



26 648.386, F.S.; revising criteria for approval and  
27 certification as an approved limited surety agent and  
28 professional bail bond agent continuing education  
29 school to require continuing education classes to be  
30 classroom instruction; defining the term "classroom  
31 instruction"; creating s. 648.3875, F.S.; specifying  
32 requirements for applications for designation as a  
33 primary bail bond agent; specifying qualifications for  
34 primary bail bond agents; repealing s. 648.41, F.S.,  
35 relating to termination of appointment of temporary  
36 bail bond agents; amending s. 648.42, F.S.; revising  
37 the entities from whom a bail bond agent must receive  
38 appointment before registering as a bail bond agent;  
39 conforming provisions to changes made by the act;  
40 amending ss. 648.25, 648.27, 648.30, 648.31, 648.34,  
41 648.382, 648.39, 648.44, 648.441, and 648.50, F.S.;  
42 conforming provisions to changes made by the act;  
43 amending s. 648.46, F.S.; providing construction  
44 relating to complaints and certain information held by  
45 the department that are confidential and exempt from  
46 public records requirements; amending s. 843.021,  
47 F.S.; conforming a provision to changes made by the  
48 act; revising a defense to the charge of unlawful  
49 possession of a concealed handcuff key; amending s.  
50 903.28, F.S.; specifying procedures for remission of

51 forfeitures of deceased defendants; revising the  
 52 amounts of forfeitures that must be remitted;  
 53 specifying procedures for remission of forfeitures of  
 54 defendants for whom the state is unwilling to seek  
 55 extradition; providing an effective date.

56  
 57 Be It Enacted by the Legislature of the State of Florida:

58  
 59 Section 1. Subsection (8) of section 648.25, Florida  
 60 Statutes, is amended to read:

61 648.25 Definitions.—As used in this chapter, the term:

62 ~~(8) "Temporary bail bond agent" means a person employed by~~  
 63 ~~a bail bond agent or agency, insurer, or managing general agent,~~  
 64 ~~and such licensee has the same authority as a licensed bail bond~~  
 65 ~~agent, including presenting defendants in court; apprehending,~~  
 66 ~~arresting, and surrendering defendants to the proper~~  
 67 ~~authorities, while accompanied by a supervising bail bond agent~~  
 68 ~~or an agent from the same agency; and keeping defendants under~~  
 69 ~~necessary surveillance. However, a temporary licensee may not~~  
 70 ~~execute or sign bonds, handle collateral receipts, or deliver~~  
 71 ~~bonds to appropriate authorities. A temporary licensee may not~~  
 72 ~~operate an agency or branch agency separate from the location of~~  
 73 ~~the supervising bail bond agent, managing general agent, or~~  
 74 ~~insurer by whom the licensee is employed. This does not affect~~  
 75 ~~the right of a bail bond agent or insurer to hire counsel or to~~

76 | ~~obtain the assistance of law enforcement officers.~~

77 | Section 2. Subsection (3) of section 648.26, Florida  
78 | Statutes, is amended to read:

79 | 648.26 Department of Financial Services; administration.—

80 | (3) The papers, documents, reports, or any other  
81 | investigatory records of the department are confidential and  
82 | exempt from the provisions of s. 119.07(1) until such  
83 | investigation is completed or ceases to be active. For the  
84 | purpose of this section, an investigation is considered "active"  
85 | while the investigation is being conducted by the department  
86 | with a reasonable, good faith belief that it may lead to the  
87 | filing of administrative, civil, or criminal proceedings. An  
88 | investigation does not cease to be active if the department is  
89 | proceeding with reasonable dispatch and there is good faith  
90 | belief that action may be initiated by the department or other  
91 | administrative or law enforcement agency. This subsection does  
92 | not prevent the department or office from disclosing the content  
93 | of a complaint or such information as it deems necessary to  
94 | conduct the investigation, to update the complainant as to the  
95 | status and outcome of the complaint, or to share such  
96 | information with any law enforcement agency or other regulatory  
97 | body.

98 | Section 3. Subsection (5) of section 648.27, Florida  
99 | Statutes, is amended to read:

100 | 648.27 Licenses and appointments; general.—

101 (5)(a) The license of a bail bond agent shall continue in  
 102 force, without further examination unless deemed necessary by  
 103 the department, until suspended, revoked, or otherwise  
 104 terminated.

