

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Insurance & Banking  
 2 Subcommittee

3 Representative Plakon offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 141-605 and insert:

7 Section 7. Section 648.355, Florida Statutes, is amended  
 8 to read:

9 648.355 ~~Temporary limited license as~~ Limited surety agents  
 10 ~~and agent or~~ professional bail bond agents ~~agent~~; qualifications  
 11 ~~pending examination.~~—

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

15 (a) The applicant is a natural person at least 18 years of  
 16 age and holds a high school diploma or its equivalent.

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

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

35 (d) Within 2 4 years before ~~prior to~~ the date of  
36 application for a temporary license, the applicant has  
37 successfully completed a basic certification course in the  
38 criminal justice system, consisting of not less than 120 hours  
39 of classroom instruction with a passing grade of 80 percent or  
40 higher and has successfully completed a correspondence course  
41 for bail bond agents approved by the department.

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42 ~~(e) The applicant must be employed full time at the time~~  
43 ~~of licensure, and at all times throughout the existence of the~~  
44 ~~temporary license, by only one licensed and appointed~~  
45 ~~supervising bail bond agent, who supervises the work of the~~  
46 ~~applicant and is responsible for the licensee's conduct in the~~  
47 ~~bail bond business. The applicant must be appointed by the same~~  
48 ~~insurers as the supervising bail bond agent. The supervising~~  
49 ~~bail bond agent shall certify monthly to the department under~~  
50 ~~oath, on a form prescribed by the department, the names and~~  
51 ~~hours worked each week of all temporary bail bond agents. Filing~~  
52 ~~a false certification is grounds for the immediate suspension of~~  
53 ~~the license and imposition of a \$5,000 administrative fine. The~~  
54 ~~department may adopt rules that establish standards for the~~  
55 ~~employment requirements.~~

56 (e)~~(f)~~ The application must be accompanied by an affidavit  
57 verifying proposed employment and a report as to the applicant's  
58 integrity and moral character on a form prescribed by the  
59 department and executed by the proposed employer.

60 (f)~~(g)~~ The applicant must file with the department  
61 statements by at least three reputable citizens who are  
62 residents of the same counties in which the applicant proposes  
63 to engage as a temporary licensee.

64 (g)~~(h)~~ The applicant's employer is responsible for the  
65 bail bonding acts of any licensee under this section.

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66 (2) All applicable license fees, as prescribed in s.  
67 624.501, must be paid before issuance of the temporary license.

68 ~~(3) The temporary license shall be effective for 18~~  
69 ~~months, subject to earlier termination at the request of the~~  
70 ~~employer or if suspended or revoked by the department.~~

71 (3) ~~(4)~~ The applicant shall furnish, with the application  
72 for temporary license, a complete set of the applicant's  
73 fingerprints and a recent credential-sized, fullface photograph  
74 of the applicant. The applicant's fingerprints shall be  
75 certified by an authorized law enforcement officer. The  
76 department shall not issue a temporary license under this  
77 section until the department has received a report from the  
78 Department of Law Enforcement and the Federal Bureau of  
79 Investigation relative to the existence or nonexistence of a  
80 criminal history report based on the applicant's fingerprints.

81 (4) ~~(5)~~ The department may collect a fee necessary to cover  
82 the cost of a character and credit report made by an established  
83 and reputable independent reporting service. The fee shall be  
84 deposited to the credit of the Insurance Regulatory Trust Fund.

85 (5) ~~(6)~~ After licensure as a temporary licensee for at  
86 least 12 months, such licensee may file an application for and  
87 become eligible for a regular bail bond agent's license based on  
88 the licensee's experience in the bail bond business and  
89 education pursuant to paragraph (1) (d) and, if otherwise  
90 qualified, take the required bail bond agent's licensure

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91 ~~examination. The applicant and supervising bail bond agent must~~  
92 ~~each file an affidavit under oath, on a form prescribed by the~~  
93 ~~department, verifying the required employment of the temporary~~  
94 ~~agent before issuance of the license. Effective July 1, 2022,~~  
95 ~~any person licensed by the department as a temporary bail bond~~  
96 ~~agent may take the required bail bond agent's licensure~~  
97 ~~examination and may file an application for a regular bail bond~~  
98 ~~agent's license, if otherwise qualified for licensure.~~

99 ~~(7) In no event shall a temporary licensee licensed under~~  
100 ~~this section perform any of the functions for which a bail bond~~  
101 ~~agent's license is required after expiration of the temporary~~  
102 ~~license without having passed the written examination as for a~~  
103 ~~regular bail bond agent's license.~~

