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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (e) of subsection (2) and subsection
(6) of section 20.121, Florida Statutes, are amended to read:

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

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



688170

11 (e) The Division of Investigative and Forensic Services,
12 which shall function as a criminal justice agency for purposes
13 of ss. 943.045-943.08. The division may initiate and conduct
14 investigations into any matter under the jurisdiction of the
15 Chief Financial Officer and Fire Marshal within or outside of
16 this state as it deems necessary. If, during an investigation,
17 the division has reason to believe that any criminal law of this
18 state or the United States has or may have been violated, it
19 shall refer any records tending to show such violation to state
20 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
21 prosecutorial agencies and shall provide investigative
22 assistance to those agencies as appropriate ~~required~~. The
23 division shall include the following bureaus and office:

- 24 1. The Bureau of Forensic Services;
- 25 2. The Bureau of Fire, Arson, and Explosives
26 Investigations;
- 27 3. The Office of Fiscal Integrity, which shall have a
28 separate budget;
- 29 4. The Bureau of Insurance Fraud; and
- 30 5. The Bureau of Workers' Compensation Fraud.

31 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~
32 ~~Strategic Markets Research and Assessment Unit is established~~
33 ~~within the Department of Financial Services. The Chief Financial~~
34 ~~Officer or his or her designee shall report on September 1,~~
35 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
36 ~~the Senate, and the Speaker of the House of Representatives on~~
37 ~~the status of the state's financial services markets. At a~~
38 ~~minimum, the report must include a summary of issues, trends,~~
39 ~~and threats that broadly impact the condition of the financial~~



688170

40 ~~services industries, along with the effect of such conditions on~~
41 ~~financial institutions, the securities industries, other~~
42 ~~financial entities, and the credit market. The Chief Financial~~
43 ~~Officer shall also provide findings and recommendations~~
44 ~~regarding regulatory and policy changes to the Cabinet, the~~
45 ~~President of the Senate, and the Speaker of the House of~~
46 ~~Representatives.~~

47 Section 2. Subsections (2) and (4), paragraph (a) of
48 subsection (8), and subsection (12) of section 112.215, Florida
49 Statutes, are amended to read:

50 112.215 Government employees; deferred compensation
51 program.—

52 (2) For the purposes of this section, the term "government
53 employee" means any person employed, whether appointed, elected,
54 or under contract, by providing services for the state or any
55 governmental unit of the state, including, but not limited to,
56 any state agency; any ~~or~~ county, municipality, or other
57 political subdivision of the state; any special district or
58 water management district, as the terms are defined in s.

59 189.012 municipality; any state university or Florida College
60 System institution, as the terms are defined in s. 1000.21(6)
61 and (3), respectively ~~board of trustees; or any constitutional~~
62 county officer under s. 1(d), Art. VIII of the State

63 Constitution for which compensation or statutory fees are paid.

64 (4) (a) The Chief Financial Officer, with the approval of
65 the State Board of Administration, shall establish a state ~~such~~
66 plan or plans of deferred compensation for government ~~state~~
67 employees and ~~may include persons employed by a state university~~
68 ~~as defined in s. 1000.21, a special district as defined in s.~~



688170

69 ~~189.012, or a water management district as defined in s.~~
70 ~~189.012, including all such investment vehicles or products~~
71 ~~incident thereto, as may be available through, or offered by,~~
72 ~~qualified companies or persons, and may approve one or more such~~
73 ~~plans for implementation by and on behalf of the state and its~~
74 ~~agencies and employees.~~

75 (b) If the Chief Financial Officer deems it advisable, he
76 or she shall have the power, with the approval of the State
77 Board of Administration, to create a trust or other special
78 funds for the segregation of funds or assets resulting from
79 compensation deferred at the request of government employees
80 participating in ~~of the state plan or its agencies and~~ for the
81 administration of such program.

82 (c) The Chief Financial Officer, with the approval of the
83 State Board of Administration, may delegate responsibility for
84 administration of the state plan to a person the Chief Financial
85 Officer determines to be qualified, compensate such person, and,
86 directly or through such person or pursuant to a collective
87 bargaining agreement, contract with a private corporation or
88 institution to provide such services as may be part of any such
89 plan or as may be deemed necessary or proper by the Chief
90 Financial Officer or such person, including, but not limited to,
91 providing consolidated billing, individual and collective
92 recordkeeping and accountings, asset purchase, control, and
93 safekeeping, and direct disbursement of funds to employees or
94 other beneficiaries. The Chief Financial Officer may authorize a
95 person, private corporation, or institution to make direct
96 disbursement of funds under the state plan to an employee or
97 other beneficiary.



688170

98 (d) In accordance with such approved plan, and upon
99 contract or agreement with an eligible government employee,
100 deferrals of compensation may be accomplished by payroll
101 deductions made by the appropriate officer or officers of the
102 state, with such funds being thereafter held and administered in
103 accordance with the plan.

104 (e) The administrative costs of the deferred compensation
105 plan must be wholly or partially self-funded. Fees for such
106 self-funding of the plan shall be paid by investment providers
107 and may be recouped from their respective plan participants.
108 Such fees shall be deposited in the Deferred Compensation Trust
109 Fund.

110 (8) (a) There is created a Deferred Compensation Advisory
111 Council composed of eight ~~seven~~ members.

112 1. One member shall be appointed by the Speaker of the
113 House of Representatives and the President of the Senate jointly
114 and shall be an employee of the legislative branch.

115 2. One member shall be appointed by the Chief Justice of
116 the Supreme Court and shall be an employee of the judicial
117 branch.

118 3. One member shall be appointed by the chair of the Public
119 Employees Relations Commission and shall be a nonexempt public
120 employee.

121 4. The remaining five ~~four~~ members shall be employed by the
122 executive branch and shall be appointed as follows:

123 a. One member shall be appointed by the Chancellor of the
124 State University System and shall be an employee of the
125 university system.

126 b. One member shall be appointed by the Chief Financial



688170

127 Officer and shall be an employee of the Chief Financial Officer.

128 c. One member shall be appointed by the Governor and shall
129 be an employee of the executive branch.

130 d. One member shall be appointed by the Executive Director
131 of the State Board of Administration and shall be an employee of
132 the State Board of Administration.

133 e. One member shall be appointed by the Chancellor of the
134 Florida College System and shall be an employee of the Florida
135 College System.

136 (12) The Chief Financial Officer may adopt any rule
137 necessary to administer and implement this act with respect to
138 the state deferred compensation plan or plans ~~for state~~
139 ~~employees and persons employed by a state university as defined~~
140 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
141 ~~water management district as defined in s. 189.012.~~

142 Section 3. Section 215.55952, Florida Statutes, is amended
143 to read:

144 215.55952 Triennial ~~Annual~~ report on economic impact of a
145 1-in-100-year hurricane.—The Chief Financial Officer shall
146 provide a report on the economic impact on the state of a 1-in-
147 100-year hurricane to the Governor, the President of the Senate,
148 and the Speaker of the House of Representatives by March 1,
149 2025, and of each triennial year thereafter. The report shall
150 include an estimate of the short-term and long-term fiscal
151 impacts of such a storm on Citizens Property Insurance
152 Corporation, the Florida Hurricane Catastrophe Fund, the private
153 insurance and reinsurance markets, the state economy, and the
154 state debt. The report shall also include an analysis of the
155 average premium increase to fund a 1-in-100-year hurricane event



688170

156 and list the average cost, in both a percentage and dollar
157 amount, impact to consumers on a county-level basis. The report
158 may also include recommendations by the Chief Financial Officer
159 for preparing for such a hurricane and reducing the economic
160 impact of such a hurricane on the state. In preparing the
161 analysis, the Chief Financial Officer shall coordinate with and
162 obtain data from the Office of Insurance Regulation, Citizens
163 Property Insurance Corporation, the Florida Hurricane
164 Catastrophe Fund, the Florida Commission on Hurricane Loss
165 Projection Methodology, the State Board of Administration, the
166 Office of Economic and Demographic Research, and other state
167 agencies.

168 Section 4. Subsection (1) of section 274.01, Florida
169 Statutes, is amended to read:

170 274.01 Definitions.—The following words as used in this act
171 have the meanings set forth in the below subsections, unless a
172 different meaning is required by the context:

173 (1) "Governmental unit" means the governing board,
174 commission, or authority of a county, a county agency, a
175 municipality, a special district as defined in s. 189.012 or
176 taxing district of the state, or the sheriff of the county.

177 Section 5. Paragraph (c) of subsection (9) and subsections
178 (12) and (14) of section 440.13, Florida Statutes, are amended
179 to read:

180 440.13 Medical services and supplies; penalty for
181 violations; limitations.—

182 (9) EXPERT MEDICAL ADVISORS.—

183 (c) If there is disagreement in the opinions of the health
184 care providers, if two health care providers disagree on medical



688170

185 evidence supporting the employee's complaints or the need for
186 additional medical treatment, or if two health care providers
187 disagree that the employee is able to return to work, the
188 department may, and the judge of compensation claims may ~~shall~~,
189 upon his or her own motion or within 15 days after receipt of a
190 written request by either the injured employee, the employer, or
191 the carrier, order the injured employee to be evaluated by an
192 expert medical advisor. The injured employee and the employer or
193 carrier may agree on the health care provider to serve as an
194 expert medical advisor. If the parties do not agree, the judge
195 of compensation claims shall select an expert medical advisor
196 from the department's list of certified expert medical advisors.
197 If a certified medical advisor within the relevant medical
198 specialty is unavailable, the judge of compensation claims shall
199 appoint any otherwise qualified health care provider to serve as
200 an expert medical advisor without obtaining the department's
201 certification. The opinion of the expert medical advisor is
202 presumed to be correct unless there is clear and convincing
203 evidence to the contrary as determined by the judge of
204 compensation claims. The expert medical advisor appointed to
205 conduct the evaluation shall have free and complete access to
206 the medical records of the employee. An employee who fails to
207 report to and cooperate with such evaluation forfeits
208 entitlement to compensation during the period of failure to
209 report or cooperate.

210 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
211 REIMBURSEMENT ALLOWANCES.—

212 (a) A three-member panel is created, consisting of the
213 Chief Financial Officer, or the Chief Financial Officer's



688170

214 designee, and two members to be appointed by the Governor,
215 subject to confirmation by the Senate, one member who, on
216 account of present or previous vocation, employment, or
217 affiliation, shall be classified as a representative of
218 employers, the other member who, on account of previous
219 vocation, employment, or affiliation, shall be classified as a
220 representative of employees. The panel shall determine statewide
221 schedules of maximum reimbursement allowances for medically
222 necessary treatment, care, and attendance provided by
223 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
224 ~~hardening programs, pain programs, and durable medical~~
225 ~~equipment.~~ The maximum reimbursement allowances for inpatient
226 hospital care shall be based on a schedule of per diem rates, to
227 be approved by the three-member panel no later than March 1,
228 1994, to be used in conjunction with a precertification manual
229 as determined by the department, including maximum hours in
230 which an outpatient may remain in observation status, which
231 shall not exceed 23 hours. All compensable charges for hospital
232 outpatient care shall be reimbursed at 75 percent of usual and
233 customary charges, except as otherwise provided by this
234 subsection. Annually, the three-member panel shall adopt
235 schedules of maximum reimbursement allowances for ~~physicians,~~
236 hospital inpatient care, hospital outpatient care, and
237 ambulatory surgical centers, ~~work-hardening programs, and pain~~
238 ~~programs.~~ A ~~An individual physician, hospital or an,~~ ambulatory
239 surgical center, ~~pain program, or work-hardening program~~ shall
240 be reimbursed either the agreed-upon contract price or the
241 maximum reimbursement allowance in the appropriate schedule.

242 (b) ~~It is the intent of the Legislature to increase the~~



688170

243 ~~schedule of maximum reimbursement allowances for selected~~
244 ~~physicians effective January 1, 2004, and to pay for the~~
245 ~~increases through reductions in payments to hospitals. Revisions~~
246 ~~developed pursuant to this subsection are limited to the~~
247 ~~following:~~

248 ~~1.~~ Payments for outpatient physical, occupational, and
249 speech therapy provided by hospitals shall be ~~reduced to~~ the
250 schedule of maximum reimbursement allowances for these services
251 which applies to nonhospital providers.

252 ~~(c)2.~~ Payments for scheduled outpatient nonemergency
253 radiological and clinical laboratory services that are not
254 provided in conjunction with a surgical procedure shall be
255 ~~reduced to~~ the schedule of maximum reimbursement allowances for
256 these services which applies to nonhospital providers.

257 ~~(d)3.~~ Outpatient reimbursement for scheduled surgeries
258 shall be ~~reduced from 75 percent of charges to~~ 60 percent of
259 charges.

260 ~~(e)1.~~ By July 1 of each year, the department shall notify
261 carriers and self-insurers of the physician and nonhospital
262 services schedule of maximum reimbursement allowances. The
263 notice must include publication of this schedule of maximum
264 reimbursement allowances on the division's website. This
265 schedule is not subject to approval by the three-member panel
266 and does not include reimbursement for prescription medication.

267 2. Subparagraph 1. shall take effect January 1, following
268 the July 1, 2024, notice of the physician and nonhospital
269 services schedule of maximum reimbursement allowances which the
270 department provides to carriers and self-insurers.

271 ~~(f)4.~~ Maximum reimbursement for a physician licensed under



688170

272 chapter 458 or chapter 459 shall be ~~increased to~~ 110 percent of
273 the reimbursement allowed by Medicare, using appropriate codes
274 and modifiers or the medical reimbursement level adopted by the
275 three-member panel as of January 1, 2003, whichever is greater.

276 (g)~~5-~~ Maximum reimbursement for surgical procedures shall
277 be ~~increased to~~ 140 percent of the reimbursement allowed by
278 Medicare or the medical reimbursement level adopted by the
279 three-member panel as of January 1, 2003, whichever is greater.

280 (h)~~(e)~~ As to reimbursement for a prescription medication,
281 the reimbursement amount for a prescription shall be the average
282 wholesale price plus \$4.18 for the dispensing fee. For
283 repackaged or relabeled prescription medications dispensed by a
284 dispensing practitioner as provided in s. 465.0276, the fee
285 schedule for reimbursement shall be 112.5 percent of the average
286 wholesale price, plus \$8.00 for the dispensing fee. For purposes
287 of this subsection, the average wholesale price shall be
288 calculated by multiplying the number of units dispensed times
289 the per-unit average wholesale price set by the original
290 manufacturer of the underlying drug dispensed by the
291 practitioner, based upon the published manufacturer's average
292 wholesale price published in the Medi-Span Master Drug Database
293 as of the date of dispensing. All pharmaceutical claims
294 submitted for repackaged or relabeled prescription medications
295 must include the National Drug Code of the original
296 manufacturer. Fees for pharmaceuticals and pharmaceutical
297 services shall be reimbursable at the applicable fee schedule
298 amount except where the employer or carrier, or a service
299 company, third party administrator, or any entity acting on
300 behalf of the employer or carrier directly contracts with the



301 provider seeking reimbursement for a lower amount.

302 (i)~~(d)~~ Reimbursement for all fees and other charges for
303 such treatment, care, and attendance, including treatment, care,
304 and attendance provided by any hospital or other health care
305 provider, ambulatory surgical center, work-hardening program, or
306 pain program, must not exceed the amounts provided by the
307 uniform schedule of maximum reimbursement allowances as
308 determined by the panel or as otherwise provided in this
309 section. This subsection also applies to independent medical
310 examinations performed by health care providers under this
311 chapter. In determining the uniform schedule, the panel shall
312 first approve the data which it finds representative of
313 prevailing charges in the state for similar treatment, care, and
314 attendance of injured persons. Each health care provider, health
315 care facility, ambulatory surgical center, work-hardening
316 program, or pain program receiving workers' compensation
317 payments shall maintain records verifying their usual charges.
318 In establishing the uniform schedule of maximum reimbursement
319 allowances, the panel must consider:

320 1. The levels of reimbursement for similar treatment, care,
321 and attendance made by other health care programs or third-party
322 providers;

323 2. The impact upon cost to employers for providing a level
324 of reimbursement for treatment, care, and attendance which will
325 ensure the availability of treatment, care, and attendance
326 required by injured workers; and

327 3. The financial impact of the reimbursement allowances
328 upon health care providers and health care facilities, including
329 trauma centers as defined in s. 395.4001, and its effect upon



330 their ability to make available to injured workers such
331 medically necessary remedial treatment, care, and attendance.
332 The uniform schedule of maximum reimbursement allowances must be
333 reasonable, must promote health care cost containment and
334 efficiency with respect to the workers' compensation health care
335 delivery system, and must be sufficient to ensure availability
336 of such medically necessary remedial treatment, care, and
337 attendance to injured workers; ~~and~~

338 ~~4. The most recent average maximum allowable rate of~~
339 ~~increase for hospitals determined by the Health Care Board under~~
340 ~~chapter 408.~~

341 (j) ~~(e)~~ In addition to establishing the uniform schedule of
342 maximum reimbursement allowances, the panel shall:

343 1. Take testimony, receive records, and collect data to
344 evaluate the adequacy of the workers' compensation fee schedule,
345 nationally recognized fee schedules and alternative methods of
346 reimbursement to health care providers and health care
347 facilities for inpatient and outpatient treatment and care.

348 2. Survey health care providers and health care facilities
349 to determine the availability and accessibility of workers'
350 compensation health care delivery systems for injured workers.

351 3. Survey carriers to determine the estimated impact on
352 carrier costs and workers' compensation premium rates by
353 implementing changes to the carrier reimbursement schedule or
354 implementing alternative reimbursement methods.

355 4. Submit recommendations on or before January 15, 2017,
356 and biennially thereafter, to the President of the Senate and
357 the Speaker of the House of Representatives on methods to
358 improve the workers' compensation health care delivery system.



688170

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The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking possession of that medication.

~~(14) PRACTICE PARAMETERS.—The practice parameters and protocols mandated under this chapter shall be the practice parameters and protocols adopted by the United States Agency for Healthcare Research and Quality in effect on January 1, 2003.~~

Section 6. Effective January 1, 2024, subsection (2) of section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(2) BOARD OF DIRECTORS.—The board of directors of the association shall consist of nine persons and shall be organized as established in the plan of operation. Each director must ~~All board members shall~~ be experienced in self-insurance in this state. Each director shall serve for a 4-year term and may be



688170

388 reappointed. Appointments after January 1, 2002, shall be made
389 by the department upon recommendation of members of the
390 association or other persons with experience in self-insurance
391 as determined by the Chief Financial Officer. These appointments
392 are deemed to be within the scope of the exemption provided in
393 s. 112.313(7) (b). Any vacancy on the board shall be filled for
394 the remaining period of the term in the same manner as
395 appointments other than initial appointments are made. Each
396 director shall be reimbursed for expenses incurred in carrying
397 out the duties of the board on behalf of the association.

398 (a) The Chief Financial Officer may remove a director from
399 office for misconduct, malfeasance, misfeasance, or neglect of
400 duty. Any vacancy so created shall be filled as provided in this
401 subsection.

402 (b) Directors are subject to the code of ethics under part
403 III of chapter 112, including, but not limited to, the code of
404 ethics and public disclosure and reporting of financial
405 interests, pursuant to s. 112.3145. For purposes of applying
406 part III of chapter 112 to activities of members of the board of
407 directors, those persons are considered public officers and the
408 association is considered their agency. Notwithstanding s.
409 112.3143(2), a director may not vote on any measure that he or
410 she knows would inure to his or her special private gain or
411 loss; that he or she knows would inure to the special private
412 gain or loss of any principal by which he or she is retained,
413 other than an agency as defined in s. 112.312; or that he or she
414 knows would inure to the special private gain or loss of a
415 relative or business associate of the public officer. Before the
416 vote is taken, such director shall publicly state to the board



688170

417 the nature of his or her interest in the matter from which he or
418 she is abstaining from voting and, within 15 days after the vote
419 occurs, disclose the nature of his or her interest as a public
420 record in a memorandum filed with the person responsible for
421 recording the minutes of the meeting, who shall incorporate the
422 memorandum in the minutes.

423 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other
424 law, an employee of the association or a director may not
425 knowingly accept, directly or indirectly, any gift or
426 expenditure from a person or an entity, or an employee or a
427 representative of such person or entity, which has a contractual
428 relationship with the association or which is under
429 consideration for a contract.

430 (d) A director who fails to comply with paragraph (b) or
431 paragraph (c) is subject to the penalties provided under ss.
432 112.317 and 112.3173.