105 ~~(b) The license of a temporary bail bond agent shall~~  
 106 ~~continue in force until suspended, revoked, or otherwise~~  
 107 ~~terminated.~~

108 Section 4. Subsection (1) of section 648.285, Florida  
 109 Statutes, is amended to read:

110 648.285 Bond agency; ownership requirements.—

111 (1) A person may not own, control, manage, or otherwise  
 112 have a pecuniary interest in a bail bond agency unless such  
 113 individual is ~~a~~ licensed, and appointed, employed, and actively  
 114 engaged as a bail bond agent for at least 24 months following  
 115 the date of issuance of a license pursuant to s. 648.27. Any  
 116 agency that is not in compliance with this subsection shall be  
 117 subject to the issuance of an immediate final order of  
 118 suspension of all operations until the agency achieves  
 119 compliance.

120 Section 5. Subsection (1) of section 648.30, Florida  
 121 Statutes, is amended to read:

122 648.30 Licensure and appointment required; prohibited  
 123 acts; penalties.—

124 (1) A person may not act in the capacity of a bail bond  
 125 agent ~~or temporary bail bond agent~~ or perform any of the

126 functions, duties, or powers prescribed for bail bond agents ~~or~~  
 127 ~~temporary bail bond agents~~ under this chapter unless that person  
 128 is qualified, licensed, and appointed as provided in this  
 129 chapter.

130 Section 6. Section 648.31, Florida Statutes, is amended to  
 131 read:

132 648.31 Appointment taxes and fees.—The department shall  
 133 collect in advance all appointment taxes and fees for the  
 134 issuance of any appointment to a bail bond agent ~~or temporary~~  
 135 ~~bail bond agent~~, as provided in s. 624.501.

136 Section 7. Subsection (2) of section 648.34, Florida  
 137 Statutes, is amended to read:

138 648.34 Bail bond agents; qualifications.—

139 (2) To qualify as a bail bond agent, it must affirmatively  
 140 appear at the time of application and throughout the period of  
 141 licensure that the applicant ~~has complied with the provisions of~~  
 142 ~~s. 648.355 and has obtained a temporary license pursuant to such~~  
 143 ~~section and:~~

144 (a) ~~The applicant~~ Is a natural person who has reached the  
 145 age of 18 years and holds a high school diploma or its  
 146 equivalent.

147 (b) ~~The applicant~~ Is a United States citizen or legal  
 148 alien who possesses work authorization from the United States  
 149 Bureau of Citizenship and Immigration Services and is a resident  
 150 of this state. An individual who is a resident of this state

151 shall be deemed to meet the residence requirement of this  
152 paragraph, notwithstanding the existence, at the time of  
153 application for license, of a license in the applicant's name on  
154 the records of another state as a resident licensee of such  
155 other state, if the applicant furnishes a letter of clearance  
156 satisfactory to the department that his or her resident licenses  
157 have been canceled or changed to a nonresident basis and that he  
158 or she is in good standing.

159 (c) Will maintain his or her ~~The place of business of the~~  
160 ~~applicant will be located~~ in this state and in the county where  
161 the applicant will maintain his or her records and be actively  
162 engaged in the bail bond business and maintain an agency  
163 accessible to the public which is open for reasonable business  
164 hours.

165 (d) ~~The applicant~~ Is vouched for and recommended upon  
166 sworn statements filed with the department by at least three  
167 reputable citizens who are residents of the same counties in  
168 which the applicant proposes to engage in the bail bond  
169 business.

170 (e) ~~The applicant~~ Is a person of high character and  
171 approved integrity and has not been convicted of or pleaded  
172 guilty or no contest to a felony, a crime involving moral  
173 turpitude, or a crime punishable by imprisonment of 1 year or  
174 more under the law of any state, territory, or country, whether  
175 or not a judgment or conviction has been entered.

176 (f) ~~The applicant~~ Has passed any required examination.

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

179 648.355 ~~Temporary limited license as~~ Limited surety agents  
 180 and agent ~~or~~ professional bail bond agents ~~agent~~; qualifications  
 181 pending examination.—

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

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

187 (b) The applicant is a United States citizen or legal  
 188 alien who possesses work authorization from the United States  
 189 Bureau of Citizenship and Immigration Services and is a resident  
 190 of this state. An individual who is a resident of this state  
 191 shall be deemed to meet the residence requirement of this  
 192 paragraph, notwithstanding the existence, at the time of  
 193 application for a ~~temporary~~ license, of a license in the  
 194 individual's name on the records of another state as a resident  
 195 licensee of such other state, if the applicant furnishes a  
 196 letter of clearance satisfactory to the department that the  
 197 individual's resident licenses have been canceled or changed to  
 198 a nonresident basis and that the individual is in good standing.

199 (c) The applicant is a person of high character and  
 200 approved integrity and has never been convicted of or pleaded

201 guilty or no contest to a felony, a crime involving moral  
202 turpitude, or a crime punishable by imprisonment of 1 year or  
203 more under the law of any state, territory, or country, whether  
204 or not a judgment or conviction is entered.

