

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to the Department of Financial
3 Services; amending s. 20.121, F.S.; revising powers
4 and duties of the department's Division of
5 Investigative and Forensic Services; deleting the
6 department's Strategic Markets Research and Assessment
7 Unit; amending s. 39.6035, F.S.; deleting a
8 requirement for the Department of Children and
9 Families and the community-based care lead agency to
10 provide certain financial literacy curriculum
11 information to certain youth; amending s. 112.215,
12 F.S.; redefining the term "employee" as "government
13 employee" and revising the definition of the term;
14 revising eligibility for plans of deferred
15 compensation established by the Chief Financial
16 Officer; revising the membership of the Deferred
17 Compensation Advisory Council; making technical
18 changes; amending s. 215.422, F.S.; revising the
19 timeframe by which certain payments to health care
20 providers for services to be reimbursed by a state
21 agency or the judicial branch must be made; amending
22 s. 274.01, F.S.; revising the definition of the term
23 "governmental unit" for purposes of ch. 274, F.S.;
24 amending s. 409.1451, F.S.; conforming a provision to
25 changes made by the act; amending s. 440.13, F.S.;
26 revising the schedules of maximum reimbursement
27 allowances determined by the three-member panel under
28 the Workers' Compensation Law; revising reimbursement
29 requirements for certain providers; requiring the

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30 department to annually notify carriers and self-
31 insurers of certain schedules; requiring the
32 publication of a schedule in a certain manner;
33 providing construction; revising factors the panel
34 must consider in establishing the uniform schedule of
35 maximum reimbursement allowances; deleting certain
36 standards for practice parameters; amending s.
37 440.385, F.S.; revising eligibility requirements for
38 the board of directors of the Florida Self-Insurers
39 Guaranty Association, Incorporated; authorizing the
40 Chief Financial Officer to remove a director under
41 certain circumstances; specifying requirements for,
42 and restrictions on, directors; prohibiting directors
43 and employees of the association from knowingly
44 accepting certain gifts or expenditures; providing
45 penalties; amending s. 624.1265, F.S.; revising
46 conditions for a nonprofit religious organization to
47 be exempt from requirements of the Florida Insurance
48 Code; amending s. 624.501, F.S.; deleting an
49 application filing and license fee for reinsurance
50 intermediaries; amending s. 626.015, F.S.; revising
51 the definition of the term "association" for purposes
52 of part I of ch. 626, F.S.; amending s. 626.171, F.S.;
53 deleting the authority of designated examination
54 centers to take fingerprints of applicants for a
55 license as an agent, customer representative,
56 adjuster, service representative, or reinsurance
57 intermediary; amending s. 626.173, F.S.; providing
58 that a certain notice requirement for certain licensed

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59 insurance agencies ceasing the transacting of
60 insurance does not apply to certain kinds of
61 insurance; amending s. 626.207, F.S.; revising
62 violations for which the department must adopt rules
63 establishing specific penalties; amending s. 626.221,
64 F.S.; adding a certification that exempts an applicant
65 for license as an all-lines adjuster from an
66 examination requirement; amending s. 626.2815, F.S.;
67 revising continuing education requirements for certain
68 insurance representatives; amending s. 626.321, F.S.;
69 deleting certain requirements for, and restrictions
70 on, licensees of specified limited licenses; adding a
71 limited license for transacting preneed funeral
72 agreement insurance; specifying conditions for issuing
73 such license without an examination; amending s.
74 626.611, F.S.; revising specified grounds for
75 compulsory disciplinary actions taken by the
76 department against insurance representatives; amending
77 s. 626.621, F.S.; adding grounds for discretionary
78 disciplinary actions taken by the department against
79 insurance representatives; amending s. 626.7492, F.S.;
80 revising definitions of the terms "producer" and
81 "reinsurance intermediary manager"; revising licensure
82 requirements for reinsurance intermediary brokers and
83 reinsurance intermediary managers; deleting the
84 authority of the department to refuse to issue a
85 reinsurance intermediary license under certain
86 circumstances; amending s. 626.752, F.S.; requiring
87 the department to suspend the authority of an insurer

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88 or employer to appoint licensees under certain
89 circumstances relating to the exchange of insurance
90 business; amending s. 626.785, F.S.; authorizing
91 certain persons to obtain a limited license to sell
92 only policies of life insurance covering the expense
93 of a prearrangement for funeral services or
94 merchandise; amending ss. 626.793 and 626.837, F.S.;
95 requiring the department to suspend the authority of
96 an insurer or employer to appoint licensees under
97 certain circumstances relating to the acceptance of
98 excess or rejected insurance business; reordering and
99 amending s. 626.841, F.S.; defining the term "real
100 estate closing transaction" for purposes of part V of
101 ch. 626, F.S.; amending s. 626.8411, F.S.; providing
102 that certain notice requirements do not apply to title
103 insurance agents or title insurance agencies; amending
104 s. 626.8437, F.S.; adding grounds for compulsory
105 disciplinary actions taken by the department against a
106 title insurance agent or agency; amending s. 626.844,
107 F.S.; adding grounds for discretionary disciplinary
108 actions taken by the department against a title
109 insurance agent or agency; amending s. 626.8473, F.S.;
110 revising requirements for engaging in the business as
111 an escrow agent in connection with real estate closing
112 transactions; amending s. 626.854, F.S.; revising
113 applicability of a prohibited act relating to public
114 insurance adjusters; amending s. 626.874, F.S.;
115 revising eligibility requirements for the department's
116 issuance of licenses to catastrophe or emergency

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117 adjusters; revising grounds on which the department
118 may deny such license; amending s. 626.9892, F.S.;
119 adding violations for which the department may pay
120 rewards under the Anti-Fraud Reward Program; amending
121 s. 626.9957, F.S.; providing for the expiration of a
122 health coverage navigator's registration under certain
123 circumstances; specifying a restriction on expired
124 registrations; amending s. 627.351, F.S.; revising
125 requirements for membership and terms of members of
126 the Florida Medical Malpractice Joint Underwriting
127 Association; authorizing the Chief Financial Officer
128 to remove board members under certain circumstances;
129 providing requirements for, and restrictions on, board
130 members; providing penalties; amending s. 627.4215,
131 F.S.; revising the applicability of disclosure
132 requirements for health insurers relating to
133 behavioral health insurance coverage; amending s.
134 627.70132, F.S.; providing that certain time
135 restrictions on providing notice of property insurance
136 claims do not apply to residential condominium unit
137 owner loss assessment claims; amending s. 627.7015,
138 F.S.; providing that a disputed property insurance
139 claim is not eligible for mediation until certain
140 conditions are met; providing that fees for a
141 rescheduled mediation conference be assessed by the
142 department rather than the administrator; authorizing
143 the department to suspend an insurer's authority to
144 appoint licensees under certain circumstances;
145 amending s. 627.714, F.S.; specifying when a loss

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146 assessment claim under a residential condominium unit
147 owner's property policy is deemed to occur; amending
148 s. 627.745, F.S.; revising requirements and procedures
149 for the mediation of personal injury claims under a
150 motor vehicle insurance policy; requiring the
151 department to adopt specified rules relating to a
152 motor vehicle claims insurance mediation program;
153 authorizing the department to designate a person or
154 entity to serve as administrator; amending s. 631.141,
155 F.S.; authorizing the department in receivership
156 proceedings to take certain actions as a domiciliary
157 receiver; amending s. 631.252, F.S.; revising
158 conditions under which policies and contracts of
159 insolvent insurers are canceled; amending ss. 631.56,
160 631.716, 631.816, and 631.912, F.S.; revising
161 membership eligibility requirements for the Florida
162 Insurance Guaranty Association, the Florida Life and
163 Health Insurance Guaranty Association, the Florida
164 Health Maintenance Organization Consumer Assistance
165 Plan, and the Florida Workers' Compensation Insurance
166 Guaranty Association, Incorporated, respectively;
167 specifying a limit on the terms of service;
168 authorizing the Chief Financial Officer to remove a
169 board member under certain circumstances; specifying
170 requirements for, on restrictions on, board members;
171 providing penalties; creating s. 633.1423, F.S.;
172 defining the term "organization"; authorizing the
173 Division of State Fire Marshal to establish a direct-
174 support organization; specifying the purpose of and

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175 requirements for the organization; specifying
176 requirements for the organization's written contract
177 and board of directors; providing requirements for the
178 use of property, annual budgets and reports, an annual
179 audit, and the division's receipt of proceeds;
180 authorizing moneys received to be held in a depository
181 account; amending s. 634.181, F.S.; adding grounds for
182 compulsory disciplinary actions by the department
183 against motor vehicle service agreement salespersons;
184 requiring the department to immediately temporarily
185 suspend a license or appointment under certain
186 circumstances; prohibiting a person from transacting
187 insurance business after such suspension; authorizing
188 the department to adopt rules; amending s. 634.191,
189 F.S.; revising grounds for discretionary disciplinary
190 actions by the department against motor vehicle
191 service agreement salespersons; requiring salespersons
192 to submit certain documents to the department;
193 authorizing the department to adopt rules; amending s.
194 634.318, F.S.; specifying requirements and procedures
195 for the licensure of nonresident sales representatives
196 for home warranty associations; amending s. 634.320,
197 F.S.; revising grounds for compulsory disciplinary
198 actions by the department against home warranty
199 association sales representatives; requiring the
200 department to immediately temporarily suspend a
201 license or appointment under certain circumstances;
202 prohibiting a person from transacting insurance
203 business after such suspension; authorizing the

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204 department to adopt rules; amending s. 634.321, F.S.;

205 revising grounds for discretionary disciplinary

206 actions by the department against home warranty

207 association sales representatives; authorizing the

208 department to adopt rules; amending s. 634.401, F.S.;

209 revising the definition of the term "manufacturer" for

210 purposes of part III of chapter 634, F.S.; amending s.

211 634.406, F.S.; deleting a debt obligation rating

212 requirement for certain service warranty associations

213 or parent corporations; amending s. 634.419, F.S.;

214 providing that specified home solicitation sale

215 requirements do not apply to certain persons relating

216 to the solicitation of service warranty or related

217 service or product sales; amending s. 634.420, F.S.;

218 specifying requirements and procedures for the

219 licensure of nonresident sales representatives for

220 service warranty associations; amending s. 634.422,

221 F.S.; revising grounds for compulsory disciplinary

222 actions by the department against service warranty

223 association sales representatives; requiring the

224 department to immediately temporarily suspend a

225 license or appointment under certain circumstances;

226 prohibiting a person from transacting insurance

227 business after such suspension; authorizing the

228 department to adopt rules; amending s. 634.423, F.S.;

229 revising grounds for discretionary disciplinary

230 actions by the department against service warranty

231 association sales representatives; authorizing the

232 department to adopt rules; reordering and amending s.

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233 648.25, F.S.; defining and redefining terms; amending
234 s. 648.26, F.S.; authorizing certain actions by the
235 department or the Office of Insurance Regulation
236 relating to certain confidential records relating to
237 bail bond agents; amending s. 648.27, F.S.; deleting a
238 provision relating to the continuance of a temporary
239 bail bond agent license; amending s. 648.285, F.S.;
240 revising requirements, conditions, and procedures for
241 a bail bond agency license; providing applicability;
242 conforming a provision to changes made by the act;
243 amending s. 648.30, F.S.; revising requirements and
244 conditions for the licensure and appointment as a bail
245 bond agent or bail bond agency; conforming a provision
246 to changes made by the act; amending s. 648.31, F.S.;
247 conforming a provision to changes made by the act;
248 amending s. 648.34, F.S.; revising qualifications for
249 a bail bond agent license; conforming a provision to
250 changes made by the act; amending s. 648.355, F.S.;
251 deleting provisions relating to temporary licenses as
252 a limited surety agent or professional bail bond
253 agent; specifying requirements for an individual
254 licensed as a temporary bail bond agent to qualify for
255 bail bond agent license; prohibiting the department
256 from issuing a temporary bail bond agent license
257 beginning on a specified date; providing construction
258 relating to existing temporary licenses; amending s.
259 648.382, F.S.; revising requirements for the
260 appointment of bail bond agents or bail bond agencies;
261 conforming a provision to changes made by the act;

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262 amending s. 648.386, F.S.; defining the term
263 "classroom instruction"; revising requirements for
264 approval and certification as an approved limited
265 surety agent and professional bail bond agent
266 continuing education school; amending s. 648.387,
267 F.S.; renaming primary bail bond agents as bail bond
268 agents in charge; revising the department's
269 disciplinary authority; revising prohibited actions
270 and the applicability of such prohibitions; providing
271 for the automatic expiration of a bail bond agency's
272 license under certain circumstances; creating s.
273 648.3875, F.S.; providing requirements for applying
274 for designation as a bail bond agent in charge;
275 amending s. 648.39, F.S.; revising applicability of
276 provisions relating to termination of appointments of
277 certain agents and agencies; repealing s. 648.41,
278 F.S., relating to termination of appointment of
279 temporary bail bond agents; amending s. 648.42, F.S.;
280 conforming a provision to changes made by the act;
281 making a technical change; amending s. 648.44, F.S.;
282 revising applicability of prohibited acts; revising
283 and specifying prohibited acts of bail bond agents and
284 bail bond agencies; conforming provisions to changes
285 made by the act; amending s. 648.441, F.S.; revising
286 applicability of a prohibition against furnishing
287 supplies to an unlicensed bail bond agent; amending s.
288 648.46, F.S.; authorizing certain actions by the
289 department or the office relating to certain
290 confidential records relating to bail bond agents;

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291 amending s. 648.50, F.S.; revising applicability of
292 provisions relating to disciplinary actions taken by
293 the department; conforming provisions to changes made
294 by the act; amending s. 843.021, F.S.; revising a
295 defense to an unlawful possession of a concealed
296 handcuff key; amending ss. 28.2221, 119.071, 631.152,
297 631.398, and 903.09, F.S.; conforming cross-
298 references; ratifying a specified rule of the Florida
299 Administrative Code relating to the Florida Workers'
300 Compensation Health Care Provider Reimbursement
301 Manual; providing construction; providing effective
302 dates.

303
304 Be It Enacted by the Legislature of the State of Florida:

305
306 Section 1. Paragraph (e) of subsection (2) and subsection
307 (6) of section 20.121, Florida Statutes, are amended to read:

308 20.121 Department of Financial Services.—There is created a
309 Department of Financial Services.

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

312 (e) The Division of Investigative and Forensic Services,
313 which shall function as a criminal justice agency for purposes
314 of ss. 943.045-943.08. The division may initiate and conduct
315 investigations into any matter under the jurisdiction of the
316 Chief Financial Officer and Fire Marshal within or outside of
317 this state as it deems necessary. If, during an investigation,
318 the division has reason to believe that any criminal law of this
319 state or the United States has or may have been violated, it

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320 shall refer any records tending to show such violation to state
321 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
322 prosecutorial agencies and shall provide investigative
323 assistance to those agencies as appropriate ~~required~~. The
324 division shall include the following bureaus and office:

- 325 1. The Bureau of Forensic Services;
- 326 2. The Bureau of Fire, Arson, and Explosives
327 Investigations;
- 328 3. The Office of Fiscal Integrity, which shall have a
329 separate budget;
- 330 4. The Bureau of Insurance Fraud; and
- 331 5. The Bureau of Workers' Compensation Fraud.

332 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~
333 ~~Strategic Markets Research and Assessment Unit is established~~
334 ~~within the Department of Financial Services. The Chief Financial~~
335 ~~Officer or his or her designee shall report on September 1,~~
336 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
337 ~~the Senate, and the Speaker of the House of Representatives on~~
338 ~~the status of the state's financial services markets. At a~~
339 ~~minimum, the report must include a summary of issues, trends,~~
340 ~~and threats that broadly impact the condition of the financial~~
341 ~~services industries, along with the effect of such conditions on~~
342 ~~financial institutions, the securities industries, other~~
343 ~~financial entities, and the credit market. The Chief Financial~~
344 ~~Officer shall also provide findings and recommendations~~
345 ~~regarding regulatory and policy changes to the Cabinet, the~~
346 ~~President of the Senate, and the Speaker of the House of~~
347 ~~Representatives.~~

348 Section 2. Paragraph (c) of subsection (1) of section

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349 39.6035, Florida Statutes, is amended to read:

350 39.6035 Transition plan.—

351 (1) During the year after a child reaches 16 years of age,
352 the department and the community-based care lead agency, in
353 collaboration with the caregiver and any other individual whom
354 the child would like to include, shall assist the child in
355 developing a transition plan. The required transition plan is in
356 addition to standard case management requirements. The
357 transition plan must address specific options for the child to
358 use in obtaining services, including housing, health insurance,
359 education, financial literacy, a driver license, and workforce
360 support and employment services. The plan must also include
361 tasks to establish and maintain naturally occurring mentoring
362 relationships and other personal support services. The
363 transition plan may be as detailed as the child chooses. This
364 plan must be updated as needed before the child reaches 18 years
365 of age and after the child reaches 18 years of age if he or she
366 is receiving funding under s. 409.1451(2). In developing and
367 updating the transition plan, the department and the community-
368 based care lead agency shall:

369 ~~(c) Provide information for the financial literacy~~
370 ~~curriculum for youth offered by the Department of Financial~~
371 ~~Services.~~

372 Section 3. Subsections (2) and (4), paragraph (a) of
373 subsection (8), and subsection (12) of section 112.215, Florida
374 Statutes, are amended to read:

375 112.215 Government employees; deferred compensation
376 program.—

377 (2) For the purposes of this section, the term "government

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378 employee" means any person employed, whether appointed, elected,
379 or under contract, by providing services for the state or any
380 governmental unit of the state, including, but not limited to,
381 any state agency; any ~~or~~ county, municipality, or other
382 political subdivision of the state; any special district or
383 water management district, as the terms are defined in s.
384 189.012 municipality; any state university or Florida College
385 System institution, as the terms are defined in s. 1000.21(6)
386 and (3), respectively ~~board of trustees;~~ or any constitutional
387 county officer under s. 1(d), Art. VIII of the State
388 Constitution for which compensation or statutory fees are paid.

389 (4) (a) The Chief Financial Officer, with the approval of
390 the State Board of Administration, shall establish a state ~~such~~
391 plan or plans of deferred compensation for government ~~state~~
392 employees and ~~may include persons employed by a state university~~
393 ~~as defined in s. 1000.21, a special district as defined in s.~~
394 ~~189.012, or a water management district as defined in s.~~
395 ~~189.012,~~ including all such investment vehicles or products
396 incident thereto, as may be available through, or offered by,
397 qualified companies or persons, and may approve one or more such
398 plans for implementation ~~by and on behalf of the state and its~~
399 ~~agencies and employees.~~

400 (b) If the Chief Financial Officer deems it advisable, he
401 or she shall have the power, with the approval of the State
402 Board of Administration, to create a trust or other special
403 funds for the segregation of funds or assets resulting from
404 compensation deferred at the request of government employees
405 participating in ~~of the state plan or its agencies and~~ for the
406 administration of such program.

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407 (c) The Chief Financial Officer, with the approval of the
408 State Board of Administration, may delegate responsibility for
409 administration of the state plan to a person the Chief Financial
410 Officer determines to be qualified, compensate such person, and,
411 directly or through such person or pursuant to a collective
412 bargaining agreement, contract with a private corporation or
413 institution to provide such services as may be part of any such
414 plan or as may be deemed necessary or proper by the Chief
415 Financial Officer or such person, including, but not limited to,
416 providing consolidated billing, individual and collective
417 recordkeeping and accountings, asset purchase, control, and
418 safekeeping, and direct disbursement of funds to employees or
419 other beneficiaries. The Chief Financial Officer may authorize a
420 person, private corporation, or institution to make direct
421 disbursement of funds under the state plan to an employee or
422 other beneficiary.

423 (d) In accordance with such approved plan, and upon
424 contract or agreement with an eligible government employee,
425 deferrals of compensation may be accomplished by payroll
426 deductions made by the appropriate officer or officers of the
427 state, with such funds being thereafter held and administered in
428 accordance with the plan.

429 (e) The administrative costs of the deferred compensation
430 plan must be wholly or partially self-funded. Fees for such
431 self-funding of the plan shall be paid by investment providers
432 and may be recouped from their respective plan participants.
433 Such fees shall be deposited in the Deferred Compensation Trust
434 Fund.

435 (8) (a) There is created a Deferred Compensation Advisory

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436 Council composed of eight ~~seven~~ members.

437 1. One member shall be appointed by the Speaker of the
438 House of Representatives and the President of the Senate jointly
439 and shall be an employee of the legislative branch.

440 2. One member shall be appointed by the Chief Justice of
441 the Supreme Court and shall be an employee of the judicial
442 branch.

443 3. One member shall be appointed by the chair of the Public
444 Employees Relations Commission and shall be a nonexempt public
445 employee.

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

448 a. One member shall be appointed by the Chancellor of the
449 State University System and shall be an employee of the
450 university system.

451 b. One member shall be appointed by the Chief Financial
452 Officer and shall be an employee of the Chief Financial Officer.

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

455 d. One member shall be appointed by the Executive Director
456 of the State Board of Administration and shall be an employee of
457 the State Board of Administration.

458 e. One member shall be appointed by the Chancellor of the
459 Florida College System and shall be an employee of the Florida
460 College System.

461 (12) The Chief Financial Officer may adopt any rule
462 necessary to administer and implement this act with respect to
463 the state deferred compensation plan or plans ~~for state~~
464 ~~employees and persons employed by a state university as defined~~

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465 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
466 ~~water management district as defined in s. 189.012.~~

467 Section 4. Subsection (13) of section 215.422, Florida
468 Statutes, is amended to read:

469 215.422 Payments, warrants, and invoices; processing time
470 limits; dispute resolution; agency or judicial branch
471 compliance.—

472 (13) Notwithstanding the provisions of subsections (3) and
473 (12), in order to alleviate any hardship that may be caused to a
474 health care provider as a result of delay in receiving
475 reimbursement for services, any payment or payments for
476 hospital, medical, or other health care services which are to be
477 reimbursed by a state agency or the judicial branch, either
478 directly or indirectly, shall be made to the health care
479 provider not more than 40 ~~35~~ days from the date eligibility for
480 payment of such claim is determined. If payment is not issued to
481 a health care provider within 40 ~~35~~ days after the date
482 eligibility for payment of the claim is determined, the state
483 agency or the judicial branch shall pay the health care provider
484 interest at a rate of 1 percent per month calculated on a
485 calendar day basis on the unpaid balance from the expiration of
486 such 40-day ~~35-day~~ period until such time as payment is made to
487 the health care provider, unless a waiver in whole has been
488 granted by the Department of Financial Services pursuant to
489 subsection (1) or subsection (2).

490 Section 5. Subsection (1) of section 274.01, Florida
491 Statutes, is amended to read:

492 274.01 Definitions.—The following words as used in this act
493 have the meanings set forth in the below subsections, unless a

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494 different meaning is required by the context:

495 (1) "Governmental unit" means the governing board,
496 commission, or authority of a county, a county agency, a
497 municipality, a special district as defined in s. 189.012 or
498 taxing district of the state, or the sheriff of the county.

499 Section 6. Paragraph (b) of subsection (3) of section
500 409.1451, Florida Statutes, is amended to read:

501 409.1451 The Road-to-Independence Program.—

502 (3) AFTERCARE SERVICES.—

503 (b) Aftercare services include, but are not limited to, the
504 following:

505 1. Mentoring and tutoring.

506 2. Mental health services and substance abuse counseling.

507 3. Life skills classes, including credit management and
508 preventive health activities.

509 4. Parenting classes.

510 5. Job and career skills training.

511 6. Counselor consultations.

512 7. Temporary financial assistance for necessities,
513 including, but not limited to, education supplies,
514 transportation expenses, security deposits for rent and
515 utilities, furnishings, household goods, and other basic living
516 expenses.

517 8. Temporary financial assistance to address emergency
518 situations, including, but not limited to, automobile repairs or
519 large medical expenses.