433 Section 7. Present subsections (62) through (77) and (78)
434 of section 497.005, Florida Statutes, are redesignated as
435 subsections (63) through (78) and (80), respectively, a new
436 subsection (62) and subsection (79) are added to that section,
437 and subsections (9) and (61) of that section are amended, to
438 read:

439 497.005 Definitions.—As used in this chapter, the term:

440 (9) "Burial service" or "service" means any service offered
441 or provided in connection with the final disposition,
442 memorialization, interment, entombment, or inurnment of human
443 remains or cremated remains which is required to be offered or
444 provided by an individual or entity licensed under this chapter.

445 (61) "Preneed ~~contract~~" means any arrangement or method, of



688170

446 which the provider of funeral merchandise or services has actual
447 knowledge, whereby any person agrees to furnish funeral
448 merchandise or service in the future.

449 (62) "Preneed contract" means any arrangement or method for
450 which the provider of funeral merchandise or services receives
451 any payment in advance for funeral or burial merchandise and
452 services after the death of the contract beneficiary. The term
453 excludes a transportation protection agreement and any payments
454 received on a transportation protection agreement.

455 (79) "Transportation protection agreement" means an
456 agreement that exclusively provides or arranges for services
457 related to the preparation for the purpose of transportation and
458 subsequent transportation of human remains or cremated remains.
459 The Florida Insurance Code, as defined in s. 624.01, does not
460 apply to any transportation protection agreement sold by any
461 licensee under this chapter.

462 Section 8. Subsection (1) of section 624.1265, Florida
463 Statutes, is amended to read:

464 624.1265 Nonprofit religious organization exemption;
465 authority; notice.—

466 (1) A nonprofit religious organization is not subject to
467 the requirements of the Florida Insurance Code if the nonprofit
468 religious organization:

469 (a) Qualifies under Title 26, s. 501 of the Internal
470 Revenue Code of 1986, as amended;

471 (b) Limits its participants to those members who share a
472 common set of ethical or religious beliefs;

473 (c) Acts as a facilitator among participants who have
474 financial, physical, or medical needs to assist those with



688170

475 financial, physical, or medical needs in accordance with
476 criteria established by the nonprofit religious organization;

477 (d) Provides for the financial or medical needs of a
478 participant through contributions from other participants, or
479 through payments directly from one participant to another
480 participant;

481 (e) Provides amounts that participants may contribute, with
482 no assumption of risk and no promise to pay:

483 1. Among the participants; or

484 2. By the nonprofit religious organization to the
485 participants;

486 (f) Provides a monthly accounting to the participants of
487 the total dollar amount of qualified needs actually shared in
488 the previous month in accordance with criteria established by
489 the nonprofit religious organization; ~~and~~

490 (g) Conducts an annual audit that is performed by an
491 independent certified public accounting firm in accordance with
492 generally accepted accounting principles and that is made
493 available to the public by providing a copy upon request or by
494 posting on the nonprofit religious organization's website; and

495 (h) Does not market or sell health plans by agents licensed
496 by the department under chapter 626.

497 Section 9. Subsection (25) of section 624.501, Florida
498 Statutes, is amended to read:

499 624.501 Filing, license, appointment, and miscellaneous
500 fees.—The department, commission, or office, as appropriate,
501 shall collect in advance, and persons so served shall pay to it
502 in advance, fees, licenses, and miscellaneous charges as
503 follows:



688170

504 (25) Reinsurance intermediary:
505 ~~(a) Application filing and license fee \$50.00~~
506 ~~(b) Original appointment and biennial renewal or~~
507 continuation thereof, appointment fee \$60.00
508 Section 10. Subsection (5) of section 626.015, Florida
509 Statutes, is amended to read:
510 626.015 Definitions.—As used in this part:
511 (5) "Association" includes the Florida Association of
512 Insurance Agents (FAIA), the National Association of Insurance
513 and Financial Advisors (NAIFA), the National Association of
514 Benefits and Insurance Professionals Florida Chapter (NABIP
515 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the
516 Latin American Association of Insurance Agencies (LAAIA), the
517 Florida Association of Public Insurance Adjusters (FAPIA), the
518 Florida Bail Agents Association (FBAA), or the Professional Bail
519 Agents of the United States (PBUS).
520 Section 11. Subsection (4) of section 626.171, Florida
521 Statutes, is amended to read:
522 626.171 Application for license as an agent, customer
523 representative, adjuster, service representative, or reinsurance
524 intermediary.—
525 (4) An applicant for a license issued by the department
526 under this chapter must submit a set of the individual
527 applicant's fingerprints, or, if the applicant is not an
528 individual, a set of the fingerprints of the sole proprietor,
529 majority owner, partners, officers, and directors, to the
530 department and must pay the fingerprint processing fee set forth
531 in s. 624.501. Fingerprints must be processed in accordance with
532 s. 624.34 and used to investigate the applicant's qualifications



688170

533 pursuant to s. 626.201. The fingerprints must be taken by a law
534 enforcement agency, ~~designated examination center,~~ or other
535 department-approved entity. ~~The department shall require all~~
536 ~~designated examination centers to have fingerprinting equipment~~
537 ~~and to take fingerprints from any applicant or prospective~~
538 ~~applicant who pays the applicable fee.~~ The department may not
539 approve an application for licensure as an agent, customer
540 service representative, adjuster, service representative, or
541 reinsurance intermediary if fingerprints have not been
542 submitted.

543 Section 12. Paragraph (c) of subsection (1) of section
544 626.173, Florida Statutes, is amended to read:

545 626.173 Insurance agency closure; cancellation of
546 licenses.—

547 (1) If a licensed insurance agency permanently ceases the
548 transacting of insurance or ceases the transacting of insurance
549 for more than 30 days, the agent in charge, the director of the
550 agency, or other officer listed on the original application for
551 licensure must, within 35 days after the agency first ceases the
552 transacting of insurance, do all of the following:

553 (c) Notify all policyholders currently insured by a policy
554 written, produced, or serviced by the agency of the agency's
555 cessation of operations; the date on which operations ceased;
556 and the identity of the agency or agent to which the agency's
557 current book of business has been transferred or, if no transfer
558 has occurred, a statement directing the policyholder to contact
559 the insurance company for assistance in locating a licensed
560 agent to service the policy. This paragraph does not apply to
561 title insurance, life insurance, or annuity contracts.



688170

562 Section 13. Subsection (8) of section 626.207, Florida
563 Statutes, is amended to read:

564 626.207 Disqualification of applicants and licensees;
565 penalties against licensees; rulemaking authority.—

566 (8) The department shall adopt rules establishing specific
567 penalties against licensees in accordance with ss. 626.641 and
568 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.
569 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.
570 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.
571 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.
572 634.423, s. 642.041, or s. 642.043. The purpose of the
573 revocation or suspension is to provide a sufficient penalty to
574 deter future violations of the Florida Insurance Code. The
575 imposition of a revocation or the length of suspension shall be
576 based on the type of conduct and the probability that the
577 propensity to commit further illegal conduct has been overcome
578 at the time of eligibility for relicensure. The length of
579 suspension may be adjusted based on aggravating or mitigating
580 factors, established by rule and consistent with this purpose.

581 Section 14. Paragraph (j) of subsection (2) of section
582 626.221, Florida Statutes, is amended to read:

583 626.221 Examination requirement; exemptions.—

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

586 (j) An applicant for license as an all-lines adjuster who
587 has the designation of Accredited Claims Adjuster (ACA) from a
588 regionally accredited postsecondary institution in this state;
589 Certified All Lines Adjuster (CALA) from Kaplan Financial
590 Education; Associate in Claims (AIC) from the Insurance



688170

591 Institute of America; Professional Claims Adjuster (PCA) from
592 the Professional Career Institute; Professional Property
593 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
594 Certified Adjuster (CA) from ALL LINES Training; Certified
595 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
596 Certified Professional (CACP) from WebCE, Inc.; Accredited
597 Insurance Claims Specialist (AICS) from Encore Claim Services;
598 Professional in Claims (PIC) from 2021 Training, LLC; or
599 Universal Claims Certification (UCC) from Claims and Litigation
600 Management Alliance (CLM) whose curriculum has been approved by
601 the department and which includes comprehensive analysis of
602 basic property and casualty lines of insurance and testing at
603 least equal to that of standard department testing for the all-
604 lines adjuster license. The department shall adopt rules
605 establishing standards for the approval of curriculum.

606 Section 15. Paragraphs (c) and (f) of subsection (3) of
607 section 626.2815, Florida Statutes, are amended to read:

608 626.2815 Continuing education requirements.—

609 (3) Each licensee except a title insurance agent must
610 complete a 4-hour update course every 2 years which is specific
611 to the license held by the licensee. The course must be
612 developed and offered by providers and approved by the
613 department. The content of the course must address all lines of
614 insurance for which examination and licensure are required and
615 include the following subject areas: insurance law updates,
616 ethics for insurance professionals, disciplinary trends and case
617 studies, industry trends, premium discounts, determining
618 suitability of products and services, and other similar
619 insurance-related topics the department determines are relevant



688170

620 to legally and ethically carrying out the responsibilities of
621 the license granted. A licensee who holds multiple insurance
622 licenses must complete an update course that is specific to at
623 least one of the licenses held. Except as otherwise specified,
624 any remaining required hours of continuing education are
625 elective and may consist of any continuing education course
626 approved by the department under this section.

627 (c) A licensee who has been licensed for 25 years or more
628 and is a CLU or a CPCU or has a Bachelor of Science degree or
629 higher in risk management or insurance with evidence of 18 or
630 more semester hours in insurance-related courses must also
631 complete a minimum of 6 hours of elective continuing education
632 courses every 2 years.

633 (f) Elective continuing education courses for public
634 adjusters may must be any course related to commercial and
635 residential property coverages, claim adjusting practices, and
636 any other adjuster elective courses specifically designed for
637 ~~public adjusters and~~ approved by the department. Notwithstanding
638 this subsection, public adjusters for workers' compensation
639 insurance or health insurance are not required to take
640 continuing education courses pursuant to this section.

641 Section 16. Paragraphs (a), (b), and (e) of subsection (1)
642 of section 626.321, Florida Statutes, are amended, and paragraph
643 (i) is added to that subsection, to read:

644 626.321 Limited licenses and registration.-

645 (1) The department shall issue to a qualified applicant a
646 license as agent authorized to transact a limited class of
647 business in any of the following categories of limited lines
648 insurance:



688170

649 (a) *Motor vehicle physical damage and mechanical breakdown*
650 *insurance.*—License covering insurance against only the loss of
651 or damage to a motor vehicle that is designed for use upon a
652 highway, including trailers and semitrailers designed for use
653 with such vehicles. Such license also covers insurance against
654 the failure of an original or replacement part to perform any
655 function for which it was designed. ~~A licensee under this~~
656 ~~paragraph may not hold a license as an agent for any other or~~
657 ~~additional kind or class of insurance coverage except a limited~~
658 ~~license for credit insurance as provided in paragraph (c).~~

659 Effective October 1, 2012, all licensees holding such limited
660 license and appointment may renew the license and appointment,
661 but no new or additional licenses may be issued pursuant to this
662 paragraph, and a licensee whose limited license under this
663 paragraph has been terminated, suspended, or revoked may not
664 have such license reinstated.

665 (b) *Industrial fire insurance or burglary insurance.*—
666 License covering only industrial fire insurance or burglary
667 insurance. ~~A licensee under this paragraph may not hold a~~
668 ~~license as an agent for any other or additional kind or class of~~
669 ~~insurance coverage except for life insurance and health~~
670 ~~insurance.~~ Effective July 1, 2019, all licensees holding such
671 limited license and appointment may renew the license and
672 appointment, but no new or additional licenses may be issued
673 pursuant to this paragraph, and a licensee whose limited license
674 under this paragraph has been terminated, suspended, or revoked
675 may not have such license reinstated.

676 (e) *Credit insurance.*—License covering credit life, credit
677 disability, credit property, credit unemployment, involuntary



688170

678 unemployment, mortgage life, mortgage guaranty, mortgage
679 disability, guaranteed automobile protection (GAP) insurance,
680 and any other form of insurance offered in connection with an
681 extension of credit which is limited to partially or wholly
682 extinguishing a credit obligation that the department determines
683 should be designated a form of limited line credit insurance.
684 Effective October 1, 2012, all valid licenses held by persons
685 for any of the lines of insurance listed in this paragraph shall
686 be converted to a credit insurance license. ~~Licenseses who wish~~
687 ~~to obtain a new license reflecting such change must request a~~
688 ~~duplicate license and pay a \$5 fee as specified in s.~~
689 ~~624.501(15).~~ The license may be issued only to an individual
690 employed by a life or health insurer as an officer or other
691 salaried or commissioned representative, to an individual
692 employed by or associated with a lending or financial
693 institution or creditor, or to a lending or financial
694 institution or creditor, and may authorize the sale of such
695 insurance only with respect to borrowers or debtors of such
696 lending or financing institution or creditor. However, only the
697 individual or entity whose tax identification number is used in
698 receiving or is credited with receiving the commission from the
699 sale of such insurance shall be the licensed agent of the
700 insurer. ~~No individual while so licensed shall hold a license as~~
701 ~~an agent as to any other or additional kind or class of life or~~
702 ~~health insurance coverage.~~

703 (i) Preneed funeral agreement insurance.—Limited license
704 for insurance covering only prearranged funeral, cremation, or
705 cemetery agreements, or any combination thereof, funded by
706 insurance and offered in connection with an establishment that



688170

707 holds a preneed license pursuant to s. 497.452. Such license may
708 be issued without examination only to an individual who has
709 filed with the department an application for a license in a form
710 and manner prescribed by the department, who currently holds a
711 valid preneed sales agent license pursuant to s. 497.466, who
712 paid the applicable fees for a license as prescribed in s.
713 624.501, who has been appointed under s. 626.112, and who paid
714 the prescribed appointment fee under s. 624.501.

715 Section 17. Paragraph (n) of subsection (1) of section
716 626.611, Florida Statutes, is amended to read:

717 626.611 Grounds for compulsory refusal, suspension, or
718 revocation of agent's, title agency's, adjuster's, customer
719 representative's, service representative's, or managing general
720 agent's license or appointment.-

721 (1) The department shall deny an application for, suspend,
722 revoke, or refuse to renew or continue the license or
723 appointment of any applicant, agent, title agency, adjuster,
724 customer representative, service representative, or managing
725 general agent, and it shall suspend or revoke the eligibility to
726 hold a license or appointment of any such person, if it finds
727 that as to the applicant, licensee, or appointee any one or more
728 of the following applicable grounds exist:

729 (n) Having been found guilty of or having pleaded guilty or
730 nolo contendere to a misdemeanor directly related to the
731 financial services business, any felony, or any a crime
732 punishable by imprisonment of 1 year or more under the law of
733 the United States of America or of any state thereof or under
734 the law of any other country, without regard to whether a
735 judgment of conviction has been entered by the court having



688170

736 jurisdiction of such cases.

737 Section 18. Subsection (18) is added to section 626.621,
738 Florida Statutes, to read:

739 626.621 Grounds for discretionary refusal, suspension, or
740 revocation of agent's, adjuster's, customer representative's,
741 service representative's, or managing general agent's license or
742 appointment.—The department may, in its discretion, deny an
743 application for, suspend, revoke, or refuse to renew or continue
744 the license or appointment of any applicant, agent, adjuster,
745 customer representative, service representative, or managing
746 general agent, and it may suspend or revoke the eligibility to
747 hold a license or appointment of any such person, if it finds
748 that as to the applicant, licensee, or appointee any one or more
749 of the following applicable grounds exist under circumstances
750 for which such denial, suspension, revocation, or refusal is not
751 mandatory under s. 626.611:

752 (18) Cancellation of the applicant's, licensee's, or
753 appointee's resident license in a state other than Florida.

754 Section 19. Paragraphs (d) and (g) of subsection (2) and
755 paragraphs (a), (b), and (e) through (j) of subsection (3) of
756 section 626.7492, Florida Statutes, are amended to read:

757 626.7492 Reinsurance intermediaries.—

758 (2) DEFINITIONS.—As used in this section:

759 (d) "Producer" means a licensed ~~an~~ agent, broker, or
760 insurance agency that is appointed as a reinsurance intermediary
761 ~~licensed~~ pursuant to the applicable provision of the Florida
762 Insurance Code.

763 (g) "Reinsurance intermediary manager" means any person who
764 has authority to bind, or manages all or part of, the assumed



688170

765 reinsurance business of a reinsurer, including the management of
766 a separate division, department, or underwriting office, and
767 acts as a representative ~~an agent~~ for the reinsurer whether
768 known as a reinsurance intermediary manager, manager, or other
769 similar term. Notwithstanding the above, none of the following
770 persons is a reinsurance intermediary manager with respect to
771 the reinsurer for the purposes of this section:

772 1. An employee of the reinsurer;

773 2. A manager of the United States branch of an alien
774 reinsurer;

775 3. An underwriting manager which, pursuant to contract,
776 manages all the reinsurance operations of the reinsurer, is
777 under common control with the reinsurer, subject to the holding
778 company act, and whose compensation is not based on the volume
779 of premiums written.

780 4. The manager of a group, association, pool, or
781 organization of insurers which engage in joint underwriting or
782 joint reinsurance and who are subject to examination by the
783 insurance regulatory authority of the state in which the
784 manager's principal business office is located.

785 (3) LICENSURE.—

786 (a) No person shall act as a reinsurance intermediary
787 broker in this state if the reinsurance intermediary broker
788 maintains an office either directly or as a member or employee
789 of a firm or association, or an officer, director, or employee
790 of a corporation:

791 1. In this state, unless the reinsurance intermediary
792 broker is a licensed producer in this state; or

793 2. In another state, unless the reinsurance intermediary



688170

794 broker is a licensed producer in this state or in another state
795 having a law substantially similar to this section or the
796 reinsurance intermediary broker is licensed in this state as an
797 insurance agency and appointed as a nonresident reinsurance
798 intermediary.

799 (b) No person shall act as a reinsurance intermediary
800 manager:

801 1. For a reinsurer domiciled in this state, unless the
802 reinsurance intermediary manager is a licensed producer in this
803 state;

804 2. In this state, if the reinsurance intermediary manager
805 maintains an office either directly or as a member or employee
806 of a firm or association, or an officer, director, or employee
807 of a corporation in this state, unless the reinsurance
808 intermediary manager is a licensed producer in this state;

809 3. In another state for a nondomestic insurer, unless the
810 reinsurance intermediary manager is a licensed producer in this
811 state or another state having a law substantially similar to
812 this section, or the person is licensed in this state as a
813 producer nonresident reinsurance intermediary.

814 (e) If the applicant for a reinsurance intermediary
815 appointment license is a nonresident, the applicant, as a
816 condition precedent to receiving or holding an appointment a
817 license, must designate the Chief Financial Officer as agent for
818 service of process in the manner, and with the same legal
819 effect, provided for by this section for designation of service
820 of process upon unauthorized insurers. Such applicant shall also
821 furnish the department with the name and address of a resident
822 of this state upon whom notices or orders of the department or



688170

823 process affecting the nonresident reinsurance intermediary may
824 be served. The licensee shall promptly notify the department in
825 writing of each change in its designated agent for service of
826 process, and the change shall not become effective until
827 acknowledged by the department.

828 ~~(f) The department may refuse to issue a reinsurance~~
829 ~~intermediary license if, in its judgment, the applicant, anyone~~
830 ~~named on the application, or any member, principal, officer, or~~
831 ~~director of the applicant, has demonstrated a lack of fitness~~
832 ~~and trustworthiness, or that any controlling person of the~~
833 ~~applicant is not fit or trustworthy to act as a reinsurance~~
834 ~~intermediary, or that any of the foregoing has given cause for~~
835 ~~revocation or suspension of the license, or has failed to comply~~
836 ~~with any prerequisite for the issuance of the license.~~

837 ~~(g) Reinsurance intermediaries shall be licensed,~~
838 appointed, renewed, continued, reinstated, or terminated as
839 prescribed in this chapter for insurance representatives in
840 general, ~~except that they shall be exempt from the photo,~~
841 ~~education, and examination provisions. License, Appointment, and~~
842 other fees shall be those prescribed in s. 624.501.

843 ~~(g)(h)~~ The grounds and procedures for refusal of an a
844 ~~license or~~ appointment or suspension or revocation of a license
845 or appointment issued to a reinsurance intermediary under this
846 section are as set forth in ss. 626.611-626.691 for insurance
847 representatives in general.

848 ~~(h)(i)~~ An attorney licensed in this state, when acting in a
849 professional capacity, is exempt from this subsection.

850 ~~(i)(j)~~ The department may develop necessary rules to carry
851 out this section.