205 (d) Within 2 4 years before ~~prior to~~ the date of  
206 application for a ~~temporary~~ license, the applicant has  
207 successfully completed a basic certification course in the  
208 criminal justice system, consisting of not less than 120 hours  
209 of classroom instruction with a passing grade of 80 percent or  
210 higher and has successfully completed a correspondence course  
211 for bail bond agents approved by the department.

212 ~~(e) The applicant must be employed full time at the time~~  
213 ~~of licensure, and at all times throughout the existence of the~~  
214 ~~temporary license, by only one licensed and appointed~~  
215 ~~supervising bail bond agent, who supervises the work of the~~  
216 ~~applicant and is responsible for the licensee's conduct in the~~  
217 ~~bail bond business. The applicant must be appointed by the same~~  
218 ~~insurers as the supervising bail bond agent. The supervising~~  
219 ~~bail bond agent shall certify monthly to the department under~~  
220 ~~oath, on a form prescribed by the department, the names and~~  
221 ~~hours worked each week of all temporary bail bond agents. Filing~~  
222 ~~a false certification is grounds for the immediate suspension of~~  
223 ~~the license and imposition of a \$5,000 administrative fine. The~~  
224 ~~department may adopt rules that establish standards for the~~  
225 ~~employment requirements.~~

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

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

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

236        (2) All applicable license fees, as prescribed in s.  
237 624.501, must be paid before issuance of the ~~temporary~~ license.

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

241        (3)~~(4)~~ The applicant shall furnish, with the application  
242 for ~~temporary~~ license, a complete set of the applicant's  
243 fingerprints and a recent credential-sized, fullface photograph  
244 of the applicant. The applicant's fingerprints shall be  
245 certified by an authorized law enforcement officer. The  
246 department shall not issue a ~~temporary~~ license under this  
247 section until the department has received a report from the  
248 Department of Law Enforcement and the Federal Bureau of  
249 Investigation relative to the existence or nonexistence of a  
250 criminal history report based on the applicant's fingerprints.

251        ~~(4)(5)~~ The department may collect a fee necessary to cover  
252 the cost of a character and credit report made by an established  
253 and reputable independent reporting service. The fee shall be  
254 deposited to the credit of the Insurance Regulatory Trust Fund.

255        (5)(6) Effective July 1, 2022, any individual licensed by  
256 the department as a temporary bail bond agent may take the  
257 required bail bond agent's licensure examination and may file an  
258 application for a regular bail bond agent's license if otherwise  
259 qualified for licensure ~~After licensure as a temporary licensee~~  
260 ~~for at least 12 months, such licensee may file an application~~  
261 ~~for and become eligible for a regular bail bond agent's license~~  
262 ~~based on the licensee's experience in the bail bond business and~~  
263 ~~education pursuant to paragraph (1)(d) and, if otherwise~~  
264 ~~qualified, take the required bail bond agent's licensure~~  
265 ~~examination. The applicant and supervising bail bond agent must~~  
266 ~~each file an affidavit under oath, on a form prescribed by the~~  
267 ~~department, verifying the required employment of the temporary~~  
268 ~~agent before issuance of the license.~~

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

274        ~~(8)(a)~~ ~~A temporary licensee has the same authority as a~~  
275 ~~licensed bail bond agent, including presenting defendants in~~

276 ~~court; apprehending, arresting, and surrendering defendants to~~  
277 ~~the proper authorities; and keeping defendants under necessary~~  
278 ~~surveillance. However, a temporary licensee must be accompanied~~  
279 ~~by a supervising bail bond agent or an agent from the same~~  
280 ~~agency when apprehending, arresting, or surrendering defendants~~  
281 ~~to authorities.~~

282 ~~(b) A temporary licensee may not execute or sign bonds,~~  
283 ~~handle collateral receipts, deliver bonds to appropriate~~  
284 ~~authorities, or operate an agency or branch agency separate from~~  
285 ~~the location of the supervising bail bond agent, managing~~  
286 ~~general agent, or insurer by whom the licensee is employed.~~

287 (6)(9) Effective July 1, 2022, the department may not  
288 issue a temporary bail bond agent's license to any individual.  
289 Any individual currently licensed as a temporary bail bond agent  
290 may continue to be licensed in accordance with this law. If a  
291 temporary bail bond agent's license expires or is terminated,  
292 suspended, or revoked, it may not be reinstated ~~The department~~  
293 ~~shall not issue a temporary bail bond agent's license to any~~  
294 ~~individual who has held such a temporary license in this state~~  
295 ~~within 2 years after the expiration of such temporary bail bond~~  
296 ~~agent's license.~~

