

1 A bill to be entitled
2 An act relating to bail bond agents; renaming
3 ch. 648, F.S.; creating s. 648.24, F.S.;
4 providing a declaration of public policy;
5 amending s. 648.25, F.S.; deleting and revising
6 definitions; amending s. 648.27, F.S.;
7 requiring managing general agents and certain
8 representatives of entities to be licensed as
9 bail bond agents; creating s. 648.275, F.S.;
10 requiring certain persons to be licensed as
11 bail bond agents; providing for suspension of
12 operations for noncompliance; providing for
13 issuance of temporary permits; amending s.
14 648.29, F.S.; revising provisions relating to
15 build-up funds; requiring certain moneys to be
16 maintained in specified federally approved
17 accounts; requiring insurers to provide certain
18 financial information to bail bond agents and
19 agencies; amending s. 648.30, F.S.; revising
20 provisions relating to licensure and
21 appointment of bail bond agents; deleting
22 references to runners and including references
23 to entities; amending s. 648.34, F.S.; revising
24 requirements for qualification as a bail bond
25 agent; deleting references to runners; amending
26 s. 648.355, F.S.; revising provisions relating
27 to requirements for issuance of temporary
28 limited licenses for limited surety and
29 professional bail bond agents; requiring
30 supervising bail bond agents to certify
31 employment information of temporary bail bond

1 agents to the Department of Insurance;
2 providing a penalty; amending s. 648.36, F.S.;
3 requiring persons licensed under ch. 648, F.S.,
4 to maintain certain records; revising a
5 provision relating to access to certain records
6 by the public; amending s. 648.381, F.S.;
7 requiring mandatory classroom instruction prior
8 to reexamination for applicants under certain
9 circumstances; amending s. 648.382, F.S.;
10 requiring additional information prior to
11 appointment of bail bond agents and temporary
12 bail bond agents; deleting references to
13 runners; amending s. 648.385, F.S.; deleting an
14 obsolete provision; amending s. 648.386, F.S.;
15 increasing the required number of hours of
16 continuing education; increasing the required
17 number of years' experience for approval as a
18 supervising instructor; creating s. 648.387,
19 F.S.; requiring designation of a primary bail
20 bond agent and notification thereof to the
21 department; authorizing the department to
22 suspend or revoke licenses under certain
23 circumstances; amending s. 648.388, F.S.;
24 requiring additional information upon
25 appointment of a managing general agent;
26 providing requirements for maintenance of
27 records and location of office; amending s.
28 648.44, F.S.; adding specified prohibited
29 activities; deleting references to runners;
30 amending s. 648.441, F.S.; establishing a fine
31 for furnishing supplies to an unlicensed bail

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

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Chapter 648, Florida Statutes, entitled
30 "Bail Bond Agents and Runners," is renamed "Bail Bond Agents."

31

1 Section 2. Section 648.24, Florida Statutes, is
2 created to read:

3 648.24 Declaration of public policy.--It is the public
4 policy of this state and the intent of the Legislature that a
5 bond for which fees or premiums are charged must be executed
6 by a bail bond agent licensed pursuant to this chapter in
7 connection with the pretrial or appellate release of a
8 criminal defendant and shall be construed as a commitment by
9 and obligation upon the bail bond agent to ensure that the
10 defendant appears at all subsequent criminal proceedings.

11 Section 3. Section 648.25, Florida Statutes, is
12 amended to read:

13 648.25 Definitions.--~~As~~ ~~The following words when used~~
14 ~~in this chapter, the term have the meanings respectively~~
15 ~~ascribed to them in this section:~~

16 (1) "Bail bond agency" means:

17 (a) The building where a licensee maintains an office
18 and where all records required by ss. 648.34 and 648.36 are
19 maintained; or

20 (b) An entity that:

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

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

26 ~~(2)(1)~~ "Bail bond agent" means a limited surety agent
27 or a professional bail bond agent as hereafter defined.

28 ~~(3)(2)~~ "Department" means the Department of Insurance.

29 ~~(4)(3)~~ "Managing general agent" means any individual,
30 partnership, association, or corporation appointed or employed
31 by an insurer to supervise or manage the bail bond business

1 written in this state by limited surety agents appointed by
2 the insurer.

3 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien
4 surety company which has been authorized to transact surety
5 business in this state.

6 ~~(5) "Agency" means any business location at which a
7 licensed and appointed bail bond agent engages in any activity
8 or employs individuals to engage in any activity which by law
9 may be performed only by a licensed and appointed bail bond
10 agent.~~

11 (6) "Limited surety agent" means any individual
12 appointed by an insurer by power of attorney to execute or
13 countersign bail bonds in connection with judicial proceedings
14 who receives or is promised money or other things of value
15 therefor.

16 (7) "Primary bail bond agent" means a licensed bail
17 bond agent who is responsible for the overall operation and
18 management of a bail bond agency location and whose
19 responsibilities include hiring and supervising all
20 individuals within that location. A bail bond agent may be
21 designated as primary bail bond agent for only one bail bond
22 agency location.

23 (8)~~(7)~~ "Professional bail bond agent" means any person
24 who pledges United States currency, United States postal money
25 orders, or cashier's checks as security for a bail bond in
26 connection with a judicial proceeding and receives or is
27 promised therefor money or other things of value.

