

1                   A bill to be entitled  
2           An act relating to the Department of Financial  
3           Services; amending s. 17.64, F.S.; providing that  
4           electronic images of warrants, vouchers, or checks in  
5           the Division of Treasury are deemed to be original  
6           records; revising the applicable medium, from film or  
7           print to electronic, in provisions relating to copies  
8           and reproductions of records and documents of the  
9           division; amending s. 20.121, F.S.; renaming the  
10          Bureau of Fire and Arson Investigations within the  
11          Division of Investigative and Forensic Services as the  
12          Bureau of Fire, Arson, and Explosives Investigations;  
13          creating the Bureau of Insurance Fraud and the Bureau  
14          of Workers' Compensation Fraud within the division;  
15          amending s. 39.6035, F.S.; requiring certain child  
16          transition plans to address financial literacy;  
17          specifying requirements for the Department of Children  
18          and Families and community-based providers relating to  
19          a certain financial literacy curriculum offered by the  
20          department; amending s. 39.6251, F.S.; revising  
21          conditions under which certain children are eligible  
22          to remain in licensed care; amending s. 284.50, F.S.;  
23          requiring safety coordinators of state governmental  
24          departments to complete, within a certain timeframe,  
25          safety coordinator training offered by the department;

26 requiring certain agencies to report certain return-  
27 to-work information to the department; authorizing the  
28 department to disclose certain personal identifying  
29 information of injured or deceased employees which is  
30 exempt from disclosure under the Workers' Compensation  
31 Law to department-contracted vendors for certain  
32 purposes; requiring agencies to provide certain risk  
33 management program information to the Division of Risk  
34 Management for certain purposes; specifying  
35 requirements for agencies in reviewing and responding  
36 to certain information and communications provided by  
37 the division; amending s. 409.1451, F.S.; revising  
38 conditions under which a young adult is eligible for  
39 postsecondary education services and support under the  
40 Road-to-Independence Program; amending s. 414.411,  
41 F.S.; replacing the Department of Economic Opportunity  
42 with the Department of Education in a list of entities  
43 to which a public assistance recipient may be required  
44 to provide written consent for certain investigative  
45 inquiries; amending s. 497.168, F.S.; providing an  
46 exemption from specified application fees for members  
47 and certain veterans of the United States Armed  
48 Forces; requiring such members and veterans to provide  
49 certain documentation of good standing or honorable  
50 discharge; amending s. 497.456, F.S.; specifying the

51 date when the department must annually review the  
52 status of the Preneed Funeral Contract Consumer  
53 Protection Trust Fund; requiring the department to  
54 transfer, for certain purposes, trust fund sums in  
55 excess of a specified amount to the Regulatory Trust  
56 Fund each year; amending s. 624.317, F.S.; authorizing  
57 the department to conduct investigations of any,  
58 rather than specified, agents subject to its  
59 jurisdiction; amending ss. 624.34, 624.4094, 624.501,  
60 624.509, and 625.071, F.S.; conforming provisions to  
61 changes made by the act; amending s. 626.112, F.S.;  
62 requiring a managing general agent to hold a currently  
63 effective producer license rather than a managing  
64 general agent license; amending s. 626.171, F.S.;  
65 deleting applicability of licensing provisions as to  
66 managing general agents; making a technical change;  
67 amending s. 626.202, F.S.; providing that certain  
68 applicants are not required to resubmit fingerprints  
69 to the department under certain circumstances;  
70 authorizing the department to require these applicants  
71 to file fingerprints under certain circumstances;  
72 providing an exemption from fingerprinting  
73 requirements for members and certain veterans of the  
74 United States Armed Forces; requiring such members and  
75 veterans to provide certain documentation of good

76 standing or honorable discharge; amending s. 626.207,  
77 F.S.; conforming a provision to changes made by the  
78 act; amending s. 626.221, F.S.; adding a designation  
79 that exempts applicants for licensure as an all-lines  
80 adjuster from an examination requirement; amending s.  
81 626.451, F.S.; deleting a requirement for law  
82 enforcement agencies and state attorney's offices to  
83 notify the department or the Office of Insurance  
84 Regulation of certain felony dispositions; deleting a  
85 requirement for the state attorney to provide the  
86 department or office a certified copy of an  
87 information or indictment against a managing general  
88 agent; conforming a provision to changes made by the  
89 act; amending s. 626.521, F.S.; revising requirements  
90 for credit and character reports secured and kept by  
91 insurers or employers appointing certain insurance  
92 representatives; amending s. 626.731, F.S.; deleting a  
93 certain qualification for licensure as a general lines  
94 agent; amending s. 626.7351, F.S.; revising a  
95 qualification for licensure as a customer  
96 representative; amending s. 626.744, F.S.; conforming  
97 a provision to changes made by the act; amending s.  
98 626.745, F.S.; revising conditions under which service  
99 representatives and managing general agents may engage  
100 in certain activities; amending ss. 626.7451 and

101 626.7455, F.S.; conforming provisions to changes made  
102 by the act; amending s. 626.752, F.S.; revising a  
103 requirement for the Brokering Agent's Register  
104 maintained by brokering agents; revising the limit on  
105 certain personal lines risks an insurer may receive  
106 from an agent within a specified timeframe before the  
107 insurer must comply with certain reporting  
108 requirements for that agent; amending s. 626.793,  
109 F.S.; revising the limit on certain risks that certain  
110 insurers may receive from a life agent within a  
111 specified timeframe before the insurer must comply  
112 with certain reporting requirements for that agent;  
113 amending s. 626.837, F.S.; revising the limit on  
114 certain risks that certain insurers may receive from a  
115 health agent within a specified timeframe before the  
116 insurer must comply with certain reporting  
117 requirements for that agent; amending s. 626.8732,  
118 F.S.; deleting a requirement for a licensed  
119 nonresident public adjuster to submit a certain annual  
120 affidavit to the department; amending s. 626.8734,  
121 F.S.; deleting a requirement for a nonresident  
122 independent adjuster to submit a certain annual  
123 affidavit to the department; amending s. 626.88, F.S.;  
124 conforming a provision to changes made by the act;  
125 amending s. 626.927, F.S.; revising conditions under

126 | which an individual may be licensed as a surplus lines  
127 | agent solely for the purpose of placing certain  
128 | coverages with surplus lines insurers; amending s.  
129 | 626.929, F.S.; revising a condition under which a  
130 | managing general agent may accept and place certain  
131 | surplus lines business and compensate certain agents;  
132 | amending s. 626.930, F.S.; revising a requirement  
133 | relating to the location of a surplus lines agent's  
134 | surplus lines business records; amending s. 626.9892,  
135 | F.S.; authorizing the department to pay a specified  
136 | amount of rewards under the Anti-Fraud Reward Program  
137 | for information leading to the arrest and conviction  
138 | of persons guilty of arson; amending s. 633.302, F.S.;  
139 | providing for an additional 4-year term for members of  
140 | the Florida Fire Safety Board after their initial  
141 | terms; amending s. 633.304, F.S.; revising  
142 | circumstances under which an inactive fire equipment  
143 | dealer license is void; specifying the timeframe when  
144 | an inactive license must be reactivated; specifying  
145 | that permittees performing certain work on fire  
146 | equipment may be contracted rather than employed;  
147 | revising a requirement for a certain proof-of-  
148 | insurance form to be provided by the insurer rather  
149 | than the State Fire Marshal; amending s. 633.318,  
150 | F.S.; revising a requirement for a certain proof-of-

151 insurance form to be provided by the insurer rather  
152 than the State Fire Marshal; amending s. 633.408,  
153 F.S.; specifying prerequisites and retention  
154 requirements for a Special Certificate of Compliance  
155 that authorizes an individual to serve as an  
156 administrative and command head of a fire service  
157 provider; amending s. 633.416, F.S.; authorizing fire  
158 service providers to employ individuals who received  
159 equivalent training while active in the United States  
160 Department of Defense; requiring the Division of State  
161 Fire Marshal to verify the equivalency of such  
162 training before the individual begins employment;  
163 requiring such individual to obtain a Firefighter  
164 Certificate of Compliance within a specified  
165 timeframe; making a technical change; amending s.  
166 633.444, F.S.; deleting a requirement for the Division  
167 of State Fire Marshal to develop a staffing and  
168 funding formula for the Florida State Fire College;  
169 amending s. 648.27, F.S.; revising conditions under  
170 which a managing general agent must also be licensed  
171 as a bail bond agent; conforming a provision to  
172 changes made by the act; amending s. 648.34, F.S.;  
173 providing that individuals applying for bail bond  
174 agent licensure are not required to resubmit  
175 fingerprints to the department under certain

176 |       circumstances; authorizing the department to require  
177 |       such individuals to file fingerprints under certain  
178 |       circumstances; reenacting s. 626.8734(1)(b), F.S.,  
179 |       relating to nonresident all-lines adjuster license  
180 |       qualifications, to incorporate the amendment made to  
181 |       s. 626.221, F.S., in a reference thereto; providing an  
182 |       effective date.