297 Section 9. Subsections (1) through (4) of section 648.382,  
298 Florida Statutes, are amended to read:

299 648.382 Appointment of bail bond agents ~~and temporary bail~~  
300 ~~bond agents; effective date of appointment.~~—

301 (1) Each insurer appointing a bail bond agent ~~and each~~  
 302 ~~insurer, managing general agent, or bail bond agent appointing a~~  
 303 ~~temporary bail bond agent~~ in this state must file the  
 304 appointment with the department and, at the same time, pay the  
 305 applicable appointment fees and taxes. A person appointed under  
 306 this section must hold a valid bail bond agent's ~~or temporary~~  
 307 ~~bail bond agent's~~ license.

308 (2) Before ~~Prior to~~ any appointment, an appropriate  
 309 officer or official of the appointing insurer ~~in the case of a~~  
 310 ~~bail bond agent or an insurer, managing general agent, or bail~~  
 311 ~~bond agent in the case of a temporary bail bond agent~~ must  
 312 submit:

313 (a) A certified statement or affidavit to the department  
 314 stating what investigation has been made concerning the proposed  
 315 appointee and the proposed appointee's background and the  
 316 appointing person's opinion to the best of his or her knowledge  
 317 and belief as to the moral character and reputation of the  
 318 proposed appointee. In lieu of such certified statement or  
 319 affidavit, by authorizing the effectuation of an appointment for  
 320 a licensee, the appointing entity certifies to the department  
 321 that such investigation has been made and that the results of  
 322 the investigation and the appointing person's opinion is that  
 323 the proposed appointee is a person of good moral character and  
 324 reputation and is fit to engage in the bail bond business;

325 (b) An affidavit under oath on a form prescribed by the

326 department, signed by the proposed appointee, stating that  
327 premiums are not owed to any insurer and that the appointee will  
328 discharge all outstanding forfeitures and judgments on bonds  
329 previously written. If the appointee does not satisfy or  
330 discharge such forfeitures or judgments, the former insurer  
331 shall file a notice, with supporting documents, with the  
332 appointing insurer, the former agent, and the department,  
333 stating under oath that the licensee has failed to timely  
334 satisfy forfeitures and judgments on bonds written and that the  
335 insurer has satisfied the forfeiture or judgment from its own  
336 funds. Upon receipt of such notification and supporting  
337 documents, the appointing insurer shall immediately cancel the  
338 licensee's appointment. The licensee may be reappointed only  
339 upon certification by the former insurer that all forfeitures  
340 and judgments on bonds written by the licensee have been  
341 discharged. The appointing insurer or former agent may, within  
342 10 days, file a petition with the department seeking relief from  
343 this paragraph. Filing of the petition stays the duty of the  
344 appointing insurer to cancel the appointment until the  
345 department grants or denies the petition; and

346 (c) Any other information that the department reasonably  
347 requires concerning the proposed appointee.

348 (3) By authorizing the effectuation of an appointment for  
349 a licensee, the appointing insurer certifies to the department  
350 that the insurer will be bound by the acts of the bail bond

351 agent acting within the scope of his or her appointment, ~~and, in~~  
 352 ~~the case of a temporary bail bond agent, the appointing insurer,~~  
 353 ~~managing general agent, or bail bond agent, as the case may be,~~  
 354 ~~must certify to the department that he or she will supervise the~~  
 355 ~~temporary bail bond agent's activities.~~

356 (4) Each appointing insurer or, ~~managing general agent, or~~  
 357 ~~bail bond agent~~ must advise the department in writing within 5  
 358 days after receiving notice or learning that an appointee has  
 359 been arrested for, pled guilty or nolo contendere to, or been  
 360 found guilty of, a felony or other offense punishable by  
 361 imprisonment of 1 year or more under the law of any  
 362 jurisdiction, whether judgment was entered or withheld by the  
 363 court.

364 Section 10. Subsection (2) of section 648.386, Florida  
 365 Statutes, is amended to read:

366 648.386 Qualifications for prelicensing and continuing  
 367 education schools and instructors.—

368 (2) SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION  
 369 SCHOOLS.—In order to be considered for approval and  
 370 certification as an approved limited surety agent and  
 371 professional bail bond agent continuing education school, such  
 372 entity must:

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

375 (b) Submit a course curriculum to the department for

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376 approval.

377 (c) Offer continuing education classes which are comprised  
378 of a minimum of 2 hours of approved classroom-instruction  
379 coursework and are taught by an approved supervising instructor  
380 or guest lecturer approved by the entity or the supervising  
381 instructor.

