such change. Failure to notify the department
25 within 10 working days after such change shall be grounds for
26 disciplinary action pursuant to s. 648.45.

27 (2) "Primary bail bond agent" means the licensed bail
28 bond agent who is responsible for the overall operation and
29 management of a bail bond agency location. The
30 responsibilities of a primary bail bond agent may include, but
31 are not limited to, hiring and supervising all individuals

1 within a bail bond agency location, whether such individuals
2 deal with the public with regard to the solicitation or
3 negotiation of bail bond contracts or the collection or
4 accounting of moneys received from the general public. A bail
5 bond agent may be designated as a primary bail bond agent for
6 only one bail bond agency location.

7 (3) The department may suspend or revoke the license
8 of the owner or operator of and the primary bail bond agent
9 for a bail bond agency if it employs, contracts with, or
10 otherwise uses the services of any person who has had a
11 license denied or any person whose license is currently
12 suspended or revoked. However, when a person has been denied a
13 license for failure to pass a required examination, he or she
14 may be employed to perform clerical or administrative
15 functions for which licensure is not required.

16 (4) An owner, operator, or primary agent shall not
17 employ, contract with, or otherwise use the services of any
18 person in a bail bond agency who has been charged with or has
19 been found guilty of, or has pled guilty or nolo contendere
20 to, a felony or a crime punishable by imprisonment of 1 year
21 or more under the law of the United States, under the law of
22 any state, or under the law of any other country, without
23 regard to whether the judgment of conviction has been entered
24 by the court having jurisdiction over such cases.

25 (5) A bail bond agency location may not conduct the
26 business of surety unless a primary bail bond agent is
27 designated at all times. Failure to designate a primary bail
28 bond agent on a form prescribed by the department within 10
29 working days after agency inception or change of primary bail
30 bond agent designation constitutes a violation of this chapter
31

1 and subjects the owner or operator and all licensed bail bond
2 agents at that location to discipline pursuant to s. 648.45.

3 Section 19. Section 648.388, Florida Statutes, is
4 amended to read:

5 648.388 Insurer must appoint managing general
6 agent.--Any insurer regularly engaged in the execution of bail
7 bonds in this state shall have a managing general agent in
8 this state to supervise its agents. Upon the appointment of a
9 managing general agent, every insurer shall file with the
10 department an affidavit executed under oath by the appointee
11 certifying that the appointee does not owe any unpaid premiums
12 to any insurer and does not have any unpaid judgments or
13 forfeitures in this state or any other state. A managing
14 general agent shall maintain in this state all records
15 relating to bonds issued in this state and shall maintain an
16 office in this state.

17 Section 20. Section 648.39, Florida Statutes, is
18 amended to read:

19 648.39 Termination of appointment of managing general
20 agents, bail bond agents ~~and~~ temporary bail bond agents, ~~and~~
21 ~~runners~~.--

22 (1) An insurer who terminates the appointment of a
23 managing general agent, bail bond agent, or temporary bail
24 bond agent, ~~or runner~~ shall, within 10 days after such
25 termination, file written notice thereof with the department
26 together with a statement that it has given or mailed notice
27 to the managing general agent, bail bond agent, or temporary
28 bail bond agent, ~~or runner~~. Such notice filed with the
29 department must state the reasons, if any, for such
30 termination. Information so furnished the department is
31 confidential and exempt from the provisions of s. 119.07(1).

1 (2) Each insurer shall, within 5 days after
2 terminating the appointment of any managing general agent,
3 bail bond agent, or temporary bail bond agent, ~~or runner~~, give
4 written notice thereof to each clerk of the circuit court and
5 sheriff with whom such person is registered.

6 (3) An insurer that terminates the appointment of a
7 managing general agent, bail bond agent, or temporary bail
8 bond agent, ~~or runner~~ may authorize such person to continue to
9 attempt the arrest and surrender of a defendant for whom a
10 surety bond had been written by the bail bond agent prior to
11 termination and to seek discharge of forfeitures and judgments
12 as provided in chapter 903.

13 Section 21. Section 648.41, Florida Statutes, is
14 amended to read:

15 648.41 Termination of appointment of temporary bail
16 bond agents ~~or runners~~.--A bail bond agent, insurer, or
17 managing general agent terminating the appointment of a
18 temporary bail bond agent ~~or runner~~ must, within 10 days, file
19 written notice thereof with the department, together with a
20 statement that notice has been given or mailed to the
21 temporary bail bond agent ~~or runner~~. Such notice filed with
22 the department shall state the reasons, if any, for such
23 termination. Information so furnished the department is
24 confidential and exempt from the provisions of s. 119.07(1).