104 ~~(8)(a) A temporary licensee has the same authority as a~~  
105 ~~licensed bail bond agent, including presenting defendants in~~  
106 ~~court; apprehending, arresting, and surrendering defendants to~~  
107 ~~the proper authorities; and keeping defendants under necessary~~  
108 ~~surveillance. However, a temporary licensee must be accompanied~~  
109 ~~by a supervising bail bond agent or an agent from the same~~  
110 ~~agency when apprehending, arresting, or surrendering defendants~~  
111 ~~to authorities.~~

112 ~~(b) A temporary licensee may not execute or sign bonds,~~  
113 ~~handle collateral receipts, deliver bonds to appropriate~~  
114 ~~authorities, or operate an agency or branch agency separate from~~

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115 ~~the location of the supervising bail bond agent, managing~~  
116 ~~general agent, or insurer by whom the licensee is employed.~~

117 ~~(6) -(9) The department shall not issue a temporary bail bond~~  
118 ~~agent's license to any individual who has held such a temporary~~  
119 ~~license in this state within 2 years after the expiration of~~  
120 ~~such temporary bail bond agent's license. Effective July 1,~~  
121 ~~2022, the department shall not issue a temporary bail bond~~  
122 ~~agent's license to any individual. Any individual currently~~  
123 ~~licensed as a temporary bail bond agent may continue to be~~  
124 ~~licensed in accordance with this law. If such temporary bail~~  
125 ~~bond agent license expires or is terminated, suspended, or~~  
126 ~~revoked, it may not be reinstated.~~

127 Section 8. Subsections (1) through (4) of section 648.382,  
128 Florida Statutes, are amended to read:

129 648.382 Appointment of bail bond agents ~~and temporary bail~~  
130 ~~bond agents; effective date of appointment.-~~

131 (1) Each insurer appointing a bail bond agent ~~and each~~  
132 ~~insurer, managing general agent, or bail bond agent appointing a~~  
133 ~~temporary bail bond agent~~ in this state must file the  
134 appointment with the department and, at the same time, pay the  
135 applicable appointment fees and taxes. A person appointed under  
136 this section must hold a valid bail bond agent's ~~or temporary~~  
137 ~~bail bond agent's~~ license.

138 (2) ~~Before~~ Prior ~~to~~ any appointment, an appropriate  
139 officer or official of the appointing insurer ~~in the case of a~~

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140 ~~bail bond agent or an insurer, managing general agent, or bail~~  
141 ~~bond agent in the case of a temporary bail bond agent~~ must  
142 submit:

143 (a) A certified statement or affidavit to the department  
144 stating what investigation has been made concerning the proposed  
145 appointee and the proposed appointee's background and the  
146 appointing person's opinion to the best of his or her knowledge  
147 and belief as to the moral character and reputation of the  
148 proposed appointee. In lieu of such certified statement or  
149 affidavit, by authorizing the effectuation of an appointment for  
150 a licensee, the appointing entity certifies to the department  
151 that such investigation has been made and that the results of  
152 the investigation and the appointing person's opinion is that  
153 the proposed appointee is a person of good moral character and  
154 reputation and is fit to engage in the bail bond business;

155 (b) An affidavit under oath on a form prescribed by the  
156 department, signed by the proposed appointee, stating that  
157 premiums are not owed to any insurer and that the appointee will  
158 discharge all outstanding forfeitures and judgments on bonds  
159 previously written. If the appointee does not satisfy or  
160 discharge such forfeitures or judgments, the former insurer  
161 shall file a notice, with supporting documents, with the  
162 appointing insurer, the former agent, and the department,  
163 stating under oath that the licensee has failed to timely  
164 satisfy forfeitures and judgments on bonds written and that the

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165 insurer has satisfied the forfeiture or judgment from its own  
166 funds. Upon receipt of such notification and supporting  
167 documents, the appointing insurer shall immediately cancel the  
168 licensee's appointment. The licensee may be reappointed only  
169 upon certification by the former insurer that all forfeitures  
170 and judgments on bonds written by the licensee have been  
171 discharged. The appointing insurer or former agent may, within  
172 10 days, file a petition with the department seeking relief from  
173 this paragraph. Filing of the petition stays the duty of the  
174 appointing insurer to cancel the appointment until the  
175 department grants or denies the petition; and

176 (c) Any other information that the department reasonably  
177 requires concerning the proposed appointee.