382 (d) For purposes of this section, the term "classroom  
383 instruction" means a course designed to be presented to a group  
384 of students by a live instructor using lecture, video, webcast,  
385 virtual, or other audio-video presentation.

386 Section 11. Section 648.3875, Florida Statutes, is created  
387 to read:

388 648.3875 Primary bail bond agents; qualifications.-

389 (1) An application for designation as a primary bail bond  
390 agent must be submitted on forms prescribed by the department.  
391 The application must include the applicant's full name and the  
392 number and date of issuance of the applicant's license issued  
393 pursuant to s. 648.27.

394 (2) To qualify as a primary bail bond agent, it must  
395 affirmatively appear that at the time of application and  
396 throughout the period of licensure the applicant has complied  
397 with s. 648.285 and that the applicant has been licensed as a  
398 bail bond agent for the 24 months immediately preceding the  
399 appointment as a primary bail bond agent.

400 Section 12. Section 648.39, Florida Statutes, is amended

401 to read:

402 648.39 Termination of appointment of managing general  
 403 agents and, bail bond agents, ~~and temporary bail bond agents.~~

404 (1) An insurer who terminates the appointment of a  
 405 managing general agent or, bail bond agent, ~~or temporary bail~~  
 406 ~~bond agent~~ shall, within 10 days after such termination, file  
 407 written notice thereof with the department together with a  
 408 statement that it has given or mailed notice to the terminated  
 409 agent. Such notice filed with the department must state the  
 410 reasons, if any, for such termination. Information so furnished  
 411 the department is confidential and exempt from ~~the provisions of~~  
 412 s. 119.07(1).

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

418 (3) An insurer that terminates the appointment of a  
 419 managing general agent or, bail bond agent, ~~or temporary bail~~  
 420 ~~bond agent~~ may authorize such person to continue to attempt the  
 421 arrest and surrender of a defendant for whom a surety bond had  
 422 been written by the bail bond agent before ~~prior to~~ termination  
 423 and to seek discharge of forfeitures and judgments as provided  
 424 in chapter 903.

425 Section 13. Section 648.41, Florida Statutes, is repealed.

426 Section 14. Section 648.42, Florida Statutes, is amended  
 427 to read:

428 648.42 Registration of bail bond agents.—A bail bond agent  
 429 may not become a surety on an undertaking unless he or she has  
 430 registered in the office of the sheriff and with the clerk of  
 431 the circuit court in the county in which the bail bond agent  
 432 resides. The bail bond agent may register in a like manner in  
 433 any other county, and any bail bond agent shall file a certified  
 434 copy of his or her appointment by power of attorney from each  
 435 insurer which he or she represents as a bail bond agent with  
 436 each of such officers. Registration and filing of a certified  
 437 copy of renewed power of attorney shall be performed by April 1  
 438 of each odd-numbered year. The clerk of the circuit court and  
 439 the sheriff shall not permit the registration of a bail bond  
 440 agent unless such bail bond agent is currently licensed by the  
 441 department and appointed by an insurer ~~the department~~. ~~Nothing~~  
 442 ~~in this section shall prevent the registration of a temporary~~  
 443 ~~licensee at the jail for the purposes of enabling the licensee~~  
 444 ~~to perform the duties under such license as set forth in this~~  
 445 ~~chapter.~~

446 Section 15. Subsections (1) and (2) and paragraphs (c) and  
 447 (d) of subsection (8) of section 648.44, Florida Statutes, are  
 448 amended to read:

449 648.44 Prohibitions; penalty.—

450 (1) A bail bond agent ~~or temporary bail bond agent~~ may

451 not:

452 (a) Suggest or advise the employment of, or name for  
 453 employment, any particular attorney to represent his or her  
 454 principal.

455 (b) Directly or indirectly solicit business in or on the  
 456 property or grounds of a jail, prison, or other place where  
 457 prisoners are confined or in or on the property or grounds of  
 458 any court. The term "solicitation" includes the distribution of  
 459 business cards, print advertising, or other written or oral  
 460 information directed to prisoners or potential indemnitors,  
 461 unless a request is initiated by the prisoner or a potential  
 462 indemnitor. Permissible print advertising in the jail is  
 463 strictly limited to a listing in a telephone directory and the  
 464 posting of the bail bond agent's or agency's name, address, and  
 465 telephone number in a designated location within the jail.

466 (c) Initiate in-person or telephone solicitation after  
 467 9:00 p.m. or before 8:00 a.m., in the case of domestic violence  
 468 cases, at the residence of the detainee or the detainee's  
 469 family. Any solicitation not prohibited by this chapter must  
 470 comply with the telephone solicitation requirements in ss.  
 471 501.059(2) and (4), 501.613, and 501.616(6).

