

By Senator Stargel

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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

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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 before when the department must annually review  
52 the 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

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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

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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

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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 up 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

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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

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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 certain  
189 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 photograph,  
202 ~~microphotograph, or reproduce on film~~, all records and documents  
203 of the division, as the Chief Financial Officer, in his or her

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204 discretion, selects; and the division may destroy any such  
205 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 a  
221 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  
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.



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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

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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

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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, except  
306 the Legislature, shall designate a safety coordinator. Such  
307 safety coordinator must be an employee of the department and  
308 must hold a position which has responsibilities comparable to  
309 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

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320 statement of safety policy and responsibility.

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

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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

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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 Risk  
395 Management's records and the agency's records and report such  
396 discrepancies to the Division of Risk Management in writing; and

397 (c) Review and respond to communications from the Division  
398 of Risk Management identifying unsafe or inappropriate  
399 conditions, policies, procedures, trends, equipment, or actions  
400 or incidents that have led or may lead to accidents or claims  
401 involving the state.

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

404 409.1451 The Road-to-Independence Program.—

405 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

406 (a) A young adult is eligible for services and support

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407 under this subsection if he or she:

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

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

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

419 4. Has been admitted for enrollment as a full-time student  
420 or its equivalent in an eligible postsecondary educational  
421 institution as provided in s. 1009.533. For purposes of this  
422 section, the term "full-time" means 9 credit hours or the  
423 vocational school equivalent. A student may enroll part-time if  
424 he or she has a recognized disability or is faced with another  
425 challenge or circumstance that would prevent full-time  
426 attendance. A student needing to enroll part-time for any reason  
427 other than having a recognized disability must get approval from  
428 his or her academic advisor;

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

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

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

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

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

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

443 414.411 Public assistance fraud.-

444 (1) The Department of Financial Services shall investigate  
445 all public assistance provided to residents of the state or  
446 provided to others by the state. In the course of such  
447 investigation the department shall examine all records,  
448 including electronic benefits transfer records and make inquiry  
449 of all persons who may have knowledge as to any irregularity  
450 incidental to the disbursement of public moneys, food  
451 assistance, or other items or benefits authorizations to  
452 recipients. All public assistance recipients, as a condition  
453 precedent to qualification for public assistance under chapter  
454 409, chapter 411, or this chapter, must first give in writing,  
455 to the Agency for Health Care Administration, the Department of  
456 Health, the Department of Education ~~Economic Opportunity~~, and  
457 the Department of Children and Families, as appropriate, and to  
458 the Department of Financial Services, consent to make inquiry of  
459 past or present employers and records, financial or otherwise.

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

462 497.168 Members of Armed Forces in good standing with  
463 administrative boards.-

464 (3) A member of the United States Armed Forces or a veteran



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

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

479 497.456 Preneed Funeral Contract Consumer Protection Trust  
480 Fund.—

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

493 Section 10. Subsection (1) of section 624.317, Florida

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494 Statutes, is amended to read:

495       624.317 Investigation of agents, adjusters, administrators,  
496 service companies, and others.—If it has reason to believe that  
497 any person has violated or is violating any provision of this  
498 code, or upon the written complaint signed by any interested  
499 person indicating that any such violation may exist:

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

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

509       624.34 Authority of Department of Law Enforcement to accept  
510 fingerprints of, and exchange criminal history records with  
511 respect to, certain persons.—

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

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

522       624.4094 Bail bond premiums.—

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

535 Section 13. Paragraph (e) of subsection (19) of section  
 536 624.501, Florida Statutes, is amended to read:

537 624.501 Filing, license, appointment, and miscellaneous  
 538 fees.—The department, commission, or office, as appropriate,  
 539 shall collect in advance, and persons so served shall pay to it  
 540 in advance, fees, licenses, and miscellaneous charges as  
 541 follows:

542 (19) Miscellaneous services:

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

547 Section 14. Subsection (1) of section 624.509, Florida  
 548 Statutes, is amended to read:

549 624.509 Premium tax; rate and computation.—

550 (1) In addition to the license taxes provided for in this  
 551 chapter, each insurer shall also annually, and on or before

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

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

570 1. For reinsurance ceded to other insurers;

571 2. For moneys paid upon surrender of policies or  
572 certificates for cash surrender value;

573 3. For discounts or refunds for direct or prompt payment of  
574 premiums or assessments; and

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

579 (b) An amount equal to 1 percent of the gross receipts on  
580 annuity policies or contracts paid by holders thereof in this

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581 state; and

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

586 Section 15. Section 625.071, Florida Statutes, is amended  
587 to read:

588 625.071 Special reserve for bail and judicial bonds.—In  
589 lieu of the unearned premium reserve required on surety bonds  
590 under s. 625.051, the office may require any surety insurer or  
591 limited surety insurer to set up and maintain a reserve on all  
592 bail bonds or other single-premium bonds without definite  
593 expiration date, furnished in judicial proceedings, equal to the  
594 lesser of 35 percent of the bail premiums in force or \$7 per  
595 \$1,000 of bail liability. Such reserve shall be reported as a  
596 liability in financial statements required to be filed with the  
597 office. Each insurer shall file a supplementary schedule showing  
598 bail premiums in force and bail liability and the associated  
599 special reserve for bail and judicial bonds with financial  
600 statements required by s. 624.424. Bail premiums in force do not  
601 include amounts retained by licensed bail bond agents or  
602 appointed ~~licensed~~ managing general agents, but may not be less  
603 than 6.5 percent of the total consideration received for all  
604 bail bonds in force.

