

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 271](#)

**TITLE:** Foreign and Alien Bail Bond Insurers

**SPONSOR(S):** Valdés

**COMPANION BILL:** [SB 642](#) (Burgess)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Insurance & Banking](#)

17 Y, 0 N



[Commerce](#)

## SUMMARY

### Effect of the Bill:

The bill subjects foreign and alien bail bond insurers transacting in Florida to the current reporting requirements for domestic bail bond insurers.

### Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on foreign and alien bail bond insurers.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill subjects [foreign](#) and [alien](#) bail bond insurers doing business in Florida to the current reporting requirements for [domestic](#) bail bond insurers. These include:

- [reporting direct written premiums](#) for [bail bonds](#) minus any amounts retained by licensed bail bond agents or appointed managing general agents;
- establishing that direct written premiums for bail bond insurance may not be reported as less than 6.5% of the total premiums received by agents for all bonds issued;
- applying the same reporting requirements to [premiums assumed](#) by foreign and alien bail bond insurers;
- keeping complete and accurate record of the total premiums amounts for all bail bonds written; and
- disclosing the following information within the insurer's [annual statement](#) filed with the Office of Insurance Regulation (OIR):
  - gross bail bond premiums written in each state by the agents of the insurer;
  - [premium taxes](#) incurred by the insurer in each state;
  - total premium withheld by agents and not reported as an expense in the insurer's financial statements; and
  - the amount of bail bond premiums included as surety in the insurer's financial statements. (Section [1](#))

The bill provides an effective date of July 1, 2026 (Section [2](#)).

### FISCAL OR ECONOMIC IMPACT:

#### PRIVATE SECTOR:

The bill may have an indeterminate impact on foreign and alien bail bond insurers due to expanded reporting, recordkeeping, and compliance requirements. Under current law, foreign and alien insurers may report lower premiums and, as result, potentially pay less taxes as compared to domestic bail bond insurers.

**STORAGE NAME:** h0271a.IBS

**DATE:** 1/29/2026

# RELEVANT INFORMATION

## SUBJECT OVERVIEW:

### [Types of Insurers in Florida](#)

The Florida Insurance Code defines three types of insurers. Domestic insurers are insurers that are formed under the laws of Florida.<sup>1</sup> Foreign insurers are insurers formed under the laws of any state, district, territory, or commonwealth of the United States other than Florida.<sup>2</sup> Alien insurers are insurers that are not defined as domestic or foreign insurers.<sup>3</sup>

### [Active Bail Bond Insurers in Florida](#)

According to OIR, there are 89 insurers who currently hold Certificates of Authority<sup>4</sup> to issue bail bonds. Of these insurers, 15 are considered domestic insurers and 74 are considered foreign insurers.<sup>5</sup>

### [Annual Statement Reporting Requirements](#)

Authorized insurers in Florida must file annual statements with OIR containing information on their financial condition, transactions, and affairs. The statements must include information typically included on the insurer’s financial statements following generally accepted insurance accounting principles and practices (GAAP). Annual statements must be filed by March 1<sup>st</sup> for the previous calendar year.<sup>6</sup> Each insurer’s annual statement filing must include:<sup>7</sup>

- a statement of opinion on loss and loss adjustment expense reserves;
- an actuarial opinion summary;<sup>8</sup> and
- a certificate verifying that the assets required by OIR as a deposit have a market value equal to or in excess of the required deposit.

Domestic bail bond insurers are also required to provide additional information in the notes of their financial statements that comprise their annual report. The insurers must provide:<sup>9</sup>

- the gross bail bond premiums<sup>10</sup> written in each state by agents for the company;
- the amount of premium taxes incurred by the company in each state;
- the total premiums withheld by agents and not reported as an expense in the insurer’s financial statements; and
- the amount of bail bond premiums included as surety in the insurer’s financial statements.

Under current law, foreign and alien bail bond insurers are required to file an annual statement but are not required to disclose the additional information that domestic bail bond insurers must.

### [Bail Bond Premiums](#)

When an individual purchases a bail bond, the bail bond agent keeps a portion of the premium earned while the insurer who financially guarantees the full court-ordered bail amount keeps the remainder.<sup>11</sup> Current law states