472 (d) Wear or display any identification other than the  
 473 department issued or approved license or approved department  
 474 identification, which includes a citation of the licensee's  
 475 arrest powers, in or on the property or grounds of a jail,

476 | prison, or other place where prisoners are confined or in or on  
 477 | the property or grounds of any court.

478 |       (e) Pay a fee or rebate or give or promise anything of  
 479 | value to a jailer, police officer, peace officer, or committing  
 480 | trial court judge or any other person who has power to arrest or  
 481 | to hold in custody or to any public official or public employee  
 482 | in order to secure a settlement, compromise, remission, or  
 483 | reduction of the amount of any bail bond or estreatment thereof.

484 |       (f) Pay a fee or rebate or give anything of value to an  
 485 | attorney in a bail bond matter, except in defense of any action  
 486 | on a bond.

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

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

491 |       (i) Loiter in or about a jail, courthouse, or where  
 492 | prisoners are confined.

493 |       (j) Accept anything of value from a principal for  
 494 | providing a bail bond except the premium and transfer fee  
 495 | authorized by the office, except that the bail bond agent may  
 496 | accept collateral security or other indemnity from the principal  
 497 | or another person in accordance with ~~the provisions of s.~~  
 498 | 648.442, together with documentary stamp taxes, if applicable.  
 499 | No fees, expenses, or charges of any kind shall be permitted to  
 500 | be deducted from the collateral held or any return premium due,

501 except as authorized by this chapter or rule of the department  
 502 or commission. A bail bond agent may, upon written agreement  
 503 with another party, receive a fee or compensation for returning  
 504 to custody an individual who has fled the jurisdiction of the  
 505 court or caused the forfeiture of a bond.

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

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

510 (m) Execute a bond in this state if a judgment has been  
 511 entered on a bond executed by the bail bond agent, which has  
 512 remained unpaid for 35 days, unless the full amount of the  
 513 judgment is deposited with the clerk in accordance with s.  
 514 903.27(5).

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

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

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

524 (2) The following persons or classes shall not be bail  
 525 bond agents, ~~temporary bail bond agents,~~ or employees of a bail

526 | bond agent or a bail bond business and shall not directly or  
 527 | indirectly receive any benefits from the execution of any bail  
 528 | bond:

529 |       (a) Jailers or persons employed in any jail.

530 |       (b) Police officers or employees of any police department  
 531 | or law enforcement agency.

532 |       (c) Committing trial court judges, employees of a court,  
 533 | or employees of the clerk of any court.

534 |       (d) Sheriffs and deputy sheriffs or employees of any  
 535 | sheriff's department.

536 |       (e) Attorneys.

537 |       (f) Persons having the power to arrest or persons who have  
 538 | authority over or control of federal, state, county, or  
 539 | municipal prisoners.

540 |       (8)

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

546 |       (d) Upon the filing of an information or indictment  
 547 | against a bail bond agent ~~or temporary bail bond agent~~, the  
 548 | state attorney or clerk of the circuit court shall immediately  
 549 | furnish the department a certified copy of the information or  
 550 | indictment.

551 Section 16. Subsection (1) of section 648.441, Florida  
 552 Statutes, is amended to read:

553 648.441 Furnishing supplies to unlicensed bail bond agent  
 554 prohibited; civil liability and penalty.—

555 (1) An insurer, managing general agent, or bail bond  
 556 agent, ~~or temporary bail bond agent~~ appointed under this chapter  
 557 may not furnish to any person any blank forms, applications,  
 558 stationery, business card, or other supplies to be used in  
 559 soliciting, negotiating, or effecting bail bonds until such  
 560 person has received from the department a license to act as a  
 561 bail bond agent and is appointed by the insurer. This section  
 562 does not prohibit an unlicensed employee, under the direct  
 563 supervision and control of a licensed and appointed bail bond  
 564 agent, from possessing or executing in the bail bond agency, any  
 565 forms, except for powers of attorney, bond forms, and collateral  
 566 receipts, while acting within the scope of his or her  
 567 employment.