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

607 626.112 License and appointment required; agents, customer  
608 representatives, adjusters, insurance agencies, service  
609 representatives, managing general agents.—

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

614 Section 17. Section 626.171, Florida Statutes, is amended  
615 to read:

616 626.171 Application for license as an agent, customer  
617 representative, adjuster, service representative, ~~managing~~  
618 ~~general agent~~, or reinsurance intermediary.-

619 (1) The department may not issue a license as agent,  
620 customer representative, adjuster, service representative,  
621 ~~managing general agent~~, or reinsurance intermediary to any  
622 person except upon written application filed with the  
623 department, meeting the qualifications for the license applied  
624 for as determined by the department, and payment in advance of  
625 all applicable fees. The application must be made under the oath  
626 of the applicant and be signed by the applicant. An applicant  
627 may permit a third party to complete, submit, and sign an  
628 application on the applicant's behalf, but is responsible for  
629 ensuring that the information on the application is true and  
630 correct and is accountable for any misstatements or  
631 misrepresentations. The department shall accept the uniform  
632 application for nonresident agent licensing. The department may  
633 adopt revised versions of the uniform application by rule.

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

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

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

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

647 (d) Whether any insurer or any managing general agent  
648 claims the applicant is indebted under any agency contract or  
649 otherwise and, if so, the name of the claimant, the nature of  
650 the claim, and the applicant's defense thereto, if any.

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

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

654 (g) The applicant's native language.

655 (h) The highest level of education achieved by the  
656 applicant.

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

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

664  
665 However, the application must contain a statement that an  
666 applicant is not required to disclose his or her race or  
667 ethnicity, gender, or native language, that he or she will not

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668 be penalized for not doing so, and that the department will use  
669 this information exclusively for research and statistical  
670 purposes and to improve the quality and fairness of the  
671 examinations.

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

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

693 (5) The application for license filing fee prescribed in s.  
694 624.501 is not subject to refund.

695 (6) Members of the United States Armed Forces and their  
696 spouses, and veterans of the United States Armed Forces who have



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697 retired within 24 months before application for licensure, are  
698 exempt from the application filing fee prescribed in s. 624.501.  
699 Qualified individuals must provide a copy of a military  
700 identification card, military dependent identification card,  
701 military service record, military personnel file, veteran  
702 record, discharge paper, ~~or separation document,~~ or a separation  
703 document that indicates such members of the United States Armed  
704 Forces are currently in good standing or were honorably  
705 discharged.

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

713 Section 18. Section 626.202, Florida Statutes, is amended  
714 to read:

715 626.202 Fingerprinting requirements.-

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

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

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

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

749       626.207 Disqualification of applicants and licensees;  
750 penalties against licensees; rulemaking authority.—

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

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755 Section 20. Paragraph (j) of subsection (2) of section  
756 626.221, Florida Statutes, is amended to read:

757 626.221 Examination requirement; exemptions.—

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

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

777 Section 21. Present subsections (6) and (7) of section  
778 626.451, Florida Statutes, are redesignated as subsections (5)  
779 and (6), respectively, and subsections (1) and (5) and present  
780 subsection (6) of that section are amended, to read:

781 626.451 Appointment of agent or other representative.—

782 (1) Each appointing entity or person designated by the  
783 department to administer the appointment process appointing an

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784 agent, adjuster, service representative, customer  
785 representative, or managing general agent in this state shall  
786 file the appointment with the department or office and, at the  
787 same time, pay the applicable appointment fee and taxes. Every  
788 appointment is ~~shall be~~ subject to the prior issuance of the  
789 appropriate agent's, adjuster's, service representative's, or  
790 customer representative's, ~~or managing general agent's~~ license.

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

796 ~~(5)-(6)~~ Upon the filing of an information or indictment  
797 against an agent, adjuster, service representative, or customer  
798 representative, ~~or managing general agent,~~ the state attorney  
799 shall immediately furnish the department or office a certified  
800 copy of the information or indictment.