28 ~~(8) "Runner" means a person employed by a bail bond~~
29 ~~agent, insurer, or managing general agent for the purpose of~~
30 ~~assisting the bail bond agent in presenting the defendant in~~
31 ~~court when required or employed by the bail bond agent to~~

1 ~~assist in the apprehension and surrender of the defendant to~~
 2 ~~the court or keeping the defendant under necessary~~
 3 ~~surveillance. This does not affect the right of a bail bond~~
 4 ~~agent or insurer to hire counsel or to obtain the assistance~~
 5 ~~of law enforcement officers.~~

6 (9) "Temporary bail bond agent" means a person
 7 employed by a bail bond agent or agency, insurer, or managing
 8 general agent, and such licensee has ~~shall have~~ the same
 9 authority as conferred and authorized by law upon a licensed
 10 bail bond agent, including which shall include presenting
 11 defendants in court; ~~apprehending, arresting, and~~
 12 ~~surrendering defendants to the proper authorities, while~~
 13 accompanied by a supervising bail bond agent or an agent from
 14 the same agency; and keeping defendants under necessary
 15 surveillance. ~~However, a temporary licensee may not shall not~~
 16 ~~have the authority to~~ execute or sign bonds, handle collateral
 17 receipts, or deliver bonds to appropriate authorities. A
 18 temporary licensee may not operate an agency or branch agency
 19 separate from the location of the supervising bail bond agent,
 20 managing general agent, or insurer by whom the licensee is
 21 employed. This does not affect the right of a bail bond agent
 22 or insurer to hire counsel or to obtain the assistance of law
 23 enforcement officers.

24 Section 4. Paragraph (b) of subsection (5) and
 25 subsection (8) of section 648.27, Florida Statutes, are
 26 amended to read:

27 648.27 Licenses and appointments; general.--

28 (5)

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

1 (8) An application for a managing general agent's
2 license must be made by an insurer who proposes to employ or
3 appoint an individual, partnership, association, or
4 corporation as a managing general agent. Such application
5 shall contain the information required by s. 626.744, and the
6 applicant shall pay the same fee as a managing general agent
7 licensed pursuant to that section. Any individual licensed and
8 appointed as a managing general agent shall also be licensed
9 as a bail bond agent and, in the case of an entity, at least
10 one owner, officer, or director at each office location shall
11 be licensed as a bail bond agent.

12 Section 5. Section 648.275, Florida Statutes, is
13 created to read:

14 648.275 Bond agency; ownership requirements.--

15 (1) 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 (2) If the owner of a bail bond agency dies or becomes
23 mentally incapacitated, a personal representative or legal
24 guardian may be issued a temporary permit to manage the
25 affairs of the bail bond agency. Such person must appoint or
26 maintain the appointment of a primary bail bond agent, as
27 provided in s. 648.387, and may not engage in any activities
28 as a licensed bail bond agent but must comply with s. 648.387
29 during the administration of the estate or guardianship. A
30 temporary permit is valid for a maximum of 24 months.

1 (3) Application for a temporary permit must be made by
2 the personal representative or legal guardian upon statements
3 and affidavits filed with the department on forms prescribed
4 and furnished by the department. The applicant must meet the
5 qualifications for licensure as a bail bond agent, except for
6 the residency, examination, education, and experience
7 requirements.

8 Section 6. Section 648.29, Florida Statutes, is
9 amended to read:

10 648.29 Build-up funds posted by bail bond agent or
11 bail bond agency.--

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

28 (2) Build-up funds may not exceed 40 percent of the
29 premium as established by the agent's contract agreement with
30 the insurer or managing general agent. Build-up funds received
31

1 shall be immediately deposited to the build-up trust account.
2 Interest on such accounts shall accrue to the bail bond agent.

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

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

20 (5) Insurers shall provide all bank statements of
21 build-up fund accounts to their bail bond agents and bail bond
22 agencies.

23 Section 7. Section 648.30, Florida Statutes, is
24 amended to read:

25 648.30 Licensure and appointment required.--

26 (1) A person or entity may not act in the capacity of
27 a bail bond agent ~~or, temporary bail bond agent, or runner~~ or
28 perform any of the functions, duties, or powers prescribed for
29 bail bond agents or temporary bail bond agents ~~runners~~ under
30 this chapter unless that person or entity is qualified,
31 licensed, and appointed as provided in this chapter.

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

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

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

14 Section 8. Section 648.31, Florida Statutes, is
15 amended to read:

16 648.31 Appointment taxes and fees.--The department
17 shall collect in advance all appointment taxes and fees for
18 the issuance of any appointment to a bail bond agent or
19 temporary bail bond agent, ~~or runner~~, as provided in s.
20 624.501.

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

24 648.34 Bail bond agents; qualifications.--

25 (2) To qualify as a bail bond agent, it must
26 affirmatively appear at the time of application and throughout
27 the period of licensure that the applicant has complied with
28 the provisions of s. 648.355 and has obtained a temporary
29 license pursuant to such section and:
30
31

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

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

15 (6) The provisions of s. 112.011 do not apply to bail
16 bond agents ~~or runners~~ or to applicants for licensure as bail
17 bond agents ~~or runners~~.

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

20 648.355 Temporary limited license as limited surety
21 agent or professional bail bond agent; pending examination.--

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

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

28 (b) The applicant is a United States citizen or legal
29 alien and a bona fide resident of this state. An individual
30 who is a bona fide resident of this state shall be deemed to
31 meet the residence requirement of this paragraph,

1 notwithstanding the existence, at the time of application for
 2 temporary license, of a license in the individual's name on
 3 the records of another state as a resident licensee of such
 4 other state, if the applicant furnishes a letter of clearance
 5 satisfactory to the department that the individual's resident
 6 licenses have been canceled or changed to a nonresident basis
 7 and that the individual is in good standing.

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

14 (d) Within 4 years prior to the date of application
 15 for a temporary license, the applicant has successfully
 16 completed a basic certification course in the criminal justice
 17 system, consisting of not less than 120 ~~80~~ hours of classroom
 18 instruction, has obtained a passing grade of 80 percent or
 19 higher, and has successfully completed a correspondence course
 20 for bail bond agents approved by the department.

