

By Senator Baxley

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1 A bill to be entitled
2 An act relating to bail bond agents; amending s.
3 648.285, F.S.; providing that persons who manage bail
4 bond agencies are subject to certain requirements;
5 revising requirements for persons who own, control,
6 manage, or have pecuniary interests in bail bond
7 agencies; amending s. 648.355, F.S.; providing for
8 licensure, rather than temporary licensure, of limited
9 surety agents and professional bail bond agents;
10 revising the timeframe for an applicant's completion
11 of specified coursework before applying for licensure;
12 amending s. 648.386, F.S.; revising criteria for
13 approval and certification as an approved limited
14 surety agent and professional bail bond agent
15 continuing education school to require continuing
16 education classes to be classroom instruction;
17 creating s. 648.3875, F.S.; specifying requirements
18 for applications for designation as a primary bail
19 bond agent; specifying qualifications for primary bail
20 bond agents; repealing s. 648.41, F.S., relating to
21 termination of appointment of temporary bail bond
22 agents; amending s. 648.42, F.S.; revising the
23 entities from whom a bail bond agent must receive
24 licensure and appointment before registering as a bail
25 bond agent; conforming provisions to changes made by
26 the act; amending ss. 648.25, 648.27, 648.30, 648.31,
27 648.34, 648.382, 648.39, 648.44, 648.441, and 648.50,
28 F.S.; conforming provisions to changes made by the
29 act; amending s. 784.07, F.S.; defining the term "bail

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30 bond agent"; providing penalties for the assault or
31 battery upon a bail bond agent; amending s. 843.021,
32 F.S.; conforming a provision to changes made by the
33 act; revising a defense to the charge of unlawful
34 possession of a concealed handcuff key; amending s.
35 903.28, F.S.; specifying procedures for remission of
36 forfeitures of deceased defendants; revising the
37 amounts of forfeitures that must be remitted;
38 specifying procedures for remission of forfeitures of
39 defendants for whom the state is unwilling to seek
40 extradition; providing an effective date.

41

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

43

44 Section 1. Subsection (8) of section 648.25, Florida
45 Statutes, is amended to read:

46 648.25 Definitions.—As used in this chapter, the term:

47 ~~(8) "Temporary bail bond agent" means a person employed by~~
48 ~~a bail bond agent or agency, insurer, or managing general agent,~~
49 ~~and such licensee has the same authority as a licensed bail bond~~
50 ~~agent, including presenting defendants in court; apprehending,~~
51 ~~arresting, and surrendering defendants to the proper~~
52 ~~authorities, while accompanied by a supervising bail bond agent~~
53 ~~or an agent from the same agency; and keeping defendants under~~
54 ~~necessary surveillance. However, a temporary licensee may not~~
55 ~~execute or sign bonds, handle collateral receipts, or deliver~~
56 ~~bonds to appropriate authorities. A temporary licensee may not~~
57 ~~operate an agency or branch agency separate from the location of~~
58 ~~the supervising bail bond agent, managing general agent, or~~

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59 ~~insurer by whom the licensee is employed. This does not affect~~
60 ~~the right of a bail bond agent or insurer to hire counsel or to~~
61 ~~obtain the assistance of law enforcement officers.~~

62 Section 2. Subsection (5) of section 648.27, Florida
63 Statutes, is amended to read:

64 648.27 Licenses and appointments; general.—

65 (5) ~~(a)~~ The license of a bail bond agent shall continue in
66 force, without further examination unless deemed necessary by
67 the department, until suspended, revoked, or otherwise
68 terminated.

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

72 Section 3. Subsection (1) of section 648.285, Florida
73 Statutes, is amended to read:

74 648.285 Bond agency; ownership requirements.—

75 (1) A person may not own, control, manage, or otherwise
76 have a pecuniary interest in a bail bond agency unless such
77 individual is a licensed, and appointed, employed, and actively
78 engaged as a bail bond agent for at least 24 months following
79 the date of issuance of a license pursuant to s. 648.27. Any
80 agency that is not in compliance with this subsection shall be
81 subject to the issuance of an immediate final order of
82 suspension of all operations until the agency achieves
83 compliance.