801 Section 22. Section 626.521, Florida Statutes, is amended  
802 to read:

803 626.521 ~~Character,~~ Credit and character reports.-

804 (1) Before appointing ~~As to each applicant who~~ for the  
805 first time in this state an ~~is applying and qualifying for a~~  
806 ~~license as~~ agent, adjuster, service representative, customer  
807 representative, or managing general agent, the appointing  
808 insurer or employer shall ~~its manager or general agent in this~~  
809 ~~state, in the case of agents, or the appointing general lines~~  
810 ~~agent, in the case of customer representatives, or the employer,~~  
811 ~~in the case of service representatives and of adjusters who are~~  
812 ~~not to be self-employed, shall coincidentally with such~~

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813 ~~appointment or employment~~ secure and thereafter keep on file a  
814 full detailed credit and character report ~~made by an established~~  
815 ~~and reputable independent reporting service,~~ relative to the  
816 individual so appointed ~~or employed.~~

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

822 ~~(3) As to an applicant for an adjuster's or reinsurance~~  
823 ~~intermediary's license who is to be self-employed, the~~  
824 ~~department may secure, at the cost of the applicant, a full~~  
825 ~~detailed credit and character report made by an established and~~  
826 ~~reputable independent reporting service relative to the~~  
827 ~~applicant.~~

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

837 (3)~~(5)~~ Information contained in credit or character reports  
838 furnished to or secured by the department under this section is  
839 confidential and exempt from ~~the provisions of~~ s. 119.07(1).

840 Section 23. Paragraph (f) of subsection (1) of section  
841 626.731, Florida Statutes, is amended to read:

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842 626.731 Qualifications for general lines agent's license.-

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

847 ~~(f) The applicant is not a service representative, a~~  
848 ~~managing general agent in this state, or a special agent or~~  
849 ~~similar service representative of a health insurer which also~~  
850 ~~transacts property, casualty, or surety insurance; except that~~  
851 ~~the president, vice president, secretary, or treasurer,~~  
852 ~~including a member of the board of directors, of a corporate~~  
853 ~~insurer, if otherwise qualified under and meeting the~~  
854 ~~requirements of this part, may be licensed and appointed as a~~  
855 ~~local resident agent.~~

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

858 626.7351 Qualifications for customer representative's  
859 license.-The department shall not grant or issue a license as  
860 customer representative to any individual found by it to be  
861 untrustworthy or incompetent, or who does not meet each of the  
862 following qualifications:

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

866 Section 25. Section 626.744, Florida Statutes, is amended  
867 to read:

868 626.744 Service representatives, ~~managing general agents;~~  
869 application for license.-The application for a license as  
870 service representative must ~~or the application for a license as~~

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871 ~~managing general agent shall~~ show the applicant's name,  
872 residence address, name of employer, position or title, type of  
873 work to be performed by the applicant in this state, and any  
874 additional information which the department may reasonably  
875 require.

876 Section 26. Section 626.745, Florida Statutes, is amended  
877 to read:

878 626.745 Service representatives, managing general agents;  
879 managers; activities.—Individuals employed by insurers or their  
880 managers, general agents, or representatives as service  
881 representatives, and as managing general agents employed for the  
882 purpose of or engaged in assisting agents in negotiating and  
883 effecting contracts of insurance, shall engage in such  
884 activities ~~when, and only when~~ licensed as or, accompanied by a  
885 general lines ~~an~~ agent duly licensed and appointed ~~as a resident~~  
886 ~~licensee and appointee~~ under this code.

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

889 626.7451 Managing general agents; required contract  
890 provisions.—No person acting in the capacity of a managing  
891 general agent shall place business with an insurer unless there  
892 is in force a written contract between the parties which sets  
893 forth the responsibility for a particular function, specifies  
894 the division of responsibilities, and contains the following  
895 minimum provisions:

896 (11) An appointed ~~A licensed~~ managing general agent, when  
897 placing business with an insurer under this code, may charge a  
898 per-policy fee not to exceed \$25. ~~In no instance shall~~ The  
899 aggregate of per-policy fees for a placement of business

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900 authorized under this section, when combined with any other per-  
901 policy fee charged by the insurer, may not result in per-policy  
902 fees that ~~which~~ exceed the aggregate amount of \$25. The per-  
903 policy fee must ~~shall~~ be a component of the insurer's rate  
904 filing and must ~~shall~~ be fully earned.

905

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

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

913 626.7455 Managing general agent; responsibility of  
914 insurer.—

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

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

925 626.752 Exchange of business.—

926 (3)

927 (e) The brokering agent shall maintain an appropriate and  
928 permanent Brokering Agent's Register, which must ~~shall~~ be a



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

942 (5) Within 15 days after the last day of each month, any  
943 insurer accepting business under this section shall report to  
944 the department the name, address, telephone number, and social  
945 security number of each agent from which the insurer received  
946 more than four ~~24~~ personal lines risks during the calendar year,  
947 except for risks being removed from the Citizens Property  
948 Insurance Corporation and placed with that insurer by a  
949 brokering agent. Once the insurer has reported pursuant to this  
950 subsection an agent's name to the department, additional reports  
951 on the same agent shall not be required. However, the fee set  
952 forth in s. 624.501 must ~~shall~~ be paid for the agent by the  
953 insurer for each year until the insurer notifies the department  
954 that the insurer is no longer accepting business from the agent  
955 pursuant to this section. The insurer may require that the agent  
956 reimburse the insurer for the fee.