21 (e) The applicant must be employed at the time of
 22 licensure application, and, at all times throughout the
 23 existence of the temporary license, by only one licensed and
 24 appointed supervising bail bond agent, ~~managing general agent,~~
 25 ~~or authorized insurer,~~ who supervises the work of the
 26 applicant and is responsible for the licensee's conduct in the
 27 bail bond business. The applicant shall be appointed by the
 28 same insurer or insurers as the supervising bail bond agent.
 29 The supervising bail bond agent shall on a monthly basis
 30 certify to the department under oath, on a form prescribed by
 31 the department, the names and hours worked each week of all

1 temporary bail bond agents so employed. Filing a false
2 certification is grounds for the immediate suspension of the
3 license and the imposition of an administrative fine of
4 \$5,000.

5 (f) The application must be accompanied by an
6 affidavit under oath verifying proposed ~~a certificate of~~
7 employment and a report as to the applicant's integrity and
8 moral character on a form prescribed by the department and
9 executed by the proposed employer.

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

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

16 (3) The temporary license shall be effective for a
17 period of 18 months ~~1 year~~, subject to earlier termination at
18 the request of the employer or if suspended or revoked by the
19 department.

20 (6) After licensure as a temporary licensee for at
21 least 12 ~~6~~ months, such licensee may file an application for
22 and become eligible for a regular bail bond agent's license
23 based on the licensee's experience in the bail bond business
24 and education pursuant to paragraph (1)(d) and, if otherwise
25 qualified, take the required bail bond agent's licensure
26 examination. The applicant and the supervising bail bond agent
27 shall each file an affidavit under oath, on a form prescribed
28 by the department, verifying the required employment of the
29 temporary bail bond agent prior to issuance of the license.

30 (8)(a) Under the temporary license, the licensee shall
31 have the same authority conferred and authorized by the laws

1 of this state upon a licensed bail bond agent which shall
2 include:

- 3 1. Presenting defendants in court;~~7~~
4 2. Apprehending, arresting, and surrendering
5 defendants to the proper authorities, during which process the
6 licensee shall be physically accompanied by his or her
7 supervising bail bond agent or a licensed and appointed bail
8 bond agent from the same bail bond agency.~~and~~
9 3. Keeping defendants under necessary surveillance.~~7~~
10 however,

11 (b) A temporary licensee shall not have the authority
12 to:

- 13 1. Execute or sign bonds;~~7~~
14 2. Handle collateral receipts;~~7~~ ~~or~~
15 3. Deliver bonds to appropriate authorities; or. ~~A~~
16 ~~temporary licensee may not~~
17 4. Operate an agency or branch agency separate from
18 the location of the supervising bail bond agent, managing
19 general agent, or insurer by whom the licensee is employed.

20 Section 11. Section 648.36, Florida Statutes, is
21 amended to read:

22 648.36 Bail bond agent's records.--Every person
23 licensed under this chapter ~~bail bond agent~~ must maintain in
24 his or her office such records of bail bonds executed or
25 countersigned by him or her to enable the department ~~public~~ to
26 obtain all necessary information concerning such bail bonds
27 for at least 3 years after the liability of the surety has
28 been terminated. Such records shall be open to examination,
29 inspection, and photographic reproduction by the department or
30 an authorized representative of the insurer or managing
31 general agent, or agents of the department, at all times, and

1 the department may at any time require the licensee to furnish
2 to it, in such manner or form as it requires, any information
3 concerning the bail bond business of such licensee.

4 Section 12. Section 648.381, Florida Statutes, is
5 amended to read:

6 648.381 Reexamination.--Any applicant for licensure
7 who has taken an examination and failed to make a passing
8 grade, has failed to appear for the examination, or has failed
9 to take or complete the examination at the time and place
10 specified in the notice of the department may take additional
11 examinations upon the filing of an application for
12 reexamination, with applicable fees. The failure of an
13 applicant to pass an examination or the failure to appear for
14 the examination or to take or complete the examination does
15 not preclude the applicant from taking subsequent
16 examinations. If an applicant fails the examination three
17 times, he or she shall enroll in and complete the 120 hours of
18 classroom instruction required under s. 648.355(1)(d) for the
19 basic certification course and obtain a passing grade of 80
20 percent or higher in order to take any further examination.

21 Section 13. Section 648.382, Florida Statutes, is
22 amended to read:

23 648.382 Appointment of bail bond agents and temporary
24 bail bond agents, ~~and runners~~; effective date of
25 appointment.--

26 (1) Each insurer appointing a bail bond agent and each
27 insurer, managing general agent, or bail bond agent appointing
28 a temporary bail bond agent ~~or runner~~ in this state must file
29 the appointment with the department and, at the same time, pay
30 the applicable appointment fees and taxes. A person appointed
31

1 under this section must hold a valid bail bond agent's or
2 temporary bail bond agent's, ~~or runner's~~ license.

3 (2) Prior to any appointment, an appropriate officer
4 or official of the appointing insurer in the case of a bail
5 bond agent or an insurer, managing general agent, or bail bond
6 agent in the case of a temporary bail bond agent ~~or runner~~,
7 must submit:

8 (a) A certified statement or affidavit to the
9 department stating:

10 1. What investigation has been made concerning the
11 proposed appointee and the proposed appointee's background.
12 and

13 2. The appointing person's opinion to the best of his
14 or her knowledge and belief as to the moral character,
15 fitness, and reputation of the proposed appointee. and

16 (b) An affidavit executed under oath on a form
17 prescribed by the department and signed by the proposed
18 appointee that states that no premiums are owed to any insurer
19 and the appointee is obligated to discharge all outstanding
20 forfeitures or judgments on bonds previously written. Upon the
21 failure of an appointee to satisfy or discharge such
22 forfeitures or judgments, the former insurer shall file a
23 notice with supporting documents with the appointing insurer,
24 the former agent, and the department that states, under oath,
25 that the licensee has failed to timely satisfy the forfeitures
26 and judgments on bonds written and that the insurer has
27 satisfied the forfeiture or judgment from its own funds. Upon
28 receipt of written notification and supporting documents from
29 the former insurer, the appointing insurer shall immediately
30 cancel the licensee's appointment and the licensee may only be
31 reappointed upon certification by the former insurer that all

1 forfeitures and judgments on bonds written by the licensee
2 have been discharged. The appointing insurer or former agent
3 may, within 10 days, file a petition with the department
4 seeking relief from this provision. The filing of the petition
5 stays the duty of the appointing insurer to cancel the
6 appointment until such time as the department grants or denies
7 the petition.

