

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, or
6 have pecuniary interests in bail bond agencies;
7 amending s. 648.355, F.S.; providing for licensure,
8 rather than temporary licensure, of limited surety
9 agents and professional bail bond agents; revising the
10 timeframe for an applicant's completion of specified
11 coursework before applying for licensure; amending s.
12 648.386, F.S.; revising criteria for approval and
13 certification as an approved limited surety agent and
14 professional bail bond agent continuing education
15 school to require continuing education classes to be
16 classroom instruction; creating s. 648.3875, F.S.;
17 specifying requirements for applications for
18 designation as a primary bail bond agent; specifying
19 qualifications for primary bail bond agents; repealing
20 s. 648.41, F.S., relating to termination of
21 appointment of temporary bail bond agents; amending s.
22 648.42, F.S.; revising the entities from whom a bail
23 bond agent must receive appointment before registering
24 as a bail bond agent; conforming provisions to changes
25 made by the act; amending ss. 648.25, 648.27, 648.30,

26 648.31, 648.34, 648.382, 648.39, 648.44, 648.441, and
 27 648.50, F.S.; conforming provisions to changes made by
 28 the act; amending s. 784.07, F.S.; defining the term
 29 "bail bond agent"; providing penalties for the assault
 30 or battery upon a bail bond agent; amending s.
 31 843.021, F.S.; conforming a provision to changes made
 32 by the act; revising a defense to the charge of
 33 unlawful possession of a concealed handcuff key;
 34 amending s. 903.28, F.S.; specifying procedures for
 35 remission of forfeitures of deceased defendants;
 36 revising the amounts of forfeitures that must be
 37 remitted; specifying procedures for remission of
 38 forfeitures of defendants for whom the state is
 39 unwilling to seek extradition; providing an effective
 40 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~~
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
 87 | acts; penalties.—

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
112 alien who possesses work authorization from the United States
113 Bureau of Citizenship and Immigration Services and is a resident
114 of this state. An individual who is a resident of this state
115 shall be deemed to meet the residence requirement of this
116 paragraph, notwithstanding the existence, at the time of
117 application for license, of a license in the applicant's name on
118 the records of another state as a resident licensee of such
119 other state, if the applicant furnishes a letter of clearance
120 satisfactory to the department that his or her resident licenses
121 have been canceled or changed to a nonresident basis and that he
122 or she is in good 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
 130 sworn statements filed with the department by at least three
 131 reputable citizens who are residents of the same counties in
 132 which the applicant proposes to engage in the bail bond
 133 business.

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

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

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

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

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

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

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

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

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

HB 1141

2022

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

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

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

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

200 (2) All applicable license fees, as prescribed in s.

HB 1141

2022

201 624.501, must be paid before issuance of the ~~temporary~~ license.

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

205 (3)(4) The applicant shall furnish, with the application
206 for ~~temporary~~ license, a complete set of the applicant's
207 fingerprints and a recent credential-sized, fullface photograph
208 of the applicant. The applicant's fingerprints shall be
209 certified by an authorized law enforcement officer. The
210 department shall not issue a ~~temporary~~ license under this
211 section until the department has received a report from the
212 Department of Law Enforcement and the Federal Bureau of
213 Investigation relative to the existence or nonexistence of a
214 criminal history report based on the applicant's fingerprints.

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

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

226 ~~affidavit under oath, on a form prescribed by the department,~~
227 ~~verifying the required employment of the temporary agent before~~
228 ~~issuance of the license.~~

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

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

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

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

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

253 648.382 Appointment of bail bond agents ~~and temporary bail~~
 254 ~~bond agents~~; effective date of appointment.—

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

262 (2) Before ~~Prior to~~ any appointment, an appropriate
 263 officer or official of the appointing insurer ~~in the case of a~~
 264 ~~bail bond agent or an insurer, managing general agent, or bail~~
 265 ~~bond agent in the case of a temporary bail bond agent~~ must
 266 submit:

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

HB 1141

2022

276 the investigation and the appointing person's opinion is that
277 the proposed appointee is a person of good moral character and
278 reputation and is fit to engage in the bail bond business;