688170

852 Section 20. Subsection (5) of section 626.752, Florida
853 Statutes, is amended to read:

854 626.752 Exchange of business.—

855 (5) Within 15 days after the last day of each month, any
856 insurer accepting business under this section shall report to
857 the department the name, address, telephone number, and social
858 security number of each agent from which the insurer received
859 more than four personal lines risks during the calendar year,
860 except for risks being removed from the Citizens Property
861 Insurance Corporation and placed with that insurer by a
862 brokering agent. Once the insurer has reported pursuant to this
863 subsection an agent's name to the department, additional reports
864 on the same agent shall not be required. However, the fee set
865 forth in s. 624.501 must be paid for the agent by the insurer
866 for each year until the insurer notifies the department that the
867 insurer is no longer accepting business from the agent pursuant
868 to this section. The insurer may require that the agent
869 reimburse the insurer for the fee. If the insurer or employer
870 does not pay the fees and taxes due pursuant to this subsection
871 within 21 days after notice by the department, the department
872 must suspend the insurer's or employer's authority to appoint
873 licensees until all outstanding fees and taxes have been paid.

874 Section 21. Subsection (3) of section 626.785, Florida
875 Statutes, is amended to read:

876 626.785 Qualifications for license.—

877 (3) Notwithstanding any other provisions of this chapter, a
878 funeral director, a direct disposer, or an employee of a funeral
879 establishment that holds a preneed license pursuant to s.
880 497.452 may obtain an agent's license or a limited license to



688170

881 sell only policies of life insurance covering the expense of a
882 prearrangement for funeral services or merchandise so as to
883 provide funds at the time the services and merchandise are
884 needed. The face amount of insurance covered by any such policy
885 shall not exceed \$21,000, plus an annual percentage increase
886 based on the Annual Consumer Price Index compiled by the United
887 States Department of Labor, beginning with the Annual Consumer
888 Price Index announced by the United States Department of Labor
889 for 2016.

890 Section 22. Subsection (4) of section 626.793, Florida
891 Statutes, is amended to read:

892 626.793 Excess or rejected business.—

893 (4) Within 15 days after the last day of each month, any
894 insurer accepting business under this section shall report to
895 the department the name, address, telephone number, and social
896 security number of each agent from which the insurer received
897 more than four risks during the calendar year. Once the insurer
898 has reported an agent's name to the department pursuant to this
899 subsection, additional reports on the same agent shall not be
900 required. However, the fee set forth in s. 624.501 must be paid
901 for the agent by the insurer for each year until the insurer
902 notifies the department that the insurer is no longer accepting
903 business from the agent pursuant to this section. The insurer
904 may require that the agent reimburse the insurer for the fee. If
905 the insurer or employer does not pay the fees and taxes due
906 pursuant to this subsection within 21 days after notice by the
907 department, the department must suspend the insurer's or
908 employer's authority to appoint licensees until all outstanding
909 fees and taxes have been paid.



910 Section 23. Subsection (5) of section 626.837, Florida
911 Statutes, is amended to read:

912 626.837 Excess or rejected business.—

913 (5) Within 15 days after the last day of each month, any
914 insurer accepting business under this section shall report to
915 the department the name, address, telephone number, and social
916 security number of each agent from which the insurer received
917 more than four risks during the calendar year. Once the insurer
918 has reported pursuant to this subsection an agent's name to the
919 department, additional reports on the same agent shall not be
920 required. However, the fee set forth in s. 624.501 must be paid
921 for the agent by the insurer for each year until the insurer
922 notifies the department that the insurer is no longer accepting
923 business from the agent pursuant to this section. The insurer
924 may require that the agent reimburse the insurer for the fee. If
925 the insurer or employer does not pay the fees and taxes due
926 pursuant to this subsection within 21 days after notice by the
927 department, the department must suspend the insurer's or
928 employer's authority to appoint licensees until all outstanding
929 fees and taxes have been paid.

930 Section 24. Paragraph (e) is added to subsection (2) of
931 section 626.8411, Florida Statutes, to read:

932 626.8411 Application of Florida Insurance Code provisions
933 to title insurance agents or agencies.—

934 (2) The following provisions of part I do not apply to
935 title insurance agents or title insurance agencies:

936 (e) Section 626.173(1)(c), relating to notifying
937 policyholders of the agency closure.

938 Section 25. Present subsections (8) through (11) of section



939 626.8437, Florida Statutes, are redesignated as subsections (9)
940 through (12), respectively, and a new subsection (8) and
941 subsection (13) are added to that section, to read:

942 626.8437 Grounds for denial, suspension, revocation, or
943 refusal to renew license or appointment.—The department shall
944 deny, suspend, revoke, or refuse to renew or continue the
945 license or appointment of any title insurance agent or agency,
946 and it shall suspend or revoke the eligibility to hold a license
947 or appointment of such person, if it finds that as to the
948 applicant, licensee, appointee, or any principal thereof, any
949 one or more of the following grounds exist:

950 (8) Misappropriation, conversion, or improper withholding
951 of funds not legally entitled thereto and which are received in
952 a fiduciary capacity and held as part of an escrow agreement,
953 real estate sales contract, or as provided on a settlement
954 statement in a real estate transaction.

955 (13) Revocation or cancellation of a licensee's resident
956 license in a jurisdiction other than this state.

957 Section 26. Subsections (7) and (8) are added to section
958 626.844, Florida Statutes, to read:

959 626.844 Grounds for discretionary refusal, suspension, or
960 revocation of license or appointment.—The department may, in its
961 discretion, deny, suspend, revoke, or refuse to renew or
962 continue the license or appointment of any title insurance agent
963 or agency, and it may suspend or revoke the eligibility to hold
964 a license or appointment of any such title insurance agent or
965 agency if it finds that as to the applicant or licensee or
966 appointee, or any principal thereof, any one or more of the
967 following grounds exist under circumstances for which such



688170

968 denial, suspension, revocation, or refusal is not mandatory
969 under s. 626.8437:

970 (7) Having been the subject of, or having had a license,
971 permit, appointment, registration, or other authority to conduct
972 business subject to, any decision, finding, injunction,
973 suspension, prohibition, revocation, denial, judgment, final
974 agency action, or administrative order by any court of competent
975 jurisdiction, administrative law proceeding, state agency,
976 federal agency, national securities, commodities, or option
977 exchange, or national securities, commodities, or option
978 association involving a violation of any federal or state
979 securities or commodities law or any rule or regulation adopted
980 thereunder, or a violation of any rule or regulation of any
981 national securities, commodities, or options exchange or
982 national securities, commodities, or options association.

983 (8) Revocation or cancellation of a licensee's resident
984 license in a jurisdiction other than this state.

985 Section 27. Section 626.8473, Florida Statutes, is amended
986 to read:

987 626.8473 Escrow; trust fund.—

988 (1) A title insurance agency agent may engage in business
989 as an escrow agent as to funds received from others to be
990 subsequently disbursed ~~by the title insurance agent~~ in
991 connection with real estate closing transactions involving the
992 issuance of title ~~insurance binders,~~ commitments, policies of
993 title insurance, or guarantees of title, provided that a
994 licensed and appointed title insurance agency agent complies
995 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
996 requirements added after the initial licensure of the agency



688170

997 ~~agent.~~

998 (2) All funds received by a title insurance agency ~~agent~~ as
999 described in subsection (1) shall be trust funds received in a
1000 fiduciary capacity by the title insurance agency ~~agent~~ and shall
1001 be the property of the person or persons entitled thereto.

1002 (3) All funds received by a title insurance agency ~~agent~~ to
1003 be held in trust shall be immediately placed in a financial
1004 institution that is located within this state and is a member of
1005 the Federal Deposit Insurance Corporation or the National Credit
1006 Union Share Insurance Fund. These funds shall be invested in an
1007 escrow account in accordance with the investment requirements
1008 and standards established for deposits and investments of state
1009 funds in s. 17.57, where the funds shall be kept until
1010 disbursement thereof is properly authorized.

1011 (4) Funds required to be maintained in escrow trust
1012 accounts pursuant to this section shall not be subject to any
1013 debts of the title insurance agency ~~agent~~ and shall be used only
1014 in accordance with the terms of the individual, escrow,
1015 settlement, or closing instructions under which the funds were
1016 accepted.

1017 (5) The title insurance agency ~~agents~~ shall maintain
1018 separate records of all receipts and disbursements of escrow,
1019 settlement, or closing funds.

1020 (6) In the event that the department promulgates rules
1021 necessary to implement the requirements of this section pursuant
1022 to s. 624.308, the department shall consider reasonable
1023 standards necessary for the protection of funds held in trust,
1024 including, but not limited to, standards for accounting of
1025 funds, standards for receipt and disbursement of funds, and



688170

1026 protection for the person or persons to whom the funds are to be
1027 disbursed.

1028 (7) A title insurance agency agent, or any officer,
1029 director, or employee thereof, or any person associated
1030 therewith as an independent contractor for bookkeeping or
1031 similar purposes, who converts or misappropriates funds received
1032 or held in escrow or in trust by such title insurance agency
1033 agent, or any person who knowingly receives or conspires to
1034 receive such funds, commits:

1035 (a) If the funds converted or misappropriated are \$300 or
1036 less, a misdemeanor of the first degree, punishable as provided
1037 in s. 775.082 or s. 775.083.

1038 (b) If the funds converted or misappropriated are more than
1039 \$300, but less than \$20,000, a felony of the third degree,
1040 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1041 (c) If the funds converted or misappropriated are \$20,000
1042 or more, but less than \$100,000, a felony of the second degree,
1043 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1044 (d) If the funds converted or misappropriated are \$100,000
1045 or more, a felony of the first degree, punishable as provided in
1046 s. 775.082, s. 775.083, or s. 775.084.

1047 (8) An attorney shall deposit and maintain all funds
1048 received in connection with transactions in which the attorney
1049 is serving as a title or real estate settlement agent into a
1050 separate trust account that is maintained exclusively for funds
1051 received in connection with such transactions and permit the
1052 account to be audited by its title insurers, unless maintaining
1053 funds in the separate account for a particular client would
1054 violate applicable rules of The Florida Bar.



688170

1055 Section 28. Subsection (19) of section 626.854, Florida
1056 Statutes, is amended to read:

1057 626.854 "Public adjuster" defined; prohibitions.—The
1058 Legislature finds that it is necessary for the protection of the
1059 public to regulate public insurance adjusters and to prevent the
1060 unauthorized practice of law.

1061 (19) Except as otherwise provided in this chapter, no
1062 person, except an attorney at law or a licensed and appointed
1063 public adjuster, may for money, commission, or any other thing
1064 of value, directly or indirectly:

1065 (a) Prepare, complete, or file an insurance claim for an
1066 insured or a third-party claimant;

1067 (b) Act on behalf of or aid an insured or a third-party
1068 claimant in negotiating for or effecting the settlement of a
1069 claim for loss or damage covered by an insurance contract;

1070 (c) Offer to initiate or negotiate a claim on behalf of an
1071 insured;

1072 (d) Advertise services that require a license as a public
1073 adjuster; or

1074 (e) Solicit, investigate, or adjust a claim on behalf of a
1075 public adjuster, an insured, or a third-party claimant.

1076 Section 29. Section 626.874, Florida Statutes, is amended
1077 to read:

1078 626.874 Catastrophe or emergency adjusters.—

1079 (1) In the event of a catastrophe or emergency, the
1080 department may issue a license, for the purposes and under the
1081 conditions and for the period of emergency as it shall
1082 determine, to persons who are residents or nonresidents of this
1083 state, who are at least 18 years of age, who are United States



688170

1084 citizens or legal aliens who possess work authorization from the
1085 United States Bureau of Citizenship and Immigration Services,
1086 and who are not licensed adjusters under this part but who have
1087 been designated and certified to it as qualified to act as
1088 adjusters by an authorized insurer to adjust claims, losses, or
1089 damages under policies or contracts of insurance issued by such
1090 insurers, or by a licensed ~~the primary adjuster of an~~
1091 independent adjusting firm contracted with an authorized insurer
1092 to adjust claims on behalf of the insurer. The fee for the
1093 license is as provided in s. 624.501(12)(c).

1094 (2) If any person not a licensed adjuster who has been
1095 permitted to adjust such losses, claims, or damages under the
1096 conditions and circumstances set forth in subsection (1),
1097 engages in any of the misconduct described in or contemplated by
1098 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without
1099 notice and hearing, shall be authorized to issue its order
1100 denying such person the privileges granted under this section;
1101 and thereafter it shall be unlawful for any such person to
1102 adjust any such losses, claims, or damages in this state.

1103 Section 30. Subsection (2) of section 626.9892, Florida
1104 Statutes, is amended to read:

1105 626.9892 Anti-Fraud Reward Program; reporting of insurance
1106 fraud.—

1107 (2) The department may pay rewards of up to \$25,000 to
1108 persons providing information leading to the arrest ~~and~~
1109 ~~conviction~~ of persons committing crimes investigated by the
1110 department arising from violations of s. 400.9935, s. 440.105,
1111 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.
1112 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.



688170

1113 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.
1114 817.233, ~~s.~~ s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.
1115 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1116 Section 31. Present subsections (7) through (12) of section
1117 626.9957, Florida Statutes, are redesignated as subsections (8)
1118 through (13), respectively, and a new subsection (7) is added to
1119 that section, to read:

1120 626.9957 Conduct prohibited; denial, revocation,
1121 termination, expiration, or suspension of registration.-

1122 (7) If a navigator registered under this part fails to
1123 maintain an active, valid navigator's registration status with
1124 the Federal Government or an exchange, the navigator's
1125 registration issued under this part shall expire by operation of
1126 law. A navigator with an expired registration may not be granted
1127 subsequent registration until the navigator qualifies as a
1128 first-time applicant.

1129 Section 32. Paragraph (c) of subsection (4) of section
1130 627.351, Florida Statutes, is amended to read:

1131 627.351 Insurance risk apportionment plans.-

1132 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.-

1133 (c) The Joint Underwriting Association shall operate
1134 subject to the supervision and approval of a board of governors
1135 consisting of representatives of five of the insurers
1136 participating in the Joint Underwriting Association, an attorney
1137 named by The Florida Bar, a physician named by the Florida
1138 Medical Association, a dentist named by the Florida Dental
1139 Association, and a hospital representative named by the Florida
1140 Hospital Association. The Chief Financial Officer shall select
1141 the representatives of the five insurers or other persons with



688170

1142 experience in medical malpractice insurance as determined by the
1143 Chief Financial Officer. These appointments are deemed to be
1144 within the scope of the exemption provided in s. 112.313(7)(b).
1145 One insurer representative shall be selected from
1146 recommendations of the American Insurance Association. One
1147 insurer representative shall be selected from recommendations of
1148 the Property Casualty Insurers Association of America. One
1149 insurer representative shall be selected from recommendations of
1150 the Florida Insurance Council. Two insurer representatives shall
1151 be selected to represent insurers that are not affiliated with
1152 these associations. Vacancies on the board shall be filled for
1153 the remaining period of the term in the same manner as the
1154 initial appointments. During the first meeting of the board
1155 after June 30 of each year, the board shall choose one of its
1156 members to serve as chair of the board and another member to
1157 serve as vice chair of the board. There is no liability on the
1158 part of, and no cause of action shall arise against, any member
1159 insurer, self-insurer, or its agents or employees, the Joint
1160 Underwriting Association or its agents or employees, members of
1161 the board of governors, or the office or its representatives for
1162 any action taken by them in the performance of their powers and
1163 duties under this subsection.

1164 1. The Chief Financial Officer may remove a board member
1165 from office for misconduct, malfeasance, misfeasance, or neglect
1166 of duty. Any vacancy so created shall be filled as provided in
1167 this paragraph.

1168 2. Board members are subject to the code of ethics under
1169 part III of chapter 112, including, but not limited to, the code
1170 of ethics and public disclosure and reporting of financial



688170

1171 interests, pursuant to s. 112.3145. For purposes of applying
1172 part III of chapter 112 to activities of members of the board of
1173 governors, those persons are considered public officers and the
1174 Joint Underwriting Association is considered their agency.
1175 Notwithstanding s. 112.3143(2), a board member may not vote on
1176 any measure that he or she knows would inure to his or her
1177 special private gain or loss; that he or she knows would inure
1178 to the special private gain or loss of any principal by which he
1179 or she is retained, other than an agency as defined in s.
1180 112.312; or that he or she knows would inure to the special
1181 private gain or loss of a relative or business associate of the
1182 public officer. Before the vote is taken, such board member
1183 shall publicly state to the board the nature of his or her
1184 interest in the matter from which he or she is abstaining from
1185 voting and, within 15 days after the vote occurs, disclose the
1186 nature of his or her interest as a public record in a memorandum
1187 filed with the person responsible for recording the minutes of
1188 the meeting, who shall incorporate the memorandum in the
1189 minutes.

1190 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
1191 law, a board member may not knowingly accept, directly or
1192 indirectly, any gift or expenditure from a person or entity, or
1193 an employee or representative of such person or entity, which
1194 has a contractual relationship with the Joint Underwriting
1195 Association or which is under consideration for a contract.

1196 4. A board member who fails to comply with subparagraph 2.
1197 or subparagraph 3. is subject to the penalties provided under
1198 ss. 112.317 and 112.3173.

1199 Section 33. Section 627.4215, Florida Statutes, is amended



688170

1200 to read:

1201 627.4215 Disclosures to policyholders; coverage of
1202 behavioral health care services.—

1203 (1) A health insurer that offers behavioral health
1204 insurance coverages required by federal or state law shall make
1205 all of the following information available on its website:

1206 (a) The federal and state requirements for coverage of
1207 behavioral health care services.

1208 (b) Contact information for the Division of Consumer
1209 Services of the department, including a hyperlink, for consumers
1210 to submit inquiries or complaints relating to health insurer
1211 products or services regulated by the department or the office.

1212 (2) On an annual basis, a health insurer that offers
1213 behavioral health insurance coverage required by federal or
1214 state law shall provide a direct notice to insureds with
1215 behavioral health insurance coverages required by federal or
1216 state law which must include a description of the federal and
1217 state requirements for coverage of behavioral health care
1218 services. Such notice must also include the website address and
1219 statewide toll-free telephone number of the Division of Consumer
1220 Services of the department for receiving and logging complaints.

1221 Section 34. Subsections (2) and (3) of section 627.7015,
1222 Florida Statutes, are amended to read:

1223 627.7015 Alternative procedure for resolution of disputed
1224 property insurance claims.—

1225 (2) At the time of issuance and renewal of a policy or at
1226 the time a first-party claim within the scope of this section is
1227 filed by the policyholder, the insurer shall notify the
1228 policyholder of its right to participate in the mediation



688170

1229 program under this section. A claim is not eligible for
1230 mediation until an insurer has made a claim determination or
1231 elected to repair pursuant to s. 627.70131. The department shall
1232 prepare a consumer information pamphlet for distribution to
1233 persons participating in mediation.

1234 (3) The costs of mediation must be reasonable, and the
1235 insurer must bear all of the cost of conducting mediation
1236 conferences, except as otherwise provided in this section. If a
1237 policyholder fails to appear at the conference, the conference
1238 must be rescheduled upon the policyholder's payment of the costs
1239 of a rescheduled conference. If the insurer fails to appear at
1240 the conference, the insurer must pay the policyholder's actual
1241 cash expenses incurred in attending the conference if the
1242 insurer's failure to attend was not due to a good cause
1243 acceptable to the department. An insurer will be deemed to have
1244 failed to appear if the insurer's representative lacks authority
1245 to settle the full value of the claim. The insurer shall incur
1246 an additional fee for a rescheduled conference necessitated by
1247 the insurer's failure to appear at a scheduled conference. The
1248 fees assessed by the department administrator must include a
1249 charge necessary to defray the expenses of the department
1250 related to its duties under this section and must be deposited
1251 in the Insurance Regulatory Trust Fund. The department may
1252 suspend the insurer's authority to appoint licensees if the
1253 insurer does not timely pay the required fees.

1254 Section 35. Subsection (18) is added to section 627.7074,
1255 Florida Statutes, to read:

1256 627.7074 Alternative procedure for resolution of disputed
1257 sinkhole insurance claims.-



688170

1258 (18) The department may designate, by means of a written
1259 contract or agreement, an entity or a person to serve as
1260 administrator to carry out any of the provisions of this
1261 section.

1262 Section 36. Section 627.745, Florida Statutes, is amended
1263 to read:

1264 627.745 Mediation of claims.—

1265 (1) (a) In any claim filed with an insurer for personal
1266 injury in an amount of \$10,000 or less or any claim for property
1267 damage in any amount, arising out of the ownership, operation,
1268 use, or maintenance of a motor vehicle, either party may demand
1269 mediation of the claim prior to the institution of litigation.

