

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF AGENT AND AGENCY SERVICES

NOTICE OF PROPOSED RULE DEVELOPMENT

RULE:

RULE TITLE:

69B-221.051, F.A.C.

Actively Engaged in Business; Place Suitably Designated; Accessible to Public

PURPOSE AND EFFECT: The proposed rule amendment revises the rule to advise Bail Bond agents and other interested persons that the rule's referenced forms may be obtained by visiting the Department's website. The effect of the proposed amendment is to provide a more efficient and expedient option for obtaining required forms; minor ministerial changes have also been made to the proposed rule.

SUBJECT AREA TO BE ADDRESSED: Obtaining required forms through the Department's website.

RULEMAKING AUTHORITY: 648.26(1)(a), 648.355(1)(e), F.S.

LAW IMPLEMENTED: 648.25, 648.34, 648.355, 648.387, 648.44(6), F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, December 15, 2010 @ 2:30 P.M.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319; 850-413-5654.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-221.051 Actively Engaged in Business; Place Suitably Designated; Accessible to Public.

Every bail bond agent must be actively engaged in the bail bond business; in a building suitably designated as a bail bond agency, which must be maintained open and accessible to the public to render service during reasonable business hours.

(1) Each bail bond agency, and each branch office, shall be in the active full-time charge of a licensed and appointed primary bail bond agent as required by Section 648.387, F.S., and shall be designated on form DFS-H2-

1541 ~~(07/02)~~ “Designation or Deletion of Primary Bail Bond Agent for Bail Bond Agency and Filing of Business Names”, which is adopted and incorporated herein by reference. This form is available from the Division of Agents and Agency Services, Department of Financial Services at
<http://www.myfloridacfo.com/Agents/Licensure/Forms/index.htm> ~~from the Bail Bond section.~~

(2) and (3) No Change.

(4)(a) A temporary bail bond agent must be employed full-time and shall be physically accompanied by the supervising bail bond agent or bail bond agent from the same agency as required by Sections 648.25~~(8)(9)~~ and 648.355(8), F.S. As used in this rule, the term “full-time” means that the temporary bail bond agent must work at least 1,540 hours during 12 months of employment as a temporary bail bond agent. This will result in an average of slightly less than 30 hours per week. Each employer of a temporary bail bond agent must provide the temporary bail bond agent the opportunity to work at least 30 hours a week during the period of employment and may allow the temporary bail bond agent to work more than 30 hours per week.

(b) No Change.

(c) The supervising bail bond agent shall file monthly a certified report under oath on form DFS-H2-1543, ~~(rev. 07/02)~~, “Temporary Bail Bond Agent Employment Report”, which is adopted and incorporated herein by reference, ~~with the Department of Financial Services, Bail Bond Section, 200 East Gaines Street, Tallahassee, Florida 32399-0320. This~~ All forms is referenced in this rule chapter are available at this address from the Division of Agents and Agency Services, Department of Financial Services at
<http://www.myfloridacfo.com/Agents/Licensure/Forms/index.htm>.

Rulemaking Specific Authority 648.26, 648.355(1)(e) FS. Law Implemented 648.25, 648.34, 648.355, 648.387, 648.44(6) FS. History—Repromulgated 12-24-74, Amended 7-27-78, 12-23-82, Formerly 4-1.04, 4-1.004, Amended 4-14-97, 7-2-98, 1-22-03, Formerly 4-221.051, Amended 8-12-04, _____.