8 (c) Any other information that the department
9 reasonably requires concerning the proposed appointee.

10 (3) Prior to any appointment of a bail bond agent, the
11 appointing insurer must certify to the department that the
12 insurer will be bound by the acts of the bail bond agent
13 acting within the scope of his or her appointment, and, in the
14 case of a temporary bail bond agent ~~or runner~~, the appointing
15 insurer, managing general agent, or bail bond agent, as the
16 case may be, must certify to the department that he or she
17 will supervise the temporary bail bond agent's ~~or runner's~~
18 activities.

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

29 (5) A list of current appointments must be submitted
30 to the department each month but in no case later than 45 days
31

1 after the date of appointment. All appointments are effective
2 as of the date indicated on the appointment form.

3 Section 14. Section 648.383, Florida Statutes, is
4 amended to read:

5 648.383 Renewal, continuation, reinstatement, and
6 termination of appointment; bail bond agents ~~and runners~~--

7 (1) The appointment of a bail bond agent ~~or runner~~
8 shall continue in force unless suspended, revoked, or
9 otherwise terminated, subject to a renewal request filed by
10 the appointing entity in the appointee's birth month and every
11 24 months thereafter. A renewal request must be filed with the
12 department along with payment of the renewal appointment fee
13 and taxes as prescribed in s. 624.501.

14 (2) Each appointing person must file with the
15 department the lists, statement, and information as to each
16 bail bond agent ~~or runner~~ whose appointment is being renewed,
17 accompanied by payment of the applicable renewal fees and
18 taxes as prescribed in s. 624.501, by a date established by
19 the department following the month during which the
20 appointment will expire.

21 (3) An appointment may be renewed by the department
22 without penalty if the information required under subsection
23 (2) is received by the department on or prior to the date
24 established by the department for renewal, and such
25 appointment is effective on the day the appointment was
26 scheduled to expire.

27 (4) If the information required under subsection (2)
28 is received by the department after the date established by
29 the department for renewal, the appointment may be renewed by
30 the department if an additional appointment, continuation, and
31

1 reinstatement fee accompanies the application as required
2 under s. 624.501.

3 Section 15. Section 648.384, Florida Statutes, is
4 amended to read:

5 648.384 Effect of expiration of appointment; bail bond
6 agents ~~and runners~~.--

7 (1) Upon the expiration of any person's appointment as
8 provided in s. 648.383, such person is without any authority
9 to engage or attempt to engage in any activity requiring such
10 appointment.

11 (2) If a bail bond agent fails to maintain an
12 appointment with an insurer ~~or if a runner fails to maintain~~
13 ~~an appointment with an insurer, managing general agent, or~~
14 ~~bail bond agent~~ during any 48-month period, the bail bond
15 agent ~~or runner~~ may not be granted a reappointment until he or
16 she qualifies as a first-time applicant.

17 Section 16. Paragraph (a) of subsection (2) of section
18 648.385, Florida Statutes, is amended to read:

19 648.385 Continuing education required; application;
20 exceptions; requirements; penalties.--

21 (2)(a) ~~For compliance dates beginning in January 1997~~
22 ~~and thereafter~~, Each person subject to the provisions of this
23 chapter must complete a minimum of 14 hours of continuing
24 education courses every 2 years in courses approved by the
25 department. Compliance with continuing education requirements
26 is a condition precedent to the issuance, continuation, or
27 renewal of any appointment subject to the provisions of this
28 chapter.

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

1 648.386 Qualifications for prelicensing and continuing
2 education schools and instructors.--

3 (1) SCHOOLS AND CURRICULUM FOR PRELICENSING
4 SCHOOLS.--In order to be considered for approval and
5 certification as an approved limited surety agent and
6 professional bail bond agent prelicensing school, such entity
7 must:

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

13 2. Offer a department-approved correspondence course
14 pursuant to department rules.

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

16 (b) In order to obtain department approval as a
17 supervising instructor, the following qualifications must be
18 met:

19 1. During the past 15 ~~10~~ years, the person must have
20 had at least 10 ~~5~~ years' experience as a manager or officer of
21 a managing general agent in this state as prescribed in s.
22 648.388;

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

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

31

1 Section 18. Section 648.387, Florida Statutes, is
2 created to read:

3 648.387 Primary bail bond agent; required designation;
4 duties.--

5 (1) The owner or operator of a bail bond agency shall
6 designate a primary bail bond agent for each bail bond agency
7 location and shall file with the department the name and
8 license number of the person so designated and the address of
9 the bail bond agency location on a form approved by the
10 department. The designation of the primary bail bond agent may
11 be changed, provided that the department is notified
12 immediately of such change. Failure to notify the department
13 within 10 working days after such change shall be grounds for
14 disciplinary action pursuant to s. 648.45.

15 (2) The department may suspend or revoke the license
16 of the owner or operator of and the primary bail bond agent
17 for a bail bond agency if it employs, contracts with, or
18 otherwise uses the services of any person who has had a
19 license denied or any person whose license is currently
20 suspended or revoked. However, when a person has been denied a
21 license for failure to pass a required examination, he or she
22 may be employed to perform clerical or administrative
23 functions for which licensure is not required.