279 (b) An affidavit under oath on a form prescribed by the
280 department, signed by the proposed appointee, stating that
281 premiums are not owed to any insurer and that the appointee will
282 discharge all outstanding forfeitures and judgments on bonds
283 previously written. If the appointee does not satisfy or
284 discharge such forfeitures or judgments, the former insurer
285 shall file a notice, with supporting documents, with the
286 appointing insurer, the former agent, and the department,
287 stating under oath that the licensee has failed to timely
288 satisfy forfeitures and judgments on bonds written and that the
289 insurer has satisfied the forfeiture or judgment from its own
290 funds. Upon receipt of such notification and supporting
291 documents, the appointing insurer shall immediately cancel the
292 licensee's appointment. The licensee may be reappointed only
293 upon certification by the former insurer that all forfeitures
294 and judgments on bonds written by the licensee have been
295 discharged. The appointing insurer or former agent may, within
296 10 days, file a petition with the department seeking relief from
297 this paragraph. Filing of the petition stays the duty of the
298 appointing insurer to cancel the appointment until the
299 department grants or denies the petition; and

300 (c) Any other information that the department reasonably

301 requires concerning the proposed appointee.

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

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

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

320 648.386 Qualifications for prelicensing and continuing
 321 education schools and instructors.—

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

326 entity must:

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

329 (b) Submit a course curriculum to the department for
 330 approval.

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

336 Section 10. Section 648.3875, Florida Statutes, is created
 337 to read:

338 648.3875 Primary bail bond agents; qualifications.-

339 (1) An application for designation as a primary bail bond
 340 agent must be submitted on forms prescribed by the department.
 341 The application must include the applicant's full name; date of
 342 birth; social security number; residence, business, and mailing
 343 addresses; contact telephone numbers, including a business
 344 telephone number; e-mail address; and the number and date of
 345 issuance of the applicant's license issued pursuant to s.
 346 648.27.

347 (2) To qualify as a primary bail bond agent, it must
 348 affirmatively appear at the time of application and throughout
 349 the period of licensure that the applicant has complied with s.
 350 648.285 and has been licensed and appointed for the 2 previous

351 years.

352 Section 11. Section 648.39, Florida Statutes, is amended
 353 to read:

354 648.39 Termination of appointment of managing general
 355 agents and, bail bond agents, ~~and temporary bail bond agents.~~

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

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

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

HB 1141

2022

376 in chapter 903.

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

378 Section 13. Section 648.42, Florida Statutes, is amended
379 to read:

380 648.42 Registration of bail bond agents.—A bail bond agent
381 may not become a surety on an undertaking unless he or she has
382 registered in the office of the sheriff and with the clerk of
383 the circuit court in the county in which the bail bond agent
384 resides. The bail bond agent may register in a like manner in
385 any other county, and any bail bond agent shall file a certified
386 copy of his or her appointment by power of attorney from each
387 insurer which he or she represents as a bail bond agent with
388 each of such officers. Registration and filing of a certified
389 copy of renewed power of attorney shall be performed by April 1
390 of each odd-numbered year. The clerk of the circuit court and
391 the sheriff shall not permit the registration of a bail bond
392 agent unless such bail bond agent is currently licensed by the
393 department and appointed by an insurer ~~the department~~. ~~Nothing~~
394 ~~in this section shall prevent the registration of a temporary~~
395 ~~licensee at the jail for the purposes of enabling the licensee~~
396 ~~to perform the duties under such license as set forth in this~~
397 ~~chapter.~~

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

401 648.44 Prohibitions; penalty.—

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

404 (a) Suggest or advise the employment of, or name for
 405 employment, any particular attorney to represent his or her
 406 principal.

407 (b) Directly or indirectly solicit business in or on the
 408 property or grounds of a jail, prison, or other place where
 409 prisoners are confined or in or on the property or grounds of
 410 any court. The term "solicitation" includes the distribution of
 411 business cards, print advertising, or other written or oral
 412 information directed to prisoners or potential indemnitors,
 413 unless a request is initiated by the prisoner or a potential
 414 indemnitor. Permissible print advertising in the jail is
 415 strictly limited to a listing in a telephone directory and the
 416 posting of the bail bond agent's or agency's name, address, and
 417 telephone number in a designated location within the jail.