520 ~~9. Financial literacy skills training under s.~~

521 ~~39.6035(1)(c).~~

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523 The specific services to be provided under this paragraph shall
524 be determined by an assessment of the young adult and may be
525 provided by the community-based care provider or through
526 referrals in the community.

527 Section 7. Subsections (12) and (14) of section 440.13,
528 Florida Statutes, are amended to read:

529 440.13 Medical services and supplies; penalty for
530 violations; limitations.—

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

533 (a) A three-member panel is created, consisting of the
534 Chief Financial Officer, or the Chief Financial Officer's
535 designee, and two members to be appointed by the Governor,
536 subject to confirmation by the Senate, one member who, on
537 account of present or previous vocation, employment, or
538 affiliation, shall be classified as a representative of
539 employers, the other member who, on account of previous
540 vocation, employment, or affiliation, shall be classified as a
541 representative of employees. The panel shall determine statewide
542 schedules of maximum reimbursement allowances for medically
543 necessary treatment, care, and attendance provided by
544 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
545 ~~hardening programs, pain programs, and durable medical~~
546 ~~equipment~~. The maximum reimbursement allowances for inpatient
547 hospital care shall be based on a schedule of per diem rates, to
548 be approved by the three-member panel no later than March 1,
549 1994, to be used in conjunction with a precertification manual
550 as determined by the department, including maximum hours in
551 which an outpatient may remain in observation status, which

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552 shall not exceed 23 hours. All compensable charges for hospital
553 outpatient care shall be reimbursed at 75 percent of usual and
554 customary charges, except as otherwise provided by this
555 subsection. Annually, the three-member panel shall adopt
556 schedules of maximum reimbursement allowances for ~~physicians,~~
557 hospital inpatient care, hospital outpatient care, and
558 ambulatory surgical centers, ~~work-hardening programs, and pain~~
559 ~~programs.~~ A ~~An individual physician,~~ hospital or, ambulatory
560 surgical center, ~~pain program, or work-hardening program~~ shall
561 be reimbursed:

562 1. ~~either~~ The agreed-upon contract price; or
563 2. If there is no agreed-upon contract price, the lesser of
564 the provider's billed charge or the maximum reimbursement
565 allowance in the appropriate schedule.

566 ~~(b) It is the intent of the Legislature to increase the~~
567 ~~schedule of maximum reimbursement allowances for selected~~
568 ~~physicians effective January 1, 2004, and to pay for the~~
569 ~~increases through reductions in payments to hospitals. Revisions~~
570 ~~developed pursuant to this subsection are limited to the~~
571 ~~following:~~

572 ~~1.~~ Payments for outpatient physical, occupational, and
573 speech therapy provided by hospitals shall be ~~reduced to~~ the
574 schedule of maximum reimbursement allowances for these services
575 which applies to nonhospital providers.

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

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581 (d)~~3.~~ Outpatient reimbursement for scheduled surgeries
582 shall be ~~reduced from 75 percent of charges to~~ 60 percent of
583 charges.

584 (e)1. By July 1 of each year, the department shall notify
585 carriers and self-insurers of the physician and nonhospital
586 services schedule of maximum reimbursement allowances. The
587 notice must include publication of this schedule of maximum
588 reimbursement allowances on the division's website. This
589 schedule is not subject to approval by the three-member panel
590 and does not include reimbursement for prescription medication.

591 2. Subparagraph 1. shall take effect January 1, following
592 the July 1, 2024, notice of the physician and nonhospital
593 services schedule of maximum reimbursement allowances which the
594 department provides to carriers and self-insurers.

595 (f)4. Maximum reimbursement for a physician licensed under
596 chapter 458 or chapter 459 shall be ~~increased to~~ 110 percent of
597 the reimbursement allowed by Medicare, using appropriate codes
598 and modifiers ~~or the medical reimbursement level adopted by the~~
599 ~~three-member panel as of January 1, 2003, whichever is greater.~~

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

604 (h)~~(e)~~ As to reimbursement for a prescription medication,
605 the reimbursement amount for a prescription shall be the average
606 wholesale price plus \$4.18 for the dispensing fee. For
607 repackaged or relabeled prescription medications dispensed by a
608 dispensing practitioner as provided in s. 465.0276, the fee
609 schedule for reimbursement shall be 112.5 percent of the average

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610 wholesale price, plus \$8.00 for the dispensing fee. For purposes
611 of this subsection, the average wholesale price shall be
612 calculated by multiplying the number of units dispensed times
613 the per-unit average wholesale price set by the original
614 manufacturer of the underlying drug dispensed by the
615 practitioner, based upon the published manufacturer's average
616 wholesale price published in the Medi-Span Master Drug Database
617 as of the date of dispensing. All pharmaceutical claims
618 submitted for repackaged or relabeled prescription medications
619 must include the National Drug Code of the original
620 manufacturer. Fees for pharmaceuticals and pharmaceutical
621 services shall be reimbursable at the applicable fee schedule
622 amount except where the employer or carrier, or a service
623 company, third party administrator, or any entity acting on
624 behalf of the employer or carrier directly contracts with the
625 provider seeking reimbursement for a lower amount.

626 (i)~~(d)~~ Reimbursement for all fees and other charges for
627 such treatment, care, and attendance, including treatment, care,
628 and attendance provided by any hospital or other health care
629 provider, ambulatory surgical center, work-hardening program, or
630 pain program, must not exceed the amounts provided by the
631 uniform schedule of maximum reimbursement allowances as
632 determined by the panel or as otherwise provided in this
633 section. This subsection also applies to independent medical
634 examinations performed by health care providers under this
635 chapter. In determining the uniform schedule, the panel shall
636 first approve the data which it finds representative of
637 prevailing charges in the state for similar treatment, care, and
638 attendance of injured persons. Each health care provider, health

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639 care facility, ambulatory surgical center, work-hardening
640 program, or pain program receiving workers' compensation
641 payments shall maintain records verifying their usual charges.
642 In establishing the uniform schedule of maximum reimbursement
643 allowances, the panel must consider:

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

647 2. The impact upon cost to employers for providing a level
648 of reimbursement for treatment, care, and attendance which will
649 ensure the availability of treatment, care, and attendance
650 required by injured workers; and

651 3. The financial impact of the reimbursement allowances
652 upon health care providers and health care facilities, including
653 trauma centers as defined in s. 395.4001, and its effect upon
654 their ability to make available to injured workers such
655 medically necessary remedial treatment, care, and attendance.
656 The uniform schedule of maximum reimbursement allowances must be
657 reasonable, must promote health care cost containment and
658 efficiency with respect to the workers' compensation health care
659 delivery system, and must be sufficient to ensure availability
660 of such medically necessary remedial treatment, care, and
661 attendance to injured workers; ~~and~~

662 ~~4. The most recent average maximum allowable rate of~~
663 ~~increase for hospitals determined by the Health Care Board under~~
664 ~~chapter 408.~~

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

667 1. Take testimony, receive records, and collect data to

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668 evaluate the adequacy of the workers' compensation fee schedule,
669 nationally recognized fee schedules and alternative methods of
670 reimbursement to health care providers and health care
671 facilities for inpatient and outpatient treatment and care.

672 2. Survey health care providers and health care facilities
673 to determine the availability and accessibility of workers'
674 compensation health care delivery systems for injured workers.

675 3. Survey carriers to determine the estimated impact on
676 carrier costs and workers' compensation premium rates by
677 implementing changes to the carrier reimbursement schedule or
678 implementing alternative reimbursement methods.

679 4. Submit recommendations on or before January 15, 2017,
680 and biennially thereafter, to the President of the Senate and
681 the Speaker of the House of Representatives on methods to
682 improve the workers' compensation health care delivery system.

683
684 The department, as requested, shall provide data to the panel,
685 including, but not limited to, utilization trends in the
686 workers' compensation health care delivery system. The
687 department shall provide the panel with an annual report
688 regarding the resolution of medical reimbursement disputes and
689 any actions pursuant to subsection (8). The department shall
690 provide administrative support and service to the panel to the
691 extent requested by the panel. For prescription medication
692 purchased under the requirements of this subsection, a
693 dispensing practitioner shall not possess such medication unless
694 payment has been made by the practitioner, the practitioner's
695 professional practice, or the practitioner's practice management
696 company or employer to the supplying manufacturer, wholesaler,

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697 distributor, or drug repackager within 60 days of the dispensing
698 practitioner taking possession of that medication.

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

703 Section 8. Effective January 1, 2024, subsection (2) of
704 section 440.385, Florida Statutes, is amended to read:

705 440.385 Florida Self-Insurers Guaranty Association,
706 Incorporated.—

707 (2) BOARD OF DIRECTORS.—The board of directors of the
708 association shall consist of nine persons and shall be organized
709 as established in the plan of operation. Each director must ~~All~~
710 ~~board members shall~~ be experienced in self-insurance in this
711 state. Each director shall serve for a 4-year term and may be
712 reappointed; however, a director may not serve for more than 8
713 consecutive years. Appointments after January 1, 2002, shall be
714 made by the department upon recommendation of members of the
715 association or other persons with experience in self-insurance
716 as determined by the Chief Financial Officer. Any vacancy on the
717 board shall be filled for the remaining period of the term in
718 the same manner as appointments other than initial appointments
719 are made. Each director shall be reimbursed for expenses
720 incurred in carrying out the duties of the board on behalf of
721 the association.

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

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726 (b) Directors are subject to the code of ethics under part
727 III of chapter 112, including, but not limited to, the code of
728 ethics and public disclosure and reporting of financial
729 interests, pursuant to s. 112.3145. For purposes of applying
730 part III of chapter 112 to activities of members of the board of
731 directors, those persons are considered public officers and the
732 association is considered their agency. Notwithstanding s.
733 112.3143(2), a director may not vote on any measure that he or
734 she knows would inure to his or her special private gain or
735 loss; that he or she knows would inure to the special private
736 gain or loss of any principal by which he or she is retained,
737 other than an agency as defined in s. 112.312; or that he or she
738 knows would inure to the special private gain or loss of a
739 relative or business associate of the public officer. Before the
740 vote is taken, such director shall publicly state to the board
741 the nature of his or her interest in the matter from which he or
742 she is abstaining from voting and, within 15 days after the vote
743 occurs, disclose the nature of his or her interest as a public
744 record in a memorandum filed with the person responsible for
745 recording the minutes of the meeting, who shall incorporate the
746 memorandum in the minutes.

747 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other
748 law, an employee of the association or a director may not
749 knowingly accept, directly or indirectly, any gift or
750 expenditure from a person or entity, or an employee or
751 representative of such person or entity, which has a contractual
752 relationship with the association or which is under
753 consideration for a contract.

754 (d) A director who fails to comply with paragraph (b) or

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755 paragraph (c) is subject to the penalties provided under ss.
756 112.317 and 112.3173.

757 Section 9. Subsection (1) of section 624.1265, Florida
758 Statutes, is amended to read:

759 624.1265 Nonprofit religious organization exemption;
760 authority; notice.—

761 (1) A nonprofit religious organization is not subject to
762 the requirements of the Florida Insurance Code if the nonprofit
763 religious organization:

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

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

768 (c) Acts as a facilitator among participants who have
769 financial, physical, or medical needs to assist those with
770 financial, physical, or medical needs in accordance with
771 criteria established by the nonprofit religious organization;

772 (d) Provides for the financial or medical needs of a
773 participant through contributions from other participants, or
774 through payments directly from one participant to another
775 participant;

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

778 1. Among the participants; or

779 2. By the nonprofit religious organization to the
780 participants;

781 (f) Provides a monthly accounting to the participants of
782 the total dollar amount of qualified needs actually shared in
783 the previous month in accordance with criteria established by

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784 the nonprofit religious organization; ~~and~~

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

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

792 Section 10. Subsection (25) of section 624.501, Florida
793 Statutes, is amended to read:

794 624.501 Filing, license, appointment, and miscellaneous
795 fees.—The department, commission, or office, as appropriate,
796 shall collect in advance, and persons so served shall pay to it
797 in advance, fees, licenses, and miscellaneous charges as
798 follows:

799 (25) Reinsurance intermediary:

800 ~~(a) Application filing and license fee \$50.00~~

801 ~~(b) Original appointment and biennial renewal or~~
802 continuation thereof, appointment fee \$60.00

803 Section 11. Subsection (5) of section 626.015, Florida
804 Statutes, is amended to read:

805 626.015 Definitions.—As used in this part:

806 (5) "Association" includes the Florida Association of
807 Insurance Agents (FAIA), the National Association of Insurance
808 and Financial Advisors (NAIFA), the National Association of
809 Benefits and Insurance Professionals Florida Chapter (NABIP
810 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the
811 Latin American Association of Insurance Agencies (LAAIA), the
812 Florida Association of Public Insurance Adjusters (FAPIA), the

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813 Florida Bail Agents Association (FBAA), or the Professional Bail
814 Agents of the United States (PBUS).

815 Section 12. Subsection (4) of section 626.171, Florida
816 Statutes, is amended to read:

817 626.171 Application for license as an agent, customer
818 representative, adjuster, service representative, or reinsurance
819 intermediary.—

820 (4) An applicant for a license issued by the department
821 under this chapter must submit a set of the individual
822 applicant's fingerprints, or, if the applicant is not an
823 individual, a set of the fingerprints of the sole proprietor,
824 majority owner, partners, officers, and directors, to the
825 department and must pay the fingerprint processing fee set forth
826 in s. 624.501. Fingerprints must be processed in accordance with
827 s. 624.34 and used to investigate the applicant's qualifications
828 pursuant to s. 626.201. The fingerprints must be taken by a law
829 enforcement agency, ~~designated examination center,~~ or other
830 department-approved entity. ~~The department shall require all~~
831 ~~designated examination centers to have fingerprinting equipment~~
832 ~~and to take fingerprints from any applicant or prospective~~
833 ~~applicant who pays the applicable fee.~~ The department may not
834 approve an application for licensure as an agent, customer
835 service representative, adjuster, service representative, or
836 reinsurance intermediary if fingerprints have not been
837 submitted.

838 Section 13. Paragraph (c) of subsection (1) of section
839 626.173, Florida Statutes, is amended to read:

840 626.173 Insurance agency closure; cancellation of
841 licenses.—

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842 (1) If a licensed insurance agency permanently ceases the
843 transacting of insurance or ceases the transacting of insurance
844 for more than 30 days, the agent in charge, the director of the
845 agency, or other officer listed on the original application for
846 licensure must, within 35 days after the agency first ceases the
847 transacting of insurance, do all of the following:

848 (c) Notify all policyholders currently insured by a policy
849 written, produced, or serviced by the agency of the agency's
850 cessation of operations; the date on which operations ceased;
851 and the identity of the agency or agent to which the agency's
852 current book of business has been transferred or, if no transfer
853 has occurred, a statement directing the policyholder to contact
854 the insurance company for assistance in locating a licensed
855 agent to service the policy. This paragraph does not apply to
856 title insurance, life insurance, or annuity contracts.

857 Section 14. Subsection (8) of section 626.207, Florida
858 Statutes, is amended to read:

859 626.207 Disqualification of applicants and licensees;
860 penalties against licensees; rulemaking authority.—

861 (8) The department shall adopt rules establishing specific
862 penalties against licensees in accordance with ss. 626.641 and
863 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.
864 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.
865 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.
866 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.
867 634.423, s. 642.041, or s. 642.043. The purpose of the
868 revocation or suspension is to provide a sufficient penalty to
869 deter future violations of the Florida Insurance Code. The
870 imposition of a revocation or the length of suspension shall be

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871 based on the type of conduct and the probability that the
 872 propensity to commit further illegal conduct has been overcome
 873 at the time of eligibility for relicensure. The length of
 874 suspension may be adjusted based on aggravating or mitigating
 875 factors, established by rule and consistent with this purpose.

876 Section 15. Paragraph (j) of subsection (2) of section
 877 626.221, Florida Statutes, is amended to read:

878 626.221 Examination requirement; exemptions.—

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

881 (j) An applicant for license as an all-lines adjuster who
 882 has the designation of Accredited Claims Adjuster (ACA) from a
 883 regionally accredited postsecondary institution in this state;
 884 Certified All Lines Adjuster (CALA) from Kaplan Financial
 885 Education; Associate in Claims (AIC) from the Insurance
 886 Institute of America; Professional Claims Adjuster (PCA) from
 887 the Professional Career Institute; Professional Property
 888 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
 889 Certified Adjuster (CA) from ALL LINES Training; Certified
 890 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
 891 Certified Professional (CACP) from WebCE, Inc.; Accredited
 892 Insurance Claims Specialist (AICS) from Encore Claim Services;
 893 Professional in Claims (PIC) from 2021 Training, LLC; or
 894 Universal Claims Certification (UCC) from Claims and Litigation
 895 Management Alliance (CLM) whose curriculum has been approved by
 896 the department and which includes comprehensive analysis of
 897 basic property and casualty lines of insurance and testing at
 898 least equal to that of standard department testing for the all-
 899 lines adjuster license. The department shall adopt rules

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900 establishing standards for the approval of curriculum.

901 Section 16. Paragraphs (c) and (f) of subsection (3) of
902 section 626.2815, Florida Statutes, are amended to read:

903 626.2815 Continuing education requirements.—

904 (3) Each licensee except a title insurance agent must
905 complete a 4-hour update course every 2 years which is specific
906 to the license held by the licensee. The course must be
907 developed and offered by providers and approved by the
908 department. The content of the course must address all lines of
909 insurance for which examination and licensure are required and
910 include the following subject areas: insurance law updates,
911 ethics for insurance professionals, disciplinary trends and case
912 studies, industry trends, premium discounts, determining
913 suitability of products and services, and other similar
914 insurance-related topics the department determines are relevant
915 to legally and ethically carrying out the responsibilities of
916 the license granted. A licensee who holds multiple insurance
917 licenses must complete an update course that is specific to at
918 least one of the licenses held. Except as otherwise specified,
919 any remaining required hours of continuing education are
920 elective and may consist of any continuing education course
921 approved by the department under this section.

922 (c) A licensee who has been licensed for 25 years or more
923 and is a CLU or a CPCU or has a Bachelor of Science degree or
924 higher in risk management or insurance with evidence of 18 or
925 more semester hours in insurance-related courses must also
926 complete a minimum of 6 hours of elective continuing education
927 courses every 2 years.

928 (f) Elective continuing education courses for public

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929 adjusters ~~may must~~ be any course related to commercial and
930 residential property coverages, claim adjusting practices, and
931 any other adjuster elective courses specifically designed for
932 ~~public adjusters and~~ approved by the department. Notwithstanding
933 this subsection, public adjusters for workers' compensation
934 insurance or health insurance are not required to take
935 continuing education courses pursuant to this section.

936 Section 17. Paragraphs (a), (b), and (e) of subsection (1)
937 of section 626.321, Florida Statutes, are amended, and paragraph
938 (i) is added to that subsection, to read:

939 626.321 Limited licenses and registration.-

940 (1) The department shall issue to a qualified applicant a
941 license as agent authorized to transact a limited class of
942 business in any of the following categories of limited lines
943 insurance:

944 (a) *Motor vehicle physical damage and mechanical breakdown*
945 *insurance.*-License covering insurance against only the loss of
946 or damage to a motor vehicle that is designed for use upon a
947 highway, including trailers and semitrailers designed for use
948 with such vehicles. Such license also covers insurance against
949 the failure of an original or replacement part to perform any
950 function for which it was designed. ~~A licensee under this~~
951 ~~paragraph may not hold a license as an agent for any other or~~
952 ~~additional kind or class of insurance coverage except a limited~~
953 ~~license for credit insurance as provided in paragraph (c).~~
954 Effective October 1, 2012, all licensees holding such limited
955 license and appointment may renew the license and appointment,
956 but no new or additional licenses may be issued pursuant to this
957 paragraph, and a licensee whose limited license under this

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958 paragraph has been terminated, suspended, or revoked may not
959 have such license reinstated.

960 (b) *Industrial fire insurance or burglary insurance.*—
961 License covering only industrial fire insurance or burglary
962 insurance. ~~A licensee under this paragraph may not hold a~~
963 ~~license as an agent for any other or additional kind or class of~~
964 ~~insurance coverage except for life insurance and health~~
965 ~~insurance.~~ Effective July 1, 2019, all licensees holding such
966 limited license and appointment may renew the license and
967 appointment, but no new or additional licenses may be issued
968 pursuant to this paragraph, and a licensee whose limited license
969 under this paragraph has been terminated, suspended, or revoked
970 may not have such license reinstated.

971 (e) *Credit insurance.*—License covering credit life, credit
972 disability, credit property, credit unemployment, involuntary
973 unemployment, mortgage life, mortgage guaranty, mortgage
974 disability, guaranteed automobile protection (GAP) insurance,
975 and any other form of insurance offered in connection with an
976 extension of credit which is limited to partially or wholly
977 extinguishing a credit obligation that the department determines
978 should be designated a form of limited line credit insurance.
979 Effective October 1, 2012, all valid licenses held by persons
980 for any of the lines of insurance listed in this paragraph shall
981 be converted to a credit insurance license. ~~Licensees who wish~~
982 ~~to obtain a new license reflecting such change must request a~~
983 ~~duplicate license and pay a \$5 fee as specified in s.~~
984 ~~624.501(15).~~ The license may be issued only to an individual
985 employed by a life or health insurer as an officer or other
986 salaried or commissioned representative, to an individual

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987 employed by or associated with a lending or financial
988 institution or creditor, or to a lending or financial
989 institution or creditor, and may authorize the sale of such
990 insurance only with respect to borrowers or debtors of such
991 lending or financing institution or creditor. However, only the
992 individual or entity whose tax identification number is used in
993 receiving or is credited with receiving the commission from the
994 sale of such insurance shall be the licensed agent of the
995 insurer. ~~No individual while so licensed shall hold a license as
996 an agent as to any other or additional kind or class of life or
997 health insurance coverage.~~

998 (i) Preneed funeral agreement insurance.—Limited license
999 for insurance covering only prearranged funeral, cremation, or
1000 cemetery agreements, or any combination thereof, funded by
1001 insurance and offered in connection with an establishment that
1002 holds a preneed license pursuant to s. 497.452. Such license may
1003 be issued without examination only to an individual who has
1004 filed with the department an application for a license in a form
1005 and manner prescribed by the department, who currently holds a
1006 valid preneed sales agent license pursuant to s. 497.466, who
1007 paid the applicable fees for a license as prescribed in s.
1008 624.501, who has been appointed under s. 626.112, and who paid
1009 the prescribed appointment fee under s. 624.501.

1010 Section 18. Paragraph (n) of subsection (1) of section
1011 626.611, Florida Statutes, is amended to read:

1012 626.611 Grounds for compulsory refusal, suspension, or
1013 revocation of agent's, title agency's, adjuster's, customer
1014 representative's, service representative's, or managing general
1015 agent's license or appointment.—

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1016 (1) The department shall deny an application for, suspend,
1017 revoke, or refuse to renew or continue the license or
1018 appointment of any applicant, agent, title agency, adjuster,
1019 customer representative, service representative, or managing
1020 general agent, and it shall suspend or revoke the eligibility to
1021 hold a license or appointment of any such person, if it finds
1022 that as to the applicant, licensee, or appointee any one or more
1023 of the following applicable grounds exist:

1024 (n) Having been found guilty of or having pleaded guilty or
1025 nolo contendere to a misdemeanor directly related to the
1026 financial services business, any felony, or any a crime
1027 punishable by imprisonment of 1 year or more under the law of
1028 the United States of America or of any state thereof or under
1029 the law of any other country, without regard to whether a
1030 judgment of conviction has been entered by the court having
1031 jurisdiction of such cases.