178 (3) By authorizing the effectuation of an appointment for  
179 a licensee, the appointing insurer certifies to the department  
180 that the insurer will be bound by the acts of the bail bond  
181 agent acting within the scope of his or her appointment, ~~and, in~~  
182 ~~the case of a temporary bail bond agent, the appointing insurer,~~  
183 ~~managing general agent, or bail bond agent, as the case may be,~~  
184 ~~must certify to the department that he or she will supervise the~~  
185 ~~temporary bail bond agent's activities.~~

186 (4) Each appointing insurer ~~or,~~ or managing general agent, ~~or~~  
187 ~~bail bond agent~~ must advise the department in writing within 5  
188 days after receiving notice or learning that an appointee has  
189 been arrested for, pled guilty or nolo contendere to, or been



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190 found guilty of, a felony or other offense punishable by  
191 imprisonment of 1 year or more under the law of any  
192 jurisdiction, whether judgment was entered or withheld by the  
193 court.

194 Section 9. Subsection (2) of section 648.386, Florida  
195 Statutes, is amended to read:

196 648.386 Qualifications for prelicensing and continuing  
197 education schools and instructors.—

198 (2) SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION  
199 SCHOOLS.—In order to be considered for approval and  
200 certification as an approved limited surety agent and  
201 professional bail bond agent continuing education school, such  
202 entity must:

203 (a) Provide a minimum of three classroom-instruction  
204 continuing education classes per calendar year.

205 (b) Submit a course curriculum to the department for  
206 approval.

207 (c) Offer continuing education classes which are comprised  
208 of a minimum of 2 hours of approved classroom-instruction  
209 coursework and are taught by an approved supervising instructor  
210 or guest lecturer approved by the entity or the supervising  
211 instructor.

212 (d) For purposes of this section, the term "classroom  
213 instruction" means a course designed to be presented to a group

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214 of students by a live instructor using lecture, video, webcast,  
215 virtual, or other audio-video presentation.

216 Section 10. Section 648.3875, Florida Statutes, is created  
217 to read:

218 648.3875 Primary bail bond agents; qualifications.-

219 (1) An application for designation as a primary bail bond  
220 agent must be submitted on forms prescribed by the department.  
221 The application must include the applicant's full name; and the  
222 number and date of issuance of the applicant's license issued  
223 pursuant to s. 648.27.

224 (2) To qualify as a primary bail bond agent, it must  
225 affirmatively appear at the time of application and throughout  
226 the period of licensure that the applicant has complied with s.  
227 648.285 and has been licensed as a bail bond agent for the 24  
228 months immediately preceding the appointment as a primary bail  
229 bond agent.

230 Section 11. Section 648.39, Florida Statutes, is amended  
231 to read:

232 648.39 Termination of appointment of managing general  
233 agents and, ~~bail bond agents, and temporary bail bond agents.-~~

234 (1) An insurer who terminates the appointment of a  
235 managing general agent or, ~~bail bond agent, or temporary bail~~  
236 ~~bond agent~~ shall, within 10 days after such termination, file  
237 written notice thereof with the department together with a  
238 statement that it has given or mailed notice to the terminated

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239 agent. Such notice filed with the department must state the  
240 reasons, if any, for such termination. Information so furnished  
241 the department is confidential and exempt from ~~the provisions of~~  
242 s. 119.07(1).

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

248 (3) An insurer that terminates the appointment of a  
249 managing general agent or bail bond agent, ~~or temporary bail~~  
250 ~~bond agent~~ may authorize such person to continue to attempt the  
251 arrest and surrender of a defendant for whom a surety bond had  
252 been written by the bail bond agent before ~~prior to~~ termination  
253 and to seek discharge of forfeitures and judgments as provided  
254 in chapter 903.