957 Section 30. Subsection (4) of section 626.793, Florida

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958 Statutes, is amended to read:

959 626.793 Excess or rejected business.—

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

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

975 626.837 Excess or rejected business.—

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

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987 section. The insurer may require that the agent reimburse the  
988 insurer for the fee.

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

991 626.8732 Nonresident public adjuster's qualifications,  
992 bond.—

993 ~~(5) After licensure as a nonresident public adjuster, as a~~  
994 ~~condition of doing business in this state, the licensee must~~  
995 ~~annually on or before January 1, on a form prescribed by the~~  
996 ~~department, submit an affidavit certifying that the licensee is~~  
997 ~~familiar with and understands the insurance code and rules~~  
998 ~~adopted thereunder and the provisions of the contracts~~  
999 ~~negotiated or to be negotiated. Compliance with this filing~~  
1000 ~~requirement is a condition precedent to the issuance,~~  
1001 ~~continuation, reinstatement, or renewal of a nonresident public~~  
1002 ~~adjuster's appointment.~~

1003 Section 33. Subsection (4) of section 626.8734, Florida  
1004 Statutes, is amended to read:

1005 626.8734 Nonresident all-lines adjuster license  
1006 qualifications.—

1007 ~~(4) As a condition of doing business in this state as a~~  
1008 ~~nonresident independent adjuster, the appointee must submit an~~  
1009 ~~affidavit to the department certifying that the licensee is~~  
1010 ~~familiar with and understands the insurance laws and~~  
1011 ~~administrative rules of this state and the provisions of the~~  
1012 ~~contracts negotiated or to be negotiated. Compliance with this~~  
1013 ~~filing requirement is a condition precedent to the issuance,~~  
1014 ~~continuation, reinstatement, or renewal of a nonresident~~  
1015 ~~independent adjuster's appointment.~~

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1016 Section 34. Paragraph (h) of subsection (1) of section  
1017 626.88, Florida Statutes, is amended to read:

1018 626.88 Definitions.—For the purposes of this part, the  
1019 term:

1020 (1) "Administrator" is any person who directly or  
1021 indirectly solicits or effects coverage of, collects charges or  
1022 premiums from, or adjusts or settles claims on residents of this  
1023 state in connection with authorized commercial self-insurance  
1024 funds or with insured or self-insured programs which provide  
1025 life or health insurance coverage or coverage of any other  
1026 expenses described in s. 624.33(1) or any person who, through a  
1027 health care risk contract as defined in s. 641.234 with an  
1028 insurer or health maintenance organization, provides billing and  
1029 collection services to health insurers and health maintenance  
1030 organizations on behalf of health care providers, other than any  
1031 of the following persons:

1032 (h) A person appointed ~~licensed~~ as a managing general agent  
1033 in this state, whose activities are limited exclusively to the  
1034 scope of activities conveyed under such appointment ~~license~~.

1035  
1036 A person who provides billing and collection services to health  
1037 insurers and health maintenance organizations on behalf of  
1038 health care providers shall comply with the provisions of ss.  
1039 627.6131, 641.3155, and 641.51(4).

1040 Section 35. Subsection (2) of section 626.927, Florida  
1041 Statutes, is amended to read:

1042 626.927 Licensing of surplus lines agent.—

1043 (2) Any individual, while licensed as ~~and appointed as a~~  
1044 ~~managing general agent as defined in s. 626.015, or service~~

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1045 ~~representative as defined in s. 626.015, and who otherwise~~  
1046 ~~possesses all of the other qualifications of a general lines~~  
1047 ~~agent under this code, and who has a minimum of 1 year of year's~~  
1048 ~~experience working for a licensed surplus lines agent or who has~~  
1049 ~~successfully completed 60 class hours in surplus and excess~~  
1050 ~~lines in a course approved by the department, may, upon taking~~  
1051 ~~and successfully passing a written examination as to surplus~~  
1052 ~~lines, as given by the department, be licensed as a surplus~~  
1053 ~~lines agent solely for the purpose of placing with surplus lines~~  
1054 ~~insurers property, marine, casualty, or surety coverages~~  
1055 ~~originated by general lines agents; except that no examination~~  
1056 ~~as for a general lines agent's license shall be required of any~~  
1057 ~~managing general agent or service representative who held a~~  
1058 ~~Florida surplus lines agent's license as of January 1, 1959.~~

1059 Section 36. Subsection (2) of section 626.929, Florida  
1060 Statutes, is amended to read:

1061 626.929 Origination, acceptance, placement of surplus lines  
1062 business.—

1063 (2) A managing general agent, while also licensed and  
1064 appointed as a surplus lines agent under this part, may accept  
1065 and place solely such surplus lines business as is originated by  
1066 a Florida-licensed general lines agent appointed and licensed as  
1067 to the kinds of insurance involved and may compensate such agent  
1068 therefor.