1032 Section 19. Subsection (18) is added to section 626.621,
1033 Florida Statutes, to read:

1034 626.621 Grounds for discretionary refusal, suspension, or
1035 revocation of agent's, adjuster's, customer representative's,
1036 service representative's, or managing general agent's license or
1037 appointment.—The department may, in its discretion, deny an
1038 application for, suspend, revoke, or refuse to renew or continue
1039 the license or appointment of any applicant, agent, adjuster,
1040 customer representative, service representative, or managing
1041 general agent, and it may suspend or revoke the eligibility to
1042 hold a license or appointment of any such person, if it finds
1043 that as to the applicant, licensee, or appointee any one or more
1044 of the following applicable grounds exist under circumstances

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1045 for which such denial, suspension, revocation, or refusal is not
1046 mandatory under s. 626.611:

1047 (18) Cancellation of the applicant's, licensee's, or
1048 appointee's resident license in a state other than Florida.

1049 Section 20. Paragraphs (d) and (g) of subsection (2) and
1050 paragraphs (a), (b), and (e) through (j) of subsection (3) of
1051 section 626.7492, Florida Statutes, are amended to read:

1052 626.7492 Reinsurance intermediaries.—

1053 (2) DEFINITIONS.—As used in this section:

1054 (d) "Producer" means a licensed ~~an~~ agent, broker, or
1055 insurance agency that is appointed as a reinsurance intermediary
1056 ~~licensed~~ pursuant to the applicable provision of the Florida
1057 Insurance Code.

1058 (g) "Reinsurance intermediary manager" means any person who
1059 has authority to bind, or manages all or part of, the assumed
1060 reinsurance business of a reinsurer, including the management of
1061 a separate division, department, or underwriting office, and
1062 acts as a representative ~~an agent~~ for the reinsurer whether
1063 known as a reinsurance intermediary manager, manager, or other
1064 similar term. Notwithstanding the above, none of the following
1065 persons is a reinsurance intermediary manager with respect to
1066 the reinsurer for the purposes of this section:

1067 1. An employee of the reinsurer;

1068 2. A manager of the United States branch of an alien
1069 reinsurer;

1070 3. An underwriting manager which, pursuant to contract,
1071 manages all the reinsurance operations of the reinsurer, is
1072 under common control with the reinsurer, subject to the holding
1073 company act, and whose compensation is not based on the volume

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1074 of premiums written.

1075 4. The manager of a group, association, pool, or
1076 organization of insurers which engage in joint underwriting or
1077 joint reinsurance and who are subject to examination by the
1078 insurance regulatory authority of the state in which the
1079 manager's principal business office is located.

1080 (3) LICENSURE.—

1081 (a) No person shall act as a reinsurance intermediary
1082 broker in this state if the reinsurance intermediary broker
1083 maintains an office either directly or as a member or employee
1084 of a firm or association, or an officer, director, or employee
1085 of a corporation:

1086 1. In this state, unless the reinsurance intermediary
1087 broker is a licensed producer in this state; or

1088 2. In another state, unless the reinsurance intermediary
1089 broker is a licensed producer in this state or in another state
1090 having a law substantially similar to this section or the
1091 reinsurance intermediary broker is licensed in this state as an
1092 insurance agency and appointed as a ~~nonresident~~ reinsurance
1093 intermediary.

1094 (b) No person shall act as a reinsurance intermediary
1095 manager:

1096 1. For a reinsurer domiciled in this state, unless the
1097 reinsurance intermediary manager is a licensed producer in this
1098 state;

1099 2. In this state, if the reinsurance intermediary manager
1100 maintains an office either directly or as a member or employee
1101 of a firm or association, or an officer, director, or employee
1102 of a corporation in this state, unless the reinsurance

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1103 intermediary manager is a licensed producer in this state;

1104 3. In another state for a nondomestic insurer, unless the
1105 reinsurance intermediary manager is a licensed producer in this
1106 state or another state having a law substantially similar to
1107 this section, or the person is licensed in this state as a
1108 producer ~~nonresident reinsurance intermediary~~.

1109 (e) If the applicant for a reinsurance intermediary
1110 appointment ~~license~~ is a nonresident, the applicant, as a
1111 condition precedent to receiving or holding an appointment a
1112 ~~license~~, must designate the Chief Financial Officer as agent for
1113 service of process in the manner, and with the same legal
1114 effect, provided for by this section for designation of service
1115 of process upon unauthorized insurers. Such applicant shall also
1116 furnish the department with the name and address of a resident
1117 of this state upon whom notices or orders of the department or
1118 process affecting the nonresident reinsurance intermediary may
1119 be served. The licensee shall promptly notify the department in
1120 writing of each change in its designated agent for service of
1121 process, and the change shall not become effective until
1122 acknowledged by the department.

1123 (f) ~~The department may refuse to issue a reinsurance~~
1124 ~~intermediary license if, in its judgment, the applicant, anyone~~
1125 ~~named on the application, or any member, principal, officer, or~~
1126 ~~director of the applicant, has demonstrated a lack of fitness~~
1127 ~~and trustworthiness, or that any controlling person of the~~
1128 ~~applicant is not fit or trustworthy to act as a reinsurance~~
1129 ~~intermediary, or that any of the foregoing has given cause for~~
1130 ~~revocation or suspension of the license, or has failed to comply~~
1131 ~~with any prerequisite for the issuance of the license.~~

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1132 ~~(g)~~ Reinsurance intermediaries shall be licensed,
 1133 appointed, renewed, continued, reinstated, or terminated as
 1134 prescribed in this chapter for insurance representatives in
 1135 general, ~~except that they shall be exempt from the photo,~~
 1136 ~~education, and examination provisions. License,~~ Appointment, and
 1137 other fees shall be those prescribed in s. 624.501.

1138 (g) ~~(h)~~ The grounds and procedures for refusal of an a
 1139 ~~license or~~ appointment or suspension or revocation of a license
 1140 or appointment issued to a reinsurance intermediary under this
 1141 section are as set forth in ss. 626.611-626.691 for insurance
 1142 representatives in general.

1143 (h) ~~(i)~~ An attorney licensed in this state, when acting in a
 1144 professional capacity, is exempt from this subsection.

1145 (i) ~~(j)~~ The department may develop necessary rules to carry
 1146 out this section.

1147 Section 21. Subsection (5) of section 626.752, Florida
 1148 Statutes, is amended to read:

1149 626.752 Exchange of business.—

1150 (5) Within 15 days after the last day of each month, any
 1151 insurer accepting business under this section shall report to
 1152 the department the name, address, telephone number, and social
 1153 security number of each agent from which the insurer received
 1154 more than four personal lines risks during the calendar year,
 1155 except for risks being removed from the Citizens Property
 1156 Insurance Corporation and placed with that insurer by a
 1157 brokering agent. Once the insurer has reported pursuant to this
 1158 subsection an agent's name to the department, additional reports
 1159 on the same agent shall not be required. However, the fee set
 1160 forth in s. 624.501 must be paid for the agent by the insurer

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1161 for each year until the insurer notifies the department that the
1162 insurer is no longer accepting business from the agent pursuant
1163 to this section. The insurer may require that the agent
1164 reimburse the insurer for the fee. If the insurer or employer
1165 does not pay the fees and taxes due pursuant to this subsection
1166 within 21 days after notice by the department, the department
1167 must suspend the insurer's or employer's authority to appoint
1168 licensees until all outstanding fees and taxes have been paid.

1169 Section 22. Subsection (3) of section 626.785, Florida
1170 Statutes, is amended to read:

1171 626.785 Qualifications for license.—

1172 (3) Notwithstanding any other provisions of this chapter, a
1173 funeral director, a direct disposer, or an employee of a funeral
1174 establishment that holds a preneed license pursuant to s.
1175 497.452 may obtain an agent's license or a limited license to
1176 sell only policies of life insurance covering the expense of a
1177 prearrangement for funeral services or merchandise so as to
1178 provide funds at the time the services and merchandise are
1179 needed. The face amount of insurance covered by any such policy
1180 shall not exceed \$21,000, plus an annual percentage increase
1181 based on the Annual Consumer Price Index compiled by the United
1182 States Department of Labor, beginning with the Annual Consumer
1183 Price Index announced by the United States Department of Labor
1184 for 2016.

1185 Section 23. Subsection (4) of section 626.793, Florida
1186 Statutes, is amended to read:

1187 626.793 Excess or rejected business.—

1188 (4) Within 15 days after the last day of each month, any
1189 insurer accepting business under this section shall report to

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1190 the department the name, address, telephone number, and social
1191 security number of each agent from which the insurer received
1192 more than four risks during the calendar year. Once the insurer
1193 has reported an agent's name to the department pursuant to this
1194 subsection, additional reports on the same agent shall not be
1195 required. However, the fee set forth in s. 624.501 must be paid
1196 for the agent by the insurer for each year until the insurer
1197 notifies the department that the insurer is no longer accepting
1198 business from the agent pursuant to this section. The insurer
1199 may require that the agent reimburse the insurer for the fee. If
1200 the insurer or employer does not pay the fees and taxes due
1201 pursuant to this subsection within 21 days after notice by the
1202 department, the department must suspend the insurer's or
1203 employer's authority to appoint licensees until all outstanding
1204 fees and taxes have been paid.

1205 Section 24. Subsection (5) of section 626.837, Florida
1206 Statutes, is amended to read:

1207 626.837 Excess or rejected business.—

1208 (5) Within 15 days after the last day of each month, any
1209 insurer accepting business under this section shall report to
1210 the department the name, address, telephone number, and social
1211 security number of each agent from which the insurer received
1212 more than four risks during the calendar year. Once the insurer
1213 has reported pursuant to this subsection an agent's name to the
1214 department, additional reports on the same agent shall not be
1215 required. However, the fee set forth in s. 624.501 must be paid
1216 for the agent by the insurer for each year until the insurer
1217 notifies the department that the insurer is no longer accepting
1218 business from the agent pursuant to this section. The insurer

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1219 may require that the agent reimburse the insurer for the fee. If
1220 the insurer or employer does not pay the fees and taxes due
1221 pursuant to this subsection within 21 days after notice by the
1222 department, the department must suspend the insurer's or
1223 employer's authority to appoint licensees until all outstanding
1224 fees and taxes have been paid.

1225 Section 25. Section 626.841, Florida Statutes, is reordered
1226 and amended to read:

1227 626.841 Definitions.—As used in this part, the term:

1228 (1) "Real estate closing transaction" means services
1229 performed by a title insurance agent or title insurance agency,
1230 or by an attorney agent in the agent's or agency's capacity as
1231 such, including, but not limited to, preparing documents
1232 necessary to close the transaction, conducting the closing, or
1233 handling the disbursing of funds related to the closing in a
1234 real estate closing transaction.

1235 (3)~~(1)~~ "Title insurance agent" means a person appointed in
1236 writing by a title insurer to issue and countersign commitments
1237 or policies of title insurance in its behalf.

1238 (2) "Title insurance agency" means an insurance agency
1239 under which title insurance agents and other employees determine
1240 insurability in accordance with underwriting rules and standards
1241 prescribed by the title insurer represented by the agency, and
1242 issue and countersign commitments, endorsements, or policies of
1243 title insurance, on behalf of the appointing title insurer. The
1244 term does not include a title insurer.

1245 Section 26. Paragraph (e) is added to subsection (2) of
1246 section 626.8411, Florida Statutes, to read:

1247 626.8411 Application of Florida Insurance Code provisions

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1248 to title insurance agents or agencies.—

1249 (2) The following provisions of part I do not apply to
1250 title insurance agents or title insurance agencies:

1251 (e) Section 626.173(1)(c), relating to notifying
1252 policyholders of the agency closure.

1253 Section 27. Present subsections (8) through (11) of section
1254 626.8437, Florida Statutes, are redesignated as subsections (9)
1255 through (12), respectively, and a new subsection (8) and
1256 subsection (13) are added to that section, to read:

1257 626.8437 Grounds for denial, suspension, revocation, or
1258 refusal to renew license or appointment.—The department shall
1259 deny, suspend, revoke, or refuse to renew or continue the
1260 license or appointment of any title insurance agent or agency,
1261 and it shall suspend or revoke the eligibility to hold a license
1262 or appointment of such person, if it finds that as to the
1263 applicant, licensee, appointee, or any principal thereof, any
1264 one or more of the following grounds exist:

1265 (8) Misappropriation, conversion, or unlawful withholding
1266 of funds received in a fiduciary capacity and held as part of an
1267 escrow agreement, real estate sales contract, or as provided on
1268 a settlement statement in a real estate transaction.

1269 (13) Revocation or cancellation of a licensee's resident
1270 license in a jurisdiction other than this state.

1271 Section 28. Subsections (7) and (8) are added to section
1272 626.844, Florida Statutes, to read:

1273 626.844 Grounds for discretionary refusal, suspension, or
1274 revocation of license or appointment.—The department may, in its
1275 discretion, deny, suspend, revoke, or refuse to renew or
1276 continue the license or appointment of any title insurance agent

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1277 or agency, and it may suspend or revoke the eligibility to hold
 1278 a license or appointment of any such title insurance agent or
 1279 agency if it finds that as to the applicant or licensee or
 1280 appointee, or any principal thereof, any one or more of the
 1281 following grounds exist under circumstances for which such
 1282 denial, suspension, revocation, or refusal is not mandatory
 1283 under s. 626.8437:

1284 (7) Having been the subject of, or having had a license,
 1285 permit, appointment, registration, or other authority to conduct
 1286 business subject to, any decision, finding, injunction,
 1287 suspension, prohibition, revocation, denial, judgment, final
 1288 agency action, or administrative order by any court of competent
 1289 jurisdiction, administrative law proceeding, state agency,
 1290 federal agency, national securities, commodities, or option
 1291 exchange, or national securities, commodities, or option
 1292 association involving a violation of any federal or state
 1293 securities or commodities law or any rule or regulation adopted
 1294 thereunder, or a violation of any rule or regulation of any
 1295 national securities, commodities, or options exchange or
 1296 national securities, commodities, or options association.

1297 (8) Revocation or cancellation of a licensee's resident
 1298 license in a jurisdiction other than this state.

1299 Section 29. Section 626.8473, Florida Statutes, is amended
 1300 to read:

1301 626.8473 Escrow; trust fund.—

1302 (1) A title insurance agency agent may engage in business
 1303 as an escrow agent as to funds received from others to be
 1304 subsequently disbursed ~~by the title insurance agent~~ in
 1305 connection with real estate closing transactions ~~involving the~~

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1306 ~~issuance of title insurance binders, commitments, policies of~~
1307 ~~title insurance, or guarantees of title,~~ provided that a
1308 licensed and appointed title insurance agency agent complies
1309 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
1310 requirements added after the initial licensure of the agency
1311 ~~agent~~.

1312 (2) All funds received by a title insurance agency agent as
1313 described in subsection (1) shall be trust funds received in a
1314 fiduciary capacity by the title insurance agency agent and shall
1315 be the property of the person or persons entitled thereto.

1316 (3) All funds received by a title insurance agency agent to
1317 be held in trust shall be immediately placed in a financial
1318 institution that is located within this state and is a member of
1319 the Federal Deposit Insurance Corporation or the National Credit
1320 Union Share Insurance Fund. ~~These funds shall be invested in an~~
1321 ~~escrow account in accordance with the investment requirements~~
1322 ~~and standards established for deposits and investments of state~~
1323 ~~funds in s. 17.57,~~ where the funds shall be kept until
1324 disbursement thereof is properly authorized.

1325 (4) Funds required to be maintained in escrow trust
1326 accounts pursuant to this section shall not be subject to any
1327 debts of the title insurance agency agent and shall be used only
1328 in accordance with the terms of the individual, escrow,
1329 settlement, or closing instructions under which the funds were
1330 accepted.

1331 (5) The title insurance agency agents shall maintain
1332 separate records of all receipts and disbursements of escrow,
1333 settlement, or closing funds.

1334 (6) In the event that the department promulgates rules

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1335 necessary to implement the requirements of this section pursuant
1336 to s. 624.308, the department shall consider reasonable
1337 standards necessary for the protection of funds held in trust,
1338 including, but not limited to, standards for accounting of
1339 funds, standards for receipt and disbursement of funds, and
1340 protection for the person or persons to whom the funds are to be
1341 disbursed.

1342 (7) A title insurance agency agent, or any officer,
1343 director, or employee thereof, or any person associated
1344 therewith as an independent contractor for bookkeeping or
1345 similar purposes, who converts or misappropriates funds received
1346 or held in escrow or in trust by such title insurance agency
1347 ~~agent~~, or any person who knowingly receives or conspires to
1348 receive such funds, commits:

1349 (a) If the funds converted or misappropriated are \$300 or
1350 less, a misdemeanor of the first degree, punishable as provided
1351 in s. 775.082 or s. 775.083.

1352 (b) If the funds converted or misappropriated are more than
1353 \$300, but less than \$20,000, a felony of the third degree,
1354 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1355 (c) If the funds converted or misappropriated are \$20,000
1356 or more, but less than \$100,000, a felony of the second degree,
1357 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1358 (d) If the funds converted or misappropriated are \$100,000
1359 or more, a felony of the first degree, punishable as provided in
1360 s. 775.082, s. 775.083, or s. 775.084.

1361 (8) An attorney shall deposit and maintain all funds
1362 received in connection with transactions in which the attorney
1363 is serving as a title or real estate settlement agent into a

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1364 separate trust account that is maintained exclusively for funds
1365 received in connection with such transactions and permit the
1366 account to be audited by its title insurers, unless maintaining
1367 funds in the separate account for a particular client would
1368 violate applicable rules of The Florida Bar.

1369 Section 30. Subsection (19) of section 626.854, Florida
1370 Statutes, is amended to read:

1371 626.854 "Public adjuster" defined; prohibitions.—The
1372 Legislature finds that it is necessary for the protection of the
1373 public to regulate public insurance adjusters and to prevent the
1374 unauthorized practice of law.

1375 (19) Except as otherwise provided in this chapter, no
1376 person, except an attorney at law or a licensed and appointed
1377 public adjuster, may for money, commission, or any other thing
1378 of value, directly or indirectly:

1379 (a) Prepare, complete, or file an insurance claim for an
1380 insured or a third-party claimant;

1381 (b) Act on behalf of or aid an insured or a third-party
1382 claimant in negotiating for or effecting the settlement of a
1383 claim for loss or damage covered by an insurance contract;

1384 (c) Offer to initiate or negotiate a claim on behalf of an
1385 insured;

1386 (d) Advertise services that require a license as a public
1387 adjuster; or

1388 (e) Solicit, investigate, or adjust a claim on behalf of a
1389 public adjuster, an insured, or a third-party claimant.

1390 Section 31. Section 626.874, Florida Statutes, is amended
1391 to read:

1392 626.874 Catastrophe or emergency adjusters.—

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1393 (1) In the event of a catastrophe or emergency, the
1394 department may issue a license, for the purposes and under the
1395 conditions and for the period of emergency as it shall
1396 determine, to persons who are residents or nonresidents of this
1397 state, who are at least 18 years of age, who are United States
1398 citizens or legal aliens who possess work authorization from the
1399 United States Bureau of Citizenship and Immigration Services,
1400 and who are not licensed adjusters under this part but who have
1401 been designated and certified to it as qualified to act as
1402 adjusters by an authorized insurer to adjust claims, losses, or
1403 damages under policies or contracts of insurance issued by such
1404 insurers, or by a licensed ~~the primary adjuster of an~~
1405 independent adjusting firm contracted with an authorized insurer
1406 to adjust claims on behalf of the insurer. The fee for the
1407 license is as provided in s. 624.501(12)(c).

1408 (2) If any person not a licensed adjuster who has been
1409 permitted to adjust such losses, claims, or damages under the
1410 conditions and circumstances set forth in subsection (1),
1411 engages in any of the misconduct described in or contemplated by
1412 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without
1413 notice and hearing, shall be authorized to issue its order
1414 denying such person the privileges granted under this section;
1415 and thereafter it shall be unlawful for any such person to
1416 adjust any such losses, claims, or damages in this state.

1417 Section 32. Subsection (2) of section 626.9892, Florida
1418 Statutes, is amended to read:

1419 626.9892 Anti-Fraud Reward Program; reporting of insurance
1420 fraud.—

1421 (2) The department may pay rewards of up to \$25,000 to

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1422 persons providing information leading to the arrest and
 1423 conviction of persons committing crimes investigated by the
 1424 department arising from violations of s. 400.9935, s. 440.105,
 1425 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.
 1426 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.
 1427 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.
 1428 817.233, ~~s. 817.234~~, s. 817.236, s. 817.2361, s. 817.505, s.
 1429 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.

1430 Section 33. Present subsections (7) through (12) of section
 1431 626.9957, Florida Statutes, are redesignated as subsections (8)
 1432 through (13), respectively, and a new subsection (7) is added to
 1433 that section, to read:

1434 626.9957 Conduct prohibited; denial, revocation,
 1435 termination, expiration, or suspension of registration.—

1436 (7) If a navigator registered under this part fails to
 1437 maintain an active, valid navigator's registration status with
 1438 the Federal Government or an exchange, the navigator's
 1439 registration issued under this part shall expire by operation of
 1440 law. A navigator with an expired registration may not be granted
 1441 subsequent registration until the navigator qualifies as a
 1442 first-time applicant.

1443 Section 34. Paragraph (c) of subsection (4) of section
 1444 627.351, Florida Statutes, is amended to read:

1445 627.351 Insurance risk apportionment plans.—

1446 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

1447 (c) The Joint Underwriting Association shall operate
 1448 subject to the supervision and approval of a board of governors
 1449 consisting of representatives of five of the insurers
 1450 participating in the Joint Underwriting Association, an attorney

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1451 named by The Florida Bar, a physician named by the Florida
1452 Medical Association, a dentist named by the Florida Dental
1453 Association, and a hospital representative named by the Florida
1454 Hospital Association. The Chief Financial Officer shall select
1455 the representatives of the five insurers or other persons with
1456 experience in medical malpractice insurance as determined by the
1457 Chief Financial Officer. One insurer representative shall be
1458 selected from recommendations of the American Insurance
1459 Association. One insurer representative shall be selected from
1460 recommendations of the Property Casualty Insurers Association of
1461 America. One insurer representative shall be selected from
1462 recommendations of the Florida Insurance Council. Two insurer
1463 representatives shall be selected to represent insurers that are
1464 not affiliated with these associations. Each board member shall
1465 serve for a 4-year term and may be reappointed, but no member
1466 shall serve more than 8 consecutive years. Vacancies on the
1467 board shall be filled for the remaining period of the term in
1468 the same manner as the initial appointments. During the first
1469 meeting of the board after June 30 of each year, the board shall
1470 choose one of its members to serve as chair of the board and
1471 another member to serve as vice chair of the board. There is no
1472 liability on the part of, and no cause of action shall arise
1473 against, any member insurer, self-insurer, or its agents or
1474 employees, the Joint Underwriting Association or its agents or
1475 employees, members of the board of governors, or the office or
1476 its representatives for any action taken by them in the
1477 performance of their powers and duties under this subsection.

1478 1. The Chief Financial Officer may remove a board member
1479 from office for misconduct, malfeasance, misfeasance, or neglect

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1480 of duty. Any vacancy so created shall be filled as provided in
1481 this paragraph.

1482 2. Board members are subject to the code of ethics under
1483 part III of chapter 112, including, but not limited to, the code
1484 of ethics and public disclosure and reporting of financial
1485 interests, pursuant to s. 112.3145. For purposes of applying
1486 part III of chapter 112 to activities of members of the board of
1487 governors, those persons are considered public officers and the
1488 Joint Underwriting Association is considered their agency.
1489 Notwithstanding s. 112.3143(2), a board member may not vote on
1490 any measure that he or she knows would inure to his or her
1491 special private gain or loss; that he or she knows would inure
1492 to the special private gain or loss of any principal by which he
1493 or she is retained, other than an agency as defined in s.
1494 112.312; or that he or she knows would inure to the special
1495 private gain or loss of a relative or business associate of the
1496 public officer. Before the vote is taken, such board member
1497 shall publicly state to the board the nature of his or her
1498 interest in the matter from which he or she is abstaining from
1499 voting and, within 15 days after the vote occurs, disclose the
1500 nature of his or her interest as a public record in a memorandum
1501 filed with the person responsible for recording the minutes of
1502 the meeting, who shall incorporate the memorandum in the
1503 minutes.