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<sup>1</sup> [S. 624.06\(1\), F.S.](#)  
<sup>2</sup> [S. 624.06\(2\), F.S.](#)  
<sup>3</sup> [S. 624.06\(3\), F.S.](#)  
<sup>4</sup> “Certificate of Authority” is defined as the regulatory license issued by OIR allowing an insurer to transact insurance in Florida. [S. 624.401\(1\), F.S.](#)  
<sup>5</sup> Stubbs, S. (Director of Legislative & Cabinet Affairs, OIR), “RE: Verification of Bail Bond Insurers”, November 13, 2025.  
<sup>6</sup> [S. 624.424\(1\)\(a\), F.S.](#)  
<sup>7</sup> [S. 624.411, F.S.](#)  
<sup>8</sup> [S. 624.424\(1\)\(b\), F.S.](#)  
<sup>9</sup> [S. 624.4094\(4\), F.S.](#)  
<sup>10</sup> “Gross bail bond premiums” means direct premiums written and reinsurance assumed. *See*, [S. 624.4095\(3\), F.S.](#)  
<sup>11</sup> *See* [S. 624.4094\(1\), F.S.](#)

that the Legislature recognizes that agents typically retain a significant portion of the bail bond premium, not the insurer.<sup>12</sup>

In the state of Florida, bail bond premium fees are fixed amounts. Premiums are earned in full and considered nonrefundable as soon as a defendant is released from jail. For state bonds, premiums are 10% of the court-ordered bail amount whereas premiums for federal bonds are 15% of the court-ordered bail amount.<sup>13</sup> Bail bonds cannot be executed at a premium rate other than the rate filed and approved by OIR.<sup>14</sup>

Each domestic bail bond insurer is required to keep a complete and accurate record of the total premium amounts paid for all bail bonds written.<sup>15</sup>

Under current law, foreign and alien bail bond insurers are subject to the premium cap, but are not required to record premiums in the same manner as domestic bail bond insurers.

Reporting Direct Written Premiums

Current law requires domestic bail bond insurers to report direct written premiums as the actual amount of premiums they receive from the issuance of the bond. This is the total premium minus what agents retain. Regardless of the premium amount actually collected by the domestic insurer, the direct written premiums reported to OIR cannot be less than 6.5% of the total collected premiums by any agent on the insurer’s behalf.<sup>16</sup>

Under current law, foreign and alien bail bond insurers are not subject to these provisions.

Reporting Premiums Assumed

Premiums assumed by a domestic bail bond insurer, either through reinsurance contracts or other risk arrangements, are also reported net of any amounts retained by agents. When reported to OIR, assumed premiums also cannot be less than 6.5% of the total collected premiums by an any agent on the insurer’s behalf.<sup>17</sup>

Under current law, foreign and alien bail bond insurers are not subject to these provisions.

Bail Bond Premium Taxes

The tax base for bail bond insurers is the direct written premiums received for all bail bond policies issued in Florida excluding the amount kept by agents. Bail bond insurers owe the Florida Department of Revenue an amount equal to 1.75% of total premiums written in the preceding year, excluding the agent-retained portion, by March 1st each year<sup>18</sup>.

Examples of Premium Reporting and Premium Taxes

Below are examples as to how domestic, foreign, and alien bail bond insurers are required to report their transacted premiums and pay taxes on such premiums under current law.

*Domestic Bail Bond Insurers Reporting Premiums Inferior to the 6.5% Minimum Example*

An individual purchases a bail bond for \$1,000 and the bail bond agent keeps \$950 of the \$1,000 premium as their service fee. Even though domestic insurers report direct written premiums minus what the agent retained, the \$50 actually retained by the domestic insurer does not satisfy the 6.5% minimum. Therefore, the domestic insurer

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<sup>12</sup> [S. 624.4094\(1\), F.S.](#)  
<sup>13</sup> Bail Bonds Overview, Florida Department of Financial Services, <https://myfloridacfo.com/division/consumers/understanding-insurance/bail-bonds-overview> (last visited November, 11, 2025).  
<sup>14</sup> [S. 648.33\(2\), F.S.](#)  
<sup>15</sup> [S. 624.4094\(3\), F.S.](#)  
<sup>16</sup> *Id.*  
<sup>17</sup> [S. 624.4094\(2\), F.S.](#)  
<sup>18</sup> [S. 624.509\(1\)\(c\), F.S.](#)

must report at least \$65 to OIR as the premium for the bail bond. The domestic insurer would then be taxed \$1.14, or 1.75%, for the reported \$65 premium.

*Foreign and Alien Bond Insurers Reporting Premiums Example*

An individual purchases a bail bond for \$1,000 and the bail bond agent keeps \$950 of the \$1,000 premium as their service fee. Even though the foreign/alien insurer writes a total of \$1,000 in premium, the direct written premium may be reported as the \$50 the foreign/alien insurer actually retained, as it is not subject to the 6.5% minimum that domestic insurers are. The foreign/alien insurer would then be taxed \$0.88, or 1.75%, for the reported \$50 premium.

**BILL HISTORY**

			STAFF	
COMMITTEE REFERENCE	ACTION	DATE	DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Insurance &amp; Banking Subcommittee</a>	17 Y, 0 N	1/29/2026	Brackett	Veigle
<a href="#">Commerce Committee</a>				