1069 Section 37. Subsection (3) of section 626.930, Florida  
1070 Statutes, is amended to read:

1071 626.930 Records of surplus lines agent.—

1072 (3) Each surplus lines agent shall maintain all surplus  
1073 lines business records in his or her general lines agency

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1074 office, ~~if licensed as a general lines agent, or in his or her~~  
 1075 managing general agency office, ~~if licensed as a managing~~  
 1076 general agent or the full-time salaried employee of such general  
 1077 agent.

1078 Section 38. Subsection (2) of section 626.9892, Florida  
 1079 Statutes, is amended to read:

1080 626.9892 Anti-Fraud Reward Program; reporting of insurance  
 1081 fraud.—

1082 (2) The department may pay rewards of up to \$25,000 to  
 1083 persons providing information leading to the arrest and  
 1084 conviction of persons committing crimes investigated by the  
 1085 department arising from violations of s. 440.105, s. 624.15, s.  
 1086 626.9541, s. 626.989, s. 790.164, s. 790.165, s. 790.166, s.  
 1087 806.01, s. 806.031, s. 806.10, s. 806.111, s. 817.233, or s.  
 1088 817.234.

1089 Section 39. Subsection (3) of section 633.302, Florida  
 1090 Statutes, is amended to read:

1091 633.302 Florida Fire Safety Board; membership; duties;  
 1092 meetings; officers; quorum; compensation; seal.—

1093 (3) The State Fire Marshal's term on the board, or that of  
 1094 her or his designee, must ~~shall~~ coincide with the State Fire  
 1095 Marshal's term of office. Of the other six members of the board,  
 1096 one member must ~~shall~~ be appointed for an initial ~~a~~ term of 1  
 1097 year, one member for an initial ~~a~~ term of 2 years, two members  
 1098 for initial terms of 3 years, and two members for initial terms  
 1099 of 4 years. After the initial term, each member will have a 4-  
 1100 year term. All terms expire on June 30 of the last year of the  
 1101 term. When the term of a member expires, the State Fire Marshal  
 1102 shall appoint a member to fill the vacancy for a term of 4

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1103 years. The State Fire Marshal may remove any appointed member  
1104 for cause. A vacancy in the membership of the board for any  
1105 cause must ~~shall~~ be filled by appointment by the State Fire  
1106 Marshal for the balance of the unexpired term.

1107 Section 40. Subsection (2), paragraph (a) of subsection  
1108 (3), and paragraphs (b), (c), and (d) of subsection (4) of  
1109 section 633.304, Florida Statutes, are amended to read:

1110 633.304 Fire suppression equipment; license to install or  
1111 maintain.—

1112 (2) A person who holds a valid fire equipment dealer  
1113 license may maintain such license in an inactive status during  
1114 which time he or she may not engage in any work under the  
1115 definition of the license held. An inactive status license is  
1116 ~~shall be void after 4 years or when the license is renewed,~~  
1117 ~~whichever comes first.~~ However, an inactive status license must  
1118 be reactivated before December 31 of each odd-numbered year. An  
1119 inactive status license may not be reactivated unless the  
1120 continuing education requirements of this chapter have been  
1121 fulfilled.

1122 (3) Each individual actually performing the work of  
1123 servicing, recharging, repairing, hydrotesting, installing,  
1124 testing, or inspecting fire extinguishers or preengineered  
1125 systems must possess a valid and subsisting permit issued by the  
1126 division. Permittees are limited as to specific type of work  
1127 performed to allow work no more extensive than the class of  
1128 license held by the licensee under whom the permittee is  
1129 working. Permits will be issued by the division as follows:

1130 (a) Portable permit: "Portable permittee" means a person  
1131 who is limited to performing work no more extensive than the

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1132 employing or contractually related licensee in the servicing,  
1133 recharging, repairing, installing, or inspecting all types of  
1134 portable fire extinguishers.

1135  
1136 Any fire equipment permittee licensed pursuant to this  
1137 subsection who does not want to engage in servicing, inspecting,  
1138 recharging, repairing, hydrotesting, or installing halon  
1139 equipment must file an affidavit on a form provided by the  
1140 division so stating. Permits will be issued by the division to  
1141 show the work authorized thereunder. It is unlawful, unlicensed  
1142 activity for a person or firm to falsely hold himself or herself  
1143 out to perform any service, inspection, recharge, repair,  
1144 hydrotest, or installation except as specifically described in  
1145 the permit.