1504 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
1505 law, a board member may not knowingly accept, directly or
1506 indirectly, any gift or expenditure from a person or entity, or
1507 an employee or representative of such person or entity, which
1508 has a contractual relationship with the Joint Underwriting

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1509 Association or which is under consideration for a contract.

1510 4. A board member who fails to comply with subparagraph 2.
1511 or subparagraph 3. is subject to the penalties provided under
1512 ss. 112.317 and 112.3173.

1513 Section 35. Section 627.4215, Florida Statutes, is amended
1514 to read:

1515 627.4215 Disclosures to policyholders; coverage of
1516 behavioral health care services.—

1517 (1) A health insurer that offers behavioral health
1518 insurance coverages required by federal and state law shall make
1519 all of the following information available on its website:

1520 (a) The federal and state requirements for coverage of
1521 behavioral health care services.

1522 (b) Contact information for the Division of Consumer
1523 Services of the department, including a hyperlink, for consumers
1524 to submit inquiries or complaints relating to health insurer
1525 products or services regulated by the department or the office.

1526 (2) On an annual basis, a health insurer that offers
1527 behavioral health insurance coverage required by federal and
1528 state law shall provide a direct notice to insureds with
1529 behavioral health insurance coverages required by federal or
1530 state law which must include a description of the federal and
1531 state requirements for coverage of behavioral health care
1532 services. Such notice must also include the website address and
1533 statewide toll-free telephone number of the Division of Consumer
1534 Services of the department for receiving and logging complaints.

1535 Section 36. Subsection (5) is added to section 627.70132,
1536 Florida Statutes, to read:

1537 627.70132 Notice of property insurance claim.—

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1538 (5) This section does not apply to loss assessment claims
1539 made under s. 627.714.

1540 Section 37. Subsections (2) and (3) of section 627.7015,
1541 Florida Statutes, are amended to read:

1542 627.7015 Alternative procedure for resolution of disputed
1543 property insurance claims.—

1544 (2) At the time of issuance and renewal of a policy or at
1545 the time a first-party claim within the scope of this section is
1546 filed by the policyholder, the insurer shall notify the
1547 policyholder of its right to participate in the mediation
1548 program under this section. A claim is not eligible for
1549 mediation until an insurer has made a claim determination or
1550 elected to repair pursuant to s. 627.70131. The department shall
1551 prepare a consumer information pamphlet for distribution to
1552 persons participating in mediation.

1553 (3) The costs of mediation must be reasonable, and the
1554 insurer must bear all of the cost of conducting mediation
1555 conferences, except as otherwise provided in this section. If a
1556 policyholder fails to appear at the conference, the conference
1557 must be rescheduled upon the policyholder's payment of the costs
1558 of a rescheduled conference. If the insurer fails to appear at
1559 the conference, the insurer must pay the policyholder's actual
1560 cash expenses incurred in attending the conference if the
1561 insurer's failure to attend was not due to a good cause
1562 acceptable to the department. An insurer will be deemed to have
1563 failed to appear if the insurer's representative lacks authority
1564 to settle the full value of the claim. The insurer shall incur
1565 an additional fee for a rescheduled conference necessitated by
1566 the insurer's failure to appear at a scheduled conference. The

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1567 fees assessed by the department ~~administrator~~ must include a
1568 charge necessary to defray the expenses of the department
1569 related to its duties under this section and must be deposited
1570 in the Insurance Regulatory Trust Fund. The department may
1571 suspend the insurer's authority to appoint licensees if the
1572 insurer does not timely pay the required fees.

1573 Section 38. Subsection (1) of section 627.714, Florida
1574 Statutes, is amended to read:

1575 627.714 Residential condominium unit owner coverage; loss
1576 assessment coverage required.—

1577 (1) For policies issued or renewed on or after July 1,
1578 2010, coverage under a unit owner's residential property policy
1579 must include at least \$2,000 in property loss assessment
1580 coverage for all assessments made as a result of the same direct
1581 loss to the property, regardless of the number of assessments,
1582 owned by all members of the association collectively if such
1583 loss is of the type of loss covered by the unit owner's
1584 residential property insurance policy, to which a deductible of
1585 no more than \$250 per direct property loss applies. If a
1586 deductible was or will be applied to other property loss
1587 sustained by the unit owner resulting from the same direct loss
1588 to the property, no deductible applies to the loss assessment
1589 coverage. For policies issued after January 1, 2024, a loss
1590 assessment claim is deemed to have occurred on the date of the
1591 notice of loss assessment sent by a unit owner's condominium
1592 association.

1593 Section 39. Section 627.745, Florida Statutes, is amended
1594 to read:

1595 627.745 Mediation of claims.—

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1596 (1) (a) In any claim filed with an insurer for personal
1597 injury in an amount of \$10,000 or less or any claim for property
1598 damage in any amount, arising out of the ownership, operation,
1599 use, or maintenance of a motor vehicle, either party may demand
1600 mediation of the claim prior to the institution of litigation.

1601 (b) The costs of mediation must be reasonable, and the
1602 insurer must bear all of the cost of conducting mediation
1603 conferences, except as otherwise provided in this section. If a
1604 policyholder fails to appear at the conference, the conference
1605 must be rescheduled upon the policyholder's payment of the costs
1606 of a rescheduled conference. If the insurer fails to appear at
1607 the conference, the insurer must pay the policyholder's actual
1608 cash expenses incurred in attending the conference if the
1609 insurer's failure to attend was not due to a good cause
1610 acceptable to the department. An insurer is deemed to have
1611 failed to appear if the insurer's representative lacks authority
1612 to settle the full value of the claim. The insurer shall incur
1613 an additional fee, paid to the mediator, for a rescheduled
1614 conference necessitated by the insurer's failure to appear at a
1615 scheduled conference. The fees assessed by the department or
1616 administrator must include a charge necessary to defray the
1617 expenses of the department related to its duties under this
1618 section and must be deposited in the Insurance Regulatory Trust
1619 Fund. The department or administrator may request that the
1620 department suspend the insurer's authority to appoint licensees
1621 if the insurer does not timely pay the per-mediation-event
1622 administrative fee.

1623 ~~(b) A request for mediation shall be filed with the~~
1624 ~~department on a form approved by the department. The request for~~

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1625 ~~mediation shall state the reason for the request for mediation~~
1626 ~~and the issues in dispute which are to be mediated. The filing~~
1627 ~~of a request for mediation tolls the applicable time~~
1628 ~~requirements for filing suit for a period of 60 days following~~
1629 ~~the conclusion of the mediation process or the time prescribed~~
1630 ~~in s. 95.11, whichever is later.~~

1631 ~~(c) The insurance policy must specify in detail the terms~~
1632 ~~and conditions for mediation of a first party claim.~~

1633 ~~(d) The mediation shall be conducted as an informal process~~
1634 ~~in which formal rules of evidence and procedure need not be~~
1635 ~~observed. Any party participating in a mediation must have the~~
1636 ~~authority to make a binding decision. All parties must mediate~~
1637 ~~in good faith.~~

1638 ~~(e) The department shall randomly select mediators. Each~~
1639 ~~party may once reject the mediator selected, either originally~~
1640 ~~or after the opposing side has exercised its option to reject a~~
1641 ~~mediator.~~

1642 ~~(f) Costs of mediation shall be borne equally by both~~
1643 ~~parties unless the mediator determines that one party has not~~
1644 ~~mediated in good faith.~~

1645 ~~(g) Only one mediation may be requested for each claim,~~
1646 ~~unless all parties agree to further mediation.~~

1647 ~~(2) Upon receipt of a request for mediation, the department~~
1648 ~~shall refer the request to a mediator. The mediator shall notify~~
1649 ~~the applicant and all interested parties, as identified by the~~
1650 ~~applicant, and any other parties the mediator believes may have~~
1651 ~~an interest in the mediation, of the date, time, and place of~~
1652 ~~the mediation conference. The conference may be held by~~
1653 ~~telephone, if feasible. The mediation conference shall be held~~

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1654 ~~within 45 days after the request for mediation.~~

1655 (2) (a) ~~(3) (a)~~ The department shall approve mediators to
1656 conduct mediations pursuant to this section. All mediators must
1657 file an application under oath for approval as a mediator.

1658 (b) To qualify for approval as a mediator, an individual
1659 must meet one of the following qualifications:

1660 1. Possess an active certification as a Florida Supreme
1661 Court certified circuit court mediator. A Florida Supreme Court
1662 certified circuit court mediator in a lapsed, suspended,
1663 sanctioned, or decertified status is not eligible to participate
1664 in the mediation program.

1665 2. Be an approved department mediator as of July 1, 2014,
1666 and have conducted at least one mediation on behalf of the
1667 department within 4 years immediately preceding that date.

1668 (3) ~~(4)~~ The department shall deny an application, or suspend
1669 or revoke its approval, of a mediator to serve in such capacity
1670 if the department finds that one or more of the following
1671 grounds exist:

1672 (a) Lack of one or more of the qualifications specified in
1673 this section for approval.

1674 (b) Material misstatement, misrepresentation, or fraud in
1675 obtaining or attempting to obtain the approval.

1676 (c) Demonstrated lack of fitness or trustworthiness to act
1677 as a mediator.

1678 (d) Fraudulent or dishonest practices in the conduct of
1679 mediation or in the conduct of business in the financial
1680 services industry.

1681 (e) Violation of any provision of this code or of a lawful
1682 order or rule of the department, violation of the Florida Rules

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1683 for Certified and Court-Appointed Mediators, or aiding,
1684 instructing, or encouraging another party in committing such a
1685 violation.

1686
1687 The department may adopt rules to administer this subsection.

1688 (4) The department shall adopt by rule a motor vehicle
1689 claims insurance mediation program to be administered by the
1690 department or its designee. The department may also adopt
1691 special rules that are applicable in cases of an emergency
1692 within the state. The rules shall be modeled after practices and
1693 procedures set forth in mediation rules of procedure adopted by
1694 the Supreme Court. The rules must include:

1695 (a) Reasonable requirements for processing and scheduling
1696 of requests for mediation.

1697 (b) Provisions governing who may attend mediation
1698 conferences.

1699 (c) Selection of mediators.

1700 (d) Criteria for the conduct of mediation conferences.

1701 (e) Right to legal counsel.

1702 ~~(5) The department must adopt rules of procedure for claims~~
1703 ~~mediation, taking into consideration a system which:~~

1704 ~~(a) Is fair.~~

1705 ~~(b) Promotes settlement.~~

1706 ~~(c) Avoids delay.~~

1707 ~~(d) Is nonadversarial.~~

1708 ~~(e) Uses a framework for modern mediating technique.~~

1709 ~~(f) Controls of costs and expenses of mediation.~~

1710 (5) The department may designate an entity or person to
1711 serve as an administrator to carry out any of the provisions of

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1712 this section and may take this action by means of a written
1713 contract or agreement.

1714 (6) Disclosures and information divulged in the mediation
1715 process are not admissible in any subsequent action or
1716 proceeding relating to the claim or to the cause of action
1717 giving rise to the claim. A person demanding mediation under
1718 this section may not demand or request mediation after a suit is
1719 filed relating to the same facts already mediated.

1720 Section 40. Present subsections (7) through (12) of section
1721 631.141, Florida Statutes, are redesignated as subsections (8)
1722 through (13), respectively, and a new subsection (7) is added to
1723 that section, to read:

1724 631.141 Conduct of delinquency proceeding; domestic and
1725 alien insurers.—

1726 (7) In order to preserve as much as possible the right and
1727 interest of the policyholders whose insurance policies or
1728 similar contracts are affected by the receivership proceedings,
1729 the department as a domiciliary receiver may:

1730 (a) Use the property of the estate of the insurer to
1731 transfer the insurer's book of business, policies, or similar
1732 contracts of coverage, in whole or in part, to a solvent
1733 assuming insurer or insurers.

1734 (b) Notwithstanding s. 631.195, share records of the
1735 insurer with the prospective solvent assuming insurer or
1736 insurers, but only to the extent necessary to undertake due
1737 diligence for a transfer contemplated under this section.

1738 Section 41. Subsections (1) and (3) of section 631.252,
1739 Florida Statutes, are amended to read:

1740 631.252 Continuation of coverage.—

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1741 (1) Unless another insurer, with approval of the
1742 receivership court, assumes or otherwise provides coverage for
1743 the policies of the insolvent insurer, all insurance policies or
1744 similar contracts of coverage, other than coverages defined in
1745 s. 631.713 or health maintenance organization coverage under
1746 part IV, issued by the insurer shall be canceled upon the
1747 earlier ~~earliest to occur~~ of the following:

1748 (a) The date of entry of the liquidation or, if the court
1749 so provides in its order, the expiration of 30 days from the
1750 date of entry of the liquidation order;

1751 (b) The normal expiration of the policy or contract
1752 coverage;

1753 (c) The replacement of the coverage by the insured, or the
1754 replacement of the policy or contract of coverage, with a policy
1755 or contract acceptable to the insured by the receiver with
1756 another insurer; ~~or~~

1757 (d) The date proposed by the receiver and approved by the
1758 receivership court to cancel coverage; or

1759 ~~(e)~~ (e) The termination of the coverage by the insured.

1760 (3) The 30-day coverage continuation period provided in
1761 paragraph (1)(a) and s. 631.57(1)(a)1. may not be extended
1762 unless the Chief Financial Officer ~~office~~ determines, based on a
1763 reasonable belief, that market conditions are such that policies
1764 of residential property insurance coverage cannot be placed with
1765 an authorized insurer within 30 days and that an additional 15
1766 days is needed to place such coverage. ~~and~~ Failure of actual
1767 notice to the policyholder of the insolvency of the insurer, of
1768 commencement of a delinquency proceeding, or of expiration of
1769 the extension period does not affect such expiration.

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1770 Section 42. Subsection (1) of section 631.56, Florida
1771 Statutes, is amended, and subsections (5) through (8) are added
1772 to that section, to read:

1773 631.56 Board of directors.—

1774 (1) The board of directors of the association shall consist
1775 of not less than five or more than nine persons serving terms as
1776 established in the plan of operation. The department shall
1777 approve and appoint to the board persons recommended by the
1778 member insurers or other persons with experience in property and
1779 casualty insurance or motor vehicle insurance as determined by
1780 the Chief Financial Officer. Of those persons recommended by the
1781 member insurers and appointed by the department, a majority
1782 shall be from domestic insurers. In the event the department
1783 finds that any recommended person does not meet the
1784 qualifications for service on the board, the department shall
1785 request the member insurers to recommend another person. Each
1786 member shall serve for a 4-year term and may be reappointed, but
1787 no member shall serve more than 8 consecutive years. Vacancies
1788 on the board shall be filled for the remaining period of the
1789 term in the same manner as initial appointments.

1790 (5) The Chief Financial Officer may remove a board member
1791 from office for misconduct, malfeasance, misfeasance, or neglect
1792 of duty. Any vacancy so created shall be filled as provided in
1793 subsection (1).

1794 (6) Board members are subject to the code of ethics under
1795 part III of chapter 112, including, but not limited to, the code
1796 of ethics and public disclosure and reporting of financial
1797 interests, pursuant to s. 112.3145. For purposes of applying
1798 part III of chapter 112 to activities of members of the board of

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1799 directors, those persons are considered public officers and the
1800 association is considered their agency. Notwithstanding s.
1801 112.3143(2), a board member may not vote on any measure that he
1802 or she knows would inure to his or her special private gain or
1803 loss; that he or she knows would inure to the special private
1804 gain or loss of any principal by which he or she is retained,
1805 other than an agency as defined in s. 112.312; or that he or she
1806 knows would inure to the special private gain or loss of a
1807 relative or business associate of the public officer. Before the
1808 vote is taken, such member shall publicly state to the board the
1809 nature of his or her interest in the matter from which he or she
1810 is abstaining from voting and, within 15 days after the vote
1811 occurs, disclose the nature of his or her interest as a public
1812 record in a memorandum filed with the person responsible for
1813 recording the minutes of the meeting, who shall incorporate the
1814 memorandum in the minutes.

1815 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
1816 law, a board member may not knowingly accept, directly or
1817 indirectly, any gift or expenditure from a person or entity, or
1818 an employee or representative of such person or entity, which
1819 has a contractual relationship with the association or which is
1820 under consideration for a contract.

1821 (8) A board member who fails to comply with subsection (6)
1822 or subsection (7) is subject to the penalties provided under ss.
1823 112.317 and 112.3173.

1824 Section 43. Paragraph (a) of subsection (1) of section
1825 631.716, Florida Statutes, is amended, and subsections (4)
1826 through (7) are added to that section, to read:

1827 631.716 Board of directors.-

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1828 (1) (a) The board of directors of the association shall have
1829 at least 9, but no more than 11, members. The members shall
1830 consist ~~be comprised~~ of member insurers serving terms as
1831 established in the plan of operation and 1 Florida Health
1832 Maintenance Organization Consumer Assistance Plan director
1833 confirmed pursuant to paragraph (b), or other persons with
1834 experience in life and annuity or accident and health insurance
1835 as determined by the Chief Financial Officer. At all times, at
1836 least 1 ~~member of the board~~ member must be a domestic insurer as
1837 defined in s. 624.06(1). The ~~members of the board~~ members who
1838 are member insurers shall be elected by member insurers, subject
1839 to the approval of the department. Each board member shall serve
1840 for a 4-year term and may be reappointed, but no member shall
1841 serve more than 8 consecutive years.

1842 (4) The Chief Financial Officer may remove a board member
1843 from office for misconduct, malfeasance, misfeasance, or neglect
1844 of duty. Any vacancy so created shall be filled as provided in
1845 subsection (1).

1846 (5) Board members are subject to the code of ethics under
1847 part III of chapter 112, including, but not limited to, the code
1848 of ethics and public disclosure and reporting of financial
1849 interests, pursuant to s. 112.3145. For purposes of applying
1850 part III of chapter 112 to activities of members of the board of
1851 directors, those persons are considered public officers and the
1852 association is considered their agency. Notwithstanding s.
1853 112.3143(2), a board member may not vote on any measure that he
1854 or she knows would inure to his or her special private gain or
1855 loss; that he or she knows would inure to the special private
1856 gain or loss of any principal by which he or she is retained,

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1857 other than an agency as defined in s. 112.312; or that he or she
1858 knows would inure to the special private gain or loss of a
1859 relative or business associate of the public officer. Before the
1860 vote is taken, such member shall publicly state to the board the
1861 nature of his or her interest in the matter from which he or she
1862 is abstaining from voting and, within 15 days after the vote
1863 occurs, disclose the nature of his or her interest as a public
1864 record in a memorandum filed with the person responsible for
1865 recording the minutes of the meeting, who shall incorporate the
1866 memorandum in the minutes.

1867 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
1868 law, a board member may not knowingly accept, directly or
1869 indirectly, any gift or expenditure from a person or entity, or
1870 an employee or representative of such person or entity, which
1871 has a contractual relationship with the association or which is
1872 under consideration for a contract.

1873 (7) A board member who fails to comply with subsection (5)
1874 or subsection (6) is subject to the penalties provided under ss.
1875 112.317 and 112.3173.

1876 Section 44. Subsection (1) of section 631.816, Florida
1877 Statutes, is amended, and subsections (8) through (11) are added
1878 to that section, to read:

1879 631.816 Board of directors.—

1880 (1) The board of directors of the plan shall consist of not
1881 less than five or more than nine persons serving terms as
1882 established in the plan of operation. The department shall
1883 approve and appoint to the board persons recommended by the
1884 member HMOs or other persons with experience in health insurance
1885 as determined by the Chief Financial Officer. ~~In the event the~~

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1886 ~~department finds that any recommended person does not meet the~~
1887 ~~qualifications for service on the board, the department shall~~
1888 ~~request the member HMOs to recommend another person.~~ Each member
1889 shall serve for a 4-year term and may be reappointed, except
1890 that terms may be staggered as defined in the plan of operation.
1891 No member shall serve more than 8 consecutive years. Vacancies
1892 on the board shall be filled for the remaining period of the
1893 term in the same manner as initial appointments. In determining
1894 voting rights, each HMO is entitled to vote on the basis of
1895 cumulative weighted voting based on the net written premium for
1896 non-Medicare and non-Medicaid policies.

1897 (8) The Chief Financial Officer may remove a board member
1898 from office for misconduct, malfeasance, misfeasance, or neglect
1899 of duty. Any vacancy so created shall be filled as provided in
1900 subsection (1).

1901 (9) Board members are subject to the code of ethics under
1902 part III of chapter 112, including, but not limited to, the code
1903 of ethics and public disclosure and reporting of financial
1904 interests, pursuant to s. 112.3145. For purposes of applying
1905 part III of chapter 112 to activities of members of the board of
1906 directors, those persons are considered public officers and the
1907 plan is considered their agency. Notwithstanding s. 112.3143(2),
1908 a board member may not vote on any measure that he or she knows
1909 would inure to his or her special private gain or loss; that he
1910 or she knows would inure to the special private gain or loss of
1911 any principal by which he or she is retained, other than an
1912 agency as defined in s. 112.312; or that he or she knows would
1913 inure to the special private gain or loss of a relative or
1914 business associate of the public officer. Before the vote is

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1915 taken, such member shall publicly state to the board the nature
 1916 of his or her interest in the matter from which he or she is
 1917 abstaining from voting and, within 15 days after the vote
 1918 occurs, disclose the nature of his or her interest as a public
 1919 record in a memorandum filed with the person responsible for
 1920 recording the minutes of the meeting, who shall incorporate the
 1921 memorandum in the minutes.

1922 (10) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1923 law, a board member may not knowingly accept, directly or
 1924 indirectly, any gift or expenditure from a person or entity, or
 1925 an employee or representative of such person or entity, which
 1926 has a contractual relationship with the plan or which is under
 1927 consideration for a contract.

1928 (11) A board member who fails to comply with subsection (9)
 1929 or subsection (10) is subject to the penalties provided under
 1930 ss. 112.317 and 112.3173.

1931 Section 45. Subsection (1) of section 631.912, Florida
 1932 Statutes, is amended, and subsections (4), (5), and (6) are
 1933 added to that section, to read:

1934 631.912 Board of directors.—

1935 (1) The board of directors of the corporation shall consist
 1936 of 11 persons, 1 of whom is the insurance consumer advocate
 1937 appointed under s. 627.0613 or designee and 1 of whom is
 1938 designated by the Chief Financial Officer. The department shall
 1939 appoint to the board 6 persons selected by private carriers from
 1940 among the 20 workers' compensation insurers with the largest
 1941 amount of direct written premium as determined by the
 1942 department, and 2 persons selected by the self-insurance funds
 1943 or other persons with experience in workers' compensation

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1944 insurance as determined by the Chief Financial Officer. The
1945 Governor shall appoint one person who has commercial insurance
1946 experience. At least two of the private carriers shall be
1947 foreign carriers authorized to do business in this state. The
1948 board shall elect a chairperson from among its members. The
1949 Chief Financial Officer may remove any board member for cause.
1950 Each board member shall be appointed to serve a 4-year term and
1951 may be reappointed, but no member shall serve more than 8
1952 consecutive years. A vacancy on the board shall be filled for
1953 the remaining period of the term in the same manner by which the
1954 original appointment was made.

1955 (4) Board members are subject to the code of ethics under
1956 part III of chapter 112, including, but not limited to, the code
1957 of ethics and public disclosure and reporting of financial
1958 interests, pursuant to s. 112.3145. For purposes of applying
1959 part III of chapter 112 to activities of members of the board of
1960 directors, those persons are considered public officers and the
1961 corporation is considered their agency. Notwithstanding s.
1962 112.3143(2), a board member may not vote on any measure that he
1963 or she knows would inure to his or her special private gain or
1964 loss; that he or she knows would inure to the special private
1965 gain or loss of any principal by which he or she is retained,
1966 other than an agency as defined in s. 112.312; or that he or she
1967 knows would inure to the special private gain or loss of a
1968 relative or business associate of the public officer. Before the
1969 vote is taken, such member shall publicly state to the board the
1970 nature of his or her interest in the matter from which he or she
1971 is abstaining from voting and, within 15 days after the vote
1972 occurs, disclose the nature of his or her interest as a public

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1973 record in a memorandum filed with the person responsible for
 1974 recording the minutes of the meeting, who shall incorporate the
 1975 memorandum in the minutes.