183 |

184 | Be It Enacted by the Legislature of the State of Florida:

185 |

186 |       Section 1. Section 17.64, Florida Statutes, is amended to  
187 |       read:

188 |       17.64 Division of Treasury to make reproductions of  
189 |       certain warrants, records, and documents.—

190 |       (1) Electronic images, photographs, microphotographs, or  
191 |       reproductions on film of warrants, vouchers, or checks are ~~shall~~  
192 |       be deemed to be original records for all purposes; and any copy  
193 |       or reproduction thereof ~~made from such original film~~, duly  
194 |       certified by the Division of Treasury as a true and correct copy  
195 |       or reproduction ~~made from such film~~, is ~~shall~~ be deemed to be a  
196 |       transcript, exemplification, or certified copy of the original  
197 |       warrant, voucher, or check such copy represents, and must ~~shall~~  
198 |       in all cases and in all courts and places be admitted and  
199 |       received in evidence with the like force and effect as the  
200 |       original thereof might be.

201 (2) The Division of Treasury may electronically  
 202 ~~photograph, microphotograph, or reproduce on film,~~ all records  
 203 and documents of the division, as the Chief Financial Officer,  
 204 in his or her discretion, selects; and the division may destroy  
 205 any such documents or records after they have been reproduced  
 206 electronically ~~photographed~~ and filed and after audit of the  
 207 division has been completed for the period embracing the dates  
 208 of such documents and records.

209 (3) Electronic copies ~~Photographs or microphotographs in~~  
 210 ~~the form of film or prints~~ of any records made in compliance  
 211 with ~~the provisions of~~ this section ~~shall~~ have the same force  
 212 and effect as the originals ~~thereof would~~ have, and must ~~shall~~  
 213 be treated as originals for the purpose of their admissibility  
 214 in evidence. Duly certified or authenticated reproductions of  
 215 such electronic images must ~~photographs or microphotographs~~  
 216 ~~shall~~ be admitted in evidence equally with the original  
 217 electronic images ~~photographs or microphotographs~~.

218 Section 2. Paragraph (e) of subsection (2) of section  
 219 20.121, Florida Statutes, is amended to read:

220 20.121 Department of Financial Services.—There is created  
 221 a Department of Financial Services.

222 (2) DIVISIONS.—The Department of Financial Services shall  
 223 consist of the following divisions and office:

224 (e) The Division of Investigative and Forensic Services,  
 225 which shall function as a criminal justice agency for purposes

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226 of ss. 943.045-943.08. The division may conduct investigations  
227 within or outside of this state as it deems necessary. If,  
228 during an investigation, the division has reason to believe that  
229 any criminal law of this state has or may have been violated, it  
230 shall refer any records tending to show such violation to state  
231 or federal law enforcement or prosecutorial agencies and shall  
232 provide investigative assistance to those agencies as required.

233 The division shall include the following bureaus and office:

- 234 1. The Bureau of Forensic Services;
- 235 2. The Bureau of Fire, and Arson, and Explosives  
236 Investigations; ~~and~~
- 237 3. The Office of Fiscal Integrity, which shall have a  
238 separate budget; ~~and~~
- 239 4. The Bureau of Insurance Fraud; and
- 240 5. The Bureau of Workers' Compensation Fraud.

241 Section 3. Subsection (1) of section 39.6035, Florida  
242 Statutes, is amended to read:

243 39.6035 Transition plan.—

244 (1) During the 180-day period after a child reaches 17  
245 years of age, the department and the community-based care  
246 provider, in collaboration with the caregiver and any other  
247 individual whom the child would like to include, shall assist  
248 the child in developing a transition plan. The required  
249 transition plan is in addition to standard case management  
250 requirements. The transition plan must address specific options

251 for the child to use in obtaining services, including housing,  
252 health insurance, education, financial literacy, a driver  
253 license, and workforce support and employment services. The plan  
254 must also consider establishing and maintaining naturally  
255 occurring mentoring relationships and other personal support  
256 services. The transition plan may be as detailed as the child  
257 chooses. In developing the transition plan, the department and  
258 the community-based provider shall:

259 (a) Provide the child with the documentation required  
260 pursuant to s. 39.701(3); ~~and~~

261 (b) Coordinate the transition plan with the independent  
262 living provisions in the case plan and, for a child with  
263 disabilities, the Individuals with Disabilities Education Act  
264 transition plan; ~~and.~~

265 (c) Provide information for the financial literacy  
266 curriculum for foster youth offered by the Department of  
267 Financial Services, and require completion of the curriculum  
268 with a passing score before receiving aftercare services or  
269 before leaving care as attested by the child's guardian ad  
270 litem.

271 Section 4. Subsection (2) of section 39.6251, Florida  
272 Statutes, is amended to read:

273 39.6251 Continuing care for young adults.—

274 (2) The primary goal for a child in care is permanency. A  
275 child who is living in licensed care on his or her 18th birthday

276 and who has not achieved permanency under s. 39.621 is eligible  
 277 to remain in licensed care under the jurisdiction of the court  
 278 and in the care of the department. A child is eligible to remain  
 279 in licensed care if he or she ~~is~~:

280 (a) Is completing secondary education or a program leading  
 281 to an equivalent credential;

282 (b) Is enrolled in an institution that provides  
 283 postsecondary or vocational education;

284 (c) Is participating in a program or activity designed to  
 285 promote or eliminate barriers to employment;

286 (d) Is employed for at least 80 hours per month; ~~or~~

287 (e) Has completed the financial literacy curriculum for  
 288 foster youth offered by the Department of Financial Services  
 289 with a passing score; or

290 (f)(e) Is unable to participate in programs or activities  
 291 listed in paragraphs (a)-(d) full time due to a physical,  
 292 intellectual, emotional, or psychiatric condition that limits  
 293 participation. Any such barrier to participation must be  
 294 supported by documentation in the child's case file or school or  
 295 medical records of a physical, intellectual, or psychiatric  
 296 condition that impairs the child's ability to perform one or  
 297 more life activities.

298 Section 5. Section 284.50, Florida Statutes, is amended to  
 299 read:

300 284.50 Loss prevention program; safety coordinators;

301 Interagency Advisory Council on Loss Prevention; employee  
302 recognition program; return-to-work programs; disclosure of  
303 certain workers' compensation-related information by the  
304 Department of Financial Services; risk management programs.—

305 (1) The head of each department of state government,  
306 except the Legislature, shall designate a safety coordinator.  
307 Such safety coordinator must be an employee of the department  
308 and must hold a position which has responsibilities comparable  
309 to those of an employee in the Senior Management System. The  
310 Department of Financial Services shall provide appropriate  
311 training to the safety coordinators to permit them to  
312 effectively perform their duties within their respective  
313 departments. Within 1 year after being appointed by his or her  
314 department head, the safety coordinator shall complete safety  
315 coordinator training offered by the Department of Financial  
316 Services. Each safety coordinator shall, at the direction of his  
317 or her department head:

318 (a) Develop and implement the loss prevention program, a  
319 comprehensive departmental safety program which shall include a  
320 statement of safety policy and responsibility.

321 (b) Provide for regular and periodic facility and  
322 equipment inspections.

323 (c) Investigate job-related employee accidents of his or  
324 her department.

325 (d) Establish a program to promote increased safety

326 awareness among employees.

327 (2) There shall be an Interagency Advisory Council on Loss  
328 Prevention composed of the safety coordinators from each  
329 department and representatives designated by the Division of  
330 State Fire Marshal and the Division of Risk Management. The  
331 chair of the council is ~~shall be~~ the Director of the Division of  
332 Risk Management or his or her designee. The council shall meet  
333 at least quarterly to discuss safety problems within state  
334 government, to attempt to find solutions for these problems,  
335 and, when possible, to assist in the implementation of the  
336 solutions. If the safety coordinator of a department or office  
337 is unable to attend a council meeting, an alternate, selected by  
338 the department head or his or her designee, shall attend the  
339 meeting to represent and provide input for that department or  
340 office on the council. The council is further authorized to  
341 provide for the recognition of employees, agents, and volunteers  
342 who make exceptional contributions to the reduction and control  
343 of employment-related accidents. The necessary expenses for the  
344 administration of this program of recognition shall be  
345 considered an authorized administrative expense payable from the  
346 State Risk Management Trust Fund.

347 (3) The Department of Financial Services and all agencies  
348 that are provided workers' compensation insurance coverage by  
349 the State Risk Management Trust Fund and employ more than 3,000  
350 full-time employees shall establish and maintain return-to-work

351 programs for employees who are receiving workers' compensation  
352 benefits. The programs must ~~shall~~ have the primary goal of  
353 enabling injured workers to remain at work or return to work to  
354 perform job duties within the physical or mental functional  
355 limitations and restrictions established by the workers'  
356 treating physicians. If no limitation or restriction is  
357 established in writing by a worker's treating physician, the  
358 worker is ~~shall be~~ deemed to be able to fully perform the same  
359 work duties he or she performed before the injury. Agencies  
360 employing more than 3,000 full-time employees shall report  
361 return-to-work information to the Department of Financial  
362 Services to support the Department of Financial Services'  
363 mandatory reporting requirements on agency return-to-work  
364 efforts under s. 284.42(1)(b).

365 (4) Notwithstanding s. 440.1851, the Department of  
366 Financial Services may disclose the personal identifying  
367 information of an injured or deceased employee to a department-  
368 contracted vendor for the purpose of ascertaining a claimant's  
369 claims history to investigate the compensability of a claim or  
370 to identify and prevent fraud.