1146 (4)

1147 (b) After initial licensure, each licensee or permittee  
1148 must successfully complete a course or courses of continuing  
1149 education for fire equipment technicians of at least 16 hours. A  
1150 license or permit may not be renewed unless the licensee or  
1151 permittee produces documentation of the completion of at least  
1152 16 hours of continuing education for fire equipment technicians  
1153 during the biennial licensure period. A person who is both a  
1154 licensee and a permittee shall ~~be required to~~ complete 16 hours  
1155 of continuing education during each renewal period. Each  
1156 licensee shall ensure that all permittees in his or her  
1157 employment or through a contractual agreement meet their  
1158 continuing education requirements. The State Fire Marshal shall  
1159 adopt rules describing the continuing education requirements and  
1160 shall have the authority upon reasonable belief, to audit a fire



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1161 equipment dealer to determine compliance with continuing  
1162 education requirements.

1163 (c) The forms of such licenses and permits and applications  
1164 therefor must ~~shall~~ be prescribed by the State Fire Marshal; in  
1165 addition to such other information and data as that officer  
1166 determines is appropriate and required for such forms, there  
1167 must ~~shall~~ be included in such forms the following matters. Each  
1168 such application must be in such form as to provide that the  
1169 data and other information set forth therein shall be sworn to  
1170 by the applicant or, if a corporation, by an officer thereof. An  
1171 application for a permit must include the name of the licensee  
1172 employing, or contractually related to, such permittee, and the  
1173 permit issued in pursuance of such application must also set  
1174 forth the name of such licensee. A permit is valid solely for  
1175 use by the holder thereof in his or her employment by, or  
1176 contractual relationship with, the licensee named in the permit.

1177 (d) A license of any class may not be issued or renewed by  
1178 the division and a license of any class does not remain  
1179 operative unless:

1180 1. The applicant has submitted to the State Fire Marshal  
1181 evidence of registration as a Florida corporation or evidence of  
1182 compliance with s. 865.09.

1183 2. The State Fire Marshal or his or her designee has by  
1184 inspection determined that the applicant possesses the equipment  
1185 required for the class of license sought. The State Fire Marshal  
1186 shall give an applicant a reasonable opportunity to correct any  
1187 deficiencies discovered by inspection. To obtain such  
1188 inspection, an applicant with facilities located outside this  
1189 state must:

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1190 a. Provide a notarized statement from a professional  
1191 engineer licensed by the applicant's state of domicile  
1192 certifying that the applicant possesses the equipment required  
1193 for the class of license sought and that all such equipment is  
1194 operable; or

1195 b. Allow the State Fire Marshal or her or his designee to  
1196 inspect the facility. All costs associated with the State Fire  
1197 Marshal's inspection must ~~shall~~ be paid by the applicant. The  
1198 State Fire Marshal, in accordance with s. 120.54, may adopt  
1199 rules to establish standards for the calculation and  
1200 establishment of the amount of costs associated with any  
1201 inspection conducted by the State Fire Marshal under this  
1202 section. Such rules must ~~shall~~ include procedures for invoicing  
1203 and receiving funds in advance of the inspection.

1204 3. The applicant has submitted to the State Fire Marshal  
1205 proof of insurance providing coverage for comprehensive general  
1206 liability for bodily injury and property damage, products  
1207 liability, completed operations, and contractual liability. The  
1208 State Fire Marshal shall adopt rules providing for the amounts  
1209 of such coverage, but such amounts may not be less than \$300,000  
1210 for Class A or Class D licenses, \$200,000 for Class B licenses,  
1211 and \$100,000 for Class C licenses; and the total coverage for  
1212 any class of license held in conjunction with a Class D license  
1213 may not be less than \$300,000. The State Fire Marshal may, at  
1214 any time after the issuance of a license or its renewal, require  
1215 upon demand, and in no event more than 30 days after notice of  
1216 such demand, the licensee to provide proof of insurance, on the  
1217 insurer's a form ~~provided by the State Fire Marshal~~, containing  
1218 confirmation of insurance coverage as required by this chapter.

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1219 Failure, for any length of time, to provide proof of insurance  
1220 coverage as required must ~~shall~~ result in the immediate  
1221 suspension of the license until proof of proper insurance is  
1222 provided to the State Fire Marshal. An insurer that ~~which~~  
1223 provides such coverage shall notify the State Fire Marshal of  
1224 any change in coverage or of any termination, cancellation, or  
1225 nonrenewal of any coverage.

1226 4. The applicant applies to the State Fire Marshal,  
1227 provides proof of experience, and successfully completes a  
1228 prescribed training course offered by the State Fire College or  
1229 an equivalent course approved by the State Fire Marshal. This  
1230 subparagraph does not apply to any holder of or applicant for a  
1231 permit under paragraph (g) or to a business organization or a  
1232 governmental entity seeking initial licensure or renewal of an  
1233 existing license solely for the purpose of inspecting,  
1234 servicing, repairing, marking, recharging, and maintaining fire  
1235 extinguishers used and located on the premises of and owned by  
1236 such organization or entity.