84 Section 4. Subsection (1) of section 648.30, Florida
85 Statutes, is amended to read:

86 648.30 Licensure and appointment required; prohibited acts;
87 penalties.—

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88 (1) A person may not act in the capacity of a bail bond
89 agent ~~or temporary bail bond agent~~ or perform any of the
90 functions, duties, or powers prescribed for bail bond agents ~~or~~
91 ~~temporary bail bond agents~~ under this chapter unless that person
92 is qualified, licensed, and appointed as provided in this
93 chapter.

94 Section 5. Section 648.31, Florida Statutes, is amended to
95 read:

96 648.31 Appointment taxes and fees.—The department shall
97 collect in advance all appointment taxes and fees for the
98 issuance of any appointment to a bail bond agent ~~or temporary~~
99 ~~bail bond agent~~, as provided in s. 624.501.

100 Section 6. Subsection (2) of section 648.34, Florida
101 Statutes, is amended to read:

102 648.34 Bail bond agents; qualifications.—

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

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

111 (b) ~~The applicant~~ Is a United States citizen or legal alien
112 who possesses work authorization from the United States Bureau
113 of Citizenship and Immigration Services and is a resident of
114 this state. An individual who is a resident of this state shall
115 be deemed to meet the residence requirement of this paragraph,
116 notwithstanding the existence, at the time of application for

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117 license, of a license in the applicant's name on the records of
118 another state as a resident licensee of such other state, if the
119 applicant furnishes a letter of clearance satisfactory to the
120 department that his or her resident licenses have been canceled
121 or changed to a nonresident basis and that he or she is in good
122 standing.

123 (c) Will maintain his or her ~~The~~ place of business ~~of the~~
124 ~~applicant will be located~~ in this state and in the county where
125 the applicant will maintain his or her records and be actively
126 engaged in the bail bond business and maintain an agency
127 accessible to the public which is open for reasonable business
128 hours.

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

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

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

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

142 648.355 ~~Temporary limited license as~~ Limited surety agents
143 and agent ~~or professional bail bond agents agent; qualifications~~
144 ~~pending examination.~~

145 (1) The department may, in its discretion, issue a

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146 ~~temporary~~ license as a limited surety agent or professional bail
147 bond agent, subject to the following conditions:

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

150 (b) The applicant is a United States citizen or legal alien
151 who possesses work authorization from the United States Bureau
152 of Citizenship and Immigration Services and is a resident of
153 this state. An individual who is a resident of this state shall
154 be deemed to meet the residence requirement of this paragraph,
155 notwithstanding the existence, at the time of application for a
156 ~~temporary~~ license, of a license in the individual's name on the
157 records of another state as a resident licensee of such other
158 state, if the applicant furnishes a letter of clearance
159 satisfactory to the department that the individual's resident
160 licenses have been canceled or changed to a nonresident basis
161 and that the individual is in good standing.

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

168 (d) Within 2 4 years before ~~prior to~~ the date of
169 application for a ~~temporary~~ license, the applicant has
170 successfully completed a basic certification course in the
171 criminal justice system, consisting of not less than 120 hours
172 of classroom instruction with a passing grade of 80 percent or
173 higher and has successfully completed a correspondence course
174 for bail bond agents approved by the department.

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175 ~~(e) The applicant must be employed full time at the time of~~
176 ~~licensure, and at all times throughout the existence of the~~
177 ~~temporary license, by only one licensed and appointed~~
178 ~~supervising bail bond agent, who supervises the work of the~~
179 ~~applicant and is responsible for the licensee's conduct in the~~
180 ~~bail bond business. The applicant must be appointed by the same~~
181 ~~insurers as the supervising bail bond agent. The supervising~~
182 ~~bail bond agent shall certify monthly to the department under~~
183 ~~oath, on a form prescribed by the department, the names and~~
184 ~~hours worked each week of all temporary bail bond agents. Filing~~
185 ~~a false certification is grounds for the immediate suspension of~~
186 ~~the license and imposition of a \$5,000 administrative fine. The~~
187 ~~department may adopt rules that establish standards for the~~
188 ~~employment requirements.~~

189 ~~(f)~~ The application must be accompanied by an affidavit
190 verifying proposed employment and a report as to the applicant's
191 integrity and moral character on a form prescribed by the
192 department and executed by the proposed employer.