371 (5)-(4) The Division of Risk Management shall evaluate each  
372 agency's risk management programs, including, but not limited  
373 to, return-to-work, safety, and loss prevention programs, at  
374 least once every 5 years. Reports, including, but not limited  
375 to, any recommended corrective action, resulting from such

376 | evaluations must ~~shall~~ be provided to the head of the agency  
377 | being evaluated, the Chief Financial Officer, and the director  
378 | of the Division of Risk Management. The agency head must provide  
379 | to the Division of Risk Management a response to all report  
380 | recommendations within 45 days and a plan to implement any  
381 | corrective action to be taken as part of the response. If the  
382 | agency disagrees with any final report recommendations,  
383 | including, but not limited to, any recommended corrective  
384 | action, or if the agency fails to implement any recommended  
385 | corrective action within a reasonable time, the division shall  
386 | submit the evaluation report to the legislative appropriations  
387 | committees. Each agency shall provide risk management program  
388 | information to the Division of Risk Management to support the  
389 | Division of Risk Management's mandatory evaluation and reporting  
390 | requirements in this subsection.

391 |       (6) Each agency shall:

392 |       (a) Review information provided by the Division of Risk  
393 | Management on claims and losses;

394 |       (b) Identify any discrepancies between the Division of  
395 | Risk Management's records and the agency's records and report  
396 | such discrepancies to the Division of Risk Management in  
397 | writing; and

398 |       (c) Review and respond to communications from the Division  
399 | of Risk Management identifying unsafe or inappropriate  
400 | conditions, policies, procedures, trends, equipment, or actions

401 or incidents that have led or may lead to accidents or claims  
 402 involving the state.

403 Section 6. Paragraph (a) of subsection (2) of section  
 404 409.1451, Florida Statutes, is amended to read:

405 409.1451 The Road-to-Independence Program.—

406 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

407 (a) A young adult is eligible for services and support  
 408 under this subsection if he or she:

409 1. Was living in licensed care on his or her 18th birthday  
 410 or is currently living in licensed care; or was at least 16  
 411 years of age and was adopted from foster care or placed with a  
 412 court-approved dependency guardian after spending at least 6  
 413 months in licensed care within the 12 months immediately  
 414 preceding such placement or adoption;

415 2. Spent at least 6 months in licensed care before  
 416 reaching his or her 18th birthday;

417 3. Earned a standard high school diploma pursuant to s.  
 418 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent  
 419 pursuant to s. 1003.435;

420 4. Has been admitted for enrollment as a full-time student  
 421 or its equivalent in an eligible postsecondary educational  
 422 institution as provided in s. 1009.533. For purposes of this  
 423 section, the term "full-time" means 9 credit hours or the  
 424 vocational school equivalent. A student may enroll part-time if  
 425 he or she has a recognized disability or is faced with another

426 challenge or circumstance that would prevent full-time  
 427 attendance. A student needing to enroll part-time for any reason  
 428 other than having a recognized disability must get approval from  
 429 his or her academic advisor;

430 5. Has reached 18 years of age but is not yet 23 years of  
 431 age;

432 6. Has applied, with assistance from the young adult's  
 433 caregiver and the community-based lead agency, for any other  
 434 grants and scholarships for which he or she may qualify;

435 7. Submitted a Free Application for Federal Student Aid  
 436 which is complete and error free; ~~and~~

437 8. Signed an agreement to allow the department and the  
 438 community-based care lead agency access to school records; and-

439 9. Has completed with a passing score the financial  
 440 literacy curriculum for foster youth offered by the Department  
 441 of Financial Services.

442 Section 7. Subsection (1) of section 414.411, Florida  
 443 Statutes, is amended to read:

444 414.411 Public assistance fraud.—

445 (1) The Department of Financial Services shall investigate  
 446 all public assistance provided to residents of the state or  
 447 provided to others by the state. In the course of such  
 448 investigation the department shall examine all records,  
 449 including electronic benefits transfer records and make inquiry  
 450 of all persons who may have knowledge as to any irregularity

451 incidental to the disbursement of public moneys, food  
452 assistance, or other items or benefits authorizations to  
453 recipients. All public assistance recipients, as a condition  
454 precedent to qualification for public assistance under chapter  
455 409, chapter 411, or this chapter, must first give in writing,  
456 to the Agency for Health Care Administration, the Department of  
457 Health, the Department of Education ~~Economic Opportunity~~, and  
458 the Department of Children and Families, as appropriate, and to  
459 the Department of Financial Services, consent to make inquiry of  
460 past or present employers and records, financial or otherwise.

461 Section 8. Subsection (3) is added to section 497.168,  
462 Florida Statutes, to read:

463 497.168 Members of Armed Forces in good standing with  
464 administrative boards.—

465 (3) A member of the United States Armed Forces or a  
466 veteran of the United States Armed Forces who was honorably  
467 discharged within the 24-month period before the date of an  
468 application for licensure is exempt from the initial application  
469 filing fees under ss. 497.263(2)(r), 497.281(1), 497.368(1),  
470 497.369(1), 497.370(1), 497.371, 497.373(1), 497.374(1), and  
471 497.375(1)(a). A qualified individual shall provide a copy of a  
472 military identification card, military dependent identification  
473 card, military service record, military personnel file, veteran  
474 record, Form DD-214, NGB Form 22, or separation document that  
475 indicates such member or veteran of the United States Armed

476 Forces is currently in good standing or was honorably  
 477 discharged.

478 Section 9. Subsection (12) of section 497.456, Florida  
 479 Statutes, is amended to read:

480 497.456 Preneed Funeral Contract Consumer Protection Trust  
 481 Fund.—

482 (12) Notwithstanding the fee structure in subsection (2),  
 483 the department shall review the status of the trust fund on or  
 484 before August 31 of each year ~~annually~~, and if it determines  
 485 that the amount in the trust fund exceeds \$5 million, the  
 486 department must transfer any funds in excess of this amount to  
 487 the Regulatory Trust Fund for the purpose of providing for the  
 488 payment of expenses of the licensing authority in carrying out  
 489 its responsibilities under this chapter and as prescribed by  
 490 rule. Additionally, if the department determines that the  
 491 uncommitted trust fund balance exceeds \$1 million, the licensing  
 492 authority may by rule lower the required payments to the trust  
 493 fund to an amount not less than \$1 per preneed contract.

494 Section 10. Subsection (1) of section 624.317, Florida  
 495 Statutes, is amended to read:

496 624.317 Investigation of agents, adjusters,  
 497 administrators, service companies, and others.—If it has reason  
 498 to believe that any person has violated or is violating any  
 499 provision of this code, or upon the written complaint signed by  
 500 any interested person indicating that any such violation may

501 exist:

502 (1) The department shall conduct such investigation as it  
503 deems necessary of the accounts, records, documents, and  
504 transactions pertaining to or affecting the insurance affairs of  
505 any ~~general agent, surplus lines agent,~~ adjuster, ~~managing~~  
506 ~~general agent, insurance agent,~~ insurance agency, customer  
507 representative, service representative, or other person subject  
508 to its jurisdiction, subject to the requirements of s. 626.601.

509 Section 11. Subsection (2) of section 624.34, Florida  
510 Statutes, is amended to read:

511 624.34 Authority of Department of Law Enforcement to  
512 accept fingerprints of, and exchange criminal history records  
513 with respect to, certain persons.—

514 (2) The Department of Law Enforcement may accept  
515 fingerprints of individuals who apply for a license as an agent,  
516 customer representative, adjuster, service representative, or  
517 ~~navigator, or managing general agent~~ or the fingerprints of the  
518 majority owner, sole proprietor, partners, officers, and  
519 directors of a corporation or other legal entity that applies  
520 for licensure with the department or office under the Florida  
521 Insurance Code.

522 Section 12. Subsection (1) of section 624.4094, Florida  
523 Statutes, is amended to read:

524 624.4094 Bail bond premiums.—

525 (1) The Legislature finds that a significant portion of

526 | bail bond premiums is retained by the licensed bail bond agents  
 527 | or appointed ~~licensed~~ managing general agents. For purposes of  
 528 | reporting in financial statements required to be filed with the  
 529 | office pursuant to s. 624.424, direct written premiums for bail  
 530 | bonds by a domestic insurer in this state shall be reported net  
 531 | of any amounts retained by licensed bail bond agents or  
 532 | appointed ~~licensed~~ managing general agents. However, in no case  
 533 | shall the direct written premiums for bail bonds be less than  
 534 | 6.5 percent of the total consideration received by the agent for  
 535 | all bail bonds written by the agent. This subsection also  
 536 | applies to any determination of compliance with s. 624.4095.