1270 (b) The costs of mediation must be reasonable, and the
1271 insurer must bear all of the cost of conducting mediation
1272 conferences, except as otherwise provided in this section. If a
1273 policyholder fails to appear at the conference, the conference
1274 must be rescheduled upon the policyholder's payment of the costs
1275 of a rescheduled conference. If the insurer fails to appear at
1276 the conference, the insurer must pay the policyholder's actual
1277 cash expenses incurred in attending the conference if the
1278 insurer's failure to attend was not due to a good cause
1279 acceptable to the department. An insurer is deemed to have
1280 failed to appear if the insurer's representative lacks authority
1281 to settle the full value of the claim. The insurer shall incur
1282 an additional fee, paid to the mediator, for a rescheduled
1283 conference necessitated by the insurer's failure to appear at a
1284 scheduled conference. The fees assessed by the department or
1285 administrator must include a charge necessary to defray the
1286 expenses of the department related to its duties under this



688170

1287 section and must be deposited in the Insurance Regulatory Trust
1288 Fund. The department or administrator may request that the
1289 department suspend the insurer's authority to appoint licensees
1290 if the insurer does not timely pay the per-mediation-event
1291 administrative fee. Mediation under this section is also
1292 available to litigants referred to the department by a county
1293 court or circuit court.

1294 ~~(b) A request for mediation shall be filed with the~~
1295 ~~department on a form approved by the department. The request for~~
1296 ~~mediation shall state the reason for the request for mediation~~
1297 ~~and the issues in dispute which are to be mediated. The filing~~
1298 ~~of a request for mediation tolls the applicable time~~
1299 ~~requirements for filing suit for a period of 60 days following~~
1300 ~~the conclusion of the mediation process or the time prescribed~~
1301 ~~in s. 95.11, whichever is later.~~

1302 ~~(c) The insurance policy must specify in detail the terms~~
1303 ~~and conditions for mediation of a first-party claim.~~

1304 ~~(d) The mediation shall be conducted as an informal process~~
1305 ~~in which formal rules of evidence and procedure need not be~~
1306 ~~observed. Any party participating in a mediation must have the~~
1307 ~~authority to make a binding decision. All parties must mediate~~
1308 ~~in good faith.~~

1309 ~~(e) The department shall randomly select mediators. Each~~
1310 ~~party may once reject the mediator selected, either originally~~
1311 ~~or after the opposing side has exercised its option to reject a~~
1312 ~~mediator.~~

1313 ~~(f) Costs of mediation shall be borne equally by both~~
1314 ~~parties unless the mediator determines that one party has not~~
1315 ~~mediated in good faith.~~



688170

1316 ~~(g)~~ Only one mediation may be requested for each claim,
1317 unless all parties agree to further mediation.

1318 ~~(2)~~ Upon receipt of a request for mediation, the department
1319 shall refer the request to a mediator. The mediator shall notify
1320 the applicant and all interested parties, as identified by the
1321 applicant, and any other parties the mediator believes may have
1322 an interest in the mediation, of the date, time, and place of
1323 the mediation conference. The conference may be held by
1324 telephone, if feasible. The mediation conference shall be held
1325 within 45 days after the request for mediation.

1326 (2) ~~(a)-(3)~~ ~~(a)~~ The department shall approve mediators to
1327 conduct mediations pursuant to this section. All mediators must
1328 file an application under oath for approval as a mediator.

1329 (b) To qualify for approval as a mediator, an individual
1330 must meet one of the following qualifications:

1331 1. Possess an active certification as a Florida Supreme
1332 Court certified circuit court mediator. A Florida Supreme Court
1333 certified circuit court mediator in a lapsed, suspended,
1334 sanctioned, or decertified status is not eligible to participate
1335 in the mediation program.

1336 2. Be an approved department mediator as of July 1, 2014,
1337 and have conducted at least one mediation on behalf of the
1338 department within 4 years immediately preceding that date.

1339 (3) ~~(4)~~ The department shall deny an application, or suspend
1340 or revoke its approval, of a mediator to serve in such capacity
1341 if the department finds that one or more of the following
1342 grounds exist:

1343 (a) Lack of one or more of the qualifications specified in
1344 this section for approval.



688170

1345 (b) Material misstatement, misrepresentation, or fraud in
1346 obtaining or attempting to obtain the approval.

1347 (c) Demonstrated lack of fitness or trustworthiness to act
1348 as a mediator.

1349 (d) Fraudulent or dishonest practices in the conduct of
1350 mediation or in the conduct of business in the financial
1351 services industry.

1352 (e) Violation of any provision of this code or of a lawful
1353 order or rule of the department, violation of the Florida Rules
1354 for Certified and Court-Appointed Mediators, or aiding,
1355 instructing, or encouraging another party in committing such a
1356 violation.

1357
1358 The department may adopt rules to administer this subsection.

1359 (4) The department shall adopt by rule a motor vehicle
1360 claims insurance mediation program to be administered by the
1361 department or its designee. The department may also adopt
1362 special rules that are applicable in cases of an emergency
1363 within the state. The rules shall be modeled after practices and
1364 procedures set forth in mediation rules of procedure adopted by
1365 the Supreme Court. The rules must include:

1366 (a) Reasonable requirements for processing and scheduling
1367 of requests for mediation.

1368 (b) Provisions governing who may attend mediation
1369 conferences.

1370 (c) Selection of mediators.

1371 (d) Criteria for the conduct of mediation conferences.

1372 (e) Right to legal counsel.

1373 ~~(5) The department must adopt rules of procedure for claims~~



688170

1374 ~~mediation, taking into consideration a system which:~~
1375 ~~(a) Is fair.~~
1376 ~~(b) Promotes settlement.~~
1377 ~~(c) Avoids delay.~~
1378 ~~(d) Is nonadversarial.~~
1379 ~~(e) Uses a framework for modern mediating technique.~~
1380 (f) Controls of costs and expenses of mediation.
1381 (5) The department may designate an entity or person to
1382 serve as an administrator to carry out any of the provisions of
1383 this section and may take this action by means of a written
1384 contract or agreement.
1385 (6) Disclosures and information divulged in the mediation
1386 process are not admissible in any subsequent action or
1387 proceeding relating to the claim or to the cause of action
1388 giving rise to the claim. A person demanding mediation under
1389 this section may not demand or request mediation after a suit is
1390 filed relating to the same facts already mediated.
1391 Section 37. Present subsections (7) through (12) of section
1392 631.141, Florida Statutes, are redesignated as subsections (8)
1393 through (13), respectively, and a new subsection (7) is added to
1394 that section, to read:
1395 631.141 Conduct of delinquency proceeding; domestic and
1396 alien insurers.—
1397 (7) In order to preserve as much as possible the right and
1398 interest of the policyholders whose insurance policies or
1399 similar contracts are affected by the receivership proceedings,
1400 the department as a domiciliary receiver may:
1401 (a) Use the property of the estate of the insurer to
1402 transfer the insurer's book of business, policies, or similar



688170

1403 contracts of coverage, in whole or in part, to a solvent
1404 assuming insurer or insurers.

1405 (b) Notwithstanding s. 631.195, share records of the
1406 insurer with the prospective solvent assuming insurer or
1407 insurers, but only to the extent necessary to undertake due
1408 diligence for a transfer contemplated under this section.

1409 Section 38. Subsections (1) and (3) of section 631.252,
1410 Florida Statutes, are amended to read:

1411 631.252 Continuation of coverage.—

1412 (1) Unless another insurer, with approval of the
1413 receivership court, assumes or otherwise provides coverage for
1414 the policies of the insolvent insurer, all insurance policies or
1415 similar contracts of coverage, other than coverages defined in
1416 s. 631.713 or health maintenance organization coverage under
1417 part IV, issued by the insurer shall be canceled upon the
1418 earlier ~~earliest to occur~~ of the following:

1419 (a) The date of entry of the liquidation or, if the court
1420 so provides in its order, the expiration of 30 days from the
1421 date of entry of the liquidation order;

1422 (b) The normal expiration of the policy or contract
1423 coverage;

1424 (c) The replacement of the coverage by the insured, or the
1425 replacement of the policy or contract of coverage, with a policy
1426 or contract acceptable to the insured by the receiver with
1427 another insurer; ~~or~~

1428 (d) The date proposed by the receiver and approved by the
1429 receivership court to cancel coverage; or

1430 (e) ~~(d)~~ The termination of the coverage by the insured.

1431 (3) The 30-day coverage continuation period provided in



688170

1432 paragraph (1) (a) and s. 631.57(1) (a)1. may not be extended
1433 unless the Chief Financial Officer ~~office~~ determines, based on a
1434 reasonable belief, that market conditions are such that policies
1435 of residential property insurance coverage cannot be placed with
1436 an authorized insurer within 30 days and that an additional 15
1437 days is needed to place such coverage. ~~;~~ ~~and~~ Failure of actual
1438 notice to the policyholder of the insolvency of the insurer, of
1439 commencement of a delinquency proceeding, or of expiration of
1440 the extension period does not affect such expiration.

1441 Section 39. Subsection (1) of section 631.56, Florida
1442 Statutes, is amended, and subsections (5) through (8) are added
1443 to that section, to read:

1444 631.56 Board of directors.—

1445 (1) The board of directors of the association shall consist
1446 of not less than five or more than nine persons serving terms as
1447 established in the plan of operation. Three members of the board
1448 must be representatives from domestic insurers and appointed by
1449 the Chief Financial Officer. The department shall approve and
1450 appoint to the board persons recommended by the member insurers
1451 or other persons with experience in property and casualty
1452 insurance or motor vehicle insurance as determined by the Chief
1453 Financial Officer. These appointments are deemed to be within
1454 the scope of the exemption provided in s. 112.313(7) (b). ~~In the~~
1455 ~~event the department finds that any recommended person does not~~
1456 ~~meet the qualifications for service on the board, the department~~
1457 ~~shall request the member insurers to recommend another person.~~
1458 Each member shall serve for a 4-year term and may be
1459 reappointed. Vacancies on the board shall be filled for the
1460 remaining period of the term in the same manner as initial



688170

1461 appointments.

1462 (5) The Chief Financial Officer may remove a board member
1463 from office for misconduct, malfeasance, misfeasance, or neglect
1464 of duty. Any vacancy so created shall be filled as provided in
1465 subsection (1).

1466 (6) Board members are subject to the code of ethics under
1467 part III of chapter 112, including, but not limited to, the code
1468 of ethics and public disclosure and reporting of financial
1469 interests, pursuant to s. 112.3145. For purposes of applying
1470 part III of chapter 112 to activities of members of the board of
1471 directors, those persons are considered public officers and the
1472 association is considered their agency. Notwithstanding s.
1473 112.3143(2), a board member may not vote on any measure that he
1474 or she knows would inure to his or her special private gain or
1475 loss; that he or she knows would inure to the special private
1476 gain or loss of any principal by which he or she is retained,
1477 other than an agency as defined in s. 112.312; or that he or she
1478 knows would inure to the special private gain or loss of a
1479 relative or business associate of the public officer. Before the
1480 vote is taken, such member shall publicly state to the board the
1481 nature of his or her interest in the matter from which he or she
1482 is abstaining from voting and, within 15 days after the vote
1483 occurs, disclose the nature of his or her interest as a public
1484 record in a memorandum filed with the person responsible for
1485 recording the minutes of the meeting, who shall incorporate the
1486 memorandum in the minutes.

1487 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
1488 law, a board member may not knowingly accept, directly or
1489 indirectly, any gift or expenditure from a person or entity, or



688170

1490 an employee or representative of such person or entity, which
1491 has a contractual relationship with the association or which is
1492 under consideration for a contract.

1493 (8) A board member who fails to comply with subsection (6)
1494 or subsection (7) is subject to the penalties provided under ss.
1495 112.317 and 112.3173.

1496 Section 40. Paragraph (a) of subsection (1) of section
1497 631.716, Florida Statutes, is amended, and subsections (4)
1498 through (7) are added to that section, to read:

1499 631.716 Board of directors.—

1500 (1) (a) The board of directors of the association shall have
1501 at least 9, but no more than 11, members. The members shall
1502 consist ~~be comprised~~ of member insurers serving terms as
1503 established in the plan of operation and 1 Florida Health
1504 Maintenance Organization Consumer Assistance Plan director
1505 confirmed pursuant to paragraph (b), or other persons with
1506 experience in life and annuity or accident and health insurance
1507 as determined by the Chief Financial Officer. These appointments
1508 are deemed to be within the scope of the exemption provided in
1509 s. 112.313(7) (b). At all times, at least 1 ~~member of the~~ board
1510 member must be a domestic insurer as defined in s. 624.06(1).
1511 The ~~members of the~~ board members who are member insurers shall
1512 be elected by member insurers, subject to the approval of the
1513 department. Each board member shall serve for a 4-year term and
1514 may be reappointed.

1515 (4) The Chief Financial Officer may remove a board member
1516 from office for misconduct, malfeasance, misfeasance, or neglect
1517 of duty. Any vacancy so created shall be filled as provided in
1518 subsection (1).



688170

1519 (5) Board members are subject to the code of ethics under
1520 part III of chapter 112, including, but not limited to, the code
1521 of ethics and public disclosure and reporting of financial
1522 interests, pursuant to s. 112.3145. For purposes of applying
1523 part III of chapter 112 to activities of members of the board of
1524 directors, those persons are considered public officers and the
1525 association is considered their agency. Notwithstanding s.
1526 112.3143(2), a board member may not vote on any measure that he
1527 or she knows would inure to his or her special private gain or
1528 loss; that he or she knows would inure to the special private
1529 gain or loss of any principal by which he or she is retained,
1530 other than an agency as defined in s. 112.312; or that he or she
1531 knows would inure to the special private gain or loss of a
1532 relative or business associate of the public officer. Before the
1533 vote is taken, such member shall publicly state to the board the
1534 nature of his or her interest in the matter from which he or she
1535 is abstaining from voting and, within 15 days after the vote
1536 occurs, disclose the nature of his or her interest as a public
1537 record in a memorandum filed with the person responsible for
1538 recording the minutes of the meeting, who shall incorporate the
1539 memorandum in the minutes.

1540 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
1541 law, a board member may not knowingly accept, directly or
1542 indirectly, any gift or expenditure from a person or entity, or
1543 an employee or representative of such person or entity, which
1544 has a contractual relationship with the association or which is
1545 under consideration for a contract.

1546 (7) A board member who fails to comply with subsection (5)
1547 or subsection (6) is subject to the penalties provided under ss.



688170

1548 112.317 and 112.3173.

1549 Section 41. Subsection (1) of section 631.816, Florida
1550 Statutes, is amended, and subsections (8) through (11) are added
1551 to that section, to read:

1552 631.816 Board of directors.—

1553 (1) The board of directors of the plan shall consist of not
1554 less than five or more than nine persons serving terms as
1555 established in the plan of operation. The department shall
1556 approve and appoint to the board persons recommended by the
1557 member HMOs or other persons with experience in health insurance
1558 as determined by the Chief Financial Officer. These appointments
1559 are deemed to be within the scope of the exemption provided in
1560 s. 112.313(7)(b). ~~In the event the department finds that any~~
1561 ~~recommended person does not meet the qualifications for service~~
1562 ~~on the board, the department shall request the member HMOs to~~
1563 ~~recommend another person.~~ Each member shall serve for a 4-year
1564 term and may be reappointed, except that terms may be staggered
1565 as defined in the plan of operation. Vacancies on the board
1566 shall be filled for the remaining period of the term in the same
1567 manner as initial appointments. In determining voting rights,
1568 each HMO is entitled to vote on the basis of cumulative weighted
1569 voting based on the net written premium for non-Medicare and
1570 non-Medicaid policies.

1571 (8) The Chief Financial Officer may remove a board member
1572 from office for misconduct, malfeasance, misfeasance, or neglect
1573 of duty. Any vacancy so created shall be filled as provided in
1574 subsection (1).

1575 (9) Board members are subject to the code of ethics under
1576 part III of chapter 112, including, but not limited to, the code



688170

1577 of ethics and public disclosure and reporting of financial
1578 interests, pursuant to s. 112.3145. For purposes of applying
1579 part III of chapter 112 to activities of members of the board of
1580 directors, those persons are considered public officers and the
1581 plan is considered their agency. Notwithstanding s. 112.3143(2),
1582 a board member may not vote on any measure that he or she knows
1583 would inure to his or her special private gain or loss; that he
1584 or she knows would inure to the special private gain or loss of
1585 any principal by which he or she is retained, other than an
1586 agency as defined in s. 112.312; or that he or she knows would
1587 inure to the special private gain or loss of a relative or
1588 business associate of the public officer. Before the vote is
1589 taken, such member shall publicly state to the board the nature
1590 of his or her interest in the matter from which he or she is
1591 abstaining from voting and, within 15 days after the vote
1592 occurs, disclose the nature of his or her interest as a public
1593 record in a memorandum filed with the person responsible for
1594 recording the minutes of the meeting, who shall incorporate the
1595 memorandum in the minutes.

1596 (10) Notwithstanding s. 112.3148, s. 112.3149, or any other
1597 law, a board member may not knowingly accept, directly or
1598 indirectly, any gift or expenditure from a person or entity, or
1599 an employee or representative of such person or entity, which
1600 has a contractual relationship with the plan or which is under
1601 consideration for a contract.

1602 (11) A board member who fails to comply with subsection (9)
1603 or subsection (10) is subject to the penalties provided under
1604 ss. 112.317 and 112.3173.

1605 Section 42. Subsection (1) of section 631.912, Florida



688170

1606 Statutes, is amended, and subsections (4), (5), and (6) are
1607 added to that section, to read:

1608 631.912 Board of directors.—

1609 (1) The board of directors of the corporation shall consist
1610 of 11 persons, 1 of whom is the insurance consumer advocate
1611 appointed under s. 627.0613 or designee and 1 of whom is
1612 designated by the Chief Financial Officer. The department shall
1613 appoint to the board 6 persons selected by private carriers from
1614 among the 20 workers' compensation insurers with the largest
1615 amount of direct written premium as determined by the
1616 department, and 2 persons selected by the self-insurance funds
1617 or other persons with experience in workers' compensation
1618 insurance as determined by the Chief Financial Officer. These
1619 appointments are deemed to be within the scope of the exemption
1620 provided in s. 112.313(7)(b). The Governor shall appoint one
1621 person who has commercial insurance experience. At least two of
1622 the private carriers shall be foreign carriers authorized to do
1623 business in this state. The board shall elect a chairperson from
1624 among its members. The Chief Financial Officer may remove any
1625 board member for cause. Each board member shall be appointed to
1626 serve a 4-year term and may be reappointed. A vacancy on the
1627 board shall be filled for the remaining period of the term in
1628 the same manner by which the original appointment was made.

1629 (4) Board members are subject to the code of ethics under
1630 part III of chapter 112, including, but not limited to, the code
1631 of ethics and public disclosure and reporting of financial
1632 interests, pursuant to s. 112.3145. For purposes of applying
1633 part III of chapter 112 to activities of members of the board of
1634 directors, those persons are considered public officers and the



688170

1635 corporation is considered their agency. Notwithstanding s.
1636 112.3143(2), a board member may not vote on any measure that he
1637 or she knows would inure to his or her special private gain or
1638 loss; that he or she knows would inure to the special private
1639 gain or loss of any principal by which he or she is retained,
1640 other than an agency as defined in s. 112.312; or that he or she
1641 knows would inure to the special private gain or loss of a
1642 relative or business associate of the public officer. Before the
1643 vote is taken, such member shall publicly state to the board the
1644 nature of his or her interest in the matter from which he or she
1645 is abstaining from voting and, within 15 days after the vote
1646 occurs, disclose the nature of his or her interest as a public
1647 record in a memorandum filed with the person responsible for
1648 recording the minutes of the meeting, who shall incorporate the
1649 memorandum in the minutes.

1650 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
1651 law, a board member may not knowingly accept, directly or
1652 indirectly, any gift or expenditure from a person or entity, or
1653 an employee or representative of such person or entity, which
1654 has a contractual relationship with the corporation or which is
1655 under consideration for a contract.

1656 (6) A board member who fails to comply with subsection (4)
1657 or subsection (5) is subject to the penalties provided under ss.
1658 112.317 and 112.3173.

1659 Section 43. Section 633.1423, Florida Statutes, is created
1660 to read:

1661 633.1423 State Fire Marshal direct-support organization.—

1662 (1) DEFINITION.—As used in this section, the term
1663 “organization” means the direct-support organization established



688170

1664 under this section.