1976 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1977 law, a board member may not knowingly accept, directly or
 1978 indirectly, any gift or expenditure from a person or entity, or
 1979 an employee or representative of such person or entity, which
 1980 has a contractual relationship with the corporation or which is
 1981 under consideration for a contract.

1982 (6) A board member who fails to comply with subsection (4)
 1983 or subsection (5) is subject to the penalties provided under ss.
 1984 112.317 and 112.3173.

1985 Section 46. Section 633.1423, Florida Statutes, is created
 1986 to read:

1987 633.1423 State Fire Marshal direct-support organization.—

1988 (1) DEFINITION.—As used in this section, the term
 1989 “organization” means the direct-support organization established
 1990 under this section.

1991 (2) ORGANIZATION ESTABLISHED.—The division may establish a
 1992 direct-support organization, to be known as the “State Fire
 1993 Marshal Safety and Training Force,” whose sole purpose is to
 1994 support the safety and training of firefighters and to recognize
 1995 exemplary service. The organization must:

1996 (a) Be a not-for-profit corporation incorporated under
 1997 chapter 617 and approved by the Department of State.

1998 (b) Be organized and operated to raise funds; request and
 1999 receive grants, gifts, and bequests of money; conduct programs
 2000 and activities; acquire, receive, hold, invest, and administer,
 2001 in its own name, securities, funds, or property; and make grants

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2002 and expenditures to or for the direct or indirect benefit of the
2003 division. Grants and expenditures may include the cost of
2004 education or training of firefighters, or the recognition of
2005 exemplary service of firefighters.

2006 (c) Be determined by the division to operate in a manner
2007 that is:

2008 1. Consistent with the goals of the division and laws
2009 relating to the safety and training of firefighters.

2010 2. In the best interest of the state.

2011 3. In accordance with the adopted goals and mission of the
2012 division.

2013 (d) Use all of its grants and expenditures solely for the
2014 purpose of educating, training, and recognizing firefighters,
2015 and not for advertising using the likeness or name of any
2016 elected official nor for the purpose of lobbying as defined in
2017 s. 11.045(1).

2018 (e) Be subject to an annual financial audit in accordance
2019 with s. 215.981.

2020 (3) CONTRACT.—The organization shall operate under written
2021 contract with the division. The contract must provide for:

2022 (a) Certification by the division that the organization is
2023 complying with the terms of the contract and in a manner
2024 consistent with the goals and purposes of the department and in
2025 the best interest of the state. Such certification must be made
2026 annually and reported in the official minutes of a meeting of
2027 the organization.

2028 (b) The reversion of moneys and property held by the
2029 organization for firefighter safety, training, and recognition
2030 to the division if the organization is no longer approved to

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2031 operate by the division or if the organization ceases to exist,
2032 or to the state if the division ceases to exist.

2033 (4) BOARD OF DIRECTORS.—The organization shall be governed
2034 by a board of directors. The State Fire Marshal, or his or her
2035 designee, shall appoint a president of the board. The board of
2036 directors shall be appointed by the president of the board.

2037 (5) USE OF PROPERTY.—The division may authorize, without
2038 charge, appropriate use of fixed property and facilities of the
2039 division by the organization, subject to this subsection.

2040 (a) The department may prescribe any condition with which
2041 the organization must comply in order to use the division's
2042 property or facilities.

2043 (b) The department may not authorize the use of the
2044 division's property or facilities if the organization does not
2045 provide equal membership and employment opportunities to all
2046 persons regardless of race, religion, sex, age, or national
2047 origin.

2048 (c) The department shall adopt rules prescribing the
2049 procedures by which the organization is governed and any
2050 conditions with which the organization must comply to use the
2051 division's property or facilities.

2052 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
2053 organization may be held in a separate depository account in the
2054 name of the organization and subject to the contract with the
2055 division.

2056 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall
2057 submit to the division its annual budget and financial reports,
2058 its federal Internal Revenue Service Application for Recognition
2059 of Exemption Form 1023, and its federal Internal Revenue Service

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2060 Return of Organization Exempt from Income Tax Form 990.

2061 (8) ANNUAL AUDIT.—The organization shall provide for an
 2062 annual financial audit in accordance with s. 215.981.

2063 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
 2064 the division from the organization shall be deposited into the
 2065 Insurance Regulatory Trust Fund.

2066 Section 47. Section 634.181, Florida Statutes, is amended
 2067 to read:

2068 634.181 Grounds for compulsory refusal, suspension, or
 2069 revocation of license or appointment of salespersons.—

2070 (1) The department shall deny, suspend, revoke, or refuse
 2071 to renew or continue the license or appointment of any such
 2072 salesperson if it finds that as to the salesperson any one or
 2073 more of the following applicable grounds exist:

2074 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
 2075 in obtaining or attempting to obtain the license or appointment.

2076 (b)~~(2)~~ If the license or appointment is willfully used, or
 2077 to be used, to circumvent any of the requirements or
 2078 prohibitions of this part, any applicable provision of the
 2079 Florida Insurance Code, or rule of the department or commission.

2080 (c)~~(3)~~ Willful misrepresentation of any service agreement
 2081 or willful deception with regard to any agreement, done either
 2082 in person or by any form of dissemination of information or
 2083 advertising.

2084 (d)~~(4)~~ If in the adjustment of claims arising out of
 2085 service agreements, she or he has materially misrepresented to a
 2086 service agreement holder or other interested party the terms and
 2087 coverage of a service agreement with intent and for the purpose
 2088 of effecting settlement of the claim on less favorable terms

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2089 than those provided in and contemplated by the service
2090 agreement.

2091 (e)~~(5)~~ For demonstrated lack of fitness or trustworthiness
2092 to engage in the service agreement business.

2093 (f)~~(6)~~ For demonstrated lack of adequate knowledge and
2094 technical competence to engage in the transactions authorized by
2095 the license or appointment.

2096 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2097 business under the license or appointment.

2098 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2099 withholding of moneys belonging to a service agreement company,
2100 insurer, or service agreement holder or to others and received
2101 in the conduct of business under the license or appointment.

2102 (i)~~(9)~~ For unlawfully rebating, or attempt thereat, or for
2103 unlawfully dividing or offering to divide her or his commission
2104 with another.

2105 (j)~~(10)~~ Willful failure to comply with, or willful
2106 violation of any proper order of the department or office, or
2107 willful violation of any provision of this part, or of any
2108 applicable provision of the insurance code, or applicable rule
2109 of the department or commission.

2110 (k)~~(11)~~ Having been found guilty of, or having pleaded
2111 guilty or nolo contendere to, a felony or a crime punishable by
2112 imprisonment of 1 year or more under the law of the United
2113 States of America or any state thereof or under the law of any
2114 other country which involves moral turpitude, without regard to
2115 whether a judgment of conviction has been entered by the court
2116 having jurisdiction of the cases.

2117 (l)~~(12)~~ Failure to refund unearned pro rata commission to

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2118 the agreement holder or the service agreement company, if the
2119 service agreement company is making a full unearned pro rata
2120 refund to the agreement holder.

2121 (m) Having been the subject of, or having had a license,
2122 permit, appointment, registration, or other authority to conduct
2123 business subject to, any decision, finding, injunction,
2124 suspension, prohibition, revocation, denial, judgment, final
2125 agency action, or administrative order by any court of competent
2126 jurisdiction, administrative law proceeding, state agency,
2127 federal agency, national securities, commodities, or options
2128 exchange, or national securities, commodities, or options
2129 association involving a violation of any federal or state
2130 securities or commodities law or any rule or regulation adopted
2131 thereunder, or a violation of any rule or regulation of any
2132 national securities, commodities, or options exchange or
2133 national securities, commodities, or options association.

2134 (2) When a licensee is charged with a felony enumerated in
2135 s. 626.207(2), the department shall, immediately upon receipt of
2136 information on or indictment for the felony, temporarily suspend
2137 a license or appointment issued under this chapter. Such
2138 suspension shall continue if the licensee is found guilty of, or
2139 pleads guilty or nolo contendere to, the crime, regardless of
2140 whether a judgment or conviction is entered, during a pending
2141 appeal. A person may not transact insurance business after
2142 suspension of his or her license or appointment.

2143 (3) The department may adopt rules to administer this
2144 section.

2145 Section 48. Section 634.191, Florida Statutes, is amended
2146 to read:

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2147 634.191 Grounds for discretionary refusal, suspension, or
2148 revocation of license or appointment of salespersons.-

2149 (1) The department may, in its discretion, deny, suspend,
2150 revoke, or refuse to renew or continue the license or
2151 appointment of any salesperson if it finds that as to the
2152 salesperson any one or more of the following applicable grounds
2153 exist under circumstances for which such denial, suspension,
2154 revocation, or refusal is not mandatory under s. 634.181:

2155 (a)~~(1)~~ For any cause for which granting of the license or
2156 appointment could have been refused had it then existed and been
2157 known to the department.

2158 (b)~~(2)~~ Violation of any provision of this part or of any
2159 other law applicable to the business of service agreements in
2160 the course of dealings under the license or appointment.

2161 (c)~~(3)~~ Violation of ~~Has violated~~ any lawful order or rule
2162 of the department or commission.

2163 (d)~~(4)~~ Failure or refusal, upon demand, to pay over to any
2164 company or insurer the salesperson represents or has represented
2165 any money coming into her or his hands belonging to the company
2166 or insurer.

2167 (e)~~(5)~~ If, in the conduct of business under the license or
2168 appointment, the salesperson has engaged in unfair methods of
2169 competition or in unfair or deceptive acts or practices, as such
2170 methods, acts, or practices are or may be defined under this
2171 part, or has otherwise shown herself or himself to be a source
2172 of injury or loss to the public or detrimental to the public
2173 interest.

2174 (f)~~(6)~~ Failure to report to the department within 30 days
2175 the final disposition of an administrative action taken against

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2176 a salesperson by a governmental agency or other regulatory
2177 agency in this state or any other state or jurisdiction relating
2178 to the business of insurance, the sale of securities, or an
2179 activity involving fraud, dishonesty, trustworthiness, or breach
2180 of a fiduciary duty. The salesperson must submit a copy of the
2181 order, consent to order, or other relevant legal documents to
2182 the department ~~Having been found guilty of, or having pleaded~~
2183 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
2184 ~~imprisonment of 1 year or more under the law of the United~~
2185 ~~States of America or any state thereof or under the law of any~~
2186 ~~other country, without regard to whether a judgment of~~
2187 ~~conviction has been entered by the court having jurisdiction of~~
2188 ~~the cases.~~

2189 (2) The department may adopt rules to administer this
2190 section.

2191 Section 49. Section 634.318, Florida Statutes, is amended
2192 to read:

2193 634.318 License and appointment of sales representatives.—

2194 (1) Sales representatives for home warranty associations
2195 and insurers shall be licensed, appointed, renewed, continued,
2196 reinstated, or terminated in the same manner as prescribed in
2197 chapter 626 for insurance representatives in general, except
2198 they shall be exempt from the fingerprinting, photo
2199 identification card, education, and examination provisions.
2200 License, appointment, and other fees shall be those as
2201 prescribed in s. 624.501. No employee or sales representative of
2202 a home warranty association or insurer may directly or
2203 indirectly solicit or negotiate insurance contracts, or hold
2204 herself or himself out in any manner to be an insurance agent,

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2205 unless so qualified, licensed, and appointed therefor under the
2206 insurance code. A home warranty association is not required to
2207 be licensed as a sales representative to solicit, sell, issue,
2208 or otherwise transact the home warranty agreements issued by the
2209 home warranty association.

2210 (2) The department may issue a license to a nonresident
2211 applicant if the applicant is licensed as a sales representative
2212 for home warranty associations and insurers in the applicant's
2213 home state. The department shall verify the nonresident
2214 applicant's licensing status, if available, through the Producer
2215 Database maintained by the National Association of Insurance
2216 Commissioners, its affiliates, or subsidiaries. A nonresident
2217 sales representative for home warranty associations and insurers
2218 shall at all times while licensed in this state maintain the
2219 sales representative's home state license as a sales
2220 representative for home warranty associations and insurers. A
2221 nonresident sales representative for home warranty and insurers
2222 shall notify the department of any lapse, suspension, or
2223 revocation of the sales representative's home state license
2224 within 5 days after the lapse, suspension, or revocation. The
2225 nonresident license shall expire by operation of law on day 31
2226 if the licensee does not have a valid home state license for a
2227 period of 30 days.

2228 (3) Upon becoming a resident of this state, an individual
2229 who holds a Florida nonresident sales representative for home
2230 warranty associations and insurers license may, for a period not
2231 to exceed 90 days, continue to transact in this state under the
2232 nonresident license. Such individual must apply for resident
2233 licensure and must become licensed as a resident sales

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2234 representative for home warranty associations and insurers
2235 within 90 days after becoming a resident of this state.

2236 Section 50. Section 634.320, Florida Statutes, is amended
2237 to read:

2238 634.320 Grounds for compulsory refusal, suspension, or
2239 revocation of license or appointment of sales representatives.—

2240 (1) The department shall deny, suspend, revoke, or refuse
2241 to renew or continue the license or appointment of any sales
2242 representative if it is found that any one or more of the
2243 following grounds applicable to the sales representative exist:

2244 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2245 in obtaining or attempting to obtain a license or appointment.

2246 (b)~~(2)~~ The license or appointment is willfully used, or to
2247 be used, to circumvent any of the requirements or prohibitions
2248 of this part.

2249 (c)~~(3)~~ Willful misrepresentation of any warranty contract
2250 or willful deception with regard to any such contract, done
2251 either in person or by any form of dissemination of information
2252 or advertising.

2253 (d)~~(4)~~ In the adjustment of claims arising out of
2254 warranties, material misrepresentation to a warranty holder or
2255 other interested party of the terms and coverage of a contract,
2256 with the intent and for the purpose of effecting settlement of
2257 such claim on less favorable terms than those provided in and
2258 contemplated by the contract.

2259 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2260 engage in the business of home warranty.

2261 (f)~~(6)~~ Demonstrated lack of adequate knowledge and
2262 technical competence to engage in the transactions authorized by

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2263 the license or appointment.

2264 ~~(g)(7)~~ Fraudulent or dishonest practices in the conduct of
2265 business under the license or appointment.

2266 ~~(h)(8)~~ Misappropriation, conversion, or unlawful
2267 withholding of moneys belonging to an association, insurer, or
2268 warranty holder, or to others, and received in the conduct of
2269 business under the license or appointment.

2270 ~~(i)(9)~~ Unlawfully rebating, or attempting to unlawfully
2271 rebate, or unlawfully dividing, or offering to divide, her or
2272 his commission with another.

2273 ~~(j)(10)~~ Willful failure to comply with, or willful
2274 violation of, any proper order or rule of the department or
2275 commission or willful violation of any provision of this part.

2276 ~~(k)(11)~~ Being found guilty of or pleading guilty or nolo
2277 contendere to a felony or a crime punishable by imprisonment of
2278 1 year or more under the law of the United States of America or
2279 any state thereof or under the law of any other country
2280 ~~involving moral turpitude~~, without regard to whether judgment of
2281 conviction has been entered by the court.

2282 (l) Having been the subject of, or having had a license,
2283 permit, appointment, registration, or other authority to conduct
2284 business subject to, any decision, finding, injunction,
2285 suspension, prohibition, revocation, denial, judgment, final
2286 agency action, or administrative order by any court of competent
2287 jurisdiction, administrative law proceeding, state agency,
2288 federal agency, national securities, commodities, or options
2289 exchange, or national securities, commodities, or options
2290 association involving a violation of any federal or state
2291 securities or commodities law or any rule or regulation adopted

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2292 thereunder, or a violation of any rule or regulation of any
2293 national securities, commodities, or options exchange or
2294 national securities, commodities, or options association.

2295 (2) When a licensee is charged with a felony enumerated in
2296 s. 626.207(2), the department shall, immediately upon receipt of
2297 information on or indictment for the felony, temporarily suspend
2298 a license or appointment issued under this chapter. Such
2299 suspension shall continue if the licensee is found guilty of, or
2300 pleads guilty or nolo contendere to, the crime, regardless of
2301 whether a judgment or conviction is entered, during a pending
2302 appeal. A person may not transact insurance business after
2303 suspension of his or her license or appointment.

2304 (3) The department may adopt rules to administer this
2305 section.

2306 Section 51. Section 634.321, Florida Statutes, is amended
2307 to read:

2308 634.321 Grounds for discretionary refusal, suspension, or
2309 revocation of license or appointment of sales representatives.—

2310 (1) The department may, in its discretion, deny, suspend,
2311 revoke, or refuse to renew or continue the license or
2312 appointment of any sales representative if it is found that any
2313 one or more of the following grounds applicable to the sales
2314 representative exist under circumstances for which such denial,
2315 suspension, revocation, or refusal is not mandatory under s.
2316 634.320:

2317 (a)~~(1)~~ Any cause for which granting of the license or
2318 appointment could have been refused had it then existed and been
2319 known to the department.

2320 (b)~~(2)~~ Violation of any provision of this part, or of any

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2321 other law applicable to the business of warranties, in the
2322 course of dealings under the license or appointment.

2323 ~~(c)(3)~~ Violation of any lawful order or rule of the
2324 department or commission.

2325 ~~(d)(4)~~ Failure or refusal to pay over, upon demand, to any
2326 home warranty association or insurer the sales representative
2327 represents or has represented any money coming into her or his
2328 hands which belongs to the association or insurer.

2329 ~~(e)(5)~~ In the conduct of business under the license or
2330 appointment, engaging in unfair methods of competition or in
2331 unfair or deceptive acts or practices, as such methods, acts, or
2332 practices are or may be defined under this part, or otherwise
2333 showing herself or himself to be a source of injury or loss to
2334 the public or detriment to the public interest.

2335 ~~(f)(6)~~ Failure to report to the department within 30 days
2336 the final disposition of an administrative action taken against
2337 a sales representative by a governmental agency or other
2338 regulatory agency in this state or any other state or
2339 jurisdiction relating to the business of insurance, the sale of
2340 securities, or an activity involving fraud, dishonesty,
2341 trustworthiness, or breach of a fiduciary duty. The sales
2342 representative must submit a copy of the order, consent to
2343 order, or other relevant legal documents to the department ~~Being~~
2344 ~~found guilty of or pleading guilty or nolo contendere to a~~
2345 ~~felony or a crime punishable by imprisonment of 1 year or more~~
2346 ~~under the law of the United States of America or any state~~
2347 ~~thereof or under the law of any other country, without regard to~~
2348 ~~whether a judgment of conviction has been entered by the court.~~

2349 (2) The department may adopt rules to administer this

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2350 section.

2351 Section 52. Paragraphs (d), (e), and (f) of subsection (17)
2352 of section 634.401, Florida Statutes, are amended to read:

2353 634.401 Definitions.—As used in this part, the term:

2354 (17) “Manufacturer” means any entity or its affiliate
2355 which:

2356 ~~(d) Maintains outstanding debt obligations, if any, rated~~
2357 ~~in the top four rating categories by a recognized rating~~
2358 ~~service;~~

2359 (d)(e) Has and maintains at all times, a minimum net worth
2360 of at least \$100 ~~\$10~~ million as evidenced by certified financial
2361 statements prepared by an independent certified public
2362 accountant in accordance with generally accepted accounting
2363 principles; and

2364 (e)(f) Is authorized to do business in this state.

2365 Section 53. Paragraph (a) of subsection (7) of section
2366 634.406, Florida Statutes, is amended to read:

2367 634.406 Financial requirements.—

2368 (7) An association licensed under this part and holding no
2369 other license under part I or part II of this chapter is not
2370 required to establish an unearned premium reserve or maintain
2371 contractual liability insurance and may allow its premiums to
2372 exceed the ratio to net assets limitation of this section if the
2373 association complies with the following:

2374 (a) The association or, if the association is a direct or
2375 indirect wholly owned subsidiary of a parent corporation, its
2376 parent corporation has, and maintains at all times, a minimum
2377 net worth of at least \$100 million and provides the office with
2378 the following:

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2379 1. A copy of the association's annual audited financial
2380 statements or the audited consolidated financial statements of
2381 the association's parent corporation, prepared by an independent
2382 certified public accountant in accordance with generally
2383 accepted accounting principles, which clearly demonstrate the
2384 net worth of the association or its parent corporation to be
2385 \$100 million and a quarterly written certification to the office
2386 that such entity continues to maintain the net worth required
2387 under this paragraph.

2388 2. The association's, or its parent corporation's, Form 10-
2389 K, Form 10-Q, or Form 20-F as filed with the United States
2390 Securities and Exchange Commission or such other documents
2391 required to be filed with a recognized stock exchange, which
2392 shall be provided on a quarterly and annual basis within 10 days
2393 after the last date each such report must be filed with the
2394 Securities and Exchange Commission, the National Association of
2395 Security Dealers Automated Quotation system, or other recognized
2396 stock exchange.

2397
2398 Failure to timely file the documents required under this
2399 paragraph may, at the discretion of the office, subject the
2400 association to suspension or revocation of its license under
2401 this part. ~~An association or parent corporation demonstrating~~
2402 ~~compliance with subparagraphs 1. and 2. must maintain~~
2403 ~~outstanding debt obligations, if any, rated in the top four~~
2404 ~~rating categories by a recognized rating service.~~

2405 Section 54. Section 634.419, Florida Statutes, is amended
2406 to read:

2407 634.419 License and appointment required.—No person or

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2408 entity shall solicit, negotiate, advertise, or effectuate
2409 service warranty contracts in this state unless such person or
2410 entity is licensed and appointed as a sales representative.
2411 Sales representatives shall be responsible for the actions of
2412 persons under their supervision. However, a service warranty
2413 association licensed as such under this part shall not be
2414 required to be licensed and appointed as a sales representative
2415 to solicit, negotiate, advertise, or effectuate its products.
2416 Sections 501.021-501.055 do not apply to persons or entities
2417 licensed and appointed under this section, or their affiliates,
2418 which solicit the sale of a service warranty or related service
2419 or product in connection with a prearranged appointment at the
2420 request of the consumer.

2421 Section 55. Section 634.420, Florida Statutes, is amended
2422 to read:

2423 634.420 License and appointment of sales representatives.-

2424 (1) Sales representatives for service warranty associations
2425 or insurers shall be licensed, appointed, renewed, continued,
2426 reinstated, or terminated in accordance with procedures as
2427 prescribed in chapter 626 for insurance representatives in
2428 general. However, they shall be exempt from all other provisions
2429 of chapter 626, including fingerprinting, photo identification,
2430 education, and examination. License, appointment, and other fees
2431 shall be those prescribed in s. 624.501. A licensed and
2432 appointed sales representative shall be directly responsible and
2433 accountable for all acts of the licensed sales representative's
2434 employees or other representatives. Each service warranty
2435 association or insurer shall, on forms prescribed by the
2436 department, within 30 days after termination of the appointment,

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2437 notify the department of such termination. No employee or sales
2438 representative of a service warranty association or insurer may
2439 directly or indirectly solicit or negotiate insurance contracts,
2440 or hold herself or himself out in any manner to be an insurance
2441 agent, unless so qualified, licensed, and appointed therefor
2442 under the insurance code.