537 |       Section 13. Paragraph (e) of subsection (19) of section  
 538 | 624.501, Florida Statutes, is amended to read:

539 |       624.501 Filing, license, appointment, and miscellaneous  
 540 | fees.—The department, commission, or office, as appropriate,  
 541 | shall collect in advance, and persons so served shall pay to it  
 542 | in advance, fees, licenses, and miscellaneous charges as  
 543 | follows:

544 |       (19) Miscellaneous services:

545 |       (e) Insurer's registration fee for agent exchanging  
 546 | business more than four ~~24~~ times in a calendar year under s.  
 547 | 626.752, s. 626.793, or s. 626.837, registration fee per agent  
 548 | per year.....\$30.00

549 |       Section 14. Subsection (1) of section 624.509, Florida  
 550 | Statutes, is amended to read:

551           624.509 Premium tax; rate and computation.—

552           (1) In addition to the license taxes provided for in this  
 553 chapter, each insurer shall also annually, and on or before  
 554 March 1 in each year, except as to wet marine and transportation  
 555 insurance taxed under s. 624.510, pay to the Department of  
 556 Revenue a tax on insurance premiums, premiums for title  
 557 insurance, or assessments, including membership fees and policy  
 558 fees and gross deposits received from subscribers to reciprocal  
 559 or interinsurance agreements, and on annuity premiums or  
 560 considerations, received during the preceding calendar year, the  
 561 amounts thereof to be determined as set forth in this section,  
 562 to wit:

563           (a) An amount equal to 1.75 percent of the gross amount of  
 564 such receipts on account of life and health insurance policies  
 565 covering persons resident in this state and on account of all  
 566 other types of policies and contracts, except annuity policies  
 567 or contracts taxable under paragraph (b) and bail bond policies  
 568 or contracts taxable under paragraph (c), covering property,  
 569 subjects, or risks located, resident, or to be performed in this  
 570 state, omitting premiums on reinsurance accepted, and less  
 571 return premiums or assessments, but without deductions:

- 572           1. For reinsurance ceded to other insurers;
- 573           2. For moneys paid upon surrender of policies or
- 574 certificates for cash surrender value;
- 575           3. For discounts or refunds for direct or prompt payment

576 | of premiums or assessments; and

577 |         4. On account of dividends of any nature or amount paid  
578 | and credited or allowed to holders of insurance policies;  
579 | certificates; or surety, indemnity, reciprocal, or  
580 | interinsurance contracts or agreements;

581 |         (b) An amount equal to 1 percent of the gross receipts on  
582 | annuity policies or contracts paid by holders thereof in this  
583 | state; and

584 |         (c) An amount equal to 1.75 percent of the direct written  
585 | premiums for bail bonds, excluding any amounts retained by  
586 | licensed bail bond agents or appointed ~~licensed~~ managing general  
587 | agents.

588 |         Section 15. Section 625.071, Florida Statutes, is amended  
589 | to read:

590 |         625.071 Special reserve for bail and judicial bonds.—In  
591 | lieu of the unearned premium reserve required on surety bonds  
592 | under s. 625.051, the office may require any surety insurer or  
593 | limited surety insurer to set up and maintain a reserve on all  
594 | bail bonds or other single-premium bonds without definite  
595 | expiration date, furnished in judicial proceedings, equal to the  
596 | lesser of 35 percent of the bail premiums in force or \$7 per  
597 | \$1,000 of bail liability. Such reserve shall be reported as a  
598 | liability in financial statements required to be filed with the  
599 | office. Each insurer shall file a supplementary schedule showing  
600 | bail premiums in force and bail liability and the associated

601 special reserve for bail and judicial bonds with financial  
 602 statements required by s. 624.424. Bail premiums in force do not  
 603 include amounts retained by licensed bail bond agents or  
 604 appointed ~~licensed~~ managing general agents, but may not be less  
 605 than 6.5 percent of the total consideration received for all  
 606 bail bonds in force.

607 Section 16. Subsection (5) of section 626.112, Florida  
 608 Statutes, is amended to read:

609 626.112 License and appointment required; agents, customer  
 610 representatives, adjusters, insurance agencies, service  
 611 representatives, managing general agents.-

612 (5) A ~~No~~ person may not ~~shall~~ be, act as, or represent or  
 613 hold himself or herself out to be a managing general agent  
 614 unless he or she then holds a currently effective producer  
 615 license and a managing general agent ~~license and~~ appointment.

616 Section 17. Section 626.171, Florida Statutes, is amended  
 617 to read:

618 626.171 Application for license as an agent, customer  
 619 representative, adjuster, service representative, ~~managing~~  
 620 ~~general agent,~~ or reinsurance intermediary.-

621 (1) The department may not issue a license as agent,  
 622 customer representative, adjuster, service representative,  
 623 ~~managing general agent,~~ or reinsurance intermediary to any  
 624 person except upon written application filed with the  
 625 department, meeting the qualifications for the license applied

626 for as determined by the department, and payment in advance of  
627 all applicable fees. The application must be made under the oath  
628 of the applicant and be signed by the applicant. An applicant  
629 may permit a third party to complete, submit, and sign an  
630 application on the applicant's behalf, but is responsible for  
631 ensuring that the information on the application is true and  
632 correct and is accountable for any misstatements or  
633 misrepresentations. The department shall accept the uniform  
634 application for nonresident agent licensing. The department may  
635 adopt revised versions of the uniform application by rule.

636 (2) In the application, the applicant shall set forth:

637 (a) His or her full name, age, social security number,  
638 residence address, business address, mailing address, contact  
639 telephone numbers, including a business telephone number, and e-  
640 mail address.

641 (b) A statement indicating the method the applicant used  
642 or is using to meet any required prelicensing education,  
643 knowledge, experience, or instructional requirements for the  
644 type of license applied for.

645 (c) Whether he or she has been refused or has voluntarily  
646 surrendered or has had suspended or revoked a license to solicit  
647 insurance by the department or by the supervising officials of  
648 any state.

649 (d) Whether any insurer or any managing general agent  
650 claims the applicant is indebted under any agency contract or

651 otherwise and, if so, the name of the claimant, the nature of  
652 the claim, and the applicant's defense thereto, if any.

653 (e) Proof that the applicant meets the requirements for  
654 the type of license for which he or she is applying.

655 (f) The applicant's gender (male or female).

656 (g) The applicant's native language.

657 (h) The highest level of education achieved by the  
658 applicant.

659 (i) The applicant's race or ethnicity (African American,  
660 white, American Indian, Asian, Hispanic, or other).

661 (j) Such other or additional information as the department  
662 may deem proper to enable it to determine the character,  
663 experience, ability, and other qualifications of the applicant  
664 to hold himself or herself out to the public as an insurance  
665 representative.

666

667 However, the application must contain a statement that an  
668 applicant is not required to disclose his or her race or  
669 ethnicity, gender, or native language, that he or she will not  
670 be penalized for not doing so, and that the department will use  
671 this information exclusively for research and statistical  
672 purposes and to improve the quality and fairness of the  
673 examinations.

674 (3) Each application must ~~shall~~ be accompanied by payment  
675 of any applicable fee.

676 (4) An applicant for a license as an agent, customer  
677 representative, adjuster, service representative, ~~managing~~  
678 ~~general agent~~, or reinsurance intermediary must submit a set of  
679 the individual applicant's fingerprints, or, if the applicant is  
680 not an individual, a set of the fingerprints of the sole  
681 proprietor, majority owner, partners, officers, and directors,  
682 to the department and must pay the fingerprint processing fee  
683 set forth in s. 624.501. Fingerprints must ~~shall~~ be used to  
684 investigate the applicant's qualifications pursuant to s.  
685 626.201. The fingerprints must ~~shall~~ be taken by a law  
686 enforcement agency, designated examination center, or other  
687 department-approved entity. The department shall require all  
688 designated examination centers to have fingerprinting equipment  
689 and to take fingerprints from any applicant or prospective  
690 applicant who pays the applicable fee. The department may not  
691 approve an application for licensure as an agent, customer  
692 service representative, adjuster, service representative,  
693 ~~managing general agent~~, or reinsurance intermediary if  
694 fingerprints have not been submitted.

695 (5) The application for license filing fee prescribed in  
696 s. 624.501 is not subject to refund.

697 (6) Members of the United States Armed Forces and their  
698 spouses, and veterans of the United States Armed Forces who have  
699 retired within 24 months before application for licensure, are  
700 exempt from the application filing fee prescribed in s. 624.501.

701 Qualified individuals must provide a copy of a military  
702 identification card, military dependent identification card,  
703 military service record, military personnel file, veteran  
704 record, discharge paper, ~~or separation document~~, or a separation  
705 document that indicates such members of the United States Armed  
706 Forces are currently in good standing or were honorably  
707 discharged.

708 (7) Pursuant to the federal Personal Responsibility and  
709 Work Opportunity Reconciliation Act of 1996, each party is  
710 required to provide his or her social security number in  
711 accordance with this section. Disclosure of social security  
712 numbers obtained through this requirement must ~~shall~~ be limited  
713 to the purpose of administration of the Title IV-D program for  
714 child support enforcement.

715 Section 18. Section 626.202, Florida Statutes, is amended  
716 to read:

717 626.202 Fingerprinting requirements.—

718 (1) The requirements for completion and submission of  
719 fingerprints under this chapter are deemed to be met when an  
720 individual currently licensed under this chapter seeks  
721 additional licensure and has previously submitted fingerprints  
722 to the department within the past 48 months. However, the  
723 department may require the individual to file fingerprints if it  
724 has reason to believe that an applicant or licensee has been  
725 found guilty of, or pleaded guilty or nolo contendere to, a

726 felony or a crime related to the business of insurance in this  
727 state or any other state or jurisdiction.

728 (2) The requirements for completion and submission of  
729 fingerprints under this chapter are waived for members of the  
730 United States Armed Forces and veterans of the United States  
731 Armed Forces who were honorably discharged within the 24-month  
732 period before the date of an application for licensure. A  
733 qualified individual shall provide a copy of a military  
734 identification card, military service record, military personnel  
735 file, veteran record, Form DD-214, NGB Form 22, or separation  
736 document that indicates such member or veteran of the United  
737 States Armed Forces is currently in good standing or was  
738 honorably discharged.