25 Section 22. Section 648.44, Florida Statutes, is
26 amended to read:

27 648.44 Prohibitions; penalty.--

28 (1) A bail bond agent or temporary bail bond agent
29 ~~or runner~~ may not:

30
31

1 (a) Suggest or advise the employment of, or name for
2 employment, any particular attorney to represent his or her
3 principal.

4 (b)1. Directly or indirectly solicit business in or on
5 the property or grounds of a jail, prison, or other place
6 where prisoners are confined or in or on the property or
7 grounds of any court.

8 2. The term "solicitation" includes the distribution
9 of business cards, print advertising, or other written or oral
10 information directed to prisoners or potential indemnitors,
11 unless a request is initiated by the prisoner or a potential
12 indemnitor.

13 3. Permissible print advertising in the jail is
14 strictly limited to a listing in a telephone directory and the
15 posting of the bail bond agency's or agent's name, address,
16 and telephone number in a designated location within the jail.

17 (c) Initiate in-person or telephone solicitation
18 before 8 a.m. or after 9 p.m. local time, in the case of
19 domestic violence cases only, at the residence of the detainee
20 or his or her family. Any form of solicitation not otherwise
21 prohibited by this chapter shall conform to ss. 501.059(2) and
22 (4), 501.602, 501.603(11), 501.613(1), and 501.616(6).

23 (d)~~(c)~~ Wear or display any identification other than
24 the department issued or approved license or department
25 approved identification that includes a citation of the bail
26 bond agent's arrest powers in or on the property or grounds of
27 a jail, prison, or other place where prisoners are confined or
28 in or on the property or grounds of any court.

29 (e)~~(d)~~ Pay a fee or rebate or give or promise anything
30 of value to a jailer, police officer, peace officer, or
31 committing magistrate or any other person who has power to

1 | arrest or to hold in custody or to any public official or
2 | public employee in order to secure a settlement, compromise,
3 | remission, or reduction of the amount of any bail bond or
4 | estreatment thereof.

5 | (f)~~(e)~~ Pay a fee or rebate or give anything of value
6 | to an attorney in a bail bond matter, except in defense of any
7 | action on a bond.

8 | (g)~~(f)~~ Pay a fee or rebate or give or promise anything
9 | of value to the principal or anyone in his or her behalf.

10 | (h)~~(g)~~ Participate in the capacity of an attorney at a
11 | trial or hearing of one on whose bond he or she is surety.

12 | (i)~~(h)~~ Loiter in or about a jail, courthouse, or where
13 | prisoners are confined.

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

27 | (k)~~(j)~~ Write more than one power of attorney per
28 | charge on a bond, except in the case of a cosurety, unless the
29 | power of attorney expressly prohibits a cosurety.

30 | (l)~~(k)~~ Execute a bond in this state on his or her own
31 | behalf.

1 (m)~~(l)~~ Execute a bond in this state if a judgment has
2 been entered on a bond executed by the bail bond agent, which
3 has remained unpaid for 35 days, unless the full amount of the
4 judgment is deposited with the clerk in accordance with s.
5 903.27(5).

6 (n)~~(m)~~ Make a statement or representation to a court,
7 unless such statement or representation is under oath. Such
8 statement or representation may not be false, misleading, or
9 deceptive.

10 (o) Attempt to collect through threat or coercion any
11 amounts due for the payment of any indebtedness related to the
12 issuance of a bail bond in violation of s. 559.72.

13 (p) Conduct bail bond business with any person other
14 than the defendant on the grounds of the jail or courthouse
15 for the purpose of executing a bond.

16 (2) The following persons or classes shall not be bail
17 bond agents, temporary bail bond agents, ~~runners~~, or employees
18 of a bail bond agent or a bail bond business and shall not
19 directly or indirectly receive any benefits from the execution
20 of any bail bond:

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

22 (b) Police officers or employees of any police
23 department or law enforcement agency.

24 (c) Committing magistrates, employees of a court, or
25 employees of the clerk of any court.

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

28 (e) Attorneys.