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

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

199 (2) All applicable license fees, as prescribed in s.
200 624.501, must be paid before issuance of the ~~temporary~~ license.

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

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204 ~~(4)~~ The applicant shall furnish, with the application for
205 ~~temporary~~ license, a complete set of the applicant's
206 fingerprints and a recent credential-sized, fullface photograph
207 of the applicant. The applicant's fingerprints shall be
208 certified by an authorized law enforcement officer. The
209 department shall not issue a ~~temporary~~ license under this
210 section until the department has received a report from the
211 Department of Law Enforcement and the Federal Bureau of
212 Investigation relative to the existence or nonexistence of a
213 criminal history report based on the applicant's fingerprints.

214 (4)~~(5)~~ The department may collect a fee necessary to cover
215 the cost of a character and credit report made by an established
216 and reputable independent reporting service. The fee shall be
217 deposited to the credit of the Insurance Regulatory Trust Fund.

218 ~~(6)~~ After licensure as a temporary licensee for at least 12
219 months, such licensee may file an application for and become
220 eligible for a regular bail bond agent's license based on the
221 licensee's experience in the bail bond business and education
222 pursuant to paragraph (1) (d) and, if otherwise qualified, take
223 the required bail bond agent's licensure examination. The
224 applicant and supervising bail bond agent must each file an
225 affidavit under oath, on a form prescribed by the department,
226 verifying the required employment of the temporary agent before
227 issuance of the license.

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

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233 ~~(8)(a) A temporary licensee has the same authority as a~~
234 ~~licensed bail bond agent, including presenting defendants in~~
235 ~~court; apprehending, arresting, and surrendering defendants to~~
236 ~~the proper authorities; and keeping defendants under necessary~~
237 ~~surveillance. However, a temporary licensee must be accompanied~~
238 ~~by a supervising bail bond agent or an agent from the same~~
239 ~~agency when apprehending, arresting, or surrendering defendants~~
240 ~~to authorities.~~

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

246 ~~(9) The department shall not issue a temporary bail bond~~
247 ~~agent's license to any individual who has held such a temporary~~
248 ~~license in this state within 2 years after the expiration of~~
249 ~~such temporary bail bond agent's license.~~

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

252 648.382 Appointment of bail bond agents ~~and temporary bail~~
253 ~~bond agents; effective date of appointment.-~~

254 (1) Each insurer appointing a bail bond agent ~~and each~~
255 ~~insurer, managing general agent, or bail bond agent appointing a~~
256 ~~temporary bail bond agent~~ in this state must file the
257 appointment with the department and, at the same time, pay the
258 applicable appointment fees and taxes. A person appointed under
259 this section must hold a valid bail bond agent's ~~or temporary~~
260 ~~bail bond agent's~~ license.

261 (2) Before ~~Prior to~~ any appointment, an appropriate officer

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262 or official of the appointing insurer ~~in the case of a bail bond~~
263 ~~agent or an insurer, managing general agent, or bail bond agent~~
264 ~~in the case of a temporary bail bond agent~~ must submit:

265 (a) A certified statement or affidavit to the department
266 stating what investigation has been made concerning the proposed
267 appointee and the proposed appointee's background and the
268 appointing person's opinion to the best of his or her knowledge
269 and belief as to the moral character and reputation of the
270 proposed appointee. In lieu of such certified statement or
271 affidavit, by authorizing the effectuation of an appointment for
272 a licensee, the appointing entity certifies to the department
273 that such investigation has been made and that the results of
274 the investigation and the appointing person's opinion is that
275 the proposed appointee is a person of good moral character and
276 reputation and is fit to engage in the bail bond business;

