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

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29 | to adopt rules; amending s. 648.295, F.S.; providing
30 | requirements relating to reporting, accounting for,
31 | and paying certain funds to specified persons;
32 | providing conditions and requirements relating to the
33 | payment of bail bond premiums; providing criminal and
34 | administrative penalties for failing to comply with
35 | requirements relating to the collection of premiums;
36 | amending s. 648.30, F.S.; providing licensure
37 | requirements relating to the apprehension, detention,
38 | or arrest of principals on bond; prohibiting a bail
39 | bond agent from aiding or abetting an unlicensed
40 | person to engage in certain actions relating to
41 | apprehending, detaining, or arresting a defendant;
42 | providing criminal penalties; amending s. 648.33,
43 | F.S.; authorizing the department and the office to
44 | adopt rules relating to bail bond rates; amending
45 | 648.34, F.S.; requiring licensed bail bond agents to
46 | submit fingerprints to the department upon request;
47 | amending s. 648.355, F.S.; revising requirements
48 | relating to applicants and applications for certain
49 | temporary licenses; specifying requirements relating
50 | to the supervision and appointment of certain
51 | temporary licensees; requiring that temporary bail
52 | bond agents and supervising bail bond agents certify
53 | monthly information relating to the names and hours
54 | worked by temporary bail bond agents; providing
55 | administrative fines for the untimely filing of such
56 | certifications or the filing of false certifications;

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57 requiring the payment of wages to temporary bail bond
58 agents and the reporting of such wages under ch. 443,
59 F.S., relating to unemployment compensation;
60 prohibiting a temporary bail bond agent whose license
61 has expired from engaging in certain activities
62 without having passed a written examination for
63 specified types of licenses; providing a condition
64 under which a temporary license may not be issued;
65 providing criminal penalties; authorizing a temporary
66 licensee to accept outstanding premium payments under
67 certain circumstances; authorizing the department to
68 adopt rules; creating s. 648.375, F.S.; authorizing
69 the department to require limited surety agents to
70 file certain affidavits that include specified
71 information relating to outstanding bail bond
72 judgments; specifying that a limited surety agent's
73 failure to timely file the required affidavit is
74 grounds for an insurer to terminate the agent's
75 appointment; amending s. 648.382, F.S.; providing
76 requirements relating to the payment of outstanding
77 premiums or losses or the fulfillment of contractual
78 obligations; increasing the administrative fine
79 applicable to an appointing entity's failure to timely
80 notify the department of an appointment; revising the
81 time within which such notice must be submitted;
82 amending s. 648.385, F.S.; revising requirements for
83 continuing education; authorizing online courses;
84 amending s. 648.386, F.S.; revising criteria for

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

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113 | certain circumstances about certain criminal legal
114 | actions involving a managing general agent appointee;
115 | amending s. 648.39, F.S.; specifying that a bail bond
116 | agent or managing general agent whose appointment has
117 | been terminated by an insurer remains accountable for
118 | liabilities relating to bonds written by such agent;
119 | creating s. 648.415, F.S.; requiring the department to
120 | adopt rules relating to provisions of ch. 648, F.S.,
121 | regulating certain appointments and termination of
122 | appointments; amending s. 648.42, F.S.; providing
123 | requirements for the registration of bail bond agents
124 | and agencies with the office of the sheriff and the
125 | clerk of the circuit court; amending s. 648.421, F.S.;
126 | providing requirements for notice of change of
127 | address, telephone number, or e-mail address;
128 | authorizing electronic submission of specified changes
129 | through the department's website; authorizing the
130 | department to adopt rules; amending s. 648.43, F.S.;
131 | requiring insurers to obtain approval of forms of
132 | power of attorney from the office; requiring certain
133 | information to be legibly printed on the original and
134 | copies of a transfer bond; authorizing the department
135 | and the office to adopt rules; amending s. 648.44,
136 | F.S.; revising provisions prohibiting bail bond agents
137 | and temporary bail bond agents from engaging in
138 | certain conduct relating to legal representation,
139 | solicitation of business, advertising, collection of
140 | debt, dealing generally with bail bond matters, paying

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141 fees or rebates to inmates, acting as professional
142 bail bond agents without being licensed, and charging
143 travel fees for certain bail bond undertakings and
144 postings; requiring the return of premiums on bonds
145 that are not executed; requiring advertising to
146 include the license number of the bail bond agent;
147 providing penalties; authorizing the department to
148 adopt rules; amending s. 648.442, F.S.; revising
149 requirements for the return of collateral security
150 under certain circumstances; amending s. 648.45, F.S.;
151 providing additional circumstances under which the
152 department may deny, suspend, revoke, or refuse to
153 renew any license or appointment; providing penalties;
154 authorizing the department to adopt rules; amending s.
155 648.52, F.S.; increasing the authorized monetary
156 amount of a certain administrative penalty; amending
157 s. 648.525, F.S.; increasing the monetary amount of a
158 civil assessment applicable to improper solicitation;
159 amending s. 648.55, F.S.; specifying responsibilities
160 of an agent in charge relating to the identity and
161 appointment of bail bond agents; amending s. 648.571,
162 F.S.; prohibiting a bail bond agent from imposing
163 certain restrictions on the return of collateral;
164 increasing the administrative fine applicable to
165 violations involving the return of collateral;
166 amending s. 903.09, F.S.; conforming a cross-
167 reference; providing an effective date.

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

170
 171 Section 1. Section 648.25, Florida Statutes, is amended to
 172 read:

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

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

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

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

185 (b) An entity that:

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

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

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

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

195 (5)-(4) "Insurer" means any domestic, foreign, or alien
 196 surety company which has been authorized to transact surety

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197 business in this state.

198 (6)~~(5)~~ "Limited surety agent" means any individual
 199 appointed by an insurer and the department by power of attorney
 200 to execute or countersign bail bonds in connection with judicial
 201 proceedings who receives, collects, or is promised money or
 202 other things of value therefor.