1665 (2) ORGANIZATION ESTABLISHED.—The division may establish a
1666 direct-support organization, to be known as the “State Fire
1667 Marshal Safety and Training Force,” whose sole purpose is to
1668 support the safety and training of firefighters and to recognize
1669 exemplary service. The organization must:

1670 (a) Be a not-for-profit corporation incorporated under
1671 chapter 617 and approved by the Department of State.

1672 (b) Be organized and operated to raise funds; request and
1673 receive grants, gifts, and bequests of money; conduct programs
1674 and activities; acquire, receive, hold, invest, and administer,
1675 in its own name, securities, funds, or property; and make grants
1676 and expenditures to or for the direct or indirect benefit of the
1677 division. Grants and expenditures may include the cost of
1678 education or training of firefighters, or the recognition of
1679 exemplary service of firefighters.

1680 (c) Be determined by the division to operate in a manner
1681 that is:

1682 1. Consistent with the goals of the division and laws
1683 relating to the safety and training of firefighters.

1684 2. In the best interest of the state.

1685 3. In accordance with the adopted goals and mission of the
1686 division.

1687 (d) Use all of its grants and expenditures solely for the
1688 purpose of educating, training, and recognizing firefighters,
1689 and not for advertising using the likeness or name of any
1690 elected official nor for the purpose of lobbying as defined in
1691 s. 11.045(1).

1692 (e) Be subject to an annual financial audit in accordance



688170

1693 with s. 215.981.

1694 (3) CONTRACT.—The organization shall operate under written
1695 contract with the division. The contract must provide for:

1696 (a) Certification by the division that the organization is
1697 complying with the terms of the contract and in a manner
1698 consistent with the goals and purposes of the department and in
1699 the best interest of the state. Such certification must be made
1700 annually and reported in the official minutes of a meeting of
1701 the organization.

1702 (b) The reversion of moneys and property held by the
1703 organization for firefighter safety, training, and recognition
1704 to the division if the organization is no longer approved to
1705 operate by the division or if the organization ceases to exist,
1706 or to the state if the division ceases to exist.

1707 (4) BOARD OF DIRECTORS.—The organization shall be governed
1708 by a board of directors. The State Fire Marshal, or his or her
1709 designee, shall appoint a president of the board. The board of
1710 directors shall be appointed by the president of the board.

1711 (5) USE OF PROPERTY.—The division may authorize, without
1712 charge, appropriate use of fixed property and facilities of the
1713 division by the organization, subject to this subsection.

1714 (a) The department may prescribe any condition with which
1715 the organization must comply in order to use the division's
1716 property or facilities.

1717 (b) The department may not authorize the use of the
1718 division's property or facilities if the organization does not
1719 provide equal membership and employment opportunities to all
1720 persons regardless of race, religion, sex, age, or national
1721 origin.



688170

1722 (c) The department shall adopt rules prescribing the
1723 procedures by which the organization is governed and any
1724 conditions with which the organization must comply to use the
1725 division's property or facilities.

1726 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
1727 organization may be held in a separate depository account in the
1728 name of the organization and subject to the contract with the
1729 division.

1730 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall
1731 submit to the division its annual budget and financial reports,
1732 its federal Internal Revenue Service Application for Recognition
1733 of Exemption Form 1023, and its federal Internal Revenue Service
1734 Return of Organization Exempt from Income Tax Form 990.

1735 (8) ANNUAL AUDIT.—The organization shall provide for an
1736 annual financial audit in accordance with s. 215.981.

1737 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
1738 the division from the organization shall be deposited into the
1739 Insurance Regulatory Trust Fund.

1740 (10) REPEAL.—This section is repealed October 1, 2028,
1741 unless reviewed and saved from repeal by the Legislature.

1742 Section 44. Section 634.181, Florida Statutes, is amended
1743 to read:

1744 634.181 Grounds for compulsory refusal, suspension, or
1745 revocation of license or appointment of salespersons.—

1746 (1) The department shall deny, suspend, revoke, or refuse
1747 to renew or continue the license or appointment of any such
1748 salesperson if it finds that as to the salesperson any one or
1749 more of the following applicable grounds exist:

1750 (a) ~~(1)~~ Material misstatement, misrepresentation, or fraud



688170

1751 in obtaining or attempting to obtain the license or appointment.

1752 (b)~~(2)~~ If the license or appointment is willfully used, or
1753 to be used, to circumvent any of the requirements or
1754 prohibitions of this part, any applicable provision of the
1755 Florida Insurance Code, or rule of the department or commission.

1756 (c)~~(3)~~ Willful misrepresentation of any service agreement
1757 or willful deception with regard to any agreement, done either
1758 in person or by any form of dissemination of information or
1759 advertising.

1760 (d)~~(4)~~ If in the adjustment of claims arising out of
1761 service agreements, she or he has materially misrepresented to a
1762 service agreement holder or other interested party the terms and
1763 coverage of a service agreement with intent and for the purpose
1764 of effecting settlement of the claim on less favorable terms
1765 than those provided in and contemplated by the service
1766 agreement.

1767 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
1768 to engage in the service agreement business.

1769 (f)~~(6)~~ For demonstrated lack of adequate knowledge and
1770 technical competence to engage in the transactions authorized by
1771 the license or appointment.

1772 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
1773 business under the license or appointment.

1774 (h)~~(8)~~ Misappropriation, conversion, or unlawful
1775 withholding of moneys belonging to a service agreement company,
1776 insurer, or service agreement holder or to others and received
1777 in the conduct of business under the license or appointment.

1778 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for
1779 unlawfully dividing or offering to divide her or his commission



1780 with another.

1781 (j)~~(10)~~ Willful failure to comply with, or willful
1782 violation of any proper order of the department or office, or
1783 willful violation of any provision of this part, or of any
1784 applicable provision of the insurance code, or applicable rule
1785 of the department or commission.

1786 (k)~~(11)~~ Having been found guilty of, or having pleaded
1787 guilty or nolo contendere to, a felony or a crime punishable by
1788 imprisonment of 1 year or more under the law of the United
1789 States of America or any state thereof or under the law of any
1790 other country which involves moral turpitude, without regard to
1791 whether a judgment of conviction has been entered by the court
1792 having jurisdiction of the cases.

1793 (l)~~(12)~~ Failure to refund unearned pro rata commission to
1794 the agreement holder or the service agreement company, if the
1795 service agreement company is making a full unearned pro rata
1796 refund to the agreement holder.

1797 (m) Having been the subject of, or having had a license,
1798 permit, appointment, registration, or other authority to conduct
1799 business subject to, any decision, finding, injunction,
1800 suspension, prohibition, revocation, denial, judgment, final
1801 agency action, or administrative order by any court of competent
1802 jurisdiction, administrative law proceeding, state agency,
1803 federal agency, national securities, commodities, or options
1804 exchange, or national securities, commodities, or options
1805 association involving a violation of any federal or state
1806 securities or commodities law or any rule or regulation adopted
1807 thereunder, or a violation of any rule or regulation of any
1808 national securities, commodities, or options exchange or



688170

1809 national securities, commodities, or options association.

1810 (2) When a licensee is charged with a felony enumerated in
1811 s. 626.207(2), the department shall, immediately upon receipt of
1812 information on or indictment for the felony, temporarily suspend
1813 a license or appointment issued under this chapter. Such
1814 suspension shall continue if the licensee is found guilty of, or
1815 pleads guilty or nolo contendere to, the crime, regardless of
1816 whether a judgment or conviction is entered, during a pending
1817 appeal. A person may not transact insurance business after
1818 suspension of his or her license or appointment.

1819 (3) The department may adopt rules to administer this
1820 section.

1821 Section 45. Section 634.191, Florida Statutes, is amended
1822 to read:

1823 634.191 Grounds for discretionary refusal, suspension, or
1824 revocation of license or appointment of salespersons.—

1825 (1) The department may, in its discretion, deny, suspend,
1826 revoke, or refuse to renew or continue the license or
1827 appointment of any salesperson if it finds that as to the
1828 salesperson any one or more of the following applicable grounds
1829 exist under circumstances for which such denial, suspension,
1830 revocation, or refusal is not mandatory under s. 634.181:

1831 (a)~~(1)~~ For any cause for which granting of the license or
1832 appointment could have been refused had it then existed and been
1833 known to the department.

1834 (b)~~(2)~~ Violation of any provision of this part or of any
1835 other law applicable to the business of service agreements in
1836 the course of dealings under the license or appointment.

1837 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule



688170

1838 of the department or commission.

1839 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any
1840 company or insurer the salesperson represents or has represented
1841 any money coming into her or his hands belonging to the company
1842 or insurer.

1843 (e)~~(5)~~ If, in the conduct of business under the license or
1844 appointment, the salesperson has engaged in unfair methods of
1845 competition or in unfair or deceptive acts or practices, as such
1846 methods, acts, or practices are or may be defined under this
1847 part, or has otherwise shown herself or himself to be a source
1848 of injury or loss to the public or detrimental to the public
1849 interest.

1850 (f)~~(6)~~ Failure to report to the department within 30 days
1851 the final disposition of an administrative action taken against
1852 a salesperson by a governmental agency or other regulatory
1853 agency in this state or any other state or jurisdiction relating
1854 to the business of insurance, the sale of securities, or an
1855 activity involving fraud, dishonesty, trustworthiness, or breach
1856 of a fiduciary duty. The salesperson must submit a copy of the
1857 order, consent to order, or other relevant legal documents to
1858 the department ~~Having been found guilty of, or having pleaded~~
1859 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
1860 ~~imprisonment of 1 year or more under the law of the United~~
1861 ~~States of America or any state thereof or under the law of any~~
1862 ~~other country, without regard to whether a judgment of~~
1863 ~~conviction has been entered by the court having jurisdiction of~~
1864 ~~the cases.~~

1865 (2) The department may adopt rules to administer this
1866 section.



688170

1867 Section 46. Section 634.320, Florida Statutes, is amended
1868 to read:

1869 634.320 Grounds for compulsory refusal, suspension, or
1870 revocation of license or appointment of sales representatives.-

1871 (1) The department shall deny, suspend, revoke, or refuse
1872 to renew or continue the license or appointment of any sales
1873 representative if it is found that any one or more of the
1874 following grounds applicable to the sales representative exist:

1875 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
1876 in obtaining or attempting to obtain a license or appointment.

1877 (b)~~(2)~~ The license or appointment is willfully used, or to
1878 be used, to circumvent any of the requirements or prohibitions
1879 of this part.

1880 (c)~~(3)~~ Willful misrepresentation of any warranty contract
1881 or willful deception with regard to any such contract, done
1882 either in person or by any form of dissemination of information
1883 or advertising.

1884 (d)~~(4)~~ In the adjustment of claims arising out of
1885 warranties, material misrepresentation to a warranty holder or
1886 other interested party of the terms and coverage of a contract,
1887 with the intent and for the purpose of effecting settlement of
1888 such claim on less favorable terms than those provided in and
1889 contemplated by the contract.

1890 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
1891 engage in the business of home warranty.

1892 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
1893 technical competence to engage in the transactions authorized by
1894 the license or appointment.

1895 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of



1896 business under the license or appointment.

1897 (h)~~(8)~~ Misappropriation, conversion, or unlawful
1898 withholding of moneys belonging to an association, insurer, or
1899 warranty holder, or to others, and received in the conduct of
1900 business under the license or appointment.

1901 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
1902 rebate, or unlawfully dividing, or offering to divide, her or
1903 his commission with another.

1904 (j)~~(10)~~ Willful failure to comply with, or willful
1905 violation of, any proper order or rule of the department or
1906 commission or willful violation of any provision of this part.

1907 (k)~~(11)~~ Being found guilty of or pleading guilty or nolo
1908 contendere to a felony or a crime punishable by imprisonment of
1909 1 year or more under the law of the United States of America or
1910 any state thereof or under the law of any other country
1911 ~~involving moral turpitude~~, without regard to whether judgment of
1912 conviction has been entered by the court.

1913 (l) Having been the subject of, or having had a license,
1914 permit, appointment, registration, or other authority to conduct
1915 business subject to, any decision, finding, injunction,
1916 suspension, prohibition, revocation, denial, judgment, final
1917 agency action, or administrative order by any court of competent
1918 jurisdiction, administrative law proceeding, state agency,
1919 federal agency, national securities, commodities, or options
1920 exchange, or national securities, commodities, or options
1921 association involving a violation of any federal or state
1922 securities or commodities law or any rule or regulation adopted
1923 thereunder, or a violation of any rule or regulation of any
1924 national securities, commodities, or options exchange or



688170

1925 national securities, commodities, or options association.

1926 (2) When a licensee is charged with a felony enumerated in
1927 s. 626.207(2), the department shall, immediately upon receipt of
1928 information on or indictment for the felony, temporarily suspend
1929 a license or appointment issued under this chapter. Such
1930 suspension shall continue if the licensee is found guilty of, or
1931 pleads guilty or nolo contendere to, the crime, regardless of
1932 whether a judgment or conviction is entered, during a pending
1933 appeal. A person may not transact insurance business after
1934 suspension of his or her license or appointment.

1935 (3) The department may adopt rules to administer this
1936 section.

1937 Section 47. Section 634.321, Florida Statutes, is amended
1938 to read:

1939 634.321 Grounds for discretionary refusal, suspension, or
1940 revocation of license or appointment of sales representatives.—

1941 (1) The department may, in its discretion, deny, suspend,
1942 revoke, or refuse to renew or continue the license or
1943 appointment of any sales representative if it is found that any
1944 one or more of the following grounds applicable to the sales
1945 representative exist under circumstances for which such denial,
1946 suspension, revocation, or refusal is not mandatory under s.
1947 634.320:

1948 (a)~~(1)~~ Any cause for which granting of the license or
1949 appointment could have been refused had it then existed and been
1950 known to the department.

1951 (b)~~(2)~~ Violation of any provision of this part, or of any
1952 other law applicable to the business of warranties, in the
1953 course of dealings under the license or appointment.



688170

1954 (c)~~(3)~~ Violation of any lawful order or rule of the
1955 department or commission.

1956 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
1957 home warranty association or insurer the sales representative
1958 represents or has represented any money coming into her or his
1959 hands which belongs to the association or insurer.

1960 (e)~~(5)~~ In the conduct of business under the license or
1961 appointment, engaging in unfair methods of competition or in
1962 unfair or deceptive acts or practices, as such methods, acts, or
1963 practices are or may be defined under this part, or otherwise
1964 showing herself or himself to be a source of injury or loss to
1965 the public or detriment to the public interest.

1966 (f)~~(6)~~ Failure to report to the department within 30 days
1967 the final disposition of an administrative action taken against
1968 a sales representative by a governmental agency or other
1969 regulatory agency in this state or any other state or
1970 jurisdiction relating to the business of insurance, the sale of
1971 securities, or an activity involving fraud, dishonesty,
1972 trustworthiness, or breach of a fiduciary duty. The sales
1973 representative must submit a copy of the order, consent to
1974 order, or other relevant legal documents to the department ~~Being~~
1975 ~~found guilty of or pleading guilty or nolo contendere to a~~
1976 ~~felony or a crime punishable by imprisonment of 1 year or more~~
1977 ~~under the law of the United States of America or any state~~
1978 ~~thereof or under the law of any other country, without regard to~~
1979 ~~whether a judgment of conviction has been entered by the court.~~

1980 (2) The department may adopt rules to administer this
1981 section.

1982 Section 48. Section 634.419, Florida Statutes, is amended



688170

1983 to read:

1984 634.419 License and appointment required.—No person or
1985 entity shall solicit, negotiate, advertise, or effectuate
1986 service warranty contracts in this state unless such person or
1987 entity is licensed and appointed as a sales representative.
1988 Sales representatives shall be responsible for the actions of
1989 persons under their supervision. However, a service warranty
1990 association licensed as such under this part shall not be
1991 required to be licensed and appointed as a sales representative
1992 to solicit, negotiate, advertise, or effectuate its products.
1993 Sections 501.021-501.055 do not apply to persons or entities
1994 licensed and appointed under this section, or their affiliates,
1995 which solicit the sale of a service warranty or related service
1996 or product in connection with a prearranged appointment at the
1997 request of the consumer.

1998 Section 49. Section 634.422, Florida Statutes, is amended
1999 to read:

2000 634.422 Grounds for compulsory refusal, suspension, or
2001 revocation of license or appointment of sales representatives.—

2002 (1) The department shall deny, suspend, revoke, or refuse
2003 to renew or continue the license or appointment of any sales
2004 representative if it is found that any one or more of the
2005 following grounds applicable to the sales representative exist:

2006 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2007 in obtaining or attempting to obtain a license or appointment.

2008 (b)~~(2)~~ The license or appointment is willfully used, or to
2009 be used, to circumvent any of the requirements or prohibitions
2010 of this part.

2011 (c)~~(3)~~ Willful misrepresentation of any service warranty



688170

2012 contract or willful deception with regard to any such contract,
2013 done either in person or by any form of dissemination of
2014 information or advertising.

2015 (d)~~(4)~~ In the adjustment of claims arising out of
2016 warranties, material misrepresentation to a service warranty
2017 holder or other interested party of the terms and coverage of a
2018 contract with the intent and for the purpose of effecting
2019 settlement of the claim on less favorable terms than those
2020 provided in and contemplated by the contract.

2021 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2022 engage in the business of service warranty.

2023 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
2024 technical competence to engage in the transactions authorized by
2025 the license or appointment.

2026 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2027 business under the license or appointment.

2028 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2029 withholding of moneys belonging to an association, insurer, or
2030 warranty holder, or to others, and received in the conduct of
2031 business under the license or appointment.

2032 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
2033 rebate, or unlawfully dividing, or offering to divide, her or
2034 his commission with another.

2035 (j)~~(10)~~ Willful failure to comply with, or willful
2036 violation of, any proper order or rule of the department or
2037 commission, or willful violation of any provision of this part.

2038 (k)~~(11)~~ Being found guilty of or pleading nolo contendere
2039 to a felony or a crime punishable by imprisonment of 1 year or
2040 more under the law of the United States of America or any state



2041 thereof or under the law of any other country ~~involving moral~~
2042 ~~turpitude~~, without regard to whether judgment of conviction has
2043 been entered by the court having jurisdiction of the case.

2044 (1) Having been the subject of, or having had a license,
2045 permit, appointment, registration, or other authority to conduct
2046 business subject to, any decision, finding, injunction,
2047 suspension, prohibition, revocation, denial, judgment, final
2048 agency action, or administrative order by any court of competent
2049 jurisdiction, administrative law proceeding, state agency,
2050 federal agency, national securities, commodities, or options
2051 exchange, or national securities, commodities, or options
2052 association involving a violation of any federal or state
2053 securities or commodities law or any rule or regulation adopted
2054 thereunder, or a violation of any rule or regulation of any
2055 national securities, commodities, or options exchange or
2056 national securities, commodities, or options association.

2057 (2) When a licensee is charged with a felony enumerated in
2058 s. 626.207(2), the department shall, immediately upon receipt of
2059 information on or indictment for the felony, temporarily suspend
2060 a license or appointment issued under this chapter. Such
2061 suspension shall continue if the licensee is found guilty of, or
2062 pleads guilty or nolo contendere to, the crime, regardless of
2063 whether a judgment or conviction is entered, during a pending
2064 appeal. A person may not transact insurance business after
2065 suspension of his or her license or appointment.

2066 (3) The department may adopt rules to administer this
2067 section.

2068 Section 50. Section 634.423, Florida Statutes, is amended
2069 to read:



688170

2070 634.423 Grounds for discretionary refusal, suspension, or
2071 revocation of license or appointment of sales representatives.—

2072 (1) The department may deny, suspend, revoke, or refuse to
2073 renew or continue the license or appointment of any sales
2074 representative if it is found that any one or more of the
2075 following grounds applicable to the sales representative exist
2076 under circumstances for which such denial, suspension,
2077 revocation, or refusal is not mandatory under s. 634.422:

2078 (a)~~(1)~~ Any cause for which granting of the license or
2079 appointment could have been refused had it then existed and been
2080 known to the department.

2081 (b)~~(2)~~ Violation of any provision of this part, or of any
2082 other law applicable to the business of service warranties, in
2083 the course of dealings under the license or appointment.

2084 (c)~~(3)~~ Violation of any lawful order or rule of the
2085 department or commission.

2086 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
2087 service warranty association or insurer the sales representative
2088 represents or has represented any money coming into her or his
2089 hands which belongs to the association or insurer.