277 (b) An affidavit under oath on a form prescribed by the
278 department, signed by the proposed appointee, stating that
279 premiums are not owed to any insurer and that the appointee will
280 discharge all outstanding forfeitures and judgments on bonds
281 previously written. If the appointee does not satisfy or
282 discharge such forfeitures or judgments, the former insurer
283 shall file a notice, with supporting documents, with the
284 appointing insurer, the former agent, and the department,
285 stating under oath that the licensee has failed to timely
286 satisfy forfeitures and judgments on bonds written and that the
287 insurer has satisfied the forfeiture or judgment from its own
288 funds. Upon receipt of such notification and supporting
289 documents, the appointing insurer shall immediately cancel the
290 licensee's appointment. The licensee may be reappointed only

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291 upon certification by the former insurer that all forfeitures
292 and judgments on bonds written by the licensee have been
293 discharged. The appointing insurer or former agent may, within
294 10 days, file a petition with the department seeking relief from
295 this paragraph. Filing of the petition stays the duty of the
296 appointing insurer to cancel the appointment until the
297 department grants or denies the petition; and

298 (c) Any other information that the department reasonably
299 requires concerning the proposed appointee.

300 (3) By authorizing the effectuation of an appointment for a
301 licensee, the appointing insurer certifies to the department
302 that the insurer will be bound by the acts of the bail bond
303 agent acting within the scope of his or her appointment, ~~and, in~~
304 ~~the case of a temporary bail bond agent, the appointing insurer,~~
305 ~~managing general agent, or bail bond agent, as the case may be,~~
306 ~~must certify to the department that he or she will supervise the~~
307 ~~temporary bail bond agent's activities.~~

308 (4) Each appointing insurer or, ~~managing general agent, or~~
309 ~~bail bond agent~~ must advise the department in writing within 5
310 days after receiving notice or learning that an appointee has
311 been arrested for, pled guilty or nolo contendere to, or been
312 found guilty of, a felony or other offense punishable by
313 imprisonment of 1 year or more under the law of any
314 jurisdiction, whether judgment was entered or withheld by the
315 court.

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

318 648.386 Qualifications for prelicensing and continuing
319 education schools and instructors.—

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320 (2) SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
321 SCHOOLS.—In order to be considered for approval and
322 certification as an approved limited surety agent and
323 professional bail bond agent continuing education school, such
324 entity must:

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

327 (b) Submit a course curriculum to the department for
328 approval.

329 (c) Offer continuing education classes which are comprised
330 of a minimum of 2 hours of approved classroom-instruction
331 coursework and are taught by an approved supervising instructor
332 or guest lecturer approved by the entity or the supervising
333 instructor.

334 Section 10. Section 648.3875, Florida Statutes, is created
335 to read:

336 648.3875 Primary bail bond agents; qualifications.—

337 (1) An application for designation as a primary bail bond
338 agent must be submitted on forms prescribed by the department.
339 The application must include the applicant's full name; date of
340 birth; social security number; residence, business, and mailing
341 addresses; contact telephone numbers, including a business
342 telephone number; e-mail address; and the number and date of
343 issuance of the applicant's license issued pursuant to s.
344 648.27.

345 (2) To qualify as a primary bail bond agent, it must
346 affirmatively appear at the time of application and throughout
347 the period of licensure that the applicant has complied with s.
348 648.285 and has been licensed and appointed for the 2 previous

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349 years.

350 Section 11. Section 648.39, Florida Statutes, is amended to
351 read:

352 648.39 Termination of appointment of managing general
353 agents, and bail bond agents, ~~and temporary bail bond agents.~~

354 (1) An insurer who terminates the appointment of a managing
355 general agent, or bail bond agent, ~~or temporary bail bond agent~~
356 shall, within 10 days after such termination, file written
357 notice thereof with the department together with a statement
358 that it has given or mailed notice to the terminated agent. Such
359 notice filed with the department must state the reasons, if any,
360 for such termination. Information so furnished the department is
361 confidential and exempt from ~~the provisions of~~ s. 119.07(1).