203 (7)~~(3)~~ "Managing general agent" means any individual,
 204 partnership, association, or corporation appointed or employed
 205 by an insurer to supervise or manage the bail bond business
 206 written in this state by limited surety agents appointed by the
 207 insurer.

208 (8)~~(6)~~ "Primary bail bond agent" means a licensed bail
 209 bond agent who is responsible for the overall operation and
 210 management of a bail bond agency location and whose
 211 responsibilities include hiring and supervising all individuals
 212 within that location. A bail bond agent may be designated as
 213 primary bail bond agent for only one bail bond agency location.

214 (9)~~(7)~~ "Professional bail bond agent" means any person who
 215 pledges United States currency, United States postal money
 216 orders, or cashier's checks as security for a bail bond in
 217 connection with a judicial proceeding and receives or is
 218 promised therefor money or other things of value.

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

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

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

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

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

230 (11) "Supervising bail bond agent" means a licensed and
 231 appointed bail bond agent who appoints and supervises the work
 232 of a temporary bail bond agent and is responsible for the
 233 temporary bail bond agent's conduct in the bail bond business.

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

238 (13)~~(8)~~ "Temporary bail bond agent" means a person
 239 employed by a bail bond agent or agency, insurer, or managing
 240 general agent, and such licensee has the same authority as a
 241 licensed bail bond agent, including presenting defendants in
 242 court; apprehending, arresting, and surrendering defendants to
 243 the proper authorities, while accompanied by a supervising bail
 244 bond agent or an agent from the same agency; and keeping
 245 defendants under necessary surveillance. However, a temporary
 246 licensee may not execute or sign bonds, handle collateral
 247 receipts, or deliver bonds to appropriate authorities. A
 248 temporary licensee may not operate an agency or branch agency
 249 separate from the location of the supervising bail bond agent,
 250 managing general agent, or insurer by whom the licensee is
 251 employed. This does not affect the right of a bail bond agent or
 252 insurer to hire counsel or to obtain the assistance of law

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253 enforcement officers.

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

258 648.27 Licenses and appointments; general.—

259 (3) The department may propound any reasonable
 260 interrogatories to an applicant for a license or appointment
 261 under this chapter or on any renewal thereof, relating to his or
 262 her qualifications, residence, prospective place of business,
 263 and any other matters that ~~which~~ are deemed necessary or
 264 expedient in order to protect the public and ascertain the
 265 qualifications of the applicant. The department may also conduct
 266 any reasonable inquiry or investigation it sees fit, relative to
 267 the determination of the applicant's fitness to be licensed or
 268 appointed or to continue to be licensed or appointed. Upon the
 269 request of the department, a law enforcement agency shall inform
 270 the department of any specific criminal charge filed against any
 271 applicant or licensee and the final disposition of such charge.

272 (5)

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

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

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

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309 appointing entity and may ~~shall~~ not be charged to the appointee.

310 (10) The department may adopt rules pursuant to ss.
 311 120.536(1) and 120.54 to implement, administer, and enforce this
 312 section.

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

315 648.285 Bond agency; ownership requirements.—

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

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

333 Section 4. Subsections (1), (3), and (4) of section
 334 648.29, Florida Statutes, are amended, and subsection (6) is
 335 added to that section, to read:

336 648.29 Build-up funds posted by bail bond agent.—

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

347 (3) Build-up funds are maintained as a trust fund created
348 on behalf of a bail bond agent or agency, held by the insurer in
349 a fiduciary capacity to be used to indemnify the insurer for
350 losses and any other agreed-upon costs related to a bail bond
351 executed by the agent. The build-up funds are the sole property
352 of the agent or agency. Upon termination of the bail bond agency
353 or agent's contract and discharge of open bond liabilities on
354 the bonds written, with no pending litigation involving the
355 bonds, build-up funds are due and payable to the bail bond agent
356 or agency not later than 6 months after final discharge of the
357 open bond liabilities. A partial release of funds that exceed
358 the open liability may be released earlier.

359 (4) Each insurer authorized to write bail bonds in this
360 state and each managing general agent must furnish to the office
361 ~~department~~ a certified copy of a statement listing each build-up
362 trust account and the balance therein or a written attestation
363 that the company does not maintain build-up accounts. Any
364 insurer that fails to furnish the statement required under this

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365 subsection by March 1 of each year is subject to a fine of up to
 366 \$1,000 per agent each month until the office receives the
 367 required statement.

368 (6) The department and the office may adopt rules pursuant
 369 to ss. 120.536(1) and 120.54 to implement, administer, and
 370 enforce this section.

371 Section 5. Section 648.295, Florida Statutes, is amended
 372 to read:

373 648.295 Reporting and accounting of funds.—

374 (1) All premiums, return premiums, collateral, or other
 375 funds belonging to insurers or others received by a person
 376 licensed pursuant to this chapter in transactions under her or
 377 his license are trust funds received by the licensee in a
 378 fiduciary capacity, and the licensee must account for and pay
 379 the same to the insurer, insured, managing general agent, or
 380 other person entitled to such funds within 30 days after
 381 receiving the funds.

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

386 (a) At least 50 percent of the full premium rate that has
 387 been filed with and approved by the office must be collected
 388 before a bond may be posted.

389 (b) The agent, the defendant, and any other person
 390 responsible for paying the remaining balance of the premium must
 391 complete and sign a form adopted by the department and furnished
 392 by the surety company that, at a minimum, includes the

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393 following:

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

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

404 3. The date of the bond undertaking.

405 4. All power numbers identifying the legal instruments
406 executed by the surety company to convey to the bail bond agent
407 by power of attorney the authority to post bond.

408 5. The total premium due on the bond and the amount of the
409 initial payment collected.

410 6. The number on the receipt acknowledging the initial
411 premium payment.

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

414 (c) The surety, agent, defendant, and any other person
415 responsible for paying the remaining balance of the premium must
416 be furnished a copy of the form completed and signed in
417 accordance with paragraph (b).

418 (d) Payment in full of the premium due on the bond may not
419 be scheduled over a period of time exceeding 360 days after the
420 date the bond was executed. The bond agent must:

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421 1. If possible, attempt to contact the defendant and any
422 other person responsible for paying the premium in person or by
423 telephone if a scheduled payment is not received within 3 days
424 after the due date.