2090 (e)~~(5)~~ In the conduct of business under the license or
2091 appointment, engaging in unfair methods of competition or in
2092 unfair or deceptive acts or practices, as such methods, acts, or
2093 practices are or may be defined under this part, or otherwise
2094 showing herself or himself to be a source of injury or loss to
2095 the public or detriment to the public interest.

2096 (f)~~(6)~~ Failure to report to the department within 30 days
2097 the final disposition of an administrative action taken against
2098 a sales representative by a governmental agency or other



688170

2099 regulatory agency in this state or any other state or
2100 jurisdiction relating to the business of insurance, the sale of
2101 securities, or an activity involving fraud, dishonesty,
2102 trustworthiness, or breach of a fiduciary duty. The sales
2103 representative must submit a copy of the order, consent to
2104 order, or other relevant legal documents to the department ~~Being~~
2105 ~~found guilty of or pleading guilty or nolo contendere to a~~
2106 ~~felony or a crime punishable by imprisonment of 1 year or more~~
2107 ~~under the law of the United States of America or any state~~
2108 ~~thereof or under the law of any other country, without regard to~~
2109 ~~whether judgment of conviction has been entered by the court~~
2110 ~~having jurisdiction of such case.~~

2111 (2) The department may adopt rules to administer this
2112 section.

2113 Section 51. Section 648.25, Florida Statutes, is reordered
2114 and amended to read:

2115 648.25 Definitions.—As used in this chapter, the term:

2116 (1) "Appointment" means the authority given by an insurer
2117 or the managing general agent of an insurer through the
2118 department to a licensee to transact insurance or adjust claims
2119 on behalf of the insurer or managing general agent.

2120 (2)~~(1)~~ "Bail bond agency" means:

2121 (a) The building where a licensee maintains an office and
2122 where all records required by ss. 648.34 and 648.36 are
2123 maintained; or

2124 (b) An entity that:

2125 1. Charges a fee or premium to release an accused defendant
2126 or detainee from jail; or

2127 2. Engages in or employs others to engage in any activity



688170

2128 that may be performed only by a licensed and appointed bail bond
2129 agent.

2130 (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a
2131 professional bail bond agent as hereafter defined.

2132 (7)~~(3)~~ "Managing general agent" means any individual,
2133 partnership, association, or corporation appointed or employed
2134 by an insurer to supervise or manage the bail bond business
2135 written in this state by limited surety agents appointed by the
2136 insurer.

2137 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien
2138 surety company which has been authorized to transact surety
2139 business in this state.

2140 (6)~~(5)~~ "Limited surety agent" means any individual
2141 appointed by an insurer by power of attorney to execute or
2142 countersign bail bonds in connection with judicial proceedings
2143 who receives or is promised money or other things of value
2144 therefor.

2145 (4)~~(6)~~ "~~Primary~~ Bail bond agent in charge" means a licensed
2146 bail bond agent who is responsible for the overall operation and
2147 management of a bail bond agency location and whose
2148 responsibilities include hiring and supervising all individuals
2149 within that location. A bail bond agent may be designated as the
2150 ~~primary~~ bail bond agent in charge for only one bail bond agency
2151 location.

2152 (8)~~(7)~~ "Professional bail bond agent" means any person who
2153 pledges United States currency, United States postal money
2154 orders, or cashier's checks as security for a bail bond in
2155 connection with a judicial proceeding and receives or is
2156 promised therefor money or other things of value.



688170

2157 (9)~~(8)~~ "Temporary bail bond agent" means a person licensed
2158 before January 1, 2024, who is employed by a bail bond agent or
2159 agency, insurer, or managing general agent, and such licensee
2160 has the same authority as a licensed bail bond agent, including
2161 presenting defendants in court; apprehending, arresting, and
2162 surrendering defendants to the proper authorities, while
2163 accompanied by a supervising bail bond agent or an agent from
2164 the same agency; and keeping defendants under necessary
2165 surveillance. However, a temporary licensee may not execute or
2166 sign bonds, handle collateral receipts, or deliver bonds to
2167 appropriate authorities. A temporary licensee may not operate an
2168 agency or branch agency separate from the location of the
2169 supervising bail bond agent, managing general agent, or insurer
2170 by whom the licensee is employed. This does not affect the right
2171 of a bail bond agent or insurer to hire counsel or to obtain the
2172 assistance of law enforcement officers. A temporary bail bond
2173 agent license expires 18 months after issuance and is no longer
2174 valid on or after June 30, 2025.

2175 Section 52. Subsection (3) of section 648.26, Florida
2176 Statutes, is amended to read:

2177 648.26 Department of Financial Services; administration.—

2178 (3) The papers, documents, reports, or any other
2179 investigatory records of the department are confidential and
2180 exempt from ~~the provisions of~~ s. 119.07(1) until such
2181 investigation is completed or ceases to be active. For the
2182 purpose of this section, an investigation is considered active
2183 ~~"active"~~ while the investigation is being conducted by the
2184 department with a reasonable, good faith belief that it may lead
2185 to the filing of administrative, civil, or criminal proceedings.



688170

2186 An investigation does not cease to be active if the department
2187 is proceeding with reasonable dispatch and there is good faith
2188 belief that action may be initiated by the department or other
2189 administrative or law enforcement agency. This subsection does
2190 not prevent the department or office from disclosing the content
2191 of a complaint or such information as it deems necessary to
2192 conduct the investigation, to update the complainant as to the
2193 status and outcome of the complaint, or to share such
2194 information with any law enforcement agency or other regulatory
2195 body.

2196 Section 53. Subsection (5) of section 648.27, Florida
2197 Statutes, is amended to read:

2198 648.27 Licenses and appointments; general.-

2199 (5)(a) The license of a bail bond agent shall continue in
2200 force, without further examination unless deemed necessary by
2201 the department, until suspended, revoked, or otherwise
2202 terminated.

2203 ~~(b) The license of a temporary bail bond agent shall~~
2204 ~~continue in force until suspended, revoked, or otherwise~~
2205 ~~terminated.~~

2206 Section 54. Section 648.285, Florida Statutes, is amended
2207 to read:

2208 648.285 Bond agency; ownership requirements; applications
2209 for bail bond agency licenses.-

2210 (1) A person may not own, control, manage, or otherwise
2211 have a pecuniary interest in a bail bond agency unless such
2212 individual is ~~a~~ licensed pursuant to s. 648.27, ~~and~~ appointed
2213 through the department, and actively engaged as a bail bond
2214 agent for at least the preceding 24 months. Any agency that is



688170

2215 not in compliance with this subsection is ~~shall be~~ subject to
2216 the issuance of an immediate final order of suspension of its
2217 license and all operations until the agency achieves compliance.

2218 (2) Effective January 1, 2024, the department may issue a
2219 bail bond agency license to any person only after such person
2220 files a written application with the department and qualifies
2221 for such license.

2222 (3) An application for a bail bond agency license must be
2223 signed by an individual required to be listed in the application
2224 under paragraph (a). A bail bond agency license may permit a
2225 third party to complete, submit, and sign an application on the
2226 bail bond agency's behalf; however, the bail bond agency is
2227 responsible for ensuring that the information on the application
2228 is true and correct, and the bail bond agency is accountable for
2229 any misstatements or misrepresentations. The application for a
2230 bail bond agency license must include:

2231 (a) The name and license number of each owner, partner,
2232 officer, director, president, senior vice president, secretary,
2233 treasurer, and limited liability company member who directs or
2234 participates in the management or control of the bail bond
2235 agency, whether through ownership of voting securities, by
2236 contract, by ownership of any agency bank account, or otherwise.

2237 (b) The residence address of each person required to be
2238 listed in the application under paragraph (a).

2239 (c) The name, principal business street address, and valid
2240 e-mail address of the bail bond agency and the name, address,
2241 and e-mail address of the agency's registered agent or person or
2242 company authorized to accept service on behalf of the bail bond
2243 agency.



688170

2244 (d) The physical address of each branch bail bond agency,
2245 including its name, e-mail address, and telephone number, and
2246 the date that the branch location began transacting bail bond
2247 business.

2248 (e) The name of the full-time bail bond agent in charge of
2249 the agency office, including branch locations, and his or her
2250 corresponding location.

2251 (f) Such additional information as the department requires
2252 by rule to ascertain the trustworthiness and competence of
2253 persons required to be listed on the application and to
2254 ascertain that such persons meet the requirements of this code.
2255 However, the department may not require that credit or character
2256 reports be submitted for persons required to be listed on the
2257 application.

2258 (4) The department must issue a license to each agency upon
2259 approval of the application, and each agency location must
2260 display the license prominently in a manner that makes it
2261 clearly visible to any customer or potential customer who enters
2262 the agency location.

2263 (5) A bail bond agency that holds a current and valid
2264 registration number with the department shall have its
2265 registration automatically converted to a license on July 1,
2266 2024.

2267 (6) Section 112.011 does not apply to bail bond agencies or
2268 to applicants for licensure as owners of bail bond agencies.

2269 (7) ~~(2)~~ If the owner of a bail bond agency dies or becomes
2270 mentally incapacitated, a personal representative or legal
2271 guardian may be issued a temporary permit to manage the affairs
2272 of the bail bond agency. Such person must appoint or maintain



688170

2273 the appointment of a ~~primary~~ bail bond agent in charge, as
2274 provided in s. 648.387, and may not engage in any activities as
2275 a licensed bail bond agent but must comply with s. 648.387
2276 during the administration of the estate or guardianship. A
2277 temporary permit is valid for a maximum of 24 months.

2278 (8)~~(3)~~ Application for a temporary permit must be made by
2279 the personal representative or legal guardian upon statements
2280 and affidavits filed with the department on forms prescribed and
2281 furnished by it. The applicant must meet the qualifications for
2282 licensure as a bail bond agent, except for the residency,
2283 examination, education, and experience requirements.

2284 Section 55. Subsection (1) of section 648.30, Florida
2285 Statutes, is amended to read:

2286 648.30 Licensure and appointment required; prohibited acts;
2287 penalties.—

2288 (1) (a) A person or entity may not act in the capacity of a
2289 bail bond agent or ~~temporary~~ bail bond agency agent or perform
2290 any of the functions, duties, or powers prescribed for bail bond
2291 agents or ~~temporary~~ bail bond agencies agents under this chapter
2292 unless that person or entity is qualified, licensed, and
2293 appointed as provided in this chapter and employed by a bail
2294 bond agency.

2295 (b) A bail bond agent may not sell a bail bond issued by an
2296 insurer for which the agent and the agent's bail bond agency do
2297 not hold a current appointment.

2298 (c) Except as otherwise provided in this part, a person or
2299 entity, other than a bail bond agency or an employee of a bail
2300 bond agency, may not perform any of the functions of a bail bond
2301 agency without a bail bond agency license.



688170

2302 Section 56. Section 648.31, Florida Statutes, is amended to
2303 read:

2304 648.31 Appointment taxes and fees.—The department shall
2305 collect in advance all appointment taxes and fees for the
2306 issuance of any appointment to a bail bond agent ~~or temporary~~
2307 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for
2308 the issuance of any appointment to a bail bond agency.

2309 Section 57. Subsection (2) of section 648.34, Florida
2310 Statutes, is amended to read:

2311 648.34 Bail bond agents; qualifications.—

2312 (2) To qualify as a bail bond agent, it must affirmatively
2313 appear at the time of application and throughout the period of
2314 licensure that the applicant ~~has complied with the provisions of~~
2315 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
2316 ~~section and:~~

2317 (a) ~~The applicant~~ Is a natural person who has reached the
2318 age of 18 years and holds a high school diploma or its
2319 equivalent.

2320 (b) ~~The applicant~~ Is a United States citizen or legal alien
2321 who possesses work authorization from the United States Bureau
2322 of Citizenship and Immigration Services and is a resident of
2323 this state. An individual who is a resident of this state shall
2324 be deemed to meet the residence requirement of this paragraph,
2325 notwithstanding the existence, at the time of application for
2326 license, of a license in the applicant's name on the records of
2327 another state as a resident licensee of such other state, if the
2328 applicant furnishes a letter of clearance satisfactory to the
2329 department that his or her resident licenses have been canceled
2330 or changed to a nonresident basis and that he or she is in good



688170

2331 standing.

2332 (c) Will maintain his or her ~~The~~ place of business ~~of the~~
2333 ~~applicant will be located~~ in this state and in the county where
2334 the applicant will maintain his or her records and be actively
2335 engaged in the bail bond business and work with a licensed
2336 ~~maintain an~~ agency accessible to the public which is open for
2337 reasonable business hours.

2338 (d) ~~The applicant~~ Is vouched for and recommended upon sworn
2339 statements filed with the department by at least three reputable
2340 citizens who are residents of the same counties in which the
2341 applicant proposes to engage in the bail bond business.

2342 (e) ~~The applicant~~ Is a person of high character and
2343 approved integrity and has not been convicted of or pleaded
2344 guilty or no contest to a felony, a crime involving moral
2345 turpitude, or a crime punishable by imprisonment of 1 year or
2346 more under the law of any state, territory, or country, whether
2347 or not a judgment or conviction has been entered.

2348 (f) Within 2 years immediately before applying for the
2349 license, has successfully completed a basic certification course
2350 in the criminal justice system which consists of at least 120
2351 hours of classroom instruction with a passing grade of 80
2352 percent or higher and has successfully completed a
2353 correspondence course for bail bond agents approved by the
2354 department.

2355 (g) ~~(f) The applicant~~ Has passed any required examination.
2356 Section 58. Section 648.355, Florida Statutes, is amended
2357 to read:

2358 648.355 ~~Temporary limited license as~~ Limited surety agents
2359 and agent or professional bail bond agents agent; qualifications



688170

2360 ~~pending examination.-~~

2361 ~~(1) The department may, in its discretion, issue a~~
2362 ~~temporary license as a limited surety agent or professional bail~~
2363 ~~bond agent, subject to the following conditions:~~

2364 ~~(a) The applicant is a natural person at least 18 years of~~
2365 ~~age and holds a high school diploma or its equivalent.~~

2366 ~~(b) The applicant is a United States citizen or legal alien~~
2367 ~~who possesses work authorization from the United States Bureau~~
2368 ~~of Citizenship and Immigration Services and is a resident of~~
2369 ~~this state. An individual who is a resident of this state shall~~
2370 ~~be deemed to meet the residence requirement of this paragraph,~~
2371 ~~notwithstanding the existence, at the time of application for~~
2372 ~~temporary license, of a license in the individual's name on the~~
2373 ~~records of another state as a resident licensee of such other~~
2374 ~~state, if the applicant furnishes a letter of clearance~~
2375 ~~satisfactory to the department that the individual's resident~~
2376 ~~licenses have been canceled or changed to a nonresident basis~~
2377 ~~and that the individual is in good standing.~~

2378 ~~(c) The applicant is a person of high character and~~
2379 ~~approved integrity and has never been convicted of or pleaded~~
2380 ~~guilty or no contest to a felony, a crime involving moral~~
2381 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
2382 ~~more under the law of any state, territory, or country, whether~~
2383 ~~or not a judgment or conviction is entered.~~

2384 ~~(d) Within 4 years prior to the date of application for a~~
2385 ~~temporary license, the applicant has successfully completed a~~
2386 ~~basic certification course in the criminal justice system,~~
2387 ~~consisting of not less than 120 hours of classroom instruction~~
2388 ~~with a passing grade of 80 percent or higher and has~~



688170

2389 ~~successfully completed a correspondence course for bail bond~~
2390 ~~agents approved by the department.~~

2391 ~~(e) The applicant must be employed full time at the time of~~
2392 ~~licensure, and at all times throughout the existence of the~~
2393 ~~temporary license, by only one licensed and appointed~~
2394 ~~supervising bail bond agent, who supervises the work of the~~
2395 ~~applicant and is responsible for the licensee's conduct in the~~
2396 ~~bail bond business. The applicant must be appointed by the same~~
2397 ~~insurers as the supervising bail bond agent. The supervising~~
2398 ~~bail bond agent shall certify monthly to the department under~~
2399 ~~oath, on a form prescribed by the department, the names and~~
2400 ~~hours worked each week of all temporary bail bond agents. Filing~~
2401 ~~a false certification is grounds for the immediate suspension of~~
2402 ~~the license and imposition of a \$5,000 administrative fine. The~~
2403 ~~department may adopt rules that establish standards for the~~
2404 ~~employment requirements.~~

2405 ~~(f) The application must be accompanied by an affidavit~~
2406 ~~verifying proposed employment and a report as to the applicant's~~
2407 ~~integrity and moral character on a form prescribed by the~~
2408 ~~department and executed by the proposed employer.~~

2409 ~~(g) The applicant must file with the department statements~~
2410 ~~by at least three reputable citizens who are residents of the~~
2411 ~~same counties in which the applicant proposes to engage as a~~
2412 ~~temporary licensee.~~

2413 ~~(h) The applicant's employer is responsible for the bail~~
2414 ~~bonding acts of any licensee under this section.~~

2415 ~~(2) All applicable license fees, as prescribed in s.~~
2416 ~~624.501, must be paid before issuance of the temporary license.~~

2417 ~~(3) The temporary license shall be effective for 18 months,~~



688170

2418 ~~subject to earlier termination at the request of the employer or~~
2419 ~~if suspended or revoked by the department.~~

2420 ~~(4)~~ The applicant shall furnish, with the application for
2421 ~~temporary~~ license, a complete set of the applicant's
2422 fingerprints in accordance with s. 626.171(4) and a recent
2423 credential-sized, fullface photograph of the applicant. The
2424 department ~~may shall~~ not issue a ~~temporary~~ license under this
2425 section until the department has received a report from the
2426 Department of Law Enforcement and the Federal Bureau of
2427 Investigation relative to the existence or nonexistence of a
2428 criminal history report based on the applicant's fingerprints.

2429 ~~(2)(5)~~ The department may collect a fee necessary to cover
2430 the cost of a character and credit report made by an established
2431 and reputable independent reporting service. The fee shall be
2432 deposited to the credit of the Insurance Regulatory Trust Fund.

2433 ~~(3)(6)~~ Effective July 1, 2023, any individual licensed by
2434 the department as a temporary bail bond agent may take the
2435 required bail bond agent's licensure examination, may file an
2436 application for a bail bond agent's license if otherwise
2437 qualified for licensure, and may take the required bail bond
2438 agent's licensure examination ~~After licensure as a temporary~~
2439 ~~licensee for at least 12 months, such licensee may file an~~
2440 ~~application for and become eligible for a regular bail bond~~
2441 ~~agent's license based on the licensee's experience in the bail~~
2442 ~~bond business and education pursuant to paragraph (1)(d) and, if~~
2443 ~~otherwise qualified, take the required bail bond agent's~~
2444 ~~licensure examination. The applicant and supervising bail bond~~
2445 ~~agent must each file an affidavit under oath, on a form~~
2446 ~~prescribed by the department, verifying the required employment~~



688170

2447 ~~of the temporary agent before issuance of the license.~~

2448 ~~(7) In no event shall a temporary licensee licensed under~~
2449 ~~this section perform any of the functions for which a bail bond~~
2450 ~~agent's license is required after expiration of the temporary~~
2451 ~~license without having passed the written examination as for a~~
2452 ~~regular bail bond agent's license.~~

2453 ~~(8) (a) A temporary licensee has the same authority as a~~
2454 ~~licensed bail bond agent, including presenting defendants in~~
2455 ~~court; apprehending, arresting, and surrendering defendants to~~
2456 ~~the proper authorities; and keeping defendants under necessary~~
2457 ~~surveillance. However, a temporary licensee must be accompanied~~
2458 ~~by a supervising bail bond agent or an agent from the same~~
2459 ~~agency when apprehending, arresting, or surrendering defendants~~
2460 ~~to authorities.~~

2461 ~~(b) A temporary licensee may not execute or sign bonds,~~
2462 ~~handle collateral receipts, deliver bonds to appropriate~~
2463 ~~authorities, or operate an agency or branch agency separate from~~
2464 ~~the location of the supervising bail bond agent, managing~~
2465 ~~general agent, or insurer by whom the licensee is employed.~~

2466 (4) (9) Effective July 1, 2023, the department may not issue
2467 a temporary bail bond agent's license. An individual currently
2468 licensed as a temporary bail bond agent may continue to be
2469 licensed in accordance with this chapter. A temporary bail bond
2470 agent's license may not be reinstated if the license expires or
2471 is terminated, suspended, or revoked ~~The department shall not~~
2472 ~~issue a temporary bail bond agent's license to any individual~~
2473 ~~who has held such a temporary license in this state within 2~~
2474 ~~years after the expiration of such temporary bail bond agent's~~
2475 ~~license.~~



688170

2476 Section 59. Subsections (1) through (4) of section 648.382,
2477 Florida Statutes, are amended to read:

2478 648.382 Appointment of bail bond agents and bail bond
2479 agencies ~~temporary bail bond agents~~; effective date of
2480 appointment.-

2481 (1) (a) Each insurer ~~or appointing a bail bond agent and~~
2482 ~~each insurer~~, managing general agent, ~~or bail bond agent~~
2483 appointing a ~~temporary~~ bail bond agent or bail bond agency in
2484 this state must file the appointment with the department and, at
2485 the same time, pay the applicable appointment fees and taxes. A
2486 person appointed under this section must hold a valid bail bond
2487 agent's or ~~temporary~~ bail bond agency's agent's license. There
2488 is no fee for the issuance of any appointment of a bail bond
2489 agency.