2443 (2) The department may issue a license to a nonresident
2444 applicant if the applicant is licensed as a sales representative
2445 for service warranty associations and insurers in the
2446 applicant's home state. The department shall verify the
2447 nonresident applicant's licensing status, if available, through
2448 the Producer Database maintained by the National Association of
2449 Insurance Commissioners, its affiliates, or subsidiaries. A
2450 nonresident sales representative for service warranty
2451 associations and insurers shall at all times while licensed in
2452 this state maintain the sales representative's home state
2453 license as a sales representative for service warranty
2454 associations and insurers. A nonresident sales representative
2455 for service warranty associations and insurers shall notify the
2456 department of any lapse, suspension, or revocation of the sales
2457 representative's home state license within 5 days after the
2458 lapse, suspension, or revocation. The nonresident license shall
2459 expire by operation of law on day 31 if the licensee does not
2460 have a valid home state license for a period of 30 days.

2461 (3) Upon becoming a resident of this state, an individual
2462 who holds a Florida nonresident sales representative for service
2463 warranty associations and insurers license may, for a period not
2464 to exceed 90 days, continue to transact in this state under the
2465 nonresident license. Such individual must apply for resident

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2466 licensure and must become licensed as a resident sales
2467 representative for service warranty associations and insurers
2468 within 90 days after becoming a resident of this state.

2469 Section 56. Section 634.422, Florida Statutes, is amended
2470 to read:

2471 634.422 Grounds for compulsory refusal, suspension, or
2472 revocation of license or appointment of sales representatives.—

2473 (1) The department shall deny, suspend, revoke, or refuse
2474 to renew or continue the license or appointment of any sales
2475 representative if it is found that any one or more of the
2476 following grounds applicable to the sales representative exist:

2477 (a)~~(1)~~ Material misstatement, misrepresentation, or fraud
2478 in obtaining or attempting to obtain a license or appointment.

2479 (b)~~(2)~~ The license or appointment is willfully used, or to
2480 be used, to circumvent any of the requirements or prohibitions
2481 of this part.

2482 (c)~~(3)~~ Willful misrepresentation of any service warranty
2483 contract or willful deception with regard to any such contract,
2484 done either in person or by any form of dissemination of
2485 information or advertising.

2486 (d)~~(4)~~ In the adjustment of claims arising out of
2487 warranties, material misrepresentation to a service warranty
2488 holder or other interested party of the terms and coverage of a
2489 contract with the intent and for the purpose of effecting
2490 settlement of the claim on less favorable terms than those
2491 provided in and contemplated by the contract.

2492 (e)~~(5)~~ Demonstrated lack of fitness or trustworthiness to
2493 engage in the business of service warranty.

2494 (f)~~(6)~~ Demonstrated lack of adequate knowledge and

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2495 technical competence to engage in the transactions authorized by
2496 the license or appointment.

2497 (g)~~(7)~~ Fraudulent or dishonest practices in the conduct of
2498 business under the license or appointment.

2499 (h)~~(8)~~ Misappropriation, conversion, or unlawful
2500 withholding of moneys belonging to an association, insurer, or
2501 warranty holder, or to others, and received in the conduct of
2502 business under the license or appointment.

2503 (i)~~(9)~~ Unlawfully rebating, or attempting to unlawfully
2504 rebate, or unlawfully dividing, or offering to divide, her or
2505 his commission with another.

2506 (j)~~(10)~~ Willful failure to comply with, or willful
2507 violation of, any proper order or rule of the department or
2508 commission, or willful violation of any provision of this part.

2509 (k)~~(11)~~ Being found guilty of or pleading nolo contendere
2510 to a felony or a crime punishable by imprisonment of 1 year or
2511 more under the law of the United States of America or any state
2512 thereof or under the law of any other country ~~involving moral~~
2513 ~~turpitude~~, without regard to whether judgment of conviction has
2514 been entered by the court having jurisdiction of the case.

2515 (l) Having been the subject of, or having had a license,
2516 permit, appointment, registration, or other authority to conduct
2517 business subject to, any decision, finding, injunction,
2518 suspension, prohibition, revocation, denial, judgment, final
2519 agency action, or administrative order by any court of competent
2520 jurisdiction, administrative law proceeding, state agency,
2521 federal agency, national securities, commodities, or options
2522 exchange, or national securities, commodities, or options
2523 association involving a violation of any federal or state

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2524 securities or commodities law or any rule or regulation adopted
2525 thereunder, or a violation of any rule or regulation of any
2526 national securities, commodities, or options exchange or
2527 national securities, commodities, or options association.

2528 (2) When a licensee is charged with a felony enumerated in
2529 s. 626.207(2), the department shall, immediately upon receipt of
2530 information on or indictment for the felony, temporarily suspend
2531 a license or appointment issued under this chapter. Such
2532 suspension shall continue if the licensee is found guilty of, or
2533 pleads guilty or nolo contendere to, the crime, regardless of
2534 whether a judgment or conviction is entered, during a pending
2535 appeal. A person may not transact insurance business after
2536 suspension of his or her license or appointment.

2537 (3) The department may adopt rules to administer this
2538 section.

2539 Section 57. Section 634.423, Florida Statutes, is amended
2540 to read:

2541 634.423 Grounds for discretionary refusal, suspension, or
2542 revocation of license or appointment of sales representatives.—

2543 (1) The department may deny, suspend, revoke, or refuse to
2544 renew or continue the license or appointment of any sales
2545 representative if it is found that any one or more of the
2546 following grounds applicable to the sales representative exist
2547 under circumstances for which such denial, suspension,
2548 revocation, or refusal is not mandatory under s. 634.422:

2549 (a)~~(1)~~ Any cause for which granting of the license or
2550 appointment could have been refused had it then existed and been
2551 known to the department.

2552 (b)~~(2)~~ Violation of any provision of this part, or of any

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2553 other law applicable to the business of service warranties, in
2554 the course of dealings under the license or appointment.

2555 (c)~~(3)~~ Violation of any lawful order or rule of the
2556 department or commission.

2557 (d)~~(4)~~ Failure or refusal to pay over, upon demand, to any
2558 service warranty association or insurer the sales representative
2559 represents or has represented any money coming into her or his
2560 hands which belongs to the association or insurer.

2561 (e)~~(5)~~ In the conduct of business under the license or
2562 appointment, engaging in unfair methods of competition or in
2563 unfair or deceptive acts or practices, as such methods, acts, or
2564 practices are or may be defined under this part, or otherwise
2565 showing herself or himself to be a source of injury or loss to
2566 the public or detriment to the public interest.

2567 (f)~~(6)~~ Failure to report to the department within 30 days
2568 the final disposition of an administrative action taken against
2569 a sales representative by a governmental agency or other
2570 regulatory agency in this state or any other state or
2571 jurisdiction relating to the business of insurance, the sale of
2572 securities, or an activity involving fraud, dishonesty,
2573 trustworthiness, or breach of a fiduciary duty. The sales
2574 representative must submit a copy of the order, consent to
2575 order, or other relevant legal documents to the department ~~Being~~
2576 ~~found guilty of or pleading guilty or nolo contendere to a~~
2577 ~~felony or a crime punishable by imprisonment of 1 year or more~~
2578 ~~under the law of the United States of America or any state~~
2579 ~~thereof or under the law of any other country, without regard to~~
2580 ~~whether judgment of conviction has been entered by the court~~
2581 ~~having jurisdiction of such case.~~

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2582 (2) The department may adopt rules to administer this
 2583 section.

2584 Section 58. Section 648.25, Florida Statutes, is reordered
 2585 and amended to read:

2586 648.25 Definitions.—As used in this chapter, the term:

2587 (1) "Appointment" means the authority given by an insurer
 2588 or the managing general agent of an insurer through the
 2589 department to a licensee to transact insurance or adjust claims
 2590 on behalf of the insurer or managing general agent.

2591 (2)~~(1)~~ "Bail bond agency" means:

2592 (a) The building where a licensee maintains an office and
 2593 where all records required by ss. 648.34 and 648.36 are
 2594 maintained; or

2595 (b) An entity that:

2596 1. Charges a fee or premium to release an accused defendant
 2597 or detainee from jail; or

2598 2. Engages in or employs others to engage in any activity
 2599 that may be performed only by a licensed and appointed bail bond
 2600 agent.

2601 (3)~~(2)~~ "Bail bond agent" means a limited surety agent or a
 2602 professional bail bond agent as hereafter defined.

2603 (7)~~(3)~~ "Managing general agent" means any individual,
 2604 partnership, association, or corporation appointed or employed
 2605 by an insurer to supervise or manage the bail bond business
 2606 written in this state by limited surety agents appointed by the
 2607 insurer.

2608 (5)~~(4)~~ "Insurer" means any domestic, foreign, or alien
 2609 surety company which has been authorized to transact surety
 2610 business in this state.

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2611 (6)~~(5)~~ "Limited surety agent" means any individual
2612 appointed by an insurer by power of attorney to execute or
2613 countersign bail bonds in connection with judicial proceedings
2614 who receives or is promised money or other things of value
2615 therefor.

2616 (4)~~(6)~~ "Primary Bail bond agent in charge" means a licensed
2617 bail bond agent who is responsible for the overall operation and
2618 management of a bail bond agency location and whose
2619 responsibilities include hiring and supervising all individuals
2620 within that location. A bail bond agent may be designated as the
2621 ~~primary~~ bail bond agent in charge for only one bail bond agency
2622 location.

2623 (8)~~(7)~~ "Professional bail bond agent" means any person who
2624 pledges United States currency, United States postal money
2625 orders, or cashier's checks as security for a bail bond in
2626 connection with a judicial proceeding and receives or is
2627 promised therefor money or other things of value.

2628 (9)~~(8)~~ "Temporary bail bond agent" means a person licensed
2629 before January 1, 2024, who is employed by a bail bond agent or
2630 agency, insurer, or managing general agent, and such licensee
2631 has the same authority as a licensed bail bond agent, including
2632 presenting defendants in court; apprehending, arresting, and
2633 surrendering defendants to the proper authorities, while
2634 accompanied by a supervising bail bond agent or an agent from
2635 the same agency; and keeping defendants under necessary
2636 surveillance. However, a temporary licensee may not execute or
2637 sign bonds, handle collateral receipts, or deliver bonds to
2638 appropriate authorities. A temporary licensee may not operate an
2639 agency or branch agency separate from the location of the

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2640 supervising bail bond agent, managing general agent, or insurer
2641 by whom the licensee is employed. This does not affect the right
2642 of a bail bond agent or insurer to hire counsel or to obtain the
2643 assistance of law enforcement officers. A temporary bail bond
2644 agent license expires 18 months after issuance and is no longer
2645 valid on or after June 30, 2025.

2646 Section 59. Subsection (3) of section 648.26, Florida
2647 Statutes, is amended to read:

2648 648.26 Department of Financial Services; administration.—

2649 (3) The papers, documents, reports, or any other
2650 investigatory records of the department are confidential and
2651 exempt from ~~the provisions of~~ s. 119.07(1) until such
2652 investigation is completed or ceases to be active. For the
2653 purpose of this section, an investigation is considered active
2654 ~~“active”~~ while the investigation is being conducted by the
2655 department with a reasonable, good faith belief that it may lead
2656 to the filing of administrative, civil, or criminal proceedings.
2657 An investigation does not cease to be active if the department
2658 is proceeding with reasonable dispatch and there is good faith
2659 belief that action may be initiated by the department or other
2660 administrative or law enforcement agency. This subsection does
2661 not prevent the department or office from disclosing the content
2662 of a complaint or such information as it deems necessary to
2663 conduct the investigation, to update the complainant as to the
2664 status and outcome of the complaint, or to share such
2665 information with any law enforcement agency or other regulatory
2666 body.

2667 Section 60. Subsection (5) of section 648.27, Florida
2668 Statutes, is amended to read:

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2669 648.27 Licenses and appointments; general.-

2670 (5)~~(a)~~ The license of a bail bond agent shall continue in
2671 force, without further examination unless deemed necessary by
2672 the department, until suspended, revoked, or otherwise
2673 terminated.

2674 ~~(b) The license of a temporary bail bond agent shall~~
2675 ~~continue in force until suspended, revoked, or otherwise~~
2676 ~~terminated.~~

2677 Section 61. Section 648.285, Florida Statutes, is amended
2678 to read:

2679 648.285 Bond agency; ownership requirements; applications
2680 for bail bond agency licenses.-

2681 (1) A person may not own, control, manage, or otherwise
2682 have a pecuniary interest in a bail bond agency unless such
2683 individual is a licensed pursuant to s. 648.27, ~~and~~ appointed
2684 through the department, and actively engaged as a bail bond
2685 agent for at least the preceding 24 months. Any agency that is
2686 not in compliance with this subsection ~~is shall be~~ subject to
2687 the issuance of an immediate final order of suspension of its
2688 license and all operations until the agency achieves compliance.

2689 (2) Effective January 1, 2024, the department may issue a
2690 bail bond agency license to any person only after such person
2691 files a written application with the department and qualifies
2692 for such license.

2693 (3) An application for a bail bond agency license must be
2694 signed by an individual required to be listed in the application
2695 under paragraph (a). A bail bond agency license may permit a
2696 third party to complete, submit, and sign an application on the
2697 bail bond agency's behalf; however, the bail bond agency is

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2698 responsible for ensuring that the information on the application
2699 is true and correct, and the bail bond agency is accountable for
2700 any misstatements or misrepresentations. The application for a
2701 bail bond agency license must include:

2702 (a) The name and license number of each owner, partner,
2703 officer, director, president, senior vice president, secretary,
2704 treasurer, and limited liability company member who directs or
2705 participates in the management or control of the bail bond
2706 agency, whether through ownership of voting securities, by
2707 contract, by ownership of any agency bank account, or otherwise.

2708 (b) The residence address of each person required to be
2709 listed in the application under paragraph (a).

2710 (c) The name, principal business street address, and valid
2711 e-mail address of the bail bond agency and the name, address,
2712 and e-mail address of the agency's registered agent or person or
2713 company authorized to accept service on behalf of the bail bond
2714 agency.

2715 (d) The physical address of each branch bail bond agency,
2716 including its name, e-mail address, and telephone number, and
2717 the date that the branch location began transacting bail bond
2718 business.

2719 (e) The name of the full-time bail bond agent in charge of
2720 the agency office, including branch locations, and his or her
2721 corresponding location.

2722 (f) Such additional information as the department requires
2723 by rule to ascertain the trustworthiness and competence of
2724 persons required to be listed on the application and to
2725 ascertain that such persons meet the requirements of this code.
2726 However, the department may not require that credit or character

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2727 reports be submitted for persons required to be listed on the
2728 application.

2729 (4) The department must issue a license to each agency upon
2730 approval of the application, and each agency location must
2731 display the license prominently in a manner that makes it
2732 clearly visible to any customer or potential customer who enters
2733 the agency location.

2734 (5) A bail bond agency that holds a current and valid
2735 registration number with the department shall have its
2736 registration automatically converted to a license on July 1,
2737 2024.

2738 (6) Section 112.011 does not apply to bail bond agencies or
2739 to applicants for licensure as owners of bail bond agencies.

2740 (7)~~(2)~~ If the owner of a bail bond agency dies or becomes
2741 mentally incapacitated, a personal representative or legal
2742 guardian may be issued a temporary permit to manage the affairs
2743 of the bail bond agency. Such person must appoint or maintain
2744 the appointment of a ~~primary~~ bail bond agent in charge, as
2745 provided in s. 648.387, and may not engage in any activities as
2746 a licensed bail bond agent but must comply with s. 648.387
2747 during the administration of the estate or guardianship. A
2748 temporary permit is valid for a maximum of 24 months.

2749 (8)~~(3)~~ Application for a temporary permit must be made by
2750 the personal representative or legal guardian upon statements
2751 and affidavits filed with the department on forms prescribed and
2752 furnished by it. The applicant must meet the qualifications for
2753 licensure as a bail bond agent, except for the residency,
2754 examination, education, and experience requirements.

2755 Section 62. Subsection (1) of section 648.30, Florida

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2756 Statutes, is amended to read:

2757 648.30 Licensure and appointment required; prohibited acts;
2758 penalties.—

2759 (1) (a) A person or entity may not act in the capacity of a
2760 bail bond agent or ~~temporary~~ bail bond agency agent or perform
2761 any of the functions, duties, or powers prescribed for bail bond
2762 agents or ~~temporary~~ bail bond agencies agents under this chapter
2763 unless that person or entity is qualified, licensed, and
2764 appointed as provided in this chapter and employed by a bail
2765 bond agency.

2766 (b) A bail bond agent may not sell a bail bond issued by an
2767 insurer for which the agent and the agent's bail bond agency do
2768 not hold a current appointment.

2769 (c) Except as otherwise provided in this part, a person or
2770 entity, other than a bail bond agency or an employee of a bail
2771 bond agency, may not perform any of the functions of a bail bond
2772 agency without a bail bond agency license.

2773 Section 63. Section 648.31, Florida Statutes, is amended to
2774 read:

2775 648.31 Appointment taxes and fees.—The department shall
2776 collect in advance all appointment taxes and fees for the
2777 issuance of any appointment to a bail bond agent or temporary
2778 bail bond agency agent, as provided in s. 624.501.

2779 Section 64. Subsection (2) of section 648.34, Florida
2780 Statutes, is amended to read:

2781 648.34 Bail bond agents; qualifications.—

2782 (2) To qualify as a bail bond agent, it must affirmatively
2783 appear at the time of application and throughout the period of
2784 licensure that the applicant ~~has complied with the provisions of~~

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2785 s. ~~648.355~~ and has obtained a temporary license pursuant to such
2786 section and:

2787 (a) ~~The applicant~~ Is a natural person who has reached the
2788 age of 18 years and holds a high school diploma or its
2789 equivalent.

2790 (b) ~~The applicant~~ Is a United States citizen or legal alien
2791 who possesses work authorization from the United States Bureau
2792 of Citizenship and Immigration Services and is a resident of
2793 this state. An individual who is a resident of this state shall
2794 be deemed to meet the residence requirement of this paragraph,
2795 notwithstanding the existence, at the time of application for
2796 license, of a license in the applicant's name on the records of
2797 another state as a resident licensee of such other state, if the
2798 applicant furnishes a letter of clearance satisfactory to the
2799 department that his or her resident licenses have been canceled
2800 or changed to a nonresident basis and that he or she is in good
2801 standing.

2802 (c) Will maintain his or her ~~The~~ place of business ~~of the~~
2803 ~~applicant will be located~~ in this state and in the county where
2804 the applicant will maintain his or her records and be actively
2805 engaged in the bail bond business and work with a licensed
2806 ~~maintain an~~ agency accessible to the public which is open for
2807 reasonable business hours.

2808 (d) ~~The applicant~~ Is vouched for and recommended upon sworn
2809 statements filed with the department by at least three reputable
2810 citizens who are residents of the same counties in which the
2811 applicant proposes to engage in the bail bond business.

2812 (e) ~~The applicant~~ Is a person of high character and
2813 approved integrity and has not been convicted of or pleaded

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2814 guilty or no contest to a felony, a crime involving moral
2815 turpitude, or a crime punishable by imprisonment of 1 year or
2816 more under the law of any state, territory, or country, whether
2817 or not a judgment or conviction has been entered.

2818 (f) Within 2 years immediately before applying for the
2819 license, has successfully completed a basic certification course
2820 in the criminal justice system which consists of at least 120
2821 hours of classroom instruction with a passing grade of 80
2822 percent or higher and has successfully completed a
2823 correspondence course for bail bond agents approved by the
2824 department.

2825 (g) ~~(f)~~ The applicant Has passed any required examination.
2826 Section 65. Section 648.355, Florida Statutes, is amended
2827 to read:

2828 648.355 ~~Temporary limited license as~~ Limited surety agents
2829 and agent or professional bail bond agents agent; qualifications
2830 pending examination.-

2831 ~~(1) The department may, in its discretion, issue a~~
2832 ~~temporary license as a limited surety agent or professional bail~~
2833 ~~bond agent, subject to the following conditions:~~

2834 ~~(a) The applicant is a natural person at least 18 years of~~
2835 ~~age and holds a high school diploma or its equivalent.~~

2836 ~~(b) The applicant is a United States citizen or legal alien~~
2837 ~~who possesses work authorization from the United States Bureau~~
2838 ~~of Citizenship and Immigration Services and is a resident of~~
2839 ~~this state. An individual who is a resident of this state shall~~
2840 ~~be deemed to meet the residence requirement of this paragraph,~~
2841 ~~notwithstanding the existence, at the time of application for~~
2842 ~~temporary license, of a license in the individual's name on the~~

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2843 ~~records of another state as a resident licensee of such other~~
2844 ~~state, if the applicant furnishes a letter of clearance~~
2845 ~~satisfactory to the department that the individual's resident~~
2846 ~~licenses have been canceled or changed to a nonresident basis~~
2847 ~~and that the individual is in good standing.~~

2848 ~~(c) The applicant is a person of high character and~~
2849 ~~approved integrity and has never been convicted of or pleaded~~
2850 ~~guilty or no contest to a felony, a crime involving moral~~
2851 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
2852 ~~more under the law of any state, territory, or country, whether~~
2853 ~~or not a judgment or conviction is entered.~~

2854 ~~(d) Within 4 years prior to the date of application for a~~
2855 ~~temporary license, the applicant has successfully completed a~~
2856 ~~basic certification course in the criminal justice system,~~
2857 ~~consisting of not less than 120 hours of classroom instruction~~
2858 ~~with a passing grade of 80 percent or higher and has~~
2859 ~~successfully completed a correspondence course for bail bond~~
2860 ~~agents approved by the department.~~

2861 ~~(e) The applicant must be employed full time at the time of~~
2862 ~~licensure, and at all times throughout the existence of the~~
2863 ~~temporary license, by only one licensed and appointed~~
2864 ~~supervising bail bond agent, who supervises the work of the~~
2865 ~~applicant and is responsible for the licensee's conduct in the~~
2866 ~~bail bond business. The applicant must be appointed by the same~~
2867 ~~insurers as the supervising bail bond agent. The supervising~~
2868 ~~bail bond agent shall certify monthly to the department under~~
2869 ~~oath, on a form prescribed by the department, the names and~~
2870 ~~hours worked each week of all temporary bail bond agents. Filing~~
2871 ~~a false certification is grounds for the immediate suspension of~~

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2872 ~~the license and imposition of a \$5,000 administrative fine. The~~
2873 ~~department may adopt rules that establish standards for the~~
2874 ~~employment requirements.~~

2875 ~~(f) The application must be accompanied by an affidavit~~
2876 ~~verifying proposed employment and a report as to the applicant's~~
2877 ~~integrity and moral character on a form prescribed by the~~
2878 ~~department and executed by the proposed employer.~~

2879 ~~(g) The applicant must file with the department statements~~
2880 ~~by at least three reputable citizens who are residents of the~~
2881 ~~same counties in which the applicant proposes to engage as a~~
2882 ~~temporary licensee.~~

2883 ~~(h) The applicant's employer is responsible for the bail~~
2884 ~~bonding acts of any licensee under this section.~~

2885 ~~(2) All applicable license fees, as prescribed in s.~~
2886 ~~624.501, must be paid before issuance of the temporary license.~~

2887 ~~(3) The temporary license shall be effective for 18 months,~~
2888 ~~subject to earlier termination at the request of the employer or~~
2889 ~~if suspended or revoked by the department.~~

2890 ~~(4) The applicant shall furnish, with the application for~~
2891 ~~temporary license, a complete set of the applicant's~~
2892 ~~fingerprints in accordance with s. 626.171(4) and a recent~~
2893 ~~credential-sized, fullface photograph of the applicant. The~~
2894 ~~department may ~~shall~~ not issue a ~~temporary~~ license under this~~
2895 ~~section until the department has received a report from the~~
2896 ~~Department of Law Enforcement and the Federal Bureau of~~
2897 ~~Investigation relative to the existence or nonexistence of a~~
2898 ~~criminal history report based on the applicant's fingerprints.~~

2899 ~~(2)~~(2) ~~(5)~~ The department may collect a fee necessary to cover
2900 the cost of a character and credit report made by an established

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2901 and reputable independent reporting service. The fee shall be
2902 deposited to the credit of the Insurance Regulatory Trust Fund.