24 (3) An owner, operator, or primary agent shall not
25 employ, contract with, or otherwise use the services of any
26 person in a bail bond agency who has been charged with or has
27 been found guilty of, or has pled guilty or nolo contendere
28 to, a felony or a crime punishable by imprisonment of 1 year
29 or more under the law of the United States, under the law of
30 any state, or under the law of any other country, without

31

1 regard to whether the judgment of conviction has been entered
2 by the court having jurisdiction over such cases.

3 (4) A bail bond agency location may not conduct the
4 business of surety unless a primary bail bond agent is
5 designated at all times. Failure to designate a primary bail
6 bond agent on a form prescribed by the department within 10
7 working days after agency inception or change of primary bail
8 bond agent designation constitutes a violation of this chapter
9 and subjects the owner or operator and all licensed bail bond
10 agents at that location to discipline pursuant to s. 648.45.

11 Section 19. Section 648.388, Florida Statutes, is
12 amended to read:

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

25 Section 20. Section 648.39, Florida Statutes, is
26 amended to read:

27 648.39 Termination of appointment of managing general
28 agents, bail bond agents and, temporary bail bond agents, ~~and~~
29 ~~runners~~.--

30 (1) An insurer who terminates the appointment of a
31 managing general agent, bail bond agent, or temporary bail

1 bond agent, ~~or runner~~ shall, within 10 days after such
2 termination, file written notice thereof with the department
3 together with a statement that it has given or mailed notice
4 to the managing general agent, bail bond agent, or temporary
5 bail bond agent, ~~or runner~~. Such notice filed with the
6 department must state the reasons, if any, for such
7 termination. Information so furnished the department is
8 confidential and exempt from the provisions of s. 119.07(1).

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

14 (3) An insurer that terminates the appointment of a
15 managing general agent, bail bond agent, or temporary bail
16 bond agent, ~~or runner~~ may authorize such person to continue to
17 attempt the arrest and surrender of a defendant for whom a
18 surety bond had been written by the bail bond agent prior to
19 termination and to seek discharge of forfeitures and judgments
20 as provided in chapter 903.

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

23 648.41 Termination of appointment of temporary bail
24 bond agents ~~or runners~~.--A bail bond agent, insurer, or
25 managing general agent terminating the appointment of a
26 temporary bail bond agent ~~or runner~~ must, within 10 days, file
27 written notice thereof with the department, together with a
28 statement that notice has been given or mailed to the
29 temporary bail bond agent ~~or runner~~. Such notice filed with
30 the department shall state the reasons, if any, for such
31

1 termination. Information so furnished the department is
2 confidential and exempt from the provisions of s. 119.07(1).

3 Section 22. Section 648.44, Florida Statutes, is
4 amended to read:

5 648.44 Prohibitions; penalty.--

6 (1) A bail bond agent ~~or~~ temporary bail bond agent
7 ~~or runner~~ may not:

8 (a) Suggest or advise the employment of, or name for
9 employment, any particular attorney to represent his or her
10 principal.

11 (b)1. Directly or indirectly solicit business in or on
12 the property or grounds of a jail, prison, or other place
13 where prisoners are confined or in or on the property or
14 grounds of any court.

15 2. The term "solicitation" includes the distribution
16 of business cards, print advertising, or other written or oral
17 information directed to prisoners or potential indemnitors,
18 unless a request is initiated by the prisoner or a potential
19 indemnitor.

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

24 (c) Initiate in-person or telephone solicitation
25 before 8 a.m. or after 9 p.m. local time, in the case of
26 domestic violence cases only, at the residence of the detainee
27 or his or her family. Any form of solicitation not otherwise
28 prohibited by this chapter shall conform to ss. 501.059(2) and
29 (4), 501.602, 501.603(11), 501.613(1), and 501.616(6).

30 (d)(c) Wear or display any identification other than
31 the department issued or approved license or department

1 approved identification that includes a citation of the bail
 2 bond agent's arrest powers in or on the property or grounds of
 3 a jail, prison, or other place where prisoners are confined or
 4 in or on the property or grounds of any court.

5 (e)~~(d)~~ Pay a fee or rebate or give or promise anything
 6 of value to a jailer, police officer, peace officer, or
 7 committing magistrate or any other person who has power to
 8 arrest or to hold in custody or to any public official or
 9 public employee in order to secure a settlement, compromise,
 10 remission, or reduction of the amount of any bail bond or
 11 estreatment thereof.

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

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

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

19 (i)~~(h)~~ Loiter in or about a jail, courthouse, or where
 20 prisoners are confined.

21 (j)~~(i)~~ Accept anything of value from a principal for
 22 providing a bail bond except the premium and transfer fee
 23 authorized by the department, except that the bail bond agent
 24 may accept collateral security or other indemnity from the
 25 principal or another person in accordance with the provisions
 26 of s. 648.442, together with documentary stamp taxes, if
 27 applicable. No fees, expenses, or charges of any kind shall be
 28 permitted to be deducted from the collateral held or any
 29 return premium due, except as authorized by this chapter or
 30 rule of the department. A bail bond agent may, upon written
 31 agreement with another party, receive a fee or compensation

1 for returning to custody an individual who has fled the
2 jurisdiction of the court or caused the forfeiture of a bond.

3 (k)~~(j)~~ Write more than one power of attorney per
4 charge on a bond, except in the case of a cosurety, unless the
5 power of attorney expressly prohibits a cosurety.

6 (l)~~(k)~~ Execute a bond in this state on his or her own
7 behalf.

8 (m)~~(l)~~ Execute a bond in this state if a judgment has
9 been entered on a bond executed by the bail bond agent, which
10 has remained unpaid for 35 days, unless the full amount of the
11 judgment is deposited with the clerk in accordance with s.
12 903.27(5).

13 (n)~~(m)~~ Make a statement or representation to a court,
14 unless such statement or representation is under oath. Such
15 statement or representation may not be false, misleading, or
16 deceptive.