1237 5. The applicant has a current retestor identification  
1238 number that is appropriate for the license for which the  
1239 applicant is applying and that is listed with the United States  
1240 Department of Transportation.

1241 6. The applicant has passed, with a grade of at least 70  
1242 percent, a written examination testing his or her knowledge of  
1243 the rules and statutes governing the activities authorized by  
1244 the license and demonstrating his or her knowledge and ability  
1245 to perform those tasks in a competent, lawful, and safe manner.  
1246 Such examination must ~~shall~~ be developed and administered by the  
1247 State Fire Marshal, or his or her designee in accordance with

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1248 policies and procedures of the State Fire Marshal. An applicant  
1249 shall pay a nonrefundable examination fee of \$50 for each  
1250 examination or reexamination scheduled. A reexamination may not  
1251 be scheduled sooner than 30 days after any administration of an  
1252 examination to an applicant. An applicant may not be permitted  
1253 to take an examination for any level of license more than a  
1254 total of four times during 1 year, regardless of the number of  
1255 applications submitted. As a prerequisite to licensure of the  
1256 applicant, he or she:

1257 a. Must be at least 18 years of age.

1258 b. Must have 4 years of proven experience as a fire  
1259 equipment permittee at a level equal to or greater than the  
1260 level of license applied for or have a combination of education  
1261 and experience determined to be equivalent thereto by the State  
1262 Fire Marshal. Having held a permit at the appropriate level for  
1263 the required period constitutes the required experience.

1264 c. Must not have been convicted of a felony or a crime  
1265 punishable by imprisonment of 1 year or more under the law of  
1266 the United States or of any state thereof or under the law of  
1267 any other country. "Convicted" means a finding of guilt or the  
1268 acceptance of a plea of guilty or nolo contendere in any federal  
1269 or state court or a court in any other country, without regard  
1270 to whether a judgment of conviction has been entered by the  
1271 court having jurisdiction of the case. If an applicant has been  
1272 convicted of any such felony, the applicant is ~~shall be~~ excluded  
1273 from licensure for a period of 4 years after expiration of  
1274 sentence or final release by the Florida Commission on Offender  
1275 Review unless the applicant, before the expiration of the 4-year  
1276 period, has received a full pardon or has had her or his civil

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1277 rights restored.

1278

1279 This subparagraph does not apply to any holder of or applicant  
1280 for a permit under paragraph (g) or to a business organization  
1281 or a governmental entity seeking initial licensure or renewal of  
1282 an existing license solely for the purpose of inspecting,  
1283 servicing, repairing, marking, recharging, hydrotesting, and  
1284 maintaining fire extinguishers used and located on the premises  
1285 of and owned by such organization or entity.

1286 Section 41. Subsection (7) of section 633.318, Florida  
1287 Statutes, is amended to read:

1288 633.318 Certificate application and issuance; permit  
1289 issuance; examination and investigation of applicant.—

1290 (7) The State Fire Marshal may, at any time subsequent to  
1291 the issuance of the certificate or its renewal, require, upon  
1292 demand and in no event more than 30 days after notice of the  
1293 demand, the certificateholder to provide proof of insurance  
1294 coverage on the insurer's a form ~~provided by the State Fire~~  
1295 ~~Marshal~~ containing confirmation of insurance coverage as  
1296 required by this chapter. Failure to provide proof of insurance  
1297 coverage as required, for any length of time, shall result in  
1298 the immediate suspension of the certificate until proof of  
1299 insurance is provided to the State Fire Marshal.

1300 Section 42. Paragraph (b) of subsection (6) of section  
1301 633.408, Florida Statutes, is amended to read:

1302 633.408 Firefighter and volunteer firefighter training and  
1303 certification.—

1304 (6)

1305 (b) A Special Certificate of Compliance only authorizes an

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1306 individual to serve as an administrative and command head of a  
1307 fire service provider.

1308 1. An individual desiring to obtain a Special Certificate  
1309 of Compliance may not be employed as a fire chief, fire  
1310 coordinator, fire director, or fire administrator for a period  
1311 of more than 1 year without obtaining certification.

1312 2. An individual desiring to obtain a Special Certificate  
1313 of Compliance may not serve as a command officer or function in  
1314 a position dictating incident outcomes or objectives before  
1315 achieving certification.

1316 3. Retention requirements for a Special Certificate of  
1317 Compliance must be similar to those provided in s. 633.414.