568 Section 17. Subsection (3) of section 648.46, Florida  
 569 Statutes, is amended to read:

570 648.46 Procedure for disciplinary action against  
 571 licensees.—

572 (3) The complaint and all information obtained pursuant to  
 573 the investigation of the department are confidential and exempt  
 574 from the provisions of s. 119.07(1) until such investigation is  
 575 completed or ceases to be active. For the purpose of this

576 section, an investigation is considered "active" while the  
 577 investigation is being conducted by the department with a  
 578 reasonable, good faith belief that it may lead to the filing of  
 579 administrative, civil, or criminal proceedings. An investigation  
 580 does not cease to be active if the department is proceeding with  
 581 reasonable dispatch and there is good faith belief that action  
 582 may be initiated by the department or other administrative or  
 583 law enforcement agency. This subsection does not prevent the  
 584 department or office from disclosing the complaint or such  
 585 information as it deems necessary to conduct the investigation,  
 586 to update the complainant as to the status and outcome of the  
 587 complaint, or to share such information with any law enforcement  
 588 agency or other regulatory body.

589 Section 18. Section 648.50, Florida Statutes, is amended  
 590 to read:

591 648.50 Effect of suspension, revocation upon associated  
 592 licenses and licensees.—

593 (1) Upon the suspension, revocation, or refusal to renew  
 594 or continue any license or appointment or the eligibility to  
 595 hold a license or appointment of a bail bond agent ~~or temporary~~  
 596 ~~bail bond agent~~, the department shall at the same time likewise  
 597 suspend or revoke all other licenses or appointments and the  
 598 eligibility to hold any other such licenses or appointments  
 599 which may be held by the licensee under the Florida Insurance  
 600 Code.

601           (2) In case of the suspension or revocation of the license  
 602 or appointment, or the eligibility to hold a license or  
 603 appointment, of any bail bond agent, the license, appointment,  
 604 or eligibility of any and all bail bond agents who are members  
 605 of a bail bond agency, whether incorporated or unincorporated,  
 606 ~~and any and all temporary bail bond agents employed by such bail~~  
 607 ~~bond agency,~~ who knowingly are parties to the act which formed  
 608 the ground for the suspension or revocation may likewise be  
 609 suspended or revoked.

610           (3) No person whose license as a bail bond agent ~~or~~  
 611 ~~temporary bail bond agent~~ has been revoked or suspended shall be  
 612 employed by any bail bond agent, have any ownership interest in  
 613 any business involving bail bonds, or have any financial  
 614 interest of any type in any bail bond business during the period  
 615 of revocation or suspension.

616           Section 19. Paragraph (a) of subsection (4) of section  
 617 843.021, Florida Statutes, is amended to read:

618           843.021 Unlawful possession of a concealed handcuff key.—

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

622           1. A federal, state, or local law enforcement officer,  
 623 including a reserve or auxiliary officer, a licensed security  
 624 officer, or a private investigator as defined in s. 493.6101; or

625           2. A professional bail bond agent, ~~temporary bail bond~~

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626 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

627 Section 20. Section 903.28, Florida Statutes, is amended  
628 to read:

629 903.28 Remission of forfeiture; conditions.—

630 (1) On application within 2 years from forfeiture, the  
631 court shall order remission of the forfeiture if it determines  
632 that there was no breach of the bond.

633 (2) If the defendant surrenders or is apprehended or  
634 deceased within 90 days after forfeiture, the court, on motion  
635 at a hearing upon notice having been given to the clerk of the  
636 circuit court and the state attorney as required in subsection  
637 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 100  
638 percent of a forfeiture if the surety apprehended and  
639 surrendered the defendant or if the apprehension or surrender of  
640 the defendant was substantially procured or caused by the  
641 surety; ~~or~~ the surety has substantially attempted to procure or  
642 cause the apprehension or surrender of the defendant, and the  
643 delay has not thwarted the proper prosecution of the defendant;   
644 or the defendant is deceased. In addition, remission shall be  
645 granted when the surety did not substantially participate or  
646 attempt to participate in the apprehension or surrender of the  
647 defendant when the costs of returning the defendant to the  
648 jurisdiction of the court have been deducted from the remission  
649 and when the delay has not thwarted the proper prosecution of  
650 the defendant.

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651           (3) If the defendant surrenders or is apprehended or  
652 deceased within 180 days after forfeiture, the court, on motion  
653 at a hearing upon notice having been given to the clerk of the  
654 circuit court and the state attorney as required in subsection  
655 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 95  
656 percent of a forfeiture if the surety apprehended and  
657 surrendered the defendant or if the apprehension or surrender of  
658 the defendant was substantially procured or caused by the  
659 surety; ~~or~~ the surety has substantially attempted to procure or  
660 cause the apprehension or surrender of the defendant, and the  
661 delay has not thwarted the proper prosecution of the defendant;  
662 or the defendant is deceased. In addition, remission shall be  
663 granted when the surety did not substantially participate or  
664 attempt to participate in the apprehension or surrender of the  
665 defendant when the costs of returning the defendant to the  
666 jurisdiction of the court have been deducted from the remission  
667 and when the delay has not thwarted the proper prosecution of  
668 the defendant.