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

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

23 (2) The following persons or classes shall not be bail
24 bond agents, temporary bail bond agents, ~~runners~~, or employees
25 of a bail bond agent or a bail bond business and shall not
26 directly or indirectly receive any benefits from the execution
27 of any bail bond:

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

29 (b) Police officers or employees of any police
30 department or law enforcement agency.

31

1 (c) Committing magistrates, employees of a court, or
2 employees of the clerk of any court.

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

5 (e) Attorneys.

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

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

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

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

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

24 (b) Any misleading or false advertisement or deceptive
25 trade practice is prohibited as provided in part IX of chapter
26 626.

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

31

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

5 2. Bail bond agents may not own or advertise under
6 firm names that are false, misleading, or deceptive or use a
7 trade name that implies connection with a government, state,
8 or county agency.

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

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

15 5. A bail bond agent may not make a material
16 misrepresentation of fact or omit any material fact that makes
17 a statement materially misleading.

18 (7) Any permissible advertising by a bail bond agent
19 or agency must include the address of record filed with the
20 department.

21 (8)(a) A person who has been convicted of or who has
22 pleaded guilty or no contest to a felony or a crime involving
23 moral turpitude or a crime punishable by imprisonment of 1
24 year or more under the law of any state, territory, or
25 country, regardless of whether adjudication of guilt was
26 withheld, may not participate as a director, officer, manager,
27 or employee, agent, contractor, or individual acting in any
28 other capacity for or on behalf of any bail bond agency or
29 office thereof or exercise direct or indirect control in any
30 manner in such agency or office or own shares in any closely
31 held corporation which has any interest in any bail bond

1 business. Such restrictions on engaging in the bail bond
2 business shall continue to apply during a pending appeal.

3 (b) Any person who violates the provisions of
4 paragraph (a) or any person who knowingly permits a person who
5 has been convicted of or who has pleaded guilty or no contest
6 to a crime as described in paragraph (a) to engage in the bail
7 bond business as prohibited in paragraph (a) commits a felony
8 of the third degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084.

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

16 (d) Upon the filing of an information or indictment
17 against a bail bond agent or, temporary bail bond agent, ~~or~~
18 ~~runner~~, the state attorney or clerk of the circuit court shall
19 immediately furnish the department a certified copy of the
20 information or indictment.

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

26 (b) Any person who violates the provisions of
27 paragraph (1)(a), paragraph (1)(b), paragraph (1)(c),
28 paragraph (1)(h)~~(g)~~, paragraph (1)(k)~~(j)~~, ~~or~~ paragraph
29 (1)(m)~~(l)~~, paragraph (1)(o), or paragraph (1)(p), subsection
30 (3), subsection (4), or subsection (5) commits a misdemeanor
31

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

3 Section 23. Subsections (1) and (3) of section
4 648.441, Florida Statutes, are amended to read:

5 648.441 Furnishing supplies to unlicensed bail bond
6 agent prohibited; civil liability and penalty.--

7 (1) An insurer, managing general agent, bail bond
8 agent, or temporary bail bond agent, ~~or runner~~ appointed under
9 this chapter may not furnish to any person any blank forms,
10 applications, stationery, business card, or other supplies to
11 be used in soliciting, negotiating, or effecting bail bonds
12 until such person has received from the department a license
13 to act as a bail bond agent and is appointed by the insurer.
14 This section does not prohibit an unlicensed employee, under
15 the direct supervision and control of a licensed and appointed
16 bail bond agent, from possessing or executing in the bail bond
17 agency, any forms, except for powers of attorney, bond forms,
18 and collateral receipts, while acting within the scope of his
19 or her employment.

20 (3) Any person who violates this section commits a
21 misdemeanor of the first degree, punishable as provided in s.
22 775.082 or s. 775.083, except that the violator is subject to
23 a fine not to exceed \$5,000 in addition to, or in lieu of, any
24 term of imprisonment.

25 Section 24. Subsections (1), (3), and (6) of section
26 648.442, Florida Statutes, are amended, subsections (8), (9),
27 and (10) are renumbered as subsections (9), (10), and (11),
28 respectively, and a new subsection (8) is added to said
29 section, to read:

30 648.442 Collateral security.--

31

1 (1) Collateral security or other indemnity accepted by
2 a bail bond agent, except a promissory note or an indemnity
3 agreement, shall be returned upon final termination of
4 liability on the bond. Such collateral security or other
5 indemnity required by the bail bond agent must be reasonable
6 in relation to the amount of the bond. Collateral security may
7 not be used by the bail bond agent for personal benefit or
8 gain and must be returned in the same condition as received. A
9 bail bond agent may accept collateral security in excess of
10 \$50,000 cash per bond, provided any amount over \$50,000 cash
11 is payable to the insurer in the form of a cashier's check,
12 United States postal money order, certificates of deposit, or
13 wire transfer and is remitted to and held by the insurer. A
14 copy of IRS Form 8300 shall be retained as part of the
15 defendant's file if it is otherwise required. A quitclaim deed
16 for property may not be taken as collateral. Other acceptable
17 forms of security or indemnity may consist of the following:
18 (a) A promissory note;
19 (b) An indemnity agreement;
20 (c) A real property mortgage in the name of the
21 insurer;
22 (d) Any Uniform Commercial Code filing; or
23 (e) Any other type of security approved by the
24 department. The department may approve other security only if,
25 after considering the liquidity and other characteristics of
26 the security, it determines that the security is of a type
27 which increases the probability that the defendant will in
28 fact appear in court or increases the probability that the
29 defendant will be subsequently apprehended by the bail bond
30 agent.
31