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

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

435
436 A bail bond agent who fails to comply with this subsection
437 commits a violation of s. 648.33, punishable as provided in that
438 section. If the department finds after investigation that a bond
439 agent has engaged in a pattern of violating s. 648.33 by the
440 repeated failure to collect the full premium rate filed with and
441 approved by the office, the department may deny, suspend,
442 revoke, or refuse to renew the bail bond agent's license or
443 appointment upon a further finding that the pattern of repeated
444 violations of s. 648.33 by the bond agent constitutes conduct
445 that is actionable under s. 648.27(2) or (3), s. 648.44(1), or
446 s. 648.45(2) or (3).

447 (3)-(2) A licensee shall keep and make available to the
448 department books, accounts, and records as necessary to enable

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449 | the department to determine whether such licensee is complying
 450 | with this chapter. A licensee shall preserve the books,
 451 | accounts, and records pertaining to a premium payment for at
 452 | least 3 years after making such payment. Records that are
 453 | preserved by computer or photographic reproduction or records
 454 | that are in photographic form constitute compliance with this
 455 | requirement.

456 | (4)~~(3)~~ Any licensee who unlawfully diverts or appropriates
 457 | such funds or any portion thereof to her or his own use commits
 458 | larceny by embezzlement, punishable as provided by law.

459 | Section 6. Section 648.30, Florida Statutes, is amended to
 460 | read:

461 | 648.30 Licensure and appointment required.—

462 | (1) A person or entity may not act in the capacity of a
 463 | bail bond agent or temporary bail bond agent or perform any of
 464 | the functions, duties, or powers prescribed for bail bond agents
 465 | or temporary bail bond agents under this chapter unless that
 466 | person or entity is qualified, licensed, and appointed as
 467 | provided in this chapter.

468 | (2) A person may not represent himself or herself to be a
 469 | bail enforcement agent, bounty hunter, or other similar title in
 470 | this state.

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

474 | (a) Qualified, licensed, and appointed under ~~as provided~~
 475 | ~~in~~ this chapter; or

476 | (b) Licensed as a bail bond agent or bail bond enforcement

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477 agent by the state where the bond was written, or holds an
 478 equivalent license issued by such the state ~~where the bond was~~
 479 ~~written~~.

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

487 (5) ~~(4)~~ Any person who violates this section commits a
 488 felony of the third degree, punishable as provided in s.
 489 775.082, s. 775.083, or s. 775.084.

490 Section 7. Section 648.33, Florida Statutes, is amended to
 491 read:

492 648.33 Bail bond rates.—

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

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

499 (3) Any person who violates this section commits a
 500 misdemeanor of the first degree, punishable as provided in s.
 501 775.082 or s. 775.083.

502 (4) The department and the office may adopt rules pursuant
 503 to ss. 120.536(1) and 120.54 to implement, administer, and
 504 enforce this section.

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

507 648.34 Bail bond agents; qualifications.—

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

522 Section 9. Section 648.355, Florida Statutes, is amended
523 to read:

524 648.355 Temporary limited license as limited surety agent
525 or professional bail bond agent; pending examination.—

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

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

532 (b) The applicant is a United States citizen or legal

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

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

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

557 (e) The applicant must be employed full time at the time
558 of licensure, and at all times throughout the existence of the
559 temporary license, by only one licensed and appointed
560 supervising bail bond agent at a time, who supervises the work

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561 of the applicant and is responsible for the licensee's conduct
562 in the bail bond business. The applicant must be appointed by
563 the supervising agent and the same insurers as the supervising
564 bail bond agent.

565 (f) The temporary bail bond agent and the supervising bail
566 bond agent who appointed the temporary bail bond agent shall, as
567 part of an ongoing obligation to update the temporary bail bond
568 agent's application, certify monthly to the department under
569 oath, on a form prescribed by the department, the names and
570 hours worked each week of all temporary bail bond agents. Each
571 monthly form must be submitted within 15 days after the last day
572 of the month covered by the form. The department shall treat the
573 submission of each monthly form as part of the temporary bail
574 bond agent's application and as partial fulfillment of the
575 ongoing obligation to update such application. The failure to
576 timely submit a monthly form within the applicable time period
577 may subject the supervising bail bond agent to a fine not to
578 exceed \$500 for each month that the form remains delinquent.
579 Filing a false certification is grounds for the immediate
580 suspension of the supervising and temporary bail bond agents'
581 licenses ~~license~~ and subjects each licensee to imposition of a
582 \$10,000 ~~\$5,000~~ administrative fine. The department may adopt
583 rules that establish standards for the employment requirements.
584 (g) ~~(f)~~ The application must be accompanied by an affidavit
585 verifying proposed employment and a report as to the applicant's
586 integrity and moral character on a form prescribed by the
587 department and executed by the supervising bail bond agent and
588 the proposed employer.

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

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

596 (j) A temporary bail bond agent must be paid wages. Wages
597 paid to a temporary bail bond agent are subject to s. 443.1217
598 for the purpose of determining an employer's unemployment
599 compensation contribution and must be reported by the agent's
600 employer to the Department of Revenue as required under chapter
601 443.

602 (2) All applicable license fees, as prescribed in s.
603 624.501, must be paid before issuance of the temporary license.

604 (3) The temporary license shall be effective for 18
605 months, subject to earlier termination at the request of the
606 employer or supervising bail bond agent or if suspended or
607 revoked by the department.

608 (4) The applicant shall furnish electronically, with the
609 application for temporary license, a complete set of the
610 applicant's fingerprints and a recent credential-sized, fullface
611 photograph of the applicant. The applicant's fingerprints shall
612 be certified by an authorized law enforcement officer. The
613 department may ~~shall~~ not issue a temporary license under this
614 section until the department has received a report from the
615 Department of Law Enforcement and the Federal Bureau of
616 Investigation relative to the existence or nonexistence of a

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617 criminal history report based on the applicant's fingerprints.