255 Section 12. Section 648.41, Florida Statutes, is repealed.

256 Section 13. Section 648.42, Florida Statutes, is amended  
257 to read:

258 648.42 Registration of bail bond agents.—A bail bond agent  
259 may not become a surety on an undertaking unless he or she has  
260 registered in the office of the sheriff and with the clerk of  
261 the circuit court in the county in which the bail bond agent  
262 resides. The bail bond agent may register in a like manner in  
263 any other county, and any bail bond agent shall file a certified

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264 copy of his or her appointment by power of attorney from each  
265 insurer which he or she represents as a bail bond agent with  
266 each of such officers. Registration and filing of a certified  
267 copy of renewed power of attorney shall be performed by April 1  
268 of each odd-numbered year. The clerk of the circuit court and  
269 the sheriff shall not permit the registration of a bail bond  
270 agent unless such bail bond agent is currently licensed by the  
271 department and appointed by an insurer ~~the department~~. ~~Nothing~~  
272 ~~in this section shall prevent the registration of a temporary~~  
273 ~~licensee at the jail for the purposes of enabling the licensee~~  
274 ~~to perform the duties under such license as set forth in this~~  
275 ~~chapter.~~

276 Section 14. Subsections (1) and (2) and paragraphs (c) and  
277 (d) of subsection (8) of section 648.44, Florida Statutes, are  
278 amended to read:

279 648.44 Prohibitions; penalty.—

280 (1) A bail bond agent ~~or temporary bail bond agent~~ may  
281 not:

282 (a) Suggest or advise the employment of, or name for  
283 employment, any particular attorney to represent his or her  
284 principal.

285 (b) Directly or indirectly solicit business in or on the  
286 property or grounds of a jail, prison, or other place where  
287 prisoners are confined or in or on the property or grounds of  
288 any court. The term "solicitation" includes the distribution of

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289 business cards, print advertising, or other written or oral  
290 information directed to prisoners or potential indemnitors,  
291 unless a request is initiated by the prisoner or a potential  
292 indemnitor. Permissible print advertising in the jail is  
293 strictly limited to a listing in a telephone directory and the  
294 posting of the bail bond agent's or agency's name, address, and  
295 telephone number in a designated location within the jail.

296 (c) Initiate in-person or telephone solicitation after  
297 9:00 p.m. or before 8:00 a.m., in the case of domestic violence  
298 cases, at the residence of the detainee or the detainee's  
299 family. Any solicitation not prohibited by this chapter must  
300 comply with the telephone solicitation requirements in ss.  
301 501.059(2) and (4), 501.613, and 501.616(6).

302 (d) Wear or display any identification other than the  
303 department issued or approved license or approved department  
304 identification, which includes a citation of the licensee's  
305 arrest powers, in or on the property or grounds of a jail,  
306 prison, or other place where prisoners are confined or in or on  
307 the property or grounds of any court.

308 (e) Pay a fee or rebate or give or promise anything of  
309 value to a jailer, police officer, peace officer, or committing  
310 trial court judge or any other person who has power to arrest or  
311 to hold in custody or to any public official or public employee  
312 in order to secure a settlement, compromise, remission, or  
313 reduction of the amount of any bail bond or estreatment thereof.

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314 (f) Pay a fee or rebate or give anything of value to an  
315 attorney in a bail bond matter, except in defense of any action  
316 on a bond.

317 (g) Pay a fee or rebate or give or promise anything of  
318 value to the principal or anyone in his or her behalf.

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

321 (i) Loiter in or about a jail, courthouse, or where  
322 prisoners are confined.

323 (j) Accept anything of value from a principal for  
324 providing a bail bond except the premium and transfer fee  
325 authorized by the office, except that the bail bond agent may  
326 accept collateral security or other indemnity from the principal  
327 or another person in accordance with ~~the provisions of s.~~  
328 648.442, together with documentary stamp taxes, if applicable.  
329 No fees, expenses, or charges of any kind shall be permitted to  
330 be deducted from the collateral held or any return premium due,  
331 except as authorized by this chapter or rule of the department  
332 or commission. A bail bond agent may, upon written agreement  
333 with another party, receive a fee or compensation for returning  
334 to custody an individual who has fled the jurisdiction of the  
335 court or caused the forfeiture of a bond.

336 (k) Write more than one power of attorney per charge on a  
337 bond, except in the case of a cosurety, unless the power of  
338 attorney prohibits a cosurety.

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339 (l) Execute a bond in this state on his or her own behalf.

340 (m) Execute a bond in this state if a judgment has been  
341 entered on a bond executed by the bail bond agent, which has  
342 remained unpaid for 35 days, unless the full amount of the  
343 judgment is deposited with the clerk in accordance with s.  
344 903.27(5).

345 (n) Make a statement or representation to a court, unless  
346 such statement or representation is under oath. Such statement  
347 or representation may not be false, misleading, or deceptive.

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

351 (p) Conduct bail bond business with any person, other than  
352 the defendant, on the grounds of the jail or courthouse for the  
353 purpose of executing a bond.