1 (3) All ~~Such~~ collateral security shall be received and
 2 held in the insurer's name by the bail bond agent in a
 3 fiduciary capacity and, prior to any forfeiture of bail, shall
 4 be kept separate and apart from any other funds or assets of
 5 such bail bond agent. When collateral security in excess of
 6 \$5,000 cash or its equivalent is received by a bail bond
 7 agent, the entire amount shall be immediately forwarded to the
 8 insurer ~~or managing general agent~~. ~~Such~~ Collateral security
 9 may be placed in an interest-bearing account to accrue to the
 10 benefit of the person giving the collateral security, and the
 11 bail bond agent, insurer, or managing general agent may not
 12 make any pecuniary gain on the collateral security deposited.
 13 Any such account shall be in a depository office of a
 14 financial institution located in this state. The insurer shall
 15 be liable for all collateral received. If the bail bond agent
 16 or managing general agent fails to return the collateral to
 17 the indemnitor upon final termination of liability on the
 18 bond, the surety shall be liable for the collateral and shall
 19 return the actual collateral to the indemnitor or, in the
 20 event that the surety cannot locate the collateral, the surety
 21 shall pay the indemnitor pursuant to the provisions of this
 22 section.

23 (6) The bail bond agent or insurer must convert the
 24 collateral to cash within a reasonable period of time and
 25 return that which is in excess of the face value of the bond
 26 minus the actual and reasonable expenses of converting the
 27 collateral to cash. In no event shall these expenses exceed
 28 20 ~~10~~ percent of the face value of the bond. However, upon
 29 motion and proof that the actual, reasonable expenses exceed
 30 20 ~~10~~ percent, the court may allow recovery of the full amount
 31 of such actual, reasonable expenses. If there is a remission

1 of a forfeiture, which had required the surety to pay the bond
2 to the court, the surety shall pay to the indemnitor the value
3 of any collateral received for the bond, minus any actual
4 expenses and costs permitted herein.

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

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

14 (b) All collateral being held in trust by the bail
15 bond agent and all bail bond records for any insurer by which
16 the bail bond agent is currently or was previously appointed
17 shall be available for immediate audit and inspection by the
18 department, the insurer, or the managing general agent for the
19 insurer and shall, upon demand of the department or insurer,
20 be transmitted to the insurer for whom the collateral is being
21 held in trust.

22 Section 25. Section 648.4425, Florida Statutes, is
23 amended to read:

24 648.4425 Notice.--

25 (1) Upon issuing a bond, the bail bond agent shall
26 provide to the principal and, if applicable, to the party
27 rendering collateral or indemnifying the surety ~~principal~~ an
28 informational notice which shall include:

29 (a) A statement noting with particularity the
30 restrictions, if any, placed on the principal as a condition
31 of the bond;

1 (b) A statement of the bail bond agent's powers
2 relating to the cancellation of the bond and recommitment of
3 the principal; and

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

6 (2) A bail bond agent who surrenders or recommits a
7 defendant shall provide the defendant with a statement of
8 surrender on a form prescribed by the department. The
9 statement shall state the reason for surrender and shall be
10 signed by the bail bond agent. The statement shall be attached
11 to the surrender form and one copy shall be provided to the
12 defendant and one copy shall be maintained by the agent in the
13 defendant's file.

14 (3)~~(2)~~ The department shall prescribe forms to
15 administer this section.

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

19 648.45 Actions against a licensee; suspension or
20 revocation of eligibility to hold a license.--

21 (2) The department shall deny, suspend, revoke, or
22 refuse to renew any license or appointment issued under this
23 chapter or the insurance code, and it shall suspend or revoke
24 the eligibility of any person to hold a license or appointment
25 under this chapter or the insurance code, for any violation of
26 the laws of this state relating to bail or any violation of
27 the insurance code or for any of the following causes:

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

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

1 3. Having willfully impeded or obstructed such filing;

2 or

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

5
6 Such reports or records shall include only those that are
7 signed in the capacity of a licensed agent.

8 (p) Having pursued a course of conduct or practice
9 that indicates that he or she is incompetent, negligent,
10 dishonest, or untruthful, or that the money, property,
11 transactions, and rights of clients may not safely be
12 entrusted to him or her.

13 (4) Any licensee found to have violated s.
14 648.44(1)(b), (d)(c), or (i)(h) shall, at a minimum, be
15 suspended for a period of 3 months. A greater penalty,
16 including revocation, shall be imposed if there is a willful
17 or repeated violation of s. 648.44(1)(b), (d)(c), or (i)(h),
18 or the licensee has committed other violations of this
19 chapter.

20 Section 27. Section 648.50, Florida Statutes, is
21 amended to read:

22 648.50 Effect of suspension, revocation upon
23 associated licenses and licensees.--

24 (1) Upon the suspension, revocation, or refusal to
25 renew or continue any license or appointment or the
26 eligibility to hold a license or appointment of a bail bond
27 agent or, temporary bail bond agent, ~~or runner~~, the department
28 shall at the same time likewise suspend or revoke all other
29 licenses or appointments and the eligibility to hold any other
30 such licenses or appointments which may be held by the
31 licensee under the Florida Insurance Code.

1 (2) In case of the suspension or revocation of the
2 license or appointment, or the eligibility to hold a license
3 or appointment, of any bail bond agent, the license,
4 appointment, or eligibility of any and all bail bond agents
5 who are members of a bail bond agency, whether incorporated or
6 unincorporated, and any and all temporary bail bond agents ~~or~~
7 ~~runners~~ employed by such bail bond agency, who knowingly are
8 parties to the act which formed the ground for the suspension
9 or revocation may likewise be suspended or revoked.

10 (3) No person whose license as a bail bond agent or,
11 temporary bail bond agent, ~~or runner~~ has been revoked or
12 suspended shall be employed by any bail bond agent, have any
13 ownership interest in any business involving bail bonds, or
14 have any financial interest of any type in any bail bond
15 business during the period of revocation or suspension.