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

367 (3) An insurer that terminates the appointment of a
368 managing general agent, or bail bond agent, ~~or temporary bail~~
369 ~~bond agent~~ may authorize such person to continue to attempt the
370 arrest and surrender of a defendant for whom a surety bond had
371 been written by the bail bond agent before ~~prior to~~ termination
372 and to seek discharge of forfeitures and judgments as provided
373 in chapter 903.

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

375 Section 13. Section 648.42, Florida Statutes, is amended to
376 read:

377 648.42 Registration of bail bond agents.—A bail bond agent

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378 may not become a surety on an undertaking unless he or she has
379 registered in the office of the sheriff and with the clerk of
380 the circuit court in the county in which the bail bond agent
381 resides. The bail bond agent may register in a like manner in
382 any other county, and any bail bond agent shall file a certified
383 copy of his or her appointment by power of attorney from each
384 insurer which he or she represents as a bail bond agent with
385 each of such officers. Registration and filing of a certified
386 copy of renewed power of attorney shall be performed by April 1
387 of each odd-numbered year. The clerk of the circuit court and
388 the sheriff shall not permit the registration of a bail bond
389 agent unless such bail bond agent is currently licensed by the
390 department and appointed by an insurer ~~the department~~. ~~Nothing~~
391 ~~in this section shall prevent the registration of a temporary~~
392 ~~licensee at the jail for the purposes of enabling the licensee~~
393 ~~to perform the duties under such license as set forth in this~~
394 ~~chapter.~~

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

398 648.44 Prohibitions; penalty.—

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

400 (a) Suggest or advise the employment of, or name for
401 employment, any particular attorney to represent his or her
402 principal.

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

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407 business cards, print advertising, or other written or oral
408 information directed to prisoners or potential indemnitors,
409 unless a request is initiated by the prisoner or a potential
410 indemnitor. Permissible print advertising in the jail is
411 strictly limited to a listing in a telephone directory and the
412 posting of the bail bond agent's or agency's name, address, and
413 telephone number in a designated location within the jail.

414 (c) Initiate in-person or telephone solicitation after 9:00
415 p.m. or before 8:00 a.m., in the case of domestic violence
416 cases, at the residence of the detainee or the detainee's
417 family. Any solicitation not prohibited by this chapter must
418 comply with the telephone solicitation requirements in ss.
419 501.059(2) and (4), 501.613, and 501.616(6).

420 (d) Wear or display any identification other than the
421 department issued or approved license or approved department
422 identification, which includes a citation of the licensee's
423 arrest powers, in or on the property or grounds of a jail,
424 prison, or other place where prisoners are confined or in or on
425 the property or grounds of any court.

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

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

435 (g) Pay a fee or rebate or give or promise anything of

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436 value to the principal or anyone in his or her behalf.

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

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

441 (j) Accept anything of value from a principal for providing
442 a bail bond except the premium and transfer fee authorized by
443 the office, except that the bail bond agent may accept
444 collateral security or other indemnity from the principal or
445 another person in accordance with ~~the provisions of~~ s. 648.442,
446 together with documentary stamp taxes, if applicable. No fees,
447 expenses, or charges of any kind shall be permitted to be
448 deducted from the collateral held or any return premium due,
449 except as authorized by this chapter or rule of the department
450 or commission. A bail bond agent may, upon written agreement
451 with another party, receive a fee or compensation for returning
452 to custody an individual who has fled the jurisdiction of the
453 court or caused the forfeiture of a bond.

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

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

458 (m) Execute a bond in this state if a judgment has been
459 entered on a bond executed by the bail bond agent, which has
460 remained unpaid for 35 days, unless the full amount of the
461 judgment is deposited with the clerk in accordance with s.
462 903.27(5).

463 (n) Make a statement or representation to a court, unless
464 such statement or representation is under oath. Such statement

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465 or representation may not be false, misleading, or deceptive.

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

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

472 (2) The following persons or classes shall not be bail bond
473 agents, ~~temporary bail bond agents~~, or employees of a bail bond
474 agent or a bail bond business and shall not directly or
475 indirectly receive any benefits from the execution of any bail
476 bond:

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

478 (b) Police officers or employees of any police department
479 or law enforcement agency.

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

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

484 (e) Attorneys.