739 (3) If there is a change in ownership or control of any  
740 entity licensed under this chapter, or if a new partner,  
741 officer, or director is employed or appointed, a set of  
742 fingerprints of the new owner, partner, officer, or director  
743 must be filed with the department or office within 30 days after  
744 the change. The acquisition of 10 percent or more of the voting  
745 securities of a licensed entity is considered a change of  
746 ownership or control. The fingerprints must be taken by a law  
747 enforcement agency or other department-approved entity and be  
748 accompanied by the fingerprint processing fee in s. 624.501.

749 Section 19. Subsection (9) of section 626.207, Florida  
750 Statutes, is amended to read:

751           626.207 Disqualification of applicants and licensees;  
752 penalties against licensees; rulemaking authority.—

753           (9) Section 112.011 does not apply to any applicants for  
754 licensure under the Florida Insurance Code, including, but not  
755 limited to, agents, agencies, adjusters, adjusting firms, or  
756 customer representatives, ~~or managing general agents.~~

757           Section 20. Paragraph (j) of subsection (2) of section  
758 626.221, Florida Statutes, is amended to read:

759           626.221 Examination requirement; exemptions.—

760           (2) However, an examination is not necessary for any of  
761 the following:

762           (j) An applicant for license as an all-lines adjuster who  
763 has the designation of Accredited Claims Adjuster (ACA) from a  
764 regionally accredited postsecondary institution in this state,  
765 Associate in Claims (AIC) from the Insurance Institute of  
766 America, Professional Claims Adjuster (PCA) from the  
767 Professional Career Institute, Professional Property Insurance  
768 Adjuster (PPIA) from the HurriClaim Training Academy, Certified  
769 Adjuster (CA) from ALL LINES Training, Certified Claims Adjuster  
770 (CCA) from AE21 Incorporated, Claims Adjuster Certified  
771 Professional (CACP) from WebCE, Inc., or Universal Claims  
772 Certification (UCC) from Claims and Litigation Management  
773 Alliance (CLM) whose curriculum has been approved by the  
774 department and which includes comprehensive analysis of basic  
775 property and casualty lines of insurance and testing at least

776 equal to that of standard department testing for the all-lines  
777 adjuster license. The department shall adopt rules establishing  
778 standards for the approval of curriculum.

779 Section 21. Present subsections (6) and (7) of section  
780 626.451, Florida Statutes, are redesignated as subsections (5)  
781 and (6), respectively, and subsections (1) and (5) and present  
782 subsection (6) of that section are amended, to read:

783 626.451 Appointment of agent or other representative.—

784 (1) Each appointing entity or person designated by the  
785 department to administer the appointment process appointing an  
786 agent, adjuster, service representative, customer  
787 representative, or managing general agent in this state shall  
788 file the appointment with the department or office and, at the  
789 same time, pay the applicable appointment fee and taxes. Every  
790 appointment is ~~shall be~~ subject to the prior issuance of the  
791 appropriate agent's, adjuster's, service representative's, or  
792 customer representative's, ~~or managing general agent's~~ license.

793 ~~(5) Any law enforcement agency or state attorney's office~~  
794 ~~that is aware that an agent, adjuster, service representative,~~  
795 ~~customer representative, or managing general agent has pleaded~~  
796 ~~guilty or nolo contendere to or has been found guilty of a~~  
797 ~~felony shall notify the department or office of such fact.~~

798 (5) ~~(6)~~ Upon the filing of an information or indictment  
799 against an agent, adjuster, service representative, or customer  
800 representative, ~~or managing general agent,~~ the state attorney

801 shall immediately furnish the department or office a certified  
802 copy of the information or indictment.

803 Section 22. Section 626.521, Florida Statutes, is amended  
804 to read:

805 626.521 ~~Character,~~ Credit and character reports.—

806 (1) Before appointing ~~As to each applicant who~~ for the  
807 first time in this state an ~~is applying and qualifying for a~~  
808 ~~license as agent, adjuster, service representative, customer~~  
809 ~~representative, or managing general agent, the appointing~~  
810 ~~insurer or employer shall its manager or general agent in this~~  
811 ~~state, in the case of agents, or the appointing general lines~~  
812 ~~agent, in the case of customer representatives, or the employer,~~  
813 ~~in the case of service representatives and of adjusters who are~~  
814 ~~not to be self-employed, shall coincidentally with such~~  
815 ~~appointment or employment~~ secure and thereafter keep on file a  
816 full detailed credit and character report ~~made by an established~~  
817 ~~and reputable independent reporting service,~~ relative to the  
818 individual so appointed ~~or employed~~.

819 (2) If requested by the department, the insurer, ~~manager,~~  
820 ~~general agent, general lines agent,~~ or employer, as the case may  
821 be, must ~~shall~~ furnish to the department, ~~on a form adopted and~~  
822 ~~furnished by the department,~~ such information as it reasonably  
823 requires relative to such individual and investigation.

824 ~~(3) As to an applicant for an adjuster's or reinsurance~~  
825 ~~intermediary's license who is to be self-employed, the~~

826 ~~department may secure, at the cost of the applicant, a full~~  
827 ~~detailed credit and character report made by an established and~~  
828 ~~reputable independent reporting service relative to the~~  
829 ~~applicant.~~

830 ~~(4) Each person who for the first time in this state is~~  
831 ~~applying and qualifying for a license as a reinsurance~~  
832 ~~intermediary shall file with her or his application for license~~  
833 ~~a full, detailed credit and character report for the 5-year~~  
834 ~~period immediately prior to the date of application for license,~~  
835 ~~made by an established and reputable independent reporting~~  
836 ~~service, relative to the individual if a partnership or sole~~  
837 ~~proprietorship, or the officers if a corporation or other legal~~  
838 ~~entity.~~

839 ~~(3)-(5)~~ Information contained in credit or character  
840 reports furnished to or secured by the department under this  
841 section is confidential and exempt from ~~the provisions of s.~~  
842 ~~119.07(1).~~

843 Section 23. Paragraph (f) of subsection (1) of section  
844 626.731, Florida Statutes, is amended to read:

845 626.731 Qualifications for general lines agent's license.—

846 (1) The department shall not grant or issue a license as  
847 general lines agent to any individual found by it to be  
848 untrustworthy or incompetent or who does not meet each of the  
849 following qualifications:

850 ~~(f) The applicant is not a service representative, a~~

851 ~~managing general agent in this state, or a special agent or~~  
852 ~~similar service representative of a health insurer which also~~  
853 ~~transacts property, casualty, or surety insurance; except that~~  
854 ~~the president, vice president, secretary, or treasurer,~~  
855 ~~including a member of the board of directors, of a corporate~~  
856 ~~insurer, if otherwise qualified under and meeting the~~  
857 ~~requirements of this part, may be licensed and appointed as a~~  
858 ~~local resident agent.~~

859 Section 24. Subsection (6) of section 626.7351, Florida  
860 Statutes, is amended to read:

861 626.7351 Qualifications for customer representative's  
862 license.—The department shall not grant or issue a license as  
863 customer representative to any individual found by it to be  
864 untrustworthy or incompetent, or who does not meet each of the  
865 following qualifications:

866 (6) Upon the issuance of the license applied for, the  
867 applicant is not an agent or a service representative, ~~or a~~  
868 ~~managing general agent.~~

869 Section 25. Section 626.744, Florida Statutes, is amended  
870 to read:

871 626.744 Service representatives, ~~managing general agents;~~  
872 application for license.—The application for a license as  
873 service representative must ~~or the application for a license as~~  
874 ~~managing general agent shall~~ show the applicant's name,  
875 residence address, name of employer, position or title, type of

876 work to be performed by the applicant in this state, and any  
877 additional information which the department may reasonably  
878 require.

879 Section 26. Section 626.745, Florida Statutes, is amended  
880 to read:

881 626.745 Service representatives, managing general agents;  
882 managers; activities.—Individuals employed by insurers or their  
883 managers, general agents, or representatives as service  
884 representatives, and as managing general agents employed for the  
885 purpose of or engaged in assisting agents in negotiating and  
886 effecting contracts of insurance, shall engage in such  
887 activities ~~when, and only when~~ licensed as or, accompanied by a  
888 general lines ~~an~~ agent duly licensed and appointed ~~as a resident~~  
889 ~~licensee and appointee~~ under this code.

890 Section 27. Subsection (11) of section 626.7451, Florida  
891 Statutes, is amended to read:

892 626.7451 Managing general agents; required contract  
893 provisions.—No person acting in the capacity of a managing  
894 general agent shall place business with an insurer unless there  
895 is in force a written contract between the parties which sets  
896 forth the responsibility for a particular function, specifies  
897 the division of responsibilities, and contains the following  
898 minimum provisions:

899 (11) An appointed ~~A licensed~~ managing general agent, when  
900 placing business with an insurer under this code, may charge a

901 per-policy fee not to exceed \$25. ~~In no instance shall~~ The  
 902 aggregate of per-policy fees for a placement of business  
 903 authorized under this section, when combined with any other per-  
 904 policy fee charged by the insurer, may not result in per-policy  
 905 fees that ~~which~~ exceed the aggregate amount of \$25. The per-  
 906 policy fee must ~~shall~~ be a component of the insurer's rate  
 907 filing and must ~~shall~~ be fully earned.

908  
 909 For the purposes of this section and ss. 626.7453 and 626.7454,  
 910 the term "controlling person" or "controlling" has the meaning  
 911 set forth in s. 625.012(5)(b)1., and the term "controlled  
 912 person" or "controlled" has the meaning set forth in s.  
 913 625.012(5)(b)2.