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

1 (3) A bail bond agent may not sign or countersign in
2 blank any bond, give a power of attorney to, or otherwise
3 authorize, anyone to countersign his or her name to bonds
4 unless the person so authorized is a licensed and appointed
5 bail bond agent directly employed by the bail bond agent
6 giving such power of attorney.

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

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

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

16 (b) Any misleading or false advertisement or deceptive
17 trade practice is prohibited as provided in part IX of chapter
18 626.

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

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

27 2. Bail bond agents may not own or advertise under
28 firm names that are false, misleading, or deceptive or use a
29 trade name that implies connection with a government, state,
30 or county agency.

31

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

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

7 5. A bail bond agent may not make a material
8 misrepresentation of fact or omit any material fact that makes
9 a statement materially misleading.

10 (7) Any permissible advertising by a bail bond agent
11 or agency must include the address of record filed with the
12 department.

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

26 (b) Any person who violates the provisions of
27 paragraph (a) or any person who knowingly permits a person who
28 has been convicted of or who has pleaded guilty or no contest
29 to a crime as described in paragraph (a) to engage in the bail
30 bond business as prohibited in paragraph (a) commits a felony
31

1 of the third degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

3 (c) Any law enforcement agency, state attorney's
4 office, court clerk, or insurer that is aware that a bail bond
5 agent or, temporary bail bond agent, ~~or runner~~ has been
6 convicted of or who has pleaded guilty or no contest to a
7 crime as described in paragraph (a) shall notify the
8 department of this fact.

9 (d) Upon the filing of an information or indictment
10 against a bail bond agent or, temporary bail bond agent, ~~or~~
11 ~~runner~~, the state attorney or clerk of the circuit court shall
12 immediately furnish the department a certified copy of the
13 information or indictment.

14 (9)(a) Any person who violates any provisions of
15 paragraph (1)(~~e~~)(d), paragraph (1)(~~f~~)(e), paragraph (1)(~~g~~)(f),
16 paragraph (1)(~~j~~)(i), ~~or~~ paragraph (1)(~~n~~)(m), or subsection (2)
17 commits a felony of the third degree, punishable as provided
18 in s. 775.082, s. 775.083, or s. 775.084.

19 (b) Any person who violates the provisions of
20 paragraph (1)(a), paragraph (1)(b), paragraph (1)(~~h~~)(g),
21 paragraph (1)(~~k~~)(j), ~~or~~ paragraph (1)(~~m~~)(l), paragraph (1)(o),
22 or paragraph (1)(p), subsection (3), subsection (4), or
23 subsection (5) commits a misdemeanor of the first degree,
24 punishable as provided in s. 775.082 or s. 775.083.

25 Section 23. Subsections (1) and (3) of section
26 648.441, Florida Statutes, are amended to read:

27 648.441 Furnishing supplies to unlicensed bail bond
28 agent prohibited; civil liability and penalty.--

29 (1) An insurer, managing general agent, bail bond
30 agent, or temporary bail bond agent, ~~or runner~~ appointed under
31 this chapter may not furnish to any person any blank forms,

1 applications, stationery, business card, or other supplies to
2 be used in soliciting, negotiating, or effecting bail bonds
3 until such person has received from the department a license
4 to act as a bail bond agent and is appointed by the insurer.
5 This section does not prohibit an unlicensed employee, under
6 the direct supervision and control of a licensed and appointed
7 bail bond agent, from possessing or executing in the bail bond
8 agency, any forms, except for powers of attorney, bond forms,
9 and collateral receipts, while acting within the scope of his
10 or her employment.

11 (3) Any person who violates this section commits a
12 misdemeanor of the first degree, punishable as provided in s.
13 775.082 or by a fine of \$5,000, or both ~~s. 775.083~~.