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

488 (8)

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

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494 (d) Upon the filing of an information or indictment against
495 a bail bond agent ~~or temporary bail bond agent~~, the state
496 attorney or clerk of the circuit court shall immediately furnish
497 the department a certified copy of the information or
498 indictment.

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

501 648.441 Furnishing supplies to unlicensed bail bond agent
502 prohibited; civil liability and penalty.-

503 (1) An insurer, managing general agent, or bail bond agent,
504 ~~or temporary bail bond agent~~ appointed under this chapter may
505 not furnish to any person any blank forms, applications,
506 stationery, business card, or other supplies to be used in
507 soliciting, negotiating, or effecting bail bonds until such
508 person has received from the department a license to act as a
509 bail bond agent and is appointed by the insurer. This section
510 does not prohibit an unlicensed employee, under the direct
511 supervision and control of a licensed and appointed bail bond
512 agent, from possessing or executing in the bail bond agency, any
513 forms, except for powers of attorney, bond forms, and collateral
514 receipts, while acting within the scope of his or her
515 employment.

516 Section 16. Section 648.50, Florida Statutes, is amended to
517 read:

518 648.50 Effect of suspension, revocation upon associated
519 licenses and licensees.-

520 (1) Upon the suspension, revocation, or refusal to renew or
521 continue any license or appointment or the eligibility to hold a
522 license or appointment of a bail bond agent ~~or temporary bail~~

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523 ~~bond agent~~, the department shall at the same time likewise
524 suspend or revoke all other licenses or appointments and the
525 eligibility to hold any other such licenses or appointments
526 which may be held by the licensee under the Florida Insurance
527 Code.

528 (2) In case of the suspension or revocation of the license
529 or appointment, or the eligibility to hold a license or
530 appointment, of any bail bond agent, the license, appointment,
531 or eligibility of any and all bail bond agents who are members
532 of a bail bond agency, whether incorporated or unincorporated,
533 ~~and any and all temporary bail bond agents employed by such bail~~
534 ~~bond agency~~, who knowingly are parties to the act which formed
535 the ground for the suspension or revocation may likewise be
536 suspended or revoked.

537 (3) No person whose license as a bail bond agent ~~or~~
538 ~~temporary bail bond agent~~ has been revoked or suspended shall be
539 employed by any bail bond agent, have any ownership interest in
540 any business involving bail bonds, or have any financial
541 interest of any type in any bail bond business during the period
542 of revocation or suspension.

543 Section 17. Present paragraphs (a) through (f) of
544 subsection (1) of section 784.07, Florida Statutes, are
545 redesignated as paragraphs (b) through (g), respectively, a new
546 paragraph (a) is added to that subsection, and subsection (2) of
547 that section is amended, to read:

548 784.07 Assault or battery of law enforcement officers,
549 firefighters, emergency medical care providers, public transit
550 employees or agents, or other specified officers;
551 reclassification of offenses; minimum sentences.-

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

553 (a) "Bail bond agent" means any individual appointed by an
554 insurer by power of attorney to execute or countersign bail
555 bonds in connection with judicial proceedings and who receives
556 or is promised money or other things of value for such duties or
557 any person licensed pursuant to s. 648.27.

558 (2) Whenever any person is charged with knowingly
559 committing an assault or battery upon a law enforcement officer,
560 a firefighter, an emergency medical care provider, a bail bond
561 agent, a railroad special officer, a traffic accident
562 investigation officer as described in s. 316.640, a nonsworn law
563 enforcement agency employee who is certified as an agency
564 inspector, a blood alcohol analyst, or a breath test operator
565 while such employee is in uniform and engaged in processing,
566 testing, evaluating, analyzing, or transporting a person who is
567 detained or under arrest for DUI, a law enforcement explorer, a
568 traffic infraction enforcement officer as described in s.
569 316.640, a parking enforcement specialist as defined in s.
570 316.640, a person licensed as a security officer as defined in
571 s. 493.6101 and wearing a uniform that bears at least one patch
572 or emblem that is visible at all times that clearly identifies
573 the employing agency and that clearly identifies the person as a
574 licensed security officer, or a security officer employed by the
575 board of trustees of a community college, while the officer,
576 firefighter, emergency medical care provider, bail bond agent,
577 railroad special officer, traffic accident investigation
578 officer, traffic infraction enforcement officer, inspector,
579 analyst, operator, law enforcement explorer, parking enforcement
580 specialist, public transit employee or agent, or security