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

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

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

640 (8) (a) A temporary licensee has the same authority as a
641 licensed bail bond agent, including presenting defendants in
642 court; apprehending, arresting, and surrendering defendants to
643 the proper authorities; and keeping defendants under necessary
644 surveillance. However, a temporary licensee must be accompanied

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645 by the ~~a~~ supervising bail bond agent or another bail bond ~~an~~
646 agent from the same bail bond agency when apprehending,
647 arresting, or surrendering defendants to authorities.

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

658 (9) The department shall not issue a temporary bail bond
659 agent's license to any individual who has held such a temporary
660 license in this state within 2 years after the expiration or
661 termination of such temporary bail bond agent's license.

662 (10) The department may adopt rules pursuant to ss.
663 120.536(1) and 120.54 to implement, administer, and enforce this
664 section.

665 Section 10. Section 648.375, Florida Statutes, is created
666 to read:

667 648.375 Reporting of bail bond judgments.—The department:

668 (1) May direct a limited surety agent to file with each
669 insurer that has appointed the limited surety agent as a
670 representative of the insurer a sworn affidavit that includes,
671 as part of the affidavit, a list of every outstanding judgment
672 and the following information relating to each judgment:

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

674 (b) The amount due on the judgment.

675 (c) The name of the court that rendered the judgment and
 676 the location of the court clerk's office where the judgment is
 677 recorded.

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

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

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

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

688
 689 The failure of a limited surety agent to timely file any
 690 affidavit with an insurer as required by this section
 691 constitutes sufficient grounds for the insurer to immediately
 692 terminate the appointment of the limited surety agent as a
 693 representative of the insurer.

694 Section 11. Paragraph (b) of subsection (2) and
 695 subsections (5) and (6) of section 648.382, Florida Statutes,
 696 are amended to read:

697 648.382 Appointment of bail bond agents and temporary bail
 698 bond agents; effective date of appointment.—

699 (2) Prior to any appointment, an appropriate officer or
 700 official of the appointing insurer in the case of a bail bond

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701 agent or an insurer, managing general agent, or bail bond agent
702 in the case of a temporary bail bond agent must submit:

703 (b) An affidavit under oath on a form prescribed by the
704 department, signed by the proposed appointee, stating that
705 premiums, losses, or other contractual obligations are not owed
706 to any insurer and that the appointee will discharge all
707 outstanding forfeitures and judgments on bonds previously
708 written. If the appointee does not satisfy or discharge such
709 forfeitures or judgments or fails to pay premiums, losses, or
710 other contractual obligations that are outstanding or discovered
711 to be outstanding in the future, the former insurer shall file a
712 notice, with supporting documents, with the appointing insurer,
713 the former agent, and the department, stating under oath that
714 the licensee has failed to timely satisfy forfeitures and
715 judgments or has failed to pay premiums, losses, or other
716 contractual obligations that are outstanding on bonds written
717 and that the insurer has satisfied the forfeiture or judgment
718 from its own funds. Upon receipt of such notification and
719 supporting documents, the appointing insurer shall immediately
720 cancel the licensee's appointment. The licensee may be
721 reappointed only upon certification by the former insurer that
722 all forfeitures and judgments on bonds written by the licensee
723 have been discharged and all premiums, losses, and contractual
724 obligations have been paid or met. The appointing insurer or
725 former agent may, within 10 days, file a petition with the
726 department seeking relief from this paragraph. Filing of the
727 petition stays the duty of the appointing insurer to cancel the
728 appointment until the department grants or denies the petition;

729 and

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

734 ~~(6)~~ Failure to notify the department within the required
 735 time period shall result in the appointing entity being assessed
 736 a delinquent fee of not less than \$1,000 for each month that the
 737 appointee represented the appointing entity without the
 738 department's notification ~~\$250~~. Delinquent fees shall be paid by
 739 the appointing entity and may ~~shall~~ not be charged to the
 740 appointee.

741 Section 12. Paragraph (a) of subsection (2) and paragraph
 742 (a) of subsection (3) of section 648.385, Florida Statutes, are
 743 amended to read:

744 648.385 Continuing education required; application;
 745 exceptions; requirements; penalties.—

746 (2) (a) Each person subject to ~~the provisions of this~~
 747 chapter must complete a minimum of 14 hours of continuing
 748 education ~~courses~~ every 2 years by personally attending 14 hours
 749 of classroom courses or completing 14 hours of online ~~in~~ courses
 750 approved by the department. Compliance with continuing education
 751 requirements is a condition precedent to the issuance,
 752 continuation, or renewal of any appointment subject to ~~the~~
 753 ~~provisions of this chapter.~~

754 (3) (a) Any bail-related course developed or sponsored by
 755 any authorized insurer or recognized bail bond agents'
 756 association, or any independent study program of instruction,

757 subject to approval by the department, qualifies for the
 758 equivalency of the number of classroom hours assigned to such
 759 course by the department. However, unless otherwise provided in
 760 this section, continuing education credit may not be credited
 761 toward meeting the requirements of this section unless the
 762 course provides ~~is provided by classroom~~ instruction that:

- 763 1. Occurs in a classroom setting requiring each student's
 764 physical attendance for all hours of instruction;
- 765 2. Occurs online; or
- 766 3. Results in a monitored examination.

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

769 648.386 Qualifications for prelicensing and continuing
 770 education schools and instructors.—

771 (2) SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
 772 SCHOOLS.—

773 (a) In order to be considered for approval and
 774 certification as an approved limited surety agent and
 775 professional bail bond agent continuing education school, such
 776 entity must:

777 1.~~(a)~~ Provide a minimum of three continuing education
 778 classes in a classroom setting or three continuing education
 779 courses online per calendar year.

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

783 3.~~(c)~~ Offer continuing education classes that ~~which~~ are
 784 comprised of a minimum of 2 hours of approved coursework and are

785 taught in a classroom setting by an approved supervising
 786 instructor or guest lecturer approved by the entity or the
 787 supervising instructor.