2903 (3)(6) Effective July 1, 2023, any individual licensed by
2904 the department as a temporary bail bond agent may take the
2905 required bail bond agent's licensure examination, may file an
2906 application for a bail bond agent's license if otherwise
2907 qualified for licensure, and may take the required bail bond
2908 agent's licensure examination After licensure as a temporary
2909 licensee for at least 12 months, such licensee may file an
2910 application for and become eligible for a regular bail bond
2911 agent's license based on the licensee's experience in the bail
2912 bond business and education pursuant to paragraph (1)(d) and, if
2913 otherwise qualified, take the required bail bond agent's
2914 licensure examination. The applicant and supervising bail bond
2915 agent must each file an affidavit under oath, on a form
2916 prescribed by the department, verifying the required employment
2917 of the temporary agent before issuance of the license.

2918 ~~(7) In no event shall a temporary licensee licensed under~~
2919 ~~this section perform any of the functions for which a bail bond~~
2920 ~~agent's license is required after expiration of the temporary~~
2921 ~~license without having passed the written examination as for a~~
2922 ~~regular bail bond agent's license.~~

2923 ~~(8)(a) A temporary licensee has the same authority as a~~
2924 ~~licensed bail bond agent, including presenting defendants in~~
2925 ~~court; apprehending, arresting, and surrendering defendants to~~
2926 ~~the proper authorities; and keeping defendants under necessary~~
2927 ~~surveillance. However, a temporary licensee must be accompanied~~
2928 ~~by a supervising bail bond agent or an agent from the same~~
2929 ~~agency when apprehending, arresting, or surrendering defendants~~

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2930 ~~to authorities.~~

2931 ~~(b) A temporary licensee may not execute or sign bonds,~~
 2932 ~~handle collateral receipts, deliver bonds to appropriate~~
 2933 ~~authorities, or operate an agency or branch agency separate from~~
 2934 ~~the location of the supervising bail bond agent, managing~~
 2935 ~~general agent, or insurer by whom the licensee is employed.~~

2936 (4)(9) Effective July 1, 2023, the department may not issue
 2937 a temporary bail bond agent's license. An individual currently
 2938 licensed as a temporary bail bond agent may continue to be
 2939 licensed in accordance with this chapter. A temporary bail bond
 2940 agent's license may not be reinstated if the license expires or
 2941 is terminated, suspended, or revoked ~~The department shall not~~
 2942 ~~issue a temporary bail bond agent's license to any individual~~
 2943 ~~who has held such a temporary license in this state within 2~~
 2944 ~~years after the expiration of such temporary bail bond agent's~~
 2945 ~~license.~~

2946 Section 66. Subsections (1) through (4) of section 648.382,
 2947 Florida Statutes, are amended to read:

2948 648.382 Appointment of bail bond agents and bail bond
 2949 agencies ~~temporary bail bond agents~~; effective date of
 2950 appointment.-

2951 (1)(a) ~~Each insurer or appointing a bail bond agent and~~
 2952 ~~each insurer,~~ managing general agent, or bail bond agent
 2953 appointing a temporary bail bond agent or bail bond agency in
 2954 this state must file the appointment with the department and, at
 2955 the same time, pay the applicable appointment fees and taxes. A
 2956 person appointed under this section must hold a valid bail bond
 2957 agent's or temporary bail bond agency's agent's license.

2958 (b) Effective July 1, 2025, each insurer or managing

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2959 general agent appointing a bail bond agency in this state must
2960 file the appointment with the department and, at the same time,
2961 pay the applicable appointment fees and taxes. An entity
2962 appointed under this section must hold a valid bail bond
2963 agency's license.

2964 (2) Before ~~Prior to~~ any appointment, an appropriate officer
2965 or official of the appointing insurer ~~in the case of a bail bond~~
2966 ~~agent or an insurer, managing general agent, or bail bond agent~~
2967 ~~in the case of a temporary bail bond agent~~ must submit:

2968 (a) A certified statement or affidavit to the department
2969 stating what investigation has been made concerning the proposed
2970 appointee and the proposed appointee's background and the
2971 appointing person's opinion to the best of his or her knowledge
2972 and belief as to the moral character and reputation of the
2973 proposed appointee. In lieu of such certified statement or
2974 affidavit, by authorizing the effectuation of an appointment for
2975 a licensee, the appointing entity certifies to the department
2976 that such investigation has been made and that the results of
2977 the investigation and the appointing person's opinion is that
2978 the proposed appointee is a person of good moral character and
2979 reputation and is fit to engage in the bail bond business;

2980 (b) An affidavit under oath on a form prescribed by the
2981 department, signed by the proposed appointee, stating that
2982 premiums are not owed to any insurer and that the appointee will
2983 discharge all outstanding forfeitures and judgments on bonds
2984 previously written. If the appointee does not satisfy or
2985 discharge such forfeitures or judgments, the former insurer
2986 shall file a notice, with supporting documents, with the
2987 appointing insurer, the former agent or agency, and the

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2988 department, stating under oath that the licensee has failed to
2989 timely satisfy forfeitures and judgments on bonds written and
2990 that the insurer has satisfied the forfeiture or judgment from
2991 its own funds. Upon receipt of such notification and supporting
2992 documents, the appointing insurer shall immediately cancel the
2993 licensee's appointment. The licensee may be reappointed only
2994 upon certification by the former insurer that all forfeitures
2995 and judgments on bonds written by the licensee have been
2996 discharged. The appointing insurer or former agent or agency
2997 may, within 10 days, file a petition with the department seeking
2998 relief from this paragraph. Filing of the petition stays the
2999 duty of the appointing insurer to cancel the appointment until
3000 the department grants or denies the petition; ~~and~~

3001 (c) Any other information that the department reasonably
3002 requires concerning the proposed appointee; and

3003 (d) Effective January 1, 2025, a certification that the
3004 appointing entity obtained from each appointee the following
3005 sworn statement:

3006
3007 Pursuant to section 648.382(2)(b), Florida Statutes, I
3008 do solemnly swear that I owe no premium to any insurer
3009 and that I will discharge all outstanding forfeitures
3010 and judgments on bonds that have been previously
3011 written. I acknowledge that failure to do this will
3012 result in my active appointments being canceled.

3013
3014 An appointed bail bond agency must have the attestation under
3015 this paragraph signed by its owner.

3016 (3) By authorizing the effectuation of an appointment for a

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3017 licensee, the appointing insurer certifies to the department
 3018 that the insurer will be bound by the acts of the bail bond
 3019 agent or bail bond agency acting within the scope of the agent's
 3020 or agency's ~~his or her~~ appointment, ~~and, in the case of a~~
 3021 ~~temporary bail bond agent, the appointing insurer, managing~~
 3022 ~~general agent, or bail bond agent, as the case may be, must~~
 3023 ~~certify to the department that he or she will supervise the~~
 3024 ~~temporary bail bond agent's activities.~~

3025 (4) Each appointing insurer or, ~~managing general agent, or~~
 3026 ~~bail bond agent~~ must advise the department in writing within 5
 3027 days after receiving notice or learning that an appointee has
 3028 been arrested for, pled guilty or nolo contendere to, or been
 3029 found guilty of, a felony or other offense punishable by
 3030 imprisonment of 1 year or more under the law of any
 3031 jurisdiction, whether judgment was entered or withheld by the
 3032 court.

3033 Section 67. Present subsections (1) through (4) of section
 3034 648.386, Florida Statutes, are redesignated as subsections (2)
 3035 through (5), respectively, a new subsection (1) is added to that
 3036 section, and present subsection (2) of that section is amended,
 3037 to read:

3038 648.386 Qualifications for prelicensing and continuing
 3039 education schools and instructors.—

3040 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
 3041 section, the term "classroom instruction" means a course
 3042 designed to be presented to a group of students by a live
 3043 instructor using lecture, video, webcast, or virtual or other
 3044 audio-video presentation.

3045 (3) ~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION

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3046 SCHOOLS.—In order to be considered for approval and
3047 certification as an approved limited surety agent and
3048 professional bail bond agent continuing education school, such
3049 entity must:

3050 (a) Provide a minimum of three classroom-instruction
3051 continuing education classes per calendar year.

3052 (b) Submit a course curriculum to the department for
3053 approval.

3054 (c) Offer continuing education classes that comprise ~~which~~
3055 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
3056 instruction coursework and are taught by an approved supervising
3057 instructor or guest lecturer approved by the entity or the
3058 supervising instructor.

3059 Section 68. Section 648.387, Florida Statutes, is amended
3060 to read:

3061 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

3062 (1) The owner or operator of a bail bond agency shall
3063 designate a ~~primary~~ bail bond agent in charge for each location,
3064 and shall file with the department the name and license number
3065 of the person and the address of the location on a form approved
3066 by the department. The designation of the ~~primary~~ bail bond
3067 agent in charge may be changed if the department is notified
3068 immediately. Failure to notify the department within 10 working
3069 days after such change is grounds for disciplinary action
3070 pursuant to s. 648.45.

3071 (2) The ~~primary~~ bail bond agent in charge is responsible
3072 for the overall operation and management of a bail bond agency
3073 location, whose responsibilities may include, without
3074 limitations, hiring and supervising of all individuals within

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3075 the location, whether they deal with the public in the
3076 solicitation or negotiation of bail bond contracts or in the
3077 collection or accounting of moneys. A person may be designated
3078 as the primary bail bond agent in charge for only one agency and
3079 location.

3080 (3) The department may suspend or revoke the license of the
3081 owner, bail bond agent in charge operator, and primary bail bond
3082 agency agent if the a bail bond agency employs, contracts with,
3083 or uses the services of a person who has had a license denied or
3084 whose license is currently suspended or revoked. However, a
3085 person who has been denied a license for failure to pass a
3086 required examination may be employed to perform clerical or
3087 administrative functions for which licensure is not required.

3088 (4) An owner, a bail bond agent in charge operator, or a
3089 bail bond agency primary agent may not employ, contract with, or
3090 use the services of any person in a bail bond agency who has
3091 been charged with, found guilty of, or pled guilty or nolo
3092 contendere to a felony or a crime punishable by imprisonment of
3093 1 year or more under the law of any jurisdiction, without regard
3094 to whether judgment was entered or withheld by the court.

3095 (5) A bail bond agency location may not conduct surety
3096 business unless a primary bail bond agent in charge is
3097 designated by, and provides services to, the bail bond agency at
3098 all times. If the bail bond agent in charge designated with the
3099 department ends his or her affiliation with the bail bond agency
3100 for any reason, and the bail bond agency fails to designate
3101 another bail bond agent in charge within the 10-day period under
3102 subsection (1) and such failure continues for 90 days, the bail
3103 bond agency license automatically expires on the 91st day after

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3104 the date the designated bail bond agent in charge ended his or
 3105 her affiliation with the agency ~~The failure to designate a~~
 3106 ~~primary agent on a form prescribed by the department, within 10~~
 3107 ~~working days after an agency's inception or a change of primary~~
 3108 ~~agent, is a violation of this chapter, punishable as provided in~~
 3109 ~~s. 648.45.~~

3110 Section 69. Section 648.3875, Florida Statutes, is created
 3111 to read:

3112 648.3875 Bail bond agent in charge; qualifications.-

3113 (1) An application for designation as a bail bond agent in
 3114 charge must be submitted on forms prescribed by the department.
 3115 The application must include the applicant's full name and the
 3116 number and date of issuance of the applicant's license issued
 3117 pursuant to s. 648.27.

3118 (2) To qualify as a bail bond agent in charge, it must
 3119 affirmatively appear that, at the time of application and
 3120 throughout the period of licensure, the applicant has complied
 3121 with s. 648.285 and that the applicant has been licensed as a
 3122 bail bond agent for the 24 months immediately preceding the
 3123 appointment as the bail bond agent in charge.

3124 Section 70. Section 648.39, Florida Statutes, is amended to
 3125 read:

3126 648.39 Termination of appointment of managing general
 3127 agents, bail bond agents, and ~~temporary~~ bail bond agencies
 3128 agents.-

3129 (1) An insurer that ~~who~~ terminates the appointment of a
 3130 managing general agent, bail bond agent, or ~~temporary~~ bail bond
 3131 agency agent shall, within 10 days after such termination, file
 3132 written notice thereof with the department together with a

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3133 statement that it has given or mailed notice to the terminated
3134 agent or agency. Such notice filed with the department must
3135 state the reasons, if any, for such termination. Information so
3136 furnished to the department is confidential and exempt from ~~the~~
3137 ~~provisions of~~ s. 119.07(1).

3138 (2) Each insurer shall, within 5 days after terminating the
3139 appointment of any managing general agent, bail bond agent, or
3140 ~~temporary~~ bail bond agency agent, give written notice thereof to
3141 each clerk of the circuit court and sheriff with whom such
3142 person is registered.

3143 (3) An insurer that terminates the appointment of a
3144 managing general agent, bail bond agent, or ~~temporary~~ bail bond
3145 agency agent may authorize such person to continue to attempt
3146 the arrest and surrender of a defendant for whom a surety bond
3147 had been written by the bail bond agent or bail bond agency
3148 before ~~prior to~~ termination and to seek discharge of forfeitures
3149 and judgments as provided in chapter 903.

3150 Section 71. Section 648.41, Florida Statutes, is repealed.

3151 Section 72. Section 648.42, Florida Statutes, is amended to
3152 read:

3153 648.42 Registration of bail bond agents.—A bail bond agent
3154 may not become a surety on an undertaking unless he or she has
3155 registered in the office of the sheriff and with the clerk of
3156 the circuit court in the county in which the bail bond agent
3157 resides. The bail bond agent may register in a like manner in
3158 any other county, and any bail bond agent shall file a certified
3159 copy of his or her appointment by power of attorney from each
3160 insurer which he or she represents as a bail bond agent with
3161 each of such officers. Registration and filing of a certified

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3162 copy of renewed power of attorney shall be performed by April 1
3163 of each odd-numbered year. The clerk of the circuit court and
3164 the sheriff may ~~shall~~ not permit the registration of a bail bond
3165 agent unless such bail bond agent is currently licensed by the
3166 department and appointed by an insurer ~~the department~~. ~~Nothing~~
3167 ~~in this section shall prevent the registration of a temporary~~
3168 ~~licensee at the jail for the purposes of enabling the licensee~~
3169 ~~to perform the duties under such license as set forth in this~~
3170 ~~chapter.~~

3171 Section 73. Subsections (1) and (2) and paragraphs (c) and
3172 (d) of subsection (8) of section 648.44, Florida Statutes, are
3173 amended to read:

3174 648.44 Prohibitions; penalty.—

3175 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
3176 may not:

3177 (a) Suggest or advise the employment of, or name for
3178 employment, any particular attorney or attorneys to represent
3179 his or her principal.

3180 (b) Directly or indirectly solicit business in or on the
3181 property or grounds of a jail, prison, or other place where
3182 prisoners are confined or in or on the property or grounds of
3183 any court. The term "solicitation" includes the distribution of
3184 business cards, print advertising, or other written or oral
3185 information directed to prisoners or potential indemnitors,
3186 unless a request is initiated by the prisoner or a potential
3187 indemnitor. Permissible print advertising in the jail is
3188 strictly limited to a listing in a telephone directory and the
3189 posting of the bail bond agent's or agency's name, address, e-
3190 mail address, web address, and telephone number in a designated

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3191 location within the jail.

3192 (c) Initiate in-person or telephone solicitation after 9:00
3193 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
3194 ~~eases,~~ at the residence of the detainee or the detainee's
3195 family. Any solicitation ~~not prohibited by this chapter~~ must
3196 comply with the telephone solicitation requirements in ss.
3197 501.059(2) and (4), 501.613, and 501.616(6).

3198 (d) Wear or display any identification other than the
3199 department issued or approved license or approved department
3200 identification, which includes a citation of the licensee's
3201 arrest powers, in or on the property or grounds of a jail,
3202 prison, or other place where prisoners are confined or in or on
3203 the property or grounds of any court.

3204 (e) Pay a fee or rebate or give or promise anything of
3205 value to a jailer, police officer, peace officer, or committing
3206 trial court judge or any other person who has power to arrest or
3207 to hold in custody or to any public official or public employee
3208 in order to secure a settlement, compromise, remission, or
3209 reduction of the amount of any bail bond or estreatment thereof.

3210 (f) Pay a fee or rebate or give anything of value to an
3211 attorney in a bail bond matter, except in defense of any action
3212 on a bond.

3213 (g) Pay a fee or rebate or give or promise anything of
3214 value to the principal or anyone in his or her behalf.

3215 (h) Participate in the capacity of an attorney at a trial
3216 or hearing of one on whose bond he or she is surety.

3217 (i) Loiter in or about a jail, courthouse, or where
3218 prisoners are confined.

3219 (j) Accept anything of value from a principal for providing

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3220 a bail bond except the premium and transfer fee authorized by
3221 the office, except that the bail bond agent or bail bond agency
3222 may accept collateral security or other indemnity from the
3223 principal or another person in accordance with ~~the provisions of~~
3224 s. 648.442, together with documentary stamp taxes, if
3225 applicable. No fees, expenses, or charges of any kind shall be
3226 permitted to be deducted from the collateral held or any return
3227 premium due, except as authorized by this chapter or rule of the
3228 department or commission. A bail bond agent or bail bond agency
3229 may, upon written agreement with another party, receive a fee or
3230 compensation for returning to custody an individual who has fled
3231 the jurisdiction of the court or caused the forfeiture of a
3232 bond.

3233 (k) Write more than one power of attorney per charge on a
3234 bond, except in the case of a cosurety, unless the power of
3235 attorney prohibits a cosurety.

3236 (l) Execute a bond in this state on his or her own behalf.

3237 (m) Execute a bond in this state if a judgment has been
3238 entered on a bond executed by the bail bond agent or bail bond
3239 agency, which has remained unpaid for 35 days, unless the full
3240 amount of the judgment is deposited with the clerk in accordance
3241 with s. 903.27(5).

3242 (n) Make a statement or representation to a court, unless
3243 such statement or representation is under oath. Such statement
3244 or representation may not be false, misleading, or deceptive.

3245 (o) Attempt to collect, through threat or coercion, amounts
3246 due for the payment of any indebtedness related to the issuance
3247 of a bail bond in violation of s. 559.72.

3248 (p) Conduct bail bond business with any person, other than

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3249 the defendant, on the grounds of the jail or courthouse for the
3250 purpose of executing a bond.

3251 (2) The following persons or classes may ~~shall~~ not be bail
3252 bond agents, ~~temporary bail bond agents~~, or employees of a bail
3253 bond agent or a bail bond agency business and may ~~shall~~ not
3254 directly or indirectly receive any benefits from the execution
3255 of any bail bond:

3256 (a) Jailers or persons employed in any jail.

3257 (b) Police officers or employees of any police department
3258 or law enforcement agency.

3259 (c) Committing trial court judges, employees of a court, or
3260 employees of the clerk of any court.

3261 (d) Sheriffs and deputy sheriffs or employees of any
3262 sheriff's department.

3263 (e) Attorneys.

3264 (f) Persons having the power to arrest or persons who have
3265 authority over or control of federal, state, county, or
3266 municipal prisoners.

3267 (8)

3268 (c) Any law enforcement agency, state attorney's office,
3269 court clerk, or insurer that is aware that a bail bond agent ~~or~~
3270 ~~temporary bail bond agent~~ has been convicted of or who has
3271 pleaded guilty or no contest to a crime as described in
3272 paragraph (a) shall notify the department of this fact.

3273 (d) Upon the filing of an information or indictment against
3274 a bail bond agent ~~or temporary bail bond agent~~, the state
3275 attorney or clerk of the circuit court shall immediately furnish
3276 the department a certified copy of the information or
3277 indictment.

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3278 Section 74. Subsection (1) of section 648.441, Florida
3279 Statutes, is amended to read:

3280 648.441 Furnishing supplies to unlicensed bail bond agent
3281 prohibited; civil liability and penalty.—

3282 (1) An insurer, managing general agent, bail bond agent, or
3283 ~~temporary~~ bail bond agency agent appointed under this chapter
3284 may not furnish to any person any blank forms, applications,
3285 stationery, business card, or other supplies to be used in
3286 soliciting, negotiating, or effecting bail bonds until such
3287 person has received from the department a license to act as a
3288 bail bond agent and is appointed by the insurer. This section
3289 does not prohibit an unlicensed employee, under the direct
3290 supervision and control of a licensed and appointed bail bond
3291 agent, from possessing or executing in the bail bond agency, any
3292 forms, except for powers of attorney, bond forms, and collateral
3293 receipts, while acting within the scope of his or her
3294 employment.

3295 Section 75. Subsection (3) of section 648.46, Florida
3296 Statutes, is amended to read:

3297 648.46 Procedure for disciplinary action against
3298 licensees.—

3299 (3) The complaint and all information obtained pursuant to
3300 the investigation of the department are confidential and exempt
3301 from the provisions of s. 119.07(1) until such investigation is
3302 completed or ceases to be active. For the purpose of this
3303 section, an investigation is considered "active" while the
3304 investigation is being conducted by the department with a
3305 reasonable, good faith belief that it may lead to the filing of
3306 administrative, civil, or criminal proceedings. An investigation

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3307 does not cease to be active if the department is proceeding with
3308 reasonable dispatch and there is good faith belief that action
3309 may be initiated by the department or other administrative or
3310 law enforcement agency. This subsection does not prevent the
3311 department or office from disclosing the complaint or such
3312 information as it deems necessary to conduct the investigation,
3313 to update the complainant as to the status and outcome of the
3314 complaint, or to share such information with any law enforcement
3315 agency or other regulatory body.

3316 Section 76. Section 648.50, Florida Statutes, is amended to
3317 read:

3318 648.50 Effect of suspension, revocation upon associated
3319 licenses and licensees.—

3320 (1) Upon the suspension, revocation, or refusal to renew or
3321 continue any license or appointment or the eligibility to hold a
3322 license or appointment of a bail bond agent or ~~temporary~~ bail
3323 bond agency agent, the department shall at the same time
3324 likewise suspend or revoke all other licenses or appointments
3325 and the eligibility to hold any other such licenses or
3326 appointments which may be held by the licensee under the Florida
3327 Insurance Code.

3328 (2) In case of the suspension or revocation of the license
3329 or appointment, or the eligibility to hold a license or
3330 appointment, of any bail bond agent, the license, appointment,
3331 or eligibility of any and all bail bond agents who are members
3332 of a bail bond agency, whether incorporated or unincorporated,
3333 ~~and any and all temporary bail bond agents employed by such bail~~
3334 ~~bond agency~~, who knowingly are parties to the act which formed
3335 the ground for the suspension or revocation may likewise be

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3336 suspended or revoked.

3337 (3) A ~~No~~ person whose license as a bail bond agent ~~or~~
 3338 ~~temporary bail bond agent~~ has been revoked or suspended may not
 3339 ~~shall~~ be employed by any bail bond agent, have any ownership
 3340 interest in any business involving bail bonds, or have any
 3341 financial interest of any type in any bail bond business during
 3342 the period of revocation or suspension.