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581 officer is engaged in the lawful performance of his or her
582 duties, the offense for which the person is charged shall be
583 reclassified as follows:

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

586 (b) In the case of battery, from a misdemeanor of the first
587 degree to a felony of the third degree. Notwithstanding any
588 other provision of law, a person convicted of battery upon a law
589 enforcement officer committed in furtherance of a riot or an
590 aggravated riot prohibited under s. 870.01 shall be sentenced to
591 a minimum term of imprisonment of 6 months.

592 (c) In the case of aggravated assault, from a felony of the
593 third degree to a felony of the second degree. Notwithstanding
594 any other provision of law, any person convicted of aggravated
595 assault upon a law enforcement officer shall be sentenced to a
596 minimum term of imprisonment of 3 years.

597 (d) In the case of aggravated battery, from a felony of the
598 second degree to a felony of the first degree. Notwithstanding
599 any other provision of law, any person convicted of aggravated
600 battery of a law enforcement officer shall be sentenced to a
601 minimum term of imprisonment of 5 years.

602 Section 18. Paragraph (a) of subsection (4) of section
603 843.021, Florida Statutes, is amended to read:

604 843.021 Unlawful possession of a concealed handcuff key.—

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

608 1. A federal, state, or local law enforcement officer,
609 including a reserve or auxiliary officer, a licensed security

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610 officer, or a private investigator as defined in s. 493.6101; or

611 2. A professional bail bond agent, ~~temporary bail bond~~
612 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

613 Section 19. Section 903.28, Florida Statutes, is amended to
614 read:

615 903.28 Remission of forfeiture; conditions.—

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

619 (2) If the defendant surrenders or is apprehended or
620 deceased within 90 days after forfeiture, the court, on motion
621 at a hearing upon notice having been given to the clerk of the
622 circuit court and the state attorney as required in subsection
623 (9) (8), shall direct remission of ~~up to, but not more than,~~ 100
624 percent of a forfeiture if the surety apprehended and
625 surrendered the defendant or if the apprehension or surrender of
626 the defendant was substantially procured or caused by the
627 surety; ~~or~~ or the surety has substantially attempted to procure or
628 cause the apprehension or surrender of the defendant, and the
629 delay has not thwarted the proper prosecution of the defendant;
630 or the defendant is deceased. In addition, remission shall be
631 granted when the surety did not substantially participate or
632 attempt to participate in the apprehension or surrender of the
633 defendant when the costs of returning the defendant to the
634 jurisdiction of the court have been deducted from the remission
635 and when the delay has not thwarted the proper prosecution of
636 the defendant.

637 (3) If the defendant surrenders or is apprehended or
638 deceased within 180 days after forfeiture, the court, on motion

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639 at a hearing upon notice having been given to the clerk of the
640 circuit court and the state attorney as required in subsection
641 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 95
642 percent of a forfeiture if the surety apprehended and
643 surrendered the defendant or if the apprehension or surrender of
644 the defendant was substantially procured or caused by the
645 surety; ~~or~~ the surety has substantially attempted to procure or
646 cause the apprehension or surrender of the defendant, and the
647 delay has not thwarted the proper prosecution of the defendant;
648 or the defendant is deceased. In addition, remission shall be
649 granted when the surety did not substantially participate or
650 attempt to participate in the apprehension or surrender of the
651 defendant when the costs of returning the defendant to the
652 jurisdiction of the court have been deducted from the remission
653 and when the delay has not thwarted the proper prosecution of
654 the defendant.