788 (b) The department may deny credit to any licensee who
 789 attends or otherwise completes a continuing education course if
 790 the course or the training materials, books, or other documents
 791 used during the course's presentation have not been approved by
 792 the department at least 30 days before the course's
 793 presentation. If the department has approved a course and all
 794 related materials to be used during the course's presentation,
 795 the related materials must conspicuously indicate the
 796 department's approval.

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

798 (a) Each course must have a supervising instructor who is
 799 approved by the department. The supervising instructor shall be
 800 present at all classes presented in a classroom setting
 801 requiring the physical attendance of all students. The
 802 supervising instructor is responsible for:

- 803 1. All course instructors.
- 804 2. All guest lecturers.
- 805 3. The course outlines and curriculum.
- 806 4. Certification of each attending limited surety agent or
 807 professional bail bond agent.
- 808 5. Completion of all required forms.
- 809 6. Assuring that the course is approved.

810
 811 Either the entity or the supervising instructor may approve
 812 guest lecturers.

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813 Section 14. Section 648.387, Florida Statutes, is amended
 814 to read:

815 648.387 Primary bail bond agents; designation as agent in
 816 charge; duties.—

817 (1) The owner or operator of a bail bond agency shall
 818 designate a primary bail bond agent who is licensed and
 819 appointed as an agent in charge for each location, and shall
 820 file with the department the name and license number of the
 821 person and the address of the location on a form approved by the
 822 department. The designation of the primary bail bond agent in
 823 charge may be changed if the department is notified immediately.
 824 Failure to notify the department within 10 working days after
 825 such change is grounds for disciplinary action pursuant to s.
 826 648.45.

827 (2) The primary bail bond agent designated as an agent in
 828 charge is responsible for the overall operation and management
 829 of a bail bond agency location, which ~~whose~~ responsibilities may
 830 include, without limitations, hiring and supervising of all
 831 individuals within the location, whether they deal with the
 832 public in the solicitation or negotiation of bail bond contracts
 833 or in the collection or accounting of moneys. A person may be
 834 designated as primary bail bond agent in charge for only one
 835 bail bond agency location.

836 (3) The department may suspend or revoke the license of
 837 the owner, operator, and primary bail bond agent in charge if a
 838 bail bond agency employs, contracts with, or uses the services
 839 of a person who has had a license denied or whose license is
 840 currently suspended or revoked. However, a person who has been

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841 denied a license for failure to pass a required examination may
842 be employed to perform clerical or administrative functions for
843 which licensure is not required. The bail bond agency or primary
844 bail bond agent in charge may require an employee or applicant
845 for employment to submit to a background check annually to
846 determine whether the employee or applicant initially meets or
847 continues to meet the requirements of this chapter. The
848 background check must include a check of the employee's or
849 applicant's criminal history.

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

857 (5) A bail bond agency location may not conduct surety
858 business unless a primary bail bond agent in charge is
859 designated at all times. The failure to designate a primary
860 agent in charge on a form prescribed by the department, within
861 10 working days after an agency's inception or a change of
862 primary agent, is a violation of this chapter, punishable as
863 provided in s. 648.45.

864 (6) The department shall adopt rules pursuant to ss.
865 120.536(1) and 120.54 to implement, administer, and enforce this
866 section.

867 Section 15. Section 648.388, Florida Statutes, is amended
868 to read:

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869 648.388 Insurer must appoint managing general agent.—

870 (1) Any insurer regularly engaged in the execution of bail
871 bonds in this state shall have a managing general agent in this
872 state to supervise its agents. Upon the appointment of a
873 managing general agent, the insurer shall file with the
874 department an affidavit under oath, executed by the appointee,
875 certifying that the appointee does not owe any unpaid premiums,
876 losses, or contractual obligations to any insurer and does not
877 have any unpaid judgments or forfeitures in any state. A
878 managing general agent shall maintain an office in this state
879 and maintain all records relating to bonds issued in this state.
880 A managing general agent may maintain the records electronically
881 and shall make the records available at any time upon request by
882 the insurer, the department, or the office.

883 (2) (a) Before being appointed as a managing general agent,
884 a proposed appointee must submit an affidavit under oath on a
885 form prescribed by the department, signed by the proposed
886 appointee, stating that premiums, losses, or other contractual
887 obligations are not owed to any insurer and that the appointee
888 will discharge all outstanding forfeitures and judgments on
889 bonds previously written. If the appointee does not satisfy or
890 discharge such forfeitures or judgments or fails to pay
891 premiums, losses, or other contractual obligations that are
892 outstanding or discovered to be outstanding in the future, the
893 former insurer shall file a notice, with supporting documents,
894 with the appointing insurer, the former managing general agent,
895 and the department stating under oath that the managing general
896 agent has failed to timely satisfy forfeitures and judgments or

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897 has failed to pay premiums, losses, or other contractual
898 obligations that are outstanding on bonds written and that the
899 insurer has satisfied the forfeiture or judgment from its own
900 funds. Upon receipt of such notification and supporting
901 documents, the appointing insurer shall immediately cancel the
902 managing general agent's appointment. The managing general agent
903 may be reappointed only upon certification by the insurer that
904 all forfeitures and judgments on bonds written by the managing
905 general agent or any of his or her subagents have been
906 discharged and all premiums, losses, and contractual obligations
907 have been paid or met. The appointing insurer or managing
908 general agent may, within 10 days, file a petition with the
909 department seeking relief from this paragraph. Filing of the
910 petition stays the duty of the appointing insurer to cancel the
911 appointment until the department grants or denies the petition.

912 (b)1. In addition to any information required under
913 paragraph (a), a proposed appointee or an appointing insurer
914 must provide to the department any other information that the
915 department reasonably requests concerning a proposed appointee.

916 2. An appointing insurer must certify to the department
917 that the insurer will supervise the activities of the managing
918 general agent appointee.

919 (3) The appointment of a managing general agent by an
920 insurer is deemed to be a certification to the department that
921 the appointing insurer is bound by acts of the managing general
922 agent appointee that are within the scope of his or her
923 appointment.