418 (c) Initiate in-person or telephone solicitation after
 419 9:00 p.m. or before 8:00 a.m., in the case of domestic violence
 420 cases, at the residence of the detainee or the detainee's
 421 family. Any solicitation not prohibited by this chapter must
 422 comply with the telephone solicitation requirements in ss.
 423 501.059(2) and (4), 501.613, and 501.616(6).

424 (d) Wear or display any identification other than the
 425 department issued or approved license or approved department

HB 1141

2022

426 identification, which includes a citation of the licensee's
427 arrest powers, in or on the property or grounds of a jail,
428 prison, or other place where prisoners are confined or in or on
429 the property or grounds of any court.

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

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

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

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

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

445 (j) Accept anything of value from a principal for
446 providing a bail bond except the premium and transfer fee
447 authorized by the office, except that the bail bond agent may
448 accept collateral security or other indemnity from the principal
449 or another person in accordance with ~~the provisions of s.~~
450 648.442, together with documentary stamp taxes, if applicable.

451 No fees, expenses, or charges of any kind shall be permitted to
 452 be deducted from the collateral held or any return premium due,
 453 except as authorized by this chapter or rule of the department
 454 or commission. A bail bond agent may, upon written agreement
 455 with another party, receive a fee or compensation for returning
 456 to custody an individual who has fled the jurisdiction of the
 457 court or caused the forfeiture of a bond.

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

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

462 (m) Execute a bond in this state if a judgment has been
 463 entered on a bond executed by the bail bond agent, which has
 464 remained unpaid for 35 days, unless the full amount of the
 465 judgment is deposited with the clerk in accordance with s.
 466 903.27(5).

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

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

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

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

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

482 (b) Police officers or employees of any police department
 483 or law enforcement agency.

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

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

488 (e) Attorneys.

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

492 (8)

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

498 (d) Upon the filing of an information or indictment
 499 against a bail bond agent ~~or temporary bail bond agent,~~ the
 500 state attorney or clerk of the circuit court shall immediately

501 furnish the department a certified copy of the information or
 502 indictment.

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

505 648.441 Furnishing supplies to unlicensed bail bond agent
 506 prohibited; civil liability and penalty.—

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

520 Section 16. Section 648.50, Florida Statutes, is amended
 521 to read:

522 648.50 Effect of suspension, revocation upon associated
 523 licenses and licensees.—

524 (1) Upon the suspension, revocation, or refusal to renew
 525 or continue any license or appointment or the eligibility to

526 | hold a license or appointment of a bail bond agent ~~or temporary~~
 527 | ~~bail bond agent~~, the department shall at the same time likewise
 528 | suspend or revoke all other licenses or appointments and the
 529 | eligibility to hold any other such licenses or appointments
 530 | which may be held by the licensee under the Florida Insurance
 531 | Code.

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

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

547 | Section 17. Present paragraphs (a) through (f) of
 548 | subsection (1) of section 784.07, Florida Statutes, are
 549 | redesignated as paragraphs (b) through (g), respectively, a new
 550 | paragraph (a) is added to that subsection, and subsection (2) of

551 that section is amended, to read:

552 784.07 Assault or battery of law enforcement officers,
 553 firefighters, emergency medical care providers, public transit
 554 employees or agents, or other specified officers;
 555 reclassification of offenses; minimum sentences.—

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

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

562 (2) Whenever any person is charged with knowingly
 563 committing an assault or battery upon a law enforcement officer,
 564 a firefighter, an emergency medical care provider, a bail bond
 565 agent, a railroad special officer, a traffic accident
 566 investigation officer as described in s. 316.640, a nonsworn law
 567 enforcement agency employee who is certified as an agency
 568 inspector, a blood alcohol analyst, or a breath test operator
 569 while such employee is in uniform and engaged in processing,
 570 testing, evaluating, analyzing, or transporting a person who is
 571 detained or under arrest for DUI, a law enforcement explorer, a
 572 traffic infraction enforcement officer as described in s.
 573 316.640, a parking enforcement specialist as defined in s.
 574 316.640, a person licensed as a security officer as defined in
 575 s. 493.6101 and wearing a uniform that bears at least one patch