914 Section 28. Subsection (1) of section 626.7455, Florida  
 915 Statutes, is amended to read:

916 626.7455 Managing general agent; responsibility of  
 917 insurer.—

918 (1) An insurer may not ~~No insurer shall~~ enter into an  
 919 agreement with any person to manage the business written in this  
 920 state by the general lines agents appointed by the insurer or  
 921 appointed by the managing general agent on behalf of the insurer  
 922 unless the person is properly licensed as an agent and appointed  
 923 as a managing general agent in this state. An insurer is ~~shall~~  
 924 ~~be~~ responsible for the acts of its managing general agent when  
 925 the agent acts within the scope of his or her authority.

926 Section 29. Paragraph (e) of subsection (3) and subsection  
 927 (5) of section 626.752, Florida Statutes, are amended to read:

928 626.752 Exchange of business.—

929 (3)

930 (e) The brokering agent shall maintain an appropriate and  
 931 permanent Brokering Agent's Register, which must ~~shall~~ be a  
 932 permanent record of ~~bound journal in which~~ chronologically  
 933 numbered transactions that are entered no later than the day in  
 934 which the brokering agent's application bearing the same number  
 935 is signed by the applicant. The numbers must ~~shall~~ reflect an  
 936 annual aggregate through numerical sequence and be preceded by  
 937 the last two digits of the current year. The initial entry must  
 938 ~~shall~~ contain the number of the transaction, date, time, date of  
 939 binder, date on which coverage commences, name and address of  
 940 applicant, type of coverage desired, name of insurer binding the  
 941 risk or to whom the application is to be submitted, and the  
 942 amount of any premium collected therefor. By no later than the  
 943 date following policy delivery, the policy number and coverage  
 944 expiration date must ~~shall~~ be added to the register.

945 (5) Within 15 days after the last day of each month, any  
 946 insurer accepting business under this section shall report to  
 947 the department the name, address, telephone number, and social  
 948 security number of each agent from which the insurer received  
 949 more than four ~~24~~ personal lines risks during the calendar year,  
 950 except for risks being removed from the Citizens Property

951 Insurance Corporation and placed with that insurer by a  
952 brokering agent. Once the insurer has reported pursuant to this  
953 subsection an agent's name to the department, additional reports  
954 on the same agent shall not be required. However, the fee set  
955 forth in s. 624.501 must ~~shall~~ be paid for the agent by the  
956 insurer for each year until the insurer notifies the department  
957 that the insurer is no longer accepting business from the agent  
958 pursuant to this section. The insurer may require that the agent  
959 reimburse the insurer for the fee.

960 Section 30. Subsection (4) of section 626.793, Florida  
961 Statutes, is amended to read:

962 626.793 Excess or rejected business.—

963 (4) Within 15 days after the last day of each month, any  
964 insurer accepting business under this section shall report to  
965 the department the name, address, telephone number, and social  
966 security number of each agent from which the insurer received  
967 more than four ~~24~~ risks during the calendar year. Once the  
968 insurer has reported an agent's name to the department pursuant  
969 to this subsection, additional reports on the same agent shall  
970 not be required. However, the fee set forth in s. 624.501 must  
971 ~~shall~~ be paid for the agent by the insurer for each year until  
972 the insurer notifies the department that the insurer is no  
973 longer accepting business from the agent pursuant to this  
974 section. The insurer may require that the agent reimburse the  
975 insurer for the fee.

976 Section 31. Subsection (5) of section 626.837, Florida  
 977 Statutes, is amended to read:

978 626.837 Excess or rejected business.—

979 (5) Within 15 days after the last day of each month, any  
 980 insurer accepting business under this section shall report to  
 981 the department the name, address, telephone number, and social  
 982 security number of each agent from which the insurer received  
 983 more than four ~~24~~ risks during the calendar year. Once the  
 984 insurer has reported pursuant to this subsection an agent's name  
 985 to the department, additional reports on the same agent shall  
 986 not be required. However, the fee set forth in s. 624.501 must  
 987 ~~shall~~ be paid for the agent by the insurer for each year until  
 988 the insurer notifies the department that the insurer is no  
 989 longer accepting business from the agent pursuant to this  
 990 section. The insurer may require that the agent reimburse the  
 991 insurer for the fee.

992 Section 32. Subsection (5) of section 626.8732, Florida  
 993 Statutes, is amended to read:

994 626.8732 Nonresident public adjuster's qualifications,  
 995 bond.—

996 ~~(5) After licensure as a nonresident public adjuster, as a~~  
 997 ~~condition of doing business in this state, the licensee must~~  
 998 ~~annually on or before January 1, on a form prescribed by the~~  
 999 ~~department, submit an affidavit certifying that the licensee is~~  
 1000 ~~familiar with and understands the insurance code and rules~~

1001 ~~adopted thereunder and the provisions of the contracts~~  
 1002 ~~negotiated or to be negotiated. Compliance with this filing~~  
 1003 ~~requirement is a condition precedent to the issuance,~~  
 1004 ~~continuation, reinstatement, or renewal of a nonresident public~~  
 1005 ~~adjuster's appointment.~~

1006 Section 33. Subsection (4) of section 626.8734, Florida  
 1007 Statutes, is amended to read:

1008 626.8734 Nonresident all-lines adjuster license  
 1009 qualifications.—

1010 ~~(4) As a condition of doing business in this state as a~~  
 1011 ~~nonresident independent adjuster, the appointee must submit an~~  
 1012 ~~affidavit to the department certifying that the licensee is~~  
 1013 ~~familiar with and understands the insurance laws and~~  
 1014 ~~administrative rules of this state and the provisions of the~~  
 1015 ~~contracts negotiated or to be negotiated. Compliance with this~~  
 1016 ~~filing requirement is a condition precedent to the issuance,~~  
 1017 ~~continuation, reinstatement, or renewal of a nonresident~~  
 1018 ~~independent adjuster's appointment.~~

1019 Section 34. Paragraph (h) of subsection (1) of section  
 1020 626.88, Florida Statutes, is amended to read:

1021 626.88 Definitions.—For the purposes of this part, the  
 1022 term:

1023 (1) "Administrator" is any person who directly or  
 1024 indirectly solicits or effects coverage of, collects charges or  
 1025 premiums from, or adjusts or settles claims on residents of this

1026 state in connection with authorized commercial self-insurance  
 1027 funds or with insured or self-insured programs which provide  
 1028 life or health insurance coverage or coverage of any other  
 1029 expenses described in s. 624.33(1) or any person who, through a  
 1030 health care risk contract as defined in s. 641.234 with an  
 1031 insurer or health maintenance organization, provides billing and  
 1032 collection services to health insurers and health maintenance  
 1033 organizations on behalf of health care providers, other than any  
 1034 of the following persons:

1035 (h) A person appointed ~~licensed~~ as a managing general  
 1036 agent in this state, whose activities are limited exclusively to  
 1037 the scope of activities conveyed under such appointment ~~license~~.

1038  
 1039 A person who provides billing and collection services to health  
 1040 insurers and health maintenance organizations on behalf of  
 1041 health care providers shall comply with the provisions of ss.  
 1042 627.6131, 641.3155, and 641.51(4).

1043 Section 35. Subsection (2) of section 626.927, Florida  
 1044 Statutes, is amended to read:

1045 626.927 Licensing of surplus lines agent.—

1046 (2) Any individual, while licensed as ~~and appointed as a~~  
 1047 ~~managing general agent as defined in s. 626.015, or service~~  
 1048 ~~representative as defined in s. 626.015, and who otherwise~~  
 1049 ~~possesses all of the other qualifications of a general lines~~  
 1050 agent under this code, and who has a minimum of 1 year of ~~year's~~

1051 | experience working for a licensed surplus lines agent or who has  
 1052 | successfully completed 60 class hours in surplus and excess  
 1053 | lines in a course approved by the department, may, upon taking  
 1054 | and successfully passing a written examination as to surplus  
 1055 | lines, as given by the department, be licensed as a surplus  
 1056 | lines agent solely for the purpose of placing with surplus lines  
 1057 | insurers property, marine, casualty, or surety coverages  
 1058 | originated by general lines agents; ~~except that no examination~~  
 1059 | ~~as for a general lines agent's license shall be required of any~~  
 1060 | ~~managing general agent or service representative who held a~~  
 1061 | ~~Florida surplus lines agent's license as of January 1, 1959.~~

1062 |       Section 36. Subsection (2) of section 626.929, Florida  
 1063 | Statutes, is amended to read:

1064 |       626.929 Origination, acceptance, placement of surplus  
 1065 | lines business.—

1066 |       (2) A managing general agent, while also licensed and  
 1067 | appointed as a surplus lines agent under this part, may accept  
 1068 | and place solely such surplus lines business as is originated by  
 1069 | a Florida-licensed general lines agent appointed and licensed as  
 1070 | to the kinds of insurance involved and may compensate such agent  
 1071 | therefor.