924 (4) An appointing insurer must advise the department in

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925 writing within 5 days after receiving notice or learning that a
 926 managing general agent appointee has been arrested for, pled
 927 guilty or nolo contendere to, or been found guilty of a felony
 928 or other offense punishable by imprisonment of 1 year or more
 929 under the law of any jurisdiction, whether judgment was entered
 930 or withheld by the court.

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

933 648.39 Termination of appointment of managing general
 934 agents, bail bond agents, and temporary bail bond agents.—

935 (4) A bail bond agent or managing general agent whose
 936 appointment has been terminated by an insurer shall remain
 937 accountable to the insurer until all liability for any bonds
 938 written with the insurer by the bail bond agent or managing
 939 general agent are discharged or otherwise vacated.

940 Section 17. Section 648.415, Florida Statutes, is created
 941 to read:

942 648.415 Rules governing appointments and termination of
 943 appointments.—The department shall adopt rules pursuant to ss.
 944 120.536(1) and 120.54 that provide for the implementation,
 945 administration, and enforcement of provisions of this chapter
 946 governing the appointment or termination of the appointment of a
 947 bail bond agent, managing general agent, or bail bond agency.

948 Section 18. Section 648.42, Florida Statutes, is amended
 949 to read:

950 648.42 Registration of bail bond agents.—A bail bond agent
 951 may not become a surety on an undertaking unless he or she has
 952 registered in the office of the sheriff and with the clerk of

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953 the circuit court in the county in which the bail bond agent
 954 resides. The bail bond agent and bail bond agency may register
 955 in a like manner in any other county, and any bail bond agent
 956 and bail bond agency shall file a certified copy of the bail
 957 bond agent's ~~his or her~~ appointment by power of attorney from
 958 each insurer which he or she represents as a bail bond agent
 959 with each of such officers. Registration and filing of a
 960 certified copy of renewed power of attorney shall be performed
 961 by April 1 of each odd-numbered year, and the form must include
 962 the effective date of the registration. The clerk of the circuit
 963 court and the sheriff shall not permit the registration of a
 964 bail bond agent unless such bail bond agent is currently
 965 licensed and appointed by the department. ~~Nothing in~~ This
 966 section does not ~~shall~~ prevent the registration of a temporary
 967 licensee at the jail for the purposes of enabling the licensee
 968 to perform the duties under such license as set forth in this
 969 chapter.

970 Section 19. Section 648.421, Florida Statutes, is amended
 971 to read:

972 648.421 Notice of change of name, address, or telephone
 973 number.—

974 (1) Each licensee under this chapter shall notify, in
 975 writing, the department, insurer, managing general agent, and
 976 ~~the~~ clerk of each court in which the licensee is registered
 977 within 10 working days after a change in the licensee's
 978 principal business address or telephone number. The licensee
 979 shall also notify the department within 10 working days after a
 980 change of the name, address, or telephone number of each bail

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981 bond agency or firm for which he or she writes bonds and any
982 change in the licensee's name, home address, e-mail address, or
983 telephone number.

984 (2) A bail bond agent may electronically submit through
985 the department's website the written notifications required
986 under subsection (1).

987 (3) The department may adopt rules pursuant to ss.
988 120.536(1) and 120.54 to implement, administer, and enforce this
989 section.

990 Section 20. Section 648.43, Florida Statutes, is amended
991 to read:

992 648.43 Power of attorney; to be approved by department;
993 filing of copies; notification of transfer bond.—

994 (1) Every insurer engaged in the writing of bail bonds
995 through bail bond agents in this state shall submit and have
996 approved by the department and the office a sample power of
997 attorney, which shall ~~will~~ be the only form of power of attorney
998 the insurer will issue to bail bond agents in this state.

999 (2) Every professional bail bond agent who authorizes a
1000 licensed professional bail bond agent directly employed and
1001 appointed by him or her to sign his or her name to bonds must
1002 file a copy of the power of attorney given to the appointed
1003 professional bail bond agent with the sheriff and the clerk of
1004 the circuit court in the county in which he or she resides and
1005 with the department. Such power of attorney shall remain in full
1006 force and effect until written notice revoking the power of
1007 attorney has been received by the above-named officials.

1008 (3) Every bail bond agent who executes or countersigns a

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1009 transfer bond shall indicate in legible print ~~writing~~ on the
 1010 original and each copy of the bond:

1011 (a) The name and address of the referring bail bond agent.

1012 (b) The identifying number that appears on the license
 1013 issued by this state to the bail bond agent who is requesting
 1014 the transfer bond.

1015 (4) The department and the office may adopt rules pursuant
 1016 to ss. 120.536(1) and 120.54 to implement, administer, and
 1017 enforce this section.

1018 Section 21. Paragraphs (a), (b), (c), and (o) of
 1019 subsection (1), paragraphs (a) and (e) of subsection (6),
 1020 subsection (7), and paragraph (a) of subsection (9) of section
 1021 648.44, Florida Statutes, are amended, paragraphs (q), (r), and
 1022 (s) are added to subsection (1) of that section, and subsection
 1023 (10) is added to that section, to read:

1024 648.44 Prohibitions; penalty.—

1025 (1) A bail bond agent or temporary bail bond agent may
 1026 not:

1027 (a) Suggest or advise the employment of, or name for
 1028 employment, any particular attorney to represent his or her
 1029 principal. However, an agent may provide contact information for
 1030 multiple attorneys.

1031 (b) Directly or indirectly solicit business in or on the
 1032 property or grounds of a jail, prison, or other place where
 1033 prisoners are confined or in or on the property or grounds of
 1034 any court. The term "solicitation" includes the distribution of
 1035 business cards, print advertising, or other written or oral
 1036 information or the use of electronic media that is directed to

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1037 prisoners or potential indemnitors, unless a request is
 1038 initiated by the prisoner or a potential indemnitor. Permissible
 1039 print advertising in the jail is strictly limited to a listing
 1040 in a telephone directory and the posting of the bail bond
 1041 agent's or agency's name, address, and telephone number in a
 1042 designated location within the jail.