14 Section 24. Subsections (1), (3), and (6) of section
15 648.442, Florida Statutes, are amended, subsections (8), (9),
16 and (10) are renumbered as subsections (9), (10), and (11),
17 respectively, and a new subsection (8) is added to said
18 section, to read:

19 648.442 Collateral security.--

20 (1) Collateral security or other indemnity accepted by
21 a bail bond agent, except a promissory note or an indemnity
22 agreement, shall be returned upon final termination of
23 liability on the bond. Such collateral security or other
24 indemnity required by the bail bond agent must be reasonable
25 in relation to the amount of the bond. Collateral security may
26 not be used by the bail bond agent for personal benefit or
27 gain and must be returned in the same condition as received. A
28 bail bond agent may accept collateral security in excess of
29 \$50,000 cash per bond, provided any amount over \$50,000 cash
30 is payable to the insurer in the form of a cashier's check,
31 United States postal money order, certificates of deposit, or

1 wire transfer and is remitted to and held by the insurer. A
2 copy of IRS Form 8300 shall be retained as part of the
3 defendant's file if it is otherwise required. A quitclaim deed
4 for property may not be taken as collateral.Other acceptable
5 forms of security or indemnity may consist of the following:
6 (a) A promissory note;
7 (b) An indemnity agreement;
8 (c) A real property mortgage in the name of the
9 insurer;
10 (d) Any Uniform Commercial Code filing; or
11 (e) Any other type of security approved by the
12 department. The department may approve other security only if,
13 after considering the liquidity and other characteristics of
14 the security, it determines that the security is of a type
15 which increases the probability that the defendant will in
16 fact appear in court or increases the probability that the
17 defendant will be subsequently apprehended by the bail bond
18 agent.
19 (3) All ~~Such~~ collateral security shall be received and
20 held in the insurer's name by the bail bond agent in a
21 fiduciary capacity and, prior to any forfeiture of bail, shall
22 be kept separate and apart from any other funds or assets of
23 such bail bond agent. When collateral security in excess of
24 \$5,000 cash or its equivalent is received by a bail bond
25 agent, the entire amount shall be immediately forwarded to the
26 insurer ~~or managing general agent~~. ~~Such~~ Collateral security
27 may be placed in an interest-bearing account to accrue to the
28 benefit of the person giving the collateral security, and the
29 bail bond agent, insurer, or managing general agent may not
30 make any pecuniary gain on the collateral security deposited.
31 Any such account shall be in a depository office of a

1 financial institution located in this state. The insurer shall
2 be liable for all collateral received. If the bail bond agent
3 or managing general agent fails to return the collateral to
4 the indemnitor upon final termination of liability on the
5 bond, the surety shall be liable for the collateral and shall
6 return the actual collateral to the indemnitor or, in the
7 event that the surety cannot locate the collateral, the surety
8 shall pay the indemnitor pursuant to the provisions of this
9 section.

10 (6) The bail bond agent or insurer must convert the
11 collateral to cash within a reasonable period of time and
12 return that which is in excess of the face value of the bond
13 minus the actual and reasonable expenses of converting the
14 collateral to cash. In no event shall these expenses exceed
15 20 ~~10~~ percent of the face value of the bond. However, upon
16 motion and proof that the actual, reasonable expenses exceed
17 20 ~~10~~ percent, the court may allow recovery of the full amount
18 of such actual, reasonable expenses. If there is a remission
19 of a forfeiture, which had required the surety to pay the bond
20 to the court, the surety shall pay to the indemnitor the value
21 of any collateral received for the bond, minus any actual
22 expenses and costs permitted herein.

23 (8) Prior to the appointment of a bail bond agent who
24 is currently or was previously appointed by another insurer,
25 the bail bond agent shall file with the department a sworn and
26 notarized affidavit, on a form prescribed by the department,
27 stating that:

28 (a) There has been no loss, misappropriation,
29 conversion, or theft of any collateral being held by the bail
30 bond agent in trust for any insurer by which the bail bond
31 agent is currently or was previously appointed.

1 (b) All collateral being held in trust by the bail
2 bond agent and all bail bond records for any insurer by which
3 the bail bond agent is currently or was previously appointed
4 shall be available for immediate audit and inspection by the
5 department, the insurer, or the managing general agent for the
6 insurer and shall, upon demand of the department or insurer,
7 be transmitted to the insurer for whom the collateral is being
8 held in trust.

9 Section 25. Section 648.4425, Florida Statutes, is
10 amended to read:

11 648.4425 Notice.--

12 (1) Upon issuing a bond, the bail bond agent shall
13 provide to the principal and, if applicable, to the party
14 rendering collateral or indemnifying the surety ~~principal~~ an
15 informational notice which shall include:

16 (a) A statement noting with particularity the
17 restrictions, if any, placed on the principal as a condition
18 of the bond;

19 (b) A statement of the bail bond agent's powers
20 relating to the cancellation of the bond and recommitment of
21 the principal; and

22 (c) The name, address, and telephone number of the
23 department for complaints or inquiries.