2490 (b) Effective July 1, 2025, each insurer or managing
2491 general agent appointing a bail bond agency in this state must
2492 file the appointment with the department. An entity appointed
2493 under this section must hold a valid bail bond agency's license.

2494 (2) Before ~~Prior to~~ any appointment, an appropriate officer
2495 or official of the appointing insurer ~~in the case of a bail bond~~
2496 ~~agent or an insurer, managing general agent, or bail bond agent~~
2497 ~~in the case of a temporary bail bond agent~~ must submit:

2498 (a) A certified statement or affidavit to the department
2499 stating what investigation has been made concerning the proposed
2500 appointee and the proposed appointee's background and the
2501 appointing person's opinion to the best of his or her knowledge
2502 and belief as to the moral character and reputation of the
2503 proposed appointee. In lieu of such certified statement or
2504 affidavit, by authorizing the effectuation of an appointment for



688170

2505 a licensee, the appointing entity certifies to the department
2506 that such investigation has been made and that the results of
2507 the investigation and the appointing person's opinion is that
2508 the proposed appointee is a person of good moral character and
2509 reputation and is fit to engage in the bail bond business;

2510 (b) An affidavit under oath on a form prescribed by the
2511 department, signed by the proposed appointee, stating that
2512 premiums are not owed to any insurer and that the appointee will
2513 discharge all outstanding forfeitures and judgments on bonds
2514 previously written. If the appointee does not satisfy or
2515 discharge such forfeitures or judgments, the former insurer
2516 shall file a notice, with supporting documents, with the
2517 appointing insurer, the former agent or agency, and the
2518 department, stating under oath that the licensee has failed to
2519 timely satisfy forfeitures and judgments on bonds written and
2520 that the insurer has satisfied the forfeiture or judgment from
2521 its own funds. Upon receipt of such notification and supporting
2522 documents, the appointing insurer shall immediately cancel the
2523 licensee's appointment. The licensee may be reappointed only
2524 upon certification by the former insurer that all forfeitures
2525 and judgments on bonds written by the licensee have been
2526 discharged. The appointing insurer or former agent or agency
2527 may, within 10 days, file a petition with the department seeking
2528 relief from this paragraph. Filing of the petition stays the
2529 duty of the appointing insurer to cancel the appointment until
2530 the department grants or denies the petition; ~~and~~

2531 (c) Any other information that the department reasonably
2532 requires concerning the proposed appointee; and

2533 (d) Effective January 1, 2025, a certification that the



688170

2534 appointing entity obtained from each appointee the following
2535 sworn statement:

2536
2537 Pursuant to section 648.382(2)(b), Florida Statutes, I
2538 do solemnly swear that I owe no premium to any insurer
2539 or agency and that I will discharge all outstanding
2540 forfeitures and judgments on bonds that have been
2541 previously written. I acknowledge that failure to do
2542 this will result in my active appointments being
2543 canceled.

2544
2545 An appointed bail bond agency must have the attestation under
2546 this paragraph signed by its owner.

2547 (3) By authorizing the effectuation of an appointment for a
2548 licensee, the appointing insurer certifies to the department
2549 that the insurer will be bound by the acts of the bail bond
2550 agent or bail bond agency acting within the scope of the agent's
2551 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
2552 ~~temporary bail bond agent, the appointing insurer, managing~~
2553 ~~general agent, or bail bond agent, as the case may be, must~~
2554 ~~certify to the department that he or she will supervise the~~
2555 ~~temporary bail bond agent's activities.~~

2556 (4) Each appointing insurer or, ~~managing general agent, or~~
2557 ~~bail bond agent~~ must advise the department in writing within 5
2558 days after receiving notice or learning that an appointee has
2559 been arrested for, pled guilty or nolo contendere to, or been
2560 found guilty of, a felony or other offense punishable by
2561 imprisonment of 1 year or more under the law of any
2562 jurisdiction, whether judgment was entered or withheld by the



688170

2563 court.

2564 Section 60. Present subsections (1) through (4) of section
2565 648.386, Florida Statutes, are redesignated as subsections (2)
2566 through (5), respectively, a new subsection (1) is added to that
2567 section, and present subsection (2) of that section is amended,
2568 to read:

2569 648.386 Qualifications for prelicensing and continuing
2570 education schools and instructors.—

2571 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
2572 section, the term "classroom instruction" means a course
2573 designed to be presented to a group of students by a live
2574 instructor using lecture, video, webcast, or virtual or other
2575 audio-video presentation.

2576 (3) ~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
2577 SCHOOLS.—In order to be considered for approval and
2578 certification as an approved limited surety agent and
2579 professional bail bond agent continuing education school, such
2580 entity must:

2581 (a) Provide a minimum of three classroom-instruction
2582 continuing education classes per calendar year.

2583 (b) Submit a course curriculum to the department for
2584 approval.

2585 (c) Offer continuing education classes that comprise ~~which~~
2586 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
2587 instruction coursework and are taught by an approved supervising
2588 instructor or guest lecturer approved by the entity or the
2589 supervising instructor.

2590 Section 61. Section 648.387, Florida Statutes, is amended
2591 to read:



688170

2592 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.-
2593 (1) The owner or operator of a bail bond agency shall
2594 designate a ~~primary~~ bail bond agent in charge for each location,
2595 and shall file with the department the name and license number
2596 of the person and the address of the location on a form approved
2597 by the department. The designation of the ~~primary~~ bail bond
2598 agent in charge may be changed if the department is notified
2599 immediately. Failure to notify the department within 10 working
2600 days after such change is grounds for disciplinary action
2601 pursuant to s. 648.45.
2602 (2) The ~~primary~~ bail bond agent in charge is responsible
2603 for the overall operation and management of a bail bond agency
2604 location, whose responsibilities may include, without
2605 limitations, hiring and supervising of all individuals within
2606 the location, whether they deal with the public in the
2607 solicitation or negotiation of bail bond contracts or in the
2608 collection or accounting of moneys. A person may be designated
2609 as the primary bail bond agent in charge for only one agency and
2610 location.
2611 (3) The department may suspend or revoke the license of the
2612 owner, bail bond agent in charge ~~operator~~, and ~~primary~~ bail bond
2613 agency agent if the ~~a~~ bail bond agency employs, contracts with,
2614 or uses the services of a person who has had a license denied or
2615 whose license is currently suspended or revoked. However, a
2616 person who has been denied a license for failure to pass a
2617 required examination may be employed to perform clerical or
2618 administrative functions for which licensure is not required.
2619 (4) An owner, a bail bond agent in charge ~~operator~~, or a
2620 bail bond agency ~~primary agent~~ may not employ, contract with, or



688170

2621 use the services of any person in a bail bond agency who has
2622 been charged with, found guilty of, or pled guilty or nolo
2623 contendere to a felony or a crime punishable by imprisonment of
2624 1 year or more under the law of any jurisdiction, without regard
2625 to whether judgment was entered or withheld by the court.

2626 (5) A bail bond agency location may not conduct surety
2627 business unless a ~~primary~~ bail bond agent in charge is
2628 designated by, and provides services to, the bail bond agency at
2629 all times. If the bail bond agent in charge designated with the
2630 department ends his or her affiliation with the bail bond agency
2631 for any reason, and the bail bond agency fails to designate
2632 another bail bond agent in charge within the 10-day period under
2633 subsection (1) and such failure continues for 90 days, the bail
2634 bond agency license automatically expires on the 91st day after
2635 the date the designated bail bond agent in charge ended his or
2636 her affiliation with the agency ~~The failure to designate a~~
2637 ~~primary agent on a form prescribed by the department, within 10~~
2638 ~~working days after an agency's inception or a change of primary~~
2639 ~~agent, is a violation of this chapter, punishable as provided in~~
2640 ~~s. 648.45.~~

2641 Section 62. Section 648.3875, Florida Statutes, is created
2642 to read:

2643 648.3875 Bail bond agent in charge; qualifications.-

2644 (1) An application for designation as a bail bond agent in
2645 charge must be submitted on forms prescribed by the department.
2646 The application must include the applicant's full name and the
2647 applicant's license number issued pursuant to s. 648.27.

2648 (2) To qualify as a bail bond agent in charge, it must
2649 affirmatively appear that, at the time of application and



688170

2650 throughout the period of licensure, the applicant has complied
2651 with s. 648.285 and that the applicant has been licensed as a
2652 bail bond agent for the 24 months immediately preceding the
2653 appointment as the bail bond agent in charge.

2654 Section 63. Section 648.39, Florida Statutes, is amended to
2655 read:

2656 648.39 Termination of appointment of managing general
2657 agents, bail bond agents, and ~~temporary~~ bail bond agencies
2658 ~~agents.~~—

2659 (1) An insurer that ~~who~~ terminates the appointment of a
2660 managing general agent, bail bond agent, or ~~temporary~~ bail bond
2661 agency agent shall, within 10 days after such termination, file
2662 written notice thereof with the department together with a
2663 statement that it has given or mailed notice to the terminated
2664 agent or agency. Such notice filed with the department must
2665 state the reasons, if any, for such termination. Information so
2666 furnished to the department is confidential and exempt from ~~the~~
2667 ~~provisions of~~ s. 119.07(1).

2668 (2) Each insurer shall, within 5 days after terminating the
2669 appointment of any managing general agent, bail bond agent, or
2670 ~~temporary~~ bail bond agency agent, give written notice thereof to
2671 each clerk of the circuit court and sheriff with whom such
2672 person is registered.

2673 (3) An insurer that terminates the appointment of a
2674 managing general agent or, bail bond agent, ~~or temporary bail~~
2675 ~~bond agent~~ may authorize such person to continue to attempt the
2676 arrest and surrender of a defendant for whom a surety bond had
2677 been written by the bail bond agent before ~~prior to~~ termination
2678 and to seek discharge of forfeitures and judgments as provided



688170

2679 in chapter 903.

2680 Section 64. Section 648.41, Florida Statutes, is repealed.

2681 Section 65. Section 648.42, Florida Statutes, is amended to
2682 read:

2683 648.42 Registration of bail bond agents.—A bail bond agent
2684 may not become a surety on an undertaking unless he or she has
2685 registered in the office of the sheriff and with the clerk of
2686 the circuit court in the county in which the bail bond agent
2687 resides. The bail bond agent may register in a like manner in
2688 any other county, and any bail bond agent shall file a certified
2689 copy of his or her appointment by power of attorney from each
2690 insurer which he or she represents as a bail bond agent with
2691 each of such officers. Registration and filing of a certified
2692 copy of renewed power of attorney shall be performed by April 1
2693 of each odd-numbered year. The clerk of the circuit court and
2694 the sheriff may ~~shall~~ not permit the registration of a bail bond
2695 agent unless such bail bond agent is currently licensed by the
2696 department and appointed by an insurer ~~the department~~. ~~Nothing~~
2697 ~~in this section shall prevent the registration of a temporary~~
2698 ~~licensee at the jail for the purposes of enabling the licensee~~
2699 ~~to perform the duties under such license as set forth in this~~
2700 ~~chapter.~~

2701 Section 66. Subsections (1) and (2) and paragraphs (c) and
2702 (d) of subsection (8) of section 648.44, Florida Statutes, are
2703 amended to read:

2704 648.44 Prohibitions; penalty.—

2705 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
2706 may not:

2707 (a) Suggest or advise the employment of, or name for



688170

2708 employment, any particular attorney or attorneys to represent
2709 his or her principal.

2710 (b) Directly or indirectly solicit business in or on the
2711 property or grounds of a jail, prison, or other place where
2712 prisoners are confined or in or on the property or grounds of
2713 any court. The term "solicitation" includes the distribution of
2714 business cards, print advertising, or other written or oral
2715 information directed to prisoners or potential indemnitors,
2716 unless a request is initiated by the prisoner or a potential
2717 indemnitor. Permissible print advertising in the jail is
2718 strictly limited to a listing in a telephone directory and the
2719 posting of the bail bond agent's or agency's name, address, e-
2720 mail address, web address, and telephone number in a designated
2721 location within the jail.

2722 (c) Initiate in-person or telephone solicitation after 9:00
2723 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
2724 ~~eases,~~ at the residence of the detainee or the detainee's
2725 family. Any solicitation ~~not prohibited by this chapter~~ must
2726 comply with the telephone solicitation requirements in ss.
2727 501.059(2) and (4), 501.613, and 501.616(6).

2728 (d) Wear or display any identification other than the
2729 department issued or approved license or approved department
2730 identification, which includes a citation of the licensee's
2731 arrest powers, in or on the property or grounds of a jail,
2732 prison, or other place where prisoners are confined or in or on
2733 the property or grounds of any court.

2734 (e) Pay a fee or rebate or give or promise anything of
2735 value to a jailer, police officer, peace officer, or committing
2736 trial court judge or any other person who has power to arrest or



688170

2737 to hold in custody or to any public official or public employee
2738 in order to secure a settlement, compromise, remission, or
2739 reduction of the amount of any bail bond or estreatment thereof.

2740 (f) Pay a fee or rebate or give anything of value to an
2741 attorney in a bail bond matter, except in defense of any action
2742 on a bond.

2743 (g) Pay a fee or rebate or give or promise anything of
2744 value to the principal or anyone in his or her behalf.

2745 (h) Participate in the capacity of an attorney at a trial
2746 or hearing of one on whose bond he or she is surety.

2747 (i) Loiter in or about a jail, courthouse, or where
2748 prisoners are confined.

2749 (j) Accept anything of value from a principal for providing
2750 a bail bond except the premium and transfer fee authorized by
2751 the office, except that the bail bond agent or bail bond agency
2752 may accept collateral security or other indemnity from the
2753 principal or another person in accordance with ~~the provisions of~~
2754 s. 648.442, together with documentary stamp taxes, if
2755 applicable. No fees, expenses, or charges of any kind shall be
2756 permitted to be deducted from the collateral held or any return
2757 premium due, except as authorized by this chapter or rule of the
2758 department or commission. A bail bond agent or bail bond agency
2759 may, upon written agreement with another party, receive a fee or
2760 compensation for returning to custody an individual who has fled
2761 the jurisdiction of the court or caused the forfeiture of a
2762 bond.

2763 (k) Write more than one power of attorney per charge on a
2764 bond, except in the case of a cosurety, unless the power of
2765 attorney prohibits a cosurety.



688170

- 2766 (l) Execute a bond in this state on his or her own behalf.
- 2767 (m) Execute a bond in this state if a judgment has been
- 2768 entered on a bond executed by the bail bond agent or the bail
- 2769 bond agency is a named party on the judgment, which has remained
- 2770 unpaid for 35 days, unless the full amount of the judgment is
- 2771 deposited with the clerk in accordance with s. 903.27(5).
- 2772 (n) Make a statement or representation to a court, unless
- 2773 such statement or representation is under oath. Such statement
- 2774 or representation may not be false, misleading, or deceptive.
- 2775 (o) Attempt to collect, through threat or coercion, amounts
- 2776 due for the payment of any indebtedness related to the issuance
- 2777 of a bail bond in violation of s. 559.72.
- 2778 (p) Conduct bail bond business with any person, other than
- 2779 the defendant, on the grounds of the jail or courthouse for the
- 2780 purpose of executing a bond.
- 2781 (2) The following persons or classes may ~~shall~~ not be bail
- 2782 bond agents, ~~temporary bail bond agents~~, or employees of a bail
- 2783 bond agent or a bail bond agency ~~business~~ and may ~~shall~~ not
- 2784 directly or indirectly receive any benefits from the execution
- 2785 of any bail bond:
- 2786 (a) Jailers or persons employed in any jail.
- 2787 (b) Police officers or employees of any police department
- 2788 or law enforcement agency.
- 2789 (c) Committing trial court judges, employees of a court, or
- 2790 employees of the clerk of any court.
- 2791 (d) Sheriffs and deputy sheriffs or employees of any
- 2792 sheriff's department.
- 2793 (e) Attorneys.
- 2794 (f) Persons having the power to arrest or persons who have



688170

2795 authority over or control of federal, state, county, or
2796 municipal prisoners.

2797 (8)

2798 (c) Any law enforcement agency, state attorney's office,
2799 court clerk, or insurer that is aware that a bail bond agent ~~or~~
2800 ~~temporary bail bond agent~~ has been convicted of or who has
2801 pleaded guilty or no contest to a crime as described in
2802 paragraph (a) shall notify the department of this fact.

2803 (d) Upon the filing of an information or indictment against
2804 a bail bond agent ~~or temporary bail bond agent~~, the state
2805 attorney or clerk of the circuit court shall immediately furnish
2806 the department a certified copy of the information or
2807 indictment.

2808 Section 67. Subsection (1) of section 648.441, Florida
2809 Statutes, is amended to read:

2810 648.441 Furnishing supplies to unlicensed bail bond agent
2811 prohibited; civil liability and penalty.—

2812 (1) An insurer, managing general agent, bail bond agent, or
2813 ~~temporary~~ bail bond agency ~~agent~~ appointed under this chapter
2814 may not furnish to any person any blank forms, applications,
2815 stationery, business card, or other supplies to be used in
2816 soliciting, negotiating, or effecting bail bonds until such
2817 person has received from the department a license to act as a
2818 bail bond agent and is appointed by the insurer. This section
2819 does not prohibit an unlicensed employee, under the direct
2820 supervision and control of a licensed and appointed bail bond
2821 agent, from possessing or executing in the bail bond agency, any
2822 forms, except for powers of attorney, bond forms, and collateral
2823 receipts, while acting within the scope of his or her



688170

2824 employment.

2825 Section 68. Subsection (3) of section 648.46, Florida
2826 Statutes, is amended to read:

2827 648.46 Procedure for disciplinary action against
2828 licensees.—

2829 (3) The complaint and all information obtained pursuant to
2830 the investigation of the department are confidential and exempt
2831 from the provisions of s. 119.07(1) until such investigation is
2832 completed or ceases to be active. For the purpose of this
2833 section, an investigation is considered "active" while the
2834 investigation is being conducted by the department with a
2835 reasonable, good faith belief that it may lead to the filing of
2836 administrative, civil, or criminal proceedings. An investigation
2837 does not cease to be active if the department is proceeding with
2838 reasonable dispatch and there is good faith belief that action
2839 may be initiated by the department or other administrative or
2840 law enforcement agency. This subsection does not prevent the
2841 department or office from disclosing the complaint or such
2842 information as it deems necessary to conduct the investigation,
2843 to update the complainant as to the status and outcome of the
2844 complaint, or to share such information with any law enforcement
2845 agency or other regulatory body.

2846 Section 69. Section 648.50, Florida Statutes, is amended to
2847 read:

2848 648.50 Effect of suspension, revocation upon associated
2849 licenses and licensees.—

2850 (1) Upon the suspension, revocation, or refusal to renew or
2851 continue any license or appointment or the eligibility to hold a
2852 license or appointment of a bail bond agent or ~~temporary~~ bail



688170

2853 bond agency agent, the department shall at the same time
2854 likewise suspend or revoke all other licenses or appointments
2855 and the eligibility to hold any other such licenses or
2856 appointments which may be held by the licensee under the Florida
2857 Insurance Code.

2858 (2) In case of the suspension or revocation of the license
2859 or appointment, or the eligibility to hold a license or
2860 appointment, of any bail bond agent, the license, appointment,
2861 or eligibility of any and all bail bond agents who are members
2862 of a bail bond agency, whether incorporated or unincorporated,
2863 ~~and any and all temporary bail bond agents employed by such bail~~
2864 ~~bond agency~~, who knowingly are parties to the act which formed
2865 the ground for the suspension or revocation may likewise be
2866 suspended or revoked.

2867 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
2868 ~~temporary bail bond agent~~ has been revoked or suspended may not
2869 ~~shall~~ be employed by any bail bond agent, have any ownership
2870 interest in any business involving bail bonds, or have any
2871 financial interest of any type in any bail bond business during
2872 the period of revocation or suspension.