1043 (c) Initiate in person ~~in-person~~ or by telephone any
 1044 solicitation after 9:00 p.m. or before 8:00 a.m., in the case of
 1045 domestic violence cases, at the residence of the detainee or the
 1046 detainee's family. Any solicitation not prohibited by this
 1047 chapter must comply with the telephone solicitation requirements
 1048 in ss. 501.059(2) and (4), 501.613, and 501.616(6).

1049 (o) 1. Use, or make any attempt to use, threats or coercion
 1050 when trying to collect, ~~through threat or coercion,~~ amounts due
 1051 for the payment of any indebtedness related to the issuance of a
 1052 bail bond in violation of s. 559.72.

1053 2. Use, or make any attempt to use, threats or coercion to
 1054 deal with any matter related to the issuance of a bail bond in
 1055 violation of s. 559.72.

1056 (q) Pay a fee or rebate or give or promise anything of
 1057 value to an inmate or any other person on behalf of the inmate
 1058 in return for the referral of bail bond business.

1059 (r) Act as a professional bail bond agent without first
 1060 obtaining a license as a professional bail bond agent. This
 1061 paragraph also restricts a limited surety agent, a bail bond
 1062 agency, or a managing general agent from acting as a
 1063 professional bail bond agent without first obtaining a license
 1064 as a professional bail bond agent or agency.

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1065 (s) Charge a travel fee or other similar charge for
 1066 undertaking and posting a bail bond at a jail in any county if
 1067 the same agent and agency that wrote the bond are also the agent
 1068 and agency that posted the bond.

1069 (6) (a) A ~~new~~ bail bond agency or entity may not shall
 1070 advertise as or hold itself out to be a bail bond or surety
 1071 company.

1072 (e)1. A bail bond agent may not make material
 1073 misrepresentations or omissions in statements or use
 1074 advertisements that constitute material misrepresentations of
 1075 facts, create unjust expectations concerning services, or make
 1076 improper comparisons.

1077 2. Bail bond agents may not own or advertise under firm
 1078 names that are false, misleading, or deceptive, or use trade
 1079 names that imply a connection with any government agency.

1080 3. A bail bond agent may not use any advertisement or
 1081 advertise under any name that includes the word "free".

1082 4. A bail bond agent may not advertise under a trade name
 1083 unless the name and address appear on the agent's letterhead or
 1084 business cards. Such name must be registered with the
 1085 department.

1086 5. A bail bond agent must return all premiums collected on
 1087 a bond immediately if the bond is not executed.

1088 (7) Any permissible advertising by a bail bond agent or
 1089 agency must include the address of record filed with the
 1090 department and the license number of the bail bond agent.

1091 (9) (a) Any person who violates ~~any provisions of~~ paragraph
 1092 (1) (e), paragraph (1) (f), paragraph (1) (g), paragraph (1) (j), ~~or~~

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1093 paragraph (1)(n), paragraph (1)(q), paragraph (1)(r), or
 1094 subsection (2) commits a felony of the third degree, punishable
 1095 as provided in s. 775.082, s. 775.083, or s. 775.084.

1096 (10) The department may adopt rules pursuant to ss.
 1097 120.536(1) and 120.54 to implement, administer, and enforce this
 1098 section.

1099 Section 22. Subsections (3) and (4) of section 648.442,
 1100 Florida Statutes, are amended to read:

1101 648.442 Collateral security.—

1102 (3) Collateral security shall be received and held in the
 1103 insurer's name by the bail bond agent in a fiduciary capacity
 1104 and, prior to any forfeiture of bail, shall be kept separate and
 1105 apart from any other funds or assets of such bail bond agent.
 1106 When collateral security equal to or in excess of \$5,000 cash or
 1107 its equivalent is received by a bail bond agent, the entire
 1108 amount shall be immediately forwarded to the insurer. Such
 1109 collateral security may be placed in an interest-bearing account
 1110 to accrue to the benefit of the person giving the collateral
 1111 security, and the bail bond agent, insurer, or managing general
 1112 agent may not make any pecuniary gain on the collateral security
 1113 deposited. Any such account shall be in a depository office of a
 1114 financial institution located in this state. The insurer shall
 1115 be liable for all collateral received. If the bail bond agent or
 1116 managing general agent fails to return the collateral to the
 1117 indemnitor upon final termination of liability on the bond, the
 1118 surety shall be liable for the collateral and shall return the
 1119 actual collateral to the indemnitor or, in the event that the
 1120 surety cannot locate the collateral, the surety shall pay the

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1121 | indemnitor pursuant to the provisions of this section.

1122 | (4) When the obligation of the surety on the bond or bonds
1123 | has been released:

1124 | (a) In writing by the court;

1125 | (b) Through the application of s. 648.571(2); or

1126 | (c) Upon expiration of the bond pursuant to s. 903.31(1),
1127 |

1128 | the collateral shall be returned to the rightful owner named in
1129 | the collateral receipt unless another disposition is provided
1130 | for by legal assignment of the right to receive the collateral
1131 | to another person.

1132 | Section 23. Paragraph (j) of subsection (2), paragraphs
1133 | (c) and (e) of subsection (3), and subsection (4) of section
1134 | 648.45, Florida Statutes, are amended, and subsection (7) is
1135 | added to that section, to read:

1136 | 648.45 Actions against a licensee; suspension or
1137 | revocation of eligibility to hold a license.—

1138 | (2) The department shall deny, suspend, revoke, or refuse
1139 | to renew any license or appointment issued under this chapter or
1140 | the insurance code, and it shall suspend or revoke the
1141 | eligibility of any person to hold a license or appointment under
1142 | this chapter or the insurance code, for any violation of the
1143 | laws of this state relating to bail or any violation of the
1144 | insurance code or if the person:

1145 | (j) Has willfully failed to comply with or willfully
1146 | violated any proper order or rule of the department or willfully
1147 | violated any provision of this chapter, chapter 903, or the
1148 | insurance code.