1072 |       Section 37. Subsection (3) of section 626.930, Florida  
 1073 | Statutes, is amended to read:

1074 |       626.930 Records of surplus lines agent.—

1075 |       (3) Each surplus lines agent shall maintain all surplus

1076 lines business records in his or her general lines agency  
 1077 office, ~~if licensed as a general lines agent,~~ or in his or her  
 1078 managing general agency office, ~~if licensed as a managing~~  
 1079 ~~general agent or the full-time salaried employee of such general~~  
 1080 ~~agent.~~

1081 Section 38. Subsection (2) of section 626.9892, Florida  
 1082 Statutes, is amended to read:

1083 626.9892 Anti-Fraud Reward Program; reporting of insurance  
 1084 fraud.—

1085 (2) The department may pay rewards of up to \$25,000 to  
 1086 persons providing information leading to the arrest and  
 1087 conviction of persons committing crimes investigated by the  
 1088 department arising from violations of s. 440.105, s. 624.15, s.  
 1089 626.9541, s. 626.989, s. 790.164, s. 790.165, s. 790.166, s.  
 1090 806.01, s. 806.031, s. 806.10, s. 806.111, s. 817.233, or s.  
 1091 817.234.

1092 Section 39. Subsection (3) of section 633.302, Florida  
 1093 Statutes, is amended to read:

1094 633.302 Florida Fire Safety Board; membership; duties;  
 1095 meetings; officers; quorum; compensation; seal.—

1096 (3) The State Fire Marshal's term on the board, or that of  
 1097 her or his designee, must ~~shall~~ coincide with the State Fire  
 1098 Marshal's term of office. Of the other six members of the board,  
 1099 one member must ~~shall~~ be appointed for an initial a term of 1  
 1100 year, one member for an initial a term of 2 years, two members

1101 for initial terms of 3 years, and two members for initial terms  
1102 of 4 years. After the initial term, each member will have a 4-  
1103 year term. All terms expire on June 30 of the last year of the  
1104 term. When the term of a member expires, the State Fire Marshal  
1105 shall appoint a member to fill the vacancy for a term of 4  
1106 years. The State Fire Marshal may remove any appointed member  
1107 for cause. A vacancy in the membership of the board for any  
1108 cause must ~~shall~~ be filled by appointment by the State Fire  
1109 Marshal for the balance of the unexpired term.

1110 Section 40. Subsection (2), paragraph (a) of subsection  
1111 (3), and paragraphs (b), (c), and (d) of subsection (4) of  
1112 section 633.304, Florida Statutes, are amended to read:

1113 633.304 Fire suppression equipment; license to install or  
1114 maintain.—

1115 (2) A person who holds a valid fire equipment dealer  
1116 license may maintain such license in an inactive status during  
1117 which time he or she may not engage in any work under the  
1118 definition of the license held. An inactive status license is  
1119 ~~shall be void after 4 years or when the license is renewed,~~  
1120 ~~whichever comes first.~~ However, an inactive status license must  
1121 be reactivated before December 31 of each odd-numbered year. An  
1122 inactive status license may not be reactivated unless the  
1123 continuing education requirements of this chapter have been  
1124 fulfilled.

1125 (3) Each individual actually performing the work of

1126 servicing, recharging, repairing, hydrotesting, installing,  
1127 testing, or inspecting fire extinguishers or preengineered  
1128 systems must possess a valid and subsisting permit issued by the  
1129 division. Permittees are limited as to specific type of work  
1130 performed to allow work no more extensive than the class of  
1131 license held by the licensee under whom the permittee is  
1132 working. Permits will be issued by the division as follows:

1133 (a) Portable permit: "Portable permittee" means a person  
1134 who is limited to performing work no more extensive than the  
1135 employing or contractually related licensee in the servicing,  
1136 recharging, repairing, installing, or inspecting all types of  
1137 portable fire extinguishers.

1138  
1139 Any fire equipment permittee licensed pursuant to this  
1140 subsection who does not want to engage in servicing, inspecting,  
1141 recharging, repairing, hydrotesting, or installing halon  
1142 equipment must file an affidavit on a form provided by the  
1143 division so stating. Permits will be issued by the division to  
1144 show the work authorized thereunder. It is unlawful, unlicensed  
1145 activity for a person or firm to falsely hold himself or herself  
1146 out to perform any service, inspection, recharge, repair,  
1147 hydrotest, or installation except as specifically described in  
1148 the permit.

1149 (4)

1150 (b) After initial licensure, each licensee or permittee

1151 must successfully complete a course or courses of continuing  
1152 education for fire equipment technicians of at least 16 hours. A  
1153 license or permit may not be renewed unless the licensee or  
1154 permittee produces documentation of the completion of at least  
1155 16 hours of continuing education for fire equipment technicians  
1156 during the biennial licensure period. A person who is both a  
1157 licensee and a permittee shall ~~be required to~~ complete 16 hours  
1158 of continuing education during each renewal period. Each  
1159 licensee shall ensure that all permittees in his or her  
1160 employment or through a contractual agreement meet their  
1161 continuing education requirements. The State Fire Marshal shall  
1162 adopt rules describing the continuing education requirements and  
1163 shall have the authority upon reasonable belief, to audit a fire  
1164 equipment dealer to determine compliance with continuing  
1165 education requirements.

1166 (c) The forms of such licenses and permits and  
1167 applications therefor must ~~shall~~ be prescribed by the State Fire  
1168 Marshal; in addition to such other information and data as that  
1169 officer determines is appropriate and required for such forms,  
1170 there must ~~shall~~ be included in such forms the following  
1171 matters. Each such application must be in such form as to  
1172 provide that the data and other information set forth therein  
1173 shall be sworn to by the applicant or, if a corporation, by an  
1174 officer thereof. An application for a permit must include the  
1175 name of the licensee employing, or contractually related to,

1176 such permittee, and the permit issued in pursuance of such  
1177 application must also set forth the name of such licensee. A  
1178 permit is valid solely for use by the holder thereof in his or  
1179 her employment by, or contractual relationship with, the  
1180 licensee named in the permit.

1181 (d) A license of any class may not be issued or renewed by  
1182 the division and a license of any class does not remain  
1183 operative unless:

1184 1. The applicant has submitted to the State Fire Marshal  
1185 evidence of registration as a Florida corporation or evidence of  
1186 compliance with s. 865.09.

1187 2. The State Fire Marshal or his or her designee has by  
1188 inspection determined that the applicant possesses the equipment  
1189 required for the class of license sought. The State Fire Marshal  
1190 shall give an applicant a reasonable opportunity to correct any  
1191 deficiencies discovered by inspection. To obtain such  
1192 inspection, an applicant with facilities located outside this  
1193 state must:

1194 a. Provide a notarized statement from a professional  
1195 engineer licensed by the applicant's state of domicile  
1196 certifying that the applicant possesses the equipment required  
1197 for the class of license sought and that all such equipment is  
1198 operable; or

1199 b. Allow the State Fire Marshal or her or his designee to  
1200 inspect the facility. All costs associated with the State Fire

1201 Marshal's inspection must ~~shall~~ be paid by the applicant. The  
 1202 State Fire Marshal, in accordance with s. 120.54, may adopt  
 1203 rules to establish standards for the calculation and  
 1204 establishment of the amount of costs associated with any  
 1205 inspection conducted by the State Fire Marshal under this  
 1206 section. Such rules must ~~shall~~ include procedures for invoicing  
 1207 and receiving funds in advance of the inspection.

1208         3. The applicant has submitted to the State Fire Marshal  
 1209 proof of insurance providing coverage for comprehensive general  
 1210 liability for bodily injury and property damage, products  
 1211 liability, completed operations, and contractual liability. The  
 1212 State Fire Marshal shall adopt rules providing for the amounts  
 1213 of such coverage, but such amounts may not be less than \$300,000  
 1214 for Class A or Class D licenses, \$200,000 for Class B licenses,  
 1215 and \$100,000 for Class C licenses; and the total coverage for  
 1216 any class of license held in conjunction with a Class D license  
 1217 may not be less than \$300,000. The State Fire Marshal may, at  
 1218 any time after the issuance of a license or its renewal, require  
 1219 upon demand, and in no event more than 30 days after notice of  
 1220 such demand, the licensee to provide proof of insurance, on the  
 1221 insurer's a form ~~provided by the State Fire Marshal~~, containing  
 1222 confirmation of insurance coverage as required by this chapter.  
 1223 Failure, for any length of time, to provide proof of insurance  
 1224 coverage as required must ~~shall~~ result in the immediate  
 1225 suspension of the license until proof of proper insurance is

1226 | provided to the State Fire Marshal. An insurer that ~~which~~  
1227 | provides such coverage shall notify the State Fire Marshal of  
1228 | any change in coverage or of any termination, cancellation, or  
1229 | nonrenewal of any coverage.

1230 |         4. The applicant applies to the State Fire Marshal,  
1231 | provides proof of experience, and successfully completes a  
1232 | prescribed training course offered by the State Fire College or  
1233 | an equivalent course approved by the State Fire Marshal. This  
1234 | subparagraph does not apply to any holder of or applicant for a  
1235 | permit under paragraph (g) or to a business organization or a  
1236 | governmental entity seeking initial licensure or renewal of an  
1237 | existing license solely for the purpose of inspecting,  
1238 | servicing, repairing, marking, recharging, and maintaining fire  
1239 | extinguishers used and located on the premises of and owned by  
1240 | such organization or entity.

1241 |         5. The applicant has a current retestor identification  
1242 | number that is appropriate for the license for which the  
1243 | applicant is applying and that is listed with the United States  
1244 | Department of Transportation.

