

1                   A bill to be entitled  
2           An act relating to bail bond agents; amending s.  
3           648.26, F.S.; providing construction for certain  
4           investigatory records of the Department of Financial  
5           Services that are confidential and exempt from public  
6           records requirements; amending s. 648.285, F.S.;  
7           providing that persons who manage bail bond agencies  
8           are subject to certain requirements; revising  
9           requirements for persons who own, control, or have  
10          pecuniary interests in bail bond agencies; amending s.  
11          648.355, F.S.; providing for licensure, rather than  
12          temporary licensure, of limited surety agents and  
13          professional bail bond agents; revising the timeframe  
14          for an applicant's completion of specified coursework  
15          before applying for licensure; deleting provisions  
16          relating to work requirements for a license applicant;  
17          authorizing individuals licensed as temporary bail  
18          bond agents to take bail bond agent's licensure  
19          examinations and apply for bail bond agent's licenses  
20          under certain circumstances; prohibiting the  
21          department from issuing temporary bail bond agent's  
22          licenses on or after a specified date; authorizing  
23          individuals licensed as temporary bail bond agents to  
24          continue to be licensed; prohibiting temporary bail  
25          bond's licenses from being reinstated; amending s.

26 648.386, F.S.; revising criteria for approval and  
27 certification as an approved limited surety agent and  
28 professional bail bond agent continuing education  
29 school to require continuing education classes to be  
30 classroom instruction; defining the term "classroom  
31 instruction"; creating s. 648.3875, F.S.; specifying  
32 requirements for applications for designation as a  
33 primary bail bond agent; specifying qualifications for  
34 primary bail bond agents; repealing s. 648.41, F.S.,  
35 relating to termination of appointment of temporary  
36 bail bond agents; amending s. 648.42, F.S.; revising  
37 the entities from whom a bail bond agent must receive  
38 appointment before registering as a bail bond agent;  
39 conforming provisions to changes made by the act;  
40 amending ss. 648.25, 648.27, 648.30, 648.31, 648.34,  
41 648.382, 648.39, 648.44, 648.441, and 648.50, F.S.;  
42 conforming provisions to changes made by the act;  
43 amending s. 648.46, F.S.; providing construction  
44 relating to complaints and certain information held by  
45 the department that are confidential and exempt from  
46 public records requirements; amending s. 784.07, F.S.;  
47 defining the term "bail bond agent"; amending s.  
48 843.021, F.S.; conforming a provision to changes made  
49 by the act; revising a defense to the charge of  
50 unlawful possession of a concealed handcuff key;

51 amending s. 903.28, F.S.; specifying procedures for  
 52 remission of forfeitures of deceased defendants;  
 53 revising the amounts of forfeitures that must be  
 54 remitted; specifying procedures for remission of  
 55 forfeitures of defendants for whom the state is  
 56 unwilling to seek extradition; providing an effective  
 57 date.

58

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

60

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

63 648.25 Definitions.—As used in this chapter, the term:

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

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

79 Section 2. Subsection (3) of section 648.26, Florida  
 80 Statutes, is amended to read:

81 648.26 Department of Financial Services; administration.-

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

100 Section 3. Subsection (5) of section 648.27, Florida

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101 Statutes, is amended to read:

102 648.27 Licenses and appointments; general.—

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

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

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

112 648.285 Bond agency; ownership requirements.—

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

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

124 648.30 Licensure and appointment required; prohibited  
 125 acts; penalties.—

126 (1) A person may not act in the capacity of a bail bond  
 127 agent ~~or temporary bail bond agent~~ or perform any of the  
 128 functions, duties, or powers prescribed for bail bond agents ~~or~~  
 129 ~~temporary bail bond agents~~ under this chapter unless that person  
 130 is qualified, licensed, and appointed as provided in this  
 131 chapter.

132 Section 6. Section 648.31, Florida Statutes, is amended to  
 133 read:

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

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

140 648.34 Bail bond agents; qualifications.—

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

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

149 (b) ~~The applicant~~ Is a United States citizen or legal  
 150 alien who possesses work authorization from the United States

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

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

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

172 (e) ~~The applicant~~ Is a person of high character and  
173 approved integrity and has not been convicted of or pleaded  
174 guilty or no contest to a felony, a crime involving moral  
175 turpitude, or a crime punishable by imprisonment of 1 year or

176 more under the law of any state, territory, or country, whether  
177 or not a judgment or conviction has been entered.