24 (2) A bail bond agent who surrenders or recommits a
25 defendant shall provide the defendant with a statement of
26 surrender on a form prescribed by the department. The
27 statement shall state the reason for surrender and shall be
28 signed by the bail bond agent. The statement shall be attached
29 to the surrender form and one copy shall be provided to the
30 defendant and one copy shall be maintained by the agent in the
31 defendant's file.

1 ~~(3)(2)~~ The department shall prescribe forms to
2 administer this section.

3 Section 26. Subsection (4) of section 648.45, Florida
4 Statutes, is amended, and paragraphs (o) and (p) are added to
5 subsection (2) of said section, to read:

6 648.45 Actions against a licensee; suspension or
7 revocation of eligibility to hold a license.--

8 (2) The department shall deny, suspend, revoke, or
9 refuse to renew any license or appointment issued under this
10 chapter or the insurance code, and it shall suspend or revoke
11 the eligibility of any person to hold a license or appointment
12 under this chapter or the insurance code, for any violation of
13 the laws of this state relating to bail or any violation of
14 the insurance code or for any of the following causes:

15 (o)1. Having made or filed a report or record that the
16 licensee knows to be false or misleading;

17 2. Having willfully failed to file a report or record
18 required by state or federal law;

19 3. Having willfully impeded or obstructed such filing;
20 or

21 4. Having induced another person to impede or obstruct
22 such filing.

23
24 Such reports or records shall include only those that are
25 signed in the capacity of a licensed agent.

26 (p) Having pursued a course of conduct or practice
27 that indicates that he or she is incompetent, negligent,
28 dishonest, or untruthful, or that the money, property,
29 transactions, and rights of clients may not safely be
30 entrusted to him or her.

31

1 (4) Any licensee found to have violated s.
2 648.44(1)(b), (d)~~(c)~~, or (i)~~(h)~~ shall, at a minimum, be
3 suspended for a period of 3 months. A greater penalty,
4 including revocation, shall be imposed if there is a willful
5 or repeated violation of s. 648.44(1)(b), (d)~~(c)~~, or (i)~~(h)~~,
6 or the licensee has committed other violations of this
7 chapter.

8 Section 27. Section 648.50, Florida Statutes, is
9 amended to read:

10 648.50 Effect of suspension, revocation upon
11 associated licenses and licensees.--

12 (1) Upon the suspension, revocation, or refusal to
13 renew or continue any license or appointment or the
14 eligibility to hold a license or appointment of a bail bond
15 agent or temporary bail bond agent, ~~or runner~~, the department
16 shall at the same time likewise suspend or revoke all other
17 licenses or appointments and the eligibility to hold any other
18 such licenses or appointments which may be held by the
19 licensee under the Florida Insurance Code.

20 (2) In case of the suspension or revocation of the
21 license or appointment, or the eligibility to hold a license
22 or appointment, of any bail bond agent, the license,
23 appointment, or eligibility of any and all bail bond agents
24 who are members of a bail bond agency, whether incorporated or
25 unincorporated, and any and all temporary bail bond agents ~~or~~
26 ~~runners~~ employed by such bail bond agency, who knowingly are
27 parties to the act which formed the ground for the suspension
28 or revocation may likewise be suspended or revoked.

29 (3) No person whose license as a bail bond agent or
30 temporary bail bond agent, ~~or runner~~ has been revoked or
31 suspended shall be employed by any bail bond agent, have any

1 ownership interest in any business involving bail bonds, or
2 have any financial interest of any type in any bail bond
3 business during the period of revocation or suspension.

4 Section 28. Subsection (1) of section 648.52, Florida
5 Statutes, is amended to read:

6 648.52 Administrative fine.--

7 (1) If, pursuant to the procedure described in s.
8 648.46, the department finds that one or more causes exist for
9 the suspension of, revocation of, or refusal to renew or
10 continue any license or appointment issued under this chapter,
11 the department may, in its discretion, in lieu of or in
12 addition to such suspension, revocation, or refusal, and
13 except on a second offense, impose upon the licensee an
14 administrative penalty in an amount up to \$5,000~~\$500~~ or, if
15 the department has found willful misconduct or willful
16 violation on the part of the licensee, \$20,000~~\$2,500~~. The
17 administrative penalty may, in the discretion of the
18 department, be increased by an amount equal to any commissions
19 or other pecuniary benefits received by or accruing to the
20 credit of the licensee in connection with any transaction
21 related to the grounds for suspension, revocation, or refusal.