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1149 (3) The department may deny, suspend, revoke, or refuse to
 1150 renew any license or appointment issued under this chapter or
 1151 the insurance code, or it may suspend or revoke the eligibility
 1152 of any person to hold a license or appointment under this
 1153 chapter or the insurance code, for any violation of the laws of
 1154 this state relating to bail or any violation of the insurance
 1155 code or for any of the following causes:

1156 (c) Violation of any law relating to the business of bail
 1157 bond insurance, violation of chapter 903, or violation of any
 1158 provision of the insurance code.

1159 (e) Being found to be a source of injury, potential harm,
 1160 or loss to the public or detrimental to the public interest or
 1161 being found by the department to be no longer carrying on the
 1162 bail bond business in good faith.

1163 (4) Any licensee found to have violated s. 648.44(1)(b),
 1164 (d), (g), (h), or (i) shall, at a minimum, be suspended for a
 1165 period of 3 months. A greater penalty, including revocation,
 1166 shall be imposed if there is a willful or repeated violation of
 1167 s. 648.44(1)(b), (d), (g), (h), or (i) ~~or~~ if the licensee has
 1168 committed other violations of this chapter.

1169 (7) The department may adopt rules pursuant to ss.
 1170 120.536(1) and 120.54 to implement, administer, and enforce this
 1171 section.

1172 Section 24. Subsection (1) of section 648.52, Florida
 1173 Statutes, is amended to read:

1174 648.52 Administrative fine.—

1175 (1) If, pursuant to the procedure described in s. 648.46,
 1176 the department finds that one or more causes exist for the

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1177 suspension of, revocation of, or refusal to renew or continue
 1178 any license or appointment issued under this chapter, the
 1179 department may, in its discretion, in lieu of or in addition to
 1180 such suspension, revocation, or refusal, and except on a second
 1181 offense, impose upon the licensee an administrative penalty in
 1182 an amount up to \$10,000 ~~\$5,000~~ or, if the department has found
 1183 willful misconduct or willful violation on the part of the
 1184 licensee, \$20,000. The administrative penalty may, in the
 1185 discretion of the department, be increased by an amount equal to
 1186 any commissions or other pecuniary benefits received by or
 1187 accruing to the credit of the licensee in connection with any
 1188 transaction related to the grounds for suspension, revocation,
 1189 or refusal.

1190 Section 25. Subsection (2) of section 648.525, Florida
 1191 Statutes, is amended to read:

1192 648.525 Civil assessment.—

1193 (2) The burden of proof in such proceedings is by a
 1194 preponderance of the evidence. Upon a finding that a licensee
 1195 has failed to properly comply, an assessment of \$10,000 ~~\$5,000~~
 1196 shall be ordered for each act of improper solicitation, which
 1197 assessment shall be payable within 30 days after the date of the
 1198 final order.

1199 Section 26. Section 648.55, Florida Statutes, is amended
 1200 to read:

1201 648.55 All bail bond agents of same agency; licensed by
 1202 same companies.—All bail bond agents who are members of the same
 1203 agency, partnership, corporation, or association shall be
 1204 appointed to represent the same companies. If any member of such

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1205 agency, partnership, corporation, or association is licensed and
 1206 appointed as a professional bail bond agent, all members thereof
 1207 shall be so licensed and appointed. It is the responsibility of
 1208 each insurer to require that each bail bond agent in a bail bond
 1209 ~~an~~ agency is appointed to represent that particular insurer. It
 1210 is the responsibility of the agent in charge to notify the
 1211 insurers of the identity of the agents in the bail bond agency
 1212 and verify that the agents are appointed as required.

1213 Section 27. Subsections (3) and (4) of section 648.571,
 1214 Florida Statutes, are amended to read:

1215 648.571 Failure to return collateral; penalty.—

1216 (3) (a) Fees or charges other than those provided in this
 1217 chapter or by rule of the department or commission may not be
 1218 deducted from the collateral due.

1219 (b)1. The bail bond agent may charge the credit card fee
 1220 imposed in connection with the use of the credit card for
 1221 payment of collateral if the fee is clearly shown on the
 1222 collateral receipt and is acknowledged by the person tendering
 1223 the credit card.

1224 2. The prevailing schedule of credit card fees must be
 1225 conspicuously posted in the lobby of the bail bond agency, and a
 1226 copy must be provided to the person tendering the credit card.

1227 (c) Allowable expenses incurred in apprehending a
 1228 defendant because of a bond forfeiture or judgment under s.
 1229 903.29 may be deducted if such expenses are accounted for.

1230 (d) The bail bond agent may not impose any restrictions on
 1231 the return of the collateral other than the restrictions allowed
 1232 under this section.

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1233 (e) The failure to return collateral under these terms is
 1234 punishable as follows:

1235 1. If the collateral is of a value less than \$100, as
 1236 provided in s. 775.082(4)(a).

1237 2. If the collateral is of a value of \$100 or more, as
 1238 provided in s. 775.082(3)(d).

1239 3. If the collateral is of a value of \$1,500 or more, as
 1240 provided in s. 775.082(3)(c).

1241 4. If the collateral is of a value of \$10,000 or more, as
 1242 provided in s. 775.082(3)(b).

1243 (4) In addition to the criminal penalties and any other
 1244 penalties provided in this chapter, the department shall impose
 1245 against any person violating this section an administrative fine
 1246 of 10 ~~five~~ times the dollar amount of the collateral.

1247 Section 28. Subsection (2) of section 903.09, Florida
 1248 Statutes, is amended to read:

1249 903.09 Justification of sureties.—

1250 (2) A bond agent, as defined in s. 648.25(3) ~~648.25(2)~~,
 1251 shall justify her or his suretyship by attaching a copy of the
 1252 power of attorney issued by the company to the bond or by
 1253 attaching to the bond United States currency, a United States
 1254 postal money order, or a cashier's check in the amount of the
 1255 bond; but the United States currency, United States postal money
 1256 order, or cashier's check cannot be used to secure more than one
 1257 bond. Nothing herein shall prohibit two or more qualified
 1258 sureties from each posting any portion of a bond amount, and
 1259 being liable for only that amount, so long as the total posted
 1260 by all cosureties is equal to the amount of bond required.

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