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

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

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

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

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

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



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

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

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

226 ~~department may adopt rules that establish standards for the~~  
227 ~~employment requirements.~~

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

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

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

238 (2) All applicable license fees, as prescribed in s.  
239 624.501, must be paid before issuance of the ~~temporary~~ license.

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

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

251 Investigation relative to the existence or nonexistence of a  
252 criminal history report based on the applicant's fingerprints.

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

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

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

276       ~~(8)(a) A temporary licensee has the same authority as a~~  
277       ~~licensed bail bond agent, including presenting defendants in~~  
278       ~~court; apprehending, arresting, and surrendering defendants to~~  
279       ~~the proper authorities; and keeping defendants under necessary~~  
280       ~~surveillance. However, a temporary licensee must be accompanied~~  
281       ~~by a supervising bail bond agent or an agent from the same~~  
282       ~~agency when apprehending, arresting, or surrendering defendants~~  
283       ~~to authorities.~~

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

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

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

301           648.382 Appointment of bail bond agents ~~and temporary bail~~  
302 ~~bond agents~~; effective date of appointment.—

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

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

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

326 reputation and is fit to engage in the bail bond business;

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

348 (c) Any other information that the department reasonably  
349 requires concerning the proposed appointee.

350 (3) By authorizing the effectuation of an appointment for

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

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

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

368 648.386 Qualifications for prelicensing and continuing  
 369 education schools and instructors.—

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

375 (a) Provide a minimum of three classroom-instruction

376 continuing education classes per calendar year.

377 (b) Submit a course curriculum to the department for  
378 approval.

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

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

388 Section 11. Section 648.3875, Florida Statutes, is created  
389 to read:

390 648.3875 Primary bail bond agents; qualifications.-

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

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



401 appointment as a primary bail bond agent.

402 Section 12. Section 648.39, Florida Statutes, is amended  
403 to read:

404 648.39 Termination of appointment of managing general  
405 agents and, bail bond agents, ~~and temporary bail bond agents.~~

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

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

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

426 in chapter 903.

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

428 Section 14. Section 648.42, Florida Statutes, is amended  
429 to read:

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

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

451 648.44 Prohibitions; penalty.—

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

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

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

468 (c) Initiate in-person or telephone solicitation after  
469 9:00 p.m. or before 8:00 a.m., in the case of domestic violence  
470 cases, at the residence of the detainee or the detainee's  
471 family. Any solicitation not prohibited by this chapter must  
472 comply with the telephone solicitation requirements in ss.  
473 501.059(2) and (4), 501.613, and 501.616(6).

474 (d) Wear or display any identification other than the  
475 department issued or approved license or approved department

476 identification, which includes a citation of the licensee's  
 477 arrest powers, in or on the property or grounds of a jail,  
 478 prison, or other place where prisoners are confined or in or on  
 479 the property or grounds of any court.

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

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

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

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

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

495 (j) Accept anything of value from a principal for  
 496 providing a bail bond except the premium and transfer fee  
 497 authorized by the office, except that the bail bond agent may  
 498 accept collateral security or other indemnity from the principal  
 499 or another person in accordance with ~~the provisions of s.~~  
 500 648.442, together with documentary stamp taxes, if applicable.

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

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

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

512 (m) Execute a bond in this state if a judgment has been  
 513 entered on a bond executed by the bail bond agent, which has  
 514 remained unpaid for 35 days, unless the full amount of the  
 515 judgment is deposited with the clerk in accordance with s.  
 516 903.27(5).

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

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

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

526 (2) The following persons or classes shall not be bail  
 527 bond agents, ~~temporary bail bond agents,~~ or employees of a bail  
 528 bond agent or a bail bond business and shall not directly or  
 529 indirectly receive any benefits from the execution of any bail  
 530 bond:

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

532 (b) Police officers or employees of any police department  
 533 or law enforcement agency.

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

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

538 (e) Attorneys.

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

542 (8)

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

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

551 furnish the department a certified copy of the information or  
 552 indictment.