354 (2) The following persons or classes shall not be bail  
355 bond agents, ~~temporary bail bond agents,~~ or employees of a bail  
356 bond agent or a bail bond business and shall not directly or  
357 indirectly receive any benefits from the execution of any bail  
358 bond:

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

360 (b) Police officers or employees of any police department  
361 or law enforcement agency.

362 (c) Committing trial court judges, employees of a court,  
363 or employees of the clerk of any court.

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

366 (e) Attorneys.

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

370 (8)

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

376 (d) Upon the filing of an information or indictment  
377 against a bail bond agent ~~or temporary bail bond agent~~, the  
378 state attorney or clerk of the circuit court shall immediately  
379 furnish the department a certified copy of the information or  
380 indictment.

381 Section 15. Subsection (1) of section 648.441, Florida  
382 Statutes, is amended to read:

383 648.441 Furnishing supplies to unlicensed bail bond agent  
384 prohibited; civil liability and penalty.-

385 (1) An insurer, managing general agent, or bail bond  
386 agent, ~~or temporary bail bond agent~~ appointed under this chapter  
387 may not furnish to any person any blank forms, applications,  
388 stationery, business card, or other supplies to be used in



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389 | soliciting, negotiating, or effecting bail bonds until such  
390 | person has received from the department a license to act as a  
391 | bail bond agent and is appointed by the insurer. This section  
392 | does not prohibit an unlicensed employee, under the direct  
393 | supervision and control of a licensed and appointed bail bond  
394 | agent, from possessing or executing in the bail bond agency, any  
395 | forms, except for powers of attorney, bond forms, and collateral  
396 | receipts, while acting within the scope of his or her  
397 | employment.

398 |       Section 16. Section 648.50, Florida Statutes, is amended  
399 | to read:

400 |       648.50 Effect of suspension, revocation upon associated  
401 | licenses and licensees.—

402 |       (1) Upon the suspension, revocation, or refusal to renew  
403 | or continue any license or appointment or the eligibility to  
404 | hold a license or appointment of a bail bond agent ~~or temporary~~  
405 | ~~bail bond agent~~, the department shall at the same time likewise  
406 | suspend or revoke all other licenses or appointments and the  
407 | eligibility to hold any other such licenses or appointments  
408 | which may be held by the licensee under the Florida Insurance  
409 | Code.

410 |       (2) In case of the suspension or revocation of the license  
411 | or appointment, or the eligibility to hold a license or  
412 | appointment, of any bail bond agent, the license, appointment,  
413 | or eligibility of any and all bail bond agents who are members

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414 of a bail bond agency, whether incorporated or unincorporated,  
415 ~~and any and all temporary bail bond agents employed by such bail~~  
416 ~~bond agency,~~ who knowingly are parties to the act which formed  
417 the ground for the suspension or revocation may likewise be  
418 suspended or revoked.

419 (3) No person whose license as a bail bond agent ~~or~~  
420 ~~temporary bail bond agent~~ has been revoked or suspended shall be  
421 employed by any bail bond agent, have any ownership interest in  
422 any business involving bail bonds, or have any financial  
423 interest of any type in any bail bond business during the period  
424 of revocation or suspension.

425 Section 17. Present paragraphs (a) through (f) of  
426 subsection (1) of section 784.07, Florida Statutes, are  
427 redesignated as paragraphs (b) through (g), respectively, a new  
428 paragraph (a) is added to that subsection, and subsection (2) of  
429 that section is amended, to read:

430 784.07 Assault or battery of law enforcement officers,  
431 firefighters, emergency medical care providers, public transit  
432 employees or agents, or other specified officers;  
433 reclassification of offenses; minimum sentences.—

434 (1) As used in this section, the term:

435 (a) "Bail bond agent" means an individual licensed under  
436 chapter 648 in good standing, a professional bail bond agent as  
437 defined in s. 648.25 in good standing, or an individual licensed  
438 as a bail bond agent in another state in good standing.