3343 Section 77. Paragraph (a) of subsection (4) of section
 3344 843.021, Florida Statutes, is amended to read:

3345 843.021 Unlawful possession of a concealed handcuff key.—

3346 (4) (a) It is a defense to a charge of violating this
 3347 section that the person in custody and in possession of a
 3348 concealed handcuff key is:

3349 1. A federal, state, or local law enforcement officer,
 3350 including a reserve or auxiliary officer, a licensed security
 3351 officer, or a private investigator as defined in s. 493.6101; or

3352 2. A professional bail bond agent, ~~temporary bail bond~~
 3353 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3354 Section 78. Paragraph (b) of subsection (6) of section
 3355 28.2221, Florida Statutes, is amended to read:

3356 28.2221 Electronic access to official records.—

3357 (6)

3358 (b)1. For the purpose of conducting a title search, as
 3359 defined in s. 627.7711(4), of the Official Records, as described
 3360 in s. 28.222(2), and upon presentation of photo identification
 3361 and affirmation by sworn affidavit consistent with s. 92.50 to
 3362 the county recorder, information restricted from public display,
 3363 inspection, or copying under paragraph (5) (a) pursuant to a
 3364 request for removal made under s. 119.071(4) (d) may be disclosed

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3365 to:

3366 a. A title insurer authorized pursuant to s. 624.401 and
3367 its affiliates as defined in s. 624.10;3368 b. A title insurance agent or title insurance agency as
3369 these terms are defined in s. 626.841 ~~s. 626.841(1) and (2),~~
3370 ~~respectively;~~ or3371 c. An attorney duly admitted to practice law in this state
3372 and in good standing with The Florida Bar.3373 2. The photo identification and affirmation by sworn
3374 affidavit may be delivered in person, by mail, or by electronic
3375 transmission to the county recorder.3376 3. The affiant requestor must attest to his or her
3377 authority and the authorized purpose to access exempt
3378 information pursuant to this section for the property specified
3379 within the sworn affidavit.3380 4. The affiant requestor must identify the Official Records
3381 book and page number, instrument number, or the clerk's file
3382 number for each document requested within the sworn affidavit
3383 and must include a description of the lawful purpose and
3384 identify the individual or property that is the subject of the
3385 search within the sworn affidavit.3386 5. Affidavits submitted by a title insurer, title insurance
3387 agent, or title insurance agency must include the Florida
3388 Company Code or the license number, as applicable, and an
3389 attestation to the affiant requestor's authorization to transact
3390 business in this state. Affidavits submitted by an attorney
3391 authorized under this section must include the affiant
3392 requestor's Florida Bar number and a statement that the affiant
3393 requestor has an agency agreement with a title insurer directly

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3394 or through his or her law firm.

3395 6. The county recorder must record such affidavit in the
3396 Official Records, as described in s. 28.222(2), but may not
3397 place the image or copy of the affidavit on a publicly available
3398 Internet website for general public display.

3399 7. Upon providing a document disclosing redacted
3400 information to an affiant requestor under this section, the
3401 county recorder must provide a copy of the affidavit requesting
3402 disclosure of the redacted information to each affected party at
3403 the address listed on the document or on the request for removal
3404 made by the affected party under s. 119.071. The county recorder
3405 must prepare a certificate of mailing to be affixed to the
3406 affidavit and must receive the statutory service charges as
3407 prescribed by s. 28.24 from the affiant requestor.

3408 8. Any party making a false attestation under this section
3409 is subject to the penalty of perjury under s. 837.012.

3410 Section 79. Paragraph (d) of subsection (4) of section
3411 119.071, Florida Statutes, is amended to read:

3412 119.071 General exemptions from inspection or copying of
3413 public records.—

3414 (4) AGENCY PERSONNEL INFORMATION.—

3415 (d)1. For purposes of this paragraph, the term:

3416 a. "Home addresses" means the dwelling location at which an
3417 individual resides and includes the physical address, mailing
3418 address, street address, parcel identification number, plot
3419 identification number, legal property description, neighborhood
3420 name and lot number, GPS coordinates, and any other descriptive
3421 property information that may reveal the home address.

3422 b. "Telephone numbers" includes home telephone numbers,

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3423 personal cellular telephone numbers, personal pager telephone
3424 numbers, and telephone numbers associated with personal
3425 communications devices.

3426 2.a. The home addresses, telephone numbers, dates of birth,
3427 and photographs of active or former sworn law enforcement
3428 personnel or of active or former civilian personnel employed by
3429 a law enforcement agency, including correctional and
3430 correctional probation officers, personnel of the Department of
3431 Children and Families whose duties include the investigation of
3432 abuse, neglect, exploitation, fraud, theft, or other criminal
3433 activities, personnel of the Department of Health whose duties
3434 are to support the investigation of child abuse or neglect, and
3435 personnel of the Department of Revenue or local governments
3436 whose responsibilities include revenue collection and
3437 enforcement or child support enforcement; the names, home
3438 addresses, telephone numbers, photographs, dates of birth, and
3439 places of employment of the spouses and children of such
3440 personnel; and the names and locations of schools and day care
3441 facilities attended by the children of such personnel are exempt
3442 from s. 119.07(1) and s. 24(a), Art. I of the State
3443 Constitution.

3444 b. The home addresses, telephone numbers, dates of birth,
3445 and photographs of current or former nonsworn investigative
3446 personnel of the Department of Financial Services whose duties
3447 include the investigation of fraud, theft, workers' compensation
3448 coverage requirements and compliance, other related criminal
3449 activities, or state regulatory requirement violations; the
3450 names, home addresses, telephone numbers, dates of birth, and
3451 places of employment of the spouses and children of such

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3452 personnel; and the names and locations of schools and day care
3453 facilities attended by the children of such personnel are exempt
3454 from s. 119.07(1) and s. 24(a), Art. I of the State
3455 Constitution.

3456 c. The home addresses, telephone numbers, dates of birth,
3457 and photographs of current or former nonsworn investigative
3458 personnel of the Office of Financial Regulation's Bureau of
3459 Financial Investigations whose duties include the investigation
3460 of fraud, theft, other related criminal activities, or state
3461 regulatory requirement violations; the names, home addresses,
3462 telephone numbers, dates of birth, and places of employment of
3463 the spouses and children of such personnel; and the names and
3464 locations of schools and day care facilities attended by the
3465 children of such personnel are exempt from s. 119.07(1) and s.
3466 24(a), Art. I of the State Constitution.

3467 d. The home addresses, telephone numbers, dates of birth,
3468 and photographs of current or former firefighters certified in
3469 compliance with s. 633.408; the names, home addresses, telephone
3470 numbers, photographs, dates of birth, and places of employment
3471 of the spouses and children of such firefighters; and the names
3472 and locations of schools and day care facilities attended by the
3473 children of such firefighters are exempt from s. 119.07(1) and
3474 s. 24(a), Art. I of the State Constitution.

3475 e. The home addresses, dates of birth, and telephone
3476 numbers of current or former justices of the Supreme Court,
3477 district court of appeal judges, circuit court judges, and
3478 county court judges; the names, home addresses, telephone
3479 numbers, dates of birth, and places of employment of the spouses
3480 and children of current or former justices and judges; and the

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3481 names and locations of schools and day care facilities attended
3482 by the children of current or former justices and judges are
3483 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3484 Constitution.

3485 f. The home addresses, telephone numbers, dates of birth,
3486 and photographs of current or former state attorneys, assistant
3487 state attorneys, statewide prosecutors, or assistant statewide
3488 prosecutors; the names, home addresses, telephone numbers,
3489 photographs, dates of birth, and places of employment of the
3490 spouses and children of current or former state attorneys,
3491 assistant state attorneys, statewide prosecutors, or assistant
3492 statewide prosecutors; and the names and locations of schools
3493 and day care facilities attended by the children of current or
3494 former state attorneys, assistant state attorneys, statewide
3495 prosecutors, or assistant statewide prosecutors are exempt from
3496 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3497 g. The home addresses, dates of birth, and telephone
3498 numbers of general magistrates, special magistrates, judges of
3499 compensation claims, administrative law judges of the Division
3500 of Administrative Hearings, and child support enforcement
3501 hearing officers; the names, home addresses, telephone numbers,
3502 dates of birth, and places of employment of the spouses and
3503 children of general magistrates, special magistrates, judges of
3504 compensation claims, administrative law judges of the Division
3505 of Administrative Hearings, and child support enforcement
3506 hearing officers; and the names and locations of schools and day
3507 care facilities attended by the children of general magistrates,
3508 special magistrates, judges of compensation claims,
3509 administrative law judges of the Division of Administrative

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3510 Hearings, and child support enforcement hearing officers are
3511 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3512 Constitution.

3513 h. The home addresses, telephone numbers, dates of birth,
3514 and photographs of current or former human resource, labor
3515 relations, or employee relations directors, assistant directors,
3516 managers, or assistant managers of any local government agency
3517 or water management district whose duties include hiring and
3518 firing employees, labor contract negotiation, administration, or
3519 other personnel-related duties; the names, home addresses,
3520 telephone numbers, dates of birth, and places of employment of
3521 the spouses and children of such personnel; and the names and
3522 locations of schools and day care facilities attended by the
3523 children of such personnel are exempt from s. 119.07(1) and s.
3524 24(a), Art. I of the State Constitution.

3525 i. The home addresses, telephone numbers, dates of birth,
3526 and photographs of current or former code enforcement officers;
3527 the names, home addresses, telephone numbers, dates of birth,
3528 and places of employment of the spouses and children of such
3529 personnel; and the names and locations of schools and day care
3530 facilities attended by the children of such personnel are exempt
3531 from s. 119.07(1) and s. 24(a), Art. I of the State
3532 Constitution.

3533 j. The home addresses, telephone numbers, places of
3534 employment, dates of birth, and photographs of current or former
3535 guardians ad litem, as defined in s. 39.820; the names, home
3536 addresses, telephone numbers, dates of birth, and places of
3537 employment of the spouses and children of such persons; and the
3538 names and locations of schools and day care facilities attended

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3539 by the children of such persons are exempt from s. 119.07(1) and
3540 s. 24(a), Art. I of the State Constitution.

3541 k. The home addresses, telephone numbers, dates of birth,
3542 and photographs of current or former juvenile probation
3543 officers, juvenile probation supervisors, detention
3544 superintendents, assistant detention superintendents, juvenile
3545 justice detention officers I and II, juvenile justice detention
3546 officer supervisors, juvenile justice residential officers,
3547 juvenile justice residential officer supervisors I and II,
3548 juvenile justice counselors, juvenile justice counselor
3549 supervisors, human services counselor administrators, senior
3550 human services counselor administrators, rehabilitation
3551 therapists, and social services counselors of the Department of
3552 Juvenile Justice; the names, home addresses, telephone numbers,
3553 dates of birth, and places of employment of spouses and children
3554 of such personnel; and the names and locations of schools and
3555 day care facilities attended by the children of such personnel
3556 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3557 Constitution.

3558 l. The home addresses, telephone numbers, dates of birth,
3559 and photographs of current or former public defenders, assistant
3560 public defenders, criminal conflict and civil regional counsel,
3561 and assistant criminal conflict and civil regional counsel; the
3562 names, home addresses, telephone numbers, dates of birth, and
3563 places of employment of the spouses and children of current or
3564 former public defenders, assistant public defenders, criminal
3565 conflict and civil regional counsel, and assistant criminal
3566 conflict and civil regional counsel; and the names and locations
3567 of schools and day care facilities attended by the children of

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3568 current or former public defenders, assistant public defenders,
3569 criminal conflict and civil regional counsel, and assistant
3570 criminal conflict and civil regional counsel are exempt from s.
3571 119.07(1) and s. 24(a), Art. I of the State Constitution.

3572 m. The home addresses, telephone numbers, dates of birth,
3573 and photographs of current or former investigators or inspectors
3574 of the Department of Business and Professional Regulation; the
3575 names, home addresses, telephone numbers, dates of birth, and
3576 places of employment of the spouses and children of such current
3577 or former investigators and inspectors; and the names and
3578 locations of schools and day care facilities attended by the
3579 children of such current or former investigators and inspectors
3580 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3581 Constitution.

3582 n. The home addresses, telephone numbers, and dates of
3583 birth of county tax collectors; the names, home addresses,
3584 telephone numbers, dates of birth, and places of employment of
3585 the spouses and children of such tax collectors; and the names
3586 and locations of schools and day care facilities attended by the
3587 children of such tax collectors are exempt from s. 119.07(1) and
3588 s. 24(a), Art. I of the State Constitution.

3589 o. The home addresses, telephone numbers, dates of birth,
3590 and photographs of current or former personnel of the Department
3591 of Health whose duties include, or result in, the determination
3592 or adjudication of eligibility for social security disability
3593 benefits, the investigation or prosecution of complaints filed
3594 against health care practitioners, or the inspection of health
3595 care practitioners or health care facilities licensed by the
3596 Department of Health; the names, home addresses, telephone

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3597 numbers, dates of birth, and places of employment of the spouses
3598 and children of such personnel; and the names and locations of
3599 schools and day care facilities attended by the children of such
3600 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
3601 the State Constitution.

3602 p. The home addresses, telephone numbers, dates of birth,
3603 and photographs of current or former impaired practitioner
3604 consultants who are retained by an agency or current or former
3605 employees of an impaired practitioner consultant whose duties
3606 result in a determination of a person's skill and safety to
3607 practice a licensed profession; the names, home addresses,
3608 telephone numbers, dates of birth, and places of employment of
3609 the spouses and children of such consultants or their employees;
3610 and the names and locations of schools and day care facilities
3611 attended by the children of such consultants or employees are
3612 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3613 Constitution.

3614 q. The home addresses, telephone numbers, dates of birth,
3615 and photographs of current or former emergency medical
3616 technicians or paramedics certified under chapter 401; the
3617 names, home addresses, telephone numbers, dates of birth, and
3618 places of employment of the spouses and children of such
3619 emergency medical technicians or paramedics; and the names and
3620 locations of schools and day care facilities attended by the
3621 children of such emergency medical technicians or paramedics are
3622 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3623 Constitution.

3624 r. The home addresses, telephone numbers, dates of birth,
3625 and photographs of current or former personnel employed in an

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3626 agency's office of inspector general or internal audit
3627 department whose duties include auditing or investigating waste,
3628 fraud, abuse, theft, exploitation, or other activities that
3629 could lead to criminal prosecution or administrative discipline;
3630 the names, home addresses, telephone numbers, dates of birth,
3631 and places of employment of spouses and children of such
3632 personnel; and the names and locations of schools and day care
3633 facilities attended by the children of such personnel are exempt
3634 from s. 119.07(1) and s. 24(a), Art. I of the State
3635 Constitution.

3636 s. The home addresses, telephone numbers, dates of birth,
3637 and photographs of current or former directors, managers,
3638 supervisors, nurses, and clinical employees of an addiction
3639 treatment facility; the home addresses, telephone numbers,
3640 photographs, dates of birth, and places of employment of the
3641 spouses and children of such personnel; and the names and
3642 locations of schools and day care facilities attended by the
3643 children of such personnel are exempt from s. 119.07(1) and s.
3644 24(a), Art. I of the State Constitution. For purposes of this
3645 sub-subparagraph, the term "addiction treatment facility" means
3646 a county government, or agency thereof, that is licensed
3647 pursuant to s. 397.401 and provides substance abuse prevention,
3648 intervention, or clinical treatment, including any licensed
3649 service component described in s. 397.311(26).

3650 t. The home addresses, telephone numbers, dates of birth,
3651 and photographs of current or former directors, managers,
3652 supervisors, and clinical employees of a child advocacy center
3653 that meets the standards of s. 39.3035(2) and fulfills the
3654 screening requirement of s. 39.3035(3), and the members of a

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3655 Child Protection Team as described in s. 39.303 whose duties
3656 include supporting the investigation of child abuse or sexual
3657 abuse, child abandonment, child neglect, and child exploitation
3658 or to provide services as part of a multidisciplinary case
3659 review team; the names, home addresses, telephone numbers,
3660 photographs, dates of birth, and places of employment of the
3661 spouses and children of such personnel and members; and the
3662 names and locations of schools and day care facilities attended
3663 by the children of such personnel and members are exempt from s.
3664 119.07(1) and s. 24(a), Art. I of the State Constitution.

3665 u. The home addresses, telephone numbers, places of
3666 employment, dates of birth, and photographs of current or former
3667 staff and domestic violence advocates, as defined in s.
3668 90.5036(1)(b), of domestic violence centers certified by the
3669 Department of Children and Families under chapter 39; the names,
3670 home addresses, telephone numbers, places of employment, dates
3671 of birth, and photographs of the spouses and children of such
3672 personnel; and the names and locations of schools and day care
3673 facilities attended by the children of such personnel are exempt
3674 from s. 119.07(1) and s. 24(a), Art. I of the State
3675 Constitution.

3676 3. An agency that is the custodian of the information
3677 specified in subparagraph 2. and that is not the employer of the
3678 officer, employee, justice, judge, or other person specified in
3679 subparagraph 2. must maintain the exempt status of that
3680 information only if the officer, employee, justice, judge, other
3681 person, or employing agency of the designated employee submits a
3682 written and notarized request for maintenance of the exemption
3683 to the custodial agency. The request must state under oath the

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3684 statutory basis for the individual's exemption request and
3685 confirm the individual's status as a party eligible for exempt
3686 status.

3687 4.a. A county property appraiser, as defined in s.
3688 192.001(3), or a county tax collector, as defined in s.
3689 192.001(4), who receives a written and notarized request for
3690 maintenance of the exemption pursuant to subparagraph 3. must
3691 comply by removing the name of the individual with exempt status
3692 and the instrument number or Official Records book and page
3693 number identifying the property with the exempt status from all
3694 publicly available records maintained by the property appraiser
3695 or tax collector. For written requests received on or before
3696 July 1, 2021, a county property appraiser or county tax
3697 collector must comply with this sub-subparagraph by October 1,
3698 2021. A county property appraiser or county tax collector may
3699 not remove the street address, legal description, or other
3700 information identifying real property within the agency's
3701 records so long as a name or personal information otherwise
3702 exempt from inspection and copying pursuant to this section are
3703 not associated with the property or otherwise displayed in the
3704 public records of the agency.

3705 b. Any information restricted from public display,
3706 inspection, or copying under sub-subparagraph a. must be
3707 provided to the individual whose information was removed.

3708 5. An officer, an employee, a justice, a judge, or other
3709 person specified in subparagraph 2. may submit a written request
3710 for the release of his or her exempt information to the
3711 custodial agency. The written request must be notarized and must
3712 specify the information to be released and the party authorized

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3713 to receive the information. Upon receipt of the written request,
3714 the custodial agency must release the specified information to
3715 the party authorized to receive such information.

3716 6. The exemptions in this paragraph apply to information
3717 held by an agency before, on, or after the effective date of the
3718 exemption.

3719 7. Information made exempt under this paragraph may be
3720 disclosed pursuant to s. 28.2221 to a title insurer authorized
3721 pursuant to s. 624.401 and its affiliates as defined in s.
3722 624.10; a title insurance agent or title insurance agency as
3723 these terms are defined in s. 626.841 ~~s. 626.841(1) or (2)~~,
3724 respectively; or an attorney duly admitted to practice law in
3725 this state and in good standing with The Florida Bar.

3726 8. The exempt status of a home address contained in the
3727 Official Records is maintained only during the period when a
3728 protected party resides at the dwelling location. Upon
3729 conveyance of real property after October 1, 2021, and when such
3730 real property no longer constitutes a protected party's home
3731 address as defined in sub-subparagraph 1.a., the protected party
3732 must submit a written request to release the removed information
3733 to the county recorder. The written request to release the
3734 removed information must be notarized, must confirm that a
3735 protected party's request for release is pursuant to a
3736 conveyance of his or her dwelling location, and must specify the
3737 Official Records book and page, instrument number, or clerk's
3738 file number for each document containing the information to be
3739 released.

3740 9. Upon the death of a protected party as verified by a
3741 certified copy of a death certificate or court order, any party

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3742 can request the county recorder to release a protected
3743 decedent's removed information unless there is a related request
3744 on file with the county recorder for continued removal of the
3745 decedent's information or unless such removal is otherwise
3746 prohibited by statute or by court order. The written request to
3747 release the removed information upon the death of a protected
3748 party must attach the certified copy of a death certificate or
3749 court order and must be notarized, must confirm the request for
3750 release is due to the death of a protected party, and must
3751 specify the Official Records book and page number, instrument
3752 number, or clerk's file number for each document containing the
3753 information to be released. A fee may not be charged for the
3754 release of any document pursuant to such request.

3755 10. This paragraph is subject to the Open Government Sunset
3756 Review Act in accordance with s. 119.15 and shall stand repealed
3757 on October 2, 2024, unless reviewed and saved from repeal
3758 through reenactment by the Legislature.

3759 Section 80. Subsection (4) of section 631.152, Florida
3760 Statutes, is amended to read:

3761 631.152 Conduct of delinquency proceeding; foreign
3762 insurers.—

3763 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
3764 ancillary delinquency proceedings opened for the purpose of
3765 obtaining records necessary to adjudicate the covered claims of
3766 Florida policyholders.

3767 Section 81. Paragraph (b) of subsection (3) of section
3768 631.398, Florida Statutes, is amended to read:

3769 631.398 Prevention of insolvencies.—To aid in the detection
3770 and prevention of insurer insolvencies or impairments:

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3771 (3)

3772 (b) For an insolvency involving a domestic property

3773 insurer, the department shall:

3774 1. Begin an analysis of the history and causes of the

3775 insolvency once the department is appointed by the court as

3776 receiver.

3777 2. Submit an initial report analyzing the history and

3778 causes of the insolvency to the Governor, the President of the

3779 Senate, the Speaker of the House of Representatives, and the

3780 office. The initial report must be submitted no later than 4

3781 months after the department is appointed as receiver. The

3782 initial report shall be updated at least annually until the

3783 submission of the final report. The report may not be used as

3784 evidence in any proceeding brought by the department or others

3785 to recover assets on behalf of the receivership estate as part

3786 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission

3787 of a report under this subparagraph shall not be considered a

3788 waiver of any evidentiary privilege the department may assert

3789 under state or federal law.

3790 3. Provide a special report to the Governor, the President

3791 of the Senate, the Speaker of the House of Representatives, and

3792 the office, within 10 days upon identifying any condition or

3793 practice that may lead to insolvency in the property insurance

3794 marketplace.

3795 4. Submit a final report analyzing the history and causes

3796 of the insolvency and the review of the Office of Insurance

3797 Regulation's regulatory oversight of the insurer to the

3798 Governor, the President of the Senate, the Speaker of the House

3799 of Representatives, and the office within 30 days of the

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3800 conclusion of the insolvency proceeding.

3801 5. Review the Office of Insurance Regulation's regulatory
3802 oversight of the insurer.

3803 Section 82. Subsection (2) of section 903.09, Florida
3804 Statutes, is amended to read:

3805 903.09 Justification of sureties.—

3806 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,
3807 shall justify her or his suretyship by attaching a copy of the
3808 power of attorney issued by the company to the bond or by
3809 attaching to the bond United States currency, a United States
3810 postal money order, or a cashier's check in the amount of the
3811 bond; but the United States currency, United States postal money
3812 order, or cashier's check cannot be used to secure more than one
3813 bond. Nothing herein shall prohibit two or more qualified
3814 sureties from each posting any portion of a bond amount, and
3815 being liable for only that amount, so long as the total posted
3816 by all cosureties is equal to the amount of bond required.

3817 Section 83. (1) The following rule is ratified for the sole
3818 and exclusive purpose of satisfying any condition on the
3819 effectiveness imposed under s. 120.541(3), Florida Statutes:
3820 Rule 69L-7.020, Florida Administrative Code, titled "Florida
3821 Workers' Compensation Health Care Provider Reimbursement Manual"
3822 as filed for adoption with the Department of State pursuant to
3823 the certification package dated October 22, 2021.

3824 (2) This section serves no other purpose and may not be
3825 codified in the Florida Statutes. After this section becomes
3826 law, its enactment and effective dates shall be noted in the
3827 Florida Administrative Code, the Florida Administrative
3828 Register, or both, as appropriate. This section does not alter

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3829 rulemaking additions delegated by prior law, does not constitute
3830 legislative preemption of or exception to any provision of law
3831 governing adoption or enforcement of the rule cited, and is
3832 intended to preserve the status of any cited rule as a rule
3833 under chapter 120, Florida Statutes. This section does not cure
3834 any rulemaking defect or preempt any challenge based on a lack
3835 of authority or a violation of the legal requirements governing
3836 the adoption of any rule cited.

3837 (3) This section takes effect July 1, 2023.

3838 Section 84. Except as otherwise expressly provided in this
3839 act, this act shall take effect upon becoming a law.