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

555 648.441 Furnishing supplies to unlicensed bail bond agent  
 556 prohibited; civil liability and penalty.—

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

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

572 648.46 Procedure for disciplinary action against  
 573 licensees.—

574 (3) The complaint and all information obtained pursuant to  
 575 the investigation of the department are confidential and exempt

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576 from the provisions of s. 119.07(1) until such investigation is  
577 completed or ceases to be active. For the purpose of this  
578 section, an investigation is considered "active" while the  
579 investigation is being conducted by the department with a  
580 reasonable, good faith belief that it may lead to the filing of  
581 administrative, civil, or criminal proceedings. An investigation  
582 does not cease to be active if the department is proceeding with  
583 reasonable dispatch and there is good faith belief that action  
584 may be initiated by the department or other administrative or  
585 law enforcement agency. This subsection does not prevent the  
586 department or office from disclosing the complaint or such  
587 information as it deems necessary to conduct the investigation,  
588 to update the complainant as to the status and outcome of the  
589 complaint, or to share such information with any law enforcement  
590 agency or other regulatory body.

591 Section 18. Section 648.50, Florida Statutes, is amended  
592 to read:

593 648.50 Effect of suspension, revocation upon associated  
594 licenses and licensees.—

595 (1) Upon the suspension, revocation, or refusal to renew  
596 or continue any license or appointment or the eligibility to  
597 hold a license or appointment of a bail bond agent ~~or temporary~~  
598 ~~bail bond agent~~, the department shall at the same time likewise  
599 suspend or revoke all other licenses or appointments and the  
600 eligibility to hold any other such licenses or appointments



601 which may be held by the licensee under the Florida Insurance  
 602 Code.

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

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

618 Section 19. Present paragraphs (a) through (f) of  
 619 subsection (1) of section 784.07, Florida Statutes, are  
 620 redesignated as paragraphs (b) through (g), respectively, a new  
 621 paragraph (a) is added to that subsection, to read:

622 784.07 Assault or battery of law enforcement officers,  
 623 firefighters, emergency medical care providers, public transit  
 624 employees or agents, or other specified officers;  
 625 reclassification of offenses; minimum sentences.—

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

627 (a) "Bail bond agent" means an individual licensed under  
 628 chapter 648 in good standing, a professional bail bond agent as  
 629 defined in s. 648.25 in good standing, or an individual licensed  
 630 as a bail bond agent in another state in good standing.

631 Section 20. Paragraph (a) of subsection (4) of section  
 632 843.021, Florida Statutes, is amended to read:

633 843.021 Unlawful possession of a concealed handcuff key.—

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

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

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

642 Section 21. Section 903.28, Florida Statutes, is amended  
 643 to read:

644 903.28 Remission of forfeiture; conditions.—

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

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

651 circuit court and the state attorney as required in subsection  
652 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 100  
653 percent of a forfeiture if the surety apprehended and  
654 surrendered the defendant or if the apprehension or surrender of  
655 the defendant was substantially procured or caused by the  
656 surety; ~~or~~ the surety has substantially attempted to procure or  
657 cause the apprehension or surrender of the defendant, and the  
658 delay has not thwarted the proper prosecution of the defendant; or  
659 the defendant is deceased. In addition, remission shall be  
660 granted when the surety did not substantially participate or  
661 attempt to participate in the apprehension or surrender of the  
662 defendant when the costs of returning the defendant to the  
663 jurisdiction of the court have been deducted from the remission  
664 and when the delay has not thwarted the proper prosecution of  
665 the defendant.

666 (3) If the defendant surrenders or is apprehended or  
667 deceased within 180 days after forfeiture, the court, on motion  
668 at a hearing upon notice having been given to the clerk of the  
669 circuit court and the state attorney as required in subsection  
670 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 95  
671 percent of a forfeiture if the surety apprehended and  
672 surrendered the defendant or if the apprehension or surrender of  
673 the defendant was substantially procured or caused by the  
674 surety; ~~or~~ the surety has substantially attempted to procure or  
675 cause the apprehension or surrender of the defendant, and the