669           (4) If the defendant surrenders or is apprehended or  
670 deceased within 270 days after forfeiture, the court, on motion  
671 at a hearing upon notice having been given to the clerk of the  
672 circuit court and the state attorney as required in subsection  
673 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 90  
674 percent of a forfeiture if the surety apprehended and  
675 surrendered the defendant or if the apprehension or surrender of

676 the defendant was substantially procured or caused by the  
677 surety; ~~or~~ the surety has substantially attempted to procure or  
678 cause the apprehension or surrender of the defendant, and the  
679 delay has not thwarted the proper prosecution of the defendant;  
680 or the defendant is deceased. In addition, remission shall be  
681 granted when the surety did not substantially participate or  
682 attempt to participate in the apprehension or surrender of the  
683 defendant when the costs of returning the defendant to the  
684 jurisdiction of the court have been deducted from the remission  
685 and when the delay has not thwarted the proper prosecution of  
686 the defendant.

687 (5) If the defendant surrenders or is apprehended or  
688 deceased within 1 year after forfeiture, the court, on motion at  
689 a hearing upon notice having been given to the clerk of the  
690 circuit court and the state attorney as required in subsection  
691 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 85  
692 percent of a forfeiture if the surety apprehended and  
693 surrendered the defendant or if the apprehension or surrender of  
694 the defendant was substantially procured or caused by the  
695 surety; ~~or~~ the surety has substantially attempted to procure or  
696 cause the apprehension or surrender of the defendant, and the  
697 delay has not thwarted the proper prosecution of the defendant;  
698 or the defendant is deceased. In addition, remission shall be  
699 granted when the surety did not substantially participate or  
700 attempt to participate in the apprehension or surrender of the

701 defendant when the costs of returning the defendant to the  
 702 jurisdiction of the court have been deducted from the remission  
 703 and when the delay has not thwarted the proper prosecution of  
 704 the defendant.

705 (6) If the defendant surrenders or is apprehended or  
 706 deceased within 2 years after forfeiture, the court, on motion  
 707 at a hearing upon notice having been given to the clerk of the  
 708 circuit court and the state attorney as required in subsection  
 709 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 50  
 710 percent of a forfeiture if the surety apprehended and  
 711 surrendered the defendant or if the apprehension or surrender of  
 712 the defendant was substantially procured or caused by the  
 713 surety; ~~or~~ the surety has substantially attempted to procure or  
 714 cause the apprehension or surrender of the defendant, and the  
 715 delay has not thwarted the proper prosecution of the defendant;  
 716 or the defendant is deceased. In addition, remission shall be  
 717 granted when the surety did not substantially participate or  
 718 attempt to participate in the apprehension or surrender of the  
 719 defendant when the costs of returning the defendant to the  
 720 jurisdiction of the court have been deducted from the remission  
 721 and when the delay has not thwarted the proper prosecution of  
 722 the defendant.

723 (7) For a period of 2 years after the date of forfeiture,  
 724 if the state is unwilling to seek extradition of the defendant  
 725 from any jail or prison after a request by the surety agent or

726 the surety company, and contingent upon the surety agent or  
 727 surety company consenting to pay all costs incurred by an  
 728 official in returning the defendant to the jurisdiction of the  
 729 court, up to the penal amount of the bond, the court shall  
 730 direct remission of 100 percent of the forfeiture.

731 (8) The remission of a forfeiture may not be ordered for  
 732 any reason other than as specified herein.

733 (9)~~(8)~~ An application for remission must be accompanied by  
 734 affidavits setting forth the facts on which it is founded;  
 735 however, the surety must establish by further documentation or  
 736 other evidence any claimed attempt at procuring or causing the  
 737 apprehension or surrender of the defendant before the court may  
 738 order remission based upon an attempt to procure or cause such  
 739 apprehension or surrender. The clerk of the circuit court and  
 740 the state attorney must be given 20 days' notice before a  
 741 hearing on an application and be furnished copies of all papers,  
 742 applications, and affidavits. Remission shall be granted on the  
 743 condition of payment of costs, unless the ground for remission  
 744 is that there was no breach of the bond.

745 (10)~~(9)~~ The clerk of the circuit court may enter into a  
 746 contract with a private attorney or into an interagency  
 747 agreement with a governmental agency to represent the clerk of  
 748 the court in an action for the remission of a forfeiture under  
 749 this section.

750 (11)~~(10)~~ The clerk of the circuit court is the real party

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751 | in interest for all appeals arising from an action for the  
752 | remission of a forfeiture under this section.

753 |       Section 21. This act shall take effect July 1, 2022.