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

18 648.52 Administrative fine.--

19 (1) If, pursuant to the procedure described in s.
20 648.46, the department finds that one or more causes exist for
21 the suspension of, revocation of, or refusal to renew or
22 continue any license or appointment issued under this chapter,
23 the department may, in its discretion, in lieu of or in
24 addition to such suspension, revocation, or refusal, and
25 except on a second offense, impose upon the licensee an
26 administrative penalty in an amount up to \$5,000~~\$500~~ or, if
27 the department has found willful misconduct or willful
28 violation on the part of the licensee, \$20,000~~\$2,500~~. The
29 administrative penalty may, in the discretion of the
30 department, be increased by an amount equal to any commissions
31 or other pecuniary benefits received by or accruing to the

1 credit of the licensee in connection with any transaction
2 related to the grounds for suspension, revocation, or refusal.

3 Section 29. Section 648.525, Florida Statutes, is
4 created to read:

5 648.525 Civil assessment.--

6 (1) The department may initiate a civil administrative
7 proceeding against a licensee under this chapter who fails to
8 comply with requirements of this chapter applicable to the
9 solicitation of bail bond business.

10 (2) The proceeding shall be subject to proof by the
11 preponderance of the evidence. Upon a finding that a licensee
12 has failed to properly comply, an assessment of \$5,000 shall
13 be ordered for each act of improper solicitation, which
14 assessment shall be payable within 30 days after the date of
15 the final order.

16 (3) The civil assessment pursuant to this section is a
17 civil remedy for conduct that harms the consuming public and
18 that is considered an unfair method of competition, and is not
19 considered a criminal penalty. This section is in addition to
20 other actions authorized in this chapter.

21 Section 30. Section 648.571, Florida Statutes, is
22 amended to read:

23 648.571 Failure to return collateral; penalty.--

24 (1) A bail bond agent who has taken collateral or an
25 insurer or managing general agent who holds collateral as
26 security for a bail bond shall, upon demand, make a written
27 request for a discharge of the bond to be delivered to the
28 surety or the agent of the surety. A copy of the written
29 request for discharge shall be given to the indemnitor or the
30 person making the request for the collateral and a copy shall
31 be maintained in the bail bond agent's file. If a discharge is

1 provided to the surety or the agent of the surety pursuant to
2 chapter 903, the collateral shall be returned to the
3 indemnitor within 21 days of said discharge being provided.

4 (2) Upon demand, following the written request for
5 discharge and upon diligent inquiry by the surety or the agent
6 of the surety to determine that the bond has been discharged,
7 failure of the court to provide a written discharge to the
8 surety or the agent of the surety pursuant to chapter 903
9 within 7 days, shall cause the cancellation of the bond by
10 operation of law and collateral shall be returned to the
11 indemnitor within 21 days of the written request for
12 discharge.

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

16 (b)1. The bail bond agent may charge the fee imposed
17 in connection with the use of a credit card for payment of
18 collateral if the fee is clearly shown on the collateral
19 receipt and is acknowledged by the person tendering the credit
20 card.

21 2. The prevailing schedule of credit card fees shall
22 be conspicuously posted in the lobby of the bail bond agency
23 and a copy shall be provided to the person tendering the
24 credit card.

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

30 1.(1) In the event the collateral is of a value of
31 less than \$100, as provided in s. 775.082(4)(a).

1 ~~2.(2)~~ In the event the collateral is of a value of
2 \$100 or more, as provided in s. 775.082(3)(d).

3 ~~3.(3)~~ In the event the collateral is of a value of
4 \$1,500 or more, as provided in s. 775.082(3)(c).

5 ~~4.(4)~~ In the event the collateral is of a value of
6 \$10,000 or more, as provided in s. 775.082(3)(b).

7 (4) In addition to the criminal penalties provided in
8 paragraph (3)(c) and any other penalties provided in this
9 chapter, the department shall impose an administrative fine of
10 five times the dollar amount of the collateral against any
11 person violating the provisions of this section.

12 Section 31. Subsection (21) of section 624.501,
13 Florida Statutes, is amended to read:

14 624.501 Filing, license, appointment, and
15 miscellaneous fees.--The department shall collect in advance,
16 and persons so served shall pay to it in advance, fees,
17 licenses, and miscellaneous charges as follows:

18 (21) Limited surety agent ~~or~~ professional bail bond
19 agent, ~~or runner~~ as defined in s. 648.25, each agent and each
20 insurer represented. Original appointment and biennial renewal
21 or continuation thereof, each agent or insurer, whichever is
22 applicable:

23	Appointment fee.....	\$44.00
24	State tax.....	24.00
25	County tax.....	12.00
26	Total.....	\$80.00

27 Section 32. Paragraph (1) of subsection (1) of section
28 624.523, Florida Statutes, is amended to read:

29 624.523 Insurance Commissioner's Regulatory Trust
30 Fund.--

31

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

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

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

12 843.021 Unlawful possession of a concealed handcuff
13 key.--

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

17 1. A federal, state, or local law enforcement officer,
18 including a reserve or auxiliary officer, a licensed security
19 officer, or a private investigator as defined in s. 493.6101;
20 or

21 2. A professional bail bond agent, temporary bail bond
22 agent, ~~runner~~, or limited surety agent as defined in s.
23 648.25.

24 (b) However, the defense is not available to any
25 officer, investigator, or agent, ~~or runner~~ listed in this
26 subsection if the officer, investigator, agent, or runner,
27 immediately upon being placed in custody, fails to actually
28 and effectively disclose possession of the concealed handcuff
29 key.

30 Section 34. Section 648.37, Florida Statutes, is
31 repealed.

1 Section 35. If any provision of this act or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the act which can be given effect without the
5 invalid provision or application, and to this end the
6 provisions of this act are declared severable.

7 Section 36. This act shall take effect July 1, 2002.
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