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

684 |         (4) If the defendant surrenders or is apprehended or  
 685 | deceased within 270 days after forfeiture, the court, on motion  
 686 | at a hearing upon notice having been given to the clerk of the  
 687 | circuit court and the state attorney as required in subsection  
 688 | (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 90  
 689 | percent of a forfeiture if the surety apprehended and  
 690 | surrendered the defendant or if the apprehension or surrender of  
 691 | the defendant was substantially procured or caused by the  
 692 | surety; ~~or~~ the surety has substantially attempted to procure or  
 693 | cause the apprehension or surrender of the defendant, and the  
 694 | delay has not thwarted the proper prosecution of the defendant;  
 695 | or the defendant is deceased. In addition, remission shall be  
 696 | granted when the surety did not substantially participate or  
 697 | attempt to participate in the apprehension or surrender of the  
 698 | defendant when the costs of returning the defendant to the  
 699 | jurisdiction of the court have been deducted from the remission  
 700 | and when the delay has not thwarted the proper prosecution of

701 the defendant.

702 (5) If the defendant surrenders or is apprehended or  
703 deceased within 1 year after forfeiture, the court, on motion at  
704 a hearing upon notice having been given to the clerk of the  
705 circuit court and the state attorney as required in subsection  
706 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 85  
707 percent of a forfeiture if the surety apprehended and  
708 surrendered the defendant or if the apprehension or surrender of  
709 the defendant was substantially procured or caused by the  
710 surety; ~~or~~ the surety has substantially attempted to procure or  
711 cause the apprehension or surrender of the defendant, and the  
712 delay has not thwarted the proper prosecution of the defendant;  
713 or the defendant is deceased. In addition, remission shall be  
714 granted when the surety did not substantially participate or  
715 attempt to participate in the apprehension or surrender of the  
716 defendant when the costs of returning the defendant to the  
717 jurisdiction of the court have been deducted from the remission  
718 and when the delay has not thwarted the proper prosecution of  
719 the defendant.

720 (6) If the defendant surrenders or is apprehended or  
721 deceased within 2 years after forfeiture, the court, on motion  
722 at a hearing upon notice having been given to the clerk of the  
723 circuit court and the state attorney as required in subsection  
724 (9) ~~(8)~~, shall direct remission of ~~up to, but not more than,~~ 50  
725 percent of a forfeiture if the surety apprehended and

726 surrendered the defendant or if the apprehension or surrender of  
 727 the defendant was substantially procured or caused by the  
 728 surety;~~; or~~ the surety has substantially attempted to procure or  
 729 cause the apprehension or surrender of the defendant, and the  
 730 delay has not thwarted the proper prosecution of the defendant;  
 731 or the defendant is deceased. In addition, remission shall be  
 732 granted when the surety did not substantially participate or  
 733 attempt to participate in the apprehension or surrender of the  
 734 defendant when the costs of returning the defendant to the  
 735 jurisdiction of the court have been deducted from the remission  
 736 and when the delay has not thwarted the proper prosecution of  
 737 the defendant.

738 (7) For a period of 2 years after the date of forfeiture,  
 739 if the state is unwilling to seek extradition of the defendant  
 740 from any jail or prison after a request by the surety agent or  
 741 the surety company, and contingent upon the surety agent or  
 742 surety company consenting to pay all costs incurred by an  
 743 official in returning the defendant to the jurisdiction of the  
 744 court, up to the penal amount of the bond, the court shall  
 745 direct remission of 100 percent of the forfeiture.

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

748 (9)~~(8)~~ An application for remission must be accompanied by  
 749 affidavits setting forth the facts on which it is founded;  
 750 however, the surety must establish by further documentation or

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751 other evidence any claimed attempt at procuring or causing the  
752 apprehension or surrender of the defendant before the court may  
753 order remission based upon an attempt to procure or cause such  
754 apprehension or surrender. The clerk of the circuit court and  
755 the state attorney must be given 20 days' notice before a  
756 hearing on an application and be furnished copies of all papers,  
757 applications, and affidavits. Remission shall be granted on the  
758 condition of payment of costs, unless the ground for remission  
759 is that there was no breach of the bond.

760 (10)~~(9)~~ The clerk of the circuit court may enter into a  
761 contract with a private attorney or into an interagency  
762 agreement with a governmental agency to represent the clerk of  
763 the court in an action for the remission of a forfeiture under  
764 this section.

765 (11)~~(10)~~ The clerk of the circuit court is the real party  
766 in interest for all appeals arising from an action for the  
767 remission of a forfeiture under this section.

768 Section 22. This act shall take effect July 1, 2022.