576 or emblem that is visible at all times that clearly identifies
577 the employing agency and that clearly identifies the person as a
578 licensed security officer, or a security officer employed by the
579 board of trustees of a community college, while the officer,
580 firefighter, emergency medical care provider, bail bond agent,
581 railroad special officer, traffic accident investigation
582 officer, traffic infraction enforcement officer, inspector,
583 analyst, operator, law enforcement explorer, parking enforcement
584 specialist, public transit employee or agent, or security
585 officer is engaged in the lawful performance of his or her
586 duties, the offense for which the person is charged shall be
587 reclassified as follows:

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

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

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

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

606 Section 18. Paragraph (a) of subsection (4) of section
 607 843.021, Florida Statutes, is amended to read:

608 843.021 Unlawful possession of a concealed handcuff key.—

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

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

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

617 Section 19. Section 903.28, Florida Statutes, is amended
 618 to read:

619 903.28 Remission of forfeiture; conditions.—

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

623 (2) If the defendant surrenders or is apprehended or
 624 deceased within 90 days after forfeiture, the court, on motion
 625 at a hearing upon notice having been given to the clerk of the

HB 1141

2022

626 circuit court and the state attorney as required in subsection
627 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 100
628 percent of a forfeiture if the surety apprehended and
629 surrendered the defendant or if the apprehension or surrender of
630 the defendant was substantially procured or caused by the
631 surety; ~~or~~ the surety has substantially attempted to procure or
632 cause the apprehension or surrender of the defendant, and the
633 delay has not thwarted the proper prosecution of the defendant; or
634 or the defendant is deceased. In addition, remission shall be
635 granted when the surety did not substantially participate or
636 attempt to participate in the apprehension or surrender of the
637 defendant when the costs of returning the defendant to the
638 jurisdiction of the court have been deducted from the remission
639 and when the delay has not thwarted the proper prosecution of
640 the defendant.

641 (3) If the defendant surrenders or is apprehended or
642 deceased within 180 days after forfeiture, the court, on motion
643 at a hearing upon notice having been given to the clerk of the
644 circuit court and the state attorney as required in subsection
645 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 95
646 percent of a forfeiture if the surety apprehended and
647 surrendered the defendant or if the apprehension or surrender of
648 the defendant was substantially procured or caused by the
649 surety; ~~or~~ the surety has substantially attempted to procure or
650 cause the apprehension or surrender of the defendant, and the

651 delay has not thwarted the proper prosecution of the defendant;
 652 or the defendant is deceased. In addition, remission shall be
 653 granted when the surety did not substantially participate or
 654 attempt to participate in the apprehension or surrender of the
 655 defendant when the costs of returning the defendant to the
 656 jurisdiction of the court have been deducted from the remission
 657 and when the delay has not thwarted the proper prosecution of
 658 the defendant.

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

676 | the defendant.

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

695 | (6) If the defendant surrenders or is apprehended or
 696 | deceased within 2 years after forfeiture, the court, on motion
 697 | at a hearing upon notice having been given to the clerk of the
 698 | circuit court and the state attorney as required in subsection
 699 | (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 50
 700 | percent of a forfeiture if the surety apprehended and

HB 1141

2022

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

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

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

723 (9)~~(8)~~ An application for remission must be accompanied by
724 affidavits setting forth the facts on which it is founded;
725 however, the surety must establish by further documentation or

HB 1141

2022

726 other evidence any claimed attempt at procuring or causing the
727 apprehension or surrender of the defendant before the court may
728 order remission based upon an attempt to procure or cause such
729 apprehension or surrender. The clerk of the circuit court and
730 the state attorney must be given 20 days' notice before a
731 hearing on an application and be furnished copies of all papers,
732 applications, and affidavits. Remission shall be granted on the
733 condition of payment of costs, unless the ground for remission
734 is that there was no breach of the bond.

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

740 (11)~~(10)~~ The clerk of the circuit court is the real party
741 in interest for all appeals arising from an action for the
742 remission of a forfeiture under this section.

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