1318 Section 43. Subsection (1) of section 633.416, Florida  
1319 Statutes, is amended, present subsections (7) and (8) of that  
1320 section are redesignated as subsections (8) and (9),  
1321 respectively, and a new subsection (7) is added to that section,  
1322 to read:

1323 633.416 Firefighter employment and volunteer firefighter  
1324 service; saving clause.—

1325 (1) A fire service provider may not employ an individual  
1326 to:

1327 (a) Extinguish fires for the protection of life or property  
1328 or to supervise individuals who perform such services unless the  
1329 individual holds a current and valid Firefighter Certificate of  
1330 Compliance; or

1331 (b) Serve as the administrative and command head of a fire  
1332 service provider for a period in excess of 1 year unless the  
1333 individual holds a current and valid Firefighter Certificate of  
1334 Compliance or Special Certificate of Compliance pursuant to s.

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1335 633.408.

1336 (7) A fire service provider may employ individuals who have  
1337 received equivalent training while active in the United States  
1338 Department of Defense. The standard of equivalency of training  
1339 must be verified by the division before such an individual's  
1340 employment begins. Such individual must obtain a Firefighter  
1341 Certificate of Compliance within 24 months after employment.

1342 Section 44. Paragraph (e) of subsection (1) of section  
1343 633.444, Florida Statutes, is amended to read:

1344 633.444 Division powers and duties; Florida State Fire  
1345 College.—

1346 (1) The division, in performing its duties related to the  
1347 Florida State Fire College, specified in this part, shall:

1348 ~~(e) Develop a staffing and funding formula for the Florida~~  
1349 ~~State Fire College. The formula must include differential~~  
1350 ~~funding levels for various types of programs, must be based on~~  
1351 ~~the number of full-time equivalent students and information~~  
1352 ~~obtained from scheduled attendance counts taken the first day of~~  
1353 ~~each program, and must provide the basis for the legislative~~  
1354 ~~budget request. As used in this section, a full-time equivalent~~  
1355 ~~student is equal to a minimum of 900 hours in a technical~~  
1356 ~~certificate program and 400 hours in a degree-seeking program.~~  
1357 ~~The funding formula must be as prescribed pursuant to s.~~  
1358 ~~1011.62, must include procedures to document daily attendance,~~  
1359 ~~and must require that attendance records be retained for audit~~  
1360 ~~purposes.~~

1361 Section 45. Subsection (8) of section 648.27, Florida  
1362 Statutes, is amended to read:

1363 648.27 Licenses and appointments; general.—

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1364           ~~(8) An application for a managing general agent's license~~  
1365 ~~must be made by an insurer who proposes to employ or appoint an~~  
1366 ~~individual, partnership, association, or corporation as a~~  
1367 ~~managing general agent. Such application shall contain the~~  
1368 ~~information required by s. 626.744, and the applicant shall pay~~  
1369 ~~the same fee as a managing general agent licensed pursuant to~~  
1370 ~~that section. An individual who is appointed as a managing~~  
1371 ~~general agent to supervise or manage bail bond business written~~  
1372 ~~in this state must also be licensed as a bail bond agent. In the~~  
1373 ~~case of an entity, at least one owner, officer, or director at~~  
1374 ~~each office location must be licensed as a bail bond agent.~~

1375           Section 46. Present subsection (6) of section 648.34,  
1376 Florida Statutes, is redesignated as subsection (7), and a new  
1377 subsection (6) is added to that section, to read:

1378           648.34 Bail bond agents; qualifications.—

1379           (6) The completion and submission of fingerprints as  
1380 required by this chapter are deemed to be met when an individual  
1381 has previously submitted fingerprints to the department in  
1382 support of an application for licensure under this chapter  
1383 within the past 48 months. However, the department may require  
1384 the individual to file fingerprints if it has reason to believe  
1385 that an applicant or licensee has been found guilty of, or  
1386 pleaded guilty or nolo contendere to, a felony or a crime  
1387 related to the business of insurance in this or any other state  
1388 or jurisdiction.

1389           Section 47. For the purpose of incorporating the amendment  
1390 made by this act to section 626.221, Florida Statutes, in a  
1391 reference thereto, paragraph (b) of subsection (1) of section  
1392 626.8734, Florida Statutes, is reenacted to read:



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1393           626.8734 Nonresident all-lines adjuster license  
1394 qualifications.—

1395           (1) The department shall issue a license to an applicant  
1396 for a nonresident all-lines adjuster license upon determining  
1397 that the applicant has paid the applicable license fees required  
1398 under s. 624.501 and:

1399           (b) Has passed to the satisfaction of the department a  
1400 written Florida all-lines adjuster examination of the scope  
1401 prescribed in s. 626.241(6); however, the requirement for the  
1402 examination does not apply to:

1403           1. An applicant who is licensed as an all-lines adjuster in  
1404 his or her home state if that state has entered into a  
1405 reciprocal agreement with the department;

1406           2. An applicant who is licensed as a nonresident all-lines  
1407 adjuster in a state other than his or her home state and a  
1408 reciprocal agreement with the appropriate official of the state  
1409 of licensure has been entered into with the department; or

1410           3. An applicant who holds a certification set forth in s.  
1411 626.221(2)(j).

1412           Section 48. This act shall take effect July 1, 2018.