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439 (2) Whenever any person is charged with knowingly  
440 committing an assault or battery upon a law enforcement officer,  
441 a firefighter, an emergency medical care provider, a railroad  
442 special officer, a traffic accident investigation officer as  
443 described in s. 316.640, a nonsworn law enforcement agency  
444 employee who is certified as an agency inspector, a blood  
445 alcohol analyst, or a breath test operator while such employee  
446 is in uniform and engaged in processing, testing, evaluating,  
447 analyzing, or transporting a person who is detained or under  
448 arrest for DUI, a law enforcement explorer, a traffic infraction  
449 enforcement officer as described in s. 316.640, a parking  
450 enforcement specialist as defined in s. 316.640, a person  
451 licensed as a security officer as defined in s. 493.6101 and  
452 wearing a uniform that bears at least one patch or emblem that  
453 is visible at all times that clearly identifies the employing  
454 agency and that clearly identifies the person as a licensed  
455 security officer, or a security officer employed by the board of  
456 trustees of a community college, while the officer, firefighter,  
457 emergency medical care provider, railroad special officer,  
458 traffic accident investigation officer, traffic infraction  
459 enforcement officer, inspector, analyst, operator, law  
460 enforcement explorer, parking enforcement specialist, public  
461 transit employee or agent, or security officer is engaged in the  
462 lawful performance of his or her duties, the offense for which  
463 the person is charged shall be reclassified as follows:

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464 (a) In the case of assault, from a misdemeanor of the  
465 second degree to a misdemeanor of the first degree.

466 (b) In the case of battery, from a misdemeanor of the  
467 first degree to a felony of the third degree. Notwithstanding  
468 any other provision of law, a person convicted of battery upon a  
469 law enforcement officer committed in furtherance of a riot or an  
470 aggravated riot prohibited under s. 870.01 shall be sentenced to  
471 a minimum term of imprisonment of 6 months.

472 (c) In the case of aggravated assault, from a felony of  
473 the third degree to a felony of the second degree.  
474 Notwithstanding any other provision of law, any person convicted  
475 of aggravated assault upon a law enforcement officer shall be  
476 sentenced to a minimum term of imprisonment of 3 years.

477 (d) In the case of aggravated battery, from a felony of  
478 the second degree to a felony of the first degree.  
479 Notwithstanding any other provision of law, any person convicted  
480 of aggravated battery of a law enforcement officer shall be  
481 sentenced to a minimum term of imprisonment of 5 years.

482 Section 18. Subsection (3) of Section 648.26, Florida  
483 Statutes, is amended to read:

484 648.26 Department of Financial Services; administration.-

485 (3) The papers, documents, reports, or any other  
486 investigatory records of the department are confidential and  
487 exempt from the provisions of s. 119.07(1) until such  
488 investigation is completed or ceases to be active. For the

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489 purpose of this section, an investigation is considered "active"  
490 while the investigation is being conducted by the department  
491 with a reasonable, good faith belief that it may lead to the  
492 filing of administrative, civil, or criminal proceedings. An  
493 investigation does not cease to be active if the department is  
494 proceeding with reasonable dispatch and there is good faith  
495 belief that action may be initiated by the department or other  
496 administrative or law enforcement agency. This subsection does  
497 not prevent the department or office from disclosing the  
498 complaint or such information as it deems necessary to conduct  
499 the investigation, to update the complainant as to the status  
500 and outcome of the complaint, or to share such information with  
501 any law enforcement agency or other regulatory body.

502 Section 19. Subsection (3) of Section 648.46, Florida  
503 Statutes, is amended to read:

504 648.46 Procedure for disciplinary action against  
505 licensees.—

506 (3) The complaint and all information obtained pursuant to  
507 the investigation of the department are confidential and exempt  
508 from the provisions of s. 119.07(1) until such investigation is  
509 completed or ceases to be active. For the purpose of this  
510 section, an investigation is considered "active" while the  
511 investigation is being conducted by the department with a  
512 reasonable, good faith belief that it may lead to the filing of  
513 administrative, civil, or criminal proceedings. An investigation

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514 does not cease to be active if the department is proceeding with  
515 reasonable dispatch and there is good faith belief that action  
516 may be initiated by the department or other administrative or  
517 law enforcement agency. This subsection does not prevent the  
518 department or office from disclosing the complaint or such  
519 information as it deems necessary to conduct the investigation,  
520 to update the complainant as to the status and outcome of the  
521 complaint, or to share such information with any law enforcement  
522 agency or other regulatory body.

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**T I T L E   A M E N D M E N T**

527

Remove line 16 and insert:

528

classroom instruction; defining the term "classroom

529

instruction"; creating s. 648.3875, F.S.;

530

531

Remove line 40 and insert:

532

date; amending s. 648.26, F.S.; administration of

533

investigations; amending s. 648.46, F.S.; procedure for

534

disciplinary action against licenses