

69B-221.075 Power of Attorney; Penal Sum of Bond; Not Applicable to Automobile Clubs.

(1) Section 903.09, F.S., is interpreted to mean that every licensed limited surety agent must attach to each bond a duly executed power of attorney in an amount of at least the penal sum of the bond. This section shall not apply to any card or certificate of membership of an automobile club or association qualified under Section 627.758, F.S., relating to Guaranteed Arrest Bond Certificates, Bail Bond Certificates, or Powers of Attorney for Bail Bonds sold by licensed surety companies to recognized automobile clubs or associations.

(2) The Department shall approve the power of attorney form of an insurer that includes the following:

(a) The full name, address and phone number of the surety company issuing the power.

(b) A number that will be unique to each power issued.

(c) The maximum amount the power may be written.

(d) The date the power will become void.

(e) Sections that allow for the following information to be entered on each power:

1. Amount of the bail bond.

2. Name of the defendant.

3. Amount of the premium for the bond.

4. Name of the court.

5. Address of the court.

6. Case number.

7. Executing bail bond agent's printed name.

8. Executing bail bond agent's Florida license number.

9. Executing bail bond agent's signature.

(f) The number of pages or copies to be a part of the form and the identity of each party to receive a part of the form. Examples include: defendant, court, clerk, insurer, bail bond agent.

(g) The limitations of the power. An example of a limitation of the power would be:

*This power of attorney is for use with bail bonds for State, County, and Municipal Courts only (not valid in Federal Court) and not to exceed the above stated amount. This power must be filed with the court as a permanent court record to obligate the surety, for court appearances only, of the named Defendant. This power shall not obligate the surety for the Defendant's future lawful conduct, court imposed conditions, restrictions, or fines, costs, restitution or any other circumstances not specifically related to court appearances. This power is void if its original format has been altered, if it exceeds the maximum amount listed, is used with other (surety name) powers to cover one bond amount, or is used by an individual who is not authorized to execute surety bonds on behalf of (surety name).*

(h) A company statement appointing the licensed bail bond agent as attorney-in-fact for the insurer. An example of an acceptable appointing statement would be:

Know all men by these presents that (surety company), a corporation duly organized and existing under the laws of the State of XXXX, does constitute and appoint the below named executing agent as its true and lawful Attorney-in-Fact in its name, place and stead to execute, seal and deliver for and on its behalf, a surety bail bond for the named Defendant.

(i) A signature statement from an official of the insurer. An example of an acceptable signature statement would be:

In witness whereof, (surety company) has caused this instrument to be signed and sealed by its duly authorized officer.

(j) Corporate seal of the insurer.

(3) The Department shall advise the insurer of approval of the power of attorney via email.

Rulemaking Specific Authority 624.308(1), 648.26 FS. Law Implemented 648.43, 903.09 FS. History—Repromulgated 12-24-74, Formerly 4-1.08, Amended 9-10-91, Formerly 4-1.008, Formerly 4-221.075, Amended \_\_\_\_\_.