2873 Section 70. Subsections (4) and (6) of section 717.135,
2874 Florida Statutes, are amended to read:

2875 717.135 Recovery agreements and purchase agreements for
2876 claims filed by a claimant's representative; fees and costs.—

2877 (4) A claimant's representative must use the Unclaimed
2878 Property Recovery Agreement or the Unclaimed Property Purchase
2879 Agreement as the exclusive means of entering into an agreement
2880 or a contract engaging with a claimant or seller to file a claim
2881 with the department.



688170

2882 (6) A claimant's representative may not use or distribute
2883 any other agreement of any type, conveyed by any method, form,
2884 ~~or other media~~ with respect to the claimant or seller which
2885 relates, directly or indirectly, to unclaimed property accounts
2886 held by the department or the Chief Financial Officer other than
2887 the agreements authorized by this section. Any engagement,
2888 authorization, recovery, or fee agreement that is not authorized
2889 by this section is void. A claimant's representative is subject
2890 to administrative and civil enforcement under s. 717.1322 if he
2891 or she uses an agreement that is not authorized by this section.
2892 This subsection does not prohibit lawful nonagreement,
2893 noncontractual, or advertising communications between or among
2894 the parties.

2895 Section 71. Paragraph (a) of subsection (4) of section
2896 843.021, Florida Statutes, is amended to read:

2897 843.021 Unlawful possession of a concealed handcuff key.—

2898 (4) (a) It is a defense to a charge of violating this
2899 section that the person in custody and in possession of a
2900 concealed handcuff key is:

2901 1. A federal, state, or local law enforcement officer,
2902 including a reserve or auxiliary officer, a licensed security
2903 officer, or a private investigator as defined in s. 493.6101; or

2904 2. A professional bail bond agent, ~~temporary bail bond~~
2905 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

2906 Section 72. Subsection (4) of section 631.152, Florida
2907 Statutes, is amended to read:

2908 631.152 Conduct of delinquency proceeding; foreign
2909 insurers.—

2910 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to



688170

2911 ancillary delinquency proceedings opened for the purpose of
2912 obtaining records necessary to adjudicate the covered claims of
2913 Florida policyholders.

2914 Section 73. Paragraph (b) of subsection (3) of section
2915 631.398, Florida Statutes, is amended to read:

2916 631.398 Prevention of insolvencies.—To aid in the detection
2917 and prevention of insurer insolvencies or impairments:

2918 (3)

2919 (b) For an insolvency involving a domestic property
2920 insurer, the department shall:

2921 1. Begin an analysis of the history and causes of the
2922 insolvency once the department is appointed by the court as
2923 receiver.

2924 2. Submit an initial report analyzing the history and
2925 causes of the insolvency to the Governor, the President of the
2926 Senate, the Speaker of the House of Representatives, and the
2927 office. The initial report must be submitted no later than 4
2928 months after the department is appointed as receiver. The
2929 initial report shall be updated at least annually until the
2930 submission of the final report. The report may not be used as
2931 evidence in any proceeding brought by the department or others
2932 to recover assets on behalf of the receivership estate as part
2933 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
2934 of a report under this subparagraph shall not be considered a
2935 waiver of any evidentiary privilege the department may assert
2936 under state or federal law.

2937 3. Provide a special report to the Governor, the President
2938 of the Senate, the Speaker of the House of Representatives, and
2939 the office, within 10 days upon identifying any condition or



688170

2940 practice that may lead to insolvency in the property insurance
2941 marketplace.

2942 4. Submit a final report analyzing the history and causes
2943 of the insolvency and the review of the Office of Insurance
2944 Regulation's regulatory oversight of the insurer to the
2945 Governor, the President of the Senate, the Speaker of the House
2946 of Representatives, and the office within 30 days of the
2947 conclusion of the insolvency proceeding.

2948 5. Review the Office of Insurance Regulation's regulatory
2949 oversight of the insurer.

2950 Section 74. Subsection (2) of section 903.09, Florida
2951 Statutes, is amended to read:

2952 903.09 Justification of sureties.—

2953 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,
2954 shall justify her or his suretyship by attaching a copy of the
2955 power of attorney issued by the company to the bond or by
2956 attaching to the bond United States currency, a United States
2957 postal money order, or a cashier's check in the amount of the
2958 bond; but the United States currency, United States postal money
2959 order, or cashier's check cannot be used to secure more than one
2960 bond. Nothing herein shall prohibit two or more qualified
2961 sureties from each posting any portion of a bond amount, and
2962 being liable for only that amount, so long as the total posted
2963 by all cosureties is equal to the amount of bond required.

2964 Section 75. (1) The following rules are ratified for the
2965 sole and exclusive purpose of satisfying any condition on the
2966 effectiveness imposed under s. 120.541(3), Florida Statutes:
2967 Rule 69L-7.020, Florida Administrative Code, titled "Florida
2968 Workers' Compensation Health Care Provider Reimbursement Manual"



688170

2969 as filed for adoption with the Department of State pursuant to
2970 the certification package dated October 22, 2021; Rule 69L-
2971 7.730, Florida Administrative Code, titled "Health Care Provider
2972 Medical Billing and Reporting Responsibilities" as filed for
2973 adoption with the Department of State pursuant to the
2974 certification package dated April 6, 2023; and Rule 7.740,
2975 Florida Administrative Code, titled "Insurer Authorization and
2976 Medical Bill Review Responsibilities" as filed for adoption with
2977 the Department of State pursuant to the certification package
2978 dated April 6, 2023.

2979 (2) This section serves no other purpose and may not be
2980 codified in the Florida Statutes. After this section becomes
2981 law, its enactment and effective dates shall be noted in the
2982 Florida Administrative Code, the Florida Administrative
2983 Register, or both, as appropriate. This section does not alter
2984 rulemaking additions delegated by prior law, does not constitute
2985 legislative preemption of or exception to any provision of law
2986 governing adoption or enforcement of the rule cited, and is
2987 intended to preserve the status of any cited rule as a rule
2988 under chapter 120, Florida Statutes. This section does not cure
2989 any rulemaking defect or preempt any challenge based on a lack
2990 of authority or a violation of the legal requirements governing
2991 the adoption of any rule cited.

2992 (3) This section takes effect July 1, 2023.

2993 Section 76. Except as otherwise expressly provided in this
2994 act, this act shall take effect upon becoming a law.

2995
2996 ===== T I T L E A M E N D M E N T =====

2997 And the title is amended as follows:



688170

2998 Delete everything before the enacting clause
2999 and insert:

3000 A bill to be entitled
3001 An act relating to the Department of Financial
3002 Services; amending s. 20.121, F.S.; revising powers
3003 and duties of the department's Division of
3004 Investigative and Forensic Services; deleting the
3005 department's Strategic Markets Research and Assessment
3006 Unit; amending s. 112.215, F.S.; redefining the term
3007 "employee" as "government employee" and revising the
3008 definition of the term; revising eligibility for plans
3009 of deferred compensation established by the Chief
3010 Financial Officer; revising the membership of the
3011 Deferred Compensation Advisory Council; making
3012 technical changes; amending s. 215.55952, F.S.;
3013 revising the initial date and subsequent intervals in
3014 which the Chief Financial Officer must provide the
3015 Governor and the Legislature with a report on the
3016 economic impact of certain hurricanes; amending s.
3017 274.01, F.S.; revising the definition of the term
3018 "governmental unit" for purposes of ch. 274, F.S.;
3019 amending s. 440.13, F.S.; authorizing, rather than
3020 requiring, a judge of compensation claims to order an
3021 injured employee's evaluation by an expert medical
3022 advisor under certain circumstances; revising the
3023 schedules of maximum reimbursement allowances
3024 determined by the three-member panel under the
3025 Workers' Compensation Law; revising reimbursement
3026 requirements for certain providers; requiring the



688170

3027 department to annually notify carriers and self-
3028 insurers of certain schedules; requiring the
3029 publication of a schedule in a certain manner;
3030 providing construction; revising factors the panel
3031 must consider in establishing the uniform schedule of
3032 maximum reimbursement allowances; deleting certain
3033 standards for practice parameters; amending s.
3034 440.385, F.S.; revising eligibility requirements for
3035 the board of directors of the Florida Self-Insurers
3036 Guaranty Association, Incorporated; providing
3037 construction; authorizing the Chief Financial Officer
3038 to remove a director under certain circumstances;
3039 specifying requirements for, and restrictions on,
3040 directors; prohibiting directors and employees of the
3041 association from knowingly accepting certain gifts or
3042 expenditures; providing penalties; amending s.
3043 497.005, F.S.; adding and revising definitions for
3044 purposes of the Florida Funeral, Cemetery, and
3045 Consumer Services Act; amending s. 624.1265, F.S.;
3046 revising conditions for a nonprofit religious
3047 organization to be exempt from requirements of the
3048 Florida Insurance Code; amending s. 624.501, F.S.;
3049 deleting an application filing and license fee for
3050 reinsurance intermediaries; amending s. 626.015, F.S.;
3051 revising the definition of the term "association" for
3052 purposes of part I of ch. 626, F.S.; amending s.
3053 626.171, F.S.; deleting the authority of designated
3054 examination centers to take fingerprints of applicants
3055 for a license as an agent, customer representative,



688170

3056 adjuster, service representative, or reinsurance
3057 intermediary; amending s. 626.173, F.S.; providing
3058 that a certain notice requirement for certain licensed
3059 insurance agencies ceasing the transacting of
3060 insurance does not apply to certain kinds of
3061 insurance; amending s. 626.207, F.S.; revising
3062 violations for which the department must adopt rules
3063 establishing specific penalties; amending s. 626.221,
3064 F.S.; adding a certification that exempts an applicant
3065 for license as an all-lines adjuster from an
3066 examination requirement; amending s. 626.2815, F.S.;
3067 revising continuing education requirements for certain
3068 insurance representatives; amending s. 626.321, F.S.;
3069 deleting certain requirements for, and restrictions
3070 on, licensees of specified limited licenses; adding a
3071 limited license for transacting preneed funeral
3072 agreement insurance; specifying conditions for issuing
3073 such license without an examination; amending s.
3074 626.611, F.S.; revising specified grounds for
3075 compulsory disciplinary actions taken by the
3076 department against insurance representatives; amending
3077 s. 626.621, F.S.; adding grounds for discretionary
3078 disciplinary actions taken by the department against
3079 insurance representatives; amending s. 626.7492, F.S.;
3080 revising definitions of the terms "producer" and
3081 "reinsurance intermediary manager"; revising licensure
3082 requirements for reinsurance intermediary brokers and
3083 reinsurance intermediary managers; deleting the
3084 authority of the department to refuse to issue a



688170

3085 reinsurance intermediary license under certain
3086 circumstances; amending s. 626.752, F.S.; requiring
3087 the department to suspend the authority of an insurer
3088 or employer to appoint licensees under certain
3089 circumstances relating to the exchange of insurance
3090 business; amending s. 626.785, F.S.; authorizing
3091 certain persons to obtain a limited license to sell
3092 only policies of life insurance covering the expense
3093 of a prearrangement for funeral services or
3094 merchandise; amending ss. 626.793 and 626.837, F.S.;
3095 requiring the department to suspend the authority of
3096 an insurer or employer to appoint licensees under
3097 certain circumstances relating to the acceptance of
3098 excess or rejected insurance business; amending s.
3099 626.8411, F.S.; providing that certain notice
3100 requirements do not apply to title insurance agents or
3101 title insurance agencies; amending s. 626.8437, F.S.;
3102 adding grounds for compulsory disciplinary actions
3103 taken by the department against a title insurance
3104 agent or agency; amending s. 626.844, F.S.; adding
3105 grounds for discretionary disciplinary actions taken
3106 by the department against a title insurance agent or
3107 agency; amending s. 626.8473, F.S.; revising
3108 requirements for engaging in the business as an escrow
3109 agent in connection with real estate closing
3110 transactions; amending s. 626.854, F.S.; revising
3111 applicability of a prohibited act relating to public
3112 insurance adjusters; amending s. 626.874, F.S.;
3113 revising eligibility requirements for the department's



3114 issuance of licenses to catastrophe or emergency
3115 adjusters; revising grounds on which the department
3116 may deny such license; amending s. 626.9892, F.S.;
3117 revising a condition and adding violations for which
3118 the department may pay rewards under the Anti-Fraud
3119 Reward Program; amending s. 626.9957, F.S.; providing
3120 for the expiration of a health coverage navigator's
3121 registration under certain circumstances; specifying a
3122 restriction on expired registrations; amending s.
3123 627.351, F.S.; revising requirements for membership of
3124 the Florida Medical Malpractice Joint Underwriting
3125 Association; providing construction; specifying a
3126 requirement for filling vacancies; authorizing the
3127 Chief Financial Officer to remove board members under
3128 certain circumstances; providing requirements for, and
3129 restrictions on, board members; providing penalties;
3130 amending s. 627.4215, F.S.; revising the applicability
3131 of disclosure requirements for health insurers
3132 relating to behavioral health insurance coverage;
3133 amending s. 627.7015, F.S.; providing that a disputed
3134 property insurance claim is not eligible for mediation
3135 until certain conditions are met; providing that fees
3136 for a rescheduled mediation conference be assessed by
3137 the department rather than the administrator;
3138 authorizing the department to suspend an insurer's
3139 authority to appoint licensees under certain
3140 circumstances; amending s. 627.7074, F.S.; authorizing
3141 the department to designate, by written contract or
3142 agreement, an entity or a person to administer the



688170

3143 alternative dispute resolution process for sinkhole
3144 insurance claims; amending s. 627.745, F.S.; revising
3145 requirements and procedures for the mediation of
3146 personal injury claims under a motor vehicle insurance
3147 policy; requiring the department to adopt specified
3148 rules relating to a motor vehicle claims insurance
3149 mediation program; authorizing the department to
3150 designate a person or entity to serve as
3151 administrator; amending s. 631.141, F.S.; authorizing
3152 the department in receivership proceedings to take
3153 certain actions as a domiciliary receiver; amending s.
3154 631.252, F.S.; revising conditions under which
3155 policies and contracts of insolvent insurers are
3156 canceled; amending ss. 631.56, 631.716, 631.816, and
3157 631.912, F.S.; revising membership eligibility
3158 requirements for the Florida Insurance Guaranty
3159 Association, the Florida Life and Health Insurance
3160 Guaranty Association, the Florida Health Maintenance
3161 Organization Consumer Assistance Plan, and the Florida
3162 Workers' Compensation Insurance Guaranty Association,
3163 Incorporated, respectively; providing construction;
3164 authorizing the Chief Financial Officer to remove a
3165 board member under certain circumstances; specifying
3166 requirements for, and restrictions on, board members;
3167 providing penalties; creating s. 633.1423, F.S.;
3168 defining the term "organization"; authorizing the
3169 Division of State Fire Marshal to establish a direct-
3170 support organization; specifying the purpose of and
3171 requirements for the organization; specifying



688170

3172 requirements for the organization's written contract
3173 and board of directors; providing requirements for the
3174 use of property, annual budgets and reports, an annual
3175 audit, and the division's receipt of proceeds;
3176 authorizing moneys received to be held in a depository
3177 account; providing for future repeal; amending s.
3178 634.181, F.S.; adding grounds for compulsory
3179 disciplinary actions by the department against motor
3180 vehicle service agreement salespersons; requiring the
3181 department to immediately temporarily suspend a
3182 license or appointment under certain circumstances;
3183 prohibiting a person from transacting insurance
3184 business after such suspension; authorizing the
3185 department to adopt rules; amending s. 634.191, F.S.;
3186 revising grounds for discretionary disciplinary
3187 actions by the department against motor vehicle
3188 service agreement salespersons; requiring salespersons
3189 to submit certain documents to the department;
3190 authorizing the department to adopt rules; amending s.
3191 634.320, F.S.; revising grounds for compulsory
3192 disciplinary actions by the department against home
3193 warranty association sales representatives; requiring
3194 the department to immediately temporarily suspend a
3195 license or appointment under certain circumstances;
3196 prohibiting a person from transacting insurance
3197 business after such suspension; authorizing the
3198 department to adopt rules; amending s. 634.321, F.S.;
3199 revising grounds for discretionary disciplinary
3200 actions by the department against home warranty



3201 association sales representatives; authorizing the
3202 department to adopt rules; amending s. 634.419, F.S.;
3203 providing that specified home solicitation sale
3204 requirements do not apply to certain persons relating
3205 to the solicitation of service warranty or related
3206 service or product sales; amending s. 634.422, F.S.;
3207 revising grounds for compulsory disciplinary actions
3208 by the department against service warranty association
3209 sales representatives; requiring the department to
3210 immediately temporarily suspend a license or
3211 appointment under certain circumstances; prohibiting a
3212 person from transacting insurance business after such
3213 suspension; authorizing the department to adopt rules;
3214 amending s. 634.423, F.S.; revising grounds for
3215 discretionary disciplinary actions by the department
3216 against service warranty association sales
3217 representatives; authorizing the department to adopt
3218 rules; reordering and amending s. 648.25, F.S.;
3219 defining and redefining terms; amending s. 648.26,
3220 F.S.; authorizing certain actions by the department or
3221 the Office of Insurance Regulation relating to certain
3222 confidential records relating to bail bond agents;
3223 amending s. 648.27, F.S.; deleting a provision
3224 relating to the continuance of a temporary bail bond
3225 agent license; amending s. 648.285, F.S.; revising
3226 requirements, conditions, and procedures for a bail
3227 bond agency license; providing applicability;
3228 conforming a provision to changes made by the act;
3229 amending s. 648.30, F.S.; revising requirements and



3230 conditions for the licensure and appointment as a bail
3231 bond agent or bail bond agency; conforming a provision
3232 to changes made by the act; amending s. 648.31, F.S.;
3233 specifying that there is no fee for the issuance of
3234 any appointment to a bail bond agency; conforming a
3235 provision to changes made by the act; amending s.
3236 648.34, F.S.; revising qualifications for a bail bond
3237 agent license; conforming a provision to changes made
3238 by the act; amending s. 648.355, F.S.; deleting
3239 provisions relating to temporary licenses as a limited
3240 surety agent or professional bail bond agent;
3241 specifying requirements for an individual licensed as
3242 a temporary bail bond agent to qualify for bail bond
3243 agent license; prohibiting the department from issuing
3244 a temporary bail bond agent license beginning on a
3245 specified date; providing construction relating to
3246 existing temporary licenses; amending s. 648.382,
3247 F.S.; revising requirements for the appointment of
3248 bail bond agents or bail bond agencies; conforming a
3249 provision to changes made by the act; amending s.
3250 648.386, F.S.; defining the term "classroom
3251 instruction"; revising requirements for approval and
3252 certification as an approved limited surety agent and
3253 professional bail bond agent continuing education
3254 school; amending s. 648.387, F.S.; renaming primary
3255 bail bond agents as bail bond agents in charge;
3256 revising the department's disciplinary authority;
3257 revising prohibited actions and the applicability of
3258 such prohibitions; providing for the automatic



688170

3259 expiration of a bail bond agency's license under
3260 certain circumstances; creating s. 648.3875, F.S.;
3261 providing requirements for applying for designation as
3262 a bail bond agent in charge; amending s. 648.39, F.S.;
3263 revising applicability of provisions relating to
3264 termination of appointments of certain agents and
3265 agencies; repealing s. 648.41, F.S., relating to
3266 termination of appointment of temporary bail bond
3267 agents; amending s. 648.42, F.S.; conforming a
3268 provision to changes made by the act; making a
3269 technical change; amending s. 648.44, F.S.; revising
3270 applicability of prohibited acts; revising and
3271 specifying prohibited acts of bail bond agents and
3272 bail bond agencies; conforming provisions to changes
3273 made by the act; amending s. 648.441, F.S.; revising
3274 applicability of a prohibition against furnishing
3275 supplies to an unlicensed bail bond agent; amending s.
3276 648.46, F.S.; authorizing certain actions by the
3277 department or the office relating to certain
3278 confidential records relating to bail bond agents;
3279 amending s. 648.50, F.S.; revising applicability of
3280 provisions relating to disciplinary actions taken by
3281 the department; conforming provisions to changes made
3282 by the act; amending s. 717.135, F.S.; revising a
3283 requirement for, and a prohibition on, claimants'
3284 representatives relating to unclaimed property
3285 recovery agreements and purchase agreements; providing
3286 construction; amending s. 843.021, F.S.; revising a
3287 defense to an unlawful possession of a concealed



688170

3288 handcuff key; amending ss. 631.152, 631.398, and
3289 903.09, F.S.; conforming cross-references; ratifying
3290 specified rules of the department; providing
3291 construction; providing effective dates.