22 Section 29. Section 648.525, Florida Statutes, is
23 created to read:

24 648.525 Civil assessment.--

25 (1) The department may initiate a civil administrative
26 proceeding against a licensee under this chapter who fails to
27 comply with requirements of this chapter applicable to the
28 solicitation of bail bond business.

29 (2) The proceeding shall be subject to proof by the
30 preponderance of the evidence. Upon a finding that a licensee
31 has failed to properly comply, an assessment of \$5,000 shall

1 be ordered for each act of improper solicitation, which
2 assessment shall be payable within 30 days after the date of
3 the final order.

4 (3) The civil assessment pursuant to this section is a
5 civil remedy for conduct that harms the consuming public and
6 that is considered an unfair method of competition, and is not
7 considered a criminal penalty. This section is in addition to
8 other actions authorized in this chapter.

9 Section 30. Section 648.571, Florida Statutes, is
10 amended to read:

11 648.571 Failure to return collateral; penalty.--

12 (1) A bail bond agent who has taken collateral or an
13 insurer or managing general agent who holds collateral as
14 security for a bail bond shall, upon demand, make a written
15 request for a discharge of the bond to be delivered to the
16 surety or the agent of the surety. A copy of the written
17 request for discharge shall be given to the indemnitor or the
18 person making the request for the collateral and a copy shall
19 be maintained in the bail bond agent's file. If a discharge is
20 provided to the surety or the agent of the surety pursuant to
21 chapter 903, the collateral shall be returned to the
22 indemnitor within 21 days of said discharge being provided.

23 (2) Upon demand, following the written request for
24 discharge and upon diligent inquiry by the surety or the agent
25 of the surety to determine that the bond has been discharged,
26 failure of the court to provide a written discharge to the
27 surety or the agent of the surety pursuant to chapter 903
28 within 7 days, shall cause the cancellation of the bond by
29 operation of law and collateral shall be returned to the
30 indemnitor within 21 days of the written request for
31 discharge.

1 (3)(a) Fees or other charges of any nature other than
2 as outlined in this chapter or by rule of the department may
3 not be deducted from the collateral due.

4 (b)1. The bail bond agent may charge the fee imposed
5 in connection with the use of a credit card for payment of
6 collateral if the fee is clearly shown on the collateral
7 receipt and is acknowledged by the person tendering the credit
8 card.

9 2. The prevailing schedule of credit card fees shall
10 be conspicuously posted in the lobby of the bail bond agency
11 and a copy shall be provided to the person tendering the
12 credit card.

13 (c) ~~However,~~ Allowable expenses incurred in the
14 apprehension of the defendant because of a forfeiture of bond
15 or judgment under s. 903.29 may be deducted if such expenses
16 are accounted for. Failure to return collateral under these
17 terms shall be punishable:

18 1.~~(1)~~ In the event the collateral is of a value of
19 less than \$100, as provided in s. 775.082(4)(a).

20 2.~~(2)~~ In the event the collateral is of a value of
21 \$100 or more, as provided in s. 775.082(3)(d).

22 3.~~(3)~~ In the event the collateral is of a value of
23 \$1,500 or more, as provided in s. 775.082(3)(c).

24 4.~~(4)~~ In the event the collateral is of a value of
25 \$10,000 or more, as provided in s. 775.082(3)(b).

26 (4) In addition to the criminal penalties provided in
27 paragraph (3)(c) and any other penalties provided in this
28 chapter, the department shall impose an administrative fine of
29 five times the dollar amount of the collateral against any
30 person violating the provisions of this section.