655 (4) If the defendant surrenders or is apprehended or
656 deceased within 270 days after forfeiture, the court, on motion
657 at a hearing upon notice having been given to the clerk of the
658 circuit court and the state attorney as required in subsection
659 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 90
660 percent of a forfeiture if the surety apprehended and
661 surrendered the defendant or if the apprehension or surrender of
662 the defendant was substantially procured or caused by the
663 surety; ~~or~~ the surety has substantially attempted to procure or
664 cause the apprehension or surrender of the defendant, and the
665 delay has not thwarted the proper prosecution of the defendant;
666 or the defendant is deceased. In addition, remission shall be
667 granted when the surety did not substantially participate or

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668 attempt to participate in the apprehension or surrender of the
669 defendant when the costs of returning the defendant to the
670 jurisdiction of the court have been deducted from the remission
671 and when the delay has not thwarted the proper prosecution of
672 the defendant.

673 (5) If the defendant surrenders or is apprehended or
674 deceased within 1 year after forfeiture, the court, on motion at
675 a hearing upon notice having been given to the clerk of the
676 circuit court and the state attorney as required in subsection
677 (9) (8), shall direct remission of ~~up to, but not more than,~~ 85
678 percent of a forfeiture if the surety apprehended and
679 surrendered the defendant or if the apprehension or surrender of
680 the defendant was substantially procured or caused by the
681 surety; ~~or~~ the surety has substantially attempted to procure or
682 cause the apprehension or surrender of the defendant, and the
683 delay has not thwarted the proper prosecution of the defendant;
684 or the defendant is deceased. In addition, remission shall be
685 granted when the surety did not substantially participate or
686 attempt to participate in the apprehension or surrender of the
687 defendant when the costs of returning the defendant to the
688 jurisdiction of the court have been deducted from the remission
689 and when the delay has not thwarted the proper prosecution of
690 the defendant.

691 (6) If the defendant surrenders or is apprehended or
692 deceased within 2 years after forfeiture, the court, on motion
693 at a hearing upon notice having been given to the clerk of the
694 circuit court and the state attorney as required in subsection
695 (9) (8), shall direct remission of ~~up to, but not more than,~~ 50
696 percent of a forfeiture if the surety apprehended and

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697 surrendered the defendant or if the apprehension or surrender of
698 the defendant was substantially procured or caused by the
699 surety; ~~or~~ the surety has substantially attempted to procure or
700 cause the apprehension or surrender of the defendant, and the
701 delay has not thwarted the proper prosecution of the defendant;
702 or the defendant is deceased. In addition, remission shall be
703 granted when the surety did not substantially participate or
704 attempt to participate in the apprehension or surrender of the
705 defendant when the costs of returning the defendant to the
706 jurisdiction of the court have been deducted from the remission
707 and when the delay has not thwarted the proper prosecution of
708 the defendant.

709 (7) For a period of 2 years after the date of forfeiture,
710 if the state is unwilling to seek extradition of the defendant
711 from any jail or prison after a request by the surety agent or
712 the surety company, and contingent upon the surety agent or
713 surety company consenting to pay all costs incurred by an
714 official in returning the defendant to the jurisdiction of the
715 court, up to the penal amount of the bond, the court shall
716 direct remission of 100 percent of the forfeiture.

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

719 (9)~~(8)~~ An application for remission must be accompanied by
720 affidavits setting forth the facts on which it is founded;
721 however, the surety must establish by further documentation or
722 other evidence any claimed attempt at procuring or causing the
723 apprehension or surrender of the defendant before the court may
724 order remission based upon an attempt to procure or cause such
725 apprehension or surrender. The clerk of the circuit court and

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726 the state attorney must be given 20 days' notice before a
727 hearing on an application and be furnished copies of all papers,
728 applications, and affidavits. Remission shall be granted on the
729 condition of payment of costs, unless the ground for remission
730 is that there was no breach of the bond.

731 (10)~~(9)~~ The clerk of the circuit court may enter into a
732 contract with a private attorney or into an interagency
733 agreement with a governmental agency to represent the clerk of
734 the court in an action for the remission of a forfeiture under
735 this section.

736 (11)~~(10)~~ The clerk of the circuit court is the real party
737 in interest for all appeals arising from an action for the
738 remission of a forfeiture under this section.

739 Section 20. This act shall take effect July 1, 2022.