1245 |         6. The applicant has passed, with a grade of at least 70  
1246 | percent, a written examination testing his or her knowledge of  
1247 | the rules and statutes governing the activities authorized by  
1248 | the license and demonstrating his or her knowledge and ability  
1249 | to perform those tasks in a competent, lawful, and safe manner.  
1250 | Such examination must ~~shall~~ be developed and administered by the

1251 State Fire Marshal, or his or her designee in accordance with  
1252 policies and procedures of the State Fire Marshal. An applicant  
1253 shall pay a nonrefundable examination fee of \$50 for each  
1254 examination or reexamination scheduled. A reexamination may not  
1255 be scheduled sooner than 30 days after any administration of an  
1256 examination to an applicant. An applicant may not be permitted  
1257 to take an examination for any level of license more than a  
1258 total of four times during 1 year, regardless of the number of  
1259 applications submitted. As a prerequisite to licensure of the  
1260 applicant, he or she:

1261 a. Must be at least 18 years of age.

1262 b. Must have 4 years of proven experience as a fire  
1263 equipment permittee at a level equal to or greater than the  
1264 level of license applied for or have a combination of education  
1265 and experience determined to be equivalent thereto by the State  
1266 Fire Marshal. Having held a permit at the appropriate level for  
1267 the required period constitutes the required experience.

1268 c. Must not have been convicted of a felony or a crime  
1269 punishable by imprisonment of 1 year or more under the law of  
1270 the United States or of any state thereof or under the law of  
1271 any other country. "Convicted" means a finding of guilt or the  
1272 acceptance of a plea of guilty or nolo contendere in any federal  
1273 or state court or a court in any other country, without regard  
1274 to whether a judgment of conviction has been entered by the  
1275 court having jurisdiction of the case. If an applicant has been

1276 convicted of any such felony, the applicant is ~~shall be~~ excluded  
 1277 from licensure for a period of 4 years after expiration of  
 1278 sentence or final release by the Florida Commission on Offender  
 1279 Review unless the applicant, before the expiration of the 4-year  
 1280 period, has received a full pardon or has had her or his civil  
 1281 rights restored.

1282  
 1283 This subparagraph does not apply to any holder of or applicant  
 1284 for a permit under paragraph (g) or to a business organization  
 1285 or a governmental entity seeking initial licensure or renewal of  
 1286 an existing license solely for the purpose of inspecting,  
 1287 servicing, repairing, marking, recharging, hydrotesting, and  
 1288 maintaining fire extinguishers used and located on the premises  
 1289 of and owned by such organization or entity.

1290 Section 41. Subsection (7) of section 633.318, Florida  
 1291 Statutes, is amended to read:

1292 633.318 Certificate application and issuance; permit  
 1293 issuance; examination and investigation of applicant.—

1294 (7) The State Fire Marshal may, at any time subsequent to  
 1295 the issuance of the certificate or its renewal, require, upon  
 1296 demand and in no event more than 30 days after notice of the  
 1297 demand, the certificateholder to provide proof of insurance  
 1298 coverage on the insurer's a form ~~provided by the State Fire~~  
 1299 ~~Marshal~~ containing confirmation of insurance coverage as  
 1300 required by this chapter. Failure to provide proof of insurance

1301 coverage as required, for any length of time, shall result in  
 1302 the immediate suspension of the certificate until proof of  
 1303 insurance is provided to the State Fire Marshal.

1304 Section 42. Paragraph (b) of subsection (6) of section  
 1305 633.408, Florida Statutes, is amended to read:

1306 633.408 Firefighter and volunteer firefighter training and  
 1307 certification.—

1308 (6)

1309 (b) A Special Certificate of Compliance only authorizes an  
 1310 individual to serve as an administrative and command head of a  
 1311 fire service provider.

1312 1. An individual desiring to obtain a Special Certificate  
 1313 of Compliance may not be employed as a fire chief, fire  
 1314 coordinator, fire director, or fire administrator for a period  
 1315 of more than 1 year without obtaining certification.

1316 2. An individual desiring to obtain a Special Certificate  
 1317 of Compliance may not serve as a command officer or function in  
 1318 a position dictating incident outcomes or objectives before  
 1319 achieving certification.

1320 3. Retention requirements for a Special Certificate of  
 1321 Compliance must be similar to those provided in s. 633.414.

1322 Section 43. Subsection (1) of section 633.416, Florida  
 1323 Statutes, is amended, present subsections (7) and (8) of that  
 1324 section are redesignated as subsections (8) and (9),  
 1325 respectively, and a new subsection (7) is added to that section,

1326 to read:

1327 633.416 Firefighter employment and volunteer firefighter  
1328 service; saving clause.—

1329 (1) A fire service provider may not employ an individual  
1330 to:

1331 (a) Extinguish fires for the protection of life or  
1332 property or to supervise individuals who perform such services  
1333 unless the individual holds a current and valid Firefighter  
1334 Certificate of Compliance; or

1335 (b) Serve as the administrative and command head of a fire  
1336 service provider for a period in excess of 1 year unless the  
1337 individual holds a current and valid Firefighter Certificate of  
1338 Compliance or Special Certificate of Compliance pursuant to s.  
1339 633.408.

1340 (7) A fire service provider may employ individuals who  
1341 have received equivalent training while active in the United  
1342 States Department of Defense. The standard of equivalency of  
1343 training must be verified by the division before such an  
1344 individual's employment begins. Such individual must obtain a  
1345 Firefighter Certificate of Compliance within 24 months after  
1346 employment.

1347 Section 44. Paragraph (e) of subsection (1) of section  
1348 633.444, Florida Statutes, is amended to read:

1349 633.444 Division powers and duties; Florida State Fire  
1350 College.—

1351 (1) The division, in performing its duties related to the  
1352 Florida State Fire College, specified in this part, shall:

1353 ~~(c) Develop a staffing and funding formula for the Florida~~  
1354 ~~State Fire College. The formula must include differential~~  
1355 ~~funding levels for various types of programs, must be based on~~  
1356 ~~the number of full-time equivalent students and information~~  
1357 ~~obtained from scheduled attendance counts taken the first day of~~  
1358 ~~each program, and must provide the basis for the legislative~~  
1359 ~~budget request. As used in this section, a full-time equivalent~~  
1360 ~~student is equal to a minimum of 900 hours in a technical~~  
1361 ~~certificate program and 400 hours in a degree-seeking program.~~  
1362 ~~The funding formula must be as prescribed pursuant to s.~~  
1363 ~~1011.62, must include procedures to document daily attendance,~~  
1364 ~~and must require that attendance records be retained for audit~~  
1365 ~~purposes.~~

1366 Section 45. Subsection (8) of section 648.27, Florida  
1367 Statutes, is amended to read:

1368 648.27 Licenses and appointments; general.—

1369 (8) ~~An application for a managing general agent's license~~  
1370 ~~must be made by an insurer who proposes to employ or appoint an~~  
1371 ~~individual, partnership, association, or corporation as a~~  
1372 ~~managing general agent. Such application shall contain the~~  
1373 ~~information required by s. 626.744, and the applicant shall pay~~  
1374 ~~the same fee as a managing general agent licensed pursuant to~~  
1375 ~~that section. An individual who is appointed as a managing~~

1376 | general agent to supervise or manage bail bond business written  
 1377 | in this state must also be licensed as a bail bond agent. In the  
 1378 | case of an entity, at least one owner, officer, or director at  
 1379 | each office location must be licensed as a bail bond agent.

1380 | Section 46. Present subsection (6) of section 648.34,  
 1381 | Florida Statutes, is redesignated as subsection (7), and a new  
 1382 | subsection (6) is added to that section, to read:

1383 | 648.34 Bail bond agents; qualifications.—

1384 | (6) The completion and submission of fingerprints as  
 1385 | required by this chapter are deemed to be met when an individual  
 1386 | has previously submitted fingerprints to the department in  
 1387 | support of an application for licensure under this chapter  
 1388 | within the past 48 months. However, the department may require  
 1389 | the individual to file fingerprints if it has reason to believe  
 1390 | that an applicant or licensee has been found guilty of, or  
 1391 | pleaded guilty or nolo contendere to, a felony or a crime  
 1392 | related to the business of insurance in this or any other state  
 1393 | or jurisdiction.

1394 | Section 47. For the purpose of incorporating the amendment  
 1395 | made by this act to section 626.221, Florida Statutes, in a  
 1396 | reference thereto, paragraph (b) of subsection (1) of section  
 1397 | 626.8734, Florida Statutes, is reenacted to read:

1398 | 626.8734 Nonresident all-lines adjuster license  
 1399 | qualifications.—

1400 | (1) The department shall issue a license to an applicant

1401 for a nonresident all-lines adjuster license upon determining  
1402 that the applicant has paid the applicable license fees required  
1403 under s. 624.501 and:

1404 (b) Has passed to the satisfaction of the department a  
1405 written Florida all-lines adjuster examination of the scope  
1406 prescribed in s. 626.241(6); however, the requirement for the  
1407 examination does not apply to:

1408 1. An applicant who is licensed as an all-lines adjuster  
1409 in his or her home state if that state has entered into a  
1410 reciprocal agreement with the department;

1411 2. An applicant who is licensed as a nonresident all-lines  
1412 adjuster in a state other than his or her home state and a  
1413 reciprocal agreement with the appropriate official of the state  
1414 of licensure has been entered into with the department; or

1415 3. An applicant who holds a certification set forth in s.  
1416 626.221(2)(j).

1417 Section 48. This act shall take effect July 1, 2018.