31

1 Section 31. Subsection (21) of section 624.501,
2 Florida Statutes, is amended to read:
3 624.501 Filing, license, appointment, and
4 miscellaneous fees.--The department shall collect in advance,
5 and persons so served shall pay to it in advance, fees,
6 licenses, and miscellaneous charges as follows:
7 (21) Limited surety agent or, professional bail bond
8 agent, ~~or runner~~ as defined in s. 648.25, each agent and each
9 insurer represented. Original appointment and biennial renewal
10 or continuation thereof, each agent or insurer, whichever is
11 applicable:

12	Appointment fee.....	\$44.00
13	State tax.....	24.00
14	County tax.....	12.00
15	Total.....	\$80.00

16 Section 32. Paragraph (1) of subsection (1) of section
17 624.523, Florida Statutes, is amended to read:

18 624.523 Insurance Commissioner's Regulatory Trust
19 Fund.--

20 (1) There is created in the State Treasury a trust
21 fund designated "Insurance Commissioner's Regulatory Trust
22 Fund" to which shall be credited all payments received on
23 account of the following items:

24 (1) All sums received under s. 648.27~~(6)~~(bail bond
25 agent, limited surety agent ~~or runner~~, continuation fee), the
26 "appointment fee" portion of any license or permit provided
27 for under s. 648.31, and the application fees provided for
28 under ss. 648.34(3) and 648.37(3).

29 Section 33. Subsection (4) of section 843.021, Florida
30 Statutes, is amended to read:

31

1 843.021 Unlawful possession of a concealed handcuff
2 key.--

3 (4)(a) It is a defense to a charge of violating this
4 section that the person in custody and in possession of a
5 concealed handcuff key is:

6 1. A federal, state, or local law enforcement officer,
7 including a reserve or auxiliary officer, a licensed security
8 officer, or a private investigator as defined in s. 493.6101;
9 or

10 2. A professional bail bond agent, temporary bail bond
11 agent, ~~runner~~, or limited surety agent as defined in s.
12 648.25.

13 (b) However, the defense is not available to any
14 officer, investigator, or agent, ~~or runner~~ listed in this
15 subsection if the officer, investigator, agent, or runner,
16 immediately upon being placed in custody, fails to actually
17 and effectively disclose possession of the concealed handcuff
18 key.

19 Section 34. Section 648.37, Florida Statutes, is
20 repealed.

21 Section 35. If any provision of this act or the
22 application thereof to any person or circumstance is held
23 invalid, the invalidity does not affect other provisions or
24 applications of the act which can be given effect without the
25 invalid provision or application, and to this end the
26 provisions of this act are declared severable.

27 Section 36. This act shall take effect July 1, 2002.
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HOUSE SUMMARY

Revises provisions relating to bail bond agents. Removes references to runners. Requires managing general agents and certain representatives of entities to be licensed as bail bond agents. Requires certain persons to be licensed as bail bond agents. Provides for suspension of operations for noncompliance. Provides for issuance of temporary permits.

Revises provisions relating to build-up funds. Requires certain moneys to be maintained in specified federally approved accounts. Requires insurers to provide certain financial information to bail bond agents and agencies. Revises provisions relating to licensure and appointment of bail bond agents. Specifies public policy with respect to criminal surety bail bonds. Revises requirements for qualification as a bail bond agent. Revises provisions relating to requirements for issuance of temporary limited licenses for limited surety and professional bail bond agents. Requires supervising bail bond agents to certify employment information of temporary bail bond agents to the Department of Insurance. Provides a penalty. Requires persons licensed under ch. 648, F.S., to maintain certain records. Revises a provision relating to access to certain records by the public.

Requires mandatory classroom instruction prior to reexamination for applicants under certain circumstances. Requires additional information prior to appointment of bail bond agents and temporary bail bond agents. Increases the required number of hours of continuing education. Increases the required number of years' experience for approval as a supervising instructor.

Requires designation of a primary bail bond agent and notification thereof to the department. Provides a definition. Provides duties of a primary bail bond agent. Authorizes the department to suspend or revoke licenses under certain circumstances. Requires additional information upon appointment of a managing general agent. Provides requirements for maintenance of records and location of office. Adds specified prohibited activities. Increases a fine for furnishing supplies to an unlicensed bail bond agent. Revises provisions relating to collateral security. Revises provisions relating to informational notices to include a statement of surrender and provides conditions therefor. Provides additional causes for denial, suspension, revocation, or refusal to renew a license or appointment issued under ch. 648, F.S.

Increases fines for violations of ch. 648, F.S. Authorizes the department to conduct certain proceedings and to impose civil assessments. Revises provisions relating to requests for discharge of bonds. Authorizes a

1 | bail bond agent to charge certain fees. Increases a fine
2 | for violation of s. 648.571, F.S. Repeals s. 648.37,
3 | F.S., relating to qualifications for runners.
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